De debito bis soluto
An edifying story on the administered oath
(BHG Novum Auctarium 1317n)*

by

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The rich tradition of Apophthegmata Patrum includes several tales whose edifying purpose extends beyond the boundaries of the life in the desert, yet directs rigorous criticism towards aspects of social life and worldly conduct. Remarkably, in these stories well-established practices both of private and public life in Roman society are rejected and repudiated as utterly contradicting the Gospels’ teaching or not conforming to the ideals of a “genuinely Christian” behaviour. In other words, the relatively small impact of Christianity on the basic institutions of Roman Law does not imply that the Roman legal system was not met with the rigorist comments of the Fathers of the desert, who, in one way or another, were the representatives of a protest movement against the secularisation of the Church or her compromising attitude. In the story edited and discussed here, fierce criticism is reserved for the widely used practice of oath-taking, which, far from being legally and socially eradicated, continued to serve either as means of proof in law courts or as a formula for asserting an individual’s veracity or loyalty out of court.¹

* I am much indebted to Professor Constantine Pitsakis for his comments and suggestions on this paper. I also thank Mr Pierre Augustin for discussing with me various aspects of the manuscript tradition of the text edited here.

The text edited here for the first time (BHG Novum Auctarium 1317n) is included in the long collection of Apophthegmata patrum classified by J. Cl. Guy in la série des anonymes. In manuscripts it appears with no title or any distinction whatsoever. For the present edition it has been collated on the basis of seven manuscripts:

Vaticanus gr. 1599 (= V), s. X, parchment, 285 x 210 mm., ff. 347, copied by at least three hands in single columns; our text occupies f. 208r-v.

Coislinianus gr. 126 (= C), s. X-XI, parchment, 366 x 280 mm., two columns, ff. 353; our story occupies ff. 277v–278v. The part of the collection that covers ff. 158–246 of this manuscript was edited by F. Nau in subsequent volumes of the Revue de l’Orient Chrétien.

Parisinus gr. 890 (= P), s. XI, parchment, 265 x 180 mm, single columns, ff. 293; our text occupies ff. 271v–272v.

Sinaiticus gr. 448 (= S), anno 1004, parchment, 340 x 260 mm., ff. 340, copied by at least two hands in two columns; our story is preserved in ff. 248–249. According to its colophon (f. 340v), the manuscript was completed on Monday, 19 June, 6512 (= 1004), and was copied by “the humble and sinful” Leo. Notable in S is the consistent writing of iota adscript.


I studied C, V, and A in situ, P, N, and B by means of photographic reproduction provided by the respective libraries and the Institut de Recherche et d’Histoire des Textes, in Paris. Finally, I studied S through a microfilm in the Centre of Sinaitic Studies in the Theology Faculty of Athens University; I would like to thank Prof. Sr. KONTOVANIS for providing me with all the necessary facilities.


See vols 12–14 (1907–1909) and 17–18 (1912–1913); also Guy, op. cit., p. 16 and 63–88, on this story in particular p. 67, no 497.

HALKIN, Manuscrits grecs de Paris..., p. 84; and Guy, op. cit., p. 89–91.

For this manuscript see V. GARDEHAUSEN, Catalogus codicum graecorum Sinaiticorum, Oxford 1886, p. 109; for a more detailed description of its content and colophon see Guy, op. cit., p. 16–17 and 94–97.
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Neapolitanus gr. II C 27 (= N), s. XII, parchment, 325 x 245 mm., ff. 306, two columns; our text occupies ff. 210v–211v. From a marginal note on f. 292 we are informed that N was copied διὰ χειρός Χριστοφόρου (?) ταπεινοῦ καὶ ἀμαρτωλοῦ. As in S, notable in N is the consistent writing of iota ascript.

