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CYRILLO-METHODIAN LEGAL HERITAGE
AND POLITICAL IDEOLOGY IN THE MEDIAEVAL
SLAVIC STATES

Dessislava Naydenova

Abstract: The aim of the article is to underline the important role of the Cyrillo-Methodian juridical heritage in the transformation of the Slavonic states from paganism to Christianity. The main result from the Conversion was a change in the spiritual sphere, culture and political model. This, of course, didn't root in inventing something new in principle, but rather in copying something already existing in the Eastern Roman Empire. In this regard it is worth mentioning here that the Byzantine political theory played the main role in constructing the Bulgarian ideological doctrine.

The following legal texts are taken under consideration: Nomocanon of John the Scholastic, *Zakon Sudnyj Ljudem*, Anonymous Homily in *Codex Clozianus*, Nomocanon of 14 Titles and the *Ecloga*. The article focuses on two main suggestions: 1. Legal texts should be considered mainly as literary sources and as a result of a given political ideology rather than a part of a state legislation. 2. The juridical texts associated with so-called *Corpus Methodiana Juridica* and those that have been translated in mediaeval Bulgaria in 10th century were of great importance with regard to the adoption of Byzantine political theory in Orthodox Slavic States, creation of a new Christian identity, building of a new state and political concepts and also transformation of the culture of the Orthodox Slavs into a part of Byzantine Commonwealth.

Key words: Byzantine Empire, Nomocanon, Cyrillo-Methodian, *Zakon Sudnyj Ljudem*, legal texts, First Bulgarian Kingdom.

The affiliation of the mediaeval Slavic states to the “Byzantine Commonwealth” is attested, among other cultural, political and social changes, by intensive efforts for translation of both canon law and secular law texts [Naydenova, 2005]. Such translations were made during the mission of St. St. Cyrill and Methodius in Great Moravia when the Slavonic version of the *Nomocanon of John the Scholastic*¹ emerged and the so-called Law for Judging the People (*Zakon*

¹ Ed.: [Havlík, Lubomír, 1971: 243–363]. See on this most recently [Gallagher, 2002].

Sudnyj Ljudem)² (a revision of the Title 17 of the Byzantine *Ecloga*) was compiled. The process continued in Preslav with the translation of the *Nomocanon of 14th Titles*³, and *Ecloga*⁴.

The interest in Byzantine law was due to the need for compilation of canon law to support the Church, Christian discipline and behaviour, and due to the highest prestige of the Byzantine legal tradition. Bulgaria was about to become an Orthodox Kingdom or Empire with its special structures, institutions and practices [Bilyarski, 2002]. This, of course, was not a building of a new state system in principle, but rather copying, borrowing a system already existing in the Eastern Roman Empire. In this regard it is worth mentioning here that the main role in constructing the Bulgarian political doctrine – and especially the imperial idea of King Simeon (893-927) – was played by the peculiarities of the Byzantine political theory and ruler’s propaganda of Emperor Basil I (867–886). The most common examples given in this respect are: the greeting of the ruler as “new David” and “new Moses”, the creation of fictitious genealogies which represent the ruling dynasty as a direct descendant of the ancient royal families, the epithets used in the official titles, the new tendencies towards the formation of the ideal emperor’s portrait [Nikolov, 2006: 83–95]. In respect to the issue under consideration here it is important to underline that the Macedonian dynasty was related to the Old Testament paradigms and that there was a direction back to the models of the Justinian’s time in which justice and the establishments of laws were among the main virtues of the ruler [Čičurov, 1985]. It is probable that during the reign of King Simeon were spread various juridical texts through which his care for justice crystallized in a clear shape, which was to strengthen his self-identifying with Moses [Shepard, 2003].

In the present article I will focus on legislative texts as instruments of carrying out certain ideology and legitimacy, as this was most probably the main function of their Slavonic translations. Such a point of view is supported by several arguments.

