

Chapter 1



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About the Origin of the Yaroslavsky Copy of the *Kormchaya Kniga*

The *Kormchaya Kniga* is the code of ecclesiastical canons and texts of ecclesiastical and juridical nature.¹ In Byzantium such collections were called *Nomocanons* that was translated into Slavic as *Zakonopravilo*.² The name *Kormchaya* appeared in the copies of the Russian redaction. After the printed edition of the Slavic *Kormchaya* (1649–1653, Moscow) appeared this name started to be constantly used in the Slavic and Greek world with respect to the collections of ecclesiastical canons, and the Greek collection of canons created on mount Athos in 1793–1800 was also called “Pidalion” (from the Greek *πηδάλιον* — a helm, a rudder).

The main part of the *Kormchaya* is the collection of ecclesiastical canons: the Canons of the Apostles, the Canons of the Ecumenical Councils, and the Canons of the Holy Fathers. The decrees of the synods de-

¹The bibliography of the works about the *Kormchaya* is in the book: Žužek I. *Kormčaja Kniga. Studies on the Chief Code of Russian Canon Law // Orientalia Christiana Analecta*. 168. Roma: 1964. P. 291–309. See also: Шапов Я. Н. Византийское и южнославянское правовое наследие на Руси в XI—XIII вв. М.: Наука, 1978. 292 с.

²Петровић М. О законopravилу или Номоканону светога Саве. Београд: 1990.

fined the system of the church organisation: the election and ordination of bishops, priests and other clergymen; the boundaries and composition of dioceses (the church districts); the requirements to the candidates for the church positions; the procedure of management and possession of the church property; set the norms of behaviour of clergymen and laypeople (here of special importance were the norms concerning the marriage and family relationship); set compulsory liturgical standards, introduced the rules for monks, specified the attitude to heretics and adherents of a different faith.

The composition of canons recognised in the Orthodox tradition as generally adopted was determined by the Second Canon of the Council in Trullo. As early as the sixth century the Collection of Canons was composed by the patriarch John Scholasticus. The canons were classified by 50 topics (“*Titles*” or “*Grani*”). The translation of this collection into Slavic is connected by the historians with the activity of St. Methodius the Enlightener of the Slavs.³ John Scholasticus also made the first collection of Justinian’s novels concerning ecclesiastical issues (“The Collection of Eighty-Seven Chapters”).

To the same period another classification of canons is attributed: the creation of the Collection of Canons in Fourteen Titles further supplemented with the decrees of the subsequent synods of the eighth and ninth centuries. This collection was translated into Slavic and was called “*Drevneslavyanskaya Redaktsiya*” (The Old Slavonic Redaction). In Byzantium this collection had several versions and was supplemented with the imperial laws which concerned ecclesiastical issues. V. N. Beneshevich offered the classification of the types of this collection.⁴

The important stage in the development of ecclesiastical law was the creation of the commented collections of canons in the eleventh century. The commentators of the canons Alexius Aristenus, Joannes Zonaras, Theodore Balsamon explained the contents of ecclesiastical canons that could be incomprehensible for contemporaries or did not correspond to

³Havlík, Lubomír, ed. et al. *Magnae Moraviae Fontes Historici*. IV. A: *Leges-Textus Iuridici*. B: *Supplementa*. Praeae-Brunae (Praha-Brno): SPN ; Universita J. E. Purkyně, 1971. Print.

⁴Бенешевич В. Н. Канонический сборник XIV титулов со второй четверти VII века до 883 г. СПб.: 1905. 101 с.

the ecclesiastical standards of that time. The interpretations of Alexius Aristenus and some of Joannes Zonaras were translated into Slavic no later than the early thirteenth century in the copies of the *Kormchaya* of the Serbian redaction.⁵ No later than the fourteenth century the new translation of the canons was done with the interpretations of Joannes Zonaras⁶ and in the seventeenth century Yevfimy Chudovsky translated all the interpretations of Theodore Balsamon.

Thus different stages of the Byzantine ecclesiastical tradition and various types of collections of ecclesiastical canons reflected in the Slavic written language. Their meaning for the created Slavic churches was extremely important: as it was written in the Serbian afterword to *Zakonopravilo*:⁷ “A teacher whoever he is: a bishop, a priest or anyone else having a teaching title if he does not know these books well then he does not know about himself who he is”. If the hierarchs of Byzantium could directly refer to the Greek texts of the canons and also follow the Greek practice known to them then for the Slavic bishops and priests ecclesiastical activity was impossible without knowing ecclesiastical canons. In the Russian copies of the *Kormchaya* the Instructions to Bishops appeared making them answerable for nonconservation of ecclesiastical canons.⁸ The violation of ecclesiastical law caused according to the medieval views the God’s punishment on all people.

⁵Троици С. В. Како треба издати Светосавску Крмчију (Номоканон са тумачењима) // Споменик СЦ. Београд: 1952.

⁶Белякова Е. В. О неисследованном переводе правил с толкованиями Иоанна Зонары // Древняя Русь. Вопросы медиевистики. М.: 2009. № 3 (37). С. 13—14.

