

This is an extract from:

Byzantine Monastic Foundation Documents:

A Complete Translation of the Surviving Founders' Typika and Testaments

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Published by

Dumbarton Oaks Research Library and Collection

Washington, D.C.

in five volumes as number 35 in the series **Dumbarton Oaks Studies**

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Trustees for Harvard University

Washington, D.C.

Printed in the United States of America

www.doaks.org/etexts.html

19. *Attaleiates: Rule of Michael Attaleiates for his Almshouse in Rhaidestos and for the Monastery of Christ Panoiktirmon in Constantinople*

Date: March 1077

Translator: Alice-Mary Talbot

Edition employed: Paul Gautier, “La diataxis de Michel Attaliate,” *REB* 39 (1981), 5–143, with text at 17–130.

Manuscripts: Codex Constantinopolitanus Metochii Sancti Sepulchri 375, now in the National Library, Athens (March 1077), an isotype of the original document, supplemented by Codex 85, nunc 79, Theological School, Halki, now in the Patriarchal Library, Istanbul (1761).¹

Other translations: French, by Gautier, “Diataxis,” pp. 16–128.

Institutional History

The founder Michael Attaleiates, judging from his name, was a native of Attaleia, where he was born ca. 1020–1030.² A self-made man, he became a senator and a judge. He is best known as the author of a *History* which covers the years 1034–1079/80.³ According to the *Rule* below, he acquired various properties at Rhaidestos on the north coast of the Sea of Marmara and at Constantinople, chiefly from the estate of his first wife Sophia and her relatives.⁴ Attaleiates chose to dedicate most [3], [16] but not all [17] of these properties to a unified charitable foundation with facilities in both locations, specifically an almshouse at Rhaidestos [4] and a church of Christ *Panoiktirmon*, “All-Merciful,” at Constantinople. Originally Attaleiates intended [11] for the church to be staffed by regular clergy, but fearing perhaps that this might lead to its being taken over by the ecclesiastical authorities, he changed his mind and decided to employ monks instead.

Fundamentally, Attaleiates conceived of this as a private foundation, but to arm it against predators he set [10] a protectorate (*ephoreia*) over it, to commence with his son Theodore and to continue first in the direct and thereafter in the collateral lines of his descendants. It is unclear how long Attaleiates lived after the issuance of his *Rule* in 1077. He was still alive to receive a chrysobull from Emperor Nikephoros III Botaneiates (1078–1081) in 1079.⁵

Little can be surmised about the foundation’s fate after Attaleiates’ death. The books listed in [INV 14], cf. [INV 17] were acquired after both Attaleiates and Theodore had died, and those in [INV 13] were given to the foundation from their estate. Lemerle (*Cinq études*, p. 112) assumes the foundation became independent under the provisions of [14], perhaps because the superior Michael appears as a donor of books in his own right in [INV 7] and [INV 12]. This bequest likely took place in 1085. The record of an unnamed superior of “the monastery of Attaleiates” having participated in the Synod of Blachernai at which the reformer Leo of Chalcedon was rehabilitated in late 1094 is the last mention of the foundation in our historical sources.⁶ A donor, Manuel Boutoumites, mentioned in [INV 17] was one of Alexios Komnenos’ generals and later served

19. ATTALEIATES

him on a diplomatic mission to the Crusader Kingdom of Jerusalem in 1111/12. The foundation's fate, however, is unknown, though Lemerle speculates that it may have been absorbed by one of the capital's powerful monasteries or by the patriarchate.

Analysis

This document, which is prefaced by an extended autobiographical introduction [1] composed in the rhetorical style, was drawn up by its author, Michael Attaleiates, in 1077, at what was perhaps the time of greatest peril to private foundations from the *charistike* and other forms of government intervention and confiscation of assets. It is not surprising then that Attaleiates should have been extremely concerned (one might say almost paranoid) about future threats to his foundation (see esp. [38], [43]). He was certainly aware of the relatively new independent form of government for monastic foundations, yet like Manuel of Stroumitza, author of (10) *Eleousa*, he found it difficult to make the radical break with the traditional patronal customs required for utilizing this type of organization from the beginning for his own foundation. Essentially, Attaleiates was unwilling to put trust in anyone but his son Theodore and his expected descendants to protect the foundation, despite the risks he knew this entailed, that it might fall [25] into the hands of an unworthy descendant or that his entire family line might eventually die out [38]. Therefore, the contemporary overlays of a protectorate [10] and conditional institutional self-governance [14] notwithstanding, Attaleiates' *Rule* is exceptionally valuable for its illustration of the mores and governance of traditional private religious foundations typical in preceding centuries.

A. Lives of the Monks

Constrained by his old-fashioned patronal preoccupations as well as his choice of a testamentary format, Attaleiates offers [29] very little in the way of legislation on the observances of monastic life and liturgical observances such as are commonly found in contemporary *typika*. These matters were presumably treated in detail in a now lost *typikon* that Attaleiates claims [32], to have authored personally. This *typikon* evidently prescribed a doxology of day and night offices, conducted under the supervision of Attaleiates' personally chosen ecclesiarch Antony, who is said [30] to be "familiar with the monastic rules of the church."

Although Attaleiates himself was not a magnate of the highest social class, this was an aristocratic monastery. The limit on the number of monks was fixed [27] at seven though at the time he drew up the *Rule* Attaleiates was able to support only five. They were to receive [33], [35] annual allowances (*rogai*) and were allowed to have [42] servants who were entitled to be pensioned off if they survived their monastic masters. Unlike Athanasios the Athonite, who in (13) *Ath. Typikon* [48] bans eunuchs from Lavra, Attaleiates actually requires [30] that his monks be eunuchs, though in practice he was willing to allow for such exceptions as his own relatives and donors of real property. Following conservative practice, Attaleiates was unwilling [30] to accept monks tonsured in other institutions (*xenokouritai*) except, again, for some personal favorites.

B. Administrative Matters

1. Private Administration by the Founder's Heirs

This document is profoundly old-fashioned in the sense of being primarily concerned with the transmission of the foundation as family property. Attaleiates appoints [10] his son Theodore, a layman, as director of the almshouse (*ptochotrophos*)—as any private founder might—in the capacity of a protector, and sets up a hereditary line of succession to this office. As had been the case since the time of (1) *Apa Abraham* [5], precautions needed to be taken, therefore, to assure that the foundation was not subsequently secularized by the founder's descendants. Although Byzantine canon law had sought to maintain the irrevocability of endowments for private ecclesiastical foundations since the fifth century, the principle is acknowledged [10] here by a private benefactor for the first time in the documents in our collection.

2. Patronal Privileges

Theodore and his heirs had the right [26], cf. [29] to preside over the election of and grant recognition to the superior and the steward. Theodore could also rule [26] the foundation directly without any obligation to allow the election of a superior. With respect to Theodore, Attaleiates declares [33] “I want everyone to love and be in awe of him, to respect and fear him.” A superior could be removed [26] for showing a haughty attitude towards or causing difficulties for Theodore or another of Attaleiates' heirs. All officials were admonished [12] to show “respect and submission and honor and obedience” to the heirs, and the foundation's property manager was obliged [23] to render an account of receipts and expenditures to them too. Attaleiates' heirs were also to preside [29] over community reconciliations and resolve all disputes; their judgment was to be “binding and irrevocable” with no appeals allowed to external authorities.

So strong was Attaleiates' personal confidence in Theodore that he was willing to allow [33], cf. [10] the monks to hold him accountable only for alienating donated properties, holding back funds for specified pious donations (*psychika*), and altering the terms of the *Rule* itself. Yet even under these circumstances Theodore was to merit only a “mild reprimand.”

3. Provisional Institutional Independence

Like Manuel of Stroumitza, author of (10) *Eleousa* [18], Attaleiates gives [14] a conditional endorsement to the increasingly popular idea of the “independent and self-governing” institution reluctantly, almost as an afterthought to his own elaborate provisions for the governance of his foundation along traditional lines of private management.⁷ He was willing to allow the foundation institutional self-governance only once his entire line of descendants had come to an end. Interestingly, the availability of any suitable collateral relatives [13] or even female descendants [10] would serve to postpone this event.

4. Precautions against External Interference

As the author of (8) *John Xenos* [2] did earlier in the eleventh century, Attaleiates judged (rightly) that even emperors, patriarchs and other ecclesiastical officials should not be exempt from his admonitions [7], [8] to leave the foundation undisturbed. He specifically forbids [8] the appointment of a *charistikarios* or an (outside) protector. He also makes [9] a sophisticated (if desperate) appeal to canon and secular law as support for upholding the inviolability of a testator's will. Also,

19. ATTALEIATES

like Manuel of Stroumitza in (10) *Eleousa* [18], Attaleiates makes an attempt to attribute institutional ownership to a heavenly patron, here the deity himself, which can be seen as another attempt to gain some measure of institutional security from greedy but perhaps God-fearing predators.

5. Preservation of the *Rule* and Other Important Documents

From the late eleventh century onwards, patrons like the author of (23) *Pakourianos* [33] begin to show an increasing appreciation of the value of preserving *typika*, property deeds, imperial privileges and other important papers for the well-being and security of their foundations. There are some especially detailed precautions [40] to this end here in this document, ultimately successful, it would seem, given the *Rule*'s preservation to our own day in a contemporary isotype long after the disappearance of the foundation itself. The *Rule* also contains an inventory (*brevion*), the earliest one preserved along with a monastic *typikon*. Attaleiates expectantly announces [44] his reservation of several blank pages in the document for the transcription of another expected imperial chrysobull (that is, [INV 11]) as well as future acquisitions of property.

C. Financial Matters

1. Financial Administration

Attaleiates planned [16] to support the foundation with a combination of revenues from landed properties and rental incomes from urban real estate.⁸ As noted above, he was obliged [27] to limit the number of resident monks to correlate with the expected income from the endowment. Attaleiates claims [22] that he has exploited his connections at court to obtain "total immunity" from imperial taxation for his immovable properties; the exemption supposedly applied [17] also to family properties that he kept out of the bequest to the foundation. The attached imperial chrysobulls, [INV 10] and [INV 11], however, are not as generous as he would have us believe (see below). Salaries and other expenses for the foundation had first claim [24] on the annual income. A third of the balance was to be saved for future needs and two-thirds given to Theodore as a private profit for which he "does not have to render an account or submit to an inquiry." Theodore's heirs were to enjoy the same entitlement. This is the most explicit testimony in any Byzantine source to the entitlement of a founder and his heirs to a share in the "surplus" income of a private religious foundation. The monastery's steward, Attaleiates' appointee Michael [41], and, as noted above, the foundation's property manager [23] were both accountable to Attaleiates' heir.

2. Other Sources of Income

As might be expected from a patron of traditional tastes, Attaleiates was happy to accept [30] outside financial support (*prosenexeis*) in exchange for liturgical commemoration or a donation of landed property in exchange for payment of a living allowance (a *siteresion*), both of which would be viewed more critically by future reformers. In [INV 4] he indicates that future donors of immovable or movable property (i.e., sacred vessels, books, etc.) were to receive perpetual commemorations in the daily offices. Subsequent donations of this nature, faithfully recorded in the *Rule*'s inventory (from [INV 5] onwards), demonstrate that the foundation was not disappointed in the fulfillment of Attaleiates' expectation of additional benefactions.

