ANNUAL OF MEDIEVAL STUDIES AT CEU

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Central European University
Department of Medieval Studies
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The fight of St. Ladislaus and the Cuman. Wall-painting in the church of Székelyderzs
(Dârjiu, Romania). Photo by Béla Zsolt Szakács

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PREFACE

Lectori salutem!

The 29th volume of the *Annual of Medieval Studies* has been due for over a year with the expected date of publication having been 2023. Both the *Annual*'s team and its housing Department of Medieval Studies have been undergoing significant changes in the intervening years, which disrupted the timely publication of the present volume: Ildikó Csepregi, the former *Annual*'s editor who initiated the preparation of this volume, has stepped down due to her other work commitments – and we thank her for the work she had done for the *Annual* – with the role of an editor having been taken over by Dora Ivanišević. Moreover, the Department of Medieval Studies has ceased to exist as an independent unit having been merged with the former Department of History to become a single, large Department of Historical Studies of expanded horizons. I hope that the internal *Annual*'s shift and the infrastructural overhaul sufficiently excuse the belatedness of the publication of the 29th volume, and I hereby wish to extend my warm thanks to its contributors – our wonderful students – for their generous understanding and patience.

This volume is arranged in two parts: the first part "Articles and Studies" brings eleven articles composed by our students on the basis of their MA thesis, which they had defended in June 2022, with the sole exception of David Rockwell's outstanding contribution, which grew out of his doctoral project that he completed with highest laudations in April 2024. These articles finely reflect the wide chronological scope and the broad range of the types of history, of the approaches, of the kinds of sources, and of languages fostered by the Department and mastered by our students. To begin with late antiquity in the eastern Mediterranean, Anastasia Theologou analyzes Plotinus' theory of sight, Giorgi Markozashvili unpacks the usage of Aristotle's and of Aristotelian logical concepts in the fourth-century Trinitarian Controversy, David Rockwell continues with an analysis of the legal fiction employed by the emperor Justinian's legal draftsmen as a means of dealing with the past legal acts, and Osman Yuksel Özdemir concludes with an analysis of the perception of the urban landscape of Jerusalem in the seventh century informed by the spatial turn in historical studies. Moving on to Byzantium, explored from the economic and intellectual viewpoints, Zeynep Olgun emphasizes the short-distance, local maritime travel and trade around Constantinople from the seventh to the thirtheenth centuries by looking at the shipwreck evidence, while Dunja Milenković analyzes the critique of the figure of an incompetent teacher of grammar by the twelfth-century celebrity intellectual,

Theodore Prodromos. Shifting to the central and western Europe during the later Middle Ages and early modern period, Kaila Yankelevich explores the relationship between the humans, typified by the figure of a knight, and animals, typified by lions and bears, as depicted in the Arthurian romance from the vantage point of view of animal studies and ecocriticism. Michal Augustovič discusses the chivalric representation of Saint Ladislaus in Russian written sources, while Ágnes Font looks at the written, visual, and archaeological sources to elucidate the horn working in the Hungarian Kingdom during the Middle Ages and the early modern period. Agatha Georgescu looks at the late medieval English trial records to figure out what led to the breaches of the marriage promises by employing analytical tools such as gender, emotion, morality, spirituality, and so on. Finally, Daria Ageeva plunged into the sixteenth-century Venetian archival records dealing with the fish supply to question our image of the Venetian sustainability and of its prudent natural resources management. This quick overview will hopefully suffice to whet the reader's appetite to continue leafing through the volume's pages.

The second and the concluding part "Report on the Year" contains a thorough overview of the academic year 2021–2022, written by Daniel Ziemann, the then Head of the then Department of Medieval Studies, highlighting the major developments, activities, and events organized by the Department's faculty and students, together with the abstracts of all the MA and PhD theses defended during the academic year 2021–2022.

Dora Ivanišević

PART 1

Articles and Studies

PLOTINUS ON SIGHT

Anastasia Theologou

ἄν μ᾽ ἐσίδῃς, καὶ ἐγὼ σέ. σὺ μὲν βλεφάροισι δέδορκας,
ἀλλ᾽ ἐγὼ οὐ βλεφάροις· οὐ γὰρ ἔχω βλέφαρα.
ἄν δ᾽ ἐθέλῃς, λαλέω φωνῆς δίχα· σοὶ γὰρ ὑπάρχει
φωνή, ἐμοὶ δὲ μάτην χείλε᾽ ἀνοιγόμενα.

If you look at me, I also look at you. You look with eyes,
but I without eyes – because I have no eyes.
Were you to wish, I speak, albeit without a voice: for you have a voice, but I have lips that open in vain.

(*Eis eisoptron, Greek Anthology* 14.56)

In Greek and Roman antiquity, seeing was considered the sense with the most meaningful power. The poem from the *Greek Anthology* refers to a mirror which offers a reflective energy of mutual seeing – a subject sees its image in the mirror, and without the physical organs of seeing, the mirror has the ability to see this subject. What is remarkable is that the seeing is mutual in these verses signifying a shared intellectual activity, a mind-to-mind intercourse.[1] Sight in this respect, as we will see, played a significant role in the Classical and later Roman philosophical tradition, and especially for the founder of Neoplatonism, Plotinus (ca. 204/5–270).

In this paper, I aim to explore Plotinus' theory of sight, considering Plato's influence. First, I will explain how sight (*opsis*) was perceived by Plato in certain dialogues, then move on to discuss the term in the *Enneads*. The analysis will show that sight in Plotinus is immensely important, for it takes the form of a principle that oversees the structure of reality both in the intelligible and the sense realm.

[1] The metaphor of cognition as vision is much older. For further analysis, see Sue Blundell et al., "Introduction," in *Vision and Viewing in Ancient Greece*, ed. Sue Blundell et al. (Lubbock TX: Texas Tech University Press, 2013), 11.

Plato: The Eye of the Soul

In the *Definitiones*,[2] the term "sight" is defined as "a discriminating state of bodies."[3] However, the word in Greek is *diakritike*, which means that something a) is able to *distinguish* the bodies, or b) is able to *penetrate* the bodies. The first translation refers to the eyes' ability to *separate* each thing within the cosmos. The second may suggest an intellectual capacity which *goes through* the bodies and is able to reveal the connection to higher reality.[4] As I will try to show, Plato used this definition in both ways, which influenced his successors, especially Plotinus.

In the *Symposium* (219a), in his discussion with Alcibiades about beauty and attraction, Socrates makes a distinction between intellectual and visual sight to stress the importance of the former in relation to wisdom. In *Phaedrus* (250a–b), our intellectual sight is holy, and the disembodied soul has the power of seeing the intelligible realities which keep record of them. When the soul is embodied, sight is still present, but it is difficult to clearly see the real essence of things.[5]

In *Cratylus* (396b–c), sight is part of the intelligible genealogy of Zeus, who is the offspring of some great intellect. Sight is divine and provides human beings with intellectual purity when looking above; that is why *opsis* is called Urania ("looking at the things above," that is, ὁρῶ τὰ ἄνω). This sight, Urania, comes from the purest intellect of Uranus, the father of Cronos, who is also an unblemished mind.

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[2] *Def.* 411c; it is doubtful if the lexicon *Definitiones* belongs to Plato himself or Platonists but, in any case, the meaning of sight as an intellectual process is prominent in both Plato and Plotinus. For the discussion on the Platonic corpus, see: T. H Irwin, "The Platonic Corpus," in *The Oxford Handbook of Plato,* ed. Gail Fine (Oxford: OUP, 2019), 70.

[3] In the Greek: ὄψις ἕξις διακριτικὴ σωμάτων. Classical tradition considered the meaning of the term *opsis* both active and passive. Referring to G. Simon, Ruth Bielfeldt, "Sight and Light: Reified Gazes and Looking Artefacts in the Greek Cultural Imagination," in *Sight and the Ancient Senses*, ed. Michael Squire (London: Routledge, 2016), 125 states that "Archaic and Classical Greek languages of sight combine both aspects: on the one hand, the idea of looking, and on the other, the "looks" (which are understood as the subject's appearance or aspect). Gérard Simon has pointed out that terms for the eye and for seeing, such as *opsis*, *omma* and *ophthalmos*, have both an active and a passive meaning in Classical Greek: *omma* stands not only for the eye and for light, for example, but also for the face and (as *pars pro toto*) for a person." I believe that Plotinus understands these sides of *opsis* not in opposition but in complementarity.

[4] For the connection to the vision of the body with the intelligible vision in Plato, see Dorethea Frede, "Plato on what the body's eye tells the mind's eye," *Proceedings of the Aristotelian Society* 99 (1999), 191–209.

[5] For the vision of the soul, see, apart from Pl., *Symp*. 219a, also Pl., *Soph*. 254a; Arist., *Eth. Nic* 1144a30; Hom., *Od.,* 1.115.

The term becomes important also in the *Republic.* In book VII, Socrates presents the allegory of the cave (514a–521d) to show the connection between the Good and true knowledge, and the difficult process of the human mind to grasp realities. In this metaphor, the Good is the Sun, which not all the prisoners in the cave can see and thereby recognize reality; instead, they see shadows. At 507c–508b,[6] Plato states that sight is a product of God and has two aspects: a passive and an active one. This divinity is identified with the sun, which is the Good, and it has sight because it has given birth to itself and the intelligible realm; that is why it also created sight and the objects seen. Sight comes as an act of the Good's providence.

Theaetetus and the *Timaeus*

The providential character of sight in the *Republic* could not be considered non-prominent along the lines of the Platonic cosmology. In the *Timaeus,* sight is defined teleologically as the cause of and benefit to human nature: without sight we would be unable to observe the planets and give an account of all things.[7] For Plato and his *milieu,* the question of reality was foremost, for which reason he dedicated a whole dialogue raising his epistemological concerns and especially discussing the relation between the senses and knowledge. As I will show, *Theaetetus* is not only the Platonic dialogue of special epistemic importance examining different theories about knowledge and reality, but becomes very important for Plotinus' epistemology and metaphysics as well. In this Platonic dialogue, the birth of perception implies, as I argue, the higher origin and the prominent role of sight in the Platonic philosophy.[8]

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6 Cf. Pl., *Phdr*. 259d; *Ti*. 45b.

7 Pl., *Ti*. 47a: "ὄψις δὴ κατὰ τὸν ἐμὸν λόγον αἰτία τῆς μεγίστης ὠφελείας γέγονεν ἡμῖν, ὅτι τῶν νῦν λόγων περὶ τοῦ παντὸς λεγομένων οὐδεὶς ἄν ποτε ἐρρήθη μήτε ἄστρα μήτε ἥλιον μήτ᾽ οὐρανὸν ἰδόντων." For the English translation, see Plato, *Timaeus; Critias; Cleitophon; Menexenus; Epistles*, trans. R. G. Bury, Loeb Classical Library 234 (Cambridge, MA: HUP 1929), 107: "Vision, in my view, is the cause of the greatest benefit to us, inasmuch as none of the accounts now given concerning the Universe would ever have been given if men had not seen the stars or the sun or the heaven."

8 Other scholars have also pointed out *Theaetetus*' influence on Plotinus' philosophy without analyzing its importance; see Eyjólfur Kjalar Emilsson, *Plotinus on Intellect* (Oxford: OUP, 2011), 90–91; Pauliina Remes, *Plotinus on Self: The Philosophy of the 'We'* (Cambridge: CUP, 2009), 74–75; István Perczel, "L'intellect amoureux et l' 'Un Qui Est': une doctrine mal connue de Plotin," *Revue De Philosophie Ancienne* 15, no. 2 (1997): 223–264.

Plato's *Theaetetus* 156a–157c

Theaetetus is a Plato's dialogue about epistemology. The protagonists of the dialogue are Socrates and Theaetetus, and the discussion revolves around the nature of knowledge. The backbone of the dialogue – which, in my view, every reader should keep in mind, just as Plotinus did – is the digression on midwifery. The digression appears in 148e–151d, but also sporadically all over the dialogue, and implies the role of Socrates as a midwife helping his interlocutors bring forth knowledge, but also the deeper meaning of the dialogue: knowledge is like a birth process of the ideas coming from a higher level of reality, for which reason no definition of true knowledge exists.[9]

Before Socrates arrives at the undefined conclusion about the question of what the nature of knowledge is, the dialogue explores the three layers of knowledge: from lower to higher, these are perception, opinion, and reasoning. Theaetetus first suggests that perception is knowledge, and in this respect two connected theories should be examined: Protagoras' relativism based on Heraclitus' theory of flux. Having agreed that knowledge is perception, Socrates goes on to explain how the theory of flux is founded on mysteries (μέλλω σοι τὰ μυστήρια λέγειν, 156a), which Socrates will soon reveal to Theaetetus. My interpretation is that, although by the end of the first section, the hypothesis that knowledge is perception will be null and void, the theory of perception based on the principle of origin[10] is introduced but not entirely elaborated by Plato, and on purpose.[11] Earlier, the ἕκαστα (152a) have been set in question: "Well, is not this about what he means, that individual things are for me such as they appear to me, and for you in turn such as they appear to you – you and I being 'man'?"[12]

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[9] This is the way I understand the meaning of the dialogue, and this is crucial for the aim of this paper, that is, to connect Plato with Plotinus. There are numerous studies referring to the interpretations of the dialogue's inconclusive end, but the restricted aim of this paper does not permit their exploration.

[10] This theory is part of the mysteries initiated by authorities, among which is that of Heraclitus. Plato's respect for Heraclitus is acknowledged in many parts of his works. This makes my suggestion stronger that despite the refusal of the hypothesis that knowledge is perception, this part of the dialogue could reveal Plato's views on the way we should perceive the real things.

[11] This is not the only time that Plato leaves a question open-ended. Plato's dialogues are playful and open to many interpretations. I believe that the theory of perception, which comes from the principle of origin, leaves hints for defining "true knowledge" in the kingdom of forms. In the *Theaetetus* though, Plato does not refer to this anywhere. I am almost sure that this is where Plotinus takes the thread to talk about the generation of the forms in 5.3.

[12] Plato, *Theaetetus; Sophist,* trans. Harold North Fowler, Loeb Classical Library 123 (Cambridge, MA: HUP, 1921), 41; Pl., *Tht.* 152a: "Οὐκοῦν οὕτω πως λέγει, ὡς οἷα μὲν ἕκαστα ἐμοὶ φαίνεται,

Thus, Theaetetus and Socrates examine whether we, as individual parts of this world, could know the real things from within. To reply to this inquiry, Socrates needs to go back to the source of everything, on which everything depends, namely motion (152c). To strengthen his claim, he mentions a number of authorities (Heraclitus, Empedocles, and even Homer) who draw back to motion as the principle of the world's generation (152d). Socrates goes on to distinguish two offsprings of motion (κινήσει), "locomotion and friction" (φορᾶς καὶ τρίψεως), which bring about fire (153a). Fire is the material which constitutes "the genus of animals" (ζῴων γένος), and Socrates takes the opportunity to say that even the soul is motion (153c) and that the sun's and heaven's motion gives life to everything. After this, Socrates suggests to Theaetetus to apply the principle of motion to the theory of vision (153e), but Theaetetus, not being able to understand the correspondence, offers Socrates the opportunity to explain in detail how motion gives birth to the becoming of everything and how everything is coming to a view in front of us.

The main point of this description is that "there are two kinds of motion, each infinite in the number of its manifestations, and of these kinds one has an active, the other a passive force."[13] It is because of the intercourse and the first contact of these two motions that everything comes to be perceived (αἰσθητόν) and the process of perception (αἴσθησις) is generated. The most important point is that perception **is always falling out together** with the perceived object (ἀεὶ συνεκπίπτουσα καὶ γεννωμένη μετὰ τοῦ αἰσθητοῦ, 156b), which means that there is no condition of causality, time, place or order to make distinct these two entities. Here, the process and the object are generated and descending as one, although they appear at the end to be two, but they still retain this oneness within their relation.

Socrates is adjusting a tale, abridging the teachings of the great authorities mentioned earlier, elucidating the connection of the unity with multiplicity, and introducing in this sacred context the generation of perception and its products.

> The principle, on which all those things about which we have just been speaking[14] depend (from where all those things we have been speaking take their origin) is that all (things) were uniquely motion and nothing else, while the motion had two sorts, both in infinite multitude; **one had the power to affect and the other to be affected.** From the mutual intercourse and friction

τοιαῦτα μὲν ἔστιν ἐμοί, οἷα δὲ σοί, τοιαῦτα δὲ αὖ σοί· ἄνθρωπος δὲ σύ τε κἀγώ."

[13] Plato**,** *Theaetetus; Sophist***,** trans. Fowler, 57; Pl. *Tht.* 156a: "…τῆς δὲ κινήσεως δύο εἴδη, πλήθει μὲν ἄπειρον ἑκάτερον, δύναμιν δὲ τὸ μὲν ποιεῖν ἔχον, τὸ δὲ πάσχειν."

[14] These are the distinct things they were speaking about, including qualities etc.

of the two, there are born products (children), in infinite multitude, being twins, one being perceptible and the other being the perception, *which is always* ***falling out*** *and is produced* ***together with*** *the perceived*. The perceptions have the following names: *sights*, acts of hearing, of smelling, also of cooling down and warming up, there are also those called pleasures and sorrows, desires, and fears, as well as yet others, those nameless, unlimited in number, and those that have got names, very many. As to the perceptible kind of these products, they are born together with each of the former: together with the *sights* of all sorts, colours of all sorts and voices in the same way together with the acts of hearing as well as the other perceptible qualities, born as kindred to the other perceptions.

The myth wants to say that all these things are moving, as we are saying, *and there is* ***speed*** *and* ***slowness*** *in their motion*. Those which move, so to say, **slowly**, have their motion in the same place and in relation to those that are next to them, in this way they give birth, and those born are, consequently, **faster**. In fact, the latter are changing place, and, by nature, their motion consists in changing place.[15]

So when the eye and something from among those which are **commensurate** to the eye meet and give birth to the whiteness and the perception connatural to this – which would never come to being if both had met something else – then, sight and whiteness are moving in between, namely sight coming from the eye and whiteness coming from the thing that gives birth – together with the eye – to the colour, then the eye had become full of sight and it sees by then and has become **not just some sight but seeing eye** (οὔ τι ὄψις ἀλλ᾽ ὀφθαλμὸς ὁρῶν), while the thing that had given birth – together with the eye – to the colour, became fully endowed with whiteness and has become, in its turn, not whiteness but white wood, or stone, or anything else to which it has happened to be coloured by this colour. All the other qualities, the hard, the warm, and everything else, should be understood in the same way. Taken by themselves they are nothing, as we said earlier, but everything becomes and becomes variegated from the motion, since it is even impossible, as they say, to stably conceive of one of them as active or passive.[16]

[15] Isvan Perczel suggested in our discussion that it is implied that the slower motion is alteration, while the faster is changing place. I would add to this that slower motion is friction between the seen and the one which sees as previously mentioned, and this is why the first *seen* light/fire is generated.

[16] All translations are jointly from Anastasia Theologou and Istvan Perczel unless indicated otherwise.

Socrates, after naming the different kinds of perception, focuses on the foremost among them in connection with reality: the vision and the perception of visible objects. Therefore, the interpretation is as follows: if perception and the perceived are born together in higher reality, analogically, the object seen and sight are becoming together as well. In material reality it is not just some sight which perceives things. When the eye and the colour, coming from the object seen, meet, they are affected by each other, and then this sight takes its real embodied essence and becomes not *some sight* but a complete sight, the **eye which sees** (οὔ τι ὄψις ἀλλ᾽ ὀφθαλμὸς ὁρῶν, 156e). Therefore, there is no definition of things themselves fixed by human beings, since this definition cannot grasp the real nature of things, the nature which includes oneness in multiplicity and multiplicity in oneness.

Plotinus 5.3 [49] 9–11

Following the Platonist tradition, Plotinus considers sight a very important element in his philosophy. Actually, as I would argue, he is the first to develop an ontological structure based on a theory of seeing which penetrates his anthropology, cosmology, and psychology.[17] In the following lines, I will show how the Platonic teachings, and *par excellence, Theaetetus'* part of perception, were crystallized around a synthesis of sights operating as metaphysical principles in Plotinus' thinking. To give a lucid account of this crystallisation, Plotinus' reading of the *Theaetetus* transfers the meaning of the myth from the plane of sense-perception to that of intellectual intuition and uses the myth to explain the first origins of any knowledge. In this sense, Plotinus supplements Plato's inconclusive dialogue with a solution for the problem of knowledge.

More precisely, in 5.3 [49] 9–11, after clarifying that our soul's purification comes with leaving aside the bodily dwelling, Plotinus goes on to explore the higher realm of existence, the upper part of the soul and the intellect's meeting with the One. In this exploration, he shows that the root of the self's realisation is at the level of the intellect. The way he demonstrates this is illustrative: if we wish to grasp this "first soul" (5.3 [49], 9.28–29),[18] we need to start ascending from the *doxa* realm or from the realm of sense perception. Sense perception

[17] A system of generative principles based on sights is present also in 3.5 in the genealogy of Deities. The term *opsis* is not there but the interrelation of Gods is denoted through seeing. This seeing (*orasis*) of Deities serves as the divine vehicle of their operation in different levels of reality, i.e., the soul and Intellect. The absence of the term raises the question whether these Deities are themselves sights "fallen" from of the Intellect.

[18] "First" was deleted by Dodds as a gloss. However, it is important not to miss this "first" since it denotes the the upper, purely intellective, part of the soul.

becomes the means for exploring the human soul, which includes the extension of the intellectual forms and offers the place for their material manifestation. This is the primary step of the ascendance towards the primary soul, the intellectual soul, which becomes independent from sense perception. This point shows that Plotinus' interpretation of the *Theaetetus* considers real knowledge to be a process of ascendance to the forms, while sense perception is the gate by which we enter the higher realm.[19]

> But if someone is unable to grasp this first soul, which is purely intellective, let him take the one that forms opinions, and then ascend from this. But if he cannot even do this, let him take sense-perception which acquires the forms in broader extension and sense-perception by itself, together with what it is capable to, which is already in the forms. If someone wants to, let him descend to the soul *that gives birth* down to *those which it produces*. Then, from there, let him ascend from the last forms to the last forms of the other end, more precisely to the first. (5.3 [49], 9.28–35)

Another point made which shows the parallelism with *Theaetetus,* is that the realm of sense perception is giving birth to its products just like the process in the intellectual realm. I assume that, in this case, Plotinus asserts that sense perception imitates the intellect's perception of itself, a perception which becomes the generative principle of forms of different levels, higher and lower, in the intellectual world.

> So much for this. If there were only the forms that are *produced*, they would not be the last ones. There, the first are those *productive/that are affecting*, for which reason they are first. Therefore, there should also be the productive principle and the two are one, or, if not so, it would be in need of yet another. And then? Will it not need something beyond this one? This one is the mind. And then? Does this not see itself? But That has no need of *sight*.
>
> But this is for later. Now let us say again – for our investigation is "not about some casual matter"[20] –, so we should say again that this mind needs *to see* itself, first of all, because it is *many*,[21] then, because *it belongs to another* and is, by necessity, a seer and a seer of That and its *substance is sight*.[22] In fact, *only if there is something else can there be sight, if there were none, it would be*

[19] In what follows, the translation from 5.3 [49], 9–11 and the footnotes to the translation (15–27) are by Istvan Perczel.

[20] Pl., *Resp.* 1.352d5–6.

[21] This refers to *multitude* in the *Theaetetus*.

[22] Compare to Pl., *Tht.* 156a: "These are those people who think that nothing else exists but what they can hold fast in their hand but do not accept that *acts, events, or anything invisible would fall in the lot of substance*."

in vain.[23] *Therefore, there must be more than one, so that there may be sight and the sight must* ***fall out together with*** *the object seen*,[24] *and what it sees must be a universal multitude*.[25] For what is absolutely One has nothing to which to direct its activity but since it is "alone isolated,"[26] It will remain absolutely at rest. For in so far as it is active, there is other and yet another. If there is no other and yet another, what would it do (what would it make/what would it affect)? [27] Or where would it proceed? Therefore, that which is active must either be acting on something else *or must itself be many*[28] if it is to be active within itself. *But if something is not going to go forth to something else, it will be immobile; but when it is altogether immobile it will not have intellection*.[29] *The intelligent principle, then, when it perceives intellectually, must be in two parts*,[30] and either one must be external to the other or both must be the same, and the intellection must be in otherness and necessarily also in sameness, and the proper objects of perception must be the same and other in relation to the mind. *And again, each one of the intellectually perceived objects* ***brings out together with itself*** (συνεκφέρει) *this sameness and otherness*.[31] For certainly, if each one is a rational principle, it is many. *Therefore, it comes to know itself by being a manifold eye or consisting of manifold colours*. [32] [...] (5.3 [49], 10.1–31)

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[23] Compare to Pl. *Tht*. 157a: "So from all these things about which we were speaking from the very beginning, *none is itself in itself but is always coming to being together with something else*."

[24] Compare to Pl., *Tht*. 156b: "From the mutual intercourse and friction of the two there are born products (/children), in infinite multitude, being twins, one being perceptible and the other being the perception, *which is always* ***falling out*** *and is produced* ***together with*** *the perceived*." A. H. Armstrong's translation is erroneous here, for which see Plotinus, *Enneads* V.3 [49], 10, trans. A. H. Armstrong, Loeb Classical Library 444 (Cambridge, MA: HUP, 1984), 103–105: "There must, then, be more than one, that seeing may exist, *and the seeing and the seen must* ***coincide***.

[25] Compare to Pl., *Tht*. 156a: "From the mutual intercourse and friction of the two there are born products (/children), in infinite multitude, being twins, one being perceptible and the other being the perception."

[26] Pl., *Phlb*. 63b7–8.

[27] τί καὶ ποιήσει; that is a reference to the active movement in the *Theaetetus*.

[28] This refers, once again, to Pl., *Tht*. 156a.

[29] Compare to Pl., *Tht*. 157a: "since it is even impossible, as they say, to stably conceive of one of them to be active or passive."

[30] Compare to Pl., *Tht*. 156a: "that all (things) were uniquely motion and nothing else, while the motion had two sorts, both in infinite multitude; one had the power to affect and the other to be affected."

[31] This is a combination of Pl., *Soph*. 254d–e with Pl., *Tht*. 156d–e: "then, sight and whiteness **are moving in between** (μεταξὺ φερομένων), namely sight coming from the eye and whiteness coming from the thing that gives birth – together with the eye – to the colour."

[32] See the previous note.

This passage shows that sense perception in *Theaetetus* is indirectly connected to the role of the intellect, the second level of reality which perceives itself and by perceiving it, the one intellectual being ends up as two and then multiple.[33] In fact, it is in this respect that the subject becomes object and then multiple objects.

Multiplicity appears because the mind seeks to find completeness, unity.[34] Although there is no need for the Intellect to see something else outside itself, there is the desire for the Intellect to become a whole.[35] This need creates the first split, the first movement. This first movement renders the intellect a manifold eye (ποικίλον ὀφθαλμόν), which unfolds all the intelligible contents due to its desire to grasp the One. At the very moment that it turns to itself, while trying to grasp the One, it produces simultaneously the seer, the seeing, and the object seen, and thus the Intellect becomes a fulfilled, complete sight (ἰδοῦσα ὄψις). This is perfectly analogous to what the myth says about the sense of sight: When the sight and the colour, coming from the object seen, meet, they are affected by each other and it is then that this sight takes its real essence and becomes the **eye which sees** (οὔ τι ὄψις ἀλλ᾽ ὀφθαλμὸς ὁρῶν, 156e). According to Plotinus, before this phase the intellect is not a whole: it is just an "unimprinted sight" (ἀτύπωτος ὄψις).[36]

Yet, the crucial factor for this process of realisation or completion of the Intellect is its movement-activity. By movement, I mean the intellect's activity towards the source, the One, and inwards. In this respect, we could also make sense of how, while the forms are being identified with the intellect, they can "move" and produce other forms without losing their unity with their source. Intellect is omnipresent and it is omniscient; the forms or logoi are everywhere due

[33] One may wonder whether this reuse of the *Theaetetus'* myth on the birth of perception has also to do with Plotinus' polemic with the Gnostics, running through all his oeuvre. Gnostic teachings claim that the evil lies in multiplicity and generation, in a vertical, top-down creation. Also, in Plotinus' school, Gnostics were considered a sort of schismatic school sprouting from the schools of "ancient philosophy", for which see Porph., *Plot.* 16.1–2). So, it is important for Plotinus to correct what he considered a misinterpretation of Plato's dialogues. Thus, one may suppose that Plotinus' transposition of the philosophical myth on perception to the level of the mind is based on the anti-Gnostic conviction that sense-perception is an analogous image of intellection.

[34] Plotinus makes it clear in (5.5 [32]) that the *nous* as a whole is all the forms together and that each form in turn is the entire *nous* in potentiality

[35] Emilsson, *Plotinus on Intellect*, 104 explains, and I fully agree with him, that it is not the intellectual nature that motivates the Intellect to split into subject and object but the desire to become a whole.

[36] 5.3 [49], 11–12. This atypotos opsis the potential state of an idousa opsis, see also the analogy with reason in 3.6, [..], 2.32–36.

to instrumental proximity to their source[37] both in the intellectual and the material world. And this omnipresence requires the process of the first knowledge, the first sight, derived from the philosophical myth of the *Theaetetus*, to set everything in movement (in the intellectual realm) and then this movement to become the principle of everything in motion (the soul's realm).

The Divine Sight in the Realm of Senses: Vision and *Sympatheia*

As we saw in this part of 5.3 [49], sight is identified with the Intellect and its activity in the intellectual realm. But what about sight in the sense realm? How is the divine origin of sight expressed? Going back to chapter 8 in the same treatise, Plotinus makes the following distinction:

> For here below also sight, since it is light, or rather united with light, sees light: for it sees colors; but in the intelligible world seeing is not through another [light], but through itself, because it is not [directed] outside. Intellect therefore sees one light with another, not through another. (5.3 [49] 8.20–23)[38]

Sight being the vehicle of the Intellect's energy, light, is one with it in higher reality, descending towards the lower levels of existence until it reaches the soul. The soul is an image of the Intellect contained in it. The intellectual part retains the identity of soul and connection with the Intellect but since it is an image, it is weak to initiate an activity of its internal objects and produce other intelligible products. It sets though in motion the soul's practical thinking of external objects, and this is how our discursive reason comes to be in the scene. Now sight in the sense realm still retains a kind of unity with the intelligible light or sight the reason which the soul has an immediate seeing of its objects but not of itself. However, how is the sight of the sense realm with the sight of the intelligible connected? Plotinus keeping in mind the "blindness" of the Gnostics who understood the sense realm as punishment of the soul offers a prolongment of the sight's activity to the eye's

[37] James Wilberding is giving a solution to the puzzle of how the mind could be nowhere and everywhere at the same time. I reuse here his term of "instrumental proximity" to show that unity and movement can be understood if the spatial connotation could be seen under the light of stationary and kinetic activity. For more, see James Wilberding, "Creeping Spatiality: The Location of Nous in Plotinus' Universe," *Phronesis* 50 (2005): 315–334.

[38] Plotinus, *Enneads*, trans. A. H. Armstrong, 97. I have replaced the word *medium* in the parenthesis assumed by Armstrong with the word "light" which is referred to earlier in the text. I think that this replacement is necessary for avoiding contradictions in Plotinus' view on the theory of sight. Plotinus states in 4.4 [..] and 4.5 [..] that he is against the medium theory of sight that Peripatetics and Stoics adopted.

seeing of the world. In fact, he writes in 2.9 that our world is not separated from the intelligible world.

Therefore, sight becomes the criterion of a different but immediate seeing in both worlds. In 4.5 [..] and his treatise *On vision* Plotinus develops a number of arguments against philosophers who argue for a medium vision theory, i.e., that vision happens when there is a body in between the eye and the object seen to enable us seeing the form of the object. Plato and Aristotle, Stoics, and Epicureans assumed theories implying that vision needs a medium or is like touching for which a "stick" is needed for us to be able to help us cognize the objects. Plotinus' arguments are summarized briefly in the following lines:

A. Seeing does not need a body between the eye and the object because even if transparent, it is either an impediment for seeing (being a body in between transparent or dense) or it cannot be affected, so it does not contribute to the act of seeing. Therefore, seeing is immediate.
B. The transparent body, even if first affected, will not contribute to seeing by transmitting the affection because affection would either affect first the eye, which is the natural receptor of seeing or even if the transparent body was first affected, the affection of the body with the affection of the eye would not have been similar because their nature is different. Consequently, seeing cannot be mediated.
C. In the case of Stoics, who argue that vision is touching, Plotinus explains that touching is the sense which gives information of something which is close to the agent and needs the use of memory and reason. So, reason cannot be similar to touching.
D. In the case of void, and the Epicurean view, Plotinus claims that since impressions require space to be transferred, a medium would actually serve as an impediment to perceiving these impressions.

In all these arguments Plotinus insists on immediate seeing and rejects any other theory which makes vision mediated even the one introduced by Plato. Sight is an activity which acts in both seer and object as in the case of metaphysics in 5.3 [49]. The difference is that the eye in the sense realm, which conveys the light (colour is latent in the light), produces only an effect of this activity, and not a generative power. The effect is projected at the object and makes visible its form. Guthrie correctly points out that light as an activity is incorporeal but depends on the body.[39] The example with the mirror confirms that:

[39] Gary M. Gurtler, "Plotinus on Light and Vision," *International Journal of the Platonic Tradition* 12.2 (2018): 151–162, on p. 159.

> In fact, also the image in a mirror should be called an activity of that which is reflected there, while it acts without an outpouring on what is capable of being affected. However, if this [that is, the object seen] is there, then that [that is, the image] also appears there [that is, in the mirror] and, in this way, it exists as a reflection of the colour that has been shaped in this way; and if it [that is, the object seen] is removed, it [the mirror] does not any more have the reflectivity that it had before, when it allowed the object seen to operate in it. However, in the case of the soul also, insofar as there is an activity of a prior one, as long as the prior one remains, the secondary activity also remains. Or rather, something that is not an activity but is the effect of an activity, as we have said about the life of the body, which is its property already, so that the light, which has already become mingled with the bodies, would be here as that which creates the colour by the fact of being mingled [to the mirror]. (4.5 [..])

According to the parallel of *Theaetetus* with 5.3 [49] 9–11, we have seen in the realm of intelligible entities how complete sight is born, which consists of the seer, the object seen and the seeing. There is an activity which perpetuates itself and produces sights in unity with the Intellect. Soul is an image of the Intellect and in its first activity, seeing towards the Intellect, produces intellection while in the second one produces the discursive reason. In this passage, to the alternative that the image in the mirror is a secondary activity of the eye, which disappears as soon as the object seen in the mirror leaves the space reflected by the mirror, another alternative is proposed, according to which the reflection is not a proper activity but just the effect of the activity of the object seen, just as the proper appropriated life of the body in Plotinus' perception. So, just as, in the case of the animation of the body, the effect of the soul's activity makes the body alive, so also here, the light mingled to the body of the mirror creates the image in the mirror. Plotinus gives the example of the mirror not to illustrate the animation of the body, but vice versa: this is the indication that sight for Plotinus has equally important ontological position with the essential components of his philosophy, i.e., the body, the soul, and the Intellect.

Going back to the beginning of this paper, and the wisdom found in the verses quoted from the *Greek Anthology*, the mirror is able to see inside our image because the intelligible sight is present in any visible reality even the fainter. At the same time, the body's temporal existence in this life reflects the presence of an image of the real sight which offers the ability to our souls to see the things themselves in their eternal form in the realm of the Intellect.

HOMONYMY AND SYNONYMY IN THE PHILOSOPHY OF THE CAPPADOCIAN FATHERS

Giorgi Markozashvili

The fourth century was a period of great theological upheavals and disputes that had far-reaching consequences in the formation of Christian dogmas. The central trinitarian controversy was between two theological parties: the Anomoeans, represented by Eunomius, and the Homousians, represented by the Cappadocian Fathers. One of the topics of this polemical debate was how linguistic descriptions apply to God, what they denote, and how successfully the names represent divine entities. The protagonists of this controversy, Basil of Caesarea, Gregory of Nyssa, and Gregory Nazianzus, were actively engaged in the dispute with Eunomius, and both parties propounded their own unique ontological and semantic theories: The Cappadocians famously emphasized the consubstantiality of the Trinitarian *personae*; while Eunomius proposed the extreme Arian view and postulated the complete unlikeness of Father and Son, which resulted in the denial of their consubstantiality.[1]

In the debate between Anomoeans and Homousians, numerous Aristotelian and Stoic terms gained significance. The role of Aristotle's *Categories* and its late antique commentators became especially important, since both parties were repeatedly employing logical terminology to articulate the possible unity and division in the Trinity. In what follows, I will explore how exactly the concepts of homonymy and synonymy gained currency in Cappadocian theology. I start with a concise presentation of the debate without a detailed analysis of the intricacies of this dispute. Instead, I will present the gist of the controversy and the general overview of the main tenets of both Anomoeans and Homousians. Afterwards, by means of carefully selected samples, I will depict how the Cappadocian Fathers articulated their Trinitarian doctrines in the language of "onymies" and identify the common patterns and strategies in which these concepts were utilized.

General Theological Context

The main disagreement between Eunomius and the Cappadocian Fathers concerns the relation between the Trinitarian *personae:* Eunomius, following

[1] This paper is an abridged and modified version of the third chapter of my master's thesis: Giorgi Markozashvili, "Homonymy and Synonymy in the Philosophy of Neoplatonists and Cappadocian Fathers" (master's thesis, Central European University, 2022).

his teacher Aetius, postulated teaching that affirms the ontological superiority of the Father over the Son. His theological framework accepts the Trinity with a strict hierarchical structure and one supreme monarchic creator God, that transcends everything and has no ontological equals. Apart from the first principle, everything is deemed as creation and completely unlike (ἀνόμοιον) and incomparable (ἀσύγκριτον)[2] to Father. Also, Eunomius is famous for his epistemological optimism, according to which God's substance (οὐσία / φύσις) is knowable by our human reasoning and can be adequately described or signified by the name "unbegotten" (ἀγέννητος); this designation was thought to be exclusively only appropriate to Father.[3] This reasoning results in the Anomoean Trinitarian theology that assumes the substantial (κατὰ τὴν οὐσίαν) unlikeness (ἀνομοιότης) of Trinitarian *personae*. To sum up Eunomius' main theological tenets: 1. Father and Son are not consubstantial. 2. Son is a creature or a product (κτίσμα, ποίημα, ποιούμενον or γέν(ν)ημα[4]) of Father. 3. The substance of Father is his unbegottenness (ἀγεννησία) and is uniquely denoted by the name "unbegotten" (ἀγέννητος).

In contrast, the Cappadocian Fathers promoted the Homousian theory of Trinity, according to which the *personae* are consubstantial (ὁμοούσιος) and, consequently, ontological equals. They denied the hierarchical structure of the Anomoean Trinity and the demotion of the Son to a creature or a product. They allowed the "begetting" of the Son but not its "creation." Interestingly, both Basil and Gregory of Nazianzus, in their portrayal of Eunomian doctrines, claim that Eunomius is trying to substitute the name "Father" (Πατήρ) with "unbegotten" (ἀγέννητος),[5] because it does not support his doctrine, since "begetting" (γεννᾶν)

[2] Eunomius, *Liber Apologeticus* (Vaggione, 42–44). For Eunomius, two items cannot be compared with each other, if they do not have anything in common. Also, see Eun. *Apol.* 11.15–16 (Vagg. 46). Basil, eager to find inconsistencies in Eunomius' doctrines, argues that his opponent is contradicting himself since Eunomius had already previously claimed Father to be "greater" (μεῖζον) than Son. Firstly, Basil alludes to the fact that something cannot be simultaneously μεῖζον and ἀσύγκριτος. Secondly, he invokes Aristotle's *Categories,* and claims that substance does not admit "more" or "less"; see Basil of Caesarea, *Adversus Eunomium* 1.25–26 (*Sources Chrétiennes* 299, 260–266).

[3] Eun. *Apol.* 7.9–11 (Vagg. 40); also 8.17–18 (Vagg. 43).

[4] The word γέννημα is derived from its corresponding verbal equivalent γεννᾶν; while γένημα is a nominal form of γίνεσθαι. About the differences and intricacies of these terms, see G. L. Prestige, *God in Patristic Thought* (London: S.P.C.K., 1952), 151–155; Milton V. Anastos, "Basil's Kata Eunomiou, A Critical Analysis," In *Basil of Caesarea: Christian, Humanist, Ascetic, Part 1*, ed. P. Fedwick (Toronto: Pontifical Institute, 1981), 73–74.

[5] Bas. *Adv. Eun.* 1.16.24–27 (*SC* 299, 228–230); Here, Basil expresses his discontent about Eunomius' silence (σιωπᾶν) about the names "Father" and "Son," and about his emphasis on the designations "unbegotten" (ἀγέννητος) and "begotten" (γεννητός). For Basil, the malicious aim of this substitution is to highlight the unlikeness (ἀνόμοιον) between Son and Father.

emphasizes the unity of substance, while the creation (ποιεῖν / κτίζειν) undermines it.[6] This assumption can be justified with the following observations: human begets human, and horse begets horse; a substance or a form of one biological organism is hereditarily transferred to its offspring.[7] A horse cannot beget a dog, or vice versa. Therefore, the begetter and begotten are always the same in substance, and the process of γεννᾶν always occurs between the consubstantial items. However, this is not the case with the creation or production: the maker and the product are always necessarily substantially different. The [human] blacksmith does not and cannot create another human being. Now, if we apply these terms to Cappadocian and Eunomian theologies, both of their convictions become clearer. On the one hand, Eunomius promotes the names ποίημα and κτίσμα to denote Son because the notion of "creation" tacitly implies the substantial difference between the maker and its product, which automatically results in the strict hierarchical structure of the Trinity, where the ontological superiority of Father over his creature is affirmed. On the other hand, the Cappadocian Fathers are placing their bets on the names "Father" (Πατήρ) and "Son" (Υἱός), since this implies the concept of "begetting," which in turn implies the substantial unity between the cause and its effect, their ontological co-ordination and equality.[8] The Cappadocian Fathers report that Eunomius denies the divinity (θεότης) of Son,[9] which can be easily deduced by the above-mentioned implications of the concept of ποίημα.

Furthermore, in opposition to Eunomius, who postulated the substantial difference, the Cappadocian Fathers divide the Trinity by their "identifying features" (ἰδιώματα) or peculiar properties (ἰδιότητα) that are external to the formula of essence. Two human individuals, insofar as they are both human, are substantially one; however, they are different in virtue of having different sets of ἰδιώματα and ἰδιότητα (height, weight, and other unique characteristics).[10] Similarly, the names "Father" and "Son" denote the unique and identifying features of their respective bearers, and none of these names signify substance.

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6 Bas. *Adv. Eun.* 2.6.19–21 (*SC* 305, 26); Basil asserts that the notion of "begetting" is hostile (πολέμιον) for Eunomian teaching; while the concept of "creation" is a friend (φίλον) and an ally (σύμμαχον). Cf. Eun. *Apol.* 9.1–3 (Vagg. 42).

7 The standard Aristotelian mantra that is repeated throughout the *Corpus Aristotelicum*: ἄνθρωπος ἄνθρωπον γεννᾷ. He also always makes sure to remark that the begetter and its offspring are identical in species (ὁμοειδής), but not in number (ἀριθμῷ).

8 Bas. *Adv. Eun.* II.6.19–21 (*SC* 305, 26); Here (as elsewhere), Basil claims that the begetter and its offspring are always characterized as having an ontological affinity, while the maker and its product are alien to each other.

9 Gregory of Nazianzus, *Orationes* 29.13.23–26 (*SC* 250, 204).

10 Bas. *Adv. Eun.* 2.4.1–43 (*SC* 305, 18–22).

Also, the Cappadocians denied the possibility for privative (στερητικός) terms, such as ἀγέννητος, to denote substance-items,[11] since these do not reveal the essential positive information about the object.[12]

Homonymy and Synonymy

"Homonymy" and "synonymy" are *termini technici* of Aristotle's *Categories*. Things are synonyms (συνώνυμα) if they have a common name (ὄνομα κοινόν) with the same corresponding definitory formula (λόγος τῆς οὐσίας).[13] For example, Adam and Abel are synonyms since they share the name "human" and its corresponding definitory formula "mortal rational animal." Synonyms always form a genus or species. Accordingly, it is a conceptual tool to emphasize the ontological affinity and essential unity of things. Aristotle describes homonyms (ὁμώνυμα) as having only a name (μόνον ὄνομα) in common with different definitory formulae (λόγος τῆς οὐσίας).[14] Porphyry and later commentators further classified homonymy into different types.[15] There is a sharp distinction between the chance-homonymy (ἀπὸ τύχης) and similarity-homonymy (καθ' ὁμοιότητα): a) ἀπὸ τύχης-type implies that the common name and its corresponding definitory formulas are unrelated; the imposition of the name occurs randomly without any ontological basis. The paradigmatic example is the name "dog" (κύων), which designates both the aquatic animal dog-fish and terrestrial dog.[16] They are chance-homonyms, since two different species with two separate corresponding definitory formulas are denoted by the same name.[17] There is no ontological priority or hierarchy among chance-homonyms; their shared designation is coincidental, and as a result, ἀπὸ τύχης-type tacitly implies the ontological unrelatedness and disconnection.

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[11] Bas. *Adv. Eun.* 1.15 (*SC* 299, 224–226); Here, Basil maintains that the expression ἀγέννητος does not denote τί ἐστιν (what it is) of subject; it rather falls under the rubric ὅπως ἐστίν (how it is) or ὅθεν γέγονε (where it came from).

[12] The name ἀγέννητος does not reveal what God is, but precisely what it is not (that it is not γέννημα).

[13] Aristoteles, *Categoriae* 1a6–12. The Aristotelian definition of synonyms: "συνώνυμα δὲ λέγεται ὧν τό τε ὄνομα κοινὸν καὶ ὁ κατὰ τοὔνομα λόγος τῆς οὐσίας ὁ αὐτός."

[14] Arist. *Cat.* 1a1–6. The Aristotelian formulation of homonymy: "Ὁμώνυμα λέγεται ὧν ὄνομα μόνον κοινόν, ὁ δὲ κατὰ τοὔνομα λόγος τῆς οὐσίας ἕτερος."

[15] Porphyrius, *In Aristotelis Categorias* 65.17–20; Simplicius, *In Aristotelis Categorias* 31.22–32.19.

[16] The examples aquatic (θαλάττιος) and terrestrial (χερσαῖος) dogs were paradigmatic and widely employed for the chance-homonyms. Traditionally, the class of irrational mortal animals was divided via *differentiae* "winged," "terrestrial" and "aquatic." Hence, aquatic and terrestrial dogs are essentially different. Simp., *In Cat.* 29.8–11; Dexippus, *In Aristotelis Categorias* 19.28–29 and 43.20–24.

[17] It just so happened that the name "dog" was imposed on two unrelated species of animals.

b) homonyms are καθ' ὁμοιότητα if they have a common name, and their corresponding definitory formulas, while different, are nevertheless related. The paradigmatic example is a human (ἄνθρωπος), and the pictorial representation of a human (γεγραμμένον):[18] the name "animal" (ζῷον) can be applied to both objects; however, the definitory formulas are distinct, since the picture is not an animal, only the pictorial resemblance of its respective original. Consequently, καθ' ὁμοιότητα homonymy occurs between the original and its mimetic representation. The relationship between a model (παράδειγμα) and its copy or an image (εἰκών) is always hierarchical: the name is assigned to the model primarily (πρώτως) and, more properly (κυρίως), and only derivatively (δευτέρως) to its copy. The statue of Socrates is called "Socrates" because of its likeness to the original. This is not the case with the chance-homonyms where ontological hierarchy is not implied, and accordingly, there are no prime and secondary designations. Porphyry further introduces the analogical homonymy (ἐκ τῆς ἀναλογίας).[19] As we will see, it was later employed as a means to extend the meanings of sensible and corporeal discourse to the transcendent and intelligible realm.

Gregory Nazianzus: The Homonymy of "God"

Eunomius denied the divinity of Son and claimed that only Father is worthy of the name "God." However, it was extremely difficult to successfully defend that thesis, as various passages from the Scripture also assigned divinity to the Son. The Creed that Eunomius himself cites is explicit about the Son's status of God: "We believe […] in one only-begotten Son of God, **God the Word**, our Lord Jesus Christ […]."[20] How did Eunomius support his claim against the already firmly established tradition? In his *Oration* 29, Gregory of Nazianzus converses with the imaginary interlocutor from the Anomoean party. Interestingly, the main argument with which Anomoeans defended themselves was the claim that the name "God" is homonymously predicated of Father and Son. Let us take a glimpse at the first passage of Gregory:

> **[P1]**
>
> Our position, of course, is that horses, humans, oxen, and each item that comes under the same species (ὑπὸ τὸ αὐτὸ εἶδος) have a single definition (εἷς λόγος ἐστί). Whatever shares in the definition (μετέχῃ τοῦ λόγου) is

[18] Arist., *Cat.* 1a2–3. Porph., *In Cat.* 65.25–30. and ibid. 66.23–28. Porphyry formulates the Aristotelian example of γεγραμμένον in the language of εἰκών (image) and ὁμοίωμα (likeness).

[19] Porph., *In Cat.* 65.34–66.4. cf. Simpl., *In Cat.* 31.32–32.3.

[20] Eun., *Apol.* 5.1–7 (Vagg. 38).

> properly (κυρίως) called by that name, and whatever does not share in it is not properly called by the name. Thus, in the same way, there is a single substance (μίαν οὐσίαν), nature (φύσιν), and name (κλῆσιν) of God, even though the titles are distinguished along with the distinct conceptions (ἐπινοίαις) about him. Whatever is properly called' "God" (θεόν) is God and whatever he is in his nature is a true name (ἀληθῶς) for him – granted that real truth is contained in facts (ἐν πράγμασίν), not in names (μὴ ἐν ὀνόμασιν). These people, though, act as if they were afraid of leaving any opposition to the truth untried. They acknowledge the Son as "God" (θεὸν), when forced by reason and proof-texts to do so, but only as a **homonym (ὁμώνυμον).** He shares (κοινωνοῦντα) the name and the name alone![21, 22]

According to the Anomoean Trinitarian theory, the name "God" is predicated homonymously with Father and Son, and hence, they are deemed as homonyms.[23] For Eunomius, if one postulates the complete unlikeness and disconnection of Father and Son, then there is no conceptual space for any shared synonymous predicates, since a common predicate implies that something is κοινόν and ultimately – ὅμοιον. Instead, the Eunomian theology emphasizes that Father and Son are so different (ἀνόμοιον) that they cannot share with each other any common predicate: this is precisely why Eunomius claims that there is no comparison (σύγκρισις) between Father and His creatures (including Son). For him, Father is absolutely one (ἕν) and unique (μόνον) and has complete superiority (ὑπεροχή) over His creations; allowing a common synonymous predicate will undermine the entire Anomoean theological framework.

Curiously, our passage starts with the examples of synonyms: i.e., items that are arranged under one species (ὑπὸ τὸ αὐτὸ εἶδος) in virtue of having the same definition (εἷς λόγος ἐστί). For example, Peter and Paul have the same definition ("mortal rational animal") and, accordingly, are placed under the same species "human." And since they share the same definition (μετέχῃ τοῦ λόγου), they are properly (κυρίως) and truly (ἀληθῶς) called the name of the species (i.e., "human"). However, if, for example, a picture of a human is designated by the name "human" and is not of the same definition as Peter and Paul, then it follows that the picture is not called "human" properly (κυρίως). So far, Gregory has described a classic

[21] Greg. Nazianz., *Or.* 29.13.14–26 (*SC* 250, 204).

[22] Gregory Nazianzus passages (P. 1–5) translations are by Lionel Wickham and Frederick Williams, with my modifications and adaptations.

[23] Cf. Eun., *Apol.* 21.8–20 (Vagg. 60–62), where Eunomius, by citing carefully selected Scriptural epithets of Father (μόνος ἀληθινὸς θεός, μόνος σοφός, μόνος ἀγαθός) implicitly states his theory of homonymy; the function of emphatic μόνος and ἀληθινὸς is to deliberately distinguish Father from Son; since Son is a subject of the same predicates without the emphatic μόνος and ἀληθινὸς.

example of synonymy and its peculiarities. Surprisingly, right after his depictions of synonymy among corporeal creatures, he proceeds toward an analysis of Trinity and makes an analogy between the corporeal synonyms with the specific (εἴδει) unity and the Trinitarian *personae*. Therefore, it can be safely assumed that we have two types of Trinitarian discourse formulated in the language of "onymies": The Cappadocian theory affirms the synonymous relationship of *personae*, and the Eunomian conception asserts the homonymous relationship of divine persons.[24] As in other philosophical contexts, homonymy is used as an apt tool to emphasize ontological disconnection and transcendence, while synonymy is employed to highlight the ontological affinity and equality of given items. Also, it should not escape our notice that the analogy between corporeal synonyms and Trinitarian synonyms is based on the Aristotelian secondary substance (δεύτερα οὐσία), since specific (εἴδει) and generic (γένει) unities of biological organisms are instances of Aristotle's secondary substance. Accordingly, when Gregory ascribes one substance and nature to God, the meaning of the expression μίαν οὐσίαν is analogically modelled on the δεύτερα οὐσία of Aristotle.[25]

We have already seen how Anomoeans claimed the homonymous predication of the name "God." However, the question still remains: which type of homonymy are they alluding to? Let us see another passage of Gregory's *Oration* 29 that follows right after the one cited above:

> **[P2]**
>
> When we make them the rejoinder, "Well, do you really mean that the Son is not 'God' (θεὸς) in the proper sense (κυρίως) of the word, in the same way that a picture (γεγραμμένον) of an animal is not an animal (ζῷον)? In that case, how can he be God, supposing he is not 'God' in the proper sense?" they answer, "Why shouldn't they be **homonyms (ὁμώνυμα)** and used in the proper sense in both case?"
>
> They instance the Greek word for "dog" (κύνα), which can be used in the proper sense to mean both a terrestrial dog (χερσαῖον) and an aquatic dog (θαλάττιον) – since they are the type (εἶδος) of **homonyms (ὁμώνυμα)**

[24] In other words: 1. the Cappadocians would claim that whatever is predicated of Father is also synonymously predicated of Son and the Holy Spirit (with the exceptions of their titles); 2. In contrast, the Anomoeans would make a case that if a name "A" is said of both Father and Son, then it is predicated homonymously.

[25] Furthermore, if we take our previous analysis of "begetting" (γεννᾶν) and "creation" (ποιεῖν) into consideration, Gregory's analogy is justified: in the world of corporeal entities, both the begetter and the begotten are synonyms, since they share a secondary substance through the hereditary transmission of species.

> that are said properly (κυρίως) – and any other case where something bears the same title it shares equally (ἐπ᾽ ἴσης) with something else of a different nature.[26]

Here, Gregory presents two types of homonymy from the Porphyrian toolbox: homonymy "by similarity" (καθ᾽ ὁμοιότητα) and "by chance" (ἀπὸ τύχης). The main unanswered question is the following: Which one do Anomoeans employ in their attempts to separate Father and Son? The stock examples of both types of homonymy are presented: an animal (ζῷον) and its pictorial representation (γεγραμμένον) for the καθ᾽ ὁμοιότητα-type; and an aquatic (θαλάττιον) and terrestrial (χερσαῖον) dogs for the ἀπὸ τύχης-type. There is a huge difference between these two types of homonymy: one emphasizes unrelatedness, dissimilarity and randomness, while the other highlights the hierarchical relationship between the archetype and its image. Furthermore, the similarity-homonymy implies the prime and secondary designates: one type of entity is named κυρίως (properly) and ἀληθῶς (truly), while others are named only derivatively (δευτέρως), based on their resemblance to their archetype. However, this is not the case with the chance-homonyms since the commonality of the name occurs randomly, without any ontological basis: the name κύων is an equally common name for two different, unrelated species.

Gregory's conversation with his imaginary interlocutor proceeds in the format of questions and answers: he asks if the predication of the name "God" of divine persons follows the model of καθ᾽ ὁμοιότητα homonymy; the answer of the Anomoean interlocutor is negative. By presenting its standard examples, he claims that Father and Son are instances of ὁμώνυμα ἀπὸ τύχης. Let us see Gregory's response in the next passage:

> **[P3]**
>
> You are putting two natures under the same name, not making one superior to (ἀμείνω) or prior to (πρότερον) the other, or one more true to its name than the other. There is nothing attached to the names to force that conclusion – the terrestrial and the aquatic are equally entitled to the same Greek name, "dog" – and why not?[27]

Here, Gregory shows the corollaries that follow the reasoning of his imaginary interlocutor: If the ἀπὸ τύχης homonymy is employed in the Trinitarian context, then it follows that one item is not ontologically prior (πρότερον) or superior (ἀμείνω) to another. Eunomius famously postulated the temporal priority of

[26] Greg. Nazianz., *Or.* 29.14.1–9 (*SC* 250, 204).

[27] Greg. Nazianz., *Or.* 29.14.9–17 (*SC* 250, 204–205).

Father over Son; he claimed that just as creator or begetter precedes its product or offspring, so does Father precede its creatures (including Son). In response to this, the Cappadocian Fathers were asserting the coeternity of divine persons and the atemporal begetting of Son. In the above-cited passage, the word πρότερον emphasizes temporality, while ἀμείνω signifies the ontological pre-eminence.[28] However, Gregory seems puzzled about the selection made by his imaginary interlocutor concerning the right homonymy-type, since it excludes ontological hierarchy and undermines the Eunomian Trinitarian framework.[29] The conversation continues:

> **[P4]**
>
> But things of the same and things of differing status can have the same name. Yet when it comes to God, you attach an awe-inspiring solemnity to him, a transcendence of every essence and nature which constitutes the unique nature of God's deity. You ascribe this to the Father but then rob the Son of it and make him subordinate (ὑποτιθείς). You give the Son second place (δεύτερα) in reverence and worship. Even if you endow him with the syllables which make up the word "similar," (ὅμοιον) you, in fact, truncate his godhead (θεότητα) and make a mischievous transition from parity to disparity in the usage of **homonymy (ὁμωνυμίας).** The result is that a pictured (γραπτός) and a living man (ἄνθρωπος) are apter illustrations for you of the Godhead of Father and Son than the above-mentioned dogs.[30]
>
> **[P5]**
>
> Alternatively, you must concede that the fact that they have a common name (κοινωνίαν τῆς κλήσεως) puts their natures on the same level, even if you are making out that they are different; in that case, you have ruined your "dog" example, which you hit on to illustrate a disparity of natures. What does it matter that the animals you distinguish are **homonyms**, if they are on the

[28] To apply this analogy to our homonymy examples: Socrates' existence precedes the existence of his pictorial representation. Accordingly, archetype is πρότερον, while its image – δεύτερον. Also, the picture acquires its name on the basis of its resemblance to the original. Accordingly, the model is ontologically ἀμείνω, while its representation – ἧττον. For Gregory, this is a perfect fit for the Eunomian theological framework, since it captures both the pre-existence and pre-eminence of Father over Son.

[29] Both aquatic and terrestrial dogs are called "dog" without any hierarchical implications. They are equally (ἐπ' ἴσης) designated by the common term. Gregory is baffled by the decision of his opponents, since he deems their analogy unfit and inconsistent with their own doctrinal framework.

[30] Greg. Nazianz., *Or.* 29.14.17–27 (*SC* 250, 205).

> same level? The point, after all, of having recourse to "dogs" and **homonymy (ὁμωνυμίαν)** was to prove disparity (ἀνισότιμα), not parity (ἰσότιμα).[31]

It was a common Cappadocian trope to mockingly reveal logical inconsistencies of their Anomoean opponents and claim that they did not know their Aristotle or Chrysippus. In the passages cited above, Gregory claims that the apter illustration for the Anomoean Trinitarian theology is the καθ' ὁμοιότητα-type, since it emphasizes both the ontological and the temporal hierarchies. Since ἀπὸ τύχης-type does not express subordination or inequality (ἀνισότιμα), his interlocutor should have used καθ' ὁμοιότητα-type instead. So why did his Anomoean interlocutor choose the chance-homonymy? A possible rationale for his decision is the following: Even though καθ' ὁμοιότητα-homonymy expressed the ontological hierarchy and priority of Father over Son, it also postulates a relative likeness between the archetype and its image. The notion of the image implies a certain resemblance to its original, which undermines the Eunomian doctrine of complete dissimilarity and unlikeness of Father and Son. Accordingly, one can argue that ἀπὸ τύχης-type is more suitable, since it emphasizes complete unrelatedness.

Gregory's *Oration* 29.13–14 preserves a way in which two opposing theological parties articulated intra-Trinitarian relationships of the divine persons in the language of "onymies": Anomoeans employed the notion of homonymy to separate and disconnect the Trinitarian *personae*; while Gregory and his fellow Homousians, used the notion of synonymy to unite the divine persons, and at the same time preserve their individuality.

The Cappadocian Fathers and Eunomius: "λόγος τῆς οὐσίας"

The distinction between substance and non-substantial properties is the main tool for the Cappadocian Fathers against their Anomoean opponents. Out of all the names for Father, Eunomius placed all his bets on ἀγέννητος and claimed that it had the power to express divine substance. The Cappadocian Fathers did not miss the opportunity and were always eager to remind Eunomius of the impossibility of his statement. One of the means by which they argued against Eunomius was the employment of the Aristotelian expression λόγος τῆς οὐσίας (the formula of being or definition). The same expression is used by Aristotle to define homonymy and synonymy: the identity of λόγος τῆς οὐσίας produces synonyms, while its diversity produces homonyms.[32] The Cappadocian Fathers

[31] Greg. Nazianz., *Or.* 29.14.27–35 (*SC* 250, 205).

[32] Arist., *Cat.* 1a1–6; 1a6–12.

were making "bottom-up" analogies between the items of the corporeal realm and the Trinitarian *personae.*

Eunomius famously asserted that the differences in names implied the diversity of substances. The multiplicity of names guides us towards the corresponding multiplicity of things.[33] Accordingly, the part of his argument about the substantial difference between Father and Son was their diverse designations. To oppose this claim, Gregory of Nyssa invoked the examples of humans, their essential identity and accidental diversity:

> **[P6]**
>
> Not all things that have the **same formula of being (λόγον τῆς οὐσίας τὸν αὐτὸν)** will similarly agree in the application of the formula (λόγου) in a "particular reality" (ὑποστάσει). Peter, James and John were the same as each other in **the formula of being (τῷ λόγῳ τῆς οὐσίας),** since each of them is a man, but in the characteristics (ἰδιώμασι) of each particular reality (ὑποστάσεως), they were not the same as each other.[34] [35]

In this passage, Gregory highlights the opposition between οὐσία and ὑπόστασις and their corresponding λόγοι. Peter and John are identical insofar as they are the same in substance (both are human); however, they are different in hypostasis, which consists of a bundle of "identifying features" (ἰδιώματα).[36] Accordingly, the name "human" expresses their unitary substance, while the names "Peter" and "John" their hypostases, and they grasp various features (ἰδιώματα) that fall outside their definition.[37] Gregory frames this distinction in the language of "onymies," since the expression "the same formula of being" (λόγον τῆς οὐσίας τὸν αὐτὸν) is the verbatim Aristotelian formulation of synonymy. Accordingly, the synonymy of biological creatures is the basis for Gregory to understand intra-Trinitarian relations. Similarly, using the same linguistic expressions as his brother (in P.6), Basil analyzes the Trinitarian personae:

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[33] Eun., *Apol.* 18.13–14 (Vagg. 56); also, 12.3–4 (Vagg. 48).

[34] Gregory of Nyssa, *Contra Eunomium* (*Gregorii Nysseni opera* 1.93.6–11).

[35] All the passages of Gregory of Nyssa [P6, P8–11] are translated by Stuart George Hall, with my modifications and adaptations.

[36] The accidental characteristics that fall outside the definition and are peculiar to each individual item. cf. Bas. *Adv. Eun.* 2.4.1–43 (*SC* 305, 18–22), where Basil makes the identical claim by employing ἰδιώματα and ἰδιότητα; and concludes that the names "Father" and "Son" are revelatory of ἰδιώματα, not οὐσίαι.

[37] In other words, the λόγος of substance is the species human; while the λόγος of hypostasis are various ἰδιώματα.

[P7]

But if someone takes the commonality of the substance to mean that one and the **same formula of being (τὸν τοῦ εἶναι λόγον)** is observed in both, such that if, hypothetically speaking, the Father is conceived of as light in his substrate, then the substance of the Only-Begotten is also confessed as light, and **whatever one may assign to the Father as the formula of his being (τὸν τοῦ εἶναι λόγον), the very same also applies to the Son.** If someone takes the commonality of the substance in this way, we accept it and claim it as our doctrine. For this is how divinity is one. Clearly, their unity is conceived to be a matter of **the formula of the substance (κατὰ τὸν τῆς οὐσίας λόγον).** Hence while there is a difference in number (ἀριθμῷ) and in the distinctive features (ἰδιότησι) that characterize each, their unity is observed in the formula of the divinity.[38] [39]

Here, Basil explicitly formulates his synonymous conception of the Trinity: what is the commonality (κοινόν) between divine persons? For Basil, it is their shared λόγος τῆς οὐσίας or λόγος τοῦ εἶναι[40] that serves as the foundation for the numerous common predicates. Accordingly, whatever is predicated of Father can also be predicated of Son. However, there are exceptions to this rule: since they are numerically (ἀριθμῷ) different, there are some names that are uniquely predicated of each divine person. For example, the names "Father" and "unbegotten" are exclusively said of Father; similarly, the expressions "only-begotten" and "Son" are uniquely predicated of Son: these names denote their "peculiar features" (ἰδιότητα) that fall outside the definitory formula (λόγος τῆς οὐσίας). There is a striking similarity between the language of passages P6 and P7: the former is the corporeal analogue and equivalent of the latter's analysis of the Trinitarian *personae.*

The next step in our inquiry is to observe how the distinction between substance and non-substantial properties was utilized against Eunomius. The ontological status of ἀγέννητος was questioned: can the name ἀγέννητος signify the divine substance? The Eunomian doctrine will be undermined if one successfully proves that ἀγέννητος cannot be included in the definitory formula, since it expresses ἰδιότης. Again, the standard strategy of the Cappadocians was to illustrate its absurdity and impossibility on the level of biological creatures and project it to the level of the Trinitarian *personae.* The stock examples involved

[38] Bas., *Adv. Eun.* 1.19.32–44 (*SC* 299, 240–242).

[39] Translation by Mark Delcogliano, with my adaptations.

[40] It is clear from this passage that Basil uses them interchangeably.