⁷«Учитель реку же еп(и)с(ко)п или презвутерь или инь кто учительский сань прѣдръже, аще сихъ книгъ не свѣсть добрѣ, то ни самъ себе не знаетъ, кто естъ». See: Законоправило или Номоканон светого Саве. Иловички препис 1262. година / Приредило и прилоги Миодраг М. Петровић. Горњи Милановац: 1991. f. 398v.

⁸Памятники древнерусского канонического права. РИБ. Т. 6. СПб.: 1880. № 11. Стб. 127—128. On the origin of this text: Белякова Е. В. Памятники канонического права в истории славянских церквей на пороге Нового времени // Церковь в общественной жизни славянских народов в эпоху средневековья и раннего нового времени («Славяне и их соседи»). М.: 2008. С. 14—21. In the monument under consideration — the Yaroslavsky Copy of the *Kormchaya* this text is given three times: f. 31r., f. 200v., fols. 301v.–302r.

The knowledge of ecclesiastical canons was required not only of bishops: priests also had to know ecclesiastical canons to decide the issues of penance. For this special Penance *Nomocanons* existed (for example the Nomocanon of John the Faster) as well as shorter collections of canons already included in “The Nomocanon of St. Methodius”.

The question of time and place of the translation of Slavic redactions remains disputable in historical literature: concerning the Old Slavonic Redaction there is a version of the Old Bulgarian as well as the Russian origin.⁹ Bulgarian copies are unknown; the earliest copy is the Yefremovsky of the twelfth and thirteenth centuries.¹⁰ The origin of the Serbian redaction (“*Zakonopravilo*”) is connected by the researchers with the activity of St. Sava the Archbishop who won the recognition of autocephalia of the Serbian Church in Nicaea.¹¹ The earliest copy of this redaction is the Ilovitsky of 1262 having some Russian features in spelling. This copy has the table of contents in 64 chapters. Besides the Canons of 7 Ecumenical Councils and 9 Regional Synods the redaction included the monuments of Byzantine law: the Prochiron, Alexios Komnenos’s novels about betrothal and marriage, the decrees of the Constantinople Synods, historical and dogmatic works about ecumenical councils, the treatise of Epiphanius of Cyprus about heresies.

In Rus this redaction became known from the second half of the thirteenth century (the earliest copy is the Ryazansky of 1284). Many copies of this redaction preserved the Letter from the Despot Yakov-Svyatoslav to Metropolitan Kirill about sending the collection of canons.¹²

In Rus on the basis of two redactions a new redaction was created that in certain cases combined the canons in the Old Russian translation with the interpretations known from the Serbian redaction. Together

⁹Щапов Я. Н. Византийское и южнославянское правовое наследие на Руси в XI—XIII вв. С. 40—116; Милов Л. В. О древнейшей истории Кормчих книг на Руси // История СССР. 1980. № 5. С. 105—124.

¹⁰Publication: Древнеславянская Кормчая XIV титулов без толкований / Труд В. Н. Бенешевича Т. 1. СПб.: 1906. 869 с.

¹¹The bibliography is in the book: Троицки С. В. Како треба издати Светосавску Крмчију (Номоканон са тумачењима) // Споменик СП. Београд: 1952.

¹²Щапов Я. Н. Византийское и южнославянское правовое наследие на Руси в XI—XIII вв. С. 147—150.

with a deliberate selection and a well thought-out principle of combination traced by L. V. Moshkova for the Canons of the Apostles,¹³ pure mechanical things can also be noted: for example, in the Fourteen Titles or in the Collection of Eighty-Seven Chapters when the transition to another redaction can be explained only by the absence of a full text and not by the preference of an editor.

The researchers connect making of a new redaction with the activity of Metropolitan Kirill II (1243–1281). The question of the place of the translation of the redaction remains disputable; Ya. N. Shechapov supposes that originally the redaction was made in Kiev.¹⁴ But Metropolitan Kirill was in Rostov for a long time and died in Pereyaslav (Zalessky). The earliest preserved copy of the Russian redaction (the Novgorodsko-Sinodalny of 1282) included also the collection of canons Russian by origin: the Canons of Ioann the Metropolitan, The Questions of Kirik (*Voproshaniye Kirika*), the Canons of Iliya of Novgorod, the Canons of Kirill the Metropolitan (the Resolutions of the Council of 1273/1274), as well as the works of liturgical, including the works by the Russian bishop Kirill of Turov, linguistic (the first Russian lexicon “*Rech Zhidovskogo Yazyka*”), dogmatic, historical, and chronological nature.¹⁵ Among the latter “*Letopisets Vskore*” by Patriarch Nicephorus should be noted.¹⁶ This short Byzantine chronograph¹⁷ was continued with the events of the Russian history. The focus of attention was the family of Rostov princes that ended with the death of Rostov

¹³Мошкова Л. В. Апостольские правила в Кормчей русской редакции: принципы соединения текста (в печати).