3. Imperial Immunities

Attaleiates had already obtained an imperial chrysobull from Emperor Michael VII Doukas (1075) before he finished work on his *Rule*, and, as he anticipated in [44], he was able to obtain another chrysobull, from Nikephoros III Botaneiates (1079), subsequently. The two chrysobulls were transcribed into the *Rule*'s inventory, ensuring their preservation along with the document. These chrysobulls make clear [22] that what Attaleiates actually succeeded in obtaining from these emperors was considerably less than the phrase "total immunity" might seem to imply. Michael VII's chrysobull [INV 10] states that Attaleiates' properties are to "pay only that amount exacted from them annually up to this point, whether it is taxes, or some other kind of payment." What the "immunity" consisted of was exemption from any new burdens of taxation or services, particularly those of an arbitrary, unpredictable nature. The chrysobull of confirmation from the ruling emperor Nikephoros III [INV 11] quotes extensively from the earlier chrysobull and seems to extend the immunity already enjoyed by the donor's properties at Rhaidestos to those at Constantinople. Additionally, it implicitly prohibits the establishment of a *charistike* over the foundation and endorses the doctrine of inalienability espoused by Attaleiates in the *Rule*, even going a bit further by declaring that the deconsecration of property used to endow a religious foundation was sacrilege (*hierosylia*). It is most interesting to see what would in just a few short years become a highly controversial tenet of ecclesiastical reformers like Leo of Chalcedon turning up here ahead of time in, of all places, an imperial chrysobull.

D. Relationship to the Monastic Reform Movement

As a patron, Attaleiates was no innovator like his contemporaries Timothy, author of (22) *Evergetis*, or Gregory Pakourianos. To be sure, he does show [39] a concern for the welfare of the dependent peasantry (*paroikoi*) and the free tenants whose labors and payments made the foundation possible, a concern that may have been a residual legacy of the imperial agrarian legislation of the tenth century and that would be taken up again by some future founders in the monastic reform tradition. To his credit Attaleiates was also keenly aware of many of the most troublesome problems endemic in the traditional system of private religious foundations, including their vulnerability to outside predators, of course, but also the consequences of the eventual extinction of a founder's family line [13], [14] and of permitting [27] institutional growth to outstrip the resources available from a foundation's endowment. In almost every matter of difficulty, however, his instinct was to rely upon the solutions developed over the centuries by patrons working within the confines of traditional private philanthropy. His use of *ephoreia*, a newer concept, was more a bow to linguistic fashion than a substantive adaptation of this form of patronage, for in all essentials he assimilated his foundation to the more familiar one of old-fashioned patronal ownership (*ktetoreia*). It was chiefly in his reluctant acceptance of the eventuality of institutional self-governance that Attaleiates anticipated the future of Byzantine reform monasticism.

As might be expected from a document authored by this kind of patron at a time of revolutionary institutional and ideological change, there are several inconsistencies of note within the *Rule*. While Attaleiates provides [25] for the punishment of the foundation's officials (even his own heirs) if they were found guilty of theft, he was willing to allow [24] his heirs a "legitimate" share of the foundation's income. Also, while Attaleiates specifically warns against the peril posed

to the foundation by the *charistike* [8], the foundation itself apparently was to inherit Attaleiates' responsibilities as a *charistikarios* to support a nunnery and a monastery [19]. Lastly, he apparently saw no inconsistency in awarding [12] his heir Theodore the title of protector shortly after having prohibited [8] the establishment of an (external) *ephoreia*.

E. Revisions and Stages of Composition

Like (29) *Kosmosoteira*, this is a disorganized, repetitious document. The author's practice of returning to subjects he has treated already in the *Rule* is a sure sign of multiple stages of composition. In [37], for instance, Attaleiates re-evaluates his provisions in [25] providing for the punishment of dishonest officials, most particularly his own heirs in their capacity as protectors. His revisions, made perhaps after complaints from his family, have the effect of significantly moderating the previous penalties, allowing even dishonest heirs some consolation for deposition from office in terms of a pension or a lifetime claim on half of the foundation's surplus income. Also, after addressing the issue twice before in [10] and [37], Attaleiates thought he needed to re-emphasize in [46], perhaps against the trend of contemporary opinion, the eligibility of his female relatives for the *ephoreia*. Perhaps to calm concerns, he notes here that he expected that a responsible husband, son or male servant would actually exercise the responsibilities of the office for the female protector. Then, with an eye to the interests of his descendants, Attaleiates rescinds [46] an earlier provision [17] of his *Rule* which could be interpreted to mean that the property of his childless heirs would automatically be inherited by the foundation.

Attaleiates also had second thoughts about how the foundation would choose a superior once his own family line had become extinct. In [38], he obliges the monks, should the foundation become independent, to present their choice to the superior of the Stoudios monastery for the blessing (*sphragis*). Attaleiates is at pains to state here that this right of bestowing the blessing should not be seen as excuse for the superior of Stoudios to assert a right to an *ephoreia* over the foundation. Should he do that anyway, Attaleiates instructs the eparch (urban prefect) to appoint the new superior instead. Nevertheless Attaleiates worried that even the eparch might assert a claim to the *ephoreia* [34], and sought to buy his good will with a cash donation and a listing for liturgical commemoration in the foundation's diptychs.

All told, Attaleiates revisits at least nineteen topics in the course of the *Rule* proper, exclusive of the inventory.⁹ A preliminary analysis of these repetitive treatments suggests at least eight stages of composition.¹⁰

Notes on the Introduction

1. See Gautier, "Diataxis," pp. 6–11, and Lemerle, *Cinq études*, pp. 67–71.
2. See Lemerle, *Cinq études*, p. 76, n. 8, in preference to Tsolakis, "Aus dem Leben," pp. 5–7.
3. *Historia*, ed. I. Bekker, *CSHB* (Bonn, 1853).
4. (19) *Attaleiates* [1], [4], [5], [6].
5. Dölger, *Regesten*, no. 1042 = [INV 11] below.
6. See Paul Gautier, "Le synode des Blachernes (fin 1094). Étude prosopographique," *REB* 29 (1971), 213–84, esp. 220, 280.

ELEVENTH CENTURY

7. Cf. the discussion of the foundation's status in Lemerle, *Cinq études*, pp. 103–5. esp. 103: “Bref, la fondation est, en ce monde, la propriété personnelle d’Attaliate . . .”
8. See Lemerle, *Cinq études*, pp. 99–112, for a full discussion of Attaleiates’ personal fortune and the economic basis for his foundation.
9. Note repetitious treatments of: [6] administrative union of the two facilities, cf. [11]; [10] succession to the *ephoreia*, cf. [13]; [9] prohibition of institutional subordination, cf. [14]; [7] appeal for heavenly protection, cf. [15]; [10] heirs’ obligation to pay compensation, cf. [25], [37]; [10] Theodore’s immunity from expulsion, cf. [33], [37]; [10] eligibility of women for the *ephoreia*, cf. [37], [46]; [13] succession of collateral relatives, cf. [43]; [14] conditions for self-governance, cf. [38]; [24] Theodore’s optional appointment of a superior, cf. [26]; [24] allocation of surplus income, cf. [37]; [26] desired attributes of the superior, cf. [29]; [28] discussion of entrance gifts, cf. [30]; [21] liturgical *typikon*, cf. [32]; [31] recitation of the *trisagion* for the emperor, cf. [43]; [33] monks’ allowances, cf. [35]; [33] reading of the *Rule*, cf. [41]; [34] possibility of lawsuits, cf. [43]; and [38] Studite superior’s role in the consecration of the superior, cf. [41].
10. I, [1] through [10]; II, [11] through [24]; III, [25] through [27]; IV, [28] and [29]; V, [30] through [34]; VI, [35] through [40]?; VII, [41]? through [45]; and VIII, [46].

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19. ATTALEIATES

Translation

A rule composed with the help of God by Michael Attaleiates the *patrikios*, *anthypatos*, judge of the hippodrome and the *velum*, for the poorhouse and monastery established by him, [prescribing] the proper management of their affairs in perpetuity, to the glory of the Father, Son and Holy Spirit.

[1. Founder's autobiography]

Thanks be to God who is capable of all things and disposes everything for the better, I mean the consubstantial and indivisible Trinity which is without confusion. For through it men have been deemed worthy of great gifts which transcend human nature, and to it every achievement is referred, and by it were magnified men who thought that no one could admire them on account of the frailty which humbles them. Of this Trinity I am a worshipper and servant, I, [p. 19] Michael Attaleiates, *patrikios*, *anthypatos* and judge; for I was taught this reverence from childhood by my most faithful parents,¹ who had as their ancestral [inheritance] an orthodox and right-minded attitude toward God. Therefore I have been delivered from many different misfortunes, even though born in a foreign land,² and I have enjoyed many blessings, and possess some learning through this ineffable and inexhaustible divine source of knowledge. For I did not receive any property whatsoever in the metropolis of culture, the Queen of Cities,³ as an inheritance from one of my ancestors. I did not even own the property which I formerly possessed in the land of my birth, since I had decided to divide it all among my sisters, and had added to my ancestral property much of my own. But while I was in search of culture, I acquired in addition to these the necessities of life and that which men define as earthly prosperity, with God always managing my affairs, as I have already said. On account of his great goodness he showed his divine assistance in my leisured and simple life, and cared for my body with the incomprehensible limits of providence. Therefore, although I seemed to be facing many obstacles, and surrounded by wicked jealousies, especially because of the foreign origins of my family, in the end everything turned out well and fine.

After a period of bachelorhood, I was married for several years. When I lost my wife,⁴ who died in her prime, I received nothing from her final will and testament except for a small house, a pittance, since I approved her desire to give everything to God through distribution to the poor. By virtue of my right as executor I cooperated with her mother, without any hindrance, in carrying out her will, and together with her distributed everything. I acquired all of my property in good faith at my own expense, and I bought her estate at Selokaka for a very high price, the *nomophylax* having been appointed, by imperial order, curator for the sale in my place and that of my mother-in-law and co-executor, as the bill of sale and the subsequent memorandum most clearly state. In this bill of sale it is mentioned that the entire price of the property of Banitzes was wholly allocated for distribution to the poor.

Therefore since I have received such great blessings from the kind and merciful right hand of the Pantokrator, I the sinner, [p. 21] unworthy of anything, so as to become a member of the senate, in spite of my humble and foreign background, and to be enrolled among the elite of the senators (whom the language of old used to call "aristocrats"), and among the most illustrious of the civic judges, and to pride myself on public honors, I ought surely to offer appropriate and worthy

gratitude to God the giver of such blessings. I would necessarily have this obligation, even though I might have had difficulty [fulfilling this obligation] because of human weakness. At least I should not have failed completely to attain what is easy to attain, i.e., to choose and discern the best. On the contrary, throughout my entire life I have continued to provoke his marvelous patience and goodness towards me with my many grievous sins, on account of which I have condemned [myself] to undergo even more terrible punishments which threaten sinners. Not only did I know my “master’s will and not” (Luke 12:47) do it, and returned [to him] “the talent given to me” (cf. Matt. 25:15) without interest or profit, and even decreased its value, but also because I was unmindful of his divine gifts and favors and of my good fortune in life, and refused to turn away from wickedness, I was possessed of wicked habits and obstinacy. But he showed to us sinners the extraordinary depths of his unsurpassable goodness and kindness, and was extremely solicitous about our salvation, just as the Savior of us all, our Lord Jesus Christ, taught with words and showed with actions.