Adam, who was labelled as πλάσμα (product), and Abel (or Seth). Let us see how Gregory of Nyssa resolves this problem:

> **[P8]**
>
> The first man [Adam] and the one sprung from him [Abel], though they get their being (τὸ εἶναι) in a different way from each other, the one by the coupling of parents, the other by shaping from the dust, are both believed to be two and by **definitory formula (τῷ λόγῳ τῆς οὐσίας)** are not split from each other;
>
> Both the former and the latter are human, and their **formula of being (λόγος τῆς οὐσίας)** is the same for them both: each is mortal, and rational too, and similarly capable of thought and knowledge. If then the formula (λόγος) for humanity is not altered in the case of Adam and Abel by the change in the way they are generated, since neither the order nor the manner of their generation import any change in nature.[41]

Here, Gregory's main argument can be formulated in the following way: 1. Adam was created, while Abel was begotten. 2. Since Adam was not begotten, he is unbegotten (ἀγέννητος). 3. Despite their different origins, they are still one in substance as they are both human (ἄνθρωπος). 4. Therefore, being unbegotten does not express the substance and is outside the formula of being (λόγος τῆς οὐσίας). For Eunomius, the only possible way out is to claim that Adam's substance is not expressed by the name ἄνθρωπος but rather by ἀγέννητος;[42] however, it was very unlikely for any intellectual to assert it, since it was commonly accepted that the name of the species denotes the substance of biological entities. The claim of synonymy is of utmost importance as it emphasizes the essential unity of Adam and Abel despite their different origins: one is πλάσμα and another – γέννημα. Gregory of Nazianzus makes the same analogy between the entities of divine and corporeal realms: neither ἀγεννησία or γέννησις can signify the substance of Father or Son. This statement is verified by Gregory on the level of biological creatures despite their different origins, both Adam and Seth are synonyms and one in substance. He argues against Eunomius, who makes ἀγεννησία and γέννησις "the natures of homonymous gods" (φύσεις Θεῶν ὁμωνύμων).[43]

But how do we proceed from the corporeal realm to the sphere of the divine? How is it justified to draw conclusions about incorporeal entities on the basis of biological creatures? It seems that Eunomius was defending himself by rejecting

[41] Greg. Nys., *Contr. Eun.* 1.496 (*GNO* 1.169.20–170.8).

[42] That would make Adam homonymously "human" with the rest of the mankind.

[43] Greg. Naz., *Or.* 39.12.21–28 (*SC* 358, 174–176): if ἀγεννησία denotes the substance of Father, then Son and Father are called "God" homonymously.

any analogy between the sensible and transcendent realms. Gregory of Nyssa quotes Eunomius in the following way:

> **[P9]**
>
> "To put forward the **homonymy based on analogy (ἐξ ἀναλογίας ὁμωνυμίαν),** as the basis of human conceptualization, is the work of a mind which has discarded the valid, correct meaning, and considers the words of the Lord to have an invalid meaning and a sort of debased usage."[44]

This is a curious passage, where Eunomius seems to deny any validity or appropriateness of "bottom-up" analogical homonymy. The fact that Anomoeans do not have a problem with homonymy *per se* was clear in the passages cited in the previous chapter about Gregory of Nazianzus: they were willing to employ the chance-homonymy, since it emphasized complete unlikeness and randomness. However, this is not the case with analogical homonymy, since it implies a relative likeness (ὁμοίωμα) between the corporeal and transcendent realms. The underlying philosophical implication of "bottom-up" analogical homonymy is that theological discourse is the product of the analogical extension of sensible language. Accordingly, since the Eunomian framework promotes the complete transcendence of Father and relative transcendence of Son, the attribution of earthly language to these divine entities is unacceptable for him. Also, in his *Apology*, he famously warns his audience about the homonymy of γέννημα and its embryological implications.[45] In response, Basil makes it clear that he is well aware of the distinction between divine and earthly "begettings": the corporeal meaning of "begetting" implies that the begotten entity is the offspring of male and female, or that it involves the division of matter (ὕλη).[46] Even though the Cappadocian Fathers postulate the synonymy of divine persons, they also, at the same time, emphasize the "bottom-up" [analogical] homonymy between the sensible and divine realms. Let us see how Gregory of Nyssa describes the relation of these two separate spheres:

> **[P10]**
>
> Names, Eunomius, have meaning among us, and yield another meaning when applied to the transcendent Power (ὑπερκειμένης δυνάμεως). Certainly in

[44] Greg. Nys., *Contr. Eun.* 2.306 (*GNO* 1.316.6–9).

[45] Eun., *Apol.* 12.4–7 (Vagg. 48); Also 16.1–6 (Vagg. 52).

[46] Bas., *Adv. Eun.* 2.5.18–32 (*SC* 305, 24); here, Basil mockingly remarks that nobody would project corporeal (σωματική) attributes to the divine begetting (θεῖα γέννησις) and claim that Father beggets in accordance with the embryological process (διάπλασις and μόρφωσις); for him, it is clear that the word "begetting" is used via homonymy (ὁμωνυμία).

> all other respects the divine nature is separated from the human by a wide margin, and experience (πεῖρα) reveals nothing here (ἐνταῦθα) resembling the greatness which is attributed to the transcendent (ἐν ἐκείνῃ) by the guesses of speculation and conjecture. In the same way where the meanings of words are concerned, even if **there is a homonymy (ὁμωνυμία) between the human (ἀνθρώπινον) and the eternal (ἀίδιον),** yet proportionately to the separation of natures, the meanings of terms are also distinct.[47]

[P11]

> Similarly to almost everything else, **the homonymy (ὁμωνυμία)** of our things (ἡμετέρων πραγμάτων) is used towards the divine (πρὸς τὰ θεῖα), but indicating along with the identity of terms that the difference of meaning is great.[48]

Here, Gregory describes how sensible discourse is applied to incorporeal entities. The procedure is reminiscent of Iamblichus' νοερὰ θεωρία: The names primarily signify the corporeal items of the sublunary world, and by analogical extension and change in meaning, they penetrate the divine. However, Gregory also emphasizes his pessimistic epistemology and the great distance or disconnection between these two separate worlds.

The main conclusions that can be drawn from this paper are the following: 1. Both the Homousians and Anomoeans were employing the language of "onymies" in their Trinitarian theology: the Cappadocians claimed the Trinitarian *personae* to be synonyms, while Eunomius emphasized their homonymous relationship. 2. The Cappadocian Fathers were postulating the synonymous relationship of divine persons based on their corresponding biological or corporeal equivalents. 3. Furthermore, they emphasized that the relationship between the divine and sensible realms is homonymous and produced by the "bottom-up" analogical extension.

[47] Greg. Nys., *Contr. Eun.* 1.620 (*GNO* 1.205.1–10).

[48] Greg. Nys., *Contr. Eun.* 1.622 (*GNO* 1.205.20–22).

JUSTINIAN'S LEGAL ERASURES: LEGAL FICTIONS IN THE *NOVELS*

David Rockwell[1]

Introduction

Few lawmakers enjoy the privilege of the God of the Pentateuch, who could legislate without regard to any pre-existing legal framework. Most legislators face – with varying degrees of conscientiousness – the task of defining the relationship between their new laws and older ones in the same field. This task can be as simple as setting a date as of which an old law ceases to apply and a new one takes effect. But often the relationship between old law and new is more complex, requiring something beyond a mere transition date. The more comprehensive and intricate the pre-existing legal framework, the greater the challenges of transition will be. These challenges include identifying conflicts between old norms and new, resolving conflicts in a manner that promotes legal certainty, and (if desired) preserving accrued rights and statuses.

The pre-existing legal framework faced by the sixth-century emperor Justinian was perhaps as comprehensive and intricate as that faced by any ruler. At the time of his accession to sole rule in 527, Roman law could claim over a thousand years of history. In the colourful words of *Deo auctore,* "we have found the whole extent of our laws … to be so confused that it extends to an inordinate length and is beyond the comprehension of any human nature."[2] This complexity was one impetus for the effort to reduce a millennium's worth of legal history to order in Justinian's *Codex, Digest,* and *Institutes*.[3] This effort – led mainly by Justinian's sometime *quaestor sacri palatii*, Tribonian – reduced the amount of interpretive guidance, at least, as only the portion included in the *Digest* would

[1] The author thanks Volker Menze, Juan Bautista Juan-López, and two anonymous reviewers for comments.

[2] *Const. Deo auctore* 1. The translation is from Alan Watson, trans., *The Digest of Justinian* (Philadelphia: University of Pennsylvania Press, 1998), xxxiii. The sentiment was not new. See Anon., *De rebus bellicis* 21.

[3] The story of the codification effort has been told many times. For a recent account, see Wolfgang Kaiser, "Justinian and the Corpus Iuris Civilis," in *The Cambridge Companion to Roman Law*, ed. David Johnston (Cambridge: Cambridge University Press, 2015), 119–48. See also Tony Honoré, *Tribonian* (Ithaca, NY: Cornell University Press, 1978), 40–57.

henceforth have legal effect.[4] Even after the codification was completed in late 534, though, the body of assembled Roman law remained huge.[5] What is more, that completion brought no end to Justinian's law-making zeal. New laws – *Novels* – continued to pour forth, at least for a few years,[6] as Justinian substituted his latest ideas for pre-existing laws, both his predecessors' and his own.[7]

This paper explores how Justinian (or, more precisely, Tribonian and his successors as the emperor's legal draftsmen)[8] dealt with pre-existing laws, rights, and

[4] The constitution promulgating the *Digest* tells us that more than three million lines of interpretive guidance were reduced to 150,000. *Const. Tanta* cc. 1, 13. The first figure is doubtless exaggerated. Justinian had authorized the editing of materials to be included in both *Codex* (*Const. Haec* 2; *Const. Cordi* 3 and 4) and *Digest* (*Const. Deo auctore* 4; *Const. Tanta* 10). Views on the extent of substantive changes made have differed, sometimes even by the same scholar writing at different times. See Alan Watson, "Prolegomena to Establishing Pre-Justinianic Texts," *Tijdschrift voor Rechtsgeschiedenis / Revue d'Histoire du Droit / The Legal History Review* 62, no. 2 (1994): 113–25, https://doi.org/10.1163/157181994X00212; Paul J. du Plessis and J. A. Borkowski, *Borkowski's Textbook on Roman Law*, 4th ed. (Oxford: Oxford University Press, 2010), 57–58; Kaiser, "Justinian and the Corpus Iuris Civilis," 128–30 and 134–36.

[5] In the edition used for scholarly purposes, the text of *Institutes, Digest,* and *Codex,* together with Justinian's subsequent legislation, amounts to roughly three times the size of the Bible. *Institutes: Iustiniani Institutiones* [*Corpus Iuris Civilis,* vol. 1], ed. Paul Krüger (Berlin: Weidmann 1877); *Digest: Digesta* [*Corpus Iuris Civilis,* vol. 1], ed. Theodore Mommsen (Berlin: Weidmann 1877); *Codex*: *Codex Iustiniani* [*Corpus Iuris Civilis,* vol. 2], ed. Paul Krüger, 9th–12th eds. (Berlin: Weidmann, 1914–1959); *Novels*: *Novellae* [*Corpus Iuris Civilis,* vol. 3], ed. Rudolf Schoell and Wilhelm Kroll, 4th stereotype ed. (Berlin: Weidmann, 1912). All translations of the *Novels* herein are (with modifications) from David Miller and Peter Sarris, eds., *The Novels of Justinian: A Complete Annotated English Translation* (Cambridge: Cambridge University Press, 2018).

[6] Procop. *Hist. Arcana* 28.16; Caroline Humfress, "Law and Legal Practice in the Age of Justinian," in *The Cambridge Companion to the Age of Justinian*, ed. Michael Maas (Cambridge: Cambridge University Press, 2005), 175; George Mousourakis, *A Legal History of Rome* (London: Routledge, 2007), 189. There are at least 111 laws that can be dated with some certainty to the period 535 to 539. If what has come down to us is even roughly representative of Justinian's legislative activity, the pace of new law-making slowed from 540. But see note 91 below.

[7] Predecessors' laws: e.g., *Nov.* 7 pr. (15 Apr. 535) (repealing *Cod. Iust.* 1.2.17, a law of Anastasius); *Nov.* 82 c.1 (8 Apr. 539) (repealing a law of Zeno); *Nov.* 89 c.15 pr. (1 Sept. 539) (repealing *Cod. Iust.* 5.27.1, a law of Constantine); his own laws: e.g., *Nov.* 110 (26 Apr. 541) (repealing *Nov.* 106 (7 Sept. 540)); *Nov.* 117 c.11 (18 Dec. 542) (repealing *Nov.* 22 c.14 (18 Mar. 536)); *Nov.* 119 c.9 (20 Jan. 544) (repealing *Cod. Iust.,* 6.23.29 (1 Mar. 531)); *Nov.* 120 (9 May 544) (replacing *Nov.* 7 (15 Apr. 535)).

[8] Procopius' criticism (*Hist. Arc.* 14.3–4) of Justinian for drafting his own laws rather than relying on skilled officials is exaggerated. It happened on occasion (see text at note 106 below), but "[t]hat was not his sort of ability." A. M. Honoré, "Some Constitutions Composed by Justinian," *Journal of Roman Studies* 65 (1975): 122.

statuses in the *Novels* by means of some legal fiction. While the fictions of Roman law have long been studied, discussions have tended to focus on those originating centuries before Justinian's reign.[9] As a result, several fictions originating in Republican legislation or praetorian edicts have become commonplaces of legal historical scholarship.[10] Examples of legal fiction in Justinian's post-codification law-making, by contrast, remain understudied. Even when they are noticed, the legal fictions of the *Novels* tend to be interpreted in light of the provisions of *Codex* and *Digest* rather than on their own terms or in light of their own circumstances.[11] Especially in the area of private law, this tendency to pass quickly over the circumstances in which a new norm is promulgated in favour of working within its doctrine is characteristic of Roman legal history as a field.[12] But, as Clifford Ando has demonstrated, several Roman legal fictions of the republican period served practical purposes in service of governing an expanding empire.[13] The legal fictions of Justinian's *Novels*, too, served practical

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[9] See, e.g., J.S. Richardson, "The Roman Mind and the Power of Fiction," in *The Passionate Intellect: Essays Presented to Professor I. G. Kidd* (New Brunswick, New Jersey: Transaction Publishers, 1995), 117–30; Yan Thomas, "Fictio legis. L'empire de la fiction romaine," *Droits: revue française de théorie juridique* 21 (1995): 17–63; Nicolas Cornu Thénard, "Le duel entre fait et droit chez les juristes classiques," in *Carmina iuris. Mélanges en l'honneur de Michel Humbert*, ed. E. Chevreau, D. Kremer, and A. Laquerriere-Lacroix (Paris: de Boccard, 2012), 191–205; Clifford Ando, *Law, Language, and Empire in the Roman Tradition* (Philadelphia: University of Pennsylvania Press, 2011), 1–18 and 115–31; Clifford Ando, "Fact, Fiction, and Social Reality in Roman Law," in *Legal Fictions in Theory and Practice*, ed. Maksymilian Del Mar and William Twining, Law and Philosophy Library (Cham: Springer International Publishing, 2015), 295–323, https://doi.org/10.1007/978-3-319-09232-4_14.

[10] Republican legislative fictions: e.g., the fiction of a prisoner of war's death before capture, under the *lex Corneliana* (*Dig.* 28.6.28, 49.15.18 and 22 pr., further discussed at *Dig.* 35.2.1 and 18 pr., and at *Dig.* 38.2.4.1); praetorian fictions: e.g., the fiction of completed usucaption under the *actio Publiciana* (Gai., *Inst.* 4.36), and the fiction of *civitas* that allowed non-Romans to sue and be sued in Roman courts (Gai., *Inst.* 4.37; Paul Krüger, *Geschichte der Quellen und Litteratur des Römischen Rechts* (Leipzig: Duncker & Humblot, 1888), 36 (text at n. 24); F. de Zulueta, ed., *The Institutes of Gaius* (Oxford: Clarendon Press, 1953), 237–38. Of course, legal fictions figured in the *ius civile* from an early period. Thomas, "Fictio Legis," 33–35.

[11] As in Andrea Lovato, "Giustiniano e la consummatio nostrorum digestorum," *Mélanges de l'École française de Rome. Antiquité*, no. 125–2 (December 2, 2013): para. 20, https://doi.org/10.4000/mefra.1842.

[12] See the comments of Jean Andreau, "Roman Law in Relation to Banking and Business," in *Ancient Economies, Modern Methodologies: Archaeology, Comparative History, Models and Institutions*, ed. Peter F. Bang, Mamoru Ikeguchi, and Harmut G. Ziche (Bari: Edipuglia, 2006), 210–11; Ando, *Law, Language, and Empire*, x.

[13] Ando, *Law, Language, and Empire*, chap. 1.

ends. Reticence in contextualising such fictions within the circumstances of their promulgation thus represents a missed opportunity, for the transmission of the *Novels* outside any official compilation has preserved valuable circumstantial information that, for the bulk of earlier materials, was shorn away in the editing.[14]

This study examines instances where Justinian's *Novels* employ the fiction that some past legal act is to be treated as not having occurred and as wiped from the record: i.e., "erased."[15] The categories of legal acts potentially subject to erasure naturally included private acts done in reliance on past law. Family law, the law of succession (wills and intestacy), contract law and other areas of Roman private law, especially, existed not only in the courtrooms but also in the everyday lives of citizens throughout the empire.[16] Repealing prior law thus entailed not just the theoretical concerns of lawyers in their studies but also the practical risk of upsetting the circumstances of real individuals who had used that law to organise

[14] Jill Harries, *Law and Empire in Late Antiquity* (Cambridge: Cambridge University Press, 2004), 25; Miller and Sarris, *Novels*, 1:14. Of course, some earlier materials survive in unedited (or less edited) form, such as various mid-fifth-century *Novels* and the constitutions preserved in the *Collatio* or the Sirmondian Constitutions. These survivals are invaluable for preserving those otherwise lost (see Robert M. Frakes, *Compiling the Collatio Legum Mosaicarum et Romanarum in Late Antiquity* (Oxford: Oxford University Press, 2011), 79–82) and for controlling the processes to which constitutions were subjected by their late antique compilers (see John Matthews, *Laying down the Law: A Study of the Theodosian Code* (New Haven: Yale University Press, 2000), chap. 6). In number, however, such survivals are dwarfed by the thousands of constitutions preserved only in edited codices.

[15] Techniques analogous to erasure were also used in compiling the *Codex*. See Simon Corcoran, "The Codex of Justinian: The Life of a Text through 1,500 Years," in *The Codex of Justinian: A New Annotated Translation*, ed. Bruce W. Frier et al., vol. 1 (Cambridge: Cambridge University Press, 2016), cx–cxvii. These uses fall outside the scope of this study as they present different issues by virtue of the nature of the compilation process, the mandates given to the editors, and the methods used to resolve inconsistency.

[16] The discussion of this phenomenon in John A. Crook, *Law and Life of Rome, 90 B.C. – A.D. 212* (Ithaca, New York: Cornell University Press, 1967) remains unsurpassed.

their lives, their families, and their affairs.[17] Just as importantly, however, erasure could also be applied to imperial legislation, including Justinian's own.[18]

Techniques of Transition

Roman law provided no ready-made general answer for the question of whether and how a new law might abrogate prior private legal acts. There existed an overarching conceptual distinction between *leges perfectae*, which invalidated specified actions, *leges minus quam perfectae,* which imposed fines but did not invalidate specified actions, and *leges imperfectae*, which did neither but left enforcement to an official.[19] But this tripartite distinction is unsatisfactory for at least two reasons. First, it overstates the extent of conceptual clarity manifested by actual legislative practice – a wide range of additional terms were in fact used to describe the legal effect of statutes, each different in wording and (often) effect from the other.[20] Secondly, even when taken on its own terms, the tripartite distinction leaves the temporal effect of the invalidating force of a *lex perfecta* unspecified: as from what date(s) are specified actions legally invalid?

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[17] The range of potential issues arising thus far transcends the litigation context and the question of whether a new law would reopen *res judicatae,* that is, past cases that were already the subject of judgment or settlement. A few examples will suffice. If a new law adds more stringent formal requirements, past wills drawn up to meet the laxer requirements would be invalidated if no provision were made to limit the new law's application to wills made after its date. See *Cod. Iust.* 6.23.29 (1 Mar. 531), still causing problems seven years later, when Justinian ratified non-compliant wills: *Nov.* 66 c.1.4 (1 May 538). Consider, too, the example of a new law broadening the range of persons whom a person may not marry due to close kinship (as in *Nov.* 154 c.1 (undated, likely 535–536)). If such a law were applied retroactively, existing marriages valid under pre-existing law would be invalidated, and the children of such marriages would cease to be considered legitimate. Unless adequate provision for transition were made, problems of this nature would arise irrespective of whether litigation had preceded the new law's adoption.

[18] By Justinian's reign, it had been clear for centuries that an emperor's legislative authority was plenary, including the power to repeal or amend earlier laws as he wished. *Dig.* 1.4.4; *Cod. Theod.* 1.1.5 (26 Mar. 429). Subsequent legislation was not the only means by which Roman statutes could become ineffective; neglect, too, was a powerful force. *Dig.* 1.3.32; *Nov.* 70 pr. (1 June 538).

[19] W. W. Buckland and Peter Stein, *A Text-Book of Roman Law from Augustus to Justinian*, 3rd ed., reprinted with corr. and add. (Cambridge: Cambridge University Press, 1975), 6n5; Max Kaser, *Roman Private Law: A Translation*, 4th ed. (Pretoria: University of South Africa, 1984), 61–62.

[20] Ludwig Mitteis, *Römisches Privatrecht bis auf die Zeit Diokletians*, vol. 1 (Leipzig: Duncker & Humblot, 1908), 236 ff.; H.F. Jolowicz, *Historical Introduction to the Study of Roman Law*, 2nd ed. (Cambridge: Cambridge University Press, 1932), 85.

Despite, or perhaps because of, this lack of a ready-made answer, Roman lawmakers were from an early stage attentive to the manner by which newly adopted laws would replace older ones and affect existing arrangements entered into in reliance upon them.[21] Justinian and his draftsmen were no exception, and many *Novels* carefully specify how they were to enter into force. In what one might call the "ordinary" case, a new law took effect as from the date of its promulgation or from a specified future date.[22] Once a new law took effect, conflicting provisions of older laws generally lost the force of law going forward.[23] That said, insofar as a new law applied only to the future, the ordinary case implied that past acts were to be governed by the laws in effect at the time they occurred.[24] In the words of a law of 544, "if, before this law, any transaction has taken place in accordance with old constitutions, we command that it is by all means to retain its old force."[25] While one might think it self-evident that a new law should apply only from its date of publication (or other specified date), the appearance of express provisions in several constitutions to that effect suggests otherwise, as do others that impose the principle as one of general application; in 542, it was evidently thought necessary to remind judges that the laws to be applied in appellate cases were those in force at the time of the original judgment, not later laws.[26]

As noted above, it is not only a new law's effect on prior laws that is important but also its effect on rights, statuses and other legal incidents created in reliance upon those prior laws. Many *Novels* evince an awareness of the dangers that could ensue in this regard by expressly preserving accrued rights and statuses. A law of

[21] For an example from the second century BCE that is particularly attentive to such issues, see the *Lex agraria,* in Michael H. Crawford, ed., *Roman Statutes*, Bulletin of the Institute of Classical Studies 64 (London: Institute of Classical Studies, School of Advanced Study, University of London, 1996), 1:113–180.

[22] *Nov.* 118 pr. (16 July 543) expresses the principle succinctly: τῶν προτέρων νόμων τῶν ὑπὲρ ταύτης τῆς αἰτίας τεθειμένων ἀργούντων τοῦ λοιποῦ ταῦτα μόνα παραφυλάττεσθαι ἅπερ νῦν διατυποῦμεν. Setting future date: *Nov.* 58 (3 Nov. 537). A grace period of 30 days from date of publication had long been a feature of Roman law (Clifford Ando, *Imperial Ideology and Provincial Loyalty in the Roman Empire* (Berkeley: University of California Press, 2000), 96–100) but Justinian had his own ideas. See, e.g., *Nov.* 66 (1 May 538), providing that new laws relating to inheritance would take effect only two months after publication.

[23] Often only implied, but expressly stated in *Nov.* 117 c.12 (18 Dec. 542) and *Nov.* 120 c.11 (9 May 544).

[24] This general principle long pre-dated Justinian. See, e.g., *Cod. Iust.* 1.14.7 (5 Apr. 440).

[25] *Nov.* 120 c.11 (9 May 544). For a more florid expression of the same idea, *Nov.* 22 c.1 (18 Mar. 536). See also *Nov.* 21 c.2 (18 Apr. 536); *Nov.* 38 pr.3 (15 Feb. 536); *Nov.* 76 c.1 pr. (15 Oct. 538); Miller and Sarris, *Novels*, 1:536n4.

[26] *Nov.* 115 pr. and c.1 (1 Feb 542).

539, for example, states: "the only reason that we have allowed [a constitution of Zeno] to remain enacted is so as not to take away, from those who may have benefited under that constitution, their benefit… Similarly, we shall not permit [the law] of Anastasius … to cause any trouble to our subjects in future; we are letting it lie, but solely so that any benefit there may be in store from it, for anyone, should not be seen as being abrogated by our laws."[27] Some *Novels* reveal a high degree of technical precision in distinguishing cases covered by the new law and those left to the old, such as a law of 538 that conditioned the rights of a remarrying widow's entitlement to property from her first marriage upon the relative timing of a recent law introducing a new rule and the date(s) of death of her children.[28]

Of course, the promotion of legal certainty was just one consideration among many, one that could be sacrificed to attain other ends. The legal effect of a new law thus could on occasion be left deliberately vague. One example is a provision of a 536 codification of the law of remarriage protecting the children of first marriages, which subjected the disposal of any part of that marriage's dowry or pre-nuptial gift by a parent to one or more conditions subsequent based on the date(s) of death of the children of that marriage. Whether a purported disposal was valid depended on the (non-) occurrence of subsequent events: the validity of a disposal thus could not be determined at the time it was made: "When an alienation has been made, the position remains in suspense, varying with subsequent events, the alienation either being totally invalidated outright, or being totally in force, or partly being invalidated and partly standing."[29] Moreover, the lawmaker could, on occasion, simply get it wrong. In one well-known instance, Justinian extended the period within which churches and related institutions could reclaim property formerly in their possession from 30 to 100 years.[30] As a result, churches could reclaim their former properties even where those properties had been in the possession of others for longer than the period that otherwise conferred ownership by prescription. The result of this reform was sadly predictable, as churches sued to reclaim properties that had been in possession of others for decades; within a few years, Justinian would have to bring the prescription period back down. In the

[27] *Nov.* 89 c.7 (1 Sept. 539). See also the sources cited in note 25 above, as well as *Nov.* 3 c.1 (16 March 535) (preserving existing appointments); *Nov.* 10 pr.1 (15 Apr. 535) (same).

[28] *Nov.* 68 c.1.1 (25 May 538).

[29] *Nov.* 22 c.26 (18 March 536). A similar suspensive mechanism appears in c.24 of the same law.

[30] *Cod. Iust.* 1.2.23 (28 Mar. 530), restated and extended to the western church by *Nov.* 9 (14 Apr. 535) as part of a program to get the ecclesiastical authorities of Rome onside for the planned reconquest of Italy. Miller and Sarris, *Novels*, 1:157n1. Marion Kruse, *The Politics of Roman Memory: From the Fall of the Western Empire to the Age of Justinian* (Philadelphia: University of Pennsylvania Press, 2019), 157 ff.

words of the correcting statute, "[I]t is as if the concealed scars of ancient wounds have been reopened."[31]

Useful Fictions

In the "ordinary" situation, then, where a new law applied as from a set date, the legal force of old laws remained intact for matters arising before that effective date. But this ordinary case was often unsuitable for the subject matter at hand. If, in the words of a rhetorical question appearing in a law from 538, "why should anyone legislate for the past?," the short answer is that, on occasion, the legislative objective required it.[32] For these situations, where the legislator for whatever reason wished to engage with prior law in some more complex fashion, Justinian's draftsmen had recourse to a variety of tools, among which legal fictions figured prominently.[33]

While many definitions of "legal fiction" are potentially serviceable for purposes of this analysis, Lon Fuller's well-known jurisprudential formulation has the benefits of both lucidity and simplicity: "A legal fiction is either (1) a statement propounded with complete or partial consciousness of its falsity or (2) a false statement recognized as having utility."[34] The key feature of Fuller's definition of legal fictions is that they work no deception, as their contrafactual nature is openly acknowledged. Roman law had long made use of such fictions to solve some difficulty in the practical application of the law.[35] These difficulties could be evidentiary, jurisdictional, or of some other character, but what they had in common is that they entailed no falsehood: Roman law fictions did not assert that X was Y, but merely that X and Y would have "symmetrical consequences."[36]

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31 *Nov.* 111 pr. (1 June 541).

32 *Nov.* 73 c.9 (4 June 538).

33 Related tools, such as the use of presumptions and deemings, are outside the scope of this study.

34 Lon L. Fuller, *Legal Fictions* (Stanford, California: Stanford University Press, 1967), 9. For an alternative definition from a pragmatist perspective, see Douglas Lind, "The Pragmatic Value of Legal Fictions," in *Legal Fictions in Theory and Practice*, ed. Maksymilian Del Mar and William Twining (Cham: Springer International Publishing, 2015), 83–109, https://doi.org/10.1007/978-3-319-09232-4_5. Even Lind (at 87) concedes that Fuller's definition suffices for purposes of Roman legal fictions. For a defence of the continued usefulness of Fuller's definition against modern challenges, see Nancy J. Knauer, "Legal Fictions and Juristic Truth," *St. Thomas Law Review* 23 (2010): 70–120.

35 See notes 9 and 10 above.

36 Peter Birks, "Fictions Ancient and Modern," in *The Legal Mind: Essays for Tony Honoré*, ed. Neil MacCormick and Peter Birks (Oxford: Clarendon Press, 1986), 95–99.

Analytically, the fictions of Roman law might be grouped in any number of ways. The medieval jurists employed Aristotle's categories.[37] More recently, Clifford Ando has suggested a classification of devices based on modes of cognition, namely analogy, fiction, and abstraction.[38] For purposes of examining legal erasures, however, Yan Thomas' twofold distinction between fictions expressed positively and those expressed negatively provides a useful starting point.[39] This classification is one of verbal form: positive fictions are those that treat something that did not happen in the past as though it did, while negative fictions are more radical in that they treat something that (really) happened in the past as though it did not. But these two categories should perhaps be viewed as points on a spectrum rather than as exclusive categories, as illustrated by the intermediate case of "interpretations", whereby something that happened in the past is treated as having happened in some manner different than it really did.

Positive Fictions

Whilst only negative fictions effect "legal erasure" of some past circumstance, it is worth surveying the use by Justinian's draftsmen of legal fictions both positive and negative to illustrate the range and flexibility of legal fictions as tools of sixth-century legislative technique.[40] The field of banking law provides an example of a positive fiction in a provision of a law of 535 stating that a bank lender funding the purchase of property pursuant to a written loan contract would be

[37] Thomas, "Fictio Legis," 21.

[38] Clifford Ando, *Roman Social Imaginaries: Language and Thought in Contexts of Empire*, The Robson Classical Lectures (Toronto: University of Toronto Press, 2015), 35 ff. But in the hands of the jurists the distinction between fiction and analogy, at least, was not strictly maintained. Kaser, *Roman Private Law*, sec. 3.IV.2.

[39] It has the additional benefit of being the only classification discernible on the face of the Roman legal sources. Thomas, "Fictio Legis," 22 ff. Of course, some of the Roman legal fictions most discussed in the literature could be framed in either positive or negative terms, as in the case of the fictions of the *lex Corneliana* (note 10 above). Cf. *Dig.* 49.15.22 pr. (*si … in hostium potestatem non pervenissent*) and *Dig.* 49.15.16 (*retro creditur in civitate fuisse*).

[40] The positive fictions discussed in this section and the negative ones discussed in the next appear in *Novels* promulgated throughout Justinian's long post-compilation reign. Such fictions unsurprisingly appear often in the many *Novels* surviving from the *floruit* of Tribonian, but they also appear in *Novels* issued during the quaestorship of Tribonian's successor Junillus (*Nov.* 119 (20 Jan. 544) and *Nov.* 123 (1 May 546)), of his successor Constantinus (*Nov.* 129 (15 June 551)) and of his successors, too (*Nov.* 134 (1 May 556) and *Nov.* 143 (21 May 563)). Given the long history of legal fictions as a tool of Roman law-making, it is not surprising that they were not the preserve of any individual *quaestor* but an instrument within the common toolkit of all.

treated as if (ὡσανεὶ) he had purchased it himself.[41] *Novels* addressing family law also provide several examples, such as one allowing Samaritans who converted to "orthodoxy" to inherit equally with their Christian siblings, as if (ὡς ἂν εἰ) they had always been "orthodox."[42] The intersection of family law and laws governing the church is particularly rich in examples on account of the many legal issues arising from the decision of a family member to enter a monastery or otherwise pursue a "conversion to a better way of life."[43] As so often the case with late Roman family law, the questions of disposition of dowry and pre-nuptial gift figured prominently. We thus have many constitutions providing that a spouse answering

[41] *Nov.* 136 c.3 (1 Apr. 535) (τὸ πρᾶγμα τὸ ἐκ τῶν χρημάτων αὐτῶν ὠνηθὲν προσκυροῦσθαι αὐτοῖς, ὡσανεὶ ταῖς μὲν ἀληθείαις παρ' αὐτῶν ἀγορασθέν). The precise nature of the right conferred by this provision (ownership vs. hypothec) is the subject of much commentary, both ancient and modern. While both the *Breviarum* of Theodore of Hermopolis (no. 136 c.4 [= Carolus Eduardus Zachariä, ed., *Theodori Scholastici Breviarum Novellarum* (Leipzig: Barth, 1843), 150]) and Julian's *Epitome* (no. 118, ¶ 502 c.3 [= Gustavus Haenel, ed., *Iuliani Epitome Latina Novellarum Iustiniani* (Leipzig: Hinrichsium, 1873), 165]) speak in terms of hypothec where the loan contract is written, the *Syntagma* of Athanasius (§ 15.3.3 [= Dieter Simon and Spyridōn N. Trōianos, eds., *Das Novellensyntagma des Athanasios von Emesa* (Frankfurt Main: Löwenklau, 1989), 414]) speaks rather in terms of ownership (ὡσανεὶ ἔτυχεν αὐτὸς εἰς ἴδιον πρόσωπον τὴν ἀγορασίαν ποιησάμενος). All three ancient professors alike, however, discuss the matters addressed by *Nov.* 136 c.3 in practical terms of preference vis-à-vis competing creditors: Theodore (ἔχει προγενεσίαν ὑποθήκς ἐπὶ τῷ ἀγορασθέντι .... προτιμώμενος ὅλων τῶν ἐχόντων ὑποθήκην); Julian (*omnibus aliis in eadem re praeferatur*); Athanasius (προτιμάσθω and, for unwritten loan contracts, μὴ δυναμένων τῶν ἄλλων δικαίῳ τῆς ἰδίας ὑποθήκης ἀποσπᾶσαι αὐτά) (emphases supplied). For modern discussion, see Fritz Pringsheim, *Der Kauf mit fremden Geld: Studien über die Bedeutung der Preiszahlung für den Eigentumserwerb nach griechischem und römischem Recht* (Leipzig: von Veit, 1916), 153, 159 ff.; Antonio Díaz Bautista, *Estudios sobre la banca bizantina: negocios bancarios en la legislación de Justiniano* (Murcia: Universidad de Murcia, 1987), 100–105; Giovanni Luchetti, "Banche, banchieri e contratti bancari nella legislazione giustinianea," *Bullettino dell'Istituto di Diritto Romano* 33–34 (1991–92): 458–62; N. Van der Wal, *Manuale Novellarum Iustiniani: Aperçu systématique du contenu des Nouvelles de Justinien*, 2nd ed. (Groningen: Chimaira, 1998), para. 730; Jan H. A Lokin, "Revendication, propriété et sûreté dans le droit justinien," *Subseciva Groningana: Studies in Roman and Byzantine law* 7 (2001): 25–34. Regardless of whether these provisions of *Nov.* 136 c.3 grant rights of ownership or of hypothec, they operate by way of the fiction that the creditor has remedies not expressly provided for in the contract of indebtedness.

[42] *Nov.* 129 c.3 (15 June 551). The convert was not *pari passu* in all respects with those of his siblings who had been Christian since childhood, inasmuch as profits attributable to his or her time as a Samaritan were forfeit. Separately, though the *paratitla* to the *Epitome* of Julian remark that this constitution *innovat* (Haenel, *Iuliani Epitome*, 208), the specific permission granted to inherit upon conversion was prefigured by *Cod. Iust.* 1.5.18 c.8 (of 529?). While that constitution limited inheritance to orthodox children, it barred inheritance to those who remained heterodox (τῶν μεινάντων ἑτεροδόξων), a formulation that implies the possibility of inheritance following conversion.

[43] The expression is from *Nov.* 22 c.5 (18 Mar. 536) (πρὸς τὴν ἐπὶ τὰ κρείττω μεταβαῖνον ὁδόν).

a spiritual call in this manner would be treated as though he or she had died for purposes of asset allocation.[44]

Perhaps the most prevalent type of positive legal fiction in the *Novels*, however, is the crudest, namely backdating – i.e., giving a law retroactive effect by adopting the fiction that it was adopted earlier than it really was. This technique entails the invalidation of past private legal acts inconsistent with the new law, even if such acts were valid under the laws in force when taken. The risks of upsetting existing legal relations created in reliance on pre-existing law in such circumstances are manifest. Even though he was aware of these risks, Justinian sometimes went ahead anyway, including or perhaps especially in circumstances where the backdating upset his own prior legal acts. These attempts at backdating were not always successful, as his legislation on Armenia shows. In 535, Justinian had sought to make all Armenia subject to the full sweep of Roman private law. The law by which he did so provided that its effects were to be backdated to the beginning of his reign.[45] The result was litigation and uncertainty; within a year, he would have to backtrack, limiting the backdating of the law solely to the start of the then-current tax-year.[46] In the words of the correcting statute, "Needlessly reworking what happened longer ago and going back into the past is more a matter of confusion than of legislation."[47]

It was not just the emperor who could seek to impose the fiction that his laws applied retroactively. Private litigants, too, could do so, or at least seek to persuade judges to do so, where they spotted some advantage that might accrue to themselves under a new law. A law of 537 on *coloni adscripticii* provides an instructive example. The *Codex* of 534 had included a constitution of Justinian to the effect that the children of fathers who were *coloni adscripticii* and mothers who

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[44] *Cod. Iust.* 1.3.52 c.15 (27 Nov. 531); *Cod. Iust.* 1.3.54 c.4 (533 or 534); *Nov.* 5 c.5 (17 Mar. 535); *Nov.* 22 c.5 (18 Mar. 536). These provisions achieve the "symmetrical consequences" of Roman legal fiction (see text at note 36 above) without the typical Greek lexical operand (ὡς ἄν εἰ and its variants), in favour of providing that the assets are to be dealt with *per casum mortis*. Theodore of Hermopolis is careful to Hellenize the Latin term in his discussion of *Nov.* 123 c.40 (*Breviarum,* no. 123 c.77 [= Zachariä, *Breviarum*, 131] (ὑπόκειται τῷ ἀπὸ τελευτῆς CASφ)).

[45] *Edict* 3 c.1.1 (23 July 535) (θεσπίζομεν τόνδε τὸν νόμον κρατεῖν ἀπὸ καιροῦ τῆς εὐσεβοῦς ἡμῶν βασιλείας). It is perhaps indicative of how crude the technique of backdating is that its conceptual fiction is expressed lexically, in both this edict and its repeal (see next note), not by ὡσανεί or the like but by a raw assertion of legislative power (θεσπίζομεν κρατεῖν).

[46] *Nov.* 21 c.2 (18 Apr. 535) (ταῦτα τοίνυν ἅπαντα κρατεῖν … θεσπίζομεν … ἀρχόμενα ἐκ προοίμιον τῆς παρούσης τεσσαρεσκαιδεκάτης ἐπινεμήσεως).

[47] *Nov.* 21 c.2 (18 Apr. 535) (τὸ γὰρ καὶ τὰ παλαιότερα περιεργάσασθαι καὶ πρὸς τοὺς ἄνω χρόνους ἀνελθεῖν συγχύσεως μᾶλλον ἢ νομοθεσίας ἐστίν).

were free should enjoy the mother's status.[48] This constitution had reversed the prior legal position, under which the child instead inherited the semi-free status of the father. The result was that *coloni adscripticii* with free mothers brought suit to confirm their own status as free, including some born prior to the date of the constitution in the *Codex*. In 537, Justinian quashed these attempts to apply his law retroactively, disappointing the hopes of those "who have tried to interpret the law in such a stupid, or criminal way."[49]

Further along the spectrum of legal fictions is the technique of interpreting – or, euphemistically, "clarifying" – old laws in new ways. This technique involves the fiction that statutory provisions have always had a meaning newly given to them, one different to what had previously been understood. One clear, if unsympathetic, example of the technique of interpretation comes from late in the emperor's reign. *Novel* 143 deprived a woman of any claim to the property of a man who had raped her (to which she would, if free-born, otherwise be entitled) in the unfortunate situation where she went on to marry him.[50] The statute accomplished this end by providing that one of Justinian's earlier statutes should be interpreted "as if (*tamquam si*) [it] had been promulgated with such interpretation from the outset," emphasizing that it was to govern cases both future and past.[51] Of course, clarifications of this kind entailed the risk of rendering invalid private legal acts made in reliance on the interpretation prevailing at the time they were entered into. Such was in the case of a law of 542 that had the effect of invalidating oral guarantees (ἀντιφωνήσεις/*constituta pecuniae*) in circumstances where the oral statement had been phrased impersonally.[52] Such guarantees, if marred by the

[48] *Cod. Iust.* 11.48.24 (date uncertain).

[49] *Nov.* 54 pr. (1 Sept. 537). Similar attempts by private litigants to seek retroactive application of laws favourable to them are visible in Justinian's legislation on a widow's entitlement to dowry where her children pre-decease her. *Nov.* 68 (25 May 538).

[50] *Nov.* 143 (21 May 563).

[51] *Nov.* 143 c.1, construing *Cod. Iust.* 9.13.1 c.1f (17 Nov. 533) (*Quam interpretationem non in futuris tantummodo casibus, verum in praeteritis etiam valere sancimus, tamquam si nostra lex ab initio cum interpretatione tali promulgata fuisset*). While the marrying woman would have been in violation of the constitution in the *Codex* in any event, the effect of casting the effect of the *Novel*'s provision on entitlement to property back retroactively by 30 years was sufficiently notable for Athanasius to highlight it. Athanasius, *Syntagma,* § 11.5 [= Simon and Trōianos, *Novellensyntagma*, 380] (Τὴν δὲ παροῦσαν νομοθεσίαν, οἰαδὴ ἑρμηνεύουσαν τὰς ἐν τῷ κώδικι διατάξεις, οὐκ ἀπὸ τοῦ νῦν, ἀλλ' ἐκ τῆς ἐκείνων θέσεως κρατεῖν παρακελεύεται).

[52] *Nov.* 115 c.6 (1 Feb. 542). The resolution of disputes over such guarantees that had already been the subject of judgment or settlement were expressly preserved as *res judicatae. Nov.* 115 ep. But the new formal requirements would apply with full force to all (the presumably more numerous) *constituta* made but not yet subject to litigation, as well as to all those where litigation

newly devised formal defect of impersonal phrasing, were to be treated as if the would-be guarantor had not made them (ὡσανεὶ μηδὲν εἰπόντα).[53]

Negative Fictions, Including Erasures

It is the other type of legal fiction, the negative, that can accomplish "legal erasure." This term refers to the legislative technique by which a new law, though cast in terms of present application, treats past rights as not having accrued, past actions as not having been taken, or past laws as not having been passed. Erasure by legal fiction is just one of many legislative techniques available for denying legal validity to private legal acts.[54] But the fiction is particularly helpful where validity is being denied to acts done under colour of technical compliance with law in force at the time they were done. The area of banking law affords an example. By their nature, banking activities afforded scope for fraud, a circumstance prompting repeated legislative intervention by Justinian.[55] Instances of outright fraud were easy enough to deal with via the fiction that the fraudulent act had not occurred, as in the case of an edict from 542.[56] Among other things, this edict dealt with

had commenced but not yet come to judgment or settlement. The latter point, at least, was deemed sufficiently important to warrant mention by both Julian and Athanasius. Julian, *Epitome,* no. 107 c.7, ¶ 377 [= Haenel, *Iuliani Epitome*, 128]; Athanasius, *Syntagma,* § 7.8.13 [= Simon and Trōianos, *Novellensyntagma*, 248].

[53] The field of banking law perhaps provides an example of a different kind of fiction in Justinian's *Novels* interpreting provisions of the *Codex* prohibiting interest payments in excess of the principal amount of a loan (payments *ultra duplum*). This prohibition had long formed part of Roman law but it seems that installment payments did not count against the limit. *Cod. Iust.* 4.32.10 (undated, attributed to Caracalla). Justinian's own constitution on the subject (*Cod. Iust.* 4.32.27 (1 Apr. 529)) reaffirmed the prohibition on payments *ultra duplum* without mentioning installment payments, thus raising the possibility that the inclusion of *Cod. Iust.* 4.32.10 in the *Codex* meant that such payments would continue not to count against the limit. The ambiguity was likely deliberate. Mariagrazia Bianchini, "La disciplina degli interessi convenzionali nella legislazione giustinianea," in *Studi in onore di Arnaldo Biscardi*, vol. 2 (Milan: Istituto Editoriale Cisalpino, La Goliardica, 1982), 399–409. In *Nov.* 138 (undated) and again in *Nov.* 121 (15 Apr. 535), Justinian would emphatically state that interim payments did count against the limit, saying that the meaning of his earlier constitution was "*manifestissima*." It was anything but that, and his assertion to the contrary was itself a fiction, if not necessarily a legal one.

[54] For an example of erasure of past private acts implemented otherwise than by the way of legal fiction, see *Nov.* 123 c.2.1 (1 May 546), which nullified guarantees given in support of bribes promised to acquire church office (πᾶσαν ἀσφαλείαν … ἀργεῖν θεσπίζομεν). The provision goes on to penalize those who accept such guarantees but not, interestingly, those who make them.

[55] Anti-fraud measures to protect creditors were of course not new to Justinian. See the extracts grouped under *Dig.* 42.8.

[56] *Edict* 7 (1 Mar. 542).

the problem of debtors who divested themselves of property purchased with borrowed money by transferring possession to a third party so that the property would be unavailable to lenders when they sought repayment. Justinian denied legal effect to such fraudulent transfers, allowing lenders to seek recovery as if (ὡς) the property remained with the debtor.[57] The debtor's transfer was, in effect, erased. Family law provides another example aimed at dealing with fraudulent transactions – now those to the detriment of wives rather than of creditors – in a law of 556 providing that when a wife affixed her husband's consent signature to a loan document, the loan was to be treated as if (ὡς ἂν εἰ) "never having been written" unless it could be demonstrated that the loan proceeds were spent for the wife's own use.[58] And the intersection of family law and laws governing the church also furnishes examples of fictions of the negative type. A law of 546 provides that, where a testamentary disposition was conditioned on marriage or producing children, it was to be treated "as if never written" (ἀντὶ μηδὲ γεγραμμένον εἶναι) where the recipient answers a spiritual call.[59]

If erasures are thus an economical way of depriving past private acts of legal validity, erasures of past laws present more complex issues, touching upon how the lawmaker viewed his own legislative activity.[60] One example is a law of 539 that sought to correct a prior legislative measure that had been invoked to bar mothers from serving as guardians of their own children due to potential conflicts of interest between them. When it came to mothers (only), the situation was "to be

[57] *Edict* 7 c.7 (ὡς τοῦ χρεώστου τυγχανόντων).

[58] *Nov.* 134 c.8 (1 May 556). Inasmuch as the fiction could be disapplied by making the requisite demonstration of how the loan proceeds were spent, this example might also be classified as an example of a (rebuttable) presumption. It thus serves as a useful reminder of the fluidity of boundaries between different legislative techniques.

[59] *Nov.* 123 c.37. This rule had been preceded by a similar provision of a constitution issued by Justinian in 531, codified at *Cod. Iust.* 1.3.52 cc.13–14, which disapplied testamentary conditions for producing children for the benefit of ascetics, virgins, and clergy. The fiction of the law of 546 was nevertheless deemed worthy of note by Julian. *Epitome,* no. 115, ¶ 484 [= Haenel, *Iuliani Epitome*, 161] (*tales conditiones irritas et pro non scriptis esse*). Cf. Athanasius, *Syntagma,* §1.2.56 [= Simon and Trōianos, *Novellensyntagma*, 44.] (Σβέννυται πᾶσα ὑποκατάστασις καὶ ἀποκατάστασις ὑπὸ αἵρεσιν γάμου ἢ παιδοποιΐας γενομένη). Of course, the question of whether a condition expressed in the will might, for reasons of illegality or immorality, invalidate the entire will or instead be disregarded had long vexed Roman law. See, e.g., *Dig.* 28.7.14 (*pro non scriptis habetur*); Elmar Bund, "Die Fiktion 'pro non scripto habetur' als Beispiel fiktionsbewirkter interpretatio," in *Sein und Werden im Recht*, ed. Walter G. Becker and Ludwig Schnorr von Carolsfeld (Berlin: Duncker & Humblot, 1970), 353–80. I thank an anonymous reviewer for the reference to Bund's study.

[60] For the fascinating, if earlier, example of a law incorporating the fiction of its own non-existence, see Gai., *Inst.* 3.56, discussed at Ando, "Fact, Fiction, and Social Reality in Roman Law," 317.

just as if (ὡς ἂν εἰ) the law on this had not in fact been enacted at all."[61] The area of banking law provides a much more thoroughgoing instance of legal erasure, where it is not just a single provision of a prior law but an entire *Novel* that is wiped from the record.[62] The matter relates to maritime loans, a complex area of Roman law that Justinian sought to reform in September 540, ostensibly in response to lobbying by two individuals engaged in the business of making such loans.[63] The details of the reform are beyond the scope of this study, but as one might expect from a new law prompted by creditor lobbying, *Novel* 106 was as unfavourable to borrowers as it was favourable to lenders. The regime introduced by *Novel* 106 had the effect of multiplying the net interest cost of such loans to borrowers several times over.[64] The new law was a mistake and, some eight months later, Justinian withdrew it. In the abashed words of *Novel* 110, "The way in which we wish the matter to proceed is as if (ὡς εἰ) the said law had, in fact, not ever been laid down."[65]

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[61] *Nov.* 94 c.1 (11 Oct. 539) (excepting mothers from the scope of *Nov.* 72 cc.1–4) (οὕτω τὰ ἐπ› αὐταῖς εἶναι, ὡς ἂν εἰ μηδὲ τὴν ἀρχὴν ἐτύγχανεν ὁ νόμος ἐπὶ τούτῳ γεγραμμένος). One may wonder what the effect of the retroactivity here was in practice, beyond protecting third parties by ratifying actions taken by mothers (improperly) acting as guardians after adoption of *Nov.* 72 but in accordance with previous practice.

[62] *Nov.* 110 (26 Apr. 541) (abrogating *Nov.* 106 (7 Sept. 540)).

[63] *Nov.* 106, replacing the interest-rate cap applicable to maritime loans established by *Cod. Iust.* 4.32.26 c.2 (Dec. 528), discussed at Gustav Billeter, *Geschichte des Zinsfusses: Im griechisch-römischen Altertum bis auf Justinian* (Leipzig: Teubner, 1898), 351; Grégoire Cassimatis, *Les intérêts dans la législation de Justinien et dans le droit byzantin* (Paris: Recueil Sirey, 1931), 53; Ivano Pontoriero, *Il prestito marittimo in diritto romano* (Bologna: Bononia University Press, 2011), 159–83. *Nov.* 106 usefully reminds us that many legal innovations of the period stem not from the deliberations of legal experts but from more prosaic sources.

[64] See this author's "The Corrupting Sea Loan: Justinian's Failed Regulation of Pecunia Trajecticia" (M.A. thesis, Budapest, Central European University, 2019), http://www.etd.ceu.edu/2019/rockwell_david.pdf. For earlier commentary, see Hermann Kleinschmidt, *Das Foenus Nauticum und dessen Bedeutung im römischen Recht* (Heidelberg: J. Hörning, 1878), 29; Karl S. Zachariä von Lingenthal, "Aus und zu den Quellen des römischen Rechts," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte (romanistische Abteilung)* 13 (1892): 31–36; Heinrich Sieveking, "Das Seedarlehen des Altertums" (Leipzig, Leipziger Juristenfakultät, 1893), 46; Arnaldo Biscardi, *Actio pecuniae traiecticiae: contributo alla dottrina delle clausole penali*, 2nd ed. (Torino: Giappichelli, 1974), 54–56; Gianfranco Purpura, "Ricerche in tema di prestito marittimo," *Annali del Seminario Giuridico dell'Università di Palermo* 39 (1987): 318–28; Pontoriero, *Prestito*, 159–83.

[65] *Nov.* 110 c.1 (26 Apr. 541) (καὶ οὕτω βουλόμεθα τὸ πρᾶγμα προϊέναι, ὡς εἰ μηδὲ γραφεὶς ἐτύγχανεν ὁ εἰρημένος νόμος).

Here we have true *damnatio legis*, whereby a law formerly put forward is abrogated *ab initio*, as if it had never existed.[66] Underscoring the erasure's effect, the repealing statute provided that maritime loans entered into under the reform law were not to be judged under the terms of the legal regime in force at the time the contract was entered into; rather, the laws previously in force (i.e., before the reform of 540) were to apply to them.[67] Now, the time between the promulgation of the *Novel* 106 and its repeal by *Novel* 110 ran in parallel with the "low" season, when sailing in the Mediterranean was considered unsafe.[68] As a result, few maritime loans may have been entered into while *Novel* 106 was in force. But the fact that the otherwise extremely terse *Novel* 110 makes special provision for how such loan contracts were to be adjudicated suggests that their number was not zero. One may wonder whether the lenders who made such loans would have extended them had they known that the Justinian's reform law and its higher permitted interest rate would soon be erased.

Before leaving the discussion of erasure, it is interesting to note the class of legal prohibitions in the *Novels* that purport to treat future law-making as a nullity.[69] The tendency for private parties to seek, and invoke, "specific" laws (rescripts or pragmatic sanctions) to derogate from more general laws was one that emperors had long struggled against.[70] Such practices made it difficult to ascertain

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66 The *damnatio* operated at the level of legal practice, not of legal education. *Nov.* 110 deprived *Nov.* 106 of all effect and did so retroactively, but the ancient professors passed knowledge of it along to their students. The technique of "erasing" an entire constitution sufficiently impressed Julian that he mentions it multiple times in space of two brief entries. Julian, *Epitome,* no. 99, ¶ 360 (*pro non scripta … penitus deleta est, quasi nec scripta, nec promulgata fuisset*) and no. 103, ¶ 365 (*quasi omnino nec scripta nec posita esset*) [= Haenel, *Iuliani Epitome*, 120 and 122, respectively].

67 *Nov.* 110 c.1 (26 Apr. 541).

68 The ships of the *annona* did not sail from November to April (*Cod. Theod.* 13.3.3) and, in the fourth century at least, the sailing season ran from 27 May to 14 September of each year for galleys and from 10 March to 10 November for sailing ships, with the periods from 10 March to 26 May and from 14 September to 10 November considered fraught with risk. Veg. *Mil*. 4.39. See Lionel Casson, *Ships and Seamanship in the Ancient World* (Baltimore: Johns Hopkins University Press, 1995), 270n3 John Pryor, "Shipping and Seafaring," in *The Oxford Handbook of Byzantine Studies*, ed. Elizabeth Jeffreys, John F. Haldon, and Robin Cormack (Oxford: Oxford University Press, 2008), 483.

69 I disregard for these purposes those laws that treat future private legal acts as nullities. E.g., *Nov.* 7 pr. pr. (15 Apr. 535); *Nov.* 22 c.27 (18 Mar. 536). Such formulations function not as erasures but as mere prohibitions.

70 See, e.g., *Cod. Theod*. 1.2.11 (6 Dec. 398); *Cod. Iust.* 1.14.2 and 3, 1.19.7 and 1.22.5 (each 6 Nov. 426); and *Cod. Iust.* 1.22.6 (1 July 491[?]); A. H. M. Jones, *The Later Roman Empire, 284-602: A Social, Economic, and Administrative Survey* (Norman, Okla.: University of Oklahoma Press, 1964), 1:472.

what law actually applied in any particular case and, unless kept strictly in check, threatened to undermine the coherence of the legal regime as a whole.[71] Justinian sought to restrain these tendencies in several *Novels* that purport to nullify future legal acts even if done by the emperor himself. Thus, his 535 restatement of the law on church property purported to invalidate any future pragmatic sanctions granting exemptions from generally applicable law.[72] Similarly, laws on courtroom procedure purported to render future specific laws ineffective as against general laws by which future cases were to be judged.[73] We may doubt that these efforts were effective.[74] An emperor would not necessarily be aware of all such measures that might be taken in his name.[75] And even if he were, it is unlikely that a future emperor – or even Justinian – would consider himself bound by such limits.[76]

Of Legislation and Legitimacy

The preceding discussion of legal fictions used to change or erase past laws might give the impression that Justinian embarked upon radical legal reforms in the *Novels*. That impression would be correct but it would also be incomplete. Some *Novels* continued in the same vein as the great codification, whereby Justinian – to a greater extent than his predecessors, even Theodosius II – sought to stamp his authority over the entire Roman legal *acquis.* But other *Novels* reveal a more cautious aspect, one more concerned to be seen as curating the inherited legal tradition. At least part of the reason for this lies in the attitudes of the elites toward Justinian's governance project.

The emperor's penchant for innovation was not universally welcomed. The empire's traditional elites, especially those in the capital, viewed him as a *parvenu*, and incessant legal change threatened those with vested interests in

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[71] Detlef Liebs, "Roman Law," in *The Cambridge Ancient History: Late Antiquity: Empire and Successors*, ed. Averil Cameron, Bryan Ward-Perkins, and Michael Whitby, vol. XIV, The Cambridge Ancient History (Cambridge: Cambridge University Press, 2000), 233–34.

[72] *Nov.* 7 c.9 (15 Apr. 535).

[73] *Nov.* 69 c.4 (1 June 538) (denying force to privileges, powers and directives save for the emperor's own pragmatic sanctions) and *Nov.* 113 c.1.1 (22 Nov. 541) (denying force to those pragmatic sanctions, too).

[74] The situation is analogous to the inability of any U.K. Parliament to bind its successors.

[75] See *Nov.* 55 c.1 (dismay at transactions with the sovereign being used to evade Justinian's own ban on disposals of ecclesiastical properties); *Nov.* 113 c.1.1 (emperor not necessarily aware of all pragmatic sanctions issued in his name).

[76] E.g., *Nov.* 119 c.10 (20 Jan. 544) (rendering the purported future erasure in *Nov.* 55 c.1 inoperative).

maintaining the *status quo*. These groups were more inclined to praise acts characterised as restorations than as innovations, which they were quick to equate with oppression.[77] Their objections had weight due to an ambiguity in the relationship between emperors and the law. From the time of the classical jurists at least, Roman statutes had derived their force from the emperor as the empire's ultimate legislative authority.[78] But as Charles Pazdernik has highlighted, in Late Antiquity the Roman emperor also derived at least some aspects of his own legitimacy from the laws – his respect for them, his observance of them, and his conservation of the tradition they represented.[79] The question of whether the emperor was in fact subject to the laws was of course purely theoretical in the absence of any competing source of power that could enforce it against him.[80] Still, claims of compliance with law could helpfully bolster claims to legitimacy.[81] An emperor who too visibly strayed from his role as guardian of the laws risked loss of legitimacy in the eyes of the elites who placed (or claimed to place) great value upon it. It was they who could shape the emperor's reputation, whether as worthy successor to Augustus and Constantine or as illegitimate usurper, both in his lifetime and after his death.[82] The accumulated weight of the Roman legal

[77] See, e.g., John Lydus, *De mag.* 2.19 (ἴδιον δὲ τυράννων ἀνατρέπειν τὰ πάλαι καθεστηκότα), 2.28, 3.1, 3.55; Procop., *Hist. Arc.* 11.1–2, 8.26, 18.12, and 30.21; Michael Maas, *John Lydus and the Roman Past: Antiquarianism and Politics in the Age of Justinian* (London: Routledge, 1992), 79–82; Peter N. Bell, *Social Conflict in the Age of Justinian: Its Nature, Management, and Mediation* (Oxford: Oxford University Press, 2013), 273; M. Shane Bjornlie, *Politics and Tradition between Rome, Ravenna and Constantinople: A Study of Cassiodorus and the Variae 527-554* (Cambridge: Cambridge University Press, 2013), 102–8, 113–21 and esp. 216–21; Kruse, *Politics*, 121, 135, 143, 147. The phenomenon was not new. Harries, *Law and Empire*, 25–26.

[78] *Dig.* 1.4.1 pr. (Ulpian, for the (dubious) reason that the populace had delegated its legislative power to the emperor); Gai., *Inst.* 1.5 (equally dubiously, because the emperor's *imperium* was conferred by statute); Jolowicz, *Historical Introduction*, 374–76.

[79] Charles Pazdernik, "Justinianic Ideology and the Power of the Past," in *The Cambridge Companion to the Age of Justinian*, ed. Michael Maas (Cambridge: Cambridge University Press, 2005), 189–90.

[80] Agapetus, 27, and note 41 *ad loc.* in Peter N. Bell, trans., *Three Political Voices from the Age of Justinian: Agapetus, Advice to the Emperor; Dialogue on Political Science ; Paul the Silentiary, Description of Hagia Sophia* (Liverpool: Liverpool University Press, 2009), 109. See also Tony Honoré, "Roman Law AD 200–400: From Cosmopolis to Rechtstaat?," in *Approaching Late Antiquity*, ed. Simon Swain and Mark Edwards (Oxford: Oxford University Press, 2006), 110n3, https://doi.org/10.1093/acprof:oso/9780199297375.001.0001.

[81] Gilbert Dagron, *Emperor and Priest: The Imperial Office in Byzantium*, trans. Jean Birrell (Cambridge: Cambridge University Press, 2003), 19.

[82] See Pazdernik, "Justinianic Ideology," 189 and, with more emphasis on the concerted (though by no means uniform) nature of responses to Justinianic propaganda, Kruse, *Politics*, 219.

tradition thus served as a check on an emperor's power, albeit one that operated indirectly.

Read against this backdrop, the great codification may not constitute quite so monolithic an assertion of Justinian's authority as it is sometimes made out to be. To be sure, the various introductory constitutions purport to repromulgate all constitutions in the *Codex* and grant the force of law to all materials in the *Digest* on Justinian's own authority.[83] But however extensive the substantive changes made by the editors may (or may not) have been, the resulting codifications reflected, and purported to reflect, the inherited corpus of Roman law and jurisprudence. The constitution promulgating the *Digest* thus speaks not in terms of introducing a wholly new regime but of slimming down and freshening up old laws weighed down by age, and of the emperor's "reverence for antiquity."[84] And though the constitutions of the *Codex* were deemed reissued on Justinian's authority, they nevertheless preserve their original dates of promulgation and the names of the emperor promulgating them.[85] Even more revealingly, the *Digest* reports the author, work and book from which each of its thousands of citations is extracted.[86] It is submitted that these inclusions were not mere *lagniappe* but instead freighted with rhetorical purpose. The codification's promulgation was indeed momentous as an assertion of imperial authority, but what it asserted authority over was the inherited tradition, one that had its own legitimizing force, both for that assertion of authority and for Justinian's reign more generally.[87] If, in the context of the codifications, forward-looking claims of innovation featured prominently, backward-looking claims to conservation of tradition were also made. One may cite as examples the many instances where innovations appear under the guise of

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[83] *Const. Cordi* 3–4; *Const. Deo auctore* 6–7*; Const. Tanta* 23. Recent scholarship has made much of this assertion. See Yann Rivière, "Petit lexique de la « réforme » dans l'œuvre de « codification » de Justinien: (Autour de la constitution *Deo auctore*)," *Mélanges de l'École française de Rome. Antiquité*, no. 125–2 (December 2, 2013), https://doi.org/10.4000/mefra.1822; Humfress, "Law and Legal Practice," 168–70; Pazdernik, "Justinianic Ideology," 198–202.

[84] *Const. Tanta* pr. (*leges antiquas iam senio pergravatas per nostrum vigilantiam praebuit in novam pulchritudinem et moderatum pervenire compendium*); c.10 (*Tanta autem nobis antiquitati habita est reverentia*).

[85] Not, sadly, with any great accuracy, at least in what has come down to us. Noel Lenski, "Note on the Dating of Constitutions," in *The Codex of Justinian: A New Annotated Translation*, ed. Bruce W. Frier et al. (Cambridge: Cambridge University Press, 2016), xciv–xcvi.

[86] *Const. Tanta* 10 (*ut nomina prudentium taciturnitati tradere nullo patiamur modo: sed unusquisque eorum, qui auctor legis fuit, nostris digestis inscriptus est*).

[87] For discussion of Justinian's task in asserting the legitimacy of his rule, see Bell, *Social Conflict*, chap. 6.

reinstating past circumstances,[88] and the important concession of principle that, even though an emperor was above the law, he nonetheless lived by it.[89]

These conflicting forces are even more visibly at work in the *Novels* than in the codifications. This is not merely because the *Novels* were not snipped of all circumstantial material by the editors of an official compilation.[90] Inasmuch as they were issued over a period of three decades, the *Novels* also provide a more extended glimpse of Justinian's long reign.[91] They present a more complex picture of Justinian as lawmaker than merely one of restless innovator. To be sure, upon promulgation of both the *Digest* in December 533 and the second version of the *Codex* in December 534, Justinian certainly intended to continue to innovate, to keep up with what he perceived as nature's endless changes in need of new legislative solutions.[92] And, to the extent true innovation can be securely identified,[93] many *Novels* demonstrate his success in effecting it.[94] In 537, he could

[88] See, e.g., *Inst. Iust.* 3.2.3b (*omnia reducentes et ad ius duodecim tabularum eandem dispositionem exaequantes*), discussed at Humfress, "Law and Legal Practice," 170–71. On the phenomenon more generally, see Bell, *Social Conflict*, 310 ff.

[89] *Inst. Iust.* 2.17.8 (*'licet enim' inquiunt [Severus et Antoninus] 'legibus soluti sumus, attamen legibus vivimus'*), discussed at Honoré, "Roman Law AD 200–400," 110 and 131. See also *Cod. Iust.* 6.23.3 (22 Dec. 232) (*licet enim lex imperii sollemnibus iuris imperatorem solverit, nihil tamen tam proprium imperii est, ut legibus vivere*).

[90] An official compilation of Justinian's post-codification legislation was contemplated in 534 (*Const. Cordi* 4) and ordered in 554 (*Appendix* 7 c.11), but none was prepared.

[91] The *Novels* that have come down to us are by no means evenly distributed over time. See note 6 above. Nor should we assume that they constitute a representative sample of the entirety of Justinian's legislation during his reign or any period thereof. The early 20th-century confidence of Pierre Noailles to the contrary reflects his careful limitation of scope to *leges generales*, occluding from view the innumerable rescripts, pragmatic sanctions and other legal instruments that would have much to teach us about Justinian's legislative technique. See Pierre Noailles, *Les collections de nouvelles de l'empereur Justinien* (Paris: Recueil Sirey, 1912), 1:144–145. For observations on the incompleteness of laws included in the *Codex* and the Theodosian Code, see Simon Corcoran, *The Empire of the Tetrarchs: Imperial Pronouncements and Government, AD 284–324*, revd. ed (Oxford: Clarendon Press, 2000), 11–12.

[92] *Const. Tanta* 18 (*humani vero iuris condicio semper in infinitum decurrit et nihil est in ea, quod stare perpetuo possit (multas etenim formas edere natura novas deproperat)*); *Const. Cordi* 4 (*nisi postea varia rerum natura aliquid novum creaverit, quod nostra sanctione indigeat*).

