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Byzantine Monastic Foundation Documents:

A Complete Translation of the Surviving Founders' Typika and Testaments

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CHAPTER THREE

The Protectorate

“Whatever the emperor, the judge and general do regarding the church, let [their actions] find [favor] with God.” (18) *Nea Gephyra* [3]

“I do not want my son, the *mystographos* lord Theodore, to be badly treated or scorned by any of the monks, or annoyed to an unreasonable degree, but I want everyone to love and be in awe of him, to respect and fear him, after God and the Virgin, as the irrevocable heir and lord . . .” (19) *Attaleiates* [33]

“None of the monks or the superiors should take any of the money, but once the expenses prescribed by the *typikon* have been paid, one-third of the surplus should be deposited in the treasury, and two-thirds should belong to my true and dearly beloved son, the *mystographos* lord Theodore . . . who does not have to render an account or submit to an inquiry.” (19) *Attaleiates* [24]

There are six documents in this third group of Byzantine monastic foundation documents, which date from the last quarter of the tenth century to the first decade of the twelfth century. They are particularly valuable for the light they shed on the historical development of one of the most important institutions of Byzantine monasticism, the protectorate (*ephoreia*).¹

A. Typology of the Documents

The first three documents, (16) *Mount Tmolos*, (17) *Nikon Metanoeite*, and (18) *Nea Gephyra*, are clustered at the end of the tenth and the beginning of the eleventh century. The remaining three documents, (19) *Attaleiates*, (20) *Black Mountain*, and (21) *Roidion*, date from the last quarter of the eleventh century and the early years of the twelfth century.

Alone among the Byzantine monastic foundation documents, two of the texts discussed in this chapter were preserved as monumental inscriptions, (16) *Mount Tmolos* and (18) *Nea Gephyra*,

¹ For *ephoreia* in this era, see Alexander Kazhdan and Alice-Mary Talbot, “Ephoros,” *ODB*, pp. 707–8; E. Herman, “Ricerche sulle istituzioni monastiche bizantine. Typika kletorika, caristicari e monasteri ‘liberi,’” *OCP* 6 (1940), 335–39; Rosemary Morris, “Legal Terminology in Monastic Documents of the Tenth and Eleventh Centuries,” *JÖB* 32.2 (1982), 281–90, esp. 284–88, 290; Catia Galatariotou, “Byzantine Kletorika typika: A Comparative Study,” *REB* 45 (1987), 101–6; and my own *Private Religious Foundations in the Byzantine Empire* (Washington, D.C., 1987), pp. 218–20.

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although the latter, transcribed by Michel Fourmont in 1730, has now disappeared. Of necessity, these are brief texts, and in the case of (16) *Mount Tmolos*, also very incomplete. The medium of transmission chosen allowed for the presentation of only the most important information relevant to these respective foundations, the first a monastery with an attached old age home near Philadelphia in Lydia and the second a monastery and church established to protect a bridge over the river Eurotas in the Peloponnesos. The authors of both of these documents evidently followed an epigraphic formula which required the identification of the donor and the foundation, designation of the officials chosen for the protectorate, and a curse on transgressors.

From the last quarter of the tenth century comes (17) *Nikon Metanoeite*, an example of a monastic foundation document both influenced and preserved by the hagiographic tradition of its author. As such, it is closely related to other tenth-century documents in our collection including (5) *Euthymios*, (6) *Rila*, and (7) *Latros* as well as eleventh-century documents such as (8) *John Xenos* and (9) *Galesios*. Like (5) *Euthymios* and even (13) *Ath. Typikon*, this text's hagiographic component contains a foundation history that provides especially valuable information on the sources of patronage for the monastery described therein. The foundation history would become a standard part of many later Byzantine monastic foundation documents, long after they had freed themselves from their early hagiographic associations. As all of the texts cited above do to some extent, (17) *Nikon Metanoeite* distinguishes itself from purely hagiographic works by virtue of its containing an embryonic *typikon*. In this case, this is really no more than a basic, testamentary statement of how the foundation is to be governed after the founder's death, thus linking it in content to the two inscriptions described above, (16) *Mount Tmolos* and (18) *Nea Gephyra*.

There is a striking increase in the sophistication of the group of documents clustered at towards the end of the eleventh century in comparison to those originating nearer its beginning. (19) *Attaleiates* is actually an old-fashioned testament. Like the authors of (8) *John Xenos* and (18) *Nea Gephyra* earlier in this same century, the author's overriding concern was the transmission of his property and the determination of the foundation's future mode of governance. Yet the catastrophic changes (see below, Historical Context) that befell Byzantine religious foundations during the fifty-year interval between the date of the last of the earlier group of documents in this chapter (1027) and that of (19) *Attaleiates* in 1077 forced the latter's author to address these common objectives with considerably greater trenchancy, gained from bitter experience of like-minded, conscientious patrons in his era. No other testament in this collection is as long or as exhaustive in its provisions for the various problems that might befall a foundation after the death of its founder.

The last two documents, (20) *Black Mountain* and (21) *Roidion*, share an author, Nikon of the Black Mountain, but little else. The former is a hybrid *typikon*, like (4) *Stoudios* and (11) *Ath. Rule*, treating chiefly the canonical hours, liturgy, and diet in the manner of purely liturgical *typika* but with a fair amount of disciplinary legislation appended. Unlike all the other documents in this chapter, the subject of institutional governance is ignored entirely. (21) *Roidion* is a remarkable document composed of two parts. The first, labeled as a *typikon*, is in fact a letter of instruction from Nikon to the institution's protector, explaining the author's conception of how the foundation should be governed and what the protector's responsibilities towards it should be. The second part is Nikon's address to the foundation's residents which might be considered a kind of founder's

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typikon were it not for the author's extraordinarily weak position vis-à-vis the residents. Therefore, the usual authoritative tone of a *typikon* breaks down in this instance into a series of appeals to and threats against the residents, backed up by contingency plans in the event that their cooperation could not be obtained. As such, it is truly *sui generis* among the Byzantine monastic foundation documents.

