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ELENA BRATISHENKO

ON THE AUTHORSHIP OF THE 1229 SMOLENSK–RIGA
TRADE TREATY

The present paper addresses some unresolved or previously overlooked aspects of a manuscript, the authorship of which has been long disputed in Slavic historical linguistics. This document is an early 13th-c. trade treaty between the East Slavic town of Smolensk, on the one hand, and the Baltic port of Riga, then belonging to the state of Livonia, along with the Swedish island of Gotland, on the other.¹ The non-Slavic side represented the Hanseatic League, which at that time was at the initial stage of its formation.

Various theories have been put forward concerning the original language of the *1229 Smolensk–Riga Trade Treaty*. Some 19th-c. historians argued² that it was first written in either Middle Low German (MLG) or Latin, and then clumsily translated into Old East Slavic (OESl) by someone unfamiliar with the language. They backed their claim by referring to its seemingly chaotic spelling – the most striking characteristic of this document. Moreover, they believed the *Treaty* contained numerous German calques, although rather awkwardly rendered. Some pointed out the similarity of its opening legal formula to the Latin clichés of the time. On the basis of this, the first investigators of the document labelled its language awkward, illiterate and “not quite Russian”. For example, Kunik (quoted in Напьерский 1868, 408) calls it a “helpless translation from another language”.

The thesis of non-Slavic origin has been reaffirmed in consequent research, although in a modified form. Kiparsky (1939, 1960) argued that there had never existed any Latin or German original, but that the *Treaty* was drafted directly in OESl by a native German speaker whose mastery of the Slavic language was sufficient for the job, yet certainly not perfect.

Disregard for this document in Western research remains evident in the writing of present-day scholars, and reputable ones at that. For example, Emily Klenin, in her study of animacy in Slavic, relies wholly on Kiparsky’s conclusions and pronounces the *Treaty* untrustworthy as a source of information about the history of OESl. She speaks of its “peculiar language” and “lexical blunders . . . difficult to imagine a Russian producing, even under the influence of a German source” (1983, 62–63), and excludes the entire source from her corpus of data on genitive-accusative evolution on the basis of the conclusion that whoever wrote it simply did not know the language.³

Kiparsky’s hypothesis, while characterized by the *Treaty*’s editors as “sufficiently well-argued” has reportedly passed unnoticed for nearly two decades in

Soviet linguistic research,⁴ which instead adopted and further developed a contrary hypothesis put forward in the mid 40s by Borkovskij. He proposed that the Slavic side arrived in Riga with an already-prepared text of the *Treaty* which had no beginning or ending, and that this main body of the text was originally produced in Smolensk in OESl. He concluded that the *1229 Treaty* should be considered genuinely OESl, while the foreign stylistic influences in it could be explained as bureaucratic clichés from the two literary languages of Europe at the time – MLG and Latin. All the same, Borkovskij wholeheartedly accepted the specific claims made in the previous century by Kunik that such expressions as *б<о>жии дворянинъ* ('Knight of God', MLG *ridder Gots*) and *оустоко морѧ* (allegedly MLG *ôstersee*) testify to either a German or Latin origin of the *Treaty*'s initial and final sections (Борковский 1944, 40). Even though he apparently wasn't aware of Kiparsky's ideas on the subject (published shortly before his own), Borkovskij indirectly supported Kiparsky's claims by choosing not to dispute the above-mentioned germanisms.

Borkovskij's hypothesis, although it greatly contributed – particularly in the Soviet Union – to legitimising the status of the *Treaty* as a valuable source of OESl linguistic data, nonetheless failed to address several major arguments of his 19th-c. opponents. Moreover, it further confirmed the supposed irrefutability of such arguments. Thus Borkovskij's hypothesis falls short of adequately representing the actual process of the document's composition, which must be properly understood in order to appreciate the significance of its data.

The following investigation intends to demonstrate, on the basis of previously unexamined phonetic and graphic data from the *Treaty*'s final part, that the entire document was written by a native speaker of OESl. *Written* means exactly that – put down on paper (or rather parchment) in its final redaction. This is important, since, as will become clear shortly, input into the *Treaty* could not have been anything but bilingual, if not multilingual, by its very nature. Therefore, it must manifest a certain convergence of languages and cultural conventions, which in itself does not mean that the text should be downgraded as an OESl source. The alleged German lexical calques will be also challenged.

