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**ARTICOLI**

- George Nedungatt, S.J.**, *Ius divinum* . . . . . 5-34

The idea of *ius divinum* is common to all theistic religions. In Judaism, the only lawgiver is God, while Moses is the mediator between God and brings God's word to the people of Israel. In Christianity, Jesus is the incarnate Word of God. And holy scripture as the word of God contains *ius divinum*. The Church is the guardian of *ius divinum*. The laws of the Church apply *ius divinum*, the theological understanding of which however is varied. *Ius divinum* does not drop from heaven but is revealed through the history of salvation and has its own history. The idea of *ius divinum* as merely inhibitive forbidding access to the tree of life is a misconception. The theology of *ius divinum* is important for the progress of ecumenical relations as well as for the reform of canon law.

- Vincenzo Ruggieri, S.J.**, *Il pozzo e la cisterna: l'acqua nella vita quotidiana e nell'eucologio bizantino* . . . . . 35-57

Water was, and still is, an essential element for life on earth, and this stands true both for mankind and animals. Quite early in their history, the Byzantines realized the importance of water for life, mainly in the countryside, where aqueducts did not reach the extremities of remote villages and monasteries. By considering the many prayers dedicated to wells and cisterns, the author has chosen some interesting and ancient texts concerning a new well and the purification of a cistern. Through an interdisciplinary approach of liturgy, which incorporates the "book of prayers" (Euchologion), archaeology, hagiography and epigraphy, we may apprehend this widespread rite of the benediction of water of the Theophanies as the backbone of all subsequent prayers used for blessing water. The provenance of these prayers is traceable to Palestine, and if the waters of the Theophanies were blessed in Jerusalem, the need for new prayers for a well and a cistern may be quite reasonably explained by the arid, desert land of Palestine and Syria, which later spread to Asia Minor.

- Alexandra Nikiforova – Tinatin Chronz**, *The Codex Sinaiticus Liturgicus Revisited: A New Edition and Critical Assessment of the Text* . . . . . 59-125

This article provides a new edition of the 9th-century fragment, *Codex Sinaiticus Liturgicus* (*RNB, gr. 44*, Constantin Tischendorf's collection), with both its Greek and Arabic texts, and compares it to Greek, Greek-Arabic, and Georgian Hagiopolite Lectionaries and Tropologia from St. Catherine's Monastery on Sinai, speculating about the typology, original state, and provenance of this codex, earlier considered to be a "livre unique" and "incomparable."

- Jacopo Gnisci – Rafał Zarzeczny, S.J.**, *They Came with their Troops Following a Star from the East. A Codicological and Iconographic Study of an Illuminated Ethiopic Gospel Book* . . . . . 127-189

This article offers an analysis of the text and illuminations of an Ethiopic Gospel book dating to the late fifteenth or early sixteenth century. The manuscript includes an unusual procession scene depicting the Three Magi, followed by a large retinue of soldiers, beasts of burden, and servants, which extends over several folios and is of particular interest for the study of the peripatetic life of the court of the emperors of Ethiopia.

**Marco Dino Brogi, O.F.M.**, Normativa de S. Hierarchia (aggiornamenti dalla chiusura del Vaticano II all'istituzione della Pontificia Commissione per la revisione del CICO) . . . . .

191-218

The Second Vatican Council concluded its work on December 8th 1965, while the Pontifical Commission for the revision of the Code of Oriental Canon Law (CICO) was established only on June 1972. However, some urgent needs arisen between these two dates had required urgent solution; this paper exposes the origin and development of the three documents regarding the Oriental Hierarchy issued in that period by the Holy See.

