THE PHILOSOPHICAL AND LEGAL CONCEPTIONS OF THE GETO-DACIANS

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Abstract: One of the problems of Romanian ancient and medieval history is the poverty of narrative sources. Hadrian Daicoviciu, in his work The Dacians, showed that many pages were missing from the great book of Geto-Dacian history. The absence of these pages pertains to us because for many centuries we did not have a written culture. There was no concern in our mentality for elevated forms of manifestation of culture, for the generalization and development of education. However, in the epochs to which we relate, we have information that there were schools, that writing existed and was practiced, and the value of the Romanian folk literature, of our traditions and the beauty of the popular costume cannot be disputed by anyone.

Keywords: history, conceptions, philosophical, legal, Geto-Dacian

1. Introduction

The Romans, in the old age of law, did not make a clear distinction between moral rules and legal rules. For example, in a classical definition of law, it is Ţthe art of what is good and fairţ and the science of law would be Ţthe theoretical knowledge of divine and human things, of just and unjust actsţ[1]. This confusion seems to have been intentionally based on the assumption that the norms of law are rooted in the moral principles and must not deviate from them[2]. On the other hand, in the sacral stage of Roman law, between 754 and 304 BC, the Pontiffs were those who interpreted both religious and legal norms, which led to a confusion between law and religion. It must be said, however, that in the ancient world, and even later in the medieval age, this kind of confusion was characteristic of the mentalities of those times. Therefore, if we refer to the Geto-Dacian society, we cannot place it beyond another type of relationship between law, morals and religion.

About the Scythians, whose habits were similar to those of the Geto-Dacians, Justinus said that they respected justice in a natural way and not by law. The Geto-Dacians, considered the most righteous among the Thracians[3], had the same attitude toward law, as also seen in the poems of Ovid[4]. In other words, the idea of justice comes before the law, and its observance derives from an inner motivation rather than an outside motivation. Such a motivation can be the religious belief to which the members of a society adhere. The first laws of mankind were also founded on religion, and their divine origin was recognised, as well as a certain type of justice above man and which he can escape only by complying with these laws.

That is why, in order to characterize the Geto-Dacian legal system about the content of which we do not have much information, we must first examine the role that religion had in the Geto-Dacian society.

2. The Geto-Dacian religious class

[1] Ulpian, lib.1, *Inst.; Dig.* 1,1,1.
[2] Teodor Sâmbrian, *Drept roman*, Editura Helios, Craiova, 2001, pp.33 - 34.
[3] Herodotus, IV, 93.
[4] Ovid, *Tristia*, V, 7, 47 - 48; 10, 43 - 44.

As far as the Geto-Dacian religion is concerned, the research in the field has attempted to find answers about its monotheistic, polytheistic or henotheistic character[5], and the existence of a religious class and its organization.

What we are particularly interested in is knowing whether there was a religious class in the Geto-Dacian society which played a decisive role in the socio-political life, which had an impact on the Geto-Daciansř mentality and, implicitly, on their conduct rules. In this sense, there are two texts attesting, both to the right and to the left of the Danube, the presence of a category of anchorites who lived a monastic life or a life in seclusion, in celibacy and refusing to eat meat. The first text belongs to Posidonius of Apameia, a representative of Stoic philosophy, who wrote towards the end of the 2nd century and the beginning of the 1st century BC, and from whose work only fragments were preserved[6]. The present fragment is quoted by Strabo[7], who tells us that: ŗPosidonius states that the Moesians are too devout to eat animals, and that is why they do not touch the flesh of their flocks, but feed on honey, milk and cheese, living a peaceful life - for which they were called theosebeis or kapnobatai. Some Thracians spend their lives without having to do with women, being called ktistai - they are honoured and considered sacred, thus living free from any dangerŗ.