Perhaps a brief historical overview will help put this investigation into context. In 1160 the town of Visby on the island of Gotland was seized from Sweden by the Germans. Due to its favourable location Gotland became a bastion of Baltic trade. Merchants preferred to bring their goods and trade there instead of travelling to the mainland, where they would be subject to many dangers. This was especially true with respect to medieval Slavdom, since the xenophobic attitude of the local population made conditions for trade difficult at times. This is not to say that the merchants themselves were particularly gentle in their dealings with the local inhabitants. These precursors of the Hansa relied on military means to occupy strategically important territory. In 1201 they founded the town of Riga on the

Eastern shore of the Baltic Sea and opened a bishopric there. The *Order of the Brethren of the Sword* (Lat. *Fratres Militiae Christi*) formed in 1202(–1237), also known as the *Livonian Order*, not only had the mission of promoting Roman Christianity against the Byzantine Orthodoxy of Rus', but also concerned itself with commerce. The Baltic Sea was mainly the economic domain of German towns. The recently founded (1158) and already flourishing Lübeck – an outpost of war and trade with Scandinavia – was one of the first to enter into union with Hamburg (1252). This initiated the formation of the German Hansa, although the name itself was not used until 1370. The four most important Hanseatic towns – Lübeck, Soest, Visby and Dortmund – drew up legislation regarding trade and made a seal to be used in signing agreements with other countries.

In 1229 the prince of Smolensk in the northwestern part of Rus' sent envoys to Riga to conclude a peace agreement with the "Latins" (as the German side is referred to in the *Treaty*), because there had been some trouble between the two sides. The envoys then proceeded to Visby in Gotland, where the *Treaty* was signed and sealed in the presence of Livonian knights of high rank and merchants and/or aldermen from the major Hanseatic towns. The document regulates trade and legal affairs of Hanseatic merchants on the territory of the Smolensk and adjacent princedoms, and of Russian⁵ merchants in Riga and other Baltic cities of the German Hansa.

The 1229 *Treaty* is preserved in six copies of two redactions: the so-called *Gotland/Visby* redaction, and the *Riga* redaction. (The copies are referred to by the letters A, B, C, D, E, F.) It is known from archival records that the same treaty also used to exist in German, although this version is no longer extant; it was probably destroyed during a fire in Visby. Copy A of the Gotland redaction is considered a protograph. It is copy A that is discussed here, although copy D will occasionally be referred to for comparison, being by most accounts the earliest extant copy of the Riga redaction.

To summarize the discussion of the *Treaty's* origin, it has been a point of great controversy as to whether it was first written in Latin or MLG, or produced directly in OESl, either by a native speaker or a speaker of MLG with poor mastery of the OESl language.

This last hypothesis, in the view of Kiparsky and his followers, is transparent from the peculiarities of copy A, with its alleged "lexical blunders". Kiparsky even singles out a likely candidate: *Tumašb smoln'aninb* ('Thomas, a citizen of Smolensk'), mentioned in the text as one of the participants in negotiations between Smolensk and Riga.

The primary concern in what follows will be with Kiparsky's hypothesis; but other theories will also be addressed, since all of them accept certain evidence as proof of detrimental German influence, and miss other clues suggesting the hand of an East Slav.

It emerges that Kiparsky's argument is ungrounded, and that if any German influence is to be detected in the *Treaty*, it merely suggests too literal a translation, rather than imperfect mastery of the East Slavic language. On the contrary, either the scribe's knowledge of German was questionable, or he did not have any German at all, and consequently was not the only person involved in the production of the document. Evidence contained in the final part of the *Treaty*, which lists the names of the foreign witnesses, strongly suggests that it was written down from dictation.

In general, the possibility of at least partial translation at some stage in the preparation of the document cannot be rejected. The text contains undeniable foreign traits revealing the sort of international cooperation one would expect from participants in such negotiations. However, the germanisms do not necessarily mean that the author's native tongue was German. Some are perfectly adequate Slavic renderings of German realia (MLG *ridder Gots*), others – the result of a meticulous attitude on the part of a scribe who would not dare to be frivolous in translating or editing, since this was a weighty international affair. The *Treaty's* importance is evident not only from the numerous copies in which it has been preserved and the existence of subsequent documents confirming its renewal by the Smolensk princes, but also from the fact that it is one of the earliest treaties of the Hansa in general.⁶

The uneasiness of Slavists in dealing with the *Treaty* was originally caused by its spelling.⁷ The problem centres on five vowel graphemes *e*, *o*, *ѣ*, *њ*, and *ћ*, used in a seemingly random and etymologically incorrect manner. Yet on closer examination, these letters fall into a consistent pattern representing only two actual vowel phonemes:

Front

e, *ѣ*, *њ* = /e/; C_[+P]_

Back

o, *ћ* = /o/; C_[-P]_

The reduced vowels /ɨ/ and /ʏ/, represented by the final letters in each column above, had by this time disappeared in so-called weak position while merging with the full mid vowels /e/ and /o/ in strong. The sound represented by *jat* coalesced with /e/ in this OESl dialect.⁸ Once all this is clarified, the spelling turns out to be very consistent throughout, although undoubtedly idiosyncratic.⁹ What is most important is that there is no confusion (with the possible exception of a few scribal errors) between the two series.