B. Terminology of the Protectorate

In attempting to understand institutions like the protectorate, it is to our advantage that the Byzantine use of technical terminology was generally very precise and consistent.² *Ephoreia*, the concept that ties together the documents in this chapter, can be translated as "protectorate," and the institution it designates was analogous to the "advocacy," a similar kind of protective patronage of religious institutions, especially monasteries, found in the medieval West.³ The Byzantines, with their love of archaisms, could fancifully trace the title protector (*ephoros*) back to the *ephoroi*, the powerful senior magistrates who superintended the morals of the citizenry of ancient Sparta.⁴

Judging from the testimony of the documents in this chapter, the institution of the protectorate considerably predated its name. According to the current state of research, the use of the term *ephoreia* to designate the protectorate of a monastery dates only from 1060, when a chrysobull⁵ of the emperor Constantine X Doukas (1059–1067) uses the title in referring to the protectorate that the incumbent of the office of *epi tou kanikleiou* exercised over the Lavra monastery on Mount Athos, an authority first conceded by (14) *Ath. Testament* [6], which itself dates from after 993. As noted above in Chapter Two, on Concerns of the Authors, Athanasios, the author of this last-named document, was a shrewd assessor of the requirements for preserving the autonomy of his foundation, and, faced with worsening threats towards the end of the tenth century, he decided to designate two administrators (*epitropoi*), one local and one at the court in Constantinople, the incumbent of the office of the *epi tou kanikleiou*, to serve this function among others. Although this would appear to be the earliest use of the protectorate, Athanasios does not claim credit for its innovation as he comes close to doing in (13) *Ath. Typikon* [13] for the somewhat earlier and ultimately more influential concept of the "independent and self-governing" monastery.

All of the documents in this chapter except (20) *Black Mountain* adopt the protectorate as an essential part of the governance of the institutions for which they were written, but only (19) *Attaleiates*, a late document, actually uses the term *ephoreia*. (16) *Mount Tmolos*, for instance, designates curators (*kouratores*) and, like (14) *Ath. Testament* [4], [6], administrators (*epitropoi*) to look after the monastery and old age home for which that document was written. Both (17) *Nikon Metanoeite* [2] and (18) *Nea Gephyra* [2] designate the local judge (*krites*) and military

² Morris, "Terminology," p. 281.

³ For the advocacy in the medieval West, see F. Senn, *L'institution des avoueries ecclésiastiques* (Paris, 1903), with a general discussion in Friedrich Kempf, "Prelacies and the Secular Powers," in *Handbook of Church History*, vol. 3: *The Church in the Age of Feudalism*, trans. Anselm Biggs (Montreal, 1969), pp. 269–79

⁴ For the ephors of ancient Sparta, see A. M. Woodward and W. G. Forrest, "Ephors," *Oxford Classical Dictionary*, ed. N. G. L. Hammond and H. H. Scullard (Oxford, 1970), p. 388.

⁵ P. Lemerle et al., *Actes de Lavra*, pts. 1–4 (Paris, 1970–82), vol. 1, doc. 33, p. 198.

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governor (*strategos*) as caretakers for the respective foundations, although neither document uses the term *ephoreia* or assigns any other titles to these officers.

In (19) *Attaleiates* [10], the founder's son and designated successor Theodore is explicitly awarded the protectorate; he was also to bear the specific title of *ptochotrophos* [12] as director of the foundation's almshouse at Rhaidestos. In (21) *Roidion*, the author Nikon is more circumspect. He does not provide a title for the anonymous lay benefactor charged with looking out for the physical needs of the foundation, who is the addressee of the first part of this document [A], but Nikon himself, who was responsible [A2] for spiritual guardianship and management, may have borne the title of guardian (*phrontistes*), so perhaps his lay counterpart bore the same or a similar title. It cannot be determined whether the monastery for which (20) *Black Mountain* was written had a protectorate since that document is silent about administrative matters, but its author Nikon is known to have been given a special commission by the patriarchate of Antioch to institute a spiritual reform of the monasteries of North Syria, of which this foundation was one.

C. Institutional Development of the Protectorate

1. Reasons for Its Development

Why did founders of the late tenth century think it necessary to create the protectorate? Basically, the institution seems to have grown out of the ever-increasing needs of private religious foundations of that era for protection from predators and for dependable sources of financial assistance. These basic needs, which to all appearances had once been handled reasonably adequately within the confines of traditional private patronage, were by this time considerably more difficult to meet due to the impact (both intentional and otherwise) of imperial agrarian legislation and the development of the *charistike* (for which see above, Chapter Two, Historical Context) in the tenth century. The former apparently made it more difficult for lay founders to provide traditional means of support to their private religious foundations, while the latter made it more difficult to assure their independence. Even aside from these important considerations, the increasing role of celibate monks in founding monasteries during the tenth and eleventh centuries (seen in all of the documents in this chapter except (19) *Attaleiates*) as a practical matter meant that some serviceable, self-replenishing substitute for the founder's family bloodline would have to be found to assure these two basic needs of financial support and protection from predators.