For this reason I look at the great heights and boundless expanse of his kindness and rest upon this divine and salvific word of his alone, that “God so loved the world that he gave his only Son” as a ransom for us sinners, “that whoever believes in him should have eternal life” (John 3:16). Placing all my hope in him, I do not despair of my salvation, since I know for sure that he who despairs experiences greater punishment and sets his own head on fire, since he heaps up this fuel when his mind despairs. For no one at all is able to escape the One in whose “hand is the breath” (Dan. 5:23) of all; and most “fearful” and unfortunate of all is for someone “to fall into the hands of the living God” (Heb. 10:31), because he resists hope in God and the resulting salvation. O consubstantial and sovereign Trinity, [p. 23] may I and everyone who are works of thy hand and faith be preserved forever above all these thoughts which extinguish hope.

[2. Motivation for the foundation]

Therefore, when I considered these things surely and truly, and thought daily about the accounts which would have to be rendered in the world to come, and reflected continuously about ineluctable justice, I became eager to accomplish some good work in order to grant some small pleasure to the One who has abundantly shed his mercy on me. [So I decided] to grant a part, as appropriate, of my property in Rhaidestos to his ineffable mercy, in the conviction that this would be pleasing and acceptable to him, because our compassionate and surpassingly good God seeks to receive from us a small inducement, so that he may show all his goodness and kindness towards us sinners. For he promised us many blessings on behalf of this single and very easy commandment of his, that out of the goods which we have, or rather which are his (for nothing is ours, inasmuch as our very existence is from God), we should give to those who ask of us. For who, except the humane God, would receive and accept such a gift, so as to regard as a favor and offering from somebody else what [in fact] comes from him and is his to use and grant? In truth no one, since we usually judge the attitude of the giver by the weight and measure of his gift, even when the offering belongs to the [donor].⁵ This surpassingly good God of ours, who “has brought us from non-being into being”⁶ and has offered us everything, considers as a sacrificial offering whatever we bring to him through our charity to the poor; and, on the contrary, he measures his reward by the attitude of the giver and not by the value of the present. Even if we are slow and sluggish with

19. ATTALEIATES

regard to the good, and are filled with arrogance, he is still quick to succor us, and so patient and sympathetic that it is impossible for human nature and understanding to conceive, for he always expects our conversion and postpones the violence of his anger to give time for repentance. Who therefore is capable of recounting his boundless kindness and goodness to us? Truly no one, not even among men who have attained perfection in action and contemplation, let alone myself who am vastly inferior in both these [areas]. There is also this: Glory be always to the good [God], because he does not reject the very humble, but finds pleasure in very cheap and contemptible things. Wherefore, even if I am completely self-condemned and totally unworthy of his kindness, made confident [p. 25] by his ineffable mercy, I have ventured to offer this small and wretched contribution to his supremely ineffable majesty and goodness.

Christ, be thou my guide.

[3.] Concerning the immovable property which has been consecrated, and that it belongs solely to the heirs, exempt from any imperial or ecclesiastical authority

Therefore with great zeal and fervent affection I consecrate, for charity to the needy, a portion of my immovable property at Rhaidestos and in the Queen of Cities to the great God, our Savior Jesus Christ, who was born of a Virgin in an ineffable and incomprehensible manner, together with the consubstantial Father and Holy Spirit. It is not one of my lesser and inferior properties, but one of the more important and valuable, since it is worthy for men of sincere faith to make offerings and donations to the One who is beyond all price. For even if the Creative Force is self-sufficient and absolutely good, and the unitary and thrice-brilliant Divinity is all-encompassing glory, still one's choice does not go without testing and scrutiny. For this reason, therefore, the sacrifice of Cain (Gen. 4:3–7) was not really considered a sacrifice, but as an object of condemnation because it was made of inferior and discarded [produce]; therefore I consecrate, as has already been stated, these [properties] to the all-merciful and great God, and I appoint him as heir and guardian and master of this offering of mine, and, I might as well say, avenger and adversary against those who should ever wish at any time to harm or violate any of my commandments, and to diminish or impose a burden on any confirmed part of this insignificant inheritance of his.

[4. The Poorhouse at Rhaidestos]

I also ordain that the house inside the town of Rhaidestos should be called and be in reality and be recognized as a poorhouse for the propitiation and remission of many and great and innumerable sins. For many years ago, before my wife's aunt, the nun and *protospatharissa* lady Euphrosyne, entered a convent (she received the tonsure in the house of her cousin Krasas), I reserved this house, [p. 27] together with her estate of Lips or Baboulou, by means of a promise to purchase and a contract with earnest-money. Later I acquired the house definitely by means of a valid purchase, and acquired the estate by inheritance. However, the aforesaid house which I acquired was completely dilapidated and in ruinous condition and unusable, on the one hand due to normal deterioration over the years, but also on account of the terrible tremor of the recent earthquake.⁷ So I restored it from the foundations, and with great expense and effort I furnished it, out of my savings. For I was not wealthy at that time, since I was still on the threshold of my career and had not

ELEVENTH CENTURY

assumed any position of command; and, by the grace of God, the situation continued until the end of my career, since I was never entrusted with any command, or fiscal responsibility. I added to this [house] the [property] which I received through exchange and purchase from Psorarios and Narses, and made one [large] house. It is my wish that this entire [complex] be a storehouse for the collection and storage of all the harvest, and for the repose and lodging of poor strangers, and, as has already been stated, that it should be a poorhouse in name and in reality.

[5. Attaleiates' house in Constantinople]

I also dedicate as a poorhouse my house in the capital, which I bought from my sister-in-law, the *protospatharissa* and *asekretissa* lady Anastaso, by imperial order, as a result of the decision and inquiry of the assigned judges, the *vestes* and *quaestor* lord Michael Anzas,⁸ and the *nomophylax*; and I join and unite these buildings so that they will be associated and linked with each other and jointly administered and interconnected through the architectural skill of the [Holy] Spirit. For they ought both to be unified and bound together by the Spirit like parts and limbs, and be subject to the same heir and master, I mean the Heavenly King, through charity and donations to the poor. I institute and dedicate the aforesaid house as a poorhouse, with the exception of the ground floor, the *triklinos* that is, which is next to and adjoining the church of the Forerunner (since this ground floor also contains the entrance to the courtyard of my other house, which I purchased from my wife's aunt, the *protospatharissa* and nun lady Euphrosyne), and also with the exception of the narrow and long gallery which overlooks the courtyard of my aforementioned house which I bought from the aforesaid [p. 29] *protospatharissa* and nun, lady Euphrosyne. For both of these, the ground floor and the gallery which I purchased from the *asekretissa* lady Anastaso, I joined into one house, together with the three-storied apartment which has a donkey-mill below, so that they would form part of the small house which I purchased from my aunt, the *protospatharissa* lady Euphrosyne Bobaina.

[6. The church of Christ the All-Merciful]

As for all the rest of the house which I purchased from the *protospatharissa* and *asekretissa* lady Anastaso, I dedicate it as a poorhouse, as has already been stated, together with the aforementioned house at Rhaidestos, and they ought to have one name and be considered as a single poorhouse, and to have as a place of prayer the church of the Forerunner which is dedicated to our great God and Savior, Jesus Christ the All-Merciful. To this church and Jesus Christ the All-Merciful Who is venerated therein and to the divine sanctuary in my house at Rhaidestos should be attached this single poorhouse composed of two buildings, as well as the movable and immovable properties which have been donated to them, and they should receive the name of "Poorhouse of the All-Merciful." For even if this chapel at my house in the capital is small and lacking many attractive decorations and earthly wealth, still by the grace of God it has been deemed worthy of great favor, and as a result of divine inspiration many heavenly signs occur therein, and it appears to be a fountain of mercy through charity to the poor, by which alone God is worshipped, and which is the sole purpose of my offering. For God the infinite and suprasubstantial "does not dwell" in churches "made with hands" (Acts 7:48), but in living sanctuaries, that is, those who are pleasing to him and act mercifully with a pure conscience. For this reason, therefore, I have ap-

19. ATTALEIATES

pointed as attendants at the church pious men, with assigned compensation of provisions and wages.

I have not made this offering, in which I place my hope, for lack of an heir and legitimate and natural succession; for I have a legitimate son, the *mystographos* and imperial notary lord Theodore. But I decided that it was necessary to give “a portion even to eight” (Eccl. 11:2) “with a broken and humbled heart” (Ps. [50] 51:17), that is, to the future generation, thanking the all-merciful God who loves the good, because he brought me forth of pious and Christ-loving parents, who taught me the very great wisdom of knowledge of God, and then provided me with sufficient education, first a general curriculum [p. 31], then philosophy and rhetoric, and the holy initiation into laws, and furthermore he deemed me worthy of sufficient wealth, gathering for me a most ample abundance of his earthly blessings.

[7.] A prayer

To thee therefore, O Lord, I make this offering, because it is through thy generosity that I have accumulated all [my property], so that it may be at the service of thy loving precept. For in thy kindness thou hast given to those who wish to be pious the manner of their salvation, by declaring that the wealth of each man can serve as a ransom for his soul. May thy great and all-powerful right hand keep the offerings and preserve them in perpetuity. O Lord of mercy, do not permit that a malicious man ravage and disperse this [property], nor allow that powerful men who crave after property should gaze at the beauty of these estates with greedy and covetous eyes. Do not endure that a curious busybody, who devises the flimsiest of excuses and stirs up unjust things, should join others in villainy and throw their property rights into confusion. Do not permit an evil man, a deviser of wickedness, to insinuate himself from inside into their services, or be imposed from outside to stir up numerous petty disturbances by his cunning ways. Rather, O Lord, protect these [offerings], and defend them with thy mighty hand, and may they be a blessing on thy holy name.

Every emperor and noble and dynast, and all ministers of the holy sanctuary, both bishops and priests, and everyone involved in political and ecclesiastical affairs should keep their distance from this holy property of the poorhouse which was constituted for the pleasure of thy transcendent glory and for the holy flock of monks therein and everything belonging to them. For all this property is dedicated to God, and honored with inviolability. I adjure you all and bind you with a harsh and relentless sentence of condemnation, in the name of the holy and life-giving Trinity, that none of my regulations should be transgressed. You should not encompass with confusion and disorder that which has been piously consecrated and dedicated to God, and transform this [poorhouse] into a refuge for powerful men instead of for the poor, contrary to the regulations for their care and the administration of the pious donations, and what I am going to say. Nor should there be any [p. 33] removal whatsoever of any of the various properties and sacred treasures dedicated there, nor should you impose any expense which is beyond its resources and wealth, lest they thereby suffer deprivation and be reduced to poverty.

[8.] Curse against those who dare to transgress [this *Rule*]

If anyone, whether emperor or noble, or subject, or bishop or priest, should attempt to do anything contrary to my regulations, or to transgress any of the ordinances which it pleases me to set down,

ELEVENTH CENTURY

or to institute an *ephoros* therein, or appoint another *charistikarios* or guardian (besides those whom I will specify), or the liturgical commemoration or nomination of some authority (for the church of the poorhouse of the All-Merciful ought to commemorate every orthodox bishopric), may such a person be cursed by God the Almighty, and may his memory be eradicated from among mankind, may grief and woe afflict him, and may sorrow go before him, and may the Lord God grant him the terror of Cain, the leprosy of Gehazi, the noose of Judas; and may his lot be with those who said, "Away with him, away with him, crucify" (John 19:15) the Son of God. May the eye [of God], which oversees all things, not look upon him with mercy, but may his memory be erased from the earth, and may he be vanquished by all his enemies, and may he endure eternal torment.