The author of the second text is Josephus Flavius, a first-century Jewish writer, AD, who lived in Rome for a long time, where he wrote *The Jewish War*, a seven-book work, and the *Antiquities of the Jews*, which contains twenty books[8]. In these writings, Josephus Flavius shows that the Essenes[9] ŗdo not live in a different way from other people, but their lives resemble the so-called pleistoi of the Daciansŗ. Thus, ŗthe Essenes possess the goods in common, and the rich people do not enjoy anything more of what they have than those who have no fortuneŗ. And that is how these people, over four thousand, behave. They do not take wives and it is not common to have slaves, on the one hand, considering that slavery leads to injustice, on the other hand, realizing that this might be an occasion for rebellion. They live by themselves and use the services they can provide for each other. They elect - by vote - a kind of preceptors of income and of the fruits that the land produces, and those are good men and the priests assume the preparation of wheat and foodŗ[10].

Leaving aside the fact that these are the only sources attesting to the existence of a religious order, the two fragments opened the way for interpretations that primarily concerned the origin and significance of the name of these anchorites. On the other hand, the first text refers indirectly to some Getae, starting from the premise that they have customs similar to the Moesians, a population which lived on the right bank of the Danube. But making the connection between the two fragments, the presence of a religious order with the Thraco-Dacians removes any doubt, but there remain questions about the emergence of this class due, according to some opinions, to Zalmoxis[11]. Having a dual identity, being and god, for the Geto-Dacians Zalmoxis was a great priest[12], a great and wise man, legislator and civilizing hero, being compared to Zarathustra and Moses[13].

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[5] N. Gostar, V. Lica, *Societatea geto-dacică de la Burebista la Decebal*, Editura Junimea, Bucureşti, 1984, pp. 70-71.
[6] *Istoria românilor*, vol. I, p.435.
[7] Strabo, *Geographia* VII, 3,3.
[8] I.H.Crişan, *Spiritualitatea geto-dacilor*, Editura Albatros, Bucureşti, 1986, p.389.
[9] The Essenes are a Jewish caste whose ascetic habits are described by Josephus Flavius in his work.
[10] Josephus Flavius, *Antichităţile iudaice*, XVIII, 1,5.
[11] I.H.Crişan, *op. cit.*, p.389; A. D. Xenopol, *Istoria românilor în Dacia traiană*, I, Ediţia a III-a, Bucureşti, p.73; Ovidiu Drimba, *Istoria culturii şi civilizaţiei,* Editura Vestala Saeculum, Bucureşti, 2000, p.370
[12] Strabo, VII, 3,11
[13] Diodorus of Sicily considers him to be so (see *Istoria românilor*, vol. I, p. 436 and O. Drimba, *op. cit.*, p. 370).

The way of life of this class is similar to that proposed by Pythagoras whose slave and disciple, apparently, was Zalmoxis. The belief in immortality and an exemplary way of life that excluded, among other things, meatless food, are two elements that bring Zamolxis close to Pythagoras and lead to the hypothesis that he was the founder of an order of monks. We equally owe him a system of laws received, according to the testimony of Diodorus, from Hestia, a Geto-Dacian deity, later taken over by Deceneus, a high priest during the reign of King Burebista and the author of a new reform in the Geto-Dacian society. The content of these laws is not known to us. All we know from Jordanes is that they are called *bellagines*[14] and they were written laws. Another ancient writer, Iamblichus, wrote that ŗZalmoxis [...] made their laws, as I pointed out at the beginning, and urged his fellow citizens to manhood, convincing them that the soul is immortal [...] and, since he taught these things to the Getae and wrote their laws, he is considered by them to be the greatest of all gods[15].

3. Zamolxis - The first Getarum Legislator

As we try to find new information about the Geto-Dacian religion, we discover Zalmoxis as a central, long-lasting figure. The first data about him and the most important, since their objectivity is indisputable, are provided by Herodotus. He highlights the belief of the Geto-Dacians in immortality and tries to give us a truthful picture of the founder of this faith. The author tells us about the belief of the Geto-Dacians in immortality: ŗHereřs how they think they are immortal: their belief is that they donřt die, but the perishing one goes to Zamolxis - their divinity - which some believe to be the same as Gebelezis [14]. Every five years they cast the lots, and the one to whom the lot fell is always sent to Zamolxis as a messenger, and they entrust him, every time, with all their needs. The messenger is being sent as follows: several of them, standing in a row, hold three spears upwards, and others, grasping the one sent to Zamolxis by the hands and feet, swing him a few times, and then throw him up, over the head of the spears. If the man dies pierced in the fall, they remain convinced that the god is benevolent; if he doesnřt die, they blame the messenger, claiming that he is a bad man; after blaming him, they send another. They tell the messenger all they need while he is still alive. When there is thunder and lightning, these particular Thracians shoot arrows toward the sky and threaten their god, for they donřt recognize a god other than their ownŗ[16].