1. First of all, the research on sources and composition of the canon law collections attest for almost literary translations and scarcity of corrections. This situation does not support the hypothesis that the Byzantine legal tradition was consciously and consistently adapted to the lifestyle of the Slavic people. Although an absolute coincidence cannot be postulated, Slavonic collections of law texts are dependent on their Byzantine originals. In most cases, the texts included are borrowed from a concrete Greek manuscript.

2. It is worth mentioning also the lack of glosses appended to the text that explain or adapt the interpretation of the foreign norms, as well as the numerous translation errors indicating that the translators were not acquainted with the norms.

² Editions: [Тухомиров & Мулов 1961; Havlík, Lubomír, 1971: 178–198]. See on this most recently: [Максимович, 2004].

³ Ed.: [Бенешевич, 1974а; Цанова, 1987]. On its Greek original and its Slavonic translation see [Бенешевич, 1974; Цанов 1978].

⁴ Ed. [Schapow & Burgmann, 2011].

3. Zhivov's thorough study [Zhivov, 1988] on the legal terminology used in both translations of Byzantine legal texts and Russian original works, offers convincing evidence for the co-existence of two parallel judicial norms. Lexemes attested in translations and in original works are opposite to one another, mutually exclusive; they form a set of correlative pairs. Unlike the language of the translations, the Russian originals show specific linguistic variability. Zhivov argues that bilingualism in legal terminology proves the Russian bookmen considered these terms sacral⁵.

4. Another argument, supporting the hypothesis for the primary ideological function of the legal monuments, is the absence of secondary Slavonic legal compilations. Even the only exception, the Russian miscellany *Merilo Pravednoe* [Tihomirov, 1961] has a composition that confirms the abovementioned observation. It is a collection of edificatory and legal texts organized into 30 chapters. The edificatory texts have moral character and are aimed at an unjust judge (or ruler). To depict the same idea, a miniature found at the beginning of the oldest copy represents a judging person sitting on a throne with scales in his hands. The didactic (and not practical) character of this collection is reflected by the fact that an abridged translation of the *Ecloga* is included immediately after its full text.

5. There are very few Slavonic copies of secular-law texts. They are all without exception found in larger legal compilations and do not have independent manuscript tradition. This is yet another proof that legal texts should be considered mainly as a result of a given political ideology rather than a part of a state legislation.

After these preliminary remarks, let's go back to the peculiarities of the law texts themselves. Below, I'll discuss in more detail the features of *Zakon Sudnyj Ljudem*, *Nomocanon of 14 Titles*, and *Ecloga*.

Zakon Sudnyj Ljudem. In search for an explanation of the incompleteness of *Zakon Sudnyj Ljudem*, some Czech scholars (such as Procházka [Procházka, 1967] and Zàstěrová [Zàstěrová, 1978])⁶ argue that this work is more of a literary monument than a legislative collection. This observation could be supported also by the fact that the compiler of *Zakon Sudnyj Ljudem* associated the collection with the legislative efforts of the first Christian emperor Constantine the Great⁷. The relation to Constantine is emphasized even more strongly in some

⁵ Zhivov points out at an interesting observation – the political term is translated in the legal texts as *Christians* – a choice which is not attested in other translations and original works [Тънкова-Заимова, 1987; Biliarsky 1999; Николов 2007].

⁶ *Zakon Sudnyj Ljudem* does not include not only texts about crimes that were considered irrelevant for the Slavic society such as falsification of coins and heresies such as manichaeism and montanism but also topics of abortion, homosexuality, sodomy, pimping of a wife, kidnapping of a nun or a laywoman, amulet creation, sorcery and magic, priest beating, conspiracy against the ruler, theft, murder, robbery.

⁷ „Тъмъже с(в)ръзии Костѣтинъ въ първзи законъ въписавъ преди тако г(аго)ла...“ [Havlik, 1971: 178]. The hypothesis of Vašica (Vašica 1951) that author of this part was Constantine Cyrill himself, was refuted [Ганев, 1959: 161–164; Ангпеев, 1968; Papastathis 1995; Максимович, 2004: 21–22].

of the witnesses dated ca. the second half of the 15th c.⁸ It is also worth noting that the longer redaction of *Zakon Sudnyj Ljudem* was attributed to Constantine himself. The role of Constantine the Great into the development of the political programme of Byzantium has been greatly discussed⁹; here I will only remind that his name became a symbol of legitimacy and power, an emblem of the resurrection of kingdom for both the Byzantine Empire and the Slavic states.