[9.] A prayer for those who are obedient

But as for the man who abides by my regulations, and transgresses none of my good instructions, but observes all my prescriptions and regulations, may he be blessed by God, and may he achieve all his desires, and may he inherit all the blessings upon earth and in the heavenly kingdom, inasmuch as he has preserved from harm the inheritance of God. This inheritance is not to come under the control of imperial authority, nor of the imperial or patriarchal sakelle, or another lay or ecclesiastical department, or metropolitan or bishop, or any other authority whatsoever; nor is it to be removed by anyone at all, nor made liable for an accounting, nor subjected to an *ephoros*, because all these [vexations] should be banished far away from it both through the power of laws, which ordain that the wishes of testators be fulfilled completely, and also on account of my wishes and most terrible [p. 35] curses, and the great and very powerful name of the all-powerful God, and the inexorable beating and flogging therefrom; since no canon could be found which would sanction changing or transgressing the commandments of the founders.

[10.] Concerning guardians and successors

Just as ministers of the celestial glory were appointed in heaven in a proportional manner by the Divinity that shines with triple brightness, it is necessary to appoint steadfast ministers and heirs of this humble and earthly inheritance of the great God our Savior, with the strong and sure justification of the privilege of legitimacy. Therefore, after our Lord Jesus Christ and God, I appoint as heir and lord and administrator, who is exempt from rendering an account and in every way immovable from this divine inheritance, my beloved and true son, the *mystographos* and imperial notary lord Theodore and his direct descendants, sons and grandsons and great-grandsons, and the rest of his succession in perpetuity. But after the death of my son, not all his sons together or grandsons or the rest will assume control of my poorhouse, but only one of them. A man is to be preferred to women, and of men one who is most advanced in years and distinguished for his learning and upright life. But if this man should be found to be wicked and harmful, either by keeping back [the money] of a pious donation or someone's salary or annuity, or [the money] for illumination of the church, or by neglecting the restoration and maintenance and protection of the buildings and properties, and does not mend his ways despite criticism and warnings, then another of his legitimate brothers should be preferred, one who is understanding in virtue and distinguished conduct. If there are no sons, that is male children, then a daughter will assume the suc-

19. ATTALEIATES

cession according to this purpose; for she is not to refrain from administering the property well, either through a spouse, or her children or servants.

If there are no [living children], then a grandson or great-grandson should be asked, in this order, and so forth, according to the degrees of primogeniture, [after making sure of] their blameless reputation and distinguished conduct. But let no one have the right to include this holy poorhouse in a marriage contract [p. 37] for the sake of some ownership right or exchange. But it is to be administered in accordance with the text of my *typikon*, and all the pious donations should be performed without fail. As for the properties dedicated to it, no one is to give any of them in inheritance or offer them as surety, or for any other private or public debt; but if someone else does something of this sort, with the intention of making a deed or gift or exchange, the transaction will be considered invalid. For that which has once been consecrated to God cannot be shared, and especially because this [poorhouse] was viewed as an inheritance of God, and was offered to him for charity to the poor and as a most Christian and pious bequest.

The man who dares this will not escape liability for his actions, but will be expelled from his position as *ephoros*, and his dominion and supervision, unless necessarily he is prepared to make amends. Then another relative, the next of kin, will take up the succession, a man well known for his piety and fear of God, who promises to follow all my instructions. But in the case of my son, lord Theodore, there is not to be any expulsion. Rather he is to make reparations quietly and exactly. These relatives then who are direct descendants of myself and my son, and so on, will assume the right of dominion in perpetuity. But none of my collateral relatives is to have involvement in this poorhouse of mine, or rights as *ephoros* or any authority at all, unless for the sake of piety he wishes to give reminders that everything should be carried out in accordance with my instructions.

[11. Celebration of the offices]

Since I set great value on piety, I decided to install singers of hymns in the divine sanctuary of the All-Merciful. I intended [at first] that secular priests should celebrate the offices, but [then] I ordained that they should be monks, so that those who have chosen the monastic way of life should also find a haven in this poorhouse. I set aside for them cells inside the aforementioned holy poorhouse in the God-guarded City, and assigned to them provisions so that they might attentively keep watch over the doxology and liturgy in the church, and collaborate with my heir in the administration of pious donations, and be of service in everything which is to the benefit of the poorhouse, and remind him that all my instructions should be followed without fail.

[12. Union of the monastery with the poorhouse in one foundation]

Next I will discuss the number of these monks. For over them I have appointed a steward and ecclesiarch, who are to report everything to my heir. The other monks are to be directed and encouraged in virtue by the steward, [p. 39] while the ecclesiarch supervises in a proper fashion that which pertains to the church, and they should demonstrate all respect and submission and honor and obedience towards my heir. For all the monks alike will be subject to my heir, who should be called the *ptochotrophos*, and should obey him, as the *ephoros* and administrator and master of this venerable institution, both the one in Rhaidestos and the one in the capital (for I consider

ELEVENTH CENTURY

them one, I issue my instructions as if for a single unit) and they should regard him as a kindly and God-loving leader. But since, as I have said, in the poorhouse in the capital I have also established monks who are pious and pleasing to God and to me because of their angelic way of life, I ordain that the establishment in Rhaidestos should particularly bear the name of the poorhouse, including also the establishment in the capital. Since the one in the capital has also become a residence for monks, it should be called the monastery of the poorhouse of the All-Merciful, but both establishments will form one poorhouse, that of Rhaidestos.

[13. Alternate line of succession]

In case the continuous line of my descendants should come to an end, as I have said above, then the monk who happens to be steward at that time should at once be promoted to the position of superior, and serve as superior in this autonomous poorhouse and monastery of the All-Merciful. One of my collateral relatives, who is distinguished for his virtue and sober lifestyle, and is the closest of kin, and excels in wisdom, should be chosen to succeed to the position of *ephoros*. He should share totally with the superior and the monks the administration of all the pious donations, not appropriating or taking anything therefrom, except for the stipend of two monks and one hundred and fifty *modioi* of barley. For if there is any surplus after the distributions and expenditures prescribed by the *typikon*, half is to be disbursed to the monastery of the poorhouse for necessary purposes; the rest is to be distributed to my needy brethren in Christ. From that time the monastery should be subordinate to my poorhouse. For the poorhouse at Rhaidestos is united with it, as I have already described in these instructions of mine, and the pious donations of both holy establishments, the one outside and the one merged with the monastery, should be managed without fail by the superior and the monks and my kinsman who is deemed worthy of the *ephoreia* in the manner which I have explained. As long as my son is living, and his direct heirs, and so forth [p. 41] in perpetuity, both he and they will be chiefly responsible for everything, both the pious donations and the holy establishments, and the monks should submit to their wishes, as long as they are pious and in conformity with my instructions. It does not matter that the part of my poorhouse in the capital that is inhabited by monks is now called a monastery; for the total sum of my offering of movable and immovable property has been consecrated to the poorhouse established by me, and this monastery in the poorhouse of the capital is to be subordinate to it, and its monks will receive from my heir, the *ptochotrophos*, their assigned annuities, and whatever else I shall indicate in the future, as long as they behave in a manner consistent with monastic life.

[14. Provision for independent administration]

In every time and circumstance, and under every regimen and administration, it is my wish that these holy [establishments], the poorhouse and the subordinate monastery, be independent and autonomous. As long as one of my descendants holds the *ephoreia* they should be administered by him and selected monks, as has been said, and, furthermore, by the superior, when the office of superior is instituted after my entire line of descendants has come to an end, as has already been described.⁹ In the absence of an heir related to me, then by right of the independent and autonomous privilege [of the poorhouse], everything should be administered and arranged and managed

19. ATTALEIATES

without fail by the superior and steward and the other monks in accordance with the text of my *typikon*, so that the pious donations do not in any way gradually decline. For I do not want this poorhouse and monastery of mine to be granted or made subordinate to any imperial or patriarchal jurisdiction, nor to the imperial or patriarchal *sakelle*, or to any other secular or ecclesiastical department, or to a metropolitan or bishop or anyone else at all, but I truly want their lord and master and *ephoros* and supporter and founder to be, as has already been said,¹⁰ our Lord Jesus Christ, who was born of a Virgin, together with the consubstantial Father and the all-holy Spirit.

[15. Heavenly protectors and patrons]

It is my wish that, after God, [these institutions] have as their protector and helper and patron our immaculate Lady, the Mother of God, and [St.] Michael, the great commander of the heavenly armies, and [St. John] the honorable Forerunner. For since the very Lord and Creator of all is called by my unworthy self master of this humble offering of mine, it is clear that these and all the other saints are also included in this supervision. [p. 43] Therefore no one is to alter or change any of my instructions, or to harm the pious donations, either in part or totally, unless he is impious, and a manifest enemy of God and hater of mankind and opposed to the kindly and compassionate God. For in the words of Holy Scriptures God is served by mercy more than anything else, and there is also the divine law of the commandments, “thou shalt not add to it nor diminish from it” (Deut. 13:1).

[16. List of consecrated properties]

The following [properties] are granted to my poorhouse for the inheritance of God who is praised and glorified in the Trinity: my estate of Selokaka together with Makron Chorion; my estate of Baboulou or Lips; my estate of St. Myrope, or the Monokellion (single cell); my estate of Symeoniou; and of my estates at Mesokomion the one which I purchased from the niece of the *patrikios* lord Basil Skribas; the *aule* of Metaxas; the *aule* of Arkolykes together with the buildings which came from an exchange with Hagia Sophia; and the *aule* of Kentarchos together with all the buildings there; and in addition half of my rental property at Selymbria, and half of my other rental properties outside the western gate of the town of Rhaidestos, which I built on the ruinous land which I bought from the fisc, these halves of my rental properties being attached indivisibly. From now on I grant these immovable properties of mine, which I have mentioned, as well as the monastery, to the inheritance of the great God, our Savior Jesus Christ, who was born of a Virgin, that is to my poorhouse. An additional grant is made of the bakery in the capital which is attached to my poorhouse in the God-guarded City, and rents for twenty-four *nomismata*, and the perfumery, which rents for fourteen *nomismata*, and the rental properties [p. 45] held by the doctor Theodore which rent for five *nomismata*. In addition I consecrate half of the revenues from my house which used to belong to the *protospatharios* Thomas of Nicaea,¹¹ so as to receive eighteen *nomismata* of the thirty-six charged for rent; of the other eighteen, eight should be spent for the salary of the priests of St. George of Kyparission¹² on behalf of my tomb, which I also bequeath to my heirs, and ten should be spent for my commemoration and that of my two wives, lady Sophia and lady Irene, and for my parents, Eirenikos and Kale.

ELEVENTH CENTURY

[17. Hereditary transmission of other personal properties]

Any immovable properties that I bequeath to my son, the *mystographos* lord Theodore, should not be alienated by him and his descendants and their successors through the generations, as long, that is, as our lineage survives and continues. They should be transferred without any impediment to successive generations, and their revenues should be spent exclusively by them, and they should enjoy the immunity [from taxation] granted by the imperial chrysobull,¹³ since it applies to all my properties in common, wherever they may be, whether holy institutions, or private persons, in part or totally or separately, even if they expand and increase. But if my family lineage should come to an end, [the properties] should not be transferred to a stranger and outsider, but should go to my poorhouse and monastery, especially the small house I purchased from the *protospatharissa* lady Euphrosyne.