[93] Not always an easy task. See the discussion (strictly relating to the Theodosian Code but of potentially wider applicability) at Sebastian Schmidt-Hofner, *Reagieren und Gestalten: der Regierungsstil des spätrömischen Kaisers am Beispiel der Gesetzgebung Valentinians I* (München: C. H. Beck, 2008), 30–35.

[94] See, e.g., the law of succession, where Justinian binned centuries of doctrine by abolishing the preference given to agnates on intestacy. *Nov.* 118 (16 June 543); Charles Pazdernik, "Justinian's Novels and the Law of Succession," in *Confrontation in Late Antiquity: Imperial Presentation and Regional Adaptation*, ed. Linda Jones Hall (Cambridge: Orchard Academic, 2003), 47–59.

even seek to present himself as the "living manifestation of the law," taking a concept that earlier had been used for an emperor's power of pardon and invoking it as a mandate for legislative change.[95]

But an examination of other *Novels* reveals a more variegated picture, one in which the "legitimizing power of the past" (to use Pazdernik's formulation)[96] did not just enable the emperor's innovatory inclinations but also constrained them. This more complex picture reflects the circumstance that, several points of his reign, Justinian's hold on power was precarious.[97] As Peter Bell has pointed out, reliance on force alone was no viable strategy for long-term security of the regime, so the emperor faced an ongoing need to assert the legitimacy of his rule.[98] Through a range of endeavours encompassing among other things territorial reconquest, a closer alliance between emperor and church, and administrative reform, Justinian sought to renew the sources of the empire's strength and, crucially, to be seen to be doing so as a means of underscoring the legitimacy of his own hold on power.[99] However much the literary culture of the sixth-century empire was indebted to the Greek tradition, in matters of politics and administration, it was the Roman past that remained the lodestar of imperial identity.[100] As that past had established the emperor as guardian of the laws, law-making played a key role in the formation of imperial identity and the (re)production of imperial legitimacy. In a large empire characterized by slow, limited means of communication, the propaganda possibilities of legislation were too promising to be ignored.[101]

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[95] *Nov.* 105 c.2.4 (28 Dec. 537) (νόμον ἔμψυχον); Themist., *Or.* 19, 228a4; Michael Maas, *John Lydus and the Roman Past: Antiquarianism and Politics in the Age of Justinian* (London: Routledge, 1992), 12–13 and n.15.

[96] Pazdernik, "Justinianic Ideology," 186.

[97] Not merely at the time of the Nika riots, but also recurrently following the many disasters that marked his reign, conveniently listed at Mischa Meier, *Das andere Zeitalter Justinians: Kontingenzerfahrung und Kontingenzbewältigung im 6. Jahrhundert n. Chr.* (Göttingen: Vandenhoeck & Ruprecht, 2003), 656–70. See Bell, *Social Conflict*, 275–86.

[98] Bell, *Social Conflict*, 272–73.

[99] Bjornlie, *Politics and Tradition*, 217.

[100] Sviatoslav Dmitriev, "John Lydus and His Contemporaries on Identities and Cultures of Sixth-Century Byzantium," *Dumbarton Oaks Papers* 64 (2010): 27–42.

[101] As was the case for Valentinian, Constantius, and others. Sebastian Schmidt-Hofner, "Ostentatious Legislation: Law and Dynastic Change, AD 364–365," in *Contested Monarchy: Integrating the Roman Empire in the Fourth Century AD*, ed. Johannes Wienand (Oxford: Oxford University Press, 2015), 67–99; Ando, *Imperial Ideology*, 117–19; O. F. Robinson, *The Sources of Roman Law: Problems and Methods for Ancient Historians* (London: Routledge, 1997), 122. For discussion of Justinian's *Novels* as propaganda for a new vision of the empire, one emancipated from a traditionally minded bureaucracy, see Bjornlie, *Politics and Tradition*, 254–56.

Law thus figured prominently in Justinian's communications of his political objectives. These objectives are customarily discussed under the rubric of *renovatio imperii,* the renewal of empire or, if one may adapt one of John Lydus' rare turns of phrase, restoring to Rome that which belonged to Rome.[102] If much recent scholarship has emphasized that *renovatio* points toward a program of innovation, it has perhaps given less weight to the ambiguity inherent in the term. While *renovatio* might be used to justify innovation, it also looked backward insofar as promised restoration of at least some aspects of a glorious past.[103] This ambiguity suggests that it was from time to time useful to invoke curation of legal tradition, rather than innovation, as the reason for new legislation.[104] Every new law thus posed the question of how to present it: as a slight modification to the august pre-existing legal regime? As an entirely new initiative, sweeping away the old in favour of the bold and the new? Or somewhere in between? Of course, having that choice was a benefit in political terms. The ability to appeal to the mutually contradictory rhetorics of innovation and curation allowed for many possibilities to tap into the support of different constituencies of support as topic and circumstance might demand.

The *Novels* reflect this ambiguity. Justinian could show boldness when an appearance of innovation was desired, preening himself on his alacrity to correct old laws for the benefit of his subjects.[105] But many *Novels* take pains to emphasize that they preserve past law. A pragmatic sanction of 542 thus declares, in words that the emperor perhaps wrote himself and may even have believed, if only for a moment, "it has always been our Serenity's concern to preserve the ancient order to the greatest extent" and "[w]e are merely the guardians and champions of antiquity."[106] Many *Novels* make a show of leaving the pre-existing legal regime in place, with any innovation carefully cloaked in the guise of adaptation to new

[102] John Lydus, *De mag.* 3.55 (τῇ δὲ Ῥώμῃ τὰ Ῥώμης ἀπέσωσεν).

[103] An ambiguity Justinian's contemporaries noticed but were unable to reconcile. Averil Cameron, *Procopius and the Sixth Century* (London: Routledge, 1985), 247–48.

[104] John Lydus, at least, was amenable to such appeals. See *De mag.* 3.1, echoing Justinian's claims.

[105] E.g., *Nov.* 127 pr. (1 Sept. 548) and also cc.1 and 2*; Nov.* 22 pr. (18 Mar. 536).

[106] *Appendix* 3 (29 Oct. 542); (*semper nostrae serenitati cura fuit servandae vetustatis maximae disciplinae … Nos tutores tantum sumus vetustatis et vindices*). On the authorship, see Honoré, *Tribonian*, 24–25, 120. For doubts, see Wolfgang Kaiser, "Authentizität und Geltung Spätantiker Kaisergesetze: Studien zu den Sacra priviliegia concilii Vizaceni," Münchener Beiträge zur Papyrusforschung und Rechtsgeschichte 96 (München, C. H. Beck, 2007), 133–34n36.

circumstances.[107] In some of these instances, such as a law of 539 restating various laws on illegitimate offspring, the stated aim is merely to restate scattered existing laws on a particular subject (again, with some more or less substantial modification) in a single place for ease of reference.[108] For some of the *Novels* that purport to leave an existing regime in place with only minor modification, the changes made were in fact quite limited – these could take the form of an exemption from a rule that otherwise retained general applicability, as in the exemption granted to the Church of the Holy Resurrection in Jerusalem from the ban on disposals of church property.[109] In other cases, however, the changes were more far-reaching, straining the credibility of the new law's claim that it effects only a minor change, as in the case of a law of 538 that "limited" new rules for authenticating written documents to cities.[110] Another example is the law of 541 that gutted the 100-year prescription period for ecclesiastical property set by Justinian in 535 while purporting to "conserv[e], with a necessary amendment, the privilege that was provided under [the 535 law]."[111] And, in a few instances, the new law's insistence that it leaves pre-existing legislation in force is so emphatic as to raise the question of whom the legislator is trying to persuade.[112]

If the trope of conserving pre-existing laws was sufficiently plastic that it could be used as cover for laws introducing different degrees of innovation, that plasticity was not infinite. The ingenuity of clever officials might mitigate the substantive constraint by identifying – or inventing – suitable precedents, but the power of the past nevertheless exerted a strong grip on how new laws were presented. Such was the case with the series of laws on provincial administration from the mid-530s, which restored supposedly ancient titles by reference to

[107] E.g., *Nov.* 39 c.1 (18 Apr. 536) (Διά τοι τοῦτο τὸν παρόντα τίθεμεν νόμον, τὰ μὲν ἄλλα πάντα τῆς πρώην παρ' ἡμῶν τεθειμένης διατάξεως κύρια μένειν βουλόμενοι). See also *Nov.* 22 cc.33, 46 and 47.1 (18 Mar. 536); *Nov.* 123 pr. (1 May 546). On occasion, the wording of the prior law is expressly repeated. *Nov.* 7 ep. (15 Apr. 535) (repeating terms of *Cod. Iust.* 1.2.14 (470)).

[108] *Nov.* 89 pr. (1 Sept. 539); see also *Nov.* 120 pr. (9 May 544).

[109] *Nov.* 40 (18 May 536), expressly preserving the restrictions of *Nov.* 7 (15 Apr. 535). For a further example expressly preserving existing law with only minor modification, see *Nov.* 84 c.1.2 (18 May 539).

[110] *Nov.* 73 c.9 (4 June 538).

[111] *Nov.* 111 pr. (1 June 541), modifying *Cod. Iust.* 1.2.23 (28 Mar. 530) and *Nov.* 9 (14 Apr. 535).

[112] See, e.g., *Nov.* 49 c.1 pr. (18 Aug. 537) (πάντων τῶν λοιπῶν τῶν ἐπὶ ταῖς ἐφέσεσι γεγραμμένων νόμων κυρίων ὄντων, τῶν τε ἐπὶ ταῖς προθεσμίαις τῶν τε ἄλλων. τοῦτον γὰρ δὴ τὸν νόμον …τίθεμεν, οὐδὲν τῶν ἄλλων νόμων ἢ χρόνων τῶν ἐφετικῶν οὔτε ἀναιροῦντες οὔτε ἀμείβοντες, κυρίους μὲν οὖν αὐτοὺς καὶ διὰ τοῦδε τιθέντες τοῦ νόμου) and similar expressions in pr.1 and c.2.

fictitious historical accounts set forth in the prefaces.[113] Even the gutting of the office of the consulship could be presented in the guise of preserving it.[114] But the very fact that recourse was so often made to the principle of preserving existing law is revealing: Appeals for restoration of past greatness, even in curated form, entailed that Rome's legal past could not be presented as a thing wholly to be dispensed with. Thus, we have several *Novels* where the weight of legal tradition was such that the prefaces explain the rationale for the new law-making in terms that are diffident, defensive, or even embarrassed. This is the case even where a new law might be thought unobjectionable because it was aimed at putting a stop to abuses that had recently come to light, such as a constitution of 537 that sought to protect those who lay dying from violent debt-collection measures.[115] Defensiveness on the part of the legislator is particularly evident in areas of law that Justinian revisited frequently, such as family law.[116] A law of 538 thus claims that, in his frenetic pace of new law-making, the emperor is merely emulating the practices of the past.[117] In another instance, allusion is made to the late antique trope of the two cities to complain of the changeability of everything having to do with the earthly one.[118] And many *Novels* convey an image of exasperation, even helplessness, at having to legislate anew, with the blame for repeated interventions attributed to "nature", "human nature" or even just "life."[119] Of course, at least some of the need to return repeatedly to the same points was due to Justinian's

[113] *Nov.* 25 (18 May 535); *Nov.* 26 (18 May 535); *Nov.* 27 (18 May 535); *Nov.* 28 (16 July 535); *Nov.* 29 (16 July 535); *Nov.* 30 (18 Mar. 536); *Nov.* 31 (18 Mar. 536), discussed at Michael Maas, "Roman History and Christian Ideology in Justinianic Reform Legislation," *Dumbarton Oaks Papers* 40 (1986): 17–31; Kruse, *Politics*, 80–101. These prefaces fall outside the scope of this study because, while they are fictional, they are not legal fictions inasmuch as they provide no rule of decision.

[114] *Nov.* 105 (28 Dec. 537); Kruse, *Politics*, 114.

[115] *Nov.* 60 (1 Dec. 537); Humfress, "Law and Legal Practice," 175.

[116] The emperor was aware of his proclivities to revisit the same points again and again: many *Novels* expressly contemplate their own evanescence. S. Puliatti, "'Eas quas postea promulgavimus constitutiones': Sui rapporti Novellae-Codex nella prospettiva giustinianea," in *Novellae Constitutiones: L'ultima legislazione di Giustiniano tra oriente e occidente da Triboniano a Savigny*, ed. Luca Loschiavo, Giovanna Mancini, and Cristina Vano (Naples: Edizioni Scientifiche Italiane, 2011), 1–24.

[117] *Nov.* 74 pr. (5 June 538).

[118] *Nov.* 98 pr. (16 Dec. 539).

[119] Nature: *Nov.* 69 c.4.1 (1 June 538); *Nov.* 73 pr. (4 June 538); *Nov.* 74 pr. (5 June 538); *Nov.* 84 pr. (18 May 539); *Nov.* 107 pr. (1 Feb. 541). Human nature: *Nov.* 39 pr. (18 Apr. 536). Life: *Nov.* 49 pr. (18 Aug. 537). See Giuliana Lanata, *Legislazione e natura nelle novelle giustinianea* (Napoli: Edizioni Scientifiche Italiane, 1984), 165–88; Bjornlie, *Politics and Tradition,* 256–57.

failures to foresee the consequences of his own initiatives.[120] In all these examples, we see the emperor (or his draftsmen) responding to perceived pressures in the presentation of new legislation as measures to conserve legal tradition even while adapting it to new circumstances.

Legal Fictions and the (Re)Production of Legitimacy

Viewed as techniques of presentation, legal fictions, too, may look forward or backwards. The positive fictions of Roman law have long been viewed as instruments of conservatism, insofar as they permitted the extension of existing law to new circumstances without any formal change to it.[121] The more radical, negative fictions, however, are difficult to square with such a characterisation inasmuch as they do not merely conjure a (fictional) circumstance into being but deny the existence of one that in fact does exist.[122] Legal erasures are thus by their nature more suited for rhetorical modes of innovation than for those of conservatism. This is especially the case where the object of the erasure is itself a prior law, because erasure is useful only in those circumstances where there is little or no benefit to being seen as preserving aspects of the legal tradition worth preserving. Few things evince less respect for a tradition than imposing a (wholly transparent) fiction that certain acts constituting it simply had not occurred.

Thus, if one accepts that in at least some instances Justinian was constrained in his law-making by the need to tap into the legitimacy conferred by the long tradition of Roman law, his ability to use erasure and the other kinds of legal fiction was in principle limited. These legislative techniques were suitable only to circumstances where their use presented no danger of sweeping away some old law that, by virtue of its antiquity, was swathed in the aura of legitimacy provided by Roman law's long legacy. And Justinian's use of these legal fictions generally, and of erasures in particular, in fact conforms to the limits that this principle entails. As noted in the discussion of the various cases of erasure and negative legal fictions above, the law that is being erased or clarified via legal fiction is in nearly every case one of Justinian's own and thus, of necessity, of relatively recent date – in the case of the repeal of *Novel* 106 by *Novel* 110, just eight months old. That is, erasure was not used in the *Novels* for the purpose of pretending that older laws with some claim to antiquity never existed; rather, it was used only for those laws that had

[120] A circumstance he himself conceded. *Nov.* 60 pr. (1 Dec. 537).

[121] This point has long been recognized. See, e.g., Henry Sumner Maine, *Ancient Law: Its Connection with the Early History of Society, and Its Relation to Modern Ideas* (New York: Holt, 1864), chap. 2.

[122] Thomas, "Fictio Legis," 22 ff.

no such claim. Erasure and similar legal fictions did not preclude Justinian from seeking to tap into whatever source of legitimacy the legacy of Roman law could provide. Rather, these techniques were used by him only in circumstances where the legitimacy conferred by antiquity was not in play.

It is axiomatic that the present cannot change the past. But as this study shows, that axiom is not universally true, at least when it comes to law-making. Justinian's draftsmen had numerous techniques for not just modifying the current and future effects of past acts, but also for modifying the past itself, compelling his subjects to treat past legal acts – whether pre-existing legislation or private legal acts – in accordance with some legal fiction. Erasure represented the most radical type of legal fiction employed for these ends. In its most extreme example, where the emperor wiped from the record one of his own recent laws in its entirety, the erased legislation may have existed on papyrus or parchment. But after its erasure, it no longer existed as a matter of practice and, what is more, it never had existed. Legal erasure thus afforded a way for the Roman lawmaker to transcend the border between past and present, the boundaries of which can, in the hands of a creative lawyer like Tribonian, be more porous than is commonly credited.

DECODING A SOURCE-BASED DILEMMA: THE OCCUPATION OF JERUSALEM BY SASANIDS IN 614 CE AND THE MAKING OF A SACRED LANDSCAPE

Osman Yuksel Özdemir

Introduction: Historical Context and Research Questions

After the deposition of Emperor Maurice (582–602), the Sasanid Emperor Khusrow II (?–628) began his campaign against the Byzantine Empire under the pretense that the current Emperor Phocas (547–610) had acquired the throne illegitimately and the son of Emperor Maurice, Theodosius, had asked for his help. This campaign transformed into what is now called "The Last Great War of Antiquity (602–628)." The Sasanid Empire was able to dive deep into Asia Minor in the north and conquer Egypt together with Palestine in the south. One of the highlights of the war was the fall of Jerusalem to the Sasanid Empire, which was dramatically depicted in the written sources.[1]

Contemporary written sources generally describe a massive loss of lives together with the significant destruction that would change the landscape of Jerusalem's public and religious spaces. Today, thanks to the archeological work over the past decades, it is understood that although the peripheries of the city including the city walls were subjected to destruction, other religious spaces noted in several narrative sources remained unharmed. This contradiction between contemporary narrative sources and archeological data has led me to ask the following questions: Why was there such emphasis on the destruction of religious and public spaces in the textual depictions of the occupation of Jerusalem? What did Jerusalem and the Holy Land mean for the authors who described the occupation in the seventh-century written sources? Why did they feel the need for such dramatic descriptions?

My hypothetical answer lies in the notion of public and religious spaces in and around Jerusalem. The so-called "spatial turn" has provided the field of historical studies with a perspective that includes the material environment of the events that took place. As it will be shown, space is no longer a simple container for events but is also an element for the creation of personal and collective identity.

[1] This article is a revised version of the first chapter of my master's thesis: Osman Yüksel Özdemir, "Decoding a Source-Based Dilemma: The Occupation of Jerusalem by the Sasanids in 614 CE," (master's thesis, Central European University, 2022).

In the same way, I argue that contemporary written sources that described the events did not use the topography of Jerusalem as a mere container for the events. In fact, especially the public and religious spaces of Jerusalem were used as an object in the narrative that was directly affected by the actions of the various subjects. By understanding the importance they attached to these spaces, we can obtain a better understanding of contemporary seventh-century authors.

Sources

A number of contemporary written sources are available for the occupation. Unfortunately, to the best of my knowledge, there are no Sasanid sources on the event apart from the *Chronicle of Khuzistan,* which might come from within the Sasanid territory but is in fact a Christian source. The rest of the written sources are also Christian sources. Two sources in particular are geographically and chronologically closest to the event. The first is the account of Antiochus Strategos, a seventh-century monk from the Mar Saba monastery. The account was probably in circulation during the 630s, following the return of the Holy Cross to Jerusalem in 630.[2] Although the account is originally written in Greek, it is available only from the Georgian and Arabic translations.[3] Instead of considering it a historiographical work, Strategos' account should rather be considered a lamentation, which, nevertheless, provides insight into a local monk's perceptions of Jerusalem. The second source is from approximately the same time frame and belongs to Sophronius (ca. 560–638), a monk and the future patriarch of Jerusalem. Sophronius composed 22 Greek poems in the classical Anacreontic meter to celebrate liturgical feasts. Within this corpus, there is also a lamentation on the capture of Jerusalem and two other poems on the city's holy places.[4]

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[2] Glen W. Bowersock, *Empires in Collision in Late Antiquity* (Waltham, Massachusetts: Brandeis University Press, 2012), 36.

[3] Frederick C. Conybeare, "Antiochus Strategos' Account of the Sack of Jerusalem in 614," *English Historical Review* 25 (1910): 504–506. For the edited Georgian text together with Latin translation, see Gérard Garitte, ed., *La prise de Jérusalem par les Perses en 614*, CSCO, vol. 202–203 (Louvain: Secrétariat du Corpus SCO, 1960).

[4] For the text on the capture of Jerusalem, see: Marcello Gigante, ed. and trans., *Sophronii Anacreontica*, Opuscula: testi per esercitazioni accademiche 10–12 (Roma: Gismondi, 1957), 102–107. For the other two poems: Herbert Donner, ed., *Die anakreontischen Gedichte Nr. 19 und Nr. 20 des Patriarchen Sophronius von Jerusalem*, Sitzungsberichte der Heidelberger Akademie der Wissenschaften, Phil.-hist. Klasse, Bericht 10 (Heidelberg, 1981).

The Making of a Sacred Landscape

My aim is to present the development of religious spaces both in the urban space of Jerusalem and in the surrounding natural topography, and to locate the notions of this development within the seventh century written sources describing the Sasanid occupation of Jerusalem in 614 CE. It appears that the bundle of religious spaces constituted nodes of sacrality which, when considered together, formed a lively sacred landscape where the urban space of Jerusalem was dominated by religious buildings, religious processions, pilgrims, and resident Christians in the form of mainly monastic circles. It goes without saying that not all the population was Christian. However, my focus will be on Christians of various regions and their overall perception of Jerusalem and its environs.

I will give a brief account of the transformation of the urban space of Jerusalem and the surrounding natural topography from the so-called Roman army camp Aelia Capitolina to the Holy Land in terms of religious buildings.[5] Then, I will discuss some particular architectural and natural topographic elements of certain religious buildings that were constructed during the reign of Constantine I (306–337), and continue with other later religious buildings of note that contributed to this transformation. I will also discuss the identification of the said buildings with the urban landscape of Jerusalem displayed on the so-called Madaba Mosaic Map[6] and the apse mosaic of Santa Pudenziana in Rome.[7] Lastly, I will explain how the identification of religious buildings re-defined and dominated the urban space in question.

Transformation of Urban Space from Aelia Capitolina to the Holy City: Transformation under Constantine I

Understanding how imperially sanctioned religious buildings dominated the landscape and the perception of this urban space requires what the said imperial building programs dominated. Thus, a brief account of the establishment of the colony Aelia Capitolina is appropriate. After the destruction of Jerusalem by the Romans (70 CE), the Herodian Jewish city was destroyed, its inhabitants were scattered, and the tenth legion established its military camp on the site. Eventually the emperor Hadrian

5 Weksler-Bdolah, "Aelia Capitolina," in *Routledge Handbook on Jerusalem*, ed. Sulaymān Murad, 'Alī Naomi Koltun-Fromm, and Bedross Der Matossian (New York: Routledge, 2019), 47.

6 Victor Roland Gold, "The Mosaic Map of Madaba," *BAL* 21, no. 3 (1958): 50–71.

7 Gregory T. Armstrong, "Imperial Church Building in the Holy Land in the Fourth Century," *BAL* 30, no. 3 (1967): 90–102.

(117–138) built a new city replacing the Herodian Jerusalem centered on the military camp.[8] The new city assumed its position as a colony named Aelia Capitolina. Aelius was the family name of the emperor Hadrian, whereas Capitolina indicated that the new settlement was dedicated to the Capitoline Triad, composed of Jupiter, Juno, and Minerva. The landscape of the new city was smaller than the Herodian city and different in shape.[9] Romans removed almost everything that was characteristic of the Herodian Jerusalem. What remained was a part of the western city wall, which was incorporated into the Roman army camp, and the Temple Mount complex, whose destruction posed an apparent challenge for them. Although not destroyed, the Temple Mount complex was transformed into a civic and religious center. The Greek historian Cassius Dio (?–229) recounts that a new temple dedicated to Jupiter was raised in the Temple Mount complex.[10] The new city was founded upon a plan that included straight-lined streets running parallel to each other both on a north-south and east-west axis, which resulted in frequent intersections. This plan was also used by the later Byzantines. With its colonnaded streets, public buildings, baths, and temples, this was a Roman city severing ties with its Jewish past.[11] The destruction of the city's Jewish character gave the Constantinian imperial authorities a sort of a "blank canvas" where they could reinvent the city's Christian character according to their aims.

The new Christian outlook of the city was developed with varying degrees of intensity between the fourth and sixth centuries. It is noteworthy that, throughout these centuries, the Temple Mount complex was desolate. The surge of changes in the landscape of Jerusalem started with Constantine I's reign. Even before devising and launching the building program, Jerusalem's unique position was acknowledged by the imperial office. During the Council of Nicaea, the bishopric of Jerusalem was granted a status of honor, although hierarchically it was still under the ecclesiastical jurisdiction of Caeserea

8 For the Herodian Jerusalem, see Orit Pelet-Barkat, "Herodian Jerusalem," in *Routledge Handbook on Jerusalem*, ed. Sulaymān Murad, 'Alī Naomi Koltun-Fromm, and Bedross Der Matossian (New York: Routledge, 2019), 34–47.

9 For a map of Aelia Capitolina, see Weksler-Bdolah, "Aelia Capitolina," 48.

10 Dio Cassius 69.12; for the English translation, see Dio Cassius, *Roman history*, vol. 8, Books 61–70, trans. Earnest Cary and Herbert Baldwin Foster, Loeb Classical Library 176 (London: W. Heinemann, 1914), 447–449.

11 Robert Louis Wilken, *The Land Called Holy: Palestine in Christian History and Thought* (New Haven: Yale University Press, 1992), 53.

Maritima.[12] Constantine's victory over his co-emperor Licinius (308–324) enabled him to extend his authority to the eastern parts of the empire, including Palestine. After consolidating the imperial power, he turned his attention towards Jerusalem by way of building programs. His particular focus was on the urban space of Jerusalem and Bethlehem. This focus is hardly surprising, as they are intricately interwoven with the New Testament narrative. The Church of the Nativity was placed upon a cave on Bethlehem, commemorating the incarnation of God where Christ was born. The places of the crucifixion, burial, and resurrection of Jesus were commemorated by the erection of the Martyrion Church and the Anastasis (the rotunda over the tomb of Jesus) which formed the Holy Sepulcher complex. The Eleona Church was erected in the place where the final meeting of Christ and the disciples had taken place on the Mount of Olives.[13] As we understand from Constantine's letter to Macarius, the bishop of Jerusalem, the buildings were constructed in a way to reflect the imperial splendor.[14] The letter also indicates the high degree of the emperor's personal involvement in the matter. The personal involvement of the imperial office may also be inferred from the fact that Constantine's mother Helena went on a pilgrimage in the same time frame, possibly for overseeing the process of church building.[15]

From an architectural point as well, the buildings offered some significant novelties. All three buildings had large atria in front of the main church building. An atrium constituted a closed space which directed the visitor's attention either inside the church or outside, constituting a preparatory space for the pre- or post-experience of the visit.[16] Furthermore, both the Holy Sepulcher compound and the Church of the Nativity had five aisled congregation spaces for various church ceremonies that were separate from the memorial site which featured shrine architecture. Thus, the church space for prayer and the memorial space

[12] Council of Nicaea, Canon 7: "Since custom and ancient tradition have prevailed that the Bishop of Aelia [sc. Aelia Capitolina, that is, Jerusalem] should be honored, let him (saving the due dignity to the Metropolis [sc. Caesarea Maritima]) have the next place of honor." For the full list of Canons, see Philip Schaff and Henry Wace, eds., *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church*, Second series, vol. 14, *The Seven Ecumenical Councils* (London: T&T Clark, 1899), 2–42.

[13] Armstrong, "Imperial Church Building," 91.

[14] Eus., *VC* III.31–32 = Eusebius, *Life of Constantine*, ed. and trans. Averil Cameron and Stuart Hall (Oxford: Clarendon Press, 1999), 134–135.

[15] Jan Willem Drijvers, *Helena Augusta: the mother of Constantine the Great and the legend of her finding of the true cross* (Leiden: E.J. Brill, 1992), 63.

[16] Ute Verstegen, "Byzantine Jerusalem," in *Routledge Handbook on Jerusalem*, ed. Sulaymā n Murad, ʿAlī Naomi Koltun-Fromm, and Bedross Der Matossian (New York: Routledge, 2019), 68.

were physically separated. The space dedicated to the memorials was surrounded by an ambulatory that continued around the revered sites and would direct the stream of visitors first inwards, then outwards.[17] These architectural details reflect that the buildings were constructed primarily to function as active churches for congregations; secondly, they were to be spaces that would invoke memory and, thus, were meant to be visited.

Transformation of Urban Space from Aelia Capitolina to the Holy City: Notable Transformation before the Sixth Century

After Constantine I's reign, through the second half of the fourth century, personal endeavors were also made to sacralize the holy places via buildings, as Constantine had done before. Of course, the imperial authority encouraged especially the endeavors of local bishops by offering them various subsidies. The most potent example was the Church of the Apostles of Saint Sion located on Mount Zion, which correlated to the south-west corner of the city. The new church was not an entirely new construction but rather an enlarged version of a church that already stood there. The church was termed as the "mother of all churches" as it was built on the spot believed to be the place where the apostles had gathered during Pentecost.[18] Other churches that require a brief mention here are the Gethsemane Church on the Mount of Olives, where Christ had prayed on the night of his arrest and the Imbomon Church (Gr. "on the hill"), which was consecrated on the spot believed to be the place of Christ's Ascension.[19] The erection of religious buildings was closely connected to Christ's life, death, and passion. However, towards the fifth and sixth centuries, two churches were significant additions to the religious network of buildings, which were not directly connected with the story of Christ. First, the Church of Saint Stephen, which was financed by empress Aelia Eudokia (401–460), wife of emperor Theodosius II, during her stay in Jerusalem. The church was located to the north of the city just outside the Damascus Gate and held the bones of the deacon and first martyr Saint Stephen. It was the first church to be erected for a saint, not for remembering a place related to Christ.[20] The second is the Nea Church built by the emperor Justinian I (527–565). It was dedicated to the Theotokos (Gr. "mother of God"), reflecting the debates regarding Mary's theological place. The church had larger dimensions than the previous churches in

17 Armstrong, "Imperial Church Building," 94.

18 Armstrong, "Imperial Church Building," 99–100.

19 Armstrong, "Imperial Church Building," 100.

20 Verstegen, "Byzantine Jerusalem," 70–71.

the area. Its scale was designed to accommodate the high number of pilgrims and monks visiting the city on feast days. Besides the personal choice of benefactors and imperially oriented theological aims, the main reason for divergence from commemorating places related to the story of Christ is probably the inflation of such commemorations. In fact, some instances of commemoration had more than one place associated with them. For example, there were three locations associated with the last supper: Eleona Church, the Church of Saint Sion, and a cave at the foot of the Mount of Olives.[21]

Not only did the numerous religious buildings physically dominate the urban space of Jerusalem, but they also altered how the borders of the urban space were perceived. The Church of Saint Sion was included in the old city, which was now centered around the Church of the Holy Sepulcher after the Byzantine city walls had incorporated Mount Zion into the city, thus expanding the urban space southwards. Located to the east of Mount Zion, the Nea Church also strengthened this southward expansion. Furthermore, although they were physically outside the urban borders, the bundle of commemorative buildings on the Mount of Olives and the Church of Saint Stephen established two nodes of sacrality to the east and north of the city, which were attached to the urban space, thus incorporating the hinterlands of the city to the urban space as well.[22]

Identification of Religious Buildings with Urban Space

The physical domination of the urban landscape (which now also included the hinterlands) by the commemorative establishments was associated with the identification of the urban landscape and religious buildings. This is represented in two works of art. The first is the so-called Madaba Map, found in the settlement of Madaba located to the south-west of Amman in Jordan. The map was discovered in 1896 and, although controversial, it is dated to the mid-sixth century.[23] It shows the main pilgrimage sites between the south of the Jordan River all the way to the Nile Delta, at the same time expanding to Kerak in the east.[24] The representation of Jerusalem on a cartouche placed in the center of the map depicts a circular fortified cityscape with the words "The Holy City of Jerusalem" (Gr. "Η ΑΓΙΑ

[21] Verstegen, "Byzantine Jerusalem," 72.

[22] For the Map of Jerusalem in Byzantine period, see Verstegen, "Byzantine Jerusalem," 66.

[23] Gold, "The Mosaic Map of Madeba," 50.

[24] Andrew W. Madden, "A New Form of Evidence to Date the Madaba Map Mosaic," *Liber Annuus* 62 (2012): 496.

Figure 1: Detail of Jerusalem from the Madaba Map

POLICIEPOYCA[ΛHM]", *Fig. 1*).[25] In accordance with the original layout of Aelia Capitolina, there are five streets across it. The main colonnaded street ran through the city from the Damascus Gate to the Zion Gate on a north-south axis (in the map it is the central street that cuts the city into two, left to right). The colonnades of the main street are interrupted by the Church of the Holy Sepulcher in the middle. The Church of Saint Sion and the Nea Church are at the end of the street placed next to each other on an east-west axis (in the map down to top). In particular, the Church of the Holy Sepulcher is depicted in detail. There are four steps leading to its entrance, which is indicated by three doors. The doors depict an entrance to the long atrium, which then gives way to the church indicated by the red-tiled roof. On the opposite end of the church building, there is another open space surrounded on three sides where the rock of Calvary is located.[26] The particular details of the building in the map confirm that it is in fact the Church

[25] Andrew W. Madden, "A New Form of Evidence to Date the Madaba Map Mosaic," *Liber Annuus* 62, (2012): 497.

[26] Gold, "The Mosaic Map of Madeba," 68.

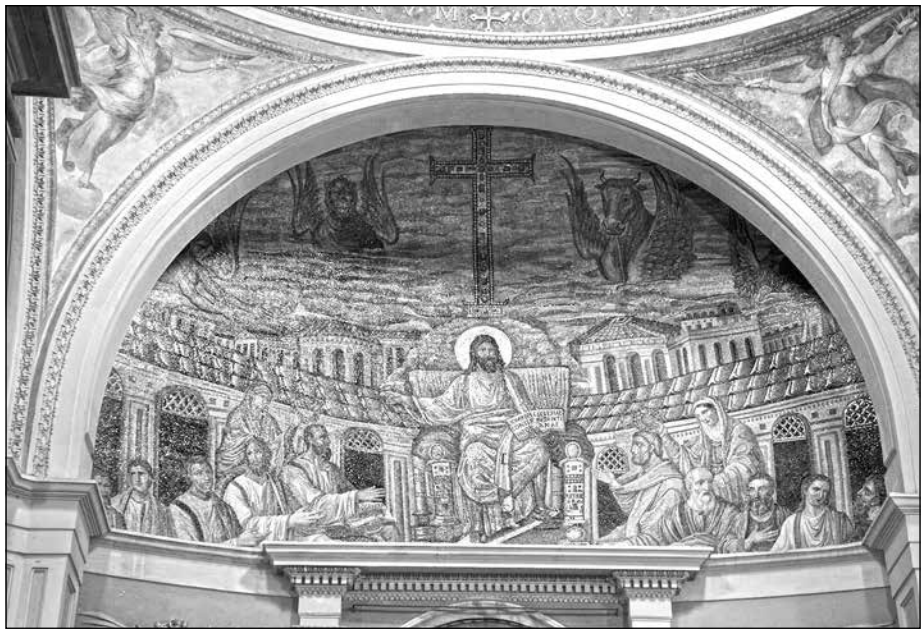

Figure 2: The apse mosaic of the St. Pudenziana church in Rome, dating from the end of the 4th century, with extensive restoration in the 16th century.

of the Holy Sepulcher. Identifying other buildings and an overall orientation of the cityscape was first enabled in reference to the Church of the Holy Sepulcher, and second to the Church of Saint Sion and the Nea Church, forming a triad of landmarks to identify the urban space of Jerusalem.

The second representation is the apse mosaic of the Santa Pudenziana Church in Rome. The apse mosaic depicts Jerusalem, placing the Church of the Holy Sepulcher on the left by showing the viewer the rotunda of the Anastasis, and placing the Church of the Nativity on the right, while Christ himself is positioned in the middle in front of the Golgotha and the Cross *(Fig. 2).*[27] In accordance with the process of building churches, the relationship between the story of Christ in terms of his life, death, and resurrection with the places where the events happened is apparent. From right to the left the apse tells us a story, the story which the religious buildings commemorated in and around Jerusalem. Starting

[27] Andrew Simsky, "The Image Paradigm of Jerusalem in Christian Hierotopy," *Journal of Visual Semiotics* 186 (2018): 107.

from the right, the story of Christ's birth (Church of the Nativity), passion (Rock of Golgotha), resurrection (Rotunda of Anastasis), and lastly the commemoration (the Holy Sepulcher complex) is apparent. Furthermore, this story is identified with the religious buildings that physically dominated the landscape. The apse mosaic dated to the late fourth century. Considering the fact that the religious buildings identified in the mosaic date from the mid-fourth century, it is evident that the physical domination of religious buildings and their connection to the story of Christ very soon affected the perception of the urban space of Jerusalem. The apse mosaic has been the object of much art historical controversy, yet though the debates are loosely related to our topic, they are beyond the scope of this paper.[28]

With regards to the Madaba Map and Santa Pudenziana, it would be unfair and misleading not to consider their context. Both were situated within religious buildings of their own. The presentation of the urban space of Jerusalem through the religious buildings might be seen as a natural consequence of a religious pretext. However, the particular use and placement of buildings in the apse mosaic of Santa Pudenziana seems highly creative and conscious. The artist deliberately chose to relate the story of Christ through commemorative buildings. From a counterfactual standpoint, it is not hard to imagine that the artist might have had numerous options at his disposal for relating the story of Christ. The Madaba Map, on the other hand, is a mosaic map that pinpoints the pilgrimage sights. In this sense, it is harder to prove whether the depiction of Jerusalem through the religious buildings is due to the ongoing process of religious building programs or it is a natural consequence of depicting pilgrimage sights. However, this does not change the fact that the imperial building programs and the general elite interest in the city physically dominated the urban space with religious buildings. Therefore, it left little choice to the artist who created the Madaba Map to depict Jerusalem with reference to the religious buildings, which would also strengthen the identification of the urban space with religious space.

Identification of Religious Buildings with Urban Space in Seventh-Century Written Sources

The question is how the physical domination of religious buildings and their effect on the perception of the urban space of Jerusalem affected the seventh-century written sources that narrate the occupation of Jerusalem by the Sasanids. The

[28] For an art-historical perspective, see: Thomas F. Mathews, *The Clash of Gods: A Reinterpretation of Early Christian Art* (Princeton, NJ: Princeton University Press, 1999), 92–114; Simsky, "The Image Paradigm of Jerusalem in Christian Hierotopy," 101–113.

sheer number of religious sites and the buildings related to them is a good point to start. A pertinent example can be found in Antiochus Strategos' account. After the description of the occupation and the lamentation over the saddening events of the occupation, Strategos goes on to list the dead together with the places where they were found. According to Strategos, a certain Thomas and his unnamed wife were "on the spot when Persians came; and they knew all the details of everything that the Persian had done." Thus, they were also aware of where the concentrations of dead bodies were to be found.[29] A survey of the narrative concerning the bodies leads us to the conclusion that most places mentioned were actually holy sites *(Fig. 3)*[30]. The churches include Saint Sion, the Anastasis, and the Golgotha within the Holy Sepulcher compound, and the Nea Church, all major religious buildings that would dominate the landscape.[31] Another interesting aspect of the list is that even the description of urban spaces is done with reference to the religious buildings within the urban space. Expressions such as "in front of the gates of Holy Sion," "on the western side of Holy Sion," "in front of the Samaritan Temple," and "in the lane of Saint Kyriakos" are prevalent in this part of the narrative.[32] The description of urban locations with reference to religious buildings indicates the understanding of urban space through the religious landscape in the same way as in the case of the Madaba Map. Lastly, Strategos offers us a vivid account of the event when some of the city's inhabitants, including Patriarch Zachariah, were taken captive to be taken to the Sasanid lands. After leaving the city, Zachariah and his fellow captives stop on the Mount of Olives to take a last look back at Jerusalem. Strategos explains what they see:

> Once more they raised up their eyes and gazed upon Jerusalem and the holy churches. A flame, as out of a furnace, reached up to the clouds, and it was burning. Then they fell to sobbing and lamenting all at once and loudly. (…) when they beheld the Holy Anastasis afire, Sion in smoke and flames, and Jerusalem devastated.[33]

The image is striking and in perfect harmony with the lamenting tone of the source. However, it also presents an opportunity for the writer. Regardless of the reality of this event, by narratively placing the exiles on Mount of Olives,

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29 Conybeare, "Antiochus Strategos' Account," 514.

30 Gideon Avni, "The Persian Conquest of Jerusalem (614 C.E.) – An Archeological Assessment," *Bulletin of the American Schools of Oriental Research* 357 (2010), 38.

31 Oliver Larry Yarbrough, "Early Christian Jerusalem: The City of the Cross," in *Jerusalem: Idea and Reality*, ed. Tamer Mayar (London: Routledge, 2008), 68.

32 Conybeare, "Antiochus Strategos' Account," 515.

33 Conybeare, "Antiochus Strategos' Account," 509–510.

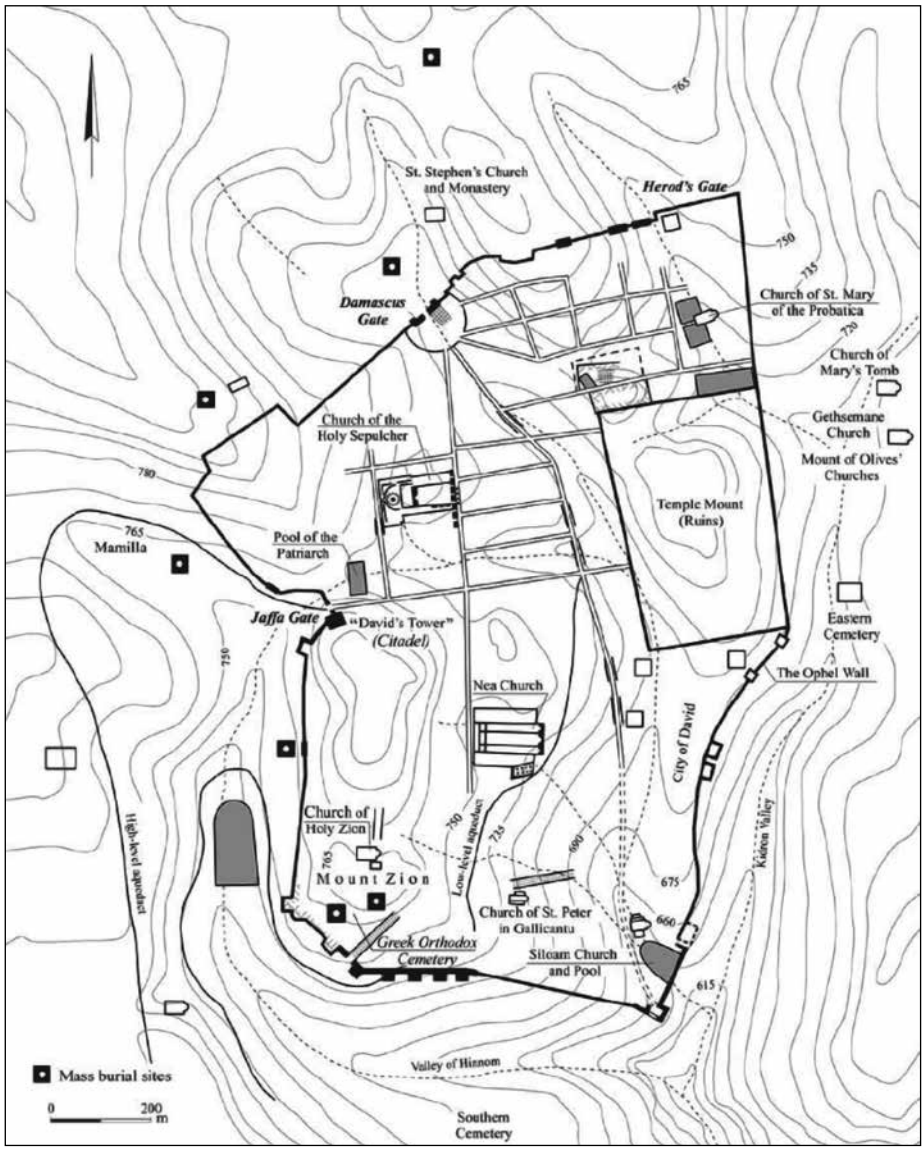

Figure 3: Jerusalem in the early seventh century with indication of the mass burial grave sites

Strategos gives his audience a glimpse of the urban landscape. Within all those flames, smoke, and chaos caused by the sack of Jerusalem, what the observer sees or chooses to see is not just the urban space of Jerusalem but in fact it is the holy churches there. The author chooses to relate the catastrophe through the churches, thus giving an example of how he makes sense of the urban space through the religious buildings. Naturally, Strategos' narrative is affected by what the religious buildings stand for, how they amplify the space through remembrance, and how the spectators interact with those spaces. However, in addition to the meaning of these buildings, I argue that the physical dominance of religious buildings within the urban space gives little choice to the author in terms of their perception.

The second example of the physical aspect of religious buildings is not about how these buildings dominate the urban space per se, but rather it is based on the need to be physically present in the religious buildings. At this point, the Anacreontic styled poems of the future patriarch of Jerusalem, Sophronios, give us good examples. The twentieth poem in particular is full of longing for the Anastasis, emphasizing the importance of being present within the physical boundaries of the holy space.

> Let me walk your pavements
> And go inside the Anastasis
> (…)
> And as I venerate that worthy tomb,
> Surrounded by its conches,
> And columns surmounted by golden lilies.[34]

Sophronios takes the reader on a journey as if going on a pilgrimage.[35] The reader enters the urban space, and the first thing to do is to enter the physical space of Anastasis where he/she encounters holy but very physical things, such as the empty tomb of Christ, the conches and the columns, marveling at the architectural splendor of the religious space. This passage reminds the reader of the agency of the religious buildings mentioned. These physical spaces were meant to be visited; being physically present in that physical religious space was a critical component of the city's experience. This physical experience inevitably helps the visitor or reader (through the *ekphrasis* in the narrative) to perceive the urban space with its religious components sprinkled through the city, as their perception is shaped by the physical experience of the religious buildings.

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[34] Quoted from Wilken, *The Land Called Holy,* 230. For the rest of Sophronios' poems, see Gigante, *Sophronii Anacreontica*.

[35] Wilken, *The Land Called Holy*, 231.

Conclusion

In conclusion, the establishment of the Roman colony Aelia Capitolina gave the later imperial authorities, starting from Constantine I, a blank slate to shape the urban space of Jerusalem as they see fit. Between the fourth and sixth centuries, Jerusalem was adorned with religious buildings of commemorative significance. Although these commemorations were mainly related to the story of Christ, eventually, there were other buildings dedicated to other religious personae such as Mary and Saint Stephen. The physical domination of the urban space and the surrounding natural landscape by religious buildings caused changes in the perception of the city. The most significant change in this perception was the identification of the urban space by its religious landmarks, which resulted in a shift of meaning. The urban space of Jerusalem was no longer a regular public space but rather a public space with religious connotations. We see this shift in the Madaba Map and within the apse mosaic of the Church of Santa Pudenziana in Rome. Through the Madaba Map it is possible to get a glimpse of the city's urban space with reference to the religious buildings. In the apse mosaic, there is an instance of storytelling regarding the story of Christ through the religious buildings. With regards to the seventh-century authors who depicted the occupation of Jerusalem, we can see the same phenomena that are evident in these works of art. Just like the Madaba Map, Strategos' account maps the city with reference to the religious buildings while listing the concentration of the dead bodies. In the scene where Patriarch Zachariah looks down on the sacked city and sees the churches of Jerusalem burning, we see the author's identification of the urban space with the religious buildings. On the other hand, in Sophronios' poem, the need to be physically present within the Holy Sepulcher complex, and specifically in Anastasis, to recall the story of Christ is in a sense identical with the workings of the apse mosaic of the Santa Pudenziana as the apse mosaic also recounts the story of Christ through commemorative buildings. In both instances, the audience is reminded of the story of Christ through the use of particular physical aspects of religious buildings.

CONTESTING CONTEMPORARIES: THEODORE PRODROMOS'S *THE IGNORANT OR THE SELF-PROCLAIMED GRAMMARIAN*

Dunja Milenković

Theodore Prodromos (ca. 1100–ca. 1170) was one of the most versatile and influential Byzantine authors of his time.[1] Besides gaining a reputation among his contemporaries as a prominent poet at the Komnenian Court, he was also a renowned teacher, rhetor, and philosopher. The enormous corpus of Prodromos's authentic works includes numerous poems, panegyric orations, monodies, theological writings, letters, satirical works, as well as writings on philosophy, grammar, and astrology.[2]

Prodromos was not simply an important public figure, but rather a kind of a celebrity intellectual of his own time, who employed his authority as well as his exceptional writing skills and enviable expertise to address important societal issues, injustices, and hypocrisies by means of satire. In his satirical discourse, Prodromos mocks, for instance, phony philosophers, inept teachers, incompetent dentists, lustful women, and henpecked husbands. Among these works, there is *The Ignorant or the Self-proclaimed Grammarian,* that has received little attention

[1] This article is an adapted and elaborated version of my MA thesis: Dunja Milenković, "Knowledge and Abuse: Two Satires by Theodore Prodromos" (master's thesis, Central European University, 2017). I thank Assoc. Prof. Baukje van den Berg for her insightful comments, corrections, and suggestions.

[2] For the life of Theodore Prodromos, see Wolfram Hörander, *Theodoros Prodromos: Historische Gedichte*, Wiener Byzantinistische Studien 11 (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1974), 21–35; Alexander Kazhdan and Simon Franklin, *Studies on Byzantine Literature of the Eleventh and Twelfth Centuries* (Cambridge: Cambridge University Press, 1984), 87–114; Tommaso Migliorini, "Gli scritti satirici in greco letterario di Teodoro Prodromo: Introduzione, edizione, traduzione e commenti," (Ph.D. diss., Università di Pisa, 2010), xi–xxiii; Nikos Zagklas, "Theodore Prodromos: The Neglected Poems and Epigrams (Edition, Translation, and Commentary)," (PhD diss., University of Vienna, 2014), 52–87. The most detailed overview of Prodromos's literary production is available in Hörander, *Theodoros Prodromos: Historische Gedichte*, 34–68.

in modern scholarship.[3] In this diatribe-style satire addressed probably to a group of friends, which, according to Gilbert Highet, could be more precisely classified as an introvert satirical monologue in prose with a predominantly invective tone, Prodromos presents a methodical critique of a certain inept teacher of grammar.[4]

Together with other satirical works by Prodromos, this text is frequently regarded as a mere imitation of Lucian of Samosata in modern scholarship (ca. 125–after 180). Nevertheless, it is important to emphasize that Prodromos does not simply imitate Lucian; instead, he strives to position his own work within a specific tradition of satirical literature. This is evident especially in terms of the generic form in which Prodromos's work is delivered – diatribe-style satire – and his choice of the theme – the critique and exposure of an underqualified intellectual, which is closely related to Lucian's *The Ignorant Book-Collector*, *A Professor of Public Speaking*, and *The Dead Come to Life*.[5]

However, the relationship of Prodromos's *Grammarian* to Lucian's work is not limited to a repetition of motifs, quotations, and allusions. Our Byzantine polymath, in a skillful and unique manner, exploits and transforms ideas from these Lucianic texts to address the folly of his own time – an incompetent

[3] *The Ignorant or the Self-Proclaimed Grammarian* is preserved in three other manuscripts: Bodl. Barocc. gr. 165 (fifteenth century), Bodl. Barocc. gr. 187 (sixteenth century), and Matr. Gr. 99 (fourteenth century). See Giuditta Podestà, "Le satire lucianesche di Teodoro Prodromo (parte 1)," *Aevum* 19 (1945): 240–241. This work received its first modern edition in John A. Cramer, ed., *Anecdota Graeca e Codd. Manuscriptis Bibliothecae Regiae Prisiensis* (Oxford: E Typographeo Academico, 1836), 3:222–227. Other modern editions with translations into Italian: Podestà, "Le satire lucianesche di Teodoro Prodromo (parte 1)," 242–252; Roberto Romano, *La satira bizantina dei secoli XI–XV* (Torino: Unione tipografico editrice torinese, 1999), 298–309; Migliorini, "Gli scritti satirici in greco letterario di Teodoro Prodromo," 29–49. Here, I have used the most recent edition provided by Tomasso Migliorini, with my own translations.

[4] According to Gilbert Highet, *The Anatomy of Satire (*Princeton, NJ: Princeton University Press, 1962), 15–19, 25–67, there are three main types of satire: satirical monologues or diatribes, parodies, and narratives. Diatribes or satirical monologues can be delivered in verse or in prose mixed with verse. Moreover, satirical monologues could follow two chief patterns: introvert – addressed to a single individual or to a small group of friends, and extrovert – strong protests addressed to a broad public to instruct or awake from lethargy. Furthermore, satirical monologues can be divided into satire as a monologue of a victim, satire as an ironic monologue, satire as a letter, and satire as a pre-arranged dialogue.

[5] Lucian, "The Ignorant Book-Collector," in *Lucian*, vol. 3, trans. A. M. Harmon, Loeb Classical Library 130 (Cambridge, MA: Harvard University Press, 1921), 172–212; "The Dead Come to Life or The Fisherman," in *Lucian*, vol. 3, trans. A. M. Harmon, Loeb Classical Library 130 (Cambridge, MA: Harvard Unversity Press, 1921), 3–81; "A Professor of Public Speaking," in *Lucian*, vol. 4, trans. A. M. Harmon, Loeb Classical Library 162 (Cambridge, MA: Harvard University Press, 1921), 135–171.

teacher of grammar. His adversary needs to be scrutinized and to demonstrate his expertise not only by outward appearance, but also in practice (cf. *The Dead Come to Life*). Also in the Lucianic fashion, Prodromos offers his opponents advice on how to cure his problem – he needs to go back to basics and have proper instruction in the matter, making a strong effort to achieve knowledge (cf. *The Ignorant Book-Collector*; *A Professor of Public Speaking*).[6] Furthermore, in the manner of Menippean satire, Prodromos embellishes his diatribe with various rhetorical figures, such as metaphors, metonyms, allegories, similes, hyperboles and irony, as well as with rhetorical devices, such as fables, anecdotes, and maxims. Thereby, he manages not only to expose an ignorant grammarian in an effective and sophisticated manner, but also to display his own erudition as well as his mastery in rhetoric.

Most probably this work was intended either against a particular rival teacher or a type of underqualified *grammatikoi*, contemporaries of Prodromos who occupied teaching positions. This would not be surprising as, due to flourishing institutional and private education, the rivalry among teachers and learned men intensified in twelfth-century Byzantium. Besides already existing schools attached to churches in Constantinople, many new educational institutions were (re)founded, such as those at Chalke, the Holy Apostles, and Saint Paul of the Orphanage. Furthermore, in this period, the number of learned individuals who would offer their private tutoring services for fees paid by well-situated students' parents increased. It is plausible that this increase was not only proportionate to the fierce competition among instructors but was also disproportionate to their intellectual competence and tutoring skills.[7]

Facing this reality, it appears that as a well-established intellectual authority, Prodromos felt obliged to address this issue and voice his criticism of teacherly incompetence. Moreover, his motivation to compose this satirical piece might have been even more personal, as he played an eminent role not only as a court

[6] Prodromos, *The Ignorant or the Self-Proclaimed Grammarian*, ed. Migliorini, 29–32, lines 1–55, 90–108, 117–123, 131–136; Lucian, "Dead Come to Life," 3:45–71; "A Professor of Public Speaking," 4:135–145; "The Ignorant Book-Collector," 3:177.

[7] See: Paul Magdalino, *The Empire of Manuel I Kommenos: 1143-1180* (Cambridge: Cambridge University Press, 1993), 325–329; Floris Bernard, *Writing and Reading Byzantine Secular Poetry, 1025-1081* (Oxford: Oxford University Press, 2014), 253–290; Robert Browning, "Teachers," in *The Byzantines*, ed. Guglielmo Cavallo, trans. Thomas Dunlap, Teresa Lavender Fagan, and Charles Lambert (Chicago: University of Chicago Press, 1997), 101–108.

poet, but also as a professional teacher.[8] Thus, it is probable that in this competitive climate, Prodromos used satire not only to denigrate his incompetent rival or a type of rival teacher, but also to display and promote his own overall teaching expertise and authority as an intellectual.[9]

After a compelling rhetorical exposé, where Prodromos elaborates on the necessity of the incompetent grammarian's scrutiny, he implicitly invites himself to be the grammarian's examiner and proceeds to a full-fledged attack. Prodromos's plan is to demonstrate that his opponent lacks the basic expertise that a good teacher of grammar should possess. A grammarian's main duties as a teacher were probably best summarized by Dionysios Thrax (ca. 170–90), who in his handbook, *The Art of Grammar*, defines grammar as an experience and divides it into six parts: fluent reading in respect of prosody, interpretation of poetical figures, explanation of dialectical peculiarities and allusions, discovery of etymology, having an accurate account of grammatical regularities (analogies), and a critical approach to poetical works.[10] Thus, Prodromos, undoubtfully familiar with the rich commentary tradition of this work, attacks his opponent for the inability to adequately grasp the proper definition of the discipline as well as his failure to meet two of the six teaching criteria of a good grammarian: on the one hand, he is unable to interpret etymologies and, on the other, to take a

[8] According to Nikolaos Zagklas, Prodromos's teaching practice as a grammarian is perhaps best attested by a number of *schedoi* – puzzle-like school exercises in grammar and orthography. Furthermore, evidence about Prodromos's teaching abilities is found in testimonials of his contemporaries. Thus, Niketas Eugenianos compares Prodromos's teaching authority to Plato and Aristotle, and a certain monk Ioanikios depicts Prodromos as the greatest grammarian, rhetorician and philosopher. Finally, Prodromos himself strives to present himself as a universal teaching authority by alluding to his proficient tutoring skills and exhaustive erudition in grammar, rhetoric, and philosophy. Prodromos also composed a grammar treatise for the *sevastokratorissa* Eirene, which is preserved in almost forty manuscripts and was probably also used in school environment. See Zagklas, "Theodore Prodromos: The Neglected Poems and Epigrams," 58–72; see also Panagiotis A. Agapitos, "New Genres in the Twelfth Century: The Schedourgia of Theodore Prodromos," *Medioevo greco* 15 (2015): 1–41; Nikolaos Zagklas, "A Byzantine grammar treatise attributed to Theodoros Prodromos," *Graeco-Latina Brunensia* 16 (2011): 77–86.

[9] For instance, in this competitive environment, another twelfth-century author, John Tzetzes, was often using his own works to promote his own teaching practice as well as to portray an ideal teacher, obviously tailored after his own teaching persona, for which, see Baukje van den Berg, "John Tzetzes as Didactic Poet and Learned Grammarian," *Dumbarton Oaks Papers* 74 (2020): 285–302. See also Panagiotis Agapitos, "John Tzetzes and the Blemish Examiners: A Byzantine Teacher on Schedography, Everyday Language and Writerly Disposition," *Medioevo greco* 17 (2017): 1–57.

[10] Dionysius Thrax, *The Art of Grammar*, trans. Thomas Davidson (St. Louise: R.P. Studley, 1874), 3–4. See also Browning, "Teachers," 95–97; Robert Henry Robins, *The Byzantine Grammarians: Their Place in History* (Berlin; New York: Mouton de Gruyter, 1993), 41–42.

critical approach to poetry. He probably referred to these two skills, as students were instructed in them at the advanced stages of grammar learning. The first argument goes as follows:

> Tell me how does one who gives training in the discipline regard grammar as an art and at the same time define it as an experience? Perhaps you assume that there are two grammars – the one more incomplete, and the other more accomplished, and you hold the opinion that one is to be called "experience" and the other "art"? Or do you bestow both names upon one, as if art and experience were the same? However, neither would you, I suppose, assume that art and experience are the same thing, nor would I agree with your opinion if you did, as long as I am listening to Aristotle, who teaches that experience is born from many recollections, and that art develops from this. I am afraid that I would fall into contradiction also from another point of view, assuming that the same thing does not have and does have rationality, if, knowing that experience is an irrational habit and listening to Plato, who thinks that it is not appropriate to call art that which is irrational, I would identify experience and art as synonymous. So we may still assume that there are two grammars, applying one name to the first one, and another [name] to the other one. Therefore, admirable man, the first is somewhere here with us, and long is the line of professors [i.e., grammarians] who are named after it; the other you should discover yourself. But I do not believe you could, even if you were to endure countless toils, unless you would like to call elementary grammar thus.[11]

In this passage, Prodromos obviously refers to the controversial definition of the art of grammar given by Dionysios Thrax. Although he explains that critical judgement of poetry is "the noblest part of grammatical art," he simultaneously argues that "grammar is the experience of things that are often said in the writings

[11] Prodromos, *The Ignorant or the Self-Proclaimed Grammarian*, ed. Migliorini, 30–31, lines 55–70: "Εἰπὲ γάρ μοι πῶς καὶ τέχνην ὁ τεχνώσας τίθεται τὴν γραμματικήν καὶ ἐμπειρίαν αὖθις ταύτην ὁρίζεται; Πότερον δύο τίθης εἶναί μοι τὰς γραμματικὰς, ἀτελεστέραν τε καὶ τελεωτέραν, καὶ τὴν μὲν ἐμπειρίαν, τὴν δὲ τέχνην ὀνομάζεσθαι ἀξιοῖς; Ἢ καὶ ἄμφω δίδως κατὰ μιᾶς τὰ ὀνόματα, ὡς ταὐτοῦ ὄντος τέχνης, καὶ ἐμπειρίας; Ἀλλὰ τέχνην μὲν καὶ ἐμπειρίαν οὔτε σὺ ταὐτόν, οἶμαι, θείης, οὐτ' ἐγώ σοι ξυνθείμην θεμένῳ, μέχρις ἂν Ἀριστοτέλους ἀκούω, ἐκ πολλῶν μὲν μνημῶν τὴν ἐμπειρίαν γεννῶντος, ἐκ δὲ ταύτης τὴν τέχνην προβάλλοντος. Δέδοικα δὲ καὶ ἄλλως μὴ ἀντιφάσει περιπεσοῦμαι, τὸ αὐτὸ καὶ μὴ ἔχειν λόγον καὶ ἔχειν τιθέμενος, εἴπερ ἄλογον μὲν τριβὴν τὴν ἐμπειρίαν εἰδὼς καὶ Πλάτωνος δὲ ἀκούων, μὴ ἀξιοῦντος τέχνην καλεῖν ὃ ἂν ἄλογον ᾖ, ἔπειτα ἐμπειρίαν καὶ τέχνην ταὐτίζοιμι. Λείπεται δὴ γραμματικὰς δύο θέμενον ἑκάτερον τῶν ὀνομάτων ἑκατέρᾳ προσάψαι. Ἡ μὲν οὖν μία ἔστι που καὶ παρ' ἡμῖν, ὦ θαυμάσιε, καὶ πολὺς ὁ ἐκ ταύτης παρωνομασμένος τῶν γραμματικῶν ὁρμαθός, τὴν δὲ ἄλλην εὑρίσκοις αὐτός. Ἀλλ' οὐκ οἶμαι, κἂν μυρίον ἀνατλαίης τὸν κάματον, εἰ μή σοι φίλον οὕτω τὴν γραμματιστικὴν τὴν γραμματιστικὴν ὀνομάζειν." Translation is mine.

of poets and prose-writers."[12] From Sextus Empiricus's (2nd century CE) treatise *Against the Grammarians,* as well as from the commentaries on Dionysios Thrax's *The Art of Grammar*, it transpires that Hellenistic, late antique, and Byzantine learned men tried to move away from this definition by criticizing it, by explaining the reasoning behind it, or by proposing alternative solutions. For many learned men, the problem with Dionysios's definition was that, by defining grammar as an "experience", he called the "mother of rational arts an irrational practice."[13]

In order to gain a better sense of why Dionysios's definition was problematic and of how Prodromos's position fits into the broader tradition of understanding grammatical art, it is important to provide a general framework of how the majority of scholiasts on *The Art of Grammar* classified and defined grammar. Thus, before explicating Dionysios's definition, certain scholiasts differentiate between experiment (πεῖρα), experience (ἐμπειρία), art or expertise (τέχνη), and science (ἐπιστήμη).[14] With a few exceptions, most scholiasts agree that grammar

[12] Dionysius Thrax, *The Grammar of Dionysius Thrax*, 3–4: "Γραμματική ἐστιν ἐμπειρία τῶν παρὰ ποιηταῖς τε καὶ συγγραφεῦσιν ὡς ἐπὶ τὸ πολὺ λεγομένων." See also Robins, *The Byzantine Grammarians,* 42; Minna Seppänen, "Defining the Art of Grammar, Ancient Perceptions of Γραμματική and *Grammatica*," (PhD diss., University of Turku, 2014), 53; Alfons Wouters and Pierre Swiggers, "Definitions of Grammar," in *Brill's Companion to Ancient Greek Scholarship,* ed. Franco Montanari, Stephanos Matthaios, and Antonios Rengakos (Leiden; Boston: Brill, 2015), 1:523.

[13] "Prolegomena Vossiana," in *Scholia in Dionysii Thracis Artem Grammaticam*, ed. Alfred Hilgard (Leipzig: B. G. Teubner, 1901), 6: "Μέμφονται οὖν τινες τῷ Διονυσίῳ, διὰ τί τὴν γραμματικὴν ἄλογον τριβὴν ἐκάλεσε, τὴν πάσης τέχνης λογικῆς μητέρα." The first person to object to this definition, according to Sextus Empiricus, was Ptolemy the Peripatetic, who argues that "experience" is irrational and non-expert practice and as such cannot be said of the grammar, which is an art. However, Sextus Empiricus, offers an alternative view on Dionysios's definition and explains that probably what he meant by "experience of the things said in poets and writers" probably meant that a grammarian should be "someone of broad knowledge and learning." Sextus Empiricus also gives account of the objections to Dionysios and alternative definitions given by Asclepiades of Myralea, Chaeris, Demetrius Chlorus. In all cases they define grammar as an art. Sextus Empiricus, "Against the Grammarians," in Sextus Empiricus, *Against Professors*, trans. R. G. Bury, Loeb Classical Library 382 (Cambridge, MA: Harvard University Press, 1949), 35–53.