Atheniensis gr. 504 (= A), s. XII, parchment, 255 x 195 mm., ff. 275; the manuscript, copied in single columns by three different hands, ends abruptly on f. 275v. Ff. 1–39 are copied on paper and date from the 14th c. Our text occupies ff. 195v–196v.

Berolinensis Phill. 1624 (gr. 221) (= B), s. XIV, paper, 291 x 212 mm, ff. 283, copied in double columns. Our text occupies ff. 189–190.

As they stand today, the Apophthegmata patrum exhibit a great variety in terms of narrative structure and typology. In the introduction to his posthumously published Collection systématique, Jean-Claude Guy classified them in five different typological patterns. According to his reconstruction, our story would correspond to the fourth type comprising accounts that hardly retain the character of Apophthegmata, being rather “longs récits qui ont eu sans doute leur existence autonome avant d’être intégrés tardivement dans des collections.” The story transmits the conversation between an Old Man and his disciple about a dispute that made a strong impression on the latter during his sojourn in Constantinople. The subject matter of the dispute between two rich men was a debt of 2,000 nomismata. This was certified by a note of the debtor’s father presented by the creditor, but the debtor retorted that the

9 The most recent and detailed presentation of this manuscript is by E. Mioni, Catalogus codicum graecorum Bibliothecae Nationalis Neapolitanae, vol. I, 1, Rome 1992, p. 196–201. It was thought that it originated from the region of Salento: A. Jacob, Culture grecque et manuscrits en Terre d’Otrante, Atti del III Congresso Internazionale di Studi Salentini, Lecce 1980, p. 57–58. However, in a recent communication Prof. André Jacob pointed out to me that any association of this manuscript with Salento is far from certain.


debt had been repaid by his father who, however, had forgotten to claim the note back from his friend. Unable to reach an agreement, the two disputants ended taking oaths. The debtor, fearing that he would be regarded as a profiteer, should he swear that the debt had been paid by his father, opted for a seemingly judicious solution: either to swear that the debt of 2,000 nomismata had been repaid and hand them over once more or make the adverse party swear that the money was still owed to him without finally receiving anything back. Instead of approving the debtor’s conciliatory attitude leading to a mutual cancelling of debts, the Old Man stated that human vanity lurked behind it and offered a more radical solution instead. The man in the story would have demonstrated his spiritual perfection only if, following the Gospels’ teaching, he had not agreed to take an oath or even administer one, the more so since he was a rich man and knew that the debt had indeed been repaid; for, only an act fulfilled in good disposition would have pleased God.

As it does not describe the dispute from start to finish, the story poses several problems of interpretation. In the first place, nowhere is it stated whether the dispute was held in court or outside of it. It has been noted that settlements out of court seem to have proliferated in Late Antiquity. The preference for private settlements over other options to solve disputes has been explained by the complexity of legal procedure and the fact that going to court was more costly and time-consuming. In the case in question an additional reason for this preference may have been the personal relationship in which the disputants seem to have been entwined. However, the expressions ἐπενεχθέντος αὐτῷ τοῦ δρκου (v. 32) or ἀνετπνέφκαι δρκον (v. 33–34) used in the text by the Old Man would suggest that this was rather a case of a civil trial where the oath was administered by both parties before a judge or an arbitrator. Yet, this being so, why did “the whole matter end up in an oath,” one of the “litigants” having the debit note in hand? In other words, why is the recourse to an oath needed when there is no absence of proof? Likewise, it is not completely clear why the alleged debtor would have been regarded as a profiteer once he swore that the debt had been repaid by his father. Moreover, why did his proposal attract admiration although it

15 See the analysis in TR. GAGOS/P. VAN MINNEN, Settling a Dispute. Toward a Legal Anthropology of Late Antique Egypt, Ann Arbor 1994, p. 40 ff.
came from the party who, from a legal point of view, was in a difficult position and rather looked like a play on legal procedure? Is it just because money is treated in a scornful way in the end, according to the point initially made by the Old Man’s disciple (v. 6–7)? Finally, we are also left in the dark as to how the dispute might have been settled. Once both oaths had been officially taken by the two disputants, would the paying in double of the sum due or the return of the promissory receipt have followed in private? In total, this account, in many ways elliptic, cannot but leave us with several questions, especially regarding its legal aspects. This does not mean, however, that its treatment of oath-taking alone does not deserve a certain discussion.

