New Europe College
Ștefan Odobleja Program
Yearbook 2018-2019

Editor: Irina Vainovski-Mihai

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NEW EUROPE FOUNDATION
NEW EUROPE COLLEGE

Institute for Advanced Study

New Europe College (NEC) is an independent Romanian institute for advanced study in the humanities and social sciences founded in 1994 by Professor Andrei Pleșu (philosopher, art historian, writer, Romanian Minister of Culture, 1990–1991, Romanian Minister of Foreign Affairs, 1997-1999) within the framework of the *New Europe Foundation*, established in 1994 as a private foundation subject to Romanian law.

Its impetus was the *New Europe Prize for Higher Education and Research*, awarded in 1993 to Professor Pleșu by a group of six institutes for advanced study (the Center for Advanced Study in the Behavioral Sciences, Stanford, the Institute for Advanced Study, Princeton, the National Humanities Center, Research Triangle Park, the Netherlands Institute for Advanced Study in Humanities and Social Sciences, Wassenaar, the Swedish Collegium for Advanced Study in the Social Sciences, Uppsala, and the Wissenschaftskolleg zu Berlin).

Since 1994, the NEC community of fellows and *alumni* has enlarged to over 700 members. In 1998 New Europe College was awarded the prestigious *Hannah Arendt Prize* for its achievements in setting new standards in research and higher education. New Europe College is officially recognized by the Romanian Ministry of Education and Research as an institutional structure for postgraduate studies in the humanities and social sciences, at the level of advanced studies.

Focused primarily on individual research at an advanced level, NEC offers to young Romanian scholars and academics in the fields of humanities and social sciences, and to the foreign scholars invited as fellows appropriate working conditions, and provides an institutional framework with strong international links, acting as a stimulating environment for interdisciplinary

dialogue and critical debates. The academic programs NEC coordinates, and the events it organizes aim at strengthening research in the humanities and social sciences and at promoting contacts between Romanian scholars and their peers worldwide.

Academic programs currently organized and coordinated by NEC:

- *NEC Fellowships (since 1994)*
  Each year, up to ten NEC Fellowships open both to Romanian and international outstanding young scholars in the humanities and social sciences are publicly announced. The Fellows are chosen by the NEC international Academic Advisory Board for the duration of one academic year, or one term. They gather for weekly seminars to discuss the progress of their research, and participate in all the scientific events organized by NEC. The Fellows receive a monthly stipend, and are given the opportunity of a research trip abroad, at a university or research institute of their choice. At the end of their stay, the Fellows submit papers representing the results of their research, to be published in the New Europe College Yearbooks.

- *Ştefan Odobleja Fellowships (since October 2008)*
  The Fellowships given in this program are supported by the *Executive Unit for Financing Higher Education, Research, Development and Innovation*, and are meant to complement and enlarge the core fellowship program. The definition of these fellowships, targeting young Romanian researchers, is identical with those in the NEC Program, in which the *Odobleja* Fellowships are integrated.

- *UEFISCDI Award Program (since October 2016)*
  The outstanding scientific activity of the NEC was formally recognized in Romania in 2016, when the *Executive Unit for Financing Higher Education, Research, Development and Innovation* organized a competition for institutions coordinating ERC projects. New Europe College applied and won two institutional prizes for coordinating, at that time, two ERC grants. A part of this prize was used to create the *UEFISCDI Award Program*, consisting of fellowships targeting young

international researchers, also meant to complement and enlarge the core fellowship program.

- **_The Pontica Magna Fellowship Program (since October 2015)_**
  This Fellowship Program, supported by the VolkswagenStiftung (Germany), invites young researchers, media professionals, writers and artists from the countries around the Black Sea, but also beyond it (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia, Ukraine), for a stay of one or two terms at the New Europe College, during which they have the opportunity to work on projects of their choice. The program welcomes a wide variety of disciplines in the fields of humanities and social sciences. Besides hosting a number of Fellows, the College organizes within this program workshops and symposia on topics relevant to the history, present, and prospects of this region. This program is therefore strongly linked to the former _Black Sea Link_ Fellowships.

- **_The Pontica Magna Returning Fellows Program (since March 2016)_**
  In the framework of its _Pontica Magna_ Program, New Europe College offers alumni of the _Black Sea Link_ and _Pontica Magna_ Fellowship Programs the opportunity to apply for a research stay of one or two months in Bucharest. The stay should enable successful applicants to refresh their research experience at NEC, to reconnect with former contacts, and to establish new connections with current Fellows. The _Pontica Magna Returning Fellows_ Program targets young researchers, media professionals, writers and artists from the countries around the Black Sea: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia, Turkey, and Ukraine.

- **_The Gerda Henkel Fellowship Program (since March 2017)_**
  This Fellowship Program, developed with the support of Gerda Henkel Stiftung (Germany), invites young researchers and academics working in the fields of humanities and social sciences (in particular archaeology, art history, historical Islamic studies, history, history of law, history of science, prehistory and early history) from Afghanistan, Belarus, China (only Tibet and Xinjiang Autonomous Regions), Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan, for a stay of one or two terms at the New

Europe College, during which they will have the opportunity to work on projects of their choice.

- **How to Teach Europe Fellowship Program (since April 2017)**

  This Program, supported by the Robert Bosch Foundation and a Private Foundation from Germany, introduces a new and innovative Fellowship module at the Centre for Advanced Study (CAS), Sofia, and the New Europe College (NEC), Bucharest. Beyond the promotion of outstanding individual researchers, the Program focuses on the intersection of fundamental research and higher education. The joint initiative seeks to identify and bring together bright and motivated young and established university professors from South-eastern Europe to dedicate themselves for a certain amount of time to research work oriented toward a specific goal: to lend the state-of-the-art theories and methodologies in the humanities and social sciences a pan-European and/or global dimension and to apply these findings in higher education and the transmission of knowledge to wider audiences.

  The goal of the proposed program is to use this knowledge to improve the quality of higher education in the humanities and social sciences and to endorse its public relevance. A tangible output will be the conceptualization of a series of new courses or, ultimately and ideally, the development of innovative curricula for the universities of the participating scholars.

- **The Spiru Haret Fellowship Program (since October 2017)**

  The *Spiru Haret* Fellowship Program targets young Romanian researchers/academics in the humanities and social sciences whose projects address questions relating to migration, displacement, diaspora. Candidates are expected to focus on Romanian cases seen in a larger historical, geographical and political context, in thus broadening our understanding of contemporary developments. Such aspects as transnational mobility, the development of communication technologies and of digitization, public policies on migration, ways of employing transnational communities, migrant routes, the migrants' remittances and entrepreneurial capital could be taken into account. NEC also welcomes projects which look at cultural phenomena (in literature, visual arts, music etc.) related to migration and diaspora. The Program is financed through a grant from UEFISCDI (The Romanian Executive Unit for Higher Education, Research, Development and Innovation Funding).

- *Lapedatu Fellowships (since June 2018)*

  Thanks to a generous financial contribution from the *Lapedatu* Foundation, NEC invites to Bucharest a foreign researcher specialized in the field of Romanian Studies, who is currently conducting research in one of the world's top universities. On this occasion, he will spend a month in Romania and work with a young Romanian researcher to organize an academic event hosted by the NEC. At this colloquy, the *Lapedatu* fellows and their guests will present scientific papers and initiate debates on a theme that covers important topics of the Romanian and Southeastern European history in both modern and contemporary epochs. The contribution of the *Lapedatu* family members to the development of Romania will particularly be taken into consideration..

Other fellowship programs organized since the founding of New Europe College:

- *RELINK Fellowships (1996–2002)*

  The RELINK Program targeted highly qualified young Romanian scholars returning from studies or research stays abroad. Ten RELINK Fellows were selected each year through an open competition; in order to facilitate their reintegration in the local scholarly milieu and to improve their working conditions, a support lasting three years was offered, consisting of: funds for acquiring scholarly literature, an annual allowance enabling the recipients to make a one–month research trip to a foreign institute of their choice in order to sustain existing scholarly contacts and forge new ones, and the use of a laptop computer and printer. Besides their individual research projects, the RELINK fellows of the last series were also required to organize outreach actives involving their universities, for which they received a monthly stipend. NEC published several volumes comprising individual or group research works of the RELINK Fellows.

- *The NEC–LINK Program (2003 - 2009)*

  Drawing on the experience of its NEC and RELINK Programs in connecting with the Romanian academic milieu, NEC initiated in 2003, with support from HESP, a program that aimed to contribute more consistently to the advancement of higher education in major

Romanian academic centers (Bucharest, Cluj–Napoca, Iași, Timișoara). Teams consisting of two academics from different universities in Romania, assisted by a PhD student, offered joint courses for the duration of one semester in a discipline within the fields of humanities and social sciences. The program supported innovative courses, conceived so as to meet the needs of the host universities. The grantees participating in the Program received monthly stipends, a substantial support for ordering literature relevant to their courses, as well as funding for inviting guest lecturers from abroad and for organizing local scientific events.

- ***The GE–NEC I and II Programs (2000 – 2004, and 2004 – 2007)***
  New Europe College organized and coordinated two cycles in a program financially supported by the Getty Foundation. Its aim was to strengthen research and education in fields related to visual culture, by inviting leading specialists from all over the world to give lectures and hold seminars for the benefit of Romanian undergraduate and graduate students, young academics and researchers. This program also included 10–month fellowships for Romanian scholars, chosen through the same selection procedures as the NEC Fellows (see above). The GE–NEC Fellows were fully integrated in the life of the College, received a monthly stipend, and were given the opportunity of spending one month abroad on a research trip. At the end of the academic year the Fellows submitted papers representing the results of their research, to be published in the GE–NEC Yearbooks series.

- ***NEC Regional Fellowships (2001 - 2006)***
  In 2001 New Europe College introduced a regional dimension to its programs (hitherto dedicated solely to Romanian scholars), by offering fellowships to academics and researchers from South–Eastern Europe (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Montenegro, Serbia, Slovenia, and Turkey). This program aimed at integrating into the international academic network scholars from a region whose scientific resources are as yet insufficiently known, and to stimulate and strengthen the intellectual dialogue at a regional level. Regional Fellows received a monthly stipend and were given the opportunity of a one–month research trip abroad. At the end of the grant period, the Fellows were expected to submit papers representing

the results of their research, published in the NEC Regional Program Yearbooks series.

- **The Britannia–NEC Fellowship (2004 - 2007)**
  This fellowship (1 opening per academic year) was offered by a private anonymous donor from the U.K. It was in all respects identical to a NEC Fellowship. The contributions of Fellows in this program were included in the NEC Yearbooks.

- **The Petre Ţuţea Fellowships (2006 – 2008, 2009 - 2010)**
  In 2006 NEC was offered the opportunity of opening a fellowships program financed the Romanian Government though its Department for Relations with the Romanians Living Abroad. Fellowships are granted to researchers of Romanian descent based abroad, as well as to Romanian researchers, to work on projects that address the cultural heritage of the Romanian *diaspora*. Fellows in this program are fully integrated in the College's community. At the end of the year they submit papers representing the results of their research, to be published in the bilingual series of the *Petre Ţuţea* Program publications.

- **Europa Fellowships (2006 - 2010)**
  This fellowship program, financed by the VolkswagenStiftung, proposes to respond, at a different level, to some of the concerns that had inspired our *Regional Program*. Under the general title *Traditions of the New Europe. A Prehistory of European Integration in South-Eastern Europe*, Fellows work on case studies that attempt to recapture the earlier history of the European integration, as it has been taking shape over the centuries in South–Eastern Europe, thus offering the communitarian Europe some valuable vestiges of its less known past.

- **Robert Bosch Fellowships (2007 - 2009)**
  This fellowship program, funded by the Robert Bosch Foundation, supported young scholars and academics from Western Balkan countries, offering them the opportunity to spend a term at the New Europe College and devote to their research work. Fellows in this program received a monthly stipend, and funds for a one-month study trip to a university/research center in Germany.

- **The GE-NEC III Fellowships Program (2009 - 2013)**
  This program, supported by the Getty Foundation, started in 2009. It proposed a research on, and a reassessment of Romanian art during the interval 1945 – 2000, that is, since the onset of the Communist regime in Romania up to recent times, through contributions coming from young scholars attached to the New Europe College as Fellows. As in the previous programs supported by the Getty Foundation at the NEC, this program also included a number of invited guest lecturers, whose presence was meant to ensure a comparative dimension, and to strengthen the methodological underpinnings of the research conducted by the Fellows.

- **The Black Sea Link Fellowships Program (2010 - 2015)**
  This program, financed by the VolkswagenStiftung, supported young researchers from Moldova, Ukraine, Georgia, Armenia and Azerbaijan, as well as from other countries within the Black Sea region, for a stay of one or two terms at the New Europe College, during which they had the opportunity to work on projects of their choice. The program welcomed a wide variety of disciplines in the fields of humanities and social sciences. Besides hosting a number of Fellows, the College organized within this program workshops and symposia on topics relevant to the history, present, and prospects of the Black Sea region.

- **The Europe next to Europe Fellowship Program (2013 - 2017)**
  This Program, supported by the Riksbankens Jubileumsfond (Sweden), invites young researchers from European countries that are not yet members of the European Union, or which have a less consolidated position within it, targeting in particular the Western Balkans (Albania, Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, Macedonia, Serbia), Turkey, Cyprus, for a stay of one or two terms at the New Europe College, during which they will have the opportunity to work on projects of their choice.

New Europe College has been hosting over the years an ongoing series of lectures given by prominent foreign and Romanian scholars, for the benefit of academics, researchers and students, as well as a wider public. The College also organizes international and national events (seminars, workshops, colloquia, symposia, book launches, etc.).

An important component of NEC is its library, consisting of reference works, books and periodicals in the humanities, social and economic sciences. The library holds, in addition, several thousands of books and documents resulting from private donations. It is first and foremost destined to service the fellows, but it is also open to students, academics and researchers from Bucharest and from outside it.

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Beside the above–described programs, New Europe Foundation and the College expanded their activities over the last years by administering, or by being involved in the following major projects:

In the past:

- ***The Ludwig Boltzmann Institute for Religious Studies towards the EU Integration (2001–2005)***
  Funding from the Austrian Ludwig Boltzmann Gesellschaft enabled us to select during this interval a number of associate researchers, whose work focused on the sensitive issue of religion related problems in the Balkans, approached from the viewpoint of the EU integration. Through its activities the institute fostered the dialogue between distinct religious cultures (Christianity, Islam, Judaism), and between different confessions within the same religion, attempting to investigate the sources of antagonisms and to work towards a common ground of tolerance and cooperation. The institute hosted international scholarly events, issued a number of publications, and enlarged its library with publications meant to facilitate informed and up-to-date approaches in this field.

- **The Septuagint Translation Project (2002 - 2011)**

  This project aims at achieving a scientifically reliable translation of the Septuagint into Romanian by a group of very gifted, mostly young, Romanian scholars, attached to the NEC. The financial support is granted by the Romanian foundation *Anonimul.* Seven of the planned nine volumes have already been published by the Polirom Publishing House in Iași.

- **The Excellency Network Germany – South–Eastern Europe Program (2005 - 2008)**

  The aim of this program, financed by the Hertie Foundation, has been to establish and foster contacts between scholars and academics, as well as higher education entities from Germany and South–Eastern Europe, in view of developing a regional scholarly network; it focused preeminently on questions touching upon European integration, such as transnational governance and citizenship. The main activities of the program consisted of hosting at the New Europe College scholars coming from Germany, invited to give lectures at the College and at universities throughout Romania, and organizing international scientific events with German participation.

- **The ethnoArc Project–Linked European Archives for Ethnomusicological Research**

  *An European Research Project in the 6th Framework Programme: Information Society Technologies–Access to and Preservation of Cultural and Scientific Resources **(2006-2008)***

  The goal of the *ethnoArc* project (which started in 2005 under the title *From Wax Cylinder to Digital Storage* with funding from the Ernst von Siemens Music Foundation and the Federal Ministry for Education and Research in Germany) was to contribute to the preservation, accessibility, connectedness and exploitation of some of the most prestigious ethno-musicological archives in Europe (Bucharest, Budapest, Berlin, and Geneva), by providing a linked archive for field collections from different sources, thus enabling access to cultural content for various application and research purposes. The project was run by an international network, which included: the "Constantin Brăiloiu" Institute for Ethnography and Folklore, Bucharest; Archives Internationales de Musique Populaire, Geneva; the Ethno-musicological Department of the Ethnologic Museum Berlin (Phonogramm Archiv),

Berlin; the Institute of Musicology of the Hungarian Academy of Sciences, Budapest; Wissenschaftskolleg zu Berlin (Coordinator), Berlin; New Europe College, Bucharest; FOKUS Fraunhofer Institute for Open Communication Systems, Berlin.

- ***Business Elites in Romania: Their Social and Educational Determinants and their Impact on Economic Performances***. This is the Romanian contribution to a joint project with the University of Sankt Gallen, entitled ***Markets for Executives and Non-Executives in Western and eastern Europe***, and financed by the National Swiss Fund for the Development of Scientific Research (SCOPES) (December 2009 – November 2012)

- ***The Medicine of the Mind and Natural Philosophy in Early Modern England: A new Interpretation of Francis Bacon*** (A project under the aegis of the European Research Council (ERC) Starting Grants Scheme) – In cooperation with the Warburg Institute, School of Advanced Study, London (December 2009 - November 2014)

- ***The EURIAS Fellowship Program***, a project initiated by NetIAS (Network of European Institutes for Advanced Study), coordinated by the RFIEA (Network of French Institutes for Advanced Study), and co-financed by the European Commission's 7th Framework Programme - COFUND action. It is an international researcher mobility programme in collaboration with 14 participating Institutes of Advanced Study in Berlin, Bologna, Brussels, Bucharest, Budapest, Cambridge, Helsinki, Jerusalem, Lyons, Nantes, Paris, Uppsala, Vienna, Wassenaar. (October 2011 – July 2014)

Research programs developed with the financial support of the Romanian Ministry of Education and Research, through the *Executive Unit for Financing Higher Education, Research, Development and Innovation – UEFISCDI*):

- ***DOCSOC, Excellency, Innovation and Interdisciplinarity in doctoral and postdoctoral studies in sociology*** (A project in the Development of Human Resources, under the aegis of the National Council of Scientific Research) – in cooperation with the University of Bucharest (2011)

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- ***UEFISCCDI – CNCS (PD – Projects): Federalism or Intergovernmentalism? Normative Perspectives on the Democratic Model of the European Union (Dr. Dan LAZEA); The Political Radicalization of the Kantian Idea of Philosophy in a Cosmopolitan Sense (Dr. Áron TELEGDI-CSETRI)*** (August 2010 – July 2012)

- ***Civilization. Identity. Globalism. Social and Human Studies in the Context of European Development*** (A project in the Development of Human Resources, under the aegis of the National Council of Scientific Research) – in cooperation with the Romanian Academy (March 2011 – September 2012)

- **TE-Project:** *Critical Foundations of Contemporary Cosmopolitanism,* Team leader: Tamara CĂRĂUŞ, Members of the team: Áron Zsolt TELEGDI-CSETRI, Dan Dorin LAZEA, Camil PÂRVU (October 2011 – October 2014)

- **PD-Project:** *Mircea Eliade between Indology and History of Religions. From Yoga to Shamanism and Archaic Religiosity* **(Liviu BORDAŞ)** Timeframe: May 1, 2013 – October 31, 2015 (2 and ½ years)

- **IDEI-Project**: *Models of Producing and Disseminating Knowledge in Early Modern Europe: The Cartesian Framework* Project Coordinator: Vlad ALEXANDRESCU (1 Project Coordinator, 2 Researchers, 2 Research Assistants) Timeframe: January 1, 2012 – December 31, 2016 (5 Years)

- **TE–Project:** *Pluralization of the Public Sphere. Art Exhibitions in Romania in the Timeframe 1968-1989* Project Coordinator: Cristian NAE (1 Project Coordinator, 1 Researcher, 2 Research Assistants) Timeframe: October 1, 2015 – September 30, 2016 (1 Year)

- **Bilateral Cooperation:** *Corruption and Politics in France and Romania (contemporary times)* Project Coordinator: Silvia MARTON (1 Project Coordinator, 7 Researchers) Timeframe: January 1, 2015 – December 31, 2016 (2 Years)

- **TE–Project:** *Museums and Controversial Collections. Politics and Policies of Heritage Making in Post-colonial and Post-socialist Contexts*
  Project Coordinator: Damiana OȚOIU
  (1 Project Coordinator, 5 Researchers)
  Timeframe: October 1, 2015 – November 30, 2017 (2 Years and 2 Months)

- **TE–Project:** *Turning Global: Socialist Experts during the Cold War (1960s-1980s)*
  Project Coordinator: Bogdan IACOB
  (1 Project Coordinator, 2 Researchers, 2 Research Assistants)
  Timeframe: October 1, 2015 – November 30, 2017 (2 Years and 2 Months)

ERC Grant:

- **ERC Starting Grant**
  (Grant transferred by the Principal Investigator to the University of Bucharest)
  Record-keeping, fiscal reform, and the rise of institutional accountability in late medieval Savoy: a source-oriented approach – Castellany Accounts
  Principal Investigator: Ionuț EPURESCU-PASCOVICI
  Timeframe at the NEC: May 1, 2015 – March 31, 2017 (1 Year and 10 Months)
  Timeframe of the Grant: May 1, 2015 – April 30, 2020 (5 Years)

Ongoing projects:

ERC Grants:

- **ERC Consolidator Grant**
  Luxury, fashion and social status in Early Modern South Eastern Europe
  Principal Investigator: Constanța VINTILĂ-GHIȚULESCU
  (1 Principal Investigator, 8 Researchers)
  Timeframe: July 1, 2015 – June 30, 2020 (5 Years)

- **ERC Starting Grant**
  Art Historiographies in Central and Eastern Europe, an Inquiry from the Perspective of Entangled Histories
  Principal Investigator: Ada HAJDU
  (1 Principal Investigator, 3 Researchers)
  Timeframe: October 1, 2018 – September 1, 2023 (5 Years)

Other projects are in the making, often as a result of initiatives coming from fellows and *alumni* of the NEC.

Focus Groups

- *Culture in Murky Times*
- Focus Group on Education and Research
- *New World Disorder*

The Focus Groups are financed by two grants of the *Executive Unit for Financing Higher Education, Research, Development and Innovation –* UEFISCDI, within the *Prize for   Excellence in Research* awarded to Romanian Host Institutions of research projects financed by European Research Council in 2014 – 2016.

Research Groups

- Reflections on the Political History of the 18th and 19th Century in Romania
- The Bible in Linguistic Context: Introduction to the Biblical Hebrew
- The Bible in Linguistic Context: Introduction to the Coptic Language

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Academic Advisory Board

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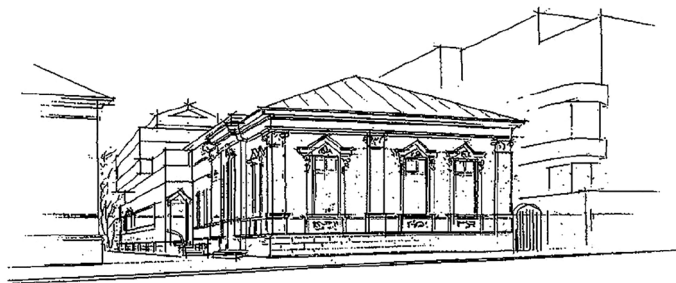
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JUDGING ORIGINALITY:
THE LIMITS OF INTELLECTUAL PROPERTY
IN ARCHITECTURAL WORKS

Abstract

This research examines the possibility to improve the way courts of law decide on the issue of architectural infringement. In doing so, we will examine the originality criterion – the sine qua non of copyright – from a philosophical and legal perspective, suggesting that theories of personality from the past can, and must, still play a major role in judicial proceedings. Therefore, we suggest a new test for originality (the continuum test), in accordance with the latest CJEU decisions and taking into account the international homogenization that we are seeing in intellectual property law, one that is better suited to probe the personality of the author.

Key words: Originality, copyright, architecture, personality, *the continuum test.*

1. Introduction

Either we like it or not, architecture plays a central role in our daily lives. It is everywhere. Not only in our homes – in actuality, *it is our home*! – but in every other medium: from the big movie screens to the little gaming screens of our devices. Someone once observed that it "is the most commonly experienced and pervasive of all the arts",[1] its creative efforts culminating "in structures used for shelter, pleasure, business, entertainment, and transportation".[2] Alas, not unlike any other forms of human intellectual creation, it is prone to illegal and immoral forms of appropriation. Simply put, people steal other people's creations. In order to prevent this, certain legal measures were put in place, and they all come from one of the most speculative areas of law, namely Intellectual Property Law (IPL).

In Romania, in the past two decades since the new copyright law[3] came into effect there has been an explosive rise in the number of court trials

that settled matters concerning IPL, but it must be properly understood that the right granted in IPL is a limited one. For instance, a book author is protected by an exclusive right to exploit as he sees fit his work by making copies of it. The law prevents others from copying his work, hence the name copyright. Nevertheless, the book author copyright does not bar others from using the ideas of thoughts contained in his work, as under the copyright's provisions it is merely the expression of ideas which is protected from copying. Even more, this expression has to reflect the unicity of the author personality which is, in fact, the sole reason that is being protected.

IPL is unlike any other branch of the law in that it is highly dependable of the object it protects. That is to say there are different tests that are employed if one wants to determine if a novel is an original work that has to be protected or if a certain painting is an infringement on another's rights. From all the artistic works that the law grants protection, architectural works are the most juridical complex matters. This is due to the fact that they are also exceptional in their manifestations, partly because we protect not only the drawings, the "blueprints", but also the structure that is erected from those plans. It is often the case that, in order to convince the client of the skillfulness of the architect, he or she will make an artistic drawing or even a small-scale replica of the structure that will be erected. It is obvious that this expression of ideas is radically different from both the plan and the structure that will hopefully emerge and it is only natural that this is also protected under the copyright provisions. For that reason, legal scholars[4] surmised that an architectural creation is granted protection on three stages: (a) as a two dimensional technical writing, plan, drawing or design; (b) as a two dimensional artistic illustration of the projected structure or as a three dimensional model of the structure to be executed; (c) a architectural structure completed or even an unfinished one.

In the succeeding pages we will take a look at the way the concept of originality is seen around the world, in order to detect if the notion has a different meaning or we are basically understanding the same thing, no matter what legal systems we employ.

2. Originality: International Homogeneity?

The first statute in the world to provide for copyright was passed in 1710, as an act of the Parliament of Great Britain. *The Statute of Anne* (8 Anne,

c. i9), named as such due to its passage during the reign of Queen Anne (1665 –1714), is traditionally seen as a historic moment in the development of copyright. But the pivotal moment, that originated in Europe, remains the signing of the Berne Convention of 1886, with its final amendment in 1979. The purpose of the convention was to extend copyright protection to all literary and artistic works of creators from all member countries. The Berne Convention specifically protects architectural works, including both building and other structures located in a member country. Coming closer to the present day, in the past twenty-five years, the strong tendency to homogenize copyright law, though clarifications or modifications of the way in which originality is construed, have considerably reduced the differences among jurisdictions. In so doing, common law countries have tightened their standards by renouncing the position that labor alone is sufficient to support copyright protection, while civil law countries have softened their standards, reducing the amount of creativity they require.[5]

2.1. Two views of originality

The fact is that few, if any, intellectual creations are original in the sense that the author is the creator of all that is expressed in his composition,[6] and as a great legal scholar said 140 years ago, "knowingly or unknowingly, one writer borrows from another, and in the most original works of modern genius are found thoughts and sentiments as old as language itself",[7] This discovery, true as it is, gives way to two different approaches, as we emphasize work or expression.

2.1.1. Sweat of the brow

This law doctrine rests on the idea that if nothing new can come up, then the criterion of originality has to be found in the amount of work the author is willing to do. Copyright in this case comes from diligence, because of the creator's entitlement to have his effort protected. Still, even if in the sweat of the brow it is not a particularly difficult condition to satisfy, originality is still a requirement.[8]

2.1.2. Author's personality

Another way of looking at this entanglement is this: maybe nothing new – as unlikely as that is – in the sense of objective knowledge can be

found, but the way we express the things we already know can definitely be novel. From this perspective, originality is the expression of the author's personality, his soul poured into the creative work that now seeks legal protection. In the following pages this concept will be thoroughly dissected, as it is the prevailing criterion for scholars and judges alike in determining originality.

2.2. Comparative copyright law

One should begin a section dedicated to comparative copyright law with a list of US court rulings pertaining to the issue, but such is too long and complex to be summarized here; also, because the fifth chapter will present in detailed the relevant cases for architecture, we will only address the landmark mention in *Feist*,[9] the famous decision by the Supreme Court of the United States, establishing that information alone without *a minimum of original creativity* cannot be protected by copyright.

2.2.1. Canada

The corresponding doctrine in Canada was recently adjusted in the same direction as the US counterpart, by a 2004 Decision of the Supreme Court of Canada.[10] who adopted what it characterized as an intermediate position, in which in order to satisfy the originality requirement the creation of a work must involve an "exercise of skill and judgment". By "skill" it is meant the use of one's knowledge, developed aptitude, or practiced ability, and by "judgment" it is inferred the evaluation of and discernment between different options.[11] Apart from this exercise of skill and judgement, nothing else seems to be required: neither creativity, nor novelty, nor non-obviousness. It is safe to say that Canadian courts interpreting the originality requirement are fixated on the degree to which a work resulted from the author's deliberate choices. Of course, this analyses closely resemble the approaches of U.S. courts, where the term "creativity" is taken under account. For example, a court have found architectural plans were deemed original because the author chose which architectural components to place where.[12]

2.2.2. Australia

As was to be expected, the courts in some other common law jurisdictions have followed the lead of the United States in tightening the

originality requirement. Initially, in Australian copyright law creativity was unnecessary and the courts held the position that "substantial labor in collecting, verifying, recording and assembling ... data" was adequate to obtain the statutory prerequisite of originality.[13] But in 2009 the Australian High Court repudiated this position, holding that originality pivots around the fact that the author made creative choices, rather than just employing his skill or labor. From this point on, for the originality criterion to be met by the use of creative selections, the High Court[14] ruled that assembled work should not be "dictated by the nature of the information", and in no way "obvious and prosaic". In the subsequent cases, the courts have applied the clarified standard in ways that closely resemble post-Feist jurisprudence in the United States[15].

2.2.3. Court of Justice of the European Union (CJEU)

Recent decisions[16] of the Court of Justice of the European Union (CJEU) endorses that copyright spreads to works that are original in the sense that there are the 'author's own intellectual creation and that no other criteria may be applied to determine its eligibility for protection. For example, in *Football Dataco*, the CJEU explicitly dismissed the traditional common law "skill and labor" standard asserting that even significant labor and skill are not enough to declare a database original. The CJEU reiterated that originality is about making "free and creative choices" and stamping "personal touch" on the final work and no amount of labor or investment can replace that.[17] In *Painer* case, the Court explained that an intellectual creation is the author's own "if it reflects the author's personality" by way of expressing "his creative abilities in the production of the work by making free and creative choices".[18].

2.2.4. United Kingdom

For Europe, the different understandings of the originality requirement largely depend on whether a rights-based approach (in Continental Europe) or a utilitarian/incentives-based approach (in the United Kingdom) is adopted.[19] Evidently, this makes UK the EU member country whose approach to originality was most different from the standard developed by the Court of Justice of the European Union. For decades, the U.K. adhered expressly to the "sweat of the brow" approach, but recently one intermediate appellate court has acknowledged that that approach

cannot survive the decisions in *Infopaq* and its progeny and has redefined originality in terms of whether the author made expressive and creative choices.[20]

In a nutshell, the story goes like this. Following the *Infopaq* decision, the English judiciary was given the occasion to apply the CJEU decision under UK copyright law for the first time in *Meltwater*.[21] The judge ruled that the test of quality of a work under copyright protection had been restated, but not altered, by *Infopaq*, while mentioning that the full implications of this famed case had yet to be worked out. More importantly, the "skill and labour" standard was deemed sufficient to produce an original copyright work, after acknowledging "[t]he effect of *Infopaq* is that even a very small part of the original may be protected by copyright if it demonstrates the stamp of individuality reflective of the creation of the author or authors of the article".[22] The Court of Appeal approved the first judge judgment, adding that "[t]he word 'original' does not connote novelty, but that it originated with the author",[23] and that the CJEU decision had referred to an "intellectual creation" only in relation "to the question of origin not novelty or merit".[24] This resistance to change most likely stems from the fact that the traditional UK standard of originality has been looser than the continental one, namely "author's own intellectual creation", being defined as "what is worth copying is prima facie worth protecting".[25] But, as one author noticed[26] when the U.K. leaves the EU, the British courts may be able, if they wish, to reconfirm the validity of their traditional stance.[27]

2.2.5. France

Traditionally, French copyright law contained a much more arduous obstacles in way of protection as the courts required an objective test reminiscent of novelty. This changed in the late nineteenth century when they commence to put emphasis on the relationship between the work and its author. It is at this point that the French courts began more commonly to use the term *originalité.*[28] Recently, The French court of cassation, in a case concerning the possible protection of a multifunctional architectural complex,[29] held that "the demonstration of the absence of precedents and the new character of the choices made by conceiving the buildings and their arrangement is not sufficient to establish the originality of the elements in question, in the absence of showing what constitutes the choice of the personality of their author".

2.2.6. Austria & Germany

Other courts in the member countries of the European Union adjusted their originality thresholds to meet the CJEU requirements. Countries that previously had strict rules have somewhat softened them and this is also the case in Austria and Germany. In the first, for example, it's now easier to obtain copyright protection for modestly creative photographs than it used to be,[30] and in the second, more software programs are now qualified for copyright protection.[31]

2.2.7. The Netherlands

The Dutch Supreme Court has also emphasized that the bond between the author and the work counts in establishing originality. In the *Van Dale v. Romme*[32] case it held that a collection of headwords would be entitled for safeguarding only if they "were the result of a selection process expressing the author's personal views".[33] This is due to the fact that although the copyright edict does not expressly require that works be original, the courts have long understood it to contain such a requirement and have construed it to dictate that a work bears the personal mark of the creator. In a recent decision, the Dutch Supreme Court offered some additional detail when saying that a work enjoys protection if and only if the author made enough creative choices in order for the work not to be trite or trivial.[34] Naturally, opinions by the Dutch Supreme Court rendered after the CJEU use a slightly altered language, but the main substance is kept the same. As one legal scholars observes,[35] in determining that the design of a chair can be original, the Court referenced *Infopaq's* declaration that a work must be the expression of the author's intellectual creation, or in another ruling found the color scheme of the Rubik's cube to be original because it was not dictated by technical requirements.

2.2.8. Belgium

As in the Netherlands, the copyright law in Belgium does not expressly necessitate that a work be original, but the *Cour de cassation de Belgique* habitually holds that it satisfies the originality condition if it either constitutes an expression of the author's intellectual work or bears the author's personal touch.[36] Notwithstanding a short departure from this classical position in *Artessuto*[37] where it upturned an appellate court's decision that had found the need for an original work to bear the stamp

of the author's personality, the Court position is now totally aligned with the CJEU jurisprudence.[38]

2.2.9. The global outlook

There are still some countries that do not feel the need to join the harmonization process. Following the bizarre way in which the Swiss copyright statute of 1992 demarcated the subject of copyright protection, namely "intellectual creations with an individual character"[39] the Swiss courts seem to consider the "statistical uniqueness" of the work at question, suggesting that some degree of objective novelty is compulsory for copyright protection. At the opposite part of the globe, New Zealand jurisprudence still uphold the core of the "sweat of the brow" model, considering that nothing more than a minimal level of skill and labor is necessary to establish originality. Although, as it was rightly remarked,[40] there are some signs[41] that this stance may be weakening. India, on the other hand, departed from a similar course, where up until 2007[42] the courts interpreted originality in the old common law style, but then decided that this approach "was to generous to the authors to the detriment of the public interest".[43] Instead, they adopted a standard that closely resembles the Canadian "skill and judgment" threshold, but manner in which the Court applied that standard it is said[44] to differed little from the approach used by the U.S. Supreme Court in *Feist.*

3. Philosophical Background

Let us now turn our attention to philosophy where the originality criterion roots can be traced back to the ancient Greek thinkers. Both Aristotelian and Platonic philosophy accept the existence of property rights, and Aristotle explains that private ownership is desirable, given the human nature to squabble over things.[45] In his view, acquiring property as part of household management, namely that property given for subsistence, was natural. This position gives birth to one of the three philosophies that offer ground for understanding originality as a component of intellectual property. We will briefly address them in the pages that follow.

3.1. Natural law theory

As we seen above, perhaps the most familiar theory of justification of property ownership comes in the form of natural law. For the common law countries, Locke's fruits-of-their-labor theory seems to be one of the philosophical justifications heavily relied upon.[46] To name the most important one, U.S. Supreme Court decisions[47] and legal scholarship[48] regarding U.S. copyright law indicates a widespread belief that natural law is the best applicable doctrine regarding originality. It comes as no surprise then that "the sweat of the brow" is the manifestation into the legal world of Locke's "labor acquires property" philosophical model.

For Locke, any analysis of property must start from a "positive community"[49] that God bestowed upon "the earth and all inferior creatures" to be used by "mankind in common".[50] But from this commonality comes individual ownership: how is this possible? For Locke the answer resides in labor, the ultimate tool that by affecting the material world, as an effect of an action, makes the difference.

Even though Locke did not extend his theories on tangible property to intellectual property *per se*, the merit of creating a property right in the first copyright statute was due to the Lockean fruits-of-their-labor concept.[51] Indeed, he backed statute limitations for copyright, a significant departure from tangible property rights, that they are imprescriptible.[52] From an economic perspective, the natural law theory, as accepted by the lawmakers, disregarded Lockean opinion and prior to the enactment of the Statute of Anne, the right to copy creative works was treated as a perpetual right.[53] This was a gross departure from inception, as even in regard of tangible property, Locke believed that property should not be wasted, and that the appropriation of property by one should not harm others in society.[54] As an author fittingly observed, Locke's theory was primarily concerned with avoiding what he perceived as the excess of rivalrous resources due to the tragedy of the commons. We believe this is a strong inclination towards elements of the second philosophical doctrine that we will now discuss.

3.2. Utilitarian Philosophy

This school of thought views IPL as a means to an end. Therefore, there is no higher purpose than assuring the endgame. Again, U.S. intellectual property law provides good example of this philosophical theory, the

utility of it resides in "promot[ing] the Progress of Science".[55] Echoing Locke, The Supreme Court of the United States found that the existence of copyright law is not to "provide a special private benefit",[56] but to "stimulate artistic creativity for the general public good".[57] The logic sequence goes like this:[58] in order to increase the common good, the society needs to motivate "the creative activity of authors" through "the provision of a special reward".[59] Naturally, the reward is just a means, not an end, resulting in a limited copyright term. Otherwise, the public will "be permanently deprived of the fruits of an artist's labors".[60] This marks the fine articulation between a utilitarian goal and a natural law practice, that finally allows authors to reap the rewards of their creative efforts.[61]

3.2.1. Hegel Theory

For Hegel the state of nature was a mess, utterly chaotic and without any freedom.[62] Evidently, this means that he did not view property, nor intellectual property, in terms of natural law,[63] freedom is not granted, but has to be obtain through the intersubjective relations in civil society.[64] Enters property. For Hegel only property enhances intersubjective relations, but through recognition of rights in positive law, not natural law,[65] because property is an effective means to obtain a social recognition.[66] In a word, Hegel has the merit that he grounded the rationality of property in the human need for recognition.

3.2.2. Hohfeldian theory

Hohfeld's theory[67] starts with the works of Hume and Bentham and puts forward a legal theory that has, at its core, the belief that property rights are a collection of rights that establish the legal relationship between the property holder and the world at large. Being a refinement of the utilitarian theory, that property is a means to an end,[68] Hohfeld sees copyright as a legislatively created means to serve the interests of the public. In it, the public and the author are both served through intersubjective relations, but the existence of the object is not personified; rather it is utilized for personal or social purposes.[69] Accordingly, the essence of property cannot be universal, but merely a human conceived tool, fashioned to satisfy social needs.

3.2.3. From natural law to utilitarian system

Taking into account that Locke and Hegel's works have shaped the most dominant discourses of justification for copyright theory, it is not unusual that their presence is observed not only in legal scholarship, but in courts decisions as well. As it was perceived,[70] at some point the Supreme Court of Canada[71] directly built its discussion of the "sweat of the brow" principle on Lockean theory of "just desserts", but at the same time keeping its emphasis on originality, that signaled an implicit move towards Hegel's property theory. But the rabbit hole goes much deeper, as the Lockean- Hegel alliance will be quickly analyzed below.

In contrast to Locke's theory of property, Hegel's has "a free will" property theory. At the other end of the natural state, Hegel starts from "negative community", instead of Locke's positive community. He begins analysis with an absolute, infinite free will, as the basis of right is the mind, wherein the precise place and point of origin is the will.[72] But the will is not material, nor was the Lockean idea that commended the labor. Therefore, it needs something external, and property is for Hegel "the first embodiment of freedom",[73] and someone humorously notices[74] that Hegel's theory of property is a story of "I own, therefore I am". And although for Hegel "occupancy", a possibly analogous concept to Locke's "labor", is necessary to safeguard the embodiment of "free will" in a thing to appropriate it, it is ultimately the free will that is most important. So yes, Locke's theory is a labor oriented, while Hegel's is free will oriented, but in the long run this dissimilarity in approaches does not stop them from sharing the same points of view on the significance of property.[75]

3.3. Personality Theory

Despite the ancient heritage of philosophical introspection, legal scholars[76] trace this personality theory to Immanuel Kant.[77] Kant thought that intellectual property rights could and should be allowed under positive law, and the argument stems from the fact that the artist's creation is filled with the artist's personality, therefore not just an innate thing. Being more than just property, it required a special protection under the law.[78] To reach this conclusion, Kant followed this argument: the natural law paradigm cannot answer for intellectual creation because it is concerned with inborn rights in one's own person, that which internally is "mine".[79]

But property relates to an object, that which externally is "mine", and follows from the autonomous act of first acquisition. After that, the provisional right is subsequently ratified by the state, invested with institutional coercive powers. Basically, we are referring to a way of acquisition (of property), but creative expressions are created (property), not acquired, therefore Kant sees that IPL did not appear to address the issue. It is only logical then that a creative expression is a personality right, bestowed to the author, who could later dispense to an agent the right to sell the expression. Kant view gave birth to the moral rights of the author and constitutes a cornerstone for the continental interpretation of originality.

4. Originality: A Critique

4.1. The scope of originality

The term "originality", as crucial as it is, it is actually undefined. There is no international accepted definition, nor any uniform standard,[80] every state has to create its own national concept and deal with it. In order to try to better understand it, we need to begin by asking ourselves what is the purpose of copyright. Conservatively, there are four different perspectives[81] on what the copyright law should be about: respect and enforcement of the natural rights of authors, nurturing and shielding the psychic bonds between creators and their creations, social inducement of beneficial innovation and resourcefully reaping its fruits and, lastly, fostering a rich and diversified culture that offers all individuals opportunities for human flourishing.

Taking into account all of the above, a rather general legal definition could see originality both as a work originated from the author (*authorial originality*) and that it satisfies a threshold of creativity that differ, as we have seen in chapter 2.2, from country to country (*creative originality*).

4.2. (Post)modern views on authorial originality

It was argued[82] that the analytic philosophers who spoke about originality developed two basic approaches to deal with it, one that addressed originality as a property of the work itself and one in which originality is construed as a property of artists. Some scholars[83] maintain

that the postmodern rejection of originality relies on an excessively limited sense of originality as "historic novelty" by isolated geniuses and thus misconstrues the nature of the term.

4.2.1. Originality as a property of works

Haig Khatchadourian analyzes[84] originality in terms of the properties of a work in relationship to other works, and sees originality as laudable when it produces new effects or materials, or employs novel techniques and subject matter, but Julie Van Camp considers[85] his view incomplete, as he cannot produce a standard to "distinguish praiseworthy originality from unpraiseworthy novelty".

Frank Sibley considers[86] the synonymy between originality with "novelty", and sees originality in terms of the properties of the work, making it to differ from anything previously existing in relevant ways, while Harold Osborne rejects[87] this view on account that originality in his understanding implies a positive aesthetic value, wherein novelty is rather neutral. Novelty is also not the solution because it imposes a diabolical task for proving it, as it implies a truly vast knowledge of the author or the critics.

4.2.2. Originality as a property of artists

There are, nonetheless, great accounts of originality that focus exclusively on the artist. For Monroe Beardsley originality is genetic and differs, at the moment it was created, from anything else that was known by its creator.[88] In a sense, the work does not count, just the creator's originality. The characteristics of the artist are imbued in the work in such a way that, as Richard Wollheim believes,[89] originality becomes consistent with positive choices like "spontaneity" and "freedom", and incompatible with "constraint" and "coercion". The property of the artist now become essential in the search for originality, as it becomes a function of the artist working "in comparative autonomy".[90]

R. G. Collingwood grasps[91] originality in terms of genuineness of expression, and not as "resemblance of anything that has been done before",[92] enunciating a somewhat romanticized notion of originality, but one decisively embraced by copyright practice.

4.2.3. Originality as an obsolete notion

Roland Barthes and Walter Benjamin refute traditional notions of originality, while arguing that in an age of technological innovation and easy reproduction originality is nothing more than an antiquated notion. Benjamin has reasoned[93] that modern systems of reproduction have obliterated the authority of the original work "by making many reproductions [that] substitutes a plurality of copies for a unique existence",[94] while postmodern theorists such as Baudrillard attack the romantic notion of the artist as an independent, creative, original agent, since he "can no longer produce the limits of his own being, can no longer play nor stage- himself, can no longer produce himself as mirror. He is now only a pure screen, a switching center for all the networks of influence".[95]

The amusing thing about this pseudo-problem is that, as van Camp accurately observed,[96] the same authors who proclaim the "death of the author" continue to claim identification of their names with the works they produce, and when possible, they do not seem to hesitate to claim copyright protection.

5. Copyrightable Architecture: A Conundrum?

5.1. Architectural structures versus work of architecture

As we well know by now, architectural structures are protected, being "works of architecture", a term expressly defined in (present day) copyright law around the globe. But when does a structure begin to be a work of architecture? First of all, if the said blueprint has enough elements to be immediately erected, but still remains in the two-dimensional state, is the author entitled to protection? Naturally, otherwise it would mean that the copyright holder is somewhat punished for not urging the construction, even though it is not in his power – but in the hands of the beneficiary or the developer. In *Hunt v. Pastemack*[97] the court found the defendants liable for using plaintiffs copyrighted plans for a restaurant even though the building depicted in those plans had not been constructed.

Secondly, we have to turn to the question if a design is not capable of construction (in the state that it is), should it still be protected? The answer is definitely yes, because the rationale behind it concerns the way the author manifests his personal touch, not if his plan is sufficient detailed to be immediately put in practice. The courts agree: in *Shine v. Childs* the

court said it was irrelevant whether a skyscraper for the World Trade Center site could be constructed from the plaintiffs highly-acclaimed designs, renderings, and models, stating "that plans or designs not sufficiently detailed to allow for construction still may be protected".[98] The same must go for a plan that is too conceptual to be used as a blueprint for erecting a building, but detailed enough to be more than an idea. In *Oravec v. Sunny Isles Luxuy Ventures*[99] the judge rejected the defendant's argument that plaintiffs plan for a high-rise building was unprotectable, being too conceptual – it consisted of no more than commonly-used functional features, without floor plans or an overall plan of the surroundings; even though no constructability test exists, plaintiffs use of certain shaped segments was distinctive in relation to other aspects of his design, and that his arrangement original and concrete.[100]

5.2. The specific originality of architecture works

We have now some idea about what originality tends to be under the copyright law, namely, as the U.S. Supreme Court elegantly put it, "the *sine qua non* of copyright".[101] But for architecture, the main aspect in this regard is that it works similar to the way a compilation is copyrightable,[102] in the sense that "the architect's selection, coordination, or arrangement of the standard features may, together, constitute a protectable whole".[103] This means that the presence of shared design features in a building's design does not preclude the design as a whole from achieving copyright protection,[104] as long as "one considers the plans or the building as a whole and the ways in which the architect combines"[105] these elements.

Normally, one would think that it should be fairly easy for an architect to satisfy the originality requirement in designing an architectural work, but because almost all the building have a functionality desideratum attached to them, the copyright protection is quite limited for many architectural works.[106] There are constrains ascending from the purpose of the building (some are meant for living, others for working and leisure etc.), the structure (strength of materials, the distribution of stress etc.), the environmental (seismic activity, different whether etc.) or external constrains (political regime, urban planning regulations etc.). While there are numerous ways in which architects may joggle with these constrains, in the end there must be an appropriate overall order for the building to suit the purposes for which it is designed,[107] the right combination of materials, composition structures and assembly methods employed, to ensure that their creations are robust

and safe,[108] and of course a compliance with aesthetic guidelines on how buildings must be shaped.[109] This comes out as saying that if one breaks an architectural project in its most basic components, it becomes clear that originality is more limited than might be supposed.[110] One scholar even went out of his way to notice that "the design of a shopping center produced by an architect who is bound by strict instructions concerning its function and cost will have some originality in this sense, but less than the plot of a typical novel".[111]

5.3. Infringement of architectural works

From a procedural standpoint, an infringement can be established by direct evidence,[112] but when that is absent, proof often focuses on showing that the defendant had access to the plaintiffs works, meaning that it is "reasonable possible"[113] that an inference took place. But if the plaintiff's proof of access is frail and the likenesses between the architectural works in dispute address only general design ideas and concepts, then there is a good chance that the plaintiff will lose the litigation.[114]

The courts sometimes stress the importance of demanding from an author who accuses another of infringement to prove "the existence of those facts of originality, of intellectual production, of thought, and conception ...",[115] while some legal scholars[116] believe that it is up to the perpetrator of a copyright to define the contours of originality, an obligation that he has because he is the only one able to identify the elements of translation of his personality, so that the defendant can know precisely the characteristics behind the infringement that he supposedly perpetrated. In effect, this means that the process which the author went through to create a work, his or her personal qualities and skills, become part of investigation for originality assessment.[117]

The fact that a building is copyrighted as an architectural work does not mean that every element is protected,[118] but merely that infringement exists when there is substantial similarity between the defendant's work and protectable elements of the plaintiff's work.[119] By way of jurisprudence, substantial similarity exists "where an average lay observer would recognize the alleged copy as having been appropriated from the copyrighted work".[120] Of course, this has to be determined through an analysis of the court and in time two approaches stand out.

5.3.1. The subtractive/analytical dissection approach

This approach is a two-step process, the fist is to identify which, if any, features of the architect's work are protected by copyright and the second, after subtracting the unprotected aspects of the work, is to determine whether there are noteworthy similarities between the protected aspects of the plaintiffs work and the allegedly infringing work.[121]

The first phase requires, as we have seen, excluding ideas and those noncopyrightable elements, like common features or the ones that fall under *scenes a faire* doctrine, meaning those settings which are indispensable, or at least standard, in the treatment of an architectural theme.[122] The problem here, as one author observed[123] with a quipped remark, "the risk is in missing the protectable forest for the unprotectible trees", because often protectable authorship in how an architect selects and arranges components and features is left out.

The second phase involves side-by-side comparison of the works to determine if a reasonable person would conclude that the second architect illegitimately appropriated the protected expression of the first.[124] If the suspected infringing architectural structure does not utilize any protected parts of the plaintiff's structure, then there is no infringement. Let's imagine that copying a two-floor layout, if it is identic, would constitute an infringement, but the exact same square footage or the number and function of the rooms, if nothing else is the same, cannot be deemed infringement, because these are unprotectable standard features.[125]

Regularly, in evaluating substantial similarity the court view the competing designs side by side to identify and evaluate their shared characteristics, compile a list of elements in design which a party alleges evidence substantial similarity, evaluate those elements to determine whether they are features which copyright protects, and finally analyze these elements, individually[126] and collectively, to determine whether there is enough similarity so that a reasonable jury, properly instructed, could return a verdict that the designs are substantially similar".[127]

5.3.2. The totality method

An approach that uses the application of the principle that unprotected elements can be selected and arranged to create a copyrightable works well in litigation. Infringement takes place when the plaintiffs work and the alleged infringing work have the "same concept and feel".[128] This means that even if the two architectural works we question are no organized or

structured the same way, but they have the same concept and feel in terms of atmosphere and overall approach, then an infringement is present.[129] The main critique of this method targets overprotection, because in protecting a work's concept and feel, there is a risk of improperly extending protection to ideas.[130] Architecture has, as other forms of art, schools of thought, *i.e.* modernism, and by definition the "feel" will be identic between different works of architecture that tend to evoke the same style. In this regard, the totality approach is highly problematic.

5.4. The "Idea-Expression" Distinction

Copyright law has long recognized a division between "ideas" and "expressions", and this distinction is needed because protection exists only for particular expressions of an idea, and not for the ideas contained therein. For example, an architect can protect its work if it has a certain plan that draws inspiration from a circle, if it is sufficiently enriched with different design elements – this is his expression – but not the circular plan *per se* – this is an idea. As fairly straightforward as this concept of "idea/expression" dichotomy may seem from this example, it has proven infamously problematic to sift out the expression from the idea in actual court cases.[131] This difficulty was also apparent to the famed Judge Learned Hand,[132] when he wrote that "no principle can be stated as to when an imitator has gone beyond copying the «idea» and has borrowed its «expression». Decisions must therefore inevitably be ad hoc. In the case of designs, which are addressed to the aesthetic sensibilities of an observer, the test is, if possible, even more intangible".[133]

But the ad hoc decisions that the judges need to make are not the most troubling part of this equation. What if the distinction is impossible to make? In this case, the idea is so imbued into its expression that it is impossible to set them apart, and now the expression can be limited. A court found that "[w]hen the *idea* and its *expression* are . . . inseparable, copying the expression [is] not barred".[134] The reason for this rather bizarre twist resides in the sound logic that protecting the "expression" in such circumstances would confer a monopoly of the "idea" upon the copyright owner, which in this instance is the bigger evil. Following this, one author[135] even stated that "ideas are themselves expressions", and no idea "can exist separately from some expression of the idea".[136]

5.5. Does copyright in architecture really work?

A keen observer of the relation between architectural works and copyright law once said[137] that "an architect who is alleging that the copyright on a relatively simple structure like a home or a condo complex has been infringed must prove near identity between his or her architectural work and the alleged infringing work". The more unique and creative an architectural structure is, the better chance to win a litigation against someone trying to rip-off your intellectual creation. In that sense, to be sui generis seems to be the best approach in copyrightable architecture. But isn't this the goal in life itself, one might ponder? Maybe so, but the rights of the author movement were not designed to work just for the lucky few whose creations exceed anything that come before them, but to every person struggling to express his ideas.

6. Conclusions: The Need for a Continuum Test

We have seen that, from an international perspective, even though the view on originality isn't exactly the same, the personality of the author is the general requirement, whether this means "skill and judgment" or his/her "creative choices", or plain old "personal touch". But the sheer Lockean labor of the author is not enough anymore, because there is simply nothing personal in it to warrant any protection. We also need a Hegelian will that would be labor's *primum movens* and this could start to build upon a "personality" sufficiently distinct to be copyrightable. Ultimately, it was Kant who exposed us to the relationship between personality and property of immaterial things, like creative expressions.

Recent (post)modern philosophical forays into the philosophy of originality also revealed that we can imagine an horizontal linking, in which a work originality is judged in connection with other works, or a vertical one, where the criterion ascends to the mind of the author. The first perspective tends to accentuates novelty, but we know the courts have ruled that novelty is not a measure of originality, in a negative sense, meaning that if it is absent, the work could still be original. The second, and this is far more interesting from a legal perspective, tells us that the only thing that matters, way above the work itself, is the creator and his choices, his genuineness of expression.

Albeit theoretically sound, the problem with the legal concept of originality as the author personality is that occasionally court decisions miss out on some infringements. This is due to the fact that with just a tweak, a small scaling procedure or a replacement of some materials, an architect could get off scot-free. We remember that the Court of Justice of the European Union expressly said in *Infopaq* that only through the choice, sequence and combination of the specific elements that he uses an author may express his creativity in an original manner, but we ask ourselves what is the necessary degree of this rearrangement in order to be in the presence of a different, original work?!

We think the answer to this, and ultimately our contribution to this field resides exactly where everyone is looking, but cannot see the proverbial forest: *in the author personality*. The trick is not just to assert it, but to try to devise a system to prove its manifestation. We think that for architecture a solution could take the form that I will present momentarily, but first a word of caution: the legal reality is that proof of originality is every so often a difficult chore and could vary depending on the subject matter to which the standard would be applied, so what is good for the architectural goose may not be good for the general gander.

The courts have stressed the importance of author personality, alas no actual step was made in the direction of sketching the said personality in the pending trial. My argument is that in order to affirm that an architectural work is original we have to question the *past works* of the same architect. Personality, as complex and intricate concept as it is, may be affected and changed during the years, but apart from some pathological condition, it is not unrecognizable from before. This is to say that an architect could prove his style, his conceptual long-life "idea", by using past projects, drawings and sketches that share some light into his inner creative circle.

We believe that despite some legal difficulties regarding evidence admission and burden of proof, that differ from country to country, the way to honorably resolve the architectural copyright conundrum is for the judge to decide on originality based on what we would call *the continuum test*: submission of previous intellectual creations of the defending architect in order for the court to appraise if the personality in those works is consistent with the one from the work in question.

We consider this test to be indispensable, since it is precisely delineating the structure of the author's personality, the only thing the judge is called upon to answer. We do not know whether and when it will be implemented. But we sure need him!

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[14] *IceTV Pty Limited v Nine Network Australia Pty Limited* [2009] HCA 14 (22 April 2009)

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[16] *See Infopaq International A/S v Danske Dagblades Forening*, Case C-5/08, 2009, § 37; *Bezpečnostní softwarová asociace - Svaz softwarové ochrany v Ministerstvo kultury*, Case C-393/09, 2010, § 46; *Football Association Premier League Ltd and Others v QC Leisure and Others*, C-403/08 and *Karen Murphy v Media Protection Services Ltd*, C-429/08), 2011, § 97; *Eva-Maria Painer v Standard VerlagsGmbH and Others*, Case C-145/10, 2011, § 87; *SAS Institute Inc. v World Programming Ltd*, Case C-406/10 2012; § 45; *Football Dataco Ltd, Football Association Premier League Ltd, Football League Ltd, Scottish Premier League Ltd, Scottish Football League, PA Sport UK Ltd v. Yahoo! UK Ltd, Stan James (Abingdon) Ltd, Stan James plc, Enetpulse ApS*, Case C-604/10., 2012, § 37

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[22] *Apud* LAU, *op. cit.,* p. 47.

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[25] *Apud* LAU, *op. cit.,* p. 48.

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[127]   *Oravec v. Sunny Isles Luxury Ventures L.C.*, 469 F. Supp. 2d 1148, 1169 (S.D. Fla. 2006).

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CONTESTED ORTHODOXY: LATINS AND GREEKS IN LATE MEDIEVAL JERUSALEM

Abstract

Starting in the ninth century, Latin-Greek debates on orthodoxy led to the flourishing of the heresiological genre of the so-called "lists of errors". This article discusses the case of the "Greek errors" listed by Latin authors living in the Holy Land, especially those produced by Franciscan friars, who settled in Jerusalem as the exclusive representatives of the Roman Church in the fourteenth century. The article explores in detail one of the errors included in the Latin lists, namely the descent of the Holy Fire on Holy Saturday at the Church of the Holy Sepulchre.

Key words: Jerusalem, Church of the Holy Sepulchre, Franciscans, Holy Fire, crusades, "lists of errors"

The claim of "orthodoxy" (correct belief) for a certain creed implies the heterodoxy of beliefs that differ from the adopted norm. The history of Christianity bears the sign of these two conflicting notions.[1] This article explores Latin-Greek debates on orthodoxy (the correct belief) and orthopraxy (the correct practice of this belief) in late medieval Jerusalem. It focuses on the Latin view, understood in the larger context of Latin-Greek polemics. The first part sketches the general context of Latin-Greek encounters in Jerusalem from the eleventh to the fifteenth century. The second discusses the so-called "lists of errors" produced by Latin authors to denounce Greek beliefs which they deemed heterodox. The last part is dedicated to the exploration of an "error" particular to the Hagiopolite Church, namely the descent of the Holy Fire.