In the context of the ideological value of the legal monuments, it cannot go unnoticed that the articles in *Zakon Sudnyj Ljudem* involve motifs traditional for didactic writings, for example an intention to impose moral principles to the matrimonial and family law (Art. 4–13, Art. 30a) [Havlik, 1971: 181–186, 197] and the postulate that a good and just ruler must observe Orthodoxy in order to lead his flock to salvation (Art. 1) [Havlik, 1971: 178] as well as to be a fair judge (Art. 2, 7a, 30) [Havlik, 1971: 178, 184, 196].

Another feature, with respect to ideological relevance of *Zakon Sudnyj Ljudem*, is that in almost all copies it is preceded by the so-called *Law of Moses* – a compilation containing parts of the *Pentateuch*¹⁰. This compilation has long been associated with the political programme of the Empire where after the endorsement of Christianity as official religion, Byzantium is considered as the New Israel that would embark upon the assignment to spread the Christian faith across the world [Troianos, 1987]. The connection between *Zakon Sudnyj Ljudem* and the *Law of Moses* is also confirmed by some copies of the longer redaction of *Zakon Sudnyj Ljudem* where *Zakon Sudnyj Ljudem* is merged with *Russkaya Pravda* and is again preceded by the *Law of Moses* [Тухомуров, 1961a: 14–16]. Such a sequence is hardly accidental. In different periods, almost all barbarous people claimed the status of the “chosen people”. The concept of the “chosen people” was transformed into an ideology of the legitimacy of the governing class to motivate political changes or territorial expansions. Although the texts never mention the New Israel or the “chosen people”, the ideological pattern is evident in the use of the New and Old Testament in interpretations of the past and in the references to the Old Testament law [Kottje, 1964; M. Garrison, 2000; Meens, 2000]. In this respect, the inclusion

⁸ In the Novgorod Kormchaya, the following note is added to the title (in handwriting different from the one of the main body) „праву(а) ц(а)р Ко(н)ст(н)му(нъ)“ [Тухомуров, Милов, 1961: 35, 58]. In the Karamzinov group of copies of the Russian Pravda *Zakon Sudnyj Ljudem* has a special title „Судъ свѣтѣго царъ констѣтина законъ суднѣи людемъ“. The relation to Constantine the Great is emphasized even stronger in one of the witnesses (dating back to the second half of the 14th c.) where at the end of *Zakon Sudnyj Ljudem* is added: по си мѣста судѣвникъ царъ греческаго констѣтина [Греков, 1940: 39]. The long redaction of *Zakon Sudnyj Ljudem* has the following title: Судѣвникъ свѣтѣго правѣвѣрнаго великаго Самодержца Царъ Констѣтина, Греческаго закона [Тихомиров 1961:42].

⁹ On the cult of Constantine the Great in Byzantium cf. [Kazhdan, 1987; Magdalino, 1994]. On the cult of Constantine the Great in Slavic texts cf. [Avenarius, 1985; Simeonova, 1998: 89–104; Hurbanič, 2002; Булярско, 2004: 17–42].

¹⁰ Edition of the Greek text: [Burgmann & Troianos, 1979].

of *Zakon Sudnyj Ljudem* as a sort of continuation of the *Law of Moses* can be interpreted as an effort to justify the claims to legitimacy and to the reception of the newly baptized people into the ranks of the people of the New Testament¹¹. By the way, one may find an interesting analogy in respect of using Old Testament as context for such ideological purposes in the manuscript tradition of *Nominalia of the Bulgarian Khans* – all the copies, known so far, are included in a chronographic compilation as a sort of continuation of the Slavonic translation of *Book of Kings* [Горина, 1995; Каймакамова, 1997; Горина, 2002; Николов, 2004; Булярски, 2005; Каймакамова, 2006].

