



## Some Remarks on the *Responsa Nicolai papae I. ad consulta Bulgarorum*<sup>1</sup>

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**Abstract.** An outline of the conflict between Pope Nicholas I and Patriarch Photios evolved on Bulgaria's ecclesiastical affiliation will help to understand how the papacy's attention turned towards the Slavonic mission. The Bulgarians assumed Christianity in the second half of the 9<sup>th</sup> century, during the reign of Khan Boris I. The progress of the missionary work carried out among them faithfully reflects the current conflict between Rome and Byzantium. This paper first describes the historical background of the Bulgarian conversion to Christianity (I.), then it focuses on the historical and legal aspects of two letters: the first written by Photios (II.) and the second by Pope Nicholas (III.) to the Bulgarian ruler, and finally it outlines the legal process, how an independent archbishopric has been established in Bulgaria (IV.).

**Keywords:** medieval legal history, organization of Church, missionary work, *Responsa Nicolai papae I. ad consulta Bulgarorum*

### I. The Historical Background

The Bulgarians, who had a relatively low population, came from a Turk ethnic group, had subjected the Slavonic people to their rule, and settled on the territory of the one-time Moesia, Scythia, Thrace, and Macedonia during the rule of Krum (803–814) and Omurtag (814–831).<sup>2</sup> The proportion of the Christian population that survived the Bulgarian conquest cannot be determined. On the other hand, in order to reinforce his rule, Krum had already tried to rely on the Slavs, who were more open to Christianity, against the Bulgarian boyars. This, however, led to the persecution of the Christians and fierce counter-reaction during the reign of his son,

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1 For the Hungarian version of this article see Acta Universitatis Sapientiae Legal Studies, Vol. 4, No. 2, 2015, 239–255.

2 Runciman 1930. 1. sqq.; Angelov 1980. 84. sqq.

Omurtag, since the Bulgarians were afraid that the Christians would establish too close relations with the neighbouring Byzantium having great power. As part of the persecution, Christians living on several territories bordering on Byzantium were transferred to the northern parts of the Bulgar lands. Khan Boris (852–889) took further actions to support Christianity. His decision might have been motivated by the following reasons: Firstly, through the clergy loyal to the prince, he would be able to influence the population, and the centralized ecclesiastical organization could be instrumental in driving back the Bulgarians; secondly, the Christian religion seemed to provide a channel for merging the Slavs and the Bulgarians; thirdly, the Christian ruler's wide power made known to Boris both in Byzantium and the Frankish Empire seemed undoubtedly tempting to the khan.<sup>3</sup>

As he did not want to assign missionary work in his country to the Byzantine Church – by that, he would have strengthened the hegemony of the *basileus* –, the khan of the Bulgarians met Louis the German, East Frankish ruler in 862, in Tulln, and managed to enter into an agreement with him on several points. The Bulgarians would make troops available to the Frankish king against the Moravians, and the Frankish missionaries would begin their missionary work in Bulgaria.<sup>4</sup> In 863/64, however, the famine ravaging the Bulgarians made it impossible to implement these plans. In response to the looting carried out by the Bulgarians on the territory of Byzantium, the emperor, Mikhael III (842–867), dealt Bulgaria a heavy blow both at sea and on land, and forced Khan Boris to unconditional surrender.<sup>5</sup> In the peace treaty entered into force between Byzantium and Bulgaria, they determined that missionaries from Byzantium would soon begin missionary work among the Bulgarians. As the first step of Christianization, Boris assumed Christianity in Byzantium in 864. In baptism, he was given the name Michael as the godfather's duty was undertaken by Mikhael III with political implication.<sup>6</sup> After that, Boris forwarded a letter to Photios, Patriarch of Constantinople,<sup>7</sup> in which he wanted to get answers to his fairly practical questions regarding the missionary work. It is, by all means, worth giving an outline of the content of Photios's aforesaid letter written at the end of 864 or at the beginning of 865<sup>8</sup> and sent to Khan Boris I.<sup>9</sup> It clearly reveals why the highly educated patriarch's reply letter written at a high theological level did not give sufficient answers to the questions concerning the Bulgarians, and why Boris, urged by the dissatisfaction felt over this guidance, turned to the Pope with his problems regarding Christian religion and religious

3 Dopsch 1987. 322.

4 *Annales Bertiniani* a. 864. Cf. Dvornik 1964. 119.

5 *Annales Bertiniani* a. 866; *Annales Fuldenses* a. 863. Cf. Runciman 1930. 104.

6 Dopsch 1987. 323.

7 Dvornik 1963. 94–107; Dvornik 1948.

8 See Dvornik 1926. 190.

9 Photios, *epist.* 8. 102.

life, expecting Rome to give help.<sup>10</sup> The questions addressed by the Bulgarian legation have been lost. The Pope's reply letter (*Responsa Nicolai papae I. ad consulta Bulgarorum*,<sup>11</sup> that is, Pope Nicholas I's letter) written in the autumn of 866, however, has been completely preserved.<sup>12</sup> With some effort, the questions can be reconstructed from the answers.