A concise definition of the administered oath (iusiurandum necessarium), the focal point of the story under discussion, is provided by the paroemiographer Zenobius: “ἐπακτὸς ὁρκος· οὐκ ἐγγύριος, ἀλλ’ ὑπὸ ξένης ἐπηγιμένος· ἦ δὲ ἔτερος ἐπάγει, οὐκ αὐθαίρετος” (cent. III, 80). Shorter is that of Apostolius: “ἐπακτὸς ὁρκος· ὁν ἔτερος ἐπάγει· ὁν δικαίος, οὐκ αὐθαίρετος” (cent. VII, 62). The definition is reproduced in the Souda in two entries: Ἐπακτὸς ὁρκος· ὁ μὴ αὐθαίρετος, ἀλλ’ ἐρ’ ὁν ἔτερος ἐγει. (Ἑ 1934) and Ἐπακτὸς ὁρκος· ὁν τις αὐτός ἐκὼν ἐμαυτῷ ἐπάγεται, τουτέστιν αἴρηται ἄλλοι δὲ τοῦντιον, ὁ ἀλαχόθεν ἐπιφερόμενος, ἀλλ’ οὐκ αὐθαίρετος. ἔστι δὲ ὁρκον τρία εἰδή· ἀπώμοιος, κατώμοιος, ἐπακτὸς (Ἑ 1935).

In Justinianic Law and the commentaries of Byzantine jurists iusiurandum necessarium is classified as one of the three types of oath, the other two being the iusiurandum voluntarium, given out of court, and iudiciale, imposed by a judge. Iusiurandum necessarium is the ultimate means of proof as it may be administered only in absence or lack of all other kinds of proof. It is contingent upon the volition of whom the burden of proof lies on and, once given by the adverse party, is binding on the judge. Yet, again, the latter may not permit this judicial means if any other kind of proof exists. As has been pointed out, iusiurandum iudiciale was necessarium once the oath had to be taken,

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16 A. Adler II, 329.
19 See especially Simon, op. cit., p. 329–339; also P. Gounaris, Ὁρκος καὶ ἀφορισμὸς στὰ βυζαντινά δικαστήρια, Symmeikta 7 (1987), p. 43–48, with a discussion and examples drawn especially from sources dating from the 11th c. and later.
and *iusiurandum necessarium* was *iudiciale* once it had to be approved by the judge.\(^{20}\)

Thus, in the single extant Byzantine corpus on jurisprudence, the eleventh-century *Péira* of Eustathios Romios, we hear of a judge pronouncing that “ὁ αἰτηθεὶς ὁ ῥόκος χώραν οὐκ ἔχει” (69.2). However, in a contemporary case judged in South Italy which, in this aspect, reminds us of our story, the abbot Clemens was put to oath by a court comprising the *stratêgos* of Lucania and several abbots, despite the availability of documents of proof.\(^{21}\)

Oaths on gods and emperors had a long history in church-state relations in the pagan Roman era. As has been pointed out, the oath’s condemnation in the Gospels and the negative disposition of the early Church Fathers resulted only “in the avoidance of ‘superfluous’ oaths, in the use of oath-like formulas, and the release of the higher clergy from having to swear oaths.”\(^{22}\) The pagan practice of swearing on the altar, whether it was performed on a legal occasion or under less solemn circumstances, had its impact on the daily life of Christians, who, in turn, would swear on the Holy Bible placed on the holy altar.\(^{23}\) Oath-taking was particularly condemned as often leading to perjury.\(^{24}\) Among other Christian Fathers, the whole approach irritated John Chrysostom and became a recurrent theme in his Homilies to the people of Antioch; in countless instances the latter were reproached for having an easy recourse to oaths.\(^{25}\) Both

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\(^{20}\) *Simon*, op. cit., p. 316.