On condition of [continued] procreation, these [properties] should be inherited by my heirs in perpetuity, and therefore not even the fisc will have any claims against them because they have been previously bound by this condition. But if my son should die childless, or his descendants and their successors should offer the [properties] for a dowry or pre-nuptial gift, they should be liable for only forty-five *litrai*. This [sum in] gold should be provided by my poorhouse and monastery, and these [properties] should be recovered and granted to them in the same manner and fashion as the other immovable properties which have already been consecrated.

If they should make a will with regard to the immovable property which has been left to them for other reasons, legacies, perhaps, or pious donations or an inheritance by virtue of being eldest, their will should be limited to only thirty *litrai*. If the estates should be divided among several heirs, [p. 47] then the donation should be made by the holy institutions proportionally, and the property will revert to them again. However, their [affairs] will be managed in accordance with my last will and testament. The rest of my estates at Mesokomion, except for [the one I bought from] Skribas, should pass to my son and his heirs and other successors, whether by written document or without a will, so that they may have complete authority over them in perpetuity, as is the wish of my son and his heirs; the same is true for the half of my rental properties at Selymbria and those outside the west gate of the town of Rhaidestos, but these properties should not be alienated to another person in any way whatever, but they should sell them or donate them to my poorhouse and monastery.

[18. Charitable distributions at the monastery in Constantinople]

Now that I have discussed my consecrated property, I should say what should be done with them, and first of all about the distributions to the poor. Therefore, I ordain that at the gate of the holy establishment of the poorhouse in the capital (in which the monastery is also located), each Sunday there should be provided for my needy brethren in Christ a large *modios* of bread, and that six poor men should eat daily in the refectory, each receiving a piece of bread, and as an accompaniment they should have either meat or fish or cheese, or dried or fresh vegetables which have been boiled, or whatever else God may send; and each one of them should receive four *folleis*, in short, that they should be cared for just as was done in my day. I ordain that two hundred and sixteen *modioi* of wheat be distributed to unfortunate people, to widows or pitiful old men, that is twelve *annonikoi modioi* each, since eighteen people are entitled to receive this wheat.

19. ATTALEIATES

[19. Charitable distributions at the poorhouse in Rhaidestos]

At the poorhouse in Rhaidestos the following should be distributed annually: the monastery of St. Nicholas of Phalkon should receive three *nomismata*; the monastery of St. George, located outside the west gate of the town of Rhaidestos, which I possess as *charistikion* in the name of two people (the second *charistikarios* is my son, the *mystographos* lord Theodore), should receive three *nomismata*; the convent of St. Prokopios, located outside the western sea gate (of which the second *charistikarios* is my son, since [he received it] from the former *charistikarios* Bardas Xeradas), which was destroyed by the rebels, and which I have reconstructed, two *nomismata*; the [p. 49] monastery of the very holy Mother of God of Daphne [should receive] two *nomismata*; for I know that these monasteries need charity because they are completely without resources. I ordain that they should receive these [*nomismata*] from the revenues of the *aulai* of my poorhouse, and that the aforesaid annuities should be distributed to the monks of these monasteries without any changes, and that they should inscribe my name in their sacred diptychs, and that I should be commemorated continually in those [monasteries], and that every day they should say a *trisagion* after the morning office for the sake of myself, the sinner. The church of [St. John] the venerable Forerunner, which is at the west gate of Rhaidestos, should receive one *nomisma trachy*; and the church of our very holy Mother of God *Eleousa* should receive one *nomisma*, and one *nomisma* should also go to the church of the Archangel, where it is said that the bishopric was once established.¹⁴ The one who will furnish, distribute, provide and control all this, after God, will be my true son, the *mystographos* lord Theodore, and our direct descendants in succession.

[20. Construction of a hostel for pilgrims; other charitable distributions]

It is my wish and command, that, if I do not manage to build a *kyklion* on the exterior of my house at Rhaidestos for the repose of pious pilgrims to the holy places, and other poor strangers, then this should be done by the superiors of these holy establishments of mine, at the end of my courtyard on the public road. Sleeping rooms should be constructed so that they may rest there, and each week two *annonikoi modioi* of bread and one measure of wine should be distributed. Each year on the anniversary of my death one *nomisma* and six *annonikoi modioi* of wheat should be given to each of twelve elderly brethren in Christ, who are frail and disabled and in need. I also ordain that at the time of my commemoration there be a *parastasimon* with chanters and a distribution of six *nomismata trachea* and six *modioi* of bread.

[21. Regulation of the life of the monks]

Since, as I have said, it has been ordained that there should be a residence for monks inside the poorhouse, and monastic life should be conducted and regulated for the service of God and the distributions of the prescribed pious donations, I should now discuss the good order of the monks, since I have been initiated into the appropriate behavior by the divine laws. [p. 51] I ordain that the monks of the monastery established in the poorhouse should have a rule and *typikon* and observe them scrupulously, that [they should live in] peace and love with each other, according to God, and good will, which our Lord Jesus Christ, the Creator and Master of all, particularly ordained.

ELEVENTH CENTURY

[22. Inalienability of consecrated properties]

In the name of our Lord God and his fearful tribunal, I adjure my heirs and kinsmen, or rather those relatives who administer and supervise the inheritance of our Lord God and Savior, Jesus Christ, as I have already stated, both present and future generations, to administer it as I have ordered until the end of the world. [I also adjure] all the guardians never, at any time, to alienate the poorhouse or the monastery, either in part or totally, in any way whatever, or to transfer it elsewhere, contrary to my instructions, or to give away one of its properties, either in perpetuity, or for a period of years, or from first-born to first-born, whether by sale or exchange or gift or *emphyteusis* or any other method, or to grant it to anyone, whether the emperor or patriarch or member of the clergy or notable or private individual for any pretext or excuse whatever. But it is my wish and command that these [properties] be free and unified and autonomous and inalienable, and be subject to the authority and dominion of my poorhouse and monastery, and benefit from the general and total immunity [from taxation] which was granted to me by an imperial chrysobull. For it decrees and ordains as follows, that wherever I grant or bequeath my estates, whether to holy institutions or monasteries or private individuals, all of them are to enjoy in part or totality the assistance and immunity provided by the divine chrysobull, even if they increase and multiply. The temporary lease of immovable [property] is not normally permitted, except for individual fields which are not suitable for cultivation, and [may be leased] to tenants for a fixed number of years in accordance with local custom.¹⁵ But no arable land at all may be leased for a period of years from the property granted to these holy institutions which are dedicated to God, lest their rental lead to famine and a reduction in the expenditures which have been ordained for pious purposes. [p. 53]

[23.] Concerning the administration of the properties

The administration and management of the properties should be entrusted by my heirs to a just man, who is answerable to them and who conducts his life in a pious manner. He should look after the properties and administer them, in the knowledge that he will have to render an account first to the celestial King, then to the guardians of the inheritance of God, who receive from him the [right of] dominion and authority over these divine and holy establishments, my poorhouse and monastery. For the manager must be questioned by them and render without fail the sum of receipts and expenditures, as was the practice in my day, and should be held responsible for any negligence and fraud. I do not permit the donation of houses, except as rental properties. If anyone should disobey my instructions the tiniest bit, he will be ranked with Judas and those who crucified our Lord Jesus Christ; he will inherit the curse of the 318 holy and divinely inspired fathers [of Nicaea] and of myself the sinner, and the [property] which was donated contrary to my orders will revert to its original owner.

Furthermore, anyone who dares to make any changes or undertake any thing contrary to my instructions, will receive as his lot the eternal fire, inasmuch as he is a transgressor of my commandments, and has tried to invalidate what I have dedicated to God with great effort and sacrifice, or rather with the gifts of God. For I established these holy institutions for reasons of the family succession and administration of the pious donations and carrying out the pious distributions.

19. ATTALEIATES

[24. Use of surplus income from the founder's properties]

All the income from my properties should be recorded in detail and deposited at the holy establishment of my poorhouse at Rhaidestos. After the [expenses] determined by me have been paid, the rest should be brought from there to the capital, and from these [monies] the distribution of the pious donations and the other expenses should be paid by my heirs, with the collaboration of the steward of the monastery, if my heir does not wish to appoint a superior,¹⁶ with the knowledge of the other monks. 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 whom I leave, after our Lord and God Jesus Christ and his immaculate Mother, as heir and lord of this divine inheritance and [p. 55] as an administrator who does not have to render an account or submit to an inquiry. Subsequently [the surplus should go] to his heirs, when the surplus revenues have been collected and profit has been taken after the aforementioned expenses; and they do not have to render an accounting. But he will not have the authority to reserve or spend [any income] from the properties consecrated to these holy institutions, until the distributions of the pious donations and other [expenses] have taken place, as I specified in the *typikon*. The same holds true for my successive heirs; and when the family dies out, then everything should go to the poorhouse and monastery and the pious donations which will expand with the help of God.

[25.] Concerning the punishment of transgressors

As for anyone who transgresses my commandments, if he is an outsider and stranger, in addition to the fact that his action will be invalid, he will also be alienated from God and the blameless faith of Christians; he will be considered an outcast and abomination, as a transgressor of divine and holy things and that which is pleasing to God. If it is the steward or the man who becomes superior at the wish of my heir, he is to be deprived of his responsibility; if it is another official, he is to be deprived of his office; and if it is one of my heirs, double the amount of the deficit will be demanded of him. If he does not mend his ways after a second and third warning by the superior and the monks, those who have been designated to receive the pious donations should receive them, as I have explained, from [the revenues of] the properties designated for the distribution of each pious donation, even if it is against his will. Let me add this, too, that my heirs and the monk appointed by them, whether steward or superior, and the rest of the monks who observe my commandments and strive that the pious donations be paid without fail, should be inscribed in the diptychs and commemorated in perpetuity. But whosoever transgress these [commandments] and are perceived to be decreasing or suppressing the pious donations, it is my wish that they not be deemed worthy of commemoration, nor have their names inscribed in the diptychs, but as they have headed of their own accord toward the aforementioned curses, their memory should always be accursed and despised. No less a condemnation will be the fate of those who see the abuse of the pious donations, and could oppose these wicked practices but do nothing. [p. 57]

[26.] Concerning the appointment of the superior

If the office of superior is to be established, it should be at the wish of my heir. For if he is not

ELEVENTH CENTURY

willing, then the steward should administer the monastic discipline, and be a shepherd and direct in a canonical fashion the spiritual needs of the monks, having my heir to support him against those who are disobedient, since he is master of all the supervision and administration; and the heir should not be forced to name a superior. Preference should be given to the monk who has given evidence of his piety and fear of God and is humble. For this [last] I judge to be the supreme virtue, and he who has not humility, even if he should raise the dead, should be excluded and rejected; for I want this virtue to have first place in the monastery of my poorhouse. He should be presented to my heir, and appointed by him, if indeed he is pleased with the choice of the monks after presiding over their election. If there should be dissension concerning the virtue of two individuals, then their names should be written on two pieces of paper, and placed on the holy altar in the sanctuary of the church, and they should celebrate the liturgy. Then a pure and innocent child should enter and remove one piece of paper and take it away. Whosoever's name is found will be deemed worthy of the office of steward or superior, after the appointment is made by my heir, once he has sworn before God and the monks that he will obey my commandments and instructions until his death. The same will hold true for the [other] officials, and thus this rule of mine will continue to be valid for successive [appointments]. The superior or the steward should not be deprived of his office unless he is caught in some heresy or carnal sin, or is clearly convicted of treachery or outrage or contempt for the divine offices and the church of God and the pious donations, or distresses my heir by his arrogance or scorn or troublemaking. For then he should be vigorously expelled by my heir. But if he is suspected of some minor and involuntary mistakes, and is prepared to make amends after counseling or criticism by my heir and the chief monks, then he should not be expelled, since he is striving ardently to mend his ways. [p. 59]

[27.] Concerning the number of monks

I ordain that the number of monks in my monastery be limited to seven, even though for the present I have assigned only five because of my straitened circumstances. For this number [seven] is considered virginal and honorable and select. In accordance with it have been ordered the centuries, and the length of weeks, and the path of the stars, by command of almighty God. For this number is held dear and considered mystical by both old and new [generations], inasmuch as it is virginal, as I have already said, because it is the only one of the first ten numerals which neither gives birth nor is born. I believe that it was for this reason that the commander of the heavenly armies Gabriel brought the glad tidings to the holy Virgin and Mother of God, because in contrast to the others he alone has seven letters in his name. I ordain that there should be seven monks, when with the help of God the situation improves, including the steward or superior and the gatekeeper.