[14] According to scholiasts, πεῖρα is an irrational experience which happens only once or twice, ἐμπειρία is also an irrational experience of a certain thing which occurs many times, τέχνη is "a system of perceptions organized for some goal advantageous in life," and ἐπιστήμη is unchangeable and infallible. Furthermore, πεῖρα leads to ἐμπειρία, ἐμπειρία to τέχνη and τέχνη to ἐπιστήμη."Prolegomena Vossiana," 8–11. See also "Commentarius Melampodis seu Diomedis," in *Scholia in Dionysii Thracis Artem Grammaticam*, ed. Alfred Hilgard (Leipzig: B. G. Teubner, 1901), 11; "Scholiorum collectio Vaticana," in *Scholia in Dionysii Thracis Artem Grammaticam*, ed. Alfred Hilgard (Leipzig: B. G. Teubner, 1901), 112–113, 162; and "Scholiorum collectio Marciana," in *Scholia in Dionysii Thracis Artem Grammaticam*, ed. Alfred Hilgard (Leipzig: B. G. Teubner, 1901), 298.

is to be defined as an art, not as an experiment, experience, or science. Another important classification that we find in many scholiasts is the differentiation between theoretical (θεωρητική), practical (πρακτική), productive (ποιητική), and mixed (μικτή) types of arts. Most scholiasts classify grammar as a mixed art because it combines all three, or at least the theoretical and practical type of art.[15] This view of grammar as a mixed art is also evident when some scholiasts define grammar either as a theoretical and practical skill in the knowledge of the texts of the poets and prose-writers, or as a theoretical and practical skill that teaches us to speak and write well.[16] In this way, they avoid using the controversial term "experience" from Dionysios's definition. Only one scholiast makes an objection to this view and argues that grammar is neither mixed nor practical but is only theoretical. This is because it is not the grammar that corrects the accents, aspirations, and punctuation, but the practitioner of the art – the grammarian.[17]

From Prodromos's criticism of his opponent, it is evident that he is well-acquainted with this issue and that he clearly states his position within the mainstream tradition when identifying himself with "the long line of grammarians" who see grammar as an art and not as an experience. But unlike the scholiasts, who just state what the difference between an experience, art, and science is, Prodromos recognizes the need to summon to his aid the authority of Aristotle and Plato and explain where this differentiation comes from. Thus, he refers to Aristotle's position in *Metaphysics*, where it is argued that art and science are acquired through experience, which in turn derives from many memories of the

[15] According to scholiasts, theoretical arts are astronomy, arithmetic, geometry, and philosophy; practical arts are strategy, flute-playing, kythar-playing and dancing; productive arts are sculpture, shoemaking, architecture, smith's art, and carpentry; and mixed arts are medicine and "its sister" grammar. Furthermore, for some scholiasts, grammar is theoretical when it explains histories to children, practical when it teaches how to write and when it corrects writings, and productive when it is used to make literary composition. See: Hilgard, "Prolegomena Vossiana," 2–3, 7; Hilgard, "Scholiorum collectio Vaticana," 110, 157; Hilgard, "Scholiorum collectio Marciana," 297, 300. Although this division of arts into theoretical, productive and poetical is probably based on the Aristotelian classification of the sciences in *Topics* (Book 6, 145a15–16, and Book 8, 157a9–10), it seems more reminiscent of the division Diogenes Laertius attributed to Plato, 168.

[16] "Γραμματική ἐστιν ἕξις θεωρητικὴ καὶ πρακτικὴ τῶν παρὰ ποιηταῖς τε καὶ συγγραφεῦσι…" ("Grammar is a theoretical and practical skill in knowledge of the texts of the poets and prose-writers…"). Hilgard, "Scholiorum collectio Marciana," 297, 300. See also: Hilgard, "Prolegomena Vossiana," 3; Hilgard, "Scholiorum collectio Vaticana," 119. Ἕξις θεωρητικὴ καὶ πρακτική, τὸ εὖ λέγειν καὶ τὸ εὖ γράφειν διδάσκουσα ἡμᾶς·…" ("Theoretical and practical skill that teaches us to speak and write well…"). Hilgard, "Scholiorum collectio Marciana," 300.

[17] Hilgard, "Scholiorum collectio Vaticana," 123.

same thing, and to Plato's *Gorgias*, which argues that experience is an irrational practice, therefore cannot be regarded as an art, as art is rational by definition.[18]

Although almost all commentators mentioned the traditional objection to ἐμπειρία and defined grammar as an art, some scholiasts tried to justify Dionysios' definition to a certain extent and explain the reasoning behind it. Only one scholiast defended Dionysios openly and argued that people who object to his definition are ignorant because experience comes from the practical aspect of grammar, which is classified as mixed art.[19] Others simply transmit the traditional justifications of those who defend Dionysios by giving a similar explanation that grammar does not always rely on reason, but also on the experience in the works of poets and prose writers.[20] Furthermore, probably drawing on Sextus Empiricus, they point out that Dionysios actually uses the term "experience" instead of knowledge.[21] According to one scholiast, for instance, it is because some medical practitioners are called "experienced," the term "experience" is transferred by mistake to grammar, while according to another, Dionysios just wanted to make the definition simpler for beginners.[22] And finally, one commentator argues that, for Dionysios, "experience" does not bear the meaning of irrational practice, but is synonymous with "art" because he employs the two terms interchangeably.[23]

While denigrating the inept grammarian for the lack of basic theoretical knowledge about the problematic definition of Dionysios, Prodromos seems to be particularly annoyed by two matters. One is concerned with the understanding of "experience" and "art" as synonyms, which would imply the logical inconsistency of one thing being both rational and irrational at the same time. But was this inability of an incompetent grammarian to properly understand the term "experience" from Dionusios's definition an exception, or was it a recurring issue among Byzantine teachers of grammar? For instance, in one Byzantine commentary on *The Art of Grammar*, an

[18] Aristotle, "Metaphysics," trans. William David Ross, in *The Complete Works of Aristotle: The Revised Oxford Translatio*n, ed. Jonathan Barnes (Princeton N.J.: Princeton University Press, 1991), 2:2–3; Plato, "Gorgias," in *Plato: Complete works*, ed. John M. Cooper (Indianapolis: Hackett, 2009), 808–809.

[19] Hilgard, "Scholiorum collectio Vaticana," 167.

[20] Hilgard, "Scholiorum collectio Vaticana," 165–166.

[21] Hilgard, "Prolegomena Vossiana", 6,7; Sextus Empiricus, "Against the Grammarians," 39.

[22] Hilgard, "Commentarius Melampodis seu Diomedis," 10–11; Hilgard, "Scholiorum collectio Vaticana," 167.

[23] Hillgard, "Scholiorum collectio Marciana," 300.

anonymous Christian scholiast explains, among other things, that experience is sometimes called irrational and sometimes rational knowledge, and that Dionysius uses the term "experience" in a rational sense when he defines grammar.[24] As this commentary has been preserved in more than a dozen manuscripts (the oldest one comes from before the tenth century), it might be the case that it was a popular explanatory manual for less educated teachers of grammar who never proceeded to higher learning, which incorporated logic and philosophy, or at least wanted to master it well.[25] Even if Prodromos's attack was not directed against any particular rival teacher, it is possible that he wanted to point out the burning issue in the Byzantine educational system – underqualified teachers of grammar, or rather the way in which teacherly practice was predominantly conducted.

Another matter is addressed when Prodromos sarcastically refers to the possibility that his opponent might be assuming that there are two types of grammar: one more imperfect and to be understood as an experience, the other more perfect and to be taken as an art. This differentiation bears close resemblance to the one that is made by Philo of Alexandria (ca. 20 BCE–ca. 50 CE). According to Philo, more imperfect grammar covers basic reading and writing skills, while the more perfect grammar deals with poetical and historical works. However, Philo not only does not refer to any of these as an empirical practice, but also emphasizes that the first principles for both the more imperfect and the more perfect grammar are based on philosophy.[26] Perhaps, by this subtle reference to Philo, Prodromos tries to emphasize the importance of philosophical education for every branch of learning, especially for teaching the art of grammar at the advanced level.

This leads us to Prodromos's second point of criticism that revolves around the inability of his adversary to use etymology properly:

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[24] "Commentariolus Byzantinus," in *Scholia in Dionysii Thracis Artem Grammaticam*, ed. Alfred Hilgard (Leipzig: B. G. Teubner, 1901), 566.

[25] "Praefatio," in *Scholia in Dionysii Thracis Artem Grammaticam*, ed. Alfred Hilgard (Leipzig: B. G. Teubner, 1901), XXXVII–XLI.

[26] Philo, "De congressu eruditionis gratia," in *Philonis Alexandrini opera quae supersunt*, ed. P. Wendland (Berlin: Reimer, 1898), 3:102–103, sections 147–150: "Τό γε μὴν γράφειν καὶ ἀναγινώσκειν γραμματικῆς τῆς ἀτελεστέρας ἐπάγγελμα, ἣν παρατρέποντές τινες γραμματιστικὴν καλοῦσι, τῆς δὲ τελειο τέρας ἀνάπτυξις τῶν παρὰ ποιηταῖς τε καὶ συγγραφεῦσιν." ("Writing and and reading is the subject of this more imperfect grammar, which some people wrongly call grammatistica.") This differentiation, also understood as the distinction between old and new, as well as small and great grammar, was also mentioned by scholiasts and Sextus Empiricus. Seppänen, "Defining the Art of Grammar," 3. However, it is noteworthy that none of them is referring to incomplete, small, or old grammar as an experience.

> […] how is it that, in your opinion, the name Xenophon could be derived from foreign lands in which your ancient [author] was killed? Was he killed because of his name? Or is he called so because he was killed? If the first is the case, then those who have given the name to the man are misanthropes, if because of this he had to be killed on foreign soil; or they give evidence of their shortage of names so that they had left aside Diomede, Pherecydes, Themistocles, Pericles, Aristodemus, Alcinous, and many other honorable names, and they came across this most ominous name of Xenophon. If, however, he is called so because he was killed, it escapes me how he could have been killed first, and [only] then born and named. On the other hand, I notice many other Xenophons, unless I place them in books in my dreams, who died neither abroad, nor violently. Therefore, one must either remove their name or consider [them] unworthy of the name Xenophon, so it never happens that a natural and true word is deceived. But a grammarian should also be less reprehensible on account of this – as he was appointed to indicate the forms alone and meanings of etymologies, and not, to philosophize about them in a more accomplished manner.[27]

Generally speaking, according to scholiasts, the main task of etymology was to discover the true meaning of the word and to provide immediate explanation for it.[28] Ancient etymology, as Ineke Sluiter explains, was quite different form modern etymology. While modern etymology is focused on phonology and historical changes of word forms, ancient etymology is concerned with semantics and finding the reason for why things are named in the way they are. Ancient etymological discourse is concerned with causality, motivation and explanation, and it reflects contemporary reality. As ancient and medieval etymological practices

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[27] Prodromos, *The Ignorant or Self-Proclaimed Grammarian*, ed. Migliorini, 31, lines 74–90: "[…] πῶς ἐκ τοῦ ἐν ξένοις φονεύεσθαι τόποις ὃ Ξενοφῶν ἠτυμολογήθη τῷ παλαιῷ σου; Πότερον γὰρ διότι κέκληται οὕτω, πεφόνευται; Ἢ διότι πεφόνευται, κέκληται; εἰ μὲν τὸ πρῶτον, μισάνθρωποι οἱ τ' ἀνθρώπῳ τὸ ὄνομα θέμενοι, εἰ διὰ τοῦτο μέλλοι φονεύεσθαι ἐπ' ἀλλοδαπῆς· ἢ τοσαύτην ἑαυτοῖς τῶν ὀνομάτων πενίαν προσεμαρτύραντο, ὡς εἰακέναι μὲν τὸν Διομήδη, τὸν Φερεκύδη, τὸν Θεμιστο- κλέα, τὸν Περικλέα, τὸν Ἀριστόδημον, τὸν Ἀλκίνοον, καὶ ὅσα ἄλλα τῶν ὀνομάτων σεμνά, ἐπὶ τὸ δυσφημότατον δὲ τοῦτο κατηντηκέναι τὸν Ξενοφῶντα. Εἰ δὲ διότι πεφόνευται κέκληται, λανθάνει πρῶτον κτιννύμενος κᾆτα τικτόμενος, καὶ ὀνομαζόμενος. Ἐγὼ δὲ καὶ Ξενοφῶντας μανθάνω πάνυ πολλούς, εἰ μὴ ὀνείρῳ τοῖς βιβλίοις ἐφίστημι, μήτε ἐπ' ἀλλοδαπῆς, μήτε βιαίως τὸ χρεὼν ἀπολελειτουργηκότας;ὥστε ἢ ἀφαιρετέον ἐκείνους ἢ τὸ ὄνομα μηδὲ Ξενοφῶντας καλεῖσθαι ἀξιωτέον, ἵνα μὴ τὸν ἔτυμον καὶ ἀληθέα λόγον συμβῇ διαψεύδεσθαι. Ἀλλὰ τῷ τεχνικῷ μὲν ἧττον ἂν διὰ ταῦτα καὶ ἐπιτιμητέον: τύπους ἢ γὰρ ὑποδεικνύειν μόνους ἐτυμολογιῶν καὶ ἐμφάσεις τούτῳ προέκειτο, οὐ μέντοι φιλοσοφεῖν περὶ τούτων τὰ τελεώτατα."

[28] Robins, *The Byzantine Grammarians,* 47; Hilgard, "Commentarius Melampodis seu Diomedis," 14; Hilgard, "Scholiorum collectio Vaticana," 169; Hilgard, "Scholiorum collectio Marciana," 303; "Scholiorum collectio Londinensis," in *Scholia in Dionysii Thracis Artem Grammaticam,* ed. Alfred Hilgard (Leipzig: B. G. Teubner, 1901), 470; Hilgard, "Commentariolus Byzantinus," 568.

did not aspire to trace the origin and exact meaning of the word, it was possible for several different etymologies to co-occur and still be valid, as they would be explaining different aspects of the same word. These etymological explanations often contained a phonetic link between the word in question and the phrase used to expound this word.[29] Thus, according to the *Etymologicum magnum*, which was probably compiled ca. 1150 in Constantinople, the name Xenophon consists of two parts: ξένος (foreigner) and φαίνω (cause to appear).[30] However, some other lexicons, such as for instance that of Pseudo-Zonaras, *Etymologicum Gudianum*, and *Lexicon artis gramaticae*, says that the name Xenophon derives from τὸ ξένος (foreigner) and τὸ φόνος (murder).[31]

It might be the case that Prodromos was irritated by the etymology of the name Xenophon provided, or perhaps it is more accurate to say, followed by his opponent. However, it seems more plausible that the key target of Prodromos's criticism is the inability of the *grammatikos* to properly conduct etymological discursive reasoning and provide a convincing argumentative explanation. Prodromos's inept *grammatikos* only gives a glimpse into models and the outward appearance of etymologies and does not philosophize about them.[32] Thus, it is clear that Prodromos's adversary is not merely criticized for being an inept grammarian, but rather because his expertise is not philosophical enough and does not go beyond the basic scope of grammar.

In this passage, Prodromos also makes a playful reference to the *Cratylus*, in which Plato discusses and most probably mocks different etymological approaches. One position is presented by Hermogenes, who thinks that names are assigned according to custom and that there is no direct connection between the nature of things and their names. According to Cratylus, conversely, all names originate from a divine name giver and indicate the true nature of the thing named. Things or persons whose names are improperly assigned do not have the right to have

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[29] Ineke Sluiter, "Ancient Etymology: A Tool for Thinking," in *Brill's Companion to Ancient Greek Scholarship*, ed. Franco Montanari, Stephanos Matthaios, and Antonios Rengakos (Leiden: Brill, 2015), 2:898–893.

[30] *Etymologicon magnum*, ed. Friedrich Sylburg (Leipzig: Weigel, 1816): "Ξενοφῶν, παρὰ τὸ ξένος καὶ τὸ φαίνω, ὁ ἐν τοῖς ξένοις τόποις φαινόμενος: καὶ Δημοφὼν, ὁ ἐν τῷ δήμῳ φαινόμενος καὶ τὰ ὅμοια ὁμοίως."

[31] *Iohannis Zonarae lexicon*, ed. Johann August H. Tittmann (Amsterdam: Adolf M. Halckert, 1967), 2:1416, line 5: "Ξενοφῶν. κύριον. παρὰ τὸ ξένος καὶ τὸ φόνος. ὁ ἐν τοῖς ξένοις τόποις φονευόμενος." *Etymologicum Graecae linguae Gudianum*, ed. Friedrich Wilhelm Sturz (Hildesheim: Olms, 1973), 415, line 10: "Ξενοφῶν, ὁ ἐν τοῖς ξένοις νήφων, τοῦτ' ἔστιν εὐχόμενος· ἢ ὁ ἐν τοῖς ξένοις τόποις φονευόμενος." "Lexicon artis grammaticae," in *Anecdota Graeca*, ed. Ludwig Bachmann (Leipzig: Hinrichs, 1828), 430, line 6: "Ξενοφῶν: ὁ ἐν τοῖς ξένοις τόποις φονευόμενος."

[32] Prodromos, *The Ignorant of Self-Proclaimed Grammarian*, ed. Migliorini, 31, lines 87–89.

that name. Socrates takes a middle position, arguing that original names have divine origins but that they may alter over the time. He adds that names can be given either correctly, in which case they indicate the true nature of the thing, or incorrectly, when a true nature is not necessarily signified by the name.[33] In his *Grammarian*, Prodromos seems to mock both Cratylus's position and the etymological practice of his adversary, when he underlines that he is aware of many persons named Xenophon who died neither abroad nor violently. For that reason, one must either remove their name or consider them unworthy of the name Xenophon in order to escape logical inconsistency.[34] It is without doubt that Prodromos was using these lively references not simply to mock an ignorant grammarian and entertain his audience, but also used the opportunity to show off his own learnedness.

Finally, Prodromos rebukes the inept *grammatikos* for his inability to provide proper critical assessment of poems, which is the most important task of a grammarian. He mockingly interrogates the incompetent teacher about which poet he likes most. His adversary only seems to be giving the correct answer when he says that he endorses Homer above all other poets as the wisest, followed by Hesiod. For Prodromos, this was apparently a trick question, as he instantly refutes this stance. He explains that Homer is useless because, according to Plato, young people should not be instructed in Homeric poetry, which is full of various kinds of wicked images, and that Hesiod's *Works and Days* is more advantageous for farmers and sailors, who are not even able to understand it, than for teachers.[35]

According to Dionysios Thrax, the critical assessments of poems "is the noblest part of grammatical art."[36] However, as Dionysios does not specifically explain what critical assessment of poems entails, we must turn again to the commentary tradition for further clarification in order to better understand the basis of Prodromos's criticism. According to most scholiasts, the critical assessment of poems is the key part of grammatical art because it requires in-depth knowledge of all previous parts of grammar.[37] It is expected from a grammarian not to assess the literary quality of poems, but rather to evaluate them as a craftsman for the art

33 George A. Kennedy, "Language and Meaning in Archaic and Classical Greece," in *The Cambridge History of Literary Criticism,* ed. George A. Kennedy (Cambridge: Cambridge University Press, 2008), 1:86–87.

34 Prodromos, *The Ignorant or Self-Proclaimed Grammarian*, ed. Migliorini, 31, lines 83–87.

35 Prodromos, *The Ignorant or Self-Proclaimed Grammarian*, ed. Migliorini, 31–32, lines 95–118.

36 Dionysius Thrax, *The Grammar of Dionysius Thrax*, 4.

37 Hilgard, "Commentarius Melampodis seu Diomedis," 15; Hilgard, "Scholia Vaticana," 161, 169; Hilgard, "Scholia Londinensia," 472.

of grammar based on words, meter, history, form, composition, proper meaning, arrangement, order, and disposition. Therefore, as the grammarian is not a poet, he needs to refrain from any aesthetical literary criticism; he should be able, above all, to tell forgeries from authentic poems. For scholiasts, this was apparently the main role of the grammarian as well as the greatest concern, as many counterfeit works circulated under the name of famous authors.[38]

Critical assessment was not limited to poetry alone, but also to prose. For instance, some scholiasts indicate that grammarians are also versed in prose. However, they assess texts for their expertise in grammar and not for more complex matters, such as Platonic doctrine or political issues.[39] Furthermore, it is worth noting that some scholiasts differentiate critical assessment and comparison. While it is not clearly specified whether comparison is one of the duties of a grammarian, and what methods in particular the comparison would include, it is emphasized that they have to know how to critically assess poems before being enabled to make comparisons.[40]

Taking all this into consideration, Prodromos's disdainful disapproval of an inept grammarian based on the critical evaluation of poems becomes even more peculiar. First of all, Prodromos invites his adversary to make a comparison and to choose the wisest and the most useful poets that he will use in training his young students. The obvious answers are definitely Homer, followed by Hesiod. Their works, especially the epics of Homer, represented a kind of grammatical inventory for instructors, and therefore were frequently used in teaching practice.[41] However, it seems that Prodromos is not utterly satisfied with the supposed answers given by his inept grammarian. But does Prodromos really disapprove of using Homer and Hesiod in the school curriculum? Did he mean to invite the wider public to insert changes in the Byzantine educational system? Although this cannot be excluded, it is indeed quite hard to assume this, as Prodromos frequently boasts that he is familiar with their work and, for rhetorical purposes, quotes both Homer and Hesiod in his own texts. Most probably he strives to demonstrate that his grammarian is incapable of explaining why in truth these two classical authors are important to be taught to students.

Furthermore, for Prodromos one simply cannot be a grammarian without being previously well-instructed. He advises the incompetent teacher to work

[38] Hilgard, "Scholia Marciana," 303–304; Hilgard, "Scholia Londinensia," 471–472; Hilgard, "Commentariolus Byzantinus," 568.

[39] Hilgard, "Scholia Marciana," 301; Hilgard, "Scholia Londinensia," 448.

[40] Hilgard, "Scholia Marciana," 303; Hilgard, "Scholia Londinensia," 471.

[41] Browning, "Teachers," 96–98.

industriously on gaining knowledge – to start from basics and to improve gradually "until he is able to seize the fortress of grammar." [42] Prodromos also makes a brief reference saying that gods put sweat before virtue, which derives from Hesiod's *Works and Days*, and mockingly argues that while Hesiod was wisened by Muses when being granted a laurel wand, it would be the right thing if an inept grammarian were given a thick pomegranate stick because of his stupidity.[43] Although this advice bears some resemblance to an excerpt from Lucian's *Professor of Public Speaking*,[44] it is quite striking that another twelfth-century Byzantine author makes similar remarks when it comes to learning, and thus to teaching grammar. John Tzetzes, for instance, employs the same ethical *topos* from Hesiod to emphasize the necessity of laborious work and describes in detail the toilsome and painful road of one who strives to master grammar. This Byzantine intellectual, like Prodromos, very often expressed his dissatisfaction with the teacherly practice of his less qualified contemporaries.[45] Although this might point to a widespread issue in Byzantine didactic practice, at the same time, these complaints conveniently served Byzantine intellectuals to promote their own teaching abilities and authority.

Secondly, the basis on which Prodromos requests his grammarian to make critical assessment is surprising, since most scholiasts agree that the grammarian should not conduct literary criticism and should not assess which author or poem is better in this sense, but he should focus on characteristics of language and composition to determine the authenticity of poems. Was he mocking inept grammarians because he did not even understand that he should possess this kind of knowledge, or was he challenging the traditional role of the grammarian? I am prone to believe that it is the second. For Prodromos, it was not enough for a good grammarian to have a superficial understanding of language and forms; instead, this grammarian required in-depth knowledge of matters that go beyond the scope of grammar. This supposition might be corroborated by Prodromos's sarcastic comment that the inept grammarian is "appointed to indicate the forms alone and meanings of etymologies, and not to philosophize about them in a

[42] "ἄχρις ἂν τὴν τῆς γραμματικῆς καταλάβῃς ἀκρόπολιν." Prodromos, *The Ignorant or the Self-Proclaimed Grammarian,* ed. Migliorini 32, lines 120–121.

[43] Prodromos, *The Ignorant or the Self-Proclaimed Grammaria*n, ed. Migliorini, 32–33, lines 117–123, 131–136; Lucian, "A Professor of Public Speaking," 135–145.

[44] Lucian, "A Professor of Public Speaking," 139.

[45] Lucian, "A Professor of Public Speaking," 135–145; Baukje van den Berg, "John Tzetzes as Didactic Poet and Learned Grammarian," 295–301.

more accomplished manner."[46] It seems that, to a certain extent, Prodromos's stance aligns with that of Sextus Empiricus, according to whom grammarians are incapable of conducting proper critical assessment of poetry and prose, as they are actually not specialists in any of the fields in which these works are produced, such as mathematics, music, physics, or medicine.[47] However, while for Sextus Empiricus all grammarians cannot have any deeper understanding of other disciplines, Prodromos's negative evaluation is restricted to a limited group of incompetent grammarians, or rather to a way in which grammar was taught in his time. And according to Prodromos, this was certainly not an ideal that one should be striving for.

In summary, although it cannot be said with certainty whether Prodromos had a particular teacher or rather a type of teacher in mind when he wrote *The Ignorant or Self-Proclaimed Grammarian*, based on his critique, it is evident that he challenges the traditional role of the good grammarian, which definitely should not be assumed by his contemporary teachers. For scholiasts, the teacher of grammar should not assess poems as a literary critic, but for Prodromos he should. The commentary tradition does not expect a grammarian to be versed in Platonic and Aristotelian philosophy in order to be a teacher of grammar, while for Prodromos this is a must. For Sextus Empiricus, all teachers of grammar are incompetent in matters that go beyond basic grammatical skills, while for Prodromos this is not the case. Based on his arguments, it seems that Prodromos implicitly presents himself as a role-model of the excellent teacher. Therefore, the line between the grammarian and the philosopher seems to be blurred and therefore the excellent grammarian must possess also higher philosophical erudition in order to provide the best possible education for his students.

[46] Prodromos, *The Ignorant or Self-Proclaimed Grammarian*, ed. Migliorini, 31, lines 74–90: "τύπους ἢ γὰρ ὑποδεικνύειν μόνους ἐτυμολογιῶν καὶ ἐμφάσεις τούτῳ προέκειτο, οὐ μέντοι φιλοσοφεῖν περὶ τούτων τὰ τελεώτατα."

[47] Sextus Empiricus, "Against the Grammarians," 172–173.

SEEKING VENGEANCE FOR THE BEAST: AVENGING BEARS AND LIONS IN EARLY ARTHURIAN ROMANCE

Kaila Yankelevich

Introduction

In medieval literature, the way animals are represented is often the expression of a view of the world, of nature, and of the connection between humans and nature. Animals as metaphors, characters, or narrative elements incarnate the otherness that defines what is civilized, domesticated, or human. In this paper, I focus on lions and bears, two species that were considered particularly wild, and whose representations were integrated into widespread traditions such as the Bible and the Bestiary. Particularly, I examine how these beasts accompany knights in the early French Arthurian romance, a genre in which identity plays a crucial role, and how their symbolic value helps to shape their masters' identity while expressing ways of human dominion over nature.[1]

I consider alterity central in the construction of identities. Specifically, in Arthurian romance (male) heroes are defined, as Simon Gaunt demonstrates, by the difference posed between them and an otherness, which can be a female companion.[2] Similarly, animals can be used for constructing the identity of human characters; as Karl Steel argues, the violent domination of animals is at the core of the construction of the human.[3] When it comes to elite identity in particular, as Dorothy Yamamoto states, heraldry and hunting are the usual means by which medieval nobility expressed a relationship of control over animals and their bodies.[4]

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[1] This paper is a condensed version of my master's thesis; for a more elaborate analysis and conclusions, see Kaila Yankelevich, "The Knight of the Bear, the Knight of the Lion: a Comparative Approach to Early Arthurian Romance" (master's thesis, Central European University, 2022).

[2] Simon Gaunt, *Gender and Genre in Medieval French Literature* (Cambridge: Cambridge University Press, 1995), 71–121.

[3] Karl Steel, *How to Make a Human: Animals and Violence in the Middle Ages* (Columbus: Ohio State University Press, 2011).

[4] Dorothy Yamamoto, *The Boundaries of the Human in Medieval English Literature* (Oxford: Oxford University Press, 2000), 132.

In the cases I analyze, the construction of identity works not by contrast but by transferring the symbolic value of the animal to the human whom they accompany. I examine a specific typology: large wild predators, lions and bears, joining the knight in his adventures, aiding him in battle or guardianship of a territory. The animal companion must have a one-to-one relationship with a knight who would not eat it, and vice versa.[5] Moreover, I examine the knight's reaction to its beast being harmed or killed, as I consider the desire to aid or avenge it shows a degree of intimacy with the animal, if not its humanization.

This paper is framed within fields that have gained preponderance over the last forty years, namely animal studies and ecocriticism.[6] There are numerous studies investigating animals as instruments for shaping human identity in various medieval sources, from highly conventional genres, such as hagiography and Middle English romance, to Latin and French bestiaries and other vernacular literary works.[7] Previous scholarship tended to privilege the study of horses as a crucial component of the identity of the elites, the patrons and readers of Arthurian romances. Particularly, Jeffrey Jerome Cohen has provided a reading of how the interweaving of the human, the horse, and chivalric objects create the complex body of the knight, which integrates organic and inorganic elements.[8]

Few academic works examine the role of bears and lions in medieval French literature, mainly focusing on the latter. Sarah Kay dedicates a chapter to the lion in bestiaries and its quasi-kinship with humans, while Peggy McCracken has provided a thorough study of both beasts in Chrétien de Troyes' *Le Chevalier au Lion*, looking mainly at the use of animal skin and heraldic animals.[9] Some scholars also began writing a comprehensive and interdisciplinary cultural history of both the lion and the bear. In *The Bear: History of a Fallen King*, Michel Pastoureau

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5 For this last idea about eating, I am drawing on Donna Haraway's definition of "companion animal," for which see Donna Haraway, *The Companion Species Manifesto: Dogs, People, and Significant Otherness* (Chicago: Prickly Paradigm Press, 2003), 14.

6 An undeniable milestone in the intersection of animal studies and medieval studies was Joyce E. Salisbury, *The Beast Within: Animals in the Middle Ages* (New York and London: Rutledge, 1994).

7 David Salter, *Holy and Noble Beasts: Encounters with Animals in Medieval Literature* (Cambridge: D. S. Brewer, 2001); Susan Crane, *Animal Encounters: Contacts and Concepts in Medieval Britain* (Philadelphia: University of Pennsylvania Press, 2013), and Sarah Kay, *Animal Skins and the Reading Self in Medieval Latin and French Bestiaries* (Chicago and London: The University of Chicago Press, 2017).

8 Jeffrey Jerome Cohen, *Medieval Identity Machines* (Minneapolis: University of Minnesota Press, 2003), 35–77.

9 Kay, *Animal Skins*, 101–107, and Peggy McCracken, *In the Skin of a Beast: Sovereignty and Animality in Medieval France* (Chicago and London: The University of Chicago Press, 2017), 68–78.

argues that, across eighth-century Europe, the Church worked to replace the bear, previously considered the king of beasts, by the lion.[10]

This paper will focus on thirteenth-century texts which, until recently, have been disregarded by literary criticism because of their supposedly low artistic quality and marginal position in the Arthurian canon. These are *Perlesvaus* or *Le Haut Livre du Graal*, *La Vengeance Raguidel*, and *The Third Continuation of Le Conte du Graal*, also known as the *Manessier's Continuation*. Furthermore, to better understand the cultural significance of lions and bears, I examine their portrayal in other discourses circulating at the time. These beasts belong to the biblical tradition, whose significance and influence cannot be overlooked, and to bestiaries produced before the end of the thirteenth century in the north of France and England, therefore they are from a similar cultural context as the romances. I privilege manuscripts from the so-called second family of Latin bestiaries, the most widespread but will also take examples from other traditions.[11,12]

Besides the studies by Pastoureau and McCracken, bears have been largely forgotten by scholarship; particularly the one in *La Vengeance Raguidel* has not received the attention it deserves. Moreover, there is a lack of a diachronic approach examining the changes in depictions of particular species within the genre. By placing these romances in their broader cultural context, I contribute to the scholarship on these topics with an original analysis.

The Bear and the Lion in the Bestiary and the Bible

In both the Bible and the bestiary traditions, textual and visual representations of the bear and the lion are tightly intertwined. The lion is mentioned much more often than the bear and, as an ambivalent sign, medieval authors would

[10] Nigel Harris, "The Lion in Medieval Western Europe: Toward an Interpretive History," *Traditio* 76 (2021): 185–213, and Michel Pastoureau, *The Bear: History of a Fallen King* (Cambridge, Massachusetts, and London: Belknap Press of Harvard University Press, 2011).

[11] Crane, *Animal Encounters*, 69–70: "Second-family manuscripts were the most favored, widely circulated group of bestiaries, in the twelfth and thirteenth centuries moving outward from monastic milieus to sermons for laypeople, educational settings, and aristocratic courts." I will quote the transcriptions of the Aberdeen Bestiary, provided in "The Aberdeen Bestiary," University of Aberdeen, https://www.abdn.ac.uk/bestiary, accessed May 26, 2023.

[12] In the case of Latin bestiaries, I will include examples from different families. I am aware of the discussions surrounding the concept of families, but I consider, as other scholars have before me, that the notion is a useful one. I will follow the classification provided by David Badke, "The Medieval Bestiary," https://bestiary.ca/manuscripts/manulocshelf.htm, last modified April 29, 2022.

interpret them as contradictory concepts in the same way as Christ or the devil.[13] Both animals can be associated with violent notions, namely the oppression of a ruler – an earthly king or God himself – and with the fear of that violence. In the Bible, most references to the bear occur next to a mention of the lion. When this happens, the latter's negative significance is enhanced. For example, in Amos 5:19, there is a progression of danger that goes from lion to bear, to serpent.[14] Alongside these other wild beasts, a bear is worse than a lion, but does not carry such a heavy connotation of moral danger as the serpent does. Furthermore, Samuel 17:34–37 recounts how a young David, before fighting the giant Goliath, confidently evokes his precedent victories against a lion and a bear.[15] The two animals represent the wild otherness that David defeats before facing Goliath, who as a gentle giant represents both the religious and the monstrous Other. Like the bear, whose proportions and ability to stand on its back legs provide him with an almost human silhouette, the giant inhabits the frontier of what is considered human, and this liminality makes him unsettling. Bears can create a connection with monstrosity, like in the case of Goliath, or simply bring out in the lion what it has of the menacing, of the dangerous, and of the wild.

While commenting on the Goliath story, Augustine of Hippo (354–430) refers to another trait both predators share, their prodigious strength: "Since a bear possesses his strength in his paw and a lion has his in his mouth, the same devil is prefigured in those two beasts."[16] This characteristic is later described in bestiaries, which also highlight the ability that makes the bear abjectly close to humans: "Its greatest strength lies in its arms and loins; for this reason bears

[13] In 1 Peter 5:8 the lion is associated with the devil, while in Revelation 5:5, it is directly connected to Christ. For an extensive list of authors who use the symbol of the lion in both directions, see Harris, "The Lion in Medieval Western Europe," 191–192.

[14] Amos 5:19: "As if a man did flee from a lion, and a bear met him; or went into the house, and leaned his hand on the wall, and a serpent bit him." I quote from "Holy Bible, King James Version," God's View, https://godsview.net/bible.html, accessed May 1, 2022. I made slight modifications: I removed the archaic -th- from the third-person singular indicative present tense verbs, and I changed the archaic forms of second person verbs and pronouns to a modern style.

[15] 1 Samuel 17:34–37: "And David said unto Saul, Your servant kept his father's sheep, and there came a lion, and a bear, and took a lamb out of the flock: 35 And I went out after him, and smote him, and delivered it out of his mouth: and when he arose against me, I caught him by his beard, and smote him, and slew him. 36 Your servant slew both the lion and the bear: and this uncircumcised Philistine shall be as one of them, seeing he hath defied the armies of the living God. 37 David said moreover, The Lord that delivered me out of the paw of the lion, and out of the paw of the bear, he will deliver me out of the hand of this Philistine. And Saul said unto David, Go, and the Lord be with thee."

[16] Augustine, *Sermon* 121:4; "Sant' Agostino," Città Nuova Editrice and Nuova Biblioteca Agostiniana, https://www.augustinus.it/, accessed April 24, 2022.

sometimes stand upright."[1718] Strength is also noted by authorities such as Aristotle and Pliny.[19] Pliny described bears as stupid and evil, a depiction that probably influenced the patristic view on them.[20]

Biblical discourse makes certain traits primary in one animal. On the one hand, bears are presented as protective mothers proportionally more often than lions, even when this trait is used in connection with their violence and voracity.[21] Lions, on the other hand, predominate over the rest of the animals: According to The Proverbs 30:30, "A lion which is strongest among beasts, and turns not away for any,"[22] and are frequently associated with kings and kingship.[23] Lions inherit this connection in the bestiary tradition: "For the Greek word for lion is translated as 'king' in Latin, because the lion is the king of all the beasts."[24]

In bestiaries produced in France and England before the end of the thirteenth century, lions and bears show further associations. Lions are described in more detail and are assigned three main traits that bring them closer to Christ, in addition to other characteristics such as their vulnerability to the venom of the snake or their mercy towards harmless humans.[25] The strongest similarity that

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17 Aberdeen University Library, Univ. Lib. MS 24, 15r.

18 The bestiary tradition takes this characteristic from the description given by Isidore of Seville in his *Etymologies*. For the passage on the bear, see Isid., *Orig.* 12.2.22; for the translation, see Isidore of Seville, *The* Etymologies *of Isidore of Seville*, trans. Stephen A. Barney, W. J. Lewis, J. A. Beach, and Oliver Berghof (Cambridge: Cambridge University Press, 2006), 252–253.

19 Pastoureau, *The Bear*, 35.

20 Pastoureau, *The Bear*, 120.

21 Hosea 13:7–8: "Therefore I will be unto them as a lion: as a leopard by the way will I observe them: I will meet them as a bear that is bereaved of her whelps, and will rend the caul of their heart, and there will I devour them like a lion: the wild beast shall tear them." 2 Samuel 17:8: "For, said Hushai, you know your father and his men, that they are mighty men, and they be chafed in their minds, as a bear robbed of her whelps in the field: and your father is a man of war, and will not lodge with the people." Proverbs 17:12: "Let a bear robbed of her whelps meet a man, rather than a fool in his folly."

22 Proverbs 30:30.

23 Proverbs 30:30–31: "A lion which is strongest among beasts, and turns not away for any; A greyhound; an he goat also; and a king, against whom there is no rising up." Proverbs 20:02: "The fear of a king is as the roaring of a lion: who so provokes him to anger sins against his own soul." Proverbs 19:12: "The king's wrath is as the roaring of a lion; but his favor is as dew upon the grass." Proverbs 28:15: "As a roaring lion, and a ranging bear; so is a wicked ruler over the poor people."

24 Aberdeen, Aberdeen University Library, Univ. Lib. MS 24, 7r: "Leo enim grece, latine rex interpretatur, eo quod princeps est omnium bestiarum."

25 Aberdeen Bestiary, 8r and 7v: "King of the beasts, it is tormented by the tiny sting of the scorpion and is killed by the venom of the snake;" "The compassion of lions is apparent from endless examples."

Figure 1: Bodleian Library MS 764 (England, ca. 1225–1250), fol. 22v.

Figure 2: Cambridge University Library MS Kk.4.25 (England, 1220–1240), fol. 66r.

they share with bears is their peculiar birth: the cubs of both animals are infused with life only after being born: by its father's breath in the case of the lion, and by being licked into shape by the mother in the case of the bear. This trait is crucial: it is the one characteristic of the bear that is shown in its iconography (see *Fig. 1* and *2*), and one very often chosen for depicting the lion (see *Fig. 3* and *4*).

Interestingly, there is at least one case, preserved in a thirteenth-century French bestiary (*Fig. 5*), in which the iconography of the bear is used for the lion, thus further strengthening the links between these animals.

Figure 3: Bodleian Library MS 764 (1225–1250, England), fol. 2v (detail).

Figure 4: Bibliothèque Nationale de France, MS Français 14969 (13th century, France), fol. 3r.

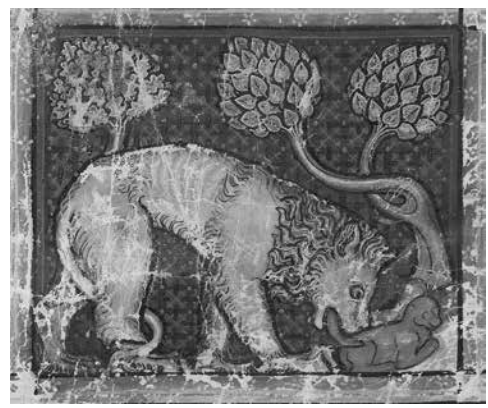

Figure 5:BnF, MS Français 14964 (13th century, France), fol. 120r.

The parallel of this birth with the biblical story of the creation of man facilitates the use of the lion as a Christ-like figure and, in general, reinforces the possible kinship of both animals with human beings.[26] But what in the lion is aethereal and paternal, in the bear is fleshy and maternal. The parallel that brings the lion closer to Christ makes it a noble beast, a model for humans to follow, while the similarities of the bear and humans, often connected with sexuality, make it fearsome and unsettling.

Arthurian Romance: The Slaying and Avenging of the Beast

From the 1170s onwards, the poet Chrétien de Troyes introduced a highly influential model of Arthurian romance. At its core, there is the question of chivalric identity, as "the hero begins the romance in a state of incompleteness," while at the end, after learning about himself, he emerges "a wiser and better man."[27]

There are lions in all the five preserved romances by Chrétien,[28] as real animals, metaphorical ones, or part of a decorative object. The most famous example is Yvain's lion in *Yvain ou Le Chevalier au Lion*, composed between 1177 and 1181.

In the text, the lion is introduced through two characteristics found in bestiaries. Yvain first runs into the beast being attacked by a fire-spitting snake, an animal described in the Bestiary as deadly to lions.[29] The knight decides to

[26] For a thorough analysis of the quasi-kinship between lion and human in the Bestiary's narrative and iconography, see Kay, *Animal Skins*.

[27] Keith Busby, "The Characters and the Setting," in *The Legacy of Chrétien de Troyes*, ed. Norris J. Lacy, Douglas Kelly, and Keith Busby (Amsterdam: Rodopi, 1987), 1:80.

[28] The five preserved romances by Chrétien are *Erec et Enide* (ca. 1170), *Cligès* (ca.1176), *Lancelot ou Le Chevalier de la Charrette*, *Yvain ou Le Chevalier au Lion* (both written between ca.1177 and ca.1181; the last thousand verses of *Lancelot* were composed by Godefroi de Lagny under the direction of Chrétien), and *Le Conte du Graal* (a project started after ca.1181 and left uncompleted around 1191, probably because of the death of the author or of his patron). The romances were extremely popular, each being preserved in around ten manuscripts, and were used as inspiration by numerous authors afterwards. The incompleteness of *Le Conte du Graal* triggered the creation of at least four major continuations, some of which are longer than this text.

[29] Chrétien de Troyes, *Yvain ou Le Chevalier au Lion*, ed. and trans. Philippe Walter (Paris: Gallimard, 1994), vv. 3350–3353: "Vit un lyon, en un essart,/ Et un serpant qui le tenoit/ Par la coe, et si li ardoit/ Trestoz les rains de flame ardant." In English translation: "[Yvain] saw a lion, in a glade,/ and a serpent who held it/ by the tail, and was burning him/ very much in his back with burning flame." The English translations from Old French are mine unless indicated otherwise.

help the feline, described as "noble"[30] in contrast with the "venomous"[31] and "cruel"[32] serpent, even if this decision meant having to fight the lion later. This fear is unsubstantiated, as the beast recognizes his savior and bows while shedding grateful tears, a humanized behavior necessary for expressing feelings without words and reminiscent of feudal ceremonies.[33] The anthropomorphism, coupled with significant patheticism, of the lion's acts is heightened later, when after Yvain appears to have died, it attempts to commit suicide with its master's sword.[34] Its nonaggressive nature towards humans, found in bestiaries, activates the positive connotations of the lion: nobility, mercy, and its association with rulership and with Christ. These traits are so crucial for Yvain's chivalric identity that, halfway through the poem, he starts calling himself "le chevalier au lion."[35]

Afterwards, the lion systematically assists Yvain on his adventures. In one episode, reminiscent of its second nature in the Bestiary,[36] the lion mounts guard during the night.[37] In combat, the lion engages in Yvain's duels only when some iniquity is being committed: it helps him kill the giant Harpin,[38] win a judicial duel against three treacherous knights,[39] and kill two sons of the devil that attack together.[40] In the three situations, the intervention of the lion corrects some unfairness, even when Yvain is tricked into leaving his lion out of the battle. In this

30 The lion is called "la beste gentil et franche" in v. 3377. Both adjectives refer to its noble birth and status.

31 The serpent is called "venimeus" in vv. 3359 and 3361. It then assembles three deadly characteristics that in bestiaries are often ascribed to different kinds of snakes: the venom, the fire and the strength of its embrace.

32 The adjective "felon" and the associated noun "felenie" are often used to refer to this animal, in vv. 3359, 3363 and 3386.

33 Julian Harris has also described the behavior of the lion; on some occasions it is like the behavior of a dog, for which see Julian Harris, "The Rôle of the Lion in Chretien de Troyes' *Yvain*," *Publications of the Modern Language Association*, vol. 64, issue 5, part 1 (December 1949): 1148: "since he has never seen a man with a lion, he [Chrétien] describes a man with a dog which has the strength, courage, and nobility of a lion."

34 This episode occurs between verses 3506 and 3525.

35 Chrétien de Troyes, *Yvain ou Le Chevalier au Lion*, Walter, v. 4291.

36 Aberdeen Bestiary, f. 7v: "The second characteristic of the lion is that when it sleeps, it seems to have its eyes open."

37 Chrétien de Troyes, *Yvain ou Le Chevalier au Lion,* Walter, vv. 3481–3484.

38 Chrétien de Troyes, *Yvain ou Le Chevalier au Lion*, Walter, vv. 4168–4247.

39 Chrétien de Troyes, *Yvain ou Le Chevalier au Lion,* Walter, vv. 4509–4548.

40 Chrétien de Troyes, *Yvain ou Le Chevalier au Lion,* Walter, vv. 5596–5668.

Figure 6: Princeton MS Garrett 125 (late 13th century, Picardy), fol. 56v. Courtesy of Princeton University Library

Figure 7: Princeton MS Garrett 125, fol. 58v. Courtesy of Princeton University Library

sense, the beast acts as a sort of unselfish guardian of chivalric rules that forbade unequal combat.[41]

During these episodes, Yvain is extremely troubled whenever he sees his lion in danger: "When sir Yvain saw his lion/ wounded, much raged/ the heart within his chest, and he is not wrong,/ but strives to avenge him."[42] Moreover, Yvain explicitly cares more for his lion than for himself; he has been wounded, "but he is not so troubled by this/ as he is of his lion who is in pain."[43] After combat, he carries the beast to safety over his own shield.[44]

When it comes to visual representations, there are two extant illuminated manuscripts: Princeton MS Garrett 125 (Pr), produced in late thirteenth-century Picardy, in France,[45] and BnF MS Français 1433 (P) from the first half of the fourteenth century, also in northern France.[46]

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[41] And this is, in a way, a retribution to Yvain, who intervened in its favor in a fight that, because of the nature of the serpent, was unfair too.

[42] Chrétien de Troyes, *Yvain ou Le Chevalier au Lion*, Walter, vv. 4549–4552: "Quant messire Yvains voit blecié/ Son lyon, mout a correcié/ Le cuer del vantre, et n'a pas torta;/ Mes del vangier se poinne fort."

[43] Chrétien de Troyes, *Yvain ou Le Chevalier au Lion*, Walter, vv. 4564–4565: "Mes de ce pas tant ne s' esmaie/ Con de son lyon qui se dialt."

[44] Chrétien de Troyes, *Yvain ou Le Chevalier au Lion*, Walter, vv. 4652–4656.

[45] For more information on this manuscript and access to its digital facsimile, visit https://dpul.princeton.edu/msstreasures/catalog/pz50gx50b.

[46] For more information on this manuscript and access to its digital facsimile, visit https://archivesetmanuscrits.bnf.fr/ark:/12148/cc44883v.

In Pr, the lion appears in four illuminations depicting the three uneven combats that the lion balances out (*Fig. 6, 7,* and *8*) and its rescue by Yvain. In the illustrated fights, Yvain and the lion function as two figures mirroring each other, even depicted with the same color, rather than two independent members of a team. In *Figure 6,* they are both piercing the giant, either with a sword or with their teeth and claws. In *Figure 7,* the lion is initially left out of the duel and is patiently sitting by its master, who is also shown motionless. Finally, *Figure 8* depicts the end of the duel against the devil's sons: realizing its master is in danger, the lion escapes its prison and attacks them.[47]

Figure 8: Princeton MS Garrett 125, fol. 26v. Courtesy of Princeton University Library.

An intriguing feature of *Figure 7* is Yvain's representation as a still figure, in contrast to his dynamic rendering in all other combat scenes. This visual peculiarity indicates that the lion's depiction affects the way the knight is shown, not only the other way around.

In each of these illuminations, Yvain bears arms adorned with a lion. However, when forced by circumstances, he fights his friend Gauvain, a model of chivalry, he wears an armor depicting an eagle. This may show an intention, as Nancy Black suggests, "to impart allegorical significance to the battle, for the names and identities of the embattled knights are not important (...) The generic eagle imposes a universal quality on the battle itself."[48] But it might as well be a way of avoiding ambiguities when depicting two positive heroes in the same panel. The lion is the default heroic heraldic figure; therefore, if Yvain is shown with lion arms, Gauvain will automatically be rendered as a negative antagonist. By depicting two generic shields, the illuminator avoids showing preference for either of the two knights.

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[47] Nancy Black, "The Language of the Illustration of Chrétien de Troyes' *Le Chevalier au Lion (Yvain),*" *Studies in Iconography* 15 (1993): 54: "The antagonists' clubs seem ineffectual, and their bodies are inclined backwards to signify a defensive stance. Because the lion has joined in the battle, scratching his way out of confinement to help Yvain, the tide of battle has turned. Thus, the presence of the lion in this scene again emphasizes the power of love to conquer in the face of hate."

[48] Black, "The Language of the Illustration," 54.

Figure 9: BnF MS Français 1433, fol. 104r (detail).

The lion shield also occurs in P, which compiles *L'âtre périlleux* alongside *Yvain*. Gauvain, the protagonist in the first romance, is shown as bearing the exact same arms as Yvain in the second. In addition, Yvain wears his lion arms even before he encounters the actual lion. The difficulty regarding the duel between heroes remains, and the depiction of the battle between Yvain and Gauvain shows two knights whose shields do not have lions on them, while the lion is also absent (*Fig. 9*).

In P, the figures of the lion and the horse overlap, as Yvain's horse wears his master's arms (*Fig.10*). The composition reflects a symbolic harmony between the two animals, which is extremely significant, since the horse carries a deep symbolic meaning for medieval society in general, and for chivalry in particular. As Susan Crane points out, "in chivalry's myth of origin, the horse defines the knight by contrast to other men."[49] The horse is at the core of the concept of chivalry, as the main tool and attribute of the medieval knight. Medieval authors were conscious of this significance: in the first half of the thirteenth century, Jordanus Rufus writes: "No animal is more noble than the horse, since it is by horses that princes, magnates and knights are separated from lesser people…"[50]

[49] Crane, *Animal Encounters*, 140.

[50] Quoted in English in Salisbury, *The Beast Within*, 28.

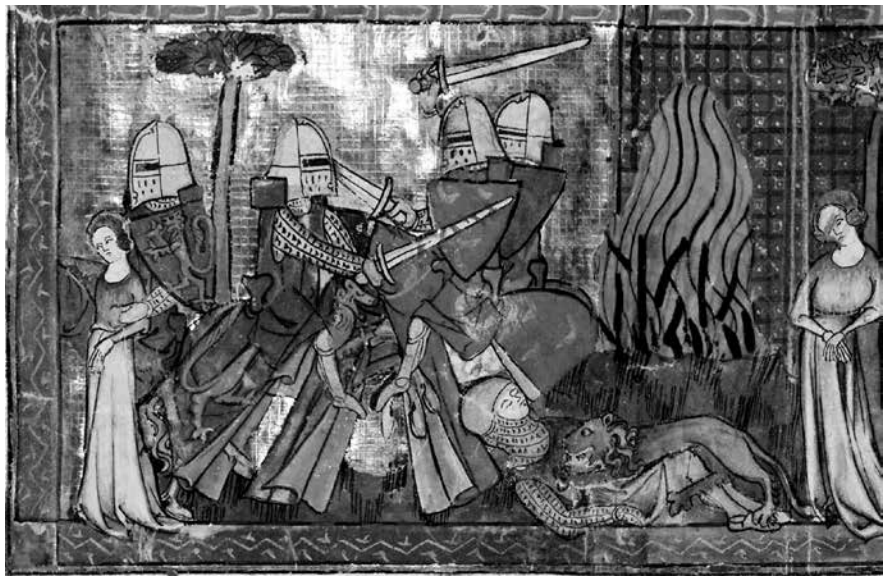

Figure 10: BnF MS Français 1433, fol. 90r.

One last difference between the two cycles is that while the one in Pr is concerned with showing Yvain's adventures "as a series of exemplary scenes of knightliness,"[51] the one in P explores matters such as the role of women in Arthurian romance.[52] This is reflected in that the Pr lion appears only in scenes of conflict, while in P it is also included in courtly situations and is depicted as a smaller animal (*Fig. 11*).

In the thirteenth century, authors engaged in various ways with Chrétien's legacy. His last romance, *Le conte du Graal*, was left incomplete, which allowed several continuations to arise. A lion accompanying a knight appears in the *Third Continuation* and in the anonymous prose romance *Perlesvaus*. I will briefly analyze those episodes that appear to show interesting resemblances.[53]

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[51] James A. Rushing Jr., "The Adventures of the Lion Knight: Story and Picture in the Princeton *Yvain*," *The Princeton University Library Chronicle* 53, No. 1 (1991): 49.

[52] Black, "The Language of the Illustration," 67.

[53] There are other early-thirteenth-century texts in which a lion appears as a companion to a character, as it happens for example in *La Quête du Saint Graal*, in which Perceval lives a similar episode as the one in which Yvain rescues the beast from the serpent in *Le Chevalier au Lion*. In this text, there is also an allegorical explanation in which the lion appears in its positive connotation, signifying Christ. Nevertheless, it exceeds the scope of this article to analyze the texts of the huge prose cycles of the thirteenth century.

Figure 11: BnF MS Français 1433, fol. 118r (detail).

In *Perlesvaus*, composed between 1191 and 1215,[54] fragments of which are extant in ten manuscripts,[55] there are multiple protagonists. The narrative follows the adventures of a variety of knights, shifting between characters through a complicated tapestry of interwoven episodes divided into "branches." Lions are present in many of them. In a text greatly influenced by the ideology of the Crusades,[56] the significance of the lion often provides a symbol and a justification for Christian violence.[57]

Nevertheless, only two lions appear accompanying a knight: those of Meliot de Logres and of the Red Knight. A young Meliot first appears in branch V, mounting the beast inside an enclosed garden. The scene is later given an allegorical

[54] Victoria Cirlot, "Introducción," in *Perlesvaus o El Alto Libro del Graal*, trans. Victoria Cirlot (Madrid: Siruela, 2000), 29.

[55] These are Bern, Burgerbibliothek, MS 113; Brussels, Bibliothèque royale de Belgique, MS 11145; Chantilly, Bibliothèque et Archives du Château, MS 472; Oxford, Bodleian Library, Hatton, MS 82; Paris, Bibliothèque nationale de France, Arsenal, MS 3480, XV; Paris, Bibliothèque nationale de France, Arsenal, MS 5177; Paris, Bibliothèque nationale de France, MS Français 120 XIV; Paris, Bibliothèque nationale de France, MS Français 1428; Washington, Library of Congress, MS 69, piece 31, and Wells, Cathedral Library, Cosyn Ms. (II). Most of these are only fragments, and modern editions are based mainly on the versions preserved in Brussels, Oxford and Paris MS 1428.

[56] Cirlot, "Introducción," 25.

[57] This aligns with what Nigel Harris, "The Lion in Medieval Western Europe," 200 notes about literature on the Crusades: "High-medieval writers on the Crusades were of course able to draw on biblical and later Christian perceptions of the lion, as well as on earlier ones of its threatening rapacity. This meant that the animal proved invaluable not only in representing bellicose fury, but also in justifying it in religious terms."

interpretation in branch VI, where it is explained that the child is an allegory of Christ, and the lion of the world and humanity.[58] In the episode, the lion has to be forced into obeying: "The boy descends from the lion and striking him with a whip leads him into his den, and gets the door closed, so he cannot get out."[59] The whip and the cage are symbols of human dominion over nature, technologies of domestication, and the lion is presented as a beast that needs restraining so as to not be harmful. Unlike Yvain's, who instinctively knows who to spare, Meliot's lion needs to be artificially controlled.

This lion appears a second time in branch VIII, when a knight called Clamados of the Shadows encounters it blocking the path of a group of damsels. When the animal approaches the group, a lady entices the knight to kill it, referencing it by the highly negative word *felon*,[60] and suggesting it will kill the knight's horse.[61] Clamados slays the beast and displays its head, justifying his actions before a servant of Meliot, who complains: "But the lion was so vile that he wanted to kill me and those who were passing by. Your lord should have chained him up, if he loved him so much!"[62] A lion without the signs of human ownership displayed on his body is just a wild animal, and it should be, the knight claims, fair to kill it.

Later in the same branch, Clamados's actions catch up with him. Vengeance is one of the main themes of *Perlesvaus*, where almost no violent deed goes unpunished. Indeed, Meliot finds the one who has slain his lion and challenges him to a duel, from which we learn the outcome in branch IX: "Clamados had died of the wound that Meliot de Logres gave him, and Meliot de Logres was healed."[63] Even when Clamados thought he was justified, as he was attacked by

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[58] *Perlesvaus ou Le Haut Livre du Graal*, 332: "Li enfés signefie le Sauveor del mont qui nasqui en la viés loi et fu circumcised, qui s'umilia vers tot le mont et li lions qu'il chevauchoit signefie le monde et le pule qui dedens est, et bestes et oisaus que nus ne porroit justisier ne gouverner se sa vertu non." In English translation: "The child signifies the Savior of the world (...) and the lion that he rode signifies the world and the humanity, who is inside it, and the beasts and birds that no one could master and dominate but His power."

[59] *Perlesvaus ou Le Haut Livre du Graal*, 270: "Li vallés descent del lion et fiert d'une corgie et le maine en se cave et fait l'uis fermer, qu'il ne puist fors issir."

[60] *Perlesvaus ou Le Haut Livre du Graal*, 410: "Sire, fait ele, ch'est li chans deu lion: il i a un lion si felon et si orrible que nus ne vit onques plus cruel."

[61] *Perlesvaus ou Le Haut Livre du Graal*, 410: "'Sire,' fait la damoisele, 'se vos ne descendés a pié, vostre chevaus iert mors a cest premerain encontre!'" In English translation: "'Sir,' said the damsel, 'if you do not descend on your feet, your horse will be dead in the first encounter!'"

[62] *Perlesvaus ou Le Haut Livre du Graal*, 412: "Mais li lions estoit vilains qui voloit ochire moi et les trespassans. Vostre sire lui deüst avoir enchaené, puis qu'il l'amoit tant!"

[63] *Perlesvaus ou Le Haut Livre du Graal*, 480: "et [elle] li dist que Clamadoz estoit mors de la plaie que Melios de Logres li avoit faite et que Melios de Logres estoit garis."

the lion at large before wounding it, he paid for the beast's life with his own. In *Perlesvaus*, the lion is a regular wild animal dominated by a knight, as well as the symbol of all that is worldly; but when functioning as an allegory, the Christ-like symbology of the lion is shifted from the animal to the human it accompanies.

The second lion appears in branch XI. Perlesvaus seeks to avenge a cousin murdered by the Red Knight, who dwells with his lion in a forest. Perlesvaus finds the beast, who is waiting intelligently for its master in a special location.[64] When it sees Perlesvaus, the lion attacks the horse first.[65] Hearing the fight, the Red Knight comes to the rescue, only to find his animal dead, which distresses him. He accuses Perlesvaus of treason, to which Perlesvaus responds that the Red Knight had killed his cousin.[66] Unlike Clamados, who tried to diminish the importance of the lion's death, Perlesvaus understands the rules of the violent world in which he lives; thus, when his rival accuses him, he just responds with his own reasons for the bloodshed. In this text, blood, animal or human, is always paid for with blood. Indeed, after a brief fight, Perlesvaus achieves his vengeance. In *Perlesvaus*, a lion is a neutral symbol: it represents the world, not Christ, and it does not necessarily serve a good knight. But when it is slain, vengeance is always sought.

A similar episode occurs in *Manessier's Continuation*, composed between 1211 and 1244, and extant in eight manuscripts.[67] In the episode, Perceval tries to enter a tent and is attacked by the lion who guards it. Perceval kills the animal and goes inside the tent, announcing what he thinks is a good deed, only to enrage the owner of the beast: "'Is that right?,' said the knight, proud and fierce and brimming with hostile rage. 'Who told you to kill my beloved lion? I'll avenge

[64] *Perlesvaus ou Le Haut Livre du Graal*, 936: "Le lion qui gissoit en mi une lande desoz un arbre et atendoit son seignor qui estoit alé loig en la forest; et savoit bien li lions que c'estoit alecques li trespas des chevaliers; por ce i estoit il arestez." In English translation: "The lion who was lying down in the middle of a moor under a tree and waited for his master, who was far in the forest; and the lion knew well that this place was in the path of the knights, and that is why he was staying there."

[65] *Perlesvaus ou Le Haut Livre du Graal*, 936–938: "Li lions aert le cheval as ongles desore la crupe si li abat le quir et la char deseure sa coue." In English translation: "The lion attacks the horse with its claws over the rump and pulls on the skin and the flesh over its tail."

[66] *Perlesvaus ou Le Haut Livre du Graal*, 938: "Quant li chevaliers vit mort son lion, si en fu molt dolans: 'Par mon chief, fait il a Perlesvaus, vos avez fait grant outrage! — Encore fesistes vos greignor, fait il, quant vos ocesistes le fil mon oncle de coi ceste damoiselle porte le chief!"

[67] Edinburgh, National Library of Scotland, Advocates, 19. 1. 5; Mons, Bibliothèque publique, 331/206; Montpellier, Bibliothèque interuniversitaire, Section Médecine, H 249; Paris, Bibliothèque nationale de France, français, 1429; Paris, Bibliothèque nationale de France, français, 1453; Paris, Bibliothèque nationale de France, français, 12576; Paris, Bibliothèque nationale de France, français, 12577; and Paris, Bibliothèque nationale de France, nouvelles acquisitions françaises, 6614.

the beast, by God I will! Bring me my arms! I'm going to battle!'"[68] Perceval then defeats the knight, spares his life, and the episode closes with both knights leaving each other in a friendly manner.

The episode bears similarities with the ones from *Perlesvaus*: the lion accompanies a secondary character rather than a protagonist; it is a wild beast, quite smart, but he shows aggression to every knight except its master, whatever their intentions are. In all these cases, the beast's mindless attack leads to it being killed, and in all the cases, its owner is determined to take revenge. Out of the above characters, only Meliot, the most positive chivalric figure of the three, achieves his vengeance.

Unlike lions, bears have a more negative connotation in French literature, at least from the eleventh century on. An example appears in the *chanson de geste* known as *La Chanson de Roland*, the oldest extant manuscript which dates from the late twelfth century,[69] but it was probably first written down just after 1086.[70] In this text, there are strong, multi-leveled connections between the bear and the concept of treason. On the one hand, bears are a gift sent by the traitor before the treason is accomplished, a symbolic warning most probably aimed at the extradiegetic public.[71] On the other hand, the treatment associated with the subjugation of the bear is the punishment that the traitor Ganelon receives after the treason is committed: "They beat him well with staffs and canes,/ and they put a chain around his neck,/ in this way they chain him up like a bear."[72] The image of the chained bear, clearly in circulation at the time, appears in some bestiaries (*Fig. 12*). Finally, in Charlemagne's prophetic dream, the bear is an allegory of the traitor and his kin.[73] I consider this an important precedent to the treatment the bear receives in *La Vengeance Raguidel*, where he and the knight he accompanies, are repeatedly labeled as traitors.

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[68] *The Complete Story of the Grail. Chrétien de Troyes'* Perceval *and its continuations*, trans. Nigel Bryant, (Cambridge: D.S. Brewer, 2015).

[69] This version, written in Anglo-Norman, is called the Oxford version. It is preserved in Oxford, Bodleian Library, Digby, 23, f. 1r–72r (manuscript O), which dates from between 1140 and 1170.

[70] Ian Short, "Introduction," in *La Chanson de Roland*, ed. Joseph J. Duggan (Paris: Le Livre de Poche, 1990), 10.

[71] The gifts, sent by the Saracen King Marsilie to Charlemagne as a token of peace, include, among other luxury goods, bears alongside other beasts that symbolize royalty or, because of their connection with hunting, nobility: Short, *La Chanson de Roland*, v. 128: "Urs e leüns, veltres enchaïgnez." In Eglish translation: "Bears and lions, hunting dogs with leashes."

[72] Short, *La Chanson de Roland*, vv. 1825–1827: "Ben le batirent a fuz e a bastuns,/ E si li metent el col un cäeignun,/ Si l' encäeinent altresi cum un urs."

[73] Short, *La Chanson de Roland*, 177.

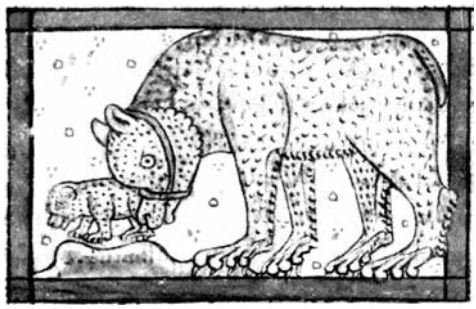

Figure 12: BnF, MS Latin 3630 (England, ca. 1250-1275), fol. 79v.

In Chrétien's surviving romances, the bear is mentioned only once. In *Yvain*, the animal is associated with an antagonist that is a major point on Yvain's journey, Harpin de la Montagne, who arms his chest with bear skin.[74] Harpin is a giant, thus, somewhat unnatural and monstrous, and poses a threat of violence to the nobility, especially sexual violence against a female character. Significantly, there is a tradition of stories in which bears kidnap and rape women.[75]

It is significant that Harpin wears the dead bear's body part, actually its skin, instead of owning the live animal or bearing arms with its figure. This marks Harpin as someone who, even if not completely human, rules over the wilderness and, therefore, is a powerful antagonist. It also signals an archaic form of environmental oppression: "Harpin's crude threats, violent actions, and bearskin armor locate the giant outside of courtly culture and the customs of chivalric battle that organize it, but also perhaps in a past time when warriors wore skin instead of metal."[76] Harpin deviates from the rules that would never allow a knight to wear such armor: his manner of owning nature involves a less sophisticated, more literal violence. McCracken argues that the episode contrasts two ways of displaying identity through animals: "[it] stages a confrontation between the use of an animal's skin for protection and perhaps inspiration and the symbolic display of an animal as an identifying sign."[77] It is not by chance that only after defeating this enemy does Yvain finally call himself the "chevalier au lion."[78]

[74] Chrétien de Troyes, *Yvain ou Chevalier au Lion*, Walter, vv. 4196–4197: "Ferir le va enmi le piz/ Qu'il ot armé d'une pel d'ors."

[75] Pastoureau, *The Bear*, 77.

[76] McCracken, *In the Skin of a Beast*, 73.

[77] McCracken, *In the Skin of a Beast*, 74.

[78] Yvain identifies himself with this name for the first time in v. 4291.

Unlike with Chrétien, there is an actual bear in the verse romance *La Vengeance Raguidel*, composed before 1230[79] and preserved in four manuscripts.[80] Because of its humorous tone and other details,[81] the romance has been controversially attributed to Raoul de Houdenc.[82] Highly misogynistic, the text treats many of the conventions established by Chrétien's romances with irony.[8384] In it, Gauvain is charged with the responsibility of avenging a dead knight named Raguidel. The murderer, called Guengasouains, protects himself with magic weapons and a trained bear, so Gauvain needs to find a (human) companion that kills the beast while he is fighting the knight.[85] There is an opposition then between two groups: on the one side, two knights form is a human team, while on the other, a knight and a beast, a hybrid one.

