Indo-Iranian parallels of the Slavic water rites of the oath and guilt confirmation attested in Medieval Latin accounts and Slavic law codices

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In this article are presented Slavic rituals of the contract, and confirmation of oaths through water, mentioned in the historic accounts and law codices. Connections between the deities given in the historic accounts and descriptions of the rituals are proposed. Parallels between the Slavic and Indo-Iranian water oath rites, as well as their semantics and related deities, are offered. An attempt to justify the validity of the reconstruction of the missing elements of one mytho-religious space with the use of another, a better-known space, is presented, given that the elements of the interest satisfy the homomorphic mapping between the spaces. It is suggested that the mapping of the water oath rites and their associated deities in the Slavic and Indo-Iranian mytho-religious spaces satisfy the homomorphic mapping criteria.


INTRODUCTION


From the beginning, researchers split into two camps that favoured different proto-Slavic homeland hypotheses; therefore, they had different views on the closeness and continuity of the Slavic-Indo-Iranian influence. Those who preferred the North-Western
hypothesis, such as Schmidt, Meillet, et al., concentrated attention more on the Balto-Slavic and Indo-Iranian connections, hence, more ancient parallels, while those who leaned to the South-Eastern ones, for example, Rozwadowski, Vasmer, et al., emphasized more the exclusive—and, hence, later—Slavic and Iranian connections. Nevertheless, the predominant consensus acknowledged that the lexical parallels in the mytho-religious vocabulary stemmed from the times of the Indo-European unity (Zaliznyak 1962: 28-33; Trubachev 1965: 81).

Jakobson (1950: 1025-6), Gimbutas (1967: 739), and Puhvel (1987: 230-1) advanced the thesis that Slavic pre-Christian religion, while being virtually unknown from the primary sources, hypothetically could have had very strong similarities with the Indo-Iranian one, and could be reconstructed from it. Even more, if the Slavic-Indo-Iranian mytho-religious parallels stem from the much more ancient Proto-Indo-European roots (which may have been lost in other cultures) the Slavic-Indo-Iranian mytho-religious reconstructions may be especially valuable for the general Proto-Indo-European mytho-religious research.

Of course, comprehensively defining myth and religion is a daunting and rather boundless task, for even those Enlightenment and Romantic thinkers and modern scholars who took this on, such as Fontenelle, Vico, Heyne, Schelling, Grimm, Feuerbach, Buslaev, Müller, Marx, Potebnja, Tylor, Frazer, Lévy-Bruhl, Durkheim, Weber, Jung, Malinowski, Dumézil, Losev, Eliade, Lévi-Strauss, Meletinskiy, et al. (not to mention such ancients as Xenophanes, Euhemerus, Cicero, Proclus, Porphyry, or St. Augustine), touched only different aspects of it. For the limited purpose of this article, we will accept the “Ciceronian” model of the principal aspects of myth and religion that many modern theorists, whose approaches seem reasonable to us, were building and extending upon. Cicero suggests relegere as an etymological root of the term religio (i.e. re-reading, rehearsing, or re-doing traditional rituals), which may look ridiculous, but which back the higher beliefs. This is in opposition to the practically driven magical superstition, and Cicero suggests that function was even understood by the simple-minded ancestors who created those religious rituals (Nat.Deo. II.70-72).

In the model accepted in the article, a myth is understood as not an “entertaining lie or error”, but rather as parabolically and captivatingly expressed sacred “truths” (captivatingly, in this context, entails durably), either plainly irrational, or culture-specific, or beneficial to society, which are not rooted in the individual considerations of the profane survival and profit—if something else, then why bother to come up with such inventive, deep, and sophisticated narratives? We will understand the term “religion” in a sense of the regular exercising of its formalized rites, which are supposed to remind us about those “truths” of the associated myths.

The collection of the objects, persons, places, actions, verbal formulae, etc., as found in the myth and associated religious practices, will form a set of elements on which operations will be defined—such that they join some of these elements, yielding other elements of the same set, through the revealing of the mythical meaning of these connections. By doing that, we will treat mytho-religious systems as “groups” or “spaces” in the mathematical sense. Under such a model, functional parallelism of the rituals, which will carry the operations in this model mentioned above, becomes crucial in establishing a
parallelism, or a mapping, of the mytho-religious spaces to each other as a whole. In the following discussion, we will attempt to see what mytho-religious elements and ritualistic operations could be identified, and what parallelism could be established between them, within the Slavic and Indo-Iranian mytho-religious (sub)spaces concerning the oath, guilt, the contract, and justice.

**PARALLELS**

In addition to the Slavic-Indo-Iranian lexical and narrative mytho-religious similarities mentioned above, we can see parallels in the Slavic and Indo-Iranian rituals of the contract and oath confirmation, both in their forms (verbal and actional), as well as within the meanings. Here, we will review such rituals attested in the Latin historical sources and Slavic law codices, as well as their parallels found in Indo-Iranian mytho-religious and legal literature.

The following short fragment from Saxo Grammaticus’ *Gesta Danorum* concerning the Slavic water rites related to the matters of trust and contractual relationships have been overlooked for quite some time by the researchers of Slavic mythology and religion, and was recently rediscovered as an important account of Slavic rituals and beliefs (Marinas 2013).

*A quo oblationem suam liquida fide prosequi rogatus, pignoris loco lapillum se aquae injecturum asseruit. Siquidem icturis foedus barbaris religioni erat calculus in undas conicere seque, si pacto obviam issent, mersi lapidis exemplo orare* (Being asked a confirmation in the sincerity of his requests’ aims, he offered to conduct a local pledge, in which a stone was thrown into a body of water to be consumed by it. The barbarians’ superstitious rite, [which Dombor] offered to perform, was to contemplate over the prophecy of the waves; if a treaty is [to be] forgotten, the sinking of the stone will foretell the doom [of the violator]) (Holder 1886: 517.25–30).