2. Benefactors' Hostility towards the Ecclesiastical Hierarchy

What might seem to have been a logical source of the needed support, the ecclesiastical hierarchy, was apparently not even considered. The author of (17) *Nikon Metanoieite* portrays himself boldly usurping episcopal prerogatives in the dedication of his foundation. Nikodemos, the author of (18) *Nea Gephyra* [2], states explicitly that the local bishop and his clergy are "not to be allowed to exercise any authority in this church, not even to set foot in it." At the same time, the author of (8) *John Xenos* [2] curses any patriarch or metropolitan who might hold designs on the properties of his foundation. Relations between Lazarus of (9) *Galesios* [141] with the metropolitans of Ephesos were frequently strained if not in fact hostile. The author of (19) *Attaleiates* [7], [8] joins his predecessors in warnings to ecclesiastical officials to leave his foundation unmolested. Only Nikon, author of (20) *Black Mountain* and (21) *Roidion* [1], is known to have enjoyed good rela-

tions with ecclesiastical officials, the patriarchs of Antioch, but under very different circumstances (see below, Chapter Four, Historical Context) from those prevailing during most of the period under consideration here in Chapter Three.

The traditional hostility and opposed interests of private benefactors and the ecclesiastical hierarchy explain much of this antagonism.⁶ Another possible factor contributing to the distrust benefactors felt towards the ecclesiastical hierarchy was the latter's use of *epidosis* (see above, Chapter Two, Historical Context), a management program even older than the *charistike* under which ecclesiastical officials reassigned monasteries—many of them doubtless of private origins—to compensate for differences in the endowments of episcopal, archiepiscopal and metropolitan sees. Indeed, in a crucial court case that took place sometime during the patriarchate of Nicholas II Chrysoberges (980–992), the private owners of the monastery of Piperatos had successfully asserted their private property rights in this foundation to block a patriarchal seizure.⁷

3. Shortcomings in Imperial Patronage

Given this background, imperial patronage seemed like an attractive alternative for well-connected founders such as Athanasios, author of (13) *Ath. Typikon* [2], who gained support from Nikephoros Phokas, John Tzimiskes, and Basil II in succession, or as even earlier, the author of (5) *Euthymios*, gained support from Leo VI. Even as late as 993, Athanasios in (14) *Ath. Testament* [5] considered naming Basil II as the administrator (*epitropos*) of his foundation, but the emperor was far away and could not be assumed to be always ready to take a particular interest in an individual religious foundation given his other responsibilities. Still later in 1027, Nikodemos, the author of (18) *Nea Gephyra* [2], placed his foundation under the protection of Emperor Constantine VIII (1025–1028), but like Athanasios, he thought that local protection was essential, so he set up a local protectorate for this purpose.

4. Date of the Protectorate's Development

The turning point can be dated with some precision. At a more optimistic time when he drew up (13) *Ath. Typikon* [12] circa 973–975, Athanasios had reason to hope that his foundation's status as an independent and self-governing monastery, coupled with guaranteed imperial subventions, would be sufficient for establishing Lavra's autonomy and financial well-being. But before the end of his life and the close of the tenth century, as (14) *Ath. Testament* illustrates, he and his contemporaries felt differently. Therefore the protectorate came into being just when, naturally enough, the need for it became readily apparent, in the last quarter of the tenth century.

5. Reliance on Officials of the Imperial Government

Seeking external patronage and support, founders like the author of (17) *Nikon Metanoeite*, the son of a provincial landowner, Nikodemos, author of (18) *Nea Gephyra*, and probably also the imperial *protospatharios* Nikephoros Erotikos, author of (16) *Mount Tmolos*, turned to local officials as the most effective source of patronage when each chose the protectorate as the vehicle for the posthumous administration of his foundation. In all cases, two protectors were appointed.

⁶ See my *Private Religious Foundations*, pp. 37–44, 112, 119–20, 122, 130–32, 134–38, etc.

⁷ Eustathios Rhomaios, *Peira*, 15.4 (*JGR* 1.43 = *Zepos, Jus*), vol. 4. 49–50.

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Perhaps, as (17) *Nikon Metanoeite* [4] implies, some individuals subsequently appointed as protectors and honored with liturgical commemorations had previously played important roles in the construction or endowment of a foundation. Only Athanasios in (14) *Ath. Testament* [4] saw fit to choose someone in religious life, his friend John the Iberian, as one of his administrators. Shrewd as always, Athanasios chose as his other administrator the *epi tou kanikleiou* at the court in Constantinople, in preference to some presumably less influential local figure. It is from (14) *Ath. Testament* [7] that we learn that a protector was expected to designate his own successor; this is surely why (17) *Nikon Metanoeite* [2] and (18) *Nea Gephyra* [2] thought it necessary to identify only the offices whose incumbents would hold the protectorate rather than naming specific individuals. By attaching the rights to the protectorate to an office rather than to specific individuals, a presumably perpetual line of protectors could be secured that would provide protection and financial support just as the families of traditional benefactors had done in ages past.⁸

6. Consequences of Reliance on Public Authorities

With the benefit of hindsight, we can see that this reliance on public authorities was naive. Contemporary benefactors of the late tenth and early eleventh centuries, however, would have been motivated negatively by their age-old rivalry with the ecclesiastical hierarchy and affirmatively by their traditionally good relations (with a few exceptions) with the emperors as well as with their local representatives—whose interests and social class they themselves frequently shared. As the *charistike* claimed an ever-increasing share of the private religious foundations of the empire during the course of the eleventh century, later generations saw the light and abandoned their predecessors' reliance on public officials for their protectorates.

7. Subsequent Privatization of the Protectorate

For instance, in 1077, the author of (19) *Attaleiates* prohibits [8] the establishment of either a *charistike* or an *ephoreia* over his foundation, yet later in this same document he titles his son and heir Theodore as protector [10]. Michael Attaleiates then was fundamentally altering the protectorate by rejecting its historical status as a public institution generally attached to a particular office and reclaiming it instead as a hereditary private institution linked to the founder's family. In (19) *Attaleiates* [10], [37], [46] he announces his willingness to see even a female relative succeed to the protectorate in default of suitable male candidates, though he expected that a husband, son or male servant would actually carry out the functions of the office.

