

# *Stratégies du maintien du pouvoir*

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## SLAVONIC ORIGINES REGNI: HERO THE LAW-GIVER AND FOUNDER OF MONARCHY (INTRODUCTORY SURVEY OF PROBLEMS)

### I

Our reflections will deal with three traditions, registered in chroniclers' records and explaining the rise of the political communities of Bohemians, Cracovians and Kiev Polanes, and consequently speaking about the rise of the Bohemian, Polish and Ruthenian states.<sup>1</sup> These traditions arose—or at least were edited and committed to paper—at the moment when the statehood of each of the Slav countries mentioned above was already firmly established.<sup>2</sup> The supreme power had for centuries remained in

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<sup>1</sup> *Cosmae Pragensis Chronica Boemorum*, (hereafter *Cosmas*) ed. B. Bretholz, MGH *Scrip. rer. Ger.*, n. s. vol. II, Berlin<sup>2</sup> 1955, p. 5 and fol.; *Magistri Vincentii Chronica Polonorum (dicti Kadłubek)*—(hereafter *Vincentius*), ed. A. Bielowski, *Monumenta Poloniae Historica*, vol. II, Lwów 1872, p. 255 f.; *Povest' vremennyh let*, (hereafter *Povest*), ed. D. S. Lihačev, Moscow 1950, p. 12 f.

<sup>2</sup> *Cosmas' Chronicle* was born in the years 1119—1125, see D. Třeštk, *Kosmova Kronika. Studie k počatkům českého dejepisectví a politického myšlení*, Praha 1968, p. 50 f. *Vincentius' Chronicle* breaks off in 1202, the author died in 1223, see B. Kürbis, *Wstęp do polskiego tłum. mistrza Wincentego Kroniki Polskiej* [Introduction to the Polish version of *Vincentius' Polish Chronicle*], Warszawa 1974, p. 37 ff. *Povest' vremennyh let* received its present form in the second decade of 12th century see A. Poppe, *Powieść doroczna [Povest' vremennyh let]*, in: *Słownik Starożytności Słowiańskich*, vol. IV, Wrocław 1970, pp. 259—265; *idem*, *Nestor*, *ibidem*, vol. III, Wrocław 1967, p. 365 f.

the hands of representatives of ruling dynasties (the Premyslids, the Piasts, the Rurikovič) and the Church produced permanent organizational structures co-creating the local economico-administrative order in the territories that were conquered for the Christian faith relatively late.

The expositions of the rise of the Bohemian, Polish and Kiev communities seem to be attempts at providing suitable description of the *origines* to the already firmly established kingdoms—state organisms, which had overcome the tribal differentiations of their constituent populations. The new state communities in this way draw up warrants of their historical permanence. The history of a rise of state order, of a community that is politically united, its initial history—satisfy the curiosity of the contemporary generations as to the origin of their native kingdom. Such historical visions enhance their sense of pride, sanctioning the current order—the magnificent deeds of forefathers and the achievements of contemporaneity mutually complement each other—backing up the recipients' emotional ties with the monarchy where they live.<sup>3</sup> There is a certain reserve to be felt among the researchers with regard to such type of records or historical expositions.<sup>4</sup> In comparison to the dynastic legends and to traditions reaching back to tribal life, they are supposed to be only relatively late products of mediaeval scholarship, having nothing in common with the current of vital, natural activity aimed at commemorating the past. They are also denied the status enjoyed by e.g. old folk legends, which although being something less than a historical

<sup>3</sup> Cf. e.g. Cz. Deptuła, *Średniowieczne mity genezy Polski [Mediaeval Myths of Poland's Genesis]*, "Znak", 1973, No. 11/12, pp. 1365—1403; K. Pomian, *Przeszłość jako przedmiot wiary. Historia i filozofia w myśli średniowiecza [The Past as an Object of Belief. History and Philosophy in Mediaeval Thought]*, Warszawa, 1968, p. 11 f.; F. L. Borchardt, *German Antiquity in Renaissance Myth*, London—Baltimore 1971; F. Graus, *Lebendige Vergangenheit. Überlieferung in Mittelalter und in den Vorstellungen vom Mittelalter*, Köln—Wien 1975.

<sup>4</sup> See K. Ślaski, *Wątki historyczne w podaniach o początkach Polski [Historical Threads in Legends about Poland's Origin]*, Poznań 1968, p. 14 f. (where a review of opinions). Also F. Graus, *Počátky českého státu a vyvoj "statni" ideologie*, "Slavia Occidentalis", vol. XXII, 1962, p. 156 f.; H. Łowmiański, *Wątki literackie i tradycja ustna w kronice Kadłubka (I księga) [Literary Threads and Oral Tradition in Vincentius' Chronicle (Book I)]*, "Studia źródłoznawcze", vol. XX, 1976, p. 24.

record, are still something more than our artificial and literary constructions.<sup>5</sup> The acceptance of such a distinction leads to a paradoxical situation, since it assumes that there is a qualitative difference between our *origines regni* and other records, arising from the fact that some fictional products function longer than others.<sup>6</sup>

One cannot agree with the views quoted here in brief, and by no means because one would like to defend our 12th—13th centuries *origines regni* against the accusation of artificiality and scholarly provenance. These forms of expression are in fact as scholarly and artificially constructed as the most "genuine" old and good tradition.<sup>7</sup>

If, however, the opposition of the old, natural tradition to the mediaeval scholarly exposition may serve as some warning as regards our research, it should take the form of the following problem: had the categories, problems and schemes present in those good old records—solutions that set an order—retained their durability, legibility and timeliness to the extent that they remained in the intellectual equipment of the writer-historian from the late Middle Ages, had they found reflection in his works or disappeared without trace, replaced by new values and ideas? <sup>8</sup> The lack of continuity between the old and the new, or rather the breach of continuity of tradition would not signify, of course, a break-up of its current into the earlier, natural, and the later, scholarly-artificial, however it would impose a clear separation of one sequence of traditions from the other.

Anticipating the conclusions that may follow and invoking

<sup>5</sup> F. Graus, *op. cit.*, p. 6 f.

<sup>6</sup> *Ibidem*, p. 7. This contradiction arises from the fact, that "study products", "artificial—scholarly constructions" do not form culture as socially un-objectivized objects. Cf. e.g. S. Czarnowski's definition of culture, discussed in the favourable commentary by J. Szczepański, *Elementarne pojęcia socjologii [Elementary Ideas of Sociology]*, Warszawa 1970, p. 78. It is overlooked that there is a background of ideas, solutions—behind them, that have long since been given an external—objectivized form.

<sup>7</sup> Cf. conclusions arising from the studies by Georges Dumézil, *Mythe et épopée*, vol. I—III, Paris 1968, 1971, 1973.

<sup>8</sup> Cf. investigative foundations of J. H. Grisward's, *Archéologie de l'épopée médiévale. Structures trifonctionnelles et mythes indo-européens dans le cycle des Narbonnais*, Paris 1981, p. 19 f.

the studies that ascertain the long persistence or slow transformation of ideological stereotype solutions by means of which social reality was conceived, one should say that three Slavonic expositions of the origins of the politically organized Bohemian, Polish and Ruthenian communities, dating back to 12th and 13th centuries in respect of their ideological structures, constitute only elements in the long line of traditions, almost impervious to the passage of time, that explain the rise of supreme power, law and state independence of a certain human group. Of course, some imprint is also left on them by the time when they were constructed. We are however prone to maintain that our traditions belong rather to a numerous supra-cultural and supra-temporal family of legends telling about the beginnings of life of human groups enclosed within state organisms, than are the products of precisely mediaeval scholarship or examples of mediaeval sensitivity to the problems mentioned above. The aim of my study is precisely to discover and describe these permanent structures of legends explaining *origines regni*.

One more remark suggests itself here. Traditions about the rise of a complete community, organized in legal and political respects, i.e. with a ruler at the head, must be considered to be a special variety of a dynastic legend, if the latter is to be understood as a story illustrating the gaining of supreme power by the hero.<sup>9</sup> A story showing the origin of a state-social organization of some human group as well as the crucial point of this process—the establishment of monarchic institution—by its very nature places itself in the rich current of dynastic traditions, although the story itself may give little account of the achievements of the first ruler. It happens that the threads of a legend are above all focussed on a more precise presentation of formative mechanisms of the new community, but in fact the figure of hero-founder of the social order and kingdom can be hardly eliminated from such a story.

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<sup>9</sup> See J. Banaszkievicz, *Podanie o Piaście i Popielu. Studium porównawcze nad wczesnośredniowiecznymi tradycjami dynastycznymi* [The Legend of Piast and Popiel. Comparative Study of Early Mediaeval Dynastic Traditions], Warszawa 1986, p. 25 f.