As far as Zamolxisř personality is concerned, the author continues: ŗFrom what I learned from the Greeks living in Hellespont and Pontus, this Zamolxis, a man like all men, might have lived in Samos as a slave to Pythagoras, the son of Mnesarchus. Then, by gaining his freedom, he might have acquired much wealth, and by gaining wealth he returned a rich man among his fellows. As the Thracians lived a life of poverty and lacked teaching, this Zamolxis, who had known the Ionian way of life and better mores than those in Thrace, as one who had lived among the Greeks, and especially with Elladařs wisest man, with Pythagoras, got the people to build a reception hall where he used to host the most honourable citizens; during the feasts he taught them that neither he nor his guests or their descendants would ever die, but would move only to a place where, living for ever, they would have all the good things. While the guests were having their feast and he was speaking to them, he had got a dwelling built beneath the surface of earth. When the dwelling was ready, he vanished from amid the Thracians, descending into the depths of the subterranean spaces where he hid for three years. The Thracians were overwhelmed with grief and mourned for him as if he was dead. In the fourth year, he appeared again in front of the Thracians, and so Zamolxis made them believe all his words. Here is what they say he would

[14] Jordanes, *Getica*, 69 - 70. To the same extent, Jordanes states that these laws would have remained in force at least partially until the 6th century AD.
[15] Iamblichus, *Viața lui Pitagora*, in Fontes II, 19.
[16] Herodotus, IV, 93 Ŕ 94.

have done. As for me, I neither doubt, nor fully believe what they say about him and his dwelling under the ground; as a matter of fact, I believe that this Zamolxis lived long before Pythagoras. Whether Zamolxis was only a man, or whether he was (indeed) a god of Getia, I say farewell to himț[17].

The research of the text led to the conclusion that Zalmoxis was the initiator of a mystery cult similar to the Greek mysteries by the existence of an andreon hosting ceremonial feasts for initiation by occultation (disappearance) or *descensus ad inferos* or katabasis and the epiphany (reappearance) after a period of time and by what is the central idea of the doctrine of Zamolxis; the immortality of the soul and a happy postexistence in the other world. The character of his doctrine brings him closer to Dionysus and Orpheus, or to mythical or mythological characters such as, for instance, Abaris, Aristeas of Proconnesus, Hermotimus of Clazomenae, Epimenides of Crete, Pythagoras, etc[18]. Of them, the ancient authors highlight Zamolxisř connection with Pythagoras, a connection that Herodotus denies. Pythagorasř disciples, telling the story of his life, recall Zalmoxis or Zamolxis who had been his slave and who, once set free, had become one of the followers of the Pythagorean doctrine. Arriving in his country, Zamolxis tried to spread the teachings he had received from Pythagoras. There are, indeed, many similarities. The Ţhallţ in which Zamolxis received his guests is similar to the Crotona hall where Pythagoras delivered his sermons or the chambers where the ritual banquets of secret religious associates took place[19].

Withdrawal in an underground room for a period of time followed by reappearance (epiphany) also occurs in the biographies of Pythagoras Strabo, who echoes Herodotusř story, showing that ŢThe Pythagorean practice of abstaining from meat has remained with them as a commandment given by Zamolxisţ[20].

Zamolxis is, in Origenřs opinion[21], the one who Ţintroduced druidism to the Celtsţ and taught them Ţdivination by means of cards and numbersţ. To his compatriots, Zamolxis deciphered heavenly signs because he had learned from Pythagoras Ţsome sciences of heavenţ[22].

We cannot know whether the source of these similarities has a real basis, especially since the opinions of ancient writers on this issue are not identical. We cannot even tell whether Zamolxis was a historical or legendary figure for the Geto-Dacians. It is possible, however, that the Geto-Dacians, a descendant branch of the Thracians, considered the Ţgreat anonymsţ of history, might have considered Zamolxis an enlightened man who tried to build a system of laws and to raise the Geto-Dacians to a higher level of spirituality. His attempts, mentioned in the commentaries of ancient writers, are obvious. Whether his teachings were intended for a small group or the entire population, it is another controversial issue.