## II. The Letter of Patriarch Photios

Photios's letter consists of one hundred and fourteen chapters and in terms of its content it can be divided into two main units: a dogmatic<sup>13</sup> and a political-didactic<sup>14</sup> part.<sup>15</sup> At the beginning of the letter, the patriarch first expounds that Christianity stands on a much higher level than heathenism, and to present the essence of Christian teachings he quotes the Nicene-Constantinopolitan Creed, then gives a brief survey of the history of the seven general councils.<sup>16</sup> After this historic detour, he seems to forget that his letter's addressee is a khan recently converted to Christianity who is most probably neither interested in the Byzantine theologians' subtle dogmatic argumentation, which he possibly cannot even understand, nor in need of them at all in the given political situation he is facing.<sup>17</sup> In this part of the letter, the patriarch does not fail to emphatically exhort the ruler to be faithful to his decision both to convert himself and to get his people to convert to the Christian faith,<sup>18</sup> and cautions him against giving room to heretical deviations. Also he warns him of the dangers that would be brought about if he yet wanted to return to his forefather's faith. As it was customary for neophyte kings in the Middle Ages, he sets Emperor Constantine to Boris as a role model for a ruler. Furthermore, he exhorts him that his steadfast adherence should be directed to the Byzantine Church, and he should not take any steps towards Roman Christianity, which is referred to by the patriarch in each case with some suspicious detachment.<sup>19</sup>

Although the second part of the letter, which we can safely call a didactic, instructive sort of section – it provides guidance of a general nature for Boris and

10 Dvornik 1964. 121. sq.; Burr, 1964. 41; Ostrogorsky 2001. 112. sqq.; Monge Allen 2010. 118. sqq.; Heiser 1979.

11 For its most important editions, see – Perels, E. (ed.): *MGH Epistolae Karolini aevi, IV/VI*. Berolini 1925. 568–600; Migne, J. P. (ed.): *Patrologia Latina*, 119. Paris, 1852. 978C–1015B; *Fontes Historiae Bulgaricae, VII. Fontes Latini Historiae Bulgaricae, II*. Serdicae, 1960. 65–125; *Magnae Moraviae Fontes Historici, IV*. Brno, 1971. 42–107.

12 Norwood 1946. 271–285.

13 Photios, *epist.* 8, 1–22.

14 Photios, *epist.* 8, 23–114.

15 Dujčev 1971. 108.

16 Bury 1912. 338.

17 Hergenröther 1867. 601.

18 Photios, *epist.* 8, 19.

19 Dujčev 1971. 110.

his people on Christian teachings to be followed –<sup>20</sup> mostly lacks any originality; it amply draws on the works of the major representatives of the mirrors for princes, a genre so rich in Byzantine literature.<sup>21</sup> While writing this peculiar *Fürstenspiegel*, Photios undoubtedly used the sources of the Old and New Testament and certain ecclesiastical authors, but to no less extent can reliance on classical Greek literature be discovered, especially on two speeches attributed to Isocrates (*ad Demonicum*, *ad Nicoclea*).<sup>22</sup> In his exposition, the patriarch reconciles the instructions of classical philosophy and Christian morality to support his exhortation addressed to the recently converted ruler and his people.<sup>23</sup> He makes the evangelical command of love for God and our fellow men<sup>24</sup> the basis of his guidance on the khan's personal conduct of life;<sup>25</sup> and directly in connection with that he calls the addressee's attention to Aristotle's idea of *kalokagathia*.<sup>26</sup> He emphasizes the importance of prayer in two chapters<sup>27</sup> and specifically underlines that the ruler's primary obligation is to build churches.<sup>28</sup>

He repeats *topoi* adopted also by classical philosophy, which state that the ruler shall pay attention to his conduct<sup>29</sup> and manner of speaking,<sup>30</sup> shall avoid needless giggling,<sup>31</sup> obscenity,<sup>32</sup> cursing and defamatory speech,<sup>33</sup> and shall be very careful in choosing his friends.<sup>34</sup> Whatever he does, the ruler shall premeditate all of his actions,<sup>35</sup> and, if necessary, he shall listen to and accept his advisors' opinion.<sup>36</sup> The patriarch does not fail to emphasize that a Christian ruler shall avoid hatred, which is considered a highly heinous sin,<sup>37</sup> and fraud even against his enemies;<sup>38</sup> he shall make an effort to keep his promises<sup>39</sup> and restrain his temper and anger.<sup>40</sup> He exhorts him to be moderate in the affairs of love<sup>41</sup> and drinking.<sup>42</sup> He proposes