The use of the *jer* letters, traditionally employed for the previously-existing reduced vowels, not only testifies to the scribe's comprehensive schooling in Slavic scribal tradition, but also his conservatism in following etymological spelling in the absence of phonetic support from the spoken language, as was typical for texts of that time. Of course, a major consequence of the loss of the

reduced vowels in weak position was the rise of palatalization in consonants. Palatalization previously depended on the following front vowel, but after the loss of the reduced vowels it became a phonemic feature of the consonant itself. In accordance with this, the scribe employs the five graphemes in the two series not only to denote the full front and back mid vowels /e/ and /o/, but also the palatalization of the consonant in the absence of any following vowel. This is why *e*, *ь* and *ѣ* can all stand for /e/ or, conversely, may denote no vowel on their own, but simply the palatalization of a preceding consonant. Witness the variation in the spelling of Loc. sg. masc. *bereze* ‘shore’ (1a) and *smolenske* ‘Smolensk’ (1b):

(1a) *березе* (22);¹⁰ *берьзѣ* (22); *березѣ* (18)

(1b) *смольнѣскъ* (15); *смолѣнске* (21); *смольнѣскѣ* (23)

The consistency of the scribe in distinguishing between palatalized and non-palatalized consonants by means of the vowel letters in question is noteworthy and is a further manifestation of close familiarity with etymologically justified – although outdated – spelling rules.

It should be emphasized that an interchangeable usage of etymologically different graphemes is not unique for the *1229 Treaty*. It is characteristic of original compositions from many Northern dialects of East Slavic. As Xaburgaev (Хабургаев 1976, 405–406) points out, Smolensk graffiti discovered in the 60s and dated with certainty from the 1st half of the 13th c. contain several word forms where /e/ and /o/ are rendered by *ь* and *ѡ*. Furthermore, confusion of *e* with *ь*, and *o* with *ѡ* is frequently attested in Novgorod birch bark letters after the loss of the reduced vowels, and becomes especially noticeable from the end of the 12th c. on. It therefore appears that *e*, *o*, *ь*, and *ѡ* must have been considered graphic doublets.¹¹

In Zalizniak’s (Зализняк 1986, 77) opinion, the interchangeable use of these vowel letters is not simply the result of the loss of the reduced vowels, but may represent the spread of the authority of Novgorodian scribal tradition to adjacent princedoms. This may reflect an independent East Slavic orthography developing outside the Russo-Church Slavonic tradition. He goes so far as to say that this was an orthographic convention not only permissible, but consciously taught in Novgorod schools.

As for the rest of the spelling in copy A of the *Treaty*, it is almost impeccable, except for the effects of *cokan’e*. Separate symbols such as *ѡ* and *ѣ* are consistently used word-initially and after a vowel for iotated vowels, initial /o/ is rendered by *ѡ*, etc.

Taking into account the length of the *Treaty*, it is obvious that such consistency could only result from the thorough formal training of the scribe. As Janin and Zalizniak (Янин, Зализняк 1986, 104–105) note, it is unlikely that some semi-literate person would be entrusted to write an important international agreement.

There are other characteristics of copy A that reveal the scribe's close acquaintance with Slavic scribal tradition and have not been commented on previously. In particular, graphic abbreviations in the *Treaty* are those typical for religious texts:

- (2) *лѣтм*<ѣ> 'years' (2), *вл<a>д<ы>ка* 'ruler' (3), *с<ы>нѣ* 'son' (3), *ч<e>л<o>в<ѣ>кѣ* 'man' (14), *б<o>гѣ* 'God' (12), *(до) с<ѣ>м<ѣ>-рѣи* '(until) death' (12), *р<o>ж<e>ства з<o>с<нодь>на* 'nativity of the Lord' (92).

The Russians would have undoubtedly brought a written proposal with them on their mission to Riga. Some researchers hold that the so-called *Treaty of the Unknown Smolensk Prince of 1223–1225* is an early draft of the *1229 Treaty*.¹² Whether this is true or not, parts of the document must have been thought out in advance to be first approved by the Prince of Smolensk, who then would have sent envoys to Riga and Visby to have the agreement adopted by the German side.

In their turn, the Germans must have come up with a counter-proposal – as would be common practice in international trade. There would have also been a period of collaboration in finalizing the document. There must have existed simultaneous MLG/Latin and OESl draft versions by the time of its adoption by the German side. The *Treaty* was sealed by officials from Riga and Visby, representing the Hanseatic merchants and the Livonian knights – and the deal was witnessed by citizens of Riga and Gotland, who obviously had to know exactly what they were signing and/or witnessing. Therefore, it is only logical to assume that copy A could not have been a homogeneous product. Linguistically, however, it is a perfectly authentic OESl source, just as the OCS corpus is acceptable as a Slavic source despite being a translation from the Greek.