8. Rights of Protectors

The documents collected here in this chapter indicate that very considerable rights were attached to the protectorate. (18) *Nea Gephyra* [3] concedes to the protectors the right to choose the foundation's superior. Earlier, we have seen how (14) *Ath. Testament* [12] provides for the local protector to choose Lavra's superior, in consultation with "the more wise and spiritual brothers." In (19) *Attaleiates* [29], cf. [26], the protector presides over the election of both the superior and

⁸ For a late but still instructive example of how traditional family patronage worked, see (19) *Attaleiates*, esp. [10] through [13].

the steward, and has the authority to grant (and possibly also withhold) recognition to the chosen candidates. Attaleiates' first protector Theodore was granted [26] the special privilege of not appointing a superior and governing the foundation directly instead. (17) *Nikon Metanoëite* [2], [7], [9] apparently allows the protectors to make all the appointments of priests and monks in the foundation. Some documents also allow the protectors to remove unfit superiors: (14) *Ath. Testament* [16] (local administrator only); (17) *Nikon Metanoëite* [9] (can also remove other appointees); (18) *Nea Gephyra* [3]; and (19) *Attaleiates* [26]. However, Nikon of the Black Mountain, author of (21) *Roidion* [A3], [A4], [B20] would have liked to have removed the superior and steward of that foundation, whom he regarded as superfluous and "spiritually destroyed," but apparently neither he nor his lay counterpart had the power to do this.

(16) *Mount Tmolos* [4] and (19) *Attaleiates* [23] both speak of the protector's authority to review the financial accounts of their respective foundations. Both (17) *Nikon Metanoëite* [12] and (21) *Roidion* [B18], as well as (14) *Ath. Testament* [15] (local administrator only) earlier, envision the incumbent protectors providing moral supervision for the residents of their respective foundations. According to (19) *Attaleiates* [29], that foundation's protectors were to preside over community reconciliations and issue binding resolutions from which there would be no appeals. Some protectors received financial compensation for the discharge of their responsibilities. This ranged from the nominal and honorific gifts of wine and fruit accorded the protectors by (17) *Nikon Metanoëite* [2] to the possibly substantial income accorded Theodore and his successors as protector in (19) *Attaleiates* [24].

9. Responsibilities of Protectors

Late in the eleventh century, by which time the protectorate had become something of a tainted institution (note the hostility of (19) *Attaleiates* [8]), the emphasis shifted from an protector's rights to his responsibilities. In (21) *Roidion*, Nikon of the Black Mountain implies that the protector who is most likely the addressee of the first part of this document should provide financial support [A1], cf. [A5] for the foundation and perhaps even supply a replacement facility [B20] should that prove necessary. But even much earlier, the unusual "off-site" administrator linked to the office of *epi tou kanikleiou* in (14) *Ath. Testament* [6] was expected to provide material assistance to Lavra and act as the foundation's protector and advocate at court.

10. The Dual Protectorate

In the early documents, typically two protectors were appointed. In (14) *Ath. Testament*, only one of these protectors, John the Iberian, was resident locally, but his Constantinopolitan counterpart is instructed [6] to work together with him for the welfare of the monastic community at Lavra. In (18) *Nea Gephyra* [3], the author Nikodemos instructs the two protectors to govern his foundation either jointly or individually if only one of them happened to be in the area when his services were needed. In the later documents towards the end of the eleventh century, the protectorate is divided between two persons who were responsible for the foundation's physical needs and its spiritual guardianship, respectively, as (apparently) in (21) *Roidion* [A1], [A2], or else is replaced by a single, powerful family protector as in (19) *Attaleiates* [10].

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D. Concerns of the Authors

To a considerable extent, the concerns of the authors of these documents anticipate many of the themes of the monastic reform movement that was to invigorate Byzantine monasticism later in the eleventh century (for which see below, Chapter Four).

1. Distrust of Monks Tonsured Outside the Foundation

Although their trust in the protectorate may have ultimately proved imprudent, many of these founders were aware of other threats to the well-being and autonomy of their foundations. Nikodemos, author of (18) *Nea Gephyra*, orders [3] his protectors to choose a superior for his foundation from among the monks already in the monastery rather than appointing an outsider. Earlier, Athanasios in (13) *Ath. Typikon* had gotten the Emperor Nikephoros Phokas to endorse [12] his own ban on the choice of an outsider (a *xenokourites*) which he rightly identified [20] as a considerable threat to institutional autonomy. The author of (17) *Nikon Metanoieite* shows a particularly keen awareness of potential threats, and accordingly prohibits [5] the forced imposition of outsiders (possibly *esomonitai*) at his foundation, as well as the simoniacal appointment of priests or monks [9] through gifts (*kaniskia*) and requests (*parakalaseis*). Also, while conceding [5], [7] rights of appointment to his protectors, Nikon Metanoieite balances these concessions with security of tenure to those priests and monks currently serving [6], [8] in his foundation and orders [3] that any future bequests should be given directly to them rather than the protectors or other public officials.