As for the belief in immortality, historians do not make a distinction when they speak of Geto-Dacians, who believe themselves to be immortal, and this belief makes them fierce and brave in battles. But from the whole mass of the population, one cannot exclude the idea that a group of initiates who would have faithfully followed the Zamolxian doctrine would have separated from the rest. They must have been those monks whom Josephus Flavius compares with the Essenes, and who, indirectly, are linked to the Moesians, because if we strictly refer to meatless food, the archaeological evidence attests to the fact that the Geto-Dacians ate meat and it would have been impossible as long as they were known as a pastoral-agricultural population.

[17] Herodotus, IV, 95 Ŕ 96.
[18] M.Eliade, *Istoria credinţelor şi ideilor religioase*, vol.II, Editura Universitas, Chişinău, 1992, p. 175.
[19] M.Eliade, *De la Zalmoxis la Genghis- Han*, Editura Humanitas, Bucureşti, 1995, p. 34.
[20] Strabo, *Geographia*, VII, 3,5.
[21] Origen, *Philosophumena*, I, 2, 22.
[22] Strabo, Idem.

This religious class was equally compared to the Celtic druids, about whom Julius Caesar writes: ȚThey watch over the things related to the gods, deal with public and private sacrifices, regulate all religious mattersț. They are also those who Țsettle all public or private disputesț, and the people who do not respect their decision are forbidden to bring sacrifices, which is a kind of civil death. Of those who followed the teachings of the druids, Țit is said that they learn a great number of verses by heart: some of them thus remain twenty years at the druidsř school. They believe that religion forbids this teaching to be written, as happens with all the other public or private things they put down in the Greek alphabet. This custom must have been established by the druids because they did not want their doctrine to spread among the common peopleț[23].

Such a mentality is also revealed in the ancient age of Roman law where only the Pontiffs were those who knew the calendar with the good days in which actions could be brought, as well as the formulas of the laws[24]. So, the same mentality might have existed in the society of the Geto-Dacians, which may explain the fact that although they had knowledge of astronomy, mathematics, physics, medicine, they left nothing written. Equally, a bipolar spread of the cult of Zamolxis may be due to the same mentality; one devoted to the initiation of a certain elite and the other having the role to redress the morals of the great mass of the population.

Regarding the morals of the Geto-Dacians and the Thracians, in general, ancient authors emphasized their tendency towards drunkenness and polygamy. Zamolxis, by his doctrine, would be the first to try to make the Geto-Dacians temper this tendency. For example, Strabo, citing Menander on the polygamy of the Geto-Dacians, says: ȚThe Thracians, all, and especially the Getae among them/ All of us (for I am proud to count myself among them),/ We are not models of morality;/ For none of us is satisfied/ With ten women, more men have eleven,/ Others twelve and even more;/ And he who cannot have over four/ Or five, he is believed to have got through life/ Without having tasted conjugal pleasuresț[25]. Solinus said the same, showing that: ȚThe Getae would consider multiplied marriage as an honorable thingț[26].

Polygamy, which existed in the Geto-Dacian society in an earlier stage, and abstinence from sexual life practised by monks, are two extremes which most of the population could not choose. The poor could not be polygamous because they could not maintain several wives, nor were the profane people interested in abstinence. Monogamy would have been the right solution. The Geto-Dacian monogamous family is later attested. In one of his writings, Horace makes the following description: ȚThe harsh Getae who grow the gifts of Ceres live/ on undivided fields; and their work is shared/ So some replace others at the end of the year/ There the mum is guarding the innocent girl;/ And the woman who is not endowed cannot control her man/ Neither does smooth adultery disturb the silence of the houseț[27]. On Trajanřs Column, the Geto-Dacian men returning home are greeted by one woman. Neither Ovid, who lived among the Dacians, nor Herodotus, mentioned anything about their polygamy.