A Contentious Encounter: Latins and Greeks

In her seminal book, *Inventing Latin Heretics. Byzantines and the Filioque in the Ninth Century,* Tia Kolbaba has shown how the encounter of Latin and Greek missionaries in the territory of the yet unconverted Bulgar khanate led to a better knowledge of the increasingly different dogma and liturgy of the two Churches. Missionaries sent from Aachen and Rome and, respectively, Constantinople, were competing for the souls of the Bulgars. In this context of proselytism, the Greek missionaries become aware of the Latin dogma of the *Filioque* (the procession of the Holy Spirit from the Son) and of Roman customs (such as the use of unleavened bread in the Eucharist), which they deemed abhorrent and branded their advocates as heretics.[2] Thus, the ninth century marks the turning point, when the two Chalcedonian Churches and their heads, the pope of Rome and the patriarch of Constantinople, started to refer more often to the other's teaching as "heretical".[3] The crusader conquest of Jerusalem and the establishment of the Latin Principalities in Syria and Palestine resulted in similar encounters, in forced coexistence and the sharing of shrines by Latins and Greeks, in what Christopher MacEvitt has described as "rough tolerance".[4] Following the fall of Jerusalem to the Christian army on 15 July 1099, a Latin patriarch was consecrated for the see of Jerusalem and Latin clergy had precedence in liturgical services at the Holy Sepulchre.[5] However, this change in hierarchy did not result in the exclusion of the Greek Orthodox. On the contrary, other local Christian denominations, such as the Syrian Orthodox and the Armenians were admitted to the service of the Holy Sepulchre.[6]

The conquest of Jerusalem by the Crusader armies brought Latin Christianity to the fore in the Holy Land. The teaching, liturgy and particularly the hierarchy of the Roman Church superseded the local ecclesiastical structures. However, in spite of Roman primacy, supported by the secular lords, the Greeks maintained their parallel hierarchies, their liturgies, and, at least in the Judean Desert, their monasteries.[7] This is a state of affairs that even Jacques de Vitry, the thirteenth century bishop of Acre, chronicler of the crusades and connoisseur of all things oriental, had to acknowledge:

> They do not really obey their Latin bishops, to whom they only pay lip service fearing the [Latin] secular lords. They have their own Greek bishops, so that they do not fear the Latins' excommunications or whatever

other judgements in the least, unless this would stop our lay people to do business with them. But, among themselves, they say that all Latins were excommunicated, which means that their sentences are not binding on others.[8]

As it will be detailed in what follows, living at close quarters and celebrating in the same church increased the outpour of polemical literature, Latin and Greek, produced in the Latin Kingdom of Jerusalem. Yet, this enforced coexistence led to a complex liturgical status, exemplified best by the case of the Church of the Holy Sepulchre. Daniel Galadza has showed that the crusader rule in Jerusalem marked the final stage in the process of "Byzantinization", that is the adoption by the Hagiopolite Greek Church of the Constantinopolitan liturgical rite. This process ended in the twelfth century, when the Constantinopolitan liturgies of St. John Chrysostom and St. Basil the Great replaced the local liturgy of St. James the Brother of the Lord.[9] Galadza describes the Hagiopolite liturgical life as "worship in captivity", first under Muslim rule from 638 to 1099, then under the Latin Kingdom of Jerusalem from 1099 to 1187.[10] Under Latin rule, the Greek Church of Jerusalem kept its allegiance to the Emperor in Constantinople and remained in communion with the Great Church. Thus, the complete Byzantinization of the local Greek Orthodox Church was a byproduct of Latin rule in Jerusalem. Adopting the liturgy of Constantinople reinforced the Byzantine identity of the Greek Church and signaled its allegiance to the tenets of Constantinopolitan orthodoxy because "Observing the liturgy of Constantinople could have been seen as a sign of Orthodoxy".[11]

Galadza has further argued that in spite of Latins and Greek celebrating in close proximity at the Holy Sepulchre, Greek liturgical sources do not mention the Latin presence.[12] Indeed, reading the liturgical instructions from the so-called "Typikon of the Anastasis", which mentions processions to Hagiopolite churches long destroyed or fallen into disrepair, one would think that this twelfth-century book describes the liturgy of the Holy City in its heyday, prior to the Muslim conquest of 638.[13] Galadza interprets the Greeks' silence as a signal of their refusal to celebrate with Latins. Although this might hold true for the Greek side, although there are hints in the Latin sources that Greek clergy occasionally did participate in Latin-led ceremonies, the Latins' apparent flexibility in allowing the local clergy to celebrate in their own rite might have another explanation, rooted in the Latin tradition. A version of this possible explanation was given by

the Dominican friar Riccoldo da Monte di Croce, a seasoned missionary, who travelled extensively in the East in the second part of the thirteenth century. In his *Libellus ad nationes orientales,* a handbook written for the instruction of aspirant Dominican missionaries, he compiled a list of rules for approaching Eastern Christians. One of these rules reads thus:

> The third rule [when discussing with Eastern Christians] is that it is necessary to know the opinions, motivations and reasons of every sect, and whether they err or not in things fundamental to the faith, so that it is known who are heretics and who are not. Because they are permitted to have a different rite, which does not pose any danger as long as we agree on the faith, because the Christian faith is one, as God is one. Thus, the Apostle in Ephesians 4: 'One God, one faith etc'. He does not say 'one rite'. However, the brothers often fight with them pointlessly about ritual differences, when they should bring them back to the one faith, not to the one rite.[14]

Riccoldo expresses here the Roman view on liturgical diversity, which was acceptable provided that the unity of faith was insured. In this, the Dominican followed the teaching of Augustine and Gregory the Great and the Dominican master Thomas Aquinas, who saw different liturgical customs as traditions of various local Churches, an assertion repeated by Latin authors throughout the Middle Ages in their dialogue with the Greeks.[15] Thus, a likely explanation for the preservation of liturgical individualism at the time of the Crusader Kingdom, in spite of Latin dominance, comes on the one hand from the Latin patristic teaching on liturgical diversity, and, on the other hand, from the Greeks' allegiance to Constantinople, seen as the see of orthodoxy.[16]

Saladin's conquest of Jerusalem in 1187 put an end to this precarious balance. Latin clergy were expelled from Jerusalem[17] and the Greek clergy recovered their primary status at the Holy Sepulchre. Latins received again the right of permanent presence at the Church of the Holy Sepulchre only in the 1330s, when Franciscan friars settled in Jerusalem as Latin guardians of the Holy Places, where they have remained ever since. The friars' restoration to the Holy Land is linked to the patronage of the king of Naples, Robert of Anjou (1309-1343) and queen Sancha of Mallorca (1309-1345), his wife. Sometime in the early 1330s, the Angevin kings bought from the Mamluk sultan of Egypt, al-Malik al Nāsir Muhammad (1310-1341), the right for the friars to settle in Jerusalem and to serve in the Church of the Holy Sepulchre, together with the Eastern Christians.

Queen Sancha also bought a plot of land on Mount Sion, where the friars' Jerusalem convent was erected.[18] Two bulls issued in November 1342 by pope Clement VI, *Gratias agimus* and *Nuper carissimae,* confirmed the friars' appointment as guardians of the Holy Places and stressed the role of liturgy in their mission.[19] Moreover, papal documents issued for the benefit of the Jerusalem friars continued to emphasize their ministry to "celebrate masses and other divine offices" (*ibi celebrare missas et alia divina officia*) at the Holy Places.[20]

This article explores the friars' relations with their Greek counterparts in the fifteenth century, seen in the larger historical context of the Latin presence at the Church of the Holy Sepulchre from 1099. If in the days of the crusader rule the Latin clergy played a primary role in the ceremonial life of the Holy Sepulchre, under Mamluk rule they, and all Hagiopolite Christians, were a tolerated presence.[21] Thus, Latin-Greek relations were shaped by a new historical context: both communities had to acquiesce in the restrictions governing the life of non-Muslims under Muslim rule.[22] This was yet another period of "worship in captivity" for the Hagiopolite Church, only this time all Churches were captive, including the Latins. In terms of Latin-Greek relations, the era is marked by the incremental alienation between Rome and Constantinople, echoed by developments in Jerusalem.

Franciscans residing in Jerusalem testify to this spike in animosity in their writings. Francesco Suriano, custos of the Holy Land (superior of the Jerusalem Franciscans) from 1493-1495 and again from 1512-1515[23], delivered in his *Trattato di Terra Santa e dell'Oriente* a likely explanation for this state of affairs. He mentioned the two failed councils that ought to have led to the union of the two Churches, Lyon (1274) and Florence (1438-1439), and decried the rejection of the Florentine union at Constantinople.[24] If references to the Greeks as "heretics" before the two councils were relatively uncommon, Latins speaking rather about their "errors" that could be corrected[25], particularly after the Council of Florence, in Latin writings on the Holy Land, the "heretic" tag becomes the norm. This holds through for treatises written both in the West and in the Holy Land. Crusader authors rarely referred to the Greeks as "heretics".[26] But by the end of the fifteenth century, what Suriano wrote about the Greeks, with whom he was enclosed in the Church of the Holy Sepulchre and thus knew well, became the norm:

These perfidious heretics boast that they are better than us, and holier, because both clergy and laymen fast five times a year, when they [actually] do not fast, but they just do not eat meat and dairy.[27]

This attribute of "perfidious heretics" and its more popular variant, *pessimi heretici*[28] (the worst heretics), were reciprocated in Greek heresiological writings, where the epithet "heretic" attached to Latins was a constant in polemical writings from the ninth century onwards.[29] The same Suriano registered a practice, which so far I was not able to confirm with another source, which had the Greeks excommunicate the Latins on Good Friday:

Also, every year on Good Friday, they publicly excommunicate the pope of Rome and all his followers as heretics and accursed; to which the faithful gathered in church respond: *Anathema nachusi* [Ἀνάθεμα νὰ ἔχωσι], which means, let them be cursed.[30]

Although he ascribed this ritual excommunication to the Orthodox Good Friday, the description fits better the public anathematization of heretics on the Greek Orthodox Feast of Orthodoxy (first Sunday of Lent), when the *Synodikon of Orthodoxy* was read.

Apart from the obvious animosity generated by the failed union, another explanation for the popularity of the "heretic" slur both in the West and in the East lies in the new life breathed by the scholastic preparation for the councils and the conciliar debates into an old heresiological genre, namely the so-called "lists of errors".

The "Lists of Errors"

The first encounter of Latins and Greeks in a competing territory of mission, in ninth-century Bulgaria, led to the writing of the first Greek treatises condemning the *Filioque* and the other Latin errors, by Photios, the then patriarch of Constantinople (858-867 and again from 877 to 866) and by the polemicist Niketas (Byzantios).[31] These polemical treatises later started to circulate in an abridged format, as lists describing in a few lines each of the Latin errors. Apart from the *Filioque,* the major doctrinal difference, these lists usually condemned the Latins for: fasting on Saturday, not fasting properly during Lent, presbyterial celibacy, acknowledging the

validity of the sacrament of confirmation only when given by bishops, and the use of unleavened bread in the Eucharist.[32]

In their turn, Latins were quick to produce their own treatises condemning Greek errors, which, in a similar manner, started to circulate in the abridged format of lists of the "errors of the Greeks". Already at the time of the so-called "schism of Photios" (867-879), the patriarch's nemesis, pope Nicholas I (858-867), asked Hincmar of Reims and the other Frankish bishops to write a reply in which to answer Photios' accusations.[33] In the six centuries following the "schism of Photios" a lot of ink was spilled in the West and in the East to comply and update these lists. Thus, after the doctrine of the Purgatory was adopted in the West in the thirteenth century, it immediately made its way into the Byzantine lists of the Latins' errors. The lists were produced especially on two occasions: during moments of acute crisis between East and West (for instance the list produced by the patriarch of Constantinople Michael Keroularios after he excommunicated the papal legate Humber of Silva Candida in 1054) or when the union of the two Churches was negotiated (for instance Thomas Aquinas' treatise *Contra errores Graecorum*).[34]

The crusader conquest of Jerusalem in 1099 brought this heresiological genre to the Holy Land. Proximity and enforced coexistence made theological and liturgical differences manifest. Hence the flourishing of polemical literature. During the crusader rule describing the errors of local Christians (Greeks, Jacobites, Georgians, Armenians) became a staple of the Latin writing on the Holy Land.[35] The heresiological output in Jerusalem was in sync with similar developments in the centers, Rome and Constantinople.

In the eleventh and early twelfth century, the Byzantines saw the Latin use of unleavened bread in the Eucharist as their most serious error.[36] Similarly, Jerusalem and the Judean monasteries witnessed an outpour of polemical literature dedicated to the same problem, most notably the three treatises written by the Greek patriarch John VIII (c. 1106/1007), one of which resulted from the debate he had in Jerusalem with a "Latin philosopher".[37]

However, in the following centuries, the focus returned to the doctrine of the *Filioque* and, in the context of union talks, to the matter of the papal primacy[38], which reoccurs in all Latin lists of errors produced in Jerusalem in the fifteenth century. The deepening rift is patent in the language of lists written by Latins in the Holy Land. Jacques de Vitry produced probably the most popular "catalogue of errors" professed by Greeks and the other local

Christians.[39] By the fourteenth century, this catalogue became a standard feature in Latin pilgrimage accounts.[40] Thanks to the immense success of his *Historia orientalis,* the chapter on the *Suriani,* the local Christians who followed the Greek Orthodox rite, made its way in numerous treatises on the Holy Land written in the succeeding centuries. Although the bishop of Acre piled insults on the Greeks, whom he saw as prone to be subjected to others and "useless like women" (*velut mulieres inutiles*)[41], he refrained from calling them heretics. They were schismatics and he listed the errors that brought them into conflict with the Roman Church: first and foremost, the rejection of the *Filioque* and the refusal to acknowledge the authority of Rome, which made them schismatics; the fact that they washed the altars on which Latins have celebrated; their use of fermented bread in the Eucharist; allowing their lower clergy to marry; refusing to acknowledge the subdiaconate; simple priests confirming infants at baptism, not fasting but feasting on Saturdays, which made them "Judaizers".[42]

By the fifteenth century, Walter von Guglingen[43], a German Franciscan who travelled to Jerusalem in 1483, blamed the Latin-Greek estrangement on the Greeks' long descent into heresy.[44] He acknowledged the apostolic roots of the Greek Church in Antioch and the illustrious history of the Constantinopolitan Church. However, he emphasized their loss of both the imperial and pastoral power to the city of Rome, "the mistress of the universal Church", decline which he ascribed to the "unworthiness of their shepherds" (*ex demeritis pastorum eorum per sucessum temporis sublata est eis tam pastoralis quam imperialis dignitas, translataque est ad egregiam civitatem dominamque universe ecclesie, Romam*). Like other Latin authors writing after the debacle of the Council of Florence, Guglingen blamed the Greeks' misfortune on their rejection of the decrees and teaching of the Roman Church. He referred to them in veterotestamentary words as a "stiff-necked people"[45] (*hec gens…dure cervicis*), who, like the ancient Israelites, disobeyed God, in their case, by disobeying the Roman Church. Consequently, they fell into heresy and error, and continue to pour upon the peoples living in those regions "the venom of the worst heresy" (*venenum pessime heresis*). A list of errors follows this prologue to the chapter on *De Grecis habitantibus in Iherusalem necnon in plaga orientalis.* The last error discussed in this list was the Hagiopolite ceremony of the descent of the Holy Fire:

> The tenth error is that the Greeks, for a long time now, have persuaded all their peoples living in the East, saying, and thus leading them astray, that

every year, on the Saturday of the Holy Easter, a new fire would descend from heaven into the Sepulchre of the Lord.[46]

As the only "error" originating in Jerusalem that made it into the lists, the discussion of the descent of the Holy Fire in this heresiological context deserves a more detailed analysis.

The Holy Fire

Perhaps the most contentious ceremony carried out in the Church of the Holy Sepulchre was and remains the descent of the Holy Fire, that is the miraculous lightening of the lamps in the Sepulchre on Holy Saturday. In fact, the very entrance to the Church of the Holy Sepulchre bears the mark of controversies related to the descent of the Holy Fire. On the left hand of the entrance, one of the three Corinthian columns of the portal is split [**Fig. 1** and **2**]. This column is reverently touched and kissed by the faithful, who place little notes with their prayers inside the broken stone. This crack in the pillar is explained differently by two of the Christian denominations present at the Holy Sepulchre: the Greek Orthodox affirm that the Holy Fire burst out from that spot in 1547, when the Armenians managed to win the favour of the Ottomans and evicted them from the church; the Armenians explain the split in the column by referring to the year 1830, when they received the Holy Fire from that pillar, while the Greeks were expecting its descent inside the church.[47] Throughout history, this fire, believed to descend from heaven, was appropriated for political and polemical reasons. In what follows, some examples from the fifteenth century are discussed.

The descent of fire from heaven in the Holy Sepulchre was first mentioned, by Christian and Muslim sources, in the late ninth century.[48] Most medieval Muslim authors described it as a ruse invented and carried out by the clergy serving at this church.[49] Although they doubted its divine source, authors like al-Biruni in the tenth century mentioned that the Muslim potentates of the city came to the church to witness the ceremony.[50] This conspicuous involvement of the Muslim lords of the city was confirmed by later sources, which also mention that this provided them with the opportunity to get money from the pilgrims gathered at the Holy Sepulchre.[51]

Figure 1
(Photo by the author)

Figure 2
(Photo by the author)

The origins of this tradition remain obscure. One hypothesis links it to the ritual lighting of the pascal candle in the Latin Easter Vigil. The Jerusalem Holy Fire could be an adjustment of this Roman ritual brought to Jerusalem by Frankish monks in the ninth century. The eight-ninth centuries in Palestine saw the decline of the Christian community in Jerusalem, with many churches destroyed and abandoned. In these circumstances, the Judean monastic communities and the patriarch sought financial assistance both in Byzantium and in the West. Thus, it is probably in this context of contacts with Latin Europe that the ritual of the Holy Fire initiated in Jerusalem.[52] Another hypothesis sees the origin of the Holy Fire ceremony in the late antique baptismal rite carried out at the Church of the Holy Sepulchre at the Easter Vigil.[53]

On Good Friday the Sepulchre was cleansed, all lamps put out and the door of the Edicule sealed. Christians from Jerusalem and monks from the Judean monasteries gathered at the Church of the Holy Sepulchre, where the patriarch led the office of the Holy Saturday, waiting for the miraculous descent of the Holy Fire that traditionally happened at the third hour (around 9AM). The patriarch entered the Sepulchre and shared the light with the faithful present in the church, who took it to churches, monasteries, and their own houses.[54]

The arrival of the crusaders impacted on this Hagiopolite tradition. The first moment of tension appeared at Easter in 1101, when the miracle failed to occur in the accustomed manner. The narrative of the 1101 Easter testifies to the rifts dividing Franks and Eastern Christians. This remained a regular feature of their engagement around the miracle of the Holy Fire. Easter 1101 happened in the second year of Latin rule in Jerusalem. If in their first Easter the conquerors partook in the liturgy conducted by the Greek clergy, by 1101 the office had suffered alterations meant to reflect the Latin supremacy in the city, with the new Latin patriarch leading the ceremonies.[55] The miracle was finally produced on Easter Sunday 1101, after much supplication, but the delay was interpreted differently by the involved parties: as a sign of the unworthiness and sin of the Latins who usurped the place of the Greeks in the service of the Holy Sepulchre (by Eastern Christians)[56], as a confirmation of the righteousness of their cause as protectors of the Holy Land and local Christians who did not need the miracle after their arrival (by Latins)[57], and as an opportunity to deal with a political enemy (by king Baldwin, who wanted to discredit the Latin patriarch, Daimbert of Pisa).[58]

Different narratives developed around the miracle (or its absence) serving the particular agendas of their authors' communities. The meeting

of various branches of Christianity as witnesses of the miracle of the Holy Fire was fraught with enmity, providing all parties with a means to debate with their similar other[59] about the rectitude of the type of Christianity they professed, which the Holy Fire was supposed to sanction. Thus, the miracle remained a constant in the polemic narratives of Eastern and Western Christians, even after pope Gregory IX denounced its veracity and forbade, in 1238, Latin Christians to partake in the ceremony.[60] By the fifteenth century, in the accounts left by Latin witnesses, the ceremony was reduced to a rhetorical tool, fit to denounce the irrationality and heresy of the Greeks, and recorded as one of their "errors".

This view was best expressed by Amedeus Boverii, a Franciscan from Dauphiné, who travelled and stayed with the Jerusalem Franciscans in the 1430s.[61] He described his experience of the Holy Fire thus:

> Likewise, in the night of the Resurrection a torch of fire appeared from above in this Sepulchre. To commemorate this event, on the same day, a fire is mysteriously lit and showed to the world from the window [of the Sepulchre]. This custom has been greatly abused and misrepresented. For now, the Saracens close the Sepulchre and people gather before the main gates to celebrate, as Greeks and other nations, with the exception of Latins, process around the Sepulchre with chants. Their priests are carried in on shoulders by four men, bearing candles in their hands and asking for fire from heaven. And after the procession is finished, Saracens run through the aforementioned gate and knock on it with sticks, as those vile heretics and schismatics [the Greeks] have showed them to, whilst secretly one of the Saracens enters the chapel and shows the light at the window from afar to all who are gathered there, fretting like animals. And the one who reaches the gate of the Sepulchre first is considered a blessed man by them. And after wicks and candles have been, with great difficulty, lit, they touch their faces and hands with that fire that they consider holy, because they strongly believe it descends from heaven. Which is a great scandal to the faith, because those dirty dogs [the Saracens] laugh at them [the Eastern Christians] and say that they are men of little faith, whilst the Latins are perfect in their faith. This is what I heard being told by those who lit the fire and show it to the others.[62]

Boverii saw this ceremony as a tradition of the Jerusalemite church, which he could accept as a local custom, but which he felt obliged to reject as a genuine miracle. Thus, he used the word "custom" to describe it, whilst he usually referred to liturgical traditions associated with the Holy Sepulchre by *misterium*. Moreover, he stressed that this mere custom

"has been greatly abused and misrepresented" (*ex qua consuetudine facta est abusio et illusio magna*), its significance being manipulated into a pseudo-miracle. In this he was seconded by Guglingen, who called the whole thing a sham (*illa truffa*).[63]

What Boverii found most disruptive was the involvement of Muslims in the production of this sham, which could only belittle the credibility of all Christians in the Holy Land. He blamed the Greeks, who in their hubris tried to prove the superiority of their brand of Christianity by determining the production of the miracle at the hands of their patriarch, of employing Muslims to enter the sealed Sepulchre and deceitfully light the Holy Fire. To him this was an offence to the faith and a disruptive scandal to the Christian community, because it provided their enemies with a chance to laugh at them and to point out the feebleness of the Christian faith. However, the friar was careful to note that this observation applied only to Greeks, as Muslims held the faith of the Latins to be "perfect".

In calling the miracle a scam, the friars were inadvertently in agreement with the Muslim opinion on the topic. Although the ceremony was attended by high ranking Muslim officials, Arab Muslim historians usually disregarded it as a ruse. They even explained the destruction of the Church of the Holy Sepulchre by al-Hākim in 1009 by the caliph's rage at the Christian reverence towards this trickery.[64]

In Suriano's account we have a somewhat more colorful description of the Holy Fire, leading to a similar conclusion: this was a sham born out of Greek hubris, in which the friars did not believe and which they interpreted as a proof of the heresy of the "quelle natione" (*i.e.* the Eastern Christians). Explaining the layout of the Church of the Holy Sepulchre, and the presence of an opening (window) in the gallery, Suriano offered a glimpse into how the descent of the Holy Fire was perceived by the friars:

> The upper part of the gallery is open, like at Santa Maria Rotonda in Rome[65] […]. This opening was made for two main reasons. First, to let light into the church. The other reason is that, as I read in the *Ordinal* of the Divine Office, in this church, every year, on Holy Saturday, around the third hour, fire was seen coming from heaven into the Holy Sepulchre, where it lit all the lamps and the Paschal candle. I cannot describe the arrangements made by the person charged with the ceremony of the holy fire, the people's cries and sobbing when God bestowed on them such a gift, the tears they shed piously and joyfully. Nor will I speak about their calls to heaven, the cries, sobbing and the pain when the miracle failed to occur in the accustomed manner, as if they were not worthy of such

a gift. This old ritual is still followed today by the local Christians. Men and women from Egypt, Syria, Pamphylia, Armenia and Lebanon come [to Jerusalem] for this ceremony and for the feast of Holy Saturday. They call it *id el nar,* that is, the feast of the fire. But, we, the friars, think that in fact this fire does not descend from heaven. We affirm this, although the other Christians believe this lie to be the truth. Probably because of their sins and heresy, they lack the gift [of discerning the truth].[66]

Thus, the creation of this opening was dictated by the necessity to allow some more light into the Sepulchre and to allow the descent of "fire from heaven" (*foco dal zielo*) on Holy Saturday. He has read about this tradition in the old *Ordinal* of the Church, by which he most likely meant a liturgical book describing the office in the crusader period, when Latin Christians partook in the event.[67] Both the enthusiasm of the faithful when the miracle was timely bestowed and their clamorous disappointment when the fire failed do descend from heaven at the accustomed time (as it happened in 1101) were vividly described by Suriano.

He made a clear distinction among these traditions observed in the old days (*antiquamente*) by the entire Christian community and the custom of his own days, when this particular celebration pertained exclusively to Eastern Christians. The discussion dedicated to the "fire from heaven" ended with a strong emphasis on the friars' lack of involvement in the celebration, because "in their opinion" the fire did not have a divine origin and did not descend from heaven, and it was due to their sins and heresy that the other Christian nations believed this fallacy to be a miracle. Suriano continued by recording what the friars were doing while all this was happening in the Church of the Holy Sepulchre (*in quell medesimo tempo*). It follows that the brethren were locked in the church with the other Christians from Good Friday to Easter Sunday, with the friars conducting services on the Calvary and in the Sepulchre, separately from what was going on around them.[68]

From his description it appears that Suriano witnessed the ceremony of the Holy Fire, which he recorded through the pre-established interpretative framework of us-and-them, as an indicator of the heterodoxy of Eastern Christians, with, however, the addition of some personal spiteful remarks about the Greeks.

What the fifteenth century accounts discussed here seem to make clear is that the perception of the miracle of the Holy Fire by the community of Latin Christians in Jerusalem continued in the strain established in

Western narratives after pope Gregory IX's 1238 interdict, namely using this tradition as a means of emphasizing the errors of Eastern Christians. This watershed moment explains the contradicting observations, such as those left by Francesco Suriano, who appeared to agree with the tradition of the Holy Fire when practiced by Latins during their reign in Jerusalem but was quite ready to disown it in his own time. Born by direct observance infused in formulaic traditions, the Latin narrative of the Holy Fire underlines the polemical nature of the Christian coexistence in the Church of the Holy Sepulchre.

Conclusions

Centuries before the Crusaders' arrival in Jerusalem, far away, in Illyricum and Bulgaria, Latins and Greeks became aware of differences in their teaching and customs. In the centuries that followed this first encounter, the Churches of Rome and Constantinople broke communion and a lot of ink was spilled to denounce the heterodoxy of the "other". In Jerusalem, Latins and Greeks followed the same pattern, mostly recording their encounter as a long list of the others' errors. There was room for scholarly debate, as we see hinted at by patriarch John VIII, and, no doubt, for personal sympathy. However, in spite of their direct experience of the other, living and celebrating in the confined space of the same church, Latins and Greeks usually wrote about their encounter in the formulae of the us-and-them narrative, popularized by the "lists of errors". In this polemical context, both communities manipulated the significance of the descent of the Holy Fire, which was supposed to endorse their claims to orthodoxy. Tied by different customs and theological differences, their celebrations remained parallel. They still are.

Acknowledgments

NOTES

[1]   The literature on the topic is vast. For a brief introduction to the notions of "orthodoxy" and "heresy" in Christianity and the historiographical challenges posed by them, see: Karen L. King, "Factions, Variety, Diversity, Multiplicity: Representing Early Christian Difference for the 21st Century", *Method and Theory in the Study of Religion* 23 (2011): 216-237. For the history of the creed and its imposition as the norm for orthodoxy, see: Wolfram Kinzig, *Faith in Formulae: A Collection of Early-Christian Creeds and Creed-related texts,* 4 vols. (Oxford: Oxford University Press, 2017); On Byzantine self-identification as "orthodox" and its challenges, see: Averil Cameron, *Byzantine Matters* (Princeton and Oxford: Princeton University Press, 2016) 87-111.

[2]   Tia M. Kolbaba, *Inventing Latin Heretics: Byzantines and the Filioque in the Ninth Century* (Kalamazoo: Medieval Institute Publications, 2008).

[3]   For earlier, short-lived periods, when the accusation of heresy was used by Rome and Constantinople against one another, see: Eamon Duffy, *Saints and Sinners: A History of the Popes,* fourth edition (New Heaven: Yale University Press, 2015), 74-85.

[4]   Christopher MacEvitt, *The Crusades and the Christian World of the East. Rough Tolerance* (Philadelphia: University of Pennsylvania Press, 2008).

[5]   Christopher Tyerman, *God's War. A New History of the Crusades* (London: Penguin Books, 2006), 160.

[6]   MacEvitt*, The Crusades and the Christian World of the East,* 120.

[7]   Andrew Jotischky, "Greek Orthodox and Latin Monasticism around Mar Saba under Crusader Rule", in J. Patrich (ed.), *The Sabaite Heritage in the Orthodox Church from the Fifth Century to the Present* (Leuven: Peeters, 2001), 85-86, 92.

[8]   "Latinororum autem prelatis in quorum diocesibus commorantur non corde sed ore tantum et superficialiter se dicunt obedire, timore scilicet secularium dominorum. Habent enim proprios episcopos grecos, nec Latinorum excommunicationes vel alias quascunque sententias in aliquo formidarent, nisi ab eorum communione in contractibus et in aliis necessitatibus laici nostri se subtraherent. Dicunt enim inter se quod Latini omnes excommunicati sunt, unde non posssunt aliquos aliqua sententia innodare". Jean Donnadieu (ed. and French trans.), *Jacques de Vitry Histoire Orientale Hisoria Orientalis* (Turnhout: Brepols, 2008), 298.

[9]   Daniel Galadza, *Liturgy and Byzantinization in Jerusalem* (Oxford: Oxford University Press, 2018).

[10]   *Ibid.,* 350-357.

[11]   *Ibid.,* 135.

[12] Daniel Galadza, "Greek Liturgy in Crusader Jerusalem: Witnesses of Liturgical Life at the Holy Sepulchre and St Sabas Lavra", *Journal of Medieval History* 43(4) (2017), 421-437.

[13] A. Papadopoulou-Kerameos (ed.), "Τυπικὸν τῆς ἐν Ἱεροσολύμοις ἐκκλεσίασ", in *Ἀνάλεκτα Ἱεροσολυμιτικῆς σταχυλογίασ*, vol. 2 (Leipzig, 1894), 1-254. See, for instance, the mention that the patriarch, people and clergy are coming in procession from Hagia Sion to the Anastasis (the Church of the Holy Sepulchre), a procession which would have been impossible in the context of twelfth century Jerusalem. *Ibid.,* p. 108.

[14] "Tertia regula est, quia oportet scire positiones eorum et motiva et causas diversarum sectarum, et si errant ab essentialibus fidei vel non, ut sciatur, qui sunt heretici vel non. Nam licet non concordent nobiscum in ritu, non est periculum, dummodo concordent in fide, quia fides christianorum est una, sicut et Deus est unus. Unde Apostolus Ephe. 4 : 'Unus Deus, una fides etc.' Non dicit 'unus ritus'. Fratres autem sepe contendunt cum eis inutiliter de diversitate ritus, cum habeant eos reducere solum ad unitatem fidei, non ad unitatem ritus". Kurt Villads Jansen (ed.), *Riccoldi florentini libelli ad nationes orientales. Editio princeps telina,* elctornic edition: http://kvj.sdu.dk/Riccoldo/Riccoldo/6.html [last accessed 21.08.2018].

[15] Henry Chadwick, *East and West: The Making of a Rift in the Church: From Apostolic Times until the Council of Florence* (Oxford: Oxford University Press, 2003), 32, 181 n.6, 229; Marcus Plested, *Orthodox Readings of Aquinas* (Oxford: Oxford University Press, 2012), 27.

[16] Daniel Galadza, "Various Orthodoxies: Feasts of the Incarnation of Christ in Jerusalem during the First Christian Millenium", in Brouria Bitton-Ashkelony and Derek Krueger (eds.), *Prayer and Worship in Eastern Christianities, 5th to 11th Centuries* (London-New York: Routledge, 2016), 185-186, 194; Galdaza, *Liturgy and Byzantinization,* 134-135, 162, 248-249.

[17] Tyerman, *God's War,* 374.

[18] Augustino Arce, "De origine Custodiae Terrae Sanctae", in *Miscelanea de Tierra Santa*, vol. 3 (Jerusalem: Franciscan Printing Press, 1973), 86-92; Beatrice Saletti, *I francescani in Terrasanta (1291-1517)* (Padova: libreriauniversitaria.it edizioni, 2016), 69-74.

[19] 'Gratias agimus': *Bullarium Franciscanum Terrae Sanctae,* in *Diarium Terrae Sanctae* II (1) (1909): 14-15; 'Nuper carissimae': *Bullarium Franciscanum Terrae Sanctae,* in *Diarium Terrae Sanctae* II (2) (1909): 70-71.

[20] See, for instance, the so-called *Acta causae Gradensis. Bullarium Franciscanum Terrae Sanctae,* in *Diarium Terrae Sanctae* III (1) (1910), 12-3.

[21] On the status of Christians in the lands conquered by the Muslim armies, particularly in the Mamluk period, see: Sidney H. Griffith, *The Church in the Shadow of the Mosque. Christians and Muslims in the World of Islam* (Princeton and Oxford: Princeton University Press, 2008), 11, 154-155.

[22] On the status of "protected people" (*dhimmīs*), non-Muslims living under Muslim rule, see, for instance: Milka Levy-Rubin, *Non-Muslims in the Early Islamic Empire. From Surrender to Coexistence* (Cambridge: Cambridge University Press, 2011).

[23] Girolamo Golubovich, (ed.), *Il trattato di Terra Santa e dell'Oriente di frate Francesco Suriano* (Milano: Tipografia Editrice Artigianelli, 1900), XIV-XV.

[24] On the two councils, see: Chadwick, *East and West,* 248-251; 257-272; Golubovich (ed.), *Il trattato di Terra Santa,* 73-74.

[25] Plested, *Orthodox Readings of Aquinas,* 22-23.

[26] MacEvitt, *The Crusades and the Christian World of the East,* 101

[27] "Questi perfidi heretici se gloriano esser migliori de nui, et più spirituali, per que fano cinque quareseme l'anno, si religiosi come seculari, in le quali non deiunano, ma solum non magiano de grasso, nè lacticinia". *Il trattato di Terra Santa,* 74 .

[28] See, for instance, in Walter von Guglingen: Neuburg an der Donau, Staatliche Bibliotehek, MS 04/Hs.INR 10, 349v.

[29] Kolbaba, *Inventing Latin Heretics,* 142.

[30] "Item, ogni anno lo venere santo publicamente excomunicano el Papa de Roma, cum tuti quelli che li credono, como excomunicati heretici e maledecti; e tuto il populo responde: *Anathema nachusi* [Ἀνάθεμα νὰ ἔχωσι], zioè siano maledecti". *Il trattato di Terra Santa,* 72.

[31] Kolbaba, *Inventing Latin Heretics,* 3-54.

[32] Kolbaba, *Ibid,* 60

[33] Kolbaba, *Ibid.,* 131-138.

[34] Tia M. Kolbaba, *The Byzantine Lists. Errors of the Latins* (Urbana and Chicago: University of Illinois Press, 2000), 11-12; Plested, *Orthodox Readings of Aquinas,* 23-24.

[35] Camille Rouxpetel, *L'Occident au miroir de l'Orient chrétien. Cilicie, Syrie, Palestine et Égypte (XIIe-XIVe siècle)* (Rome: Bibliothèque des Écoles françaises d'Athènes et de Rome, 2015), 348.

[36] Tia M. Kolbaba, "Byzantine Perceptions of Latin Religious 'Errors': Themes and Changes from 850 to 1350", in Angeliki E. Laiou and Roy Parviz Mottahedeh (eds.), *The Crusades from the Perspective of Byzantium and the Muslim World* (Washington D.C.: Dumbarton Oaks Research Library and Collection, 2001), 121, 126.

[37] Jotischky, "Greek Orthodox and Latin Monasticism", 91.

[38] Kolbaba, "Byzantine Perceptions", 127-132.

[39] Rouxpetel, *L'Occident au miroir de L'Orient chrétien,* 347-348.

[40] *Ibid.* 351.

[41] *Historia orientalis,* 294.

[42] *Ibid.,* 298-304.

43   I would like to thank Marianne Ritsema van Eck, my former colleague in the project "Cultural Memory and Identity in the Late Middle Ages: the Franciscans of Mount Sion in Jerusalem and the Representation of the Holy Land (1333-1516)", for bringing this manuscript to my attention and sharing with me a digital copy.

44   "Greci ab initio ecclesie sancta fuere famosi in fide Christi, Antiochiae et Constantinopolis civitatis principaliores cum latis terminis in pace pro longa tempora possidentes. Hii ex Veteri Testamento prout legitur in libro Machabeorum transferunt regiam dignitatem. In Novo Testamento magnificum honorem imperialem tenuerunt quotiens super omnia summam dignitatem pastoralem principis apostolorum in fede Antiochie civitate meruerunt possidere. Deinde ex demeritis pastorem eorum per sucessum temporis sublata est eis tam pastoralis quam imperialis dignitas, translataque est ad egregiam civitatem dominamque universe ecclesie, Romam. Hec gens ab initio dure cervicis et clare mente sempter extitit et usque hodie Sancte Romane ecclesie et Spiritu Sancto indesmenter restitit, suasque ferentes hereses et errores dampnabiles, manifeste convictos contra determinationem Sancte Ecclesie non solum presumptuose tenentes sed etiam aliis simplicioribus longe lateque venenum pessime heresis iugiter infundentes. De quibus multa essent inferenda que causa brevitate rescinda et solum decem hic propalabo". Neuburg an der Donau, Staatliche Bibliotehek, MS 04/Hs.INR 10, 349v .

45   Exodus 32, 9 ; 33,5; Deuteronomy 9,6.

46   "Decimus error est quod Greci per longena tempora consueverunt omnem populum eis adherentem in tota plaga orientale sic dementare, dicentes: Quod omni anno in sabato Sancte Pasce descendat ignis novus de celo et hoc in sepulchro Domini". *Ibid.*, 353v.

47   Otto Meinardus, "The Ceremony of the Holy Fire in the Middle Ages and Today", *Bulletin de la Société d'Archéologie Copte* 16 (1961-1962), 249.

48   Marius Canard, "La destruction de l'Église de la Résurrection par le calife Hākim et l'histoire de la descente du feu sacré", *Byzantion* XXXV (1965): 28, 34-35.

49   Ignatij Kratchkovsky, "Le 'feu béni' d'après le récit d'al- Bīrūnī et d'autres écrivains musulmans du Xe au XIII siècle", *Proche Orient Chrétien* 1999 (49) (fasc. 1-2), 266-273.

50   *Ibid.,* 261.

51   F.E. Peters, *Jerusalem: The Holy City in the Eyes of Chroniclers, Visitors, Pilgrims, and Prophets from the Days of Abraham to the Beginnings of Modern Times* (Princeton: Princeton University Press, 1995), 493, 572-578.

52   Andrew Jotischky, "Holy Fire and Holy Sepulchre: Ritual and Space in Jerusalem from the Ninth to the Fourteenth Cnturies", in *Ritual and Space in the Middle Ages. Proceedings of the 2009 Harlaxton Symposium,* ed. Frances Andrews (Donington: Shaun Tyas, 2011), 49-51.

[53]   Meinardus, "The Ceremony of the Holy Fire", 243.

[54]   Renata Salvarani, *Il Santo Sepolcro a Gerusalemme. Riti, testi e racconti tra Constantino e l'età delle crociate* (Vatican City: Libreria Editrice Vaticana, 2012), 212-224.

[55]   *Ibid.,* 217. Camille Rouxepetel speaks about the "latinisations des lieux saints". Rouxpetel, "Trois récits occidentaux de la descente du feu sacré au Saint-Sépulcre (Pâques 1101): polyphonie chrétienne et stratégies discoursives", *Mélanges de l'École française de Rome* 126-1 (2014): 5-6.

[56]   Salvarani, *Il Santo Sepolcro*, 217; MacEvitt, *The Crusades and the Christian World,* 118.

[57]   Fulcher of Chartres, chaplain of the first king of Jerusalem, Baldwin I, and canon of the Holy Sepulchre, wrote that the miracle was necessary when local Christians needed it to prove the truth of their faith to Muslims, but after the Franks freed and took them under protection, the occurrence of the miracle did not hold the same urgency. Thus, the Latins were the *successores ipsius ignis.* Rouxpetel, "Trois récits occidentaux", 9-10.

[58]   King Baldwin (1100-1118) succeeded his brother, Godfrey of Buillon (1099-1100), to the throne of the Latin Kingdom of Jerusalem. Daimbert of Pisa, patriarch of Jerusalem from 1099, favoured another candidate for the throne of Jerusalem. Moreover, he fought royal control over Jerusalem, which he wanted to keep under ecclesiastical jurisdiction. King Baldwin manipulated Daimbert's failure to bring about the miracle on expected day to his political advantage. Faced with this public humiliation the patriarch renounced his office. He resumed it one day later, when the king allowed him to be reelected. The king's manipulation of the miracle bore fruits: after Easter 1001, Daimbert acknowledged royal control over Jerusalem and Baldwin was crowned in the Holy City. Jay Rubinstein, "Holy Fire and sacral kingship in post-conquest Jerusalem", *Journal of Medieval History* 43 (4), 476-483.

[59]   Camille Rouxpetel speaks about "alterité interne" to describe the Latin Christians' encounter with Eastern Christians. Camille Rouxpetel, "Indiens, Éthiopiens et Nubiens dans les récits de pèlerinage occidentaux: entre altérité constatée et altérité construite (XIIe-XIVe siècles)", *Annales d'Éthiopie* 27 (2012), 71.

[60]   Salvarani, *Il Santo Sepolcro*, 212.

[61]   Paravicini, Werner, (ed.), *Europäische Reiseberichte des späten Mittelalters.* vol. 2, *Französische Reiseberichte*, eds. Jörg Wettlaufel and Jacques Paviot (New York: Peter Lang, 1999), 78.

[62]   "Item in isto sepulcro in nocte surrectionis ignis facem desuper apparuit, ad cuius memoriam omni ano simul die ignis occulte incenditur et per fenestram foris ostenditur. Ex qua consuetudine facta est abusio et illusio magna. Nam modo Sarraceni sepulcrum claudunt et ante eius hostium maiorem congregantur in signum sollempnitatis, ut Greci et cetere naciones,

exceptis Latinis, cum hymnis et canticis, processionaliter circumcidant sepulcrum cantando. Accedunt sacerdotes eorum super quatuor homines in altum portantes, qui stupas in manibus gerunt ignem de celo querentes. Et complecta omni processione, Saraceni ante portam predictam quomodo in se faciunt fugentes se cum baculis velle verberari et in cumque illi heretici et schismatici pessimi ad Saracenos ostendunt, clam aliquis Sarracenorum capellam intrat et a remotis per fenestram luminum ostendit ad quam omnes velud bruta ad salturam. Et qui pimus ad illam portam pervenire, beatus apud eos videtur esse. Et cum scilicet suis stupis et candelis cum magna difficultate lumen accedunt, faciem et manus ex igne tangentes velud esset sanctissimus et ferma fide tenentur illum de celo descendissem. In qua magnum fidei opprobrium, quoniam illi canes immundi ipsos derident et asserunt eos esse modice fidei et Latinos in sua fide perfectos. Prout audivi ab illis qui ignem posuerunt et aliis ostenedrunt". MS BNF Latin 4826, 36r.

63 MS 04/Hs.INR 10 Staatliche Bibliotehek Neuburg an der Donau, 353.

64 Canard, "La destruction de l'Église", 20-24.

65 The Roman church of Santa Maria ad Martyres (the Pantheon).

66 "Dal canto de sopra de la tribuna è aperto, como è sancta Maria de Roma […] Questa apertura de la tribuna per doe casone principalmente fo facta. La prima per dar lume alla chiesia, però che, como te ho dicto, lo terreno soprasta, et non se li po fa fenestre. L'altra si è, come ho lecto ne l'Ordinario de lo officio divino, che se faceva in questa chiesia el Sabato sancto circa l'hora terza omnì anno, visibilmente descendeva el foco dal zielo, sopra lo sancto Sepolchro, et accendeva tute le lampade, similiter lo Cerio paschale. Laso stare la preparazione che faceva quello tale che era deputato alla ministratione del predicto foco divino: Li chridori et pianti che facevano li populi, quando tal dono li era concesso da Dio. Postpongo le lachryme che per componctione butavano et dolceza. Similiter li grida al cielo, pianti, lamenti, et dolori che faceano, quando secundo et solito tardava ad ascendere, como indegni de tanta gratia. Quello stillo et modo que antiquamente se usava, usano et tengono al presente quelli christiani del paese. Et convengono de lo Hegypto, Syria, Pamphilis, Mesopotamia, Capadocia, Grecia, Armenia et Libano, homini et donne alla predicta solennità et festa de Sabato Sancto. La qual chiamano Le id el nar zioé vuol dire: La festa del foco. Non però descende lo predicto foco, secondo la verità (et opinione de nui frati), per ben che tute le altre natione, excepto nui frati, fingono questa falsità esser vera. La privation de la qual gratia existi(mo), che sia per li peccati et heresie de quelle natione". *Il trattato di Terra Santa*, 30.

67 The so-called "Ritual of Barletta", a liturgical book used during the Latin Kingdom of Jerusalem, described the ceremony of the Holy Fire. Nicola Bux, "La liturgia del Fuoco sacro dal Santo Sepolcro di Gerusalemme al Laterano di Roma", in *Le rotonde del Santo Sepolcro: un itinerario europeo,* eds.

Piero Pierotti, Carlo Tosco and Caterina Zannella (Bari: Edipuglia, 2015), 213-216.

[68] "In quel medesimo tempo li frati di monte Syon stano renchiusi intro la predicta chiesia con tute quelle natione lo Venerdi et sabbato sancto et la Domenica mane de la resurectione; et facemo lo offitio sopra el monte Calvario (lo venerdi sancto), et sul sancto sepolchro la risurectione de Christo". *Il trattato di Terra Santa,* 31.

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CARS AND GLOBAL LATE SOCIALISM

Introduction

In the last decades of the 20th century, the world of capitalist production underwent extensive transformations. It has spread and contracted, it has become ever more differentiated, and it reconfigured spaces of production and distribution, as well as centres of accumulation. Scholarly literature documents the dominant trends of these decades: reterritorialization of the production chains, increasing mobility of capital, precarious employment, vulnerabilities in the realm of social reproduction, and the emergence of new managerial ideologies for a more effective control of labour. These structural transformations, which came to be understood as an entangled transition from the postwar social contract to neoliberal policies, and from Fordism to flexible production,[1] left traces all over the globe.

Not coincidentally, the 1970s have also been identified as the moment when socialism went global, with a special focus on how the countries in the Soviet sphere of influence inserted themselves in the post-Bretton Woods configuration, and on how instead of a world of difference behind an Iron Curtain, state socialism can be reconceptualized as dynamic intersections of material connections and international exchanges in the realm of politics, technology, and culture. Horizontal transfers of expert knowledge and the construction of imagined geographies of solidarity and non-alignment in the context of decolonization have been the preferred topics in these novel efforts of rearticulating what socialism was (and of envisioning "what comes next").[2]

Nevertheless, the most important move of the state socialist regimes in their last two decades of existence was an increasing participation in the world market and in global commodity chains. Since "commodity chains" was first coined as a theoretical and methodological approach in the world-system tradition[3] it has also made a career in development studies, new economic sociology, and institutional economics. As an interdisciplinary tool par excellence, commodity chains analysis was

used to address inter-firm linkages, sectoral competition, industrial upgrading,[4] or the relationship between global structures of accumulation and uneven development. These endeavours have been either focusing on transformations at the labour process at the point of production, or on the flow and movement of commodities from the perspective of added value and diminishing transaction costs. They often left out how in the trail of their geographical expansion, global commodity chains produced new hierarchies of labour and capital, as well as new forms of exploitation and dispossession. The fields of forces in which these relational connections emerge can be global but their unfolding is always multi-scaled, and their materialization is always local. On the ground, the articulation of global commodity chains produce new institutional arrangements, impacts systems of provisioning, reconfigure livelihoods, reshape labour processes, and spark new forms of resistance on the shopfloor and beyond.

While there has been sustained interest into how the Global South has been historically constituted as a reservoir of natural resources and cheap labour in-between the twin logics of empire and capital, the move towards socialist East-Central Europe has received less empirical attention and has definitely remained undertheorised. This essay tackles these issues through an analysis of the incorporation of the Eastern and Central European car industry in global commodity chains in the last decades of the state socialist regimes, and through an overview of the turn towards individual consumption that both triggered and fueled the development of automobilism in these countries. It sketches the historical evolution of the car industry in the region to follow the path-dependent trajectories of progress in an industrial branch that has always been dependent on high levels of technical knowledge, capital investment, and craftsmanship.

As much as this essay contributes to a better understanding of Eastern Europe's participation in a global history of commodities in the 20th century, the socialist car as a commodity cannot be understood outside the symbolic universe in which it was embedded. In other words, it has to be conceptualized as a transition of the countries in the region to automobility. In its most comprehensive form, the notion of "automobility" refers to

> a set of political institutions and practices that seek to organize, accelerate and shape the spatial movements and impacts of automobiles, whilst simultaneously regulating their many consequences. It is also an ideological... or discursive formation, embodying ideals of freedom,

privacy, movement, progress and autonomy, motifs through which automobility is represented in popular and academic discourses alike, and through which its principal technical artefacts – roads, cars, etc. – are legitimized. Finally, it entails a phenomenology, a set of ways of experiencing the world which serve both to legitimize its dominance and radically unsettle taken-for-granted boundaries separating human from machine, nature from artifice, and so on.[5]

As scholars of state socialism have shown, this transition has been riddled with ambiguities and contradictions, with political executives being caught in-between fears of spreading bourgeois imaginaries of consumption and bottom-up pressures for a new social contract predicated on rising real wages and new possibilities of a good life for the working-class. Thus, the socialist car became the carrier of a more mature stage of East-Central European Fordism, while simultaneously entering global markets shattered by ideologies of flexibilization, fragmentation, and sped-up production chains.

Historically, car industry was the birth place of Fordism as a form of articulating the production/life nexus around the workplace and industrial wages. It was one of the economic sectors most intimately connected with a long tradition of industrial paternalism and with the permanentization of a labour aristocracy, which was highly skilled and well paid. Paradoxically, this made some companies resistant to Fordist influences. In France, the combination between a Taylorist organization of production and labour control through high levels of consumption, specialized knowledge, and moral policing had to compete with local managerial ideologies like Fayolism, a more top-down approach to management that won fervent adherents at Renault and other major French firms in the 1920s. In Germany, the debate about the nature of Fordism and its suitability to German quality carmaking was heated before the Nazis ascent to power.[6] In the long run, these developments had important consequences for the ways in which mobilization and resistance shaped the industry throughout the 20th century.[7] On the one hand, these tensions made automobile production into an important cradle for labour struggle. On the other, car industry was especially prone to working-class fragmentation along ethnic, racial, and gender lines.

Automobile industry was a rather weak presence in the interwar industrial landscape of Eastern and Central Europe. The automobile industry in the region became an important production and consumption

site only in late socialism, and began to flourish mostly in the recent decades. It was, thus, a late comer in a world of exchanges dominated by big players from the core capitalist countries, and increasingly from East Asia. Starting with the 1960s, together with other branches that required high levels of investment, advanced technology, skill, and technical knowledge, automotive industry exercised an extra pressure to make the economy as a whole more profitable. In some cases, this was surprisingly explicit in the positions taken by the socialist leaders. For instance, in 1967, very close in time to a deal with the French automaker Renault, Nicolae Ceaușescu stated that

> Foreign trade has the role to increase the elasticity of production, to stimulate specialization according to the laws of competitive advantage, and to defend the economy from the dangers of a dropping economic performance. Dynamic economies of small dimension – and our economy is very dynamic – finds their path to development through a broader opening towards external markets, by continuously training their labour force, by keeping it cheap, and by using craftsmanship to ennoble every ton of metal, every stere of timber, every ton of cotton, every stere of gas, and every hectare of tillage.[8]

As a new investment focus in the late socialist period, car industry was supposed to follow the well-established path of the Western European and American beginnings in automobilism, which meant simultaneously producing both a core of skilled, well-paid, stable labour force, and an internal market tailored for the needs of the working-class people. Nevertheless, its competitive advantage was not going to be different from other industrial sectors: a constant reliance on peasant-workers and commuters, the possibility to partly externalize workers' social reproduction to the village, and the systematic privileging of industrial output over agriculture in terms of investment. As I argue elsewhere, together with new politics of calculation and decentralization moves, these critical junctures can be read as the particular form taken by "socialist flexibility", which can actually can be traced to practices preceding the 1970s managerial shift in the capitalist core.

On the other side of the deal, Western companies started to search for Eastern and Central European productive sites not only because labour was comparatively cheap, but also because they could externalize the responsibility for controlling labour to the socialist states. Labour

relations could be literally played on somebody else's territory. This became increasingly important as the mass protests of 1968 and the waves of conflict in their aftermath convinced carmakers in France, Italy, or the United Kingdom that regaining the industrial peace of *Les Trente Glorieuses* was illusory at best once workers at Citroën and Renault in the tumultuous Parisian 1968 learned to "be realistic, [and] demand the impossible".[9] This essay will thus unpack the ways in which the socialist car entered the history of Eastern and Central Europe as a commodity, as a technological artefact, and as a symbolic universe that marked the new social contract of late socialism as it encountered the crisis-led reconfigurations of this particular industry in the capitalist core.

The Symbolic Life of the Car in the Socialist Bloc

The life of the car in the socialist bloc was fundamentally connected to a shift to individual consumption, which advanced rapidly since the mid-1960s in the Eastern and Central European countries, and later reluctantly in the Soviet Union. The formation of the "automobile society" in Eastern and Central Europe was retarded compared to the Western world. Kurt Moser takes the beginning of a mass car culture as the moment when the number of cars exceeded the number of motorcycles and bicycles. While in West Germany this change of ratio happened in 1957, in the GDR it took place fifteen years later, in 1972.[10] The shift to automobilism was also part of an urban vision that took citizens' speed and convenience seriously, as a systemic vision of movement. Thus, general plans for Togliatti, Moscow, and supposedly hundreds of other new cities in the Soviet Union, Halle in the GDR, or a significant part of East Berlin (especially the Marzahn district) were drawn with new ideas of mobility in mind.[11]

The turn towards individual consumption has been regarded in the academic literature as a moment when the contradictions and ambiguities standing at the core of the state socialist project took center stage. While an increased capacity of working-class families and individuals to buy a wider range of goods met new fantasies of enjoyment that supported a palpable closeness to an imagined West, socialist leaders were rather cautious to the opening of what they (sometimes rightly) perceived as the Pandora's box of the following decades. In Lewis Siegelbaum's words, "[t]he procedures for the production, distribution, and consumption of goods and services comprised a significant zone of interaction between

the project and the actuality of socialism, between its ideals defined in terms of an enlightened awareness of the collective interest and the reality of shortages, competing priorities, external pressures, privilege, venality, and desires for imagined comforts, bourgeois or otherwise."[12]

The 1960s, thus, can be regarded as a fundamental crack in what Ágnes Heller, Ferenc Fehér, and György Márkus called a "dictatorship over needs": the historical embodiment of an oppressive social domination, which was the form taken by real socialism in Soviet-type societies,[13] a form essentially marked by economic scarcity and wastefulness, rigidity and lack of dynamism in its cultural frames, as well as a stultifying hold on bureaucratic positions and a permanentization of the resulting social inequalities.[14] For a political regime articulated around allocative power,[15] transforming individual consumption into a locus of unforeseen desires also meant giving way to a new horizon of expectations towards the state's redistributive mechanisms.

Political legitimacy in state socialist regimes was partly rooted in the (chrono)logical sequence that started with rises in productivity and continued with increases in real wages – both directly, through the workers' incomes and the lowering of prices, and indirectly, through a collectivized pool of welfare resources.[16] The common use of resources for social reproduction followed a long-term tradition of industrial paternalism that in various forms had spread since the 19th century, from the Western world to the post-revolutionary Soviet Union.[17] Since the early moments of the Industrial Revolution, in one form or another, histories of labour in the United Kingdom, France, Germany, or the United States have essentially brought together the concern for higher profitability on which the accumulation of industrial capital depended, the consequent need for the hyper-rationalization of the production process, and the social arrangements that made the reproduction, the expansion, and the control of labour possible.

In socialist East-Central Europe, the adoption of the Soviet versions of Taylorism as the managerial ideology of choice for controlling the shop floor, and of Fordism as an ever chased, never achieved ideal of an all-encompassing articulation of social reproduction around the factory, were going to manufacture a historically specific life/ production/ politics nexus.[18] Purportedly, these axes of development brought forward radically transformative subjectification processes, with the hope of producing no more and no less than a new type of human being. The ideal socialist worker was imagined as a revolutionary class-conscious proletarian, self-

aware, responsible, proactive, and ardent, embracing the hardships of today for the certainty of a better collective future. In practice, however, industrial labourers became the embodiments of a core contradiction of the state socialist regimes: the contradiction between simultaneously being labour power, living labour, and subjects of a genuinely emancipatory political project.[19] Issues of an everydayness that proved sticky and resilient for the communist leaders were at the center of their fragile political legitimacy, making shop floor struggles around workers' social reproduction and moral economies into the cornerstone of the "limits of state control".[20] Redistribution and consumption were thus at the core of the emergence of a new historic bloc, in which the instruments for pushing the workers produce more, faster, and better could not be separated from the concrete ways of ensuring their consent. On the ground, this was hardly different from the ways in which labour-capital relation had been historically played out in capitalist formations, except for the capacity of the socialist state to act simultaneously as capital, manager, and legal guardian of social life.[21]

Although hardly mentioned in the literature on the rise of automobility in Eastern and Central Europe, the raising expectations for individual consumption and for household improvement were also linked to the state's fears that they could lead to demands for higher wages, which would have disturbed the logical unfolding of a societal project founded on quite rigid mechanisms of capital accumulation. Nevertheless, the possibility to buy a car also represented a rare opportunity to have access to the population's savings, a powerful counteracting factor in the decision to start and then develop both the automotive industry and the car trade in the region. Since the early moments of the communist takeover, people's savings represented one of the assets that had systematically escaped the state's reach, pushing the economic executives leading the implementation of central economic planning to make relentless efforts to attract citizens' money into circulation. Starting with the postwar inflationary spirals, the fight to keep wages low enough not to compromise socialist accumulation but high enough not to enrage the workers, the serial drops of prices in basic and luxury consumer goods, and the struggle against hoarding and excess liquidities at the household level were articulated into a fragile whole. Programs aimed to help workers build their own houses represented early solutions for this issue. The possibility to buy a car opened a new space for attracting the population's savings in the 1960s. In a very short time, it proved very effective, as tens of thousands of citizens rushed

to pay an advance for their new car. In just a few years, the demand overwhelmingly surpassed supply, creating a specific type of waiting: queuing for a car, most of the times for ten years or longer, fighting to get points for one's work ethics or political loyalty, while at the same time struggling in the diffuse economy of favours in which the cars were caught. In 1989, at the fall of the socialist regimes, tens of thousands of people were still waiting for their automobiles.

Behind the Iron Curtain, the "socialist" car produced elaborated imaginaries of individual flexibility, freedom of movement, improved status, and industrious masculinity. As the previous section showed, these imaginaries were not so dissimilar to their earlier counterparts in the capitalist world. Nevertheless, they were met with reluctance, if not open resistance by the political executives of the time. There is an apparent contradiction between the private ownership of a car and socialist redistributive and collective-use driven rationality. Even after Stalin's death, Khruschev imagined improved mobility as a complex, large-scale, possibly all-encompassing car sharing system, in addition to public means of transportation, state-owned taxi companies, and car rental services. However, in most socialist countries, until the early 1970s, entire nations fell under the automobile's spell, where industrial workers, clerks, state officials, teachers, and doctors spent their life-time savings and years of queuing for their Ladas, Yugos, Dacias, or Trabants.