¹⁴Щапов Я. Н. Византийское и южнославянское правовое наследие на Руси в XI—XIII вв. С. 185.

¹⁵The description of every article of the Novgorodsko-Sinodalny copy in comparison with the Chudovsky Copy: Срезневский И. И. Обзорение древних русских списков Кормчей Книги. СПб.: 1897 (Сборник ОРЯС. Т. 65. № 2). С. 85—112.

¹⁶The bibliography is in the book: Пиотровская Е. К. «Летописец вскоре» патриарха Никифора // Словарь книжников и книжности Древней Руси XI — первой половины XIV в. Л.: 1987. С. 231—234.

¹⁷Greek and Slavic texts without Russian additions: Древнеславянская Кормчая XIV титулов без толкований / Труд В. Н. Бенешевича. Т. 2. Подготовлен к изданию и снабжён дополнениями Ю. К. Бегуновым, И. С. Чичуровым, Я. Н. Щаповым. София: 1987. С. 210—230.

Prince Gleb in 1278.¹⁸ The presence of this text in the *Kormchaya* allowed the researchers to consider Rostov to be a certain stage of making the Russian redaction of the *Kormchaya*.¹⁹

Concerning juridical texts this redaction included one of the earliest Slavic juridical monuments — *Zakon Sudnyi Lyudem* (Court Law of the People), its making being connected by the researchers with the activity of St. Methodius the Enlightener of the Slavs,²⁰ “Extracts from the Law Given by God through Moses to the Israelites” translated from Greek (extracts from juridical orders of the Old Testament), as well as the most widespread monument of Byzantine law — the Prochiron (in abridged form). The legislation of the Emperor Justinian was also presented by the Collection of Eighty-Seven Chapters and the collection “*Ot Titl*” borrowed from the Serbian redaction, as well as the collection of articles concerning the marriage law. In the fourteenth century the Novgorodsko-Sinodalny Copy included the Statute of Prince Vladimir the Great.²¹

But the historians were traditionally interested in the *Russkaya Pravda* included in the *Kormchaya*. Of the whole rich composition of the *Kormchaya* it was the texts of the *Russkaya Pravda* as the earliest monument of the Russian legislation that were thoroughly studied though outside the contexts of the very codes in which they were preserved. On the leaves of the *Kormchaya* the monuments of different standards of jurisprudence were presented together: the Roman-Byzantine and Russian standards that had essential distinctions.²² The coexistence of different legal systems was typical for all the Middle Ages. Meeting the Byzantine version of the Roman standards of jurisprudence happened by means of the *Kormchaya*. The attempts to adopt Byzantine stan-

¹⁸GIM, Sin. no. 132. f. 575r.; in Yaroslavsky Copy — fols. 364v.–365v.

¹⁹Щапов Я. Н. Византийское и южнославянское правовое наследие на Руси в XI—XIII вв. С. 208.

²⁰Максимович К. А. Законъ соудьныи людъмъ: источниковедческие и лингвистические аспекты исследования славянского юридического памятника. М.: 2004.

²¹Щапов Я. Н. Византийское и южнославянское правовое наследие на Руси в XI—XIII вв. С. 221—222.

²²Some differences are given in the work: Юшков С. В. Русская Правда: происхождение, источники, её значение. М.: 2002. С. 363—368.

dards were several times witnessed in the Russian history: the chronicle told about the attempt of Prince Vladimir the Great to introduce capital punishment,²³ the bishop Feodor (Feodorets) (1169) introduced the Byzantine system of punishment.²⁴ It should be noted that the monuments of law in the Middle Ages had not only legal but also educational, symbolic and ideological meaning.²⁵ The combination of the legislation of Byzantine emperors with the princes' legislation made not only the status of the latter higher but also raised the status of the princes to the level of basileuses. The Byzantine monuments of law favoured the adoption by Rus Byzantine political models applied first of all to the tsar power and the relationship with the church.

To the texts of the *Kormchaya* the Tver monk Akindin referred in the messages to Prince Mikhail Yaroslavich of Tver (1271–1318). With the Tver tradition the appearance of the collection addressed to the Prince “*Merilo Pravednoye*” is connected.²⁶ Its first part includes the words and lectures about just and unjust judges and princes, about their responsibility to God, about the duty to protect widows and orphans, to condemn unjust judges. It uses the fragments of the texts of the Bible Books (the Book of Psalter, the Book of Proverbs, the Book of Wisdom, the Book of Exodus, the Book of Isaiah, the Book of Sirach, the Book of Habakkuk, the Book of Daniel, the Gospel according to St. John, the Epistle to the Romans, the Epistle to the Hebrews). A number of the Scripture texts are given in the redaction of the Lectionary. In addition it contains the fragments from the Hexameron of St. Basil the Great, Florilegium (*Pchela*), St. John Chrysostom, the Pandects of Antiochus the Monk, the Life of St. John the “Almoner”, Izbornik of 1076, the Chronicle of Hamartolus, St. John Climacus, St. Anastasius the Sinaite and oth-

²³Милов Л. В. Легенда или реальность? (О неизвестной реформе Владимира и Правде Ярослава) // *Ius Antiquum / Древнее право*. 1996. № 1.