\(^{25}\) E.g. Homily *ad populum Antiochenum* XV,5: ἐπειδὴν ἦδο τινὰ πλησίον τῆς τραπέζης ταύτης ἐλλόντα, καὶ τὰς χεῖρας θέντα, καὶ τὸν ἑαυτοῦ ἵππον, καὶ ὅμων, καὶ ὅμων (PG 49, col. 160); or, Homily IX in *Acta Apostolorum*: Ἐκαίνησαν συνθήκας πολλάς οἱ περὶ τὸ ἀβραὰμ καὶ ἐσφαξαν δόματα, καὶ θουσίας ἅνηγεν καὶ οὐδέπω ἦν ὅρκος. Πόθεν οὖν ἐκείσθελθεν ὁ ὅρκος, ὅτε τὰ κακὰ μετίζηθε ὑπὸ πάντα ὅμοι ἄνω καὶ κἀκεῖ ἄγεν σέ τὸ ὀρκῶν εἴη ἄγορας· Ἐκεῖ γὰρ οὐδὲν τοιοῦτον ἑχεις εἰπεῖν υπὲρ γὰρ δέκα ὃμοιόν ὅρκοι γίνονται καὶ ἐπιορκία (PG 60, p. 82–83).
brave and strict, the attitude of John Chrysostom on oath-taking received particular praise in the Pratum Spirituale.26

The hagiography of Late Antiquity, the period our story is set in, is replete with “negative” attestations of this practice. Thus, in the Life of Hypatios we hear of a stablehand who, apart from committing adultery, swore by the Gospels: “γυναικα ἐξων τὴν τοῦ ἐτέρου ἐμοίχευσεν καὶ μοιχεύσας ὤμοσεν ἐν τῷ εὐαγγελίῳ ...”27 St Eutychios, the sixth-century patriarch of Constantinople, healed a man from Komana who had been deprived of his eye-sight for a year. This had happened because, following an argument, he had been driven to court and put to oath; failing to consider it a serious matter he had committed the sin of perjury. He confessed his sin to the saint who entreated God to forgive “τὸ τῆς ἐπισκοπίας τόλμημα.”28 Likewise, in Palladios’ Historia Lausiaca swearing on the Gospels made an ascetic feel guilty, though this act had only occurred in a dream.29 St George of Choziba († ca. 625) was praised for not having ever taken an oath: “ἐκτήσατο πολλὴν ἄκακιαν σφόδρα, δρκφ μὴ χρησάμενος, ἐν τῷ σχήματι ἐξων ἄνθρωπος τὸν λόγον τούτον τὸ ἄλλον ἢ κύριον.”30 And the more renowned St Symeon the Stylisthe Younger would also preach that: “καύχημα μοναχοῦ τὸ μὴ ὑμνύειν καθόλου, πλὴν τοῦ ἄκριβος ἢ τοῦ συγχώρησον.”31

All these references culled from the vast corpus of Late Antique hagiography do not imply that conflicting views on this very subject left this genre unaffected.32 In the Miracles of St Artemios it is the saint himself who appears to the hero of Mir. 18 in a dream and invites him to swear on the icon of St John the Baptist that he would not prosecute the thief of his clothes.33 The well-known vita of John the Merciful by Leontios of