20 Hergenröther 1867. 602.

21 See Krumbacher 1897. 456–457; 463–464; 491; Emminger 1906.

22 See Emminger 1913.

23 Dujčev 1971. 111.

24 Matth. 22, 38–40.

25 Photios, *epist.* 8, 23.

26 Aristot. *EN* 5, 1, 16.

27 Photios, *epist.* 8, 25–26.

28 Photios, *epist.* 8, 27.

29 Photios, *epist.* 8, 30.

30 Photios, *epist.* 8, 31.

31 Photios, *epist.* 8, 32.

32 Photios, *epist.* 8, 33.

33 Photios, *epist.* 8, 35.

34 Photios, *epist.* 8, 36–37; Dujčev 1971. 112.

35 Photios, *epist.* 8, 29; 48.

36 Photios, *epist.* 8, 49.

37 Photios, *epist.* 8, 51–52.

38 Photios, *epist.* 8, 71; 89.

39 Photios, *epist.* 8, 76–77.

40 Photios, *epist.* 8, 84–87.

41 Photios, *epist.* 8, 91–94.

42 Photios, *epist.* 8, 95.

that he should keep away from unabashed and rakish amusement,<sup>43</sup> and urges him to give thanks only to God for all good and success,<sup>44</sup> and that he should endeavour to use his talent given by nature for the benefit of his subjects and fellow-men,<sup>45</sup> and should not pass judgements on others.<sup>46</sup>

The second part of Photios's exhortation expounds the exercise of the ruler's rights. The patriarch attempts to outline the portrait of an ideal ruler composed of a peculiar mixture of Christian and heathen ideas. Boris shall both live his life in the spirit of Christianity and as a sovereign he is primarily obliged to take care of his subjects' salvation;<sup>47</sup> and the subjects' gain in faith will measure and prove the ruler's own virtue.<sup>48</sup> In the recently converted country, the implementation of the model presented by the patriarch must have been utterly helpful for establishing a state organization following the pattern of Byzantine *theokratia* based on the co-ordinated action of a closely intertwined State and Church.

Photios, on the other hand, resolutely marked the limit beyond which the ruler authorized to exercise secular power was not allowed to have any say in the Church's internal affairs.<sup>49</sup> For the avoidance of any doubt, the letter makes it clear that only harmonized action and co-operation between the State and the Church can create the unity, *homonoia*, of a Christian people.<sup>50</sup> The ruler is obliged to make just amends and administer justice to those who have suffered wrong;<sup>51</sup> furthermore, he shall act resolutely and hard against those who have caused damage to the community, and shall be forbearing and merciful towards those who do harm to his own person.<sup>52</sup> Strict laws shall be in force in the country; however, the subjects shall be led pursuant to the principles of humanity.<sup>53</sup> Compliance with the laws shall be enforced merely by threatening with sanctions, that is, by raising awareness of the possibility of being punished rather than by punishment.<sup>54</sup> Excessive rigour shall be avoided by all means; the ruler shall make an effort to win his subjects' benevolence since a government based on that stands on a much safer ground than the one that intends to wring obedience from the people merely by intimidation.<sup>55</sup> In the argumentation on the administration of justice, the author of the letter briefly outlines the key attributes

43 Photios, *epist.* 8, 100–101.

44 Photios, *epist.* 8, 113.

45 Photios, *epist.* 8, 66.

46 Photios, *epist.* 8, 68; Dujčev 1971. 113.

47 Photios, *epist.* 8, 19.

48 Photios, *epist.* 8, 90; Isocr. *Nic.* 9.

49 Photios, *epist.* 8, 28.

50 Photios, *epist.* 8, 27; Dujčev 1971. 113.

51 Photios, *epist.* 8, 34.

52 Photios, *epist.* 8, 38.

53 Photios, *epist.* 8, 42.

54 Photios, *epist.* 8, 43.

55 Photios, *epist.* 8, 41.

of a good judge,<sup>56</sup> and urges Boris to make efforts to come into possession of them.<sup>57</sup> Further on, he gives the ruler advice on political realism stressing that he shall not stop keeping armed forces on the alert because should he fail to do so he might face a lot of problems and unpleasant surprises.<sup>58</sup> Internal quarrels and uprisings shall be strictly put down because the victory thereof would threaten the country with falling back to heathenism and the State with being wound up.<sup>59</sup> No specific advice, however, is given in the Patriarch's letter on actions to be taken in such cases, which makes it probable that the letter was written shortly before the pagan uprising actually taking place in Bulgaria, because it is right to assume that otherwise his guidance regarding this subject area would not stay on the level of mere generality.<sup>60</sup> The forces instigating hostility and discord shall be hammered into unity, and channelled into action against possible external enemies.<sup>61</sup>