In the fragment above, we see an association of such categories as trust and being true to one’s own word, especially in kingly matters, with the aquatic nature element (possibly, there could have also been a Slavic personification of that element). In Zoroastrian sources, *Apām Napāt*, “Son of the Waters,” was such an aquatic personification (Yt 8 (Tishtar).4,.34), who, also, was an overseer, keeper and distributor of *Khvarenah*, the “royal glory” that is given to the worthy kings who maintain *aša*, the “right”, the “true” world order (Boyce 1975: 41–3; Gershevitch 1959: 6–7). If they do not stay true to their obligations, like what happened to Yima, who allowed a “lying, untrue word” into his mind, Khvarenah leaves them in a sorry state, and, in a form of a bird, goes to the bottom of the sea where *Apām Napāt* seizes it (Yt 19 (Zam).34,.51). *Apām Napāt* does not maintain aša alone, but paired with Mithra; however, if the latter does it by “pacifying” councils of the lands in turmoil, the former “restrains” them (Yt 13 [Fravardin].95), which establishes a parallel to the Vedic Varuna the Binder (RV 1.24.13,.15, 1.25.21, 2.28.5, 6.74.4, 7.28.4, 10.85.24; AV 4.16.7–9), who also has another name, *Apām Napāt*—an overseer of the “right world order” ṛta, and that parallel Boyce pushes to proposing a
common Indo-Iranian deity *Vouruna (Boyce 1975: 44–8), who was associated with the abstract categories of truth, oath, and aquatic elements, as well as one who is young and had created all things in the world (RV 2.27.2, 2.28.4, 2.35.2, 4.8, 7.49.2–3, 10.8.5–6, 1.2.8, 1.23.5, 1.152.1, 7.60.5, 7.66.12–3; AV 4.16.3, 4.29.1, 5.11.3, 20.123.2). Mahabharata mentions that to keep one’s oath, the person should release his wrath, which tempts him to break the oath, into the waters, into the ocean—Varuna’s domain (Mbh 1.171.15–21).

An aquatic ordeal related to Varuna and concerned about verifying denial of the broken word, which Boyce cites using legal texts of Yājñavalkya (YDh 2.108–9), is more dramatic than the one described by Saxo. The man accused of breaking his oath is submerged in water; he asks Varuna for protection, and at that moment an archer shoots an arrow, which a swift runner should retrieve. If, by the time the runner returns, the accused man is found alive, he is cleared from the accusation. If not—well, he would share the destiny of the stone in Saxo’s account (Boyce 1979: 8). A similar account is found in other law books, though not so vividly described (ViDh 12.7–8; NSm 20.25–7).

The expression “to drink brimstone water,” has survived to contemporary Persian, where it means “to take an oath;” Vidēvdāt mentions oath by water and blazing fire, and ordeals by the “truth-knowing” water (Vid 4.46, .54–5). P. V. Kane cites Āpastamba Dharmasūtra (ADh II.11.29.7), which states that the witness in the court of law should be telling the truth, standing before the kindled fire and the vessel of water, in the presence of the king, and warned by the judge that he should be fair to both sides of the dispute (also Arthaśāstra of Kauṭilya iii.11) (Kane 1946: 342). Vaiṣṇava Dharmashastra instructs the witness to take an oath by truth of the fire and the water, along with other elements of nature, as representation of truth of the gods (ViDh 8.19–39). Mānava Dharmashastra says that a witness who lies will be bound by Varuna, and he, helpless, spend one hundred of his lifetimes. However, a witness’ lie is acceptable should it save the defendant’s life; still, the false-testifying witness should excuse himself before Varuna, giving him oblation with the formula: “Untie, Varuna,” (RV 1.24.15) (Kane 1946: 353) and three such formulae addressed to water (RV 10.9.1–3) (MDh 8.82, .103–6). Nārada-smṛti agrees that the false testifying person will be tied by Varuna, and clarifies there will be one hundred ties, and each one will be released once every thousand years (NSm 1.186–7; Nārada-smṛti, unfortunately, has number of different fragment enumerations; here the one from Lariviere 2003 edition is used).

The earlier, among the post-Vedic legal literature, Laws of Manu (Mānava Dharmashastra) knew two original, apparently, more ancient, ordeals: by water and by fire, which were administered as confirmations of the oaths, and were not distinguished from the oaths by heads of a person’s wives and children (MDH 8.111–6). The later Yājñavalkya-smṛti extended number of ordeals, suitable to resolve important matters and clear defendants from acquisitions, by ones of balance, holy water, and poison. The ordeal of balance was suited for the weak: women, ill, elderly, Brahmins, the ordeal of fire for Kshatriyas, by water for Vaishyas, and by poison for Shudras (YDh 2.95, .98). In the ordeal of holy water, the person taking the oath should have drunk the water in which weapons of the deity, the one which the defendant believes in, were immersed. In case of a false oath, he was expected to fall ill from the water, or other dire consequences coming from the water
should have followed (BSm 10.23–4; ViDh 14.4–5; NSm 20.43–4; YDh 2.112–3). The Laws of Manu describe similar consequences that happen not with the person taking an ordeal, but to the false-testifying witness (MDh 8.108). The later, minor law books added more and more ordeals, multiplying them to seven and then nine, also extending list of the exceptions; for example, ordeal by fire was not suitable for a blacksmith; for ordeal by water, for a fisherman; and ordeal by holy water was not suitable for nonbelievers or conscious evil-doers, as well as making exceptions for times of the year and weather conditions (ViDh 9.18, .25, .29–31; NSm 20.42, .45, .47–8).

Additional ordeals to the original ones of water and fire, and more exceptions and clarifications on their use, were added, apparently, to fine-tune the legal system to the changing social structure of the society, making the ordeals more like mere utilitarian judicial tools, rather than manifestations of the social rules of behaviour blessed by the divine authority. Still, the understanding persisted that these procedures were not ordeals per se, which would verify particular actions, but rather means of verifications of the oaths. This understanding can be easily seen in the ritual verbal formulae prescribed for the defendants undergoing the ordeals: “I have not done this,” or similar, referring to the “invisible spies” of Mitra and Varuna (or Varuna, as a King of Waters, himself) from Vedas who can witness innocence of the defendant (ViDh 11.11–2, 12.7–8, 14.3; NSm 20.22–4, 20.31; YDh 2.104). Nārada-smṛti explicitly elaborates that the purpose of these ordeals is to distinguish between truth and lie, and are primarily in the interest of the defendant, to clear him from the accusation. The best ordeals for this purpose are those of the fire and water. The latter one is even better, because fire originates from water (NSm 20.5–7, .30). Kane points out that some Dharmashastras do not distinguish oaths and ordeals at all (MDh 8.109–14; NSm 1.218), while the later commentaries on them do recognize the distinction in a rather technical sense, when one or another is applicable to accusations of crimes of different degree of aggravation, or by the time a decision can be made (Kane 1946: 358).