The text first presents the beast as "cruel and full of irritation,/ and big and strong in excess."[86] The adjective *fels*, which I translated as "cruel," is the epithet that the traitor Ganelon repeatedly receives in *La Chanson de Roland*. It was also applied to the serpent in *Le Chevalier au Lion*,[87] and is the word chosen by the damsel in *Perlesvaus* to convince Clamados to kill Meliot's lion. This extremely negative qualification automatically groups the bear with the main antagonists of French medieval literature.

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[79] Gilles Roussineau, "Introduction," in *La Vengeance Raguidel*, ed. Gilles Roussineau (Genève: Droz, 2006), 9.

[80] These are Chantilly, Bibliothèque et Archives du Château, 472 (A); Nottingham, University Library, Mi LM 6; Paris, Bibliothèque nationale de France, français, 2187, and Paris, Bibliothèque nationale de France, nouvelles acquisitions françaises, 1263. The last two only contain fragments and the second one lacks the 90 last verses.

[81] The author names himself "Raoul" in v. 3320 and v. 6102.

[82] For a summary of the debate around the authorship of the text, beginning in the late nineteenth century with the first modern edition of the work, see Roussineau, "Introduction," 11–17.

[83] Alexandre Micha, "Miscellaneous French Romances in Verse," in *Arthurian Literature in the Middle Ages: a Collaborative History*, ed. Roger Sherman Loomis (Oxford: Oxford University Press, 1974), 366.

[84] Lacy, "The Typology of Arthurian Romance," 48.

[85] As explained by the damsel in vv. 5129–5141, only two knights together can achieve the vengeance. It is usual in Arthurian romance that the knight who is destined for a concrete adventure is selected by a slightly fantastic test. In this case, the knight who must carry out the vengeance of Raguidel is the one that can extract the lance that killed him from his chest, an achievement only Gauvain can accomplish. And the one destined to help is the one that can take the rings off the dead man's fingers, a young knight called Yder.

[86] *Messire Gauvain ou la Vengeance de Raguidel*, ed. C. Hippeau (Paris: Auguste Aubry, 1862), vv. 5284–5285: "Li ors est fels et plains d'anui,/ Et grans et fors outréement."

[87] The adjective is applied to the serpent in verses 3359, 3379 and 3386 in the form *felon*; and its noun form, *felenie*, is associated with it in verse 3363.

Guengasouains was told that he was going to be killed by two knights; to avoid the prophecy being fulfilled, he trained the bear to intervene in battle only when two people attacked him together.[88][89] Another opposition can be noted here, between Guengasouains's treacherous training of the irrational wild animal, and the lion's spontaneous pledge to Yvain. The bestiary tradition may partially explain this difference, since it notes the lion's forgiving nature.

However, despite all that makes Guengasouains an antagonist and his bear a negatively coded animal, we may see similarities between the beast and Yvain's lion. Faithful to its master, the animal keeps watch over the chivalric codes that forbade uneven combat: when the situation requires, it ensures adherence to the rules.

During the fight, the description of the bear's attack against Yder, Gauvain's companion, is bloody. When the bear sees his master dismounted, "[h]e raises to his feet, bares his teeth,/ He runs towards sir Yder,/ More wicked than a demon from hell."[90] The description might indicate a biped position that brings bears so abjectly close to the human figure. The bear's sudden reaction recalls the biblical she-bears, furiously protecting their cubs.

The attack is described vividly, as the bear charges against Yder's horse (like the thirteenth-century wild lions) and devours it.[91] As explained, the horse is at

[88] Hippeau, *Messire Gauvain ou la Vengeance de Raguidel*, vv. 5302–5305: "Guensgasouains issi l'a duit,/ Por ce qu'il set et a enquis/ Qu'il ne serra jamais conquis/ Fors par deux chevaliers ensanble." In English translation: "Guengasouains has trained him in that way,/ Because of what he knows and has inquired,/ That he will never be defeated/ Except for two knights together."

[89] Hippeau, *Messire Gauvain ou la Vengeance de Raguidel*, vv. 5288–5299: "Se ses sires vuelt encontrer/ Un chevalier, et il i joste,/ Li ors laist et se siot de joste;/ En pais ses esgarde à conbatre./ Se cil puet son signors abatre/ Por lui ja l'ors ne movera;/ Mais se plus chevaliers i a/ Li ors lor saut en mi le vis,/ Ausi come un diables vis,/ Mort des dens et des pates fiert/ Que ja nus haubers si fors n'iert/ Qu'il puisse contre lui durer." In English translation: "If Guensgasouains is attacked, the bear "peacefully refrains from fighting \(...) But if there is more than one knight\ The bear will jump straight to their face,\ Just like a living demon,\ Bite with his teeth and harm with his paws."

[90] Hippeau, *Messire Gauvain ou la Vengeance de Raguidel*, vv. 5584–5588: "Li ors le voit, si fu maris/ De son signor, qu'il vit à terre;/ Les piés drece, les dens desserre,/ Si cort à monsignor Yder,/ Plus caus que diables d'enfer."

[91] Hippeau, *Messire Gauvain ou la Vengeance de Raguidel*, vv. 5590–5599: "Li ors saut á lui, si feri/ Son cheval deriere l'arçon,/ Si qu'il l'i mist jusqu'al pomon/ Le destre pié dedens le cors;/ Après le cop l'a el flanc mors,/ Si qu'il li traist le mestre coste./ Et li chevals caï sor coste,/ Qu'il se senti navré à mort;/ Et l'ors le fiert as dens et mort/ Tant qu'il l'a errant devoré." In English translation: "The bear jumps towards him, and harms/ His horse behind the saddle,/ In such a way that it thrusts all the way to the lung/ The right paw inside the body;/ After the blow he bit the flanc,/ In such a way that he rips out the main rib./ And the horse fell on his side,/ Because he felt wounded to death;/ And the bear hurts him with his teeth and bites/ So much that he has quickly devoured it."

the core of the chivalric identity and its devouring by another being is highly suggestive, if not transgressive. The voracious bear, an image present in the Bible, is connected to the concept of gluttony in contemporary French literature, for example, in the *Roman de Renart*.[92] Additionally, in some places, eating horse meat was taboo in medieval times.[93] By doing this in a battlefield, the bear asserts dominion over his enemy in a way inadequate for a chivalric combat.

There is another opposition between the good knights' animal, the horse, and Guengasouains's bear. It is productive to think here about Cohen's Deleuzian reading of the medieval knight as a hybrid identity machine, a circuit that combines organic and inorganic elements: the horse – or other animals crucial to the elite identity, like greyhounds and hawks – humans, arms, bridle and saddle.[94] Contrary to Harpin, Guengasouains is definitely human, but he deviates from the rule in that the elements that compose his identity, the animal and the weapons, are not what is expected from a proper knight. To normal arms he opposes magical arms, and to the domestic animal a wild one.

Finally, Yder kills the bear, an action also described with vivid images of the animal's lacerated body.[95] Guengasouains, however, does not come to the rescue of his bear: "saw him die,/ But he does not go to rescue him,/ Because he was in such trouble/ And in despair from seeing/ Sir Gauvain who was coming."[96] In striking contrast to Yvain, he puts himself before his animal. Similar to Yvain are the thirteenth-century owners of lions, who, furious about them being slayed, seek active vengeance. For Guengasouains, the bear is merely an instrument, rather than a companion, crafted for a purpose and eventually disposable.

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92 Pastoureau, *The Bear*, 62.

93 Rob Meens, "Eating Animals in the Early Middle Ages: Classifying the Animal World and Building Group Identities," in *The Animal–Human Boundary: Historical Perspectives*, ed. Angela N. H. Creager and William C. Jordan (Rochester: University of Rochester Press, 2002), 4–11.

94 Cohen, *Medieval Identity Machines*, *passim*.

95 Hippeau, *Messire Gauvain ou la Vengeance de Raguidel*, vv. 5610–5617: "Mesire Yder a trait l'espée/ Por lui desfendre et il l'enguele, / Et il li enpaint en la guele/ L'espée et le bras jusqu'al coute/ L'espée est fors et il le boute,/ Tant que li saut parmi le flanc,/ Puis l'en retrait à tout le sanc/ Le bras et l'espée del cors." In English translation: "Sir Yder has taken out the sword/ For defending himself and puts it in his mouth,/ And presses it inside his mouth/ The sword and the arm all over to the elbow./ The sword is strong and he hits him/ So much that he takes it out through the side,/ Then he takes it back out of the body/ The arm and the sword all covered in blood."

96 Hippeau, *Messire Gauvain ou la Vengeance de Raguidel*, vv. 5622–5626: "Guengasouains le vit muerir,/ Ainc par lui ne fu secours,/ Car il estoit si esperdus/ Et entrepris de ce qu'il voit/ Monsignor Gauvain qui venoit."

In the final duel, further similarities arise between the bear and his master. Guengasouains resorts to an un-chivalric trick, killing his opponent's horse, which echoes with the unsettling devouring described above. Furthermore, the expressions used for the knight are *fel* and *plain de traïsson*, full of treason, connecting him to the bear in *La Chanson de Roland*.[97]

In *La Vengeance Raguidel*, the bear is attached to the antagonist yet not protected by him. As a sign, it opposes the human, the horse and the lion, instances in which it occupies a symbolic position against chivalry and its rules. In a romance about revenge, the bear's death is significantly left without consequence.

Conclusions

As in the Bible and bestiary traditions, in early Arthurian romance the lion features more often than the bear. In the French literary tradition starting from the eleventh century, there are multiple examples of bears associated with a negative character, either a traitor, like in the case of Ganelon, or a monstrous being, reminiscent of Goliath, as well as his perverted sexual tendencies, as it happens with Harpin. In this case, wild nature is subordinated to the negative character in the most primal way, in sharp contrast with Yvain's and his lion's mutual, quasi-feudal bond.

In *La Vengeance Raguidel*, the voracious, overly protective, and irrational bear appears as a companion to a knight who, like Ganelon and Harpin, does not comply with the rules of chivalry. Traitors and cowards, Guengasouains, Ganelon, and Harpin are labeled *fels* or *felons*, just like bears and serpents are. The bear displays traits from the biblical and bestiary traditions: it is voracious and aggressive; smart enough to be trained, but not to make judgment; and it is almost maternally protective. Its nature, alongside its symbolic opposition to chivalric values, is manifest in its devouring of the horse, an animal which represents much of what chivalry stands for.[98]

In contrast, in many texts the lion appears as a companion animal. When featured on material objects, the lion is often a figure in a coat of arms. The overlapping of lions and shields may be, in Chrétien's texts, quite literal, but it is always relegated to the field of heraldry,[99] as the use of animal skin seems to belong to a time before chivalry. On account of its connection with Christ and

[97] Hippeau, *Messire Gauvain ou la Vengeance de* Raguidel, v. 5500: "Le fel, li plain de traïsson."

[98] An action mirrored, as I have shown, by its treacherous master.

[99] In Chrétien de Troyes, *Le Conte du Graal*, vv. 7851–7861 and 8698–8712, Gauvain displays the real paws of a lion attached to his shield as proof of his slaying the beast after another knight refuses to believe his story.

with concepts of forgiveness, nobility, and kingship, the lion is associated, with heroes who function as models of chivalry, such as Yvain or Meliot de Logres. Nevertheless, in the thirteenth century, it might accompany a neutral character or even a negative one, such as the Red Knight in *Perlesvaus*. The characteristics of the lion then switch to a more negative aspect, as the knights whom it accompanies are more irascible than courageous. I have found that this change in the uses of the lion, enlarging the scope of its representations, is a diachronic one.

This diachronic perspective reveals a general change in the representations of large predators. Chrétien's smart lion knows when to obey or disobey his master according to its own adjusted criteria, intervening in battle only to rectify an unfair combat. Thirteenth-century animals, meanwhile, are wild animals trained for performing a specific task; they are weapons intended for battling or guarding a territory. They all attack mindlessly and are subsequently killed. While the bear is neglected by his owner, there is an attempt to seek vengeance for slain thirteenth-century lions. Moreover, even when used in Christian symbolism, the lion does not signify Christ but rather the world, as the most positive connotations of the lion are being displaced.

Moreover, these examples show that, in the thirteenth century, having a lion as a companion, let alone a bear, is no longer proper or good. This might reflect a wider change in understanding chivalry and its connection to nature. Wild animals can be displayed as heraldic figures, but when a breathing beast is involved in chivalric deeds, conflict and violence multiply and, ultimately, order must be restored through the slaying of the animal by a male elite character. Nature is not trusted to remain under human control; therefore, human dominion needs to become assertive, inscribing itself in the animal body through the use of chains and muzzles, or annihilation.

On all these occasions, the tension between the wild animals and chivalry is reflected in their direct attack on the conspicuously symbolic animal, the horse, and in the difference between bears and lions in that the latter just attacks, while the former devours. In contrast, Yvain's lion is shown in harmony with the horse in the episode in which it mounts guard at night, and in the visual superposition of the two animals in manuscript P. In Pr, this harmony is suggested in that Yvain and his lion are depicted as mirrored figures.

Lastly, there are similarities even between the most negative animal analyzed here, Guengasouains' bear, and the most positive one, Yvain's lion. Faithful to their masters, they intervene when those are in extreme danger. But while the lion always intelligently unbalances unfair combats, the bear engages only because of his cowardly master's instructions. When these actions lead to their harm, Yvain, as well as thirteenth-century knights, try to rescue and avenge their lions as if they were of their own kin. Nevertheless, only heroes who are models of chivalry achieve their vengeance. In contrast, the bear, rendered a mere tool, is abandoned by its master, and its slaying is left unavenged.

SAILING AROUND BYZANTINE CONSTANTINOPLE

Zeynep Olgun

Introduction

This article focuses on maritime movement in Byzantium and analyses the shipwreck evidence from the Theodosian Harbor and the Marmara Sea to highlight short distance sailing around Constantinople between the seventh and thirteenth centuries.[1] In my master's thesis entitled *A Sailor's Life for Me: The Middle Byzantine Sailor on Board and at Port*, I outlined a framework of maritime movement which covered various distances (day-long, regional, and long-distance) through different sailing patterns (cabotage, tramping, and direct).[2] Before moving to the analysis of the shipwreck evidence, I will outline this terminology and the theoretical background of these distances and patterns.

Connectivity and movement have been a central aspect of studies on the Mediterranean from prehistoric periods well into the Middle Ages.[3] The most prominent and influential theory in the past few decades, which also provides the analytical framework of this article, has been developed by Peregrine Horden and Nicholas Purcell.[4] At the heart of their thesis, which aims to explain connectivity and movement in the region, lie the rhythms of production around the coasts

[1] This article is a revised version of a chapter of my master's thesis: Zeynep Olgun, "A Sailor's Life for Me: The Middle Byzantine Sailor on Board and at Port" (master's thesis, Central European University, 2022).

[2] Olgun, "A Sailor's Life for Me," 12–33.

[3] For prehistoric and classical periods, see Cyprian Broodbank, *The Making of the Middle Sea: A History of the Mediterranean from the Beginning to the Emergence of the Classical World* (London: Thames & Hudson, 2013); A. Bernard Knapp, *Seafaring and Seafarers in the Bronze Age Eastern Mediterranean* (Leiden: Sidestone Press, 2018); Thomas Tartaron, *Maritime Networks in the Mycenaean World* (New York: Cambridge University Press, 2013). For the Roman period the most recent work is Justin Leidwanger, *Roman Seas* (New York: Oxford University Press, 2020). For general overviews, David Abulafia, *The Great Sea: A Human History of the Mediterranean* (Oxford: Oxford University Press, 2011).

[4] Peregrine Horden and Nicholas Purcell, *The Corrupting Sea: A Study of Mediterranean History* (Oxford: Blackwell, 2000); and for a summary and review of their theory, see Nicholas Purcell, "The Boundless Sea of Unlikeness? On Defining the Mediterranean," *Mediterranean Historical Review* 18, no. 2 (2003): 9–29 where he summarizes their fourfold theory.

of the Mediterranean.[5] In this region, there is a peculiar regime of ecological risks mostly depending on meteorology (especially the variability of precipitation), which affects sustenance through good and bad yields.[6] To cope with these risks, a distinctive logic of production through the diversification of products, storage, and redistribution was developed, which necessitated constant interaction and communication between people. The pattern of this communication was also influenced by the topography of the region, as features such as mountain ranges fragmented the shores into microregions. To the ecological factors on land that created the microregions and governed communication patterns, Justin Leidwanger adds the particular marine conditions of different areas, arguing that the Mediterranean was far from being a passive connector. Rather, the systems of movement also depended on favorable and unfavorable sea conditions.[7]

These microregions – which can be as small as just a bay with a harbor – were in regular communication with each other for sustenance. This does not require constant urbanized occupation of a site. Aperlae, a small bay in the Lycian coast that appears to have flourished in Late Antiquity, was abandoned and does not show signs of occupation or building activities until the Laskarid Period (1204–1261).[8] Nevertheless, Robert L. Hohlfelder mentions a cluster of ceramics found at the site dating from the Middle Byzantine period (seventh to thirteenth centuries) showing at least an engagement with the bay.[9] Why would anyone visit an abandoned site? The answer perhaps lies in an observation made by Hohlfelder and Vann during their fieldwork in the area: locals came to the bay with small boats to harvest sage from the surrounding hills, used the resources,

5 See Horden and Purcell, *The Corrupting Sea*, 123–172 for an in-depth presentation of this theory.

6 Horden and Purcell, *The Corrupting Sea*, 178–179.

7 Leidwanger, *Roman Seas*, 5.

8 Clive Foss, "The Lycian Coast in the Byzantine Age," *Dumbarton Oaks Papers* 48 (1994): 17. For the literature on Aperlae, see Robert L. Hohlfelder and Robert L. Vann, "Cabotage at Aperlae in Ancient Lycia," *International Journal of Nautical Archaeology* 29, no. 1 (2000): 126–135; Robert L. Hohlfelder, "Aperlae in Lycia: Ancient Maritime Life beyond the Great Harbors," *Classics Ireland* 12 (2005): 13–30; Robert L. Hohlfelder, "Maritime Connectivity in Late Antique Lycia: A Tale of Two Cities, Aperlae and Andriake," in *Maritime Archaeology and Ancient Trade in the Mediterranean*, ed. Damian Robinson and Andrew Wilson (Oxford: Oxford Centre for Maritime Archaeology, Institute of Archaeology, 2011), 211–222; Robert L. Hohlfelder, "The Late Antique Coastal Settlement of Aperlae on the Lycian Coast," in *Maritime Studies in the Wake of the Byzantine Shipwreck at Yassiada, Turkey*, ed. Deborah N. Carlson, Sarah M. Kampbell, and Justin Leidwanger (College Station: Texas A&M University Press, 2015), 146–156.

9 Hohlfelder, "The Late Antique Coastal Settlement of Aperlae," 149.

and left while leaving only minimal trace behind.[10] Modes of interaction and exchange encompassing the entire sea were built upon the movement between these microregions, which were connected both internally and between each other, thus creating small clusters which accumulate to "something approaching the whole Mediterranean."[11] Most shipments, then, were due to the constant demand for sustenance rather than long-distance profit-centered voyages. The routes and the ships accommodated this pattern. In the Middle Byzantine period, most ships were of modest size. Lucas McMahon has recently compared the sizes of twenty shipwrecks from the former Byzantine coastlines dated to between the sixth and eleventh centuries, and has estimated the average length as eight to fifteen meters with beams of three to five meters.[12] These ships often sailed the same routes to the same few destinations over their lifetimes.[13] The destinations, as Johannes Preiser-Kapeller also proposed, were not trivial, and the emergence of harbors also depended on the nature of the movement.[14]

Deriving from this model of connectivity, I propose using three distances of movement. It is important to make this distinction, because as Matthew Harpster has recently pointed out, different scales of movement would require "different preparations, infrastructure, personnel, and perspectives."[15] Most of the maritime activity in Middle Byzantium was of an everyday and habitual nature and did not go beyond day-long journeys. Beyond the everyday is the regional, which is the movement within a "recognisable cultural area."[16] For example, the environs of Constantinople (Marmara Sea and Thrace) or the Aegean Basin (separated

[10] Hohlfelder and Vann, "Cabotage at Aperlae in ancient Lycia," 133.

[11] Horden and Purcell, *The Corrupting Sea*, 123.

[12] Lucas McMahon, "Logistical modelling of a sea-borne expedition in the Mediterranean: the case of the Byzantine invasion of Crete in AD 960," *Mediterranean Historical Review* 36, no. 1 (2021): 63–94.

[13] Pascal Arnaud, "Ancient Mariners between Experience and Common Sense Geography," in *Features of Common Sense Geography: Implicit Knowledge Structures in Ancient Geographical Texts*, ed. Klaus Geu and Martin Thiering, Antike Kultur Und Geschichte 16 (Münster: LIT Verlag, 2014), 39–68.

[14] Johannes Preiser-Kapeller, "Harbours and Maritime Mobility: Networks and Entanglements," in *Harbours and Maritime Networks as Complex Adaptive Systems: International Workshop "Harbours and Maritime Networks as Complex Adaptive Systems" at the Römisch-Germanisches Zentralmuseum in Mainz, 17.–18.10.2013, within the Framework of the Special Research Programme (DFG-SPP 1630) "Harbours from the Roman Period to the Middle Ages,"* ed. Johannes Preiser-Kapeller and Falko Daim, RGZM-Tagungen, Band 23 (Mainz: Verlag des Römisch-Germanischen Zentralmuseums, 2015), 119–139.

[15] Matthew Harpster, *Reconstructing a Maritime Past* (London: Routledge, 2023), 164.

[16] Knapp and Demesticha, *Mediterranean Connections*, 151.

into the clusters of islands, as Preiser-Kapeller has previously shown)[17] can be considered regional areas in which sailors moved in somewhat familiar waters through both cabotage and tramping, and in which the distance from one port to another is relatively short. Interregional movement, however, involves long-distance and often intercultural movement. This type of movement often has a predetermined destination and is generated by the interests and purchasing power of the aristocracy, state, and army.[18] The most prominent example of this from the Middle Byzantine period is the Serçe Limanı shipwreck, which exemplifies a trade venture between Fatimid Syria and Byzantium mostly of raw material for glass vessel production possibly intended for the workshops in Constantinople.[19]

For the sailing patterns, I adopted Bernard A. Knapp and Stella Demesticha's definitions which they used in their discussion of the Bronze and Iron Age Mediterranean for different types of movement.[20] One way of moving is cabotage: this is coastal navigation, from cape to cape, either short or long distance, involving technical and commercial stops on a predetermined route.[21] This movement was favored instead of open sea sailing, as the ships could be supplied with victuals and drinking water at each stop. A similar movement is tramping, which hugs the coastline with frequent stops just like cabotage, but the route is not predetermined and is confined to local operations.[22] As Horden and Purcell also highlight, these types of movements, in which the ships were hugging the shore or hopping between islands, were safer than open sea sailing, while also making navigation

17 Preiser-Kapeller, "Harbours and Maritime Mobility: Networks and Entanglements," 128.

18 Horden and Purcell, *The Corrupting Sea*, 143.

19 For Serçe Limanı shipwreck, see George F. Bass, Robert H. Brill, and Sheila D. Matthews, eds., *Serçe Limanı,* vol. 2, *The Glass of an Eleventh-Century Shipwreck* (College Station: Texas A&M University Press, 2009); George F. Bass et al., eds., *Serçe Limanı: An Eleventh Century Shipwreck*, vol. 1*, The Ship and Its Anchorage, Crew, and Passengers* (College Station: Texas A&M University Press, 2004); Frederick H. Van Doorninck, "The Byzantine Ship at Serce Limanı: An Example of Small-Scale Maritime Commerce with Fatimid Syria in the Early Eleventh Century," in *Travel in the Byzantine World: Papers from the Thirty-Fourth Spring Symposium of Byzantine Studies*, ed. Ruth Macrides, Society for the Promotion of Byzantine Studies Publications 10 (Aldershot: Ashgate, 2002), 137–148; Frederick H. Van Doorninck, "Ethnicity and Sphere of Activity of the Crew of the 11th-Century Serce Limanı Ship: Some Tentative Observations," in *Between Continents: Proceedings of the Twelfth Symposium on Boat and Ship Archaeology ISBSA 12*, ed. Nergis Günsenin (Istanbul: Ege Yayınları, 2012), 127–133.

20 A. Bernard Knapp and Stella Demesticha, *Mediterranean Connections: Maritime Transport Containers and Seaborne Trade in the Bronze and Early Iron Ages* (New York and London: Routledge, 2017).

21 Knapp and Demesticha, *Mediterranean Connections*, 151.

22 Knapp and Demesticha, *Mediterranean Connections*, 151.

easier: the ships were able to quickly respond to changing winds and currents.[23] Another type of navigation would be a direct route on which, even if stops were made for fresh water and victuals, there were no commercial stops, and thus the cargo was left undisturbed as it was as it was intended for one specific destination. As shown, sailing was not uniform, and involved various patterns and distances. As Chris Wickham has recently pointed out, however, the studies on trade and mobility have tended to focus on the long-distance movements as the center of maritime networks, whereas he recognizes that local movement was the backbone of Mediterranean mobility.[24]

The Nature of the Evidence around Constantinople

This local movement is precisely what I would like to highlight even in the case of a large *entrepôt* such as Constantinople. There are a vast number of archaeological and textual sources shedding light on the distance and patterns of movement around the city. For the purposes of this article, I will focus on the shipwreck evidence that has emerged from the Theodosian Harbor (Yenikapı) excavations and the Marmara Sea surveys done by Nergis Günsenin.[25] When communications and commercial activities of this period are considered, Constantinople was one of the busiest maritime centers due to its high urban population compared to

[23] Horden and Purcell, *The Corrupting Sea*, 142.

[24] Chris Wickham, *The Donkey and the Boat: Reinterpreting the Mediterranean Economy, 950-1180* (Oxford: Oxford University Press, 2023), 13–14. He very rightly recognizes that local mobility is seen as "less sexy" compared to long-distance maritime networks of Venice and Genoa.

[25] For the shipwrecks excavated from the Theodosian Harbour, see Ufuk Kocabaş, "The Yenikapı Byzantine-Era Shipwrecks, Istanbul, Turkey: A Preliminary Report and Inventory of the 27 Wrecks Studied by Istanbul University," *International Journal of Nautical Archaeology* 44, no. 1 (2015): 5–38; Cemal Pulak, "Yenikapı Shipwrecks and Byzantine Shipbuilding," *Travaux et Mémoires* 22, no. 1 (2018): 237–295; Cemal Pulak, Rebecca Ingram, and Michael R. Jones, "Eight Byzantine Shipwrecks from the Theodosian Harbour Excavations at Yenikapı in Istanbul, Turkey: An Introduction," *International Journal of Nautical Archaeology* 44, no. 1 (2015): 39–73. For the surverys in and around the Marmara Sea, see Nergis Günsenin, "From Ganos to Serçe Limanı: Social and Economic Activities in the Propontis during Medieval Times, Illuminated by Recent Archaeological and Historical Discoveries," *The INA Quarterly* 26, no. 3 (1999): 18–23; Nergis Günsenin, "Medieval Trade in the Sea of Marmara: The Evidence of Shipwrecks," in *Travel in the Byzantine World: Papers from the Thirty-Fourth Spring Symposium of Byzantine Studies*, ed. Ruth Macrides, Society for the Promotion of Byzantine Studies Publications 10 (Aldershot: Ashgate, 2002), 125–135; Nergis Günsenin, "Ganos Limanı'ndan Portus Theodosiacus'a" [From harbor of Ganos to Portus Theodosiacus], in *Trade in Byzantium: Papers from the Third International Sevgi Gönül Byzantine Studies Symposium*, ed. Paul Magdalino and Nevra Necipoğlu (Istanbul: ANAMED, 2016), 399–402.

the rest of the empire.[26] Aside from shipments of luxury goods, supplying it with foodstuffs alone combined short- and long-distance journeys. Johannes Koder identifies two ways in which Constantinople was supplied: perishable goods such as fruits and vegetables were brought from short distances around the Marmara Sea, while goods that did not grow in the environs of the city, such as grain, wine, legumes, oil, and olives, came in bulk from long distances.[27] Both the extensive harbor infrastructure of the city and the archaeological evidence from shipwrecks show that this transportation was largely done by ships, of which at least thirty-seven have been recovered in excavations at the Theodosian Harbor.[28]

It is important to highlight the peculiarity of the Theodosian Harbor evidence. Although hundreds of ancient shipwrecks have been discovered during underwater surveys in the Mediterranean, due to budget and time constraints, nautical archaeologists often prioritize shipwrecks that provide unique information about shipbuilding practices and commercial activities. For example, the excavators of the Serçe Limanı shipwreck note that this wreck was chosen to be excavated to fill the gap of knowledge of eleventh-century shipbuilding and due to its cargo of Fatimid glass.[29] It is not usual for small and local coasters to be excavated, which skews the archaeological record in favor of shipwrecks with peculiar cargoes or construction elements, and their cargoes often reflect regional to inter-regional commercial movement, indeed as in the case of the Serçe Limanı. The Theodosian Harbor, however, was discovered during metro projects in Istanbul, and the archaeological material had to be excavated and removed before the metro station could be built. Therefore, between 2004 and 2013, a salvage

[26] There are several calculations for the total population of the city in different periods. For a historiographical overview and calculations based on urbanization, see David Jacoby, "La Population de Constantinople à l'époque byzantine: un problème de démographie urbaine," *Byzantion* 31 (1961): 81–109. Recently, Kaldellis has argued that the figure given by Geoffrey Villehardouin for the population of the city before the Fourth Crusade (400,000 individuals) was an exaggeration. See Anthony Kaldellis, "The People of Constantinople," in *The Cambridge Companion to Constantinople*, ed. Sarah Bassett, 50–63 (Cambridge: Cambridge University Press, 2022), 51. Magdalino, on the other hand, argues that due to the population increase in the capital at a level of the pre-pandemic sixth-century figures, the estimation is plausible: see Paul Magdalino, "Medieval Constantinople," in *Studies on the History and Topography of Byzantine Constantinople*, Variorum Collected Studies (Aldershot: Ashgate, 2007), 63.

[27] Johannes Koder, "Maritime Trade and the Food Supply for Constantinople in the Middle Ages," in *Travel in the Byzantine World*, ed. Ruth Macrides, Society for the Promotion of Byzantine Studies Publications 10 (Aldershot: Ashgate, 2002), 112–113.

[28] The shipwrecks recovered from the Theodosian Harbour during the Yenikapı Excavations are named "YK."

[29] George F. Bass and Frederick H. van Doorninck, "Discovery, Excavation, and Conservation," in *Serçe Limanı: An Eleventh Century Shipwreck*, 1:52.

excavation was conducted by the Istanbul Archaeological Museums. This resulted in the recovery of many shipwrecks that would have otherwise gone unexcavated. Since the assemblage features many small to medium size vessels that would be sailing daily around Constantinople, the finds provide a unique opportunity to understand the sailing patterns of local sailors. The only caveat of this assemblage is that only four of the ships have been recovered with cargo (YK 1, YK 3, YK 12, and YK 35); therefore, following some general remarks, I will focus on the YK 12 and the YK 1.[30]

How can we surmise that the vessels recovered from the Theodosian Harbor were of local use? One indication is size. Yaacov Kahanov, Jeffrey Royal, and Jerome Hall hypothesize that the size and use of the vessels are related, and that small craft operated locally and coastally.[31] It would be easier for such ships to utilize small anchorages during coastal voyages, as they would not require elaborate harbor facilities due to their shallow draft, and they would cost less to build and maintain. Although the estimated size for each shipwreck studied by Istanbul University has not been published, Ufuk Kocabaş has put the twenty-three round ships from the Theodosian Harbor into three categories: ten of them are small (seven to twelve meters in length), eight of them medium, and only five of them are large.[32] Combined with the finds studied by the Institute of Nautical Archaeology, it seems that small to medium size ships dominated the excavated assemblage, which points to a local and coastal movement rather than long-distance, direct voyages.[33]

However, as Cemal Pulak points out, between the seventh and thirteenth centuries most ships in the waters around Byzantium were typically "small vessels rigged with one or two lateen sails, a pair of quarter rudders mounted at the stern, a shallow keel, several wales, often with only a partial deck at bow and stern, and

[30] Mehmet Ali Polat, "Yenikapı'nın Yükleriyle Batmış Gemileri" [Yenikapı shipwrecks found with their cargoes], in *Trade in Byzantium: Papers from the Third International Sevgi Gönül Byzantine Studies Symposium*, ed. Paul Magdalino and Nevra Necipoğlu (Istanbul: ANAMED, 2016), 379–387.

[31] Yaacov Kahanov, Jeffrey Royal, and Jerome Hall, "The Tantura Wrecks and Ancient Mediterranean Shipbuilding," in *The Philosophy of Shipbuilding. Conceptual Approaches to the Study of Wooden Ships*, ed. F. M. Hocker and C. A. Ward (College Station: Texas A&M University Press, 2004), 126.

[32] Ufuk Kocabaş, "The Yenikapı Byzantine-Era Shipwrecks, Istanbul, Turkey: a preliminary report and inventory of the 27 wrecks studied by Istanbul University," *International Journal of Nautical Archaeology* 44, no.1 (2015): 12. According to Kocabaş' estimates, small shipwrecks: YK 6, YK 7, YK 8, YK 9, YK 12, YK 18, YK 19, YK 20, YK 26, YK 30, medium shipwrecks: YK 3, YK 10, YK 15, YK 21, YK 29, YK 31, YK 32, YK 34 and large shipwrecks: YK 17, YK 22, YK 27, YK 28, YK 35.

[33] Pulak, Ingram, and Jones, "Eight Byzantine Shipwrecks," 43.

rounded, outward curving (convex) stem and sternpost."[34] This could also be an indication of the change in navigational patterns from the late Roman period into the Byzantine, where direct long distance transport with big ships diminished, and coastal navigation with smaller vessels prevailed. However, there are more indications of local use than just the size of the Yenikapı shipwrecks. For example, Michael Jones proposes that due to its structural qualities, the YK 14, a ninth century merchant ship was a "coaster for local or regional use rather than a vessel intended for long distance voyages over the open sea" which is also the case for various other Yenikapı shipwrecks.[35] In addition, it seems that the wood used in the construction of the vessels was locally sourced as well, which would broadly indicate that the ships were constructed in the vicinity of the city, although it is impossible to be conclusive about this.[36] It may be tentatively concluded that for direct bulk transport (this could include corn, amphorae cargoes of wine and oil, as well as architectural elements) larger ships were preferred in every period (as will be discussed in the context of the Tekmezar I shipwreck), and for coastal sailing, including both cabotage and tramping. Considering the availability of harbors and anchorages, smaller to medium size ships would be the norm.

Journeys around Constantinople

Several ships from the Theodosian Harbor and the Marmara Sea will illustrate what the daily movement might have been like. The most common local movement was fishing. This could be done on a small scale to supply the needs of peasant households or could be a larger-scale marine exploitation.[37] There are various sources about fishing in Constantinople and its surroundings, such as the tenth-century *Book of the Eparch*, which regulates the fishmongers' guild and gives

34 Pulak, "Yenikapı Shipwrecks and Byzantine Shipbuilding," 242.

35 Michael R. Jones, "The Hull Construction of Yenikapı 14 (YK 14), a Middle Byzantine Shipwreck from Constantinople's Theodosian Harbour, Istanbul, Turkey," *International Journal of Nautical Archaeology* 46, no. 2 (2017): 279.

36 Ünal Akkemik and Ufuk Kocabaş, "Woods of Byzantine Trade Ships of Yenikapı (Istanbul) and Changes in Wood Use from 6th to 11th Century," *Mediterranean Archaeology and Archaeometry* 14, no. 2 (2014): 325. See also Ünal Akkemik, *Yenikapı Shipwrecks/Yenikapı Batıkları*, vol. 2, *Woods of Yenikapı Shipwrecks/Yenikapı Batıklarının Ahşapları* (Istanbul: Ege Yayınları, 2015). Timber identification of shipwrecks and its relation to the construction place or sphere of movement is a complex issue, which I have previously discussed in Zeynep Olgun, "Timber Supply for Byzantine Shipbuilding" (master's thesis, Koç University, 2020).

37 Efi Ragia, "The Circulation, Distribution and Consumption of Marine Products in Byzantium: Some Considerations," *Journal of Maritime Archaeology* 13 (2018): 450.

information regarding operational aspects of fishing in the capital.[38] It records that fishmongers should visit the beaches at daybreak and inform the Eparch on the number of the white fish (quality species such as tunny) caught the previous night, which shows that fishing around the city was a frequent daily activity.[39] Some sources also give the size of this fishing fleet. Gunther von Pairis, a Cistercian monk of the Alsatian abbey of Pairis who recorded the Fourth Crusade in his *Historia Constantinopolitana*, was told that prior to 1204, Constantinople had about 1600 fishing boats, more than the crusaders' entire navy.[40] Although this is a very high number, we can postulate that fishing boats (which in especially monastic documents are called *gripos* (γρῖπος)) would have made a large portion of the daily movement around the city.[41]

After a long life of use, one of those fishing boats seems to have been discarded around the tenth century in the Theodosian Harbor. The YK 6, a small ship estimated to be eight meters in length and 2.5 meters in breadth, has been identified as having been used for fishing.[42] It has recently been pointed out that the placement of the mast on the bow "allows a greater area of free deck space than other rigs, an important consideration for fishing and work boats."[43] The YK 6 had exactly this arrangement, the mast-step showing that it used a single sail towards the bow, which supports the idea that it was a local fishing boat. The owners of the ship seem to have had a small enterprise. As the ship appears much less robust than other excavated ships, with thin planks and light internal framing, the owner probably tried to cut costs by using less material and needed a ship that could be hauled onto the shore if needed. In small boats such as the YK 6, the limited

38 Emperor Leo VI, *The Book of the Eparch*, XVII. For the edition, see Jules Nicole, ed., *Le livre du préfet; ou, L'édit de l'empereur Léon le Sage sur les corporations de Constantinople* (Geneve: H. Georg, 1893); for the English translation, see Edwin Hanson Freshfield, *Roman Law in the Later Roman Empire: Byzantine Guilds, Professional and Commercial: Ordinances of Leo VI, c. 895 from the Book of the Eparch* (Cambridge: Cambridge University Press, 1938), 40–41.

39 Emperor Leo VI, *The Book of the Eparch*, XVII.4.

40 Gunther von Pairis, *Historia Constantinopolitana*, VIII. For the edition, see Jacques-Paul Migne (ed.), *Patrologia Latina* 212 (Paris, 1855): 221–255; for the English translation, see Alfred Andrea, *The Capture of Constantinople: The "Historia Constantinopolitana" of Gunther of Pairis* (Philadelphia: University of Pennsylvania Press, 1997), 84.

41 Georgios Makris, "Ships," in *The Economic History of Byzantium from the Seventh through the Fifteenth Century*, ed. Angeliki E. Laiou (Washington, DC: Dumbarton Oaks Research Library and Collection, 2002), 93.

42 Dated based on stratigraphic context. Kocabaş, "The Yenikapı Byzantine-Era Shipwrecks," 11.

43 Michael R. Jones and Nergis Günsenin, "A Roman Sprit-Rigged Vessel Depiction from Marmara Island (Proconnesos), Turkey," *International Journal of Nautical Archaeology* 50, no.1 (2021): 51.

space would be shared by the crew and the catch. Iconographic evidence from an eleventh-century Constantinopolitan manuscript on hunting and fishing shows a similar boat operated with a crew of only three.[44] It is plausible to imagine regular small fishing boats such as the YK 6 along the shores of Constantinople .

Sailors on fishing boats were not the only ones to embark on short-distance voyages. The crew of the YK 12, a small merchant ship dating to the ninth century, was possibly coming back from a short trip in the Marmara Sea when they sank in a storm.[45] The YK 12 was somewhat shorter than ten meters in length and had a breadth of 2.64 meters; with this size it is considered a small merchantman.[46] There have been two main arguments to the scope of the YK 12's movement around Constantinople. One theory considers an amphora which resembled a Crimean type, therefore argued that the ship was connected to the Black Sea trade.[47] However, this does not rule out the possibility that the YK 12 was a transshipment vessel, which carried cargo from bigger Black Sea vessels into the Marmara Sea.[48] In addition, Vroom argues that the Crimean type does not have a specific provenance yet, and might have been the product of workshops in the Eastern Aegean, concluding that the cargo of the YK 12 represents a "medium- and long-distance cabotage or tramping voyages on smaller, low-status ships."[49] The other theory identifies the cargo as an early prototype of the Günsenin 1/ Saraçhane 54, with a slightly different body shape.[50] This connects the cargo to

[44] Venice, Biblioteca Nationale Marciana, Gr. Z 479=881, fol. 135r.

[45] Radiocarbon dating. See Kocabaş, "The Yenikapı Byzantine-Era Shipwrecks," 17. Sample OxA-23836 dated to cal CE 681–870 with 95.4% probability. Sample OxA-23837 dated to cal CE 690–876 with 95.4% and cal CE 762–876 with 60.1% probability. Sample OxA-23838 dated to cal CE 672–859 with 95.4% and cal CE 672–818 with 93.4% probability. The amphora finds are dated to the ninth century. Işıl Özsait-Kocabaş, "The Yenikapı 12 Shipwreck, a 9th-Century Merchantman from the Theodosian Harbour in Istanbul, Turkey: Construction and Reconstruction," *International Journal of Nautical Archaeology* 47, no. 2 (2018): 360.

[46] Özsait Kocabaş, "The Yenikapı 12 Shipwreck," 386.

[47] Polat, "Yenikapı'nın Yükleriyle Batmış Gemileri" [Yenikapı shipwrecks found with their cargoes], 382.

[48] Işıl Özsait Kocabaş, *Yenikapı 12: An Early Medieval Merchantman/Erken Orta Çağ Ticaret Teknesi: Excavation, Documentation, Construction and Technology/Kazı, Belgeleme, Konstrüksiyon ve Teknoloji* (Istanbul: Ege Yayınları, 2022), 8–9.

[49] Joanita Vroom, "Byzantine Sea Trade in Ceramics: Some Case Studies in the Eastern Mediterranean (ca. Seventh–Fourteenth Centuries)," in *Trade in Byzantium: Papers from the Third International Sevgi Gönül Byzantine Studies Symposium, Istanbul*, ed. Nevra Necipoğlu and Paul Magdalino (Istanbul: ANAMED, 2016), 164.

[50] Vroom, "Byzantine Sea Trade in Ceramics," 163.

the production centers around the Marmara Sea, in particular Ganos (Gaziköy).[51] Another amphora type that was found on the YK 12 may have been produced in the Aegean.[52] This mixed cargo suggests coastal navigation and the potential zone of movement of the YK 12 to be restricted to short and medium-range journeys, perhaps locally within the Marmara Sea or crossing beyond Abydos to the Northern Aegean.

Unlike the YK 12, the sailors of the YK 1 were possibly safe at their homes when the ship sank, as it appears to have been broken into pieces by a violent storm while it was anchored at the harbor.[53] It is only slightly bigger than the YK 12 (10 meters x 3.5 meters) but dates to a later period, as it was built in the tenth century and, after a long period of use evident from the extensive repairs, sank around the late tenth to early eleventh century.[54] Cemal Pulak, on the basis of the length-to-breadth ratio of approximately 2.9:1, calls the ship "a beamy, spacious coaster."[55] Several dozen amphorae of a piriform shape were identified by Joanita Vroom to be Günsenin 1/Saraçhane 54 amphora.[56] Thus, along with the YK 12, the ship was also linked to wine production in the area around Ganos on the Marmara Sea.[57] Aside from the amphorae found in the shipwrecks, most of the amphorae recovered from the excavation site also came from Ganos.

The Ganos Connection

Why are Ganos-type amphorae prevalent in the Theodosian Harbor finds? Ganos (north-western shore of the Marmara Sea) has been identified as a major amphora production center, which was part of a monastic network that produced and distributed wine during the Middle and Late Byzantine periods.[58] We can glimpse the popularity of the Ganos wine in Constantinople from literature: in the fourth Ptochoprodromic poem, dated to the twelfth century, while listing all the foods and drinks that were consumed at a monastery in Constantinople, the poet mentions

[51] Nergis Günsenin, "Le vin de Ganos: les amphores et la mer," in *ΕΥΨΥΧΙΑ, Mélanges Offerts á Hélène Ahrweiler*, Byzantina Sorbonensia 16 (Paris: Publications de la Sorbonne, 1998), 281–291.

[52] Vroom, "Byzantine Sea Trade in Ceramics," 163–164.

[53] Pulak, Ingram, and Jones, "Eight Byzantine Shipwrecks," 59.

[54] Dated based on the cargo of several dozen amphorae of a piriform shape. Pulak, Ingram, and Jones, "Eight Byzantine Shipwrecks," 59.

[55] Pulak, "Yenikapı Shipwrecks and Byzantine Shipbuilding," 260.

[56] Günsenin-type amphorae are named after Nergis Günsenin, who located the production centers of this type along the coasts of the Marmara Sea. Vroom, "Byzantine Sea Trade in Ceramics," 163.

[57] Pulak, Ingram, and Jones, "Eight Byzantine Shipwrecks," 59.

[58] Nergis Günsenin, "From Ganos to Serçe Limanı," 18.

the sweet wine of Ganos alongside wines from Crete and Samos.[59] The amphorae that carried the Ganos wine was produced in different kiln centers around the Marmara Sea, including the northern shores and Marmara Island.[60] Günsenin has surveyed the possible routes between these kiln sites and Constantinople, and identified around eleven shipwrecks dating to the Byzantine period, seven of them carrying Ganos-type amphorae.[61]

Two of these shipwrecks are of importance to the communication between Ganos and Constantinople. The Tekmezar I shipwreck, dating to the eleventh century, seems to be an anomaly compared to the above assessment of Pulak, that ships from the Byzantine period were relatively small.[62] Although the shipwreck has not been excavated, it is buried under its twenty thousand amphorae, creating a 40 meter to 20 meter mound. The Tekmezar I was a *muriophoros* (μυριοφόρος, "ten thousand carrier"), perhaps one of the largest commercial ships of its time.[63] It carried a homogenous cargo of Günsenin amphorae produced in Ganos, which was possibly intended for a single shipment with a direct route from the Marmara Islands to Constantinople, which could accommodate the size and demand of the cargo of the ship.[64] Thus, short-distance transportation around Constantinople did not have to be done by small, local coasters. Due to the importance of Constantinople as a hub in the wider trade network where transshipments would also take place, some short-distance travel was in direct bulk shipments.

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[59] Ptochoprodromos, IV.332: "κρασὶν γλυκὺν γανίτικον." For the edition, see Hans Eideneier, ed., *Ptochoprodromos: Einführung, kritische Ausgabe, deutsche Übersetzung, Glossa* (Cologne: Romiosini, 1991), 157.

[60] Nergis Günsenin, "Ganos Wine and Its Circulation in the 11th Century," in *Byzantine Trade, 4th-12th Centuries: The Archaeology of Local, Regional and International Exchange, Papers of the Thirty-Eighth Spring Symposium of Byzantine Studies, St John's College, University of Oxford, March 2004*, ed. Marlia Mundell Mango, Society for the Promotion of Byzantine Studies 14 (Farnham: Ashgate Pub, 2009), 147.

[61] Günsenin, "From Ganos to Serçe Limanı," 19–20.

[62] Dated based on the cargo, see Günsenin, "From Ganos to Serçe Limanı," 19–20.

[63] For the recent debate on the *muriophoroi* ships, see Emmanuel Nantet, "Les muriophoroi: état historiographique," in *Tout vendre, tout acheter: Structures et équipements des marchés antiques*, ed. Véronique Chankowski and Pavlos Karvonis (Bordeaux-Athènes: De Boccard, 2012), 341–344. The author, although writing after the discovery of Tekmezar I, only includes shipwrecks from the French coast.

[64] Nergis Günsenin, "Medieval Trade in the Sea of Marmara: the Evidence of Shipwrecks," in *Travel in the Byzantine World*, ed. Ruth Macrides, Society for the Promotion of Byzantine Studies Publications 10 (Aldershot: Ashgate, 2002), 131.

The only excavated shipwreck of the surveyed ones is the Çamaltı Burnu, dating to the thirteenth century, which also carried Ganos-type amphorae.[65] The excavator hypothesizes that the ship belonged to a monastery in the Marmara region and was shipping wine to Constantinople.[66] The lack of carpentry tools and weapons also supports the idea that the ship was on a short-distance voyage in safe waters.[67] Günsenin argues that the ship sank due to strong winds; the captain tried to shelter in the bay of Çamaltı Burnu and jettied some of the cargo and anchors to lighten the ship. Realizing that the situation was beyond saving, the crew gathered their personal belongings (which are absent from the shipwreck) and possibly went for a nearby shore, leaving the ship to sink into the depths with the weight of the remaining cargo.[68]

With the combined evidence of the Marmara Sea and Yenikapı shipwrecks and the thousands of Günsenin-type amphorae excavated from the Theodosian Harbor, we can visualize a lively regional and short-distance transport around Constantinople.[69] In the light of these finds, both around the Marmara Sea and Constantinople, it can be concluded that the wine produced by the monasteries in the region was sent to Constantinople in either mid-size ships such as the Çamaltı Burnu or in ships with higher tonnages such as the Tekmezar I, either to be consumed in the city or to be distributed to the rest of the empire and beyond – beyond, because on the Serçe Limanı shipwreck, which was on an interregional voyage between Constantinople and Fatimid Syria when it sank, the amphorae were these types from the Marmara region.[70] These journeys could have been made through cabotage and tramping along the coasts, "unless the entire wine cargo had been ordered or bought by specific wholesalers or tavern keepers and was to be delivered to them", which seems to be the case of the Tekmezar I shipwreck.[71]

The journeys from the shores of the Marmara Sea to Constantinople would ideally take a short time. Whitewright argues that the sailing performance of

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65 Günsenin, "From Ganos to Serçe Limanı," 19–21.

66 Nergis Günsenin, "A 13th-Century Wine Carrier: Çamaltı Burnu, Turkey," in *Beneath the Seven Seas: Adventures with the Institute of Nautical Archaeology*, ed. George Bass (London: Thames & Hudson, 2005), 123.

67 Serçe Limanı shipwreck, for example, which was on a long-distance route featured weapons and shipbuilding tools.

68 Günsenin, "A 13th-Century Wine Carrier," 123.

69 Nergis Günsenin, "Ganos Limanı'ndan Portus Theodosiacus'a" [From harbor of Ganos to Portus Theodosiacus], 400.

70 Günsenin, "Medieval Trade in the Sea of Marmara," 133.

71 David Jacoby, "Byzantine Maritime Trade, 1025–1118," *Travaux et Mémoires* 21 (2017): 634.

ancient ships was one or two knots (windward) and four or six knots (in favorable wind).[72] In light of this, a direct journey from Ganos (Gaziköy) to the Theodosian Harbor, which is around 75 nautical miles, when sailing at four knots, would take less than twenty hours. On the other hand, Günsenin hesitates to calculate any sailing times without experimental archaeology in the Marmara Sea and extensive knowledge regarding daily sailing patterns (such as the possibility of night sailing).[73] Surveying various travel accounts from the Late Byzantine period, Koder highlights that "the type of ship and the experience and ability of the captain and crew were certainly important" in the daily distance covered, and the local captains would know the winds and the currents of the region due to their frequent travels.[74] This movement between Constantinople and sites in the Marmara Sea (such as Ganos and Prokonessos) was a short-distance intraregional movement regularly travelled by experienced captains and crews.[75]

Monastic Sailing

As Günsenin points out, the wine-producers of Ganos were the monastic centers. Then, there is a possibility that the captains and crews of the ships sailing in the Marmara Sea were the monks or the lay employees of the wine-producing monastic institutions. Michael Kaplan argues that, from at least the end of the tenth century, there is extensive evidence that monasteries were involved in trade.[76] An important aspect of this trade is the monasteries owning (and possibly manning) their own ships.

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[72] Julian Whitewright, "The Potential Performance of Ancient Mediterranean Sailing Rigs," *International Journal of Nautical Archaeology* 40, no.1 (2011): 2–17.

[73] Nergis Günsenin, personal communication through email message to the author, 04.03.2020.

[74] Johannes Koder, "Νησιωτική Επικοινωνία Στο Αιγαίο Κατά Τον Όψιμο Μεσαίωνα" [Insular communication in the Aegean during the late Middle Ages], in *Η Επικοινωνία Στο Βυζάντιο* [I epikoinonía sto Vyzántio], ed. Nikos G. Maschonas (Athens: Center for Byzantine Research, 1993), 455.

[75] In fact, Ahrweiler calls Propontis "la mer constantinopolitaine par excellence" in Hélène Ahrweiler, "L'escale dans le monde byzantine," *Recueils de la Société Jean Bodin* 32 (1974): 161–178, reprinted in *Byzance: les pays et le territoires* (London: Variourum Reprints, 1976), 167. Avramea translated this as "lake of Constantinople" in Anna Avramea, "Land and Sea Communications, Fourth–Fifteenth Centuries," in *The Economic History of Byzantium from the Seventh Through the Fifteenth Century*, ed. Angeliki E. Laiou, Dumbarton Oaks Series No. 39 (Washington, DC: Dumbarton Oaks, 2002), 83.

[76] Michel Kaplan, "Monks and Trade in Byzantium from the Tenth to the Twelfth Century," in *Trade in Byzantium: Papers from the Third International Sevgi Gönül Byzantine Studies Symposium, Istanbul*, ed. Nevra Necipoğlu and Paul Magdalino (Istanbul: ANAMED, 2016), 55–64.

Involvement of the clergy with sailing is not unheard of. A steelyard recovered from the Yassıada I shipwreck (c. 625) is inscribed ΓΕΟΡΓΙΟΥ ΠΡΕΣΒΥΤΕΡΟΥ ΝΑΥΚΛΕΡΟΥ (*Georgiou Presbyterou Nauklerou*). Georgios, then, was both the captain (ναύκληρος, *naukleros*) and a priest (πρεσβύτερος, *presbyteros*).[77] Supported by additional evidence, Frederick H. van Doorninck called the Yassıada I a "church ship," and argued that it belonged to a monastery.[78] Textual evidence also supports that monasteries were involved with the sea: hagiographic accounts give details of harbor infrastructures, the most notable being the *Life of Athanasios of Athos*, which records the construction of the harbor of the Lavra in Athos.[79] The monastery did not have any natural anchorages, but shelter was necessary for the ships that frequented the monastery. The Lavra also received a ship of 6,000 *modioi* capacity from Basil II, which was later gifted to the Iviron Monastery in 984.[80] In fact, the *Vita* of the founders of the Monastery of Iviron mention that the monastery was to accept only Georgian monks, whereas "(…) it was inevitable that some Greeks were also accepted because we, as you see, have no experience in seafaring, and yet all our sustenance arrives by sea."[81] Two instances from the *Vitae of Athanasios* further illuminate the monastic engagement with sailing. One of them is a miracle story of Athanasios saving all his brethren after their ship had capsized.[82] Athanasios embarks on a ship for urgent business and sails off

[77] Frederick H. Van Doorninck, "The Seventh-Century Byzantine Ship at Yassıada and Her Final Voyage: Present Thoughts," in *Maritime Studies in the Wake of the Byzantine Shipwreck at Yassiada, Turkey*, ed. Deborah N. Carlson, Sarah M. Kampbell, and Justin Leidwanger (College Station: Texas A&M University Press, 2015), 205.

[78] Van Doorninck, "The Seventh-Century Byzantine Ship at Yassıada and Her Final Voyage," 205.

[79] *The Life of Athanasios of Athos Vita A (BHG 187)*, by Athanasios of Panaghiou, 108. For the edition, see Jacques Noret, ed., *Sancti Athanasii vita prima auctore Athanasio monacho*, in *Vitae duae antiquae sancti Athanasii Athonitae*, ed. Jacques Noret (Turnhout: Leuven University Press, 1982), 1–124.

[80] Kaplan, "Monks and Trade," 57–58.

[81] George the Hagiorite, *The Vitae of Our Blessed Fathers John and Euthymius and an Account of their Worthy Achievements*, 7. For the edition, see Ilia Abulaǯem ed., *ცხორებაჲ ნეტარისა მამისა ჩუენისა იოვანესი და ეფთჳმესი და უწყებაჲ ღირსისა მის მოქალაქობისა მათისა აღწერილი გლახაკისა გეორგის მიერ ხუცესმონაზონისა* [The uitae of our blessed fathers John and Euthymius and an account of their worthy achievements as described by the poor hieromonk George the Hagiorite], in ძველი ქართული აგიოგრაფიული ლიტერატურის ძეგლები [The literary monuments of the ancient Georgian hagiography] (Tbilisi: Mec'niereba, 1967). For the English translation, see Tamara Grdzelidze, trans., *Georgian Monks on Mount Athos: Two Eleventh-century Lives of the Hegoumenoi of Iviron* (London: Bennett & Bloom, 2009), 60.

[82] *The Life of Athanasios of Athos Vita B (BHG 188)*, Anonymous, 53. For the edition, see Jacques Noret, ed., *Sancti Athanasii Athonitae vita secunda anonyma*, in *Vitae duae antiquae sancti Athanasii Athonitae* (Turnhout: Leuven University Press, 1982), 125–213; for the English translation, see Alice-Mary Talbot, trans., "The Life of Athanasios of Athos, Version B," in *Holy Men of Mount*

with other monks.[83] After the ship quickly capsized, the monks from the Lavra harbor who witnessed the incident immediately boarded another ship to reach them. In a second instance, Athanasios urged the "monks who were appointed as fishermen," to set sail to fish for the monastery, implying that some of the monks were indeed sailing regularly on monastic ships.[84] Neither of the accounts mention external personnel, and the presence of another ship that the monks could quickly sail does not arouse marvel. There is a possibility that the ships carrying monastic wine from Ganos to Constantinople were owned by the monasteries themselves and might have had a crew of monks.

Regulations at the Athonite monasteries, however, might not be representative of other monastic establishments. Alice-Mary Talbot mentions that various craftsmen were regularly hired by monasteries, such as shoemakers, carpenters, tailors, and many more, which suggests that sailors could also be employed.[85] In addition, it is not clear if the monasteries would be inclined to send monks to the capital on a regular basis. There is one account of a monk called Elias – a friend of Psellos, and a recurring character in his letters – travelling to Constantinople from Trigleia in Bithynia. They were sailing along the mountainous promontory, hugging the coast as expected, while Elias was giving a detailed list of the taverns and brothels in Constantinople and the qualifications of the prostitutes, which amazed his audience to such an extent that "the oarsmen from Syke were just about worshipping him."[86] I should also highlight that during this short-distance journey the crew were locals. Although he might have exaggerated, George T. Dennis argues that Elias was part of a "credible story."[87] Perhaps, Elias is an example of why the monasteries might be hesitant to send their monks on journeys to Constantinople. Considering this, the transportation might have been done with lay personnel, or with ships and sailors hired from the region, rather than

Athos, ed. Richard G. H. Greenfield and Alice-Mary Talbot, Dumbarton Oaks Medieval Library 40 (Cambridge, MA.: Harvard University Press, 2016), 127–367. *The Life of Athanasios of Athos Vita A (BHG 187)*, by Athanasios of Panaghiou, 149–152.

83 *Athanasios of Athos Vita B* (BHG 188), 53, 1–3.

84 *Athanasios of Athos Vita B* (BHG 188), 46.

85 Alice-Mary Talbot, *Varieties of Monastic Experience in Byzantium, 800–1453* (Notre Dame: University of Notre Dame Press, 2019), 23.

86 Michael Psellos, *Letters*, 97. For the edition, see Eduard Kurtz and Franz Drexl, eds., *Michaelis Pselli Scripta minora*, vol. 2, *Epistulae* (Milan: Vita e Pensiero, 1941); for the English translation, see George T. Dennis, "Elias the Monk, Friend of Psellos," in *Byzantine Authors*: *Literary Activities and Preoccupations*: *Texts and Translations Dedicated to the Memory of Nikos Oikonomides*, ed. John W. Nesbitt (Leiden, Boston: Brill, 2003), 55.

87 Dennis, "Elias the Monk," 45.

the monks themselves. Further research into the typika of the monasteries around Constantinople would reveal the shipping networks of monastic establishments. One small example is the discovery of Günsenin amphorae at the monastic complex of Satyros in the Bithynian hinterland of Constantinople. [88]

Conclusion

This article highlights the short-distance maritime movement around Constantinople using the evidence of shipwrecks. Some tentative conclusions can be drawn. Firstly, the shipwrecks excavated from the Theodosian Harbor are mostly small to medium sized vessels that were suitable for day-long and regional travel and coastal navigation. The Tekmezar I is an example of sailing around Constantinople covering similarly short distances, but possibly with a direct navigational pattern. The size of the ship would not allow it to anchor at many harbors along the Marmara Sea coast, and Constantinople seems to be the only trade center that would demand such considerable bulk shipments. Whether the ships that carried wine from the monastic establishments of Ganos were ships of the monasteries manned by monks or were hired local boats that employed local sailors, the evidence points to regular, daily movement between the monasteries around Constantinople and the city itself. Constantinople was indeed a commercial transit center that received long-distance shipments of foodstuffs and luxury goods, but it was also a node in the local trade networks that connected the city with the Marmara Sea. The discovery of the Theodosian Harbor finds revealing fishing boats and small coasters, and the Çamaltı Burnu and the Tekmezar I shipwrecks allow us to reevaluate Constantinople and contextualize it within the small world of the day-long journey.

[88] Nergis Günsenin and Alessandra Ricci, "Les Amphores Günsenin IV à Küçükyalı (Istanbul): Un Voyage Entre Monastères?," *Anatolia Antiqua* 26 (2018): 125–39.

SAINT LADISLAUS: A HUNGARIAN MILITARY SAINT IN THE SOURCES OF RUS

Michal Augustovič

Saint Ladislaus was one of the main patron saints of the Kingdom of Hungary. The narrative depicting the heroic deeds of Ladislaus defending his homeland against the invading pagans was widespread throughout the Kingdom of Hungary and existed in textual, visual, and in oral forms. The story was a frequently depicted motif on mural paintings in various parts of the Kingdom of Hungary (preserved mainly in Slovakia and in Transylvania in Romania), making it well known to the masses of believers. Furthermore, the story found its way into Eastern Christian written sources in Rus.[1]

In general, there are two main images of Ladislaus as a saint. The first is defined by the hagiographical work *Legenda sancti Ladislai regis,* painting a picture of Ladislaus primarily as a *confessor* or one worthy of kingship.[2] However, the focus of the present study is a narrative significantly different from the *Legenda*. The second narrative is not written in a hagiographic style, although it is often inaccurately referred to as a *legenda*. It is more accurate to refer to it as *historia*.[3] This second chivalric story of Ladislaus has been preserved in several chronicles from the fourteenth century onwards, and in visual form on numerous church murals, where it is depicted as a monumental legendary cycle.[4] In addition, the narrative

[1] This paper is based on the author's master's thesis, for which see Michal Augustovič, "Saint Ladislaus in Rus: Hidden Aspects of the Saint Ladislaus Cult" (master's thesis, Central European University, 2022).

[2] Imre Szentpétery, ed., *Scriptores rerum Hungaricarum* (SRH), vol. 2 (Budapest: Hungarian Historical Society, 1938), 2:507–527. Richard Pražák, *Legendy a kroniky koruny uherské* [Legends and chronicles of the Hungarian crown] (Praha: Vyšehrad, 1988), 132–144.

[3] The term is used by several authors: László Veszprémy, "King St Ladislas, Chronicles, Legends and Miracles," *Saeculum Christianum* 25 (2018): 141; Zsombor Jékely, "Transylvanian Fresco Cycles of Saint Ladislas in a New Light," *Hungarian Review* 5, no. 2 (2014): 98; Gábor Klaniczay, *Holy Rulers and Blessed Princesses: Dynastic Cults in Medieval Central Europe* (Cambridge: Cambridge University Press, 2002), 390.

[4] Illuminated Chronicle: *SRH I,* 217–506; János M. Bak and László Veszprémy, eds., *Chronica de gestis Hungarorum e codice picto saec. XIV / The Illuminated Chronicle: Chronicle of the Deeds of the Hungarians from the Fourteenth-Century Illuminated Codex* (Budapest: CEU Press, 2018); János M. Bak and László Veszprémy, eds., *Studies on the Illuminated Chronicle* (Budapest: CEU Press, 2018). Chronicon rhythmicum: *SRH II,* 225–272. Ungarnchronik: *SRH II*, 87–224. For mural paintings, see: Jékely, Zsombor. "Transylvanian Fresco Cycles of Saint Ladislas in a New Light," *Hungarian Review* 5, no. 2 (2014): 97–109.

has been preserved in the form of a pictorial legend accompanied by short notes in the *Hungarian Angevin Legendary* and existed in the oral tradition as well.[5]

Ladislaus' *Historia* in Rus

In Hungarian written and visual sources, the presence of the chivalric narrative of Saint Ladislaus is understandable.[6] However, it is surprising that the story has made its way into Russian written sources, especially when we take into account that Ladislaus as a saint was a product of Western Christianity. In Russian sources, the chivalric narrative (*historia*) of Saint Ladislaus is supplemented with additional information and is referred to as the *Narrative of the Killing of Batu*.[7] The sources that contain this story can be divided into two redactions: the *chronicler*[8] and *menaion*[9] versions. The shorter *chronicler version* is included in several Russian chronicles[10] and in the *Chronograph*,[11] while the longer one is found in the *menaion*[12] and is

[5] Béla Zsolt Szakács, *The Visual World of the Hungarian Angevin Legendary* (Budapest: CEU Press, 2016), and Szakács, "Between Chronicle and Legend : Image Cycles of Saint Ladislas in Fourteenth-Century Hungarian Manuscripts," in *The Medieval Chronicle IV,* ed. Erik Kooper (Amsterdam: Rodopi, 2006).

[6] Especially the rulers of the Anjou dynasty were great supporters of the cult of the holy kings of Hungary, but particularly of Saint Ladislaus, who was presented as the protector of the homeland and the embodiment of Hungarian chivalric culture.

[7] The main representative of the enemy in the Russian version of the *historia* is Batu Khan (ca. 1205–1255), a Mongol ruler and founder of the Golden Horde.

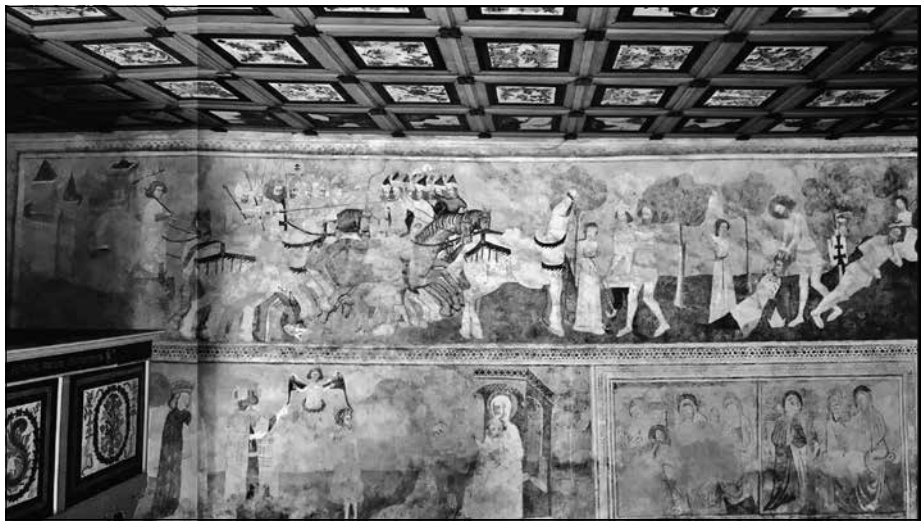
[8] *Летопись* [letopis] – a literary genre popular in Rus, usually translated as "chronicle."