2. Continuity with Traditional Private Religious Foundations

Composed as it was for a traditional private religious foundation, (19) *Attaleiates* shows little in the way of reform sympathies but a great deal of tolerance for patronal privileges, financial perquisites, and various fund-raising devices. In this foundation the protector enjoyed virtually unchecked authority [29] and was allowed [24] to profit financially from the foundation. He was subject to deposition only for outright theft [37] of the foundation's income, and even then not without having an opportunity to make restitution. The eunuch monks [30] had servants [42] and drew regular incomes [33], [35] akin to monastic benefices from the foundation's assets, as Nikon of the Black Mountain's recalcitrant monks did in (21) *Roidion* [A2]. Like earlier founders, Attaleiates is hostile [30] to the appointment of outsiders as monks in his foundation, though typically he was quick to make an exception for his own blood relatives or personal favorites. He welcomes [30] donations of landed property in exchange for living allowances (*siteresia*) from the foundation's treasury and was also glad to accept contributions (*prosenexeis*) for liturgical commemorations. Some later reform-minded founders would shun these financial entanglements with the lay world. Also, in a telling detail, Attaleiates did not scruple [19] to subordinate a convent and a monastery which he held in *charistike* to the foundation even though he was unwilling [8] to allow the foundation itself to be subordinated to a *charistikarios*.

3. Foreshadowing of the Monastic Reform Movement

In a few ways, however, (19) *Attaleiates* clearly foreshadows the imminent triumph of the reform movement at the close of the eleventh century. Monks seeking tonsure were generally not to be required to pay an entrance gift (*apotage*) [28], though as usual Attaleiates was willing to suspend the principle if that would be financially advantageous to the foundation. The document has an

inventory (*brevion*) of both movable [INV 1] ff. and landed properties [INV 9] attached, perhaps as a deterrent to theft. A chrysobull of Emperor Nikephoros III Botaneiates (1078–1081) included in the inventory [INV 11] goes so far as to declare that the deconsecration of property used to endow the foundation would be sacrilege (*hierosylia*). Attaleiates did not himself endorse this view, however (see [10], [37]). Finally, the foundation was provisionally [14] to become independent and autonomous in the event of the cessation of Attaleiates' family line.

4. Participation in the Monastic Reform Movement

The documents authored by Nikon of the Black Mountain, himself an active if idiosyncratic participant in the monastic reform, quite naturally reflect the concerns and approaches of that movement. In (20) *Black Mountain*, we find endorsements of manual labor [82], simple, practical clothing as recommended by Basil of Caesarea [75], and the traditional features of cenobitic life [24], [70], [71]. Unlike the situation portrayed in (9) *Galesios* [129], (20) *Black Mountain* [86] seeks to keep the monks sexually segregated, and therefore, like (3) *Theodore Studites* [5] and (13) *Ath. Typikon* [31], bans women and female animals from the vicinity of the foundation. In (21) *Roidion* [B16], Nikon went so far as to ban all animals of any sort, except for a cat spared to track down mice! Unlike (19) *Attaleiates* [30], (20) *Black Mountain* [85] rejects monetary and other donations from outsiders “except as the divine fathers allow.”

Naturally (21) *Roidion*, a document which Nikon of the Black Mountain utilized to aid in his reform of that foundation, is ideologically firmly in the reformers' camp even if the author seems to have lacked the authority to overcome entrenched private property rights [B20] that were obstructing this reform. In this spirit, Nikon declares [B5] that monks should have no personal possessions at all while simultaneously tolerating the status quo in which kelliotic monks used their private incomes to entertain guests.

5. Sponsorship of Philanthropic Institutions

Several of these documents testify to a renewed interest in philanthropic institutions that had once been more common in Byzantium in late antiquity. Nikephoros Phokas' controversial law of 964 restricting new private religious foundations included philanthropic institutions in its regulatory scope.⁹ Later, presumably after the granting of landed endowments to foundations of this sort became legal again (perhaps in 988), Nikephoros Erotikos composed (16) *Mount Tmolos* for his old age home *Ta Derma*. The almshouse at Rhaidestos described in (19) *Attaleiates* [4] is another outstanding example of this interest. Even the bridge over the river Eurotas in the Peloponnesos which Nikodemos, author of (18) *Nea Gephyra*, insists [1] was the *raison d'être* of his foundation could be interpreted, thanks to its public utility, as a kind of philanthropic foundation. There was also already an existing—though perhaps almost entirely secularized—hospice operating on the site when Nikon of the Black Mountain composed (21) *Roidion*, probably at the very beginning of the twelfth century.

6. Concern for the Welfare of the Dependent Peasantry

Just possibly this increased interest in philanthropy also explains a slight but still noticeable inter-

⁹ Nikephoros Phokas, *Novella de monasteriis* (964) (*JGR* 3.292–96, esp. 295–96 = Zepos, *Jus*, 1.249–52, esp. 251–52).

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est in the well-being of peasants, tenants, and other dependents of some of these foundations. In line with this trend, (17) *Nikon Metanoeite* [13] orders that villagers are to be left “untouched and undisturbed,” while (19) *Attaleiates* [39] guarantees such dependents freedom from increases in payments and services. Another document of this era, (9) *Galesios* [246], instructs that peasants should not be oppressed in the event that a foundation’s estates failed to yield a surplus.

7. Protection against Predators

The founders portrayed in these documents relied chiefly on the protectorate for the protection and financial support of their foundations, but they were also eager to utilize other means of protection and attempted to keep income and expenses in balance. Curses against would-be malefactors would become a standard “boilerplate” feature of Byzantine monastic foundation documents by the mid-eleventh century (see (9) *Galesios* [246]; cf. (8) *John Xenos* [2]). They appear in the documents in this chapter in (16) *Mount Tmolos* [5], (17) *Nikon Metanoeite* [5], (18) *Nea Gephyra* [4], and (19) *Attaleiates* [8], [23], [46].

In an affirmative sense, some of our authors also sought to enlist the support of the patron saint for the sake of heavenly protection. Thus (19) *Attaleiates* [7], cf. [45] makes an impassioned address to the deity for assistance against the many possible predators who might harm his foundation. The author of (17) *Nikon Metanoeite* provides a triple dedication for his foundation, while the author of (16) *Mount Tmolos* [1] seeks to associate the Mother of God with the old age home *Ta Derma*. Neither goes as far as Nikon of the Black Mountain, who in (21) *Roidion* [B20] expresses confidence that the Mother of God herself could be relied upon to manage the foundation, even without any “earthly revenues.”