## II

Before the main hero of action enters the scene of events lightened by each of the three traditions under examination, what remains in our field of vision is his future partner—the collective hero, namely the people that lives in its particular way as of old. It is precisely this way of life of tribal collectivities which is presented by the three traditions most exactly. Other information about them is general and scarce—we can hear very little about the lot of the early Bohemians, Cracovians and Polanes. It is unquestionable, however, that we have to do with human groups with a developed sense of their own community, who had settled on a certain territory controlled by them and nobody else. In other words, one can speak about tribes—in the case of Bohemians we even get to know their hero-eponym (it is *pater Bohemus*) who brought his people to their new dwellings.<sup>10</sup>

In the records of Vincentius' *Chronicle* there appears no motive of land conquest by Cracovians, nor any figure connected with their primaeval history. The lack of description in Polish legendary history of such an important fact to tribal history as settlement of a group on definite territories, the complete ignorance of the heroes of those crucial times, is recompensed by the praise of courage of the people itself and its militant persistence throughout centuries. The Cracovians, as the chronicler assures us, constituted an extremely large and valiant tribe. They had a great number of daring warriors and practically never ceased fighting. Only fighting was a value which mattered to this people, while waging war they did not even care about plunder or territorial gain: prowess and courage were values in themselves. Among the numerous enemies they had also Romans, after whose defeat a part of Cracovians settled on the territory of the Empire.<sup>11</sup>

Only *Povest' vremennyh let* does not provide any information that would shed light on the former or, for that matter, any history of Polanes. They simply exist and live among the large family of Slav tribes, their closer or more distant neighbours. This

<sup>10</sup> Cosmas, p. 7.

<sup>11</sup> Vincentius, p. 252 f.

simple and short statement of the presence of Polanes on the historical arena contrasts with the elaborate characterization of their customs, presented in a comparative way against the background of the neighbouring peoples. Similarly to Vincentius, who filled the history of Cracovians with the praise of their prowess and memories of the battles fought, also the Ruthenian chronicler reduced the presentation of his people to indication of the superiority of Polanes' customs over those obtaining among the neighbouring communities. The Polanes stand out to advantage among their neighbour tribes due to the culture of the customs regulating their sexual and family life—their behaviour is, so to say, more civilized, not so brutish, as it happens for example with the Drevlanes.<sup>12</sup>

These short characterizations of the state of the three communities before the appearance in them of a hero-founder of the new order, show that these groups formed tribal organisms with a long (or even very long) duration in the past and that each of those communities was marked by a certain characteristic which brought it together and raised it, in a way, above other peoples.

We devote so much attention to the moment when the two parties of our traditions meet, or precisely to these two parties by themselves at the moment when they faced each other, since the condition of one of them—the people—designates the tasks of the other—the hero. While the hero, active and remaining constantly in the foreground, through his actions gives us the idea of certain characteristics of the community that are vague or not mentioned at all, and which he transforms. In the hitherto review of characteristics of the three Slav peoples provided by the legendary primaeval history we drew attention to the positive aspects of the picture, i.e. to those traits of the communities of Bohemians, Cracovians and Polanes which made possible the emergence of those groups as separate and fully-formed tribal organisms. One can easily guess, however, that these traits do not set the general tone of the presentations of our communities.

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<sup>12</sup> *Povest'*, p. 14 f. "Sexual freedom" or sexual chaos were typical of the communities *sine rege et lege*, cf. e.g. Cosmas, p. 8. See J. Le Goff, *L'Occidente medievale e l'oceano indiano: un orizzonte onirico*, in: *Il tempo della chiesa e tempo del mercante*, Torino 1977, p. 272.

As soon as the statements were uttered about the presence of the mentioned tribal groups and as soon as the identity of those peoples was outlined—which was necessary in order to designate the object of the hero-reformer's actions—all the deficiencies characteristic of those social organisms are disclosed. The reformatory programme of hero-founder of the new order is clearly outlined by the specification of deficiencies of the inner order which controls the communities in question, although these deficiencies are not always subject to direct criticism. This list of deficiencies also justifies the emergence of this outstanding and strong personality, to whom the group will soon owe the establishment of the qualitatively new system.

What are the main deficiencies of the tribal social system, and consequently, what are the most important tasks facing the hero-reformer? One of the foremost problems in the stories by Cosmas and Nestor about their ancestors' old communities is the problem of the natural, so to say, segmentation of the tribal groups of Bohemians and Polanes. The Bohemians and Polanes have a doubtless sense of identity—they also, as we are entitled to suppose—live as peoples in a certain agglomeration, each on its commonly owned territory. Nevertheless the inner structure of the tribal community is loose, atomized into many families, which from the point of view of the whole, constitute separate enclaves, and not components of a community. Everybody lives separately with his own family stock, as we read in *Povest' vremennyh let*.<sup>13</sup> Whereas in Cosmas' *Chronicle*, though complete segmentation of the tribe is stated, family stock (*generatio*) and tribe (*tribus*) are mentioned as institutions where the whole social life of the members of this Bohemian quasi-community is enclosed.<sup>14</sup> The statement that the social existence of the tribal group develops parallelly in many autonomous micro-organisms can also be detected in Vincentius' exposition of Cracovians' primaeval history. It is however most distinct and legible at this point of transformation of the old community into the new one, where the

<sup>13</sup> *Povest'*, p. 12.

<sup>14</sup> *Cosmas*, p. 9.

tribal group is brought together as a whole as a result of providing it with a law by the hero-founder.<sup>15</sup>

At this point we touch on another, extremely important problem to the characterization of those early Slav communities which appear in legendary history. The segmentation of tribal groups of Bohemians, Polanes and Cracovians into a great number of enclosed and small units of social life was possible because everybody had a right to his own rule and behaviour, according to his means (prosperity, character of the group). The lack of a legal norm obtaining among all the members of the group enhances the disintegration of the tribal community, and may be even a downright cause of such a state of affairs. The lack of a law, observed generally, is simply tantamount to, as we have already mentioned, the predominance of brute power, that is a state of constant and open war of everybody against everybody.<sup>16</sup>

And so it happened in the community of Cracovians. According to the Polish chronicler the situation started changing only when the hero-reformer Krak gave law to the people, however, as Vincentius writes, justice did not prevail immediately, but it merely ceased yielding to the coercion of violence. Fist law also rules in the Bohemian community. Cosmas in his chronicle gives us not only a description of the type of old, deficient, atomized community, where might is right, but also depicts a history of depravation of an initially ideal community.

During the time of Father Bohemus, when the Bohemian community was formed, there was a golden age on earth, the vision of which is closer to Ovidian than the Lucretian presentation of the initial period of humankind.<sup>17</sup> The Bohemians lived then in a primitive way, but quietly and with mutual respect. The quiet

<sup>15</sup> Vincentius, p. 255 about the law as a determinant of group-community, see A. Guriewicz, *Kategorie kultury średniowiecznej* [*Categories of Mediaeval Culture*], Warszawa 1976, p. 171, 178.

<sup>16</sup> The remark by J. P. Vernant, *Le mythe hésiodique des races. Essai d'analyse structurale*, in: *Mythe et pensée chez les Grecs. Etudes de psychologie historique*, Paris 1966, p. 44 should be quoted here: "La logique qui oriente l'architecture du mythe, qui en articule les divers plans, qui règle le jeu des oppositions et des affinités, c'est la tension entre Diké et Hubris..."

<sup>17</sup> Cosmas, p. 7 f. See J. Le Goff, *Èta mityche*, in: *Enciclopedia*, ed. Einaudi, vol. V, Torino 1978, pp. 886—913; A. O. Lovejoy, G. Boas, *Primitivism and Related Ideas in Antiquity*, Baltimore 1935.

and unconflicting commune finally broke down for the same reason as the happy community under the patronage of Scandinavian gods. There Gullveig, here *amor habendi*, as Cosmas defines it, cause the primaeval community to change into a community of people who are hostile to one another and overpowered by greed for possessions.<sup>18</sup>

The account from the Ruthenian chronicles renders this main deficiency of the old legendary communities in a very interesting way. There is no complaint about the process of deterioration of interpersonal relationships within the framework of community, neither do we find there the motive of a group disrupted by inner conflicts, subjected to fist law. The community of Polanes although it is dispersed, divided into families with their separate chiefs, still lives in a moral way. Thus what comes to the forefront is not the legal aspect of the people's organization, the problems of possession of law or lack of it in this community, but the cultural norm, the value of morality measured by the distinction into : what is human and becomes a human being—and what is brutish, and brings discredit to man. The Polanes in contradistinction to their neighbours and kindred tribes have managed to produce a superior culture, in their social life they do not imitate animals, to whom all sense of shame or tact is alien, and are not blindly led by their own desires. This is proved by the comparison of their morals with the morals of other neighbouring tribes, briefly presented by the chronicler.

The asseverations that Polanes do not live like animals would seem to preclude any possibility of accusing this people of so antagonistic inner relations, subjected to fist law, as it was stated in the case of Bohemians or Cracovians. Other components of the picture of tribal communities, also found in the picture of the community of Polanes, contradict however this assumption.<sup>19</sup> The polish of Polanes' people gives them certainly a sense of superiority over the peoples which are culturally inferior and

<sup>18</sup> Cf. G. Dumézil, *Les dieux des Germains*, Paris 1959, p. 36 f. Also see J. Baszkiewicz, *Myśl polityczna wieków średnich* [Political Thought of the Middle Ages], Warszawa 1970, p. 69.

<sup>19</sup> Cf. R. Bernheimer, *Wild Men in the Middle Ages. A Study in Art, Sentiment and Demonology*, Cambridge Mass. 1952, p. 112.

according to the chronicler's intention it predestines them to taking the supreme power over their neighbours, however it cannot bring as a result any special appeasement of their inner relations.

All the three traditions under analysis show clearly that none of the communities in question had a supreme ruler or judge. The absence of a king or of leadership is tantamount to the break-up of the community into many groups of interests, where each *per fas* and *per nefas*, that is with the help of weapons and against the ulterior reasons, will seek its own benefit. Such a regularity is formulated both by Vincentius and by Cosmas, who illustrate it by examples of primaeval history of their native communities. Living without a ruler and broken up into separate families the community of Polanes cannot be an exception here. When there is no ruler, there may be no law—and no co-existence in a community.