[9] *Минея* [mineya] (gr. *menaion*) – the liturgical service book used in Eastern Orthodoxy and by Uniaths containing hymns and collects for each month. The book includes the invariable feasts of Christ, the Virgin Mary and other Christian and Old Testament saints. "Encyclopedia Britannica," https://www.britannica.com/topic/Menaion, accessed May 5, 2022.

[10] *Полное Собрание Русских Летописей* [Complete collection of Russian chronicles] (PSRL), vol. 23 (Saint Petersburg: Typography of Edward Prats, 1910); *Полное Собрание Русских Летописей* [Complete collection of Russian Chronicles], vol. 24 (Saint Petersburg: Typography of Edward Prats, 1921); *Полное Собрание Русских Летописей* [Complete collection of russian Chronicles], vol. 25 (Moscow: Typography of Edward Prats, 1949). А. А. Горский [A. A. Gorskij], "'Повесть о Убиении Батыя' и Русская Литература 70-х Годов XV в" ["The narrative of the killing of Batu" and Russian literature of the 1570s], in *Средневековая Русь [Medieval Rus]*, vol. 3 (Moscow: Indrik, 2001).

[11] *Хронограф* [chronograph] – a specific literary genre occurring in Rus since the second half of the 15th century which attempt to capture world history in a systematic way, while also having a moralising character.

[12] For a more detailed analysis of the sources, see study of Gorskij, in which he compares the diverse variants of *historia* contained in Russian sources and explains their relationship: А. А. Горский [A. A. Gorskij], "The Narrative of the Killing of Batu," 191–221. See also: О. Л. Новикова [O. L. Novikova], "Материалы Для Изучения Русского Летописания Конца XV – Первой Половины



Fresco Cycles of Saint Ladislaus, Evangelical Church in Kraskovo (photo by David Raška)

supplemented by the *Narrative of the Killing of Michael of Chernigov*.[13] According to S. P. Rozanov, who was the first Russian scholar to identify the *Narrative of the Killing of Batu* as an adaptation of the *historia* of Saint Ladislaus, the *chronicler* version is best preserved in the *Archivskaja* and *Typografskaja* Chronicles.[14] The earliest version, according to A. A. Gorskij, of the *Narrative of the Killing of Batu* is contained in the *Archivskaja Chronicle*, and in the *Uvarov* and *Hermitage*[15] copies

XVI в.: I. Летописные Подборки Рукописи Погод. 1956" [Materials for the study of Russian chronicle writing from the end of the 15th to the first half of the 16th Century: I. Chronicle collections of the manuscript Pogod, No. 1596], *Очерки Феодальной России* [Essays on feudal Russia], vol. 11 (Moscow, 2007), 161–164. From older works: С. П. Розанов [S. P. Rozanov], "Повѣсть Объ Убіеніи Батыя" [The narrative of the killing of Batu], *Извѣстія Отдѣленія Русскаго Языка и Словесности Императорской Академіи Наукъ* [News of the department of Russian language and literature of the Imperial Academy of Sciences] 21/1 (1916): 109–110.

[13] This is the name that the story of Michael of Chernigov is usually referred to by Russian scholars. Solovjev titled the story *The Life of Saint Michael of Chernigov,* however, the present study uses the title *The Narrative of the Killing of Michael of Chernigov,* since it better expresses the content of the story.

[14] С. П. Розанов [S.P. Rozanov], "Повѣсть Объ Убіеніи Батыя" [The narrative of the killing of Batu], 109–110; *Полное Собрание Русских Летописей* [Complete collection of Russian chronicles], vol. 24 (Saint Petersburg: Typography of Edward Prats, 1921), 96–98.

[15] *PSRL,* vol. 23 (1910).

of the *Moscow Code* of 1479,[16] where the texts of Ladislaus' *historia* are almost identical. However, Rozanov cites the text of the *Typografskaja Chronicle*, as he considers it the most similar to the *menaion* version of the story.[17] He identifies two key sources from which the author of the Russian version of Ladislaus' story drew. The first is the Hungarian *historia* of Saint Ladislaus, and the second is Domentian's version of *The Life of Saint Sava*,[18] according to which the Serbian Archbishop Sava converted a Hungarian king to Orthodoxy. For dating, it is important that the *Narrative of the Killing of Batu* is not present in the older chronicles produced before the mid-fifteenth century. The oldest chronicle works with the story included date from the 1470s and 1480s.[19] In the *menaion* version, the *Narrative of the Killing of Batu* is connected with the *Narrative of the Killing of Michael of Chernigov,* and the oldest preserved documents are from the sixteenth century.[20] The text published by Rozanov describes the story of Ladislaus as follows:

The Killing of the Evil Batu in Hungary

[...] And this is how the wrath of God came to Oradea itself, a city of Hungary.[21] This city is in the midst of Hungary, where there are few common trees, but plenty of fruit, and an abundance of wine. The whole city is surrounded by water, and therefore the inhabitants of this fortress fear no one. In the centre of the town stands a towering pillar, which greatly astonishes all who see it. At that time the King Vladislav[22], the ruler of this country, was the king of the Hungarians, Czechs, Germans and the whole Pomorie as far as the Great Sea.[23] At first the Hungarians received baptism into Orthodoxy from the Greeks, but the Greeks failed to translate their writings into their language, while the Romans, being close to them, forced them to follow their heresy, and it has been so ever since. The aforesaid King Vlaslov also remained obedient

16 *PSRL,* vol. 25 (1949).

17 А. А. Горский [A. A. Gorskij], "The Narrative of the Killing of Batu," 196–197.

18 Domentijan, *Zitije Svetog Save,* ed. Dimitrije Bogdanović (Beograd: Gregorić, 1984).

19 А. А. Горский [A. A. Gorskij], "The Narrative of the Killing of Batu," 191–192.

20 Macarius, *Великие Минеи Четьи, Собранные Всероссийским Митрополитом Макарием* [Great menaion reader, collected by the All-Russian metropolitan Macarius] (Saint Petersburg, 1869).

21 The text uses the Slavic name for Oradea – *Великий Варадин* [Velikij Varadin]. Compare e.g. with the Slovak *Veľký Varadín* or Serbian *Велики Варадин* [Veliki Varadin].

22 Ladislaus is referred to as *Vladislav* or *Vlaslov* in the Russian text.

23 József Perényi interprets *Pomorie* as Dalmatia and the *Great Sea* as the Atlantic Ocean. According to Perényi, the author is actually describing a situation in the first half of the 15th century, when the Kingdom of Hungary was ruled by Sigismund of Luxembourg, who was also the Emperor of the Holy Roman Empire. Йожеф Перени [József Perényi], "Легенда о святом Владиславе в России" [The legend of St Vladislav in Russia], *Studia Academica Scientarum Hungaricae* 1 (1955): 227–244.

to the Roman Church until St. Sava, the Serbian archbishop, came to him and persuaded him to adhere to the pure Christian Greek faith, without, however, outwardly making it known, because he (Ladislaus) feared that the Hungarians would rise up against him. [...] The most accursed tsar[24], Batu, came to the country, destroying cities and killing God's people. [...] The same autocrat (Ladislaus), having seen God's wrath, came to earth, weeping, unable to do anything, and for many days he remained, neither bread nor water in his mouth, but stayed on the foretold pillar, seeing the destruction from the godless (Tartars). His sister fled to his city (Oradea), but the barbarians, who reached her, captured her and took her to Batu. The King Vladislav was crying so much when he saw this; he began to pray to God. [...] He was speaking weeping and the tears that flowed from his eyes were like a river, and wherever they fell on the marble, they soaked in, to know God's help. And a man stood before the king, and said to him: "Because of your tears the Lord gives you victory over the wicked king." And he (Ladislaus) began to look into the face of him that spoke to him, and saw no one. And when he came down from the pillar, he saw a saddled horse, on which there was no one. It was standing by him, carrying a (battle) axe, and from this he understood that God's help would help him the most. So the ruler sat on his horse and roaring, rode out of the city against those who opposed him. But when the adversaries saw this, they were overwhelmed by fear and fled. He pursued them and destroyed a great number of the wicked barbarians. [...] The ungodly Batu fled to the Hungarian mountains and his evil life came to an end at the hands of the ruler Vladislav himself. But the inhabitants living there say that Vladislav's sister, who was kidnapped, then fled with Batu. And then, when Vladislav was wrestling with Batu, his sister helped Batu, and so the ruler (Ladislaus) killed them both. [...] The king[25] was made of copper, sitting on a horse, and holding the axe in his hand with which he had killed Batu, and he was set up on that pillar to be seen and for the remembrance of his lineage, and (stands there) to this day.[26]

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[24] In Russian sources, Mongol khans are usually referred to by the title of *Tsar*.

[25] Meaning his aforementioned statue.

[26] Translated by Michal Augustovič. For the original text, see С. П. Розанов [S.P. Rozanov], "Повѣсть Объ Убіеніи Батыя" [The narrative of the killing of Batu], *Извѣстія Отдѣленія Русскаго Языка и Словесности Императорской Академіи Наукъ* [News of the department of Russian language and literature of the Imperial Academy of Sciences] 21, no. 1 (1916): 96–98: "убиение злочестиваго Батыя вь угрехь. [...] Симъ же тако бывающимъ, достиже онъ гневъ Божий и до самаго Великаго Варадина, града Оугорскаго. Той бо среди земли Оугорской лежить, древесъ простихъ мало имоущихъ, но много овощиа, изъобилна же и вина; град же весь водами обведенъ, и отъ сеа же крепости не боящеся никого же. Среди же града столъпъ стоа превысокъ, елико оудивляти зрящихъ нань. Бы же тогда самодръжець тоа земли король Владиславъ, Оугромъ же и Чехом и Немцемъ и всемоу Поморию, даже и до Великаго моря. Бехоу же пръвое Оугри въ православие крещение отъ

The first scholar to identify as an independent text the *Narrative of the Killing of Batu* contained in Russian written sources was S. M. Solovjev. However, he did not recognize the narrative as the *historia* of Saint Ladislaus, assuming instead that the text described the story of how the Bohemian duke Jaroslav of Šternberg defeated and killed the son of the Mongol leader Kublai Khan near the Moravian city of Olomouc.[27] Given that the *Narrative of the Killing of Batu* is connected with the *Narrative of the Killing of Michael of Chernigov* and that the text includes a short narration about the Serbian archbishop Saint Sava, according to Solovjev,

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Грекъ приемше, но не оуспевшимъ имъ своимъ языкомъ грамотоы изложити, Римляном же, яко близъ соущихъ, приложиша ихъ своей ереси последовати, и оттоле да иже и до днесь бывает тако. Предреченный же король Власловъ и той такоже пребываше римской церкви повиноуася, дохдеже прииде к немоу святый Сава, сербьский архиепископъ, и семоу пакы сътворяеть пристоупити к непорочней хрестьанстей вере гречестей, не явленно, отай, бояше бо ся въстаниа Оугровъ на ся. [...] Той же оканныхъ оканнейший царь Батый пришедъ в землю, грады разроушаа и люди божия погоубля. [...] Тъй же самодръжець, видевъ божий гневъ пришедъ на землю, плакааше, не имый что сътворити, на многи же дни пребысть, ни хлеба, ни воды вкоушаа, но пребываше на предреченнем столпе, зря бываемаа от ъ безбожныхъ. Сестра же его бежаше к нему въ градъ; тя же варвари, достигше ю, плениша и к Батыю отведоша. Король же Владиславъ сиа видевъ и тако сугубый плачь на рыдание приложивъ, начатъ Бога милити. [...] Сиа же ина многа плача глаголаше, слезам же текоущимъ отъ очию его, речьнымъ быстринамъ подобящеся, и идеже аще падааху на мраморие, оно проходяхоу насквозе, еже есть познаша помощи Божией быти. Ста же некто предъ кралемъ и рече ему: "Сего ради твоихъ слезъ даеть ти Господь победити царя злочестиваго." Начаша же смотрити лице глаголющаго и не видеша его ктому. И съшедше съ столпа оного, видеша конь оседланъ, никим же дръжимъ, о себе стоащь, и секира на немъ. И отъ сего избестнейши разумеша помощи Божией быти. И тако самодръжець вседъ на коня оного и изыде на противныхъ изъ града с вой, елико обретошяся с нимъ. Видевше же спротивнии, и абие страхъ нападе на нихъ, и на оубешание устремишяся. Они же вследъ текуше, толикое множество безбожныхъ варватъ [...] безбожному оному Батыю къ Оугорскимъ планинамъ бежащю, зле житию конець приемлеть отъ роукы самого того самодръжца Владислава. Глаголють же неции иже тамо живоущей человеци, яко сестра того Владислава, еюже плениша, и та тогды бежащи бяше с Батыемъ. И бысть повнегда сплестися Владиславу с Батыемъ, тогда сестра его помагаше Батыю, ихже самодръжець обою погоуби. [...] Створен же бысть меднымъ деланиемъ король на кони седя и секироу в роуце держа, еюже Батя оуби, и въдроуженъ на томъ столпе на видение и на память родоу и до сего дне." The author of the translated text is not a professional linguist, therefore the text is not a professional translation. For an analysis of certain aspects of the text and the position of Ladislaus in the context of Russian military saints, see Michal Augustovič, "Saint Ladislaus in Rus: Hidden Aspects of the Saint Ladislaus Cult" (master's thesis, Central European University, 2022).

[27] This narrative was not based on real facts and originates from the Manuscripts of Dvůr Králové, which has been identified as a *falsum*. See: Dalibor Dobiáš, *Rukopisy královédvorský a zelenohorský v kultuře a umění* [Manuscripts of Dvůr Králové and Zelená Hora] (Praha: Academia, 2019), and Tomáš Garrigue Masaryk, *Z bojů o rukopisy: Texty z let 1886–1888* [From the struggle for manuscripts: Texts from 1886–1888], ed. Jana Svobodová, 1. vyd, Spisy T. G. Masaryka [The works of T. G. Masaryk] 19 (Praha: Ústav T. G. Masaryka, 2004).

the work undoubtedly originated in the region of the South Slavs and later was taken to Russia by the well-known Serbian monk Pachomius Logofet.[28]

Several authors regard Pachomius as the author of the Russian version of the *historia*. He was a monk originally from Serbia, probably living for a time on Mount Athos in the Serbian monastery of Chilandar. Arriving in Novgorod in 1430, he is known in Russian historiography primarily as an exceptionally active author and compiler at the Holy Trinity of Saint Sergius monastery in Zagorsk near Moscow, where he arrived in 1440. Here, Pachomius created or compiled several lives of saints, including the *Narrative of the Killing of Michael of Chernigov*, also known as the *Life of Michael of Chernigov*.[29] However, there are several indications that associate Pachomius also with the origin of the Russian variant of the *historia*.[30] Another author who identified the text as an independent narrative was V. O. Ključevskij. He considered the text of the *historia* a folk song of South Slavic origin, adapted by Pachomius and combined with the *Narrative of the Killing of Michael of Chernigov*, of which Pachomius indeed was the author. Ključevskij dated this revision to before 1473.[31] Neither Ključevskij nor M. G. Halanskij realized that the *Narrative of the Killing of Batu* was based on the Hungarian *historia*. The latter pointed out that Batu's narrative contained the motif of the kidnapped girl who had fallen in love with a pagan, but he considered it a motif from folk narratives which in Halanskij's time were still familiar to the Serbs, Bulgarians, Little Russians and Great Russians, with the only difference in the modern versions being that the kidnapped *sister* was replaced by the *bride*.[32]

Similarly to Ključevskij, Halanskij also considered Pachomius the author, who combined Batu's narrative with the *Narrative of the Killing of Michael of Chernigov* and dated the origin of the text between the end of the fifteenth and the beginning of the sixteenth century. He compared the narrative with the Serbian

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[28] С. М. Соловьёв [S. M. Solovjev], *Сочинения* [Compositions], vol. 2 (Moscow, 1988), 615–616, 679.

[29] Martin Dimnik, *Mikhail, Prince of Chernigov and Grand Prince of Kiev, 1224–1246* (Toronto: Pontifical Institute of Mediaeval Studies, 1981), 151.

[30] In his study, Perényi discusses in detail the question of the authorship of Pachomius; see: Йожеф Перени [József Perényi], "Легенда о Святом Владиславе в России" [The legend of Saint Vladislav in Russia], *Studia Slavica Academiae Scientiarum Hungaricae* 1 (1955): 227–244.

[31] В. О́. Ключе́вский [V. O. Ključevskij], *Древнерусские Жития Святых Как Исторический Источник* [Ancient Russian lives of the saints as a historical source] (Moscow: Publication of K. Soldatenkov, 1871), 128, 147.

[32] In this case, the study uses the terminology of Halanskij to avoid misinterpretation of the author's claim. However *Little Russians* are usually identified with modern Ukrainians, while *Great Russians* with modern Russians.

stories of Banovich Strakhyna,[33] Marko Kralevich,[34] and with the Russian *bylina* about Ivan Godinovich.[35] V. S. Ikonnikov considers Pachomius the author of the *Narrative of the Killing of Batu*. He does not explain the reasons and adopts Solovjev's misinterpretation that the narrative describes a battle near the Moravian city of Olomouc, where the Bohemian duke Jaroslav of Šternberg defeated the Tatars.[36] N. I. Serebrjanskij assumed that the *historia* was created by Pachomius together with Michael's narrative as an expression of revenge against Batu.[37]

However, the first scholarly analyses, focused specifically on the Russian variant of the *historia,* did not occur until the early twentieth century, when in 1916 two important studies were published. In Russia, S. P. Rozanov was the first to identify the *Narrative of the Killing of Batu* as an adaptation of the *historia* of Saint Ladislaus. Although he assumed that the text was written by a Serbian in Oradea and later reworked into its present form in Russia, he did not see any sign indicating that Pachomius might have been the author. On the contrary, he assumed that if Pachomius was the one who combined the text of Ladislaus' *historia* with the *Narrative of the Killing of Michael of Chernigov*, then he took an already finished text of the Russian version of the *historia*. According to Rozanov, there were two popular narratives about Saint Ladislaus in Oradea at the time when the author visited the city, which may have been a source of inspiration for the author of the Russian version: the *historia* of Saint Ladislaus and a folk legend of the Tartar Invasion according to which their defeat was caused by a military miracle of the head reliquary of Saint Ladislaus.[38] Thanks to the Serbian author, according to Rozanov, the story of Ladislaus found its way into the Russian

[33] Valtazar Bogišić, *Narodne pjesme iz starijih, najčešće primorskih zapisa I* [Folk songs from ancient, mostly coastal records I] (Beograd: Serbian Learned Society, 1878), 106.

[34] Eva March Tappan, *Russia, Austria-Hungary, The Balkan States, and Turkey,* The World's Story: A History of the World in Story, Song and Art 6 (Boston: Houghton Mifflin, 1914), 415–419.

[35] М. Г. Халанский [M.G. Halanskij], *Великорусские Былины Киевского Цикла* [Great Russian "byliny" of the Kiev cycle] (Warsaw: Printing house of Mikhail Zemkevich, 1885), 111–115. For Ivan Godinovich, see: James Bailey, *An Anthology of Russian Folk Epics* (Routledge, 2015), 177–187.

[36] Ikonnikov see: В. С. Иконниковъ [V. S. Ikonnikov], *Опытъ Русской Исторіографіи Исторіографіи* [Experience of Russian historiography], vol. 2.2 (Kiev: University of Saint Vladimir, 1908). 1784–1785.

[37] Michael of Chernigov, according to the narrative, was killed on the orders of Batu. Николай Ильич Серебрянский [N. I. Serebrjanskij], *Древнерусские Княжеские Жития* [Ancient Russian lives of princes] (Moscow: Synodal Printing House, 1915), 127–128.

[38] In this case, one cannot speak of true legends as a hagiographic genre, but rather of an oral tradition, which, however, may also have been recorded in written form.

chronicles, from where it was later taken and combined with the *Narrative of the Killing of Michael of Chernigov,* and in this form then included in the *menaion*.[39]

In the same year, the first scholarly reflection on the Russian version of the story was made by the Hungarian scholar of Ruthenian origin Anton Hodinka, who published four texts of Russian chronicles concerning Hungarian history, including the text of the Russian version of the *historia*. Although Hodinka accompanied the text with a short commentary, he did not devote a detailed study to the topic of the *historia*. While he agreed with Ikonnikov that the Serbian monk Pachomius was the author of the text, he rejected his claim that the *Narrative of the Killing of Batu* described the Battle of Olomouc and the deeds of Jaroslav of Šternberg. Instead, Hodinka identified the text as an adaptation of the Hungarian *historia* of Ladislaus. Regarding the identification of the author, he stated that even if Ikonnikov did not identify Pachomius as the author, his Serbian origin is evident from the use of some Serbisms.[40] A more detailed study was provided by another Hungarian scholar, József Perényi.

Similarly to other scholars, Perényi deduced that the author of the text was of Serbian origin, as confirmed by the fact that the author was familiar with the *Life of Sava* and used some Serbian linguistic elements in his text.[41] Perényi considered Pachomius the author and aimed to explore his intellectual background, tracing the places he might have visited. He reported that Pachomius mentioned in some of his works[42] that he came to Russia from a monastery in Athos, but on the other hand, in his edition of the *Life of Nikon of Radonezh*,[43] he claimed that he came to Russia from Serbia. Although no evidence of Pachomius' stay in the Serbian monastery of Chilandar on Mont Athos had been found, Perényi still believed that he spent some time there for study purposes. Perényi also considered it probable that Pachomius stayed for a certain time in the Serbian monastery of Manasija,[44]

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[39] С. П. Розанов [S.P. Rozanov], "The narrative of the killing of Batu."

[40] Anton Hodinka, *Az Orosz évkönyvek Magyar vonatkozásai* [Hungarian aspects of the Russian annals] (Budapest: Hungarian Academy of Science, 1916), 458–483. Hodinka points out that the author used Serbian terms instead of Russian ones: *память* [pamet'] ("memory") instead of Russian *память* [pamjať] and *краль* [kraľ] ("king") instead of *король* [koroľ]. However, these terms are identical in some West Slavic languages. Compare with the Slovak language: *kraľ – kráľ*a *pameť – pamäť* [pameť]. For Serbianisms in text see: Hodinka, *Az Orosz évkönyvek Magyar vonatkozásai,* 483.

[41] The edition of the *Life of Saint Sava* and the Serbian language elements are cited above.

[42] Perényi does not specify which ones he is referring to.

[43] Nataliya Pak, "The Third Pachomian Edition of the Life of Nikon of Radonezh," *Slavianovedenie,* no. 4 (2020): 50–67.

[44] A monastery located near the town of Despotovac, founded by the despot Štefan Lazarević between 1406 and 1407. "Fortified Manasija Monastery," https://whc.unesco.org/en/tentativelists/5536/, accessed May 3, 2022.

since the monastery was an important intellectual center of Serbia, and Pachomius could probably acquire better knowledge there than at Athos. According to Perényi, in the context of the Russian variant of Ladislaus' *historia*, it is significant that the author personally visited Oradea, where he had the opportunity to see with his own eyes the statue of Saint Ladislaus and where he heard the *historia* of Saint Ladislaus from the local inhabitants. Perényi supposed Pachomius had visited the city between 1410 and 1438, and considered 1438 to be the last possible year of the visit, since he was already in Russia in the same year. From this, Perényi deduced the sources and the knowledge Pachomius might have used: (1) the Hungarian *historia* of Saint Ladislaus and his battle with the Cumans, (2) stories told to him by the inhabitants of Oradea, (3) his own observation of the realities in the city, (4) the *Life of Saint Sava* by Theodosius,[45] (5) and information gathered from some Balkan sources about the Christianization of Hungarians by the Byzantines. According to Perényi, Pachomius thus introduced to Russia a new genre – the *chronograph* – concerning world history and linked it to the positive example of the victorious heroic struggle against the Tartars [meant *historia*], which was to serve as a model for the Russian princes.[46]

Similarly, Serbian literary scholar Đorđe Radojičić assumed that the Russian narrative had a Serbian author, since he was obviously familiar with the *Life of Saint Sava*. Radojičić also argued that the author had evidently visited Oradea in person and had spoken to its inhabitants. Radojičić referred to the famous equestrian statue of Saint Ladislaus situated in the town and mentioned in the Russian version of the *historia*, but he mistakenly claimed that it was destroyed by the Turks in 1474.[47] Based on this misunderstanding, he concluded that the Russian version of history was written before that year. Since he linked the Serbian author's activity with the acquisition of possessions in the area by the despot Štefan Lazarevič in 1411, he assumed that the work must have been written between 1411 and 1474. Radojičić excluded the possibility that the author of the text may have been Pachomius. He argued that Pachomius' *Chronograph* contained an abridged

[45] Although Rozanov assumes that the author worked with the *Life of Domentian,* Perényi assumes working with the version by the Serbian monk Theodosius the Hilandarian (1246–1328), see: Теодосије [Teodosije], Житије Светог Саве [Life of Saint Sava], ed. Данијел Дојчиновић [Danijel Dojčinović] (Banja Luka: Art Print, 2016).

[46] Йожеф Перени [József Perényi], *Легенда о святом Владиславе в России* [The legend of Saint Vladislav in Russia] (Budapest: Studia Academica Scientarum Hungaricae, 1955), 227–244.

[47] The statue was destroyed during the Turkish attack in 1660.

version of the *historia* and that the author would not have abbreviated his own text.[48]

Pachomius' authorship is doubted also by the American historian Charles J. Halperin, who suggests that the text was written without any political aim. Nevertheless, Halperin misinterprets the text of the Russian narrative, when he claims that Ladislaus built a column in Oradea, while in fact the equestrian statue was erected in 1390. According to Halperin, "The 'Tale' may […] be described as an anonymous work of a writer of unknown ethnic identity, unquestionably addressed to a Muscovite audience."[49] In contrast, O. M. Uljanov links the appearance of the text to the hostile sentiments against the Golden Horde in the Russian milieu, which culminated in the Great Stand on the Ugra River[50] in 1480. He dates the text to the 1480s. Uljanov considers the authorship of Pachomius possible, but in any case, he connects the emergence of the text, apart from anti-Horde sentiments, with the distrust towards Western Christianity after the 1439 Union of Florence and with the intellectual immigration to Russia from the Balkans as a consequence of the Ottoman expansion. However, he makes no mention at all of textual variants other than the *chronicler version* of the Russian *historia*.[51] In a recent detailed study, A. A. Gorskij states that the belief that Pachomius was the author of the Russian narrative is based on the fact that the *Narrative of the Killing of Batu* appears immediately after Pachomius' redaction of the *Narrative of the Killing of Michael of Chernigov* (which is known to have been composed by Pachomius). However, only in the *menaion* edition of the Michael of Chernigov does Batu's narrative feature together with Michael of Chernigov's narrative, and not in the other two *chronicler editions* – the *Solovetsky* and *Archivskaja Chronicles*. Gorskij has made a detailed analysis of the numerous variants of the Russian *historia* and the *Narrative of the Killing of Michael of Chernigov.* By comparing the variants, he concluded that the author of the Russian *historia* might indeed be

[48] Ђорђе Радојичић [Djordje Radojičić], "Стара Српска Књижевност у Средњем Подунављу (Од XV До XVIII Века)" [Old Serbian literature in central Danubian region (from the 15th to the 18th century)], *Годишњак Филозофског Факултета у Новом Саду* [Annual review of the Faculty of Philosophy in Novi Sad] 2 (1957): 239–270.

[49] Charles J. Halperin, "The Defeat and Death of Batu," *Russian History* 10, no. 1 (1983): 60–63.

[50] A military encounter between the armies of Grand Prince Ivan III of Moscow and Akhmatov Khan of the Great Horde in 1480 on the banks of the Ugra River, which was concluded with the departure of the Tatars without fight.

[51] О. М. Ульянов [O.M. Uljanov], "Смерть Батыя (к Вопросу о Достоверности Летописного Сообщения о Гибели в Венгрии Золотоордынского Хана Батыя)" [The death of Batu (On the reliability of the chronicle account of the death of the Golden Horde Khan Batu in Hungary)], in *Сборник Русского Исторического Общества* [Collection of the Russian Historical Society], vol. 11 (Moscow: Russkaja panorama, 1999).

Pachomius. Gorskij has identified certain characteristic elements of Pachomius' style, which are, for instance, repeated references to the same work already existing in the literature before him. From the complex analysis, according to Gorskij, it is clear that the Russian *historia* was not a complement to the *Narrative of the Killing of Michael of Chernigov*, but had been written before it. One of the reasons why the monk Pachomius may be the author of both the Russian *historia* and the *Narrative of the Killing of Michael of Chernigov* is the usage of the same vocabulary in the two texts. In both narratives, Batu is referred to as *окаянный* ("cursed") and *безбожный* ("godless") then the labeling of the Tatars as *варвары* ("barbarians"), which are terms scarcely used in Russia before the sixteenth century but terms frequently used by Pachomius. Gorskij concluded the question of authorship by stating the author of the Russian version of the *historia* was Pachomius, composing it no later than 1477.[52] G. M. Prokhorov, who described Pachomius' literary production, also identified him as the author. Prokhorov dates the creation of the Russian *historia* before 1473, but like Ključevskij, argues that a South Slavic folk song must have served as the model for this narrative. However, according to Prokhorov, it is not clear whether Pachomius actually authored the Russian narrative or he was just a compiler.[53]

The Hungarian linguist and Slavist András Zoltán offers a review of the literature about the composition of the Russian *historia* and underlines that the two versions of the narrative have different lengths. Similarly to some scholars cited above, he finds it unlikely that the shorter and longer versions originate from the same author, since it is improbable that the author of the *menaion* version would have abridged his text into the chronicler's version. Moreover, according to Zoltán, there is no evidence that Pachomius was still alive at the time of the creation of the *Chronograph*, which should have been in the 1490s.[54] On the other hand, R. J. Počekaev suggests that the author of both the *Narrative of the Killing of Batu* and the *Chronograph* was Pachomius. Počekaev, however, is more concerned with the reasons why the narrative was written than by whom and regards it as a political

[52] А. А. Горский [A. A. Gorskij], "The Narrative of the Killing of Batu."

[53] Г. М. Прохоров [G. M. Prokhorov], "Пахомий Серб (Логофет)" [Pachomius the Serbian (Logofet)], in *Словарь Книжников и Книжности Древней Руси* [Dictionary of scribes and bookishness of ancient Rus], ed. Д. С. Лихачев [D. S. Lihačev], vol. 2, *Вторая Половина XIV – XVI в.* [Second half of the 14th to the 16th century] 2 (Saint Petersburg: Nauka, 1989).

[54] András Zoltán, "Szent László és Batu kán" [Saint Ladislaus and Batu Khan], in *Ad vitam aeternam: Tanulmánykötet Nagy István 70.* születésnapjára [Study booklet for the 70th birthday of István Nagy], ed. Mária Gyöngyösi (Budapest: ELTE, 2017), 355–361.

rather than a historical.[55] Political scientist A. B. Strakhov takes for granted the information that Pachomius was the author of the text. Instead of arguing about authorship, he describes the political background in which the text of the Russian variant of the *historia* appeared and the possible motivations for writing it.[56]

Conclusion

Saint Ladislaus was not only the most frequently depicted Hungarian saint, but the narrative describing his heroic deeds made its way to the milieu of Rus, where it has been preserved in written sources. According to most scholars, the authorship can be attributed to an intellectual of Serbian origin, which is indicated mainly by linguistic elements and his knowledge of Serbian realities, especially the inclusion of the *Life of Saint Sava* in the narrative. It is plausible that Ladislaus' *historia* was adapted to the Rus' milieu and made its way there in the course of the fifteenth century. However, this does not necessarily mean that all the details contained in the Rus' version of the narrative, which are missing from the Hungarian written and visual sources, could not have already existed in the milieu of the Kingdom of Hungary. Perhaps some information, not preserved in the Hungarian written tradition, was merely adopted by the author of the Russian version.

The Russian history of Ladislaus also reflects the period in which it was written, probably the fifteenth century. This period is characterized by a number of significant political and social changes that cannot be omitted in the context of the appearance of the *historia* in Russian sources. The Ottoman Empire was successfully expanding to the territories of the Balkans and was capturing territories from local sovereigns. This resulted in the exodus of many scholars to Rus, a territory that was also Orthodox. It was here that they continued their intellectual work and contributed to the richness of Russian culture and scholarship, bringing several innovations. Among other things, they introduced new genres such as the *chronograph* and *menaion*. When Constantinople fell in 1453, Moscow was growing in importance and began to build its image as the new Rome and the head of Orthodoxy. The fifteenth century was also the period of the liberation of the Russian principalities from the Tartar yoke. In this context, Ladislaus, who

[55] Р. Ю. Почекаев [R. J. Počekaev], *Батый: Хан, Который Не Был Ханом* [Batu Khan: The khan who was not khan] (Moscow: Evrazija, 2006).

[56] А.Б. Страхов [A.B. Strakhov], "О Духовно–Политических Смыслах 'Слова Об Убиении Злочестивого Царя Батыя'" [On the spiritual and political implications of the 'Word of the killing of the evil tsar Batu'], *Историческое Образование* [History Education] 2 (2014): 100–105.

in the Russian version of the narrative, murdered Batu Khan, the founder and symbol of the Golden Horde, entered the scene.

In addition to identifying the author of the text, there are several changes, additions, and new motifs introduced into the story of Ladislaus' heroic deeds by the Russian adaptation of the story which are particularly important topics worthy of research. Another problem is the position of Saint Ladislaus among the military saints in Russia. These issues were approached by aforementioned master's thesis.

"A LITTLE PAUPER WOMAN CAME TO ME IN TEARS (...)": BREACHES OF MARRIAGE PROMISES IN LATE MEDIEVAL ENGLISH RECORDS[1]

Agatha Georgescu

What is a breach of promise when it comes to marriage, and more specifically, what constitutes a breach of promise in Late Medieval England? What the French speaking literature in the Early Modern and Modern period often elegantly described as a "seduction trial" is a trial disputed in court in order to obtain the solemnization or officialization of a marriage. Regularly, the two partners previously consented to marry in private (or in public) by words using the present or future tense. Later, this promise was not respected, and when legal action was pursued, one of the parties denied the validity of the bond. There are, however, several levels to this binding connection and differences in the issues presented to the courts, depending on the gender of the party guilty of breaking the promise. In a good number of cases, the marriage had already been consummated, which necessitated the intervention of the ecclesiastical authority. Especially in cases where sexual relations resulted in pregnancy, the woman and her family would often seek justice in court in order to force the man to keep his promise or, at least, offer compensation to assist in raising the child.

This type of trial is not restricted only to the later Middle Ages, but in some parts of Europe, it spans across time and space even as far as the early nineteenth century, which proposes this topic as worthy of deeper analysis of the social and legal factors at the roots of such practices. Even more so, this prompts the assessment of how lovers managed to negotiate their own position in contracting marriages. Looking into the early trials within the English space could help develop a better understanding of legal practices, as well as a better understanding of the development and jurisdiction of the ecclesiastical and secular courts. This approach could also help better understand the negotiations between different authorities regarding their influence on the private lives of these lovers, depending on the nature of the economic, social, and religious aspects affected by individual cases.

[1] This study is a part of the MA thesis written by the author: Agatha-Cristiana Georgescu, "Seduction, Negotiation and Marriage?: Breaches of Marriage Promises in Late Medieval Records from Southern England" (master's thesis, Central European University, 2022).

The primary sources this study is focusing on are the trial records of such cases presented in front of local ecclesiastical courts**,** accompanied by secular records, originating from Southern English local parishes of the fourteenth and fifteenth centuries. The majority of the cases this paper is concerned with can be found in registers from dioceses that offer a broad range of sources, going beyond the records originating from political or religious centers such as London or Canterbury. These primary sources may provide enough variety to draw wider conclusions regarding marriage promises and bonds common people of the parish brought before courts. By providing a span across stories and experiences of different low-status actors, this type of analysis can help observe different patterns of marital negotiation of the town-folk affected by the refusal of a loved one to finalize the marital bond.

To better understand the canon law foundation of what makes a marriage valid, we should first look at the theories of consent exposed by various theologians throughout the High and late Middle Ages. During the High Middle Ages, canonists defined the conjugal bond as created through the consent of the persons to be married. The sexual acts, the long cohabitation, or even having children did not make a marriage bond; only the partners' declaration in words and in person of their consent that they would take each other in marriage was acceptable,[2] using a regular formula such as the one present in the Salisbury statutes: "I, Name, accept you as mine."[3]

The model of marriage based on the partners' consent started to be developed in canon law with the writings of Gratian, specifically with the *Decretum*, which extensively discussed the two stages of the creation of the marital bond: *consent* and *consummation*.[4] In his wording: "Therefore between a betrothed man and a betrothed woman there is marriage, but begun; between those who have had intercourse, marriage is established."[5] Paraphrased, it is the betrothal that initiates

[2] Conor McCarthy, *Marriage in Medieval England: Law, Literature, and Practice* (Woodbridge, Suffolk: Boydell Press, 2005), 19.

[3] Frederick M. Powicke and Dorothy Whitelock, eds., *Councils and Synods: With Other Documents Relating to the English Church, AD 1205–1313* (Oxford: Clarendon Press, 1986), 1:87–88: "Ego. N. accipio te in meum."

[4] Conor McCarthy, ed., *Love, Sex and Marriage in the Middle Ages: A Sourcebook (*London: Routledge, 2022), 56–57.

[5] Gratian, *Decretum* c. 27 q. 2 c.3, printed in Emil Friedberg, ed., *Corpus iuris canonici*, 2 vols. (Leipzig, 1879), 1:1073: "Unter inter sponsum aet sponsam coniugium est, sed initiatum; unter copulatos est coniugium ratum." Reference and English translation taken over from McCarthy, *Marriage in Medieval England*, 22, 22n12.

the marital bond, while the consummation of the marriage is what completes the marriage.

In his *Sentences,* Peter Lombard moved the focus from a dual model based on consent and consummation to a model focused on consent alone, as this was crucial for defining holy marriages as valid, such as that of Joseph and Mary. Lombard considered the wish to be married expressed in present tense as the key point of the marital bond, and his views continued to influence later medieval canon law regarding marriage.[6] Aquinas, on the other hand, considered a marriage to be valid when it was "complete", which in his vision possessed two aspects: the union of the souls, and then giving life to children. For Aquinas, the validity of the marriage did not reside in the sexual relations alone, but it meant the perpetuation of the species, escaping, therefore, any possible sign of the nullity of the marriage between Mary and Joseph based on the lack of sexual intercourse between them.[7]

When it comes to English canon law, the regulations concerning marriage were expressed through synodal regulations and collections produced by bishops.[8] Following developments in the thirteenth century, the statutes of law started to circulate widely and, in each diocese, the legatine and provincial canons, as well as other prelates and regular clergy, required a copy of the laws. The clergy were meant to disseminate locally the current legal texts used by the Catholic Church, such as *Corpus iuris canonici*.[9] However, the English Church based its jurisdiction closely upon the legislation produced by local synods and upon the local custom, and therefore, the courts did not always adhere to or enforce all the laws found in the aforementioned *Corpus iuris canonici*.[10]

Medieval English law placed great importance on promises and keeping them. Great significance was given to keeping a promise, as a great deal of medieval morality was based upon keeping faith.[11] Local secular courts carried the responsibility to ensure these promises were kept as far as their jurisdiction allowed. Common law regulated keeping faith through debt being placed on a

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6 McCarthy, *Love, Sex and Marriage in the Middle Ages,* 60.

7 St. Thomas Aquinas, *Summa theologiae*, 61 vols., ed. Thomas Gilby, vol. 51, ed. and trans. Thomas R. Heath (London: Blackfriars, 1964–81), 51:63.

8 Michael M. Sheehan, "Marriage Theory and Practice in the Conciliar Legislation and Diocesan Statutes of Medieval England," in *Marriage, Family, and Law in Medieval Europe: Collected Studies*, ed. James K. Farge (Toronto: University of Toronto Press, 1997), 123.

9 McCarthy, *Marriage in Medieval England*, 26.

10 R. H. Helmholz, *Canon Law and the Law of England* (London: Hambledon Press, 1988), ix.

11 Morris S. Arnold, "Fourteenth-Century Promises," *The Cambridge Law Journal* 35, no. 2 (1976): 321.

bond.[12] This often applied to marriage contracts, regardless of the status of the consummation of the marriage. It often appears in the records in cases where the contract was carried out as a promise between the two families, rather than between the two individuals, and it concerned much more the upper social strata with better crafted marriage contracts carried out through letters and petitions to the secular authorities in case of breach.

There have already been analyses conducted of the percentages of marriage contract breaches within the various types of marriage cases. For example, in an analysis of Troyes and Châlons from the second half of the fifteenth century, Beatrice Gottlieb observed that fornication cases are preponderant, while the next few fractions are made up of an informal prolonged engagement, followed closely by the seduction of a woman by a man and a breach of promise on his side (which make up thirteen percent of the cases), followed not too far behind by informal engagements and breach of promise on the woman's side (these cases make up ten percent of the cases).[13] This has been compared to the English space, although restricted only to Ely and York by Charles Donahue, who found the percentages to be lower within the registers he analyzed, with a surprisingly higher rate of third parties involved in the marriage, which could be qualified under adultery or bigamy, rather than under a breach of promise.[14]

Views on sexual pleasure inside and outside marriage were not entirely in line with the polluting connotations given to sex since Early Christianity, nor universally followed by unmarried people.[15] Fornication cases in records of the later Middle Ages constitute a large enough sample that may illustrate how the lower strata of society reacted to sexual temptation.[16]

In penitentials, fornication commonly appears under the larger umbrella of *lechery* and is in various cases (for example, in *Perambulauit Iudas* and *Compilesion* extensively studied by Alison More) grouped together with incest, adultery, and sodomy, as the most common form and the first to be inquired about during

[12] Arnold, "Fourteenth-Century Promises," 321.

[13] Beatrice Gottlieb, "The Meaning of Clandestine Marriage," in *Family and Sexuality in French History*, eds. Robert Wheaton, and Tamara K. Hareven (Philadelphia: University of Pennsylvania Press, 1980), 57–66.

[14] Charles Donahue, *Law, Marriage and Society in the Later Middle Ages: Arguments about Marriage in Five Courts* (Cambridge: Cambridge University Press, 2009), 616.

[15] Ruth Mazzo Karras, *Sexuality in Medieval Europe: Doing unto Other*s (London, Taylor and Francis, 2017), 29.

[16] Mazzo Karras, *Sexuality in Medieval Europe*, 131.

confession.[17] Fornication was, as adultery or any other digression from the settled-upon state of chastity, a sin and subject to a fine. However, it had a high probability of happening within the ranks of medieval peasants, clergy, or higher positioned individuals.[18]

As an umbrella-term for sexual sin, *fornication* may have frequently referred to different deviations and errors.[19] More often than not, it simply referred to sexual intercourse between an unmarried couple.[20]

In a hierarchy of sins, fornication can be placed among the pettiest of sexual sins, especially if there is no blood relation between the partners.[21] Before the thirteenth century, *adultery* and *fornication* would be used interchangeably,[22] but even later, there is still some confusion. Some cases are especially difficult to define: when only one of the partners is an adulterer, but the one brought to court is still unmarried, they can still be called an adulterer.[23] Nonetheless, fornication and adultery were descriptors of sinful behaviors, used consistently in their verbal form, and only rarely as a person's quality. *Fornicatrix* (fornicatress) was sometimes used, for example, for a woman who fornicated with several men, but she was not accused of being a *meretrix* (prostitute).[24]

Leyrwrite as a term appeared in the middle of the thirteenth century and became less and less common in the fourteenth century.[25] In legal circumstances, leyrwrite is often but not exclusively applied to "all manorial fines given for illegitimate sexual intercourse, pregnancy, or birth."[26] When a child is brought into the world through the means of illegitimate sexual relations, the fine is

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[17] Alison More, *Fictive Orders and Feminine Religious Identities, 1200–1600* (Oxford: Oxford University Press, 2018), 17–40.

[18] Barbara Hanawalt, *Of Good and Ill Repute: Gender and Social Control in Medieval England* (New York: Oxford University Press, 1998), 72.

[19] Judith M. Bennett, "Writing Fornication: Medieval Leyrwite and its Historians," *Transactions of the Royal Historical Society* 13 (2003): 135.

[20] Bennett, "Writing Fornication: Medieval Leyrwite and its Historians," 135.

[21] Andrew John Finch, "Sexual Morality and Canon Law: The Evidence of the Rochester Consistory Court," *Journal of Medieval History* 20, no. 3 (1994): 261.

[22] James A. Brundage, *Law, Sex and Christian Society in Medieval Europe* (Chicago: Chicao University Press, 1987), 247, 306–7, 386.

[23] Ruth Mazo Karras, "The Latin Vocabulary of Illicit Sex in English Ecclesiastical Court Records," *The Journal of Medieval Latin* 2 (1992): 4.

[24] Mazzo Karras, "The Latin Vocabulary of Illicit Sex in English Ecclesiastical Court Records," 16.

[25] Bennett, "Writing Fornication: Medieval Leywite and its Historians," 134 sees the decline of the fine as a direct result of the social and especially economic environment of fourteenth-century England and regards it as a female-only tax.

[26] Bennett, "Writing Fornication: Medieval Leyrwite and its Historians," 132.

sometimes labelled as *childwite*.[27] Other times, the fine is not described by any specific term.[28]

For the first time, leyrwrite appears in a Middle English text, *Hali Meiðhad* (*Holy Maidenhood*) part of the thirteenth century *Katherine Group*:[29]

> All for nothing you prick me to commit sin and to forgo the bliss upon bliss, the crown upon crown of a maiden's reward, and willingly and voluntarily cast myself as a wretch into your punishment in hell for fornication, and instead of that song of the angels about maidenhood's honor, to cry out and groan with you and yours forever inthe eternal terror of Hell. (*Hali Meiðhad* 40.12)[30]

Although illustrative of what leyrwrite is, this fragment is part of a book intended for anchoresses and praising holy virginity. The implications of committing the sin of fornication may have been graver and of greater spiritual importance to an anchoress sworn into holy virginity than to a peasant having sex with her neighbor at the dawn of a jolly holiday. She was probably more worried about getting caught, reported to the church, and being fined by the court of a rural dean.[31] The leyrwrite in this text from the *Katherine Group,* therefore, could have more importance as the final punishment of "eternal terror" in Hell[32] rather than the very pragmatic aspect of the legal fine.

The church regarded such cases of fornication, even if they ended in marriage, perhaps as a notch graver than the simple peasantry. In one case in November 1408, known from *The Register of John Chandler, Dean of Salisbury (1404–1417),*[33] an apostate monk called Stephen Dykere submitted to the temptations and

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[27] Bennett, "Writing Fornication: Medieval Leyrwite and its Historians," 132.

[28] Bennett, "Writing Fornication: Medieval Leyrwite and its Historians," 132.

[29] Bennett, "Writing Fornication: Medieval Leyrwite and its Historians," 133.

[30] Emily Rebekah Huber, and Elizabeth Robertson, eds., *Hali Meiðhad Holy Maidenhood* in *The Katherine Group MS Bodley 34*: *Religious Writings for Women in Medieval England*, eds. Emily Rebekah Huber, and Elizabeth Robertson (Kalamazoo, MI: Medieval Institute Publications, 2016), 218: "Al for nawt thu prokest me to forgulten ant forgan the blisse upo blisse, the crune upo crune of meidenes mede, ant willes ant waldes warpe me as wrecche i thi *leirwite*, ant for thet englene song of meithhades menske, with the ant with thine greden áá ant granin i the eche grure of Helle." Available online at https://d.lib.rochester.edu/teams/text/hali-meithhad, last accessed October 24, 2021.

[31] Jean Scammell, "The Rural Chapter in England from the Eleventh to the Fourteenth Century," *The English Historical Review* 86, no. 338 (1971): 11. For the Statues of Salisbury, see F. M. Powicke and C. R. Cheney, eds., *Councils and Synods, with Other Documents Relating to the English Church,* vol. 2, *A.D. 1205–1313* (Oxford: Clarendon Press, 1964), 385, e. 53.

[32] Huber and Robertson's modern translation of the words "the eche grure of Helle".

[33] T. C. B. Timmins, ed., *The Register of John Chandler, Dean of Salisbury*, 1404–1417 (Devizes, UK, Wiltshire Record Society, 1984).

fornicated with one Emma, but they both admitted that they had been married before. Their punishment was to be delivered the same day (to purge themselves of apostasy with six hands) and the consecration of the marriage to happen in less than a month.[34]

When appearing in *Domesday Book* and *Leges Henrici Primi,* leyrwrite was regarded as nothing out of the ordinary, a mere manorial occurrence.[35] This often applied to never-married bondwomen who for different reasons appeared as convicted in an ecclesiastical court: for being pregnant, for being pregnant with a bastard child, and simply for fornication.[36] In certain areas of England such as Norfolk and Suffolk, it was even more often visible in the records as a *childwite*,[37] which suggests the possible scope of this fine: to prevent single women living in poverty from becoming single mothers, rather than focusing on the sexual sin alone, and therefore obtaining a form of control over not only sexuality, but also reproductive rates.

Therefore, in the thirteenth century, the penalty for illicit sex was often paid as a small fine. After the second half of the fourteenth century, payments are fewer,[38] but in most cases women still paid their own fines.[39] The changes in punishment in the following century may be seen as a result of the decreasing population pressure, especially after the Great Plague.[40] Leyrwrite were levied in the manorial court, but in many cases ecclesiastical courts also fined people for fornication.[41] By comparison, in the case of ecclesiastical courts, the situation may have been different, as both partners were fined, and sometimes, especially when the woman would not present herself in court, both fines were paid by the man.

One of the richest sources used in my research is the aforementioned *The Register of John Chandler Dean of Salisbury (1404–1417)*, which contains a few cases that fall within the realm of breach of marriage contract. While numbering as many as 165 fornication cases, only as few as sixteen imply that marriage had been consented to and would be sacralized, or that this was the wish of at least one of the contracting parties. Within these sixteen cases, only six illustrate the type of

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[34] Timmins, *The Register of John Chandler, Dean of Salisbury*, 74.

[35] Bennet, "Writing Fornication: Medieval Leyrwite and its Historians," 133.

[36] Bennet, "Writing Fornication: Medieval Leyrwite and its Historians," 134.

[37] Bennet, "Writing Fornication: Medieval Leyrwite and its Historians," 141.

[38] E. D. Jones, "The Medieval Leyrwite: A Historical Note on Female Fornication," *The English Historical Review* 107, no. 425 (1992): 945.

[39] Jones, "The Medieval Leyrwite: A Historical Note on Female Fornication," 949.

[40] Bennet, "Writing Fornication: Medieval Leyrwite and its Historians," 145.

[41] Mazzo Karras, *Sexuality in Medieval Europe*, 133.

legal procedure of my particular interest, where the woman alleges that a marriage contract had been concluded.[42] In Case 64, Christine, servant of Thomas Stoke of Bedewynde, "alleges that a marriage contract was made with the words 'I, Roger, take you, Christine, as my lawful wife' and 'I, Christine, take you, Roger, as my lawful husband.'"[43] This is a good example of how consent to marriage was defined at the beginning of the fifteenth century. Another similar case is that of Joan Howleys, where William Bentele is cited and confesses that a marriage was, in fact, contracted.[44] Curiously, in some of the cases, perhaps to avoid the penance for fornication, the man mentions a previous marriage contract.[45] A very curious case is that of Alice Stokes, who had intercourse with two men and, according to both, had contracted marriage with both. When cited to court, she did not make an appearance.[46] This proves that in such cases both men and women accused the other of not respecting a marriage contract. It could be speculated that, in general, the distribution between genders in responsibility for the breach of promise could rather point to men as being more avoidant, but this is hard to evaluate and unnecessary to conclude without taking a closer look at the register, as it is seems clear that women break the marital bond just as often as men do.

A striking difference is observed when comparing this set of records with *The Register of Robert Mascall, Bishop of Hereford* (*A.D. 1404–1416*),[47] dating from the beginning of the fifteenth century. In this register of the diocese of Hereford, it is noticeable that most cases concerning marriages are focused on other types of issues concerning cases of not yet officialized marriage, such as the legitimacy of children.[48] When comparing this register to a slightly older one, *The Register of Thomas de Brantyngham, Bishop of Exeter (A.D. 1370–1394)*,[49] the issues concerning marriage are related to clandestine ones. Very rarely do fornication cases appear. This is most probably due to the limited importance of such cases in a register that covers a longer period of time, as well as the importance of having evidence of officialization of a marriage bond as the primary reason for the case

42 Timmins, *The Register of John Chandler, Dean of Salisbury, 1404–1417*, 26, 32–33, 40, 76, 110, 125.

43 Timmins, *The Register of John Chandler, Dean of Salisbury, 1404–1417*, 32–33.

44 Timmins, *The Register of John Chandler, Dean of Salisbury, 1404–1417*, 125.

45 Timmins, *The Register of John Chandler, Dean of Salisbury, 1404–1417*, 73.

46 Timmins, *The Register of John Chandler, Dean of Salisbury, 1404–1417*, 4.

47 Joseph Henry Parry, ed., *The Register of Robert Mascall, Bishop of Hereford (A.D. 1404–1416)* (Hereford: Wilson & Phillips, 1916); availabe at https://www.melocki.org.uk/registers/1404_Mascall.html, last accessed July 25, 2021.

48 Timmins, *The Register of John Chandler, Dean of Salisbury, 1404–1417*, 54.

49 Francis Charles Hingeston, ed., *The Register of Thomas De Brantyngham, Bishop of Exeter (A. D. 1370–1394)* (London: G. Bell, 1901).

selection. One can easily understand the importance of analyzing a more detailed register limited to a shorter period and containing more petty crimes, such as the one of John Chandler.

Among the most riveting accounts of a case connected to a marriage contract breach, there is the one put in writing by William of Hoo, the sacrist of the Bury Saint Edmunds (Suffolk). In the letter containing no names but A. de B. and C. de D.,[50] William paints an emotional picture regarding the woman coming to seek his help: she had previously contracted a marriage with her now runaway husband, which was first only agreed upon by expressing consent *per verba de presenti* ("by means of words of present assent").[51] Subsequently, she had to plead her first case before the Commissary of Edmundsbury, who decided that they were married, confirmed by documents bearing his seal. Later, in order to escape the marital bond, the husband ran away to the "town of H" (possibly the town of Hull),[52] where he lived with another woman. The sacrist requested in the letter cited above that the man be sent back to Bury Saint Edmunds, and should he not comply, be sentenced with excommunication.[53] William of Hoo's letter, although not focusing on the initial case brought before the Commissary, does offer insights into what happens after the supposedly joyful outcome. By looking at this short account, different from the regular register entries, the importance of studying such cases becomes clear. Not only do they provide a source for the legal and religious aspects of marriage, but they also provide a source for understanding the emotion and desperation in the face of bitter and confusing marital bonds, together with the tumult of daily life. These cases, such as that of the "little pauper woman"[54] in William of Hoo's letter, tell the stories of people coming to court in tears, and asking to have their loved ones back.

Certainly, cases of marital matters appear in secular courts as well, such as manorial courts and even the Court of Chancery. In the following section, I will

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[50] Antonia Gransden, ed., *The Letter-Book of William of Hoo, Sacrist of Bury St Edmunds* (Suffolk: Suffolk Records Society, 1963), no. 124. This was maybe the editor's choice, but it might as well be a sample letter, although my assumption is that it is not, since the name of the town seems to be of a neighboring one, and not just another standard letter.

[51] This was considered binding and immediately valid union, not needing solemnization, nor consummation to deem the marital contract permanent. A. J. Finch, "Parental Authority and the Problem of Clandestine Marriage in the Later Middle Ages," *Law and History Review* 8, no. 2 (1990): 189.

[52] Hull is the closest town to Bury Saint Edmunds belonging to the same archdeaconry.

[53] Gransden, *The Letter-Book of William of Hoo, Sacrist of Bury St Edmunds*, no. 124.

[54] Here *pauper* poor, feeble) can be used to signify both the economic status of the woman, as well as the social one, having been left without her husband.

compare the types of cases brought before these courts, citing examples in order to gain a better understanding of the overlaps and major dissimilarities between these marital issues.

At the Manorial Court of Gressenhall (Norfolk), on July 8, 1298, one Vincent Buncheswell brought to court one Alexander Wymer, who had allegedly spread scandal about him among his neighbors. Not only had Alexander Wymer spoken ill of the plaintiff, but he also told the woman he (Vincent) was going to marry, one Mary of Hecham, that Vincent did not sow or plough his land and that he was not a good farmer, which later made Mary reconsider the prospective marriage. Therefore, Vincent suffered a serious loss: that of Mary's love.[55] Here, the matter is not one of salvation, but rather a matter of the heart and of social status. By damaging Vincent's reputation, Alexander, among other things, contributed to the loss of a prospective wife's affections. It is evident that the issue at hand had less to do with the soul, and more with reputation. The unfortunate Vincent had, first of all, suffered an offense regarding his economic or reproductive abilities as seen in the community he was a part of. Secondly, his role as a husband no longer appealed to Mary, which left him without a wife. No accusation was brought against Mary for breaking off the marriage, as the apparent status of her prospective partner was, according to Alexander Wymer and possibly the rest of the local community, deplorable and not worthy of marriage. It is unclear if anything other than a promise had been made or if there was any kind of sexual action to endanger the salvation of the two (although it is highly unlikely), but it is clear that the issue discussed was one of marriage as a social and economic contract, as seen through the eyes of secular actors on all sides of the barricade.

This case shows how the emotion, together with the honor and morals of those pleading for the validation of a marital bond or for keeping a marriage promise was not reserved to one gender, although we might be able to speculate that the accent was on the scandalous aspect of the story. Furthermore, it proves that from the thirteenth century emotion had a place in secular, as well as in ecclesiastical courts.

Further on, I will be moving away from secular courts and return to ecclesiastical records. Although common themes and requests might exist between the cases concerning marriage contracts between the two types of courts, there are discernible differences. Whilst not completely different from one another, ecclesiastical and secular courts provide different aspects of marriage contracts in England throughout the Late Middle Ages.

[55] Gressenhall Manor Court, July 8, 1298, taken over from Elaine Clark, "The Decision to Marry in Thirteenth- and Early Fourteenth-Century Norfolk," *Mediaeval Studies* 49 (1987): 509, 509n59.

Certainly, there are also men who went before ecclesiastical courts and asked women to marry them. Such is the case of one Thomas Wrothe, who claimed to have contracted a marriage with Maud Cheseman. At the time of the inquiry, Maud had made a marriage contract and had sexual intercourse (without witnesses) with John Gouderich, also present in court. Thomas claimed that his marriage contract with Maud Cheseman was just as valid as hers with John Gouderich, also followed by intercourse, and testified to by witnesses. The intercourse with Thomas Wrothe, however, happened by force. Later, Maud brought in William and Alice Cheseman (probably members of her family, if not her parents) as witnesses. The outcome is not entirely clear, but it seems to have been in favor of Maud, considering that the court considered the witnesses' statements valid, that is, supposing William and Alice backed up her claim, which seems to be true, since they were related.

The outcome seems to have been in favor of her marriage to John Gouderich and to dismiss the marriage to Thomas Wrothe, as it is noted that the case was concluded with the approval, or at least the consent, of all the parties present. It seems very unlikely that the opposite could have happened, especially considering that John Gouderich, whom Maud considered her lawful husband, was present, alongside with her family members as witnesses. The scale leans towards her outcome, especially since she brought into discussion that the sexual intercourse happened against her will. In this case, the legal attitude towards forced sexual intercourse is transparent: consent, both for the marriage itself, and for sexual intercourse is necessary from both partners for the act to have any value in front of the church.

Reminiscent of the example above, but with different parties involved and a completely different outcome, is the following case selected from *The Register of John Trefnant, Bishop of Hereford*.[56] The case is fought between Margery, the daughter of David Deheubarth[57] on the one side, and Roger ap Jevum on the other side, previously married to another woman, Sybil,[58] the daughter of Robert Herdemoun. Here, the point of view is reversed: unlike in the previous and earlier example, all three participants appear in front of the Hereford court. Roger and Sybil claim that they were the first married, and therefore, the court proceeds to

[56] This case is first brought to court on July 9, 1397. William W. Capes, *The Register of John Trefnant, Bishop of Hereford (1390–1404)* (Hereford: Wilson and Phillips, 1914), 143–144; available at https://www.melocki.org.uk/registers/1389_Trefnant.html#p001, last accessed on February 14, 2022.

[57] William W. Capes, the editor of the register, transcribed the name as *Dehenbarth*. As the spelling was not fixed, I suggest that the name of the father is *Deheubarth*, possibly because of the Welsh origin.

[58] Latin original is *Sibilla*.

declare invalid the second marriage between him and Margery. From the name of her father, we might be able to deduce that she was from a different parish, possibly belonging to a neighboring Welsh area. This follows the same pattern as that reproduced in William of Hoo's letter discussed above: the man seeks another wife from a nearby town, with whom he contracts (in one way or another) a marriage. In this case, the woman found in the position of the second wife claims that the marriage between her and Roger was a legitimate one and is prepared to prove this: they had contracted a marriage *per verba de presenti*, and afterwards they were *de facto* married. She was ready to prove this, but eventually this did not seem to happen. Roger denied all these allegations and brought into question his first marriage to Sibyl, who is also present. As the second marriage did not seem to have any witnesses and there was a previous marriage legally contracted (with witnesses and with both partners agreeing on having consented to marry), the court decided in favor of Robert and Sybil being married, and of Margery being free to remarry. The marriage between Robert and Sybil, however, hads yet to be officiated and the bishop ordained it to be done in the church.

This case is a standard example of how these procedures were taking place and fits right into the pattern of negotiation that I was particularly interested in studying. These negotiations, brought in front of the court, were held between abandoned women promised to be taken as wives and men with different partners from two nearby communities. It is not entirely clear how easily these men managed to break out of the marital bond by simply leaving town, but it may be that this was a common occurrence. As the letter of William Hoo indicates, the parishes had their own means to track down runaway husbands.

Apart from these cases being of the ecclesiastical courts' competence, as marriage was slowly becoming a church sacrament, it is apparent that they concerned themselves with the morals of those brought to court. It is more comprehensible from the letter why this had been a matter of the church long before the sacrament was well established:

> We therefore ask you, in the interest of mutual cooperation and for the salvation of the souls imperiled thereby, to warn the aforesaid C., and induce him as effectively as you can, to give up this adulteress, if he has her, and then to receive back the said A. as his wife and treat her with marital affection; otherwise you should compel him to do this by sentencing him to suspension and excommunication from day to day as necessary.[59]

Although not visible through the register but through William's letter, this is a matter of the "imperiled souls," of not living in sin, of appropriate marital affection.

[59] Gransden, *The Letter-Book of William of Hoo, Sacrist of Bury St Edmunds*, no. 124.

Therefore, the motivation people held behind such a plea may be of several types: a pressing need to convince the potential partner to marry them, the public scandal and gossip of which they became the target, being left by the partner for another, or being in danger of living in sin. Regardless of the reasons behind the legal action, these people constructed certain narratives around the marriage bond they wished to clarify; and these narratives make transparent some of the emotions at play in these promises.

"FOR THE ABUNDANCE OF THE CITY AND THE GREAT BENEFIT OF ITS FISHERMEN": REGULATIONS OF FISHERIES IN SIXTEENTH-CENTURY VENICE

Daria Ageeva

Introduction[1]

In June 1579, extensively – and furiously – replying to the request of merchant Zuanne de Bona to reduce food taxes, the *Cinque Savi sopra le Mariegole*, an extraordinary commission called for coping with the consequences of the recent plague in Venetian crafts and trades, exposed a dramatic reduction in the tax collected in St Mark's city.[2] According to them, in the last year, no more than 1700 *ducati* entered into the treasury from the fish market, while earlier they had been accustomed to collecting a maximum of 500 *ducati* from eel deliveries in the first four months of the year alone.[3] "In such a poor year as this," they complained, "when there are no eels, no freshwater fish, and sea fish does not reach the usual amount", the city cannot afford to reduce taxes because they risk being left without any profits at all.

The dearth of fish on the fish market had already been attested several years earlier, in 1575. At that time, fishponds city authorities saw its causes in overpricing on the part of the fishmongers.[4] In the case of Venice, Fabien Faugeron uses the understanding of *carestia* as a period of high prices rather than a shortage of certain goods, which was generally uncommon in Italy.[5] Starting from 1577, on the other hand, sources clearly reveal a persistent supply issue in the Venetian fish market, which contemporaries connected with the dominance of "high waters" in the fishponds and on the lagoon.[6] This article, thus, addresses ecological and

[1] This paper is a modified version of the third chapter of my MA thesis defended in June 2022 at the Central European University in Vienna: Daria Ageeva, "Regulation of Fisheries and Fish Consumption in the Early Modern Venetian Republic" (master's thesis, Central European University, 2022).

[2] *Capitolare Orsa VII*, Archivio di Stato di Venezia (hereafter: ASV), Giustizia Vecchia (hereafter: GV), b. 5, r. 13, ff. 76r–77v.

[3] In Venice, year started in March.

[4] ASV, GV, b. 1, r. 3, September 20, 1575, ff. 60v–61v.

[5] Fabien Faugeron, *Nourrir la ville. Ravitaillement, marchés et métiers de l'alimentation à Venise dans les derniers siécles du Moyen Âge* (Rome: École Française de Rome, 2014), 187–189.

[6] *Capitolare Orsa VII*, ASVe, GV, b. 5, r. 13, f. 68r, f. 77r.

economic processes which caused interruptions in the fish supply in the Venetian Lagoon in the sixteenth century. Drawing on extensive archival material, I argue that the commonly accepted image of Venetian pre-modern sustainability and wise natural resources management needs to be revaluated.

Changing Landscape

Fish was a staple food for the population of the Venetian Lagoon, as already acknowledged by the very first mention of Venice by Cassiodorus, who described sixth-century Venetians as "gorging themselves with fish" and extracting salt, "instead of driving the plough or wielding the sickle".[7] Over the centuries, the wealth of Venetians grew, and their diet became increasingly varied as they pushed the ecological boundaries of natural systems along with their economic expansion. Fish, however, provided an important source of protein for both the nobility and *popolani* throughout Venetian history, especially during Lenten time.

Given the importance of aquatic products in the Venetian diet, fishing and fish trade were highly regulated by the Venetian authorities, *Giustizia Vecchia* (Old Justice) and, in the sixteenth century, *Cinque Savi sopra le Mariegole* (Five Supervisors of the Statutes), and *Collegio delle acque* (Office of Water Resources). Every morning the people of Venice came to the city's *pescarie* (fish markets) at the Rialto or San Marco to buy fresh catch from the *Compravendi di pesce* (Fishmongers' Guild) at the prices limited by the aforementioned authorities. The art of fishing was performed by fishermen's guilds, among which the Nicolotti is claimed to be the oldest one and, undoubtedly, they were the most powerful one being regularly consulted by the lawmakers on questions pertaining to the Lagoon and assisting in its supervision. They based their advice on the intimate knowledge of the lagoonal environment, which in the fifteenth-sixteenth centuries significantly differed from what we see today – a fact frequently disregarded in the historiography of the Venetian aquatic resources management.[8]

While nowadays the subsidence of soils and the general rise of the sea level caused by global warming threaten the city's survival, the early modern period

[7] Cass., *Var.* 12.24; translation is taken over from Thomas Hodgkin, transl., *The Letters of Cassiodorus Being a Condensed Translation of The* Variae Epistolae *of Magnus Aurelius Cassiodorus Senator* (London: Henry Frowde, 1886), 517.