²⁴About this bishop: Голубинский Е. Е. История русской церкви. М.: 1997. Т. 1. Кн. 1. С. 439—442.

²⁵Burgmann L. Das byzantinische Recht und seine Einwirkung auf die Rechtsvorstellung der Nachbarvölker // *Byzanz und seine Nachbarn. / Südosteuropa Jahrbuch* B. 26. München: 1996. S. 286—288.

²⁶Мерило праведное по рукописи XIV века / Издано под наблюдением и со вступительной статьей академика М. Н. Тихомирова. М.: 1961.

ers.²⁷ Original Russian texts are the preface, “*Nakazaniye*” (Punishment) of Simeon, the Bishop of Tver (c. 1271), the article from the *Povest Vremennykh Let* (1015); probably, Russian by origin are also the articles of a revealing nature: “*O Vdovakh i Sirotakh*” (On Widows and Orphans), “*Slovo o Sudiyakh i Vlastelekh*” (The Word on Judges and Sovereigns), “*Nakazaniye Knyazem*” (Punishment by the Prince).

The second part of the collection in 30 chapters includes a topical selection about the court from the canons of the *Kormchaya* of the Russian redaction (the first fifteen well thought-out chapters about the court: the 1st chapter — the notion of “guilt” (i. e. crime), the 2nd chapter — about witnesses, the 3rd chapter — about tsars and princes, i. e. having a supreme judicial power, the 4th chapter — about bishops and so on); and Byzantine monuments of law: “Extracts from the Law Given by God through Moses to the Israelites”, “The Ecloga” which is for the first time met here in the Slavic translation, the Collection in Eighty-Seven Chapters of Justinian’s novels and the novels 137 and 133 in the revised form, “The Prochiron” in unabridged form; three novels of Alexios Komnenos, the Slavic “*Zakon Sudnyi Lyudem*” (Court Law of the People); “Tome of Union” of the Council of 920 A. D. in considerably abridged form, the articles about marriage and the degrees of relationship.

It also includes the Russian legal texts: the *Russkaya Pravda*, the statute “*O Tserkovnykh Lyudekh*” (On Church People) as well as small articles not included in the table of contents. In this composition *Merilo Pravednoye* is known in 4 copies, the earliest of them — the Troitsky (RGB, F. 304, no. 15) — dates back to the fourteenth century, the copy GIM, Sin. no. 525 — to the late fifteenth century, GIM, Sin. no. 524 — to 1578, and RNB, Kir.-Bel. Coll. no. 143 (1222) — to the second half of the sixteenth century. Most of researchers believe this monument to have come from Tver on the basis of the design of the ancient manuscript and the presence of the article of Simeon, the Bishop of Tver. The study of the manuscript by L. V. Milov made it possible to conclude that there were the “seams” in the text of the monument indicating of the inser-

²⁷Schneider R. Die moralisch-belehrenden Artikel im altrussischen Sammelband *Merilo Pravednoe*. Freiburg im Br.: 1987 (Monumenta linguae Slavicae dialecti veteris XXIII) (part I publ. with the translation into German).

tion of extra articles having a purpose to restore the text of the protograph.²⁸ L. V. Milov also showed that the manuscript had been used to teach scribes.²⁹ Some of the articles from *Merilo Pravednoye* were put in the redaction of the *Kormchaya* known as the Chudovskaya.³⁰ The question of the time of appearance of this redaction remains open.³¹

From the late fourteenth century the number of copies of the *Kormchaya* started to increase rapidly. The copies of the *Kormchaya* in that period already belonged not only to the sees but were also kept in the monasteries' collections. Short codes also became widespread: the Mazurinskaya³² and Myasnikovskaya redactions. Making of these redactions is connected with the necessity to create a set of rules for confessors, and their presence in the monasteries — with the functions that started to be performed by the Russian monasteries from the early fifteenth century. Monks acted as confessors for a wide variety of people and hegumenos also had the rights to judge the population of the lands belonging to the monastery.

The conflicts connected with the election to the metropolitan's seat deepened by the accretion of the Grand Princes' power on the one hand and the rivalry between separate lands in the appointment of their candidate on the other hand favoured the development of legal thinking: here the example is the agreement between Grand Prince Vasily Dmitriyevich and Metropolitan Kiprian about the jurisdiction of ecclesiastical courts.³³ But it should be noted that medieval Russia did not know the system of legal education like it was in European universities. The attempts to synthesize or compare different legal norms, to create new commentaries

²⁸Protograph (here) — from the Greek πρῶτος (first, earliest) and γράφω (write). The original manuscript with later copies, versions, redactions.

²⁹Милов Л. В. Тверская школа книжного письма второй половины XIV в. (из истории Троицкого Мерила Праведного) // Древнерусское искусство XIV—XV вв. / под ред. О. И. Подобедовой. М.: 1984. С. 118—127.