Such are precisely the barbarous communities, since they stay *sine rege et lege*. Gallus Anonymous, a chronicler active in Poland in the early 12th century, states in regard to pagan Pruthenians that knowing no institution of king or law they have not liberated themselves from the primaeval state of savagery.<sup>20</sup> Similar is the tenor of *Kristian's Legend* (about the middle of the 11th century) whose author gives his own version of how the Bohemian community became civilized. The former Bohemians were like an unbridled wild horse, they went without the law, prince or any ruler. Let us raise here one more moment characterizing the barbarous groups of Bohemians. The author of *Kristian's Legend* complements the picture of his ancestors' community with the following remark: "(Bohemi) *uti bruta animalia sparsim vagantes, terram solam incolebant.*"<sup>21</sup> This statement is very clear. Again—it brings to light, and very clearly—the main feature of primaeval communities that have not crossed the threshold of civilization designated by the ideas of *rex* and *lex*. The author speaks of the

<sup>20</sup> *Galli Anonymi Cronicae et gesta ducum sive principum Polonorum*, ed. C. Maleczyński, Monumenta Poloniae Historica, nova series, vol. II Cracoviae 1952, p. 112.

<sup>21</sup> *Legenda Christiani [Kristianova Legenda]*, ed. J. Ludvíkovský, Prague 1978, p. 16.

inner incoherence of such groups, of their inner segmentation, which found its expression in *Kristian's Legend* in the words "*sparsim vagantes*". So one should repeat the earlier quoted generalization that the loose bands, antagonistic families remaining within the framework of one people, produce a community with its own sense of identity, a quasi-community however, disrupted internally by constant quarrels and constant fight of everybody against everybody.

Precisely such a *sine lege* state is presented in the introduction to the collection of the oldest Polish laws by their German editor with the following words: "The Romans have given it (the law) importance again . . . they saw clearly (what everybody aimed to do) namely, not to let anybody free (to beat and pierce one and another) whoever could (and over whom he had power) and somebody else made outrageous deeds to another (who prevailed over others by the number of kinsmen) or may be by property" . . .<sup>22</sup> Hero-founders of the new social order thus move in surroundings not differing from the ones characterized in the above-quoted fragment by an anonymous author of the oldest collection of Polish law. Our traditions also confirm the fact that those heroes themselves descend from the mentioned, dominant group of strong individuals who dictate conditions to others, empowered by the wealth possessed or by the group of their kinsmen who support them.

We hear about the Bohemian Krok that he lived in affluence.<sup>23</sup> Whereas Kij, as we may have reason to surmise, as the head of a family could exert a suitable pressure through a host of his kinsmen and relatives. His supreme position in the family is also brought into relief by the solidary co-operation of his brothers and sisters exactly for his own sake, for the sake of the head of the family union.<sup>24</sup> Nothing as certain can be said about Polish

<sup>22</sup> *Najstarszy zwód prawa polskiego* [The Earliest Collection of Polish Law], ed. J. Matuszewski, Warszawa 1959, p. 146 f. *Historia Longobardorum codicis Gothani* of the 11th century thus describes their people, when they appeared in Italy: "*sanguinea et aspera progenies, et sine lege*", *Script. rer. Langob. et Italic.*, Hannoverae 1878, p. 7.

<sup>23</sup> See Z. Kalandra, *České pohanství*, Praha 1947 (chap. Krok) pp. 260—292.

<sup>24</sup> See B. Rybakov, *Early Centuries of Russian History*, Moscow 1965, p. 9 f.

Gracchus.<sup>25</sup> It should however be assumed that in his person we also have to do with a wealthy lord. He comes back to the old tribal country of Carinthia, according to Vincentius won over from the Romans by Cracovians. This is a rich land, where the conquerors, having seized a great plunder, organized their own administration, but under the influence of Roman luxury dwarfed as warriors. Krak seems to be an outstanding personage among them.

### III

Even if all our three heroes—as we have already stated—should be considered *potentiores*, prosperous people enjoying support of their family group, yet the noticed similarity between them in respect of their social situation does not extend to the mechanisms of career, which gave them a distinguished social position and the possibility of transforming their tribal communities. Krok and Kij gained power respectively over the Bohemians and Polanes in a similar way. However Gracchus-Krak gained it in a different way. The basic difference between both ways of becoming a leader of a community that so far had no king, consists in the fact that Krok and Kij conquered, so to speak, their communities from within. Whereas Gracchus-Krak is an outsider, he does not emerge out of the crowd of inhabitants of a territorial-tribal community in order to become its sovereign, but comes from some place outside the group—in order to subjugate it and impose himself as a ruler, establishing his own conditions of reign.

Let us first look at Krok and his elevation, trying to make a closer analysis of information given to the whole problem by Cosmas. Krok, who belonged to the influential group of *potentes*, by no means endeavoured to rise in importance, or aspired to an all-Bohemian career. Nevertheless he remained in the centre of interest of the local community and his fame expanded in ever-widening circles. The reason of his great popularity was the

<sup>25</sup> See B. Kürbis, Komentarz do polskiego tłumaczenia mistrza Wincentego *Kroniki Polskiej* [Commentary to the Polish version of Vincentius' *Polish Chronicle*], Warszawa 1974, p. 78 ff, notes 19, 24.

fact that Krok made himself known as an unusually just arbitrator and judge in quarrels and feuds arising among the people. So that everybody came to him presenting their problems and asking advice or help in solving the controversial questions. Cosmas says that he attracted as bees to a hive not only the people from kindred tribes (*de propriis tribubus*), but also from the whole country (*ex totius provincie plebibus*).<sup>26</sup> In short, it was not he who endeavoured to gain esteem among the people, but the people themselves sought him and subjected themselves to his authority.

The person of Krok, a just arbitrator and judge, thus unites the internally divided community of Bohemians, and through the arbitrator's activity introduces more peaceful qualities to their internal, hitherto strongly antagonistic, relations. From the text of the legends presented by Cosmas one may gather that the beneficial effects of arbitratorial-judicial practice of Krok met with such approval of the people that he was acknowledged as a judge of the whole community. After Krok's death, his daughter Libusha, certainly received and held this position by the will of the whole people. It is possible that only the resolution of a meeting—"thing", accorded her the title of a judge (*iudex*) and by the same formally put her at the head of this community. It may be, however, that as we have stated, by this gesture towards this woman, prophetess and the youngest daughter of Krok, the post of her father was merely handed over to her.<sup>27</sup> At any rate we are justified in saying that the family of Krok gained the supreme position over the community of Bohemians, to a certain extent bringing about a pacification of this people, without bloodshed, use of force or coercion.

In order to explain the career of Krok and his daughter Libusha, seen comprehensively as a certain scheme of elevation of an individual over the people, as well as its particular episodes, one may invoke many a doctrine, view or ideological solution from antiquity and the Middle Ages. One can try to place this elevation

<sup>26</sup> Cosmas, p. 9 (... *ad quem... velut apes ad alevaria, ita omnes ad dirimenda convolabant iudicia*).

<sup>27</sup> The career of the Bohemian Krok and his "office" find close analogies in some African communities. See J. Kurczewski, *Prawo prymitywne* [*The Primitive Law*], Warszawa 1973, pp. 149—194.

within the framework of the intellectual current of some broader conception describing the processes of social life, one may also bind it up with the views of the era that produced this tradition. There is also an ambitious path, that combines both investigative procedures mentioned above, which are not mutually exclusive.<sup>28</sup>

In this introductory analysis of the three mediaeval Slavonic traditions of *origines regni* we should like to adhere as closely as possible to the technical problems, posed and solved in our fabled transmissions. Be it as it may, they are an expression of practical knowledge, evidence of a special socio-technique applied for showing the phenomenon of the origin of a civilized and well-ordered community. Hence relating them to various ideological currents is in so far of secondary importance as the technical solutions are stronger inscribed in the series of the already existing achievements-solutions of problems—than in the sets of ideological propositions where a more general meaning and importance of things is discussed.<sup>29</sup>

Precisely such a conservatism of practical knowledge expounded by the *origines regni* traditions belonging to history, is illustrated by the comparison of Cosmas' legend about Krok to the tale presenting the history of Medes' statehood, noted by Herodotus.<sup>30</sup> Its hero is Deioces, a man as respected by his folk, in his village, as Krok was for his wise and impartial verdicts.<sup>31</sup> Lawlessness was rampant in this country, but Deioces all the more cared for justice and scrupulously performed his office. He did not have to wait long for the results of his actions. At first the village, his neighbours' community, elected him their judge. As to Krok, so to him, petitioners flowed from all the country. He did not do

<sup>28</sup> It was successfully taken up by D. Tréštik, *op. cit.*, pp. 166—183.

<sup>29</sup> Cf. J. Baszkiewicz's remarks, *op. cit.*, p. 70, expressed while discussing the very technical and concrete vision of the origin of royal power, given by Jean de Meung in *Roman de la Rose*.

<sup>30</sup> Herodotus, *Dzieje* [History] I, Warszawa 1954 pp. 96—102. M. Gagarin, *Early Greek Law*, Berkeley 1986, p. 20 ff., 58 f.