[8] Piero Bevilacqua wrote one of the pioneering and most cited studies where the Venetian "environmental" legislation is given as a continuous tradition for the entire history of the Venetian Republic without contextualisation of its increasingly sophisticated provisions in the changing social and natural environment: Piero Bevilacqua, *Venezia e le acque. Una metafora planetaria* (Roma: Donzelli Editore, 1998).

was characterized by the opposite problem, namely alluviation. The accumulation of silt brought by the Brenta River in the south and the Piave in the north of the Lagoon was naturally transforming the geomorphology of the Lagoon into a deltaic one. Characterized by the desalination of already brackish waters, significant changes in the aquaculture, and the proliferation of marshlands, the transformation would have consequently resulted in a malaria outbreak and the blockage of the Venetian ports.

The Venetians very early realized the interconnection between this alluvial discharge resulting in increasing shallowness of the Lagoon with possible consequences for the city. However, it was in the second half of the fifteenth century that their concerns began to grow more pronounced. According to Elizabeth Crouzet-Pavan, if earlier the Venetian commune had concentrated its effort on the reclamation of land and the maintenance of canals, in the fifteenth century the focus of attention shifted toward the progressing alluviation, which was already showing in the growth of marshlands and the gradual abandonment of the town of Torcello.[9] This shift led to the hydraulic projects of the sixteenth century aimed at diverting the Brenta River from flowing into the Venice Lagoon to discharge directly into the Adriatic Sea. As present-day geomorphological studies demonstrate, this long-lasting enterprise indeed averted the alluviation of the Lagoon in its southern and central parts, where the deltaic alluvial canals were eventually buried under lagoonal shallows.[10] During the following centuries, the changed balance between salt and freshwaters facilitated the proliferation of salt marshes, "a result of sedimentation and accretion from tidally supplied sediments and fluvial contributions."[11] The change of habitat would necessarily lead to alterations in the composition of fish species present in the Lagoon, although they are difficult to trace in the extant sources.

Given that the biodiversity of the Lagoon primarily depends on migratory species that come as juveniles in search of nursery areas in the mudflats,[12] thermal

[9] Élisabeth Crouzet-Pavan, *Le Moyen Âge de Venise. Des eaux salées au miracle de pierres* (Paris: Albin Michel, 2015), 234–235.

[10] Luigi Tosi et al., "Morphological Framework of the Venice Lagoon (Italy) by Very Shallow Water VHRS Surveys: Evidence of Radical Changes Triggered by Human-Induced River Diversions," *Geophysical Research Letters* 9/36 (2009).

[11] Lorenzo Bonometto, "Functional Characteristics of Salt Marshes (*barene*) in the Venice Lagoon and Environmental Restoration Scenarios," in *Flooding and Environmental Challenges for Venice and its Lagoon: State of Knowledge*, ed. C. A. Fletcher and T. Spencer (New York: Cambridge University Press, 2005), 476.

[12] Piero Franzoni et al., "Fish Assemblage Diversity and Dynamics in the Venice Lagoon," *Rendiconti Lincei* 21 (2010), 271–272.

conditions are increasingly important, since juveniles are generally more exposed to temperature change. During the fifteenth and sixteenth centuries, the climatic volatility caused by the Little Ice Age brought along palpable temperature fluctuations with cooler trends, especially during winter and spring,[13] the peak time of the internal migration of lagoonal juvenile migrants.[14] Additionally, the increased rainfall and sea surges obstructed fishing on the Lagoon, as well as causing damage to fixed fishing equipment such as *grisiole,* reed hurdles that formed the borders of fishponds.[15] In the *supplica* submitted to the office of the *Giustizia Vecchia* in 1584, the fish farmers listed breaches in the reed hurdles caused by the floodwaters as one of the perils of their craft, along with the damage caused by frost to fish stocks.[16] One cannot ignore these complaints that come together with the notion of *carestia*, hunger, being reinforced in the administrative documents of the sixteenth century. It was this precarious and ever-changing environment that the Venetian authorities sought to control.

Fishing Regulations

The regulations of fishing fall into two main categories: seasonal suspension of fishing for certain species, and the regulation of types of fishing nets, their mesh size, and seasonal use. Rather vague and general at first sight, during the fifteenth century, the two categories of regulation gradually merged and developed into complex provisions which defined when, where, how, and for what species fishing was prohibited. This development shows the growing awareness of the Venetian authorities of fish reproductive cycles and of the impact of fishing on the environment. Extant sources testify to the intensification of fishing legislation in the last quarter of the sixteenth century, continuing well into the seventeenth century. As the scope of this article does not allow for a detailed account of fishing regulations, I will provide only a short overview below.

[13] Dario Camuffo et al., "The Little Ice Age in Italy from Documentary Proxies and Early Instrumental Records," *Méditerranée. Revue géographique des pays méditerranéens* 122 (2014), 24–27.

[14] Franzoni et al., "Fish Assemblage Diversity and Dynamics in the Venice Lagoon," 276.

[15] Venetian "fishponds" are not to be mistaken with the Central European fishponds. So called *valli da pesca* are enclosed areas on the Lagoon which juvenile fish could enter naturally and/or be introduced in by the *vallesani,* fishpond workers. Unable to escape these enclosures, fish, often gilthead sea bream (*Sparus aurata*) matured inside these enclosures for the elite consumption. Thus, the terms "fishpond" and "fish farmers" are used here as the closest English translations.

[16] GV, B. 91, August 27, 1584.

Starting in the thirteenth century, most seasonal regulations suspend fishing from Easter to Saint Peter's Day (June 29). Over the centuries, however, this proved to be insufficient for the preservation of the fish stock, which led to the extension of the suspension period until the feast of Saint Jacob (July 25), and later until the feast of Saint Michael (September 29) in the fifteenth and sixteenth centuries, although these extensions did not follow a discernible pattern and were probably dependant on irregular variations in fish capture. Some bans specified the "protected" fish species, including the grey (fam. *Mugilidae*) and the striped red mullet (*Mullus surmuletus*),[17] gilthead sea bream (*Sparus aurata*),[18] flounder (*Platichthys flesus*) and grass goby *da ovi*, that is, "full of roe" during their spawning period.[19] Present-day migration patterns show that the peak of the juvenile internal recruitment of these species takes place in early spring, meaning that during Lent and just after Easter, when the natural mudflats (*barene*) and fishponds (*valle*) are – and were – populated by fish fry.[20] Indeed, the suspension of fishing followed this temporal pattern and encompassed target species represented mostly by juvenile migrants, with the one exception of the grass goby (*Zosterisessor ophiocephalus*), a lagoonal resident whose spawning period, nevertheless, starts roughly at the same time.

The regulations of fishing equipment are mostly concerned with various types of fishing nets traditionally employed by the local fishermen until the nineteenth century, and even in our days. The Venetian authorities were concerned with the use of *trata*, a trawl net weighted with lead and up to 30 meters in length,[21] and *grisiole*. The first ban on their use was issued by the Great Council in 1314 and was intended to last until the end of June.[22] In the first half of the fifteenth century, these bans were extended to include *seraglia*, a surrounding seine net, and *cogoli*, a cylindric seine net with wings, predominantly used in the canals for goby fishing.[23] From the early sixteenth century, the regulations aimed at controlling the use of *braganga*, lead-weighted trawl nets, dragged by boats of the

[17] Gianfranco Dogliani and Diego Birelli, eds., *La pesca nella Laguna di Venezia* (Venice: Albrizzi Editore, 1982), 21.

[18] *Capitolari*, Biblioteca Nationale Marciana (hereafter: BNM), ms. It. VII 1572 (7642), f. 185v.

[19] The ban issued on May 7, 1492 by the Senate: *Capitolari*, BNM, ms. It. VII 1572 (7642), f. 188r.

[20] Franzoni et al., "Fish Assemblage Diversity and Dynamics in the Venice Lagoon," 270.

[21] Dogliani and Birelli, *La pesca nella Laguna di Venezia*, 167.

[22] Presumably, starting from Easter: Dogliani and Birelli, *La pesca nella Laguna di Venezia,* 21.

[23] Dogliani and Birelli, *La pesca nella Laguna di Venezia,* 46–48. First known ban on *seraglia* in 1400 preserved in *Capitolari*, BNM, ms. It. VII 1572 (7642), f. 186v. First known ban on *cogoli* is attested in 1492, however, a much earlier regulation of 1365 prohibits the use of *cogoli* around the island of Poveglia making an exclusion only for the *Poveggiotti*: *La pesca nella Laguna di Venezia,* 21; *Capitolari*, BNM, ms. It. VII 1572 (7642), f. 188r.

same name,[24] and *ostregher*, a smaller trawl net.[25] At the very end of the sixteenth century, the nets specifically made for flounder and eel fishing also appeared among the restricted equipment.[26] Among other fishing methods causing concern to the Venetian authorities were *fossina*, a multi-toothed fishing harpoon used for grass goby fishing, and catching goby *a brazzo* (lit. "on arm").[27]

In general, limitations on the use of fishing gear seem to be bound up with the reproductive circles of fish and are aimed at the protection of juvenile fish. When the *Savi sopra le Mariegola* took over the fishing regulations in 1577, they found that fishing with *trata* and *trattolline* with very dense mesh caused the "grandissima destruttion de pesci novelli et piccioli" ("the great destruction of juvenile and small fish"), which were entangled in these nets and died prematurely.[28] Furthermore, in 1589, a sample piece of the net of the permitted mesh size was placed on display in the office of the *Giustizia Vecchia*, and the Collegium, and later the Senate, strongly emphasizing that the g*iustizieri* were responsible for certifying fishermen's nets in accordance with this exemplar.[29] In addition, trawl nets like *ostregher* were blamed and banned because of their harmful effects on the seafloor, that is, the primary habitat of juvenile fish.[30]

The provisions of the Venetian authorities restricted the use of certain fishing equipment not only according to the season but also in certain geographical sections of the Lagoon. By the beginning of the seventeenth century, this "protected" area encompassed the lagoonal waters from Chioggia to Lio Maggior and, thus, included three main inlets which supplied the inner lagoon with a continuous influx of marine water – Lido, Malamocco, and Chioggia – with particular focus on marshes and mudflats (*barene*). Some of these regulations explicitly regarded fishing with *trata* and *grisiole* in this area as harmful to the fish stock based on the expert advice of the *Nicolotti*,[31] nicely fitting the natural realities of the Lagoon where mudflats and tidal creeks were used as a nursery area for migrant species.[32]

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24 *Capitolari*, BNM, ms. It. VII 1572 (7642), f. 186v.

25 *Capitolari*, BNM, ms. It. VII 1572 (7642), f. 195r.

26 *Capitolari*, BNM, ms. It. VII 1572 (7642), ff. 195v–196v.

27 *Capitolari,* BNM, ms. It. VII 1572 (7642), f. 188r.

28 *Capitolare Rosa,* ASV, Giustizia Vecchia, b. 5, r. 12, ff. 15v–16r.

29 *Capitolari*, BNM, Ms. It. VII 1572 (7642), f. 195r.

30 *Capitolare Rosa*, ASV, Giustizia Vecchia, b. 5, r. 12, f. 16r.

31 For instance, for the provision issued by the Council of Ten in 1424, see *La pesca nella Laguna di Venezia,* 21; Roberto Zago, *I Nicolotti: storia di una comunità di pescatori a Venezia nell'età moderna* (Padua: Aldo Francisci, 1982), 132: "che non si possa pescare da Treporti a Portosecco con tratte e grisiole, essendo questa una delle principali cause che cagionano la mancanza del pesce".

32 Franzoni et al., "Fish Assemblage Diversity and Dynamics in the Venice Lagoon," 278.

In this case, however, the protection of juvenile fish was not the only – and not the most acute – issue.

The growing concern of Venetian patricians about the progressive sedimentation of the Lagoon put fishermen and, even more so, fish farmers in the disadvantageous position of being renowned troublemakers, since the very same sandbars and tidal flats and muds were essential to their occupation. Thus, banning the use of *ostregher* on the mudflats and marshes in 1577, the *Cinque Savi sopra le Mariegole* did not only blame it for the erosion of the seafloor and tidal muds; they also associated this "new and very harmful method of fishing" with the alluviation of the canals. According to them, the *ostregheri* "bring mud into the waters [of the Lagoon], which gradually transport the additive into the canals; [this movement] alters the canals, as everyone can already see, and inlets are disturbed and endangered [by it]."[33] It was, however, the *grisiole*, the essential tool of fish farmers, that attracted the most scrupulous attention of the Venetian authorities.

Fishponds

It would be wrong to translate *valle* exclusively as "fishpond", as sometimes this name referred to the privately owned naturally formed shoals used for recreational hunting and fishing (e.g., *Hunting on the Lagoon* by Carpaccio). However, administrative sources usually deal with the *valli da pesca*, that is, the areas enclosed with soil or sand embankments and hurdles built from reeds or poles.[34] The morphology of the shallow Venetian Lagoon facilitated the construction of these enclosures, primarily used for fishing and fish farming. The so-called *barene*, natural sandbars covered with water only during strong rising tides, formed the first borders of the *valli*. These sandbars were then enhanced by reed hurdles called *grisiole* ranging from ca. 0.7 meter to 3.47 meters in height.[35] Tied with swamp grass, these hurdles were relatively porous to provide the flow of water, allowing juvenile fish to enter the ponds. In other cases, fish farmers imported live juveniles caught outside the enclosures to eventually harvest the adult fish. Although profitable for the patrons of the *valli* and beneficial for the city in terms of fish supply, the prevailing attitude among the aquatic resource officials was rather suspicious due to the possible negative effect that sandbars and hurdles might have had on the sedimentation of the Lagoon. From 1365 to 1502, the Venetian authorities consistently limited the use of *grisiole* on the Lagoon because

[33] *Capitolare Rosa*, ASV, Giustizia Vecchia, b. 5, r. 12, f. 16r.

[34] Dogliani and Birelli, *La pesca nella Laguna di Venezia,* 167.

[35] Dogliani and Birelli, *La pesca nella Laguna di Venezia*, 162.

"le acque non hanno il suo libero corso" ("the waters lack their natural flow"), as a Senate decision from 1494 reads.[36]

Whether *grisiole* indeed posed a substantial impediment to the seawater flow is not clear. On the one hand, artificial constructions in the shallow lagoonal waters can indeed obstruct the infiltration of the marine waters and disturb the hydraulic balance. Lorenzo Bonometto cites a proverb commonly known in the Venice Lagoon, *palo fa palude*, "a pole creates a marsh," and, drawing from the present-day data, confirms that

> [t]he traditional pile fence creates reflected waves that cause depressions and start destructive processes in the perimeter mudflats. In addition, the piles… hinder the salt marsh margin regenerative processes and the infiltration of water, thus opposing the normal dynamics and therefore also the restoration of protective and self-stabilizing capabilities.[37]

On the other hand, it was of primary interest to fish farmers to ensure the continuous influx of marine water to the fishponds, as the replenishment of fish stock and the saturation of water profoundly depended on it. Apparently, the *Savi alle acque,* charged with the duty to carry out regular examinations of the Lagoon, had their doubts on this matter as well. In the 1520s, they launched an investigation of the effects of *grisiole* and *valli* in general, seeking the views of the local authorities of the lagoonal islands.[38] Surprisingly, three governors of the ports of Malamocco, Lido, and Venice provided a fairly positive assessment of the fishing enclosures. In general, they saw the main benefit of the *valli* in that they favored the proliferation of ponds filled with saltwater all around themselves and between the canals, thus, facilitating the water flow between natural shallows and preventing their subsequent transformation into a marsh.[39] From the most elaborated letter of Alvise Francesco Berengo, admiral of the port of Malamocco, it becomes clear that it was the abandonment of the fishponds – due to bans issued by the Venetian authorities among other reasons – which aggravated sedimentation. According

[36] *Summario in proposito di valli*, f. 3v; ASVe, *Senato Terra*, r. 12, March 17, 1494, f. 47r.

[37] Lorenzo Bonometto, "Functional Characteristics of Salt Marshes (*barene*) in the Venice Lagoon and Environmental Restoration Scenarios," in *Flooding and Environmental Challenges for Venice and its Lagoon: State of Knowledge*, ed. C. A. Fletcher and T. Spencer (New York: Cambridge University Press, 2005), 482–485.

[38] *Summario in proposito di valli,* ff. 7r–9r, 7v–12r. There are also the original letters sent by Giacomo Spiera, admiral of the Port of Venice, and Alvise Berengo, admiral of the port of Malammoco, to the *Savi*: ASV, Savi ed esecutori alle acque, r. 126, ff. 3–5; however, the letters are shorter than the detailed opinions copied in the *Summario*. Hereafter, the opinions are cited from the more elaborated copy.

[39] *Summario in proposito di valli,* ff. 7r–7v.

to Berengo, in the area where the creation of the *valli* and the use of *grisiole* was prohibited, the level of siltation had risen by more than 0.347 meter over three years; the ten-year ban then resulted in almost a one-meter accumulation of tidal sediment.[40] On the other hand, the proper maintenance of the fishponds, which implied the excavation of tidal sediment and its regular transport to the open sea by the fish farmers, prevented the growth of sandbars and alluviation in general.[41]

These expert opinions, supplemented by the first-hand experience of the *Savi* acquired in their inspections of the Lagoon, seem to have had an effect on subsequent fishpond regulations.[42] Thus, the printed provision of August 12, 1579 required fishpond owners to start "pruning the trees, unmaking build-ups and other impediments created in the places of this lagoon… so that salt waters can fill all of it, from the Adige to the Piave", rather than to remove the *grisiole*.[43] This did not, however, change the views of the *giustizieri*, who kept enforcing bans on *grisiole* throughout the sixteenth century. Thus, the fishpond regulations demonstrate that despite information readily available to Venetian patricians, long-established views on the causes of alluviation were hard to change, together with the lack of coordination between various Venetian magistracies, once again resulting in inconsistent legislation.

For the Public Benefit?

One should not, however, interpret the concerns leading Venetian magistracies to protect fish stock and prevent sedimentation as strictly ecology-driven, since this would be an obvious anachronism. In promulgating the regulations discussed above, the authorities pursued two basic ends: to provide the people of Venice with their staple food and to sustain the profits of the fishermen's communities. For instance, the 1503 ban of on fishing with *trata* and several other types of nets was based primarily on economic reasoning – the juvenile flounder caught with these nets was too lean and bony to attract customers on the fish market, so the fish rotted on the counters and was eventually dumped into the city's canals.[44] Although the damage these nets were causing to the fish stock was recognized, the main purpose of the regulation was to secure a continuous and predictable supply

[40] *Summario in proposito di valli,* f. 9v.

[41] *Summario in proposito di valli*, f. 10r.

[42] About these inspections: *Summario in proposito di valli,* ff. 12r, 14v.

[43] *Summario in proposito di valli*, f. 19r.

[44] *Mariegola della Comunità di S. Nicolò all'Angelo Raffael de Mendicoli*, BMC, ms. Cir. 2790 (IV. 112), f. 8 extensively cited in Zago, *I Niolotti*, 131.

of adequate merchandise. In 1577, the *Cinque Savi sopra le Mariegola* summarized this principle most explicitly. The regulation of fishermen's activity, according to them, was crucial "per abundantia della città et maggior beneficio de loro pescadori"[45] ("for the abundance of the city and great benefit of its fishermen"). As in the case of Lake Constance analysed by Michael Zeheter,[46] the preservation of the aquatic environment was understood in terms of providing sustenance for the urban community, and in order to do so, fishermen, as a part of this community, had to abide by the law.

Although in the long perspective, the limitations on fishing were beneficial for both the fishermen and the urban community in general, the fishermen's low social and economic status left them badly exposed to natural disasters (the plague and a changing climate) and economic stagnation. These problems required alleviation, which usually came in the form of concessions and exemptions. In the case of a pre-modern economy defined by the activity of guilds – as in the Venetian Republic – exemptions were granted to the generally more privileged fishermen's communities of the parish of San Nicolò dei Mendicoli, as well as to those in Poveglia, Chioggia, and Malamocco. For instance, not all geographical limitations stemmed from the "environmental" reasons discussed above; in some cases, they were rather meant to secure fishing grounds for more privileged groups. In the case of the Nicolotti, the Venetian magistracies repeatedly confirmed their unlimited right to fish anywhere on the Lagoon, including the waters surrounding Chioggia, Murano, Torcello, and Malamocco; for them, even the rigorously enforced restrictions on the use of *grisiole* and *bragagna* were lifted.[47] Similar, though less substantial, privileges were given to the Poveggiotti. The provision of May 12, 1365 issued by the Great Council prohibited fishing with *cogolo* in the surroundings of the island of Poveglia.[48] It, however, made an exception for the Poveggiotti, the fishermen's fraternity on the same island, giving them exclusive rights to exploit their primary fishing ground. The Chioggiotti enjoyed the privileges connected to fishing in the fishponds which abounded in this area. An entry from the year 1492 in the register of acts of the *Giustizia Vecchia* confirms an exemption given to the fishermen of the *valli* of Chioggia, who "can catch flounder

45 *Capitolare Rosa,* ASV, Giustizia Vecchia, b. 5, r. 12, f. 16v.

46 Michael Zeheter, "Managing the Lake Constance Fisheries, ca. 1350–1800," in *Conservation's Roots: Managing for Sustainability in Preindustrial Europe, 1100–1800*, ed. Abigail Dowling and Richard Keyser (Berghahn Books, 2020), 154–177.

47 Zago, *I Nicolotti*, 130–136.

48 Dogliani and Birelli, *La pesca nella Laguna di Venezia,* 21.

and grass goby with roe and sell it any time", notwithstanding two earlier bans from 1424 and 1425 which prohibited the extraction of these two species during their spawning seasons.

Vallesani in general were granted certain indulgences required by their craft. For instance, it was only the fish farmers who could catch or buy juvenile gilthead bream before the feast of St Jacob (July 15) in order to take them to the fishponds.[49] However, this privilege was by no means a perpetual one, as only three years later, juvenile bream fishing for fishponds was banned.[50] In addition, the *valli* represented a complex administrative issue, as many were the private property of Venetian noblemen. Starting from the fourteenth century, the common rule was to allow the use of *grisiole* for private owners with the proviso that they should keep the lagoonal canals free of reed hurdles.[51] The problem occurred when the fish farmers expanded their activities to public canals, which might be explained by the higher concentration of fish there, especially during cold seasons.[52] This was obviously seen as impeding the flow of salt waters and contributing to the sedimentation of the lagoon. The sixteenth-century fines for fixing the hurdles in the canals show how serious this issue was considered to be. *Inter alia*, they included the expulsion of noble lawbreakers from the Great Council and other magistracies for five years, and for non-nobles a five-year ban from the city.[53] However, as the 1577 document shows, the *Savi sopra le Mariegole,* who rigorously sought to fight any type of (in their view) excessive privileges, eventually had to respect the traditional rights of the patrons of the *valli*, who, according to the "old custom," were allowed to employ any kind of fishing equipment on their private property.[54] Granting them their traditional freedoms in the use of nets with small mesh, the *Savi* did not fail to remind the patrons that everything should be done for the public – and their own – good:

> We want to believe that the patrons of the *valli* and their employees do not want juvenile fish to be destroyed, but they will do everything to preserve it, so that it will grow to their profit and utility…and for the public benefit.[55]

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49 *Capitolari,* BNM, Ms. It. VII 1572 (7642), f. 194v.

50 *Capitolari*, BNM, Ms. It. VII 1572 (7642), f. 195r.

51 *Summario in proposito di valli*, 2v.

52 Franzoni et al., "Fish Assemblage Diversity and Dynamics in the Venice Lagoon," 276.

53 The date of the entry is missing; according to the context, this provision should have been issued between 1531 and 1544: *Summario in proposito di valli*, ff. 5r–5v.

54 *Capitolare Rosa,* ASV, Giustizia Vecchia, b. 5, r. 12, f. 58r.

55 *Capitolare Rosa,* ASV, Giustizia Vecchia, b. 5, r. 12, f. 58r.

However, there was little they could do to control this problem. The promotion of the public good faced impediments when it came to the regulation of private property.

Since the Venetian authorities greatly appreciated the advice of experienced fishermen, the latter had the opportunity to lobby for their own interests. Roberto Zago describes two cases found in the registers of the *Giustizia Vecchia* at the beginning of the seventeenth century when the Nicolotti opposed the 1600 ban on *passareri*, a trawl net used in flounder fishing, and the other one from 1609 on specific nets used to catch blotched picarel (*Spicara maena*).[56] In the first case, the fishermen rejected the alleged negative effect of the *passareri* on juvenile fish, as according to them, their mesh was too large to catch juveniles. Moreover, they did not fail to appeal to the sedimentation concerns of the Venetian elite by stating that these nets contributed to the clearing of sediment from the canals.[57] This clearly contradicted Nicolotti's earlier argument about trawl nets causing erosion of the seafloor and the destruction of the nursery areas. In the end, the *giustizieri* were forced to permit the use of the *passareri,* although with limitations on the weight of the lead sinkers and using boats without sails to reduce the trawling speed. In 1609, the Nicolotti again argued that the nets for picarel were absolutely safe for other species. If anything, it was the lack of experience of certain fishermen in handling these nets that caused the shortage of fish. Eventually, the city's immediate need for fish prevailed, and the use of nets was officially resumed. Apparently, by the beginning of the seventeenth century, the depletion of the fish stock was becoming evident, making it hard for the fishermen to provide for the city and themselves, and they resorted to lobbying for their interests more often as the environmental conditions became all the more precarious.

Final Remarks

The Venetian authorities had to navigate between public and private interests, meanwhile lacking consensus on certain things even between themselves. The fishing regulations they repeatedly issued necessarily had numerous exemptions to them with respect to the traditional rights of the fishermen's fraternities and private owners of the *valli*. Traditional socioeconomic groups of fishermen and fishmongers seem to have gradually abandoned their responsibilities of providing affordable products to their fellow citizens in an era of climate fluctuations, plagues, and

56 Zago, *I Nicolotti*, 136–138.

57 See the argumentation of the *Cinque Savi sopra le Mariegole* behind the ban on *ostregher* in 1577: *Capitolare Rosa,* ASV, Giustizia Vecchia, b. 5, r. 12, f. 16r.

political upheaval. Moreover, the increasing number of environmental regulations from the 1570s onwards with the periodical extension of fishing suspension periods correlates with the fish supply crisis attested in the fish market regulations. In the early seventeenth century, fish stock depletion is clearly pronounced in the sources indicating the failure of the pre-modern Venetian environmental legislation to secure local aquatic resources. In the following centuries, the local fish supply had to be significantly supplemented with exports from the Atlantic fisheries, Istria, and Comacchio.

HORN WORKING IN ARCHAEOLOGICAL AND HISTORICAL SOURCES IN THE BUDA CASTLE DISTRICT IN THE FIFTEENTH TO SEVENTEENTH CENTURIES

Ágnes Font

Introduction

Combining different types of historical sources is the essence of conducting multidisciplinary research. Archaeological, historical, written, and visual sources may complement or even contradict each other. Conclusions drawn from the presence or absence of different types of sources may present interesting narratives on certain research questions. There are very few written sources connected to medieval handicrafts exploiting raw materials of animal origin. It is quite difficult to draw a comprehensive picture of the various crafts and goods in this historical period that used bone, antler, ivory, and similar materials. Furthermore, due to their poor survival potential after burial, in the case of horn and other keratinous materials (for example, horn, hoof, and hair), tracing and interpreting materials with or without a historical context exacerbates already difficult research problems. Horn and hoof are rarely found in excavations and after deposition only persist under certain prescribed circumstances. Thus, we often have to rely on indirect evidence and primary source materials such as refuse materials from craft-related activities. The case of deposition related to workshop waste raises another problem for the interpretation and understanding of the spatiality and temporality of archaeological assemblages.

Over the past half century, excavations conducted in the enclosed area of the medieval town of Buda have unearthed large numbers of worked osseous materials. Several pieces display signs of manufacturing, representing a particular stage in the production of objects made of horn. Large numbers of horn cores and skull fragments from cattle, sheep, and goat displaying traces of sawing or cutting marks show that the intensive use and working of the keratinous sheath of the horn also took place in Buda. The characteristic cutmarks on the bony horncores of these species represent the earliest stages of the so-called *chaîne opératoire* – the different steps and stages of the manufacturing chain or process through which certain objects or commodities are produced.[1]

[1] The term *chaîne opératoire* summarizes the steps and processes from the acquisition of the raw material to the end of its "lifetime" (the making of certain objects, their use until they are thrown

Origin and Acquisition of the Raw Materials

Horn and hoof are the keratinous materials often utilized in medieval handicrafts. While horn represents the keratinous, finely layered, fibrously structured, complete outgrowth of cattle, sheep and goat, hoof forms the sheath of the third phalanx of ungulates. The two materials have similar properties and structures that can be reshaped by using a combination of moisture and heat due to their thermoplastic nature.[2] In terms of medieval arts and crafts, based on the available archaeological and historical sources, cattle horns were utilized most intensively. The bony horn cores, serving as physical evidence, usually provide most information on the manufacturing of horn objects because of their significantly higher survival potential.[3]

The territory of the Hungarian Kingdom was in an excellent position regarding the acquisition of this particular raw material, the keratinous horn sheath. Compared to other areas in Europe, in Hungary the breeding and herding of cattle played a major role in agricultural production from the fourteenth century onwards. Livestock, mostly cattle, were driven long distances to provide high-quality meat for the urban populations and demands of German, Austrian, and Italian markets up to the seventeenth century when, due to various economic, social, and political factors, the demand for Hungarian cattle started to decrease.[4] Even in the Ottoman period, due to the economic decline and uncertainty that came with it, extensive cattle breeding remained a fairly stable form of agricultural production, using the previously established trading routes and infrastructures.[5]

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away or transformed into other objects). The terms first rose in archaeology from lithic research carried out by Leroi-Gourhan in the 1970s and 1980s in France, Aline Averbouh was the first researcher to apply it to worked bone. Aline Averbouh, "Technologie de la matière osseuse travaillée et implications palethnologiques: l'exemple des chaînes d'exploitation du bois de cervidé chez les Magdaléniens des Pyrénées (PhD diss., L'Université de Paris, Panthéon-Sorbonne, 2000).

2 Marloes Rijkelijkhuizen, "Horn and Hoof – Plastics of the Past: The Use of Horn and Hoof as Raw Materials in the Late and Post-Medieval Periods in the Netherlands," in *The Sound of Bones. Proceedings of the 8th Meeting of the ICAZ Worked Bone Research Group in Salzburg 2011*, ed. Felix Lang (Salzburg: Archaeo Plus, 2011), 218.

3 Rijkelijkhuizen, "Horn and Hoof – Plastics of the Past," 217.

4 László Bartosiewicz et al., "Animal Exploitation in Medieval Hungary," in *The Economy of Medieval Hungary*, ed. József Laszlovszky et al. (Leiden: Brill, 2018), 109–110.

5 László Bartosiewicz, "Turkish Period Bone Finds and Cattle Trade in South-Western Hungary," in *Historia animalium ex ossibus: Beiträge Zur Paläoanatomie, Archäologie, Ägyptologie, Ethnologie und Geschichte der Tiermedizin*, eds. Cornelia Becker et al. (Rahden/Westf.: Verlag Marie Leidorf GmbH, 1999), 53.

Besides the export of live animals, leather, leather-related and finished products constituted an important part of trade.[6]

The Castle District of Buda, similarly to other urbanized areas and towns in Hungary, only had limited animal keeping areas within its confines and habitation area due to its highly urbanized, versatile, and non-agrarian character. In such cases, central settlements were dependent on agricultural and food production in the surrounding suburbs, market towns and villages, forming an organized network based on constant market demand and supply chains.[7]

Economic Importance and Relevance of Horn as a Raw Material

Ruminant horns, similarly to the bones of large and small ungulates, were easily available as by-products of butchering and meat consumption, and as part of the butcher's, skinner's and tanner's trade.[8] Thus, horn procurement strategies occupied an intermediate position within different stages of processing raw materials and producing various goods. The versatility and inexpensive nature of horn gave it an economic edge compared to other raw materials like glass, metals, etc.[9]

In comparison to other raw materials of animal origin, the increasingly intensive use of horn may also indicate a shift away from the use of antler, as horn represented a more stable and predictable source of raw material. Both antler and horn, however, were essential in the dynamics of medieval urban markets and crafts.[10] Products with the same function made from other raw materials also justify this supposition (e.g., gun powder holders and combs were made of both antler and horn; in addition, combs were sometimes made of ivory, bone, and

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6 László Szende, "Crafts in Medieval Hungary," in *The Economy of Medieval Hungary*, ed. József Laszlovszky, Balázs Nagy, Péter Szabó, and András Vadas (Leiden: Brill, 2018), 385; Bartosiewicz et al., "Animal Exploitation in Medieval Hungary," 129.

7 Bartosiewicz et al., "Animal Exploitation in Medieval Hungary," 116.

8 Umberto Albarella, "Tanners, Tawyers, Horn Working and the Mystery of the Missing Goat," in *The Environmental Archaeology of Industry*, ed. Peter Murphy and Patricia E. J. Wiltshire (Oxford: Oxbow Books, 2003), 71–86.

9 One could argue that horn, hoof, or even other osseous raw materials could be perceived as the "plastic" of historical periods. Rijkelijkhuizen, "Horn and Hoof – Plastics of the Past," 217–226.

10 Kamilla Pawlowska, "The Remains of a Late Medieval Workshop in Inowroclaw (Kuyavia, Poland): Horncores, Antlers and Bones," in *Written in Bones. Studies on Technological and Social Contexts of Past Faunal Skeletal Remains*, ed. Justyna Baron and Bernadeta Kufel-Diakowska (Wroclaw: Institut Archeologii Uniwersytet Wroclawski, 2011), 305. A similar tendency may have been possible in the medieval town of Buda despite the forests surrounding the area: during the late Middle Ages and early modern period in the Hungarian Kingdom, horn, compared to antler, may have been a more stable, available, and predictable raw material than antler.

wood). Local needs and preferences also impacted the choice of raw materials in manufacturing processes, as did environmental changes and specialization.

In addition to availability and workability, difficulties in processing also influenced the economic relevance of particular raw materials. As a raw material, horn had a wide range of uses and was cheap to procure and manufacture, while the simplicity and diversity of its processing combined with several highly favorable physical properties made it ideal for manufacturing many different products.

As for its favorable characteristics, as already noted, horn is a thermoplastic material. Due to its malleability, it can be reshaped, pressed, and formed as needed using (wet) heat.[11] Its natural shape and form also increased its versatility: as the keratinous external sheath of the raw material is essentially hollow, it is inherently practical for making cylindrical hollow objects. By cutting open and flattening the horn sheath, raw material sheets can be created. These sheets may be further shaped to manufacture a variety of goods. Due to its chemical structure and composition, horn is essentially both flexible yet durable and strong. A wide variety of products, utensils, and tools can be made from horn through different manufacturing processes. The end products usually differed depending on local preferences and market demand, available technologies, "know-how," and manufacturing traditions as well as a handful of other factors, but overall, parts of the horny sheath of domestic ruminant horns were generally used to make everyday objects, such as combs, buttons, knife handles and drinking/powder horns, etc.), as well as tools and specialized products with specialized usage, function and meaning (such as guild horns).[12] Horn as a raw material is still in use today, although it is of less importance.[13]

There are several known methods of working with horn that can be observed and studied mainly through the residual waste materials associated with workshop activities that come to light as archaeological finds. Through various experimental archaeological methods aided by various written, historical, pictorial, and ethnographic sources, we can recreate these activities.[14]

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[11] Rijkelijkhuizen, "Horn and Hoof – Plastics of the Past," 218.

[12] Rijkelijkhuizen, "Horn and Hoof – Plastics of the Past," 218.

[13] "Merchant and Makers | Abbeyhorn & the Craft of Horn Working", http://www.merchantandmakers.com/abbeyhorn-the-craft-of-horn-working/, accessed April 27, 2018; "The Honourable Company of Horners", https://www.hornguild.org/, accessed April 12, 2023.

[14] Thanks to various ethnographic research, there is a wealth of material on several modern artisanal crafts, such as comb-making, in which the use of horn is predominant. Dánielisz Endre, *A szarutól a fésűig. Egy kisipar virágzása és elhalása* [From horn to comb. The boom and bust of a small industry] (Békéscsaba: Békés Megyei Múzeumok Igazgatósága, 2006); Alice M. Choyke, "Grandmother's Awl: Individual and Collective Memory through Material Culture," in *Materializing Memory:*

Sources Related to the Use of Horn as Raw Material in the Context of Buda

The historical source material available for the study of medieval and early modern horn processing is quite limited. Sources survive partly as direct and partly as indirect sources, mainly in Western Europe.[15] Archaeological materials preserved as the remains of material culture are rare but decisive. In the area of the medieval and early modern Kingdom of Hungary, there are no sources to provide direct information on medieval and early modern horn working. Therefore, the use of contemporary sources, various parallels and analogies, as well as indirect secondary evidence is critical. Regarding the use of diverse types of sources, a certain amount of loss of information and selectivity in the available data and, thus, distortion in the interpretation must be taken into consideration. This interpretation bias can be expressed in different ways in written sources as opposed to archaeological finds. Since selection processes are associated with an unquantifiable loss of data and information, the combination of various source types and their comprehensive analysis is essential for understanding the overall picture.

Written Sources

Written sources about medieval handicrafts are generally scarce in the territory of the Kingdom of Hungary, especially for less precious raw materials for producing everyday objects and goods. In medieval Buda, only the Guild Book of the German Butchers serves as a point of orientation in terms of horn-related activities, providing an important link between the butchers and other craftsmen possibly working with horn. It is likely that there was direct cooperation with butchers to procure a predictably reliable source of bones (especially bones that are "irrelevant" for meat consumption), leather, and horn, although no direct written sources, materials, or other tangible data have been preserved from the Middle Ages and the early modern period in the Hungarian Kingdom.

The only mention of the removal of horns can be indirectly linked to the final "exam" of butchers in the butchers' guilds in Buda. One condition to becoming a master butcher in the guild was that the butcher had to be able to cut off and

Archaeological Material Culture and the Semantics of the Past, ed. Irene Barbiera, Alice M. Choyke, and Judith A. Rasson, BAR International Series 1977 (Oxford: Archeopress, 2009), 25–27.

[15] Especially in connection with the guilds, for example, in London, and York. Lisa Yeomans, "Historical and Zooarchaeological Evidence of Horn-Working in Post-Medieval London," *Post-Medieval Archaeology* 42, no. 1 (2008): 130–143; Heather Crichton Swanson, "Craftsmen and Industry in Late Medieval York" (PhD dissertation, University of York,1980).

remove the horn in a single stroke.[16] According to this source, butchers were authorized not only to slaughter animals and sell meat but also to sell tallow, wax, and leather.[17]

Another interesting crumb of written evidence connected to horn working is the production of the so-called *bicellus*. These are relatively large, bladed objects that can be considered weapons rather than knives. Information about their local production is found in the guild statutes of the swordsmiths' guild of Pest, located on the opposite bank of the Danube River from Buda. Indirect information about the blacksmiths and knife-makers of Buda is found in a provision in the regulations that, in addition to local craftsmen, people from Buda were also allowed to sell goods in the market of Pest.[18] The guild rules describe the use of horn as an exclusive and special raw material used to cover handles.[19]

In the case of everyday objects, practicality and accessibility may have determined the choice of raw material used by contemporary craftsmen. A variety of clothing elements, metal (cast, bronze) and hard osseous raw materials (such as bone and antler) pieces have been found in the Buda area. The presence of clothing items decorated with osseous materials within the medieval local market of Buda can be confirmed by information from the Buda Law Book, which specifies the quantity of goods that foreign traders in Buda are not allowed to sell. One item is listed as "under 25 pieces of horn-decorated belts". This may also be one of those rare sources that refer to raw material of animal origin, although it is not clear

[16] István Kenyeres, ed., *A budai mészárosok középkori céhkönyve és kiváltságlevelei – Zunftbuch und Privilegien der Fleischer zu Ofen aus dem Mittelalter*, Források Budapest közép- és kora újkori történetéhez, 1 – Quellen zur Budapester Geschichte im Mittelalter und in der frühen Neuzeit 1 (Budapest: Budapest Főváros Levéltára – Budapesti Történeti Múzeum, 2008), 405 (Appendix): *Vier und zwaintzigistens.* […] *die hörner iedes auf einen hieb undt den kopff auff einem schlag zersparten* […], August 12, 1696.

[17] András Kubinyi, "A középkori budai mészároscéh" [The medieval butcher's guild of Buda], in *A budai mészárosok középkori céhkönyve és kiváltságlevelei – Zunftbuch und Privilegien der Fleischer zu Ofen aus dem Mittelalter*, ed. István Kenyeres, Források Budapest közép- és kora újkori történetéhez – Quellen zur Budapester Geschichte im Mittelalter und in der frühen Neuzeit 1 (Budapest: Budapest Főváros Levéltára – Budapesti Történeti Múzeum, 2008), 30.

[18] András Kubinyi, "*Bicellus*: adatok egy középkori fegyverfajta meghatározásához" [Bicellus: contributions to the determination of a medieval weapon], *Budapest Régiségei* 23 (1973): 189.

[19] Kubinyi, "Bicellus," 192: "sed alios biccellos similes longos quorum manubria non teguntur, sed simpliciter cum cornubus juxta modum veterem laborantur", that is, "the other kind of dagger, with a hilt of the same length but not covered with leather, but simply with horn, according to the ancient custom".

whether the reference is to horn or some other osseous materials, since the words for "horn" and "antler" are identical in many languages.[20]

Further interesting data is obtained from the Turkish account books from Buda for the period 1550–1580 concerning customs duties. In the text, the term "horn" (*boynuz* meaning "horn", or in one case, *keçi boynuzu* meaning "goat's horn") is noted, albeit sporadically, and in different quantities (*denk* meaning "a large packet", *bale* meaning "one side of a horse's load", "half of the package").[21] According to these records, it is not clear what the term *boynuz* (*szarv* in Hungarian, and "horn" in English) actually means in this context.[22] Although this source may be referring to the actual horns of cattle or goat, it is more likely to refer to the fruit of the so-called carob tree (*Ceratonia siliqua*), various quantities of whose edible fruits may have been imported to the country in 1580. Another possibility for the interpretation of the items is that they represented certain types of paprika (*Capsicum annuum*) which came from South America through Turkish mediation and trade, and were certainly present in Hungary as early as the 1570s. The so-called goat or ram's horn pepper (*Capsicum annuum var. ceratoides*) is known as an old Hungarian variety, and because of its characteristic shape, perhaps the "horn" in the source refers to this product.[23]

Visual Sources

Visual and pictorial sources function both on generic as well as more detailed levels. They may be illustrations of the internal manufacturing activities within various workshops, the tools that were normally or occasionally used, and the technical stages in the manufacturing work. On the other hand, for a more detailed examination of manufacturing practice, visual sources are sometimes helpful in identifying previously unknown uses of tools and techniques for producing a variety of goods, while, as images, they represent different levels of symbolism.[24]

[20] For the term *painen*, see Károly Mollay, *Das Ofner Stadtrecht. Eine Deutschsprachige Rechtssammlung Des 15. Jahrhunderts Aus Ungarn*, Monumenta Historica Budapestinensia 1 (Budapest: Akadémiai Kiadó, 1959), Article 423 on p. 196: "Item Von painen gurteln XXV gurtel".

[21] Lajos Fekete and Gyula Káldy-Nagy, eds., *Budai török számadáskönyvek, 1550—1580 – Rechnungsbücher Türkischer Finanzstellen in Buda (Ofen) 1550–1580* (Budapest: Akadémiai Kiadó, 1962), 647.

[22] Fekete and Káldy-Nagy, *Budai török számadáskönyvek, 1550—1580*, 585.

[23] Ferenc Lantos, ed., *Capsicum genus* (Szentes Város Önkormányzata, Duna-R Vetőmag Kft., 2018), 9.

[24] A great example to illustrate this point (which can be connected to the tool handles from the excavations of Buda, manufactured locally) is "Die Hausbücher der Nürnberger

Most such visual expressions come from and represent different geographical areas and, in some cases, different periods. Thus, visual sources promote interpretation and complement incomplete knowledge concerning the operation of different workshops. Overall, visual sources are extremely useful for understanding production practice models, that is, how certain goods were produced or used, filling in at least some of the blind spots of what is generally known about a variety of handicrafts involving the use of hard osseous materials.

There is no pictorial evidence of horn working for the Kingdom of Hungary. In contemporaneous, medieval and early modern pictorial source materials, horn rarely appears. This tendency is connected to the fact that the craft is defined by the goods produced rather than by its raw material. Various crafts can be connected to horn working, but most important in terms of visualization is comb making. Based on the related pictorial sources, namely engravings, the use of raw materials and working methods have not changed significantly over the centuries. In the depiction of a comb-maker in the Nuremberg Hausbücher,[25] the sawed-off horn ends and cores, the raw materials and waste materials, as well as smaller pieces of debris from the manufacturing process are clearly visible in the background of the image (*Fig. 2*). The fire burning in this scene may be direct reference to the preparation of horn by heating.

An additional source for the preparation of the raw materials, as well as one that is connected to different crafts that would not necessarily be associated with the use of horn in the region, concerns the craft of lantern making (and related to it, window pane production), which, for example, in the territory of Buda was more probably considered closer to the metal working industry along with increased specialization, although there is no direct evidence of the presence of this craft in the territory of Hungary.[26] The so-called "horn breakers" produced horn sheets, which were flattened and split into thin translucent sheets, and replaced glass for

Zwölfbrüderstiftungen," Deutschen Forschungsgemeinschaft, https://www.nuernberger-hausbuecher.de/75-Amb-2-279-15-v, accessed May 15, 2022.

[25] The foundation was established in 1388 and operated uninterrupted until 1806. It can be regarded as a retirement home for twelve elderly Nuremberg artisans. The "society" provided them with accommodation and food. From 1425, every "Mendel brother" was portrayed with a full-page portrait in the House Book. The portraits represent the brothers at work, practicing their craft. The different manufacturing processes, workshop equipment, tools, and materials are visible and can be identified and compared with tools and other objects found during the various excavations in the Buda Castle District.

[26] Lantern making and window pane production of horn was strongly present in medieval York and London. Yeomans, "Historical and Zooarchaeological Evidence of Horn-Working in Post-Medieval London," 130–143.

lantern panes, windows, and other goods requiring translucent elements.[27] Figure 3 depicts master horner Fritz Hornrichter in his workshop, preparing sheets for further processing.[28] The sheets were flattened by pressing.

Similar panels can be seen in a late-seventeenth-century drawing of a workshop specialized in comb-making (although it is not sure whether the raw material depicted is horn or elephant ivory, *Fig. 4*). Manufacturing techniques do not seem to have changed over the centuries with respect to the tools and techniques depicted. There is a wealth of ethnographic information and memories surrounding horn-making,[29] and even today there are still craftsmen actively working with horn.[30] A guide on how to build a horn press today seems to show a mechanism that is similar to the press we see in the Mendel Hausbuch. In the background, there are lamps made of metal, allowing us to identify the purpose of making horn sheets.[31] As an interesting addition, in the French encyclopaedia, horn working appears as an individual industry in the eighteenth century, showing workshop settings, different tools, and the means through which the raw materials (in this case, horn) were processed.[32]

Archaeological sources – the *chaîne opératoire*

In terms of working with hard osseous materials, archaeological finds provide the most information about the utilization of this special raw material in medieval and early modern handicrafts. Unfortunately, no worked horn material or objects

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27 Rijkelijkhuizen, "Horn and Hoof – Plastics of the Past," 222–223.

28 "Die Hausbücher der Nürnberger Zwölfbrüderstiftungen," https://www.nuernberger-hausbuecher.de/75-Amb-2-317-15-v, accessed April 30, 2023.

29 Péter Csippán, "Eighteenth Century Cattle Horn Core Finds from the Víziváros District of Buda," in *Csontvázak a szekrényből: Válogatott tanulmányok a Magyar Archaeozoológusok Visegrádi Találkozóinak anyagából 2002–2009* [Skeletons from the cupboard: Selected studies from the Visegrád meetings of Hungarian archaeozoologists 2002–2009], ed. Erika Gál, László Bartosiewicz, and István Kováts (Budapest: Martin Opitz Kiadó, 2009), 195–202.

30 "Merchant and Makers | Abbeyhorn & the Craft of Horn Working"; "A Simple Horn Press by Rex Reddick" available at http://www.hornguild.org/articles-from-the-archives/a-simple-horn-press-by-rex-reddick/, accessed April 12, 2023.

31 Rijkelijkhuizen, "Horn and Hoof – Plastics of the Past," 223–224. The making of horn panels or sheet was dominant in England from where it was imported to the rest of Europe. Horn was dominant until the collapse of the industry due to the appearance of competition and spread of cheaper substitutes. Yeomans, "Historical and Zooarchaeological Evidence of Horn-Working in Post-Medieval London," 136–137.

32 "Tabletier-Cornetier" in *Recueil de planches, sur les sciences, les arts libéraux, et les arts méchaniques, avec leur explication*, ed. Denis Diderot, Jean Le Rond d'Alembert, and Pierre Mouchon, vol. 9 (Paris: Chez Briasson, 1771); avalable at https://www.biodiversitylibrary.org/item/200522.

were found during excavations in Buda, a sad fact connected to the taphonomic processes affecting the finds and to the soil conditions, which are mostly unsuitable for the preservation of these keratinous materials.[33] However, one of the most significant by-products of horn processing is waste material, the bony core of the horn. In recent decades, sawn or cut-off pieces of cattle, sheep, and goat horn core bases have been recovered from excavations, providing the most detailed information available about the processing of horn (*Fig. 1*).

As for the manufacturing steps, there are various ways to prepare and reshape the raw material for the best and most practical form of use. In the primary stage of horn production, the horn was separated from the skull at the base, where a thin layer of horn can be found, above which it was (usually) sawn or cleaved off.[34] The separation of the horn from the skull supposedly made the removal of the keratinous sheath easier, although it is questionable where this step took place, and who were the craftsmen performing this act. Nevertheless, the involvement of butchers seems to have been most likely. Horn cores still attached to the skull carry cutmarks around the base of the horn (more or less) around the horn's circumference (*Fig. 1,* 27.19.), suggesting the way the sheath was removed as well as the hide skinning (?) process.[35]

After the acquisition of the raw material (either from butchers or tanners), different methods were in use to prepare and store the horn, either still attached to its core or already removed from it. The removal of the keratinous sheath may have been accomplished through drying or rotting the actual separated horn pieces or by applying a mixture of vegetable fibers and chemicals while soaking the raw materials.[36] The rotting and soaking process does not usually leave traces on the bone core, thus, it is quite hard to determine the methods that were used.[37]

The next step in the operational chain was cutting the horn sheath to size and, if necessary, the further dissection of the removed keratinous layer. Then, the separated horn would be opened, flattened, or molded (with the use of heat generated by fire or heated oils) to make the desired goods. Given the complexity of medieval craftsmanship, it can be assumed that not all types of objects were

[33] Taphonomic processes affect remains from the discarding of organic materials of through decomposition, burial.

[34] Albarella, "Tanners, Tawyers, Horn Working and the Mystery of the Missing Goat," 74; Yeomans, "Historical and Zooarchaeological Evidence of Horn-Working in Post-Medieval London," 138.

[35] Rijkelijkhuizen, "Horn and Hoof – Plastics of the Past," 219.

[36] Soaking the horn was more typical for England, whereas drying and rotting was more common in Europe. Albarella, "Tanners, Tawyers, Horn Working and the Mystery of the Missing Goat," 74.

[37] Rijkelijkhuizen, "Horn and Hoof – Plastics of the Past," 219.

finally created at the place where the raw material was prepared. Nevertheless, the last steps definitely consisted in detailed surface treatment, engraving, and polishing, etc.[38]

Although for practical reasons (size, pattern of surface), the role of goat and sheep is less significant in terms of horn processing, almost the same numbers of sheep and goat horn cores were found as cattle horn cores at, for example, the Carmelite complex in Buda. Further research is needed to clarify the relation between the proportion of species to the range of objects made from horn, and the overall scope of the use and manufacturing of horn.

Conclusion

Overall, the medieval and early modern Kingdom of Hungary was in a fortunate position in terms of raw material availability, at least for horns, because of the economic situation in the country. The acquisition of this raw material presumably occurred through a stable, predictable, easily and cheaply accessible network operating between the rural and urban space and involving people from diverse backgrounds. Various, although rare, source materials support the importance of horn as a raw material throughout the Middle Ages and the early modern period. The most important and direct sources are archaeological finds of bony refuse, which permit the examination of the details of manufacture. A comprehensive, multidisciplinary analysis of different sources is essential to develop a more complete picture of manufacturing and market activities.

Although, based on archaeological evidence, horn working took place within the borders of the Castle District of Buda, no large-scale craft activities can be detected – presumably, horn working operated on the level of a "combined craft," meaning that horn was worked together with other types of raw materials.[39] There is a strong argument for multi-material workshop activity because in the Middle Ages, crafts were primarily defined by their products, rather than differentiated by their raw materials. The written, pictorial, and archaeological material presented above contributes further information and details to what we know about medieval and post-medieval horn working in the Hungarian Kingdom, something of particular importance in a region where its research has been neglected.

[38] Albarella, "Tanners, Tawyers, Horn Working and the Mystery of the Missing Goat," 74.

[39] Rijkelijkhuizen, "Horn and Hoof – Plastics of the Past," 222.

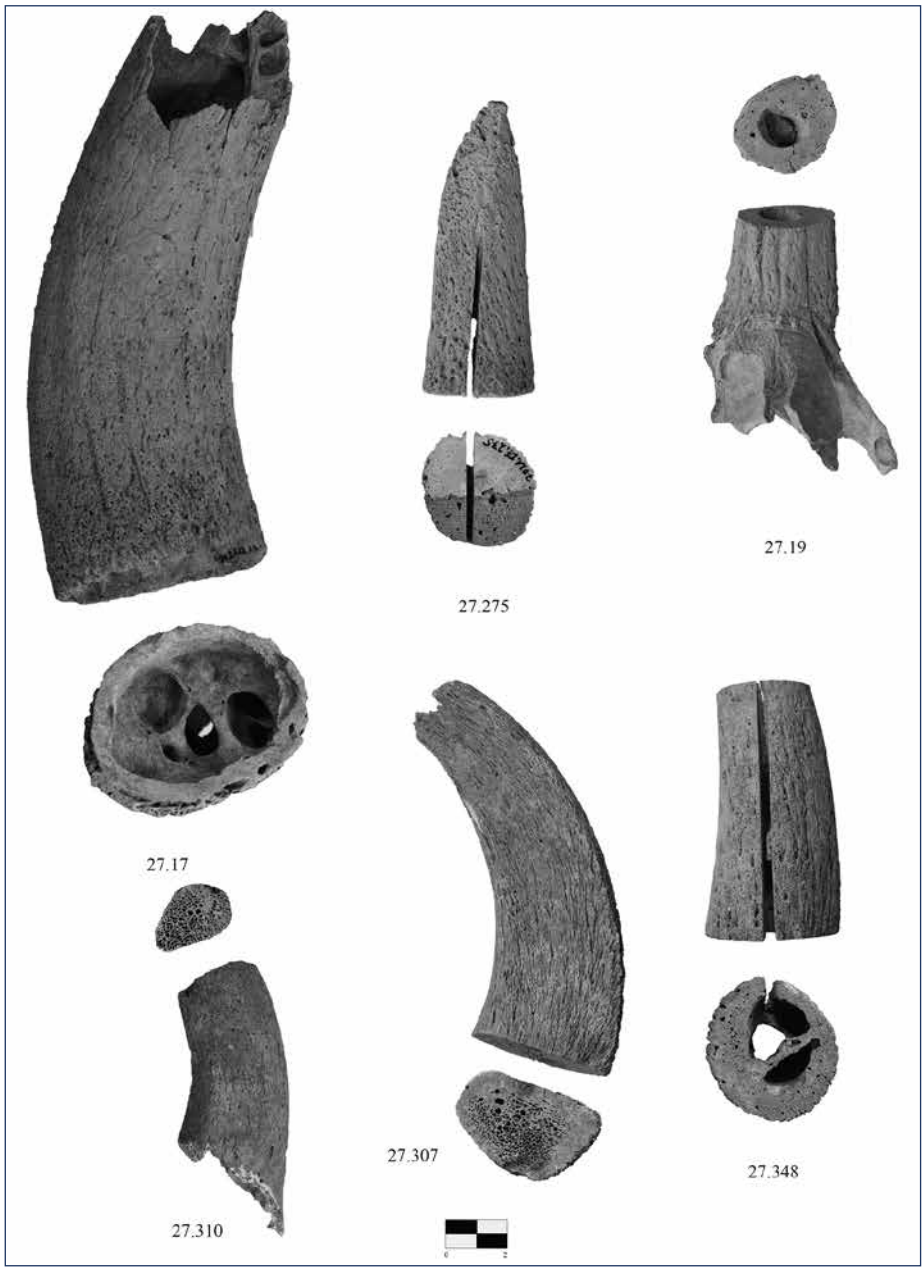

Figure 1: Workshop waste – horn cores from the Carmelite complex. Photo: Ágnes Font, Medieval Collection of the Budapest History Museum – Castle Museum

Figure 2: Comb maker working with horn in his workshop. Die Hausbücher der Nürnberger Zwölfbrüderstiftungen, Amb. 279.2° Folio 51 verso (Landauer I) https://www.nuernberger-hausbuecher.de/75-Amb-2-279-51-v accessed 17.04.2023

Figure 3: Fritz Hornrichter in his workshop setting. Die Hausbücher der Nürnberger Zwölfbrüderstiftungen, Amb. 317.2° Folio 15 verso (Mendel I) https://www.nuernberger-hausbuecher.de/75-Amb-2-317-15-v accessed 17.04.2023

Figure 4: Comb makers. Abbildung der gemein-nützlichen Haupt-Stände von denen Regenten und ihren so in Frieden- als Kriegs-Zeiten zugeordneten Bedienten an bisz auf alle Künstler und Handwerker / von Christoph Weigel, 144 https://gallica.bnf.fr/ark:/12148/btv1b8553025f/f156.item.zoom accessed 17.04.2023

Figure 5: Craftsman working with horn. Abbildung der gemein-nützlichen Haupt-Stände von denen Regenten und ihren so in Frieden- als Kriegs-Zeiten zugeordneten Bedienten an bisz auf alle Künstler und Handwerker / von Christoph Weigel, 145 https://gallica.bnf.fr/ark:/12148/btv1b8553025f/f157.item.zoom accessed 10.04.2023

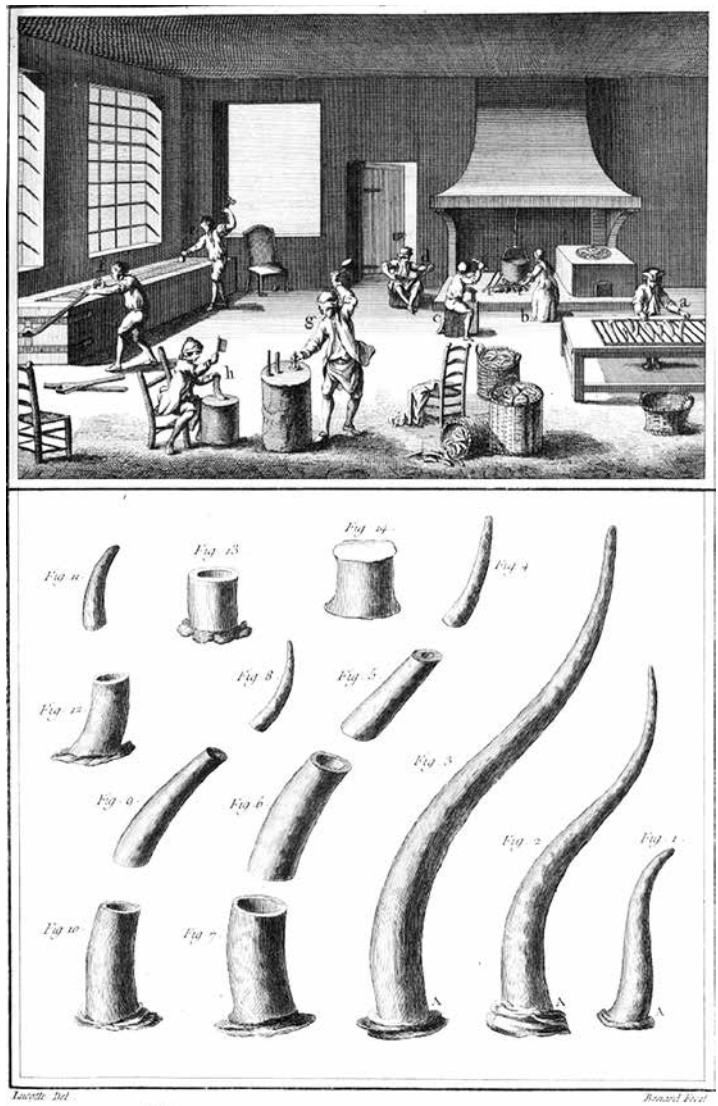

Figure 6: Horn working depicted in the French Encyclopédie. Diderot Denis, Alembert Jean Le Rond d', and Bénard Robert, Recueil de Planches, Sur Les Sciences, Les Arts Libéraux, et Les Arts Méchaniques : Avec Leur Explication, vol. t.9 (1771) (Paris: Chez Briasson, 1762), Pl. 1. https://www.biodiversitylibrary.org/item/200522#page/257/mode/1up

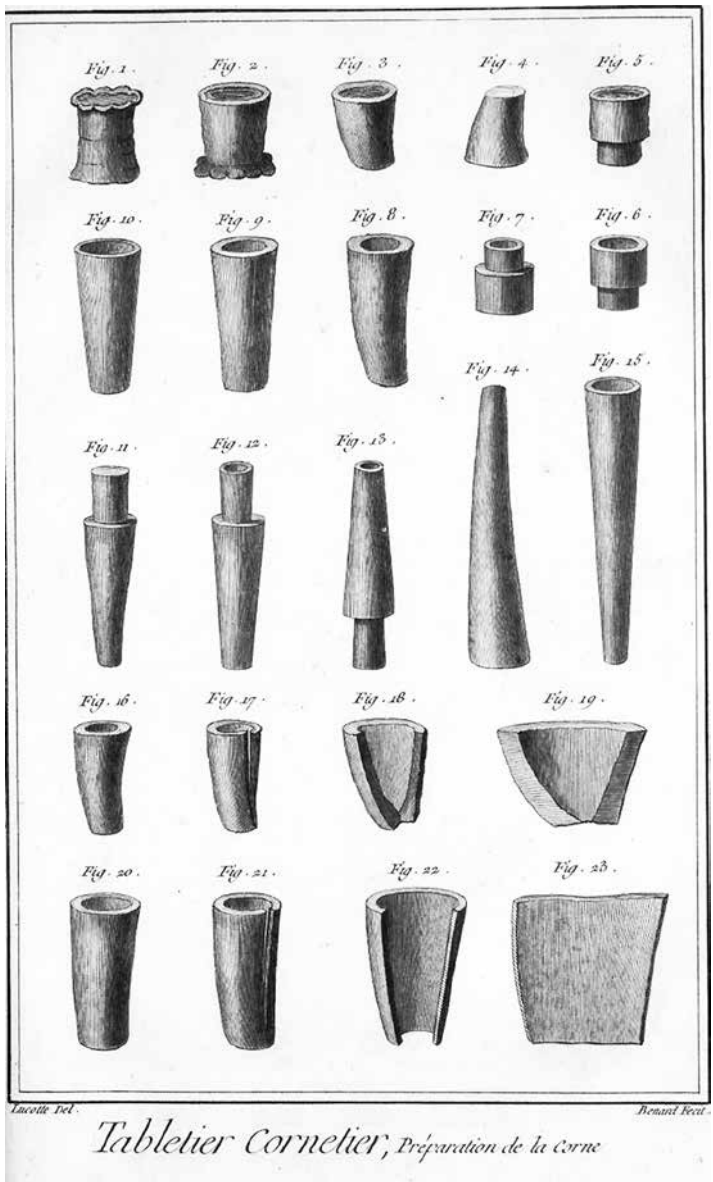

Figure 7: Working patterns in the French Encyclopédie. Diderot Denis, Alembert Jean Le Rond d', and Bénard Robert, Recueil de Planches, Sur Les Sciences, Les Arts Libéraux, et Les Arts Méchaniques: Avec Leur Explication, vol. t.9 (1771) (Paris: Chez Briasson, 1762), Pl. 2. https://www.biodiversitylibrary.org/item/200522#page/259/mode/1up

PART 2

Report on the Year

REPORT OF THE ACADEMIC YEAR 2021–2022

Daniel Ziemann

General Developments

After two years, my predecessor Gábor Klaniczay made the decision not to continue in this position for a third year. I would like to take this opportunity to express my sincere gratitude to Gábor for his unwavering dedication and tireless work for the department. Throughout his tenure as head, he skillfully managed the transition to Vienna and successfully navigated the numerous challenges presented by the pandemic.

Assuming the role of Department Head in August 2021 was truly an honor for me. At that time, the COVID-19 pandemic still dominated the news cycle, but thanks to the availability of vaccines, the situation had significantly improved compared to the preceding one or two years. Although CEU was able to offer onsite teaching, not all of our students could attend classes in person due to varying restrictions across the globe. As a result, we implemented a hybrid mode for most of our courses. Through the years of the pandemic, we have all come to understand that while online teaching is an excellent tool for distance learning, it cannot replace the value of in-person instruction. Online participation cannot replicate the unique nature of discussions, the dynamics within a specific student cohort, or the multitude of social interactions that contribute to a truly special and rewarding student experience.

This year, we have collectively witnessed tragic events that have left lasting marks on all of us. The Russian invasion of Ukraine, which began on February 24, 2022, has particularly affected our department and CEU, considering the significant number of students we have from Ukraine. These students now live in constant fear for the safety and the well-being of their families and friends back home. CEU has taken numerous initiatives to support these students, such as providing additional external financial aid and establishing the "Invisible University for Ukraine (IUFU)." Many of our students are actively participating as teachers in this certificate program, assisting junior and senior undergraduate

(BA) and graduate (MA and PhD) students from Ukraine. The Russian invasion and the accompanying discourses have underscored the importance of clarifying the facts. It is incumbent upon us to communicate the outcomes of rigorous scholarship to a wider audience and resist disinformation and propaganda. History, including the medieval past, has played a conspicuous role in justifying the war through fabricated and falsified arguments. It is our responsibility to counter such attempts with unequivocal statements based on sound scholarship.