After having outlined the patriarch's letter, we can establish that his exhortation and guidance touch on too profound issues senseless and unintelligible for Boris, not well-versed in dogmatics, on the one hand, and – as regards everyday religious life – they move too much on the level of generalities, *topoi* taken over from classical and Christian mirrors for princes, on the other. Consequently, they do not have any practical use for a ruler who intends to Christianize his country. So, it is no wonder that one year after his conversion, in August 866, Boris sent his delegates, his kinsman, Petrus, and two boyars, Iohannes and Martinus,<sup>62</sup> to Pope Nicholas I (858–867).<sup>63</sup> Loaded with rich presents meant to be given to the Pope and the churches of Rome – including the weapons by which Boris had beaten off the recent pagan uprising –, they did arrive in Rome. Simultaneously, Boris turned again to Louis the German in a letter, and informed him that after having converted his people to the Christian faith he would seek to maintain alliance relation with him, and asked him to provide ecclesiastical books and means necessary for liturgy.<sup>64</sup> The delegacy handing over a letter to the Pope and requesting answers to his questions and guidance on both the true articles of faith and the most basic issues of everyday Christian life was received by Nicholas I with great pleasure since he saw it as an assurance that the letter sent by Photios had not solved the khan's questions, and had not dispelled his doubts – and that is why now the ruler desired to approach the Roman Church.

56 Photios, *epist.* 8, 54.

57 Photios, *epist.* 8, 59.

58 Photios, *epist.* 8, 104.

59 Photios, *epist.* 8, 62.

60 Dujčev 1971. 115.

61 Photios, *epist.* 8, 62.

62 Cf. *Iohannis VIII. papae epist.* 67; 192.

63 Dvornik 1964. 123. sq.

64 Dümmler 1887–1888. II. 188.

### III. The Letter of Pope Nicholas I

The *Responsa Nicolai papae I. ad consulta Bulgarorum*, i.e., the letter written by Pope Nicholas I in the Autumn 866, has been completely preserved; however, the questions put by the Bulgarians, the *consulta*, had been lost. So, their number, original form can be deduced only from the Pope's responses. As the Pope's letter divides the responses into one hundred and six chapters, researchers were inclined, perhaps too hastily, to assume that the letter of the Bulgarians consisted of the same number of questions.<sup>65</sup> Another point that is worth considering is the language of the questions as we cannot preclude that the ruler sent his questions in Greek to the Pope, who was, of course, familiar with this idiom too. On the other hand, we may assume that the official translation of the letter was made by Anastasius Bibliothecarius since in documents available to us there are several references to his translator's skills and quite accurate translating technique strictly adhering to the original text.<sup>66</sup> On the grounds of the above, we can accept the system of questions (*consulta*) reconstructed on the basis of the responses (*responsa*) by Ivan Dujčev,<sup>67</sup> which counts one hundred and fourteen questions, to which the Pope summed up his responses in one hundred and six chapters. Albeit the responses lack any system whatsoever, it can be taken for granted that we should not impute this to the Pope. He most probably only followed the order of the questions and gave his responses accordingly. The only modification he made was to arrange his responses to several questions following each other and deemed coherent in terms of content into a single chapter.<sup>68</sup> On the other hand, if two or more questions referred to a single subject, and such questions were scattered in the letter, the Pope kept to the original order, and at the relevant point only referred back to the question already discussed.<sup>69</sup> The phrases *in prima quaestionum vestrarum fronte*, *praeterea*, *porro dicitis*, and *postremo* occurring in the responses make it probable that the original order of the questions (*consulta*) was adhered to.<sup>70</sup>

After determining the order of the *consulta*, we can make an attempt to systematize the questions in terms of subject matter. As a matter of fact, several questions are related to the Christian religion, its everyday practice, the many ways of integrating heathen customs into Christianity, legal order, and ecclesiastical organization.<sup>71</sup> Regarding this subject area, the most cardinal definition of the document is that the ruler's utmost goal is to preserve the unity of faith in his

65 Dümmler 1887–1888. II. 190.

66 *Nicolai I. papae epistolae* 191; 240; 487; 488.

67 Dujčev 1965. 129.

68 Cf. *Responsa* 7; 51; 63; 69; 98.

69 Cf. *Responsa* 36; 39; 45; 47; 63; 100.

70 Dujčev 1965. 138.

71 Dujčev 1965. 139.

country.<sup>72</sup> They ask how they should wear the cross; if they could kiss it;<sup>73</sup> if it is obligatory to receive the sacrament when visiting the church;<sup>74</sup> if those baptized by false priests can be considered Christians or they should be baptized again;<sup>75</sup> if they should have repentance for punishing false priests too strictly;<sup>76</sup> if severe punishment of the subjects revolting against the ruler can be deemed a sin. (Fifty-two heathen dignitaries rose against the ruler putting ideas of heathenism on their banner, and Boris exterminated them and all their offshoots;<sup>77</sup> what should be done with those who refuse Christianity, and remain obstinate to heathenism.<sup>78</sup>)