The first one is the Motu Proprio *Episcopalis Potestatis*, issued by Pope Paul VI on May 2nd 1967, for the application of *Christus Dominus* (CD) 8: while all the bishops until that day were not allowed to exempt their faithful from any pontifical law, unless they be authorised by the Supreme Authority of the Church, the Council stated that the bishop governs his eparchy "loco Dei", as "Legatus et Vicarius Christi" (see LG 27), which implies that he must also be able to exempt a person from any law, if it is required for his spiritual good. CD 8 confirmed this principle, adding however that «this never in any way infringes upon the power which the Roman Pontiff has ... of reserving cases to him or to some other authority». It was therefore necessary that a list of the reservations, if any, be addressed by the Holy See before the entering in force of *Christus Dominus*; therefore the Congregation for the Oriental Churches had been charged to study the question, and the result was the above mentioned Motu Proprio *Episcopalis Potestatis* and then entered the Code of Canons of the Oriental Churches (CCEO) can. 1538 § 1.

The second document was a Letter giving instructions about the appointment of bishops, in application of *Orientalium Ecclesiarum* 9.3 stating that «the Patriarchs with their Synod are the higher authority for all business of the patriarchate, including the right of ... nominating bishops of their rite..., without prejudice of the inalienable right of the Roman Pontiff to intervene in individual cases». It was clear that the nomination of a bishop was no more requiring any confirmation of the Pope, but it was not said how or when would he intervene, if necessary. The question was raised in April 1965 by the Melkite Patriarch, wishing to nominate four bishops, and while Pope Paul VI started to study the matter with the Secretariat of State and the Congregation for the Oriental Churches, the Synod of the Melkite Church elected in July 1965 those bishops and published their names. The study went on, involving also some Oriental Churches, and finally the Pope sent to the Oriental Congregation through the Secretariat of State the model of a letter, which was sent by Cardinal Gustavo Testa to each Patriarch on June 22nd 1966: they were asked to submit each candidate for bishopric to the Pope, asking if there be any objection on them, so that he may agree with his election (see CCEO cc. 182 § 3 e 185 § 2). The third document concerns the bishops in charge outside the territory of the patriarchate. Until the Council they were appointed by the Holy See and

took *de facto* part in the Synods of their Church, excepting the elective ones. The Council stated that «wherever a hierarch of any rite is appointed outside the territorial bounds of the patriarchate, he remains attached (in Latin: *aggregatus*) to the hierarchy of the patriarchate of that rite, in accordance with canon law». As canon law at that time had no prescription on the topic, the reference obviously was to a future law, but the question was urged once again by the Melkite Church, as the two bishops from outside the patriarchate had been convoked after the death of Patriarch Maximos IV (November 2nd 1967) to the Synod who had to elect his successor. The question was studied very attentively by the Secretariat of State and the Oriental Congregation, together with some other Organs of the Holy See and also involving some Patriarchs, until a solution was found more than a year later. Then Pope Paul VI asked the President of the Pontifical Commission for the revision of CICO and the Prefect of the Oriental Congregation to prepare a text which after his approval was released as a *Declaratio* by Prefect Cardinal de Fürstenberg on March 25th 1970. According to this Declaration, the Bishops established outside the territorial boundaries of their Patriarchate may take part in all the Synods of their patriarchate, who must convoke them. Their appointment is still reserved to the Roman Pontiff, but the Synods have the right to present three candidates for each vacant See; these directions has entered CCEO, cc. 149-150.

**Ioan Cozma**, A historical and canonical analysis of the answers of Patriarch Nicholas III Grammatikos to the Athonite monks . . . . .

253-276

The following study adds to existing research based on the writings attributed to Nicholas III the Grammmarian, Patriarch of Constantinople. The studies that pertain to Patriarch Nicholas are almost nonexistent in the ecclesiastical literature. The only direct references available are in the Byzantine canonical collections as well as in the research conducted by canonists Nikodim Milash and Venance Grumel, appended with my own investigation into the supplementary canons of the patriarchs of Constantinople, as published in Romanian in 2010. This present study provides a historical and canonical analysis of Patriarch Nicholas' canons, emphasizing their canonical and liturgical value. Therefore, while defining the pertinent terminology, the study unfolds with a general analysis of the canonical writings of patriarch Nicholas, with a concentration on the canons of the Byzantine canonical collections. The aim of this study is to examine their authenticity, characteristics, and their importance to both Orthodox and Catholic eastern canon law. This literature is complete with a more literal translation of these canons from their original Greek into English. *Keywords:* Patriarch Nicholas Grammatikos, Holy Canons, Supplementary Canons, Athonite monks.