The Academic Year 2021/2022 marked the second year following the complete relocation of all teaching activities to Vienna and the first year after the pandemic with no periods of exclusive online teaching. Our campus at Quellenstrasse has gradually evolved into a space that fosters not only seminars and lectures but also social interactions and activities. We celebrated our "End of the Year" event in a traditional "Heuriger" on the outskirts of Vienna, and our colleagues organized trips to local landmarks and museums. We have been able to strengthen our connections with other Austrian and Viennese institutions, particularly the Academy of Sciences and the University of Vienna. As indicated in the list below, we have invited guest lecturers from Vienna and engaged in collaborative endeavors with our Austrian counterparts at various levels.

Faculty and Staff

It is with great pleasure that we welcomed our new colleague, Éloïse Adde, to our department in the summer of 2021. Éloïse Adde successfully defended her PhD thesis on "Dalimil's Chronicle" and the Beginnings of Czech National Historiography in the Vernacular Language at Paris Panthéon Sorbonne (Medieval History) and Paris Sorbonne University (Czech Literature) in 2011. She published her dissertation as a monograph in 2016 under the title "La Chronique de Dalimil et les débuts de l'historiographie nationale tchèque en langue vulgaire" with Publications de la Sorbonne, Paris. Before coming to CEU, she was Marie Skłodowska-Curie fellow, CRHiDI (Centre de recherche et d'histoire du droit), at Saint-Louis University, Brussels, historical consultant for the creation of the permanent exhibition of Esch-sur-Sûre Castle (Luxembourg) and for the mobile application of the Lëtzebuerg City Museum. From 2013–2018 she worked as a Research Associate at the Institute of History, University of Luxembourg. Her research primarily focuses on state-building and the nation, political thought, and discourse, as well as the emergence of "individuals" and individualism in late-medieval Brabant and Bohemia.

Our coordinator, Zsófia Göde, has made the decision to return to Hungary at the conclusion of this academic year in the summer of 2022. Zsófia has been an invaluable member of our department, going above and beyond her role as a

coordinator. In addition to her diligent work in administration and communication, she has shown genuine care for our students and contributed her innovative ideas that have prompted us to reassess and improve various aspects of our department while streamlining processes. As she embarks on her future career, we extend our heartfelt wishes for her success.

In May 2022, we celebrated the promotion of our Byzantinist, Baukje van den Berg, to the rank of "Associate Professor" along with receiving an indefinite contract, marking a significant achievement in her career.

As the academic year ended, we also took the time to express our gratitude and bid farewell to two esteemed colleagues, Alice Choyke and Gerhard Jaritz. Alice Choyke has been an integral part of our department for many years. Her helpfulness, open-mindedness, and friendly demeanor have made her well known among faculty and generations of students. Colleagues and students alike have valued her advice and communication style. Alice has taken on numerous departmental tasks, served on various committees, and dedicated many years as a PhD director. Beyond her teaching duties and other responsibilities, she has been entrusted with checking the language of numerous PhD dissertations, insisting on clear and accessible language without compromising academic standards. As a teacher and scholar, she has been a diligent worker with an impressive publication record. Her innovative research in archaeozoology has made significant contributions to the establishment of this emerging field globally. As the chief faunal analyst at the Aquincum Museum, a branch of the Budapest History Museum, Alice has overseen the archaeozoology/archaeobotany laboratory and co-directed bio-archaeology studies for all archaeological departments. She continues to be involved in the development of the Medieval Animal Data networks (MAD). Internationally, she is recognized for her research on worked osseous materials, primarily from the Bronze Age, as well as similar materials from Roman and medieval contexts. The department will certainly miss her in all her capacities, and we wish her good health and continued success in the years ahead.

Gerhard Jaritz joined the Department of Medieval Studies at its inception in 1993. Throughout his extensive career, he has supervised the largest number of PhD and MA theses among our colleagues, demonstrating unwavering commitment and dedication. Gerhard has taken on numerous duties within the department and actively participated in various committees, contributing to the development of programs and supporting the research careers of many young scholars under his supervision. He has devoted considerable time and energy to advising and nurturing students in the development of their academic skills. Known for his intensive guidance and reliability, Gerhard has always prioritized the needs of

his students. His courses have consistently reflected the extraordinary attention he pays to his students' work, consistently receiving outstanding evaluations for his exceptional qualities as a professor. Gerhard Jaritz is also a leading scholar in medieval material culture, visual culture, animal studies, and mentalities. He has excelled in his scholarly work and demonstrated an unwavering dedication to CEU and his supervisees. Despite his wide recognition in academia, he has maintained a modest and friendly demeanor. While the department will miss him as a teacher, colleague, and friend, we consider ourselves fortunate that he will continue to provide consultation and advice on campus. He will also remain involved in supervision.

The Students and Our Programs

We are proud to have offered a diverse range of seminars for our programs, encompassing various subjects within our areas of expertise. While I will mention only a few seminar titles, they provide a glimpse of the wide array of fields that students could explore in our department. Some notable courses included "Byzantine Literature: Court, Church, and School," "History of Dogma: From Early Christianity to the Reformation – East and West," "Commercial Goods and Trading Networks in the Medieval World," "The Medieval Nation," "Gregory Bar 'Ebroyo (Barhebraeus): Laughable Stories – A Collection of Medieval Jokes in Classical Syriac," "What is Post-Classical Islam? New Trends in the Historiography of Late Medieval and Early Modern Islam," "Servus Servorum Dei: The Papacy from Its Origins to the Cadaver Synod," and "Witchcraft and Magic in Medieval Europe," to name just a small selection.

Once again, our students dedicated themselves to their theses, and the vast majority successfully defended them in June. In June 2022, seven students from the 1YMA program in "Late Antique, Medieval and Early Modern Studies," nine from the 2YMA program in "Late Antique, Medieval and Renaissance Studies," and seven from the 2YMA program in "Cultural Heritage Studies: Academic Research, Policy, Management" successfully defended their theses. Many of them achieved outstanding results, and several continued their studies in our program or other prestigious PhD programs. The range of thesis topics defended in June 2022 once again demonstrated the breadth of disciplines covered, with examples including "Looking at the Past through Medieval Glass: Medieval Glass Workshops in the Carpathian Basin" by Mónika Gácsi, "The Knight of the Bear, the Knight of the Lion: A Comparative Approach to Early Arthurian Romance" by Kaila Yankelevich, "Captive as Orientalist: A Genre Study of Konstantin Mihailović and Bartholomew Georgijević's Sixteenth-Century Texts" by Tara Merrigan,

and "Decoding a Source-Based Dilemma: The Occupation of Jerusalem by the Sassanids in 614 CE" by Osman Özdemir, among others.

Furthermore, four of our doctoral students successfully defended their PhD theses. Iliana Kandzha defended her dissertation on "The Cult of the Chaste Imperial Couple: Henry II and Cunigunde in the Hagiographic Traditions, Art, and Memory of the Holy Roman Empire (c. 1350–1500)" on September 21, 2021, followed by Mišo Petrović on September 28, 2021, who presented his thesis on "The Development of the Episcopal Office in Medieval Croatia-Dalmatia: The Cases of Split, Trogir, and Zadar (1270–1420)." The following year, on March 8, 2022, Nirvana Silović defended her thesis titled "Invicto Mithrae spelaeum fecit: Typology and Topography of Mithraic Temples in the Roman Province of Dalmatia." Lastly, on June 2, 2022, Karen L. Stark successfully defended her thesis entitled "The Garden Watered by the Virgin Mary: The Marian Landscape of Medieval Hungary (1301–1437)."

We owe a great debt of gratitude to our program directors who diligently led the programs: Volker Menze as the PhD director, Baukje van den Berg as the 2YMA program director, Katalin Szende as the 1YMA program director, and József Laszlovszky as the program director of the 2YMA program in "Cultural Heritage Studies: Academic Research, Policy, Management." Their exceptional work and dedicated care for our students deserve our heartfelt appreciation.

Strategy

This academic year posed significant challenges as we had to prepare for substantial structural changes within CEU. The university leadership expressed concerns about the low number of applications, particularly for our 1YMA program, leading to doubts regarding the existence of our programs and the department as an independent unit. After extensive and contentious debates at various levels, we reached an agreement with the university leadership on a long-term plan to reform the departmental structures alongside our programs. Throughout this difficult period, our students provided unwavering support, which played a crucial role in finding a solution.

Collaborating with Jan Hennings, the Head of the Department of History, and members of the Senate, we devised a solution that gained the approval of the university leadership. It was decided that the Department of Medieval Studies and the Department of History would merge to form a new department. This merger aimed to integrate the accomplishments and legacies of both units while also fostering innovation to attract more applicants and establish a sustainable foundation. The responsibility for implementing these changes fell into our hands.

To achieve this goal, a joint working group from both departments drafted a proposal outlining how the programs of the Department of History and the Department of Medieval Studies could be unified while maintaining their distinctive profiles. The proposal was subsequently approved by the Senate on September 29, 2022. Undoubtedly, this step represents a significant milestone for our colleagues and students, eliciting both support and resistance within our faculty. While the department, in conjunction with the Department of History, undergoes a transformation into a larger unit, the essence of our activities – teaching, supervision, and research on topics spanning from Late Antiquity to the early modern period – will not only endure but also be reinforced. Our MA programs will be restructured in a way that allows students to select and pursue specific tracks dedicated to the periods of Late Antiquity and the Middle Ages. Additionally, our successful PhD program will remain an independent entity.

In the meantime, the specifics of these programmatic changes have been meticulously developed and received approval from the Senate on April 14, 2023. I firmly believe that our areas of research, teaching, and supervision will continue to thrive, and future generations of students will receive a top-tier education in Late Antique and Medieval Studies at CEU.

Academic Activities

One of the highlights of each academic year is undoubtedly the Natalie Zemon Davis Annual Lecture Series. This year marked the 16th edition of the series, organized by the departments of History and Medieval Studies. Renowned scholars, whose work draws inspiration from or is connected with Natalie Zemon Davis' distinctive approach as a historian, were invited to speak. Stephen Greenblatt, Cogan University Professor of the Humanities at Harvard and well known for his "new historicism," delivered three lectures on June 9, June 17, and June 20, 2022. His lecture series, titled "Reports from a Besieged City," explored the production of literature within besieged cities and about them.

The first lecture, "Siege Stories," was held exclusively online and provided an introduction to some siege literature. In the second lecture, "Marlowe's Theater of Cruelty," Stephen Greenblatt examined the significance of imagining and celebrating mass murder. Finally, the third lecture, "Diogenes' Barrel," delved into three works that sought to complicate and blur the moral and emotional focus of siege warfare.

On November 8–9, 2021, a workshop was organized as part of the DAAD-supported collaboration with the University of Heidelberg. This workshop, the

third in a series, focused on the theme of "Borders and Interactions: Monastic Regions, Cult Centers, and Pilgrimages."

From April 21 to 23, our PhD students Juan Manuel Rubio Arévalo, Karolina Anna Kotus, Vania Buso, Halil Evren Sünnetçioğlu, and Juan Bautista Juan-López organized an online conference titled "The Middle Ages as a Digital Experience." Building on the success of last year's conference, "Medievalisms on the Screen: The Representation of the Middle Ages in Audiovisual Media in the 21st Century," this year's event explored the productions, potentials, drawbacks, and challenges of inclusive and immersive experiences of the Middle Ages through digital media.

The Department of History, in collaboration with our department, had the opportunity to participate in an application for a Cluster of Excellence to the FWF, the Austrian Science Fund. The application, titled "Eurasian Transformations," involved the Austrian Academy of Sciences, the University of Vienna, and the University of Innsbruck. Many of our colleagues contributed to the application as key researchers and took part in several meetings with our Austrian counterparts. Tijana Krstić led our group of researchers as a member of the Board of Directors. We extend our sincere appreciation to her for her remarkable contributions, which played a vital role in the success of the application. Further details about this Cluster of Excellence will be presented in the report for the upcoming year, 2022/2023.

This year's field trip, organized by József Laszlovszky and Béla Zsolt Szakács, chose Hungary as its destination. The trip took place from May 23 to May 28, 2022, and it included visits to Győr, Panonhalma, Székesfehérvár, and three days exploring the city of Budapest and its attractions.

In addition to the lectures held on campus, we successfully maintained a series of online activities that brought together scholars and an engaged audience from around the globe. Among these activities, the MECERN (Medieval Central European Research Network) book corner stands out as a remarkable initiative. It serves as an online platform where recently published books on topics related to medieval central Europe (in a broad sense) are presented and discussed. Organized by our esteemed colleagues Balázs Nagy and Gábor Klaniczay, the book corner has provided a valuable forum for sharing and exploring the latest research in the field.

Our faculty research seminar, a long-standing tradition, resumed with a series of lectures delivered by guest speakers from Vienna and other universities in the broader region. The series began on October 13, 2021, with a presentation titled "A Unique Source for the History of the Kingdom? – The Analysis of the

Court Records from Sixteenth-Century Turopolje" by Suzana Miljan from the Croatian Academy of Sciences and Arts. Maria Cristina La Rocca from the Università degli Studi di Padova followed, discussing "Paupercula: A Woman Alone between Poverty, Disability, and Redemption (6th–9th Century)." Lilly Stammler from Sofia University delivered a lecture on "The 'Life of Andrew the Fool' and Some 14th-Century Literary Collections on the Balkans." Lucie Doležalová from Charles University then presented "The Graphomaniac Crux de Telcz (1434–1504) and Peculiarities of Late Medieval Manuscript Culture." The fall term series concluded with Ferdinand Opll from the University of Vienna, who presented "Early Modern Town Maps and Views of Vienna and Their Importance in an International Context."

The lecture series continued in the winter term, featuring a talk on January 19, 2022, by our colleague Éloïse Adde on "Emotions and Nation: Making Community, Communion, and National Subjects in the Narrative Sources of Brabant and Bohemia (1300–1400)." This was followed by a lecture from our colleague Volker Menze, who explored "Blessings, Bribes & Bishops: Cyril of Alexandria, the Council of Ephesus (431), and the Making of Orthodoxy." Katja Weidner from the University of Vienna presented "How the Whale Got Its Fragrance: A Look at Medieval Bestiaries and Beyond." Andreas Zajic and Jonathan Dumont from the Austrian Academy of Sciences continued the series with their lecture on "Bonds of Trust and Informal Power within the State Bureaucracy: The Habsburg Monarchy under Maximilian I." Giulia Rossetto from the Austrian Academy of Sciences followed with her presentation titled "Written on the Margins: Multilingual Annotations in the Byzantine Prayerbooks of Saint Catherine's Monastery (Sinai)." The winter term series concluded with a lecture by Bruno De Nicola from the Austrian Academy of Sciences titled "Islamic Manuscripts from the Mongol Empire: Challenges and Possibilities."

Additional lectures were organized in the following months. Renate Blumenfeld-Kosinski from the University of Pittsburgh presented "The Two Faces of Illness: Functions of Miraculous Healing and Holy Suffering in the Two Lives of Saint Colette of Corbie (1381–1447)." In light of the events described in the previous passage about "strategy," our colleague and one of the founders of the department, Gábor Klaniczay, gave a lecture on May 18 titled "Medieval Studies in the World and 30 Years of Medieval Studies at CEU."

On November 3, 2021, we organized a round table discussion on the topic "Trans-, Inter-, Multidisciplinarity: Illusion or Reality?" with the participation of faculty and students.

In the fall of 2021, an online lecture series titled "Urban Governance and Civic Participation in Words and Stone Lecture Series" was organized by the Democracy in History Workgroup of the CEU Democracy Institute, the Department of Medieval Studies at CEU, the Department of History of Art at Birkbeck, University of London, and the Faculty of Philosophy at the University of Erfurt. The series featured prominent scholars from various countries. It commenced on September 30, 2021, with a lecture by Maarten Prak from Utrecht University on "Citizenship in Premodern Europe and Asia." The series continued with lectures from Caroline Goodson (University of Cambridge) on "Mediterranean Cities in the Early Middle Ages," Fabrizio Nevola (University of Exeter) on "Writing on Walls in Early Modern Italy," Beat Kumin (University of Warwick) on "Rural Subjects? Governance, Participation and Self-Representation in Imperial Villages," Achim Timmermann (University of Michigan) on "Calvary Is Everywhere: Capital Punishment and the Civic Imagination," Andreas Lehnertz (Hebrew University, Jerusalem) on "Seals and Oath-Taking: Jewish Civic Participation in the Medieval Holy Roman Empire," Vanessa Harding (Birkbeck, University of London) on "Guilds, Fraternities and Civic Life in London, 1300–1700," Martin Scheutz (University of Vienna) on "Armed Citizens in Town: Control of Weapons and Armories," Miri Rubin (Queen Mary University of London) on "How Strange Were the Strangers of Medieval Cities?," Sara Keller and Susanne Rau (University of Erfurt) on "Urban Governance in South Asian Cities," Grigor Boykov (Austrian Academy of Sciences) on "When 'The Land of Filibe Became Egypt and Meriç Turned Into Nile': Governance, Architectural Patronage, and Water Management of the Mid-Fifteenth-Century Plovdiv," and finally Ferenc Horcher (University of Public Service, Budapest) on "The Political Ideology of the Renaissance and Early Modern City – From Bruni to Althusius."

The Center for Eastern Mediterranean Studies hosted a series of research seminars, which were informal lunchtime gatherings where members presented their ongoing or recent research in a friendly and relaxed environment. The series commenced on Wednesday, October 13, with a talk titled "Ex oriente lux" by Aziz al-Azmeh. He provided an overview of his book on the history of unbelief from Late Antiquity to the eighteenth century. Volker Menze followed with a discussion on his new book, "The Last Pharaoh of Alexandria: Patriarch Dioscorus and Ecclesiastical Politics in the Later Roman Empire." In 2022, the series continued with Carsten Wilke presenting "In Search of Hebrew Epitaphs from Medieval Constantinople." Our PhD student Mariya Kiprovska followed with a presentation titled "Ottoman Raiders (akıncı) in Europe: Holy Warriors,

Terrible Turks, Plunderers, Auxiliary Troops, Opportunist Volunteers, or Slave-hunters? Making Sense of the Ottoman Conquest and Slave Society."

On December 2, 2021, we held the Anna Christidou Memorial Lecture to honor our late colleague. Lioba Theis from the University of Vienna delivered the lecture titled "Coincidence or Intention: Foundations on Solid Rock," focusing on the "Mistra type" of church buildings.

In addition to the research seminars, the Center organized evening lectures. Jeremy Walton, who leads the Max Planck Research Group "Empires of Memory" at the Max Planck Institute for the Study of Religious and Ethnic Diversity, presented on "Houses of Worship, Objects of Heritage: On Intersections of Post-Imperial Memory and Religion." Johannes Preiser-Kapeller from the Austrian Academy of Sciences followed with a lecture titled "Signs of the End of Times? The Turn of the First Millennium AD, the Oort Minimum, and Natural Disasters in the Byzantine Empire and Beyond." Basema Hamarneh from the University of Vienna gave a talk on "The Sixth Century in the Levant: Changes and Challenges."

The Cultural Heritage Program organized a wide range of academic events, including a roundtable with CHS alumni on November 18, 2021, titled "Cultural Heritage for a Better Future." The roundtable addressed the relevance of cultural heritage in the face of global challenges in the 2020s. The program also hosted the "CEU Cultural Heritage Leadership Conversations" series, featuring guest presentations followed by Q&A sessions. Speakers included Andrea Rurale from the SDA Bocconi School of Management, who spoke on "The Art of Managing the Arts: Curatorship, Management, Leadership," and Amy Buchan, Vice President and Chief Operating Officer of Rivers of Steel Heritage Corporation, who discussed "Non-Profit Cultural Heritage Leadership." Other topics covered were "Empowering Communities through Cultural Heritage" by Edward Halealoha Ayau, "The Inclusive Museum Leader" by the late Cinnamon Catlin-Legutko (who passed away on January 21, 2023), "Cultural Heritage Research Leadership – Managing Horizon 2020 Projects" by Antonia Gravagnuolo, "Empowering Teams and Networks for Change in Cultural Organizations" by Jasper Visser, and "Enhancing Creativity" by Mieke Renders.

Webinars with a similar structure were also organized by the Cultural Heritage Program. Kenneth Aitchison, the founder and CEO of Landward Research, presented on "Data-Driven Leadership for Cultural Heritage Organizations and Projects," followed by Matti Bunzl, the director of the Wien Museum, who spoke on "Leading the People Behind Museums."

Amidst the Russian invasion, the Cultural Heritage Program organized a panel on March 3, 2022, titled "Cultural Heritage in War: Making Ukraine's

Past and Future." The panel included Sofia Dyak, the director of the Center for Urban History in Lviv, Ukraine, Ukrainian lawyer Kateryna Busol, and Cornelius Holtorf, Professor of Archaeology and holder of a UNESCO Chair on Heritage Futures at Linnaeus University in Kalmar, Sweden.

On March 3, 2022, we had the pleasure of hosting a lecture titled "Promiscuous Angels: Enoch, Blake, and a Curious Case of Romantic Orientalism" by our esteemed colleague György Endre Szőnyi from the University of Szeged. The lecture, organized by the Center of Religious Studies, not only provided fascinating insights into the subject matter but also marked a significant moment as it served as his farewell after serving as a visiting professor at CEU for many years.

György Endre Szőnyi's departure from CEU leaves a notable void, as he has been a valuable member of our academic community. We extend our heartfelt appreciation for his dedication and contributions during his time with us. Despite his departure, we are delighted to hear that he will continue his research on Western esoteric traditions and conventions of symbolization in the early modern period, topics he holds dear. We wish him continued success, health, and happiness in his future endeavors, confident that he will have many more productive years ahead.

Concluding Remarks

The report provides a glimpse into a selection of the numerous activities organized or participated in by members of our department. However, it is important to acknowledge that behind these endeavors, there are also students and coordinators whose tireless and devoted work often goes unnoticed. These events encompass a wide range of activities, requiring extensive preparation and correspondence. The successful execution of these endeavors is made possible through admirable efforts and unwavering dedication.

It is this very spirit that has guided us throughout the years and will continue to propel us towards future accomplishments. The forthcoming structural changes should not be viewed as an endpoint, but rather as opportunities to cultivate new ideas and projects. The world around us, including the academic landscape, is in a constant state of flux, presenting both challenges and prospects. Our student body, research conditions, tools, academic publications, teaching methods, and supervision expectations are evolving. To navigate these developments, preserve our legacy, and continually enhance our work, we must be prepared to embrace change. The responsibility to determine our success lies with us.

We can take pride in the department's achievements throughout its years and decades of existence. However, we must also ready ourselves for an upcoming

future filled with different demands. By maintaining our passion for what we do and embracing the joy of research, teaching, and supervision, I firmly believe that we will not only meet these demands but also flourish in the face of challenges.

ABSTRACTS OF MA THESIS DEFENDED IN 2022

Regulation of Fisheries and Fish Consumption in the Early Modern Venetian Republic

Daria Ageeva (Russian Federation)

Thesis Supervisors: Alice Choyke, Gerhard Jaritz
External Reader: Richard Hoffman (York University)

Fishing on the lagoon is one of the most ancient "crafts" of the Venetian population, which significantly impacted the environment of the lagoonal city. It provided sustenance for all strata of Venetian society and employed a significant part of it in the production and distribution of fish. Especially important during Lenten and Advent, when meat was banned from diets by religious prescriptions, fish was widely consumed in Venice on an everyday basis. Such important economic activity was extensively regulated by the Venetian authorities from the late Middle Ages in relation to both production and distribution sectors. The existent historiography on Venetian aquatic resource use usually presents it as a successful history of preindustrial sustainable management. However, a thorough analysis of the fifteenth-sixteenth century sources reveals the growing issues with local fish supply which, in the following centuries, led to the increasing dependence of the Republic on fish exports from the Atlantic, Balkan, and Ferrarese fisheries. Drawing upon administrative sources and historical ecological data, I address ecological and socio-economic processes whose interplay caused this fish crisis in the early modern Venetian Republic, proving that the premodern environmental legislation was not sufficient to prevent fish stock depletion and to cope with increasing climate volatility.

When Woman Married Satan: The Emergence of Diabolical Witchcraft in French Medieval Literature

Ana Inés Aldazabal (Argentina)

Thesis Supervisors: Gábor Klaniczay, Zsuzsanna Reed
External Reader: Marina Montesano (University of Messina)

In the Middle Ages, official attitudes towards magical practices evolved from the skepticism admonished by tenth-century canon law to a widespread belief in the threat of demonic witches by the end of the fifteenth century. In literary works, representations of magic and magical practitioners do not always seem to adhere to official views. Analysis of the relationships between literary and non-literary written sources concerned with the issue of witchcraft can prove fruitful in understanding the change in attitude that took place in late medieval times.

This thesis focuses on the evolution of witch-like figures in French-language literary works. First, it traces the general trends in the evolution of the stereotype of the witch from the genesis of courtly romance in twelfth-century France to the first representations of diabolical witchcraft in fifteenth-century literature, at the time when some of the first mass witch trials were taking place in francophone lands. Then, it concentrates on an episode of the little-known *Roman de Perceforest*. The core of my research consists of a close-reading analysis of this fifteenth-century romance episode, which allows me to assess how some of the impressions obtained through the previous general examination of the stereotype's development come into being in a specific case. Through the work carried out in this thesis, I hope to offer a contribution to the study of the shaping of diabolical witchcraft in vernacular literary sources of the last centuries of the Middle Ages.

Hidden Aspects of the Saint Ladislaus Cult

Michal Augustovič (Slovakia)

Thesis Supervisor: Gábor Klaniczay
External Reader: László Veszprémy (Military History Institute and Museum, Budapest)

The presented thesis focuses on the less known aspects of the cult of Saint Ladislaus, King of Hungary. The subject of the thesis is the most widespread narrative concerning the victorious heroic struggle of St. Ladislaus against the pagan warrior. The focus is primarily on the Russian variant of the story, referred

to in Russian literature as the *Narrative of the Killing of Batu*, which is relatively little reflected in Central European historiography.

The thesis offers a historiographical overview focusing on the authorship of the Russian variant and explains the arguments of previous research. As attention is paid to those aspects of the cult that are related to the image of Ladislaus as a military saint, the basic attributes of Ladislaus in both the Hungarian and Russian traditions are pointed out. The fact that the story of Ladislaus found its way into Russian sources raises several questions. One of them is his place in the context of military saints in Russia, to which part of this research is devoted.

This research attempts to provide a background for understanding the wider context in which the narrative of Saint Ladislaus spread to the Russian milieu.

Separatio vel Reconciliatio: The Diversity of Christian Rituals of Excommunication and Penance in Tenth and Eleventh Centuries

Katarina Balcirakova (Slovakia)

Thesis Supervisors: Gábor Klaniczay, György Geréby
External Reader: Paweł Figurski (Institute of History, Polish Academy of Sciences)

This thesis reexamines the excommunication rites found in tenth and eleventh-century liturgical manuscripts to show them to be far more diverse than has been recognized in scholarship to date. It takes as its starting point a detailed analysis of four eleventh-century German pontificals, a part of the Pontificale Romano-germanique, which have been generally neglected by modern scholars. By demonstrating the active interest scribes devoted to compiling and adjusting the influential excommunication formulas of Regino of Prüm, the thesis shows that the period of the tenth and eleventh centuries was critical for the ritual of excommunication. This argument proceeds in three stages. The first addresses the overlooked excommunication formulas in the German pontificals. By analyzing the variety of structure, vocabulary, rubrication, and positioning of these rites within each manuscript, I demonstrate that the characterization of the PRG excommunication rites as static is simply untenable. The second places the locally confined case studies into their wider context of both liturgical sources and political developments. I link the proliferation of excommunication formulas to the disintegration of the Frankish Empire. The final chapter offers an analysis of real-world cases of punitive rites being performed, examining both penance and excommunication. The underlying argument throughout the whole thesis is that the subject of excommunication should be viewed in unison with penance, due to

their intertwined relationship in the eyes of contemporaries. Ultimately, this thesis proves that excommunication rites were far more dynamic and varied than most scholars believe, and that this is reflected in both text and action.

A Comprehensive Study of Medieval and Early Modern Scripts in Kerala

Saranya Chandran (India)

Thesis Supervisor: István Perczel
External Reader: Saidalavi Cheerangote (Thunchath Ezhuthachan Malayalam University)

Malayalam is a Dravidian language spoken in Kerala, a southern state of India. During the medieval and early modern periods, various scripts were used to denote the Malayalam language. The history of individual scripts has been written by scholars. However, a comprehensive study of all these scripts has never been written either among Malayalee or the international academic community. When scholars have been treating the development of Indian scripts, the two scripts used by the Muslim and the Syrian Christian communities, namely Arabi Malayalam and Garshuni Malayalam, were never included. Since the modern Malayalam script has not developed from one particular script without the influence of the other scripts, Garshuni Malayalam and Arabi Malayalam, as well as the literature produced in these scripts, should get their organic place in the history of Malayalam language and literacy. Arabi Malayalam and Garshuni Malayalam have been created as a result of contact between languages. So, an analysis of the origin and the development of these scripts in the context of contact linguistics might provide more clarity about the language and cultural situation of medieval and early modern Kerala.

The Iconography of Medieval Passion Cycles in Spiš and Gemer Counties

Celina Berill Félix (Austria)

Thesis Supervisor: Béla Zsolt Szakács
External Reader: Zsombor Jékely (Károli Gáspár University of the Reformed Church in Hungary)

The thesis discusses the iconography of medieval Passion cycles painted in the chancels of churches located in the Spiš and Gemer Counties of the Kingdom

of Hungary (today Slovakia) between the 14th century and the beginning of the 15th century. The examined decorations are in the churches of Zehra, Stará Ľubovňa, Podolínec, and Slatvina from Spiš, and in Štítnik, Kocel'ovce, Ochtiná and Plesivec from Gemer. The aim of the research is to analyze the iconographic program of wall paintings in the above-mentioned churches, to identify the focus of the iconographical program. Moreover, it studies the scenes individually to see what influence can be traced in each scene and in the narrative program of the chancel as a whole. Furthermore, the study intends to reveal the sources of these influences, which are found through comparative iconographical analysis, by considering the impact of the popular religious, contemplative, and devotional writings and religious practices.

Bone Working in Buda between the Fifteenth-Seventeenth Century

Ágnes Font (Hungary)

Thesis Supervisors: Alice Choyke, Katalin Szende
External Reader: Günther Karl Kunst (Vienna Institute for Archaeological Science, University of Vienna)

Excavations in the Buda Castle District have unearthed a large amount of worked osseous raw materials over the past half a century. This thesis examines the crafting activities associated with the use of hard osseous raw materials such as bone, antler and horn in the area of the Castle District based on the finds from five excavations. In addition to the archaeological finds, written, documentary and visual sources also contain a vast amount of information, often in indirect form, which, when examined together, provide a comprehensive picture of medieval craftsmanship.

Through the analysis of the finds, the aim of this thesis is to map the specialization of the crafts present in medieval and early modern Buda and to investigate the range of various uses, methods and processes of working the raw materials. Conversely, the interdisciplinary nature of the research and the combined use of different types of sources also offer the possibility of uncovering certain interconnections and additional information on medieval and early modern Buda craftsmen and their operation.

Looking at the Past Through Medieval Glass: Medieval Glass Workshops in the Carpathian Basin

Mónika Gácsi (Hungary)

Thesis Supervisors: József Laszlovszky, Alice Choyke
External Reader: Orsolya Mészáros (Institute of Archeologica Sciences, ELTE)

The thesis focuses on the working process and technology of medieval glassmaking. This analysis covers the glass production sites of the eleventh-sixteenth centuries. The geographical frame is the medieval Kingdom of Hungary, meaning modern-day Hungary, parts of Austria, Slovakia, Slovenia, Romania, Croatia, Serbia, and Ukraine, but parallels are quoted from other parts of medieval Europe.

The aim of this thesis is to examine how a medieval glass workshop functioned and what were the basic needs of a production site to manufacture glass products in medieval Hungary. Therefore, the first chapter evaluates written and visual sources on glassmaking technologies, furnaces and needs of a functioning workshop. The second chapter collects the indicators of a glasswork site and analyses the written sources. This part also uses reports of the non-destructive archaeological surveys. The third chapter studies the excavated sites (Pásztó, Diósjenő, Pomáz – Nagykovácsi, Visegrád – 5 Rév Street) and reviews their place in the traditional typology. The fourth chapter investigates the installation factors of a glass workshop like water, firewood, and raw materials; as well as the connections to roads, potteries and smithies. The last chapter of the thesis summarizes the social status of glaziers and their working conditions.

In its conclusion, the thesis discusses glass workshops from different viewpoints, including the spatial distribution of the sites and the production landscape. These approaches were hitherto less common in the Hungarian research. The analyses of these, the context and the environment of medieval glasswork demonstrate that the sites were selected on the basis of a set of criteria, including environmental conditions, road systems, market opportunities and the presence of other economic activities.

Seduction, Negotiation (and Marriage?): Breaches of Marriage Promises in Late Medieval Records from Southern England

Agatha-Cristiana Georgescu (Romania)

Thesis Supervisor: Gerhard Jaritz
External Readers: Sara Butler (Ohio State University), Katherine French (University of Michigan)

This research focuses on the study of ecclesiastical and secular records concerning breaches of marriage promises in late medieval Southern England, focusing on the cases in which plaintiffs and defendants took part who originated predominantly from the dioceses of cathedral towns, focusing primarily on those belonging to a low social strata.

Although similar records have been studied, including some of those mentioned above, the current study wishes to encompass a closer analysis of a broad range of cases connected to breaches of marriage contracts.

The main finds are organized in a manner meant to follow closely the factors influencing the negotiations between the couple: emotion, morality, materiality and spirituality. Coming closely in importance are the negotiations for authority and the differences in jurisdiction over the matters of marital bonds between the secular and the ecclesiastical powers, which the current thesis wishes to offer a glimpse of.

What's in a Name? Questions of Connoisseurship and Attribution in the Works of Jheronimus Bosch

Marie-Eve Lafontaine (Canada/USA)

Thesis Supervisor: Béla Zsolt Szakács
External Reader: Laura Ritter (Albertina Museum Wien)

A Viennese art historian named Dr. Fritz Koreny is currently disputing the authorship of several works by the late medieval artist Jheronimus Bosch. While the academic world has for the most part dismissed his hypothesis, he raised valid points which are difficult to ignore. This thesis is a comparative study which seeks to combine selected aspects of the findings of the Bosch Research and Conservation Project (an ongoing panel of specialists in late medieval panel painting, currently the pre-eminent experts on Bosch) with Fritz Koreny's application of comparative

connoisseurship in order to investigate a potential methodology for determining attribution in the case of Jheronimus Bosch's *The Haywain* (c.1510–1516).

Homonymy and Synonymy in the Philosophy of Neoplatonists and Cappadocian Fathers

Giorgi Markozashvili (Georgia)

Thesis Supervisor: György Geréby
External Reader: Michael Griffin (University of British Columbia)

The present thesis studies the concepts of homonymy, synonymy and polyonymy in late antique philosophy. The main objective is to explore the way these terms were employed in various philosophical and theological contexts. It starts with analysis of the Greek commentators of Aristotle, where the meanings of these concepts are defined and clarified on the horizontal ontological level of the sublunary world. Then, it proceeds to the Neoplatonic hierarchical frameworks, where, by means of carefully selected samples, the specific appropriations of these notions are examined. Finally, it ends with the analysis of homonymy, synonymy and polyonymy in the controversy between the Cappadocian Fathers and Eunomius. This study aims to observe how these concepts were functioning in a variety of doctrinal settings and what were the common patterns that transcend the differences and particularities of philosophical schools.

Captive as Orientalist: A Genre Study of Konstantin Mihailović and Bartholomew Georgijević's Sixteenth-Century Texts

Tara Merrigan (USA/Ireland)

Thesis Supervisors: Balázs Nagy, Eloise Adde
External Readers: Noel Malcolm (University of Oxford), Laura Lisy-Wagner (San Francisco State University)

Captive narratives are an important source of information for scholarship on European-Ottoman relations in the early modern period. This thesis focuses on sixteenth-century works by two former captives, Konstantin Mihailović and Bartholomew Georgijević, and argues that these texts, along with other so-called captive narratives, should be considered as an inflection point between the thinly factual, polemical writings against Islam seen in medieval Europe and the

emergent academic Orientalism and philological study of the seventeenth century. This thesis therefore examines the genre affiliations and literary construction of Mihailović and Georgijević's texts, focusing on historiographical methods, autobiographical limitations, and multilingualism, and thereby adding greater detail to scholarly understanding of the multi-genre qualities of early modern captive narratives.

Ottoman Era Earth and Wood Fortification of Kisvárda Castle

Zsófia Csilla Nádai (Hungary)

Thesis Supervisors: József Laszlovszky, Katalin Szende
External Reader: Gyöngyi Kovács (Institute of Archaeology,
Hungarian Academy of Sciences)

At the heart of this thesis lies an interpretation of the archaeological investigations of Kisvárda Castle, focusing on the different periods of its palisade fortifications with the help of primary sources. The chronology of the constructions could be refined through comparison of the available archaeological data, laboratory analysis, written sources, and contemporary depictions. This interdisciplinary work clearly shows that it is worth revising results from earlier investigations because all disciplines of historical research have much improved over the past decades. Improvements have been especially marked in available methodologies, the availability of contemporary written sources, and new results from the secondary literature. At the end of the thesis, I interpret the new chronology in the light of life at the castle in the sixteenth and seventeenth centuries, focusing on aspects of construction work.

Apart from dating structures more accurately, the analysis of the context extends to the circumstances of the excavations, both in the mid-twentieth century, and in the last phase which took place under the auspices of the Hungarian Castle and Mansion Program. In this part of the thesis, I review and evaluate the history of restorations at the castle and processes of heritagization of the site.

A Sailor's Life for Me: The Middle Byzantine Sailor on Board and at Port

Zeynep Olgun (Turkey)

Thesis Supervisor: Baukje van den Berg
External Reader: Dimitris Krallis (SNF Centre for Hellenic Studies, Simon Fraser University)

This thesis focuses on Byzantine sailors in the Middle Byzantine Period (c. 642 CE–1204 CE) in the Eastern Mediterranean by drawing a general picture of the sailors' daily lives. In so doing, I argue that the experience of being a Byzantine sailor was multifaceted and complex. To gain insight into this variety of experiences, this thesis relies on the interdisciplinary study of textual, archaeological, and ethnographic sources from the Middle Byzantine Period and beyond, based on the longue durée characteristics of seafaring and interacting with maritime landscapes. These experiences are the result of the commonalities of living in the maritime landscape and interacting with this landscape through seafaring. Maritime travel covered various distances (day-long, regional, long-distance) through different types of sailing patterns (cabotage, tramping, and direct), form the framework for travelling in the seascape. To better understand the movement of the sailor, I introduce two concepts: emplacement (sailors belonged to their local maritime communities and cultures) and displacement (sailors journeyed away from this community). On this journey, the sailor stopped at two different types of ports: short-distance ports which served those who moved within micro-regions, and ports connected to long-distance trade which provided certain establishments, such as taverns, inns, and brothels, for the sailors and were central to a sailor's experience at the port. Some sailors, such as the crew of the eleventh century Serçe Limanı shipwreck, moved outside the boundaries of the Byzantine Empire, and had to mediate linguistic, political, religious, and economic differences. Moreover, the daily experience on board the ship during journeys was regulated through laws, customs, and practices which governed the sailors' behaviours, bodies, and souls. By discussing the daily lives of Byzantine sailors, this thesis contributes to the wider scholarship regarding Byzantine society and experiences, and by employing a variety of sources in an interdisciplinary manner, gives voice to a group who otherwise would remain silent.

Decoding a Source-Based Dilemma: The Occupation of Jerusalem by Sasanids in 614 CE

Osman Yüksel Özdemir (Turkey)

Thesis Supervisors: István Perczel, Volker Menze
External Reader: Gideon Avni (Israel Antiquities Authority)

This thesis focuses on the dichotomy between the literary depictions of the occupation of Jerusalem by the Sasanid Empire between 614–628 CE and the available archeological data that targets the same event. While the narrative sources generally describe a massive loss of lives together with significant destruction that would change the landscape of Jerusalem's public and religious spaces, the extensive archeological literature argues that although the peripheries of the city including the city walls were subjected to destruction, other public spaces mentioned in several narrative sources remained unharmed. Jerusalem and its environs were subjected to centuries of political and religious discourse, a possible answer to understand the reason for such dramatic depictions with regards to the public and religious spaces of Jerusalem might be hidden in the notion of space itself. Therefore, this thesis will explore the perception of the seventh century authors towards the public and religious spaces of Jerusalem and the surrounding Holy Land.

Pālpustakam and Paresman/Parāsaman: A Study of the Books of Soothsaying and Magic of St. Thomas Christians in Kerala (India)

Theres Pattery (India)

Thesis Supervisor: István Perczel
External Reader: Ines G. Županov (Centre d'Etudes de l'Inde et de l'Asie du Sud / EHESS, Paris)

This thesis is an introductory study of two books of magic – *Pālpustakam* or the Book of Lots and *Paresman/Parāsaman,* the Persian Medicine, which were in use among the St. Thomas Christian community of Kerala, India from the sixteenth century onwards. By presenting five manuscripts which are studied for the first time, this thesis analyses in detail the traditions of divination and healing among the community. This study adds to the existing scholarship on the St. Thomas Christian community by introducing indigenous sources which were believed to have been lost because of prohibitions that were part of the process of Latinisation

initiated in the sixteenth century. This thesis proves the survival of these traditions – *Pālpustakam*, *Kaṅkettuvidya* and *Paresman* – up to the late nineteenth century om Kerala. This research also indicates that, in the early modern period and even up to the late nineteenth century, the priests also played the significant role of healers and magicians within the community. The thesis also includes a complete transcription and translation of one of the two Malayalam versions of *Pālpustakam* or the Book of Lots, condemned in 1599 by the Portuguese colonial authorities, from its original Malayalam into English.

Some Ants Go Marching Two by Two, Others Dig for Gold: The Textual Descriptions and Visual Depictions of Ants in the Medieval Bestiary Tradition

Chloe Peters (Canada)

Thesis Supervisors: Gerhard Jaritz, Alice Choyke
External Reader: Debra Strickland (University of Glasgow)

Legends of dog-sized ants that dig up gold in the desert or of ants with lion heads are only two examples of the fantastic and fictitious creatures that exist within medieval Latin bestiaries. Their appearances in these bestiaries are rare and are often overshadowed by their harmless insect counterpart, the ant. Not all chapters on the ants in Latin bestiaries include descriptions of ant-lions or gold-digging ants. However, the chapters that do pull on the literary and moral collective knowledge of these creatures to provide negative counterparts to the positive Christian exempla emphasized in the descriptions and illustrations of the three characteristics of the ant. This use of ant-lions and gold-digging ants is seen through a three-part comparative analysis of the chapters on ants in Latin bestiaries. The first part of the analysis focuses on the intertextuality of classical and medieval descriptions of ants, ant-lions, and gold-digging ants in comparison to the bestiarial descriptions of these ants. The second part is a comparative analysis of the chapter on ants in forty-one Latin bestiaries produced between the tenth and the fifteenth centuries in Northern Europe. The third part is a comparative analysis of the iconography of these three ants within sources in the bestiary tradition. This thesis also attempts to provide an answer to explain the inconsistent iconography of the physical features of gold-digging ants.

Shifting Materialities Under Habsburg Expansion: The Evolution of the Transylvanian Manor House in Early Modernity

Bogdan Sorinca (Romania)

Thesis Supervisors: Gerhard Jaritz, Marcell Sebők
External Reader: Ileana Burnichioiu (University 1 Decembrie 1918 of Alba Iulia)

In the following study, I will be exploring, on the one hand, the formative period and mental landscape in and through which Transylvanian aristocratic residences of the early modern period were designed and understood as both homes and symbols of power in the rural landscape. On the other hand, I will also be looking at these manor houses from a present-day perspective, aiming to understand how, historically, state-level monuments' preservation policies have been unable to treat such sites in their coherent contexts, resulting in their current situation as a critically endangered heritage field.

In reconstructing the early contexts of these sites, I will confront two sets of data: ego documents written by late seventeenth century Transylvanian aristocrats, followed by a combination of evaluations of their own residences and slightly later (early eighteenth century) noble houses.

The Knight of the Bear, the Knight of the Lion: A Comparative Approach to Early Arthurian Romance

Kaila Yankelevich (Argentina)

Thesis Supervisors: Gerhard Jaritz, Alice Choyke
External Reader: Karl Steel (Brooklyn College, CUNY)

In medieval literature, animals could play different roles, often being an expression of a specific view on the world, or of the connection of humans with the otherness that nature represents. In Arthurian romance, a genre in which the search for the identity of the male hero is a central theme, animals appear as a tool for shaping the identity of both the main character and the antagonist. This thesis explores the use of lions and bears, two interrelated animals in both biblical and bestiary traditions, for the shaping of the identity of heroes and antagonists of early French Arthurian romance. I focus on them when they appear as companions to a knight, this is, specific cases in which nature is subordinated to a male character. For understanding the symbolism that these two animals carry into the romance and that they project onto the human characters, I examine other discourses that were

in circulation in the same cultural context as the Arthurian texts, such as the Bible and the Bestiary. This study is, therefore, synchronic, since it compares the role of bears with that of lions, and diachronic, as it examines the differences between portrayals of animals in French romances from the twelfth to the thirteenth century.

PHD DEFENSES IN THE ACADEMIC YEAR 2021-2022

The Cult of the Chaste Imperial Couple: Henry II and Cunigunde in the Hagiographic Traditions, Art, and Memory of the Holy Roman Empire (c. 1350–1500)

Iliana Kandzha

Thesis supervisors: Daniel Ziemann, Gerhard Jaritz
External readers: Bernd Schneidmüller (Heidelberg University),
Sari Katajala-Peltomaa (Tampere University)

St. Henry (973–1024, can. 1146) and St. Cunigunde (c. 980–1033, can. 1200) are an imperial couple who, within a few centuries after their death, were invested with saintly powers and were believed to live in a virginal union. In the late medieval Holy Roman Empire, these saints were appreciated by their devotees as powerful intercessors, saintly founders, virgins, and imperial saints, while their cults became integral to symbolic and religious communication of the Empire. On an everyday basis and solemn occasions, through lavish artworks and printed images, during communal liturgical services and in private prayer, when narrating the history of a tiny monastery and of the Empire, multiple individuals and groups chose to turn to SS. Henry and Cunigunde.

When communicating with and through these saints, these groups and individuals constructed their private and communal pasts, embraced cultural memories of certain locations and institutions, expressed hopes for the future, conveyed political ideas, found solace and edifying examples, and entertained themselves. The saints' key commemorative center remained in Bamberg, but they were known and engaged with in other parts of the Empire, where contested and novel interpretations of their sanctity were offered, especially in devotional and representational acts of the Habsburg rulers. While the title of the current study is solely dedicated to St. Henry and St. Cunigunde, the study itself is not – as much as the analysis revolves around the two saints, it still discusses the devotees

of various social standings who believed in, communicated about, or doubted the saintly capacities of Emperor Henry and his spouse Cunigunde.

The study reveals the "ways and motives of remembering" SS. Henry and Cunigunde, present on various levels defined by different types of communication and the actors involved. The potential of this saintly couple to be perceived as rulers, donors, intercessors, and virgins had a profound political and cultural impact, triggering multiple forms of commemoration and devotion, engaging various communities and individuals – from parturient women and well-off clerics to famous humanists and German emperors. Altogether, the research offers a new perspective on the history of the cults in the fourteenth and fifteenth centuries that has not been comprehensively explored before. Moreover, the thesis brings to scholarly attention several unknown or under-researched texts and objects produced in the late medieval Holy Roman Empire, paying attention to their content, mediality, and circumstances of production and use.

The dissertation has a three-fold structure, with each part being further divided into two or three chapters. While the first part outlines the early developments of the cults and analyzes various literary and devotional forms associated with SS. Henry and Cunigunde, the other two parts explore the functions and impact of the saints in the milieu of private and communal devotion and imperial symbolism.

The first part – *"Becoming Saints"* – provides an introduction into the early history of SS. Henry and Cunigunde's sanctity, from the first narratives hinting at their holiness to the unfolding of the canonization procedures, and overviews the development of their commemoration traditions in hagiography, history writing, and liturgy. *Chapter 1* observes the change in Henry and Cunigunde's commemoration from that of rulers and founders to saints and discusses their Latin hagiographies and their most important legends. Moreover, the role of the Bamberg ecclesiastical elite and German rulers in promoting their canonizations is discussed, as well as the place of these newly canonized saints in the existing patterns of holiness. This part does not entirely fit the proposed temporal framework, but it is essential to review the early beginnings of the cults and the saints' major hagiographic themes before proceeding with the analysis into the late Middle Ages.

Chapter 2 further follows the development of SS. Henry and Cunigunde's hagiographic traditions, attending to their representation as virgins. Shaping the couple as a pair united by virginal marriage contributed to their joint remembrance, and such a commemorative scenario was later exploited by Bamberg clerics as one of Bamberg's urban and episcopal symbols and was also used for several familial dedications as well as lauded in the monastic milieu. Further, the introduction of Henry and Cunigunde's saintly images in the thirteenth-century historiography

is discussed, together with the liturgical and devotional practices surrounding their late medieval cults and the cults' geographical dissemination and imprint in material culture.

"The Cults in Action" – the second part of the dissertation – explores SS. Henry and Cunigunde's functions as communal and private patrons in urban, clerical, and monastic environments among various groups, giving special attention to female individual devotees and religious communities. *Chapter 3* investigates the late medieval urban and diocesan cults of SS. Henry and Cunigunde in the Prince-Bishopric of Bamberg, bringing forward new textual and visual forms of devotion that witness the holy couple's framing as the sign of Bamberg bishops and clerics, while monastic communities often furthered the local trinity of saints that also included St. Bishop Otto. Later, these practices are contrasted with the use of the saints as auxiliary patrons and their roles in the "imagined pasts" of other ecclesiastical centers and towns.

Chapter 4 is devoted to the functions of the saints in the monastic environment, in which Benedictine devotion was the most evident. The modes of engagement with SS. Henry and Cunigunde's cults are explored in three female monastic communities as case studies for memory creation and maintenance in spaces and texts. Monastic communities also appear as crucial outposts for upkeeping and enriching the textual cult-related production through their literary networks, through which the cults of SS. Henry and Cunigunde were introduced into a new cultural milieu in Brabant.

Communication with these saints was not always a matter of politics and affiliation since the saints oozed into individual's daily lives as a part of religious experiences and sacral spaces. Therefore, *Chapter 5* investigates various contexts in which either of the saints functioned as a private patron and an object of devotion or antiquarian interest, also attending to the saints' thaumaturgical role. As the analysis has shown, St. Henry and St. Cunigunde were often chosen as personal patrons in the areas where their cults were already institutionalized and appreciated (e.g., Nuremberg or Regensburg). The saint's spiritual marriage embodying the celestial ideal of wedlock inspired married couples to seek their patronage, while St. Cunigunde emerged as a powerful patron of parturient women. At the same time, SS. Henry and Cunigunde represented the diocese of Bamberg and referred to personal affiliation with the bishopric or the cathedral chapter. In the eyes of Hartmann Schedel, acute with his knowledge of the regional and imperial history, SS. Henry and Cunigunde, though clearly entangled with Bamberg and his personal devotion, were indispensable for the broader context of imperial succession. The present study also brings up an overlooked context in which this saintly imperial

couple was systematically employed in the late medieval period – that of saintly politics and rulers' symbolic communication that occurred beyond the initial political circumstances of SS. Henry and Cunigunde's canonizations. This aspect is discussed in the final part of the dissertation – *"Imperial Saints." Chapter 6* provides a historiographic introduction to the scholarly trend of studying "holy rulers" and presents the image of St. Henry in imperial chronicles, connected to the concepts of the college of electors and the *beata stirps* of the Empire. Emperor Charles IV's pioneering activities in deploying saints – including SS. Henry and Cunigunde – for imperial representation are analyzed as well.

Chapter 7 scrutinizes Frederick III of Habsburg utilizing the saints' imagery – especially their royal and imperial implications – for his political representation, correlated with his private devotion and the politics of "returning" to the core imperial lands from his Austrian domains in the 1470s. Moreover, Frederician devotion continued on a familial, or dynastic, level, as shown in *Chapter 8*: the veneration of SS. Henry and Cunigunde was later preserved by his daughter Kunigunde of Austria and had its repercussions in extensive genealogical and hagiographic projects of Maximilian I. Moreover, SS. Henry and Cunigunde's imperial status proved to be attractive for several members of the imperial nobility.

Overall, in the fourteenth and fifteenth centuries, SS. Henry and Cunigunde became recognized in their imperial, supra-regional status, devoid of unambiguous affiliation with a region or a community. Nevertheless, the cults, in their imperial signification, relied on a regional supply of relics as well as existing iconographic, hagiographic, and liturgical forms that were adapted and recrafted to suit these new communicational and representational purposes.

The study has contributed to our understanding of how rulers of the past centuries were apprehended in the medieval period, with sanctity being only one of the possible commemorative scenarios. Moreover, this research has pointed out the efficiency of studying saints' functions beyond explicitly liturgical circumstances and researching the interweaving of "hagiographic" and "historiographic" knowledge about saints. Essentially, the study has revealed how SS. Henry and Cunigunde's figures contributed to the interlacements of the memories of the imperial pasts and sanctity across local, regional, and imperial dimensions, though being just two threads in the socially diverse web of symbolic communication of the late medieval Empire.

The Development of the Episcopal Office in Medieval Croatia-Dalmatia: The Cases of Split, Trogir and Zadar (1270-1420)

Mišo Petrović

Thesis supervisor: Katalin Szende
External readers: Jörg Peltzer (University of Heidelberg),
Damir Karbić (Croatian Academy of Sciences)

This dissertation deals with analyzing changes in the episcopal personnel and management of the episcopal sees of medieval Croatia-Dalmatia by closely observing the figure of the medieval bishop. My approach to the topic is both power-oriented, with emphasis on social-power relations with the bishop and his episcopal office being placed at the center of research. For this purposes, I have compared developments in the archdioceses of Zadar and Split, as well as the diocese of Trogir, the suffragan of Split, all three comprising much of the territory of medieval Croatia-Dalmatia. These bishoprics were largely selected due to their specific ecclesiastical position, the quality of the available source material and the prestige enjoyed by their contemporaries and in modern historiography, all which enables me to carry an in-depth comparison between the researched dioceses.

Since these bishoprics were relatively small and located on the fringes of Latin Christendom, their position offers an opportunity for a more in-depth research of the episcopal office and the person of the bishop. I was, therefore, interested in exploring whether there was any change in the type of person who was selected as bishop over time and how their personal qualities and connections played a role in allowing them to obtain this high episcopal position. Were changes in the episcopal office possible due to reforms conducted by the bishops from within or from outside of the diocese?

The region of Croatia-Dalmatia, where these dioceses were located, was often fragmented between various political powers, which had effect on the relationship between the communities and their bishops. These bishops operated in a multi-jurisdictional environment encompassing various ecclesiastical (cathedral chapter, other prelates, pope) and secular (city government, rural nobility, ruler) centres. Therefore, I was interested in observing if the episcopal authority was changed and how through the interactions that the bishop had with different institutions and groups of people.

The dissertation is divided into five major parts tracking the episcopal developments over a span of 150 years and involves analysis of 36 individuals who became, or strived to become, the archbishops of Split or Zadar or the bishop of

Trogir. It deals with the bishopric itself, the person of the bishop and with general issues connected to the episcopal authority in Croatia-Dalmatia during the period between 1270 and 1420. In the chapters I consider how the episcopal office was influenced by the personal qualities of the individuals holding the office. What was the role played by the intricate relations between the bishops and various local and regional institutions of the medieval society? These interrelations are closely analyzed within the context of the institution of the Church. While these questions can be applied to Christendom in its entirety, I am primarily interested here in observing the local experiences and changes which may in turn be used in the future to contribute to a broader comparative research of ecclesiastical regions.

Each chapter is preceded by a historical overview which contextualizes the major developments during the observed period by looking at the actions of the popes, rulers and other institutions and individuals in the region. In the first chapter I analyze how the social context in which the dioceses have been established helped to define the late medieval bishoprics of Croatia-Dalmatia and what the role played by various local and broader-ranging institutions in the selection of bishops was. In the second chapter I seek to identify the most important pillars of episcopal authority and the patterns of the bishops' behavior toward important ecclesiastical institutions in the diocese as well as the changes – if any – introduced by the bishops in their everyday episcopal governance. The third chapter connects the internal changes in the bishoprics with the role played in these developments by lay institutions, primarily the commune, the rural nobility and the rulers, and the gradual centralization of power over the ecclesiastical hierarchy by the pope. For the fourth chapter, I have selected three members of the higher clergy, each from one of the researched bishoprics, in order to analyze the challenges that were encountered by the fourteenth-century bishops. The selected prelates are Archbishop Nicholas Matafari of Zadar (r.1333- 67), Bishop Bartholomew of Trogir (r.1349-61) and Archbishop Hugolin of Split (r.1349-88). In this chapter I track these three episcopal careers from beginning to end by observing how these individuals obtained their positions, the challenges they faced during their time in office and the consequences of their administration on the general development of their dioceses. The last chapter observes how the ecclesiastical and political turmoil at the turn of the fourteenth into the fifteenth century affected relations between the bishops and their dioceses by concentrating on the contacts between these prelates, the Apostolic See and the secular rulers. These areas of analysis and subsequent opinions are summarized in the conclusion which considers the different features of the person of the bishop and also combines these aspects with the gradual changes in the office and position of the bishop. Since the information

collected for this work is not available elsewhere in a systematically arranged form, I provide a short summary of each of the presented individuals. These descriptions include the bishops' career and family connections as well as basic information about their time in office. The work also includes images, family trees and maps relevant to the period and the bishops themselves.

Invicto Mithrae spelaeum fecit: Typology and Topography of Mithraic Temples in the Roman Province of Dalmatia

Nirvana Silnović

Thesis supervisor: Volker Menze
External readers: Gabrielle Kremer (Austrian Archaeological Institute, AAS, Vienna), Aleš Chalupa (Department for the Study of the Religions, Masaryk University, Brno)

This dissertation deals with the Mithraic temples from the Roman province of Dalmatia. Although the cult of Mithras is attested on thirty-six sites across the province and has been in the scholarly focus for a long time, not a single study is dedicated to its architecture. The burgeoning number of the newly discovered Mithraic temples, as well as the advancements in the methods of their excavation and preservation, have led to a better understanding of their internal arrangements, building techniques, and their topographical contextualization. Particularly, the broad range of small finds have opened new perspectives in the study of the cult of Mithras and have allowed new insights into its ritual practices, virtually unknown aspects of the cult.

The dissertation is divided into five chapters. In the introduction, terminology, sources, as well as the theoretical and methodological approach are discussed. The canonicity of the Mithraic temple is addressed and a clear set of criteria is established by which a certain building can be identified as a *mithraeum*, i.e., Mithraic temple. The final part of the introduction provides a geographical overview of the province since the physical environment is important for contextualization and interpretation of the Mithraic temples in Dalmatia.

The first part of the second chapter is dedicated to the critical survey of the historiography of the topic. Special attention is given to the important question of the origins of the Mithraic temple and the influence of Franz Cumont's ideas about the Persian origins of the cult. Based on the evidence of Mithraic architecture from Dalmatia, it is argued against the existing linear understanding

of the development of the Mithraic temple and a need for a regional approach is emphasized.

The second part of the second chapter discusses the typology of Mithraic temples, otherwise not systematically discussed in the scholarship. To avoid the multiplicity of confusing and frequently imprecise terminology applied, a simple typological categorization of Mithraic temples is proposed. A particular predilection for installing Mithraic temples in natural settings is discussed as well. The final part of the second chapter shows how the temples located in natural settings were associated with different deities both from pre-Roman and Roman times, and are, thus, deeply embedded in the cultural and religious history of the province.

The third chapter offers a detailed topographical discussion of the Mithraic temples in Dalmatia. It is divided into four subchapters, each corresponding to a different geographic region consistent with the spatial distribution of Mithraic temples: the Gacka river valley, the Vrbas river valley, the Neretva river valley, and the southern Dalmatia. A closer survey of the geography of the particular region is given, followed by a short overview of the Roman settlements and the related finds from the area, which are relevant for the contextualization and interpretation of the cult. The chapter takes a holistic approach, by which the entire evidence of the cult of Mithras from each site is considered: *mithraea* are studied as integral parts of the physical, urban, and cultural environment in which they appear, and other relevant finds (inscriptions, reliefs, statues, small finds, etc.) are included in the discussion as well.

The sites and monuments studied in the third chapter are accompanied by a detailed catalog, where all the necessary and available information about each of the monuments is provided. An updated list of Mithraic temples from the Roman Empire has been compiled in appendix 1, with altogether 108 temples listed. The appendix summarizes the basic information on each of the temples: dates (where known), precise topographical location, dimensions of *cella* and the construction type (where known), and selected bibliography. Appendix 2 provides an updated list of Mithraic sites from Dalmatia (excluding the sites examined in this dissertation). Altogether twenty-three sites are listed, summarizing the basic information about each of the forty-five objects: type of the object and its date (where known), with an image and transcription (where necessary), as well as recording the object's current location and selected bibliography.

Overall, the dissertation bridges an important gap in the scholarship not only regarding the Mithraic temples, but it provides a comprehensive and updated

survey of the Roman settlements and related sites from Dalmatia that have so far remained out of scholarly discussions.

The garden watered by the Virgin Mary: The Marian Landscape of Medieval Hungary (1301–1437)

Karen L. Stark

Thesis supervisors: Gábor Klaniczay, József Laszlovszky
External readers: Christina Lutter (University of Vienna),
Beatrix F. Romhányi (Károli Gáspár Calvinist University, Budapest)

The Marian landscape of medieval Hungary is a mosaic of places where the most important figure in the medieval Christian Church after the Trinity and the patron of the Hungarian Kingdom – the Blessed Virgin Mary – sanctified the space and where her connection to mankind was especially close. These places were created through the reciprocal interactions of places, actors, objects, practices, intellectual entities, and time. In medieval Hungary, Marian place-making was especially rich and pronounced during the reigns of the Angevin and Luxembourg dynasties, between the years 1301 and 1437. Using an interdisciplinary approach and a diversity of sources – from *patrocinia*, to indulgences, chronicles, and material culture – the place-making processes behind the formation and development of Marian places during this period can be uncovered.

The major themes that emerge are: the influence of foreign Marian devotional trends, impact and spread of mendicant and Pauline Marian piety, reciprocal interaction between Hungarians and foreign Marian pilgrimage places, and increased expressions of Marian popular devotion. These themes demonstrate that the Angevin and Luxembourg periods were a particularly significant time for the development of the Marian cult in Hungary; this was a period that not only built upon the foundation of the Hungarian Marian cult constructed by Árpádian rulers but expanded it, and the Marian places created and developed during this period were absolutely central to the later boom in the Marian places that emerged in Hungary during the early modern period.

The thesis is divided into five chapters, which both present the Marian landscape in Hungary from a macro viewpoint and offer examples of micro-landscapes and individual cases, which allow the processes of Marian placemaking to be observed within a specific context. Before the first chapter, a foreword, "The *Regnum Marianum* before the 14th Century," presents a brief overview of the

history of the concept of the Virgin Mary as the patron of Hungary before the beginning of Angevin rule ca. 1301.

The first chapter, "Ecclesiastical Topography: Mapping Marian *Patrocinia*," establishes Mary's presence in the "ecclesiastical topography" of medieval Hungary. Starting with the cathedrals and then narrowing in on the ecclesiastical structure, from parish churches to non-parish churches, chapels, and altars, every instance of Marian *patrocinia* throughout the Middle Ages in Hungary is recorded and mapped. The Marian *patrocinia* of monasteries and hospitals, as well as evidence of the name of the Virgin Mary in Hungarian toponyms is also noted. This establishes a macro view of the geography of the Virgin Mary. Interpretive analysis of the data is focused on the periods of Angevin and Luxembourg rule. Geographical and chronological trends are identified and are considered in the relevant social, religious, and political contexts. The characteristics and trends identified in Hungary are compared to other regions in Europe where possible.

Chapter two, "Marian Devotion and Converted Spaces: The Lesser Virgin Mary Church of Buda," is a case study of one church with a Marian *patrocinium* whose foundation can be linked to a particular manifestation of Marian devotion in the period. The church was founded by Holy Roman Emperor Sigismund of Luxembourg in Buda around 1410. The foundation of the church, built in the first Jewish quarter of Buda, was influenced by a medieval antisemitic devotional trend intertwined with the cult of the Virgin Mary in German-speaking lands, namely, the seizing and destruction of synagogues and construction of Christian churches – most often dedicated to the Virgin Mary – in their place. This case study demonstrates how foreign devotional trends relating to the Virgin Mary – through Hungarian rulers' interactions in German lands, the German communities within Hungary, and the diffusion of these trends into Hungary through art, literature, and preaching – influenced Hungarian placemaking.

Chapter three, "The Landscape of Marian Pilgrimage: Dynastic Patronage and Marian Shrines Abroad," analyzes what role the Virgin Mary played in the devotional program of the Angevin dynasty. Part of this program included the promotion of their dynasty at Marian sites abroad. For the Hungarian Angevins, the *Aachener Marienkirche* and the Benedictine monastery of the Virgin Mary in Mariazell were the most important places in this regard. Their actions – and Sigismund of Luxembourg's continued presence at and promotion of these sites – created a perpetual bond between Hungary and Hungarian rulers with these places.

The fourth chapter, "The Landscape of Marian Piety: Indulgences and Marian Shrines in Hungary," presents the most important places associated

with the Virgin Mary in Hungary during Angevin and Luxembourg rule. The sites discussed in the previous chapter had a direct influence on the landscape of Marian shrines in Hungary; these were not wholly independent processes. Our best evidence for the existence of Marian shrines in Hungary comes from indulgences, which together with records of miracles and donations allow us to construct a landscape of Marian sanctuaries in the Hungarian landscape. The three primary categories of Marian shrines during the Angevin and Luxembourg periods will be presented, namely: sites connected to royal representation and authority, sites belonging to monastic or mendicant networks, and sites of local Marian veneration.

Chapter five, "Bringing Mary Home: Marian Material Culture in Ecclesiastical and Secular Spaces," is devoted to the ways in which medieval individuals interacted with the Virgin Mary in more intimate spaces, as expressed through material culture, particularly small finds. We are seldom able to explore the personal Marian devotion of regular medieval people, not filtered through the lens of the monastic, ecclesiastical, or elite spheres. Material culture offers us an opportunity to identify ways that Marian devotion physically manifested and created new sacred spaces. The object biographies of these small finds illustrate the permeability of ecclesiastical and secular spaces, their multicultural nature, and their unique contexts in the Hungarian landscape.

The dissertation ends with the close of the late Middle Ages and the birth of the early modern era, and with it yet another transformation in the cult of the Virgin Mary. The Reformation, Counter-Reformation, Ottoman invasions, and new rulers created new challenges and opportunities for the Marian cult to grow and transform. Marian places proliferated in the Hungarian landscape, many of them built upon the foundations laid in the Angevin and Luxembourg periods.

The *Annual of Medieval Studies at CEU*, more than any comparable annual, accomplishes the two-fold task of simultaneously publishing important scholarship and informing the wider community of the breadth of intellectual activities of the Department of Medieval Studies. And what a breadth it is: Across the years, to the core focus on medieval Central Europe have been added the entire range from Late Antiquity till the Early Modern Period, the intellectual history of the Eastern Mediterranean, Asian history, and cultural heritage studies. I look forward each summer to receiving my copy.

Patrick J. Geary

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