<sup>31</sup> See A. Christensen, *Kulturgeschichte des alten Orients, Die Iranier*, in: *Handbuch der Altertumswissenschaft*, Bd. III, 1, München 1933; J. M. Djakonov, *Istoriija Midii*, Moskva 1956, pp. 178, 188 f. 715; K. Głombowski, *Ktezjasz z Knidos, grecki historyk perskiej monarchii Achemenidów* [Ctesias of Cnidos, Greek Historian of the Persian Monarchy of Achaemenidae], Gdańsk 1981, p. 161 f.

anything but passed sentences. Finally—Herodotus sees it as an act of cunning aimed at gaining the post of the king—Deioces refused to serve people as judge any more, justifying it by the need to take care of his own affairs. Chaos overpowered Media and its inhabitants could not stand it any more. So they decided to establish the office of king and bestow it on Deioces.

Here ends the first part of the just Mede's career, parallel to the story of Krok's elevation as the chief of the Bohemian community. Anticipating the further exposition, let us say here that the second act of Deioces' story runs along the same lines, as the Bohemian story of the lot of Krok's successor, the husband of his daughter, Premysl. At present, however, let us dwell on the period of Krok's and Deioces' career that brought them both so much popularity in the tribal community.

As the events related by Herodotus and Cosmas convince us, both heroes gained control of their folk, their whole communities, as it were, incidentally, in a natural way. The deed was accomplished, as we have stated in the case of Krok, without resorting to any sort of pressure, it was the people themselves who of their own free will subjected themselves to the wisdom and justice of the heroes-arbitrators and judges. Let us recall the comparison used by Cosmas, which wonderfully, and in keeping with the tradition of expositions about the rise of social organisms, presents this spontaneous process of the people's assembling around Krok and Deioces, and their subjection to their leaders' orders. The statement in question is that the tribesmen were attracted to the Bohemian hero as bees to a hive. This idea renders most briefly the spirit of transformations occurring in the Median and Bohemian communities under the influence of the activity of Krok and Deioces. The outstanding figures of heroes unite around themselves the internally atomized community and transform it into a real, coherent and well-ordered one, such as that of bees—who were held to live socially in their colonies, with a ruler at the head.\*\*

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\*\* Cf. J. Baszkiewicz, *op. cit.*, p. 47; M. Misch, *Apis est animal—apis est ecclesia. Ein Beitrag zum Verhältniss von Naturkunde und Theologie in spätantiker und mittelalterlicher Literatur*, Frankfurt a/M 1974.

The phenomenon of the people's spontaneous assembling at the side of Krok and Deioces is also an eloquent sign predestining those heroes to taking the supreme power over their communities, introducing the institution of kingship in a community that does not yet know the monarchic system, and taking this new dignity. Deioces soon takes the crown. The Bohemians will be subjected to prince's power with some delay, but this shift in time does not change the formative mechanism of a hierarchical community with a ruler at the head, that was the same in both cases. The mentioned moment of group consolidation through the activity of the hero-judge, and soon the law-giver, let us repeat, is of paramount importance to the whole exposition of the *origines* and is the most obvious justification of a king's mandate of the hero. It is precisely the ruler who unites the group, changes it into a close-knit community, therefore the adequacy of Wamba's election to the post of king of the Visigoths was symbolically confirmed by the appearance of a bee on his forehead at the moment of royal anointment.<sup>83</sup> Even Casimir IV when he was newly crowned King of Poland (August 6th, 1447) was reminded by the preacher: be always at the head of the community—"Sic de rege apum legitur, qui primus de alveari egreditur et post ipsum totus grex apum sequitur et obsequitur".<sup>84</sup>

The royal power and the institution of kingship emerge as a consequence of internal consolidation of a group, accomplished by the outstanding figure of the native and local judge-arbitrator—"citizen" of the same community. In other words, the com-

<sup>83</sup> See *Historia Wambae regis*, Script. rer. Merov., vol. V, p. 504; J. Prelog, *Die Chronik Alfons III. Untersuchung und kritische Edition der vier Redaktionen*, Frankfurt a/M 1980, p. 4 ff. The arrival of Aeneas in Laurentum, the future king of Latins and forefather of Rome, is announced by the appearance of a colony of bees on the sacred laurel tree, *Aeneid*, VII, p. 83 ff. King Childeric's coat, found in his grave at Tournai, was adorned with golden bees. See R. Schneider, *Königswahl und Königserhebung im Frühmittelalter*, Stuttgart 1972, p. 221.

<sup>84</sup> Ms. Bibl. Jagiel. 173, p. 388. The uniting power—king's charisma was also indicated by the flocks of birds flying down to the elect, often a ploughman (Gordius, Premysl in the relation of John de Marignol's *Chronicle*). The flocks of birds also indicated the site for a city, as if prefiguring human agglomerations. See A. H. Krappe, *Les dieux au corbeau chez les Celtes*, "Revue de l'histoire des religions", vol. CXIV, 1936, p. 236 f.; F. Vian, *Les Origines de Thèbes. Cadmos et les Spartes*, Paris 1963, p. 78.

munity itself finds adequate powers within it, allowing it to get transformed into a more perfect community: legally governed by its ruler. Vincentius' *Chronicle* illustrates the process of "civilization" of the people which remains *sine rege et lege*, according to a different model from the one we learnt by pursuing the career of Deioeces and Krok. The Cracovian people live as they used to—the hero comes from outside and the transformation of the local community starts only with his arrival.

The initiative belongs to Gracchus. The newcomer from Carinthia was able to convince the population gathered at a general meeting, about the benefits of accepting the institution of royal power. At the same time he recommended himself as the first ruler. Resorting to arguments such as: as a man without a head would be ridiculous, so would be the world without the sun and empire without a king; he sees himself rather as a friend of the kingdom serving everybody than a king—he won the approval of the assembly and was acclaimed a monarch. As soon as it happened, as the chronicler has it, Gracchus "*iura instituit, leges promulgat*".<sup>35</sup> Thus an indissoluble link was established between the institution of royal power and the law as well as social order. However in the Polish legend there is no record about the emergence of supreme power from the office of a judge.

Also Krok's successors, Libusha and Premysl, when the people acclaimed them as their rulers, declared the laws, by which the kingdom of Bohemia was to be ruled.<sup>36</sup> A similar line is chosen by Deioeces who adds to the obtaining law some new regulations, resulting from the introduction of the monarchic system among Medes.<sup>37</sup>

The law starts to oblige with the emergence of the first ruler. In the Cracovian community everything happens as if by magic: Gracchus comes—and a monarchic and law-abiding community is born. This way of emergence of a community with a monarchic

<sup>35</sup> Vincentius, p. 255, On the intellectual background of this fragment of Vincentius' exposition see B. Kürbis, *Komentarz...* [Commentary...], p. 41, 64 f.; J. Sulowski, *Elementy filozofii XII w. w Kronice mistrza Wincentego* [Elements of 12th century Philosophy in Vincentius' Chronicle], "Studia Zródłoznawcze", 20, 1976, p. 19—21.

<sup>36</sup> Cosmas, p. 18.

<sup>37</sup> Herodotus, *op. cit.* I, pp. 99—100.

system resembles fabled solutions from legends about summoning a group of people or a group of settlers to a country that is to become their new native land. Usually three brothers (with families or without) are invited, or a whole people, so that with the arrival of those invited immigrants the enemy could be defeated with whom the hosts themselves could not cope, or that with the help of the newcomers order could be introduced.<sup>28</sup>

The guests always bring into the community that accepts them, a value that it lacking among the local population or in its social organization. Often the justification of summoning a larger or smaller group of persons may be reduced to the following message: we have a large and rich country, it can feed and house not only us—say the hosts—however we have no order, we are not valiant enough. The Slavs who settled on the Ilmen, Ladoga and the White Lake, by bringing home three Varangian brothers Rurik, Truvor and Sineus hoped, as the legend has it, for strengthening the inner order in their community. The Cracovians could not set the same hopes on Gracchus, if only because their hero arrived all of a sudden. And without any encouragement on the part of the hosts he offered his services in order to establish a kingdom.

These justifications as well as invitations to come and settle on the territories subject to foreign peoples certainly expressed the reasons for the newcomers, who thus apologised in an honourable way for coming to a “foreign” land. Gracchus did not have to seek any such apology, however his situation was close to the solution provided by the “sagas about invitations” in so far as in both cases the principal role is given to a hero from outside, a hero (often collective), whose coming convulses the life of the community and changes it completely. Such a figure, the legendary ancestor of a rider from nowhere in the westerns, combines the mysterious might and sanctity of a stranger-guest, who often turned out to be a god in disguise or his messenger.<sup>29</sup> He is also

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<sup>28</sup> See Ad. Stender-Petersen, *Die Varägersage als Quelle der altrussischen Chronik*, København 1934, pp. 42—76, where many examples of that type of legend are collected.

<sup>29</sup> Cf. W. Wright, *Sixguns and Society. A Structural Study of the Western*, Berkeley 1975, (westerns with a classical plot); D. Flückiger-

somebody better by bringing to a well-settled community the valuable features of an experienced traveller, an enterprising man who often remains under the special patronage of a god.