**Anna Sirinian**, Libri per il paradiso: aspetti di mentalità nei colofoni armeni del XIII secolo . . . . .

277-292

The article aims to highlight some of the fundamental causes for the remarkable spread of colophons in the medieval Armenian milieu, using the colophons themselves to illustrate the phenomenon. A special focus is devoted to the colophons of the 13th century gathered in the collection published by Artaşes Mat'evosyan at Erevan in 1984. These texts can be seen to have assumed over time a formulaic language, and, even if varied on occasion, their compositional scheme repeats itself with a certain constancy. This makes possible the ready

identification of certain key concepts that are related amongst themselves and that reveal the immense worth attributed to the colophons and their manuscripts by the community that produced them.

**Massimo Bernabò** con la collaborazione di **Sara Fani, Margherita Farina, Ida G. Rao**, *Le miniature del Vangelo arabo della Biblioteca Medicea Laurenziana di Firenze, codice Orientali 387 (Mardin, 1299 d.C.)* . . . . .

293-447

The Laurentian Library in Florence owns an Arabic manuscript with the apocryphal Gospel of the Infancy of Our Lord (cod. Orientali 387), which is illustrated with over fifty drawings. It has the size of a notebook. The text of the manuscript was first published by M. E. Provera, for the Custodia Francescana di Terra Santa and more recently by S. Voicu. Only a few of the illustrations have been hitherto published. A colophon states that the manuscript was written in Mardin in 1299 C.E., that is during the so-called Syriac Renaissance. Differently from the contemporary Gospel lectionaries in Syriac, the illustrations are in Islamic style. The Gospel of the Infancy is part of a group of narratives of the early days of Jesus; scholars claim that all the writings of the group hark back to a lost fifth-century Syriac narrative. The miracles accomplished by Jesus' bathwater and swaddling bands are the core of the narrative. The chapters of the Gospel tell miracles, healing diseases, casting out demons, and popular events of everyday life. Women's matters dominate the Florentina Gospel: care of children, their diseases, possession, eroticism, beauty, jealousy. The Gospel is completed by a harmony of the events from the canonical Gospels, passages from the Gospel of Nicodemus, and a prologue with Zoroaster prophesying that a virgin will bear the Messiah in Bethlehem.

**Tatiana Afanasyeva**, *The Manuscript Vat. slav. 14 as a Leiturigikon of Metropolitan Cyprian († 1406)* . . . . .

449-458

The article argues for the idea that the Leiturigikon of Cyprian is a manuscript preserved in the Vatican Apostolic Library *Vat. slav. 14*, written at the Moscow Metropolitan scriptorium in the late 14<sup>th</sup> century. Traditionally, the *Sluzhebnik* of Cyprian was identified as a manuscript of the State Historical Museum, *Syn. 601*, late 14<sup>th</sup> century; that opinion was based on margin notes by the scribe Hilarius. The language and the composition of some services in *Syn. 601* differ from those in the *Trebnik* of Cyprian, which is traditionally identified as a manuscript of the State Historical Museum, *Syn. 326*, of 1481. Those contradictions were discussed in the research works of the 19<sup>th</sup> century; I. D. Mansvetov concluded that the *Trebnik Syn. 326* contains some services not connected with the translations of Cyprian's circle — they were ascribed to him by mistake in the 14<sup>th</sup> century. A study of the manuscripts with Cyprian's liturgical translations has shown that a number of services in the *Sluzhebnik Syn. 601* were not connected with the Cyprian's activity and that they were taken by Hilarius from other sources. The *Sluzhebnik* of Cyprian was a classical leiturigikon containing only the texts of the Liturgies and their rules, while the *Trebnik* of Cyprian is a MS *Syn. 675* — it contains a Slavic translation of the Euchologion of the Great Church. Both manuscripts were made in the same scriptorium;

they have similar handwriting and orthographic systems; they were designed for the liturgical services in the cathedrals of Moscow in the time of Cyprian.