The socialist automobile was predicated on a heightened form of *Eigen-Sinn*, broadly understood in dialogues on automobility as spirit of initiative, self-education in the technical realm, and creativity.[22] Scholars of the region have been drawing on Alf Lüdtke's proposal that real socialism functioned as a *durchherrschte Gesellschaft*, a concept meant to point the complex, partial, and ambiguous ways in which the state managed to penetrate all layers of the economic realm, patterns of sociability, ways of being in the world together with modes of representing them, or subjective experiences and perceptions of everydayness.[23] As a mode of domination, *durchherrschte Gesellschaft* implied not a totalitarian, top-down working of power, but a complicated profusion of practices and understandings that sustained power's structures and mechanisms at all levels. The link between the always-in-repair car and this imaginary of a servicing nation becomes immediately transparent. As Eli Rubin states,

> For a collectivist system, it is amazing the extent to which factories
> (and stores, public services, etc.) stayed at least marginally functional in
> the GDR only because ordinary workers engaged in daily acts of near
> heroism to find creative solutions to breakdowns, faulty products, missing
> deliveries, poorly designed plans, etc. Workers often found ways to jury-rig
> machines, vehicles, or other technologies that did not work. Thus it was
> through extreme individual effort and highly idiosyncratic solutions (often
> unrepeatable and unpatented, unlike the Trabiplast) that the supposedly
> rational, systematic, planned, collective East German economy functioned
> at all. This attitude was not limited to workers in factories; many workers
> described by Alf Lüdtke and others as living according to a code of *Eigen-
> Sinn* were the owners of Trabis.

Like always, the late socialist *Eigen-Sinn* was classed and gendered. Against
an equalitarian discourse, the car culture in Eastern and Central Europe
was still hierarchical. Even in the 1950s, the Soviet Union's production of
cars was designed for specific categories of consumers. The Zaporozhets,
for disabled persons; the Moskvich, for the workers; the Volgas, a middle-
class car preferred by the nomenklatura; the Chaika limousine for high
governmental executives and Party leaders; and the ZIL, the show-off car
for international events.[24]

As a marker of masculinity, the socialist car embodied a quality that
was simultaneously highly individual and deeply social: the fact that
it was designed with its repair in mind, that servicing it, modifying it,
improving it, and beautifying it became acts of craftsmanship, polytechnic
knowledge, and emotional attachment. Attending to one's car was an
intimate gesture, which involved an affective relation, close and long-
term witnessing, and deeply sensorial participation. Men listened to the
engines, sniffed for gasoline leakages, intensely polished the doors, and
closely watched for vibrations that did not belong to one's *own* car. As
carriers of men's mastery over engine stoppages, mechanical malfunctions,
or deflated tires, cars forged and deepened male sociability around fixing
and tinkering, many times accompanied by impressive quantities of beer
or home-produced spirits. The socialist car thus functioned as a presence,
which formed molecular communities of technical knowledge and practice
in every garage.

As Kurt Moser discusses in his analysis of *Autobasteln*,[25] state socialist
societies had a powerful orientation towards amateur craftsmanship,
bricolage, home engineering, and fixing. This 'do-it-yourself' ethos was
generalized and became an integral, quasi-institutionalized dimension

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of planned economies. In this context, the idea that technologies are co-constructed by their users acquired a rich life.[26] Users' activity had to function as a substitute for industrial innovation in a branch that was rather secondary within the logic of the socialist economies. The socialist car, thus, became a different kind of social artifact, with a usage that transcended driving and the possibility of movement; differently constructed, with the users' co-production of technology in mind; a vehicle for the spread of technical knowledge on the one hand, and the strengthening of the bonds between working-class men on the other.[27] Comprehensive toolboxes (Lada) and manuals that functioned as beginner courses in automotive engineering (Trabant P601 manual) inscribed this vision to ensure it was going to be carved in the users' correct understanding of what their cars were and what they could (and couldn't) do. "Garage work" was going to prove its historical resilience in the 1990s, when workers across the postsocialist and post-Soviet space continued to use it as a "particularistic space of working-class masculinity and sociality", as well as an entry point into the mushrooming informal economy of the period.[28] The next section will turn now to discuss how in order to achieve a symbolic life, the socialist car had to emerge as a commodity in global production chains, which meant participating in expanding markets, engaging in technology transfers, and the formation of new social imaginaries.

The Expansion of Global Car Chains in Eastern and Central Europe

Whether just beginning or expanding an interwar tradition, car production in the Eastern and Central European countries was subjected to global and national dynamics, which were path-dependent and deeply embedded in the geographies of uneven and combined development that marked the history of the region.[29] Consequently, as the countries in the region faced the most significant globalization wave of the 20th century, political action marked a transition to a new vision of what state socialism meant, of what central planning was supposed to achieve, and of how economic and financial practices had to be transformed in order to face the shifting demands of the world market. Economic collaborations followed three axes of exchange: within the socialist bloc; with the capitalist core countries; and with the developing world, many times irrespective of the postcolonial states' ideological leaning.

Thus, in some countries, the turn to individual consumption to which the move towards automobility was an integral part of since the mid-1960s (late 1950s in some cases), belonged to a broader project of implementing more market-friendly socialist policies. The *Neues Ökonomisches System der Planung und Leitung* in Walter Ulbricht's GDR, or the New Economic Mechanism in Kadar's Hungary (colloquially referred to as 'goulash communism'), brought together a new social contract based on workers' raising living standards, with an increased global integration of socialist countries' production and trade. In the late socialist decades, even countries traditionally regarded as "closed" and "resistant to change" like Romania or Bulgaria felt the double pressure of appeasing their citizens beyond the satisfaction of their basic needs, combined with the necessity of globalizing their economies.

A dance between novel competitive requirements, financial pressures, new forms of peripheralization and dreams of escaping it forever through technological upgrading dominated late socialism. As socialism went global, the states in the region became increasingly caught in the world market logic, marked at the time by postcolonial conflicts and long repressed societal fractures, the professionalization and marketization of development, as well as the serial economic crises of the 1970s. Along with these dimensions of globalization, complex negotiations for state sovereignty were fought in the region, with the constituents of the socialist bloc struggling to get a voice "in setting up the new frameworks through which globalization [wa]s furthered".[30]

The car was uniquely positioned in this configuration. On the one hand, it was institutionally tied to the technocratic turn experienced by the socialist states, and to the ethos that made technological advancement key to economic independence, and ultimately, to nation-building. On the other hand, alongside housing, the car stood at the core of a new social contract between the state and the working-class, a social contract for which fantasies of individual betterment and good life were cardinal, and which brought together elements of classical Fordism with the emerging reality of an affluent socialist worker.

Table 1. Private car density in Eastern Bloc countries (cars per 1,000 people)

Country	1970	1975	1980	1985	1989
Bulgaria	19.2	22.7	55.6	114.9	137.0
Czechoslovakia	55.6	101.0	149.2	172.4	200.0
GDR	66.7	111.1	151.5	200.0	232.6
Hungary	18.5	55.6	83.3	135.1	163.9
Poland	15.9	31.3	66.7	100.0	126.6
Romania	6.4	6.5	10.8	n.a.	n.a
USSR	6.8	18.5	31.3	41.7	43.4
Yugoslavia	35.7	71.4	108.6	125.0	135.1

Source: Motor Vehicle Manufacturers Association of the United States, Motor Vehicle Facts and Figures (Detroit: MVMA, 1990), which calculates the data in terms of cars per person. (Reproduced from Siegelbaum, *The Socialist Car*, p. 8)

We can see that the most industrialized countries of the socialist bloc, like Czechoslovakia and the GDR, started the last socialist decades with a significantly higher density of private cars than countries like Hungary, Poland, or Bulgaria. Romania and the Soviet Union had the lowest private car density in the socialist bloc in 1970, and it remained lower than in the other centrally planned economies until 1989. The landscape of car production and ownership in the region was thus non-homogenous and path-dependent, deeply rooted in dissimilar histories of technical prowess, innovation, and capital investment.

Czechoslovakia had both the oldest and the most successful history in manufacturing automobiles. The production of cars in Czechoslovakia started at the end of the 19th century with the first motor car in Central Europe, the Präsident, inspired by a Benz automobile. Its manufacturer, Tatra, is the third oldest car producer in the world, and its history has unfolded uninterruptedly since the 1890s. Austrian, Czech, and German engineering contributed to the growth of the company in the first half of the 20th century, when Tatra specialized in luxury cars, with revolutionary designs, technically advanced engines, and innovations in the field of automobile streamlining.[31] Škoda, the most successful Czechoslovak automobile manufacturer, was founded in Mladá Boleslav in 1895 as

a bicycle company. Its founders, Václav Laurin and Václav Klement, quickly moved from bicycles to motorcycles, and in just ten years they were producing their first car.[32] In the 1920s, the flourishing car-producing workshop led by Laurin and Klement became part of Škoda Works, one of the largest industrial complexes in Europe and the former most important arms producer of the Austro-Hungarian Empire in the 19th century. In the 1930s, the factory acquired its first assembly line and already had more than 3,000 workers, ensuring a steady productive flow both for the domestic market and for export. Its highly reliable models made it an important supplier for the German army during the Second World War.

It was not easy for the new post-Second World War economic executives to follow into the steps of Masaryk Republic's rich tradition of technical innovation and creativity in automobile industry. As Valentina Fava shows, their efforts were concentrated around the project of mass-manufacturing a "people's car", which in the immediate postwar reconstruction years involved conjoint Czechoslovak and American expertise.[33] Like elsewhere in the socialist bloc, the implementation of central planning required specific patterns of investment in infrastructure, heavy and extractive industry, and proletarianization, leaving automobile production at the margins of the economic logic of the state. The end of the First Five-Year Plan saw the rebirth of the Czechoslovak automobile, partly because the state was in search for a good symbol of industrial efficiency, partly because Soviet imports of cars proved not satisfactory, and partly because a trend towards specialization within the COMECON. Soviet methods of organizing production with an explicit American influence met the Czechoslovak interwar expertise and managerial practices to support the development of the two well-known brands – Tatra and Škoda – the latter becoming not only the main car producer in the country, but also a symbol of the resilience of technical expertise in Czechoslovakia.

It was maybe this hybridity of technical knowledge that made automobile production into an important locus for the technocratic criticism towards the rigidity of the planned system in the 1960s. However, results failed to appear for almost two decades. Although several models were successful enough to be exported in Western Europe and in the United States since the end of the 1950s, by the beginning of the 1980s the Czechoslovak company had lost its technological edge and according to experts' estimation, was lagging behind the most advanced segments of the market by almost twenty years. The redeeming moment for Škoda came with the Favorit 781 model, a supermini car designed by Nuccio

Bertone[34] for the Czechoslovak government, following the latest European trends by including a front transversal engine and front-wheel drive. The Favorit was an export success in the late 1980s, traveling in Russia, Turkey, Latin America, and Western countries, and helped Škoda cross the bridge of the early 1990s.[35]

Another country that ripped the benefits of its interwar industrialization was East Germany. Its two main cars – Wartburg and Trabant – continued the venerable line of German engineering. The Wartburg started to be produced as early as 1898. Although the factory in Eisenach produced automobiles during the entire first half of the 20th century, it had to drop its name when BMW capital started to dictate its fate. The industrial unit was active during the war and taken over by the Red Army in the immediate post-1945 period. The brand was resuscitated with an eye on its origins in 1956 by VEB Automobilwerk Eisenach. In 1958, Wartburgs were already exported to West Germany, and by the 1960s, to other Western countries like Cyprus, the United Kingdom, and the United States. It was also exported in the socialist countries, in some of them being perceived as a symbol of well-being, good taste, and originality of choice.[36] At the end of the 1980s, Wartburg followed the trend of other factories in the region and accepted Volkswagen's offer to open a new assembly line of Golf engines in the GDR, which required a radical redesigning of the Eastern European car.[37]

While Wartburg's history might soon fall into oblivion, nobody in Germany will soon forget the Trabant. Founded in Zwickau, the VEB Sachsenring Automobilwerke started to produce cars in 1904 under the leadership of a German engineer, August Horch. Between the two world conflagrations, the factory was incorporated in a larger company, Auto Union, Audi's predecessor. After reaching Zwickau, the Soviet Army partly dismantled the factory and the state appropriated it. Although production was only slowly restarted, by 1963 the factory in Zwickau was producing its most well-known model – P601, which continued to be sold until the beginning of the 1990s. The image of a Trabi with four adults and some stuffed suitcases leaving for holiday was central for the idea of a good life that one could hope for in the GDR. Its pastel colour palette, its cheapness, unibody chassis, lack of rear seat belts or external gasoline door, unreliability, heavily user-driven maintenance (allowing for an average life expectancy of 28 years), its slowness, noisiness, and (according to some) ugliness, made the Trabi into an integral part of East-German identity. More that two and a half million Germans owned one,

after spending ten to thirteen years on a waiting list to acquire it. Probably many more used to tell endless series of jokes about it.[38]

Poland was another Central European country with a history of car producing, starting in 1893 with Ursus company, continuing with the manufacturing of light military cars and a modest output of passenger cars in the interwar period. Several automobile models were produced during the socialist period: Warszawa, Syrena, Polonez, and most importantly, Polski Fiat. The manufacturing of the iconic Polish car had its roots in the early 1930s, when the government decided to acquire a Fiat license for one of the state-owned factories, and a Polish-Italian company was born. Based on Italian licenses and technological expertise, the PZInż factory produced not only passenger cars but also Fiat trucks, tanks, artillery tractors, and motorcycles and given its state ownership and mixed military and civilian profile, benefited from highly protectionist measures.[39]

Interrupted by the war and by the peripherality of the automobile in the logic of the first decades of central planning, the Polish car emerged in the 1960s as part of a new political imaginary. The state turned to Fiat once again and acquired the license for the 125 model, which started to be produced in 1967. However, the car did not enter easily in workers' everyday lives. Although car ownership was seen as a consequence of rising wages and improved living standards, Fiat Polski was very expensive – 180,000 zloty, which averaged eighty-five months wages. Responding to the generalized desire for personal cars was part of the measures that accompanied the ascent of Edward Gierek to power. Thus, in the 1970s, installment plans were introduced, a second Fiat license was acquired, and a new car factory was built in Bielsko-Biala and Tychy. The new car was sold for only twenty-five months of average wages, a huge improvement to the 1960s. However, access to automobiles was dire: people queued for years, and although the state linked the opening of savings accounts to the possibility to pay an advance for Fiats and for Polonezes, the possibilities of the Polish factories to satisfy consumer demand remained very low.[40]

In Yugoslavia, passenger cars started to be manufactured after the Second World War on the prewar infrastructure of a truck factory in the city of Kragujevac and under a Fiat license. The Yugoslavian Zastavas came to be exported all over the world, albeit in small numbers, and were going to culminate as a domestic brand with the Yugo, a very popular supermini hatchback, which in the West was consistently rated as one of the worst cars in history.[41] Quantitatively, Yugoslavia was the second mass producer of automobiles in the socialist bloc, after the Soviet Union. In

many ways, it led the way in adopting a car culture that fit well with the early emergence of market socialism in the country, as well as with the self-management system, which granted more autonomy to the industrial units, including in financial matters, and allowed them to keep a part of their profit and redistribute it not only for investments, but also for raising workers' wages.[42]

The less industrialized state socialist countries were marked by their lack of tradition in automobilism during the interwar period. Bulgaria's auto industry was one of the least developed in the socialist bloc and deeply dependent on its Soviet connections. Moskvitch cars were assembled in Bulgaria starting with the mid-1960s. For short moments, the Bulgarian factories in Plovdiv and Lovech assembled Western models for Renault and Fiat. Hungary was highly specialized in the production of heavy lorries and buses, its Ikarus brand making it into one of the most successful exporters in the world, but basically had no automobile production facilities during the socialist period.

Romania was a rather impressive case in the landscape of car production in Eastern Europe. With no history of car production but with good experience in truck and tractor manufacturing, after the mid-1960s, the socialist country managed to become one of the most important regional players in automobile production. Starved for technology, technical knowledge, and capital, which were seen as instrumental on the new path out of backwardness, isolation, and peripheralization, the Romanian socialist government became one of the most active partners for Western companies among the COMECON countries. Forms of cooperation ranged from from patent acquisition to joint ventures, and by 1974, Romania's trade with countries in the socialist bloc was already lagging behind the one with advanced capitalist economies.

The Romanian state decided to start its adventure in car production through an association with Renault, which involved the license for Renault 8 (produced in Romania as Dacia 1100), as well as contracting the French manufacturer to execute a turnkey factory in Mioveni, a car whose subsequent history came to be articulated around the fate of the Romanian automobile, and around the etatized political economy in which Renault continued to be caught for decades. The search for a second partner led to a full partnership between the Romanian government and Citroën. The negotiations started in the 1970s and the final deal included a 36 percent capital participation of the French manufacturer, together with the assembly line, the manufacturing technology, the technical know-

how, and a promise to export forty percent of the annual production on French-dominated markets, especially in former colonies.[43] The Romanian government was going to ensure that Citroën Axel was well received in the socialist bloc, and that a cheap, skilled, and most importantly controlled labour force allowed the production cost to be kept constantly low.

Much of the tardiness of the socialist bloc in adopting a car culture has been blamed on the Soviet Union's unwillingness to invest in a consumer-oriented, highly capital-intensive industrial branch. The Soviet Union had an intense history of collaboration with Western companies in the field of automobilism. A factory built before the war by Citroën was nationalized only in 1921, and car production proper started in the mid-1920s at the AMO plant in Moscow. Other factories, partly or completely built by Western companies, started to operate in Moscow, Yaroslavl', and Gorky. They were focusing on the production of trucks, thus assembling a relatively small number of passenger cars, mainly with imported parts. The automobile plant that was going to make the Moskvitch after the Second World War was founded in Moscow, but again, cars represented an almost insignificant share of its total production.

GAZ was established in 1929 in cooperation with Ford, a collaboration that brought to the Soviet Union not only assembly lines and technologies, but also a managerial ideology that fascinated the communist leaders since the immediate post-revolutionary efforts to restructure Soviet labour relations. In the United States, the novelty of Fordism had been the intentional and *planned* entanglement between the rationalization of the shop floor and a model of social reproduction predicated on cheaper products and higher wages. The price to pay for this benevolent corporate paternalism was an unprecedented level of subjection to the regulation of morals, sexuality, religion, housing, and habits by the company representatives. In Gramscian terms, Fordism intentionally produced a historic bloc around the idea of capitalist rationality and its consequent social order, no less than a "passive revolution", which linked the production of cheaper goods with the production of an ideal worker.[44] The enchantment of the Soviet leaders with the American experiment is not surprising.

The Soviet Union slowly developed its production of passenger cars in the first years after the Second World War. Pobeda was a fully-fledged Soviet car, with an aerodynamic body-shape, and was sold for a prohibitive price. Moskvich, the more popular car, was a version of the Opel Kadett. Car production was highly uneven in the Union, with the only factories

emerging outside Russia in the late 1950s in Ukraine and in Belarus. However, even in the early 1960s, the Soviet leaders still manifested a clear preference for public transport and socialized car rental systems. They proved reluctant to make the transition to mass car production, as it was considered a step too far in the individualization of consumption, one that dangerously mimicked dimensions of the bourgeois capitalist way of life. In addition, it brought fears that in an economy of shortage, Soviet citizens would use their cars for illegal entrepreneurial activities. The fears of the 1960s executives were far from being ungrounded; car owners did end up using them for paid transportation of people and goods, or for accessing scarce food and raw materials. Scarcity of gasoline also offered an opportunity for private profit in a flourishing second-economy involving gas-station attendants, oil refinery employees, and transportation workers.[45]

It took almost a decade to Soviet leaders and Soviet citizens alike to accept the inevitable expansion of car ownership for personal use as an improvement in workers' living standards, and to finally embrace the dramatic expansion of automobility during the Brezhnev era.[46] As such, not unlike the rest of East-Central Europe, the personal car became part of a new social contract, a "Little Deal" between the Soviet state and its citizens, which in addition to job security and lowering of work norms, it also allowed for a rather gray area in which labourers could engage in petty entrepreneurship at the limit of legality, in exchange for political quiescence.

In the 1970s, the Soviet Union ended up embracing the car as an image of workers' good life and prosperity. The symbol of this total embrace was a new Soviet car. Opened in 1970 in cooperation with Fiat, the AvtoVAZ plant in the city of Togliatti (the "Russian Detroit" or "Motor City")[47] came to employ over 110,000 people at its peak, and produced the most beloved Soviet car, Lada (Zhiguli). In 1975 the plant was producing 660,000 cars per year based on the Fiat 124 model. Furthermore, the VAZ plant was going to constitute a form of experimenting both with new channels of transfer for Western technology and expertise, and with new forms of managerial authority. Even since the construction phase, the socialist planners tried to avoid the most common problems arising in complex investment projects: shortage of materials and labour; workforce turnover, indiscipline, and lack of adequate skilling; broken internal and transnational supply chains; as well as the issues arising directly from the adoption of foreign technology to an economic environment dominated by relatively different managerial ideologies and practices. The collaboration

with Fiat required exceptional measures: instead of separating the construction of the industrial plant from its actual functioning, the factory director was also made fully responsible for finishing the construction of the building on time. He was able to directly engage in the design and in the construction process. The technical staff of the future Togliatti plant was employed early, long before production took off, and part of the staff was appointed as representatives in Moscow and in Turin, where the Soviet delegates enjoyed an unprecedented freedom of decision and flexibility in their dealings with Fiat managers. Workers and technicians at VAZ were trained not only in other Soviet car factories but also abroad. Over 1,500 Fiat experts traveled to Togliatti to organize the personnel training, while over 2,500 Soviet technicians specialized in Italy in various fields of the automotive industry. Based on this experience, by 1984, the Soviets produced the first Lada fully designed by the Union's engineers – Lada Samara. By the end of Perestroika, the Togliatti factory had produced twelve millions cars. Like elsewhere in the world where auto workers were massified in large industrial units, Togliatti became an embryonic center of labour activism, which led in May 1980 to a series of mass strikes at the automobile plant.[48]

Concluding Remarks

It is clear that starting with the mid-1960s, all socialist governments left ideological concerns aside and became progressively opened to the idea of engaging in profitable exchanges with core capitalist countries. These collaboration were the engines of car production through licensing agreements; safe import-export contracts; patent acquisition; knowledge and technology transfer; direct foreign investments and loans; the building of turnkey factories based on Western process technology, future technical assistance, and specialization of technical personnel and workers at the mother-company (like in the case of Renault in Romania, or Fiat in Yugoslavia, Poland, and the Soviet Union); and finally, joint ventures, with capital participation of the Western car manufacturer (like the case of Citroën in Romania).

The harmonization of interests between the socialist states and Western companies calls for a rethinking of the 1970s moment in Eastern and Central Europe as a reconfiguration of the accumulation mechanisms that were predicated on the need of transcending the scale and scope of the

postwar productive logics. It was inevitably part of a broader process of restructuring the international division of labour, which was much more fundamentally shaped by the socialist bloc than previously thought. In the aftermath of the post-1968 movements, and in the post-1973 crisis context, price constancy, reliability, and predictibility mattered for companies from France, Germany, Italy, or the United States. Although socialist labour was not necessarily cheap (for instance, when compared to labour in the Global South), wages were controlled by the government and fluctuated little, which allowed the factories to maintain production costs relatively stable. Consequently, the competitive advantage of the Eastern and Central European economies was a comparatively cheap and highly skilled labour force, whose control was completely outside the realm of action and responsibility of the Western partner.

Already a common locus in the literature on the transition to neoliberalism, this restructuring of the international division of labour was an integral dimension of the transition from Fordism to flexible production, and was deeply rooted in the impossibility to secure industrial peace in the capitalist core. Automobile industry has been considered one of the display cases for these processes, especially since it was one of the productive branches where the relationship between labour mobilization and sectoral interests has been historically very strong.[49] The expansion of the automobile production chains in Eastern and Central is a strategic point for understanding the connection between the pressures exercised by industrial conflict in the West and the move towards Eastern and Central Europe, a move that, unlike the relocation of productive sites into the Global South, received little attention.[50] This epistemic move enables an escape from nominalist approaches, which have reified "capitalism" and "socialism" as historical configurations functioning along fundamentally different principles, and link our analytical pursuit to global connections in which logics and mechanisms of capital accumulation marked a *common* geography of production.

NOTES

[1]   Harvey, D. *A Brief History of Neoliberalism.* Oxford: Oxford University Press, 2007; and Harvey, D. *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change.* London: Wiley-Blackwell, 1991.

[2]   The most important efforts in understanding these processes have been attempted under the project "Socialism Goes Global", led by James Mark at Exeter University.

[3]   Hopkins, T., Wallerstein, I. "Patterns of development of the modern world-system". *Review* 1   (1977) 111–145.

[4]   Bair, J. "Global Capitalism and Commodity Chains: Looking Back, Going Forward". *Competition and Change,* 9(2) (2005) 153-180.

[5]   Böhm, S., Jones, C., Land, C., and Paterson, M. "Introduction: Impossibilities of Automobility." *The Sociological Review* 54 (2006) 3–16.

[6]   Guillén, M. F. *Models of Management: Work, Authority, and Organization in a Comparative Perspective. Chicago: Chicago University Press*, 1994; Cucu, A. 'Why Hegemony Was Not Born in the Factory: Twentieth-Century Sciences of Labour from a Gramscian Angle', in M. Badino and P. D. Omodeo, eds., *Cultural Hegemony in a Scientific World: Gramscian Concepts for the History of Science*, Vol. 1. Leiden: Brill, Historical Materialism series, 2020.

[7]   Silver, B. *Forces of Labor:* Workers' Movements and Globalization Since 1870. Cambridge:Cambridge University Press, 2003.

[8]   ANIC, CC Economica, 26/1967, Ceaușescu.

[9]   Seidman, M. *The Imaginary Revolution. Parisian Students and Workers in 1968.* New York and Oxford: Berghahn Books, 2004.

[10] Moser, K. '*Autobasteln*: Modifying, Maintaining, and Repairing Private Cars in the GDR, 1970-1990'. In Siegelbaum, *The Socialist Car*, p. 157-169.

[11] Beyer, E. 'Planning for Mobility: Designing City Centers and New Towns in the USSR and the GDR in the 1960s'. In Siegelbaum, *The Socialist Car*, p. 105-123; Rubin, E. "Understanding a Car in the Context of a System: Trabants, Marzahn, and East German Socialism". In Siegelbaum, *The Socialist Car*, 2011, p. 124-140.

[12] Siegelbaum, L. H., ed. 2011. "Introduction". In *The Socialist Car: Automobility in the Eastern Bloc*, Ithaca and London: Cornell University Press, 2011, p. 2.

[13] Heller, Á., Fehér, F. and Márkus. G. *Dictatorship Over Needs.* Oxford: Basil Blackwell, 1983.

[14] The concept of "dictatorship over needs" has since become a staple for the Marxist philosophers of the Budapest School grouped around György Lukács. It had its roots in Agnes Heller's analysis of human basic necessities in an earlier book, *The Theory of Need in Marx.* In her book, Heller made a strong argument for the radical social relativity of human needs, asserting

that they were specific to the mode of production and the corresponding arrangement of social relations they belonged to. Heller undermines the Althusserian "epistemological break"   between young and later Marx, as she emphasizes the fact that Marx's entire critique of the capitalist mode of production starts from the anthropological assumption of a "rich in needs" humanity, whose vast array of social necessities are impossible to satisfy under the capitalist condition. See *The Theory of Need in Marx*. London: Allison and Busby, 1976. See also Althusser, Louis. *For Marx*. [1965] 2005. London: Verso.

[15]   Verdery, Katherine. *What Was Socialism and What Comes Next?* Princeton, NJ: Princeton University Press, 1996.

[16]   For the best to date account of the ways in which wage policy was integrated into the everyday functioning of early state socialism see Pittaway, Mark, "The Social Limits of State Control: Time, the Industrial Wage Relation, and Social Identity in Stalinist Hungary, 1948–53". *Journal of Historical Sociology* 12(3) (1999, 271–301. For a discussion of wages, the production of the ordinary and the articulation of the "postwar" as critical juncture in Romania, see Grama, Adrian. *Laboring Along. Industrial Workers and the Making of Postwar Romania*. Munich: De Gruyter Oldenbourg, 2018.

[17]   For systematic discussions about varieties of industrial paternalism and their connected discursive tropes see Burawoy, Michael. *The Politics of Production: Factory Regimes under Capitalism and Socialism*. London: Verso, 1985; and Reid, D. "Industrial Paternalism: Discourse and Practice in Nineteenth-Century French Mining and Metallurgy". *Comparative Studies in Society and History* 27(4) (1985), 579–607.

[18]   Cucu, Alina. 'Why Hegemony Was Not Born in the Factory".

[19]   Cucu, Alina. *Planning Labour: Time and the Foundations of Industrial Socialism*. New York and Oxford: Berghahn Books, 2019. For comprehensive accounts of the politics of productivity in the Soviet Union as the seeds of East-Central European regimes, see Siegelbaum, Lewis H. *Stakhanovism and the Politics of Productivity in the USSR, 1935–1941*. Cambridge: Cambridge University Press, 1990; Siegelbaum, Lewis H., and Ronald G. Suny, eds., *Making Workers Soviet: Power, Class, and Identity*. Ithaca, NY: Cornell University Press, 1994.

[20]   Pittaway, Mark. *The Workers' State: Industrial Labor and the Making of Socialist Hungary, 1944–1958*. Pittsburgh: University of Pittsburgh Press, 2012; and *From the Vanguard to the Margins: Workers in Hungary, 1939 to the Present. Selected essays by Mark Pittaway*, ed. by Adam Fabry. Leiden: Brill, 2014.

[21]   As I argue elsewhere, this simultaneity of power relations in which the socialist state was caught cannot be immediately and simplistically read as total power. On the contrary, the direct involvement in managing and creating social production processes made socialist states rather spectacularly

fragile in their ordinary operation and in their capacity to root their "effects" directly in production. See Cucu, *Planning Labour*. For a better understanding of state power as an expression of their capacity to effect illusory boundaries between the state, society, and economy (or collapse them in an equally illusory manner in socialism), see Mitchell, Timothy. 'Society, Economy, and the State Effect'. In Steinmetz, George, ed. *State/Culture: State-Formation after the Cultural Turn*. Ithaca: Cornell University Press, 1999, p. 76-97.

22   Rubin, E. "Understanding a Car".

23   Lüdtke, Alf, ed. 1995. *The History of Everyday Life: Reconstructing Historical Experiences and Ways of Life*. Princeton: Princeton University Press.

24   Gătejel, Luminița. 'The Common Heritage of the Socialist Car Culture'. In Siegelbaum, *The Socialist Car*, 2011, p. 143-156.

25   Moser, K. "*Autobasteln*".

26   Oudshoorn, N.E.J., and Pinch, T. *How users matter: The co-construction of users and technologies*. Cambridge, Massachusetts: MIT Press, 2003; Franz, K. *Tinkering: Consumers Reinvent the Early Automobile*. Pittsburgh: University of Pennsylvania Press, 2011.

27   Moser, K., *Autobasteln*.

28   Morris, J. *Everyday Post-Socialism: Working-Class Communities in the Russian Margins*. London: Palgrave MacMillan, 2016.

29   Gerschenkron, A., ed.. *Economic Backwardness in Historical Perspective*. Harvard: Harvard University Press, 1962; Chirot, D. (ed.). *The Origins of Backwardness in Eastern Europe*. Los Angeles: University of California Press, 1991.

30   Sassen, S. "Theoretical and Empirical Elements in the Study of Globalization". In Rossi, I., ed., *Frontiers of Globalization Research:: Theoretical and Methodological Approaches*, New York: Springer, 2007, p. 287-306.

31   Tatra stopped producing passenger cars in 1999 but is still an important truck manufacturer.

32   https://www.skoda-auto.com/world/heritage.

33   Fava, V. "The Elusive People's Car: Imagined Automobility and Productive Practices along the 'Czechoslovak Road to Socialism' (1945-1968)". In Siegelbaum, *The Socialist Car*, 2011, p. 17-29.

34   Bertone was a spectacular figure in the history of the automobile. He designed cars for all the major Italian automobile companies: Alfa Romeo, Fiat, Lamborghini, and was recognized as a visionary in the field. He most likely designed the Czechoslovak with the same ethos that guided his entire career: "A car is the product of a feeling, or rather, a series of feelings. The most important of these is the sense of wonder and surprise generated by the form of the vehicle. If a car fails to fill me with this sense of wonder at first sight, I am almost certain that it will not be a success." https://www.automotivehalloffame.org/honoree/nuccio-bertone/, accessed July 10, 2019.

35   Alongside Tatra, Daimler, Opel, and Peugeot, Škoda has an uninterrupted history of car production since its inception. After the collapse of the socialist regime in Czechoslovakia, Škoda was privatized in several stages. Since 2000, it became the subsidary of the Volkswagen Group.

36   Personal communications with Romanian people, having higher education and a rare access to foreign cars (and to a choice of the brand) in the mid-1960s.

37   The company in Eisenach has been owned by Open since 1991.

38   The most popular joke about Trabant was this:
      Q. Why do deluxe Trabants have heated rear windows?
      A. To keep your hands warm when pushing.

39   Jastrząb, M. "Cars as Favors in People's Poland". In Siegelbaum, L. H. (ed.). *The Socialist Car. Automobility in the Eastern Bloc*. Ithaca: Cornell University Press, 2011, p. 30-46.

40   In 1992, the Polish factory was acquired by Fiat and Poland became one of the booming car manufacturers of the region.

41   Vuic, J. The Yugo: The Rise and Fall of the Worst Car in History. New York City: Hill and Wang, 2010.

42   Ardalan, C. "Workers' self-management and planning: The Yugoslav case." *World Development*, 8(9), (1980), p. 623–638; Whitehorn, A. "Yugoslav Workers' Self-Management: A Blueprint for Industrial Democracy?" *Canadian Slavonic Papers / Revue Canadienne des Slavistes* Vol. 20, No. 3, (September 1978), p. 421-428.

43   Gătejel, L. "A Socialist-Capitalist Joint Venture: Citroën in Romania during the 1980s", *The Journal of Transport History* 0(0) (2017) 1-18.

44   Gramsci, A. "Americanism and Fordism". In *Selections from the Prison Notebooks*, edited and translated by Quintin Hoare and Geoffrey Nowell Smith. New York: International Publishers, 1992 [1971]; see also Guillén, M. F. *Models of Management: Work, Authority, and Organization in a Comparative Perspective*. Chicago: Chicago University Press.

45   Siegelbaum, L. H. "Cars, Cars, and More Cars: The Faustian Bargain of the Brezhnev Era". In *Borders of Socialism: Private Spheres of Soviet Russia*. New Yorks and Houndmills: Palgrave Macmillan, 2006, p. 83-103.

46   Ibid.

47   The city was named in the honour of the Italian communist Palmiro Togliatti.

48   Ziegler, C. E. "Worker Participation and Worker Discontent in the Soviet Union". *Political Science Quarterly*, Vol. 98, No. 2 (Summer, 1983), pp. 235-253; Cook, Linda J. *The Soviet Social Contract and Why it Failed: Welfare Policy and Workers' Politics from Brezhnev to Yeltsin*. Harvard: Harvard University Press, 1993.

49   Silver, B. Forces of Labor: Workers' Movements and Globalization Since 1870. Cambridge: Cambridge University Press, 2003.

50   Fremontier, J. *La Forteresse ouvrière: Renault,* 1971.

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THE 'IMPERIAL SIGNS' (*NIŞAN-I HÜMAYUN*): FRAMING MUSLIM-CHRISTIAN RELATIONS IN THE SEVENTEENTH CENTURY MEDITERRANEAN

Abstract

The Ottoman Empire framed its relations with non-Muslim states through peace agreements known as capitulations. While their renewals also came with additional articles, in the early seventeenth century the Ottoman-Venetian peace agreements took a unique twist: the capitulations' texts remained unchanged, with new articles being implemented through separate documents labelled as "imperial signs" (*nişan-ı hümayun*). In this paper, I will argue that two such documents, granted to Venice in 1604 and 1639, differ both in form and function from other *nişan*s and that they played a crucial role in the peace-making process, along with the capitulations.

Keywords: capitulations, *'ahdname*, diplomacy, Ottoman Empire, Venice.

The Hanafi school of Islamic jurisprudence which was officially followed in the Ottoman Empire divided the world into two parts: the Abode of Islam (*dar al-Islam*), comprising territories under Muslim rule, and the Abode of War (*dar al-harb*), which encompassed lands not yet conquered by Muslims. In theory, until the whole world would come under Muslim rule, the two Abodes would remain continually at war. There could be no permanent peace, just temporary ones or truces, concluded only if they benefited the Islamic polity more than waging war. In Ottoman practice, peace with a non-Muslim community or polity was concluded through the issuing of a capitulation (*'ahdname-i hümayun*, literally "imperial covenant letters"). These documents were essentially a set of privileges granted by the sultan and sealed with a solemn oath (*yemin*). The articles, which sometimes contained bilateral stipulations,

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first touched upon the actual peace terms, and afterwards turned to other vital aspects, notably commerce. Since capitulations were a personal contract between two rulers, they were supposed to be renewed upon the ascension of a new sultan.[1]

Relations between the Ottoman Empire and Venice were regulated through such capitulations. The first known one was issued in 1403, and the last one in 1733, when the *'ahdname* granted by Sultan Mahmud I was pronounced perpetual, thus being enforced until the Serenissima's dissolution in 1797.[2] Frequent wars between the neighboring powers meant that capitulations were usually issued as an aftermath of military conflict, but the seven-decades-long peace between the War of Cyprus, ended in 1573, and the War of Candia/Crete, begun in 1645, produced *'ahdname*s only upon the enthronement of new sultans. Even in times of peace new articles were inserted in the capitulations to solve ongoing issues. This was true until 1604 when instead of bringing new additions, the *'ahdname* issued by Sultan Ahmed I simply reproduced the one that his father, Mehmed III, issued to Venice in 1595. Subsequent texts also followed this pattern, updating the names of current sultans, doges and ambassadors, with new additions being brought only in 1670, after the Ottoman conquest of Cyprus. Therefore, instead of inserting new articles in the Venetian *'ahdname*s of the early seventeenth century, the Ottomans resorted to inserting new articles in a separate document: the "imperial sign" (*nişan-ı hümayun*).

There were two such *nişan*s granted to Venice in the first half of the seventeenth century that amended the *'ahdname*s and became, alongside them, binding sources of law. Similarly, they were frequently renewed, but their articles were never inserted in the capitulations' text, instead they were reissued time and time again as separate documents until the "perpetual peace" of 1733. The first of these *nişan*s was given in late 1604, just one month after Venice obtained the renewal of its capitulations from Sultan Ahmed I. It contained a series of articles ranging from piracy to taxation and pilgrimage and it was in force at least until the reign of Osman II. The second *nişan*, issued in 1639, had a very specific purpose: to combat the piratical activities of the Barbary states, which had by now become *de facto* independent from the Ottoman central authorities' control. This so-called "piracy-*nişan*" would be renewed alongside almost all future Venetian *'ahdname*s until the eighteenth century. Scholars have so far hinted at the function that these documents played in Ottoman-Venetian

diplomacy, but they have not endeavored further in determining their role as crucial instruments in the peace-making process.

In the early nineteenth century, Joseph von Hammer published a translation of the 1604 *nişan* and its 1615 renewal, both issued by Ahmed I. He identified the 1604 document as a "sultanic diploma with the function of a treaty (*ein sultanisches Diplom mit Vertragskraft*)", and further commented upon its later 1615 renewal:

> a commercial treaty in the form of a diploma, drafted in fourteen articles and sealed with the sultan's seal (*einer Handels-Convention, in der Form eines mit dem Nahmenszuge des Sultans bekräftigten Diploms*), to supplement the incomplete clauses of the capitulations concluded after the Ottoman conquest of Cyprus which needed renewing. The venetian *bailo* strived to incorporate in this treaty the same commercial privileges that were already awarded to the French, English and Dutch.[3]

Hammer's interpretation was accepted a century later by Gabriel Noradoughian who labelled the same document as a "*berat* which renewed the commercial privileges", although without giving any texts.[4] Much later, in his seminal work on Ottoman-Venetian diplomatics, Hans Theunissen also undertook Hammer's appreciation almost word by word, asserting that after the 1604 *'ahdname* "another *nişan* protecting Venetian trade in the Ottoman Empire was issued", while in 1615 there was "a new *nişan* which further specified the status of the Venetians in the Ottoman Empire [...] since the French, English, and Dutch capitulations were more detailed and thus offered better protection and more privileges".[5] In his 2009 book on piracy in the Adriatic, İdris Bostan labelled the 1604 *nişan* as a "piracy capitulation (*korsan ahidnamesi*)", without explaining his choice.[6] As we shall see further on, the diplomatic components of the *nişan* differ significantly from those of an *'ahdname*, most notably in the absence of the sultan's oath (*yemin*). Similarly, Joshua White also seems to consider only the piracy articles of the 1604 document, naming it, along with the *nişan* of 1639 as an "anti-piracy *nişan*".[7] White is however the only one who has tried to explain the function of *nişan*s in relation to the capitulations, asserting that before 1595 they "recalibrated procedures between treaty issues; after 1595 they obviated the need to amend the treaty text itself."[8] I will comment further on that previous *nişan*s – for simplicity's sake, I will label them as "classic" – differed from the 1604 and 1639 "treaty" and "piracy" *nişan*s not only in function but also in form.

Another issue that puzzled the above-mentioned scholars and others is the typology of the *nişan*s, which are usually included in the *berat* ("diploma") category of documents. I will turn to this question now.

The term used by the Ottomans to designate these documents, *nişan-ı hümayun* (also translated by the Venetians as *segno imperiale*), can be traced as the main source of confusion in ascribing a typology. The "sign" (*nişan*) is the sultan's monogram or seal, more commonly known as the *tuğra*, which headed every document issued by the Ottoman imperial chancery and was the primary mark of authenticity.[9] Thus, the term used to describe this type of documents is not a reference to the *tuğra*, but to a diplomatic formula which was written between it and the main text and which is known as the "*nişan* formula", since it starts with the same word. This is the formula that appears in the 1604 document, beneath Ahmed I's *tuğra*: *nişan-ı şerif-i 'alişan-ı sami-mekan-ı sultanı ve tuğra-ı garra-ı ikbal-nüma cihan aray giti-sitan hakanı nefiz bi-l'avni'l-rebbani hükmü oldur ki*, which can be roughly translated as "This is the command of the noble, illustrious, lofty sultanic sign and of the illustrious, world-conquering, world-adorning, imperial *tuğra* (may it be effective through divine aid and munificent favor!)".[10] The Venetian official contemporary translations also reproduce this formula as follows: "*Il comandamento di questo nobile, sublime signoril et esquisito Imperial Segno, dimostratore di prosperità, Adornator, et acquistator del Mondo, che per gratia et favor divino corre, et è essequito*". In more solemn documents, such as in this 1604 "treaty" *nişan*, the formula was written with a distinct color from the rest of the text, namely gold.

There are two other types of documents that may contain such a formula, hence the problems in properly describing and identifying a *nişan*: the *berat* (diploma) and the *'ahdname* (capitulations). The "*nişan* formula" may be found more frequently in *berat*s, documents through which sultans invested someone with a certain office or granted a *timar* to. The *'ahdname*s that bear the "*nişan* formula" have been labelled by some scholars as *berat*-type *'ahdname*s, to distinguish them from the ones lacking this formula and which instead contain elements specific of the *name* ("letter") type of documents in their introductory lines.[11] Thus, paradoxically, the "*nişan* formula" is usually associated with *berat*s, and not with *nişan*s per-se.

Because of this, some scholars include *nişan*s in the *berat* category or simply use the two terms indistinctively. Serap Mumcu, for example, in her otherwise excellent inventory of the *bailo*'s registers, labels as

nişan lots of different documents, including *berat*s for Christian bishops or imperial commands to local officials.[12] Ottoman governors, Christian bishops or tributary princes all received *berat*s upon their appointments. It is true that both types of documents were drafted around a series of privileges, in the form of articles,[13] which were to be observed by a third party.[14] But unlike *berat*s, which specifically mention the names of their holders (*darende*), *nişan*s were not personal documents and they did not invest an individual with a certain office. The recipients, in this case, the Venetian Doge and Senate, are not even mentioned, but the privileges are applied to all "Venetians" (*Venediklüler*), just like in an *'ahdname*. While *nişan*s and *berat*s contain the same diplomatic parts, there are several notable differences.

Both types of documents are headed by the *invocatio/da'vet* of God's name in the form of "He" (*hü, hüve*) and its variations, followed by the *tuğra* and the *nişan* formula. The main texts of *berat*s then begin with a *narratio/iblağ* which describe the events, procedures and sums of money required for the issuing of the document. The sultan's command (*dispositio/hüküm*), "I gave this imperial diploma and ordered that" (*işbu berat-ı hümayun verdüm ve buyurdum ki*), then introduces the privileges bestowed upon the *berat*'s holder. In contrast, the 1604 *nişan* offers a very brief narration, simply stating that the current Venetian *bailo* has sent a petition (*'arz-ı hal gönderüb*), without mentioning any other contextual information. It then proceeds to list the privileges/articles which appear as quoted from the petition, by using the gerund *deyü* ("saying that") at the end. Only now does the sultan give the command "I gave this imperial sign and ordered that from now on the aforementioned articles shall always be resolved according to this imperial sign" (*işbu nişan-ı hümayunı verdüm ve buyurdum ki ba'delyevm zikr olunan maddelerde daima işbu nişan-ı hümayun mucibince 'amel olunub*). The 1639 *nişan* and its renewals offer more details in the *narratio* – after all, they were issued following temporary suspensions of the capitulations – but then also lists the privileges/articles as being demanded by the *bailo* in a petition (though not quoting it). The sultan's command comes afterwards, this time being more detailed by reiterating some of the provisions, as one would expect to find in a typical *ferman*. It is noteworthy to mention that *'ahdname*s also employ this order in their diplomatic parts and some even quote the articles from the ambassador's petition.[15] All types of documents discussed here end with the classic *sanctio/te'kid* formula "Thus shall they know, and they

shall have confidence in the noble mark!" (*şöyle bileler 'alamet-i şerif i'timad kılalar*), followed by the date and place of issue.

A. The 1604 *nişan*

With the death of Sultan Mehmed III in December 1603, the *'ahdname*s granted by him, including the Venetian one of 1595, lost their validity and renewals were needed. Although the Serenissima had a *bailo*, a permanent diplomatic envoy stationed at the embassy in Pera, protocol demanded that an extraordinary ambassador must be sent to the Porte to congratulate the new Sultan, Ahmed I, and to formally request the renewal of the capitulations. Giovanni/Zuane Mocenigo was selected for this task and he set sail in September 1604 along with Ottaviano Bon, who was to replace Francesco Contarini in the *bailaggio*. The two arrived in Constantinople in October 1604 and the new *'ahdname* was obtained by ambassador Mocenigo in late November 1604. Unlike previous documents which added new articles, this time the *'ahdname* simply reproduced the previous one, updating only the names of the sultan, doge, and ambassador.[16] Instead, new articles were issued through a separate *nişan-ı hümayun*, obtained by *bailo* Ottaviano Bon one month later, on 23 December 1604 – 1 January 1605/ *eva'il-i Şaban* 1013.

Even though the original *nişan* is preserved to this day in the *Archivio di Stato di Venezia* (ASV) it has never been studied and there are problems with its dating. First, because of a tear in the document where the date of issue was inscribed, archivists have read the Arabic numeral "twenty" (*'aşrin*) instead of "ten" (*'aşer*), thus dating the document in 1023 AH/1614. Nevertheless, Ottaviano Bon's name is clearly mentioned in the opening lines, and it is well known that he stayed in Constantinople between 1604-1609.[17] There is also a contemporary Italian inscription on the back of document which mentions that it arrived along with Bon's letter from 28 February 1605 (1604 *more veneto*), which is also preserved along with its encompassing dispatch. The Senate itself acknowledged receiving the original *nişan* and its translation in its letter to Bon from 29 April 1605.[18]

Second, even present-day scholars have only studied the *nişan*'s copy inscribed in the *bailo*'s register, and not the original document issued by the Ottoman imperial chancery.[19] Despite this copy's accuracy, it mentions the month of *Şevval* instead of *Şaban*, probably due to a scribal error, and therefore dating the document in March 1605. To make matters even more

confusing, both official translations of the *nişan*, the one that came along with the original document[20] and the one written down along with the copy in the *bailo*'s register,[21] give the Julian equivalent of the last days of January ("*ultimi di genaro*") 1605 to the Hijri *eva'il-i Şaban/Şevval* 1013.

Nonetheless, the date written at the bottom of the original document, 23 December 1604 – 1 January 1605/ *eva'il-i Şaban* 1013 should be considered the correct one. It appears that Bon got hold of the *nişan* a few months later, though. He informed the Senate only on 14 February 1605 about obtaining the "*imperial segno*"[22] and he sent the document to Venice, along with a translation, two weeks later, on 28 February.[23] Bon's dispatch containing the two documents reached Venice in late March or early April 1605.[24] Hence, there is no doubt that this *nişan* was issued in late December 1604/*eva'il-i Şaban* 1013, and not ten years later. Let's take a look now at its contents.

The *nişan*'s articles, like those of contemporary Venetian *'ahdname*s, were not numbered. Blank spaces were left instead after each article, but one can easily lose track due to the scribal tendency to compress writing at the end of the line. Hammer, for example, identified thirteen articles in the 1604 document, but the 1604 *nişan*'s two official Italian translations divide the text into fourteen numbered articles. I will use this division since it reflects the Venetians', and most likely also the Ottomans' understanding of the privileges granted. Here is a summary of the fourteen articles obtained by Venice through the 1604 *nişan*:

1. Venetian goods found upon pirates, Muslim or Christian alike (*müslüman levendatına ve ya-hud harbi nasara ta'ifesinin korsan*) shall be restored to their proper owners; there shall be no trading with pirates.

2. Pirates shall not be admitted in Ottoman sea fortresses (*leb-i deryada olan kal'alar*) such as Modon, Coron, Santa Maura, Preveza, and Tunis;[25] if possible, they shall be imprisoned; disobeying officials shall be punished exemplarily (*mucib 'ibret içün muhkem haklarından geline*).

3. Slaves of Venetian origin shall be freed, excuses such as "we bought them with our own money" (*biz bunları akçemizle aldık*) or "they were enslaved in times of war" (*fesadda ve cenkde alınmışlardı*) shall not be accepted; those who became Muslim shall be freed on the spot (*müslüman olmüş ise azad olub*), those who remain unbelievers (*henüz küfri üzere ise*) shall be delivered to the *bailo* .

4. Disputes and crimes (*niza' ü husumet ve ya-hud kan da'valarıI*) between the Venetians shall be judged by the *bailo* according to their law (*'adetlerince*).

5. After paying the usual custom tax (*gümrük*), Venetian ships trading in Istanbul, Galata, Silivri, Tekirdağ, Bandırma, Gallipoli and other places shall not be charged with the butcher's tax (*kassabiye*) nor any new or future taxes (*sair ahdas olunan ve min-ba'd ahdas olunacak bida'tlar*).

6. Customs officials and others (*gümrük eminleri ve gayrılar*) shall not demand gifts (*pişkeş*) in the form of cloths (*çuka*), sugar (*şeker*), glass (*şişeler*) or money (*akçeler*) from the Venetians boats and other small Cretan ships (*sair küçük Girid gemilerinden*) trading in Istanbul, Galata, Egypt, Tripoli, Cyprus, Izmir and other places; contrary imperial commands (*emr-i şerif*) shall be declared void and the capitulations shall always be observed (*daima 'ahdname-i hümayun mucibince 'amel oluna*) .

7. Venetian runaways (*bir levend ve ya-hud adamlarından bir kimesne kaçub*) shall be handed over to the *bailo*.

8. Subjects of Venice or of any other Christians princes (*gayrı nasara hakimlerinin re'ayasından olsun*) may travel freely on Venetian ships.

9. Ottoman navy ships (*donanma gemilerime ve sair hassa kadırgalarıma*) shall not demand gifts from the Venetian ships they encounter at sea.

10. No other taxes shall be imposed upon the casks of Muscat wine (*misket hamrları fıçılarından*) from Crete or from other Venetian islands, except those taxes established by the ancient law (*kanun-u kadim üzere*) and in an imperial command previously given by Sultan Mehmed [III].

11. Tribute (*harac*) shall not be taken from the dragomans of Venetian *bailo*s and consuls; if one of them dies, the *bailo* will manage their effects (*ma'rifetile ve irslarına verile*), without interference from Ottoman fiscal officials (*beytülmalcı, kassam*).

12. Venetians shall not be blamed for the attacks of the Uskoks of Senj (*Seng nam kal'anın Uskok eşkıyası*), who are recognized as the King of Vienna's subjects (*Beç kralına tabi' olmağla*).

13. Subjects of Venice and of other Christian princes may come to visit Jerusalem; the monks residing at the Church of the Holy Sepulcher (*Kumame nam kilisede mütemekkin olan ruhbanlara*) shall not be molested; they may repair (*ta'mir ü termim*) the ruined parts of the said church (*mezbur kilisenin harabe-i müşrif olan yerlerin*) according to their ancient form (*vaz'-i kadimsi üzere*), as it is allowed by the Sharia (*şer'-i şerif muktazasınca.*)

14. Disputes with Venetian consuls in Egypt, Aleppo or elsewhere shall be transferred to the Porte (*Asitane-i Sa'adetime havale ola*); consuls and dragomans shall not be troubled for the debts of others (*aharın börci ve tuhmeti içün kimesne rencide etmeye*).

As one can observe, piracy is one matter dealt within the articles, but there are lots of others covered, as well. It is not adequate to label this

document as "piracy *nișan*", such as the later one from 1639, because it also deals with trade, inheritance, pilgrimage, tax exemptions and so on, features that one would expect to find in a typical *'ahdname*. In his 1609 *Relazione* to the Senate, Bon himself described the document as an "*aggionto alla capitolatione*",[26] thereby recognizing the role this document played alongside the capitulations.

Some of these articles further developed provisions found in earlier *'ahdname*s, while others were completely new. To give just a few examples: in the 1595 Venetian *'ahdname* there was already an article exempting merchants from paying "new taxes" (*ahdas olunan bida'tlar ref' olunub*),[27] but article 5 of the 1604 *nișan* further develops it, precisely mentioning the *kassabiye* tax. Other Christian powers such as Poland, France and England also secured in this period clauses in their *'ahdname*s which exempted merchants from paying *kassabiye*.[28] On the other hand, the *nișan*'s article 13 regarding Jerusalem has no corresponding stipulation in previous Venetian capitulations, but it is an almost exact copy of the one found in France's *'ahdname* issued just seven months earlier, in May 1604.[29] It seems rather curious, though, that other important issues for the Venetians such as settling the disputes over the limits of Zara or the possession of Lagosta/Lastovo, a small island in the Adriatic briefly taken from Ragusa, were not settled through this "imperial sign". Despite this, there seems to be no doubt that the 1604 *nișan* had the purpose of updating the Venetian *'ahdname*s with new articles very much needed after commercial rivals such as France and England obtained increased privileges in the same year. While it may be true, as other scholars have assumed, that Venice tried to avoid paying ever-increasing sums of money by obtaining new articles through a separate document, and not by including them in the *'ahdname*, archival material also suggests another factor. It appears that the precarious situation at the Ottoman court in 1604 discouraged the Venetians from requesting new articles in their capitulations.

Ahmed I ascended the throne in most peculiar circumstances, with both state and dynasty facing previously unseen challenges. The reigns of his grandfather, Murad III, and father, Mehmed III, saw the beginning of two long wars with the Habsburgs and Safavids which put great pressure on the empire's resources. This, in turn, led to the rise of social dissensions across the empire, culminating with the Celali rebellions in Anatolia and with the frequent riots of the military in Istanbul. Perhaps more troubling was that with the death of Mehmed III in December 1603 the Ottoman

dynasty came to the brink of extinction, as the two surviving princes were minors: Ahmed was 14 years old, and his brother, the future Sultan Mustafa I, was just 3-4 years old. The two brothers contracting smallpox in early 1604 made the situation even worse. Another novelty was the fact that Ahmed ascended the throne before he had the chance to learn the art of governing by being assigned to a province outside the imperial capital. He was the first sultan to come directly from the Topkapı Palace, without having a retinue of his own which could have been given government offices to. Instead, his mother, Handan, and the royal tutor, Mustafa Efendi, assumed the role of regents, clashing with the faction of Safiye Sultan, the former queen mother (*valide*) of Mehmed III. As Günhan Börekçi argues, this was, in fact, the beginning of a period of increased factionalism at the Ottoman court, with power being disputed between various rival groups.[30] As the Venetian diplomatic correspondence demonstrates, the Serenissima's governing body was aware of this situation and it instructed its representatives in Constantinople to act in accordance.

The instructions passed by the Senate to ambassador Zuane Mocenigo before the start of his mission specifically mention that:

> because we cannot believe that in the present circumstances the Turks may try to bring any important novelties… the sole directive of your delegation is to congratulate [the Sultan] and to confirm the peace according to the previous terms, and any other matters will remain to be solved by Bon, our *bailo* at that Porte.[31]

Indeed, the instructions sent to Ottaviano Bon two days earlier, on August 10th, 1604, contain topics that would later be found in the *nişan*. After first being instructed to present his credentials to the sultan, to visit the principal Ottoman officials in the capital and to maintain friendly relations with the other Christian ambassadors, Bon was tasked with securing guarantees against pirate incursions in the Adriatic, to make sure that the belongings of deceased Venetians are not confiscated by Ottoman authorities, to release Venetian slaves, to protect the Franciscans in Jerusalem, and so on.[32] It seems that the Serenissima tried to avoid negotiations for an updated *'ahdname* with whatever faction was in power in Constantinople at a given moment, which may have proven too costly and instead, it left its most important issues to be handled by the new *bailo*. At his arrival in Istanbul, Bon found a powerful ally in *kaymmakam* Sarıkçı Mustafa Pasha who facilitated the granting of the said articles.[33] It

seems that negotiations with Ottoman power networks had been already under way, since Bon thanked his predecessor, Francesco Contarini, for his role in obtaining the "imperial sign".[34]

The solution with the *nişan-ı hümayun* appeared rather natural. Such documents were already employed, as Joshua White remarked, to fix issues regarding the application of the *'ahdname*s' clauses. There are several copies of "classic" *nişan*s preserved to this day in the ASV, as well as two original ones, which permit a better comparison with the 1604 "treaty" *nişan*. First of all, on a visual level, the "classic" ones appear less sophisticated: there is a simple *tuğra*, drawn with a single stroke of the *kalem* with black ink, whilst in the "treaty" *nişan* the *tuğra* is richly decorated; the *nişan* formula in "classic" documents is written with the same black ink as the rest of the text, while in the "treaty" it is written with golden ink; and the *divani* style of calligraphy used in the "classic" *nişan*s is not so elegant as the one found in the 1604 "treaty". To sum up, from a graphic point of a view the "classic" *nişan*s resemble typical *ferman*s, while the "treaty" *nişan* looks just like a contemporary *'ahdname* (though considerably shorter in length). But more important, their contents and functions are different.

"Classic" *nişan*s were meant to settle interpretable clauses or abuses of the *'ahdname*s' provisions, unlike the "treaty" *nişan*s of 1604 and 1639 which amended the *'ahdname*s with new articles. Let's take for example the *nişan* issued by Sultan Murad III on 21-30 July 1592/ *evasıt-ı Şevval* 1000:[35] it starts by quoting a letter (*name*) sent by the Doge of Venice and other nobles (*Venedik dojı ve sa'ir beyleri*) which detail the misfortunes of two Ottoman Armenian merchants who now demanded compensation from the *bailo* in Constantinople; after quoting an article from the *'ahdname* which absolves the *bailo* from others' debts, the petitioners ask the sultan to give a command for this effect; the sultan than reiterates the *'ahdname*'s same article and commands that nobody should indict the *bailo* for the debts of others. Other "classic" *nişan*s granted to Venice also respect this pattern. Thus, the narrative part of "classical" *nişan*s is more detailed and precisely asks for imperial commands to settle a dispute which was in fact already covered by the *'ahdname*, and the *dispositio* then restates them. In contrast, the 1604 "treaty" *nişan* omits the narration and simply lists articles demanded by the *bailo*, to which the sultan gives his consent. Hence, even the contents of the two types of document resemble the *ferman-'ahdname* dichotomy observed at the visual level: a *ferman* typically presents a problem and the actions needed for its settlement,

which are then reiterated as a command, while an *'ahdname* skips the narrative part and records a series of articles to which the sultan solemnly swears to uphold. Right after its issuing, the 1604 *nişan* became a primary source of law for Ottoman-Venetian interactions, just like an *'ahdname*.