It is significant that foreign influence may be detected in vocabulary and style – as expected under the circumstances, while it does not penetrate the domain of phonology. This, however, does not become apparent until the spelling is deciphered. Failure to do so has led scholars like Kiparsky, and even Borkovskij, to serious misinterpretation of the text. The main lexical item at the basis of such arguments is an alleged OESl calque of the MLG *ostersê* 'the Eastern (Baltic) Sea', which is, as Kiparsky himself admits, "linguistically impossible":

- (3a) *(на) оустоко морѣ* = *(na) ustoko mor'a*
'the Eastern [Adj-Acc] sea [Acc]' (Kiparsky 1939, 85)

In fact, upon standardizing the spelling, the item *оустоко* emerges as a masc. Acc. sg. of the noun *устокъ/вѣстокъ* > *vostok* 'east' (initial /u/ in place of etymological /vѣ/ preceding a consonant is another typical feature of Copy A), while *морѣ* is a properly spelled neut. Gen. sg.: *mor'a* 'of the sea':

- (3b) *(на) оустоко морѣ* = *(na) ustok mor'a*
'to the east [Acc] of the sea [Gen]' (10)

Witness other attestations of Gen. sg. masc. *mor'a*, Gen.-Acc. sg. masc. *ta't'a* 'thief' and Gen. sg. masc. *kn'az'a* 'prince' (4 a–c) in the same document with identical spelling of the ending:

- (4a) *ѡт морѧ*
'from the sea' (86)
- (4b) *имѣть титѧ*
'catches a thief' (66)
- (4c) *оу вѣлѣсти княза смольнеского и оу полотьского княза вѣлѣсти и оу витьбеского княза вѣлѣсти*
'in the domain of the prince of Smolensk, the prince of Polotsk, and the prince of Vitebsk' (91–92)

The grapheme **ѧ** exclusively represents the front low vowel /a/ after palatalized consonants in this document:

- (5a) *оутвѣрѧтъ*
'they will establish' (92)
- (5b) *трудоули сѧ*
'they worked' (7)

Thus, the expression in (3b) means 'to the east of the sea', which is a perfectly suitable way to describe the location of Livonia from the German point of view, and need not be taken for a calque of the German name of the sea.¹³ Kiparsky mentions that 'to the east of the sea' would be a "geographic contradiction" from the East Slavic standpoint. The actual standpoint, however, is that of the sea itself, to the east of which the Russian towns are situated. Ironically, if one were to follow Kiparsky's argument, it is his own proposed term "the Eastern Sea" that would indeed present a contradiction for the Slavs. The advantage of the interpretation proposed herein, besides its firm support in the spelling and pragmatic meaning, is that in no way does it violate Slavic grammar, which is not the case when *оустоко*, on the pretext that it ends in *о*, is construed as a neut. Acc. adjective modifying *морѧ* – in its turn an "incorrect" neut. Acc. sg. (3b).

In support of his argument that this is a German calque, Kiparsky states that the Slavs usually referred to the Baltic as *Варѧжское море* 'the Varangian Sea' (6a–d). Attested three times in the *Primary Chronicle* (Laurentian manuscript), *Варѧжское* is a denominative adjective with a group reference meaning 'of the Varangians', rather than 'Varangian', and cannot be considered a proper geographical name.

- (6a) *Чюдѣ пресѣдѧтъ к морю Варѧжскому*
'the Chuds have settled by the Varangian sea' (Introduction to the *Primary Chronicle*, l 2)¹⁴

- (6b) *того узера видеть устье в море Варѡжское*
 ‘and the opening of that lake is to the Varangian sea’ (Introduction to the
Primary Chronicle, l 3)

Compare *varęžьskii rodъ* and *varęžьskii ostrovъ*, both standing for ‘pertaining to the Varangians’:

- (6c) *ѡт рода Варѡжска*
 ‘from Varangian stock’ (*Laurentian Chronicle* 862, l 7)
- (6d) *къ ѡстрову Варѡжскому*
 ‘to the Varangian island’ (*Suzdal Chronicle* 1223, l 230v)

The Black Sea, for example, is referred to in the same *Primary Chronicle* both as *море Понетьское/Понть* ‘the sea of Pontus’ and as *Руское* ‘of the Rusians’ (7). The latter formation is analogous to *Варѡжское* ‘of the Varangians’ in that it is formed from a nominal stem denoting a nation with the help of the suffix *-ьsk-*. Interestingly, it says in the *Chronicle* that the Pontic Sea is “known as” ‘Rusian’ – which cannot be considered as a second proper name together with Pontus, but rather as denoting the sea of the Rusians:

- (7) *а Днѣпръ втечетъ в Понетьское море жереломъ, еже море словеть Руское*
 ‘and the Dnieper flows with its mouth into the sea of Pontus, which sea is known as (the sea) of the Rusians’ (Introduction to the *Primary Chronicle*, l 3–3v)

These data demonstrate that a denominative adjective referring to an ethnic group cannot be analysed as a proper geographical name. And of course, the *Treaty* itself contains *готскыи берегъ* ‘the shore of the Goths’ (passim), denoting the island of Gotland.