Keywords: the Sluzhebnik and the Trebnik of Cyprian, the liturgical reforms in the Moscow Rus' in the late-fourteenth century, the Metropolitan scriptorium, orthography of manuscripts.

**Marco Bais**, *Il tempo e la storia. Considerazioni sul prologo della Storia di Tamerlano e dei suoi successori* di T'ovma Mecop'ec'i . . . . . 459-479

The *vardapet* T'ovma Mecop'ec'i (1378-1446) played an important role in the history of the Armenian Church. He was a supporter of the transfer of the Catholicate from Sis to Ejmiacin in 1441. Although he wrote a number of works of linguistic, hagiographic, and exegetical content, he is mostly known for his *History of Tamerlane and his successors*. Scholars were mostly interested in the political and military content of this work, which is considered among the most significant sources for the study of the Timurid conquest of Southern Caucasus and Armenia and the subsequent expansion of the Qara Qoyunlu tribal confederation. No attention has been paid to the reason why T'ovma Mecop'ec'i wrote a *Patmut'iwn*. The paper examines T'ovma's conception of history and shows the close connection existing between the composition of this work and his teaching activity as a *vardapet*. In fact, according to the prologue of the *History*, dealing with time (i.e., past, present and future) is part of the teaching of a *vardapet*. However, the educational value of history does not reside in transmitting a knowledge of facts, but rather in warning the disciples about their future conduct in tune with lessons learned from historical events.

#### ANIMADVERSIONES

**Enrico Cattaneo, S.J.**, *Un nuovo approccio al primo concilio di Nicea (325)* . . . . . 219-230

**Samuel Moawad**, *Addenda zur Vita Dioscori, PO 246 (56.1)* . . . . . 231

**Henryk Pietras, S.J.**, *Alcune precisazioni riguardanti la recensione di Enrico Cattaneo* . . . . . 481-484

**Sergey Kim**, *Severiano di Gabala: un nuovo frammento greco* . . . . . 485-490

The article is dedicated to a Greek fragment from the homily of Severian of Gabala *In illud: Christus est oriens* (CPG 4235), which has been identified in the ps.-Athanasian florilegium *De communi essentia* (CPG 2240). A new edition of the fragment based on two manuscripts (Paris, BnF, gr. 1115 and Basel, Universitätsbibliothek, A.III.4) replaces the older edition published in PG 28, 64-65. The edition of the Greek fragment is faced by an Italian translation of the correspondent portion of the homily conserved in Old Georgian.

Keywords: Old Georgian patristic translations, Severian of Gabala, Pseudo-Athanasius, patristic florilegia.

<b>Sameh Farouk Soliman</b> , The Allusions to the Alexandrian Liturgy in the <i>Christian Topography</i> of Cosmas Indicopleustes: The Coptic Texts . . . . .	491-498
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The allusions to the Alexandrian Liturgy, in the *Christian Topography*, 7, 22 of Cosmas Indicopleustes, have been noticed a long time ago by E. Peterson who exaggerated in speaking of a “destruction” of the old tradition. Nevertheless, it is worth turning back to them, because they were not directly confronted with the Coptic texts. Cosmas quotes two prayers *περὶ μὲν τῶν προσφερόντων* (top. 7, 97, 1-2) which is prayed in the Coptic Church nowadays in the “Litany for the Oblations” during the Morning Service as well as during the Liturgy of Saint Mark and *περὶ δὲ τῶν κεκοιμημένων* (top. 7, 97, 6), which belongs to the “Litany of the Departed” and is prayed in the Coptic Church nowadays during the Evening Service as well as during the Liturgy of Saint Mark. It is true that the Coptic text of the prayers has been largely expanded, but we have to notice that it better attests the wording of Cosmas than the Greek liturgy of St Mark or others parallel texts. On the contrary, the Coptic liturgy may be proud of having preserved until today the kernel of these prayers.

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