Article 13 of the *nişan* was quoted in a *ferman* sent to the judge (*kadı*) and governor (*sancakbeyi*) of Jerusalem on 20 March – 1 February 1605/ *evail-i Şevval* 1013, commanding them to respect its provisions.[36] A later *ferman*, dated 26 October – 4 November 1612/*eva'il-i* Ramazan 1021, ordered Ottoman officials in Aleppo to act "according to the imperial covenant-letter and imperial sign" (*'ahdname-i hümayun ve nişan-ı hümayun muktezasınca*) and "not to hurt nor disturb the Venetians in any way contrary to the peace and amity and to my imperial covenant letter and imperial sign" (*bir vecihle Venediklüleri sulh ü salah ve 'ahdname-i hümayun ve nişan-ı şerifime mugayir rencide ü remide etdürmiyüb*).[37] Thus, the "imperial sign" acted as a fundamental instrument of peace between the Ottoman Empire and Venice, by supplementing the capitulations.

A problem still remained: the *'ahdname* was ultimately the highest reference in international relations and when ambassadors complained that some imperial commands contravened their articles, the Porte resorted to annul such commands and to decree that the *'ahdname*s should always be respected (even the Venetian 1604 *nişan* had such a provision in its article 6). According to *bailo* Almoro Nani's dispatch of 15 June 1615, it seems that his predecessor, Cristoforo Valier, was at some point (not long after the 1612 *ferman* mentioned above) requested by then grand-vizier Nasuh Pasha to produce evidence that the *nişan*'s articles were also confirmed by the *'ahdname*. Since this wasn't the case - after all the *nişan* was issued after the *'ahdname* and Ahmed I was still reigning - the grand vizier declared the 1604 *nişan* void and annulled it. After the execution of Nasuh Paşa in 1614, Nani profited from the new grand-vizier's better disposition and obtained the *nişan*'s reconfirmation.[38] There is no surviving Ottoman-Turkish text of this renewal and its' contents are known just from the translation that Almoro Nani sent in June 1615, which is almost identical to the previous official translations. There is one problem regarding the document's date of issue, since the Hijri and Julian dates appearing in the translation do not correspond. The translator offered the Hijri date as *evasıt-ı* ("*mezo di*") *Muharrem* 1024 which would be 9-18 February 1615 but converted it as the first days of May ("*primi di Maggio*") 1615, which would be *evai'l-i Rebi'l-ahır* 1024. Considering that Almoro Nani wrote

about these events and sent the translation in his June 1615 dispatch, it would be safe to assume that the *nişan* was reconfirmed in May 1615 and there was a simple scribal error in translation or perhaps even in the Ottoman document. This 1615 *nişan* is also mentioned by A.H. de Groot, but he considers it an *'ahdname*, though he does not explain why Ahmed I would have issued two such documents to Venice during his reign.[39]

A final development of this "imperial sign" first obtained by *bailo* Ottaviano Bon appears to have taken place in 1619. If the 1615 reconfirmation occurred because of its previous annulment, this time the changing of sultans determined the *nişan*'s reconfirmation, not during the first short reign of Ahmed I's brother and immediate successor, Mustafa I, but by Ahmed's young son, Osman II. Mustafa I did not issue any new *'ahdname* during his first reign,[40] and so the *nişan* also wasn't renewed or reconfirmed. However, Osman II issued a new *'ahdname* to Venice after his enthronement, and although Ottaviano Bon thought that the *nişan*'s articles would be later included in capitulations,[41] this was not the case. The articles of the 1619 *'ahdname* again remained unchanged,[42] and it appears that the *nişan* was to be renewed as a separate document once more.

In his dispatch from 12 May 1619, *bailo* Almoro Nani wrote that after the departure of Francesco Contarini, who had now been sent as ambassador to congratulate the sultan and to obtain the new capitulations, he was to obtain the renewal of the "imperial sign".[43] I could not find any original or copy of this supposed 1619 renewal, nor any other mentions of it.[44] Hammer affirmed that Nani had obtained it, but the Italian source he quotes also speaks of a future action.[45] This is the last information available about the *nişan-ı hümayun* first obtained by Ottaviano Bon in late 1604, as not even *ferman*s seem to be quoting it anymore as a legal source along with *'ahdname*s. The document had thus a rather short lifespan, being enforced during most of Ahmed I's reign, with a hiatus of some two-three years between 1612-1615. It should be noted that "classic" *nişan*s were issued even during this period: the "*carazo* affair", for example, was settled through such documents in 1617.[46] But the concept of a *nişan-ı hümayun* that would amend Ottoman *'ahdname*s granted to Venice would again be implemented in the late 1630s and this time it would become a permanent feature of the peace-making process between the two neighboring powers.

B. The 1639 "piracy" *nişan*

Unlike the 1604 document, the events and motives that produced the 1639 "piracy" *nişan* are better known.[47] Even so, the existing archival material related to the so-called Valona incident has remained largely unused and a separate study would be better fitted. Here I will only make a short summary of those events and I will focus more on the *nişan* and its outcome.

In 1638, while on campaign to recapture Baghdad from the Safavids, Sultan Murad IV called upon his North-African vassals to protect the Archipelago from Maltese and Tuscan pirates. A fleet of 16 galleys was assembled from Algiers and Tunis and set sail under the command of Ali Picinino/Piçininoğlu, an Italian renegade, but before even reaching the Aegean, it diverted and plundered the Southern Adriatic, inflicting damages also upon Venetian holdings. The Serenissima's patrol fleet, captained by Marino Capello, chased the North-Africans until they found refuge in the Ottoman port of Valona (today Vlorë, Albania). After more than one month of waiting outside the harbor, Capello decided to attack. On 6 August 1638, the Venetians stormed the port of Valona and captured the North-African vessels without much struggle since their crews were not on board. All captured galleys were later sunk except for the flagship, the Cigala, which was taken back as a prize to Venice. By his point, both parties had violated the *'ahdname*: the Ottomans, by giving shelter to pirates who were known to have plundered Venetian possessions, and the Venetians by openly attacking an Ottoman port, capturing and destroying vessels of those that were, at least formally, Ottoman subjects.

Murad IV was at first outraged upon hearing the news from Valona, which he considered to be an attack behind his back, while waging war on the other end of his dominions, but was nonetheless willing to let the whole thing go if the Venetians returned the captured galleys. The *kaymakam* left in Constantinople to govern while the sultan and grand vizier were away, Tabanıyassı Mehmed Pasha, summoned the Venetian bailo, Alvise Contarini, for explanations, but since the ships had already been sunk, the *bailo* was put under house arrest in September 1638. In February 1639, after conquering Baghdad two months earlier, Murad IV announced that Venice's *'ahdname* was suspended and instructed the governor-general (*beylerbeyi*) of Bosnia to interrupt trade with the republic.[48] While things were looking rather grim for the Venetians and their diplomatic envoys in Europe were instructed to seek help for an upcoming war with the

Ottomans, the sultan returned to Constantinople in June 1639 and, to everyone's surprise, was willing to resettle relations. The *bailo*'s agency and connections with power networks in Constantinople again proved crucial to the outcome of the Valona affair and to the issuing of the *nişan.* As Contarini would later mention, Ebubekir Pasha, governor of Rhodes and deputy grand admiral, and Uzun Piyale Pasha, intendent of the imperial arsenal, contributed to the positive outcome.[49] After some negotiations, the *bailo* was released from his arrest in Galata, returned to the embassy in Pera, and also obtained a *nişan-ı hümayun* which not only reopened trade and reinforced the *'ahdname*, but it also amended it with further articles regarding piracy.

Up until now, the only information about the contents of this "piracy" *nişan* was available through the English summary offered by Paul Rycaut a few decades after these events.[50] No original document nor Ottoman-Turkish copy are known so far, though the official translation sent by Contarini to Venice is preserved in his dispatch from 30 August 1639 and has so far remained unpublished.[51] Ottoman-Turkish copies of the 1639 *nişan*'s later renewals are preserved in the *Mühimme Defterleri* and were also published in a nineteenth-century collection of treaties (*Mu'ahedat mecmu'ası*). Rycaut's summary wasn't precisely dated since it only mentions "*Rebiul*" as the month, but now we know that the "piracy" *nişan* was issued on 2-11 August 1639/ *evail-i Rebi'l-ahır* 1049 (this time, the Julian and Hijri dates inscribed on the document correspond perfectly). I will offer here a summary of the Italian translation composed by dragoman Salvago, who handled most of Contarini's affairs while under house arrest, thus having a crucial role in settling the Valona affair. Unlike the previous 1604 *nişan* this translation does not number the articles and I chose to preserve this feature, while at the same time respecting the manuscript's paragraphs:

> The Noble, excelled and royal sign thus orders and commands:
>
> Alvise Contarini, current Venetian *bailo* at my Royal Court, made this exposition: While I was on campaign to recapture the Well-Guarded Baghdad, the Algerians and Tunisians whom I called upon to guard the White See have entered the Gulf of Venice and then fled to the fortress of Valona. Although they were not given assistance there, the Venetians gave them a treatment befitting the old enmity between them.
>
> Since the old friendship with my Porte of Felicity has been reestablished with the return of the galley Cigala, this affair and any other related subjects shall be completely put to silence and nobody may have any other claims.

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Because commerce with the Venetians has been previously prohibited, I now renew the previous Imperial Capitulations so that merchants and ships from both sides may again come and go to the ports and countries of my Well-Protected Domains for trade and no one shall prevent nor molest them.

And so that the Corsairs may in no way inflict damages upon the Venetians, their captains shall leave guarantees when coming to fortresses in the White Sea, as it is stated in the current Capitulations; and if the Corsairs would come to whatever fortress with ships and people taken from the Venetians, the Castellans shall in no way allow them in nor give them protection; and when Corsairs shall come to whatever fortress with prizes taken from the Venetians or with slaves of their subjects, those who haven't become Muslims shall be set free, and the prizes shall be returned to their proper owners; and if Corsairs plan to make actions contrary to the Imperial Capitulations, they shall be detained and their names sent to my Just Porte, so that my previous Commandment shall be executed; and if Ministers and Castellans show negligence in executing my noble Commandment no excuses shall be accepted and they will not only be dismissed but also severely punished, as example to others; and the Ministers and Castellans who are not diligent shall not blame the Venetians if the Corsairs will pay the price; and if the Venetians encounter galleys and *bertone*s from the Maghreb on the high seas and fight one another, no charges shall be pressed, regardless of whom inflicts damages.

Thus seeking my noble Commandment and a firm continuation of peace, the current *bailo* has promised that the new *bailo*, who will replace him at the end of March this year (1049), will deliver the sum of five hundred thousand *taleri*, that is two hundred fifty thousand *cecchini*, as a gift to fortify the peace. And so that no actions shall be taken against the Imperial Capitulations, I gave this illustrious Sign and commanded that the merchants and subjects of both sides may come and go from my Well-Protected Domains to Venice and to the lands and islands under its submission, and may conduct trade and commerce as before, without being hurt or molested, whenever they come by land or by sea in my Well-Protected Domains, and also when they leave, as all of my government shall watch over the merchants' security and profits. With regards to the damages inflicted upon the Venetians by the Tunisian and Algerian Corsairs which roam the sea, the Ministers shall act as mentioned above, without any of my slaves acting contrary to the peace and promise. Thus shall they comply and they shall continually carry out the execution of this, my Noble Sign.

Given in the Royal city of Constantinople in the first [days] of *Rebi'l-ahır* 1049, which is the first third of August 1639.

Even though an Ottoman-Turkish text is missing, this Italian translation seems rather faithful, as any student of Ottoman diplomatics will recognize not only the structure of the text but also its terminology. Moreover, the available Ottoman-Turkish texts of later renewals match Salvago's translation, except of course for the introductory narration which differs in each document. This is also a distinctive element from the previous 1604 *nişan* which was issued in peaceful conditions: the 1639 document had to depict the events leading to its appearance.

As in the 1604 *nişan*, some articles included in the 1639 "imperial sign" were reiterations of similar ones already included in *'ahdname*s, while others were completely new. For instance, while previous capitulations specified that Ottoman ship captains who sail outside the grand admiral's command should leave guarantees (*mühkem kefiller*) so that they will not attack Venetian ships or possessions,[52] the *nişan* specifically imposed this practice to North African corsairs. On the other hand, the Venetians were now allowed to deliver their own justice by attacking the corsairs on open seas, whilst previous *'ahdname*s only mentioned that if there was a clash and the Venetians were victorious, they should send the surviving corsairs "safe and sound" (*sağ ve salim*) to Istanbul, were they would have been punished by Ottoman authorities.[53] However, there was no specific permission for the Venetians to "enter violently into the Port" where corsairs have taken refuge, as Rycaut's rendition states,[54] just that the Ottoman officials who are in cahoots with the said corsairs shall in no way indict the Venetians.[55] As Joshua White observed, the 1639 *nişan* marked "a further step in the diplomatic distancing between Istanbul and the North African port cities", by specifically mentioning them in otherwise already implemented articles, and by allowing the Venetians to retaliate without interference from the Porte.[56] For the resumption of trade and the issuing of this *nişan*, the Venetians promised to pay a considerable sum of money: 500 thousand *taleri* (silver coin) or the equivalent of 250 thousand *zecchini* (gold coin),[57] which was indeed delivered in November 1640 by the new *bailo*, Girolamo Trevisan. But in the meantime, Sultan Murad IV died and was succeeded by his brother, Ibrahim, which meant that renewals were due.

Some nine months after his succession, Sultan Ibrahim I issued a new *nişan*, dated 6-15 November 1640/*evahır-ı Receb* 1050, through which he acknowledged the payment of 250 thousand *zecchini* by the Venetians and his confirmation of Murad IV's 1639 *nişan*.[58] It did not, however, reiterate its articles, and so this document does not have the form and

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purpose of the 1604 and 1639 documents discussed in this paper and should be considered a simple confirmation. Unlike the 1604 "imperial sign", though, this time the 1639 "piracy" *nişan* would be mentioned in subsequent capitulations. The *'ahdname* obtained by ambassador Pietro Foscarini from Sultan Ibrahim I on 24 January – 2 February 1641/ *evahır-ı Şevval* 1051 was the first since 1595 to add a new clause. It was introduced rather odd, at the very end of the document, after the sultan's oath and before the *sanctio-corroboratio*, thus being separated from preceding articles. Without incorporating the *nişan*'s articles in the *'ahdname*'s text itself, Ibrahim stated that "the imperial sign given for the pirate issue (*korsan taifesi hususiçün verilen nişan-ı hümayun*) in the time of my late brother, Sultan Murad Han, shall also be renewed (*dahi tecdid olunub*) in my blissful reign".[59] One can only presume that by mentioning the 1639 "piracy" *nişan* in subsequent *'ahdname*s, Venice wanted to make sure its clauses would be respected as any other articles of the capitulations, but it is not yet clear why it continued to be issued as a separate document up until 1734 and not have the clauses directly included in the capitulations. Although some sources suggest that Ibrahim also issued a separate "piracy" *nişan*, I was not able to find such a document. The practice of reissuing this "imperial sign" as a separate document alongside the *'ahdname*s will nonetheless become a standard feature of the Ottoman-Venetian peace-making process after the War of Candia (1645-1669).

At the end of the *'ahdname* obtained by ambassador Alvise Molin from Sultan Mehmed IV on 12-21 May 1670/*evahır-ı Zi'l-hicce* 1080 there was also a mention of the "piracy" *nişan*s issued by Murad IV and Ibrahim I.[60] Nevertheless, the same Molin obtained a separate *nişan* a few months later, on 6-15 September 1670 /*evahır-ı Rebi'l-ahır* 1081.[61] This is so far the earliest known Ottoman-Turkish text of any "piracy" *nişan*, and by comparing its provisions with Salvago's translation from 1639 one can see that the articles are identical. In fact, the only differences lie in the opening *narratio*, which are adapted to each individual situation. While all pre-1670 *nişan*s had been obtained by the resident *bailo*s, after the Ottoman conquest of Crete they would be handled by the ambassadors, since their renewals would be dictated by the need to conclude peace after an armed conflict.

Later reissues of the "piracy" *nişan* will closely follow those of the *'ahdname*s settling Ottoman-Venetian wars at the end of the seventeenth and beginning of the eighteenth centuries, as shown in the following table:

Sultan	*'Ahdname*	Piracy *nişan*
Mehmed IV	12-21 May 1670	6-15 September 1670
Mustafa II	9-18 April 1701	13-22 October 1701
Ahmed III	13-22 June 1706	-
Ahmed III	29 July – 7 August 1718	24 December 1718 – 2 January 1719
Mahmud I	19-28 November 1733	4-13 July 1734

In October 1701 Mustafa reissued the *nişan*[62] after the *'ahdname* of April the same year, which ratified the Ottoman-Venetian Treaty of Karlowitz (1699). In late December 1718 – early January 1719, the *nişan* was reissued by Ahmed III, after he earlier ratified the Treaty of Passarowitz with Venice, through an *'ahdname* dated August 1718. And finally, after the *'ahdname* of 1733, which inaugurated a perpetual peace between the Ottomans and Venetians, Mahmud I issued the last document of the "piracy" *nişan* series, in July 1734.[63] Ottoman-Turkish copies are available for all these documents, except for the 1718 *nişan* which is known only from the mention in its 1734 counterpart. Apart from the opening narrations and final dispositions, these texts reproduce the 1670 "imperial sign" word by word, quoting the articles of the previous document and giving its date. I was not able to find any *nişan* issued along with the *'ahdname* of 1706, the only one since 1641 issued upon a sultan's succession, and not because of a war's conclusion.

The 1639 "piracy" *nişan*, like the previous 1604 "treaty" *nişan*, immediately became a binding source of law alongside the capitulations, as can be seen in a February 1640 imperial command sent to officials in Morea.[64] The same was also true for later renewals: on 19-28 January 1703/ *eva'il-i Ramazan* 1114 the *kapudanpaşa* was informed about the anti-piracy provisions written "in my imperial covenant-letter and in my imperial sign given for the pirate issue (*'ahdname-i hümayun ve korsanlar hususiçün verilen nişan-ı şerifimde*)" and he was ordered to act "according to my imperial covenant-letter and to my noble sign" (*buyurdum ki* [...] *'ahdname-i hümayun ve nişan-ı şerifim mucibince 'amel edüb*).[65] Examples

such as these can be found throughout the eighteenth century, with the "piracy" *nişan* mentioned side by side with the capitulations.[66]

"Imperial signs" were granted by the Ottomans also to other European powers, though they never became so intrinsic to the peace-making process as in the Venetian case. Moreover, in some instances, the *nişan*s were eventually incorporated in the texts of *'ahdname*s. For example, among the new articles added to the English capitulations of 1675, one had previously formed "the contents of an illustrious sign granted (*ihsan eyledikleri nişan-ı 'alişanın mazmununa*) in the year 1053, in the time of Sultan Ibrahim Han". This article specified the precise taxes English merchants should pay in Ottoman ports for diverse goods, mainly fabrics, and if the Treasury (*maliye*) would have given other orders, they would have been ignored and "it would always be proceeded according to the contents of the imperial sign and of the covenant-letter" (*da'ima mazmun-u nişan-ı hümayun ve 'ahdname ile 'amel oluna*).[67] It should be noted that this *nişan*, dated in 1643-1644, was not included in the first subsequent English *'ahdname* of 1662, but rather in the next one, in 1675 (which would also be the final English *'ahdname*). There is certainly more to be studied about the function of these documents, but at least for the Venetian case, the picture is rather clear, with the "imperial signs" being essential documents through which the Ottomans framed their relations with the neighboring *Serenissima*.

NOTES

[1] In 1630 the request of a Polish envoy to renew the *'ahdname* of 1623 was denied, since both rulers were still alive and reigning. Dariusz Kołodziejczyk, *Ottoman-Polish Diplomatic Relations (15th-18th Century). An Annotated Edition of* 'Ahdname*s and Other Documents*, Brill, Leiden, 2000, pp. 54-5, 136.

[2] *Mu'ahedat Mecmu'ası*, vol. 2, Hakikat Matba'ası, Istanbul, 1878, p. 214; Maria-Pia Pedani, *La dimora della pace. Considerazioni sulle capitolazioni tra i paesi islamici e l'Europa*, Cafoscarina, Venice, 1996, p. 37-8.

[3] Joseph von Hammer, *Geschichte des Osmanischen Reiches*, vol. 4, C.A. Hartleben Verlage, Pesta, 1829, p. 482.

[4] Gabriel Noradounghian, *Recueil d'actes internationaux de l'Empire Ottoman*, vol. 1, Librairie Cotillon, Paris, 1897, p. 39, 41.

[5] Hans Theunissen, "Ottoman-Venetian Diplomatics: The *'ahd-names*. The Historical Background and the Development of a Category of Political-Commercial Instruments together with an Annotated Edition of a Corpus of Relevant Documents", in *Electronic Journal of Oriental Studies Utrecht*, 1/2 (1998), p. 180.

[6] İdris Bostan, *Adriyatik'te Korsanlık. Osmanlılar, Uskoklar, Venedikliler. 1575-1620*, Timaş Yayınları, Istanbul, 2009, p. 99.

[7] Joshua White, *Piracy and Law in the Ottoman Mediterranean*, Stanford University Press, Stanford, 2017, p. 137.

[8] *Ibidem,* p. 133.

[9] Hammer thus explained the terminology for a supposed 1619 renewal of the 1604 *nişan*. J. von Hammer, *op. cit.*, vol. 4, p. 504.

[10] D. Kołodziejczyk, *op. cit.*, p. 10.

[11] All known capitulations granted to Venice, France and England are *berat* types, but not those of Poland (except the 1672 and 1678 ones), the Holy Roman Empire or the Dutch Republic. For a summary over the *'ahdanme*s' *berat*-typology debate see M. Pedani, *op. cit.*, p. 26-9.

[12] Serap Mumcu, *Venedik Baylosu'nun Defterleri/ The Venetian Baylo's Registers (1589-1684)*, Ca'Foscari – Digital Publishing, Venice, 2014, *passim*.

[13] The editors of a recent edition of Orthodox patriarchal *berat*s chose to number the articles. Hasan Çolak, Elif Bayraktar-Tellan, *The Orthodox Church as an Ottoman Institution. A Study of Early Modern Patriarchal Berats*, The ISIS Press, Istanbul, 2019.

[14] Halil İnalcık, "Ottoman Galata", in *Essays in Ottoman History*, Eren Yayıncılık, Istanbul, 1998, p. 279

[15] See, for example the English 1675 *'ahdname* in *Mu'ahedat*, vol. 1, p. 240-62; contemporary translation in *The Capitulations and Articles of Peace Between the Majesty of the King of Great Britain, France, and Ireland, etc. and The Sultan of the Ottoman Empire*, Printed for F.S., London, 1679.

[16]   Archivio di stato di Venezia, Miscellanea documenti turchi, d. 1145.
[17]   Eric Dursteler, "The Bailo in Constantinople: Crisis and Career in Venice's Early Modern Diplomatic Corps", in *Mediterranean Historical Review*, vol. 16, nr. 2, Dec. 2001, p. 30.
[18]   ASV, Senato, Deliberazioni, Costantinopoli, f. 11.
[19]   İ. Bostan, *op. cit.*, p. 185-8.
[20]   ASV, MDT, d. 1194;
[21]   ASV, Bailo a Costantinopoli, Carte turche, b. 250, d. 331, f. 25v-24v.
[22]   ASV, Senato, Dispacci, Costantinopoli, f. 60, p. 316r.
[23]   ASV, S.Disp.C., f. 60, p. 347r.
[24]   ASV, S.Delib.C., f. 11. (29 April 1605, to the *bailo* in Constantinople).
[25]   Both the original document and the BAC copy contain here the word *Tuna* (طونه), meaning the Danube. But listing the river Danube amongst several ports in Greece where Muslim corsairs found refuge doesn't make much sense. All Italian texts translated this *Tuna* as "*Tunesi*", that is Tunis.
[26]   Ottaviano Bon, "Relazione", in M. Pedani (ed.), *Relazioni di ambasciatori veneti al senato*, vol. 14: *Constantinopoli, Relazioni inedite (1512-1789)*, Bottega d'Erasmo, Padua, 1996, p. 511.
[27]   See articles 37 and 38 from the bilingual edition of the 1595 *'ahdname* by François Alphonse Belin, "Relations diplomatiques de la République de Venise avec la Turquie (fragment)", in *Journal Asiatique*, 7, tome 8, Nov.-Dec. 1876, p. 381-424.
[28]   *Articles du traicte faict en l'annee mil six cens quatre, entre Henri I le Grand Roy de France, & de Navarre, et Sultan Amat Empereur des Turcs*, Imprimerie des Langues Orientales, Paris, 1615 (France 1604, article 13); D. Kołodziejczyk, *op. cit.*, p. 323 (Poland 1598); A. Feridun Bey, Ahmed Feridun Bey, *Mecmu'a-ı Münşe'atu's-selatin*, vol. 2, Daru't-tıbattu'l-'amire, Istanbul, 1849, p. 382 (England 1601).
[29]   The Venetian *nişan* added the extra permission to repair the Church of the Holy Sepulcher, which is not found in the French 1604 *'ahdname*.
[30]   Günhan Börekçi, *Factions and Favourites at the Courts of Sultan Ahmed I (r. 1603-1617) and His Immediate Predecessors*, unpublished PhD thesis, Ohio State University, 2010.
[31]   ASV, S.Delib.C., f. 10 (instructions from 12 August 1604).
[32]   *Ibidem* (instructions from 10 August 1604).
[33]   O. Bon, *loc. cit.*, p. 511. As Mustafa Pasha would be executed in January 1605, the *nişan* was issued just at the right time.
[34]   ASV, S.Disp.C., f. 60, p. 373r.
[35]   ASV, Lettere e scritture turchesche, VII:13.
[36]   ASV, BAC, CT, b. 250, d. 330, p. 19b.
[37]   *Ibidem*, d. 332, p. 35a.
[38]   ASV, S.Disp.C., f. 79, p. 243v-245v.

39 Alexander H. de Groot, "The Historical Development of the Capitulatory Regime in the Ottoman Middle East from the Fifteenth to the Nineteenth Centuries", in *Oriente Moderno*, vol. 22, no. 3, 2003, p. 593.

40 In fact, the only *'ahdname* issued by Mustafa I was during his second reign, to Poland, on 12-21 February 1623/*eva'il-i Rebi'l-ahır* 1032.

41 O. Bon, *loc. cit.*, p. 511.

42 ASV, MDT, d. 1236.

43 "*dopo la partita dell'eccelsimo Signor Ambassador Contarini io dovessi procurare la rinovatione del Segno Imperiale*". ASV, S.Disp.C., f. 87, p. 191v.

44 Due to conservation issues I was not able to consult f. 88 of ASV, S.Disp.C., which groups dispatches from 1 September 1619 – 27 February 1620 and may contain further information about Nani's attempt at renewing the "imperial sign".

45 J. von Hammer, *op. cit.*, vol. 4, p. 504, n. i: "*Doppo la partenza del ambassadore il Bailo rinovava il Segno Imperiale*".

46 Tijana Krstić, "Contesting Subjecthood and Sovereignty in Ottoman Galata in the Age of Confessionalization: The Carazo Affair, 1613-1617", in *Oriente Moderno*, vol. 93, 2013, pp. 422-453.

47 J. White, *op. cit.*, p. 161-4.

48 ASV, MDT, d. 1456.

49 Alvise Contarini, "Relazione", in N. Barozzi, G. Berchet (eds.), *Le Relazioni degli stati europei lette al Senato dagli ambasciatori veneziani nel secolo decimosettimo*, part I, Prem. Stabil. Tip. di P. Naratovich Edit., Venice, 1871, p. 358-60.

50 Paul Rycaut, *The History of the Turkish Empire from the Year 1623 to the Year 1677*, Printed by J.M. for John Starkey, London, 1680, p. 86-7; it would be later included in Rycaut's continuation of Richard Knolles, *The Turkish History from the Original of that Nation, to the Growth of the Ottoman Empire,* with a *Continuation* by Sir Paul Rycaut, the Sixth Edition, vol. 2, Printed for Tho. Basset, London, 1687, p. 46-7.

51 ASV, S.Disp.C., f. 120, p. 424r-429r.

52 See art. XV from the 1625 *'ahdname* in M. Pedani, *La Dimora*, p. 71, 78;

53 See art. V from the 1625 *'ahdname* in M. Pedani, *op. cit.*, p. 69, 77.

54 P. Rycaut, *op. cit.*, p. 87.

55 That peace should be persevered in ports was also noted by J. White, *op. cit.*, p. 173.

56 *Ibidem*, p. 164.

57 The same sums are given by Rycaut, however Hammer supposed that the actual sum in silver coin should have been 5 million. However, the silver coin in question was not the Ottoman *akçe*, as Hammer suggested, but the Spanish dollar, or piece of eight. For calculations, see the table in Şevket

Pamuk, *A Monetary History of the Ottoman Empire*, Cambridge University Press, Cambridge, 2010, p. 144.

[58] ASV, S.Disp.C., f. 121, p. 521r-522v.

[59] ASV, MDT, d. 1470.

[60] *Mu'ahedat*, vol. 2, p. 156; ASV, S.Disp.C., f. 154, p.175r-185r.

[61] Başbakanlık Osmanlı Arşivi, Düvel-i Ecnebiye, 16/4, p. 1-2 (1670); *Mu'ahedat*, vol. 2, p. 156-8; ASV, S.Disp.C., f. 143, p. 403r-404v.

[62] *Mu'ahedat*, vol. 2, p. 196-8.

[63] *Ibidem*, p. 214-6.

[64] ASV, BAC, CT, b. 253, d. 338, p. 54a.

[65] ASV, BAC, CT, b. 253, d. 345, p. 2b.

[66] Brahim Bouazi, *XVII ve XVIII. Yüzyıllarda Garb Ocaklarının Avrupa Ülkeleri İle Siyasi ve Ticari İlişkileri*, unpublished MA Thesis, İstanbul Üniversitesi, 2002, *passim*.

[67] *Mu'ahedat*, vol. 1, p. 259; *The Capitulations and Articles of Peace*, p. 39-40.

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THE YOUTH OF THE UNIFIED NATION: SOCIAL CONTROL AND DISCIPLINE IN ROMANIAN INTERWAR HIGH SCHOOLS

Abstract

In post-1918 national states, cultural and educational policies were subordinated to the strengthening of the nations. Romania also implemented thorough cultural and educational reforms by extending the school network and by unifying the education systems in the new provinces. Youth became an important link in the state actions designed to transform the profile of Greater Romania from a heterogeneous multi-ethnic state to a consolidated national entity. High school youth was assigned with strategic roles, as it represented the recruitment pool of the middle class, contributing to the formation of the bureaucracy, and even of the intellectual, political and economic elite. Thus, starting from the idea that the adolescent society was the future adult society, the state strived to prepare the youth in the spirit of discipline and nationalism. This study analyzes high school youth and educational policies in interwar Romania, from the perspective of the power relation between school authorities and adolescents. By using a great amount of laws, regulations, and archives, the aim of this demarche is to show how discipline worked as an instrument connecting nation building process in a multiethnic state, educational policies and youth.

Keywords: secondary education, adolescents, interwar Romania, Straja Ţării, discipline.

The Birth of Adolescents

At the turn of the 19th-20th century, adolescence rose as a distinct age category within the youth. Youngsters of 14-15 to 17-18 years old were no longer perceived as incomplete adults or individuals depending on adults, but as a category with a distinct identity and social role. The prehistory of teenagers is rooted in modern European societies and is related to literary constructs (19th century narratives written on teenage life) and social phenomena (juvenile delinquency as a developmental consequence of industrialization).[1] The social perspective of class, race, age and gender

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show that industrialization and the migration towards the cities, together with the transformations of the modern education are the main catalyst for adolescence, as a cultural and ideological category.[2] In behavioural sciences, psychologist G. Stanley Hall is credited as the scientific "discoverer" of adolescence.[3] His monumental volumes connect in fact the main themes of 19th century ideologies with the idea of age and deviance. After the First World War, the ideological instrumentalisation of teenagers revealed its great potential, so states started to mobilize adolescents through national policies. At the same time, youngsters developed self-conscience and tendencies to disobey and to live by their own rules. "Rebellion and disengagement from the family of origin" are peculiar sides of adolescence no matter the epoch and space.[4] The dawn of the prehistory of teenagers is recorded at the end of World War II. After 1945, in the Western world, youth culture got connected to the post war consumerist wave. At the same time, in the Eastern bloc, state authorities deployed youth policies, in order to consolidate the new far-left totalitarian political regimes.

19th century educational reforms were designed to cultivate intellect, discipline behaviour and social responsibility. Education and school became the most important actor in modelling individuals. In the new national states created after World War I, secondary education, and later, the extra-curricular organization of youth converted their previous elitist character to mass organizations, as a national strategy of progress and nation strengthening. This was also the case for Romania. The traditional function of education performed before by families, schools, or church was transferred to the state. The state had now "to determine what youth should believe and what youth should do". National governments considered that their political future depended on the education of youth according to a certain ideology.[5]

The 20th century was modelled by processes of modernization and transformations of geopolitics and societies following the Great War. Highlighting the role of youth in modern and contemporary history, the 20th century was called the century of the young people.[6] Teenagers' needs, behaviour and role started to be scientifically explored, with a special focus on adolescent as high school student.

Teenagers as Obedient Bodies

Adolescent identity was also shaped by the relation with authority, in close connection with youngsters' tendency towards disobedience. Exuberance and the need for action were always ideological manipulated

by authorities according to their historical purposes. When failing this task, other political structures took control of the vigour of youth.[7] But no matter who was in charge of youth management, one basic instrument was essential: discipline.

I refer to discipline by using the foucauldian perspective, i.e. a new type of power developed at the rise of the modernity, implemented by specialized institutions (i.e. prisons) and institutions with specific objectives (i.e. educational establishments). Discipline became a form of domination stating that the more obedient a body, the more useful it becomes.[8] This approach was implemented by states, administrating the citizens formed by its own educational institutions. Aiming to consolidate the new post-Versailles state order and to strength the nations, policies spiced discipline with the touch of nationalism: it was not only about creating useful citizens, but also individuals with a high national conscience.

In Romania, the Ministry of Education was the agency in charge of modelling the youth. The official purpose was to build a strong unified nation, by instructing the youngsters to become good Romanian citizens, sometimes to the detriment of society's needs. In fact, this was one of the weaknesses of the secondary education in interwar Romania, developed as an anti-chamber of the universities. In the 30s, the emphasis was placed on the fidelity towards King Carol II who tried to engage the youth in the national project through a paramilitary youth organization called Straja Ţării [Sentinel of the Motherland]. In times when far-right regimes in Europe build their support by indoctrinating youngsters, Străjeria had the purpose to redirect the youth exuberance from anti-establishment extreme political movements to the strengthening of the royalty. The disciplinary kit for both curricular and extra-curricular programs varied from regulations that implemented discipline, to codes of activities, behavior, looks, rituals consecrated by the institution of scouting, which was the main source of inspiration for youth organizations or movements during the 20th century.

High School Youth in the Statistics

The interwar high school constituted the upper stage of secondary education and it was conceived as a place of strengthening the national unitary culture. For the regulation of high school, the period between 1918 and 1925 was mainly one of legislative harmonization. The post-war context raised a series of issues about the construction of school buildings, reorganizing the school teacher's body, unifying education at all levels,

and opening access to education for rural youth and female population. The unified provinces had educational structures according to the model of the former empires, so the statistical data was distinct for each province. After 1925, the yearbooks tended to harmonize the statistics of schools, but they still did not record all the information about pupils.

The main category of state schools comprising teenagers was the upper course (grades V – VIII)[9] of the theoretical secondary school: high schools for boys and secondary schools for girls, regulated through the Secondary school law of 1928.[10] The focus was on providing general knowledge, preparing and encouraging in fact the attending of universities. Other branches of the theoretical secondary school (upper level) included teacher training schools[11] and theological orthodox schools.

Only in 1936, after the social phenomena of intellectual unemployment generated by the over-theoretical branch of education became a strong issue and a factor of youth radicalization, the Ministry of Education took some delayed measures, introducing industrial education and commercial education. Before the communist regime, the interest and attendance of practical schools was low. In the first half of the 20th century, the candidates for these schools were those who failed the admission for theoretical schools or those with scarce material resources. The problem of choosing a career for a primary school graduate translated as: "Will he be a craftsman, a teacher or a priest; will he be the elite of the nation?".[12] The correspondence between the type of school and social classes reflected in fact the social hierarchies in an agrarian country and the propensity of middle/high class families to transfer their capital to their children through means of education. Furthermore, even after the practical schools started to develop, the lack of interest for autochthonous entrepreneurship or for agriculture was still the rule, since schools had no proper teaching materials, while the respective job areas could not offer proper work logistics. The inner structure of secondary education favoured the attending of theoretical instruction, while attracting students to high school became also a local business. For instance, in the 30s, a high school 13 km away from Bucharest advertised with "a sports ground, a park, a flower garden, a garden, electric light, a bathroom, a radiator"; other high schools offered fee reductions; another gymnasium had no admission exam.[13]

In 1925, private schools have also been regulated.[14] However, most of these schools had no legal personality so the graduates had to pass the final exams at state schools. Finally, youngsters engaged in education

included also the teenagers that were preparing at home, with private teachers, holding their exams at state schools.

Secondary school in Romania was not compulsory. For those few who attended high schools, the access[15] involved not only intellectual capacities, but also pecuniary issues related to accommodation, tuition fees,[16] school uniforms or handbooks. In certain cases, students were admitted with a tuition exemption (those with very good results or those in need, and the descendants of the war veterans). According to correlated data, between 1925 and 1938, the average of teenagers in Romania was around 407,000.[17] The most complex and complete yearbook on school attendance was issued in 1926 and showed that only 32,019 youngsters (the 12th part) were enrolled in upper-secondary education. Although a precise number cannot be provided for all the other years in the interwar period, estimations show that the attendance of high schools continued to be low. This situation shouldn't surprise as it also reflects a developmental problem of interwar Romania: the low proportion of the literate population (in 1930: 57%), with only 705.108 secondary education graduates (8.6%).
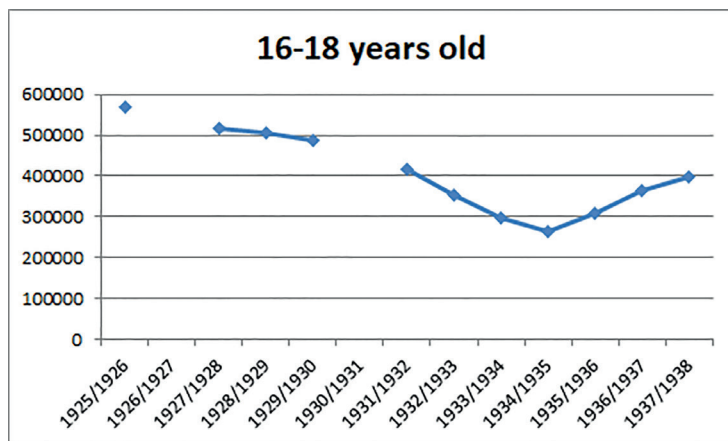

Fig. 1 – Adolescents in Romania, 1925-1938

Source: processed data from *Statistica învățământului public și particular din România pe anii școlari 1919-1920, 1920-1921*, Tip. Curții Regale, București,1924; *Anuarul statistic al României pe anii 1937 și 1938*, Imprimeria Națională, București, 1939.

It is even harder to estimate the proportion of minorities among the Romanian teens (age categories are not correlated with ethnicity in the statistics), but as available data showed, Jews were the 2nd ethnic group in Romanian schools, a situation facilitated by their higher degree of urbanization (the proportion of Jews in urban areas: 13.6%). A general image of ethnic proportion in high schools shows that at the national level, Romanians formed the majority (75%), followed by Jews (16%) well detached from the other main minorities, Germans and Hungarians (2%). In certain high schools from Moldavia and Bessarabia, the number of Jews was in fact almost equal or outnumbered the number of Romanians.
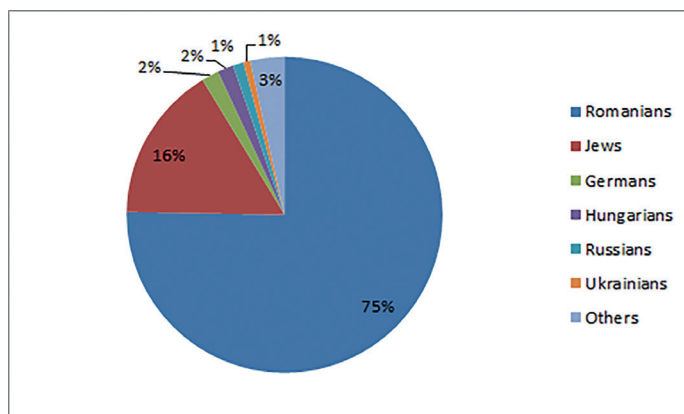
Fig. 2 – high school population, 1926 – ethnic criteria

Source: processed data from *Statistica învățământului public și particular din România pe anii școlari 1919-1920, 1920-1921*, Tip. Curții Regale, București, 1924.

Through Education and Discipline, to Good Romanian Citizens!

The upper secondary school system. Organization and discipline in laws and regulations

Until 1928, the secondary schools in the Old Kingdom followed the regulation of 1898 Secondary and Higher education Law (Spiru Haret Law). They included gymnasiums (starting with the ages of 11) and high schools for boys (grades I – IV for lower level, grades V –VIII for upper level) and 1st

and 2nd level secondary schools for girls. For those enrolled, the Regulation of secondary schools in 1911 imposed the regular attendance of classes. Only one re-attention/repentance was allowed during high school. In the upper level (VI-VIII), no more than 40 students could be enrolled. The graduates of the lower level had to have passed the graduation exam and to opt for one of the three branches: classical, real or modern classical.

The opening ceremonial at the September 1, introduced by the blessing of water, marked the clerical strong component of instruction.[18] Most of the holidays followed also the Christian celebrations, while the national holidays triggered the celebration of the Principalities Union (January 24), the date of the independence and of the kingdom (May 10) the birth of King Carol (April 7), the name day of Queen Elisabeta (April 24). The national conscience was thus consolidated through school curricula and outside school, during public celebrations. The study of religion was compulsory for all Christian orthodox students, while those pertaining to other confessions had to bring attendance certificates from their churches (1911 Regulation, art. 42).

The major reform[19] of the secondary education was introduced by the liberal minister C. Angelescu in 1928,[20] adopting the French model of education. The purpose of the new high school was established in the 1st paragraph: a theoretical educational system for general culture and a transitory level towards university (1928 Law, art. 1) taught in public or private schools. By implementing this system, the authorities hoped to readdress the low level of instruction, the low involvement of family and society in the youth education, the materialist tendency, the lack of respect for work, and the overwhelmed curricula. The three branches were abolished and secondary schools were reorganized in two levels: the lower level (gymnasium – grades I – III) and the upper level (high school – grades IV – VII)[21] (1928 Law, art. 3). The law introduced the option for extra-budgetary classes sponsored mainly by the school committees with parents among the members. This provision led to a tendency of wealthy parents to control and influence the process of education and also to prioritize investments in theoretical schools to the detriment of practical education. Co-education was still not allowed, but now the school for girls had also the nomination of high school. The only language of instruction was Romanian, while other languages could have been taught as study disciplines (1928 Law, art. 10).

A great emphasis was now placed on the pre-eminence of the Romanian students. Most of the students paid tuition fees,[22] while the

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sons from poor families of Romanian citizenship could be scholarship holders, if having good grades (1928 Law, art. 116). 10% of scholarships were allocated for war orphans, disabled or Romanians from abroad, while 40% went to the students from rural areas[23] (1928 Law, art. 117). The recruitment pool extended also for raising the education level of Romanians: high school was open to gymnasium graduates who passed the admission exam, but also to the graduates of the complete primary cycle (7 grades) or graduates of the practical school lower level, if they passed certain differentiating exams (1928 Law, art. 19). A similar situation was regulated referring to transfer of students from teacher training schools and theological seminars to theoretical high schools (1929 Regulation, art. 151, 152). The students coming from private or confessional schools had to pass the baccalaureate exam for further university studies (1928 Law, art. 21). 1925 law regulated the compulsory baccalaureate exam. Over time, the exigencies of the reform decreased. A student had the possibility to enrol for the baccalaureate exams for 8 sessions. (1928 Law, art. 21)

The principle of schooling was issued by the Romanian liberals in power, based on the integral education theory[24] including morals and discipline among the fundaments of high school: "moral education will be accomplished by special training, in order to cultivate the proper qualities of the soul, teaching students an honest, orderly and disciplined life…" (1928 Law, art. 81) The 1929 Regulation had a distinct section dedicated to this matter, indicating several concrete methods for teachers and class masters for "teaching" morals: the appeal to real events, life stories and lectures for explaining virtues like duty, character, temperance, dignity, gratitude, sincerity, friendship, patriotism (1929 Regulation, art. 200). The queen of the virtues seemed to be the idea of duty, also hierarchical taught and inspired by the Christian precepts: 1. The idea of duty translated through the obligation of students to obey the school rules; 2. The duty towards the student himself expressed by care for hygiene and sports, and spiritual-religious and aesthetic life; 3. The duty towards intellectual life; 4. The cult of work counterweighted by the danger of laziness; 5. Self-respect; 6. Courage; 7. The cult of truth; 8. Social solidarity. (1929 Regulation, art. 201) The liberals' views on education encountered several critiques. At the debates for the new 1928 Law, N. Costăchescu (a Peasant Party politician) questioned the methods for moral education, fearing that the practical methods will only work in theory, while students will take that as a mean of entertainment. In fact, Costăchescu was correctly pointing out that moral education was the result of the influence of

environment:[25] "it is an unrelenting optimism, an excessive demand, to repair all the diseases of school through legislation. The straightening of education will rise when the environment will provide proper conditions for its development".[26]

Another component of integral education, religion, was a part of the curricula for all confessions. In the explanatory statement of the law, the religious character of the Romanian people was especially highlighted. All the more, the permanent role of the Orthodox Church was restated suggesting thus a more non-secular character of the state. As for its role in education, religion was expected to consolidate morals, and not to be taught as a science.[27]

As mentioned before, educational strategies were tributary to the French model of schooling and education. Functionalism represented by the French sociologist Émile Durkheim stated that education was the main instrument for preserving the future of societies, while morals represented the main condition for national survival. Discipline, attachment to social groups, and individual autonomy were supposed to work together for strong morals. Unlike the later approach of M. Foucault, É. Durkheim eliminates any trace of violence in discipline, considering it a "condition of our happiness and moral health [...] By means of discipline we learn the control of desire without which man could not achieve happiness".[28] The cultural transfer of educational views from France was added with autochthon elements. É. Durkheim pleaded for secular morality, excluding the clerical influence from schools,[29] while in Romania, the Ministry of Education and the Orthodox Church acted as partners in educating youngsters for becoming citizens attached to religious Christian values.

Discipline was also correlated with physical education/sports. 4 hours/week, for both boys and girls, were allotted for practicing sports (1928 Law, art. 33). The 1929 Regulation had practical instructions regarding gymnastics and sports. The national sport – oina – (an ancestor of baseball) was to be practiced only in the last three grades of high school. The new accent on physical education was a provision inspired by the Anglo-Saxon education systems that cherished the new type of healthy man, strong enough to fight the enemies. Physical culture as a social and cultural product became thus a milestone of modernization.[30] Physical education was in fact regulated since 1923, as a form of pre-military training, for young men before the age of conscription. The National Office for Physical Education was in charge with the coordination/creation of sports societies conducted by Prince Carol. The training of instructors

and teachers involved in programs was to be provided by the National Institute for Physical Education.[31]

Means of surveillance and discipline

As a disciplinary institution, the school developed a complex set of techniques in order to create "the docile bodies". In other words, modern strategies of surveillance, developed in the last decades, were applied to metamorphose teenagers attracted by the dangerous temptations of adult life, into obedient, responsible adults serving the country. The power relation between school authorities and pupils represent an applied model of disciplinary power characteristic to modern institutions, which is described by Michel Foucault by following the model of Panopticum. The methods included the distribution of seats in the classroom, the maintaining of monotony, or the strict control of pupils' activity and time.[32] In fact, as researchers have shown, similar techniques of power are still performed in pedagogy and can be revealed by systematic processes of categorization.[33]

In Romanian schools, several instruments served as control devices managed by teachers, class masters and school principals. For instance, the grades for behavior and the evidence of attendance constituted the subject of a distinct special register. The principal of the school was in charge of the transfer of information from these registers to the individual transcript of records. Also, each class had its own book as a centralized register of the students' behavior. 1929 Regulation described in detail the sections of the registration sheet containing all personal data, grades, attendance.

Class masters kept track of the attendance using marks: very regular (with no absence), regular (1-10 absence), less regular (11-20 absence), irregular (21-30 absence). A student with 21 absences was to be expelled, having though the conditioned possibility to re-enrol (1929 Regulation, art. 134). The progressive rule of punishments was implemented as an upgrade of the previous legislation: after the first class skipping, the class master contacted the parents and only some disciplinary measures were applied (1929 Regulation, art. 45). In a similar manner behavior was awarded: very good, good, pretty good, poor. The student had the chance to compensate for a bad mark with good behavior. 1925 Regulation introduced numerical grades instead of marks: very good=10, good=8, quite good=6 (1925 Regulation, p. 12).

The time was very strictly set, at both macro and micro level. The school year had four semesters; the daily timetable had two intervals, from 8:00 a.m. to 11:20 a.m., and from 14:00 p.m. to 16:10 p.m. Each class lasted 60 minutes with a 10 minutes break. No exemptions from the schedule were to be allowed without the Ministry's approval. 1929 Regulation changed the time schedule from semesters to 3 quarters (1929 Regulation, art. 23). The new legislation introduced a new instrument of time management: the bell. The noisy object announced the beginning and the ending of class, alternating recreation (free movement) with new classes (sitting still in benches). Any delay after the bell rang was to be registered (1929 Regulation, art. 168). Time had a strict supervision outside school too, as youngsters were not allowed to lose their precious time. Walking in big groups or standing on the streets or in certain squares was also forbidden. Certain streets could be denied the whole access (1929 Regulation, art. 249).

Surveillance outside schools involved other actors, too. Class masters had registers with hosts' name and address (1929 Regulation, art. 83), since most of the students had their families outside cities and towns. The main condition for becoming a host for a high school student was to prove high morals (1929 Regulation, art. 84) and proper hygienic conditions for study. In reality, the situation of hosts was far from being decent.

Roles and actors

The actors performing discipline reflected the hierarchy of school position, with the director on the top of the pyramid. The director was directly involved in the educational process, controlling the activity of teachers, class masters and students. The boarding school was also managed by the director and his/her assistant: "he/she is directly responsible for maintaining order, cleanliness, and the hygiene of the boarding house, for school discipline, for surveillance of their studies" (1911 Regulation, art. 109).

1928 Law reinforces the attribution of the director as "chief-supervisor" in charge of the moral education of students (1928 Law, art. 103).

Every class had its class master (one of the teachers) in charge of maintaining order and discipline. He/she was the main authority actor that modelled the students, individually and as a group. He/she applied the basic rules of obedience, indicating the place for each student; watching on class hygiene, the appearance and look of students; the attendance.

He/she was the one to decide on punishments based on the complaints of other teachers (1911 Regulation, art. 119) and managed complains of parents, tutors or mediated between classmates. At least once a week meetings between class master and students took place in order to evaluate the behavior and apply punishments or grant compliments. Appreciation and commendation manifested thus in a highly antonymic manner against punishment in order to induce the benefits of good behavior and obedience. The class register contained the list with students with bad behavior, the list with absences and the punishments applied by teachers (1911 Regulation, art. 131).

The 1928 Law kept all these provisions, however, emphasizing on the individuality of each student. For all disciplinary activities the class master had to allot at least 3 hours/week (1928 Law, art. 103).

The school council of all class masters represented the next hierarchical authority, in charge of the school regulation of internal order (1911 Regulation, art. 124). 1928 Law added other disciplinary tasks.

Teachers acted as the main guardians of teenagers inside and outside school. They had the obligation to watch on students' morals and to adjust it to the norms. They also had to use any occasion to "strengthen the love of students for their country and nation, and the obedience and respect for laws, institutions, and country authorities". An important duty of teachers was to remove any sign of hatred towards anyone, while, again, "strengthening national pride, trust in the country and its leaders, the sense of duty, and the sense of devotion for the public good" (1928 Law, art. 140). In practice, some teachers fuelled schools with extremist propaganda, one sounding case being the high school for boys in Huși, where a history teacher named Ion Zelea Codreanu transformed the institution into a "school of anti-Semitism".[34]

Supervision of the free time of students had to be ensured by the correspondent: the parent or the host, actors designated in all legislations.

Although reacting and sometimes contesting the over control, students were considered the beneficiary of this complex system of surveillance. Discipline took into account the diversity of characters among teenagers and tried to uniform and to inhibit behaviors that were considered unfit for the state.

A category that has to be approached from several angles is students pertaining to the national minorities. As mentioned before, the 1925 Law for private education[35] allowed private initiatives, including religious communities, to create their own schools for all educational levels, with

the ministry's approval. High schools could apply even their own curricula (1925 Law, art. 9), but the graduates were not entitled to any rights upon the attestation (1925 Law, art. 43). Private schools had legal jurisdiction only in certain conditions, so most of them could not issue diplomas, but only attestation of attendance (1925 Law, art. 27, 63). However, private high schools working with the state curricula had allowed graduates to candidate for baccalaureate, but at a public school (1925 Law, art. 58).

There are no special provisions regarding surveillance within these private institutions. Discipline was to be applied according to the same prescriptions as for the public schools (1925 Law, art. 33).

The 1928 Law raised also several aspects regarding students of ethnic minorities. While the compulsory language of instruction was Romanian, the law approved the study of other languages in schools with a higher minority population, but only as an optional study course (1928 Law, art. 10) and only respecting certain conditions regarding the number of students (at least 25 students/class) (1929 Regulation, art. 15). In regions with an important share of minorities, it was legal to create branches of state schools taught in the minority language. However, only students having the respective nationality and using the respective language could enrol. A minority high school class could be created with at least 25 students (1929 Regulation, art. 11).

The parliamentary debates on the draft raised important questions on the status of minority students. The case of the Hungarian Jews in Transylvania was especially difficult. The criteria of nationality placed them in a category that erased the historical process of affiliation to the Hungarian identity. As a consequence, Jewish pupils were expelled out of Hungarian schools in order to place them in Jewish schools.[36] The language of instruction for Jewish students was again a problem authorities had to face during the process of Romanianization. Another thorny debated issue was related to the limited places for enrolment. The possibility of Romanian pupils who did not catch a place in a State school to enrol in private schools pertaining to minorities frightened both Romanian and minority politicians. The former could not ever conceive that Romanians could subordinate to schools conducted by minorities, while the latter were afraid that a Romanian with a higher grade will "steal" the place of a minority youngster.[37] Another aspect involving minority students was the baccalaureate exam. The graduates of private/confessional schools, most of them without legal entity, had the same committee as the public schools, with teachers they did not work before with (1929 Regulation,

art. 84). Lots of situations with students that claimed for an unfair treatment were the source of petitions and complain.

Duties and rules of obedience

The 1ˢᵗ article of the section dedicated to students in the pre-war regulation referred to their obligation to obey the rules: "students have to obey discipline, inside and outside school, as long as they are enrolled. Any deviation from school discipline […] is to be punished" (1911 Regulation, art. 167). Further obligations included: to respect the director, teachers and any superiors, otherwise, severe punishment would be applied (1911 Regulation, art. 169); lies, fraud, attempts of fraud were to be punished most severely (1911 Regulation, art. 170); regular attendance and punctuality were also compulsory. It was absolutely forbidden to bring any books or journals with content outside the school curricula (1911 Regulation, art. 173). The appearance was also strictly regulated: "students have to be simply and cleanly dressed", wearing their uniforms with the registration number at the collar all the time, except for the last term in the 8ᵗʰ grade (1911 Regulation, art. 174). One of the most frequent forms of misbehavior, smoking, was said to be punished severely (1911 Regulation, art. 179). No student was allowed to attend public balls, coffee shops, bars, casinos or certain artistic representations (1911 Regulation, art. 180). At the beginning of the 20ᵗʰ century, students associations were unpermitted, except for the lecture societies. Although back then the political activity of youngsters was not yet an issue, students were not allowed, however, to publish anything but scientific or literary papers (1911 Regulation, art. 182).

The new legislation on secondary schools will have important additions to this respect. A decade later since the unification of the provinces, student movements, the growing anti-Semitism, communist propaganda (especially in Bessarabia and Bukovina) and the far-right discourse propagated by some teachers in schools changed the parameters of the youth political temptation. The creation of the Legionary Movement in 1927 started to attract the youth, while LANC (National Christian Defence League) continued to perform radical nationalist propaganda. Thus, in the 1929 Regulation, the rule stated clearly that no attendances to any manifestation organized by students, political parties, professional or public gatherings are allowed (1929 Regulation, art. 247).

In fact, the Regulation connected to the 1928 Law of the secondary education resumes these provisions in a distinct chapter on discipline. The official discourse demanded respect not only towards teachers, but also towards colleagues, forbidding any discriminatory remarks on nationality, religion, social or family status (1929 Regulation, art. 234). The identity card became also compulsory, while the list of forbidden places was now updated with cinemas, theatres, cabarets, hippodromes (1911 Regulation, art. 245).

Punishment

Modern educational theories developed in the 19th century placed the idea of punishment in the center of educational methods, while instruments of punishment were developed by authorities. Many times, punishment became the norm, perceived by teachers as the easy way for conflict management and discipline.[38] This approach is reflected in the regulations and practices of discipline in high schools, before and after the legislative updates in 1928.

Fraud at the written papers was considered a serious mistake punished with the lowest grade (1). While being obliged to an objective evaluation of students, teachers were supposed to behave gently: "any corporal punishments are absolutely forbidden" (1911 Regulation, art. 143). Misbehavior in class could have been punished through expelling, including the permanent expelling from school (1911 Regulation, art. 175).

The pyramid of punishments had at the bottom the inscription of the deeds in the class book, followed by admonition, extra-class work for 1-2 hours under teacher surveillance, elimination – permanently, but also for a week/a month/by the end of the school year, with the possibility of enrolment at other public schools or of studying as a private pupil. They could be rejected from enrolment to any high schools/any other schools of the State. The archives show many requests from the parents/pupils to the Ministry asking for the cancellation of the penalty. In fact, as some school debates showed, the authority of the school seemed to have been frequently diminished by the parents.[39] With the exception of the last 2 punishments, the other ones granted the youngster the chance to improve his/her conduct (1911 Regulation, art. 184).

The 1928 Law introduced a new situation that could lead to elimination: pupils joining any kind of political manifestation (1929 Regulation, art. 247)

High school encounters specific forms of misbehavior. The relation with teachers manifests also different grades of domination in comparison to the primary school. In the daily routine, the teachers were sometimes bullied by pupils.[40] At the same time, dramatic gestures of students took a highly turn under the pressure of school. The archives and the press recorded many cases of suicides committed by students who did not pass an exam or who felt mentally oppressed by certain teachers. Although teacher violence against high school pupils was not that spread as it was in primary schools,[41] there were also cases with teachers educating with the fist. Punishment was in fact still a reminiscence of the transformations of modern education. Some pedagogical views stated that the main function of punishment was not to provoke suffering, in order to prevent similar deeds, but to show "disapproval levelled against the given conduct that alone makes for reparation [...] Pain is only an incidental repercussion".[42]

Breaking the rules

By formal means of social control (regulations, customs and punishments), high school tried to create the model citizen able to use his/her knowledge for the benefit of state modernization. Adults were telling youngsters what to wear, what to read, how to behave, where and when to go. However, the relationship between youth identity and constraints often resulted in conflict situations. Discipline did not generate only order and conformism, but also disobedience. It manifested not only as an instrument of instruction, but also as a mechanism of neutralizing disobedience. Students challenged the authorities in many ways. According to rich archival material, three main categories of breaking the rules can be depicted as forms of contestation.

Contesting the diversity of the school medium, through physical or verbal violence. These actions involved interethnic relations and they were usually performed as a proliferation of anti-Semitism by adolescents manipulated through the political propaganda of adults (teachers or university students). The historiography regarding anti-Semitism in high schools usually mentions the Falik-Totu episode from 1926, in Czernowitz. But the interwar decades were affected by some other problematic episodes, especially in the Moldavian high schools of Huși, Bârlad, Bacău, Botoșani, Fălticeni, Piatra-Neamț.

Challenging the above-imposed passivity was connected with the contestation of diversity and refers to political engagement and

radicalization usually as part of youth programs of LANC (The National Christian Defence League), the Legionary Movement or the Communist youth cells. Youth and radicalization is a phenomenon connected with modernization which has distinct forms of manifestation in the 20th and 21st century, but also a common motivational and formative base. It is known that political attitudes usually develop during youth years, under the influence of several factors. At the individual level, it is about close fellows or known personalities with a strong public impact. At the mezzo level, family and school usually exert an important influence during adolescence. Nonetheless, national or global phenomena, as it was the economic crisis in the 30s, undoubtedly impact on youth lives.[43] Thus, when analyzing the support of youngsters to different forms of radicalization, all these actors should be taken into account. The archives record a rich casuistry on teenagers involved in radical movements. The following examples are added here as samples of a large material under research.