There were also other procedures that were less obvious in connecting water and contractual relationships, such as renouncing property rights by touching the water when giving a gift (YDh 1.229–35), casting money in the water if the creditor died (NSm 1.113), or breaking a vessel with water and sprinkling the head of a slave when the master releases him to freedom (NSm 5.40–1). During the adoption procedure, in presence of the fire and water vessels, the parent releases the dominion over his or her son with the verbal formula: “I give (him to you),” and the adopter confirms the contract of acceptance with the words: “I take thee for the fulfillment of my religious duties,” declares Baudhāyana Dharmasūtra (BDh 8.5.9–12), while Vāsiṣṭha Dharmasūtra adds that the adoptee, or the person who has been banished from the family, can be readmitted after the water from the vessels pours onto his head, and the same formula addressed to the Waters, which is used to forgive the false witness (RV 10.9.1–3), is recited (VaDh 15.20). Sarkar points out that similarly the contractual relationships between parents and daughter are transferred to the groom during the wedding ceremony with the same water rite (MDh 3.35) (Sarkar 1891: 368, 379–80). Because the king answers to nobody among men, punishment for his unjust deeds is a business of Varuna, the chastiser of the kings (MDh 9.245), and the
one who gives them their crowns. During the coronation procedure, a priest sprinkles the king, who is expected to take on the duty to support the law (BrUp I.4.14), with water, and recites mantras addressed to the Waters and Varuna. If the king collected unjustly high additional tax, he had to throw it into the water, invoking Varuna’s name (YDh 2.307) (Kane 1946: 97, 77, 176).

Xuanzang (Hiuen Tsiang), a Chinese Buddhist monk, after traveling to India in the 7th century, describes an ordeal of throwing a defendant in a sack into a deep water, and expecting him to float, as well as an ordeal by a hot piece of metal that is expected not to harm the defendant if placed on his hands, feet, or tongue. He also describes ordeals by balance and poison (Xuanzang II.13). Eleventh-century Persian scholar Al-Beruni, after his travels in India, wrote that in the Indian court, if there is not enough written and witness accounts, the defendant may take an oath that he is innocent. Depending on the importance of the suit, it may be a simple oath, or one supported by the ordeal verification via drinking holy water, with the expectation it will not harm the defendant in case he is telling the truth, or by throwing him into a deep well or a river, after the defendant pronounced the formula: “Water, you know the secret and public, kill me if I lie, and preserve me if I speak the truth,” or by a kettle, boiled and with a piece of gold thrown inside, which the defendant must fetch from the water, or by a hot piece of metal, near its melting point, that should be carried in the defendant’s hands for some distance. An ordeal of balance is also mentioned (Al-Beruni II.LXX).

There is no mention in Saxo’s account of a personified figure of the waters; however, we may find one in Adam of Bremen’s description of the city of Wolin:

*Ibi est Olla Vulcani, quod incolae Grecum ignem vocant (vocans; vocant ignem in other manuscripts), de quo etiam meminit Solinus. Ibi cernitur Neptunus triplicis naturae: tribus (Tribus) enim fretis alluitur illa insula, quorum (quor. unum virid. aiunt esse) aiunt unum esse viridissimae speciei, alterum subalbidae, tertium (tercius vero) motu furibundo perpetuis saevit tempestatibus (There is Vulcan’s Cauldron, which is called Greek fire by the locals, [and] which was mentioned by Solinus. There is known Neptune of the triple temperament: for three seas/estuaries surround this [pen]insula, which, it’s said, on one [side] is of freshest quality, on another whitish [muddy], and on the third—continuously and frantically stirred by raging storms) (Adam II.XXII).

Especially interesting here is that the Slavic analogue of *Vouruna-Apam Napat, described here as a certain Neptune (Lüders also calls Varuna an Indian Neptune [1951: 9]), is accompanied by a certain Vulcan (or his attribute—the cauldron)—possibly the Slavic analogue of *Vouruna’s companion Mit(h)ra, who, in Indo-Iranian tradition, is the fiery figure (Yt 10 [Mihir].3, .127; Yt 19 [Zam].49; RV 7.66.10). One of the three sacred fires of Bundahishn bears the name of Mithra (Burzin-Mitro) (Bd 7.8), as well as the Zoroastrian fire temples dar-e mehr (Duchesne-Guillemin 1973: 72).

Usually, like in Adam’s fragment above, the Latin natura is translated as literally “nature,” though “character” or “temperament” are also legitimate translations, and the latter one is chosen here. Latin viridissimus, usually translated as “greenest,” is also “freshest”, or “youngest”, and species is not only an “appearance”, but also a “quality”, or “type.” Another important detail is that Adam does not simply describe the geography
of Wolin, but uses the verb *aiunt* (3rd, pl. pres. act. ind.)—"[they] say". which indicates he talks about the narrative tradition, perhaps more concerned not with geography, but rather hyperbolically describing qualities of the deity. That triple character of the Slavic Neptune (which is violent, greenest/freshest/youngest, and white/old at the same time), is particularly interesting because *Vouruna*-Apam Napat is also a "terrible sovereign", (RV 7.66.13) a life-giving youthful water patron, (RV 2.27.2, 2.28.4, 2.35.2,4,8) and, in company with Mitra, a worldly truth and order overseer (RV 7.49.2–3, 10.8.5–6, 1.2.8, 1.23.5, 1.152.1, 7.60.5, 7.66.12–3; 6.62.9, 7.28.4, 7.40.4,7, 8.25.4; AV 4.16.3).