26 See PG 87, col. 3069 D, ch. 191.
30 See his vita · BHG 669, ed. C. Houze, AB 7 (1888), p. 119,5–6.
32 Further attestations on oath-taking from Late Antiquity and other periods were jumbled up by Ph. Koukoules, Βούκαντινον βιος και πολιτισμος..., vol. III, Athens 1949, p. 346–375.
33 See ed. A. Papadopoulos-Kerameus, Varia Graeca Sacra, St Petersburg 1909, p. 21,16–20; English translation, in V. S. Crisafulli/J. W. Nesbitt, The Miracles of St. Artemios, Leiden 1997, p. 116–117. This very story was recently commented on by P. Speck, who con-
Neapolis, composed ca. 641–642, is a case in point. On the one hand, the author asserts that his material was obtained from trustworthy witnesses after having taken oaths (μεθ’ ὀρκῶν ἐξηγούμενων); on the other hand, he underlines the saintly patriarch's abstention from oath-taking as his first and most praiseworthy achievement (ὅτι καθόλου ὁμοσευ).

By and large, a rigorist position on this matter was typical of monastic Fathers such as John the Ladder or, later, John of Damascus. In a similar vein, the "fatal repercussions" of oath-taking were also denounced in the Correspondence of Barsanuphios and John, the recluse ascetics in Gaza; to the question whether it would be better to observe an oath taken in a fit of anger or to repent and not fulfill it, the Old Man urged not to swear at all, in conformity with God's command.

Bearing the attitude of monastic Fathers in mind, it is no surprise that in a letter of Theodore the Studite (759–826) the empress Irene is congratulated on the abolition of oath-taking. In this letter, dating from March-April 801, Irene is praised for introducing a law her male predecessors had previously not dared to: "ἡρήθη ἐκ μέσου στραγγαλία βιαίων καὶ ψυχοφθόρων ἀπαίτηματων λαθόσα τοὺς πρὸ σοῦ ἄπαντας, καίπερ τινάς εὐσεβῶς βεβασιλευκότας τοῦτο γὰρ σοι ἀπέκεετο. πέπαιναι ἑφομοια, πολυορκία, μᾶλλον δὲ πευκορκία ἐπὶ τὸ τῶν ἀπαίτουντων καὶ ἀπαίτουμένων, ἀμφοτέρων ἐντεύθεν ὡς τὸ συμβάν ἀπολλυμένων, τοῦ μὲν δὲ τι ἀποκρύψειν πειρομένου, τοῦ δὲ ὅτι ὑπερπάσεις καταπολυορκοῦντος." Interestingly enough, Theodore identifies the sinful use of oath-taking with cases of obligation, as in the case of the edifying story in question. As a matter of fact, Irene's Novel declared oath-taking in principle to be abolished and every trial henceforth to be concluded with the testimony of witnesses alone. Apart from invoking the Gospels' and the Fathers' teaching, it considered oath-taking a Jewish practice.

siders (in my view, unjustifiably) that the expression does not apply to the icon of St John but to the thief: Der Eid beim Bild des Heiligen Johannes. Zu den Miracula Sancti Artemii, Nummer 18, JÖB 51 (2001), p. 159–167.


35 See S. Giovanni Climaco: Scala paradisi, ed. P. Trevisan, Turin 1941, ch. 12, p. 325: "ἐπιορκία δὲ Θεοῦ ἄρνησις."

36 Sacra Parallela, PG 96, col. 208 B-C: περὶ ὀρκῶν; ibid. col. 220C-221D.


38 See ep. 7, 35–41, in Theodori Studiae epistulae, ed. G. Fxouros, CFHB, Series Berolinensis, XXXI/1–2, Berlin-NewYork 1992, p. 25; for the date of this letter see ibid., p. 149*-150*.
that had prevailed to that day so that disputes could be solved (τὰς στραγγαλιὰς των φιλονεικιῶν ... λύσθαι). As the oath’s probative value was suppressed, the Novel increased the number of witnesses required for concluding a contract.\textsuperscript{39} N. Oikonomidès suggested that, like any Byzantine legal disposition, Irene’s Novel authorized oath-taking only in the instances explicitly mentioned in its text while considering it inadmissible for all other cases.\textsuperscript{40}