Youngsters acted as party agents or performers of political radicalism during the 20s and 30s. After the instauration of the royal dictatorship, the legionary propaganda of youth was punished as a subversive political act. For instance, a Greek-Catholic high school student named Tiberiu Mărcușiu was identified as the leader of the legionary Brothers of the Cross in Cluj. He was accused of conspiracy against social order and convicted by the Military Prosecutor's Office (4th Army Corps) under the Law of defence of state order. His file shows in detail the activities of legionary high school students in Cluj, having as main duties collecting money for the Legion in Bucharest, propaganda, recruitment.[44]

At the beginning of the 30s, Grün Emerik, a student at Andrei Mureșanu high school in Dej, was permanently expelled for conducting a communist organization and for telling some anecdotes that were perceived as communist propaganda: "a pupil has to provide an example of a complex construction of phrase. *We have a cat and the cat gave birth to 9 tomcats and all tomcats are nationalists. Very good*, said the teacher, *you should present this example again next week*. The next week, the pupil updates his example: *We have a cat and the cat gave birth to 9 tomcats and all tomcats are communists.* Astonished, the teacher shouts: *But last week you said they were nationalists! Indeed*, says the pupil, *but in the meantime, the tomcats opened their eyes*".[45]

Violence and breaking the rules had many shapes, not only interethnic connotations. These can be referred to as forms of *contesting the monotony*. The archives of the Police record lots of juvenile crimes.

Thefts were on a high scale, followed by disagreements with teachers that sometimes took violent forms. Many pupils used fake documents for enrolment or upgraded their marks in the school papers. Misbehaviour also involved smoking, drinking alcohol, going to cinemas or theatres without surveillance, or even to brothels.

Trying to address these situations, the Penal Code "Carol II" in 1936 introduced a distinct section on juvenile delinquency. In 1937, the Ministry of Education reorganized the Offices for pupils' surveillance. Thus, juvenile delinquency has been brought to discussion when talking about youth policies. Legislators were trying to find solutions to problems signalled even since the beginning of the 1920s, when schools seemed overwhelmed by the consequences of the war.[46]

Restoring the Discipline. Straja Ţării

In the 30s, the imperatives of youth discipline were marked by a social and political context in turmoil. The end of the 20s stressed the crisis of moral values together with the world economic crises. The great expectations of the new generation collided with the failure of the state and of the liberal policies of engaging youngsters in a coherent social project. The problems of the secondary education, i.e. the low level of instruction, the low level of morals, the high degree of disobedience and, besides all, the rise of candidates for higher education, were thus on the top of the list in pedagogical debates or media. The blame was usually passed from the lack of involvement of families and society to the universities granting diplomas to low prepared teachers. At the same time, high school was perceived as overwhelming and severe; as mentioned before, sounding suicidal cases were being registered among teenagers for failing exams or for being oppressed by teachers.[47] The incorporation of discipline in the educational strategy of youngsters proved to be relatively efficient in creating good citizens. But a new strategy was yet to be implemented once OETR (The Office for Education of the Romanian Youth) and Straja Ţării were created. Good Romanian citizens were to be modelled by following the old-new principles of "moral, national-patriotic, social and physical education".

Youth problem became a worldwide problem in the 30s. As an analysis of the American National youth administration showed, the world raised awareness about its youth, especially since it represented 25% of

unemployment. The youth marches in Italy and Germany indicated the strong political ties with the far-right regime, while in Spain youngsters were among the rebel's armies. Looking at their western neighbours, central and east European states began to mobilize youth in all sorts of activities, acknowledging that "modern youth's difficulties have their roots in idleness".[48] Pedagogical analysis in Romania had come to the same conclusions. In the conditions of a Europe that smelled of gunpowder, Romania could no longer afford a deceitful, frail, inadaptable youth. Străjeria had to take control of youngsters, but without inciting to violence: "the ideal sentinel must be a disciplined enthusiast".[49]

After the restoration in 1930, King Carol II began to develop his plan for organizing youth in order to redirect them to his own support. Following the murder of the prime-minister I.G. Duca in December 1933 and the killing of deputy Eusebiu Popovici, in February 1934, by pupils from Lazăr high school in Bucharest,[50] Carol II designed new forms of social control on the most exposed category to the dangers of radicalization: the youth. Along with the pre-military training for 18-21 years youngsters, new provisions targeted the teenagers, through the creation of OETR and Straja Ţării in 1934, using and developing the infrastructure of scouting and creating training centers.[51] It was designed for both male (age 7-18) and female students (age 7-21) and it was compulsory for all youngsters. The rural youth organizations from the provinces (Şoimii Carpaţilor in Transylvania and Arcaşii in Bukovina) will be later incorporated (1937), together with the Young Men Christian Association[52] and Young Women Christian Association[53] comprising the working Christian youth.

One of the strategically key components was again discipline. The king's discourses stated: "The new education that you are asked for, is an education of love, and an education of discipline. This is the new foundation of the Romanian state".[54] Petre Andrei, minister of Education emphasised: "Youth belongs to family and state, and no one else has the right to use it".[55] The reference was clearly inserted in the new legislation that established an exhaustive control an all youth organizations; as a consequence, the legionary Brotherhoods of the Cross for high school students became outlawed.

The events of 1937 marked by the impressive funerals of the legionary heroes Ion Moţa and Vasile Marin, killed in the Spanish civil war, created the propitious context for the annihilation of the Legionary Movement. As the king realized that the public support for the legionaries reached higher peaks, while his chances to subordinate the movement and its

leader failed, he decided to remove his competitors from the political stage.[56] The act represented also a foreign policy strategic move since the Legionary Movement represented the connection with Nazi Germany whose domination Carol was trying to avoid. In addition, he issued the Royal Decree establishing the final norms for the implementation of Straja Ţării, and declared the whole autonomy of the institution led by its commander in chief, the king himself.[57]

"Wonderful youth!"

The official discourse promoted the statement that the school has failed morals. Straja Ţării assumed thus the role of extra-curricular education based on discipline and physical exercising. A proper management of youth spare time was acknowledged also in the French educational system, since the beginning of the century: "when individual activity does not know where to take hold, it turns against itself. When moral forces of a society remain unemployed, they deviate from their moral sense and are used up in a morbid and harmful manner".[58] However, the theory of integral education (morals, religion, physical activity) stated by 1928 Law was reproduced by the doctrine of Straja Ţării, using the terms of "moral education, national-patriotic, social and physical"[59] (Straja Ţării Law, 1938, art. 2). The strong religious component was even more visible than in the high school rituals: the oath and any closure form for lectures or official acts ended with the formula "So help me God!" (Straja Ţării Law, 1938, art. 6) The motto of the sentinel reinforced the faith: "Faith and work for Country and the King!" (Straja Ţării Law, 1938, art. 6)

The implementation of integral education would definitely differ, as the emphasis was on managing the spare time of the youth, with activities outside the school walls and marked by a great dose of formalism "meant to place the sentinel in the frame of discipline".[60] School became subordinated to Straja Ţării and even the curricula had to be changed in order to allow on day per week for sentinel training. Straja Ţării revealed similar techniques of control, with youngsters having particular places in certain divisions, uniforms and distinct signs, hierarchical surveillance, and time management. The pyramid of roles was similar to army organizations with the commander in chief – the king – at the top. The commander (T. Sidorovici) was in fact in charge of the whole management responsibility (Straja Ţării Law, 1938, art. 20). He was followed by a Permanent

Committee, chief of state, directors, and chiefs of the independent services, commanders of phalanges, lands or legions (Straja Țării Law, 1938, art. 20).

The new generation of sentinels was to be remarked through its orthodoxy and faith in the destiny of the country, in contrast to the post-war individualistic and violent generation. However, the virile docile bodies couldn't have been created only through sports, discipline and morals. The poor diets and the unhygienic conditions in which most students lived became an issue for authorities belatedly, although, paradoxically, even the official salute of the sentinels was "Health!" .[61] Furthermore, school doctors had to recruit pupils for the parades of June 8, on the basis of health and physical fitness. Consequently, those considered physically or psychologically unfit were rejected.[62] The Law of Straja Țării, as amended in 1939, introduced the obligation of supervising the nutrition and health of the young people (Straja Țării Law, 1939, art. 8).[63] However, in 1940, the medical staff of Straja Țării have found "a high proportion of sentinels affected by different deformations of the spine or of the thorax, and also by breathing failures, with severe consequences on their growing".[64]

Teachers have sometimes protested about the involvement of school youth in Straja Țării, considering that their attention is distracted: "With these celebrations, students waste a lot of time, they do not have time to prepare the lessons, or they miss from classes.[65] For parents, Straja Țării meant new financial burdens. A memo addressed to King Carol II showed the daily life difficulties of youngsters overwhelmed by activities.[66] As for the sentinels, some were fascinated by the shiny world of uniform and parades, others were just happy to go outside the sober school walls, while the young legionaries considered it as an offensive parody to the Brotherhoods of the Cross: "Together with our teachers and other students, we've done everything to compromise this nasty parody […] Great foolishness of those who stood up, imagining that in this way the youth would turn to this surrogate, forgetting the Legionary Movement".[67]

The rise of the World War II put an end to the royal dream. In September 8, 1940, Straja Țării was closed down, before the royal social project could have reached its goals. The far-right regime that followed after the short national-legionary power transferred the goods, knowledge and instruments of Straja to the newly created State Department for Extra-curricular Education. Low level of morals and discipline were again in the debates, thus new strategies for a military, patriotic and physical education were being developed.[68]

Some Final Remarks

Discipline became a part of the modern institutions, including the educational ones, as it was considered that individuals maximize their input for the benefit of political powers when acting under close guidance and restraint. It is no doubt that modern societies could not function outside power relations. It is a difficult task for those implementing discipline to ensure order, but also proper spaces of liberty. The case of high school students in interwar Romanian was illustrative to this respect. It showed that power tends rather to generate counter-power; discipline tends to generate disobedience.

School regulations in 19th and at the beginning of the 20th century introduced discipline in the educational process aiming for responsible, useful citizens. The updated legislation implemented at the beginning of the 30s maintained many previous provisions, showing thus that the age of adolescence had certain constants no matter the regime. However, many regulation updates took into account the new forms of disobedience whose main resorts were political activism, radicalisation and anti-Semitism.

Straja Ţării did not appear unexpectedly. As mentioned, this state organization responded to international trends on youth matters, to personal interests of the king and also to the alarm signals of school professionals regarding disobedience. But the uses of discipline were distorted: Straja was not only about creating good citizens, but mostly modelling the fidelity of youth towards royalty; not only about redirecting youth from vices, but mostly redirecting teenagers from competing elements. The short period of functioning can not prove the efficiency of this project, but it stands for sure as a solid background for similar youth organisations that were developed later, in the communist regime.

NOTES

[1]   Jon Savage, *Teenage. The Prehistory of Youth Culture. 1875-1945. Introduction*, Penguin Books, London, 2007, p. XVIII.
[2]   Christine Griffin, *Representations of Youth. The Study of Youth and Adolescence in Britain and America*, Polity Press, Cambridge, 1993, p. 13.
[3]   G. Stanley Hall, *Adolescence. Its psychology and its relations to physiology, anthropology, sociology, sex, crime, religion and education*, vol. I, II, D. Appleton and Company, New York, London, 1914.
[4]   Christine Griffin, *Representations of Youth…*, p. 21.
[5]   W. Thacher Winslow, *Youth. A World Problem. A Study in world perspective of youth conditions, movements and programs.* With a foreword by Aubrey Williams (executive director). National Youth Administration, United States Government Printing Office, Washington, 1937, p. IX.
[6]   Rogers R. Stainton, "The making and moulding of modern youth: a short history", in J. Roche and S. Tucker (eds.), *Youth in Society*, Sage, London, 1997, p. 1–19.
[7]   Erik H. Erikson, *Identity, Youth and Crises*, Norton&Co., New York, 1994, p. 243-244.
[8]   Michel Foucault, *A supraveghea și a pedepsi. Nașterea închisorii*, Humanitas, București, 1997, p. 205.
[9]   Secondary schools also included exclusively lower course gymnasiums and secondary schools for girls – grade 1.
[10] Until that point, the structure of high school corresponded with the regulations of Spiru Haret law of 1898 (lower level of 4 years, upper level of 4 years; 3 study branches: classical, modern and scientific).
[11] Teacher Training Schools were regulated by the Primary Education and Teacher Training Law of 1924 (with amendments in 1934 and 1937) (7 years of training (later 8 years): 3 years (later 4 years) lower course + 4 years upper course) preparing Romanian speaking young teachers for primary schools and kindergartens. Some of the graduates also continued their studies in universities.
[12] Gheorghe Adamescu, *Problemele învățământului secundar*, Imprimeriile Independența, București, 1923, p. 8.
[13] Grigore Clujan, *Impresii din lumea învățământului*, Cartea Românească, Cluj, 1938, p. 29.
[14] Private and confessional education also included teacher training schools in Transylvania (not applying for Judaic religion) and professional schools for girls, lower level.
[15] According to *Statistica învățământului public și particular din România pe anii școlari 1919-1920, 1920-1921*, Tip. Curții Regale, București, 1924, there were 120 high schools for boys and 67 high schools for girls.

[16] According to the 1911 Regulation, tuition fee was 80 lei/year for upper level, paid in 3 instalments.

[17] *Statistica învățământului public și particular din România pe anii școlari 1919-1920, 1920-1921*, Tip. Curții Regale, București,1924; *Anuarul statistic al României pe anii 1937 și 1938*, Imprimeria Națională, București,1939.

[18] Reinstated by the 1929 Regulation, art. 19, completed by the mentioning of the religious celebration for each confession (art. 21).

[19] Three decades after the last reform on secondary education, schools confronted with deficiencies outlined during the debates for the new legislation proposed by minister C. Angelescu. "Parliamentary debates, the meeting in March 16 1928, M.O., Partea a II-a, no. 74/1928", in Paul Negulescu *et all.*, *Codul învățământului (primar, secundar, superior)*, Ed. Librăriei Pavel Suru, București,1929, p. 347-350 (the discourse of N. Costăchescu).

[20] Lege pentru învățământul secundar, *M.O.*, Partea I, no. 105, 15 mai 1928.

[21] Students attended the preparatory year after the baccalaureate, in order to continue their studies in universities (1928 Law, art. 22). The new configuration received many complaints during the debates on the draft, as it was considered that a 3 years gymnasium is incomplete and inefficient, in *Codul învățământului…*, p. 67-68.

[22] Together with the fee for renovating the school building (1929 Regulation, art. 190).

[23] During the parliamentary debates, deputy N. Costăchescu (Peasant Party) questioned the practical application of this provision, stating that the chances to get admitted to high school (upper level), for pupils coming from primary rural schools, are very low, as they have to compete with urban graduates of the gymnasiums. So, before they could obtain the scholarship, they have to face the challenges of admission with unequal chances. His proposal of creating gymnasiums at the countryside couldn't pass though the shortage of teachers, in *Codul învățământului…*, p. 358.

[24] Cristu N. Negoescu, *Educația integrală în școala de azi și în cea de mâine. Probleme didactice și pedagogice cu soluțiuni practice*, Tip. Universală Viața românească, București,1921.

[25] *Codul învățământului…*, p. 354.

[26] *Ibidem*, p. 356.

[27] *Ibidem*, p. 408.

[28] Émile Durkheim, *Moral education. A study in the theory and application of the sociology of education*, The Free Press, London, 1973, p. 48.

[29] *Ibidem*, p. xv.

[30] *Codul învățământului…*, p. 407 – the explanatory statement of the 1928 Law.

[31] Lege pentru educația fizică, M.O., Partea I, no. 59, 17 June 1923.

32   Michel Foucault, *A supraveghea și a pedepsi...*, p. 210-215.

33   Jennifer M. Gore, "Disciplining Bodies: on the continuity of power relations in pedagogy", in Thomas S. Popkewitz and Marie Brennan (eds.), *Foucault's Challenge. Discourse, Knowledge, and Power in Education*, Teachers College, Columbia University, New York, London, 1998, p. 232.

34   Anca Filipovici, "Adolescent political turmoil: a review of anti-Semitism in interwar Romanian high schools", in *Revista de istorie a evreilor din România*, no. 3(19) / 2018, p. 307-309.

35   Lege asupra învățământului particular, in M.O., Partea I, no. 283, 22 December 1925.

36   *Codul învățământului…*, p. 375, the parliamentary debates on the draft, with interventions of minority politicians Iozsef Willer, Franz Krauter.

37   *Ibidem*, p. 384.

38   Ramona Caramelea, „Un instrument pentru disciplinarea elevilor: pedeapsa școlară între teorie și practică (sfârșitul secolului al XIX-lea – începutul secolului XX)", in Nicoleta Roman (coord.), *Copilăria românească între familie și societate (secolele XVII-XX)*, Nemira, București, 2015, p. 366-367.

39   Grigore Clujan, *Problema învățământului secundar*, Cartea Românească, Cluj, 1936, p. 4.

40   ANIC, Fond *Ministerul Instrucțiunii*, d. 485/1936, f. 464.

41   For an applied case study see Petru Negură, „Educația ca violență. Învățământul primar rural din Basarabia interbelică: de la pedeapsa corporală la violența simbolică", in *Studia Politica. Romanian Political Science Review*, vol. X, no. 1, 2010.

42   Émile Durkheim, *Moral education…*, p. 167.

43   Cas Mudde (ed.), *Youth and Extreme Right*, Introduction, IDEBATE Press, New York, 2014, p. 8.

44   SJAN Cluj, Fond *Ministerul de Interne. Direcția Generală de Poliție*, d. 4259 – dosar personal al legionarului Tiberiu Mărcușiu. A similar case on how legionary networks worked involving high school students is documented in Roland Clark, *Sfântă tinerețe legionară. Activismul fascist în România interbelică*, Polirom, Iași, 2015, p. 158-159.

45   ANIC, Fond *Ministerul Instrucțiunii*, d. 308/1932, f. 6.

46   Ludovic Kerner, „Jurisdicțiunea asupra infractorilor minori și patronajul lor", in *Revista Poliția*, I, no. 4, Cluj, 15 July 1920.

47   See, for instance, ANIC, Fond *Ministerul Instrucțiunii Publice*, d. 357/1924, f. 25-35; also, ANIC, Fond *Ministerul Instrucțiunii Publice*, d. 437/1934, f.72.

48   W. Thacher Winslow, *Youth. A World Problem...*, p. XI.

49   N. N. Crețu, *Pregătirea tineretului în noul spirit al vieții de stat*, Imprimeriile Independența, București, 1939, p. 17.

50   „Prinderea asasinilor lui Eusebiu Popovici", in *Dimineața*, 18 April 1934, p. 1.

51   Lege pentru înființarea Oficiului de Educația Tineretului Român (O.E.T.R.), in M.O., Partea I, no. 106, 9 May 1934.

52   ANIC, Fond *Ministerul Muncii, Sănătății și Ocrotirilor Sociale*, d. 149/1939, f. 364.

53   *Ibidem*, f. 356-363

54   „Cuvântările M.S. Regelui în legătură cu Străjeria. 8 iunie 1935. Serbarea tineretului străjer", in *Straja Țării. Cinci ani de activitate. 1935-1940*, Vremea, București,1940, p. 6.

55   Petre Andrei, Ministrul Educației Naționale, „Solidaritatea socială și solidaritatea națională prin străjerie", in *Straja Țării. Cinci ani de activitate...*, p. 37.

56   Dragoș Sdrobiș, *Limitele meritocrației într-o societate agrară. Șomaj intelectual și radicalizare politică a tineretului în România interbelică*, Polirom, Iași, 2015, p. 227.

57   Decret regal Înființarea Straja Țării, in M.O., Partea I, no. 233, 8 October 1937.

58   Émile Durkheim, *Moral education…*, p. 13.

59   Lege pentru organizarea și funcționarea Străjii Țării, in M.O., Partea I, no. 292, 15 December 1938.

60   „Cuvântările M.S. Regelui în legătură cu Străjeria. 3 decembrie 1935. Inaugurarea „Orei străjerilor" la Radio", in *Straja Țării. Cinci ani de activitate...*, p. 9.

61   ANIC, Fond *Ministerul Educației Naționale*, d. 571/1937, f. 41.

62   *Ibidem*, f. 195.

63   Lege pentru organizarea și funcționarea Străjii Țării, M.O., Partea I, 3 June 1939.

64   ANIC, Fond *Ministerul Educației Naționale*, d.739/1940, f. 22.

65   *Ibidem*, f. 38.

66   ANIC, Fond *Ministerul Educației Naționale*, d. 622/1938, f. 294.

67   Ion Gavrilă Ogoranu, *Brazii se frâng, dar nu se îndoiesc*, vol. V, *La pas prin Frăția de Cruce*, Ed. Mișcării Legionare, București, f.a., p. 66-67.

68   ANIC, Fond *Ministerul Culturii Naționale și al Cultelor*, d. 864/1941, f. 57.

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THE STRUCTURE OF RURAL HOUSEHOLDS IN 19TH CENTURY MOLDAVIA AND WALLACHIA: APPROACHING OLD CENSUSES, REVISITING PARADIGMS

Abstract

This research intends to contribute to historical household studies for Moldavia and Wallachia, taking on an approach still new in Romanian historiography: micro-analysis of population samples. We used data from two 19th century censuses (1838 and 1859) to help develop a historical paradigm as an alternative to a field in which sociologic theories elaborated since the 1930s are still Influential. While not perfect, our results show that knowledge on this subject can be improved through a systematic demographic approach. There is great potential to reconceptualize the inner workings of the household and to connect them both with international frameworks, as well as to different socio-economic contexts of the age, otherwise ignored.

History Depending on Sociology

The household lies at the core of individuals' private life. In historical times it was both a unit of production and consumption, as well as a medium of transmitting social and spiritual norms. It was both subject of policy making and a determinant of broader evolutions. For the Old Kingdom of Romania, the breakup of the household amid the children's marriage, coupled with inheritance, was seen as one of the reasons why smallholding agriculture could not develop, and as one of the causes of the failure of the 1864 land reform. By sociologists, simple households were seen as a determinant of the communal trait of the Romanian village. Overall, it is no wonder that family and household studies are an important focus in the broader field of humanities. One way of framing the subject is through family and household forms. While this approach is not purely demographical, historical demography played a key role in uncovering and understanding family forms, while at the same time

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probing theories coming from non-statistical backgrounds. The idea of preindustrial complex households, as an expression of close family ties, was challenged by the Cambridge Group for the History of Population and Social Structure, who used statistical methods to better understand what was a product of generalization. Since the 1960s and 70s, this progressed into mapping Europe according to social behaviors related to household patterns, and into raising questions about the link between these patterns and society and economy as a whole.

Romanian household studies largely remained outside this evolution, although the *Romanian traditional household* did make its way on the international stage. Trying to place the Romanian principalities on a historical map of social practices in Europe, historians like Maria Todorova, Karl Kaser and others inspired themselves from the work of Romanian sociologists, particularly those of Henri Stahl, greatly popularized by his son and follower, Paul Stahl. They postulated that the household was simple, new households formed at marriage, except for the last-born son who remained with his parents after his marriage, thus starting a new phase in the old household's evolution. Since this was the result of fieldwork done since the 1930s, its use lead to overgeneralization, not lacking awareness that „to project ethnographic findings back in time would be at least precipitous, and often incorrect".[1] Projections were made, nonetheless. French sociologists Daniel Chirot used this theory in the same context he discussed serfdom, State and economy in medieval period.[2] At the same time Romanian sociologists were unsure whether the realities they observed applied to earlier ages, and, opposite to Chirot, admitted the possibility of the existence of more complex forms.[3]

Nevertheless the recourse to sociology was inevitable, since Romanian academia did not develop a field primarily dedicated to the demography of historical household forms, although preserved sources were known[4] and research was initiated. Ecaterina Negruţi took on the task of working with population samples based on historical sources and shed light on family, life cycle and living arrangements of different communities in 18th- and 19th century Moldavia.[5] Her work, published in 1984, included analysis on household structure and is so far the best for the outer-Carpathian regions. The downside was that she used minimal samples and did not connect with the discussion from the international field, or with the postulations of sociology. Since then, interest for this area feathered away, with only sporadic and lighter contributions, in papers or books where it was not the main subject. Romanian historical demographers

remained attached to more general (land accessible) topics. We only referred to the historiography for the two principalities and for the Old Kingdom of Romania, since this territory and context is more familiar to us. In opposition, Historians of Transylvania made significant headways in family and household demography (Ioan and Sorina Bolovan, Luminița Dumănescu, Crinela Holom, Daniela Deteșan, Șarolta Solcan, Levente Pakot, just to name a few).

The Romanian "traditional" household in the past: where do we carry on from?

The above critique was meant not only to highlight the slow progress of Romanian academia preoccupied with the territory of Old Kingdom, but also to address the usefulness of current concepts within the prospects of expanding the field. Having a historical population sample of several tens of thousands of individuals offers the opportunity of detailed analysis, and, with it, the challenge of what and how to address in the analysis. Like for any other subject, one could consider testing current knowledge, applying concepts used by international academia, or stepping into unexplored terrain and perform data mining. In our case, all options were considered, each carrying its difficulties.

Taking on the sociologic paradigm was problematic firstly because it did not use statistics to back its claims. Despite intensive documentation on economy, health, habitat, social practices in general, living patterns escaped statistical approaches. Even in the most detailed statistical inquiries, household structure proved one objective too far. The 1938 fieldwork undertaken by teams of students lead by Dimitrie Gusti did gather information on household size (number of members) and household headship by age and gender.[6] Composition (co-living of different kind of families and/or single individuals, kin or non-kin) is not reflected in this work. A promising breakthrough was made by Henri Stahl and Ion Nicolescu in their research on village Nereju, where they classified households according to structure.[7] Unfortunately, this new method did not mainstream into Romanian sociology, not even in Stahl's later works, neither in those of Paul Stahl. Generalization based on field observations or interviews (both coupled with vague observation in non-statistical historical sources) prevailed over strong empiricism.

Even so, sociology still provides a valuable reference point that could be used to model family and household metrics. Even if we do not know

exactly how spread were the postulated patterns, we can attempt to measure them ourselves. Plus, even if it lacks hard data, sociology is still useful in offering explanations for certain social practices, thus pathways to interpreting statistic inquiries. But such a task is still not without difficulties because at some levels theories become too general and too vague, thus difficult to integrate into an empirical framework. Even if we have data and want to test the paradigm, it's not easy to know what to compare our results to. The biggest conceptual problem is the blurry distinction (or, rather, lack of distinction) between social norms and reality. The reader of sociologic studies is often left guessing if certain postulations describe realities, or rather they express, from the point of view of the interviewed subjects, a desired outcome in ideal socio-economic conditions. Let's take for example the idea of ultimogeniture: the last born remaining inside the household and subsequently marrying there. How many parents had more than one boy and survived to see him married? How many last born sons survived until marriage? Otherwise said, to what extent was this rule even demographically possible, especially in historical times, pre 20th century? The same can be asked about the separation at marriage. Since it was conditioned by endowment, what happened when it could not be provided? How often did parents fail to endow their children and how did this affect household formation?

Once more, it is not in any way to say that ethnography is barren. On the contrary, it left us with a treasure of information on kinship, folklore, habitat, rural economy. It is just that household structure was strangely left outside thorough documentation and analysis. It is also important to note that Henri Stahl added a historical dimension to his contributions. Some studies are extremely detailed and analytical, combining a whole array of sources – his study on underground dwellings.[8] Again, the household, as understood in this study (as the domestic group), was left out of these historical endeavors.

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This being said, when attempting to improve the knowledge in the field, the sociological paradigm offers only a general reference. The idea that contemporary households were simple was not original, as the idea was known before. Given the general terms used to express it, it was impossible not to have been known. The possibility of households having been more complex in past times (issue raised, but not probed) might just as well be an independent hypothesis, formulated as part of any effort related to the subject, in itself is not unique to Romanian inter-

war sociology. The most important suggestion that we could take is that regarding social norms. What sociologists suggested we should look for is the separation of children at marriage, who would have formed independent households from anyone else (*neolocality*).[9] We should also mind the particular relationship between the last-born son and the parents, linked to coresidence. We are free to assume that later could translate into different instances: both couples present (we will refer to this as a *stem-ultimogeniture* pattern); one couple plus one widowed parent; parents plus unmarried child; a combination of all. We are also free to expand the focus on any other documented living arrangements. For all this, a systematic approach is necessary.

Therefore, we incorporated these *suggestions* into a broader framework of profiling household structure in historical times: that used by historical demographers. Not that this approach is free of pitfalls. One is conceptual, highlighted in the next section, the other is of perspective. The sources used here – census forms – are often described as snapshots of communities and residences. They tell us who lived with whom at a moment in time. We might know the relation between them but are left uniformed on their relation to others within the community or their past or future events. Classifying households by structure does not necessarily reveal social practices because one household could change composition along its lifetime. After the works of the Cambridge Group for Population studies were published, they attracted strong criticism for just this reason. To compensate, historical demographers turned to so-called *life-course analysis*: analyzing living patterns by age groups. This can be done from the point of view of the household, as well as from the point the view of the individual. Such an approach is the best proxy indicator for a longitudinal perspective. Even if it does not tell us what every individual went through during their lifetime, it shows what individuals of certain ages experienced, thus indicating life stages. For testing the sociological paradigm, centered on household formation and evolution, this type of analysis for census forms is our best option. **In our Ph.D. thesis and in this paper, our primary goal was to document household patterns by performing two main sets of analysis household structure and life-course analysis.**

Given the limitations of this publication, important methodological details, as well as bibliographical references, discussions and contextual elements, had to be omitted or oversimplified. A vast dissemination of source quality also had to be skipped.

Core Concepts

Household is a term loosely used, meaning different things in different instances. In Romanian sociology and ethnography, household can refer to human habitat, defined as the buildings within the same enclosure. It can also mean the same mobile property (tools, livestock, etc.), as well as the group of people within the enclosure. In the field of historical demography, the definition refers to the inhabitants of the same living space. A more precise definition could stem from the debate on what characteristics should be considered when looking at living quarters and the relationship between individuals inhabiting them. What is a shared space, and what counts as sharing?

Living together was most often hard to infer from population lists. Shared activities are safely assumed in the case of groups consisting of close kin (such as a nuclear family and its extensions) and even non-kin (like servants). But they become less transparent as more numerous individuals and families were grouped by the census agent under the same unit. It's harder to tell how tied together were unrelated families, lodgers, inmates. It's even harder to know if they shared common rooms (like the kitchen), or just happened to share the same building. The *building* does not necessarily fit the definition because it could comprise several households (like modern-day apartment blocks). For this reason, historians felt the need to distinguish between kin groups and residential groups in general. Even if the distinction, as Mikołaj Szołtysek points out,[10] is purely artificial, at least for some historical contexts, it still offers us a way to distinghuish between groups that are more simple and groups that are more complex. Current concepts originated in the work of the Cambridge Group, of Peter Laslett, Hammel and Richard Wall.[11] In practice, they used the term *household* to describe only close related kin living together. The term *houseful* was coined to designate the group inhabiting the same premise or building.

Another issue is that of economic and institutional establishments, where people not only worked or served, but also lived: shops, barracks, monasteries, institutional facilities, etc. Most historians exclude these, only accounting for "ordinary" households. The trouble is that most of the times, population lists do not mark such cases where they existed. Even when they do, historians exclude them from analysis, as focus usually fell on the importance of kinship.

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Our sources posed the same problems. First, we only have a general idea of what the spatial unit of recording was: the *house* (casa). We don't know the situation on enclosure/premise-level, nor within each house (if, for example, there were multiple quarters/apartments). The later issue might seem attenuated by the small size of the houses at that time.[12] Limited to the *house* as the unit of spatial analysis offered by the census form, we then faced several obstacles in analyzing the data and presenting the results in this paper. First, the two sources were incompatible in fully breaking down the information on relation inside the house. The Wallachian census records everyone in the house and information about their relation to the household head. The Moldavian census, while again listing anyone under one roof, specifies the relation only inside nuclear families (with rare occasions). The relation between some nuclear families can be inferred by name and age of the heads, but, since it had to be done manually, it proved too time-consuming. In the current stage, we were compelled to compare the two samples by houses classified according to the number (not also type) of coresidential families and/or single individuals. Therefore, the house being so far the unit of analysis, would correspond to the academic equivalent of the houseful, although the situation on enclosure level – covered in Romanian censuses only since 1912 – would have provided better common ground. One might argue that in practice the difference between the two concepts in our rural population samples is slim.

For the sake of the simplicity imposed by editorial bounds, we classified them according to a modified and very simplified version of the Hammel-Laslett scheme, which is used for household classification. Since we applied it to housefuls, we included all the individuals (kin and non-kin). We used the following types:

1. Housefuls without family
2. -- with one nuclear family only[13]
3. -- with a nuclear family plus one or more single individuals
4. -- with more than one nuclear family

By single individuals, we mean individuals that do not live alongside their nuclear family. Regardless of whether they were single or not, those living in a house in which they were not the head, or part of the head's nuclear family, will be referred to as *coresidents*.

Regarding economic establishments, our sources are somewhat transparent in identifying them, the Moldavian census to a greater degree. We decided to include them in the analysis, differentiating them between

ordinary houses, when necessary. We opted to do so because for some segments of the population living there was more frequent than for others, for some even dominant. Almost all Jews in the rural Moldavian sample shared this pattern. Furthermore, it is also relevant when looking at the inner workings of ordinary households and life cycle of individuals: some, upon leaving the parental household, forming an independent household was not within their means or desire, but instead chose to engage in employment, (another aspect that sociology overlooked).

Sources and Population Samples

While our thesis was based in most part on the 1838 census of Wallachia, this project was initially designed to value newly discovered manuscripts from 1859 census of Moldavia, all from district Iași[14] (Map 1). Unfortunately, during the transcription of the material, we encountered the sample problem as we previously did for Wallachia: some census takers decided to ignore the order of recording individuals by house. Out of seven subdistricts, only in two (Stavnic and Codru) were the instructions adequately followed. In Bahlui, Braniștea, Copou and Turia, the recording was by fiscal family, while in Cârligătura house numbers were given only to house owners (not also to coresidents[15] as well, except in sporadic cases). Thus, the total sample of 43000 individuals could be used in analysis related to nuclear family, while only the forms for the first two mentioned sub-districts (summing up some 13000 people) could be used for household analysis. This predicament pushed us to add Wallachia to the project by creating an entirely new sample from those used in our thesis.

While for Moldavia we selected the whole rural population that was publicly available, the Wallachian sample was drawn by two principles: 1. It should be extracted from circumscriptions where recording is sure to have been performed by house (or, at least is of optimal quality in this regard). 2. It should be as geographically diverse as possible, to explore the role different ecosystems might have played. We isolated a part of Eastern Wallachia that fitted these requirements. It is a strip of land that stretched in the districts of Slam-Râmnic and Buzău,[16] from the mountainous border with Moldavia and Austria in the North, to the plains South of the town of Buzău. According to the census, it was populated by some 38000 people. We employed a geographically oriented filter of analysis, grouping the

villages into eleven micro-regions, in turn grouped in larger regions, as follows (the numbering follows that from Map 2):

Two micro-regions situated in the hills and mountains, on the country's Northern border:
    (1) Râmnic North[17] (7 villages, 2329 people)
    (2) Slănic North (8 vilages, 4124 people)
Four micro-regions situated in the hills, some containing parts of more than one subdistrict:
    (3) Râmnic South (8 villages, 3182 people)
    (4) Slănic Center (9 villages, 3712 people)
    (5) Slănic South (12 villages, 4336 people)
    (6) Câlnău (11 villages, 3236 people)
Five micro-regions situated in the plains, all within Câmpu subdistrict:
    Two on the river Buzău:
    (7) river Buzău – left bank (16 villages, 3793 people)
    (8) river Buzău – right bank (11 villages, 2613 people)
    Two on the river Călmățui:
    (9) river Călmățui West (12 villages, 3590 people)
    (10) river Călmățui East (8 villages, 3847 people)
    One on district Buzău's Southern border; the most Southern part of subdistrict Câmpu:
    (11) Câmpu South (5 villages, 2661 people)

Results will be presented both by micro-region and by the wider area they were part of: mountains and hills; hills; plain – river Buzău; plain – river Călmățui; Câmpu – South.

The Moldavian sample instead was more diverse population-wise. Here, Romanians made up 83% of the population (as opposed to over 90%). Roma were the second most numerous ethnic group (12%), followed by Jews (1.5%). Hence, some figures will be presented according to population group.

Results of the statistical analysis

A brief look at the results for the nuclear family alone, merely confirms what we expected from historical Eastern Europe: universal marriage, men married later and remarried more often than women. Without going too much into it (since it is not our main focus), we'll stop by pointing out

some nuances. Early marriage, measured as the share of married girls ages 15-19 seems more prevalent in the Moldavian sample, and among Roma women in both samples, confirming previous results on larger samples of Wallachian Roma communities.[18] Both Romanians and Roma in the Wallachian sample seemed to have had more (surviving) children than their counterparts in the Moldavian sample (Chart 4 - even if it refers to boys and married couples, it can be extrapolated for wider segments).

As a crude measure of living arrangements, housefuls in both samples proved to be mostly simple, composed of only a nuclear family (Chart 1). But, as discussions in the fields show, a simple profiling of domestic groups by structure inherently oversimplifies key behaviors like household formation and the relation between generations. So, a thorough dissemination and a careful look at nuances are necessary.

Out of the two samples, the Moldavian one shows the most complexity. Accounting for all houses with coded information, 65% of them hosted a single nuclear family. Some 16% also included at least one additional single individual (not the householder's child or partner), while 14% had two nuclear families or more. If we exclude from the analysis those houses that might be considered economic establishments, thus considering only those owned by the householder, then the percentages still remain roughly the same. Important differences can be seen across population groups.

At most age groups individuals spent their lives in simple housefuls, but in certain life stages, we find a mix of simple and complex patterns (Charts 5 and 6). The entrance into maturity coincided with sharing the living space with one's partner and children, also with someone else as well. Even among Romanian farmers, neolocality was less than half. In the next stages (over the age of 30), patterns become more simple, suggesting that individuals gradually became more independent. However, as they reached more advanced stages of life, they again began living alongside someone else, kin or non-kin. Men again drop to the 40-50% mark of *simplicity*, while the share of women living in simple housefuls declines dramatically, well under 30%, starting with the age of 60. Among former slaves and their descendants (the Roma people), this evolution was similar, although harder to observe, given the irregularities that spar at certain age groups, given the smaller size of the sample.

The sampled population of Wallachia showed more simple structures, with a staggering 84% single-family housefuls, 10% type 3, and only 3% multiple family housefuls. But what's interesting about this sample is its differentiation when broken down geographically.

In the hills and mountains, simple housefuls were overwhelming, with percentages as high as 90% (Chart 1). Multiple family housefuls barely register, with a maximum 2% in Slănic North-West. The most common form of complex households was nuclear family + single individual(s), but still generally under 10%. Predictably, the life cycle of individuals suggests very strong nuclear tendencies. Household formation is almost always about neolocality: 85-90% of married young men (ages 20-29) appear to have lived separated from other families, other than their own (Map 2). The same is observed for later years and into elderliness. Old age for adults of both genders (especially for couples) coincided with the sole company of the spouse and/or unmarried children (Charts 5 and 6). Looking at people over 40 years old in the two micro-regions spanning across the Northern border, 35% of widows and 26% of widowers were coresidents. In the hills, the analysis showed 35% and 18%, respectively (Map 4).

Lowlands proved significantly different from highlands, at the same time pretty divers. All lowland micro-regions still registered a majority of simple housefuls, but, as the general principle of our study goes, life-course should be considered more relevant than an aggregate of houseful and household types. Having this in mind, we observed that there were lowland micro-regions resembling the highlands, with dominant levels of nuclear behavior. On the river Buzău, simple housefuls were 84% of the total, neolocality was at 75% (age group 20-24) and 81% (25-29) (Map 2). However, coresidence among the elderly was higher. More complex patterns could be observed in the two micro-regions on the Călmățui valley, and even more complex further South. Here, one micro-region stood as its own category. Câmpu South resembles more the Moldavian sample than the Wallachian highlands. Single-family housefuls were only 65%, and simplicity drops when we analyze by age groups. Neolocality applied for some 43%-50% of young men heads of family. The majority of widowed persons were coresidents, with the highest percentage predictibily found among women – 81%, compared to just 23% in, for example, Râmnic North.

To conclude so far, even though in both samples the majority of houses were inhabited by a single nuclear family, social behavior still varied quite a lot across age, gender and region. In the Moldavian subdistricts of Stavnic and Codru, as well as in the most Southern tip of the Wallachian sampled area, early adulthood and old age witnessed mixed behavior (simple and complex). In these stages, half or over half of families/single persons shared

the house with various others. At the same time, the sampled population from the Wallachian hills and mountains was dominated by simplicity at all stages of life.

How much can we generalize these results?

Given the small size of our sample relative to the overall population of the principalities, to what extent can we expect to find these patterns beyond our regional (and micro-regional) case studies? Confronted with the lack of detailed sources for a wider territory – which would be the ideal framework – we resorted to maximizing the use of census aggregates. We extracted two crude measurements: household size, measured as the number of people per house (HHS), and the average number of marital units (couples) per house (MUH), as a rough indicator of household structure. We then proceeded to map the principalities according to values at subdistrict level. Of course, being only aggregates, such measurements do not directly refer to complex behavior such as nelocality and old age coresidence. However, within the Wallachian sample, from one region to another, we did observe a strong correlation between the two sets on indicators (neolocality, coresidence, etc. – HHS, MUH). Therefore, one can assume a likelyhood of HHS and MUH varying according to the described behaviors on country level as well. We did not manage to develop an exact method of generalization, we only based our assumption on descriptive reading from the sample analysis. We took the most simple and the most complex micro-regions, extracted HHS and MUH, then saw where similar values appeared on the country's map, when analyzing census aggregates.

We searched for sources covering the entirety of either principality, giving the number of rural houses, as well as the number of people and that of married couples. Another option considered was the number of fiscal families, but our analysis showed that results could be distorted by different understandings of the concept, from one subdistrict to another. Given these criteria, the only matching source we found was the 1859 census summary of Wallachia.[19]

Performing the analysis mentioned above, the results on country level were very similar to those on micro-level (Map 3). Highlands generally showed low values, indicating more simple patterns, lowlands the opposite, but with significant nuances. The exact degree in which life course coresidence manifested themselves according to these values is

debatable. For now, we can only propose various thresholds that can be considered markings for higher likelihood of some patterns:

- HHS<4.5, MUH<0.94. Found in the hills and mountains, these values would correspond to the most extreme nuclear behavior documented for Wallachia, described in the previous section. In 1859 subdistricts with these characteristics were found especially in the Northern half of Oltenia.

- HHS>4.9, MUH>0.98 – found in micro-regions Câmpu South and Călmățui East (partially in Călmățui West), correspond to a mix of complex and nuclear behaviors. In 1859 such values cover the plains in Eastern Wallachia and those bordering the Danube (with some exceptions).

- HHS = 4.5-4.9, MUH<0.96. Hard to interpret. Low value of MUH would suggest nuclear patterns regarding whole families, but high HHS would point towards either more children, either more coresident single individuals. Overall, this would be characterized as leaning towards nuclear behavior. The fact that such cases appear more in the Norther half of the country (where nuclear patterns tend to be) consolidates this assumption.

- HHS = 4.5-4.9, MUH>0.96. Hard to interpret – simmilar to the micro-regions on river Buzău? Nuclear patterns still dominant, leaning towards mixed?

Confronting factual paradigms: Where does the ethnographic paradigm fit in?

In interpreting our results, the Wallachian census of 1838 is more permissive in putting general socio-demographic theories to the test because it records relation inside the household, not just within the nuclear family.

The highlands stood out as a territory of simplicity. They confirmed the idea of marriage coinciding with household formation, but posed certain obstacles in affirming the stem-ultimogeniture pattern. A phase where two married couples (young and old) shared the same house did not seem to have existed in the studied population. The next instance we need to consider is that of only a single parent getting to reach the stage where their last-born son got to marry, inheriting the house along with caretaking responsibilities. Again, this can only be described as a rarity.

The threshold of 13.8% of households that Henri Stahl found for Nereju (comprising both married and widowed parents living with married offspring) was nowhere near reached in our samples. We could only trace aprox. 100 cases out of over 4800 houses. We restate the observation that, in the hills and mountains, most elderly persons (including single individuals) did not live as coresidents. Even where some did seem to depend upon the caretaking of a householder, it was not only in a parents-son combination. A "traditional" parent-son arrangement was the majority only in fringe segments, such as very old widows (over 70). Moreover, even in the few cases where parents and married children did share the house, the ultimogeniture rule was not always respected, since in many cases a younger brother lived in the house as well. This shows that the married son was not the youngest. The concept of *nuclear reincorporation* was used by the Cambridge Group and others to describe how all the children separated from parents at marriage, but eventually, the parent would be reunited with one of them in extreme circumstances (incapacity, very old ages, etc.).[20] This concept might just as well explain old age coresidence found in the Wallachian pattern. Hopefully, future micro-simulation models and information connecting individuals from outside the household will help clarify the validity of this theory in our case. Expanding our view beyond the transition from one generation to another, it should be noted that coresidence – as rare as it was observed – was pretty divers, comprising parents, parents-in-laws, siblings and siblings-in-law, but also servants (Chart 2).

Wallachian lowlands, because of their diversity (most likely reflected on a country level as well), should be analyzed accordingly. Micro-regions Câmpu South and Călmățui East, the most complex ones, contradict from the start the idea of marriage coinciding with the separation of young couples from parents, since only half lived independently. Again, bringing statistical detail and conceptual nuance to the table, we see that the other half disproves sociologic theory. We basically observe the same issues as with the highlands. Even though coresidence happened more often, the patterns were somehow divers, not limited to parents and sons (Chart 2). Moreover, even when the latter instances did occur, it was not always with the last born, since younger brothers were present.

To conclude for Wallachia, depending on geography (landscape), patterns of household formation and structure seem either more complex, either simpler than postulated by sociologists for their subjects since the 1930s. Otherwise said, patterns were more nuanced, to a point in

which we need to employ new concepts and models to work with. In the highlands, the rule (preference) seemed oriented to as much separation as possible, transcending kin and ultimogeniture. Only a minority of widowed persons lived with their offspring.

In the most Southern areas of our sample, closer ties manifested insofar as sharing the same house, again going beyond simple parents-last born relationship. What might have worked here is a pattern in which regardless of birth order, children remained with their parents after marriage, but only for a short while. The parents could had gone through several such phases after the last born could had remained, this time for good. The stem-ultimogeniture might apply for some lowland regions, (river Buzău – left and right bank) but was certainly not the only form of co-residence.

For Moldavia nuances are harder to pinpoint, since important information is missing. Given the similarities to the microregion Câmpu South, we can explore with the plausible hypothesis that this sample too had more nuances rather than fitting the rough consideration of Henri and Paul Stahl.

Discussions and Hypothesis

Our findings show that living patters escalated from nuclear to mixed (nuclear and complex). There was a tendency to separate, that in some regions was pushed to the limits, while in others was suppressed. Why these differences, and why cannot the sociologic paradigm fit these observations on the 19th century?

Longitudinal demography: fertility, mortality, nuptiality**.** They have been discussed as potential limitations to complex living patterns, overwriting social norms. For example, Steven Ruggles argued that coresidence of the elderly in preindustrial societies could not have been possible at a large scale because of late marriages and high mortality.[21] Other authors dismissed the importance of this factor, noting that different patterns might appear on populations with the same rates.[22] Our results affirm the need for a cautious, nuance-sensitive and case-to-case approach when accounting for this factor. Indeed, it can be presumed to have had an important role, in so far as it did not allow a large scale presence of stem-ultimogeniture households. It seems that high fertility combined with high rates of remarriages meant that at least one unmarried son would be living with the householder until his or her late stages of life. This was

especially true in the case of the Wallachian sample, where even after 50 years, at least 70%(!) of all adults lived with at least one unmarried son. This should be considered a main reason for which the ultimogeniture theory could not broadly apply. It seems that life expectancy was too low, and children too many for stem-ultimogeniture households to form and dominate the social scenery. Alternatively, there was not enough time within the life cycle of individuals for such a pattern to manifest. However it is more difficult to carry the discussion from this point on. A number of cases could still have been possible, especially among widowed parents, and they are visible especially in the lowlands, as more widowed mothers lived with their sons. It remains for future endeavors to establish more exactly the influence of the longitudinal factors, and if it can explain geographical differentiations.

Wealth. Proved a good predictor of household and houseful structure, in the sense that it corelated positively with complexity. This was the case in both samples. In subdistricts Stavnic and Codru, this showed on a multitude of indicators. To give only a few examples within the present editorial constraints, we'll start with the value (Austrian florins) of mobile wealth of households, split into four tiers: 0-5, 6-10, 11-15, over 16. The percentage of complex housefuls within each tier is as follows: 23%, 27%, 32%, and 45%. In the Wallachian sample analysis yielded similar results when looking at the number of livestock per household. This relation (wealth-complexity) appears to fit a pattern observed in many parts of preindustrial Europe, like Hungary,[23] Serbia,[24] Scandinavia,[25] Bulgaria,[26] although the situation becomes more nuanced when considering occupations other than farming.[27]

However, while they might appear as linear, these metrics could be the aggregate product of several different instances, strategies and social norms. Those having agricultural or domestic (or mixed) employees had more livestock than those without. In this case, houseful structure came as a result of needed farmhands, in turn determined by the larger amount of resources. Young householders living with coresident parents also had more livestock, which could be a result of inheriting whatever resources parents had left, as sociologists pointed out. Wealth can also be discussed from a geographical point of view, explaining why some regions had more complex household structures than others, as follows.

Ecosystems and general economy. Having the previous correlation in mind, it is no wonder that, in the case of the Wallachian sample, the geographical distribution of living patterns overlaps with one related to

the general economy. Highlands and lowlands were different in terms of the quantity of certain resources. In a rough description, the plains used more livestock for farming more land, and had more pastoral animals, while highlands excelled more in tree and vine growing (as well as in some domestic livestock, like cows). One way to interpret this dichotomy in relation to household economy is by considering labor intensity. It is obvious that more plow cattle and cultivated land required a higher amount of labor, and this could explain the higher frequency of complex living patterns in the lowlands, as the following table suggests.

indicator	mountains and hills	hills	plain - river Buzău	plain - river Călmățui	micro-region Câmpu-South
% complex housefuls	8%	9%	14%	21%	35%
% married men ages 25-29, living only w. fam.	88%	86%	81%	74%	50%
houseful size	4.4	4.2	4.4	4.9	5.1
% men with 4 oxen or more	5%	6%	19%	37%	59%
% men with no oxen	57%	52%	36%	27%	24%
pastural livestock per individual	2.7	1.9	2.1	2.5	4.3
cultivated land (ha) per house	0.7	0.8	1.7	1.9	2.1
vineyard (ha) per house	0.033	0.132	0.097	0.022	0.019
fruit trees (no.) per house	26.5	18.8	7.3	0.1	0.0

Children remained in the parental household even after marriage in order to supplement as farmhands. More servants were employed for the same reason. More of the elderly were coresidents because caretaking in a labor-intense economy was probably more needed. Also, the fact

that they had more assets to leave to next generation could've meant that more of them could exchange resources for caretaking. *Nuclear hardship,*[28] or what was hypothesized as a lighter possibility of satisfying material insurance and benefits in smaller family groups, was probably felt strongly in a more labor-intensive economy. Not only this not seemed to be the case in the hills and mountains, but the same resources could have required less labor than in the plains. For example, oxen used in the plains for plowing might have been used less so in the highlands, and more for transport. This could explain why in highland microregions the share of complex housefuls among upper-class farmers (4 oxen or more) was smaller (27-30%) than in Câmpu South (43%). Crucially, a great deal of the household resource management – tree and vine growth – did not require as much labor as land cultivation. If we accept that these implied tasks more accessible to women, children, and the elderly, than we can assume that there was a greater labor participation of individuals that were not adult males. Thus, simple patterns of living could have sufficed to a higher degree, not needing extra hands. This conclusion would generally fit the findings of anthropologists[29] (although not unchallenged[30]) relating to female labor participation, lower in *plough economies* than in *hoe eocnomies* or those based on horticulture. The impressive number of independent (household-wise) widows and widowers in mountainous Wallachia (coupled with stronger headship of women there) can be explained within this framework.

Occupation and socio-professional categories. Going beyond farming, a closer look at the Moldavian sample (which is socially more divers) reveals a strong tie between living arrangements and social status and occupation. The vast majority of former nobles lived in complex households, indicative of affordable domestic service, as well as the household acting as the economic center of the estate, hosting some of the employees. The clergy also experienced high levels of complexity, as one social category that was slightly wealthier than farmers. The lack of precise information on relationship among all coresidents means that sometimes it's hard to determine the exact nature of such patterns. For Jews, the reason is certainly related to economy, in turn influenced by status and lack of civil rights. Not having the right to own lands, most of them turned to commerce and holding taverns, which they rented from estate owners. In rural, Moldavia, taverns and their premises constituted both their workplace and their home, which they often shared with journeymen and other employees. Thus, most Jews lived in complex housefuls (Chart 3).

Laws and regulations. They were discussed in the international field as determinants of complexity: more people or families chose to live together in order to pay less taxes. Sometimes (like in Russia[31]) landlords encouraged communal living as being more beneficial for the estate. No such pressure seems to have existed in our case since the household was not used as unit of taxation or to impose obligations in general (recruitment, labors, etc). The same applies to obligations due by small land tenants to large landowners. Sometimes laws even clarified that patrilocality or neolocality had no legal effect:

The Organic Regulation of Wallachia, art. 142.XII.:

Orice sătean căsătorit carele va avea o parte sau pe deplin aceste folosuri, deși s-ar afla măcar lăcuind subt un acoperiș cu părinții săi, va fi dator a răspunde proprietarului îndatoririle ce să cuvin…

[Any married villager who shall receive these benefits[32] in part or in full, even if he dwells under the same roof as his parents, will be in debt to the land owner to fulfill the required obligations….][33]

The grand theme: land ownership. Some readers making this far into the paper might be asking: where are the small landowners - the *free peasants* / the *moșneni*? The entire sociologic talk about traditional households revolved around the ownership and transfer of land, with communal economy attached to it. The reality was that in the mid nineteenth century, a minority of the rural population owned land (as was the case with our samples). The reason we didn't prioritize this issue is that, following the statistical analysis, very few differences emerged between small landowners (*moșneni*) and small land tenants (*clăcași*). All the results we gave generally apply to both. In a separate past effort we looked at a different subdistrict, Câmpu from Romanați district.[34] The patterns there closely resembled those from Southern Buzău (high complexity), except about half the population were landowners. Again, no major differences between the population groups appeared. Overall, it seems that resources in general (not only land) shaped the structure of the household. The way in which land was used played just an important part (if not more important) than land ownership. Perhaps future analysis might reveal some peculiarities at some demographic segments, less on the population in general.

The great unknowns. So far, we've established several factors that explain or dismiss certain paradigms and theories. The interplay of others (some closely related) has so far been vague or hard to define, since the needed information is not present in our sources and a parallel research effort could not take place. We will at least tackle some hypotheses around them.

Communal economy/relations. A significant shortcoming of census-based household demography is that it does not *see* beyond the units the census agent used to group or divide individuals. Kinship, social and economic networks outside the household are invisible, so their impact on household structure might be overlooked. This is one reason for which historical demography attracted harsh criticism,[35] although demographers were aware of this issue and never claimed to solve all of the problems by merely classifying and measuring households. The general premise of household demography is that persons who lived together had close ties, and this alone is meaningful to study. As for the wider context, it should be considered as an interdisciplinary problem rather than an insurmountable defect of household demography.

In our case extra-household relations are not expressed directly in the census forms, nor documented (by us) otherwise. In ethnologic studies, it has been postulated that households from the same community engaged in joint management of resources, thus the whole village acting like a household. However, this postulation has the same problem as household structure: it is covered by very general assessments and untested hypotheses, most of the time lacking enough conceptual precision to even be tested. For the lowlands, the idea of communal economy is dismissed by our findings that clearly show individual management of resources, indicated by patters and inferred strategies such as patrilocality and employment of farmhands. For the highlands, our findings do not exclude the idea of communal life but at the same time present a counter-theory: households were simple because, if managed individually, resources were much easier to use, thus no important external assistance was required. Of course, we don't exclude that joint management might have existed on a lower level, between relatives living separately and/or between direct neighbors. This leads us to:

Proximity. Such cooperation could have been spatially translated as a cluster of houses that shared certain interests. As Romanian ethnologists[36] pointed out, children could have built their house next to their parents, or brothers next brothers. Caretaking or resource sharing might had happened

between houses situated paces away. Some inventory and facilities might have been shared, as is the case for other historical contexts.[37] Thus, people might have shared the same activities that one would typically find among co-dwellers, but not live in within the exact same confines. The fact that they slept in separate neighboring buildings might be taken as a technicality, and not constituting a definitory in trait in conceptualizing the household. If this were true on a large scale, it would still not explain why the lowlands, where houses were closely packed together, had more complex housefuls. Again, measuring such issues was momentarily beyond our grasp, though not impossible. For the final form of our thesis, we will attempt to account for the order in which individuals are listed (as proxy indicator for proximity) and for kin networks inside each village.

The discussion on other factors such as habitat characteristics, mobility and inheritance had to be excluded from the current publication.

Conclusions

Historical household demography through micro-analysis is just one way of studying households in the past. Even if the sources we used are limited, a detailed analysis did manage to provide insight into the living patterns of the sampled rural population. At the same time, it offered a much needed empirical alternative to the easy but unsafe recourse of generalizing results of sociologic inquiries done in the inter-war era. Indeed, 19th century households reflected in the census forms were significantly more nuanced then those postulated. We showed that patterns linked to entering adulthood and old age were either simpler, or more complex than those expected based on sociological literature. The tendency for generations and families to separate not only varied, but also depended on much more than wealth transmission. It also went beyond the relation between parents and children. For a better understanding of 19th century households, we clearly need to look at labor relations, environment, longitudinal demography. The manner in which people shared living space was shaped by more and divers factors, as coresidents themselves were not only parents or married children, but also in-laws, siblings, servants.

NOTES

[1]   Maria Todorova, *Balkan family structure and the European pattern: demographic development in Ottoman Bulgaria* , CEU Press, Budapest – New York, 2006, p. 137.

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[4]   See the papaers of Ion Donat and George Retegan on preserved historical censuses.

[5]   Ecaterina Negruți, *Satul moldovenesc în prima jumătate a secolului al XIX -lea: contribuții demografice*, Editura Universității AL. I. Cuza, Iași, 1984.

[6]   Dimitrie Gusti (ed.), *60 sate românești cercetate de echipele studențești. Volumul I: „Populația*, Institutul de Științe Sociale al României, București, 1941, p. 15-31.

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[12] Bogdan Mateescu, "Historical Geography of Rural House Types and Premises of Social and Economic History. Moldova, Muntenia and Oltenia, Late 18th century – Early 20th Century", in *Romanian Journal of Population Studies*, XII (2), 2018, pp. 37-76.

[13] Nuclear family = head+spouse and/or unmarried children. Example: a married son and his widow mother = 1 family and 1 single individual.

[14] Iași District Archives, fund Isprăvnicia Iași, as follows: for subdistrict Bahlui, units: 4967, 4969-4973, 5046; for Braniștea: 5013-5022, 5025-5045, 5062;

for Cârligătura: 5004, 5008-5011, 5057-5061; for Codru: 4979, 4981-4984; for Copou: 4975-4978, 5012; for Stavnic: 4958-4959, 4961-4966, 4968, 5047-5051; for Turia: 4980, 4985-5003, 5005, 5006.

[15] This is problematic because people that lived in the same house were not listed consecutively, but by fiscal category. Tax payers were recorded first (in different categories), followed by those exempted. Since the latter have no house numbers (again, with some exceptions), it is hard to reconstruct their residence.

[16] Romanian National Archives – Central Office, fund Catagrafii, as follows: for subdistrict Câmpu (Buzău): I/92 (vol I, II); for Slănic: I/95: for Râmnic: I/103.

[17] The names given to these micro-regions combine the name of rivers and of administrative units; they are purely conventional and should not be taken literally. (example: a hydronym does not imply that the whole of the basin was documented). See Map 2 for guidance.

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[27] Silvia Sovič, "Families and households of the poor: The 19th century Slovenian *gostači*", in *The History of the Family*, 10, 2005, 161-182.

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32 The land received by each villager from the land owner.