Although we have no description of such a fiery rite in Saxo’s account of Slavic rituals, we do have evidence on the easy acceptance of the ordeals by fire among the Wendish Slavs of Oldenburg, as well as an account of the connection of the oaths with water, trees and rocks, and some jurist deity or deities manifested by these natural phenomena, in Helmold of Bosau’s *Chronica Slavorum*. Furthermore, we learn from him that Svantovit is associated with the category of trust. He is the guarantor of oaths, which are the part of the rituals conducted in his temple. Yet another ritual, related either to Proven, or Siwa or Radigast, involves passing a vessel with a liquid (water? mead?):

*Est autem Sclavorum mirabilis error: nam in conviviis et compotationibus suis pateram circumferunt, in quem conferunt, non dicam consecrationis sed executionis verba, sub nomine deorum, boni scilicet atque mali, omnem prosperam fortunam a bono deo, adversam a malo dirigi profitentes. Unde etiam malum deum sua lingua Diabol sive Zcerneboch, id est nigrum deum, appellant. ...Inter multiformia autem Sclavorum numina prepollet Zvantevith, deus terre Rugianorum, utpote efficacior in responsis.... Unde etiam in peculium honoris annuatim hominem christicolum, quem sors acceptaverit, eidem littere consueverunt... Mira autem reverentia circa fani diligentiam (i.e. curam, custodiam templi) affecti sunt: nam neque iuramentis facile indulgent, neque ambitum fani vel in hostibus temerari patiuntur (However, the Slavs have an astonishing wrong [custom]: for their banquet and drinking party, they send around a saucer, in which they join saying, I would not say words of religious dedication, but rather spells, under the name of deities, namely good and bad, professing all prosperous fortunes as [words] coming from the good deity, and the opposites as [words] coming from the bad one. In particular, on their language they call the bad deity Diabol ol Chernobog, which means Black deity... Out of the multitude of Slavic deities, however, prevails Svantovit, the deity of the land of Rugia, since [he is] efficient [trustworthy] in his answers... In particular, as a [material] manifestation of honouring him, they have become used to annually sacrificing a Christian, whom the lots point to... However, they endowed the [Svantovit’s] temple with attentiveness (care of it) out of the astonishing respect: for they neither allow [themselves] to easily take oaths [in it], nor let inconsiderable foreigners in or around it) (Helmold I.52).*

*Illic inter vetustissimas arbores vidimus sacras quercus, que dicate fuerant deo terre illius Proven, quas ambiebat atrium et sepes accuratior lignis constructa, continens duas portas... Ilic omni secunda feria populus terre cum reguo et flame convenerit solebant propter iudicia... Iurationes difficilire admittunt, nam iurare apud Sclavos quasi periurare est, ob vindicem deorum iram... Hii enim simuiachrorum ymaginrias formas pretendunt de templis, veluti Plunense ydolum, cui nonien Podaga; alii silvas vei lucos inhabitant,*
ut est Prove deus Aidenburg, quibus nulle sunt effigies expresse... Inter multiformia vero deorum numina, quibus arva, silvas, tristitias atque voluptates attribuunt, non diffidentur unum deum in celis ceteris imperiantem, illum prepotentem celestia tantum curare, hos vero distribuitis officiis obsequentes, de sanguine eius processisse et unumquemque eo prestantiorem, quo proximiorem illi deo deorum... Et inhibiti sunt Sclavi de cetero iurare in arboribus, fontibus et lapidibus, sed offerebant criminihibus pulsatos sacerdoti, ferro vel vomeribus examinandos (There, among the ancient trees, we saw sacred oaks that were dedicated to the deity of this land—Proven, around which a wooden hall and a fence were carefully constructed, which had two gates... Here, every second day (of the week), people of the land, along with the king and the priest, used to gather to have a counsel/trial... They abstain from committing the oaths, for taking a vow almost [certainly means] breaking it, thus [becoming a subject] of punishing/spearing by anger of the deity... Some pitch temples over statues depicting their imaginary [deities], like the idol of Plune, which is named Podaga; others inhabit woods or groves, like Prove, deity of Oldenburg, who does not have any statues depicting him... Among multiple deity-like spirits, with whom they associate fields, forests, sadness, and pleasure, they do not deny one god in the sky also, who omnipotently controls the entire heavens, [while] these [spirits] distribute assignments to comply, from his nature originated, and each one the more senior, the closer [he is] to the god of gods... And since then the Slavs have restrained themselves from taking oaths before trees, springs and rocks, instead brought caught criminals to the priest, to execute [ordeals] by iron or plough) (Helmold I.83).

The last phrase is one more explicit piece of evidence, in addition to other Germanic and Scandinavian legal documents, witnessing the survival of the pre-Christian fiery ordeals (Seaton 1917: 530–3), probably of the Indo-European origin, in the Medieval Christian Europe. Still, the easy acceptance of Germanic ordeals by the Slavs may also be evidence of the survival of similar cultural rites of the Wendish Slavs, also rooted in the Indo-European past, independently from the Germano-Scandinavian world. In legal documents of the Western, Southern and Eastern Slavs of 11th and later centuries, there are also references to the fire, water and duel ordeals.

Cosmas of Prague, in his Chronica Boemorum, writes that in 1039, Duke Břetislav, pronouncing his law code over the tomb of St. Adalbert in Gniezno, Poland, mentioned that those accused of homicides and denying the accusations should be tested by the ordeals of water and fire:

Similiter et de his, qui homicidiis infamantur, archipresbiter comiti illius civitatis nomina eorum ascribat, et comes eos conveniat; et si sunt rebelles, in carcerem redigat, donec aut penitenciam dignam agant aut, si negant, ignito ferro sive adiurator aqua, utrum culpables sint, examinantur (Similarly, [concerning] those who dishonor [themselves] with homicides, a superior elder of the people’s assembly must write their names, and summon them obligingly to the assembly; and if they are rebellious, put them in jail, [and hold them] until their proper repentance, or, if they refuse, examine them with hot iron or oath water, whether they could be blamed) (Cosmas II.4).