Be that as it may, Irene’s innovative attempt at challenging a deeply established practice was rather abortive. Judging from a number of related provisions in the collection of Basilika, in particular lib. XXII tit. 5, and later attestations in legal sources, the oath was restored as a legal means of proof. Commenting on the 94\textsuperscript{th} canon of the Council in Trullo which excommunicated those taking pagan oaths (δρκους ἐλληνικοὺς), the twelfth-century canonists Zonaras and Balsamon stated: “πᾶς θεμίτως δρκος, ἕξ ἐπαγωγῆς ὁμοθείς, φυλάττεται.”\textsuperscript{41}

Apart from an indirect attestation of a Byzantine civil trial or, at least, a private dispute held in public, the narratio debitum bis solutum is suggestive in that it offers two different approaches to an ethical question. However, as often in the stories of the desert Fathers, edification is achieved by imprinting the audience not with the expected but with a paradoxical alternative. In our short tale the wisdom of the Old Man impresses with its anti-conformism: once again the system of mundane values, where oath-taking had its place, is totally rendered obsolete in favour of a much broader perspective.\textsuperscript{42}

Sigla

A = Atheniensis gr. 504
B = Berolinensis Phill. 1624
C = Coislinianus gr. 126
N = Neapolitanus gr. II C 27

P = Parisinus gr. 890
S = Sinaiticus gr. 448
V = Vaticanus gr. 1599


\textsuperscript{40} De l’impôt de distribution à l’impôt de quotité à propos du premier cadastre byzantin (7e-9e siècle), ZRVT 26 (1987), p. 16; and \textit{idem}, Fiscalité et exemption fiscale à Byzance, Athens 1996, p. 33–34.

\textsuperscript{41} Ru.-P. II, p. 528–529.