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Annexes
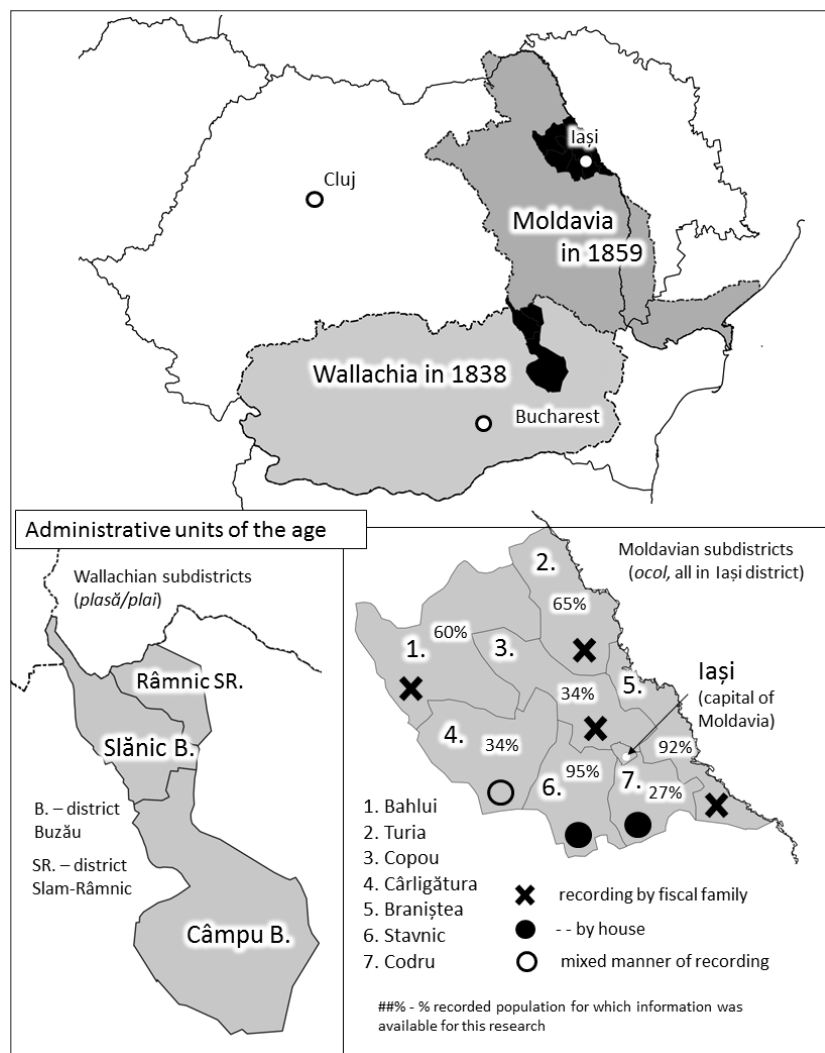
Map 1: Sampled territory.
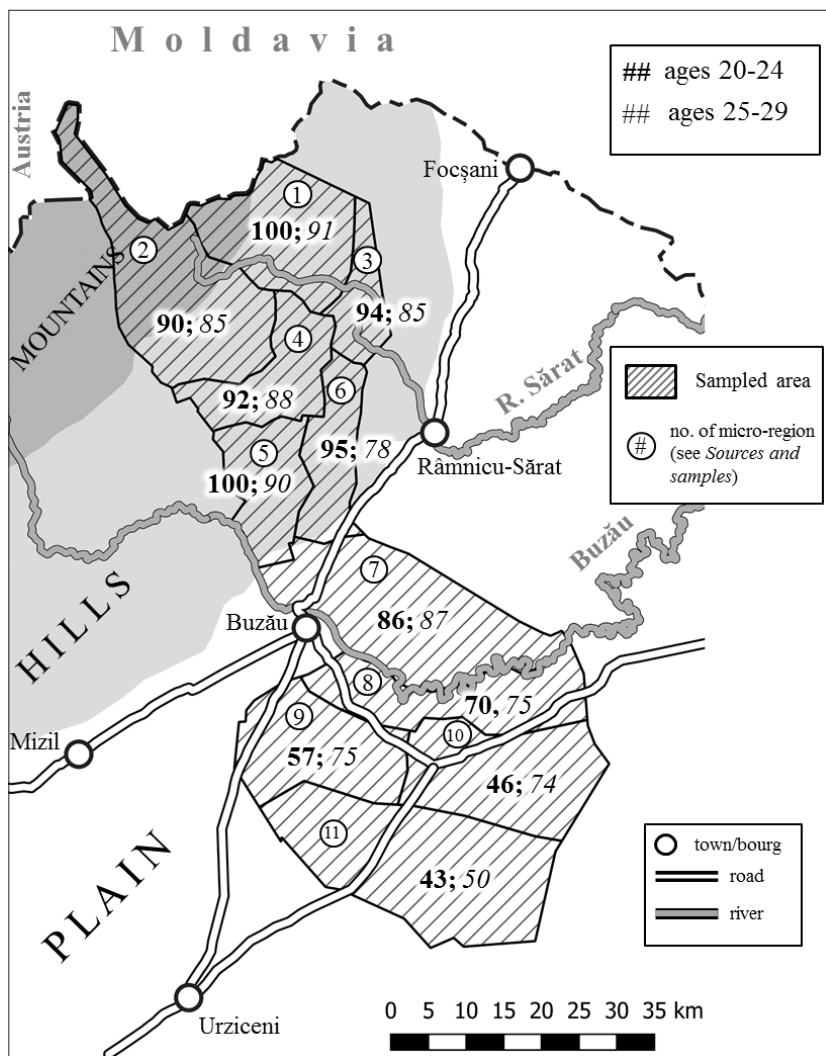
Map 2: Wallachian sample, 1838: percentage of male heads of nuclear family living only with their spouse and/or children, by age group.
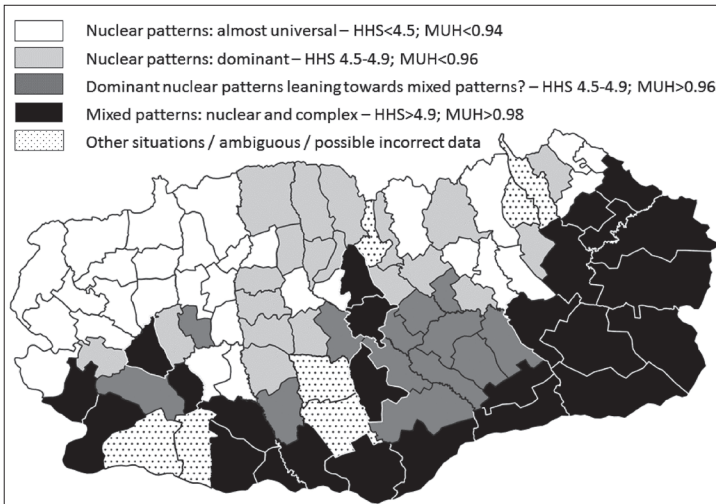
Map 3: Wallachia, 1859 census, rural population. Subdistricts by proxy indicators of household size and complexity (see section *How much can we generalize these results?*)
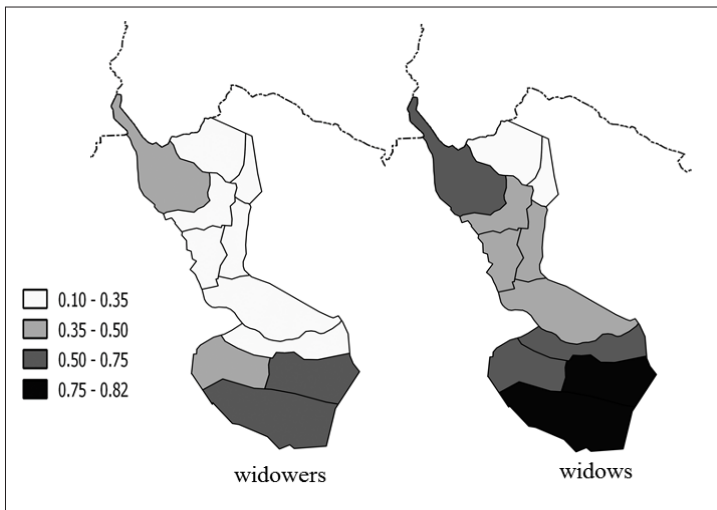
Map 4: Wallachia, sampled therritory, 1838. Micro-regions by the share of coresidents among widows and widowers of 40 years and older. Total pop. sample: 37423.
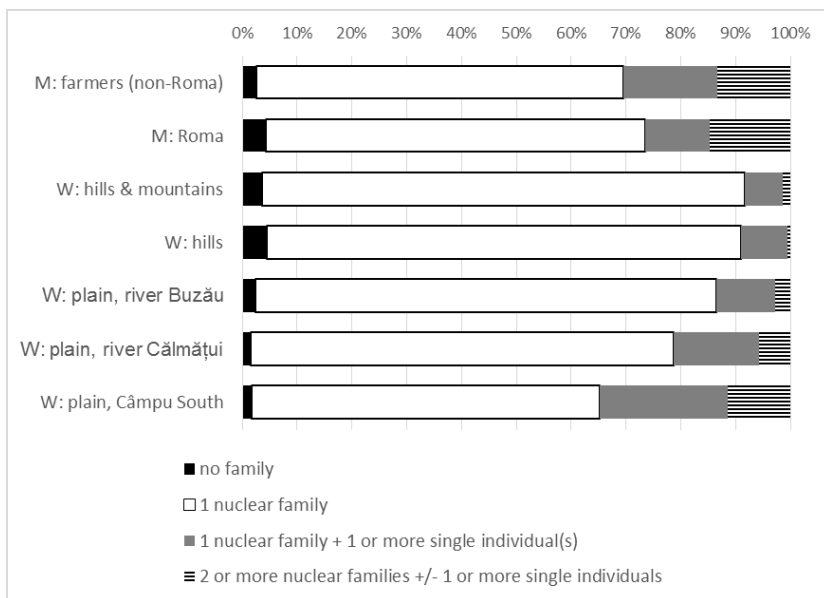
Chart 1: Moldavian (M) and Wallachian (W) subsamples by houseful structure. Tot. pop. sample: 50469 (only Moldavian subdistricts Stavnic and Codru included)
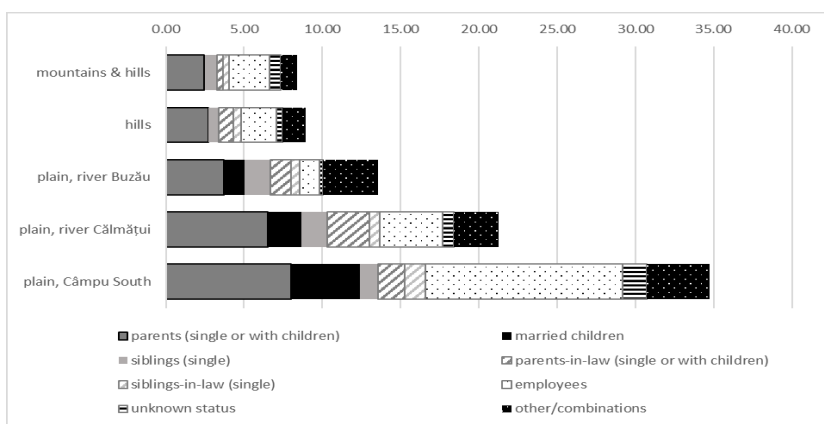
Chart 2: Wallchian subsamples: number and types of cases of coresidence (per 100 houses). Total pop. sample: 37423
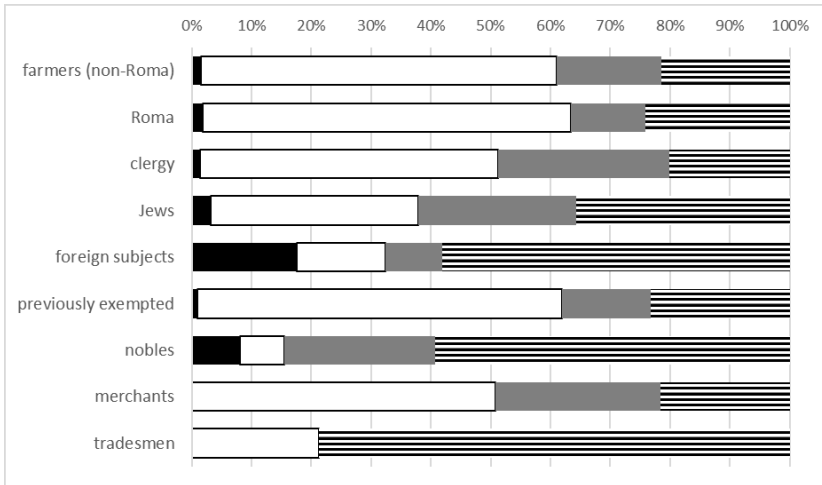
Chart 3: Moldavian subsamples: share of people living in certain types of housefuls, by population groups (for legend see Chart 2). Total pop. sample: 13046 (only from subdistricts Stavnic and Codru).
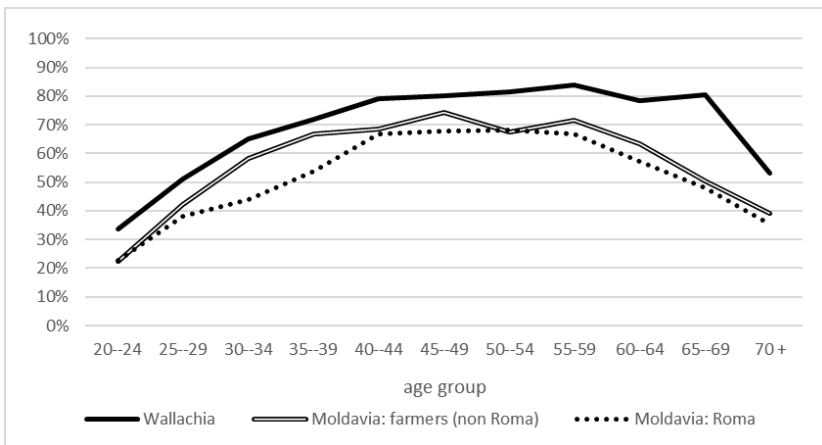
Chart 4: Wallachian sample and Moldavian subsamples: the share of married couples with at least one unmarried boy, by age group of the husband. Total pop. sample: 80647 (from all Moldavian subdistricts).
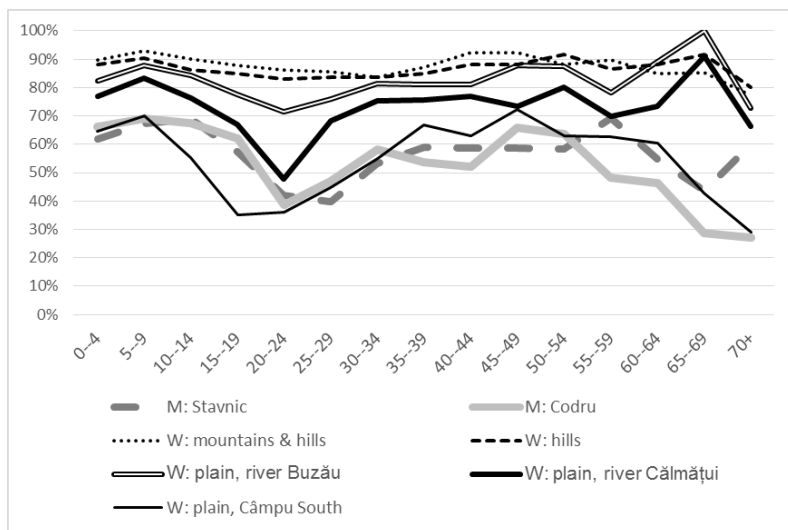
Chart 5: Moldavian (M) and Wallachian (W) subsamples: share of males living in single family housefuls, by age group
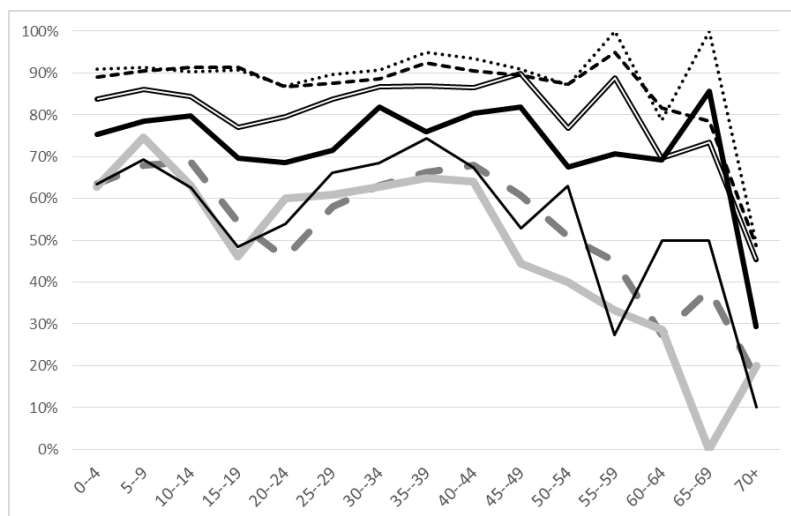
Chart 6: Moldavian (M) and Wallachian (W) subsamples: share of females living in single family housefuls, by age group (for legend see Chart 5)
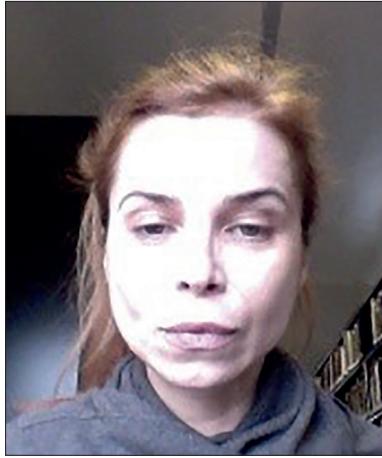
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PLANTS AS INSTRUMENTS OF KNOWLEDGE IN EARLY MODERN NATURAL PHILOSOPHY

Abstract

The study of plants in mid-seventeenth century England concentrated less on the external and internal features of plants for taxonomic purposes and more on the investigation of fundamental processes of nature such as vegetation, fermentation, germination, etc. It constituted itself into a novel discipline that opposed scholasticism by trying to identify alternatives ways of interpreting nature and it was based on a process of empirical investigation of nature that included new methods and techniques such as direct observation and experimentation, or the use of instruments and measurements. This new discipline used plants as instruments of inquiry into nature in a bottom-up methodological framework that had more to do with practices and experiments than with theoretical commitments.

Key-words: the study of plants, fundamental processes of nature, experiments, natural history, natural philosophy

The study of plants and vegetal bodies has always played an important role in the process of acquisition of natural knowledge both for theoretical and practical purposes. In the Middle Ages, the study of vegetation lacked disciplinary autonomy and was mainly an aspect of medical training, plants and their properties serving medicinal or pharmacological uses.[1] Sources for those interested in plants were generally restricted to Dioscorides' *Materia medica,* Galen's *De simplicium medicamentorum temperamentis ac facultatibus*, Pliny's *Naturalis historia*, or Theophrastus' *De causis plantarum.*[2] The late Renaissance brought a change of disciplinary approach, the late fifteenth and early sixteenth centuries witnessing an increase of theoretical interest for the study of plants. These transformations took the form of a slow transition to a botanical discipline more concerned with observations and the description of the visible features and inner

structure and nature of plants. Plant collecting, *res herbaria*, and catalogues formed an important part of the knowledge of plants that was directed at gathering information about nature and ways to classify plants.

In parallel with this enterprise, another direction of investigation concentrated on the chemical investigations into the inner principles and properties of plants. Alchemical physicians and scholars, such as Paracelsus (1493/4-1541), Joseph Du Chesne (1546-1609), Oswald Croll (1560-1608), and Daniel Sennert (1572-1637) used plants in their experimental inquiries into the sympathetic relations uniting the vegetal realm with minerals, stars, and parts of the human body. For them plants served as instruments for investigating the hidden properties of nature and as a key to unveiling the latent processes of life. From these various approaches, a "science" of plants emerged, shifting its focus from a pharmacological perspective to an epistemic and instrumental one. This new discipline provided knowledge about the visible elements, internal organization, structure and functioning of plants but also used plants as instruments of inquiry into the fundamental processes of nature (such as vegetation, fermentation, growth, maturation, and putrefaction). The aim of this paper is to trace the methodological contours of this new seventeenth-century discipline called, in actors' categories, "vegetable philosophy" (Ralph Austen), "chemical history of vegetable bodies" (Francis Bacon), or "science of vegetation" (Kenelm Digby). This discipline, at a first glance, seems to be concerned with the study of plants but its final aim is to discover the transformations taking place in natural bodies endowed with sensitive life. It is not botany, because in parallel with the study of plants, it aims at developing technologies able to produce effects for multiple kinds – plants, animals, humans. It is not agriculture, because it encompasses a transmutational perspective of the inferior into the superior which brings it closer to alchemy. It is not natural magic because of its distinct interest in methodological details. It is not natural philosophy, because it has a practical and operative side, concerned with technological advancement and amelioration. This "new science" was a complex phenomenon that did not restrict itself to collecting information about the vegetal world but was ultimately a science of life (of life generation and investigating life forms), characterized by two main features. On the one hand, it opposed scholasticism (although in many ways encompassing its principles) by trying to identify alternative ways of/frameworks for interpreting nature and, on the other hand, it was founded on a process of empirical investigation of nature that gave rise to new questions and new methods

(such as direct observation and experimentation, the use of instruments and measurements, etc.). It attracted practitioners of alchemy, natural magic, natural history, and other experimenters bound together not by a common theoretical background but rather by a shared methodology based on an instrumental approach, oriented bottom-up. Key figures are seventeenth-century naturalists (Ralph Austen, Robert Sharrock), natural philosophers (Thomas Browne, Kenelm Digby, Robert Boyle), and projectors and developers (such as John Beale and John Evelyn). These figures are rarely treated together in the scholarship and most of the time with theoretical questions in mind. Quite often the reason for treating them together was their belonging to a particular matter theory or to a particular tradition: Aristotelian vs Paracelsian. When scholars looked into methodological aspects, they classified them as Baconian in the Kuhnian sense (namely qualitative, non-paradigmatic, fact-gathering).[3] I will look at their texts as recordings of inquiries based on a remarkable amount of shared knowledge. Only that this knowledge has more to do with practices and the epistemology of experimentation than with matter-theories or the formulation of causal mechanisms or causal explanations. Therefore I am investigating a corpus of texts studied by the history of philosophy in a different framework, one offered by recent developments in history of science regarding practices and the use of experiment.[4]

The purpose of this paper is to argue that this new discipline of plants is based on some common points. The first is an instrumental role attributed to plants regarded as (al)chemical laboratories used to investigate the chemical processes taking place in the natural world. The role of experiments is to investigate plants not as specimens with different external and internal features for taxonomic purposes, but rather to treat them as instruments able to perform chemical transformations of matter and to illustrate processes of nature. Often, their starting point was an experiment, investigation, or suggestion recorded by Francis Bacon in his *Sylva Sylvarum*.[5] Therefore, even if, most of the time, disguised under practical and experimental attempts, Baconian elements of matter theory are present in the literature on plants produced in mid-seventeenth century England. The second point refers to the methodological dimension of experiments with plants. My claim is that English naturalists of the mid-seventeenth century appropriated the Baconian method of experimentation and that was the key element connecting their diverse experimental investigation with plants, in spite of their different theoretical agendas.

To prove that I will first present Francis Bacon's matter theory of plants, identifying its reception in mid-seventeenth century England. Then I will discuss the appropriation of the more general Baconian method of experimentation in mid-seventeenth century England, discussing three particular cases: Ralph Austen's *Observations upon some part of Sr Francis Bacon's Naturall History*,[6] John Evelyn's gardening literature and his projects of compiling natural histories, and one anonymous and undated letter addressed to Samuel Hartlib.

1. Francis Bacon's Matter Theory of Plants

Francis Bacon's plan for the reconstruction of philosophy (1561-1626), outlined in his work *The Advancement of Learning*,[7] starts with the classification of knowledge into three main categories: history, poesy and philosophy. In his plan, natural history is a prerequisite for natural philosophy and, based on experimentation, has to provide the general laws and axioms of nature that will constitute the material for the construction of natural philosophy.[8] He proposed two ways of inquiring: *interpretatio naturae* (a new logic of research based on the collection of natural facts and their inductive investigation) and *experientia literata* (which proposed ways of extending experimental techniques). [9]

Apart from the more programmatic interests, Bacon himself wrote natural histories, some more theoretical (such as *Historia vitae et mortis,* published in 1623) and some more practical, such as *Sylva Sylvarum.* Published posthumously in 1626, *Sylva Sylvarum* contains a significant number of observations and experiments concerning plants. For the mid-seventeenth century generation of experimentalists, the Baconian method of experimentation was a very important source of inspiration, but so was the matter theory Bacon developed and sometimes even disguised under the screen of experiments. Such is the case of *Sylva Sylvarum*, where plants (inferior instances of life, easy to manipulate and experiment with) serve as the main characters in Centuries V, VI, and VII, where Bacon, through the use of experiments, discloses some elements of his matter theory as it regards the vegetal domain. Centuries V and VI disguise elements of matter theory behind experiments devoted to a great variety of "vegetals," from trees and herbs, to moss and mushrooms, while Century VII introduces some particularities of plants: they are animate bodies, made up of tangible and pneumatic parts, and have heat, motion and perception. In what

follows, I will present some of elements of Baconian matter theory that are revealed in relation to plants.

The Baconian matter is of two types: tangible and pneumatic.[10] Tangible matter is heavy, gross and inert, while pneumatic matter is corporeal, weightless, invisible, restless, and animated by spirits. The universe has three zones: the core of the Earth (solid, passive, and filled with tangible matter); the heavens (filled with pneumatic matter); and the frontier zone, at the surface of the Earth, where minerals, plants, animals, and humans live and where pneumatic matter mixes with tangible matter. The spirits and activity of the pneumatic matter are the primary cause of the majority of observable phenomena in nature. In the Baconian matter theory, spirits are of multiple kinds. Whether they are called non-living (mortuales) or vital, innate or hidden, native or invisible, they are material, fine substances, combined from air and fire and with motion attached. Spirits are constitutive for Bacon's theory of matter and endowed with power and motion ("appetition" and "perception"). Sharing a central role in the Baconian matter theory, motions, schematisms, and appetites are the main causes of activity in nature. Critical discussion regarding the relation between the three elements is still ongoing and it is not the intention of this paper to delve into it.[11] Still, for a better understanding of the Baconian matter theory of plants, I will try to elucidate some characteristics that can distinguish between the three elements. Bacon uses "motion" as a change or a propensity for change.[12] Motions are simple and compound, the compound motions being a sum of simple motions.[13] "Schematism" has more complex meanings. First, it designates the structure of the universe as a whole and, secondly, it refers to the occult structure of matter and the subtle, invisible processes that take place in complex bodies, such as "consent" or "sympathy."[14] "Appetites" are described by Bacon as primary properties of matter that cannot be altered or erased, but can be manipulated. Appetites manifest themselves as tendencies to follow what is agreeable and to reject what is not.[15] In *Abecedarium novum naturae*, Bacon presents a scheme of four appetites with sixteen motions attached (four motions to each appetite). In the Baconian theory of matter, we find another element in close relation with appetites, namely "perception", which is "a kind of choice in receiving what is agreeable, and avoiding what is hostile and foreign."[16] What differentiates appetites from perception, although they seem to manifest similarly, is that appetites belong to matter in general, while perception is a property of bodies in

particular. To sum up, perception is a source of appetites: it generates the appetites of matter, while the appetites determine motion.

In this general scheme of matter theory, in *Sylva Sylvarum*, Century VII, Bacon encloses a discussion about plants, presenting some of their characteristics in comparison to living creatures and inanimate bodies. Plants are included in the category of animate bodies and, as all bodies, whether animate or inanimate, besides tangible elements, possess spirits and pneumatic parts.[17] The differences between animate bodies (such as plants) and inanimate bodies (such as minerals and metals) are twofold. Firstly, spirits of animate bodies "are continued with themselves, and are branched in veins and secret canals, as blood is", while spirits of inanimate bodies, by contrast, are "shut in and cut off by the tangible parts, and not previous one to another."[18] Secondly, animate bodies have their spirits kindled or inflamed in certain degrees, while spirits of inanimate bodies are not inflamed or kindled.[19] In addition to these two main differences, there are others that derive from them. Therefore, plants are figurate and determinate (due to the capacity of the spirit of plants "to spread and continue with itself"), nourish themselves, have a period of life, are succeeded by and further propagate their kind, and have parts that grow under and above ground.[20] Another distinctive element for plants in relation to inanimate bodies is the plants' capacity to generate new plants or other living creatures out of putrefaction.[21]

As for the comparison to living creatures, Bacon claims that spirits of living creatures have not only branches, but "certain cells or seats, where the principal spirits do reside, and whereunto the rest do resort."[22] Spirits of plants do not have cells or seats, and also have less flame than spirits of living creatures.[23] In addition to these two main differences, plants are also fixed to the ground, do not have local motion, nourish themselves from their roots, have their seminal parts located in their upper parts, have no precise figure, and no diversity of organs, sense, and voluntary motion.[24] Because in the Baconian matter theory plants do not possess senses, perception is the property that acts as a sense for them, enabling them to distinguish what is beneficial and to reject what is not. In the Baconian theory of matter, perception is present everywhere in the universe; it is what individuates the body.[25] All bodies have perception, even those that do not possess sensory organs (inanimate bodies and plants), and, in those bodies that have perception and senses, the former is more subtle than the later. It can work very well at touch and at a distance and it represents the major cause for interactions between bodies and a source of activity

in matter.[26] For Bacon, perception in plants offers a very good example of how the appetitive matter acts.

Although recent scholarship argued that almost no one in the mid-seventeenth century engaged with the Baconian matter theory of appetites, there are at least two examples that contradict this opinion.[27] These are the cases of Francis Glisson and Ralph Austen.[28] Inspired by Bacon, Ralph Austen's matter theory of plants claims that spirits are the entities that animate the bodies and, in an argument I consider to be of Baconian provenance, that plants have perception which acts as an appetitive property of matter. In a very interesting fashion, Ralph Austen used both Bacon's matter theory and his methodology of experimentation to frame his own projects of natural history of plants. Although perception belongs to the tradition of natural magic, what I consider to be of Baconian provenance for Austen's perspective on perception, apart from the experimental context in which it develops, is the property to activate the appetites causing motion in matter and interactions between bodies.[29] Austen used his matter theory for the same purposes as Bacon had in his projects of natural history and he also took some of its constitutive elements from Bacon, namely the theory of spirits, the relations of sympathies and antipathies, and most important, the perception of plants as an appetite of the body able to cause motion.

2. The Baconian Reception in the Hartlib Circle

Bacon's plans for his project of *Instauratio magna* and the accompanying method of experimentation were very popular in the mid-seventeenth century in a circle of correspondents spread all over Western Europe, namely the Hartlib Circle. Samuel Hartlib (c. 1600 –1662), a Polish refugee to London, was a polymath that connected via correspondence, between 1630s and 1660s, a significant number of intellectual figures of the mid seventeenth century, with interests in diverse topics such as the reformation of schools, ecclesiastical peace, or the advancement of learning. In the 1650s, the Circle's agenda came to be dominated by Baconian experimentalism, natural history and natural philosophy and Samuel Hartlib acted as a hub for scholarly communication in different fields of interest with the presumed goal of acquiring and disseminating practical and experimental knowledge. As a result, a number of Hartlibians were connected in their concerns and activities, sharing common projects

and pursuits. The case of experiments involving plants is exemplary in this sense, gardening and agricultural activities involving, most of the time, common actions. Some examples for such relations are: Gabriel Plattes and Sir Cheney Culpeper, John Beale and John Evelyn, Ralph Austen, Robert Sharrock and Robert Boyle, and, of course, Samuel Hartlib as the center of all these shared concerns.[30]

As for the reception of Baconianism in the mid-seventeenth century, there are several interpretations. Charles Webster and Hugh Trevor Roper argue that there are two types of Baconianism, one "high" and another one "low."[31] The low form is to be discovered in manifestoes and pamphlets destined to produce social change, while the high form is a methodological one, difficult to locate and varying from one author to another. Guido Giglioni criticized this division but still found Bacon to be very influential for members of the Hartlib Circle who closely followed the Baconian programme.[32] Michael Hunter claimed that the label of "Baconianism" was mainly ideological in mid-seventeenth century England and used as a weapon by the virtuosi against Thomas Hobbes.[33] This paper will argue that people connected to the Hartlib Circle took very seriously into account the task of experimentation, according attention not only to the goal of ameliorating the nature of plants, but also insisting on framing a proper method of experimentation. In doing so, they dealt with several sources and among these sources, Bacon's works are closely followed and his advice put into practice. Also interesting is the manner in which members of the Hartlib Circle read several Baconian works. Although *Sylva Sylvarum* was very popular in the Circle, other Baconian works received significant attention (such as *Novum Organum*). My claim is that the Hartlibians used *Sylva Sylvarum* as a handbook for experimental activities in the garden but when they needed structure in their attempts for finding a method, they also assumed the Baconian language and methodological divisions from the more theoretical works such as the *Advancement of Learning* and *Novum Organum.*

Therefore, in the next section of my paper I will present the case of Ralph Austen's own observations on Francis Bacon's *Sylva Sylvarum* and his particular way of appropriating both the Baconian matter theory and Bacon's method of writing experimental natural history projects. Then I will introduce the case of John Evelyn and his pursuits of compiling natural histories in the vegetal domain, focusing on the Baconian language discovered in Evelyn's late works. The last section of my paper will present the attempts of an anonymous member of the Hartlib Circle

to find an accurate method for investigating the process of vegetation. I will emphasize the Baconian elements that I have distinguished in this attempt: accurate descriptions of natural and artificial phenomena, systematical observations that led to classifications, detailed presentations of experiments with the desire to formulate causal explanations, etc.

2.1. Ralph Austen's Observations

Ralph Austen published a book entitled *Observations upon some part of Sr Francis Bacon's Naturall History, as it concernes fruit-trees, fruits, and flowers*, in 1658 and dedicated it to "To the honourable Robert Boyle Esq. sonne to the Lord Boyle of Corke". Apart from the dedication to Robert Boyle the book has a Letter addressed to the reader signed by Robert Sharrock, a churchman and botanist, known for *The History of the Propagation and Improvement of Vegetables by the Concurrence of Art and Nature* and for his association with Robert Boyle.[34] Austen's book of *Observations* had a second edition in 1665.[35]

The book presents several observations made by Ralph Austen upon Francis Bacon's experiments presented in *Sylva Sylvarum*, Centuries V, VI, and VII. The book's extensive title is *Observations upon some part of Sr Francis Bacon's Naturall History, as it concernes fruit-trees, fruits, and flowers: especially the Fifth, Sixth, and Seventh Centuries, Improving the Experiments mentioned to the best Advantage*. At a first glance, the title could suggest that this book is simply destined to produce advantage in the practical domain. But in a passage included in the Dedication to Robert Boyle Austen tells his audience that he is interested both in "Theory and Practise", showing Austen's equal interest for the two aspects of the Baconian programme. Austen sees in *Sylva Sylvarum* a list of instances that are to be continued. Bacon himself left this task to his followers. People like Austen and Sharrock were well aware that Bacon had not personally conducted all the experiments presented in *Sylva Sylvarum*, another reason why they felt encouraged to approach particular instances and correct inaccurate information.

The Learned, and incomparable Author Sr Francis Bacon hath left unto men such Rules, and helps in all kinds of Learning, that they will be much wanting to themselves, if Arts, and Sciences improve not, very much above what they have been in former ages: And as the foresaid worthy Author was eminently seen in all Arts and Sciences, so his delight was especially

(as is recorded of him) in Vegetable Philosophy, which was as it were, his darling delight, having left unto us much upon Record in his Naturall History; some part whereof referring to Fruit-trees, Fruits, and Flowers, I have, (by encouragement from himselfe) endeavoured to improve unto publique profit, according to what understanding, and experience I have therein […] I have encouragements in my labours thereabout, (both as to the Theory, and Practise) I humbly, present these following *Observations* into your hands, and am (for all your favours).[36]

In his book, Austen kept intact the order of the experiments presented by Bacon in *Sylva Sylvarum*, Centuries V, VI, and VII; he individually took the Baconian experiments and made several observations upon them. Austen not only embraced the practice of experimentation as a way to further develop Bacon's program for natural history, but he also devoted particular interest to methodological aspects. Austen assumed the task of writing natural histories expressed by Bacon in *Parasceve*,[37] that of seeking and collecting in order to construct true axioms, not just to provide immediate advantage.

The first interesting thing to be noticed is the division of experiments into experiments of fruit and of light. Not only that the same language is used, but the purpose of this division is the same both for Bacon and Austen. Experiments of light are meant to give causal explanation, to contribute to the discovery of causes, while experiments of fruit are more practical and oriented towards the production of economical outcomes. Experiments of light are complex procedures, involving measurements, weighing, while experiments of fruit are of little use for natural philosophy.

Let it be observed also, That the *Experiments* set downe by the Author in his *Naturall History*, are of *two sorts*, as himselfe saith: *Experimenta Fructifera, & Experimenta Lucifera*: *Experiments of Light, and Discovery*, (such as serve for the *illumination* of the *understanding*, for the finding our, and discovering of Naturall things in their *Causes*, and *Effects*, that so *Axioms* may be framed more soundly, and solidly) And also *Experiments of use*, and *Profit*, in the lives of men.
Now the *Observations upon these Experiments* tend also to the *same ends*.[38]

Apart from borrowing the experimental language, Austen re-conducts experiments with plants and, according to his own findings, he either endorses Bacon's theories or contradicts them and advances new ones.[39] Experiments belonging to the first category, the ones which

prove Bacon's theories and also complete them on the basis of Austen's evidence obtained through direct experimentation (re-conducting experiments, testing and conducting experiments that Austen knows Bacon never conducted himself, or simply recording facts derived from further experience), are designed to re-enhance Bacon's theories. The second category of experiments has the purpose to correct a number of experiments presented in *Sylva Sylvarum* and to advance new theories, notable being Austen's theories regarding sap and grafting, two aspects in which he contradicts Bacon.

Austen's observation on experiment 402 of *Sylva Sylvarum* is a good example belonging to the first category.[40] The discussion in this experiment regards the process of germination of seeds steeped into water mixed with several types of fertilizers. Austen, like Bacon shows interest in understanding the process of germination and uses the seeds as instruments of inquiry into this fundamental process of nature. Apart from the interrogation of what makes a seed develop into a mature plant, Austen uses Baconian methodological extensions and includes in his experiments plants that Bacon has not referred to (such as apricots and almonds). Apart from that, Austen also correlates a causal explanation for the effect produced by fertilizers upon the growing of the plant.

The second category groups observations that are meant to refute Bacon's theories and to propose new ones. In experiment 427 Bacon explains that sap descends during winter but Austen does not agree with this theory: "As for *the baring from the barke*, which is supposed to keepe sap from *descending towards Winter*; I say, the sap is as farre from *descending* when the barke is on, as when is off; theres no such thing in nature as *descention of sap* in any trees whatsoever."[41] Claiming that Bacon accepted the theory of the descending sap just because this was the general opinion on the matter, Austen advances a new theory, completely opposed to Bacon's, and he argues that sap ascends into the tree and is transformed into bark, leaves, fruits, etc.

Austen's observations upon Bacon's experiments in *Sylva Sylvarum* prove not only the systematical approach to experiment and experimentation but also his determination in respect to the methodological/theoretical dimension associated with the program of natural histories. Assuming the Baconian appetitive matter theory and using methodological elements of *experientia literata* (such as variations and extensions) Austen endorses Bacon's theories by adding new information and by making causal

explanations in accordance to Bacon's previous theories or, on the contrary, rejects Bacon's theories and advances new ones.

2.2. John Evelyn's gardening literature

My second example is John's Evelyn and his project of writing natural histories in the vegetal domain. John Evelyn, an English writer, gardener and a diarist, was educated at Balliol College, Oxford and at the Middle Temple. Evelyn travelled on the continent where he attended several meetings and came in contact with other intellectuals such as Nicolas le Fèvre, Gabriel Naudé, Pierre Gassendi, Francois de La Mothe Le Vayer, Abraham Bosse. Evelyn was a member of the group that founded the Royal Society, and also a member of The Mechanical Committee and the Society's Georgical or Agricultural Committee, instituted in 1664.

Evelyn's attempts in the field of natural history start at the beginning of the 1650s, when, partially inspired by the atmosphere around Samuel Hartlib and other members of the Hartlib Circle, he decided to start a project of an all-encompassing History of Trades.[42] However, Evelyn's activities in the 1650s and early 1660s are not such a strong proof that can connect him and his endeavours to Francis Bacon and his method of experimentation. Michael Hunter claims that it was the French tradition that influenced Evelyn in this stage rather than Bacon.[43] I would say that the Baconian atmosphere of the Hartlib Circle affected him to a degree but the Baconian influence is largely felt in his writings on gardens and trees (such as *Sylva* and *Elysium*) rather than in the project of the history of trades. In the 1650s, Evelyn commenced another interesting project, *Elysium Britannicum*, which began as a history of the trade of gardening but Evelyn became so captivated by the complexities of this subject that he continued working on it for several years and ultimately never published it.[44] In an interesting manner, *Elysium* shares a combination of experimental and speculative approaches. For instance, interpretations of the Genesis and theories on elements and celestial influences (present mostly in the first Book) are combined with chapters on the great diversity of species that can be grown from various combinations of soil types and amounts of water. Apart from this project of natural history of the trade of gardening, Evelyn also compiled a natural history of forest trees, *Sylva*. *Sylva* was pretty popular; it had several editions (1664, 1670, 1679, 1706).[45] The book contains several chapters, half of them dedicated to specific types of forest trees (from oaks and elms, to myrtle and acacia). There are also

chapters dedicated to certain activities regarding the cultivation of trees (such as pruning or curing trees infirmities). The exposition ends with encouragements for further experimental activities related to the subject under discussion. This might be interpreted as Evelyn's own reading of the advice given by Bacon in the *Parasceve or Preparative to a Natural History* in regard to the compilation of the History of Arts.[46] Similarities between the uses that Bacon attributes to natural history and Evelyn's are easy to identify. Therefore, the task of encouraging further inquiry is a condition that is present in both authors. The demand to accurately describe the experiment so it can be of use for other people is something that is mentioned by both authors. Also, for Bacon as well as for Evelyn it is of utmost importance to intersperse old and new observations and to inquire into received opinions. But even more evident is the methodological language that Evelyn engages with. He claims that the truth of nature is to be accessed by "induction," which is able to direct the experiment and the experimenter to the general rules of nature. The role of experiments, Evelyn says is that, by "induction," to access the truth and to formulate general rules regarding the natural world. The experiments, according to Evelyn, whether of fruit or light, record information accessible by senses and induction will select from a wide range only those experiments able to advance the establishment of "Axioms, General Rules and Maximes".[47]

They are not hasty in *concluding* from a *single*, or *incompetent* number of *Experiments*, to pronounce the *Ecstatic Heureca*, and offer *Hecatombs*; but, after the most diligent *Scrutiny*, and by degrees, and wary *Inductions honestly* and *faithfully* made, to *record* the *Truth*, and event of *Tryals*, and transmit them to *Posterity*. They resort not immediately to *general Propositions*, upon every *specious appearance*; but stay for *Light*, and Information from *Particulars*, and make Report *de Facto*, and as *Sense* informs them. They reject no *Sect* of *Philosophers*, no *Mechanic* Helps, *except* no *Persons* of Men; but chearfully embracing *all*, cull out of *all*, and alone *retain* what abides the *Test*; that from a plentiful and well furnish'd *Magazine* of true *Experiments*, they may in time advance to solemn and established *Axiomes*, *General Rules* and *Maximes*; and a *Structure* may indeed lift up its head, such as may stand the shock of *Time*, and render a solid accompt of the *Phænomena*, and *Effects* of *Nature*, the *Aspectable Works of God*, and their *Combinations*; so as by *Causes* and *Effects*, *certain* and *useful* Consequences may be deduced.[48]

Evelyn moved from the narrative natural history of the *Elysium*, inferior in Bacon's eyes to the superior and "the proper preparative for the founding of philosophy" that is to be discovered in the last two editions of *Sylva* published throughout his life (1679 and 1706).[49] In *Sylva* Evelyn's intention was to put together a Baconian methodologically-framed project of natural history. From a collection of experiments, using the method of induction, Evelyn tries to select information about nature that will constitute the basis for general rules and axioms.

If in the 1650s and in the early 1660s Evelyn concentrated on compiling projects of natural history focused on commonplacing and collecting facts about nature, in the years after his association with the Royal Society his interest shifted, paying more attention to methodological aspects. If his efforts in the 1650s and early 1660s cannot connect him to the Baconian type of natural history, his natural history of forest trees shows a more sophisticated Evelyn, an experimentalist that wished to reveal the general rules and axioms of nature in a inductive, Baconian fashion.

2.3. A Method for a perfect Inquiry upon the whole subject of vegetation

The third source I propose to discuss is an anonymous, undated letter addressed to Samuel Hartlib.[50] In this letter the author proposes a method for "a perfect Inquiry upon the whole subject of vegetation". Although not mentioned, the letter's real purpose is to present a project of natural history for the study of vegetation, divided into three major parts: "The Physicall part and of the Inquiry about Vegetation," "The Oeconomicall part," and "the Medicinall and Anatomicall part." The first part ("the Physicall"), is the more consistent one and it presents the method proposed by the anonymous writer for the study of vegetation. The first step of the method requires the systematical collection of all the phenomena the author can remember from his observations on vegetation. Besides the natural phenomena, the author proposes to collect the artificial phenomena that can improve or alter plants (in respect to their colour, taste, figure, time of ripening, time of germination, etc.). Another thing that is worthy of mention is that all these observations and phenomena are meant to form "the substrata … which being laid" will help to settle "what Principles we should thinke meete to assert in Nature to be the true causes of vegetation." When talking about the causes of vegetation, the anonymous writer questions other previous theories such as Aristotelianism, Paracelsianism,

Cartesianism, magnetic attraction, favouring a more empirical method, based on accurate observations and experimentation.

> Or whether without all these, by a plaine, direct, Analyticall Consideration & Examination of all & every particular body, concurring to Vegetation.[51]

The application of this analytical method should reveal the main causes of vegetation and the factors that can influence it: the seed, water ("the prime Materiall cause"), salt, earth, and warmth. Also, apart from the principal causes of vegetation one has to consider: "air (both simply and attended with the Accidents of Lightning, Thunder, Meteors, Blasting), dews (and how they differ from rain), the Operations & influence of the Sun, the Influence & operation of the Moone, and the Operations & Influence of the other Coelestial bodyes."[52]

Inquiring and studying all these causes can help the user of the method to improve his knowledge regarding what is in the power of man and what is not and what art and industry can do to improve the condition of plants. Out of this general knowledge, further inquiry will be encouraged and more experiments will be able both to advance knowledge of the true causes of things and to derive material advantage.[53] Apart from these, another Baconian feature is the desire to use all the knowledge coming from experiments to advance "Generall Aphorismes or Conclusions in Nature."[54]

"The Oeconomicall" part is subdivided into four divisions, mainly having to do with the material advancement that experiments can yield. "The Medicinall and Anatomicall" part remains undeveloped in this letter, but the author announces his intention to distribute it into several classes and to connect it with the historical description of vegetables (for the fulfilment of the project of natural history).

Interesting for this letter is that it considers the Baconian project for writing natural histories in a different fashion than other members of the Hartlib Circle (such as Austen and Evelyn) had done. If Austen assumed the task of writing a systematic natural history and Evelyn moved from the narrative type to the superior type of natural history, this letter proposes a different perspective. It starts with the superior type of natural history, the preparative for natural philosophy, emphasizing the need for method and systematization, leaving to second place the material advancement entailed by experimentation. The real purpose of a natural history is the finding of a method that can provide conclusions and general axioms. This method

proposes the systematic study of all the factors that can generate and affect vegetation and to move from particular observations and experiments to general rules and axioms. Likewise, this anonymous and undated letter presents a project of natural history that exhibits elements of Baconian provenance: division and subdivision, a method based on accurate description of natural and artificial phenomena, systematic observation and classification, a desire to move from particular observations to causes and to formulate general aphorisms and conclusions.

In this section I have tried to show that, although, naturalists associated with the Hartlib Circle mixed several traditions in their experimental attempts and projects of compiling natural histories, still, the Baconian influence can be discovered as a bond connecting their efforts. Also, in terms of the sources used, these naturalists did not restrict their interests to just one Baconian work. Although *Sylva Sylvarum* was a very influential book for the first and the second generation of Baconians, in their search for method, the Hartlibians also appealed to other more theoretical Baconian works such as *Parasceve, Descriptio globi intelectualis, De augmentis scientiarum, Historia naturalis et experimentalis.*

3. Conclusion

This paper suggests that the study of plants in mid-seventeenth century England became a discipline whose unity was given by the system of practices described in Bacon's project of natural and experimental history. Experimenters of mid-seventeenth century England treated plants as instruments of inquiry into the fundamental processes of nature such as vegetation, fermentation, germination and this instrumental approach allowed them to study these processes in the inner laboratory of plants. Apart from the use of plants as instruments of knowledge, the other common element was the interest in method. English naturalists of the mid-seventeenth century appropriated the Baconian method of experimentation and they used elements of the Baconian *literate experience* (*experientia literata*) such as extension, variation in a particular experimental scenario, that allowed them to go from particulars to formulating the general rules and axioms of nature. The study of plants in mid-seventeenth century England was a practice-based discipline that connected people with different theoretical commitments but with the same experimental and methodological interests.

NOTES

[1]   Meier Reeds, K., *Botany in Medieval and Renaissance Universities*, Garland, New York and London, 1991, 3. For a general treatment of plants in the Middle Ages, see Paravicini Bagliani, A., *Le monde végétal. Médecine, botanique, symbolique*, Edizioni Del Galluzzo, Florence, 2009.

[2]   Bellorini, C., *The World of Plants in Renaissance Tuscany: Medicine and Botany*, Routledge, New York, 2016; Laroche, R., *Medical Authority and Englishwomen's Herbal Texts, 1550-1650*, Ashgate, Farnham, 2009.

[3]   Khun, T., *The Copernican Revolution. Planetary Astronomy in the Development of Western Thought*, Harvard University Press, Cambridge Mass., 229-278.

[4]   Chang, H., "Beyond Case-Studies: History as Philosophy" in *Reintegrating History and Philosophy of Science*, ed. Seymour Mauskopf and Tad Schmaltz, Boston Studies in the Philosophy of Science 263, Springer, Dordrecht, 2011, 109-124; Soler, L., Lynch, M., Zwart, S.D. and Israel-Jost, V., "Epistemic activities and systems of practice: Units of analysis in philosophy of science after the practice turn," in *Science after the practice turn in the philosophy, history, and social studies of science*, ed. Soler, L., Lynch, M., Zwart, S.D. and Israel-Jost, V., Routledge, New York and London, 2014, 75-87.

[5]   Bacon, F., S*ylva Sylvarum*, William Lee, London, 1626. All the references in this paper are to the 19th century edition, *The Works of Francis Bacon, Baron of Verulam Viscount of St. Alban, and Lord High Chancellor of England*, ed. Spedding, J., Elis, R.L., and Heath, D.D., 14 vols., London, 1857-1874 (facsimile reprint Stuttgart-Bad Cannstatt 1961-1963) (hereafter SEH).

[6]   Ralph Austen, *Observations upon some part of S[r] Francis Bacon's Naturall History as it concerns, Fruit-trees, Fruits, and Flowers*, Hall for T. Robinson, Oxford, 1658.

[7]   The book was published in English in 1605 and it was followed by an enlarged edition in Latin, *De Augmentis Scientiarum*, in 1623. In 1640 Gilbert Wats published in Oxford a translation of the *De augmentis scientiarum*, called *Of the advancement and proficience of learning; or, The partitions of sciences, IX bookes. Written in Latin by the most eminent, illustrious Lord Francis Bacon. Interpreted by Gilbert Wats*).

[8]   Bacon, F., *Translation of De Augmentis*, SEH IV, 292; 298-299.

[9]   Bacon, F., *Translation of De Augmentis*, SEH IV, 413.

[10] Bacon, F., *Novum Organum*, in *Oxford Francis Bacon XI*, ed. Rees, G. and Wakley, M., Oxford University Press, Oxford, 2004, aph 40, 346-359 (hereafter OFB); Also, *Sylva Sylvarum*, exp. 842, SEH II, 616; Rees, G., "Francis Bacon's Semi-Paracelsian Cosmology," in *Ambix* 22/2 (1975), 81-101 and Rees, G., "Francis Bacon's Semi-Paracelsian Cosmology and the Great Instauration," in *Ambix* 22/3 (1975),163-173.

[11]   Rees, G., "Bacon's Philosophy: some new sources with special references to *Abecedarium novum naturae*," in *Francis Bacon. Terminologia e fortuna nel XVII secolo*, ed. Fattori, M., Edizione Laterza Roma, 1984, 223-244; Manzo, S., *Entre el atomismo y la alquimia: la teoría de la materia en Francis Bacon*, Editorial Biblos, Buneos Aires, 2006; Doina Cristina Rusu, "From Natural History to Natural Magic: Francis Bacon's *Sylva sylvarum*," PhD thesis, Nijmegen, 2014.

[12]   Rees, G., "Bacon's Philosophy," 239-40.

[13]   For simple motions see Bacon, F., *Novum Organum*, OFB XI, 382-417; *De augmentis scientiarum* III, chap. IV, SEH IV, 356-57; *Abecedarium novum naturae*, in *Oxford Francis Bacon XIII*, ed. Rees, G., Oxford University Press, Oxford, 2000, 190-203 (hereafter OFB XIII). For compound motions see Bacon, F., *Abecedarium novum naturae*, OFB XIII, 202-211.

[14]   Rees gives three meanings to "schematism": "the structure of the universe as a whole"; the "subtle, invisible events which take place in complex bodies"; and finally, the "axiological antitheses, the contrasted pairs of simple natures." Rees, G., "Bacon's Philosophy," 239-40. Manzo has argued for only two meanings: the structure of the universe and the occult structure of the particles of matter and the processes of their imperceptible motions, identifying the latter with the "appetites." Manzo, S., *Entre el atomismo*, 69.

[15]   Giglioni argues that natural motions result from the basic appetites of matter, the difference between the two being that appetites manifest as tendencies, while motions are "propensities through which bodies are able to feel and discriminate." See Giglioni, G., "Mastering the Appetites of Matter: Francis Bacon's *Sylva Sylvarum*," in *The Body as Object and Instrument of Knowledge: Embodiment Empiricism in Early Modern Science*, ed. Wolfe, C.T., and Gal, O., Studies in History and Philosophy of Science, 25 (2010), 149-67, 153.

[16]   Bacon, F., *De augmentis scientiarum* IV, chap. III, SEH IV, 402.

[17]   Rees claims that vegetables, in the Baconian matter theory, are inanimate objects and possess vital spirits. Rees, G., "Bacon's Speculative Philosophy", in *The Cambridge Companion to Bacon*, ed. Peltonen, M., Cambridge University Press, Cambridge, 1996, 121–45. In my reading, plants are presented by Bacon in Century VII of *Sylva Sylvarum* as animate objects, with spirits continued and branched, apart from living creatures that, in addition to that, have their spirits enriched with cells or seats, where the spirits resides. Bacon uses the examples of intermediaries (between minerals, metals and plants, such as corals and vitriol, and between plants and animals, such as oysters) to emphasize the idea that the difference between animate and inanimate depends on the "continuity" of the spirits and on their capacity of organization. See Bacon, F., *Sylva Sylvarum*, exp. 603-604, SEH II, 529 and exp. 609, SEH II, 531.For the relation between spirits and tangible parts

of a body see Bacon, *Sylva Sylvarum*, exp. 98, SEH II, 380-2. Also *Historia densi et rari*, OFB XIII, 68-9, 136-7.

18 Bacon, F., *Sylva Sylvarum*, exp. 601, SEH II, 528.

19 Bacon, F., *Sylva Sylvarum*, exp. 601, SEH II, 528.

20 In opposition, inanimate bodies do not have a certain figure or a period of life, they do not have alimentation, but accretion and do not propagate themselves. Bacon, F., *Sylva Sylvarum*, exp. 602, SEH II, 528-9. See also exp. 603, SEH II, 529.

21 Bacon, F., *Sylva Sylvarum*, exp. 605, SEH II, 529.

22 Bacon, F., *Sylva Sylvarum*, exp. 601, SEH II, 528.

23 Bacon, F., *Sylva Sylvarum*, exp. 607, SEH II, 530.

24 By contrast, living creatures have local motion and are not fixed to the ground, they nourish from their upper parts (the mouth, especially), have their seminal parts located bellow, their figure is more exact, their organs are more diverse, have senses and voluntary motion. See Bacon, F., *Sylva Sylvarum*, exp. 607, SEH II, 530.

25 For a large discussion on the theory of appetites see Giglioni, G., "Mastering the Appetites of Matter".

26 See Bacon, F., *Sylva Sylvarum,* introduction to exp. 801, SEH II, 602-03. Also *De augmentis scientiarum* IV, chap. III, SEH IV, 402.

27 Giglioni, G., "How Bacon became Baconian," in *The Mechanization of Natural Philosophy*, ed. Garber, D., and Roux, S., Springer, Dordrecht, 2013, 27-54, on 44. Graham Rees argued that Francis Bacon's semi-Paracelsian cosmology had not been appropriated in the decades following Bacon's death. See Rees, G., "The Fate of Bacon's Cosmology in the Seventeenth Century," in *Ambix* 24/1(1977), 27-38; "Introduction" to Francis Bacon Philosophical Studies c. 1611-c. 1619, xxxvi-lxix, in *Oxford Francis Bacon VI*, ed. Rees, G., Oxford University Press, Oxford, 1996. Peter Anstey claims that, apart from Francis Glisson, Bacon's speculative philosophy and matter theory, including the theory of appetites and motions, had no followers. See Anstey, P., "D'Alembert, the 'Preliminary Discourse' and experimental philosophy," in *Intellectual History Review*, 24/4, 2014, 495-516: 504.

28 For Glisson see Giglioni, G., *The Genesis of Francis Glisson's Philosophy of Life*, PhD dissertation, Johns Hopkins University, 2002. For Austen see Matei, O., "Appetitive Matter and Perception in Ralph Austen's Projects of Natural History of Plants," in *Early Science and Medicine* 23/5-6, 2018, 530-549.

29 Austen, R., *A Dialogue, or Familiar Discours, and conference betweene the Husbandman, and Fruit-trees; in his Nurseries, Orchards, and Gardens, etc.*, Printed by Henn:Hall for Thomas Bowman, Oxford, 167[6], 7-8, 10, 37, 65. See also Matei, O., "Appetitive Matter and Perception."

30 For more evidence on collaboration and shared experiments in the mid seventeenth century see Jalobeanu, D. and Matei, O., *Treating plants as (al)*

chemical laboratories: a chemical natural history of vegetation in seventeenth century England, forthcoming.

[31] Webster, C., *The Great Instauration*, Duckworth, London, 1975; "The Origins of the Royal Society," in *British Journal for the History of Science* 6 (1976): 106-28.; Webster, C., ed. *Samuel Hartlib and the Advancement of Learning*, Cambridge University Press, Cambridge,1970; Trevor-Roper, H. R., *Religion,the Reformation and social change and other essays*, Macmillan, London, 1967; Trevor-Roper, H. R., *The crisis of the seventeenth century : Religion, the Reformation, and social change*, Liberty Fund, Indianapolis, 1999.

[32] For a criticism of this division see Giglioni, G., "How Bacon Became Baconian." See also Jalobeanu, D., *The Art of Experimental Natural History: Francis Bacon in Context*, Zeta Books, Bucharest, 2015.

[33] Hunter, M., *Science and Society in Restoration England*, Cambridge University Press, Cambridge, 1981; Hunter M. and Wood, P. B.," Towards Solomon's House: Rival Strategies for reforming the Early Royal Society," in *History of Science*, 24/63, 1986, 49-97.

[34] Sharrock, R., *The History of the Propagation and Improvement of Vegetables by the Concurrence of Art and Nature*, Printed by A. Lichfield, Oxford, 1660. For the relation between Sharrock and Boyle see Webster, C., "Water as the Ultimate Principle of Nature: The Background to Boyle's Sceptical Chymist," in *Ambix*, 13/2, 1966, 96-107.

[35] Ralph, A., *A Treatise of Fruit-Trees…Whereunto is annexed Observations upon Sr F. Bacon's Natural History…The third impression, revised, with additions, etc.*, William Hall for Amos Curteyne, Oxford, 1665.