The Czech law code of the first half of the 14th century Prava Zeme Ceske/Kniha Starého Pána z Rosenberka (Jus Terrae Boemiae in Latin translation) preserved quite
an extensive list of rites of the oath and guilt verification by water and hot metal, and the evidence that those rites were dedicated to some deity (in this case, to the Christian one):

69. Z plena prawo sě zprawiti zemským prawem, jemuž (komuž) winu dawają, samemu tretiemu. Ale bylołyby (byloby) prawieșię, aby pówod přísah napřed z swej škody: tehdy prawo byloły by opowiadaća opotřsięc sě; (tehdy prawo byloły opotiera ni on potwierdact, a on potwierdacta opotřsiecie sě) potom za wodu dwa pomocniky opotřise, że je newinen, z nehož popotřisiezen (The law of damages may be corrected by municipal law; [therefore] whoever is accused threefold (i.e. quite likely), however, would be firm that the plaintiff is lying about the damages, he has the right to deny or present a different story, with the help of [his] two witnesses who would take an oath on water that he is innocent) (KSPR 69).

70. Ježto swędzy za wodu (zawodję/zawadie), z dluhów, nebo z dědin, nebo což w dský slušić: těž prawo, jako w ředě; ledno woda sešla mezi nimi z toho, ale edno za wodu wrci hřebě (ale jedné ten kuoh wrci za wodu, na kterémž běžal). Tehda, když swędzy postawie před křičem, reči: swędek, nebo swędci, prawo wezmú (If witnesses testify about debts or inheritance, or who know or oversee the laws, [then therefore] the right[-determining] water divination decides who is right, [or, additionally] the right[-determining] lots are thrown (by the same person who made the water divination), at the time when the witnesses, being placed before the cross, speak: “witness (or witnesses) upholds truth”) (KSPR 70).

73. Ježto sę zprawiti samemu swů rukú. Zrady prawo sę oteprięc samemu swů rukú, jemuž winu dawajú; sirotčié prawo. Pakliby žalowal z toho pówod, a opowiadací jemu nebránil, na opowidći pówodowi węści prawo za wodu; z přiweděni takže, z žiité, z přijeti takže (If the accused accidentally told on himself, [which would then lead] to his conviction, he has the right to renounce [what was said], by the orphan law. However, if the same was the plaintiff’s complaint, and the accused doesn’t argue, the plaintiff, in his turn, may ask for [verification by] water; the same [law is true] for foster care and adoption) (KSPR 72).

143. Když pówod žaluje cožkoliwcé, že je wzchowal (budto že je wzchowal) na swej hnoji i žiwo i mrtwo: tehda prawo postihnúti pówodłu swędzy, jakž draho zceněno; prawo, jako z dluhu na křiži. 144. Pakli proti tej żalobě odpowěď taká, že dié: »ten kőń, nebo cožkoliwěk, jehož sę Mikeš z Unhošče u mne jal (jehožby sę Mikeš neb Jan z Hostieho jal), ten sę je rodil na měm hnoji i žiw i mrtew, na to jmám prawieșię lidi” (pakli odpowié a dié: tento kőń jest sę urodil u mne na hnoji a zchowá, a jmám na to prawieșię lidi): tehda prawo o to hřebi, čim sę swędków prawo dostane, ale woda (úwoda) neslušić (If the plaintiff complains about something [while the accused behaves] like being petrified in his own dung, lifeless, then the court should listen to witnesses of the plaintiff with all the importance, like [they are] witnessing on the cross. However, if the response of the accused is such as Mikes from Unhoshe (or Jan from Hostieho), who said: “who, or whatever, made the adversary to stay in his dung lifeless, is the right person”, then the procedure of the witnesses’ trial by lots or water is not needed) (KSPR 143–4).

155. Pakli chce wše z té pře přihnati k najdalejšému roku, to môž do šesti nedél; cožby rok byl dale jedniem dnem šesti nedel (cožby rok byl dale jedniem dnem šesti nedel, to pře ta ztracena; jestli rok bliže šesti nedél), že nenié měné k roku čtyr nedél, a je s prawem
z té pře sehnáno. Právo woda (However, if one wants to have a court hearing, which will rule on the dispute, to be called at the furthest possible time, it should be no longer than 6 weeks (a day later will be a mistrial), if the hearing of the dispute is sooner than 4 weeks, it will be still according to the law, via the water [ordeal]) (KSPR 155).

156. Ze zlodějstwa, což pomění (promění), jeden póhon; též právo pohoniti jako z plena; právo woda. 157. Z lúpeže jeden póhon; týmž práwem pohoniti jako z plena; právo woda. 158. Z lesa porubámie (posčeníě) jeden póhon; jako z plena; právo woda. 159. Ze wzebrání úroků jeden póhon; takéž pohoniti jako z plena; právo woda. 160. Z jetié jeden póhon; právo pohoniti jako z plena; právo woda. 161. Ze zlata jeden póhon; právo pohoniti jako z plena; právo železo; nemóž (a také móž) pohoniti k malému úřadu. 162. Wěchów zawinutié, násilím požitié, jeden póhon; z ohně jeden póhon; právo pohoniti jako z plena; o tu při právo železo. 163. Z wýboje jeden póhon; právo pohoniti jako z plena; právo železo. (For the minor crimes, there will be one hearing, by the procedure like for [covering] damages, via the water [ordeal should be used]. For the robbery, there will be one hearing, the same legal procedure as for the damages should be applied, via the water [ordeal]. For the lumbering, one hearing, will be the same procedure like for the damages—the water [ordeal]. For usury, one hearing, by the same procedure like for damages—the water [ordeal]. For stealing, one hearing, by the same procedure like for damages—the water [ordeal]. For the gold-[related crimes], one hearing, by the same procedure like for damages—the hot iron [ordeal], if [the accused] is incapable [of enduring that], then send him to the local [law-enforcing] office. For the [illegal] hay mowing and grain harvesting, and the arseny, one hearing, by the same procedure like for damages—for that dispute is the hot iron ordeal. For the property destruction, one hearing, by the same procedure like for damages, via the hot iron [ordeal]) (KSPR 156–63).