³⁰Тихомиров М. Н. Исследование о Русской Правде. М.; Л.: 1941. 263 с.

³¹About the earliest sory: Пихоя Р. Г. Пермская кормчая // Общественное сознание, книжность, литература периода феодализма. Новосибирск: 1990. С. 171—175.

³²Мазуринская Кормчая — памятник межславянских культурных связей XIV—XVI вв. / Белякова Е. В., Князевская О. А., Старостина И. П., Соколова Е. В., Шапов Я. Н. М.: 2002. 880 с.

³³Древнерусские княжеские уставы XI—XV вв. С. 176—179.

(glosses) in Russia are known only from the sixteenth century and concern only ecclesiastical canons. New translations from Greek were not done in that period either.

A landmark in the history of the Russian church became an independent elevation of Gregory Tsamblak to the rank of a metropolitan in 1417 by the bishops of the Lithuanian lands on demand of the Lithuanian Prince Vytautas. After the repudiation to adopt the decisions of the Florentine Council and the banishment of Metropolitan Isidore in 1448 Iona the Bishop of Ryazan was elevated to the metropolitan see. The seizure of Constantinople by the Turks fixed the Moscow autocephalia. In 1458 Gregory appointed in Rome arrived in Lithuania and it caused the division of the metropolitan see.

It is to this time that the earliest copy of the Novgorodsko-Sofiyskaya redaction dates, named after the collection in which it was preserved though having an inscription about belonging to the Kirillo-Belozersky Monastery. Ya. N. Shchapov revealed about 30 copies of this redaction.³⁴

The copies dating back to the second half of the fifteenth century: RNB, Sof. no. 1173 (belonged to the Kirillo-Belozersky Monastery); the Vyazniki Museum no. 1953; RGB, Rum. no. 231; RGB, Yegor. no. 472. The copies dating back to the late fifteenth century and early sixteenth century: RGADA, F. 181, no. 577 and the Yaroslavl Museum no. YMZ-15494. To the first half of the sixteenth century: GIM, Uv. no. 125 (558); RNB, Solov. no. 476/415; RGB, Ovch. no. 151; RGB, Rogozh. no. 257; GIM, Chud. no. 170. In the copy of 1534 from the Prilutsky Monastery (RGB, Rogozh. no. 257) there is an indication to the fact that it was copied from “*s pravil s Kamenskikh bolshikh*” (i. e. from Spaso-Kamensky Monastery Rules), copy RGB, Ovch. no. 151 was written in Novgorod. In about 1560s the copy was written belonging to the Makarievsky Unzhensky Convent (Kostroma Region Archive, F. Makarievsky Unzhensky Convent, no. 1091). This redaction continued to be copied in the seventeenth century as well: the copy of this redaction

³⁴19 copies are noted in the edition of the Russkaya Pravda: Правда Русская: [в 3 т.] / под ред. Б. Д. Грекова. Т. 1. С. 137—147. См. также: Зимин А. А. Правда Русская. С. 382—383.

of 1615 is in the collection of Saint Sofia Cathedral in Kiev (UNB, Saint Sof. Cath. Coll. no. 222/51).

The composition of the redaction was not the subject of special research.³⁵ The contents of the collection are presented in two variants: in 70 chapters like in the Yaroslavsky Copy³⁶ and in 94 chapters like in the copy of Obolensky.³⁷ In 70 chapters it is in the copies: RNB, Sof. no. 1173; the Vyazniki Museum no. 1953; RGB, Rum. no. 231; RGB, Rogozh. no. 257; GIM, Vakhrom. no. 292; GIM, Khlud. no. 79.

In spite of the difference in the tables of contents the composition of the Yaroslavsky and Obolensky Copies is identical in the main part but in the Yaroslavsky Copy the last chapters (without numbers) are absent beginning with the article “The Questions of Theognostus, the Bishop of Sarai”.

Undoubtedly the table of contents in 94 chapters is younger than the table of contents in 70 chapters which is already presented in the Novgorodsko-Sinodalny and Chudovsky Varsonofiefsky³⁸ Copies and as Ya. N. Shchapov thinks it reflects the earlier stage of forming the *Kormchaya Kniga* because the composition of the mentioned copies is much broader than in the table of contents. The writer of the table of contents in 94 chapters wrote out the names of the articles in a more detailed way and included the articles that were not in the contents but were in the text.

The main peculiarity of this redaction is the appearance of a new preliminary article on the first leaves of the *Kormchaya* known as “A Treatise on the Origins of the Autocephaly of the Bulgarian and Serbian Churches” its contents being examined below. Another peculiarity is the fact that the compiler referred to the Serbian redaction again. The Accounts of Ecumenical Councils, two prefaces to the Fourteen Titles took

³⁵Only brief information on this redaction can be found in: Юшков С. В. Русская Правда: происхождение, источники, её значение. С. 19—20, 50—53; Щапов Я. Н. Византийское и южнославянское правовое наследие на Руси в XI—XIII вв. С. 214—215; Древнерусские княжеские уставы XI—XV вв. С. 63—65.