Finally and most persuasively, in all East Slavic treaties dealing with the Baltic Sea trade, there is not a single attestation of any ‘Varangian Sea’. The Baltic is simply called *море* ‘the Sea’, since it is the only sea in the vicinity. Kiparsky and others were probably misled by the attestation in the later copy D of the Riga redaction:

- (8) *по вѣсточному морю*
 ‘along the eastern [Adj.] sea’ (15)¹⁵

Here, a scribe with good knowledge of German seems to have made exactly the same erroneous assumption in interpreting the original (presumably copy A) as did Kiparsky, only several centuries earlier. That the scribe of Copy D was familiar with German is clear from the following evidence: in the final part of copy A foreign proper names and official designations taken as parts of names are faithfully transcribed into East Slavic – most likely out of the earlier scribe’s

lack of confidence in German. In copy D, however, the same names are given differently – that is, they are translated from German into OESl, for example:

Copy A (transcription):	Copy D (translation):
(9a) <i>провстѣ ѿганѣ</i> <i>provstѣ jaganѣ</i> (93) MLG <i>provest</i>	<i>(при) попѣ и ѿганѣ</i> '(under) the priest Johan' (146)
(9b) <i>конратѣ шхель</i> <i>konratѣ ŝhelѣ</i> (96–97) MLG <i>schêl</i>	<i>кондратѣ кривыи</i> 'Konrad, the cross-eyed' (152)
(9c) <i>албрахтѣ фоготѣ</i> <i>albraxtѣ fogotѣ</i> (99) MLG <i>voget</i>	<i>алберѣ соудиа</i> 'Albert, the steward/judge' (156)

In contrast to *(на) оустоко морѣ* (3b), there is an undeniable lexical borrowing from German in the *Treaty* – although not a morphological calque – representing a good idiomatic rendering of a foreign concept into OESl:

- (10) *б<о>жиѣ двораѿнинѣ*
'God's [Adj] Knight' (93)
MLG *ridder Gots*

The noun *двораѿнинѣ* 'courtier' is a regular native OESl formation denoting a person of nobility, with multiple attestations in the *1st Novgorod Chronicle*, including pre-1229.¹⁶ Characteristically, its modifier appears in the form of a denominative adjective *božii* 'God's' (attested already in OCS) – not in that of a noun in the Gen. case *boga*, which would be expected were this a genuine calque. A modifier in the form of a noun in the Gen. case was a possible although not typical way to express possession in OESl at that time. The use of *božii* constitutes a subtlety that one could hardly expect from a person without a perfect grasp of OESl – especially from a native German speaker, who would be most inclined to copy the German Gen. In general, this expression is frequently attested in other Slavic texts, as Kiparsky (1939, 86) himself notes.

Other evidence drawn by Kiparsky (1939, 85–86) in an effort to prove German authorship includes lexical items allegedly unique for the *1229 Treaty*, such as *вѣсти ко жельзоу гораѿчемоу* 'to lead/take to burning iron' (as a trial):

- (11a) *Роусиноу не вѣсти латинина ко жельзоу гораѿчемоу аже самѣ
въсхочетѣ а латининоу тако роусина не вести аже самѣ
восхочете*
'A Russian is not to bring a Latin to burning iron, unless (the latter) himself
wants it, and a Latin is not to lead a Russian thusly, unless he wants it
himself' (34)

Kiparsky is particularly uneasy about the use of the verb *вѣсти* ‘to lead’. However, since it is used not only as part of a set phrase as one could expect in a calque, but also on its own in the second half of the sentence in (11a) above, it provides insufficient grounds for his argument. The primary meaning of this verb causes no problems in the above phrase. Further on in the text the same verb is used with the same meaning and in a syntactically parallel way:

- (11b) *кого на пѣрьдѣ вѣсти ко Смольньскоу*
 ‘whom to take to Smolensk first’ (82b)

Moreover, Kiparsky admits that no model for the phrase is to be found in either German or Latin.¹⁷ Leaving aside the verb, one can easily find an OESl source for this exact expression. Notably, it contains an attribute – the present active participle *gor’acij* formed by a native East Slavic affricate /č/, while the Copy D attestation is without any attribute. The following citation comes from the *Primary Chronicle*, from the famous passage describing the raging bull:

- (11c) *Возложиша на нь желѣза горѣча*
 ‘they put hot/burning iron on him’ (*Laurentian Chronicle* 992, l 42v)

The compound *земледѣржци* ‘landowners’ is yet another suspect in Kiparsky’s (1939, 86) investigation, cited as a German calque (‘*Statthalter*’):

- (12a) *Пискоупъ ризкии мастѣрь б<о>ж<и>хъ дворянъ и вси земледѣржци ти дають двиноу свободноу*
 ‘The bishop of Riga, Master of the Knights of God and all the landowners – those give the free Dvina’ (84b)

This compound, though unattested elsewhere, is nevertheless deeply rooted in Slavic soil. Witness a phrase that serves as a direct base material for this formation, and predates the *1229 Treaty*:

- (12b) *Лучшии мужи иже дѣржаху дѣревьску землю*
 ‘the best men who ruled the Derev land’ (*Laurentian Chronicle* 945, l 15v)