210. Opowiédati práwo plen, wýboj, lúpež, zlodějstwo, wzebrání úroků, oheň, i to wše, což práwo woda i železo o toho (Notify about laws on damages, injuries, robbery, lesser crimes, usury, arseny, and those for which water and hot iron [ordeals are used]) (KSPR 210).

212. Opowiédati práwo chromotu, i wšelikaké ohawy, rány modré i krwawé i wšelikaké. Opowiédati práwo z hlawy i z příhlawného dobytka. Opowiédati práwo sweřepice, wčely, ščepy, a to wše, což jest nárok, trój póhon, právo woda i železo (Notify about laws on handicapping or other injuries, hematoma, or open, or whatever wounding. Notify about laws on cattle and lesser livestock. Notify about laws on horses, bees, gardens, and all that involves [breaking] contract, [for which there will be] a triple hearing via the water and hot iron [ordeals]) (KSPR 212).

238. Přiwesti komorníka právo na škodu, když sě škoda stane, wýboj, plen, oheň i wše nároky, což je právo woda i železo. Takéž právo komorníka přiwoditi ke wšem ranám (A court officer should be invited to the crime scene that involves property destruction, damage, arseny, and all contract breaching, which are dealt with via the water and hot iron [ordeals]) (KSPR 238).

Of course, it could be argued, similarly to Helmold’s account, that these mentions of the ordeals of fire and water in Czech legal documents were just reminders of the
German influence. However, we find that similar ordeals also appear in Serbian and Old Rus’ legal documents.

Serbian law document Законикъ Срьбскыи Цара Стефана Душана Сильнаго, of 1349, talks about ordeals by the boiling water:

64. Соудби ине да нѣсшь за котьль, ни оправе никое. кто се оправи, да не дава соудбальнь оправе. роуке на соудоу да неима, и опаданїа, и две. тькмо да се соуде по закону (There should be no other trials after the boiling water cauldron ordeal, and no [other] rulings. Who vindicated himself should not be judged by the court. There should not be bribery, nor unfair trial, nor gifts; only the law should be [respected] by the court) (ЗС 64).

78. Дворане властелсцїи, ако оучини кое зло оть нихь, кто боуде прониаревикь, да га оправе очина дроужина поротом, аколи есть себрь, да хвати оу котель (If courtiers of nobles committed a crime, those who are landowners should be judged by the jury of elders, otherwise, those who are commoners should take the boiling water cauldron ordeal) (ЗС 78).

The first known Old Rus legal document Правда Роусьская, it could be argued, bears signs of the influence of Scandinavian legal thinking, which is not surprising considering the close dynastic ties between Vladimir Svyatoslavich and Yaroslav Vladimirovich with Sweden and Norway, however, the first Short Edition of the Правда Роусьская in the 11th century did not have mentions of the ordeals of water and fire, and, by the time the Extended Edition was created around the end of the 11th or beginning of the 12th centuries, those ties had been severed. The Great Schism did not help cultural exchange between the German and Scandinavian world and Old Rus, either, so the direct inheritance of those ordeals from the Indo-Iranian, or even Indo-European past, is more likely than the Germano-Scandinavian reborrowing:

12. Искавшие ли послуха и не налѣзоуть, а истьяя начьнеть головою клепати, то ти имъ правооуж желѣзо. Тако же и въ всѣхъ тяжахъ, и въ татбѣ и въ покленѣ; оже не боудеть лиша, то тогда дати іемоу желѣзо изнѣволѣ до полугривны золота. Ажели мьнѣ, то на водоу, оли до двою гравноу; ажели мьнѣ, то ротѣ ити іемоу по своѣ коуны (If witnesses were not found if the plaintiff accuses [somebody] in murder, then use on him the [hot] iron ordeal. The same is for all cases, for the robbery and other accusations; if there will be no evidence, then force to him the [hot] iron ordeal, [for the case worth] less than half a hryvnia [of gold]. If the case worth less, and more than the two hryvnias [of silver], than use the water ordeal; if [even] less—then believe in his oath) (ПП 12).

The multi-headedness of the Svantovit statue, as well as the other Wendish statues of the Slavic deities, was pointed to by many Latin authors. Saxo’s account has an emphasis on the omniscience of the deity:

Ingens in aede simulacrum, omnem humani corporis habitum granditate transcendent, quattuor capitis totidemque cervicibus mirandum perstabat, e quibus duo pectus totidemque tegum respicere videbantur. Ceterum tam ante quam retro collocatorum uniun dextrorsum, alterum laevorum contemplationem dirigere videbatur (Inside the temple a giant statue was seen, whose size was greatly exceeding any typical human
body, from which, surprisingly, four heads on four necks were erected, from them, two were [looking] ahead, another two—in the opposite [direction]. Also, whatever direction one would look at them: from front or back, from left or right, he would meet their line of sight. (Literally: Also, whatever [was] the placement [of the pairs of heads]: front or back, one [of the pair]—to the right, another—to the left, the line of [their] sight was seen.)) (Holder 1886: 565.3–10).

The omniscience, the multitudes of eyes and ears are also quite particular characteristics of Mit(h)ra and Varuna (Yt 10 (Mihir).82, .107, .7, .45–6, .91, .141), (RV 1.25.16, 2.27.3, 8.90.2, 1.15.6, 7.34.10, 7.49.3, 7.60.6–7), (AV 4.16).

This is especially interesting in the context of the Zoroastrian-like purification rites that the priest of Svantovit was performing in the temple before festivities:

Huius sacerdos, praeter communem patriae ritum barbae comaeque prolixitate spectandus, pridie quam rem divinam facere debuisset, sacellum, quod ei soli intrandi fas erat, adhibito scoparum usu, diligentissime purgare solebat, observato, ne intra aedem halitum funderet; quo quoties capessendo vel emittendo opus habebat, toties ad ianuam procurrebat, ne videlicet dei praesentia mortalis spiritus contagio pollueretur (The priest [of the divinity], showing the strict observance of the length of hair and beard according to old traditions of the ancestral community; the day before [the feast] [the priest] had to perform an even more important service to the divinity: the temple, which only he had traditional right to enter; he used to clean most diligently with a broom, making sure he would not breathe inside the temple; when he needed to breathe in or out, he ran to the doors, to prevent pollution of the pure divine presence by the contact with mortal spirits) (Holder 1886: 565.27–35).