³⁶Manuscript, YMP, no. YMZ-15494, fols. 27v.–29r.

³⁷RGADA, F. 181 MGAMID, no. 577, fols. 33v.–38r.

³⁸Chudovsky Copy belongs to the same group as Novgorodsko-Sinodalny Copy, but it does not contain the *Russkaya Pravda*. See footnote ¹⁵.

here the same place in the introductory part as in the earlier *Kormchaya* of the Serbian Ilovitskaya Redaction,³⁹ while in the Novgorodsko-Sinodalny Copy they are after the conciliar canons. The last (10–14) titles were also changed according to the Serbian redaction in the Fourteen Titles.

Thus, the compiler of this redaction was bound to have the copy of the Serbian redaction at his disposal. One can suppose that he had the copy of the Russian redaction as well, close to the Chudovsky Varsonofiefsky Copy: it is this copy that includes three articles not presented in the Novgorodsko-Sinodalny Copy: the bishop's edification to the priesthood ("*Poucheniye k Popom za Kirillom*") and two Letters of the Bishop of Vladimir to the prince mentioning the plundered church and listing the social functions of the church.⁴⁰ These articles in the copies of the Novgorodsko-Sofiyskaya redaction are in the same place as in the Chudovsky Varsonofiefsky Copy. In the Chudovsky Copy there is also the article coinciding with the Yaroslavsky Copy "*Sot Medvenyi*" with the tables⁴¹ which is absent in the Novgorodsko-Sinodalny Copy and the Statute of Grand Prince Vladimir. In the main part of this redaction a number of articles are grouped in a different way than in the Chudovsky Copy, and the last extra chapters of the Chudovsky Copy are absent.

In the Chudovsky Copy there is no *Russkaya Pravda* and *Rech Zhidovskogo Yazyka* — they could be in the common protograph with the Novgorodsko-Sofiyskaya redaction (and were not included or were lost in the Chudovsky) or the compiler took them from the third copy.⁴²

³⁹Our observations are based on studying the contents of the manuscript RGADA, F. 181 MGAMID, no. 577. The manuscript has a detailed description made by L. V. Moshkova: Каталог славяно-русских рукописных книг XV века, хранящихся в Российском государственном архиве древних актов / под ред. А. А. Турилова. М.: 2000. С. 105—113.

⁴⁰GIM, Chud. 4. fols. 190r.–190v. These texts are published according to this copy in the book: Памятники древнерусского канонического права. РИБ. Т. 6. СПб.; 1880. № 8, 9. Стб. 111—118.

⁴¹GIM, Chud. 4. fols. 292r.–293v.

⁴²Ya. N. Shchapov thinks, that the version of the *Russkaya Pravda* of the Novgorodsko-Sofiyskaya redaction is the closest to the Barsovsky Version (GIM. ГИМ. Барс. 158, сер. XVI в.) — Щапов Я. Н. Византийское и южнославянское правовое наследие на Руси в XI—XIII вв. С. 214—215.

Extra articles of the Novgorodsko-Sofiyaskaya redaction are the offices of initiation in Orthodoxy: “The Rite of the Reception of the Saracens”⁴³ (the article is presented in the Serbian redaction), “The Rite of the Reception of Heretics” (the article is absent in the Serbian redaction) and the articles of Athanasius of Alexandria were supplemented with the articles “*O Razlichnykh Obrazakh Spaseniya i o Pokayani*” and “*Yako Bog Zhivet v Sovershennom Khristianine*”.⁴⁴

The ends of the copies are different. Thus, in the copy RGB, Rum. no. 231 the last article is the Instructions to Bishops called here “Pravilo ot Zapovedei Svyatykh Otets”.⁴⁵ In the Yaroslavsky Copy the last article is “*Rech Zhidovskogo Yazyka*”. In the group of 94 chapters the articles go: “The Questions of Theognostus, the Bishop of Sarai”⁴⁶ including “Vopros o Svyatykh Bozhestvennykh Agntsakh” (about the office of oblation during the fast), “O ustave vecherney panagii”, “Vopros o Zhene, Rodivshei Ditya”, “Yako da Nikto zhe Izvet Tvorya Iyereyu” (the interpretation of liturgy), From the Life of Niphont about the Cross, The Monastic Rule of Prayer Given to St. Pachomius the Great by the Angel, St. Basil the Great’s “Yako ne Dostoit Vremya o Svoiom Ispravlenii”, Theodoret’s “Kako Podobayet Krestitsiya”, On the Holy Immaculate Icons of Patriarch Germanus. Two of these articles From the Life of Niphont about the Cross and Theodoret’s “Kako Podobayet Krestitsiya” started in the Russian written language the range of problems of the arrangement of fingers which became the subject of specifying of the Stoglav Sobor⁴⁷ (the Council of the Hundred Chapters). Theodoret’s “Kako Podobayet Krestitsiya” contains the Greek words

⁴³RGADA, F. 181 MGAMID, no. 577, fols. 310r.–314r.