8. Limitations on Numbers of Monks to be Supported

Founders in this era seem generally to have endorsed the “smaller is better” philosophy (see above, Chapter Two, Concerns of the Authors) with respect to the size of their foundations, thereby anticipating or (subsequently) endorsing the views of those monks who in 1045 opposed the ever-expanding economic activities of the larger Athonite monasteries as described in (15) *Constantine IX* [10], [11], [13]. Thus we see the author of (16) *Mount Tmolos* limiting the number of monks [1] to twelve (plus the superior) and assistants in the old age home [2] to four. (17) *Nikon Metanoeite* does not set precise limits for the residents in that foundation, but seems to have envisioned [7] a one-for-one replacement scheme. The author of (19) *Attaleiates* indicates [27] that his endowment would at present allow the appointment of only five monks although he hoped additional donations would allow up to seven to be supported eventually. Bishop Manuel of Stroumitza, the author of (10) *Eleousa* [5], a contemporary document, similarly limited the number of monks in his foundation to ten, though he too hoped for an increase, provided circumstances permitted.

Thus most founders in this era wanted to keep the number of residents carefully matched to the available income. Even in (21) *Roidion*, where the resident kelliotic monks appear to have divided up [A2] the foundation’s income into individual hereditary shares [B11], the author Nikon of the Black Mountain agonizes [A3], [B13] over who was truly entitled to financial support. Unlike Attaleiates and Manuel, however, Nikon was actively opposed [B17] to additional acquisitions of landed property, considering them harmful to souls and displeasing to God.

9. Preservation of Foundation Documents

Finally, the precautions of the founders for the physical preservation of their foundation documents are noteworthy. The length to which the authors of the monumental inscriptions (16) *Mount Tmolos* and (18) *Nea Gephyra* went to secure the permanence of their regulations is self-evident. The author of (17) *Nikon Metanoeite* [Conclusion] instructs two members of the local nobility to seal and preserve his testament. (19) *Attaleiates* [40] provides the first detailed instructions for the safekeeping, use, and preservation of monastic foundation documents. The mandate to use an authentic copy instead of the original for ordinary purposes seems particularly prudent. Ironically, it is an isotype which is the surviving basis for the text of this document.

E. Historical Context

1. Coincidence with the Era of the *Charistike*

The era represented by the documents in this chapter happens to coincide with nearly the entire history of the *charistike*, that controversial public program for the donation of mostly private religious institutions to concessionaires unrelated to the original founders.¹⁰ For the *charistike* was originated by the imperial government and the ecclesiastical hierarchy probably sometime in the last quarter of the tenth century, grew to encompass most of the empire's religious foundations during the course of the next hundred years, and yet was completely discredited by the beginning of the twelfth century.

2. Immediate Impact on our Early Authors

Of the two clusters of documents in this chapter, the earlier group from the late tenth through the early eleventh centuries coincides with the origins of the *charistike*, the outbreak of the first opposition to its use, and its relatively rapid degeneration into an abuse-prone program remarkably resistant to reform (see above, Chapter Two, Historical Context). Almost from the beginning our authors recognized the potential peril that the *charistike* posed for their foundations, and it surely was an important reason why, sometime after 993, Athanasios set aside his earlier commitment to monastic autonomy and self-governance and instead saw fit to embrace the protectorate in (14) *Ath. Testament* [4] ff. Other founders represented by the authors in our first group of documents did likewise.

3. Resistance of the *Charistike* to Reform

With the advantage of hindsight, it is easy to be as critical of the fateful decision of Patriarch Alexios Studites to attempt to reform rather than abolish the *charistike* in 1027–28 as it is to mock the naive disposition of contemporary founders to trust to the protectorate for protection from it. Even if we did not have the rather startling claim of John V the Oxite, Patriarch of Antioch, more commonly known as John of Antioch, that the *charistike* had been imposed on virtually all

¹⁰ For the *charistike*, see the works cited in the General Bibliography, XXIV: Monasticism and the *Charistike*.

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of the empire's monasteries by the late eleventh century,¹¹ the extreme difficulty and ultimate futility of Alexios Studites' attempt at reform can be demonstrated by comparing some of his regulations with information from the documents in this chapter.

Particularly useful in this connection is (19) *Attaleiates*, the only one of the documents in this chapter to mention the *charistike* specifically. Despite Alexios Studites' requirement that men were not to be granted a *charistike* over a convent of nuns,¹² (19) *Attaleiates* [19] records the author's son Theodore's status as second *charistikarios* of a convent of St. Prokopios at Rhaidestos which had been destroyed in a civil insurrection and rebuilt by the author. Alexios Studites had also instructed bishops to withhold monasteries that served as their own residences (i.e., *episkopeia*) from concession under the *charistike*,¹³ yet in (19) *Attaleiates* [19] we find the author is the owner of a church of the Archangel Michael in which the see of the bishop of Rhaidestos had once been located. In another regulation, the patriarch condemned local magnates who usurped the rights of public churches (*katholikai ekklesiai*) for their own private foundations,¹⁴ yet virtually simultaneously we find Nikodemos, the author of (18) *Nea Gephyra* [2], banning the local bishop and his clergy from this Peloponnesian foundation.