Moreover, there exist similar compounds containing one of the two parts in question (*zeml’* - ‘land’ and *-deržec-* ‘owner, ruler’ from *děržati* ‘to own, rule over’), such as *самодѣржець* ‘autocrat, highest ruler’ in the *Hypatian Chronicle* – also from sources older than the *Treaty*:

- (12c) *В толико лѣтъ мнози же самодержици придоша*
 ‘and in these years many rulers came’ (*Hypatian Chronicle* 1199, l 243)
- (12d) *По см<ь>рти же великаго князя Романа приснопамятнаго самодержьца*
 ‘and after the death of the great prince Roman, forever-memorable ruler’ (*Hypatian Chronicle* 1201, l 245)

Sreznevskij (Срезневский 1958, 1:971) also lists numerous pre-1229 attestations of compounds with the root *zeml'*- 'land' – such as *земледѣлик* 'working of the land, agriculture' and *землемѣрик* 'land measuring, surveying', most of which are modeled on Greek. It thus appears that plenty of analogous formations existed in OESl before 1229, again undermining the hypothesis of a German source.

The last of Kiparsky's claims regarding lexical evidence in favour of German authorship has to do with the phrase *серебро пожигати* 'to smelt silver':

- (13) *Аже латинескии дасть серебро пожигати*
'if a Latin gives silver to smelt' (78)

He believes that the Copy A attestation is a calque of the German *Silber schmelzen*, while its counterpart from Copy D *серебро плавити* (113) is genuinely Slavic. There does not seem to be any reason to consider the verb *плавити* as more native than *пожигати*. Kiparsky's claim that the former is a typical OESl expression appears exaggerated. Even if the expression in Copy A is a German calque, its lexical and syntactic composition does not strike one as unusual.

As was mentioned earlier, the final part of the *Treaty* contains evidence that it may have been dictated to the scribe. This represents particularly strong proof of the fact that whoever transcribed the names of the witnesses did not know German at all. A unique coordinate conjunction spelled *ѡдѣ* has puzzled researchers since the very first studies of the *Treaty*.¹⁸ It has been suggested that this is a peculiar rendering of the MLG *unde* 'and' by an East Slavic translator who was unfamiliar with German. Kiparsky objects to this idea on the grounds that the rest of the text has nothing of the kind, limiting itself to regular OESl conjunctions, including *и* 'and'. There can be no doubt that, based on its meaning, this is indeed a coordinate conjunction:

- (14) *конратъ шхель ѡдѣ ѡгантъ кинтъ та два была из мюньстера*
'Konrat šxel' and Jagant' kint' – these [Dual] two were [Dual] from Münster' (96–97)

The fact that it is attested only in the final part of the treaty is not a problem, since, as was already argued on empirical grounds, the original text could not have been a homogeneous composition. The list of witnesses was definitely produced first in German – either orally or in writing – since these were German witnesses. It appears that someone dictated the names to the East Slavic scribe, and that the German *unde* slipped in between words. The scribe, being particular about his work, took this *unde* for a part of the name, just as in the case of the proper names and titles in (9a–c), and faithfully recorded it according to the Slavic phonetic inventory.

This hypothesis is supported by the fact that, according to Lübben (1970, 39), the MLG nasal consonant /n/ could drop out before some dental consonants, including /d/, which means that the conjunction may have sounded close to the scribe's rendering of it.¹⁹ Lasch (1914, 143) states that although the dental in the sequence /nd/ is often replaced by /n/ (/nd/ > /nn/), examples both with and without the nasal are certainly recorded; of particular interest is *mude* (< *munde*) 'mouth'. She notes that the presence of the nasal depended on the stress: in unstressed positions it would be more likely to disappear. Of course, if *ωδѣ* indeed represents MLG *unde*, the lack of stress on the conjunction would be an additional favorable factor for positing the drop of the nasal. Finally, as observed by Lasch, phonological variation in the sequence /nd/ would be more typical of spoken, not written language, which also fits the dictation hypothesis of the origin of *ωδѣ*.

Irrespective of the actual phonetic processes characteristic for MLG, the homorganic place of articulation of /n/ and /d/ alone can easily explain how [n] could be assimilated by a following [d] in speech, and could certainly appear acoustically indistinct in an unknown foreign word.

The initial *ω* [o] in *ωδѣ* is an adequate representation of a labialised (and probably long, in compensation for the drop of the /n/) German vowel, while the palatalized [d'] may reflect the effect of aspiration and/or assibilation of dental stops in MLG, perhaps perceived as palatalization by a Slavic ear. This tendency is also manifested in the recorded names. As stated above, Copy A strictly distinguishes between palatalized and non-palatalized consonants. The final part, however, reveals certain confusion, since the proper nouns involved are non-Slavic. The dental stops /t/ and /d/ are almost always transcribed as palatalized:

(15a) [+P]: *регньбодѣ* (95), *готъ* (96), *паганть кинть* (97),²⁰ *фоготъ* (99)

When the letter denoting a dental stop is not followed by a letter for a front vowel denoting the palatalization of a word-final dental, one can attribute this blocking effect to a preceding trill or fricative which may, as in Modern English, result in a loss of aspiration and/or assibilation of the following dental:

(15b) *провстъ* (93), *дѣтартъ* (95), *албрахтъ* (98)

There are only two exceptions to this:

(15c) *кормьбрьхтъ* (98) and *конратъ* (96–97)

The latter may be explained as having been influenced by a Slavic version of the same name – *Kondrat* with a non-palatalized final consonant.²¹ The remaining item may be a scribal error.