The next group of questions concerns worship. What should be done when they cannot completely perform prayer at the military camp?<sup>79</sup> When sitting at the table, if there is no priest or deacon present, is it allowed to cross oneself, and start eating thereafter?<sup>80</sup> Is it such a great sin indeed, as the Greeks assert, to pray in the church not with arms crossed on one's chest?<sup>81</sup> Is it prohibited – again as Greek teachings claim – to appear to receive Holy Communion ungirdled?<sup>82</sup> In periods of drought, is it allowed to pray for rain and observe fast?<sup>83</sup> Is it considered a sin indeed, as the Greeks assert, to eat from the meat of an animal killed by a eunuch?<sup>84</sup> Should women stay in the church with covered or uncovered head?<sup>85</sup> How many times a day should a layman pray?<sup>86</sup> When is it prohibited to appear to receive the sacrament? Can someone whose nose or mouth is bleeding receive the sacrament?<sup>87</sup> How many days after the birth of a child can a woman enter the church?<sup>88</sup> Should a married priest be expelled or kept?<sup>89</sup> Is a priest sinful of adultery entitled to administer the sacrament or not?<sup>90</sup> What should be done when someone receives news of the enemy's attack during prayer, and does not have time to finish the prayer?<sup>91</sup> What procedure shall be applied against those who have risen against Christianity but are willing to do

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72 *Responsa* 106.

73 *Responsa* 7.

74 *Responsa* 9.

75 *Responsa* 14–15.

76 *Responsa* 15–16.

77 *Responsa* 17.

78 *Responsa* 41.

79 *Responsa* 38.

80 *Responsa* 53.

81 *Responsa* 54.

82 *Responsa* 55.

83 *Responsa* 56.

84 *Responsa* 57.

85 *Responsa* 58.

86 *Responsa* 61.

87 *Responsa* 65.

88 *Responsa* 68.

89 *Responsa* 70.

90 *Responsa* 71.

91 *Responsa* 74.



penance voluntarily, which they have been prohibited to do by the Byzantine priesthood?<sup>92</sup> Is it deemed a sin when a widow is forced to become a nun?<sup>93</sup> Is it allowed to pray for parents who deceased as heathens?<sup>94</sup> May a Christian hunt together with a heathen person and may a Christian eat from the meat of the game so killed together?<sup>95</sup> Is it allowed to burry suicides and is it allowed to offer sacrifice for them?<sup>96</sup> Is it allowed to burry Christians in the church?<sup>97</sup> Must those killed in action be brought home if their parents and comrades want to do so?<sup>98</sup> Who may be given alms?<sup>99</sup> Must force be applied against heathens who are reluctant to assume Christianity?<sup>100</sup> What should be done with the Islamic books they possess?<sup>101</sup>

Several questions concern holidays, ecclesiastical festivals, and periods of fast.<sup>102</sup> Is it allowed to wear the sign of the cross also in Lent,<sup>103</sup> and receive the sacrament every day?<sup>104</sup> Is it allowed to perform any work on Saturday and Sunday?<sup>105</sup> On the holidays of which apostles, martyrs, confessors, and virgins must one refrain from serf's work?<sup>106</sup> Is it allowed to sit in judgement and pass death sentence on the holidays of the saints and in Lent?<sup>107</sup> Is it allowed to travel or engage in battle on Sundays and holidays and in Lent, of course, only when it is required by necessity?<sup>108</sup> Is it allowed to hunt,<sup>109</sup> play games and have amusement,<sup>110</sup> and marry and hold a feast in the period of Lent?<sup>111</sup> What should be done with those who have had sexual intercourse with their wives during Lent?<sup>112</sup> Is it allowed for husband and wife to fulfil their marital obligations on Sunday?<sup>113</sup> How many times a year is it allowed to deliver baptism?<sup>114</sup> During

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92 *Responsa* 78.

93 *Responsa* 87.

94 *Responsa* 88.

95 *Responsa* 91.

96 *Responsa* 98.

97 *Responsa* 99.

98 *Responsa* 100.

99 *Responsa* 101.

100 *Responsa* 102.

101 *Responsa* 103.

102 Dujčev 1965. 140.

103 *Responsa* 8.

104 *Responsa* 9.

105 *Responsa* 10.

106 *Responsa* 11.

107 *Responsa* 12; 45.

108 *Responsa* 36; 46.

109 *Responsa* 44.

110 *Responsa* 47.

111 *Responsa* 48.

112 *Responsa* 50.

113 *Responsa* 63.