Mary Boyce points out that although we only have codification of the laws in Vendidād and Pahlavi texts, their similarity to the ones of Indian Brahmins suggests that similar rites existed not only during the prehistoric times of Zarathushtra, but also during the pagan times of Indo-Iranians, and even Indo-Europeans overall. The laws of purity in Zoroastrianism come natural from their key concepts of the opposition to the creation of Ahura Mazda/Spenta Mainyu, to the destructive influence of Angra Mainyu that includes decay, pollution, illness and, most importantly, death. Therefore, the duty of an Ashavan, the follower of the “right world order” or aša, includes obligation to fight uncleanness of himself and the elements of nature that include metal (which is representation of the sky), water, soil, animals, and plants (Boyce 1975: 285, 6, 310). Breath is also considered as polluting the already cleansed objects. Zoroastrian houses, especially if used as places of worship, especially at festival times, have to be dusted, swept, and scrubbed. The clothes of the priest performing services indoors are strictly functional, without flowing pieces that are used for the outdoor ceremonies, to prevent possible contamination of the cleansed objects by the closes. Hair, for the same reason, is also concealed under the headdress, and the mouth and nose is covered by a piece of cloth, termed in Middle Persian as a padān, which resembles a surgical mask and prevents contaminating action of breath (Boyce 1975: 300, 9, 10, 11, 22). According to the images that survived, in Achaemenian times Zoroastrian priests wore Scythian style hats with flaps that covered their mouths (Dandamayev 2009: 95).
CONCLUSIONS

If we treat mytho-religious systems as groups or spaces in a mathematical sense, and want to establish their structural similarity that will allow us to reconstruct the structures of the lesser known with the similar structure of the better known, we need to demonstrate that the mapping of one mytho-religious space to another is isomorphic, or, at least, homomorphic. Which means that, if there exists objects, actions, verbal formulae $a_1, b_1, c_1, \ldots$ and deities or other actors $d_1$ of one mytho-religious space, and they can be mapped to the objects, actions, formulae $a_2, b_2, c_2, \ldots$, and deities $d_2$ of another mytho-religious space, and we can map them to each other: $a_1 \rightarrow a_2, b_1 \rightarrow b_2, c_1 \rightarrow c_2, \ldots$ $d_1 \rightarrow d_2$, and there exist mutually mappable ritual operations $o_1$ and $o_2$, such that they take elements of the mytho-religious space, and, through revealing the mythical meaning or reference, produce another element of that space, for example a deity associated to the rite: $d_1 = o_1( a_1, b_1, c_1, \ldots )$ and $d_2 = o_2( a_2, b_2, c_2, \ldots )$, we need to show that there has already existed the mapping $d_1 \rightarrow d_2$. If that is the case, such a mapping and mytho-religious spaces are homomorphic in terms of the abstract algebra. Of course, one may hardly expect a strict compliance of such categories as myth and religion to the mathematical definitions of the group or space, or their relationships being isomorphic, in which strict one-to-one relationships in both directions are maintained between elements of two spaces. However, a simple homomorphism still provides preservation of the structure of those spaces’ elements that could be mapped into elements of another space, while those elements that do not have analogues in another space, and are unique to the particular one, could be called a kernel (null subspace) of that mytho-religious space.

For our particular example of the Slavic oath-confirming rituals of water, according to the Mediaeval Latin chroniclers’ accounts, we can discern the following elements of the Slavic mytho-ritual subspace concerned with justice: the very water (either an abstract Domboro’s one, or Oldenburg’s streams, or the vessels with it), the oath-taking participant or an object (stone) substituting him, actions of submerging or making contact of the ritual’s subject and the water, verbal formulae proclaiming the water being a witness of the oath, or a punisher of its violators. All these elements, quite directly and undoubtedly, can be mapped onto elements of the Indo-Iranian mytho-religious subspace of justice.

From the water deities such as the Wolin’s Neptune, of the “triple temperament”: green-young, violent, and white (old-wise?), may be mapped onto the Indo-Iranian figure *Vouruna-Apam Napat (Son of the Waters): the life-giving youthful creator of all things, who is terrible, yet merciful, and the truth and contract overseer. Oldenburg’s Proven, related to justice, and, indirectly, to streams, is also mappable to *Vouruna-Apam Napat. Rugen’s Svantovit, the trusted one, who is represented by the multi-eyed statue, and whose temple was treated by the Zoroastrian-like purification rituals, can be mapped to Vedic Mitra-Varuna and Iranian Ahura Mazda. We have no accounts about what deity was behind Domboro’s oath-guarantying function of water (though, it is quite reasonable to expect such a personification), and whether Wolin’s Neptune had the oath-related rituals associated with him. However, we do know about the strong direct association of some of Oldenburg’s justice rites with Proven. They were taking place in groves, but
other details were left unspecified. There is also an indirect association with him of the oath-taking rites on the water streams, and a common Slavic guarantee of the oaths by their deities, especially by Svantovit. Of course, such evidence from the chroniclers’ accounts of the oath-taking rituals (mytho-religious space operations) referring to the water- and justice-associated deities is more weaker and partly hypothetical for the Slavic mytho-religious space than for the mappable operations of the Indo-Iranian space, but, supported by the much stronger evidence from the Slavic law codices about dedication of these rituals to the cross (and, apparently, to the deity behind it), it is still traceable and satisfies the conditions of the homomorphic mapping of the mytho-religious spaces.