Word-final voiced consonants are properly rendered by letters for devoiced sounds in OESl, which also suggests that the names must have been recorded from dictation:

- (16) *кунтъ* ‘Kind’ (97), *бернартъ* ‘Bernhard’ (97), *конратъ* ‘Konrad’ (96–97)

Other previously overlooked details testifying to the OESl origin of the *Treaty*’s final section have to do with the names of Hanscatic towns. The form *из любка* ‘from Lübeck’ – frequently attested in precisely the same form in charters from the Novgorod, Pskov and Dvina regions – is illuminating:

- (17) *ти были из любка*
‘these were from Lübeck’ (96)

It is unlikely that a German speaker would corrupt a native proper noun to accommodate the Slavic phonetic peculiarity resulting from the loss of the reduced vowels, namely vowel-zero alternation. (The Nom. case of this noun would be *l’ubek*, while the /e/ in the last syllable drops out in the Gen., exactly as in OESl Nom. masc. sg. *otec* vs. Gen. sg. *otca* ‘father’.)

Another piece of evidence testifying for the final part of the *Treaty* having been written by the same scribe who wrote the main text – thus proving its authentic OESl origin – is the spelling *и съжата* ‘from Soest’:

- (18a) *та два была и съжата*
‘these two were from Soest’ (96)

Note the proper word boundary in (18) above standing for *iz sožata*, incorrectly divided by all the editors²² into the preposition *изъ* ‘from’ and the proper noun *žata*; Nom. *sožat* is certainly a more adequate representation of the German *Soest*, with a vowel presumably inserted in the final consonant cluster resulting in a disyllabic structure, than is **žat*. The latter, difficult to arrive at from the German original, has given researchers additional grounds to mistrust the “corrupt” language of the *Treaty*.²³

The placing of the word boundary as suggested here is based on similar spellings in the rest of the document, where two adjacent /s/ are frequently represented by a single letter:²⁴

- (18b) *исвожго горда* (sic!) *смольнеска*
‘from his city Smolensk’ (4)

- (18c) *исмольнеска*
‘from Smolensk’ (55)

In (18b & 18c) the final [z] of the preposition devoices to [s] (due to assimilation with the following word-initial [s]), which results in the omission of the last letter in the preposition. Contrast:

- (18d) *изъ смольнеска*
 ‘from Smolensk’ (72)

Finally, if the word boundary were as traditionally drawn, the last consonant of the preposition would have been spelled with a voiced /z/ (compare (18c & 18d)), not to mention that the back *jer* does not belong to the preposition etymologically.

All other noteworthy examples of German influence in copy A involve numbers, with which, as with proper names, there would have been an especial effort on the part of the scribe to be literal. Copy A is the first East Slavic document to record a date not from the creation of the world (as was the general practice), but from the birth of Christ; yet it is also not the last. The date is given with the ones preceding the tens in the last two digits of 1228 (MLG *achtentwintich*). This, as has been repeatedly noted, points to German influence. Yet such literalness in recording the date reflects nothing more than the conscientiousness of the Slavic scribe, as well as the desire of both sides for uniformity. That this could by itself prove German authorship is not credible. It should also be noted that the date is recorded in the conventional Cyrillic letters with numerical value, again testifying to the scribe’s knowledge of this system of writing.²⁵

Thus, the notion of a non-Slavic authorship of the final part of the document may be rejected. Nor is there anything in the *Treaty*’s opening part that would suggest non-native origin. The first paragraph may well be a translation of a standard (most likely Latin) formula. Nonetheless, as is the case with the rest of the text, its beginning was written down by the East Slavic scribe. It suffices to point out the consistently idiosyncratic spelling characteristic of the whole document, or those syntactic traits that are attested elsewhere in the text, such as the pre-posed reflexive particle *сѧ*:

- (19) *что сѧ дѣятѣ по вѣрьмьнемь то штидето по вѣрьмьнемь*
 ‘what occurs in time will pass in time’ (1)

Compare with the main body of the text:

- (20) *оу томь сѧ можете оучинити пагоуба*
 ‘in that destruction may happen’ (50–51)

On the basis of the preceding discussion it may be concluded that, although the essence of the *Treaty* presupposes multilingual collaboration, the actual text of the protograph is a fine specimen of original OESl writing. Such a conclusion differs from all previous hypotheses in that it postulates OESl authorship of the entire

text. To allow that this document contains lexical borrowings and includes some degree of translation and transcription is by no means to diminish its value. The important fact is that everything in it manifests native Slavic tendencies. Aside from a few skilfully translated lexical items, foreign influence does not penetrate beyond the realm of the writing of non-native proper names.