114 *Responsa* 69.

which periods shall one refrain from eating meat?;<sup>115</sup> is it allowed to eat meat on the day of baptism, and for how many days after christening shall one give up eating meat?;<sup>116</sup> and, finally, is it allowed to eat early in the morning?<sup>117</sup>

None the less interesting are the questions from which we can indirectly obtain considerable additional information on the ancient religion and beliefs, way of life and legal order of the Bulgarians. The Bulgarians' dynamistic-manaistic beliefs,<sup>118</sup> that is, the faith in impersonal and mystical vital force abiding in men and animals, most frequently located in the head and carried by the blood, can be deduced from the questions whether animals not killed with a knife but simply struck dead may be eaten.<sup>119</sup> Most probably the same subject area is addressed by the question inquiring whether they may continue to wear their turban-like headwear spun from linen, deemed prohibited by the Greeks especially in the church;<sup>120</sup> and what should they replace with the horsetail used so far in battles as a banner,<sup>121</sup> since primitive peoples' attributed *mana* to the tail of certain animals.<sup>122</sup> The question regarding a stone endowed with curing effect, found during the period of heathenism, might have come from similar ideas too.<sup>123</sup> According to the *consulta*, eating certain animals and birds was considered a taboo;<sup>124</sup> it also concerned taboos when they asked the Pope how long after the birth of a child a woman might not go to church<sup>125</sup> and how long their husbands might not have intercourse with them.<sup>126</sup> The question whether women are allowed to stay in church with covered or uncovered head<sup>127</sup> might have come from the tabooistic nature of hair, especially long hair known from several examples.<sup>128</sup> The issue of sanctioning heathen subjects unwilling to assume Christianity and offering sacrifices to idols – the *Responsa* describes that in certain cases the sacrifice was the first fruits<sup>129</sup> of the produce<sup>130</sup> – was raised by the delegacy before the Pope.<sup>131</sup> They also inquired if the ill might continue to wear certain amulets they attributed curing effect to round their neck.<sup>132</sup>

115 *Responsa* 4.

116 *Responsa* 69.

117 *Responsa* 60.

118 About *manaism*, see Wagenvoort 1956; Rose 1951. 109; Rose 1948.

119 *Responsa* 91.

120 Beševliev 1981. 358.

121 *Responsa* 71.

122 Beševliev 359.

123 *Responsa* 62. Cf. Vámbéry 1879. 249.

124 *Responsa* 43.

125 *Responsa* 68.

126 *Responsa* 64.

127 *Responsa* 58.

128 Cf. Brelich 1972. 17–21; Pötscher 1988. 422.

129 Cf. Nielsson 1911. 71; Beševliev 1981. 386.

130 *Responsa* 89.

131 *Responsa* 41.

132 *Responsa* 79. Cf. Bertholet 1926. 315–317.

They also put some questions to the Pope with regard to the notion of days suitable and unsuitable for fighting and travelling as well as the rituals, magic words, and dances related to them; notably, if this practice could be made part of a people's life converted to Christianity,<sup>133</sup> to which of course the answer was no.<sup>134</sup> In heathen faith, after their death, suicides usually become harmful spirits, and to prevent them from returning they were not given the burial in accordance with customary ceremonies or, in certain cases, were given no burial at all. So, it was not by chance that one of the questions raised the point whether suicides should be buried, and if any kind of *sacrificium* should be delivered for them.<sup>135</sup> They buried those who died by natural death with due tribute to their memory raising a tomb over them; and they brought home the corpses of those killed in action.<sup>136</sup> Christian conversion, however, was not able to wind up the ancient religion immediately – the fact that the mission ran into opposition at several places is unambiguously indicated by the occurrence of a pagan revolt shortly before the delegacy was sent, which was put down and the fifty-two dignitaries involved in it were executed by Boris.<sup>137</sup> This is clearly stated in the *Responsa* too.<sup>138</sup>

At several points, the *Responsa* adverts to the Bulgarians' way of life and customary law before Christianity. So, for example, it unanimously reveals that polygamy was a generally accepted custom, otherwise they would not have asked the Pope if a man might have two wives at the same time.<sup>139</sup> It was customary for the fiancé to give the fiancée gold and silver objects, oxen, horses, and other valuable goods as dowry before the conclusion of the marriage.<sup>140</sup> After the husband's death, a widow was not allowed to marry again, and to prevent that in any case she was forced to live the rest of her life as a nun.<sup>141</sup> However, it was presumably a generally accepted practice that a man who became a widower married again, as the *consulta* includes a question whether this practice might be maintained.<sup>142</sup> With regard to the items of the *consulta* that supply data on religious beliefs, we have already mentioned that the Bulgarians wore a turban-like headgear made of linen.<sup>143</sup> The other typical article of their clothing was the *femoralia*, presumably similar mostly to trousers, which was worn both by men and women.<sup>144</sup> The development of Bulgarian legal order took a decisive turn by

133 *Responsa* 34; 35.

134 Beševliev 1981. 382–384.

135 *Responsa* 98. Cf. Hirzel 1908. 75.

136 *Responsa* 100.

137 Runciman 1930. 105.

138 *Responsa* 18. Cf. Beševliev 1971. 37–41.

139 *Responsa* 51.

140 *Responsa* 49.

141 *Responsa* 87.

142 *Responsa* 3.

143 *Responsa* 66.