Thus it is worth while to attach the hero-newcomer to one's own community and most often it is done in such a way that the powerful stranger marries the daughter of the local ruler. *Ex hospite gener*—through sons-in-law-newcomers, develops the royal succession of Roman rulers, for it was not only Romulus' <sup>40</sup> dynasty which applied the policy of attracting outstanding individuals. This is also rendered by the scheme of fairy tales, where the following scenario is put into operation: the king intends to marry his daughter to a hero (the reign over kingdom to be handed over immediately or in a near perspective), who can emerge victorious from certain tests and competitions.<sup>41</sup>

This best candidate comes from outside the community, which soon subjects itself to the hero—also in the other record which is of interest to us. Not only is Gracchus a stranger, it is only generally mentioned that he comes from Carinthia, also Premysl, Krok's successor, does not belong to the circle of local men. He comes from another community and together with the hand of Libusha he receives the supreme power and the title of Prince of Bohemians.<sup>42</sup> However, already earlier it was known that he is not an accidental man, which can also be said about Gracchus. The latter, it is true, does not marry a princess (Vincenius' *Chronicle* shows that Gracchus had a wife, but nothing more is known about her), but we are under the impression that Gracchus as a spouse took hold of the whole community, country and power, which impersonated female, passive qualities.

The Polish chronicler could derive some benefit from the

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Guggenheim, *Göttliche Gaste. Die Einkehr von Gottern und Heroen in der griechischen Mythologie*, Bern 1984.

<sup>40</sup> See J. G. Preaux, *La sacralité du pouvoir royal à Rome*, in: *Le Pouvoir et le Sacre*, Bruxelles 1962, p. 116 f.; C. Lévi-Strauss, *La voie des masques. Edition revue, augmentée de trois excursions*, Paris 1979 (Excursion II).

<sup>41</sup> See F. Geisler, *Bräutwerbung in der Weltliteratur*, Halle/Saale 1955.

<sup>42</sup> R. Turek, *Die frühmittelalterlichen Stammgebiete in Böhmen*, Praha 1957, p. 84 f.; Z. Sułowski, *Lemuzi*, in: *Słownik Starożytności słowiańskich*, vol. III, Wrocław 1967, p. 41 f.

motive of hero-newcomer. He vaguely designated the country from which Gracchus set out travelling, which however sufficed settled within the boundaries of the Empire. Now Gracchus comes civilization experience collected by the part of Cracovians who settled within the boundaries of the Empire. Now Gracchus comes back to the *primaeval* dwellings of his people, being a stranger but at the same time somebody familiar and it is he who enables the transmission of civilization values to the primitive community *sine rege et lege*.<sup>43</sup>

The Bohemians make the civilization jump unaided, although the new monarchic order is implanted, so to say, by foreign Premysl, endowed with charismatic authority. The Cracovians with their history of transforming the native community stand half-way between the "Median-Bohemian" and the "Trojan" pattern of *origines regni*. The impulse for change comes from outside, however Gracchus, just as ancestors of Franks and many other peoples, is a representative of a community with a firmly established civilization. Moreover, his relation towards the community which accepts him is similar to that of the Trojan exiles with respect to the new peoples which will eventually emerge from them. As we have said, he is both strange and familiar with regard to Cracovians—the Trojans who left their ruined city, when juxtaposed with the people that emerged from them may be appraised in a similar way, although, of course, "genetically" speaking, we always have to do with the same tribe.

The ambiguous relation of Gracchus towards the community over which he takes the royal power is not, in our opinion, accidental. It weakens the awkward and undesirable situation of predominance of an alien over the local community, enables this community to benefit by the civilization which expands as a result of the hero-newcomer's activity, at the same time suspending the people's accusation of the lack of their own initiative,

<sup>43</sup> The chronicler also intended to indicate the fact that the Polish state has completely original roots, which gives it an independent position with regard to the Empire. See A. F. Grab ski, *Związek polskiej tradycji dziejowej z uniwersalną w historiografii polskiej do końca XIII w.* [*The Connection of Polish Historical Tradition with Universal one in Polish Historiography till the End of the 13th Century*], *Zeszyty Naukowe Uniwersytetu Łódzkiego*, series I, 21, 1961, pp. 36–44.

cultural tardiness, etc. Without the mentioned "limited alienness" of Gracchus with regard to his future subjects the whole situation might develop according to another model of formation of a well-ordered community, a model closer to that depicted by the *Secret History of the Moguls*, showing the emergence of a tribal union established by five brothers, ancestors of Jenghiz Khan's family line.<sup>44</sup>

Among the brothers the one who stands out by his wisdom and enterprise is the youngest, Bodonchar, although he passes for a fool and receives no inheritance after the death of his parents. It is he, who living in seclusion, discovered a people who "know neither the great people nor the small, neither right nor wrong, neither head nor feet—everybody is equal"<sup>45</sup> as he presented them to his brothers together with a proposal to set out together on a war expedition. This people is easy to conquer—concluded Bodonchar—and his five brothers soon put his opinion into practice.

Thus a hierarchical community that can distinguish right from wrong is formed as a result of interception of a large human group, already formed as a people, which however remains, just as our Slav communities, in an imperfect state of social backwardness until the arrival of Krok, Gracchus or Kij. Only the heroes who come from outside bring to this people an order—and as the *Secret History of the Moguls* tells us—they themselves in this way come to possess herds of cattle and property, subjects and servants, means of living and dwellings.

The legend noted in Nestor's *Chronicle* until now remained outside the main stream of our consideration ; however we already know that Polanes, just as Bohemians, transformed their community from within. The relation of these events is extremely reticent. It is only said that the three brothers, Kij, Shchek and

<sup>44</sup> *Mongolun ni 'ucha tobcha'an*, I, 35—39 *Tajna historia Mongolów* [*The Secret History of the Moguls*] translated from Mongolian by St. Kałużyński, Warszawa 1970, p. 37.

<sup>45</sup> Bodonchar, while winning over his elder brother for the expedition, repeated to him: "Brother, brother! It's good when the body has a head, and the gown has a collar", *ibidem* p. 36. Cf. Krak's argumentation, who recommended himself as king: "Ait: *ridiculum esse pecus mutilum, hominem acephalum...*", Vincentius, p. 255.

Khoriv, who dwelled with their families—as it was customary—separately, but not far from one another, took up a common initiative of erecting a castle. It is hard to say whether the two younger out of the three men (there is also a fourth sister named Libed, whose presence is merely marked) build a castle for Kij, acclaiming him as their sovereign, or whether all of them together take up work, entrusting the eldest of them with the effect of their effort and agreement. Suffice it to say that the castle is given the name of Kij, becoming Kiev, and the family of Kij, Shchek and Khoriv after the death of the brothers-builders, as it is stated in the *Chronicle*, begin to reign over the Polanes, without any of the three family lines being privileged in any respect.

While recapitulating the information received and trying to make of it some picture of the formative process of the well-ordered community of Polanes, one can say that the concentration of the tribal community living in segmentation came about—or at least this process began—as a result of the union of three brothers who founded a new institution of social life—a castle-city. Later on things took probably the following and quick course: the community of the brothers' families, expressing their unity and organization through settling down together at Kiev and subjecting themselves to the ruler-eponym, convince other members of the tribe about the benefits accruing from the acceptance of the new order, and soon it absorbs them within its own system, gaining hegemony over all the group.

The laconic legend tries to present Kij not as a judge or law-giver, but as the hero-founder (or co-founder, but eponym) of the first castle and city of Polanes.<sup>46</sup> Was it a deliberate design? Or maybe the very brevity of the story was the reason why out of a few main achievements of the hero-founders of the new order the authors chose the last link in the series of reforms, which at the same time crowned the transformation work of this com-

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<sup>46</sup> See V. V. Ivanov, V. N. Toporov, *Mifologičeskie geografičeskie nazvaniya kak istočniki dlja rekonstrukcii etnogeneza i drevnejšej istorii Slavian*, in: *Voprosy etnogeneza i etničeskoj istorii Slavian i vostočnyh romancev*, Moskva 1976, p. 127 f.; N. J. Marr, *Knižnye legendy ob osnovanii Kuara v Armenii i Kieva na Rusi*, in: *Etno—i glotto-gonija vostočnoj Evropy*, Moskva 1935, pp. 44—66. The thesis about the genetic connection of the two legends is doubtful.

munity? This was usually the foundation of a city-castle, at any rate a centre where the first ruler settled after putting on the community the curbs of law and his supreme power. The first city-abode of the ruler is much more than just a dwelling-place of the recently elected sovereign of the community. Above all it is a symbol of united and hierarchical community, centred round its leader.<sup>47</sup> Deioces is the founder of Ecbatana, Premysl of Prague, Gracchus of Gracchovia, i.e. Cracow, Kij of Kiev and in the first case—as Herodotus says—this was the beginning of Medes' metropolis: "And when [Deioces] took power he made Medes build one city and care for it much more than for others."<sup>48</sup> All the above-mentioned cities were the first in their countries and communities as to their origin, and as to the significance, the first among the later erected group of similar centres.

The people who centred in a city—their ruler's abode—in the legend about Gracchus the metaphor-image was used of ravens flying down in flocks to the carcass of a dragon, over which the victorious hero founded a city<sup>49</sup>—apart from the new form of neighbourly coexistence are also bound together by the norms of the obtaining royal law. The first city, or rather its people, is already a community bound by one cult and law.<sup>50</sup> If the ruler acclaimed by the group has not drawn up an act of legislation immediately, it happens on the occasion of foundation of a city-centre. Such is the situation at the initial stage of settlements on the island by Brute and his people, when together with the

<sup>47</sup> Cf. W. Müller, *Die heilige Stadt. Roma quadrata, himmlisches Jerusalem und die Mythe vom Weltnabel*, Stuttgart 1961; J. Banaszkiwicz, *Jedność porządku przestrzennego, społecznego, i tradycji początków ludu. Uwagi o urządzaniu wspólnoty plemiennie-państwowej u Słowian* [*The Unity of Spatial and Social Order and the Tradition of the Origin of the People. Remarks on the Establishment of Tribal-State Community among Slavs*], "Przegląd historyczny", 1986, No. 3, pp. 445–466.