\textsuperscript{42} On the sayings and teachings of the Desert Fathers as they emerge from the relationship between the Old Man and his disciple see G. Gould, \textit{The Desert Fathers on Monastic Community}, Oxford 1993, p. 26–87.
'Αδελφός διὰ χρόνον παρέβαλε γέροντι καί φησι πρὸς αὐτὸν ὁ γέρων· «ποῦ ὑπήρχες, τέκνον, τὸν τσοῦτον χρόνον;» Ὡ δὲ λέγει· «ἐν Κωνσταντινούπολει, πάτερ, διὰ τινα χρείαν ἀναγκαίαν ἐμοί.» Εἴπεν οὖν αὐτῷ ὁ γέρων· «καὶ τί σπουδαῖον ἐθέασο ἢ ἀκήκοας ἐκεί;» Λέγει ὁ ἀδελφὸς· «σπουδαίον μὲν σχεδὸν οὐδὲν, εἰ γὰρ καὶ κομψά, ἀλλ', οὖν γῆνα τὰ πολλὰ κατενόησα, ὡς ἐμὲ κατεπλήξεν· εἶδον γὰρ κοσμίκους πλείον ἢ ἔστιν εἰπεῖν τῶν ἐν ἐρήμῳ διαγόντων περιφρονοῦντας χρημάτων.» Λέγει ὁ γέρων· «πῶς; σαφῆνισόν μοι τὸν λόγον.» Ἀπεκρίθη ὁ ἀδελφὸς· «όδου τινάς πλουσίους ἔδρακα καὶ ὁ εἰς τῷ ἑτέρῳ ἐνεκάλει λέγον ἐποφείλεσθαι παρ᾽ αὐτῷ δισχίλια νομίσματα καὶ προέφερε τὴν ὁμολογίαν τοῦ πατρὸς αὐτοῦ· ὁ δὲ ἔλεγεν, τὸ μὲν χρέος ἀποδεδοθὰ παρὰ τοῦ οἴκειου πατρὸς, τὴν δὲ ὁμολογίαν ἐναιμονεῖται κατὰ γνησιότητα φιλίας. Καὶ ὡς οὖν ἐπείθον ἀλλήλους, ἐλήξεν εἰς ὅρκον τὸ πράγμα. Λέγει οὖν ὁ δήθεν χρεοστόν· «Εἶναι διὸ διὰ τοῦ κατεβάληθη παρὰ τοῦ πατρὸς μου τὸ χρέος, ἐξο νομισθῆναι ἦς αἰσθηροκρεθῆς. Ἀλλὰ μᾶλλον οὕτω γενέσθω· ἢ ὡς ἐν αὐτῷ ἐδοθῆ σοι τὸ χρέος τῶν δισθελάνθων νομισμάτων καὶ δίδομι σεις αὐτὰ ἐκ δευτέρου ἡ ὡμοσκό σοι ὅτι ἐτί κεχρεώσησα αὐτὰ καὶ ὑποδέχῃς ἐμοῦ, ἀλλὰ ἀνάδος μοι τὴν ὁμολογίαν.» Ἐθαύμασαν οὖν πάντες οἱ ἀκούσαντες τὴν τοσούτην σύνεσιν τοῦ ἀνδρός. Λέγει οὖν ὁ γέρων· «καὶ σὺ νέος ὃν, τέκνον, εἰκότος ἐθαύμασας· ἔδω γὰρ ἐπισκέψη τῷ βάθει τοῦ πράγματος, εὐφράνεσις μηδὲν ὅν μέγα, ἀλλὰ μόνης κενοδοξίας καὶ ἀνθρωπαρεσκείας ύπερβολῆν.» Λέγει ὁ ἀδελφὸς· «πῶς, πάτερ, εἰ γε περι- εφόρνηση τῶν τοσούτων χρημάτων τῆς ἁδίας ὑπολήψεως ἔνεκεν;» Λέγει ὁ γέρων· «ὁ περιφρονῶν χρημάτων ὄφειλε καὶ τῆς σωτηρίας τοῦ πλησίον προνοεῖν κατὰ τὸ δυνατόν· τῷ Κυρίῳ γὰρ καὶ Θεῷ ἦμων ἢ ἐντολή τὰ ἀμφότερα κελεύει. Εἰ οὖν ἦδεν ἄκριβας ὅτι καὶ κατεβάλετο ὁ πατὴρ αὐτοῦ τὸ χρέος, καὶ προέτειν ἴνα καὶ ὁμόσι καὶ πάλιν ἐκ δευτέρου αὐτὸ καταβάλληται, τί ἐτερον ἔπραττεν ἦδεν ὅτι παρεδειγμάτι τὸν ἀδελφὸν αὐτοῦ καὶ Θεῷ καὶ ἀνθρώπους ὡς ἀδικον καὶ αἰσθηροκρεθῆ, προφανῆ ἐστών δὲ
A brother came across an Old Man after a lapse of time; and the Old Man asked him: "where have you been, my child, all this time?" And he said: "in Constantinople, my father, on certain business necessary <for me>." The Old Man said to him: "and what of importance did you hear or see there?" The brother said: "almost nothing important, I <only> realised that, although they were boastful, most things were of this earth; one thing, however, did surprise me. I saw people of the world looking down on money more than those living in the Desert." The Old Man then said to him: "how can that be true? Make yourself clear!" The brother answered: "I saw two rich men, of whom the one was bringing a charge of a debt of two thousand nomismata against the other; he thus brought forth the agreement made with the latter's father. The other man said that the debt had been paid back by his father and that the agreement still existed, according to the sincerity of their friendship; and as the one did not convince the other, the whole matter ended up in an oath." The pretending debtor then said: "if I swear that the debt was paid