Finally, it is hoped that the present study will serve to re-emphasize the significance of this wellspring of OESl data, especially in the context of Slavic linguistic research outside of Russia. The *1229 Treaty* is in fact the earliest original non-clerical composition – besides the Novgorod birch bark documents, which are hardly comparable in length and much more fragmentary. Not only can copy A be analysed as a coherent sample of a particular OESl dialect not recorded elsewhere, but this manuscript is of essential value as a gauge for establishing the relative chronology of various linguistic processes within East Slavic in general.

NOTES

¹ I would like to express my gratitude to J. Schaeken for his criticism and several reference suggestions regarding this paper, as well as for providing me with a draft copy of his upcoming article. I am also indebted to D. Huntley for first bringing the *Treaty* to my attention during graduate courses with him, and for commenting on this article while in preparation.

² Tobien (1845).

³ In fact, the *Treaty* contains rare (masc. Gen.-Acc. sg. *мамѧ* 'thief' (66)), or even the earliest attestations relevant for Klenin's investigation, such as pronominal masc. Gen.-Acc. pl. *тѣхъ* 'those' (83).

⁴ Сумникова and Лопатин (1963, 18–19). References to Kiparsky's hypothesis are found subsequent to this commentary, e. g. Кучкин (1966, 103–114).

⁵ The adjective 'Russian' and the ethnic name 'Russians' are used here with reference to the state of Rus'.

⁶ Dollinger (1970, 26–30).

⁷ See for instance Усачева (1954, 3).

⁸ D. Huntley (personal communication) has suggested that the use of ѣ as an allograph for /e/ and of the diacritic of palatalization along with the letters е and ѡ is probably the result of the lowering of /ě/ in word-final position and before C_[–P], and of the raising of /e/ before C_[+P]. The shift /e/ > /o/ is still unattested in the text.

⁹ See Schaeken (2001b) for a detailed and innovative account of the *Treaty*'s orthography as lexically conditioned. Based on his observations, the author concludes that the scribe had a native knowledge of OESl. Note that the only part of the text where there is no consistency in the orthographic trends deduced by Schaeken, is the final section, where the foreign proper names are found.

¹⁰ Citations are to the Сумникова and Лопатин (1963) edition of the *Treaty*, with line reference provided in brackets following the English translation.

¹¹ Хабургаев (1976, 405–406).

¹² For example, Сумникова and Лопатин (1963, 18).

¹³ Kiparsky (1960, 245) dismisses the interpretation '(to) the east of the sea' offered in Обнорский and Бархударов (1952, 50) on the basis that the authors are not familiar with his argument.

¹⁴ *Chronicles* citations are taken from Карский (1962) and Шахматов (1962). The year of the chronicle entry is given where applicable; the letter *l* designates the pages (*listy*) of the original manuscript; *v* stands for *verso*.

¹⁵ See also Фасмер (1986) under the entry *восток*, which notes that this expression is a calque of the German name.

¹⁶ Срезневский (1958, 1, 646).

¹⁷ Срезневский (1958, 1, 852), however, says that *ignito ferro* is often mentioned in Latin.

¹⁸ The most recent attempt at explaining its etymology can be found in Schaeken (2001a). The author proposes that the conjunction is related to OESI *ože*. Since such spelling is unattested elsewhere, the explanation in the present paper appears simpler than that offered by Schaeken – although both, inevitably, rely on conjecture. In any case, both hypotheses regard this odd item as produced by the hand of a Slavic speaker.

¹⁹ Compare also the MLG attestation of the ending *-munde* in place names containing the phonetically identical sequence, also cited in Lübben: *Jermude*, *Portesmude* and *Dixmude*. However, since these are loan words, they do not constitute conclusive evidence, although the possibility of a genuine MLD phonetic development in these forms cannot be excluded.

²⁰ The final *m* in *ѡгантъ*, MLG *Johann*, may be a scribal error provoked by the spelling of the following item.

²¹ Compare copy D: *Кондрат* (152).

²² The latest, electronic, version of the manuscript, with extensive commentary on the Сумникова and Лопатин (1963) edition, can be found at <http://www.let.rug.nl/~schaeken/1229>.

²³ Голубовский (1895, 124) contrasts the incorrectly deduced **žarъ* of copy A with the spelling of this name in copy D, noting that it has not been given due consideration. He claims that the spelling *жюжажата* represents strong proof of a Latin origin of copy D (Lat. *Susatium*). Based on the interpretation proposed by the present study, the two spellings do not, in fact, differ that much, outside of the likely syllable reduplication as a scribal error in copy D.

²⁴ Compare Усачева (1954, 14).

²⁵ Strangely, copy D's unusual and unprecedented recording of a date with reference to Christ's crucifixion does not give rise to questions about its genuine East Slavic nature.

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