[36] Austen, R., *Observations*, Dedication To the honourable Robert Boyle Esq. sonne to the Lord Boyle of Corke, A2.

[37] Bacon, *Novum Organum*, OFB XI, 455-473.

[38] Austen, R., *Observations*, To the Reader, A3.

[39] For a complex discussion see Matei, O., "Reconstructing *Sylva Sylvarum*. Ralph Austen's *Observations* and the Use of Experiment," in *Journal of Early Modern Studies*, 6, 2017, 91-115.

[40] See Bacon, *Sylva Sylvarum*, SEH II, 475-476 and Austen, *Observations*, 2-3.

[41] See Bacon, F., *Sylva Sylvarum*, SEH II, 482 and Austen, R., *Observations*, 8-9.

[42] See Hartlib, S., *Ephemerides* 1653 Part 3, [May-2 September], 28/2/62B-72A, on 28/2/66B-67A and *Ephemerides*, 1655 Part 4, [13 August-31 December], 29/5/43A-58A, on 29/5/54A, available at https://www.dhi.ac.uk/hartlib/ (hereafter HP).

[43] Hunter, M., "John Evelyn in the 1650s: A Virtuoso in Quest of a Role," in *John Evelyn's "Elysium Britannicum" and European gardening*, ed. O'Malley, T. and Wolschke Bulmahn, J., Dumbarton Oaks colloquium on the history

of landscape architecture, XVII, Dumbarton Oaks Research Library and Collection, Washington DC, 1998; 79-106.

44   The book has a contemporary edition by John Ingram, Philadelphia University Press, Pennsylvania, 2001.

45   Evelyn, J., *Sylva, Or a Discourse of Forest-Trees, and the Propagation of Timber*, Jo. Martyn, London,1664). The book had three more later editions: 1670, 1679, 1706.

46   Bacon, F., *Novum Organum*, OFB XI, 465-473.

47   Bacon, F., *Novum Organum*, OFB XI, 17, 339.

48   Evelyn, J., *Sylva*, 1706, xci.

49   For a more complex interpretation of Evelyn's distinct types of natural history see Matei, O., *Merchants of light and lamps: John Evelyn's transition from natural history to the foundation of natural philosophy*, forthcoming.

50   Copy Letter in Hand H, ? To Hartlib, Undated, HP 8/22/1A-4B.

51   Copy Letter in Hand H, ? To Hartlib, Undated, HP 8/22/2B.

52   Copy Letter in Hand H, ? To Hartlib, Undated, HP 8/22/2B-3A.

53   For a similar position in Bacon see Bacon, F., *Novum Organum*, OFB XI, 465-473.

54   Copy Letter in Hand H, ? To Hartlib, Undated, HP 8/22/3A. For Bacon see Bacon, F., *Novum Organum*, OFB XI, 48-49.

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THE BRITISH CONNECTION: JEWS AND JUDAISM IN THE ANGLICAN-ROMANIAN ORTHODOX INTERFAITH RELATIONS

Abstract

On 19 August 1937, the Romanian daily newspaper *Curentul* published a virulent anti-Semitic statement of Miron Cristea, the patriarch of the Orthodox Church. Cristea claimed to have spoken those words to a delegation of British Jews during his 1936 visit to the United Kingdom. The visit was the culmination of a decade of intense interfaith relations between the Anglican and the Romanian Orthodox Churches. This article explores the context and content of the visit. It also examines the reactions of the Anglican Church to Miron Cristea's anti-Semitism and its effect on the bilateral relations between the two Churches.

Key words: Anti-Semitism, ecumenism, church-state relations, Jewish-Christian relations

In August 1937 Romanian daily newspapers published the Romanian Orthodox patriarch's virulent anti-Semitic attack. Miron Cristea's words were some of the harshest ever spoken by a public figure against Jews, whom he described as "parasites" who "suck the bone marrow of the Romanian people."[1] He asked for Jews to be expelled from the country and for a policy of Romanianization of workforce to be gradually implemented. Excerpts from this declaration were published by several historians, such as Leon Volovici[2] and Zigu Ornea[3] who assumed, as I did for a long time, that, since the patriarch's anti-Semitic statement was published in the summer of 1937, it was made that year in Romania. In fact the declaration, published first by *Curentul* on 19 August 1937, and then by almost all Romanian press, was a series of statements which the patriarch alleged to have made a year earlier during his visit to the United Kingdom.

During the interwar period the Anglican Church promoted a consistent interfaith dialogue with the Romanian Orthodox Church, which for various reasons escaped serious historiographical inquiry until now. It is mentioned sometimes in Romanian and British works looking at the history of the two Churches, but there is no comprehensive analysis of the dialogue itself. Moreover, unfortunately none of these writings is dealing with the way in which the Jewish question impacted the Anglican-Romanian Orthodox interfaith dialogue. Bela Vago[4] and William Oldson[5] mention this briefly when they describe the personality of Miron Cristea and the way in which his anti-Semitism was received in British and Anglican circles. Lucian Leuștean[6] and Gabriel Manea[7] look at the relations between the two Churches after the Second World War. And although they passingly mention the pre-war bilateral encounters, the focus is on the equally fascinating topic of how the communist regime used the Orthodox Church to close ties with Western Europe via relations with the Anglicans. The Archbishop of Canterbury came to Romania for the first time in 1965, and Patriarch Justinian went to London in 1966, the second such visit of a Romanian Orthodox patriarch after that of Miron Cristea (1936). The Romanian Orthodox Church even published a propaganda book on the bilateral relations in 1976.[8] In 1956 Sever Buzan wrote a short article on this topic under the supervision of Liviu Stan.[9] Entitled "The Relations between the Anglican and the Romanian Orthodox Churches," the piece offers some chronological details about the ecumenical encounters, but it is very biased in presenting the superiority of the Romanian Orthodox Church.

The Anglican-Romanian Orthodox dialogue is mentioned briefly in general books on the history of the Anglican Church written by authors such as Adrian Hastings,[10] E.R. Norman,[11] or Alan Wilkinson.[12] A more detailed examination of these relations is done by Hugh Wybrew[13] in a 1988 article and by Bryn Geffert in his 2003 and 2010 books.[14] The space dedicated to this topic in Geffert's first book is scarce, but in the second it is examined more closely. The subject is however analyzed from an Anglican theological point of view, with little attention to the history of bilateral encounters per se. Wybrew's article, on the other hand, although missing some important milestones, offers the best examination to date of the history of the interwar Anglican-Romanian Orthodox relations. The relations are also examined tangentially in the book by Lorelei Fuchs on Ecumenical Ecclesiology,[15] while the matter of Orthodox recognition

of Anglican orders is explored in volume 5 of *The Oxford History of Anglicanism*, edited by William L. Sachs.[16]

This article has two parts. The first part examines the chronology and the motives of the Anglican-Romanian Orthodox interfaith dialogue. It answers questions such as: when did this dialogue start? What was the reason behind it? How did it develop and what were some of the most important events that shaped it? Did it lead to any theological compromises between the two Churches? In the second part the article looks at how the Jewish question appears in these interfaith relations. The fact that in 1937 Patriarch Miron Cristea claimed that his anti-Semitic declarations were made a year earlier when he visited the UK at the invitation of the Anglican Church led to a series of questions that were at the basis of the NEC project: to whom did the patriarch tell those anti-Semitic words? How did he meet those Jewish officials? Was the Anglican Church aware of this meeting and of Miron Cristea's anti-Semitism? How did they react after these declarations and how were the interfaith relations affected by this incident?

1. The Anglican-Romanian Orthodox interfaith relations: a chronology

1.1. The small beginnings

The newly released *Oxford History of Anglicanism* (2018) places the start of the modern Anglican-Eastern Orthodox relations at the beginning of the seventeenth century, with the contacts between Cyril Loukaris, successively Patriarch of Alexandria (1601-1620) and then Patriarch of Constantinople (1620-1638) and George Abbot, Archbishop of Canterbury (1611-1633). These relations led to the opening of various Orthodox churches in the UK or British controlled territories. At the end of the nineteenth century the tensions between the Anglican and the Catholic Church worsened and dashed hopes of an Anglican-Catholic union when the papal bull Apostolicae Curae was issued in 1896. The bull declared Anglican orders null and void.[17] This led to even closer links between Anglican and Orthodox Churches, as they shared a common mistrust of the Catholics, and the mutual recognition of Anglican and Orthodox orders was one of the most debated topics during the interwar period. The issue was not a simple matter, as favorable statements made by a Church

at a specific moment were hotly contested by other Orthodox Churches, this leading to a fragmented and, often, inefficient result. Things got even more difficult as in almost all cases Orthodox Churches linked the issue of orders to the larger topic of sacraments; hence discussions became more complex and complicated. This, as we shall see, was also the case with the Anglican-Romanian Orthodox dialogue.

In 1914, the Eastern Church Association, founded in 1864, merged with the Anglican and Eastern Orthodox Churches Union to form the Anglican and Eastern Churches Association. One of the leading figures of the association during the interwar period was Revd. Canon J. A. Douglas, who would be very much involved in the Anglican-Romanian Orthodox dialogue. He travelled to Bucharest several times, including for the 1935 conference, and defended Miron Cristea when accusations of anti-Semitism emerged. In a 1954 Memorandum addressed to the Ecumenical Patriarch Meletios II, Canon J.A. Douglas, reflecting on the beginnings of the Anglican-Orthodox dialogue, claimed that he started approaching Orthodox Churches before World War I.[18] In 1920 the Ecumenical Patriarchate had been invited to send a delegation to the Lambeth Conference. According to Hugh Wybrew, members of the Ecumenical Patriarchate delegation "met the Conference's Committee on Unity, and the Archbishop of Canterbury's Council on Eastern Churches. A wide range of topics was discussed. The issues the Anglicans were most anxious to pursue were intercommunion and the recognition of Anglican orders."[19]

The 1920 meeting led to a common declaration signed over the coming years by more than 2000 Orthodox and Anglican clergy.[20] Statements recognizing the Anglican orders were issued by the Churches of Constantinople (1922), Jerusalem (1923), and Cyprus (1923). Later, Churches of Alexandria (1930), Romania (1936), and Greece (1939) issued favorable statements. However, Ecumenical Patriarch Meletios IV's 1922 move to sign the common Declaration of Faith was not seen favorably by other Orthodox Churches who resented the close links with the Anglicans. In fact Meletios was replaced in 1923, largely due to this issue. The move was seen with criticism by high ranking members of the Anglican clergy too. In 1922 *Church Times*, the most important British weekly religious newspaper, hosted several heated exchanges of letters between those supporting relations with Eastern Orthodox Churches, and those opposing them.[21] It seems that there was no representative of the Romanian Orthodox Church at the 1920 Lambeth Conference; the Church

was not a patriarchate at the time yet. But according to a document found in the Lambeth Palace archive, the Anglican Church sent the Declaration to the Romanian Orthodox Church via the Romanian legation in London in May 1922, including a Romanian translation.[22]

In 1925, with the elevation to the rank of patriarchate, Miron Cristea, who became the first patriarch of the Romanian Orthodox Church, made concrete steps for closer links with the Anglican Church. Documents in the Lambeth Palace archive show that Cristea might have visited the UK in 1925. The uncertainty about this visit is underlined by the contradiction of several documents. Some records show that he was expected to attend the Nikaean 16th Centenary Celebrations, organized that year in June-July in London. Moreover, he was invited on 27 June by Riley Athelstan, chairman of the Anglican and Eastern Churches Association, to attend the special dinner in honor of the delegates at the Holborn Restaurant on 7 July.[23] While this document would strongly suggest the patriarch's presence in London at the end of June-beginning of July 1925, in other documents, especially those dealing with the celebrations themselves, his name is missing.[24]

In November 1925 Miron Cristea spoke openly to the Bishop of Gibraltar about his desire for collaboration with the Anglican Church. According to the Anglican bishop, Cristea proposed him, during his visit to Bucharest, "for a party of English theologians to come to Neamţu (i.e. monastery) for two or three weeks in September." [25] This might be, although unintentionally, the first step leading to the 1935 conference in Bucharest. The 1926 proposed meeting between Romanian Orthodox and Anglican theologians was postponed several times, a possible sign of the Romanians' hesitancies. However, a February 1928 handwritten letter of C.J. Harley Walker to Canon Douglas explained that during a meeting with the Romanian patriarch,

> [He] made it abundantly clear that they take a friendly interest in our Church affairs, and that they welcome closer contact between Anglicans and Orthodox. I can assure you on the basis of these interviews that the two projects of a Roumanian-Anglican conference of theologians and of a group of Roumanian theological students in England have not been abandoned but only postponed.[26]

A year earlier, on 21 February 1927, the Romanian patriarch sent a letter to Carleton Jones, Secretary of the Third Anglican-Catholic Congress. The

letter, in English, expressed the joy for the upcoming Eucharist Congress in London and praised the Anglican Church for its "broad friendship and sympathy with our Holy Orthodox Church." It underlined the hope that the Congress will serve not only to deepen the faith of the Anglican Church in itself, but "will also strengthen its friendly relations with the Old Eastern Church."[27]

1.2. From the 1930 Lambeth Conference to the 1935 Conference in Bucharest

In Anglican circles there was a perception that the Romanian Orthodox Church was the most populous, and hence the most important, Orthodox Church in the world, as the Russian Orthodox Church was under soviet control and less able to join ecumenical dialogue. After the elevation to the rank of patriarchate and the openness shown by Patriarch Miron Cristea, the Anglican-Romanian Orthodox relations grew closer before and during the 1930 Lambeth Conference. In 1929 the Anglican Church sent a succession of three letters introducing Canon Wigram to Romanian Orthodox officials. The last one was sent directly to Patriarch Cristea, but the first two were mailed to Archimandrite Iulius Scriban and Professor Gheorghe Ispir, both professors at the Orthodox Faculty of Theology in Bucharest. They would later be very much involved in the dialogue between the two Churches. The letters were introducing Canon Wigram, a distinguished Orientalist, who was on the staff of the Bishop of Gibraltar and travelled to Romania that year.[28]

Despite this, the Romanian presence at the 1930 Lambeth Conference was minimal. In a handwritten note of the various Orthodox delegations it is not even mentioned.[29] Before the conference, the Romanian Orthodox officials asked for a formal invitation to attend the event. The letter asking for the invitation explained that, in the Romanians' view, the delegates should be voted for by the Holy Synod and not sent directly by the patriarch.[30] The Archbishop of Canterbury sent a letter of invitation, but in the folders looked at there was only a draft, probably written in December 1929.[31] In the end the Romanian delegation was led by Metropolitan Nectarie of Bucovina and had several meetings with a special sub-committee of the Conference, chaired by Bishop Headlam, and dealing with interfaith relations.[32]

The 1930 Lambeth Conference furthered discussions about the mutual recognition of orders and brought forward topics that had been

debated during the 1920s such as the possibility of inter-communion, mutual recognition of marriage and other sacraments, revision of Anglican Prayer Book. However, there were open discussions to go even further. In a short article published in *The Christian East* in spring 1929, Archbishop Germanos, Metropolitan of Thyatira, spoke about the "Progress towards the Re-Union of the Orthodox and Anglican Churches."[33] In 1930, apart from the Lambeth Conference, an Inter-Orthodox Committee representing all the Churches except that of Russia, gathered to prepare the agenda for an Orthodox Synod. The delegates included on the agenda an item on the relations between the Orthodox and other Christians. The Anglican Church was seen as one of the closest to Orthodoxy.[34]

A letter of the Holy Synod of the Romanian Orthodox Church from October 1930 expressed willingness to participate in bilateral dialogue, including openness to facilitate and participate in joint conferences that would lead to progress on these topics.[35] However, the progress was slow. In 1931 the two Churches tried to put into practice the Lambeth Conference's most important recommendation, namely the creation of a Joint Doctrinal Commission "to consider the questions needing resolution before the two Churches could come closer together." However, as Hugh Wybrew notes, "the Orthodox were more cautious than they had been the previous year at the Lambeth Conference, when the willingness of the Orthodox delegation to recognize the ministrations of Anglican clergy to Orthodox believers under certain circumstances provoked a good deal of criticism in some Orthodox circles."[36] The documents consulted both in Anglican and in Romanian archives show the growing frustration of the Anglicans, over the coming years, with the lack of Romanian Orthodox commitment. Although the correspondence continued, especially with Bishop Tit Simedrea, who became after the 1930 Lambeth Conference one of the main participants in the bilateral dialogue, nothing concrete was happening.

Hoping to revitalize the interfaith relations and to succeed in putting into practice at least some of the discussed and promised initiatives, in 1934 the Archbishop of Canterbury invited Patriarch Miron Cristea to make an official visit to the United Kingdom. Initially the patriarch agreed, and the plans for the visit went into great detail, including who would be part of the Romanian delegation, the program of the visit, and the meetings with various religious and political figures.[37] Few weeks before the visit, Miron Cristea postponed due to health problems.[38] Initially the invitation was renewed for the summer of 1935. The patriarch confirmed the visit in

March 1935,[39] only to be postponed, due to Cristea's poor health, at the last minute less than two weeks before its start.[40] In the end the visit took place in June-July 1936. These postponements, although some of them might have been indeed caused by health issues, were also generated by the hesitancies of the Romanian Orthodox Church and of the patriarch about the bilateral relations with the Anglican Church.

These hesitancies are seen also in the arrangements for the 1935 conference in Bucharest. I initially had access to the documents found in several archives in Romania. Those documents suggested an almost un-gentlemanly push from the Anglican Church for the organization of the conference. In several letters sent to Tit Simedrea, the Anglicans were almost auto-inviting themselves to Bucharest and forcing the organization of a conference.[41] It is clear not only that the initiative was coming almost exclusively from them, but that they were pushing in a diplomatic way for whom should be invited as representatives of neighboring Churches. Reading these documents one had the impression that, frustrated with almost five years of stale negotiations, the British representatives felt that only by forcing their way any progress could be made.

When I had access to the documents in the Lambeth Palace archive this image was somehow diminished, in the sense that the idea of a conference in Bucharest circulated throughout 1934, especially in exchanges of letter between Canon Douglas and Bishop Tit Simedrea. On 5 August 1934, Simedrea confirmed that the Romanian patriarch agreed for an Anglican delegation to visit Bucharest after the Easter of 1935.[42] There are also documents showing that in 1934 Miron Cristea finally appointed a commission to examine the Anglican orders.[43] However, the impressions that the Anglicans were much keener on organizing this event are unchanged. Moreover, there seems to be a split between those such as Bishop Tit Simedrea or Father Florin Gâldău, who were in direct contact with Anglican hierarchy, and most senior Orthodox officials who were hesitant or reluctant to make any commitments. Or, when commitments were made, they were postponed and delayed.

1.3. The 1935 Bucharest Conference and its aftermath

Finally, on 31 May 1935 a delegation of Anglican officials and theologians arrived in Bucharest. They were led by Nugent Hicks, the Bishop of Lincoln. Other members of the delegation included the Archbishop of Dublin, the Bishops of Gibraltar and Fulham, as well as

Reverend Dr. A.J. MacDonald, and Canons J.A. Douglas, J.H. Sharp, and Philip Usher.[44]

Hugh Wybrew offers an excellent analysis of the theological steps undertaken during the Bucharest conference (1-8 June 1935); hence I will not insist too much on it here.[45] More details can also be found in the 1938 booklet published by the Biblical Institute Publishing House of the Romanian Orthodox Church.[46] Suffice to mention that the conference dealt with topics as diverse as the Anglican Prayer Book and the Holy Eucharist, the Holy Scripture and the Holy Tradition, the "Divine Mysteries" and the Holy Sacraments. A Report was issued summarizing all these important discussions, which was to be voted for and approved by the Holy Synods of both Churches.[47] It is worth noting that some of the aspects discussed in 1935 would continue to be important on the Anglican-Orthodox agenda for decades to come, several issues raised then finding more favorable decisions in the workings of the 1973-1976 Anglican-Orthodox Joint Doctrinal Discussions.

The ratification of the 1935 Report was stalling in the Holy Synod of the Romanian Orthodox Church during 1935. The Anglican Church and the Romanian political authorities feared a last minute change of heart and asked the patriarch personally, via diplomatic channels, to intervene.[48] The intervention of the Romanian Ministry of Foreign Affairs to Miron Cristea is telling about the way in which the Orthodox Church was serving the political agenda of the Romanian state at the time.[49] At the beginning of 1936, with the patriarch's visit to the UK already on the horizon and in impossibility of another postponement after the previous two, the Holy Synod agreed and voted the Report.

The situation was even worse in the UK. Several groups inside the Anglican Church were contesting the links with the Orthodox Churches in general and with the Romanian Orthodox Church in particular. Some saw the Report as a humiliation for the Anglican Church which, in their view, was accepting anything in exchange for recognition. Often these conflicting opinions were discussed openly in lay and religious press. After Miron Cristea's 1936 visit, those opposing the ratification of the Report used the topic of his anti-Semitism to discredit the links with the Romanian Orthodox Church, but more details about this in the next section. In January 1937 the Anglican Church finally agreed and ratified the Report.[50] Nonetheless, the ratification came in a different climate. Miron Cristea became more reluctant to maintain the dialogue open as he was upset that members of the Anglican Church were accusing the patriarch

and the Romanian Orthodox Church of chauvinism, anti-Semitism, and disregard for minority Churches. At the same time, the anti-Semitism of the patriarch and his policies against Evangelicals in Romania made few (not all) members of the Anglican leadership more reluctant to be involved in interfaith dialogue with Bucharest.

2. The Jewish Question in the Anglican-Romanian Orthodox interfaith relations

All these details about the Anglican-Romanian Orthodox interfaith dialogue have a twofold importance. On the one hand, they have somehow escaped, with very few exceptions, the scrutiny of historiography. On the other hand, even more importantly, this dialogue happened at the same time as the Romanian Orthodox Church and its patriarch were hardening their discourse against Jews and other minorities. This hardening, which fomented for many years at the grassroots and among members of the Holy Synod, exploded with virulence in 1937, culminating in Patriarch Miron Cristea's August statement.

2.1. The 1936 visit to the UK. To whom did Patriarch Miron Cristea tell those anti-Semitic words?

The patriarch's 1936 visit to the UK was seen as the culmination of more than a decade of efforts to foster relations between the Anglican and the Romanian Orthodox Churches. It was greatly praised in Romanian lay and religious press. Newspapers such as *Universul*, *Curentul* and others had regular reports, while religious journals such as *Apostolul* commented on the visit in very glorious terms.[51] The patriarch was received with great pomp not only by Anglican religious leaders (he met the Archbishop of Canterbury and other influential Anglican bishops), but by political figures too. On 3 July he had an audience with King Edward VIII.[52]

In August 1937, in the article published in *Curentul*, the patriarch claimed to have made those statements during the 1936 visit to the UK. In order to understand the importance of both the 1936 and 1937 moments, it is crucial to see the 1937 allegations and then to put them face to face with the 1936 facts as they appear in available documentation. The patriarch's 1937 declaration appeared under the title "The Palestinian Issue: The Opinion of His Holiness Patriarch Dr. Miron Cristea." *Curentul* claimed to

have run a review on the Palestinian issue, and in this context the editors asked the leader of the Romanian Orthodox Church for his opinion, mostly on the issue of expulsing Jews to Palestine. And Cristea's answer was that he already discussed the topic a year earlier during a meeting with Jewish leaders in the UK. Actually the first subtitle of the article is: "The Discussion between the Patriarch of Romania and the Delegation of the Jewish World Alliance." The article alleged that the patriarch met in 1936 a Jewish delegation comprised of "Chief Rabi of London, dr. Beck and two other individuals (i.e. inși in Romanian), probably members of the Jewish World Alliance." It also claimed that the 1936 meeting in London was generated by the conspiracy of the Romanian Jews who wanted to present the patriarch and the Church in a bad light and to highjack the Anglican-Romanian Orthodox relations.[53] After these explanatory paragraphs about the context, the 1937 article in *Curentul* presents the main ideas of what the patriarch allegedly told the chief rabbi of London. They are split under five major subtitles: "Romania seized (acaparată) by Jews"; "Our existence as Romanians in danger" with the subtitle "The Duty of the Romanians"; "Jews claim impermissible rights"; "It is enough land in the world for Jews too"; and "How should the Gospel Truth about loving your neighbor be understood". These subtitles themselves are suggestive of the anti-Semitism promoted by the patriarch.

Documents from various archives show in great detail the steps of the 1936 visit. They show, for example, information about who went to the UK with the patriarch, official meetings and lunches/diners, schemes of some diner tables which described who sat next to whom, who talked with the patriarch, the schedule of his visit not only day by day, but more or less hour by hour. All these documents were essential in the quest to understand when and where was the meeting with the Jewish leaders. Unfortunately, they, including the official program, fail to mention any such encounter. It must be stressed that in 1936 almost nobody talked about Cristea's meeting with British Jews; nobody, except for a small note in *Universul* and a brief mention in a report by Iuliu Scriban, one of the members of the delegation. The note in *Universul* describes summarily the patriarch's successful visit, and then, briefly adds: "The Chief Rabbi of London presented to the Romanian Patriarch the homage of the Jews from the Capital."[54] The fact that the note appears in *Universul*, one of the newspapers that in 1937 will entirely twist the story and present it in very dark tones, is even more important. For *Universul*, in 1936, the meeting between the Romanian Orthodox patriarch and the British chief

rabbi was not at all a source of tension, the meeting being presented in a very positive light.

Iuliu Scriban, who offers more details, confirms this cordial nature of the meeting. Immediately after the visit to the UK he published a short report in the *Biserica Ortodoxă Română*, which is the main journal of the Church.[55] However, he does not mention the meeting with the chief rabbi there. He does that in a serial about the visit published in a small newspaper called *Epoca*. As in the case of *Universul*, Scriban describes the meeting in positive tones. He mentions that it was arranged at the request of the Anglican hierarchy, aspect confirmed by other documents that will be examined immediately, but does not offer any insight into what was discussed. Regarding the reason behind the encounter, he says: "It was in our country the time when newspapers were burned on the streets (uliță). These [news] were making an impact outside. The Great Rabbi of London wished (a dorit) to talk with the Patriarch." At the end of his brief mention, Scriban says: "I heard the Patriarch saying that he would have liked to meet Dr. Gaster, the professor former rabbi in our country, who wrote beautifully about our literature. However, he was not able to meet him."[56] There is no mention at all about heated exchanges during the meeting, or that accusations of anti-Semitism shadowed Miron Cristea's visit. In fact all the documents consulted show that this was not a topic during the visit, and appeared only few weeks later. The fact that Iulius Scriban, in this early account, mentions the desire of the patriarch to see Moses Gaster, a respected UK scholar of Jewish origin who was expelled from Romania in 1885, could be an indication that the meeting with the chief rabbi of London was friendly and not as tense as portrayed later in 1937.

Iulius Scriban and *Universul*, the two Romanian sources that commented in 1936 on the meeting, said nothing about the identity of the Jewish leaders who talked with the patriarch. The claims about their identity, made in *Curentul* in 1937, are contradicted by documents found in Anglican archives. First, it should be mentioned that during the patriarch's 1936 visit, Lord Vere Ponsonby, the 9th Earl of Bessborough who was in close relations with members of the Anglican hierarchy, asked if the Archbishop of Canterbury himself could talk with the patriarch about anti-Semitism in Romania. The Lord of Bessborough had been from 1931 to 1935 the British governor of Canada and Winston Churchill was a relative of the family, but it is not clear yet why he was interested in 1936 about anti-Semitism in Romania. He is not making any direct accusation

against the patriarch, but the idea is lurking that the Orthodox Church is involved in Romanian anti-Semitism. There were few exchanges of letters where various Anglican leaders explained why they did not discuss the topic with the patriarch, and on 4 July 1936, the Bishop of Lincoln replied to Lord Bessborough saying that: "I understand that the Chief Rabbi and a representative of the Board of Deputies of British Jews is going to have an opportunity to meet the Patriarch before he leaves England at the beginning of next week."[57]

A 13 July 1936 document of the Board of Deputies of British Jews clarifies that the meeting was arranged by Dr. Don, the chaplain of the Archbishop of Canterbury, and by members of the Romanian Orthodox delegation. Those who met Miron Cristea were "The Chief Rabbi Mr. L.G. Montefiore" and the secretary of the Board of Deputies, whose name is unclear.[58] Miron Cristea did not meet any Dr. Beck, or representatives of the Jewish World Alliance, as the patriarch/*Curentul* claimed in 1937. He met the chief rabbi of London and the secretary of the Board of Deputies of British Jews. Actually the way in which the identity of the people he met is reported in 1937 is symptomatic for Miron Cristea: disregard for the other and gross negligence on the accuracy of the information provided. He and journals of the Romanian Orthodox Church would do that constantly when referring to Jews and/or the Jewish community in the coming months and years.

2.2. Anglican awareness of Patriarch Miron Cristea's anti-Semitism prior and immediately after the 1936 visit to the UK

There was no doubt that Miron Cristea was a strong nationalist. His nationalism dates back to the pre-First World War period, when he was the Bishop of Caransebeș. After the Great Union his ecclesiastical and political prestige increased dramatically. He became the first patriarch when the Romanian Orthodox Church was elevated to the rank of patriarchate in 1925. This ecclesiastical ascension was doubled by his political role. In 1927 he became one of the three members of the regency after the death of King Ferdinand. The available documentation suggests that during the 1920s his nationalism was not outspokenly anti-Semitic. This seems to be the case even for the first part of the 1930s. A change of tone can be observed after 1934, when he developed a close friendship with Stelian Popescu, the owner of *Universul*.[59] This seems to be the time when the patriarch's nationalism became more and more virulently anti-Semitic.

Still, probably because he was aware of how this would affect his international relations, Cristea did not have major outbursts against Jews until August 1937. He spoke more openly, after 1934, against foreigners, whom he considered a threat to the existence of the Romanian people. Romanian audiences knew that he was referring to Jews, but those in the Anglican hierarchy who wanted to keep the ecumenical dialogue open brushed those references aside.

This brushing aside is, in retrospect, problematic on many levels. The patriarch's language against foreigners became more virulent as the visit to the UK got closer. In June 1936, only days before the visit, he spoke to a meeting of the Antirevisionist League about the enemies within, those who were not ethnic Romanians, whom he portrayed as a Trojan horse. He praised Romanian hospitality, but he warned that this has been too often exploited by those who see it as a sign of weakness. In the thunderous applauses of the audience he proclaimed: "In all the important posts, which the country must have from top to bottom, we need chiseled men, men who have Romanian blood. Otherwise every day our vital interests, the life and the future, will be in danger and our destruction will be near."[60] He closed the speech with the slogan "Rise the flag of Romanianism!" His speech and the slogan at the end were in tone with the Romania for Romanians program advocated by various nationalist movements/parties, and was preparing the ground for the Romaninization process.

Despite these clear signals that the patriarch was going down a clear path of extreme nationalism, the Anglican Church preferred to remain silent and to continue the interfaith relations. This is even more troubling as other sides of Cristea's nationalism were also known. His anti-Hungarianism had been noted since the 1920s. Already in 1923 members of the Hungarian Parliament wrote open letters to Anglican officials expressing bewilderment at the Anglican Church's move to foster interfaith relations with the Romanian Orthodox Church.[61] Still, these questions were bypassed for the sake of ecumenism. Documents researched in various archives in Romania and the UK show that before the 1936 visit there was almost no debate in Anglican circles about the possible anti-Semitic tendencies of the patriarch and of the Romanian Orthodox Church. During the visit itself, several British/Jewish individuals raised the problem of anti-Semitism. However, those discussions were more about anti-Semitism in general and less about accusations against the Romanian Orthodox Church or the patriarch. That changed soon after the patriarch's visit, when several groups inside the Anglican Church, most of

them Evangelicals who opposed the dialogue with the Orthodox Church, brought the issue more and more in the open. According to documents in the Lambeth Palace archive, the issue was first raised by a letter sent on 4 September 1936 to *The Recorder* by Prebendary (i.e. a canon of a cathedral or a collegiate church) H.W. Hinde, who was quoting the concerns of the Anglican Church Assembly Missionary Council. The question, as he (and the Assembly) put it, was:

> The Jew the world over is watching to see what the Churches think and do on this race question: on the one hand he sees the Church in Rumania encouraging anti-Semitic movements […] Certainly let us seek to draw the Churches closer together; but, even if there had not been this appalling misrepresentation of Church of England doctrine, is this the moment to assert the supposed closer relationship with a Church which encourages anti-Semitic movements?[62]

Worried about the way in which this public scandal might affect not only bilateral relations, but ecumenical relations of the Anglican Church with other Orthodox Churches, Nugent Hicks, the Bishop of Lincoln, and Canon Douglas chose to deny any allegations of anti-Semitism. Several exchanges of letters between the two, sent in the wake of the publication of the article in *The Recorder*, reveal their deceitful plan to divert the negative attention by pretending that the Assembly's concern was not mentioning specifically the Romanian Orthodox Church, but the Christian Churches in Romania in general.[63]

A letter of the Bishop of Lincoln to the Bishop of Guildford from 24 September 1936 already discusses implicit accusations of anti-Semitism against Patriarch Miron Cristea. The Bishop of Lincoln, who acknowledges that he is relying in his conclusions on Father Gâldău's information, defends Romanian Orthodox anti-Semitism on the following ground:

> The trouble, of course, is the phase of Romanian patriotism (which is likely to come over any Romanian these days) which makes them feel that they cannot be good Romanians without being unkind to the Jews; and that is why it would undoubtedly be easy to pick out individuals who feel like this. But it would be no more fair to attack the Orthodox Church of Roumania, as a body, for what they do or say, than it would be to attack the Church of England, for what members of the Church of England do, or say, in their capacity as British citizens.[64]

While some in the Anglican hierarchy were ready to go as far as to excuse even the clearest signs of anti-Semitism, the Romanian Orthodox Church found yet another motive to cool its interest in bilateral relations. A confidential letter from the Bishop of Gibraltar to Canon Douglas describes the discussion the first had with the Romanian Orthodox patriarch during their 24 October 1936 meeting in Bucharest. It starts:

> His Beatitude expressed his apprehension lest there were a growing body of opinion in England, - indeed even within the Anglican Church itself – that the Orthodox Church of Roumania was pursuing a deliberate Anti-Semitic Policy against the Jews in this country. His Beatitude wished to take this opportunity of denying these allegations, and at the same time explain what was the true attitude of his Church, and how this confusion of thought arose.

In his explanation the patriarch blamed the "misunderstanding" on the fact that the Church was fighting an open war against communism and "in Roumania approximately 96% of the Communists had been found to be Jews. Thus it arose, that what to the outside world appeared to be Anti-Semitism in the Orthodox Church, in reality was Anti-Communism." However, the patriarch did not shy away from giving vent to a lot of other conspiracy theories which showed his already growing extreme anti-Semitism. He claimed for example that, since Romanians are poets, "not naturally adapted for business", Jews had taken over the Romanian economy. He claimed that only 3% of the population in the center of Bucharest was Romanian, the rest were Jews. "The Roumanian people therefore felt that the Liberty, which had won after a thousand years of subjection, was once again being taken from them; that they were being sold into a new form of slavery."

During the discussion Miron Cristea brought two main arguments that the Church was not anti-Semitic: the fact that in Romania there were plenty of synagogues, and that many Jews were accepted for baptism in the Orthodox Church. These were, of course, very thin arguments. However, the Bishop of Gibraltar seemed to be oblivious to the problematic nature of the patriarch's statements. He ends his letter as follows:

> This brought His Beatitude to speak of the whole system of corruption, which characterized the public life of the country. The Jews made no effort to hide this fact. They were in a sense cynically proud of the power

of the purse. […] It was this rottenness of the public life, together with the ever-present fear of Communism, which had determined the attitude of the Church towards the Jewish People.[65]

2.3. Anglican reactions to Miron Cristea's 1937 anti-Semitic declaration

As pointed out earlier, in 1936 nobody talked about the alleged heated exchanges between the patriarch and the delegation of British Jews. On the contrary, the meeting was presented as friendly and for a year nobody talked about it. In 1937, in a clear desire to boost his political role, the patriarch twisted the story and presented himself as a great defender of Romanianism, as someone who was not afraid to confront the Jews and tell them off even in the UK. The reasons why in August 1937 Miron Cristea decided to be more outspoken against Jews could also have to do with what he perceived as the unacceptable attitude of some parts of the Anglican hierarchy. In October 1936 the Romanian Orthodox patriarch expressed his disappointment that British lay and religious press was accusing him of anti-Semitism. At the same time the Anglican Church was delaying the ratification of the 1935 Report of the Conference in Bucharest. Cristea probably saw that as a nuisance since the Orthodox Church already ratified the document in March 1936. The Anglican Church finally ratified the document in January 1937, but even after that many Anglicans were very critical against the links between the two Churches.

Documents brought forward by Bela Vago show that the British embassy in Bucharest, which was increasingly aware of the patriarch's anti-Jewish stance, was informing constantly British political and religious authorities of this aspect.[66] In the second part of 1936 and 1937 information about this reached the Anglican Church via two major sources: the British representatives in Bucharest, whose opinion was that the Romanian Orthodox Church and the patriarch were becoming more openly anti-Semitic, and reports of the Orthodox clergy involved in the interfaith dialogue, which were downplaying the subject. Prominent members of the Anglican Association for Eastern Churches, such as the Bishop of Lincoln or Canon J.A. Douglas asked Father Gâldău several times to provide his opinion on these allegations. Gâldău was kept in high regard by his Anglican counterparts, because of his education in English language settings and his involvement in the bilateral dialogue. He, however, presented only the favorable image, which the Bishop of

Lincoln or Canon Douglas preferred to believe despite worrying reports from the British embassy.[67]

In September 1937 news about the patriarch's August declarations were reported in British press. Moreover, on 9 September 1937 Rev. Victor Sheaburn, sent a letter on the situation in Romania to an unknown recipient (probably Canon Douglas). He writes:

> My dear Father, […] I mentioned to you over the phone some time back that the Patriarch had come out strongly anti-Semite. What happened was this. The newspaper 'Curentul' put out a questionnaire to leading people as to the partition of Palestine. The Patriarch made it the text of a grand diatribe. I will try and get hold of the Chapter and Verse of this. Of course it was taken up by other papers (nationalist variety), and his praises were sung.[68]

Although Rev. Sheaburn does not offer any details and does not comment on the allegations, it is important to note that already at the beginning of September 1937 members of the Anglican hierarchy involved in bilateral dialogue with the Romanian Orthodox Church knew and failed to condemn in any way the patriarch's anti-Semitic outburst. This is even more puzzling in a context in which religious press around the world was commenting his declaration in very strong words.[69]

Nugent Hicks, the Bishop of Lincoln, and Canon J.A. Douglas carried on with their defense of Miron Cristea, trying probably to save as much as possible from the bilateral relations. Their already problematic excuses of anti-Semitism went to new levels. At the beginning of February 1938 *The Guardian* (i.e. the Anglican Church journal, not the daily lay newspaper) printed Canon Douglas's letter asking for proofs of the Romanian patriarch's anti-Semitism, less than six months since the August 1937 statements. Some in the Anglican Church reacted to this letter, calling Douglas blind, and an exchange of replies was hosted by *The Guardian* on this theme until April 1938. Canon Douglas, as the Bishop of Lincoln (see above), internalized some of the patriarch's anti-Semitism, their views becoming highly problematic.[70]

Conclusion

By the end of 1937 beginning of 1938 the Anglican-Romanian Orthodox relations cooled off, despite desperate efforts of those most involved in the dialogue to keep them alive. In February 1938 Miron Cristea became prime-minister of Romania. Using a network of relations in the UK he, and the Romanian government, planted in the first months of governance several good stories/news in British newspapers.[71] This is probably one reason, amongst others (such as the British political authorities' desire to keep Romania as close as possible in the context of German advance towards Eastern Europe), that British press was entirely oblivious to anti-Semitic measures of the new government. In June 1938 Canon Douglas claimed in a discussion with the Archbishop of Canterbury that the problem of anti-Semitism has been resolved in Romania. In a memorandum of the meeting he says that he told the Archbishop: "I said I felt strongly that after all the charges made against him, as a persecutor of Jews, within the last year, some amends might be made to him, now that, under his Premiership, anti-Jewish measures had been stopped, and the old charges no longer held good."[72] That was the time when tens of thousands of Jews were being stripped of Romanian citizenship and the patriarch was making plans for the elimination of Jews from the economic, social, and cultural life of the country. There is no indication that those close to the Archbishop of Canterbury followed suit. The distance between the two Churches, despite the scandalous efforts of those such as the Bishop of Lincoln and Canon Douglas to brush aside and to excuse anti-Semitism, was reciprocal.

In 1938, when Miron Cristea celebrated 70 years, he received congratulatory letters and telegrams from many political, cultural and religious figures, but no official letter from the Anglican Church.[73] The same is apparent after his death on 6 March 1939. In the documents researched there are many letters of condolence from various individuals and institutions, including official letters from Churches in Serbia and Poland, but there is no such letter from the Anglican Church. Instead, there is a letter from the World Conference on Faith and Order, Continuation Committee Christ Church, Oxford, where Cristea is praised as the one who served not only his church, "but also the whole of Christendom and the cause of Christian unity."[74]

In his article published in 1956, Sever Buzan, who provides a chronology of the ecumenical encounters between the Anglican and

the Romanian Orthodox Churches during the interwar period, stops in 1937. He instead offers details about a 1940 meeting of an Anglican delegation with the Bulgarian Orthodox Church discussing the topic of mutual recognition of ordination. Buzan pretends that the main topic of the interfaith dialog was the mutual recognition of ordination, and since this agreement was achieved in 1937 there was no reason for the dialogue to continue. Although this view is simplistic, his insight suggests that a rupture did indeed take place in 1937 and that the dialogue stopped then, to be revived under communist auspices after the war.[75]

NOTES

1   "Problema Palestiniană. Opinia I.P.S Patriarh dr. Miron Cristea" [The Palestinian Issue: The Opinion of H.H. Patriarch Dr. Miron Cristea], in *Curentul*, 10, No. 3430, 19 August 1937, p. 12

2   Leon Volovici, *Ideologia naționalistă și „problema evreiască": eseu despre formele anti-Semitismului intelectual în Romania anilor '30* [Nationalist Ideology and the "Jewish Question:" Essay on the Forms of Intellectual Anti-Semitism in 1930s Romania] (Bucharest: Humanitas, 1995), p. 75

3   Zigu Ornea, *The Romanian Extreme Right: The Nineteen Thirties* (Boulder, CO: East European Monographs, 1999), pp. 31–38

4   Bela Vago, *In the Shadow of Swastika: The Rise of Fascism and Anti-Semitism in the Danube Basin, 1936–1939* (Farnborough: Saxon House, 1975), p. 61

5   William Oldson, "Alibi for Prejudice: Eastern Orthodoxy, the Holocaust, and Romanian Nationalism," *East European Quarterly,* 36, 3 (Fall 2002), pp. 301-311

6   Lucian Leustean, *Orthodoxy and the Cold War: Religion and Political Power in Romania, 1947-65* (Basingstoke: Palgrave Macmillan, 2009), pp 184-188

7   Gabriel Stelian Manea, "A Privileged Relationship. The Romanian Orthodox Church and the Anglican Church in the 1960s," *Historical Yearbook*, 15 (2018), pp. 103-122

8   Justinian, Patriarhul României, *The Romanian Orthodox Church and the Church of England* (Bucharest: Biblical and Orthodox Missionary Institute, 1976)

9   See Sever Buzan, "Relațiile dintre Biserica Anglicană si Biserica Ortodoxă Română" [The Relations between the Anglican Church and the Romanian Orthodox Church], Arhivele Naționale Istorice Centrale ale României (ANIC from now on) Fond Cristea 1662/7, pp. 101-109. The article was also published in *Ortodoxia* no. 3 (July-September, 1956).

10 Adrian Hastings, *A History of English Christianity, 1920-2000* (London: SCM Press, 2001)

11 E.R. Norman, *Church and Society in England, 1770-1970* (Oxford: Clarendon Press, 1976)

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23   "Letter of Riley Athelstan, chairman of the Anglican and Eastern Churches Association to His Holiness The Patriarch of Roumania, June 27th, 1925," LPA Douglas 26, p. 118

24   See for example the list with "Orthodox Prelates," and "Westminster Abbey Service, June 28th," LPA Douglas 26, pp. 146 and 147

25   "Letter of Diocese of Gibraltar to His Holiness Myron Crystia (sic), February 25, 1926," LPA Douglas 88, pp. 261-262

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28   "To Archmandrite Scriban, 11 October 1929" It is unclear who the sender is, LPA Douglas 23, p. 315; the same text to Professor Ispir, p. 316; "His Beatitude Mgr. Miron Christea (sic), Patriarch of Roumania and Regent, Bucharest, Roumania, 11 October 1929," p. 317

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49   See "Nota de serviciu, 17 Martie 1936" [Memo, 17 March 1936], signed by Al. Crețianu, and "Nota de serviciu, 19 Martie 1936" [Memo, 19 March

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WIE *WOHNT* JESUS GEMÄß DEN APOKRYPHEN THOMASAKTEN?

Abstract

The following text analyzes the reception of the very significant theological concept of *dwelling* Jesus' in the apocryphal Acts of Thomas and tries to underline the dynamics of this reception as re-contextualization with Jesus, one of his attributes or the Holy Spirit in the center. The *dwelling* expressed first of all through σκηνόω/ἐν-σκηνόω/ κατα-σκηνόω is linked with the activity and manifestation of Jesus as Logos and of the Holy Spirit. Meanwhile refers also οἰκέω/κατοικέω to the gradual *dwelling* of Jesus and his Holy Spirit in the bodies and souls of people. Nevertheless, implies *dwelling* also a human action.

Key-words: Wohnen, Rezeptionsgeschichte, Thomasakten, σκηνόω

I. Einleitung

Die Thomasakten sind wahrscheinlich Anfang/Mitte des dritten Jahrhunderts im Ostsyrien[1] oder im Norden Mesopotamiens[2] (Edessa oder Nisibis)[3] entstanden. Die Mehrheit der Forscher vertritt die Meinung, die Akten seien ursprünglich in syrischer Sprache abgefasst. Diese Urfassung aber ist nicht bewahrt geblieben. Man geht davon aus, dass diese syrische Version bald danach ins Griechisch übersetzt wurde, da heute zwei Textversionen vorliegen, eine auf Griechisch und die andere auf Syrisch. Der griechische Text wurde durch M. Bonnet aufgrund von 21 Handschriften herausgegeben,[4] während der syrische Text auf der Grundlage einer Londoner Handschrift publiziert und von W. Wright übersetzt wurde.[5] Dieser griechischen Version ist im Allgemeinen Vorzug zu geben, weil der heute vorliegende syrische Text deutlich überarbeitet wurde, um der „orthodoxen Tradition" besser zu entsprechen.[6] Dagegen argumentiert H.W. Attridge.[7] Eine zu beachtende Lösung für die Benutzung beider Texte schlägt J.E. Spittler vor: „As to the current situation, it is perhaps fair simply to say that both the Greek and the Syriac texts can be improved by comparison to the other."[8] Für den griechischen Text lege ich

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die Ausgabe von Bonnet zugrunde,[9] für die deutsche Übersetzung lehne ich mich an H.J.W. Drijvers an.[10] Zugleich rekurriere ich gelegentlich auch auf den syrischen Text und dessen englische Übersetzung bei A.F.J. Klijn.[11]

Die Thomasakten, die aus dreizehn Taten und dem Martyrium des Apostels bestehen, stellen romanartig die Missionsreise des Judas Thomas dar (Joh 14,22 – Judas, nicht Judas Iskariot; Lk 6,16 – Judas des Jakobus). Sie beginnen mit seiner Sendung durch Jesus nach Indien und schließen mit seinem Martyrium am Hof des indischen Königs Misdai. Allen Taten gemeinsam scheint die Tatsache zu sein, dass sie „nach einem vergleichbaren Schema"[12] gestaltet sind. Die Historizität der in den Thomasakten dargestellten Reise des Apostels nach Indien ist nach wie vor umstritten. Einerseits ist die Neigung spürbar, einen gewissen Realitätsbezug der dargelegten Ereignisse und Personen zu postulieren,[13] und andererseits bleibt eine imaginär-legendäre Komponente der Erzählung unverkennbar, in der ein Bild von Indien als kunstvoller Rahmen des Geschehens fungiert.[14] Dasselbe ließe sich auch in Bezug auf die dort erwähnten Personen, die Thomas auf seiner Reise trifft, behaupten.[15] Eine die beiden Perspektiven quasi harmonisierende Lösung stellt J.F. McGrath zur Verfügung, indem er auf Thomas rekurrierend über die „historische Fiktion" („historical fiction"[16]) der Thomasakten spricht.[17] Mit T. Nicklas lässt sich schließlich sagen, dass die Thomasakten „eine erzählte Welt kreieren",[18] in der theologische Gedanken „in eine unterhaltsame narrative Form gekleidet"[19] vermittelt werden.

Es ist inzwischen allgemein anerkannt, dass die Schrift sich in zwei Teilen gliedern lässt: der erste Teil umfasst die ersten sechs Taten bzw. Akten, die relativ unabhängige Geschichten erzählen; der zweite Teil umfasst die restlichen sieben Taten und das Martyrium; diese bieten eine kohärentere und einheitlichere Erzählung, die sich am Hofe des Königs Misdai abspielt. Selbstverständlich kann man nicht von einem einzigen Verfasser der ganzen Schrift sprechen. Wahrscheinlich stammen die den zweiten Teil bildenden Akten aus einer Feder, die vielleicht auch den ersten Teil bearbeitete. Schließlich wird über die enkratitischen,[20] „gnostischen", speziell valentinianischen Einflüsse[21] auf die Thomasakten debattiert.

II. Wohndynamik

Das Wohnen Christi in den Thomasakten, umschrieben u.a. mit dem Verb σκηνόω, beschreibt eine Dynamik der Annäherung zwischen Jesus/ Logos und den Menschen (als Seelen und Körper) dar. In den meisten Fällen und Texten geht es um das Kommen des Logos bzw. Jesu *auf* die Menschen und/oder *in* das Innere des Menschen. Somit werden Menschen zu Empfängern dieses Einwohnens. Außerdem gibt es auch eine andere Seite der Dynamik: Menschen wohnen in den himmlischen Wohnungen ein, sie treten als Subjekte des Wohnens auf.

II.1. σκηνόω

Als solche begegnet das Wort σκηνόω 2mal in Thomasakten.[22] Außerdem sind auch die verwandten Formen ἐν-σκηνόω[23] und κατα-σκηνόω[24] zu treffen. Insgesamt 4mal beziehen sich die Verben σκηνόω/ ἐν-σκηνόω/κατα-σκηνόω in den Thomasakten auf das Wohnen Jesu bzw. des Logos oder einiger Gaben von ihm. Ein letzter Text, wo das Wohnen als σκηνόω erscheint, bezieht es auf den Heiligen Geist; im Folgenden aber wird gezeigt, dass man vermutlich auch daran das Wirken des Logos identifizieren könnte.

II.1.1. Wohnen der Gaben Jesu als σκηνόω in Menschen

II.1.1.1. Wohnen des Friedens

Das folgende Gebet bzw. der folgende Hymnus wurden bereits erwähnt: Es wird in der fünften Tat von Thomas nach der Heilung einer besessenen Frau gesprochen. Dabei ist sowohl eine Art Zweinaturenlehre als auch eine nuancierte Göttlichkeit Jesu thematisiert. Am Ende begegnet auch das Motiv des Wohnens bzw. Zeltens. Der Apostel bittet für die Umstehenden:

Jesus Christus […] ich bitte dich für diese, welche (hier) stehen und an dich glauben. Denn sie begehren, deine Gaben zu erlangen, indem sie frohe Hoffnung auf deine Hilfe setzen und <ihre> Zuflucht zu deiner Majestät nehmen (δέονται γὰρ τῶν σῶν δωρημάτων τυχεῖν, εὐελπιδες ὄντες εἰς τὴν σὴν βοήθειαν, τὸ καταφύγιόν σου κατέχοντες ἐν τῇ σῇ μεγαλωσύνῃ[25]). Sie halten ihre Ohren offen, von uns die Worte zu hören, die zu ihnen gesagt werden. Es komme dein Friede und wohne in ihnen, und erneuere

sie von ihren früheren Taten (ἐλθέτω ἡ εἰρήνη σου καὶ σκηνωσάτω ἐν αὐτοῖς, καὶ ἀνακαινισάτω ἀπὸ τῶν προτέρων αὐτῶν πράξεων[26]), und sie mögen *den alten Menschen samt seine Taten aus- und den neuen Menschen anziehen*, der ihnen jetzt von mir verkündigt wird![27] (καί ἀποδύσωνται τὸν παλαιὸν ἄνθρωπον σὺν ταῖς πράξεσιν αὐτοῦ, καὶ ἐνδύσωνται τὸν νέον τὸν νῦν ἐξ ἐμοῦ καταγγελόμενον αὐτοῖς[28]).

Der Abschnitt illustriert das Wohnen als Teil eines Annäherungsprozesses zwischen Jesus und den Menschen. Erste Voraussetzung ist der Glaube der Menschen an Jesus. Es folgen das Begehren nach seinen Gaben, die Hoffnung auf seine Hilfe, aber auch die menschliche Bereitschaft, die Verkündigung wahrzunehmen. All diese Aspekte fungieren wie Vorbereitungsschritte für das nachfolgende Wohnen. Es wird nicht über das Wohnen des Logos bzw. Jesu als solche, sondern über das Wohnen seines Friedens, d.h. eines Attributs von ihm, geredet. Es geht somit um eine geistliche Kraft, die zu den Menschen kommt und in diesen, höchstwahrscheinlich im deren Inneren, wohnt. Das Wohnen aber markiert noch keinen Endpunkt des angedeuteten Prozesses. Sobald die Menschen Gastgeber des Friedens Jesu werden, wird dieser Friede nicht still bleiben, sondern wirkt und führt bzw. trägt zur Erneuerung der Menschen bei. Klijn schlägt hier als intertextuelle Anspielungen die Texte aus Gal. 6, 16, 2 Thess. 3, 16 und Eph. 6, 23 vor.[29] Während in Gal. 6, 16 die Rede in Allgemeinen über den Frieden und Barmherzigkeit ist (εἰρήνη ἐπ᾿ αὐτοὺς καὶ ἔλεος), die über die Gemeinde in Galatien kommen soll, verbinden die anderen zwei Texte den Frieden (auch) mit dem Herrn Jesus Christus (Εἰρήνη […] καὶ ἀγάπη μετὰ πίστεως ἀπὸ θεοῦ πατρὸς καὶ κυρίου Ἰησοῦ Χριστοῦ – Eph. 6, 23), der sogar als Herr des Friedens (ὁ κύριος τῆς εἰρήνης – 2 Thess. 3, 16) gilt. Trotzdem bringt der Text aus Thomasakten eine vielleicht nötige Ergänzung hinsichtlich der Art und Weise, wonach der Friede Jesu Christi bei den Menschen kommt, und zugleich dessen Wirkung in den ihn wahrnehmenden Menschen. Der liturgische Zusammenhang ist eindeutig: Thomas betet für das Kommen und Wohnen des Friedens Jesu in den darauf entsprechend vorbereiteten Menschen.[30] Man kann hier zu Recht auch über eine Vergegenwärtigung oder Epiklese des Logos sprechen, obwohl die Thomasakten in liturgischen Untersuchungen besonders für ihre Geistepiklesen bekannt sind.[31]

II.1.1.2. Wohnen des Lichtes

Die zwölfte Tat, wo das Verweilen Thomas im Gefängnis erzählt ist, gibt auch ein langes durch den Apostel gesprochenes Gebet wieder, das als eine Vorbereitung für sein bald danach folgendes Martyrium gelten darf. Das Gebet beginnt mit Vaterunser (weil so hat Thomas von seinem Herrn gelernt) und könnte als eine Zusammenfassung der Tätigkeit Thomas im Dienst des Herrn Jesu Christi verstanden werden. Zugleich besteht den Eindruck, Thomas wolle hier Jesus Rechenschaft über seine Mission geben. Zum Schluss wird das Gebet auch auf das Auftreten des Apostels vor dem ewigen Richter bezogen. Thomas betet wie folgt:

> Gewähre mir nun, daß ich in Ruhe vorübergehe und mit Freude und Frieden hinübergehe und vor dem Richter stehe. Und laß den Verleumder nicht auf mich blicken; seine Augen laß geblendet werden durch dein Licht, das du in mir hast wohnen lassen (Καί ὁ διάβολός με μὴ ἐπίδῃ. Οἱ ὀφθαλμοὶ αὐτοῦ πηρωθῶσιν διὰ τοῦ σοῦ φωτὸς οὗ ἐν ἐμοὶ κατεσκήνωσας[32]). Verstopfe seinen Mund, denn nichts hat er gegen mich.[33]

Das Verlassen dieses irdischen Lebens, beschrieben als Vorübergehen (παρέλθω[34]) und Hinübergehen (ὑπερβήσομαι[35]), setzt für die betroffene Person (hier Thomas) noch kein Ende deren Existenz vor, sondern ist durch das Auftreten vor dem ewigen Richter (στῶ ἔμπροσθεν τοῦ δικαστοῦ[36]) weitergeführt. Zudem geht der Kampf des Menschen mit dem Verleumder (ὁ διάβολός) auch jenseits der leiblich-irdischen Ebene bis vor dem Richterstuhl und dem endgültigen Urteil. Für diesen letzten bedeutungsvollen Moment braucht der Mensch noch Unterstützung, damit der Teufel keine Anklage gegen ihn erheben kann. Um die Wirkung des διάβολός zu verhindern, muss man ihn durch das in Menschen wohnende Licht blenden lassen. Dieses Licht ist selbstverständlich ein innerlich-geistliches Licht (ἐν ἐμοὶ), dessen Ursprung Jesus Christus ist und welches durch ihn in Menschen residiert. Der syrische Text spricht hier umgekehrt über das Licht, worin Thomas wohnt.[37] Beachtet man die Aorist-Form κατεσκήνωσας dann lässt sich die Beobachtung machen, der zufolge dieses Licht an einem früheren Zeitpunkt in Menschen dank Jesus zu wohnen beginnt und dann kontinuierlich anwesend ist. Ein solches im Inneren des Menschen wohnende Licht bekommt eine Verteidigungsfunktion.

II.1.2. Wohnen des Wortes bzw. Logos als σκηνόω in Menschen

Ein zweites Mal geht es im Rahmen der neunten Tat der Thomasakten um das Wohnen (σκηνόω) des Logos bzw. Jesu. Wie bereits beschrieben geht es hier hauptsächlich um die Bekehrung Mygdonias, der Ehefrau des schon bekannten Charîs. Nachdem sie den Apostel trifft und seine Predigt hört, bittet sie ihn um das Siegel, das ihr den Zutritt zu dem neuen Glauben zertifiziert. Gleich nach ihrer Bitte äußert sich Thomas wie folgt:

> Ich bete und bitte für euch alle, Brüder, die ihr an den Herrn glaubt, und für euch Schwestern, die auf Christus hoffen, dass auf euch alle das Wort Gottes sich niederlasse und in euch wohne (ἵνα εἰς πάντας κατασκηνώσῃ ὁ λόγος τοῦ θεοῦ καὶ ἐν αὐτοῖς ἐνσκηνώσῃ[38]), denn wir haben über euch keine Macht.[39]

Erneut erscheint hier das Wohnen eine gewisse Haltung der Empfangenden vorauszusetzen. Der Glaube an den Herrn und die Hoffnung auf Christus wird seitens der Brüder und Schwestern benötigt, wenn diese Wohnorte des Logos zu werden wollen. Das Wohnen selbst geschieht auf progressive Weise und wird durch eine Herablassung eingeleitet (κατασκηνώσῃ). Dies weist wiederum auf eine Anpassungsfähigkeit des Logos hin, die sich nicht nur bei der Inkarnation oder Fleischwerdung, sondern sich auch nach diesem Zeitpunkt erweist. Merkwürdig erscheint weiterhin die Wendung ἐν αὐτοῖς ἐνσκηνώσῃ,[40] die m.E. die Innerlichkeitsebene der Wirkung des Logos hervorhebt. Obwohl es hier, im Unterschied zu dem früher zitierten Text über das Wohnen des Logos, scheint, dass das Wohnen sich nicht fortsetzen lasse, spielt hier m. E. die Schlussergänzung eine gewisse Rolle. Anders gesagt, soll das Wort Gottes in den Menschen wohnen, weil es die Macht über diese hat und nicht Thomas. Vielleicht konstituiert das Wohnen den Beginn einer mächtigen Wirkungszeit des Logos in den Menschen mit dem Zweck, diese durch den neuen Glauben zu erneuern. Des Weiteren lohnt es sich, zu fragen, was unter dem Wort Gottes zu verstehen sei. Geht es hier um die Person des Logos oder eher um das Wort der Verkündigung? Beachtet man in diesem Zusammenhang einerseits die Benennung und Anerkennung Jesu als „himmlisches Wort des Vaters"[41] (ὁ ἐπουράνιος λόγος τοῦ πατρός[42]) und andererseits die suggerierte Subjektivität des Wortes beim Niederlassen und Zelten in den Menschen, dann könnte man hier mit guten Gründen die Anwesenheit des Logos Jesus Christus vermuten. Klijn beobachtet eine intertextuelle Verbindung mit Kol. 3, 16

(Ὁ λόγος τοῦ Χριστοῦ ἐνοικείτω ἐν ὑμῖν πλουσίως),[43] wobei dort ἐνοικέω (ein Verb, das speziell das Wohnen Gottes oder der nicht-physischen Entitäten beschreibt[44]) statt ἐνσκηνόω benutzt ist. Attridge sieht an seiner Stelle eine eindeutige Beziehung zu JohEv 1,14.[45] Es ist die einzige Stelle in Thomasakten, wo Jesus Christus explizit als Wort Gottes benannt wird.[46] In den anderen zwei Jesus als Wort bezeichnenden Stellen tituliert man ihn als „weises Wort"[47] (σοὶ δόξα λογέ σοφέ[48]) und als „das himmlische Wort des Vaters"[49] (ὁ ἐπουράνιος λόγος τοῦ πατρός[50]).