Canon law miscellanies. The *Nomocanon* that contains the laws of the Empire and the canons of the Church, became one of the main texts reflecting the idea of a symphony of secular and religious power [Dvornik, 1956; Цанов, 1989; Hussey, 1990: 304–309; Canning, 1996: 13–15]. Through its Slavonic translation the Byzantine political philosophy was adopted by the mediaeval Slavic states as a system. The Empire did not have a Constitution of its own and special regulations about the relations between the Emperor and the Law, and the Emperor and the Church. Byzantium was regarded a successor and keeper of the Roman law meaning that partial re-interpretation was occasionally needed along with an incorporation of the church law into the state law. The relationship between State and Church is vastly reflected into the *Novels of Justinian*. One of the most important texts is the preamble to the Sixth Novel that discusses the common harmonic cooperation of the two powers and defends the idea that the Church and the Empire are gifts from God and each has to be associated with divine and human domains, respectively [Бенешевич, 1974a: 739–740].

Thus, the Church and the Empire were situated in the same legal framework, within the same legal regulations. The Empire is a reflection of the Heavenly Realm in the visible world, something created to its image, i.e. with a hierarchical organization following this of the Heavens, as well with similar rules and principles. The same cannot be stated about the Church, even if only for the reason that according to the Orthodox conception the Church is the Body of Christ. The Emperor, which is an image of the One in the Heavens, is responsible for the secular affairs of the Church, for its administration, its unity, for the integrity of the dogma and for its orthodox character [Biliarsky, 2006]. This is why the preamble to the 137th Novel argues that the secular power must take care of observing not only the state laws, but also the religious canons [Бенешевич, 1974a: 796]. Albeit formally, the principle of “symphony” gives

¹¹ The Slavonic translation of the *Law of Moses* has not been an object of special linguistic and textual study. Most Russian scholars accept by default that the texts had emerged in Russia in connection with the distribution of the so-called Serbian redaction of the *Kormchaya*. The research of A. Schminck on the Greek tradition of this work, its later dating and relation to the activity of Patriarch Photius and the Christian missions organized by him [Schminck, 2005], as well as the connection between the *Law of Moses* and *Zakon Sudnyj Ljudem*, indicate the need for a more extensive study of the *Law of Moses* and suggest an earlier dating of its Slavonic translation, probably during the First Bulgarian Kingdom.

freedom to both institutions with respect to jurisdiction. Thus, the 84th Canon of the Holy Apostles provides punishment for a priest or excommunication for layman if he or she falsely accuses the ruler [Бенешевич, 1974а: 80]. This text forbids clergy from accusing the prince, while Article 7 of 123rd Novel does not allow rulers to call bishops and priests as witnesses in court and to force them to testify [Бенешевич, 1974а: 770–771].

The role of the Emperor in the ecclesiastic life was limited to the juridical and the administrative spheres and these rights were only one juridical, and accepted by the Church, possibilities for the ruler to interfere in its affairs. According to the canon law, the Ecumenical Councils have the highest judicial authority but it was the Emperors who convoked and presided the Ecumenical councils. In the *Nomocanon of 14 Titles* before the canons of the Second Ecumenical Council The address on behalf of the Church Fathers to Theodosius I the Great (379–395) was included. It states that the Emperor ratifies the decisions of the Synod and confirms that the Emperor's power was given by God and he has the obligation to keep the peace in Church and maintain the purity of faith [Бенешевич 1974а: 94–95]. The Emperor was a master of the Universe and representative of Christ on Earth and his main duty was to observe the divine order. The Emperor and the Patriarch had to ensure compliance with the canons. The Emperor had no right to create, abolish and interpret the canons and could not act as a mediator and judge on Church affairs (Chalcedon 9; Antioch 11, 12; Sardica 7–9; Carthage 73, 119) [Бенешевич, 1974а: 116, 257–258, 286–287, 374, 423–424] but it was with an edict of the Emperor that the acts of the Ecumenical councils were promulgated in the legal sphere.