<sup>48</sup> Herodotus, *op. cit.*, I, p. 98. W. Müller, *op. cit.*, p. 130 f. See also D. Trěštk, *Počátky Prahy a českého státu*, "Folia Historica Bohemica", 1983, No. 5, p. 19 f.

<sup>49</sup> See note 34.

<sup>50</sup> J. Trumpf, *Stadtgründung und Drachenkampf*, "Hermes", 1958, No. 2, p. 136; P. Lévêque, P. Vidal-Naquet, *Clisthène l'Athénien*, Paris 1964, p. 70 f., *passim*; A. M. Hocart, *Kings and Councillors*, Cairo 1936, p. 244 f.; G. Dumézil, *Les dieux souverains indo-européens*, Paris 1977 (chapt. 4, part 3) *passim*.

establishment of New Troy (London) the ruler gives the law to the arising community of Britons.<sup>51</sup> At the moment of the rise of an organized community-kingdom, which is often rendered by the equivalent act of establishing a small capital *civitas*, the law given by the hero-founder serves as a foundation for the whole enterprise.

It is the most important element of the foundation initiative, therefore another group of Trojan refugees, led by Faramund, the moment they entered Gaul and took possession of the land, received the law elaborated by two men: Visogastald and Salagast, from its ruler raised to the distinction of the king.<sup>52</sup> Earlier on the Franks and Britons *in spe* who long wandered about the world, made use probably of some legal norms derived from their homes and customs—but the problem finds no elucidation in the sources. The legislative problem, the problem of giving the law to the arising community and the kingdom of Franks or Britons, cannot be treated *per non est*, as in the former case. It must appear in records relating to the activity of the first ruler-hero-founder of a well-ordered community, enclosed within the framework of a monarchic order.

To sum up and come back to the hero Kij and the foundation of Kiev castle, the city is a synonym of law and order brought by the acclamation of the supreme ruler, it reflects the formation of a mature political community—a state. While conveying all these ideas, just as the legend about Krok-Premysl and Gracchus, the story written in Nestor's *Chronicle* seems to concentrate, in short—as we have already mentioned—on only one out of the few crucial moments of emergence of a civilized community. The origin of Kiev, the first city of Polanes, but also of the whole Ruthenia, enables the authors to present laconically the whole

<sup>51</sup> *Galfredi Monemutensis Historia Britonum* (ed. E. Faral, *La légende Arthurienne*, vol. III, Paris 1929), cap. 22.

<sup>52</sup> *Ottonis ep. Frisigensis Chronica*, IV, 32, eds A. Hofmeister, W. Lammers, Berlin 1960, p. 368. *Liber historiae Francorum* specifies here 4 "prios gentiles", MGH Script. rer. Mrov., vol. II, p. 245. See W. Lammers, *Ein Universales Geschichtsbild der Stauferzeit im Miniaturen*, in: *Vestigia Medievalia* (Frankfurter historische Abhandlungen, Bd. 19) Wiesbaden 1979, p. 72. Cf. behaviour of Lombards when they arrived in Italy, R. Schneider, *op. cit.*, p. 9 f. See also *Prologus ad Legem Salicam*.

process of a people's emergence out of the imperfect pre-state condition.

The law—a legislative act, as we see, leaves the strongest imprint on our accounts of the origins of the three Slav kingdoms and states. It is hardly to be wondered at, on the contrary, everything fits well within the supra-cultural mechanism of *origines regni*, in the model exposition of the birth of a hierarchical community, with the leader at the head, with a law and a cult-residential-market centre.<sup>53</sup> At this point of our reflections one could wonder again whether this model is not a borrowed value? What however can be acknowledged as a borrowing? The idea that a community must have a ruler, or the record of the idea that a community must have a prince or king? Is it the conviction that a decent community has a cult-residential centre or the expression of the conviction that such a community erects a castle or a city-centre surrounded by walls with a palace of its sovereign?

There is an air of sophistry about these reflections, the words create ideas and follow ideas. However, e.g. the similarity of the story about Krok, his daughters and the acclamation of Premysl as king, to the biblical story of Samuel and the first king of Israelites, Saul,<sup>54</sup> analysed by the Czech scholar Třeštík, does not contradict the independent mediaeval Bohemian conception of the emergence of a community *cum rege et lege*, that was similar to the conception from the Old Testament. Even the fragment of Cosmas' exposition stylized after the story of the Amazones and the rape of the Sabines, dealing with the coming of women under the control of men on the decline of the period of great changes caused by the reign of Libusha and Premysl, by virtue of its relation to ancient records does not testify to taking over the idea,

<sup>53</sup> A capital city with its functions was a sign of such a community—cf. D. Třeštík, *Trh Moravanu—ustřední trh Staré Moravy*, "Československý časopis historický", 1973, No. 6, p. 879 f.; L. Leciejewicz, "In pago Silensi, vocabulo hoc a quodam monte... sibi indito." *O funkcji miejsc kultu pogańskiego w systemie politycznym Słowian Zachodnich doby plemiennej* [On the Function of Pagan Cult Sites in the Political System of Western Slavs of the Tribal Era], "Śląski Kwartalnik Historyczny Sobótka" 1987, No. 2, pp. 125—135.

<sup>54</sup> D. Třeštík, *Kosmova Kronika*, p. 174 ff.

so foreign to the local culture, of womens' independence or their rule, which was understood as turning the world upside down—and a pre-state chaos.<sup>55</sup> Incidentally, the Slav custom of getting a wife, reported by Nestor, can as well underlie the Bohemian rape of the Sabines.<sup>16</sup>

It is of course a very difficult, sometimes even a neck-breaking task to prove the conjectures presented above or any similar ones. It requires specially designed studies and a relatively rich comparative material. Thus while stating again that our materials do not provide sufficiently certain solutions of genetic-descent nature on the one hand, and accepting the supra-cultural universality of ideas making up the vision of *origines regni* on the other (at any rate for the communities which reached a certain level of civilization's development), we should like to continue considering the data obtained from the analysis of our three literary records as information comparable with what we learn from the sources of "warranted originality".

The creation of a well-ordered community, i.e. introduction of the institution of supreme ruler, which is expressed by the establishment of the law for the whole community and the foundation of a city—a centre embodying the unity of the people and its cultural identity, are foundation acts accomplished by the hero. This commonplace statement permits to pose a few problems which now quite obviously suggest themselves. The hero-founder is the father of the whole work, its maker, therefore the work he performs is most strongly grounded in the sphere of religious cult.<sup>57</sup> It is he who provides spiritual foundations to the improvement of the social construction and its material existence.

The cult and the law, which also belongs to sacrum, come

<sup>55</sup> Cf. M. Bachtin, *Twórczość Franciszka Rabelais'go a kultura ludowa średniowiecza i renesansu* [Francois Rabelais' Work and the Folk Culture of the Middle Ages and the Renaissance], Warszawa 1975, p. 155 f. and *passim*. According to Vincentius, e.g., Canute's grandson was to punish his warriors for their lack of valiance with the order to serve women and sleep in bed in a reversed position, with legs on the head-rest, Vincentius, p. 253.

<sup>16</sup> *Povest'*, p. 15. Cf. A. Gieysztor, *Mitologia Słowian* [Slavs' Mythology], Warszawa 1982, p. 210.

<sup>57</sup> Cf. B. Lincoln, *The Indo-European Myth of Creation, History of Religions*, vol. XV, 1975, pp. 121—145.

from the person who is most important in the whole enterprise and who marks his creative contribution to the work accomplished by giving it his own name. There is as if some identity between the product of the hero's genius and himself—it is stressed and at the same time strengthened by the mentioned unity of name. This unity is all the more confirmed by the fact that hero-founders are as a rule buried within the walls of their cities, which underlines the corporal unity of the product and its creator.<sup>48</sup>

The cult, sacrum, thus lie at the source of the foundation act and led by this the ancient Greeks distinguished the actual hero-founder of a city (*ktistes*) from its architect or those who contributed to making the *polis* more sumptuous. The story of Cadmus or the Dioscuri type brothers Amphion and Zethos, are examples of the instructive separation of both roles in the process of origins of a community and its dwellings.<sup>49</sup> In our legends the sacral aspect of foundation action is intercepted and almost monopolized by the legislative action of the hero-founder of the city and a well-ordered community. The law is established *in illo tempore*, constituting the principles of group co-existence—however, it also remains the most expressive symptom of the operation of somebody's *potestas*, the executive power of some ruler.

Not to be governed by one's own law, signifies being subject to somebody else—those who praised the victory of Charles the Great over the Saxons also wrote that the great emperor *ad sua iura trahit* the mentioned enemy.<sup>50</sup> The law and power are associated to such an extent that they become exchangeable notions, and the permanence of this identity is long-lived. *Lex regia*, as it is presented by Samuel to Israelites, and by Libusha to Bohemians, makes everybody subject to the ruler, puts everybody at the ruler's complete disposal, which is—both hitherto *iudices* give a warning—a burdensome and irrevocable condition.<sup>51</sup>

<sup>48</sup> E.g. Romulus' tomb designated the centre of Rome, see W. Müller, *op. cit.*, p. 33. Brute was buried by his sons inside a city-capital established by him, Galfredi Mene mut., *Hist. Brit.*, cap. 23.