II.1.3. Wohnen des Logos/Hl. Geistes als σκηνόω im Wasser

Das dritte Beispiel findet sich zu Beginn der sechsten Tat, wo ein Jüngling vor Thomas offen gesteht, er habe ein Mädchen getötet. Der Apostel will den Jüngling mit Wasser reinigen und betet wie folgt:

> Kommt, Wasser von den lebendigen Wassern, das Seiende von dem Seienden her, uns gesandt; Ruhe, die von der Ruhe her uns gesendet wurde; Kraft der Rettung, die von jener Kraft kommt, die das All besiegt und ihrem eigenen Willen unterordnet – komm und wohne in diesen Wassern, damit ihnen die Gabe des Heiligen Geistes vollkommen mitgeteilt werde![51] (Ἔλθετε τὰ ὕδατα ἀπὸ τῶν ὑδάτων τῶν ζώντων, τὰ ὄντα ἀπὸ τῶν ὄντων καὶ ἀποσταλέντα ἡμῖν· ἡ ἀνάπαυσις ἡ ἀπὸ τῆς ἀναπαύσεως ἀποσταλεῖσα ἡμῖν, ἡ δύναμις τῆς σωτηρίας ἡ ἀπὸ τῆς δυνάμεως ἐκείνης ἐρχομένη τῆς τὰ πάντα νικώσης καὶ ὑποτασσούσης τῷ ἰδίῳ θελήματι, ἐλθὲ καὶ σκήνωσον ἐν τοῖς ὕδασι τούτοις, ἵνα τὸ χάρισμα τοῦ ἁγίου πνεύματος τελείως ἐν αὐτοῖς τελειωθῇ.[52])

Das Gebet ist durch Klijn als „epiclesis over the exorcistic water"[53] beschrieben. Für Myers hat man hier mit einem „non-liturgical prayer"[54] zu tun, das auf eine Verbindung zwischen den irdischen materiellen Elementen (wie Wasser) und deren himmlischen Korrespondenten hinweist. Es lässt sich m.E. relativ schwierig festzustellen, wovon hier die Rede sei bzw. wessen Kommen und Wohnen/Zelten seitens des Apostels gewünscht wird. Trotz der Neigung, in diesem Text bzw. Gebet aufgrund der Erwähnung seines expliziten Namens und mancher Beinamen wie Ruhe und Kraft den Heiligen Geist als Empfänger der Bitte zu identifizieren, könnte an dieser Stelle auch der Logos bzw. Jesus Christus als Adressat vermutet werden. Dies ist einerseits möglich, weil die genannten als typisch für das Wirken des Heiligen Geistes angesehenen Attribute (Ruhe und Kraft[55]) in den Thomasakten auch für Jesus Christus verwendet

werden: Ruhe – ἀνάπαυσις[56] und Kraft – δύναμις.[57] Andererseits ist hier eine Dynamik des zu vermutenden Adressaten des Gebets zu beobachten, im Sinne einer Herkunft aus einem Ursprung, die eher typisch für die Charakterisierung des Logos bzw. Jesu ist. Er wird in den Thomasakten diesbezüglich als „Gott aus Gott", „Gott vom höchsten Gott", „einer aus einem" benannt. Darüber hinaus würde die Ergänzung am Ende über die vollkommene Mitteilung der Gabe des Heiligen Geistes die Möglichkeit der Anwesenheit und Manifestierung des Logos nicht ausschließen, denn auch an anderen Stellen der Thomasakten werden Gebete an Jesus gerichtet, in deren Rahmen eine enge Verbindung mit der Wirkung des Heiligen Geistes erblickt werden könnte:

> […] Sohn der Barmherzigkeit, der aus Menschenliebe von dem oberen, dem vollkommenen Vaterlande uns gesandte Sohn […] sei du mit Vazan, Misdais Sohn, und Tertia und Mnêsar […] und es wohne in ihnen dein heiliger Geist (οἰκείτω ἐν αὐτοῖς τὸ ἅγιόν σου πνεῦμα[58])![59]

Das hier verwendete Verb für Wohnen, οἰκέω, ist laut Lipinski 16mal in Thomasakten zu treffen.[60] 4mal geht es um das leibliche Wohnen: a) einer Frau, die in einer Herberge wohnte und später von einem Jüngling getötet ist;[61] b) der Menschen, die in der Wüste bzw. in einem wüsten Land (Indien) wohnen;[62] c) Jesu, der für eine Weile im Haus Sifôrs wohnt[63] und d) Vazan, Misdais Sohn, der alleine (d.h. nicht mit seiner Ehefrau) wohnt.[64] In den anderen zwölf Stellen beschreibt οἰκέω ein geistliches Wohnen. 8mal geht es um dementsprechendes Wohnen der Menschen (bzw. der menschlichen Seele) entweder in himmlischen Wohnungen,[65] in geistlichen Manifestierungen bzw. Tugenden (Heiligkeit, Mäßigkeit, Reinheit)[66] oder in Sünden.[67] 3mal ist vom Wohnen der Dämonen in Tartarus,[68] in den Menschenwohnungen (Menschenseelen)[69] und außerhalb dieser[70] die Rede. Einmal ist οἰκέω auf das Wohnen der Heiligen Geist Jesu in den Menschen bezogen.[71]

Das enge Zusammenwirken des Logos Jesu mit dem Heiligen Geist erklärt sich dadurch, dass nach den Thomasakten der Geist als Kraft in Christus wohnt und die Manifestierung Jesu auch die Wirkung des Geistes miteinbezieht:

> Dir sei Preis, Liebe des Erbarmens! Dir sei Preis, Name des Christus! Dir sei Preis, Kraft, die du in Christus wohnst! (σοί δόξα ἡ ἐν Χριστῷ δύναμις ἱδρυμένη[72])[73]

Der syrische Text schreibt hier wie folgt: „Ehre sei dir, verborgene Kraft, die in Messias wohnt!"[74] Das hier von Drijvers als Wohnen gedeutete Verb ist ἱδρύω und kommt 6mal in Thomasakten vor.[75] Außer dieser Stelle hat man ἱδρύω in der deutschen Übersetzung durch Setzen/Sitzen oder Niederlassen wiedergeben. Es geht diesbezüglich um: a) Sitzen des Königs bzw. Jesus bzw. Gottes auf dem Scheitel des Mädchens bzw. der Kirche in dem Hochzeitslied; b) Sitzen (der Menschen) als Untertanen unter demselben König, der sie mit seiner Götterspeise nährt; c) Feststecken des Strahlenkleides mit Diamanten im Perlenlied; d) Setzen der Kraft des Heiligen Öls bzw. des Heiligen Geistes auf Mygdonia; e) Niederlassen der sieghaften Kraft Jesu auf das Holz bzw. Kreuz. Mit der Ausnahme des Abschnittes aus dem Perlenlied bezieht sich ἱδρύω in allen anderen Stellen auf eine geistliche Dimension des Sitzens bzw. Niederlassens.

Man kann mit Myers konkludieren, dass es hier wie auch an anderen Abschnitten keine scharfe Unterscheidung zwischen Geist und Christus gibt, wie sie später als Hypostasen desselben Gottes verstanden werden.[76] Unabhängig davon zeigt der angeführte Text, dass das Wohnen bzw. Zelten des Logos oder des Geistes nicht nur menschliche Personen als Empfänger haben, sondern sich auch in Naturelementen verwirklichen kann. Erneut bildet das Wohnen keinen Endpunkt einer Aktion, sondern bewirkt weiter die vollkommene Mitteilung der Gabe des Geistes.

II.2. Graduelles Wohnen

Außer den oben angegebenen Beispielen gibt es in den Thomasakten auch andere Stellen, die das Wohnen bzw. Zelten des Logos oder Jesu (und nicht nur) beschreiben, dies allerdings mit Hilfe anderer Begriffe als σκηνόω tun. Trotzdem sind diese im besprochenen Zusammenhang nicht wertlos, sie weisen vielmehr auf Verständnis- und Wahrnehmungsmöglichkeiten des Wohnkonzeptes hin.

Die hier schon oftmals erwähnte neunte Tat beginnt mit der Darstellung der Verkündigung des Thomas. Seiner Predigt folgt, wie bereits mehrfach erwähnt, Mygdonia, die Ehefrau des Charîs.[77] Mygdonia ist anscheinend so betroffen von den Worten des Apostels, dass sie gleich im Anschluss an die Predigt mit der folgenden Bitte zu Thomas geht:

> Schüler des lebendigen Gottes […] Ich bitte dich nun, sorge für mich und bete für mich, damit die Barmherzigkeit des Gottes, der von dir gepredigt wird, auf mich komme und ich seine Wohnung werde und <mit euch

teilhabe> am Gebet und an der Hoffnung und am Glauben an ihn und auch ich das Siegel empfange und ein heiliger Tempel werde und er selbst in mir wohne[78] (δέομαι οὖν σου, φρόντισόν μου καὶ εὖξαι ὑπὲρ ἐμοῦ, ἵνα ἡ εὐσπλαγχνία τοῦ ὑπὸ σοῦ καταγγελλομένου θεοῦ γένιται ἐπ' ἐμέ, κἀγὼ γένομαι αὐτοῦ οἰκητήριον, καὶ καταλλαγῶ ἐν τῇ εὐχῇ καὶ τῇ ἐλπίδι καὶ τῇ πίστει αὐτοῦ, καὶ δέξωμαι κἀγὼ σφραγῖδα, καὶ γένωμαι ναὸς ἅγιος, καὶ κατοικήσῃ ἐν ἐμοὶ αὐτός.[79])

Die in diesem Abschnitt veranschaulichte Wohndynamik zeigt in erster Linie die Bedeutung des Betens. Das Kommen der Barmherzigkeit Gottes auf Mygdonia und deren Wohnen in ihr geschieht infolge des Gebets des Thomas. Zugleich wird als Subjekt des Wohnens, in erster Linie, nicht Gott – Jesus, sondern eine Eigenschaft, ein Attribut von ihm (wie oben: der Friede) genannt. Die Anwesenheit bzw. die Manifestierung des Logos selbst wird durch das Kommen einer seiner Eigenschaften bzw. Attribute (Barmherzigkeit) eingeleitet. Trotzdem bleibt das Wohnen nicht auf diesem Punkt begrenzt. Stattdessen wird es mit Hilfe des Gebets, der Hoffnung und des Glaubens fortgesetzt, indem Mygdonia durch das Empfangen des Siegels ein heiliger Tempel und somit ein würdiger Ort für das Wohnen des Logos selbst wird. Darüber hinaus lässt sich hier das Wohnen als Entwicklungsprozess mit unterschiedlichen Stadien verstehen:

a) Beten des Apostels;
b) Kommen der Barmherzigkeit Gottes auf Mygdonia;
c) Mygdonia wird eine Wohnung Gottes;
d) Ihre Integration in der Gemeinschaft des Gebets, der Hoffnung und des Glaubens an Gott Jesus;
e) Empfangen des Siegels;
f) Mygdonia wird ein heiliger Tempel;
g) Gott bzw. Jesus selbst wohnt in ihr.

Ein Fortschritt des Wohnens ist offensichtlich: zwischen Wohnen der Barmherzigkeit Gottes *auf* (ἐπ' ἐμέ) und Wohnen Gottes selbst *in* (ἐν ἐμοί) einerseits und zwischen der Wohnung (οἰκητήριον) Gottes und dem heiligen Tempel (ναὸς ἅγιος) andererseits besteht ein qualitativer Unterschied. Die Unterscheidung zwischen dem Wohnen der Barmherzigkeit Gottes bzw. Jesu und dem Wohnen Gottes bzw. Jesu selbst deutet vielleicht auf eine Vorbereitung und zugleich Gewöhnung der rezipierenden Person an diese Form der Manifestierung hin. Im

Unterschied zu allen oben angeführten Beispieltexten über das Wohnen als σκηνόω erscheint hier das Wohnen (κατοικήσῃ) als Endpunkt einer längeren Dynamik.

Dank der von Lipinski angefertigen Konkordanz zu den Thomasakten lässt sich einfach die Verwendung des Verbes κατοικέω im gesamten Werk überschauen.[80] Außer der oben analysierten Stelle begegnet dasselbe Verb auch in der 13. Tat (wovon die Rede noch unten ist). Als substantivierter Begriff (κατοίκησις) kommt es in der 8. Tat vor. Geht es in den ersten zwei Texten um die Beschreibung des Wohnens Jesu, so ist in dem dritten benannten Abschnitt über die Menschenwohnung (κατοίκησιν ἀνθρώπου[81]) die Rede, was allerdings als die menschliche Seele zu verstehen ist, denn Thomas untersagt einem Dämonen, eben in diese κατοίκησιν ἀνθρώπου einzugehen.

Ein ähnliches sich graduell vollziehendes Wohnen des Logos bzw. Jesu in den Menschen ist nochmals in derselben neunten Tat geschildert, an der Stelle, an der Thomas Mygdonias Glauben prüft. Nachdem sie bestätigt, sie habe den Samen der Worte in ihrer Seele empfangen, spricht der Apostel ein Lob- und Dankgebet zu Jesus:

> Es preisen dich, Herr, und danken dir <diese Seelen, welche dein Eigentum sind>, es danken dir die Körper, welche du gewürdigt hast, Wohnungen deiner himmlischen Gabe zu werden.[82] (Ἐξομολογοῦνταί σοι κύριε καὶ εὐχαριστοῦσιν αἱ ψυχαί … εὐχαριστοῦσίν σοι τὰ σώματα ἃ κατηξίωσας γενέσθαι οἰκητήρια τῆς δωρεᾶς σου τῆς ἐπουρανίου.[83])

Auffallend ist hier die Tatsache, der zufolge Wohnungen der himmlischen Gabe des Herrn Jesu nicht nur die Seelen, sondern auch die Körper werden. Außerdem wird es auch in diesem Text die Neigung bemerkbar, der zufolge das Wohnen des Logos, zumindest in einem Anfangsstadium, durch das Kommen einer geistlichen Qualität bzw. eines geistlichen Attributs charakterisiert werden könnte. οἰκητήριον ist insgesamt 4mal in Thomasakten zu finden.[84] 3mal sind dadurch Menschen (als Seelen und Körper) gemeint, die Wohnungen der himmlischen Gabe Jesu (wie oben), der Barmherzigkeit Gottes[85] oder sogar der Dämonen werden.[86] Nur einmal betrifft die οἰκητήριον als Wohnung etwas Anderes als die Menschen, nämlich die Heiligkeit als Tempel Christi und zugleich Wohnung der Menschen.[87] An allen Textstellen referiert das Wort ausschließlich einen geistlichen Horizont.

Thomas setzt sein Wort fort, indem er sich nicht mehr an Jesus, sondern an alle Umstehenden in Form von Seligpreisungen wendet:

> Selig sind die Heiligen, die niemals von ihren Seelen verurteilt wurden […] Selig sind die Geister der Heiligen und die, welche die himmlische Krone unversehrt von dem Aion empfangen haben, der ihnen bestimmt war. Selig sind die Körper der Heiligen, weil sie gewürdigt wurden, Tempel Gottes zu werden, damit Christus in ihnen wohne[88] (μακάρια τὰ πνεύματα τῶν ἁγίων τὰ καὶ ὁλόκληρον τὸν ἐπουράνιον δεξάμενα στέφανον ἀπὸ τοῦ προσταχθέντος αὐτοῖς αἰῶνος. μακάρια τὰ σώματα τῶν ἁγίων, ὅτι κατηξιώθησαν ναοὶ θεοῦ γενέσται, ἵνα Χριστὸς ἐνοικήσῃ ἐν αὐτοῖς[89]).

Die Seligpreisungen sowohl der Geister als auch der Körper der Heiligen bestätigt hier die klassische dualistische Anthropologie der Thomasakten und hebt zugleich die Verbindung zwischen Körper und Geist des Menschen hervor: die Möglichkeit, die Körper der Heiligen als Tempel Gottes zu werden, ist durch eine entsprechende Haltung bzw. Qualität der Geister derselben Heiligen unterstützt, nämlich das Erhalten der himmlischen Krone.[90] Menschliche Körper bekommen die Funktion und zugleich genießen die Würde, Wohnungen Christi zu werden. Somit betrifft das Wohnen die Ganzheit der menschlichen Person, als Seele und Leib. Außerdem setzt m.E. die Betonung der Potenzialität mancher Körper, Tempel Gottes bzw. Wohnungen Christi zu werden, die Realität des Wohnens Gottes bzw. Christi in Menschen schon während deren irdischen Lebens und nicht (nur) erst nach der irdischen Existenz voraus. Unterschiedlich ist hier jedoch, im Vergleich zu dem oberen Abschnitt, dass man hier nicht bloß von Körpern, sondern von Körpern der Heiligen spricht, die außerdem nicht einfach Wohnungen (οἰκητήρια), sondern sogar Tempel Gottes (ναοὶ θεοῦ) werden sollen. Wie in dem ersten Beispiel zum sich graduell entwickelnden Wohnen lässt sich auch in diesem Text ein Prozess des Einwohnens feststellen. Indem er wahrscheinlich über Mygdonia und andere Leute, die den Samen des Glaubens in ihren Seelen aufgenommen haben, spricht, erwähnt Thomas deren Körper als Wohnungen der himmlischen Gabe (οἰκητήρια τῆς δωρεᾶς σου τῆς ἐπουρανίου). Nichtsdestoweniger stellt er ihnen ein höheres Ziel vor Augen, nämlich die Heiligen, deren Körper Tempel Gottes werden, damit Christus in ihnen einwohne (ἵνα Χριστὸς ἐνοικήσῃ ἐν αὐτοῖς). Auch hier wird der Prozess des Einwohnens durch das Herabkommen der himmlischen Gabe des Logos eingeleitet und durch das Kommen und Anwesenheit

Christi vervollständigt. Voraussetzung für das Wohnen Christi in den Körpern ist deren Qualität als Tempel Gottes, was selbstverständlich auf eine entsprechende tugendhafte Haltung seitens der anvisierten Personen hinweist. In diesem Sinne spricht Nicklas sehr zutreffend über das „paränetische Potenzial der Rede vom Wohnen Gottes in den Christen."[91] ἐνοικέω findet sich 2mal in Thomasakten:[92] außer der oben analysierten Stelle, die vom Einwohnen Christi in die Körper der Heiligen berichtet, lässt sich ἐνοικέω auch im Titel der fünften Tat entdecken (Πρᾶξις ἑ περὶ τοῦ δαίμονος τοῦ ἐνοικήσαντος εἰς τὴν γυναῖκα[93]) und somit auf die Wohnaktion eines Dämons beziehen.

II.3. Wohnen als gemeinsame Anwesenheit Jesu und des Geistes

Obwohl das Wohnen sich als spezielle Eigenschaft des Logos profilierte, setzt das kein Monopol einer Manifestierung Jesu voraus. Anders gesagt, wird nicht nur Jesus als Subjekt des Wohnens dargestellt, sondern auch der Geist. In der dreizehnten Tat, in der die Bekehrung und die Taufe von Vazan, dem Sohn des Königs Misdai, erzählt wird, spricht Thomas ein Gebet zu Jesus für alle Umstehenden:

> Gefährte und Bundesgenosse, Hoffnung der Schwachen und Vertrauen der Armen, Zuflucht und Herberge der Müden, Stimme, die von der Höhe ausgegangen ist, Tröster, der mitten <unter uns> wohnt (ὁ παρήγορος ὁ ἐν μέσῳ κατοικῶν[94]), Herberge und Hafen derer, die durch finstere Länder reisen […] Sohn der Barmherzigkeit, der aus Menschenliebe von dem oberen, dem vollkommenen Vaterlande uns gesandte Sohn […] sei der Arzt ihrer Körper und Seelen, mache sie zu deinen heiligen Tempeln,[95] und es wohne in ihnen dein Heiliger Geist! (ποίησον αὐτοὺς ναοὺς ἁγίους σου, καὶ οἰκείτω ἐν αὐτοῖς τὸ ἅγιόν σου πνεῦμα[96]).[97]

Der Text zeigt, dass es möglich ist, dass sowohl Jesus als auch der Geist mitten/unter bzw. in den Menschen wohnen. Eine gewisse Nuancierung lässt sich allerdings feststellen: das Wohnen des Sohnes bzw. des Logos bereitet das Wohnen des Geistes vor und leitet es zugleich ein. Der Geist ist ausdrücklich als Geist Christi anerkannt, der quasi den Logos in den Menschen vertritt. Erneut wird das Wohnen, diesmal des Heiligen Geistes, in den Menschen dadurch vorbereitet, dass diese zuerst zu heiligen Tempeln des Logos gemacht werden sollen.

Über die Menschen als Tempel Jesu bzw. Gottes ist in Thomasakten insgesamt 4mal die Rede.[98] 3mal geht es um die Menschen als heilige Tempel. Zuerst sagt Jesus (im Aussehen seines Jüngers Thomas) dem Brautpaar aus Andrapolis, dass sie „heilige Tempel"[99] (ναοὶ ἅγιοι[100]) werden können, wenn sie sich von dem schmutzigen Verkehr befreien. Zudem wünscht sich auch Mygdonia, nachdem sie die Predigt des Apostels gehört hat, einen „heiligen Tempel"[101] (γένωμαι ναὸς ἅγιος [102]) Jesu zu werden. In dem oben analysierten Gebet Thomas an Jesus geht es nicht nur in Allgemeinen um Menschen, die heilige Tempel werden sollten, sondern noch detaillierter um Menschen als Körper und Seelen, die erneut Tempel Jesu werden. Nur einmal sind Menschen, und zwar heilige Menschen bzw. deren Körper, als „Tempel Gottes"[103] (ναοὶ θεοῦ[104]) charakterisiert.

II.4. Wohnen als Aktion der Menschen

Das Wohnen in Thomasakten ist nicht nur als Aktion des Logos bzw. Jesu oder des Heiligen Geistes zu verstehen, die zu den Menschen kommen, sondern kann auch als Aktion der Menschen dargestellt werden, die deren Wohnungen entweder im Himmel oder in der Heiligkeit Jesu finden.

II.4.1. Wohnen der Menschen in himmlischen Wohnungen

In der zweiten Tat wird erzählt, dass Thomas mit dem Kaufmann Abban, an den ihn Jesus verkauft hat, in dessen Heimat ankommen und dort vor dem König Gundafor auftreten. Der König nimmt zur Kenntnis, dass Thomas die Kunst des Zimmermans und des Baumeisters kennt und fragt den Apostel, ob er einen Palast bauen könne: Οἰκοδομεῖς μοι παλάτιον;[105] Die Antwort des Thomas ist positiv: „Ja, ich baue und vollende"[106] (Ναί, οἰκοδομῶ καὶ τελίσκω[107]). Nachdem von beiden der Ort und die Bauzeit festgestellt sind, schickt Gundafor gemünztes Silber, um den Bau und die Bauarbeiter zu unterstützen. Der Apostel aber verwendet es nicht für den Bau des Palastes, sondern verteilt es bei den Armen und Bedrängten aus den benachbarten Städten und umliegenden Dörfern.[108] Als Gundafor sich durch einen Gesandten bei Thomas nach dem Stand der Bauarbeiten erkundigt, antwortete der Apostel, dass der Palast gebaut sei, nur noch das Dach fehle.[109]

Als schließlich der König selbst zur Besichtigung des neuen Palastes kommt, erfährt er, dass Thomas keinen Palast baut. Der Apostel antwortete:

„Jetzt kannst du ihn (den Palast – C.P.) nicht sehen, sondern du siehst ihn erst, wenn du aus diesem Leben geschieden bist.“[110] Infolgedessen trifft Gundafor die Entscheidung, Thomas töten zu lassen. Bevor ihm dies gelingt, geschieht jedoch mit dem Königsbruder namens Gad Außergewöhnliches. Die Seele Gads, der krank war, verlässt für eine Weile seinen Körper und wird durch Engel in den Himmel geführt. Diese „zeigten ihm die dortigen Orte und Wohnungen und fragten ihn: An was für einem Ort willst du wohnen?“[111] (ἄγγελοι παραλαβόντες εἰς τὸν οὐρανὸν ἀνήγαγον, ὑποδεικνύοντες αὐτῷ τοὺς ἐκεῖ τόπους καὶ οἰκήσεις, ἐξετάζοντες αὐτόν· Εἰς ποῖον τόπον βούλει οἰκῆσαι;[112]). Als Gad sich dem durch Thomas für den König Gundafor gebauten Palast nähert, sagte er den begleitenden Engel, er wolle dort wohnen. Diese aber antworten, jener Palast sei durch Thomas für den Bruder Gads gebaut: Τοῦτο τὸ παλάτιον ἐκεῖνό ἐστιν ὃ οἰκοδόμησεν ὁ χριστιανος ἐκεῖνος τῷ ἀδελφῷ σου.[113] Tief beeindruckt von der Schönheit des gesehenen Palastes, versucht Gad, ihn von den Engeln zu kaufen, diese aber entlassen seine Seele und er kommt zurück ins Leben.

Gad sucht weiter, seinem Bruder Gundafor den Palast abzukaufen. Als er dem König von seiner Erfahrung erzählt, „kam der König zur Einsicht und verstand (seine Worte) von den für ihn wesentlichen und zukünftigen, ewigen Gütern und sprach: Den Palast kann ich dir nicht verkaufen, ich bete aber, dass ich hineingehen und darin wohnen darf und gewürdigt werde, zu seinen Bewohnern <zu gehören>“[114] (ὁ βασιλεὺς εἰς ἐπίστασιν ἐλθὼν συνῆκεν περὶ τῶν διαφερόντων αὐτῷ καὶ μελλόντων αἰωνίων ἀγαθῶν, καὶ εἶπεν· Ἐκεῖνο τὸ παλάτιον πωλῆσαί σοι οὐ δύναμαι, εὔχομαι δὲ εἰσελθεῖν εἰς αὐτὸ καὶ οἰκῆσαι καὶ καταξιωθῆναι τῶν οἰκητόρων αὐτοῦ[115]). Außerdem empfiehlt der König seinem Bruder, den Menschen kennenzulernen, der einen solchen Palast bauen kann: „Wenn du aber wirklich einen solchen Palast kaufen willst, siehe, so lebt der Mensch und baut dir einen, der besser als jener ist.“[116] So ändert sich die Meinung Gundafors über den Apostel. Er geht zu Thomas und bittet: „[…] dass ich würdig werde, ein Bewohner jener Wohnung zu sein, mit der ich mich nicht abgemüht habe, du aber bautest sie mir allein mit großer Mühe unter Mitwirkung der Gnade deines Gottes und dass ich auch Diener werde und diesem Gott diene, den du predigst“[117] (ἄξιόν με γενεσθαι οἰκήτορα ἐκείνης τῆς οἰκήσεως ἧσπερ ἐγὼ μὲ οὐδὲν ἔκαμον, σὺ δέ μοι ἔκτισας μόνος καμών, συνεργούσης σοι τῆς χάριτος τοῦ θεοῦ σου, καὶ ἵνα γένωμαι ὑπηρέτης κἀγὼ καὶ δουλεύσω τῷ θεῷ τούτῳ ᾧ σὺ κηρύττεις[118]).

Natürlich erinnert die hier zusammengefasste Erzählung an Joh 14,2f. Spricht Jesus dort vor seiner Jünger über die vielen Wohnungen (μοναὶ

πολλαί) in dem Hause seines Vaters (ἐν τῇ οἰκίᾳ τοῦ πατρός μου) und über die Vorbereitung des dortigen Ortes für deren Wohnen (ἑτοιμάσαι τόπον ὑμῖν), so geht es auch in dieser zweiten Tat aus den Thomasakten hauptsächlich um das eventuelle Wohnen (οἰκῆσαι) der Menschen (in diesem Fall des Königs Gundafor und seines Bruders Gad) in einer Wohnung (οἰκήσεως) genauer gesagt in einem Palast (παλάτιον), der im Himmel zu lokalisieren ist.[119] παλάτιον kommt 10mal in Thomasakten vor und nur in dem oben beschriebenen Zusammenhang des Baus eines Palastes für den König Gundafor in der zweiten Tat. In dem Gebrauch dieses Wortes sieht Hilhorst die von Thomasakten gebrachte Neuigkeit des Wohnens im Himmel.[120] Auf der anderen Seite erscheint οἴκησις 6mal in Thomasakten.[121] Zweimal ist οἴκησις benutzt, um Wohnungen im eigentlichen Sinne zu beschreiben.[122] Auch zweimal geht es um die dadurch geäußerte Benennung von himmlischen Wohnungen, in der zweiten Tat über das Bauen des himmlischen Palastes für den König Gundafor.[123] Und schließlich zweimal referiert οἴκησις auf menschliche Personen als Wohnungen (in diesen Fällen Satans).[124]

Dieses hier thematisierte Wohnen der Menschen lässt sich durch etliche Aspekte charakterisieren, die im Folgenden kurz dargestellt werden sollen:

a) Die Möglichkeit des Wohnens betrifft, aus der menschlichen Sichtweise, nicht die irdisch-leibliche, sondern die seelisch-geistliche Ebene. Die Menschen können nicht als leibliche, sondern nur als seelische Wesen die himmlischen Wohnungen bewohnen. Dies wird durch die Tatsache bezeugt, dass der Königsbruder Gad nur als seelische Manifestierung die dortigen Orte und Wohnungen (τόπους καὶ οἰκήσεις) einschließlich des himmlischen Palasts seines Bruders sehen kann: „[…] übernahmen die Engel die Seele Gads, des Bruders des Königs, und führten sie in den Himmel hinauf […]".[125] Dies erscheint im Vergleich zur Möglichkeit der Menschen, Wohnungen oder Tempel Gottes bzw. Jesu zu werden, umgekehrt zu sein: wer auf der Erde Tempel Gottes werden will, kann als ganzheitlicher Mensch mit Körper und Seele werden. Wer hingegen im Himmel zu wohnen beabsichtigt, dann muss sich nur auf seine geistliche Existenz limitieren;

b) Spricht Jesus in Joh 14,2f. über das einzige Haus des Vaters mit mehreren Wohnungen (τῇ οἰκίᾳ – μοναὶ πολλαί), so setzt die Erfahrung Gads die Anwesenheit mehrerer Wohnorte bzw. Wohnhäuser voraus, unter die auch der Palast seines Bruders zu zählen ist;

c) Das irdisch-leibliche Wirken des Menschen beeinflusst sein himmlisches Wohnen. Infolge der auf der Erde vollzogenen Tätigkeit

des Apostels Thomas in seinem Namen besitzt König Gundafor einen himmlischen Palast. Interessanterweise verdankt sich die Entstehung des himmlischen Palastes Gundafors einer irdischen Zusammenarbeit. Der König stellt Geld zur Verfügung und Thomas verteilt es an die Armen und Bedrängten. Der Palast ist gebaut während des irdischen Lebens des zukünftigen Besitzers;[126]

d) Daneben aber ist auch eine menschlich-göttliche Zusammenarbeit nötig. Als Gundafor mit der Bitte zu Thomas geht, Bewohner jenes himmlischen Palastes werden zu dürfen, erwähnt der König auch die Tatsache, diese Wohnung sei durch Thomas „mit großer Mühe unter Mitwirkung der Gnade deines Gottes"[127] (συνεργούσης σοι τῆς χάριτος τοῦ θεοῦ σου[128]) aufgebaut;

e) Interessant ist auch, dass der Bau der himmlischen Wohnung unabhängig vom Wissen des zukünftigen Besitzers verwirklicht wird. Der König Gundafor nimmt die Anwesenheit des eigenen Palastes im Himmel erst dann zur Kenntnis, als er von der Himmelsreise seines Bruders Gad erfährt;[129]

f) Zudem besteht ein Unterschied zwischen dem Besitzen eines himmlischen Palastes und dem Wohnen an einem solchen Ort. Als Gad seine Intention vor der ihn begleiteten Engel offenbart, in dem durch Thomas für den König Gundafor gebauten himmlischen Palast zu wohnen, antworten sie ihm, dieser gehöre seinem Bruder. Aber nachdem der König die wahre Identität und Wirkung des Apostels versteht, kommt er zu Thomas mit der Bitte an dessen Gott, Bewohner jener himmlischen Wohnung sein zu dürfen. Derjenige, der diesbezüglich entscheidet, ist der durch Thomas gepredigte Gott;

g) Auch wenn es letztlich Gott bzw. Jesus sind, die entscheiden, wer in den himmlischen Wohnstätten wohnen darf, scheint bei der Wahl des Wohnorts auch dem menschlichen Willen eine gewisse Rolle zuzukommen. In diesem Zusammenhang sei auf die Erfahrung des Königsbruders Gad hingewiesen, dessen Seele von den Engeln in den Himmel hinaufgeführt wird. Sie zeigen ihm die dortigen Orte und Wohnungen (ὑποδεικνύοντες αὐτῷ τοὺς ἐκεῖ τόπους καὶ οἰκήσεις[130]) und fragen ihn, an welchem Ort er wohnen will (ἐξετάζοντες αὐτόν· Εἰς ποῖον τόπον βούλει οἰκῆσαι;[131]). Trotzdem erscheint diese Wahlmöglichkeit begrenzt zu sein (vielleicht einfach nur dem Fortgang der Handlung zu dienen), denn als Gad sich entscheidet, in dem schönen Palast seines Bruders zu wohnen, lehnen die Engel dies ab.

II.4.2. Wohnen der Menschen in Heiligkeit bzw. Mäßigkeit

Die Thomasakten stellen das Wohnen der Menschen jedoch nicht nur als Möglichkeit des Bewohnens himmlischer Orte dar, sondern auch als Gelegenheit sich in geistlichen Manifestierungen Jesu Christi wie Heiligkeit und Mäßigkeit aufzuhalten.

In der neunten Tat der Thomasakten geht es hauptsächlich um das Treffen des Apostels mit Mygdonia, der Ehefrau von Charîs, und ihre darauffolgende Bekehrung zum Glauben an Jesus. Bevor Thomas sich direkt an Mygdonia wendet, predigt er für deren Träger bzw. Sklaven. Ein Teil seiner Predigt bezieht sich auf die Heiligkeit (ἡ ἁγιωσύνη), die von ihm unterschiedlich charakterisiert wird:

a) In erster Linie erscheint die Heiligkeit in der Thomaspredigt als eine geistliche Qualität, die durch die Menschen zu gewinnen ist. Der Apostel erwähnt diejenigen Menschen, die „in Heiligkeit wandeln"[132] (ἐν ἁγιωσύνη πολιτευομένοις[133]), und zeigt außerdem, dass die, „die nicht in der Kampfbahn Christi laufen, … nicht die Heiligkeit erlangen (werden)"[134] (οἱ γὰρ μὴ ἀγωνιζόμενοι ἐν τῷ σταδίῳ τοῦ Χριστοῦ οὐ μὴ τύχωσιν τῆς ἁγιωσύνης[135]). Heiligkeit, Sorglosigkeit (τὴν ἀμεριμνίαν) und Sanftmut (τῆς πραότητος) bilden die drei „Häupter" (τρισὶν κεφαλαίοις) oder Eigenschaften, anhand derer Christus „gezeichnet", dargestellt werden könnte (εἰκονογραφεῖται);[136]

b) Die Heiligkeit lässt sich im selben Abschnitt auf eine Weise manifestieren, die m.E. ihre Qualität als persönliches Subjekt voraussetzen könnte. Sie erscheint von Gott her, bezwingt den Feind, ist unbesiegbarer Athlet, steht bei Gott in Ansehen, ist von vielen verherrlicht und predigt Frieden. Zugleich tut sie nichts Ungehöriges und gibt Leben und Ruhe und Freude allen.[137] Vielleicht aus diesem Grund identifiziert Drijvers hier die Heiligkeit mit der Person des Heiligen Geistes.[138]

In diesem Zusammenhang predigt Thomas wie folgt:

> Die Heiligkeit ist der Tempel des Christus, und wer in ihr wohnt, gewinnt sie zur Wohnung (ἡ ἁγιωσύνη ναός ἐστιν τοῦ Χριστοῦ, καὶ ὁ οἰκῶν ἐν αὐτῇ οἰκητήριον αὐτὴν κτᾶται[139]). <Und die Mäßigkeit ist die Ruhe (Erquickung) Gottes. S> Denn vierzig Tage und vierzig Nächte fastete er, ohne etwas zu genießen. Und wer sie (die Mäßigkeit) bewahrt, wird in ihr wohnen wie auf einem Berge (καί ὁ ταύτην φυλάττων ἐν αὐτῇ οἰκήσει ὡς ἐν ὄρει[140]). Die Sanftmut aber ist sein Ruhm, denn er sprach zu unserem Mitapostel Petrus: ʿWende dein Schwert zurück und stecke es wieder in seine Scheide! […][141]

Auf dem ersten Blick lassen sich intertextuelle Anspielungen auf 1Kor 3,16-17, 1Kor 6,19 oder 2Kor 6,16 entdecken. Wird dort über das Wohnen des Heiligen Geistes in der Gemeinschaft der Gläubigen oder im Leib jedes Gläubigen als in heiligen Tempeln gesprochen, so zeigt der Text hier, dass auch das umgekehrte Wohnen möglich ist, nämlich das Wohnen der Gläubigen in der Heiligkeit bzw. in dem Heiligen Geist als Tempel Christi und auch in der Mäßigkeit Jesu. Ist der Leib jedes Gläubigen ein Tempel des Heiligen Geistes, d.h. ein Ort von dessen Anwesenheit und Manifestierung, so ist hier der vorauszusetzende Heilige Geist (benannt Heiligkeit) als Tempel Christi beschrieben worden, d. h. als Ort der Manifestierung und Anwesenheit Jesu Christi. Anders gesagt, manifestiert sich Jesus in oder durch das Wirken des Heiligen Geistes, was selbstverständlich eine Zusammenarbeit zwischen den beiden impliziert. Diese Hervorhebung der geistlichen Dimension der Gegenwärtigkeit Jesu durch die Titulierung des Heiligen Geistes als Tempel Christi erscheint wahrscheinlich als logische Folge und – warum nicht – als logische Notwendigkeit für das Garantieren eines gültigen Zugangs zu dem in den Himmel erhöhten Jesus. Aber das Wohnen Christi in der Heiligkeit bzw. in dem Heiligen Geist wie in einem Tempel steht nicht unter dem Zeichen der Exklusivität, sondern unterstützt auch die Möglichkeit der Einladung der Menschen zum Zusammenwohnen. Diese Heiligkeit bzw. der Heilige Geist wird ein Topos, ein Treffpunkt Jesu mit den Menschen. Zum Status des Zusammenwohnens mit Christus gelangen die Menschen nicht zufällig, dieser Status muss vielmehr gewonnen werden. Nicht nur hinsichtlich der Heiligkeit, sondern auch in Bezug auf die Mäßigkeit haben die Gläubigen Wohnmöglichkeiten. Deren Wohnen wird durch eine entsprechende Haltung vorbereitet, nämlich durch die Bewahrung der Mäßigkeit. Merkwürdig zeigt sich im Text die Äußerung, der zufolge man in der Mäßigkeit wie in einem Berg (ὡς ἐν ὄρει) wohnen kann. Diese Verbindung zwischen Wohnen und Berg erinnert wahrscheinlich an die vielen hauptsächlich alttestamentlichen Bibelstellen, an denen gezeigt wird, dass der Berg einen Manifestierungs- und Anwesenheitsort Gottes veranschaulicht. Somit wird vielleicht suggeriert, dass diejenigen, die die Mäßigkeit bewahren, in ihr wie in einem Berg wohnen können und somit die Möglichkeit bekommen, dort Gott bzw. Jesus Christus treffen zu können.

Fazit

Der Begriff oder das Konzept vom Wohnen bekommt die Bedeutung eines Topos oder eines Vehikels, wodurch manche Charakteristika auf die Person und Wirkung Jesu übertragen worden sind und somit zur Profilierung Jesu als Gott bzw. Gott-ähnlich beitragen. Luomanen nennt sie „indicators of Jewish-Christian profiles"[142] für die Entwicklung der christlichen Identitäten und Theologien. Wohnen als σκηνόω bezieht sich nur auf Jesus bzw. auf Jesus und den Heiligen Geist. Das Wohnen ist zugleich dem großen Horizont der Geistlichkeit bzw. Innerlichkeit eingegliedert, wobei die Körperlichkeit bzw. Leiblichkeit nicht völlig beiseitegelassen ist. Aber hauptsächlich betrifft das Wohnen die menschliche Seele, den inneren Teil der Menschen. Auch das ganze Vokabular des Wohnens bezieht sich hauptsächlich auf das Geistliche oder Innere der Menschen. Oftmals ist das Wohnen durch ein entsprechendes Verhalten der Rezipienten eingeleitet, was dafürspricht, dass Wohnen nicht nur vom Außen als einseitige Aktion des Logos bzw. Jesu zu deuten wäre.

Endnoten

1   Vgl. DRIJVERS, H.J.W., "Einleitung", in SCHNEEMELCHER, W. (Hg.), *Neutestamentliche Apokryphen II. Apostolisches, Apokalypsen und Verwandtes*, Mohr&Siebeck, Tübingen, ⁶1997, 290.

2   Vgl. ROUWHORST, G., "Hymns and Prayers in the Apocryphal Acts of Thomas", in LEONHARD, C./LÖHR, H. (Hg.), *Literature or Liturgy? Early Christian Hymns and Prayers in their Literary and Liturgical Context in Antiquity* (WUNT II/363), Mohr&Siebeck, Tübingen, 2014, 196.

3   Alle Diskussionen und Forschungsrichtungen hinsichtlich des Abfassungsortes, der Abfassungszeit, der Verfasserschaft usw. sind u.a. bei BREMMER, J.N., "The Apocryphal Acts: Authors, Place, Time and Readership", in BREMMER, J.N. (Hg.), *The Apocryphal Acts of Thomas* (SECA 6), Peeters, Leuven, 2001, 149-170 (jetzt auch in ders., *Maidens, Magic and Martyrs in Early Christianity. Collected Essays I* (WUNT 379), Mohr&Siebeck, Tübingen, 2017, 219-234) und MYERS, S.E., *Spirit Epicleses in the Acts of Thomas* (WUNT II/281), Mohr&Siebeck, Tübingen, 2010 zusammengefasst.

4   Vgl. Acta Apostolorum Apocrypha II, 2, 1903; Nachdruck 1959, S. 99-288.

5   Vgl. WRIGHT, W, *Apocryphal Acts of the Apostles*, Williams and Norgate, London, 1871; Nachdruck Amsterdam 1968. P. Bedjan, *Acta martyrum et sanctorum* III, 1892 realisierte eine Neuausgabe des syrischen Textes aufgrund einer Berliner Handschrift.

6   Vgl. KLIJN, A.F.J., *The Acts of Thomas. Introduction, Text, and Commentary*, second revised edition (NT. S 108), Brill, Leiden/Boston, 2003, 1-17; TISSOT, Y., "Les Actes apocryphes de Thomas: exemple de recueil composite" in BOVON, F. et alii (ed.), *Les actes apocryphes des apôtres. Christianisme et monde païen*, Labor&Fides, Genève, 1981, 223-232; BREMMER, J.N., "The Acts of Thomas: Place, Date and Women", in BREMMER, *The Apocryphal Acts of Thomas*, 74-90; MYERS, *Spirit Epicleses*, 17-19.

7   Vgl. ATTRIDGE, H.W., "The Original Language of the Acts of Thomas", in: ATTRIDGE, H.W./COLLINS, J. J./TOBIN, T.H., *Of Scribes and Scrolls. Studies on the Hebrew Bible, Intertestamental Judaism, and Christian Origins presented to John Strugnell on the occasion of his sixtieth birthday* (College Theology Society Resources in Religion 5), University Press of America, Lanham, 1990, 250: „It is, however, clear that the range of witnesses now available to us ultimately depends on a Syriac original."

8   SPITTLER, J.E., "The Anthropology of the *Acts of Thomas*", in ROTHSCHILD, C.K/THOMPSON, T.W., *Christian Body, Christian Self. Concepts of Early Christian Personhood* (WUNT I/284), Mohr&Siebeck, Tübingen, 2011, 204, Fußnote 3.

9   Vgl. BONNET, M. (Hg.), *Acta Apostolorvm Apocrypha II. Acta Philippi et Acta Thomae accedvnt Acta Barnabae*, Nachdruck der Ausgabe Leipzig 1903, Darmstadt 1959.

[10] Vgl. DRIJVERS, H.J.W., "Thomasakten", in SCHNEEMELCHER, *Neutestamentliche Apokryphen II.*, 289-367.

[11] Vgl. *The* Acts of Thomas. *Introduction, Text and Commentary by A.F.J. Klijn* (NT. S 108), Brill, Leiden/Boston, ²2003.

[12] NICKLAS, T., "Hinführung zu den Wundererzählungen in den Thomasakten" in ZIMMERMANN, R. (Hg.), *Kompendium der frühchristlichen Wundererzählungen. Band 2 – Die Wunder des Apostels*, Gütersloher Verlagshaus, München, 2017, 687: „Eine Einzelperson oder Gruppe befindet sich in großer, geradezu aussichtsloser Not, die mehrfach mit einer Bedrohung durch eine oder mehrere dämonische Gestalten einhergeht. Durch das Handeln des Apostels kommt es zur Rettung bzw. wird der Dämon besiegt und der bzw. die Gerettete (und gerne mit ihm eine Gruppe weiterer Menschen) kann getauft werden: Die Wunder des Apostels bilden also geradezu organisch einen Teil seines Missionsauftrags."

[13] Vgl. MCGRATH, J.F., "History and Fiction in the Acts of Thomas: The State of the Question", in *Journal for the Study of Pseudepigrapha* 17 (4/2008), 298. McGrath identifiziert zwei für ihn entscheidende Elemente, auf deren Basis die Historizität der Erzählung der Thomasakten geprüft werden könnte: a) Geographie – Namen und b) Bräuche. Außerdem siehe WALDMANN, H., *Das Christentum in Indien und der Königsweg der Apostel in Edessa, Indien und Rom* (Tübinger Gesellschaft Wissenschaftliche Reihe 5), Verlag der Tübinger Gesellschaft, Tübingen, 1996.

[14] Vgl. VAN DEN BOSCH, L., "India and the Apostolate of St. Thomas", in: BREMMER, *The Apocryphal Acts of Thomas*, 125-148. Van den Bosch schreibt: „The *ATh* which actually envisioned the northwestern part of India as the imaginary landscape of Thomas' apostolate subsequently became instrumental to a broader missionary goal, in which India was redefined" (S. 144). Außerdem siehe KLAUCK, H.-J., *Apokryphe Apostelakten. Eine Einführung*, Katholisches Bibelwerk, Stuttgart, 2005, 157: „[…] der Indienbesuch des Thomas ein Konstrukt des begabten Verfassers der ActThom darstellt." Dazu noch GRUEN, W., "Constested Spaces and Contested Meanings in the Acts of Thomas", in *Religion&Theology* 20 (2013), 219: „The city, the wilderness, and the road, I will argue, though imprecise spatial designations, are used to map non-spatial realities, not only socially and politically, but also theologically."

[15] Vgl. VAN DEN BOSCH, "India and the Apostolate of St. Thomas", 144: „In summary: the meeting between Judas Thomas and the various persons mentioned in the *ATh* was a creation of the author, in which he expounded his deep gnostic truths in the imaginary historical landscape of northwest India which he only knew from local traditions."

[16] Vgl. MCGRATH, "History and Fiction", 308: „The appropriate conclusion appears to be that our author was writing what we today would call 'historical fiction.'"

17   McGrath konkludiert wie folgt: „In conclusion, therefore, I would argue that behind the fictional *Acts of Thomas* there most likely lies a genuine historical kernel, namely the activity of Judas the Twin in India." (Vgl. MCGRATH, "History and Fiction", 310).

18   NICKLAS, "Hinführung", 686.

19   Ebd.

20   Vgl. TISSOT, Y., "Encratism and the Apocryphal Acts", in GREGOY, A./ TUCKETT, C. (Eds.), *The Oxford Handbook of Early Christian Apocrypha*, Oxford University Press, Oxford, 2015, 407-423.

21   Mir ist bewusst, dass der Begriff „gnostisch" heute als hoch problematisch angesehen wird; auch die Frage, inwiefern man die valentinianische Bewegung als „gnostisch" zu deuten hat, ist umstritten.

22   ATh VI, 48; VII, 52. Vgl. LIPINSKI, M., *Konkordanz zu den Thomasakten* (BBN 67), Athenäum, Frankfurt am Main, 1988, 396.

23   ATh IX, 88. Vgl. LIPINSKI, *Konkordanz*, 179.

24   ATh IX, 88; XII, 148. Vgl. LIPINSKI, *Konkordanz*, 254.

25   ATh V, 48 (Bonnet, 165).

26   ATh V, 48 (Bonnet, 165).

27   ATh V, 48 (Drijvers, 323).

28   ATh V, 48 (Bonnet, 165).

29   Vgl. ATh V, 48 (Klijn, *Commentary*, 123).

30   Vgl. MYERS, S.E., "Praying to Jesus in the Acts of Thomas", in MYERS, S.E. (Ed.), *Portraits of Jesus. Studies in Christology* (WUNT II/321), Mohr&Siebeck, Tübingen, 2012, 269-270.

31   Vgl. MYERS, "Spirit Epicleses".

32   ATh XII, 148 (Bonnet, 258).

33   ATh XII, 148 (Drijvers, 360).

34   Vgl. ATh XII, 148 (Bonnet, 258).

35   Vgl. ATh XII, 148 (Bonnet, 258).

36   Vgl. ATh XII, 148 (Bonnet, 258).

37   Vgl. ATh XII, 148 (Klijn, 233).

38   ATh IX, 88 (Bonnet, 203).

39   ATh IX, 88 (Drijvers, 337). Der syrische Text spricht über „das Wort des Messias" und nicht wie hier über „das Wort Gottes". Vgl. ATh IX, 88 (Klijn, 167).

40   ἐνσκηνόω kommt nur an dieser Stelle der Thomasakten vor. Vgl. LIPINSKI, *Konkordanz*, 179.

41   ATh VIII, 80 (Drijvers, 335).

42   ATh VIII, 80 (Bonnet, 196).

43   Vgl. ATh VIII, 80 (Klijn, *Commentary*, 168).

44   Vgl. BDAG, ἐνοικέω.

[45]   Vgl. ATTRIDGE, H.W., "Intertextuality in the Acts of Thomas", in *Semeia* 80 (1997), 116.

[46]   Vgl. LIPINSKI, *Konkordanz*, 225.

[47]   ATh VIII, 80 (Drijvers, 335). Der syrische Text schreibt an dieser Stelle „Preis sei dir, lebendigem Wort!". Vgl. ATh VIII, 80 (Klijn, 158).

[48]   ATh VIII, 80 (Bonnet, 195).

[49]   ATh VIII, 80 (Drijvers, 335). Anstelle von dem „himmlischen Wort des Vaters" schreibt der syrische Text „Wort des Himmels". Vgl. ATh VIII, 80 (Klijn, 158).

[50]   ATh VIII, 80 (Bonnet, 196).

[51]   ATh VI, 52 (Drijvers, 325).

[52]   ATh VI, 52 (Bonnet, 168).

[53]   Vgl. ATh. VI, 52 (Klijn, *Commentary*, 129).

[54]   Vgl. MYERS, "Praying to Jesus", 282.

[55]   Vgl. MYERS, "Praying to Jesus", 282.

[56]   Vgl. ATh I, 10 (Bonnet, 114): „ἡ καταφυγή καὶ ἡ ἀνάπαυσις τῶν τεθλιμμένων"; III, 37 (Bonnet, 155): „ἀνάπαυσις ταῖς ψυχαῖς ὑμῶν"; IV, 39 (Bonnet, 157): „ὦ ἀπόκρυφε ἀνάπαυσις"; VI, 60 (Bonnet, 177): „ἡ καταφυγή καὶ ἀνάπαυσις πάντων τῶν καμνόντων ἐν τῇ σῇ ἐργασια".

[57]   Vgl. ATh I, 10 (Bonnet, 115): „ἡ δύναμις ἡ ἀπτόητος ἡ τὸν ἐχτρὸν καταστρέψασα".

[58]   ATh XIII, 156 (Bonnet, 266).

[59]   ATh XIII, 156 (Drijvers, 362-363). Im syrischen Text spricht man einfach über den heiligen Geist, der in jenen Personen wohnen soll, und nicht über den heiligen Geist des Sohnes bzw. Christi. Vgl. ATh XIII, 156 (Klijn, 240). Vgl. MYERS, "Praying to Jesus", 271: „Although lacking any direct address to Jesus, the prayer in chapter 156 is clearly offered to him."

[60]   Vgl. LIPINSKI, *Konkordanz*, 317-318.

[61]   Vgl. ATh. VI, 51;

[62]   Vgl. ATh. IX, 87;

[63]   Vgl. ATh. X, 131;

[64]   Vgl. ATh. XIII, 156.

[65]   Vgl. ATh. II, 22; II, 24

[66]   Vgl. ATh. IX, 86; X, 131.

[67]   Vgl. ATh. IX, 84.

[68]   Vgl. ATh. III, 32.

[69]   Vgl. ATh. VIII, 77.

[70]   Vgl. ATh. VIII, 76.

[71]   Vgl. ATh. XIII, 156.

[72]   ATh. X, 132 (Bonnet, 240).

[73]   ATh. X, 132 (Drijvers, 354).

[74]   ATh. X, 132 (Klijn, 214).

[75] Vgl. LIPINSKI, *Konkordanz*, 234: ATh. I, 6; I, 6; IX, 112; X, 121; X, 132; XIII, 157.

[76] Vgl. MYERS, "Praying to Jesus", 277: „ […] there is not a sharp distinction made between the Spirit who is invoked and the Christ who is present in the rituals. The *Acts of Thomas* was, after all, written well before the distinction made between different *hypostases* in the Godhead as defined in the First Council of Constantinople. The prayer language of the work evocatively addresses the divine without making any attempt to define the heavenly reality."

[77] Zur Struktur der Begegnung zwischen Thomas und Mygdonia siehe BURRUS, V., *Chastity as Authonomy. Women in the Stories of Apocryphal Acts* (Studies in Women and Religion 23), Edwin Mellen Press, Lewiston/Queenston, 1987, 34, 39-44.

[78] ATh IX, 87 (Drijvers, 337).

[79] ATh IX, 87 (Bonnet, 202-203).

[80] Vgl. LIPINSKI, *Konkordanz*, 257.

[81] ATh VIII, 77 (Bonnet, 192).

[82] ATh IX, 94 (Drijvers, 339).

[83] ATh IX, 94 (Bonnet, 207).

[84] Vgl. LIPINSKI, *Konkordanz*, 318: ATh. VIII, 76; IX, 86; IX, 87; IX, 94.

[85] Vgl. ATh. IX, 87.

[86] Vgl. ATh. VIII, 76.

[87] Vgl. ATh. IX, 86.

[88] ATh IX, 94 (Drijvers, 339).

[89] ATh IX, 94 (Bonnet, 207).

[90] Vgl. dazu SPITTLER, "Anthropology", 206-207: „Despite the separation at death, the connection between body and soul during life is extremely close; so close, in fact, that there is no distinction between the state of the body and the state of the soul."

[91] Vgl. NICKLAS, T., „Altkirchliche Diskurse um das „Wohnen Gottes". Eine Spurensuche bis zur Zeit der Konstantinischen Wende", in: JANOWSKI, B./ POPKES, E.E. (Hg.), *Das Geheimnis der Gegenwart Gottes. Zur Schechina-Vorstellung in Judentum und Christentum* (WUNT I/318), Mohr&Siebeck, Tübingen, 2014: „Für den einzelnen Gläubigen wiederum konnte die (bei Paulus noch unbedingte) Aussage, «Tempel Gottes» sein zu können, zu einer Zusage umfunktioniert werden, die nur unter bestimmten Bedingungen möglich würde. Die Möglichkeit, als fleischlicher Mensch «Tempel Gottes» oder «Wohnsitz seines Geistes» *zu werden*, konnte an Forderungen, ja Bedingungen geknüpft werden und so ein hohes paränetisches Potenzial entfalten."

[92] Vgl. LIPINSKI, *Konkordanz*, 178.

[93] ATh. V, 0 (Bonnet, 159).

94   ATh XIII, 156 (Bonnet, 264-265).

95   Der syrische Text schreibt hier: „[…] mache sie heilige Tabernakel und Tempel und es wohne in ihnen der Heilige Geist!" Vgl. ATh. XIII, 156 (Klijn, 240).

96   ATh XIII, 156 (Bonnet, 266).

97   ATh XIII, 156 (Drijvers, 362-363).

98   Vgl. LIPINSKI, *Konkordanz*, 306.

99   ATh I, 12 (Drijvers, 308).

100   ATh I, 12 (Bonnet, 117).

101   ATh IX, 87 (Drijvers, 337).

102   ATh IX, 87 (Bonnet, 203).

103   ATh IX, 94 (Drijvers, 339).

104   ATh IX, 94 (Bonnet, 207).

105   ATh II, 17 (Bonnet, 125).

106   ATh II, 17 (Drijvers, 310).

107   ATh II, 17 (Bonnet, 125).

108   Vgl. ATh II, 18-19 (Drijvers, 310-311).

109   Vgl. ATh II, 19 (Drijvers, 311).

110   ATh II, 21 (Drijvers, 311).

111   ATh II, 22 (Drijvers, 312).

112   ATh II, 22 (Bonnet, 135).

113   ATh II, 22 (Bonnet, 136).

114   ATh II, 24 (Drijvers, 312).

115   ATh II, 24 (Bonnet, 138).

116   ATh II, 24 (Drijvers, 312-313).

117   ATh II, 24 (Drijvers, 313).

118   ATh II, 24 (Bonnet, 139).

119   Vgl. ATh II, 22 (Drijvers, 312).

120   Vgl. HILHORST, A., "The Heavenly Palace in the Acts of Thomas", in BREMMER, *The Apocryphal Acts of Thomas*, 62: „ […] the picture in the *ATh* shows the innovation that the dwelling is not just a home but a magnificent residence, a palace."

121   Vgl. LIPINSKI, *Konkordanz*, 318: ATh II, 22; II, 24; III, 33; VIII, 71; VIII, 76; VIII, 77.

122   Vgl. ATh III, 33; VIII, 71.

123   Vgl. II, 22; II, 24.

124   Vgl. VIII, 76; VIII, 77.

125   ATh II, 22 (Drijvers, 312).

126   Vgl. HILHORST, "The Heavenly Palace", 64.

127   ATh II, 24 (Drijvers, 313).

128   ATh II, 24 (Bonnet, 139).

129 Vgl. HILHORST, "The Heavenly Palace", 64.
130 ATh II, 22 (Bonnet, 135).
131 ATh II, 22 (Bonnet, 135).
132 ATh IX, 85 (Drijvers, 336).
133 ATh IX, 85 (Bonnet, 201).
134 ATh IX, 85 (Drijvers, 336).
135 ATh IX, 85 (Bonnet, 201).
136 Vgl. ATh IX, 86 (Drijvers, 337) und ATh IX, 86 (Bonnet, 202).
137 Vgl. ATh IX, 86 (Drijvers, 337).
138 Vgl. DRIJVERS, "Einleitung", 300.
139 ATh IX, 86 (Bonnet, 202).
140 ATh IX, 86 (Bonnet, 202).
141 ATh IX, 86 (Drijvers, 337).
142 LUOMANEN, P., "Judaism and Anti-Judaism in Early Christian Apocrypha",
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     321.

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