⁴⁴Ibid. fols. 305r.–310r. There is an addition to the article “Toy zhe Vasilii k preblazhennomu episkopu” (Justinian’s Novel 133) — f. 304r.

⁴⁵RGB, Rum. no. 231, f. 411v.

⁴⁶These texts are published in: Памятники канонического права. РИБ. Т. 6. СПб.: 1880. № 12. Стб. 129—140. “The Questions of Theognostus...” are included in the collection of Kirill of Beloozero: Энциклопедия русского игумена XIV—XV вв. Сборник преподобного Кирилла Белозерского / Отв. ред. Г. М. Прохоров. СПб., 2003. С. 88—91. They are included in the Myasnikovskaya Redaction as well.

⁴⁷Stoglav ch. 31 — Емченко Е. Б. Стоглав. Исследование и текст. М.: 2000. С. 290—293.

written in the Russian letters. In some copies these words were rubbed, for example, in the copy from the collection of MGAMID⁴⁸ that was possibly connected with subsequent polemics. About the necessity to correct the sign of the cross a monastic elder Filofey wrote to Ivan Vasilievich in his letters. In the “Paisievsky Sbornik” there is an article about the arrangement of fingers as well.⁴⁹ The articles about the sign of the cross started to compose separate sections like in the collection of Metropolitan Daniil. The sign of the cross became a distinctive confessional feature having a detailed theological substantiation. As is known the change of the sign of the cross led to the split in the Russian Church and begot the subsequent polemic literature till today.

Let us return to “A treatise on the Origins of the Autocephaly of the Bulgarian and Serbian Churches”.⁵⁰ This article contains a short historical sketch beginning with the Fall of Adam, then it says about Christ and the creation of the church, about the establishment of the thrones (the throne in Rome is connected with prime Apostles Peter and Paul and four patriarchal thrones are connected with four evangelists); further it says about the defection of the Pope of Rome into “quatrotheism”. Then the narrator proceeds to the system of management of the four patriarchates and tells how from Constantinople to different lands the bishops were sent. As the Greek bishops were greedy for money, in Bulgaria the tsar enthroned the patriarch in Tarnovo and in Serbia the archiepiscopate was created by Stefan Nemanja and Sava, and under Stefan — the patriarchate. At the end of the article the independence of the Church of Georgia is mentioned as well. It is obvious that the Treatise was composed to justify the very principle of autocephality as not incurring the God’s wrath. In the created text the connection between the tsars’ power and the church’s independence was established. Ya. N. Shchapov thought⁵¹ that the article had been written in connection with the ele-

⁴⁸RGADA, F. 181 MGAMID, no. 577.

⁴⁹RNB, Kir.-Bel. Coll., no. 4 (1081).

⁵⁰This monument is published: Белякова Е. В. Обоснование автокефалии на страницах русских Кормчих // Церковь в истории России. Сб. 4. М.: 2000. С. 139—161.

⁵¹Щапов Я. Н. Южнославянский политический опыт на службе у русских идеологов XV в. // Byzantinobulgarica, II. Sofia: 1966. С. 199—214.

vation of Gregory Tsamblak to the rank of a metropolitan. But Gregory Tsamblak knew the church realities of the Balkans well and could not write evident incongruities presented in this article. This text is more likely to have been created in connection with the Moscow autocephalia. Such a historical sketch of a complicated problem of the church's independence could be made by a person who knew (but in the retelling) the Life of St. Sava of Serbia.

The substantiation of autocephality was necessary in connection with the elevation of the Rostov Archbishop Feodosy to the metropolitan see in 1461, when according to E. E. Golubinsky the question of autocephality was much sharper than under Metropolitan Iona, because in Lithuania there was an independent metropolitan and in Constantinople — an orthodox patriarch.⁵²

The question about the place of creation of this redaction demands further study. There is every reason to suppose that it could be created by Feodosy, the Archbishop of Rostov possibly with the assistance of monastic elders of the Kirillov and Spaso-Kamenny Monasteries. Among few sources concerning the establishment of the Moscow autocephalia special place is taken by “*Skazaniye o Spaso-Kamennom Monastyre*” (The Tale of the Spaso-Kamenny Monastery) by Paisy Yaroslavov. It contains a short report about the fact that Vasily Vasilievich and Metropolitan Iona sent Kasian, the Father Superior of the Kirillo-Belozersky Monastery to Patriarkh of Tsargrad with the proposal for reconciliation of Churches.⁵³ Paisy Yaroslavov was also respected after Vasily Vasilievich became the Prince of Moscow again. Of course this information is not enough to judge about who compiled and included in the *Kormchaya* this work that substantiated the Moscow autocephalia. There is also some closeness between this text and “*Slovo Izbrannoye ot Svyatykh Pisaniy Ezhe na Latynyu*” (the Old Russian polemic work against the Roman Catholics). It is possible that Pakhomy Serb who was in Kirillovo and Novgorod in those days could compile such a story for the Russian people.

⁵²Голубинский Е. Е. История русской церкви. М.: 1997. Т. 2. Ч. 1. С. 519.