If with the aid of our very good God and his immaculate Mother, full of grace, the revenues of the poorhouse and the monastery should increase (for in the name of our Lord Jesus Christ I am confident that this will occur) then the number of the seven monks, as well as the pious donations, should also be increased in proportion to the increase in revenue. For after calculating the value of my donated [properties] and comparing them with the expenses of the poorhouse, and taking into consideration the small size of the church of the Forerunner, which has been dedicated to the

19. ATTALEIATES

monastery first and foremost as a place of communal prayer, I have limited and restricted the monks to this number.

[28. Entrance gifts not required]

I want these monks to be tonsured gratis, without the payment of an entrance gift, unless an offering is made for some work of construction or restoration, or the purchase of immovable [property]. They should be men who will either be active in [the service of] the church, or accountants or notaries or secretaries, sober and honorable men, who are not quarrelsome or contentious or treacherous or cruel. For anyone who is found to be of this character should be expelled. The so-called entrance gift destroys obedience¹⁷, and causes much discord; and I do not want even the least of such discords to be mentioned or exist in my monastery. However, at the illuminating [time] of his tonsure, the tonsured monk may spend ten *nomismata* for incense, food for the monks, and so forth. [p. 61]

[29. Disciplinary regulations]

Not only do I forbid any payment of an entrance gift, but I also do not permit any idle word to be spoken or anyone to sit idly without performing manual labor and service to the monastery of the church. Most important of all I enjoin tranquillity and obedience and humility and continually peaceful relations with one another, and that the monks be reconciled with each other every evening. For the superior or steward who will be appointed by my heir should make it his concern that no monk goes to sleep while angry at or hostile to someone, in accordance with the words [of Paul]: “Do not let the sun go down on your anger” (Eph. 4:26).

They should also remain in their cells, constantly obeying my heir and the one who has been appointed by him as steward or leader of the monks, as I have said. They should serve steadfastly in the duties and responsibilities of the monastery, and in the instruction and offices of the church. When they have leisure time, they should do their handiwork, each one separately in his own cell. They should not be idle, and wander from cell to cell and chat or eat or drink together, to the destruction of their own souls and many others, but each one, with God as witness and guide, should follow the path of virtue. Each day he should examine himself and inquire closely as to what he accomplished that day and what he neglected to do, and thus with the passage of time he will advance on the path of virtue. His body will die, but he will live in God through his holy actions, and his humility and love of God. It is my wish that these [last] two virtues be supreme, and that they be the immutable rule and ideal in the monastery of my poorhouse.

If there is a choice between virtuous persons, when the office of the superior is being decided, it is my wish that preference be given to those who are distinguished for their genuine humility and peaceful temperament. For where these men are shepherds, there truly is God, and where God is, there is everything good and pleasing. Therefore I exhort you that during the offices everyone stand attentively without any talking or whispering, bowing [their heads] “with fear and trembling” (II Cor. 7:15) in the words of the Scriptures: “Serve the Lord with fear, rejoice in him with trembling” (Ps. 2:11). When he takes his midday meal, each monk of necessity will have to share with a poor person whatever he chooses, even if it is very small, either bread or drink, and no [p.

63] day should pass without charity, but they should open the gate and their hearts to each poor person, even if only with a single morsel of bread.

Again I forbid gathering together in cells for parties, unless they should assemble on the anniversary of a saint or for some other good reason. I condemn those who are found guilty of this to the loss and suppression of their private allowances for six months. If they are caught doing this again without a good reason, they should be expelled by my heir. But those who are caught in other minor faults and who transgress my *typikon* should be publicly reproached, so that as a result of their shame at the reproaches they will not neglect their own salvation; for the Holy Scriptures say, "Thou shalt rebuke thy neighbor, so thou shalt not bear sin on his account" (Lev. 19:17). The superior or steward will also suffer this [rebuke] from my heirs and the monks, if they are suspected of a minor fault.

Everyone should confess their offenses against each other, with my heir presiding, and he will bring about total reconciliation, and love will be established by the grace of God who said: "By this all men will know that you are my disciples, if you have love for one another" (John 13:35). When this happens, the creator of all evil, "the murdering devil" (John 8:44), will be driven away in shame. For the judgment which takes place, with the supervision and decision always of my dearly beloved and true son lord Theodore and my successive heirs who also bring about peaceful relations, will be valid and binding and irrevocable. For the brethren or monks of my poorhouse and monastery should not seek justice elsewhere for a personal injustice or harm inflicted by someone from these [institutions]. But if someone is found to be quarrelsome and contentious, and after a second and third rebuke does not mend his ways, he is to be expelled. For the quarrelsome and conceited man will receive the same treatment as the dishonorable man in this inheritance of Christ [i.e., the pious institutions], and will have no share in it; but no one will be condemned without an inquiry.

[30.] Concerning the entrance gift

As I have already said, I do not wish any entrance gift to be made in this monastery of the poorhouse, unless the monk wishes to do it for the above-mentioned purposes. [p. 65] There are to be absolutely no monks from other monasteries. But if someone donates an immovable property so that he may receive a living allowance, this is permissible, if God so wills. They should provide him, and him alone, with what they have agreed until the end of his life. Also if someone makes a contribution for the purpose of being commemorated in future generations, this is also permitted. But of no account do I wish a monk tonsured elsewhere to be enrolled in this monastery, with two exceptions: the monk Antony whom I myself appointed and named as ecclesiarch, since he is familiar with the monastic rules of the church and abides by them, and also the other monk Antony, who was the first monk installed in my poorhouse. [I also ordain] that the monks established in this [monastery] be eunuchs and men free from passions, on the one hand because the church of St. John the Forerunner, which has been granted to these holy establishments, particularly cherishes freedom from passions, as I have clearly learned and have ascertained from the facts themselves, on the other hand because the monastery is in the middle of the capital and very close to the Agora, and it is risky for bearded [monks] to live there. So no bearded monk is to be installed there, unless he is one of my blood relatives, or is a man who has given evidence by his life-style

19. ATTALEIATES

that he is pious and God-fearing, and gives some real estate to the monastery, and is over fifty years old; for only under these conditions do I permit the tonsuring of bearded monks, but no one else from outside.

[31. Required commemorations]

I also enjoin that on Saturdays there be celebrated a special liturgy for my deceased parents Eirenikos and Kale, and for myself the sinner, and that I should also be commemorated in perpetuity, together with Sophia and Irene, and Basil and Leo and Anna and Nicholas and Constantine, and that a *trisagion* be recited especially for our holy and pious emperors, so that they may be moved to take pity on my poorhouse and monastery, and may protect and defend them, when they need it; and that by command of their mighty and holy majesty they may be kept free from abuse and trouble, so that God may be well pleased and increase and magnify their power. [p. 67]

[32.] Concerning the doxology

It is my wish that all the offices, both at night and during the day, be celebrated according to my *typikon*, which I have personally drafted, and the other regulations found therein.

[33.] Concerning the allowance and pension of the monks

The allowance of the monks and the other pious donations in cash of the poorhouse and monastery should first be deposited with the *typikon* on the holy altar, and after a *trisagion* has been recited in front of the holy altar, and a supplication and prayer has been made for the Christ-loving emperors, a most honorable man should enter and take the money from the holy altar, as if from the hands of our Lord Jesus Christ. Then this *Rule* of mine should be read first, and the allowances paid out without my heir keeping back or removing anything.

However, 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, and to regard and revere him as they do me, since I bequeath to him the privileges of founder, and leave him, after God and the Virgin, as the irrevocable heir and lord, who is not liable to give an accounting for any reason or cause whatsoever, unless he alienates one of the donated properties or keeps back any of the pious donations which I have established, or alters my *Rule*. But if by chance he does attempt something contrary [to my rule], he should be mildly reprimanded by the monks, and exhorted to carry out the rules of my *typikon*. For he, too, should honor the monks, and not maltreat any of them, or deprive him of his due without good reason.

[34.] Concerning justice

If an inquiry or lawsuit should arise concerning a property of the holy poorhouse and the monastery, they should not have the authority to be judged [p. 69] without receiving a document which states that “I, so-and-so, attack the inheritance of the Son of God.” As I know that the eparch of Constantinople¹⁸ at any time is pious and God-loving and a man of God, since he has been appointed father of the city, it is my wish that they be judged with his knowledge and assistance. As a compensation for this service may he be rewarded by God and receive the ineffable and incor-

ELEVENTH CENTURY

ruptible crown and may he be inscribed in the holy diptychs and commemorated in perpetuity. He should also receive five *nomismata* as a reward for his soul and way of life, as a pledge of his spiritual assent¹⁹ and the prosperity of his life and fortune. If any judgment is made without his knowledge, it should be invalid, unless my heir wishes the suit to be tried without the eparch because the case is of minor importance. For then it is permitted for him to act in this fashion. The eparch is to have no other privilege than the right to assist and uphold justice in lawsuits, or the reward from God and the gift of five *nomismata*. For if he tries to become involved in the *ephoreia*, or to acquire any other privilege or authority, he should be paid no heed, and should be barred immediately from this treacherous assistance and receipt of pay. The aid of the eparch in these sacred affairs will no longer be requested, since it is dangerous.