Another important function of the basileus in the ecclesiastic life was the right to choose the next Ecumenical Patriarch among three candidates proposed by the Council (Chalcedon 12; Trullo 38; Novell. Just. 123.8.) [Бенешевич, 1974а: 118, 169–170, 812]. The emperors had the right also to legislate in the sphere of the Church law, sometimes concerning questions of purely canonical matters. In the 83rd Novel, the Emperor confirms the exclusive right of the clergy to be judged by their bishops, while the 131st Novel states that the Canons of the first Ecumenical Councils have the status and enforcing power of a law, thus should be respected in the same way as the Holy Scripture. The Emperor had to take care of the Orthodoxy, to imitate God in His justice and forbid confession of various heresies while, at the same time, striving, as a true shepherd, to return heretics and sinners into the bosom of the Church (Novell. Just. 3, 77, 123, 132, 133, 137) [Бенешевич 1974а: 741, 790, 812, 826–832].

As far as the Byzantine legislation is considered a model of Christian justice and the *Nomocanon* is viewed as expressing a political concept, the reference to this canonical collection in the Russian sources for example occurs whenever the prince and the bishop must appear as righteous Christians in their judicial or administrative work. In addition, they often referred to this collection in various disputes. In such cases, the *Nomocanon* is considered an ontological standard of the righteous legislator, in a fashion similar to the one aimed by the comparisons with Constantine the Great and Justinian I. Therefore, the *Nomocanon* gained great importance as a symbol of ideological significance, legiti-

macy and religious autonomy [Павлов, 1885: 35; Dvornik, 1959; Жуков, 1988; Пемровић, 2002]. The variable composition, incorporating various additional articles taken from moral, didactic, polemic and other writings, suggests that canonical collections of this type served rather to reflect prestige of bringing together the most authoritative translated and original legal monuments [Stolte, 2001]¹². This hypothesis is supported by the observation that despite the considerable volume and variety of content, the *Nomocanon* did not become books of mainstream use. The so-called “small nomocanons” or books of penance, were used for this purpose, as evidenced not only by their multiple copies, but also by the great variety of these compilations [Найденова, 2008].

The Ecloga. In regard to ideological content of the translations of Byzantine legal texts, the preamble to the *Ecloga* requires special attention. It not only highlights the legislative power of the Emperor and the fact that his power originates from God, but also offers a formal and clear definition of a judicial and political programme [Simon, 1994]. At first glance, the text does not say anything new and follows a well-known pattern: God rewards the Emperor with the power – he is a pastor and a leader of the flock of Christ and needs a law to fulfill this obligation. The main difference as compared with other legal texts is that here, for the first time, Leo III (717–741) provided an ethical legal system aimed at social and economic relations. Unlike the legislation of Justinian which addresses the issues of Church, faith, canons, state, administration, the *Ecloga* is focused on social and economic topics. Leo III made an attempt at covering and organizing all the important periods and aspects of the man’s life [Burgmann, 1983: 160–167; Simon, 1994]. In regard to the issues discussed here, it is worth noting that the preamble to the *Ecloga* is found also as an independent text in the Slavonic manuscript tradition [Павлов, 1885: 41–42].

Law and Identity. Last but not least, legal texts are important witnesses to reflect identity [Biliarsky, 2011: 183–203]. Christianity is not only a religion but ideological and political doctrine, and a corpus of obligatory moral and ethical rules regulating the behaviour of people in their family and in the community. Conversion to Christianity led to the obligation of observing the Christian law, i.e. the Christian lifestyle norms.