⁵³Сказание известно о Каменном монастыри приснопамятнаго старца Паисиея святаго Ярославова // Православный собеседник. 1861. Ч. 1. С. 197—216.

The geography of spreading the copies is connected with the Beloozero monasteries: one copy was in the Spaso-Kamenny Monastery, the copy of it was made for the Prilutsky Monastery, and the other copy was in the Kirillo-Belozersky Monastery. The copies of this redaction are found in Yaroslavl, Vyazniki, on the Solovki.⁵⁴ The Beloozero monasteries being subordinate to the Rostov cathedra attracted special attention of Archbishop Feodosy. The compiler had to dispose of the copy of the Serbian redaction that could be in Rostov which is connected with one of the stages of creating the redaction of the *Kormchaya*.

It was typical of the activity of Feodosy from the moment of his elevation to the rank of a metropolitan to demand of priests following ecclesiastical canons, for that purpose he started gathering priests and deacons and teaching them the canons⁵⁵ and it became the reason of his leaving the cathedra. The metropolitan needed the *Kormchaya* for this activity.

Thus, the Yaroslavsky Copy reflected the new redaction of the *Kormchaya* that appeared not later than in the 1460s and was compiled on the basis of the Russian redaction created in the late thirteenth century.

Its creation was connected with the main question for the Moscow Metropolitanate — its autocephality. The *Kormchaya* obtained the articles about the sign of the cross that got new confessional perception in that period. The range of articles concerning monks became wider — the tendency noticeable in other Russian copies of the *Kormchaya* as well. It is from that time that the copies of the *Kormchaya* started to belong not only to the bishops' sees but were also spread first of all to the monasteries' collections.

The peculiarity of the Yaroslavsky Copy is the singularity of spelling: instead of typical of the late fifteenth century spelling “y” as “ay” and by means of “High Uk” (“y”) in the copy just “y” is sequentially used. This very spelling is typical of the Chudovsky Copy of the fourteenth century wrote on parchment. One can suppose that the Yaroslavsky Copy preserved the spelling peculiarities of its protograph. At the same time

⁵⁴A. A. Zimin wrote about 20 copies of this type: Зимин А. А. Правда Русская. С. 159.

⁵⁵Софийская II летопись 6973. — ПСРЛ. Т. 6. Вып. 2. М.: 2001. Стб. 160.

in the copy sometimes (but rarely) “Big Yus” (“Ѧ”) is used⁵⁶ as well, which is typical of the South-Slavic manuscripts (or it can be the result of the second South-Slavic influence). One can suppose that the study of the graphic peculiarities of the monument will make it possible to find the “seams” indicating the combination of different copies which became the sources of this redaction. It is also important because the Yaroslavsky Copy can directly go back to the protograph of the Novgorodsko-Sofiyskaya redaction if one takes into account the hypothesis that this redaction was created in Rostov.

From the end of the fifteenth century in the Moscow Metropolitanate another redaction close in the composition — Chudovskaya also started to be spread which included the articles from *Merilo Pravednoye* but the article about the autocephaly was absent. In some copies the attempt to combine two redactions: Novgorodsko-Sofiyskaya and Chudovskaya were made. This very combination was made for Vasily Godunov and was kept in the Moscow Dormition Cathedral⁵⁷ and in the collection of the Kiev Pechersk Laura.⁵⁸

A treatise on the Origins of the Autocephaly of the Bulgarian and Serbian Churches became the preface to the “*Izvestiye o Postavlenii Patriarkha Filareta*”⁵⁹ (The News of the Enthronement of Patriarch Filaret) revised in 1653 by order of Patriarch Nikon for the Introductory Chapter of the Printed *Kormchaya*. For several centuries this chapter had been the basis of substantiation of the place of the Moscow Patriarchate among other orthodox Churches and exerted significant influence on the subsequent ecclesiastical historiography.

⁵⁶For example: fols. 36r., 43v.

⁵⁷ГИМ. ГИМ. Усп. 21, конец XVI в.

⁵⁸УНВ. Институт Рукописей Национальной Библиотеки Украины Национальной Академии Наук Украины, ф. Киево-Печ. 80/102, конец XVI в.

⁵⁹Published in: Дополнения к Актам историческим. СПб.: 1846. Т. II. № 76. С. 185—221. Comparison of the texts: Белякова Е. В. Первые опыты русской церковной историографии. К изучению Известия о поставлении патриарха Филарета и Сказания об учреждении патриаршества // Факты и знаки. Исследования по семиотике истории. Вып. 1. М.: 2008. С. 208—224.

Thus the Yaroslavsky Copy is related to the redaction that was created not later than in the 1460s known as Novgorosko-Sofiyskaya in scientific literature. The origin of this redaction and its spread are connected with the events of the Russian history of the fifteenth century — the beginning of the Moscow autocephalia. Possibly, it was created in the same place where the previous Russian redaction was formed — in Rostov. Together with other Rostov manuscripts this *Kormchaya* could belong to the collection of the Yaroslavl bishops' house.