[35. Specifications for the monks' allowances]

The monks ought to receive the following allowances: the superior (when there is one, as I have already said), twelve *nomismata*; the officials, eight *nomismata* each; the priests, seven *nomismata* each; and the others, six *nomismata* each, half in *trachea*, half in *tetartera*. The superior should also receive forty-eight *modioi* of wheat, the others thirty *modioi*. In addition to this quantity, I ordain that each monk should receive three extra *modioi* of wheat for the distribution that I have prescribed for them to make daily at the gate. The superior should receive thirty-six measures of wine, the others twenty-four measures each; for the rest of their food, the superior should receive three *nomismata*, the others two apiece; and they should each receive three *modioi* of legumes and one *nomisma* each for oil; the superior is to get two *nomismata*. [p. 71]

[36. The expenses for feast days]

The feast days which occur in the course of the year should be celebrated as follows: on the feast of the Transfiguration of our great God and Savior Jesus Christ, six *nomismata* should be spent for wax and oil and the monks' food, and one *nomisma* for charity to the poor; on the greatly honored feast day of the venerable Dormition of the all-holy Mother of God, three *nomismata*; on the feast day of the Incorporeal One, the great commander of the heavenly armies [Michael], which is celebrated on the 8th of November, two *nomismata*; on the feast day of the honorable [St. John the] Forerunner and Baptist, which is celebrated at the [summer] solstice at the time of his holy birth,²⁰ four *nomismata* for the illumination, incense and the refectory, but only one *nomisma* for each of his other feast days. For Christmas and Epiphany three *nomismata*, and for the salvific and most extraordinary Day of the Resurrection of our Lord God and Savior Jesus Christ, three *nomismata* also. For wax for the church of the monastery during the whole year twelve *nomismata tetartera*, and 150 measures of oil, and two *nomismata* for incense; for eucharistic bread and wine for the whole year eighteen *modioi* of wheat and eighteen measures of wine should be supplied, so that the monks may partake of a collation, and one *nomisma* for small glass lamps.²¹

[37. Regarding the possibility of an unworthy descendant]

When I was issuing instructions about my relatives, I did not neglect to bring up the possibility that one of them might demonstrate deceit or great negligence or otherwise misbehave with regard

19. ATTALEIATES

to the property of my monastery and poorhouse. Just as I explained the reasons particularly and at some length in that section,²² this person will be deprived of his *ephoreia* and dominion and supervision, and another relative, the closest in degree of kinship, will succeed to this [responsibility], a man who has given evidence of his piety and fear of God, and has agreed to do everything in accordance with my *Rule*. But because it seems somewhat harsh and cruel to condemn sinners to punishment, so that they are deprived even of the means of livelihood, without testimony and incitement to proper behavior, I ordain that three [p. 73] written warnings be issued every three months, in the presence of witnesses, to anyone who does not properly follow my regulations and abuses the affairs of the holy institutions.

In the event that he does not then mend his ways, if other members of my family are still living, [I ordain] that preference be given to that one of them who is distinguished for virtue and splendid conduct. In case there are no surviving males, then a woman will serve the purpose. But if by chance there should be no other relative from the lineage which I have already mentioned, and if the sole survivor is the man who holds the [right of] dominion and the *ephoreia* at that time, he should relinquish the administration and supervision of my monastery and poorhouse. Then the monks should manage their own affairs, and supervise and distribute everything in accordance with this present *Rule* of mine, but they should hand over to him half of the surplus revenues after paying all the expenses prescribed by the *typikon* for the improvement of properties and buildings, while the other half should be deposited and saved for the purchase of other real estate and for necessary improvements. But if there is a worthy relative who is appointed to the *ephoreia* and [right of] dominion in place of the *ephoros* who was dismissed for malfeasance, out of compassion he should offer to the dismissed [*ephoros*] the equivalent of one monk's pension each year.

In the case of my dearly beloved son, the *mystographos* and imperial notary lord Theodore, no expulsion is to be imposed; rather he should be compelled to carry out my instructions, even against his will. But if he is found guilty of malfeasance, the penalty should be imposed on him of paying double the amount fixed in the *typikon*. For as long as he carries out my instructions piously without keeping anything back for himself, he will surely be blessed in his own [affairs], and will be pleasing to everyone. But let him not try to make a fortune through embezzlement from holy [institutions], because this method [of enrichment] leads rather to poverty and condemnation. If he is eager for more [money], let him do good work and strive hard and acquire additional property in good faith, having his own father as an example. Will not the Lord God leave him everything that is good and prosperous and lovely? For since he is my only son, I love and cherish him exceedingly, and I want him to be healthy in soul and body, and to be unhampered and not bothered by any person or matter.

[38. Administration of the foundation upon the extinction of the family line]

If after a long time my family line should happen to die out, and my monastery and the poorhouse should become independent, at the time of the election of a superior, a man should be chosen by [p. 75] all the monks who demonstrates distinguished manners, and behaves blamelessly in accordance with God, and who cultivates well the furrow of virtue. He should receive the *sphragis* from the most honorable superior of the monastery of Stoudios; but the superior of Stoudios should not

ELEVENTH CENTURY

thereby insinuate himself into the *ephoreia* or any authority over my monastery and poorhouse. He will have only the right to confer the *sphragis* on the [new] superior, and to resolve any dispute which might perhaps arise in the future over the position of superior, so as to select the better [candidate]. I enjoin and command him in no way to assume any further privilege.

If there should be an argument over the virtue of two monks, and some prefer this one for the pastoral responsibility, that is, the office of superior, and others prefer that one, the choice should be made by divine vote, as I previously described.²³ Then the man who has been chosen by lot at the altar should receive the *sphragis* as superior by the aforementioned superior [of Stoudios].

The most distinguished eparch [of Constantinople] will render assistance in the legal affairs of my monastery and poorhouse in accordance with the regulations previously declared in an inalienable manner for the sake of his spiritual salvation and service to God. If the most honorable superior [of Stoudios] should attempt to acquire ownership rights or *ephoreia* over these pious [foundations], the [eparch] should prevent him, and strip him of this privilege. Then the most distinguished eparch should receive [the privilege of] the installation of the superior, but he should have no further [right] beyond this and assistance and support in legal affairs.

This should occur after the right of *ephoreia* and dominion has passed from my family, as has already been said. For I absolutely forbid and reject any lay or ecclesiastical authority over this monastery and poorhouse, and I entrust them only to God who is glorified in the most sovereign and suprasubstantial Trinity, as I have often indicated in the present document. In order to please God and carry out my present instructions, no one else is to administer them and to have the aforementioned privileges, except for my true son, the *mystographos* and imperial notary lord Theodore, and my direct descendants through him, in perpetuity, in accordance with the instructions and the limits which I established in the passages concerning the *ephoreia* and administration of the monastery, so that a male is to be preferred to a female, and a virtuous man to the others. They will simply be as I indicated and instructed more thoroughly in the previous passage. If someone [p. 77] from the imperial court or the Church or any other privileged position or rank or condition should attempt to transgress any of my commandments, in addition to being ignored, may he be cursed by God and men, and be liable to all the aforementioned curses, on account of his attempt alone. May he also be relegated to the ranks of those who are anathematized in the holy churches, inasmuch as he is a transgressor and abomination.

[39.] Concerning the dependent peasants and tenants

My dependent peasants and tenants should not be harassed, and should not be burdened with increases in payments or services, over and above the sums they paid and work they performed in my day; for I forbid the type and form of their service to be changed, unless one of them is found to possess and cultivate more than the land assigned to him, or unless some other unforeseen circumstance would require an additional contribution or services.

[40.] Concerning the property titles

The title deeds for the immovable property attached to my monastery and poorhouse, as well as the original chrysobull, should be deposited in chests placed either in the sacristy of the monastery, or in another safe location. Each chest should have two keys, and my heir should keep one of

19. ATTALEIATES

them, and the steward the other, if there is no superior. Seals should also be affixed by my heir and the monks, and when there is need for a title deed, they should all open [the chest] and remove the document (and the same security measures should apply also to the other [documents]). Then, when the business is finished, the document should be replaced in its original location. The documents should be unrolled and shaken out three times a year, and then returned again to the same secure place. All the title deeds should be copied in a register, so that one can discern quickly the number and kind of title deeds that each property possesses. For, thanks to God, I have acquired all my properties with legal and valid actions and documents, and in good faith, and, as God is my witness, I never cheated the fisc or broke the law. If the heirs to the pious [p. 79] institutions examine any case pertaining to my property, they will always find a document appropriate for the most secure confirmation of the case in question.

The original *typikon* should be secured and sealed at the top. Its authentic copy²⁴ should be used [instead], and read three times a year, at the time of the distribution of the cash allowance to the monks, as has already been said,²⁵ and in the month of September and at Epiphany. But if there should be any doubt about a word in the copy, then the original should be opened, and after a collation has been made, that is a comparison of the texts, the original should be secured again and sealed at the top; and it should be kept in a safe place, and the copy should [normally] be used.

[41. Instructions for the steward]

The pious monk Michael, whom I appointed steward, inasmuch as he is a man who acts virtuously and was the first to be tonsured, should act to please my dearly beloved son and heir in all things. He should also exert himself for the sake of his well-being and prosperity, and carry out everything that is pleasing to him according to God, since he is distinguished among the monks. He should also guide [my son] toward every pious deed, so that the distributions are made by him, together with God, in accordance with my present wishes, so that he may receive again from him the attachment and honor that are his due. Therefore he has now been assigned a larger remuneration than the others, and his pay will be ten *nomismata*, and his provisions thirty-six *modioi* of wheat and thirty measures of wine. The rest should remain in accordance with the previous instructions.²⁶ If the superior of Stoudios should happen to appoint a superior for the monastery of the poorhouse of the All-Merciful, in case my family should die out (God forbid), he should receive compensation of three *nomismata* for his provisions.

[42. Pension for servants of departed monks]

When a monk from this monastery departs to the Lord, his servant may remain forty days in the poorhouse without being dismissed. If he is found to be of worthy character and good reputation, he should be included among the six brethren who are fed each day, making the sixth in number; but if he does not want this, he should be assigned to the eighteen people who are entitled to receive wheat, and should receive twelve *annonikoi modioi* of wheat annually. [p. 81]

[43. Warning to those who might initiate legal proceedings against the foundation]

Furthermore, I leave this instruction: if anyone ever institutes a judicial inquiry concerning the status of my poorhouse or monastery, or its *ephoreia* or administration, and impiously attempts to

transgress my instructions, he should be sentenced to eternal hell-fire and the most frightful curses. No one else should listen to his idle talk and his pernicious and diabolic intrigues, except for the most holy emperor who, by divine appointment, has piously received the Roman scepter, so that he, who has his heart in the hand of God, and has been chosen by him above all, may vigorously repel this wolf and wicked persecutor and babbler, and may crush his most loathsome savagery, and preserve unimpaired my humble instructions and the prosperity of these venerable establishments in perpetuity, since he is pious and a lover of Christ.

For it is fitting for him to respect the wishes of the founders, and to defend venerable [institutions], and to maintain and preserve from outrage the pious chrysobulls issued for them, since a *trisagion* is recited daily on behalf of the most holy emperors, as is indicated in my *typikon*.²⁷ With confidence in their piety and beneficence, that is, their aid and protection, the men of God consecrate their lives to God as a propitiatory offering on behalf of their salvation, and the raising of trophies, and good success, and the victory of the army and the good order of the commonwealth and spiritual benefit and the pleasure of God.

I also make this further commandment: if ever any of my collateral relatives should attempt to harass my dearly beloved and true son, lord Theodore, or should devise a lawsuit or extortion scheme, for any reason or in any manner whatsoever, against him or his sons and grandsons or great-grandsons, and his legitimate descendants, first of all this man should be cursed, then the entire chapter²⁸ concerning my collateral relatives should be invalidated, in which I ordained that any of my collateral relatives who wished should be tonsured. Even if my entire line of descendants should die out ten thousand times, not even one of my collateral relatives should insinuate himself into any *ephoreia*, or receive any of the revenues from my pious institutions, not even a morsel of bread or anything else; moreover they should not even be permitted to enter the gate, since they are considered plotters and enemies and opponents of my commandments. [p. 83]

[44. Provision for the recording of a future imperial chrysobull]

If, with God's aid, another chrysobull should be issued to confirm my instructions, and the immunity of my property and other affairs, it should be recorded in this *typikon* of mine. For I have left several different blank pages for this purpose. The same should be true for the inventory which is attached to my *typikon* whenever property or money is acquired in addition to that already listed.