In one respect Alexios Studites' legislation appears to have had some success: (19) *Attaleiates* [19] carefully distinguishes the author's son Theodore's position as secondary beneficiary of the two institutions subordinated to and supported by his foundation. This suggests that a perpetual hereditary *charistike* had not succeeded in taking root some fifty years after Alexios forbade the original recipients to transfer their rights under the program to parties not named in the original grants of donation.¹⁵

4. Progress of the *Charistike* Discredits the Protectorate

The evidence suggests then that the fifty-year gap between the first and the second group of documents in this chapter saw not only a great expansion in the comprehensiveness of the *charistike* coupled with increasing unscrupulousness on the part of its beneficiaries but also a discrediting of the protectorate, as is evident in (24) *Christodoulos* [A16]. Indeed, the institution's ineffectiveness became manifest, and it has been suggested that the title of protector may have eventually become simply a euphemism for *charistikarios*.¹⁶ During this nightmarish interval, traditional patrons seeking to shield their foundations from the *charistike* had few options. As (18) *Nea Gephyra* [2] anticipates, a founder could appeal to the emperor as a guarantor of institutional independence, a stratagem actually employed by the stylite monk Lazarus in (9) *Galesios* [223],

¹¹ John of Antioch, *De monasteriis*, chap. 9, ed. P. Gautier, "Réquisitoire du patriarche Jean d'Antioche contre le charisticariat," *REB* 33 (1975), 109.

¹² Alexios Studites, *Hypomnema A'* (R&P 5.22); for another example of this, see Eustathios Rhomaios, *Peira* 15.16 (*JGR* 1.48 = Zepos, *Jus*, 4.54).

¹³ *Hypomnema B'* (R&P 5.30–31).

¹⁴ *Hypomnema B'* (R&P 5.31–32).

¹⁵ *Hypomnema A'* (R&P 5.22).

¹⁶ See Hélène Ahrweiler, "Charisticariat et autres formes d'attribution de fondations pieuses aux Xe–XIe siècles," *ZRVI* 10 (1967), 1–27, at 3; repr. *Études sur les structures administratives et sociales de Byzance* (London, 1971), art. VII.

or else the founder might seek to obtain imperial assistance in extricating a foundation from a mass of entangling legal appeals in secular courts as the Athonite monks did in (15) *Constantine IX*. Yet appeals to the emperors in this period were surely perilous, for they were the co-sponsors of the *charistike*, and, as time went on, increasingly liable to treat ecclesiastical property cavalierly, as the extensive confiscation of ecclesiastical revenues by Emperor Isaac I Komnenos (1057–1059) demonstrates.¹⁷

5. First Influences of the Monastic Reform Movement

The first document in the second group, (19) *Attaleiates*, not only shows some of the end results of a half-century of officially sanctioned depredations against the empire's traditional private religious foundations but also reflects some of the ideological ferment that was going on in contemporary reform circles. Although he himself was a traditionalist by instinct rather than a reformist ideologue, Attaleiates had observed and recorded the confiscations by Isaac I Komnenos some twenty years earlier.¹⁸ Like the contemporary authors of more reform-oriented documents such as (22) *Evergetis* [19], (23) *Pakourianos* [32], and (10) *Eleousa* [21], Attaleiates was sufficiently affected to assert [10] the irrevocability of the grants he had made to his foundation. He even uses the phrase “for that which has once been consecrated to God cannot be shared” which would become part of the credo of the monastic reform party: cf. (22) *Evergetis* [37]’s very similar “for what has once been consecrated to God must not be taken away.”

6. The Affair of Leo of Chalcedon

In 1077 this notion of inalienability was still a very controversial opinion, as the reformer Leo, metropolitan of Chalcedon, would discover some years later in 1086 when he provoked outrage by flatly condemning all alienations of consecrated property (except for those transferred under *epidosis*) in the course of his trial by Emperor Alexios I Komnenos (1081–1118) that then promptly led to the prelate's temporary deposition from office.¹⁹

The triggering incident that ultimately brought Leo to trial before the emperor was a clumsy expropriation of consecrated ecclesiastical property in Constantinople carried out by Alexios Komnenos' brother the *sebastokrator* Isaac in 1081.²⁰ In the course of a long struggle to get the imperial government to repudiate this action and perhaps make restitutions, Leo wrote to the emperor during the summer of 1082 urging an investigation based on the inventories (*brevia*) of

¹⁷ For Isaac Komnenos' requisitions, see Michael Attaleiates, *Historia*, ed. I. Bekker, *CSHB* (Bonn, 1853), pp. 60–62; Michael Psellos, *Chronographia* 7.60, ed. E. Renauld (Paris, 1926–28); and John Zonaras, *Epitome historiarum*, ed. M. Pinder, *CSHB* (Bonn, 1897), 18.5, along with the critical discussion of these sources by Ahrweiler, “Charisticariat,” pp. 20–21.

¹⁸ See Alexander Kazhdan and Simon Franklin, *Studies on Byzantine Literature of the Eleventh and Twelfth Centuries* (Cambridge, 1984), chap. 2: The Social Views of Michael Attaleiates, pp. 23–86, esp. 73–76.

¹⁹ See *Semeioma epi te kathairesei tou Chalkedonos*, ed. I. Sakkélion, “Décret d'Alexis Comnène portant déposition de Léon, Métropolitain de Chalcédoine,” *BCH* 2 (1878), 102–28, at 123–24.

²⁰ See especially Apostolos Glavinas, *He epi Alexiou Komnenou (1081–1118) peri hieron skeuon, keimelion kai hagion eikonon eris* (Thessaloniki, 1972), for a narrative of the controversy.

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the affected institutions.²¹ During the winter of 1083–84, the emperor agreed to this demand and announced plans for making good any losses detected in the course of this inquest. The existence of inventories like that included as part of (19) *Attaleiates* made such a demand possible; but not all private benefactors were willing to be bound in such an obvious way to the irrevocability of their donations even if, like Bishop Manuel of Stroumitza, the contemporary author of (10) *Eleousa*, they were willing [18] to endorse the concept in principle.