144 *Responsa* 59. Cf. Beševliev 1981. 396.

assuming Christianity, but the *Responsa* supplies important information on the customary law of the period preceding it. A slave who escaped from the owner, if caught, was severely punished;<sup>145</sup> a slave slandering his master was treated the same way,<sup>146</sup> but the sources do not reveal anything else about the actual content of the sanction.<sup>147</sup>

Similarly, a free man who fled from his country was severely punished, but the actual sanction is again unknown to us.<sup>148</sup> In this respect, it is worth noting that the frontiers of the country were strictly guarded. Guardsmen failing to fulfil their duty and allowing either free men or slaves to flee were punished by death.<sup>149</sup> Death was the punishment of murderers of kinsmen.<sup>150</sup> Similarly, severe, presumably qualified death penalty was imposed on those who murdered their fellow-soldier,<sup>151</sup> or who were caught committing adultery with a strange woman.<sup>152</sup> They sanctioned negligent manslaughter,<sup>153</sup> theft<sup>154</sup> – if a subject charged with theft or robbery was unwilling to admit his crime, the judge was allowed to wring confession from him by force<sup>155</sup> –, and abduction.<sup>156</sup> They punished those who castrated others,<sup>157</sup> who brought false charges,<sup>158</sup> and who gave deadly poison to others.<sup>159</sup> Women treating their husband badly, committing adultery, and slandering their husband were threatened to be punished by abandonment, also incurred *eo ipso*.<sup>160</sup> Uprising was punished by death, which penalty was inflicted not only on the perpetrators but on their families too.<sup>161</sup>

## IV. The First Steps toward the Organization of the Church in Bulgaria

Furthermore, there are several highly important questions in the *Responsa* that concern the ecclesiastical organization: Is it possible to assign a patriarch to the

<sup>145</sup> *Responsa* 21.

<sup>146</sup> *Responsa* 97.

<sup>147</sup> Cf. Beševliev 1981. 414.

<sup>148</sup> *Responsa* 20.

<sup>149</sup> *Responsa* 25.

<sup>150</sup> *Responsa* 24; 26; 29.

<sup>151</sup> *Responsa* 27.

<sup>152</sup> *Responsa* 28.

<sup>153</sup> *Responsa* 30.

<sup>154</sup> *Responsa* 31.

<sup>155</sup> *Responsa* 86.

<sup>156</sup> *Responsa* 32.

<sup>157</sup> *Responsa* 52.

<sup>158</sup> *Responsa* 84.

<sup>159</sup> *Responsa* 85.

<sup>160</sup> *Responsa* 96.

<sup>161</sup> *Responsa* 17.

head of the Bulgarian Church?<sup>162</sup> Who shall ordain the patriarch?<sup>163</sup> How many patriarchs are there actually?<sup>164</sup> Which patriarch comes right after the Pope of Rome in the church hierarchy?<sup>165</sup> And, finally, is it true what the Greeks assert that chrism is made exclusively in their country, and it is taken from there everywhere else around the world?<sup>166</sup> Special attention should be paid to a certain aspect of the question regarding the assignment of the patriarch: Did it manifest Boris's efforts to attain the establishment of a patriarchy for his country?<sup>167</sup> or he simply intended to obtain information on the structure of the ecclesiastical hierarchy?<sup>168</sup> The former option seems to be more probable because by the assignment of the patriarch the Bulgarian Church could have been made completely independent of Byzantium by the ruler, and it would have been much less strictly and closely subjected to the Roman Church.<sup>169</sup> The Pope, however, very diplomatically evaded Boris's request, and not even mentioning the possibility of obtaining the dignity of patriarch he held out the prospect of appointing an archbishop to the head of the Bulgarian Church in the future – as a matter of fact, only in case he received proper report from his delegates on the conditions of Bulgarian Christianity.<sup>170</sup>

Simultaneously with his letter and missionary work, Pope Nicholas began to deal with the issue of developing an independent Bulgarian ecclesiastical organization. (In 860, Photios, Patriarch of Constantinople, in accordance with the practice generally accepted and applied by the five patriarchs, asked Pope Nicholas to acknowledge his own, somewhat contested election. The Pope made the granting of his approval subject to the acknowledgement of the papal claim to the Illyricum and Thessaloniki, that is, almost the whole of the Balkans including Bulgaria.<sup>171</sup> Although until March 862 Photios seemed to be willing to fulfil this claim, at a council held in Rome in 863, the Pope deprived him of his dignity and threatened him with excommunication – presumably, he expected Photios's successor, Ignatios, to be more permissive regarding the issue of the Balkans.<sup>172</sup>) With respect to the Bulgarian mission, Pope Nicholas set out from the conviction that the territory of the Balkans was directly subject to the Pope's supremacy. However, he did not ordain the patriarch requested by Boris to Bulgaria. He merely held out the prospect of setting up an archbishopric independent of

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162 *Responsa* 72.

163 *Responsa* 73.

164 *Responsa* 92.

165 *Responsa* 93.

166 *Responsa* 94.