<sup>49</sup> See F. Vian, *op. cit.*, p. 69 ff.

<sup>50</sup> W. Lammers, *Ein Karolingisches Bildprogramm in der Aula regia von Ingelheim*, in: *Vestigia medievalia*, p. 264.

<sup>51</sup> Cf. W. Ullmann, *Medieval Foundation of Renaissance Humanism*, London 1977.

The judges by whose services the communities benefited so far, are rather arbitrators in controversies arising among the people. Although their activity transforms the community, it does not subject the community to the persons who pass judgments. With the appearance of a king there emerges a legal compulsion—you want power? Libusha asks the Bohemians—then “*libertatem fugitis et insuete servituti colla sponte submittitis.*”<sup>62</sup>

The order of power and the order of law have a common source in the institution of a king-supreme ruler—the awareness of this fact was also expressed in such a way that the lists of rulers were added to the articles of the law. Such a genealogy of kings is added to Rotaris’ Edict, and a similar list is comprised in the law collection of Reccaswinth, the Visigothian ruler. To these and other examples discussed by P. Wormald and D. N. Dumville<sup>63</sup> we should like to add a more general remark about the various historical materials which accompany legal texts or appear in combination with them. The law, especially in earlier Middle Ages, is naturally inscribed into the mainstream of historical events as a deed and an important achievement of a ruler and it has its permanent place in the context of other facts of the past, among many other *gesta principis*. For those reasons, but also for the reasons why the laws of Visigoths, Lombards, Franks and the collection of laws from Wessex were combined with regnal lists—Cosmas also introduces the genealogy of Bohemian rulers, adequately constructed, in the chosen place of his chronicle. It follows directly the story of transformation of the Bohemian community under the influence of Krok’s, then of his daughter’s and her husband Premysl’s activity.

Thus as soon as *origines regni Boemorum* were presented, when this community was ready to enter history as a “legitimate kingdom”, Cosmas wrote, as if designating this starting point

<sup>62</sup> Cosmas, p. 14.

<sup>63</sup> D. N. Dumville, *Kingship, Genealogies and Regnal Lists*, in: *Early Medieval Kingship*, ed. by P. H. Sawyer, J. N. Wood, Leeds 1977, p. 74 f.; P. Wormald, *Lex Scripta and Verbum Regis: Legislation and Germanic Kingship, from Euric to Cnut*, *ibidem*, p. 134. In some manuscripts (A 2, D 7—8, D 9, E 11—12, K 33, 33, 35, 63) *Lex Salica* is followed by a king-list too. See K. A. Eckhardt, *Pactus legis Salicae (80 Title-Text)*, Göttingen 1954, p. 162; K. A. Eckhardt, *Lex Salica 100 Titel-Text*, Weimar 1953, p. 32, 64.

of Bohemian history: "*Primizi iam plenus dierum, postquam iura instituit legum, quem coluit vivus ut deum, raptus est ad Cereris generum. Cui Nezamisl successit in regnum. Hunc ubi mors rapuit, Mnata principales obtinuit fasces.*"<sup>64</sup> Further, equally briefly, the chronicler went through the reign of subsequent five rulers until—winding up the genealogical regnal list in question—he took up an already more extensive narration about the history of Bozhivoy, the first baptised descendent of Premysl.

"The bridge of rulers" thus links the time of the Bohemian kingdom's origin with the moment when it becomes a Christian monarchy and as such enters with assertion the new period of its history, the present day of which is the day when Cosmas writes his chronicle. This bridge of rulers is not only a legitimation of power of Premyslids' dynasty in Bohemia. The genealogical list shows the continuity of the social order and institution of supreme authority, that arose during the reign of Premysl the Ploughman—founder of the ruling dynasty. At the same time it convinces us that the line of royal succession and the line of the succession of law to which the community is subjected, constitute the same heritage.<sup>65</sup>

Also the person of Gracchus, as we remember, pervades the early history of the Polish state with the air of accomplishments in respect of cult and legislature. Attention may be focussed by the fact that in the Polish version of *origines regni* the act of emergence of a supreme ruler at the head of the community was not presented, as it usually happened to be, as an attempt upon the freedom of this community, as a subjugation of the people. Gracchus does not intend to throw the community on its knees, to turn the people into his servants, which was inevitably done by Saul and Premysl, as well as Deioces after they gained the title of kings.

<sup>64</sup> Cosmas, p. 21. Cf. *Pactus legis Salicae. Kapitulorien und 70 Title-Text*, ed. K. A. Eckhardt, Göttingen 1956, p. 408 ff. (text of manuscript A 2).

<sup>65</sup> Cf. a widely-disseminated in the Middle Ages and mistaken conviction that Charles the Great was also a great legislator—G. Smitz, *Zur Kapitulariengesetzgebung Ludwigs des Frommen*. "Deutsches Archiv", 1986, No. 2, p. 471 f. For king-judge-law-giver see B. Lapis, *Rex utilis. Kryteria oceny władców germańskich we wczesnym średniowieczu* [*Rex utilis. The Criteria of Appraisal of German Rulers in the Early Middle Ages*], Poznań 1986, pp. 57—125.

His "election platform" is comprised in the statements: I am a friend of the kingdom, not the king, I think about everybody, not only of myself.

The creed of Gracchus, who recommended himself to the community as its ruler, was probably stylized by the chronicler Vincentius under the impression of John of Salisbury's political conceptions (i.e. Aristotelian thought). It is visible that the exposition of Polish legendary history came into being in the first quarter of the 13th century as a pen-product of a person with university studies in Bologna or Paris. It is also visible, however, that the author took in hand an old description scheme of a rise of a well-ordered community, as is proved by the record of the fight of hero-Gracchus's sons against the dragon, a story most closely linked with the foundation of Cracow, the capital of the new created kingdom. The foundation of the city, the fight of Gracchus's sons against the dragon, establishment of the law by Gracchus—the first king, are threads which are closely, though not directly, combined in the relation about the rise of the Polish monarchy. Let us only state here that the death and funeral of Gracchus placed in direct connection with the creation of Cracow and memorization of the hero's name by this work, which he spiritually fathered, belong to a set of elements—comprising still other components—that refer to the sphere of ritual and cult.<sup>66</sup>

As the above remarks show, the initial period of a well-ordered community is filled with the activity of hero-law-giver, founder of the capital of the arising kingdom, a hero with distinct characteristics of Mitras, who gives the social life its due rhythm and course (kept up later by successive rulers). The ritual-legal norm, law-abidingness—these are categories that define this figure best and, let us add, in accordance with the supra-cultural model of a king-guardian of the principles of order, the supreme warrant of the diversely and broadly understood order.<sup>67</sup>

<sup>66</sup> See A. M. Hocart, *op. cit.*, pp. 86—100; J. de Vries, *La religion des Celtes*, Paris 1975 (chapt. Royauté sacrée), pp. 243—255; G. Dumézil, *Mythe et épopée. L'idéologie des trois fonctions dans les épopées des peuples indoeuropéens*, Paris 1968, p. 271 ff.

<sup>67</sup> *Nec prius ob exequialibus cessatum est obsequiis, quam urbis consumptione clauderentur*, Vincentius, p. 257. See also N. Strosetzki, *Kain und Romulus als Stadtgründer*, "Forschungen und Fortschritte", 1955,

While accepting the above-formulated premise as a starting point for etymological reflections, let us try to look at the names of our three heroes. The close resemblance of two of them—the name of the Bohemian Krok and Polish Krak (in the Latinized form Gracchus) have struck the researchers and even made them put forward a hypothesis about some genetic dependence of one exposition of *origines regni* on the other.<sup>68</sup> The difficulties in interpreting the meaning of the two names were caused by the inability of finding unquestionable reference points for respective etymological reasonings either in the story of the legends themselves, or in other materials.<sup>69</sup> The situation was all the more complicated by the factor that the name of the Bohemian hero had a perspicuous meaning and was identical with the common noun—*krok*.<sup>70</sup> Whereas in the case of the Polish Krak-Gracchus it was accepted that the name of the hero was stylized after the name of the city, although the presence of the personal name Krak was also indicated. However, the "independence" of Krak from Cracow was mentioned with reserve (Krak a real founder of the city) and the problem was not posed at all in the context of the legendary plot.<sup>71</sup> Also from this perspective it was hard to per-

No. 2, pp. 184—188. The city community is announced by a flock of ravens flying down to the body of the dragon killed by Krak's sons. See also note 34.

<sup>68</sup> It was also noticed in the Middle Ages; Pulkava in his 14th century chronicle writes: *Aliqui etiam ferunt, quod (Croc de Bohemia) habuerit fratrem sed parentem Crak nuncupatum, qui Crac castrum et civitatem Cracoviensem edificavit, quibus Cracov nomen suum imposuit*, "Fontes rer. Bohem.", vol. V, p. 5. K. Potkański, *Kraków przed Piastami* [Cracow before the Piasts], in: *Lechici, Polanie, Polska. Wybór pism*, ed. G. Labuda, Warszawa 1965, p. 220; B. Krzemieńska, *Krok*, in: *Słownik Starożytności Słowiańskich*, vol. II, Wrocław 1964, p. 521 f.; H. Łowmiański, *Początki Polski* [The Beginnings of Poland], vol. V, Warszawa 1973, p. 320.

<sup>69</sup> St. Urbańczyk, *Krak, Kraków*, in: *Słownik Starożytności Słowiańskich*, vol. II, p. 506 f.; St. Ślaski, *op. cit.*, p. 28 f.; J. Nalepa, *Słowiańszczyzna północno-zachodnia. Podstawy jedności i jej rozpad* [North-Western Slav Countries. The Basis of Unity and Its Break-Up], Poznań 1968, p. 65 f.