7. Revival of the Study of Canon Law

A renewed interest in canon law was another feature of the monastic reform towards the end of the eleventh century. Even an opponent of the reform movement like the Komnenian princess and historian Anna Komnene professed to respect canon law, and she for one could not resist criticizing (accurately) Leo of Chalcedon for his insufficient understanding of the canons.²² Therefore it is not entirely surprising to find even Attaleiates, who as a traditionalist private benefactor is hardly notable for his adherence to the letter of canon law, nevertheless appealing to it in (19) *Attaleiates* [9], wholly inaccurately maintaining that “no canon could be found which would sanction changing or transgressing the commandments of the founders.”

8. Recognition of the Sacral Character of Ecclesiastical Property

At about this same time in the 1070s, the enormously influential reform *typikon* (22) *Evergetis* was making bold to assert [37] that alienations of consecrated property were sacrilegious. As noted above, the use of the term “sacrilege” in this connection also turns up, of all places, in the imperial chrysobull of Nikephoros III Botaneiates dated to 1079 and included in (19) *Attaleiates* [INV 11]. It would appear then that despite the indignant reception that Alexios Komnenos gave Leo of Chalcedon’s assertion at his trial that all alienations of consecrated property to laymen were “impious,” reform ideas had already penetrated into some seemingly unlikely places. This may be one of the factors which helps to explain the relatively rapid triumph of the reform party after the restoration of Leo to official favor in 1094 (see below, Chapter Four, Historical Context).

9. The Reformers’ Campaign against the *Charistike*

Until the triumph of the reform (which Attaleiates did not himself live to see), the *charistike* continued to pose a very serious threat to the autonomy of private religious foundations. In the meantime, by the 1070s founders of various ideological stripes had united in condemnation of that beleaguered program, including the traditionalist authors of (19) *Attaleiates* [8] and (10) *Eleousa* [18], both of whom gave only a reluctant endorsement to the independent and self-governing form of monastic organization that would dominate during the next century, and of course the reformers like the authors of (22) *Evergetis* [12] and (23) *Pakourianos* [3], who embraced it enthusiastically.

Simultaneously, the patriarchate of Constantinople was waging its own long, determined campaign to curtail abuses in the *charistike*, beginning with a few gestures under Patriarch Eustratios

²¹ Leo of Chalcedon, *Epistole pros ton basilea Alexion ton Komnenon*, ed. Alexandros Lavriotes, “Historikon zetema ekklesiastikon epi tes basileias Alexiou Komnenou,” *EA* 20 (1900), 403–4.

²² Anna Komnena, *Alexiad* 7.4, cf. 5.2, ed. B. Leib (Paris, 1937–76), vol. 2, pp. 101–2, 11–13; *Semeioma*, ed. Sakkélion, “Décret,” 102–28, at 123, n. 3 and 127, n. 2.

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Garidas (1081–1084), gathering considerable force under Nicholas III Grammatikos (1184–1111), and continuing under John IX Agapetus (1111–1134), backed by the support of Emperor Alexios Komnenos throughout.²³ A more cautious approach than that desired by ideologically motivated partisans like John of Antioch, it sought at first the reform rather than the overthrow of the *charistike*, though in the end that notorious program's demise was inevitable.

10. Revival of the Protectorate by the Reformers

The fairly sudden triumph of the reform party left its partisans with a colossal task of reconstituting a huge number of institutions wrecked by the *charistike* over the course of the previous century or longer. Just as Attaleiates found a use for a very different kind of protectorate to direct his private foundation in the declining years of the *charistike*, some reformers also began to experiment with a revival of the protectorate for their own purposes.

John of Antioch was one of Nikon of the Black Mountain's superiors as patriarch of Antioch (1089–1100). Perhaps it was under a mandate from him that Nikon served as spiritual corrector for the monastery and hospice represented by (21) *Roidion*. John had taken up the campaign of Leo of Chalcedon against imperial requisitions of ecclesiastical property, and was the author of the landmark reformist tract *De monasteriis*, a scathing critique of the *charistike*.²⁴ A layman, with the role if not also the title of protector, had been appointed by an unnamed local ruler to assist Nikon and provide for the physical needs of the foundation. Despite this assistance, Nikon experienced considerable difficulty in instituting a reform at *Roidion*, a foundation that he judged to have been practically ruined by "spiritually destroyed" officials, worldly monks, and their lay relatives. The foundation's monks appear to have abandoned cenobiticism for a kelliotic or idiorhythmic lifestyle in which they neither prayed together nor shared meals. They did divide up the foundation's assets into individual, hereditary shares like monastic "fellowships" or benefices, which the Byzantines knew as *adelphata*.²⁵ How this foundation had come upon this state of affairs cannot be determined from (21) *Roidion*, but one possibility is that a recently removed *charistikarios* had joined with the monks and other residents in splitting up the hospice's assets into individual benefices.

As this document indicates, the protectorate, which had had a most unpromising beginning as a generally ineffective defense against the *charistike*, was to have a second life as a useful adjunct to the independent and self-governing monasteries of the twelfth and later centuries (see below, Chapters Five and Six).

²³ For the patriarchal reform, see the documents assembled by Jean Darrouzès, "Dossier sur le charisticariat," in *Polychronion: Festschrift Franz Dölger* (Heidelberg, 1966), pp. 150–65, and my own *Private Religious Foundations*, pp. 199–213.

²⁴ John of Antioch, *De monasteriis*, ed. Gautier, "Réquisitoire," 77–132.

²⁵ For the *adelphata* and other analogues to ecclesiastical benefices, see Emil Herman, "Bénéfices dans l'église orientale," *DDC*, vol. 2, cols. 706–35, and "Zum kirchlichen Benefizialwesen im byzantinischen Reich," *SBN* 5 (1939), 657–71.