167 Runciman 1930. 110.

168 Dujčev 1965. 142.

169 Hergenröther 1867. II. 650.

170 Obolensky 1999. 116.

171 Dvornik 1948. 91. sqq.

172 Dopsch 1987. 325.

Byzantium.<sup>173</sup> Missionary work was commenced by the delegacy sent off to Bulgaria under the leadership of Formosus of Porto, the later pope (891–896), and Paulus of Populonia.<sup>174</sup>

Louis the German, whom was called upon by the Bulgarian delegacy in Regensburg, also pledged himself to send missionaries to Bulgaria. However, the preparations took too long, and the Frankish delegation led by Ermenich, Bishop of Passau, arrived in the Balkans only in the spring of 867, where the Roman missionaries getting ahead of them had already begun to convert, preach, and baptize.<sup>175</sup> Gravely disappointed in his hopes, Ermenich waited for Louis the German's permission, and returned to Passau.<sup>176</sup> The conflict that manifested itself regarding the Bulgarian mission revealed the tensions between the papacy and the Eastern Frankish Empire.<sup>177</sup> Photios, however, was not willing to tolerate Rome's intervention into his sphere of authority; and, therefore, at a Council of Constantinople in 867, he had Pope Nicholas I removed, of which the Pope, who died in the meantime, was not informed.<sup>178</sup> In the same year, however, the assassination of the *basileus*, Michael III, and the removal of Photios completely changed the political constellation, and the plans of Pope Nicholas I concerning Bulgaria seemed to attain the stage of implementation after his death. Affairs reached a crisis when Rome did not keep Pope Nicholas's promise to set up an independent Bulgarian archbishopric.<sup>179</sup> Khan Boris turned to Pope Adrian II (867–872) with the request to appoint Formosus Archbishop of Bulgaria, but the Pope – saying that he could not transfer Formosus as bishop to another diocese – did not fulfil the claim.<sup>180</sup> Certainly, the actual cause must have been the influence of the anti-Formosus faction in Rome produced on the Pope.<sup>181</sup> A similar thing happened to deacon Marinus, who later became Pope (882–884), when he was not appointed to be the Bulgarians' archbishop due to Adrian II's opposition; and deacon Sylvester proposed by the Pope to take the archbishop's seat was refused by Khan Boris.<sup>182</sup> Besides personal conflicts, most certainly, the Pope's reluctance must have been due to the fact that he wanted to keep Rome's direct supremacy over the Balkans, which would have been hugely limited by setting up the archbishopric – that is why the papacy could not reap the fruits of its missionary policy pursued in this region.<sup>183</sup>

173 *Responsa* 72–73.

174 Grotz 1970. 101. sqq.

175 *Annales Fuldenses a. 866; a. 867*; Löwe 1987. 228.

176 *Annales Fuldenses a. 867*; Dvornik 1964. 122.

177 Dopsch 1987. 326.

178 Dvornik 1948. 91. sqq.

179 Dopsch 1987. 326.

180 Kosztolnyik 1997. 215.

181 Grotz 1970. 230. sq.; Dümmler 1887–1888. II. 192. sq.

182 Grotz 1970. 209. sq.

183 Dopsch 1987. 327.

Disappointed in the Roman Church, Khan Boris turned to Basileios I (867–886) and Patriarch Ignatios, and restored his relations with Byzantium. This was made official by the Council of Constantinople 869/70. At one of the last meetings of the Council – after having expelled the delegates of Rome –, Bulgaria was placed under the control of the Patriarchy of Constantinople, and soon Ignatios would ordain an archbishop and several bishops for the Bulgarians.<sup>184</sup> Boris expelled the Roman missionaries from his country, and Bulgaria – already as an independent archbishopric – resisted Pope John VIII's (872–882) later attempts to win the country back to Rome.<sup>185</sup> In the course of the missionary work commenced during the reign of Khan Boris – just like through the stages of Methodius's fate, who performed conversion among the Moravians<sup>186</sup> –, Bulgaria served as a playground for power politics between Rome and Byzantium, and the Eastern Frankish Empire concurring with each other. However, the Roman Church, setting off with better chances owing to the Bulgarian's fear of the hegemony of Byzantium and thanks to Pope Nicholas I's agility and *Responsa*, in a few years' time, lost its advantage gained in this respect because Patriarch Ignatios, the successor of Basileios I and Photios, was willing to raise Bulgaria to the rank of an independent archbishopric, which Pope Nicholas I and Pope Adrian II were from first to last reluctant to do.

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184 Dvornik 1948. 132. sqq.; Eggers 1996. 25.

185 Dvornik 1948. 210. sqq.; Runciman 1930. 120. sq.; Dopsch 1987. 328.

186 Wolfram 1979; Störmer 1987. 207. sqq.; Richter 1985. 283. sqq.; H. Tóth 2003; Bernhard 1987; Löwe 1982; Lošek 1997; Nótári 2000. 93. sqq.; Nótári 2005; Nótári 2007; Nótári 2008.

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