Having demonstrated that, we can not only give more ground to the theses of Jakobson, Gimbutas, and Puhvel, but also vindicate aspects of the approach of the “mythological school” of Russian folklorists to reconstruct the sources of Slavic folklore, especially that of Afanasyev, who widely used Indo-Iranian themes in his approach. We can point out that such an approach, on the new level, of course, could still be a beneficial and useful tool for the reconstruction of the Slavic pre-Christian mytho-religious space. As a continuation of this argument, we may also side with the remark of Gimbutas that, because we know so little about Slavic deities from the contemporary written accounts (what functionalities hide behind these names or even whether they point to the same or different ones), it is pretty much irrelevant what we would call them: supposedly authentic Svantovit and Proven from the Mediaeval Latin accounts, or Slavic Vulcan and Slavic Neptune from the same accounts, or “Slavic Mitra” and “Slavic Varuna” from the modern age comparativist works, or even completely made up contemporary names, as long as we understand that those names are only mappings to elements of the more rich and complete mytho-religious spaces that we may use to reconstruct the Slavic space from.

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Индо-иранские параллели славянской мифо-религиозной лексики, фольклора и изобразительного искусства были предметом интереса исследователей с девятнадцатого века. Похожесть славянских и индо-иранских мифо-религиозных мотивов позволила выдвинуть гипотезу об их общих праиндоевропейских корнях, и предположение что более полные индо-иранские мифо-религиозные материалы позволят реконструировать практически утерянные мифо-религиозные концепции славян. В данной статье рассматриваются параллели между свидетельствами о водных ритуалах подтверждения клятвы среди славян из латинских средневековых историко-описательных документов и юридических славянских кодексов и описаниями подобных ритуалов в индо-иранской мифо-религиозной и юридической литературе, а также в историко-описательных трудах.

Саксон Грамматик описывает ритуал, бытовавший у вендских славян, в котором стороны, заключающие договор, бросали в воду камень, и, наблюдая за тем как вода поглощает его, должны были проникнуться мыслью, что если они нарушают заключенный договор, то такая же судьба, в широком смысле, будет ждать и их. Старшая Авеста, к примеру, сообщает о «царском величии», Khvarenah, которое дается только тем властителям, которые поддерживают «праведный мировой порядок» аša. Однако, если они нарушают свое предназначение, то Khvarenah, как случилось с Йимой, покинет их, оставив в жалком состоянии, и птицей погрузится на дно океана, где вернется во владение «Сына Вод» Апам Напату. Апам Напат покровительствует aša не один, а вместе с Митрой, но если у последнего специализация «умиротворять» нарушителей, то первый их «ограничивает». Аналогично, ведийский Варуна, чье второе имя тоже Апам Напат, а стихия - тоже вода, является «ограничителем/опутывателем» нарушителей «праведного мирового порядка» ṛṭa и надсмотрщиком за соблюдением индивидуальных обетов.

Младшая Авеста знает ордилы «знающей правду» водой. Индийские юридические трактаты инструктируют свидетелей приносить клятву о свидетельствовании правды в присутствии воды, а также предусматривают ордилы обвиняемых водой, причем цель таких ордилей заключается не в выяснении собственно обстоятельств дела или наказании виновных, а верификации клятвы невинности. Некоторые основные юридические трактаты вообще не рассматривают процедуры клятвы и ордилей, как различные и обособленные процедуры. Процедуры отказа от контракта и перезаключения его на других лиц, такие как: дарение, усыновление, передача невесты жениху,
отпускание раба на волю, тоже сопровождаются ритуалами вовлекающими воду. Такие водные ритуалы подтверждения клятвы или контракта не только персонифицированы прямым или косвенным ссылками на Варуну, но объясняются именно функциональностью покровительства этим божеством истины и клятв.

Саксон Грамматик не упоминает персонифицированных фигур связанных с водным ритуалом подтверждением клятвы, однако Адам Бременский, в описании божеств Волина, повествует о Нептуне имеющем тройной характер, который можно описать как буйный, юный и мудрый, что является близкой параллелью характера Варуны-Апам Напата, который тоже буйный, юный и дарующий жизнь, и гаран мировой истины и справедливости. И хотя Адам Бременский не указывает на то, что Нептун Волина был как-то ассоциирован с правосудием, контрактами или клятвами, Гельмольд из Боса рассказывает именно о такой ассоциации Ольденбургского Провена с лесом и правосудием, и некоторых других неназванных Вендских божеств, со стихиями не только леса, но и рек, и подразумевает их связь с правосудием. Гельмольд также упоминает о том, что Свантовит Рюгена связан с категорией доверия, а ритуалы принятия клятв ассоциированы с его храмом. Также, Гельмольд сообщает о ритуале посвященном или Провену, или Живе, или Радегасту, в котором сосуд с жидкостью (с водой, или с медом?) передается по кругу.

Предположение о том, что Вендские водные ритуалы связанные с правосудием и клятвами выросли из славяной мифологии и религии и восходят к их индо-иранским корням, нежели чем были заимствованы из скандинавских или германских практик, подкрепляется распространением упоминаний водных ордилий в средневековых чешских, сербских и древнерусских юридических кодексах.

Кроме очевидных этимологических параллелей между Свантовитом и Спента Манью, многоглазая атрибутика статуи Свантовита и ритуал очищения его храма ассоциируется с многоглазостью Митры-Варуны, нужной им для наблюдения за соблюдением законов и зороастрийских ритуалов очищения.

За критерии допустимости отображения одного мифо-религиозного пространства на другое, с целью использования более известного пространства для реконструкции менее известного, предлагается взять критерии использующиеся в абстрактной алгебре для определения гомоморфного отображения групп или пространств. То есть, если на элементах группы определены операции на них, которые в результате дают элементы той же группы, и определены функции отображения объектов одной группы на другую, то, если отображение элементов первой группы на элементы второй, и последующее применение к ним операции определенной во второй группе, даёт тот же элемент который даёт функция отображения элемента первой группы, полученного путем применения операции к элементам первой группы, то такие группы имеют ту же структуру, с точностью до кернелей, то есть совокупности тех элементов группы, которые не отображаются на
другую группу. При таком подходе к мифо-религиозному пространству, славянское и индо-иранское пространства демонстрируют схожесть своих структур, по крайней мере в области правосудия, контрактов и клятв, что позволяет более обоснованно использовать индо-иранский материал для реконструкции славянского мифо-религиозного пространства.

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