In the 9th-century written monuments, the term “good law” is used not only in its legal sense but often refers to Christian faith [Naydenova, 2005–2006]. A similar understanding of the synonymity between faith and law is reflected in the Life of Constantine Cyril (*Vita Constantini*). Prince Rostislav of Great Moravia (846–870) asked the Byzantine Emperor to send him a bishop and a teacher because ѿ вѣ бѣ на вѣсе странѣ добръ законъ исходитъ [Ангелов, Когов, 1973: 104]¹³. The so-called *Italian Legend* also mentions the “good law” in the meaning of Christian faith [Геров, 1960: 294–302]. In *Responsa Nicolai*

¹² According to Olteanu this canon law miscellany were considered as a Constitution in mediaeval Slavic state [Олтяну, 1991].

¹³ Законъ as synonym of faith was used also in some late South- Slavonic texts [Šarkiĉ, 1994: 123–124].

ad consulta Bulgarorum was said that the Bulgarian Knyaz (Prince) Boris I – Michael (852–889; † 907) asked the Pope for a Christian law: “Thus, it is excellent and commendable that you firstly stated in your questions that your Prince wanted a Christian law. However, if we attempt at explaining it in detail, we have to write countless books; (but if you want me) to briefly show you what the Christian law consists of, you should know that it relies on faith and good deeds ...” [Detschew, 1939: 25]. The First Chapter of the *Responsa* contains thorough evidence that the concepts of *lex Christiana* and *lex Christianorum* refer to the Christian doctrine [Блазовѣ, 1916; Vlasto, 1970: 160–161; Zàstěrová, 1978].

For the Byzantine writers the world was divided into Romans and barbarians, into Christians and non-Christians. This point of view determined the specific perspectives on everyday life and worldview towards the people living outside the boundaries of the Empire [Ангелов, 1999: 83–97; Панова, 2001: 113–118]. The confrontation between the Romans (Christians) and barbarians (heretics) reflects another aspect of the understanding of the conceptual unity of faith and law, which is rooted in the interpretation of a special and unique relationship between Christianity and Rome, the Church and the Empire. After Constantine the Great converted his Empire and people to Christianity, geographical boundaries of both Roman law and Christian faith were functional became one and the same. According the Byzantine political view, pious life and observation of the canons had to be an integral part of the Civil law subordinated to the laws of the Empire. All higher moral values known to Christians were observed within the boundaries of the one and only Empire. The world beyond these boundaries is considered only as barbaric, infidel and sinful¹⁴. Therefore, in the hierarchy of communities postulated in some “ethnographic” texts, the communities governed by the Law (i.e., Christian communities), were placed on a higher position and valued better than the barbaric communities based on constant internal conflicts. Thus, according to Procopius of Caesarea the Slavic people were ignorant, naive and impure barbarians. They knew nothing about faith, and sacrificed to many deities. They had neither “law”, nor “customs”, and lacked the organization of the Romans, so they were barbarians [Бешевлиев, 1960:126]. In the Pseudo-Mauricius’ *Strategicon*, the Slavs are described as naive, good-natured and freedom loving people. They “live in sin” and “hate each other” [Бешевлиев, 1960: 283]. Martyrdom of the Fifteen Martyrs of Tiberiopolis describes the Bulgarians settled on the Balkans as “the most lawless and ferocious of people” [Божилов, 1994: 61–62]. Byzantine authors traditionally use archaic ethnonyms to describe “other” people for a more direct influence on the reader. Huns and Scythians were among the people with whom Bulgarians were most often compared or identified. They symbolized lawlessness, godlessness, deceit, greed, cruelty, animal-like lifestyle and way of

¹⁴ The meaning of the term ‘law’ as Holy Scripture and God’s Law, is also an element of the Byzantine political ideology where the organisation of society reflects the cosmic law which organises the Universe according to the God’s will. As the Law manages the Cosmos, justice and rule of law must prevail in secular world – without a law, there is no state [Pieler, 1978; Pieler, 1981; Simon, 1994; Nicol, 1991: 62].

communication [Ангелов, 1999: 90–92]. Conversion of the Bulgarian state to Christianity changed some of these images. The Byzantine writers started to include in their writings the motif of the transformative influence of Christianity on the mentality of Bulgarians and the ennobling mission of the Roman morality [Ангелов, 1999: 94–96].