back by my father, I may be regarded as sordidly greedy of gain; so, rather, let this happen: either I swear that your debt of two thousand nomismata was returned to you and I shall give it back to you a second time, or you swear that this money is still owed to you and you shall take nothing back from me, also yielding me back the agreement." Everybody then, hearing this, admired the great sagacity of that man. The Old Man said then: "it was natural for you to be impressed, since you are young; however, if you consider the matter in depth, you will find nothing great, but only an excess of vainglory and the pleasing of men." The brother said: "how can that be, my father, if he overlooked so great an amount of money, for the sake of his good reputation?" The Old Man said: "whoever overlooks money, he should also take care of the salvation of his neighbour, to the best of his ability; for it is our Lord God that commands both these things. If he knew precisely that his father had paid back his debt and put forward that he take the oath and pay it for a second time, what else did he do than present, on the one hand, his brother as unjust and greedy of gain before God and the people, and to declare, on the other
ἀνεκήρυττε καὶ πλουσιῶτατον καὶ ἀφιλοχρήματον; Ἡ ὁπερ οὐκ ἔστι τοσοῦτον
ἀκτημοσύνης ἁμητῇ δῶσον κενοδοξίας, ἦ, τὸ γε ἀληθέστερον εἰπεῖν, φθόνου
καὶ ὑργῆς ὑποτύπωσις». Λέγει οὖν ὁ ἀδελφός: «τι οὖν ἐδει αὐτὸν ποιῆσαι,
ἐπενεχθέντος αὐτῇ τοῦ ὅρκου παρὰ τὸν ἁγιότος κεχρεωστήσθαι;» Ἀπε-
κρίθη ὁ γέρων «εἰ ἦν τέλειος, οὔτε ὁμός ὁφείλειν οὔτε ἀντεπενέγκαι
ὁρκον, μάλιστα καὶ πλούσιος ἦν καὶ εἰδώς ἁκριβῶς ἐτὶ κατεβλήθη τὸ
χρέος». Λέγει οὖν ὁ ἀδελφός: «οὐκούν ἀνάγκη δοῦναι αὐτὸν τὰ νομίσματα;»
Λέγει ὁ πατήρ: «καὶ πόσῳ κάλλιον ἦν ἁμηυοθῆναι αὐτὸν διὰ τὸ ἐκφυγεῖν
ὁρκον καὶ κερδῆσαι τὴν ἁμοίβην παρὰ Θεοῦ προσδοκᾶν, ἦπερ διὰ κενοδο-
ξίαν καὶ τὸ δεῖξαι τοῖς ἀνθρώποις ὅτι ἄδικος ἐστίν ὁ ἄγων αὐτὸν εἰς ὅρκον;
tούτο γὰρ φθόνου ἔστι καὶ μισαλλήλια. Ὡστε οὖν πρόσεχε, τέκνον, ὡς
ἐκεῖνα μόνα εἰσίν ἀποδεκτὰ παρὰ τῷ Θεῷ τὰ καλὰ σκοπεῖ γινόμενα καὶ
θεοφίλει λογισμῷ. Καὶ ὁφελθεῖς ὁ ἀδελφὸς ἀνεχώρησεν.
himself as clear <of accusation> and indeed very rich and contemptuous of money? This is not so much the virtue of self-chosen poverty as it is vainglory, or, to be more precise, an expression of envy and anger.”

Then the brother said: “what should he have done when the oath was administered to him by the one who said he deserved the debt?” The Old Man answered: “if he was a perfect man, he ought neither to have taken the oath nor to have administered the oath, the more so since he was a rich man and precisely knew that the debt was repaid.” The brother said: “was it not therefore necessary for him to give the *nomismata*?”

The father said: “and how better would it have been to suffer some damage for avoiding the oath and for expecting to earn God’s reward at the same time, than <to suffer damage> because of his vainglory and aim at demonstrating to the people that he who had led him to the oath was unjust; for, this is typical of envy and hate for each other.”

Bear, therefore, in mind, my child, that acceptable to God are only those things that are done with the purpose of good and with keeping in mind what beseems God.” Being thus edified, the brother went away.