4. Deceneus – the continuer of Zamolxis' reforms

A second personality, a great priest during the reign of King Burebista, is Deceneus, who repeated Zalmoxisř example, trying to reform the Geto-Dacians. From Strabo we find

[23] Julius Caesar, *De Bello Gallico*, VI, 13
[24] See Vl.Hanga, *Drept privat roman*; C.Tomulescu, *Drept roman*; D.Oancea, E.Molcuț, *Drept privat roman*, etc.
[25] Strabo, VII, 3,4.
[26] Solinus, I, 10, 3.
[27] Horace, *Carmina*, III, 24.

out that Deceneus convinced the Dacians Ţto cut the vine and give up wineţ[28]. He is also the one who, as Jordanes says: Ţ... observing their mood for obeying him in all, and their being intelligent by nature, instructed them in almost all branches of philosophy, for he was a skilled master in this. He taught them morals, depriving them of their barbarian mores; he instructed them in the sciences of physics, making them live according to the laws of nature...; he taught them logic, making them superior, through their mind, to other peoples; by showing them practice he urged them to enjoy good deeds; by demonstrating the theory of the twelve signs of the zodiac, he showed them the course of the planets and all the astronomical secrets and how the moonŕs orbit goes up and down, and how the firey ball of sunlight surpasses the measure of the earth globe and he explained to them under what name and under what signs the three hundred and forty-six stars passed in their fast way from the east to the west, so as to approach or to move away from the heavenly pole ...ţ[29].

Going beyond the idealized image that the historian Jordanes achieves with regard to the Getae which he confuses with the Goths, one cannot deny the important role that Deceneus had in the socio-political life of the Geto-Dacians. Jordanes shows that the learned men of the Geto-Dacians include Zeuta, Zamolxis and Deceneus. Jordanes is the only one who mentions Zeuta among the Geto-Dacian learned men. It is assumed that Zeuta was Seuthes, the successor of Sitalces, recalled by Thucydides and who would have been one of the rulers of the Odrysian Kingdom. In the absence of further information, it is difficult to accept such a hypothesis. But Zamolxis and Deceneus remain famous. Both were at the highest level in the religious hierarchy, both initiators of reforms in the Geto-Dacian society, the former laying the foundations of a philosophical system similar to the Pythagorean one, and the latter trying to update this system, which had experienced a diminution in time. Both are considered by the ancient authors erudite and founders of schools, trying to convey their knowledge. In this respect, the archaeological discoveries confirm that the Geto-Dacians had notions of medicine, astronomy, mathematics, physics, and even philosophy, and that Jordanesř affirmations would not be a mere exercise of rhetoric[30]. For example, if there were different views on the Sarmizegetusa sanctuaries regarding their functionality[31], the andesite altar has, besides its religious function, the role of a tool meant to measure the passing of time. The medical knowledge of the Dacians mentioned by Plato and Dioscorides, through the list of names of medicinal plants, is also certified by the discovery of a medical kit and a skull showing the traces of a scarred trepanation. This discovery demonstrates that Geto-Dacian doctors were able to perform surgery as well.

And, although in terms of the content of the Geto-Dacian laws, the information is extremely poor, those laws called *bellagines* must have existed especially during the period of the Geto-Dacian state, since a state organization outside a system of laws cannot be conceived. The fact that they were written or not, that they remained in the memory of the population as a cornerstone of the Romanian customary law, is another problem.

In **conclusion**, it is impossible to ignore the importance that religion had in the Geto-Dacian society. Priests, in general, and the most prominent of them, in particular, leaving aside the fact that they played an essential part in political life, contributed to the spirituality of the Geto-Dacians. Probably due to these priests, of whose organisation we do not have enough data[32], the Geto-Dacians could be considered Ţsuperior to almost all barbarians and almost equal to the Greeksţ[33].

[28] Strabo, VII, 3, 11.
[29] Jordanes, *Getica*, 69 - 70
[30] *Istoria românilor*, vol. I, pp. 780 - 782
[31] Ioan Rodean, *Graiul pietrelor de la Sarmizegetusa*, Editura Litera, Bucureşti, 1980.
[32] N.Gostar, V.Lica, *op. cit*., pp. 69 Ŕ 103.
[33] Jordanes, *Getica*, 69 - 70.

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