

Georgios A. Poules, *Η άσκηση βίας στην άμυνα και στον πόλεμο κατά τη Εκκλησιαστικό Δίκαιο*, (Acts of Violence in Defence and War according to the Ecclesiastical Law), 2nd Edition, Thessaloniki 1990, Sakkoula Publishers, p. 215.

What were the rulings of the Church towards War, the killing of enemies in battle or the participation of the clergy in warfare? To answer these questions one must trace, of course, the various legal regulations and the teachings of the Church Fathers which were considered to be of equal importance to secular law. Yet, the task of forming a comprehensive answer on these issues throughout the Byzantine era is not as simple as it seems. To be sure, there were various rules prescribed on the subject from the earliest times; in fact, the Canons of Saint Basil (8, 13, 43 and 55) formed the basis for all future discussions, especially his canon 13. Accordingly, a priest who killed a robber even in defense could not perform in the future his sacred duties. Similarly, the Basilian Canons ruled that a priest who took arms to defend himself against advancing enemies had to be deposed. But at times, the ecclesiastical penal law was challenged and the issue of the involvement of the clergy in acts of violence — as a rule against their will — was discussed in the spirit of *oikonomia*.

The book under review examines the development of the legal regulations derived from church authorities - canons issued by Church Councils and the Fathers concerning the practice of violence in defense and in war and determining the codes of ethics on this matter. A detailed analysis is devoted to the teachings of Saint Basil who ruled that even soldiers who had killed in battle could not receive the sacraments for three years regardless of the war they were involved into (canon 13). This canon was obviously not strictly observed although there are reasons to believe that the Church adhered to it. The canon was also typically ratified in the Council in Trullo, and as it is attested by subsequent sources the Church continued to adhere to it refusing to sanction killing. The canonist Theodoros Balsamon reports, for instance, an ecclesiastical trial involving two clergymen who had killed in war. Their case was brought to court and the decision was taken by the *endemousa*. The case is also reported by Matthaïos Blastares. The two clergymen were condemned on the basis of the Basilian canons 43 and 55, yet not with deposition from their office as the canons prescribe but with a milder penalty, that of abstinence from duties. The decision was not taken unanimously as there were some close to the military (*hoi stratiotikoteroi*) who thought that the two clerics should have been actually rewarded for their actions. A similar

case is also recorded by Skylitzes (p. 240, Thurn): a priest who took arms against invading Sarazens was condemned by his bishop not to perform his sacred duties (*hierourgia*). There are other cases cited by Prof. Poules (78ff) concerning the participation of the clergy in warfare and whether they could have been excluded from military service on the basis of Novella 131, ch. 1 of the year 545. The fact is, nevertheless, that the various prohibitions did not prevent the clergy from participating in military actions. Besides, all the cases known to us concern priests and monks fighting the invading enemy and not in wars of aggression.

Although the Church treated with leniency these cases (for a priest's office is irreconcilable to acts of violence), when Nikephoros Phokas attempted to declare his slain soldiers as martyrs Patriarch Polyeuktos did not endorse the Emperor's wish citing the Basilian canon 13. The argument of the Patriarch went beyond mere formalities, for the whole idea of "martyrdom" was at stake. Any layman regardless of his morals could be declared martyr simply because he was killed in war. The arguments brought forward by both sides are discussed in considerable detail. In this connection, it should be also pointed out that pp. 71-98 comprise one of the most interesting parts of this book. But with regard to the attempts of the Emperor to declare his fallen soldiers martyrs, Prof. Poules makes a very shrewd observation worth repeating here. He noticed that in his speech to his soldiers during the siege of Chandax, Nikephoros Phokas implied to his soldiers a heavenly reward for their labours and risks (Theoph. Cont. I, 478). The text, however, bears a striking similarity in its wording to a speech given by emperor Heraklius in 623 (cf. Theoph. Cont. I, 307). But discussing the emperor's religious policy, inevitably the author was confronted with the concept of holy war as practiced by the Muslims and the Crusaders. He does not share the views of Beck, Dagron and others who maintain that the religion of Islam exerted an influence in Byzantium on this particular issue. On the contrary, he sees a certain connection with the ideas and practices of Greek antiquity regarding war and death. Be that as it may, Symeon of Thessalonica addressing his folk at a critical time for their survival he called upon everyone to take arms against the godless Agarenes promising them that they will have the same reward as the martyrs (p. 97-98).

In the third and fourth chapters, the author examines in depth the Basilian canons 43 and 55 respectively. According to canon 44 anyone who kills is a murder regardless of the circumstances - being attacked, found in defense etc. On the other hand, canon 55, as noted above, deals specifically with the killing of armed enemies and robbers. During the Patriarchate of

Konstantinos IV Chliarenos (1154-1157) this canon became the topic of a debate. The occasion was provided by some soldiers who reported to the Patriarchal Synod that they had killed armed robbers and wanted to know if they were liable to any chastisement. The answer of the Synod has not been preserved except for a brief summary of Theodoros Balsamon dated May 15, 1155. The text with some modifications is also repeated by Blastares and Armenopoulos. Here again Prof. Poules is at his best in interpreting these interesting texts in the framework of ecclesiastical penal law. He also discusses at length the views of Zonaras, Balsamon and Aristenos and concludes that the Byzantine canonists did not adhere wholeheartedly to the rulings of Saint Basil (125-130). Saint Athanasius seems to have held a somewhat different view from Saint Basil on the issue of manslaughter in war (131-137).

In the last part of his study, Prof. Poules discusses various other sources relevant to the acts of violence and legal regulations concerning church life. For instance, he presents the Apostolic canon 27 which provides penalties to the clergymen who beat their faithful out of vengeance (139-148). He draws instances from pseudepigrapha texts which prove also interesting, among other for the distinctions they make in meting out punishment according to one's monastic rank. Worth noting is the mention of a canon falsely attributed to Patriarch Nikephoros I Ouranos in which a presbyter is faced with punishment if he kills a man or even an animal. The wording of the canon is incomplete, but from other inferences of the sources it becomes clear that one should not shed animal blood in anger (159-165). At the last part of the book are presented the various collections of canons in which the canons under discussion are transmitted (167-197).

Prof. Poules has made a major contribution to an important aspect of Byzantine legal regulations derived from Church authorities. The picture that emerges is that these regulations though considered to be immutable, they often collided with secular law. It is a book thoroughly researched, clearly presented and copiously documented. Altogether this is a fascinating and very valuable work.