<sup>70</sup> J. Skutil, *Die Anthroponymie in dem altschekchischen Heldenepos*, in: *Proceedings of the 13th International Congress of Onomastic Sciences*, Wrocław 1983, p. 433.

<sup>71</sup> A recent attempt at an interpretation, completely mistaken, following the spirit of 19th century scholarship was made by H. Kunstmann, *Der Wawel und die Sage von der Grundung Krakaus*, "Die Welt der Slaven", 1986, No. 1, pp. 47—73.

ceive the point of carrying out an etymological analysis of the name of one of the main figures of Polish legendary history.

The impulse to enter the slippery road of etymology comes from outside the circle of reflections on the complex of problems surrounding Krok—Kraak and Cracow, and seems to justify to an extent my resorting to the mentioned, treacherous method. Still at the end of the 19th century Aleksander Brückner expressed a view that Krive, the highest priest of Pruthenians, mentioned by Peter Dusburg, was to owe his name to the dignity he represented.<sup>72</sup> More precisely speaking, according to Brückner, the person of the priest was to take over the name of the main attribute of his distinction. The object in point was a curved stick, later called *kriwele*, a symbol of power over the community—a universal symbol of judicial-sacral authority, also used for calling up meetings throughout ages over all the Slav countries.<sup>73</sup> Precisely this idea of Brückner found confirmation in the discovery by A. Prochaska, who indicated a certain document of the Great Prince of Lithuania, mentioning the institution of *krives*, clerks with judicial competences.<sup>74</sup> Thus—through a series of above mentioned pieces of evidence—the frequently mentioned custom of providing a curved stick to a person endowed with authority and sacral-judicial functions in a community, here finds its concrete

<sup>72</sup> A. Brückner, *Beiträge zur ältesten Geschichte der Slaven und Litauer*, "Archiv für slavische Philologie", vol. XXI, 1899, p. 26.

<sup>73</sup> See K. von Amira, *Der Stab in der germanischen Rechtssymbolik*, "Abh. d. Bayerischen Ak. d. Wiss., Philosoph.-philol. u. hist. Kl.," vol. XXV, München 1909, pp. 1—180; K. Hauck, *Halsring und Ahnenstab als herrschaftliche Würdenzeichen*, in: *Herrschaftszeichen und Staatssymbolik von P. E. Schramm*, Stuttgart 1954, p. 192 ff.; A. Gauert, *Das "Szepter" von Sutton Hoo*, *ibid.*, p. 260 ff.; W. Müller, *op. cit.*, p. 49 ff.; Č. Zibrť, *Rychtařské pravo, palice, kluka*, "Sitzungsberichte d. Bohm. Gesellschaft d. Wiss.," 1896—1897, diss. VIII; A. Mierzyński, *Nuncius cum baculo. Studium archeologiczne o Krzywuli* [*Nuncius cum baculo. An Archeological Study about Krzywula*], Warszawa 1895 (copy from vol. IX of review "Wisła"); K. Buczek, *Organizacja opolna w Polsce średnio-wiecznej* [*Opole Organisation in Mediaeval Poland*], "Małopolskie Studia Historyczne", 1970, No. 2, p. 238.

<sup>74</sup> A. Prochaska, *Czy istniał Krywe na Litwie?* [*Was there a Krive in Lithuania?*], "Kwartalnik Historyczny", 1904, No. 1, pp. 481—486. See also A. Brückner, *Starożytna Litwa* [*Ancient Lithuania*], Olsztyn 1984, p. 63 and p. 218 (where the editor's—Jan Jaskanis—commentary to the work); V. N. Toporov, *Prusskij jazyk*, vol. IV, Moskva 1984, s. v. Krive, pp. 196—205.

expression. We can observe the identity of the former name of the main attribute of *krive's* distinction and the name of the dignity itself as well as its bearer.

With an analogous situation—as it seems—we have to do in the case of Krok and Krak, the heroes of Polish and Bohemian legendary history. We have written above about the sacral-judicial character of the figures of Cracow founder and Krok, Bohemians' judge, now let us say that those names also lead to many names given to a curved stick, symbolizing the power over community.<sup>75</sup> Krakula—this is one of the main forms of the name given to the attribute of power in question,<sup>76</sup> and hence Krak and Krok are derived, the spiritual and actual leaders of those communities. Their names, their activity, and finally their symbol make up an ideologically coherent whole in harmony with the history of both *origines gentis* here developed. They are heroes in every respect—founders, heroes-law-givers, which is announced by the names of those figures, and proved more thoroughly by the stories in which they are involved.

Side by side with Krok and Krak one should also place Kij. If the main premise allowing to prove the legendary identity as well as significance of the three mentioned heroes is the assumption that the personal name of each of them at the same time reflects his dignity, symbolized by an adequate attribute, then also between Kij and *kij*—baton or stick—there may be the same correspondence. Also in this case we are entitled to conjecture that the *kij*—stick—which became the name of the founder of Kiev, does not turn up by accident, but belongs to the symbols of power. It is also the sign of sacral-judicial authority, a baton or a stick, although not curved in this case, but for example thickened at the top, suitably for a person that is distinguished in the group.

<sup>75</sup> Cf. V. V. Ivanov, V. N. Toporov, *op. cit.*, p. 127; V. N. Toporov, Vilnius, Wilno, *Бульба: Gorod i mif*, in: *Baltoslavianskie etnojazykovye kontakty*, Moskva 1980, p. 66. See also G. Dumézil, *Les trois fonctions et la triade précapitoliennne*, in: *L'oublié de l'homme et l'honneur des dieux et autre essais*, Paris 1985, p. 113.

<sup>76</sup> See F. Sławski, *Krakula, krokiew*, in: *Słownik etymologiczny języka polskiego*, vol. III, Kraków 1966—69, p. 54, f., 124; J. Kostrzewski, T. Rogalanka, *Kluka*, in: *Słownik Starożytności Słowiańskich*, vol. II, Wrocław 1964, p. 426.

The group composed of Krok, Krak and Kij should in our opinion also incorporate Klukas, a figure from the ethnogenetic legends of Serbians.<sup>77</sup> As supposedly the eldest of brothers, leading his people towards their new dwellings, he received the name indicating his primacy in this family group. However, he did not become the eponym of the newly formed people, which at any rate was necessary for taking the precedence over his brothers. The linguists derive the name Klukas from *kluk-kluka*, that beside *krakula* or *krivula*, is another basic term for a curved stick—attribute or sacral-judicial authority.<sup>78</sup>

Another trace of the hero-priest's and law-giver's presence in the tradition of the community is suggested by the name of a tribe of Kriviche, if it is to be interpreted as "Krive's people".<sup>79</sup> The problem however calls for separate research, at any rate it does not seem to promise such a favourable result as it happens with the interpretation of the figures of Krok, Krak, Kij and Klukas.

The exposition concerning all the mentioned figures will be more complete, when we discuss, if only briefly, the question of relations connecting the eponyms Krak and Kij with the cities they founded. In the light of the legends the problem does not present any difficulty: first there were Krak and Kij and later Cracow and Kiev. However, if we try to look at the content of both records from a certain perspective, other solutions will suggest themselves, as if bringing in question the whole ideological conception that we attached to our heroes and their names. Without making the discussion too long, we should say that whatever be the interpretation of *krak*—or *kij*—(and there are a few different ones which are all legitimate from the linguistic point of view)<sup>80</sup> the legend presents its own solution, adequately as-

<sup>77</sup> Constantine Porphyrogenitus, *De administranda imperio*, c. 30, ed. G. Moravcsik, Budapest 1949, p. 142; H. Łowmiański, *Początki Polski [The Beginnings of Poland]*, vol. II, Warszawa 1963, p. 413 f.

<sup>78</sup> T. Lewicki, *Klukas*, in: *Słownik Starożytności Słowiańskich*, vol. II, Wrocław 1964, p. 426 f.

<sup>79</sup> See H. Łowmiański, *op. cit.* vol. II, Warszawa 1963, p. 94 f.

<sup>80</sup> See note 68 and E. Kowalczyk, *Krak czy Krok [Krak or Krok]*, "Z otchłani wieków", 1976, No. 3, pp. 241—245.

sociating the two elements of which it makes use: the name of the hero and the name of the city. So that Krak as well as Kij—the heroes with significant names—are exactly the figures they should be, their actions are subject to the modelling control of the legendary plot.

Our significant name (Krok, Klukas) appears twice in expositions of the people's *origines* without the predominating name of a city. What is also important—its form changes, but only within the framework of the names applied for denoting a curved stick, attribute of sacral-judicial power. While summing up these remarks and the observations noted earlier in our elaboration we come to the conclusion that the three "Slav" expositions of *origines regni* under analysis here, although bearing the imprint of the scholarship of the era when they were born, are distinctly inscribed in the very old current of tradition about the origin of a well-ordered community. While copying the archaic schemes, they produce the figure of a hero-law-giver and founder of monarchic order with a name made after that of a curved stick—a long-standing symbol—also in Slav countries—of supreme sacral-judicial authority.

The expositions of the beginnings of those kingdoms presented above, or at least the main ideological solutions making up such expositions, belong to the local cultural values—the historians' hands only write them out as events—a tale about the earlier history of a community and country.

(Translated by Agnieszka Kreczmar)