Examples of the tension between the Christians abiding to the God's Law and the barbarians living in sin can be found in other mediaeval works of non-Byzantine origin. *Kristian's Legend* contains a paragraph stating that prior to Christianization the Czechs had been living as “wild horses, without a law, without a prince or a ruler, without towns, wandering around like wild beasts”. This evidence is reiterated in the Chronicle of Cosmas of Prague where one reads that after the Christianization the Czech kings “with the help of the law ... tamed that wild tribe and calmed down the unbridled people“ [Санчук, 1962: 45]. In his *Sermon Against the Bogomils*, Presbyter Cosmas makes a distinction between the monks who abused food, made noise and regularly changed their behavior – first insulting, then befriending each other and not following the law – thus violating the God's law and order, and the monks who lived abiding to the law (the true Christians) [Безунов, 1973: 328–332; Грашова, 1982: 61–66].

It is worth mentioning that in the story about the Christianization of Kievan Rus' in *Russian Primary Chronicle (Povest' Vremyan'nykh Let')*, the term законъ “law” refers not only to Christianity. In 985, Knyaz (Prince) Vladimir undertook a military campaign against the Volga Bulgarians which the Russians won. After Vladimir returned in Kiev, he was visited by envoys of Bulgarians who offered to convert him into Islam: „Придоша волзгаръзи вѣрзи бохъмичѣ, глѣше, јако: тзи кнзъ еси мѹдръ и смзленъ, не вѣси закона; но вѣрчи в законъ нашъ и поклонис Бохъмитѹ“ [Лухачев, 1950: 59, 257]. Here, законъ refers to Qur'an. For the Bulgarian envoys who confessed Islam, Vladimir did not know the law in the meaning of their Holy Scripture (Qur'an). In Islam, legal contractual relationships could be established only with people following the Book – Jews and Christians, while heretics had to be converted to the true faith¹⁵.

In the manuscript tradition, barbarous laws are notably surrounded by historical texts. The preface to the first written law of the Langobards, issued by King Rothari (636-652), is written in the form of a short chronicle, listing all the rulers reigning before him with indication of their tribal affiliation. The preamble to the *Salic Law* emphasizes the relationship between the kings of the Franks and the Old Testament kings David, Moses, and Solomon, a line that was aimed at relating the Franks to the people of Israel. Thus, the legislative process was transformed into an instrument of collective social memory, as the history and the law have the same attitude towards the past. This fact can be explained by the syncretism of the mediaeval way of thinking where ethnic, political and religious patterns were not separate but merged into one syncretic worldview. Hence, the development and preservation of identity require not only historical, but also legal texts to provide meaning and content of the political conception

¹⁵ See also a comment about this paragraph in Petruhin [Петрухин, 2002: 70–72].

and the common past [Bertelli, 2001: 35–38; Schmidt-Weigand, 1991; Pohl, 2002; McKitterick, 2002]¹⁶.

In the context of this interpretation of the legal monuments as bearing affirmation of identity, the evidence about the rebellion against the Conversion found in the *Responsa Nicolai ad consulta Bulgarorum* with the claim that the rebelling nobles had accused Khan Boris in giving them a “bad law” may be seen in new light [Detschew, 1939: 49]. The conversion to Christianity was a sudden and shocking change that confused and distracted people and they rebelled in an attempt to protect their own identity [Божулов, 1995] and react against the violation of their honor, dignity, and rights.

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¹⁶ Bertelli offers an interesting interpretation of this issue. As the prince was an embodiment of all people and the law, a dynastic change prompted re-arranging of the cosmic order which had been disturbed by the death of the previous monarch. The arrival of a new emperor may be symbolically interpreted as renewal of the law [Bertelli, 2001: 35–38].

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Correspondence address:

Desislava Naydenova –
 PhD, Chief Assistant Professor
 Cyrillo-Methodian Research Center – BAS
 1000 Sofia, 13 Moskovska Str.
 e-mail: dtnajdenova@abv.bg