[45. Conclusion]

The Lord God will preserve these things undamaged and unshaken forever, increasing in extent and in good order, and neither time nor envy will overthrow and damage them; rather may they always be guided towards progress and increase and a more stable condition, and may they be governed by the life-giving and divine hand, under its shelter and protection, to the glory of the Father, Son and Holy Spirit, now forever and to everlasting generations. Amen.

+ I, Michael Attaleiates, *patrikios*, *anthypatos*, judge of the hippodrome and the *velum*, confirming all the above [provisions], with God's help, and wanting them to remain inviolable, have appended my signature and seal, in the month of March, fifteenth indiction, of the year 6585 [= 1077 A.D.].+

19. ATTALEIATES

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[46. Clarification of certain provisions of the *typikon*]

I also write in this *typikon* of mine,²⁹ that if there should be no male descendant in my family, then a woman may undertake the succession to the aforementioned pious establishments, and again I confirm it; and the sex [of the heir] will never harm the family, and the instructions and wishes of your humble founder. For, in fact, the supervision of such [institutions] is often entrusted to women through gifts or family inheritance, but is [actually] exercised by men, either their husbands, or sons, or respected servants of good reputation, and thus at the same time are preserved the rightful succession and pious action.

But anyone who tries to transgress any of my instructions, no matter what the age or condition or sex or rank of the individual, appears ridiculous for attempting the impossible, since he does not respect the instructions of founders, and does not honor the rules and privileges of the Queen of Cities, and especially of the provinces, and since he does not understand the meaning of laws and [p. 85] the power of chrysobulls, by means of which this Great Church [Hagia Sophia] was established and is maintained, and lavras and monasteries more numerous than the stars enjoy the benefits of the instructions of their founders, moreover, may such a transgressor be ranked with those who crucified my Lord and God and Savior Jesus Christ.

The condition of restitution which was imposed on my heirs in case of childlessness should immediately be abolished, and both during their lifetime and after their death they should be permitted to transfer to whomever they wish the property which I have left them. In addition, they should have the supervision of and dominion over the aforementioned pious institutions established by me, to preserve them in the future in accordance with my instructions.

+ I, Michael Attaleiates, *proedros*, judge of the hippodrome and the *velum*, have now confirmed with my signature that this preceding addition was made by me. +

* * *

[Inventory]

+ Beginning of the inventory of the monastery of the All-Merciful

[INV 1] Blessed be the Lord God who is celebrated and recognized by the faithful as the Trinity, who with his threefold and co-eternal and consubstantial light illuminates and guides all things, whether in the world or above the world or beyond the material, through whom I have been granted a portent for good and marvelous favors. For by divine Providence and his infinitely powerful majesty I was rescued from accursed hands during wars against the Persians [Turks], Arabs, and also the Scyths [Patzinaks], and extraordinary strength and power compensated for my inherent weakness, and warded off total destruction. Moreover, divine succor often rescued me unexpectedly from the depths of the sea, and I was granted salvation from many terrible dangers. For I have always been eager to proclaim his mercy and not to conceal his benefactions, since

ELEVENTH CENTURY

truly “great is the Lord and greatly to be praised, he is wonderful in high places and alone does wonders” (Ps. 47 [48]:1; 92 [93]:4; 71 [72]:18). For he has revealed before my eyes [p. 87] exceedingly great favors of life and salvation, and has not only saved me, but also guided me towards prosperity and good repute, “and set my feet upon a rock, making my steps secure” (Ps. 40:3) at all times and in all places and in accordance with my expectation.

[INV 2] Wherefore, borrowing the voice of a witness, I cry out with tears and a contrite soul, so that I may find the All-Merciful Master and Lord my God propitious “in the day of judgment” (Matt. 10:15) to condone and forgive my countless sins. This is my cry of supplication: “O Lord, I magnify thee, because thou hast regarded my humility, and hast not abandoned me in the hands of my enemies, but hast preserved my soul from distress; and now, O Lord, may thy hand protect me and may thy mercy come upon me; give glory to thy holy name, and with thy power lead me toward thy divine tribunal; at the time of my judgment let not the hand of the prince of darkness seize me in order to drag my sinful self down to the depths of Hell, but stand beside me and be my savior and protector. O Lord, have mercy on my soul which has been defiled by the passions of this life,” and receive it purified by repentance, because “Thou art blessed forever.”³⁰

[INV 3] O all-merciful Lord, most compassionate King, this [prayer is made] to thee by “a worthless servant” (Luke 25:30) who is both humble and extremely sinful. Prostrating myself therefore with a contrite heart, I make a prayer and supplication. Do not reject this sacrifice and unworthy offering of thy servant, but accept it in peace in accordance with thy incomparable and ineffable mercy, and look compassionately upon this “little flock” (Luke 12:32), because it is thy heritage in fact and in name. Guard it in peace and concord, preserving my commandments as is pleasing to thee, our great God and Savior, the highest and unitary majesty that shines with a triple light. Since “I am making thee an offering from thine own,”³¹ I beg forgiveness for my daring, in the knowledge that “no human being will be justified in thy sight” (Rom. 3:20), unless he has been blessed first by the incomprehensible and ineffable mercy of thy compassion, through which I trust and pray that these modest offerings will be multiplied, and increased, and that much more abundant blessings will be bestowed than those which were requested of thee, through pious donations for the purpose of perpetual thanksgiving and praise of thy power.

[INV 4] These are the objects listed in the inventory of the monastery and poorhouse that serve thee, to which should be added subsequent acquisitions through [p. 89] thy great assistance and assent, either from me again, or from other God-loving and pious men, whose names ought to be set down in the register of the donated movable or immovable object, so that they may be commemorated in perpetuity in the daily and nocturnal offices of the holy church.

[INV 5] The sacred treasures

A large icon, painted on wood, [representing] Jesus Christ the All-Merciful, standing.

Four silver-gilt crosses for Palm Sunday.

A silver icon, and gilded support, with a bust of the Savior, with two wings; on the interior the

19. ATTALEIATES

wings have the most holy Mother of God and the venerable [St. John the] Forerunner, the holy apostles Peter and Paul, St. Artemios and St. Loukilianos; on the exterior they have the holy martyrs George, Akindynos, St. Nicholas and St. Methodios, St. Kosmas and St. Damian.

Another silver-gilt icon has a bust of the Savior, surrounded by nine icons and the *Hetoimasia*.

Another silver-gilt icon has the most holy Mother of God, holding the infant in her left arm, surrounded by nine icons, and above, as the inscription says, the church of the most holy Mother of God.

Another silver-gilt icon of [St. Michael] the commander of the heavenly armies of silver gilt with eighteen bust icons.

Another painted wood icon of St. Catherine with silver-gilt frame, having six bust icons and two standing icons.

Another painted wood icon of [St. John] the venerable Forerunner, set out for veneration, without frame.

Other icons of the *Deesis*, painted on wood.

The *templon*, which also has in the middle the *Deesis* and the story of [St. John] the venerable and holy Forerunner. [p. 91]

Another painted wood icon of St. Panteleemon with a silver-gilt frame and twenty-five glass jewels,³² with sixteen icons around the frame.

From the offering of the *praipositos* John, the secretary of the founder, which was made at the beginning of the month of October of the eighth indiction:³³

A silver-gilt icon of St. Theodore.

Another icon of St. John the Forerunner, made of bronze, with silver-gilt frame.

Another bronze icon of St. Nicholas, also with silver-gilt frame; both [icons] small.

[INV 6] The sacred vessels

A silver-gilt chalice and paten with *asteriskos*, spoon, and *ithmos*, the paten having . . . on the edge . . . , and on the bottom a cross and a circular inscription: "Lord, help the monk Romanos"; the chalice has four crosses and on the foot an inscription similar to that of the paten, and on the edge: "Drink ye all of this" (Matt. 26:27), both together weighing four *litrai*, seven ounces.

Two silver-gilt pot-shaped lamps with their suspended chains, one weighing two *litrai*, the other two *litrai* less an ounce.

Silver-gilt capitals for the holy doors, one depicting Christ, the other the most holy Mother of God, weighing one *litrai*.

A silver standing censer without gilding, in the form of a horseback rider, weighing . . .

A silver-gilt Persian casket with enamels, weighing . . .

ELEVENTH CENTURY

From the offering of the aforementioned *praipositos* John, a plain silver *ithmos*. [p. 93]

[INV 7] The books

A minuscule gospel lectionary, with all the titles and headings written in gold, with two crosses, four ornaments in the form of a gamma, eight almond-shaped studs, seven clasps, fifty-seven nails, all in silver-gilt.

A book containing the four gospels in uncials, with two crosses and eight gamma-shaped ornaments, all of pure cast gold; and one of the crosses depicts the Crucifixion, the other the most holy Mother of God, and the gamma-shaped ornaments represent the holy apostles and various other saints. This book of the four gospels also has seventy-one small nails and seven silver-gilt clasps, which have in turn sixteen nails and eight studs.

Another old gospel lectionary, written in uncials, with one silver cross and an inscription on the cross as follows:

“Even after my death, I offer a rule of conduct
To God my Master as a propitiatory offering.”

Another book, the *Apostolos*, in minuscule.

A *Prophetes*, in minuscule.

An *Oktoechos*, with two canons.

A *Sticherarion*.

A Psalter for psalmody.

Menaia for the entire year, and a *Triodion* in good condition.

Lectionaries.

[St. Gregory Nazianzen] the Theologian.

The first [volume of John Chrysostom's *Homiliae*] in *Johannem*.

Four volumes of the *Metaphraseis* [of Symeon Logothetes].

Four *Menaia*, for September, October, November, and December.

Another Psalter, with commentary. [p. 95]

Another book, the *Pandektes* [of the monk Antiochos].

The second volume of the *Hexameros* of [St. John] Chrysostom, and the *Hexameros* of St. Basil with the Apocalypse and miscellaneous texts.

Another book, *Panegyrikon* of different authors, and another book of [St. John] Chrysostom, *The Statues*, and another book of theology by St. John of Damascus.

Another *Prophetes*, in minuscule, and another book, the *Catecheses* of [Theodore] the Studite.

From the donation of the same *praipositos* John:

19. ATTALEIATES

A parchment book, in minuscule, containing a text of [St. John] Chrysostom, and the *Life* of St. Artemios, and lives of other saints.

Another parchment book containing the canons of the feast days of our Lord, with commentary, and a book on earthquakes and thunder.

Another book in paper containing the synopsis of the Holy Gospel, and Alexander,³⁴ and other texts.

Another paper [volume containing] a chronicle composed by the founder.

The following [books] were donated to this holy monastery in the month of March of the eighth indiction by the monk Michael, superior of the same monastery:

A book in paper, a *Praxapostolos*, with commentary, containing also the seven catholic epistles, also with commentary, and in addition the Book of Job, the Proverbs of Solomon, Ecclesiastes, the Song of Songs, the Wisdom of Solomon, and the Wisdom of Jesus, son of Sirach, all with commentary, all in beautiful writing.

Another paper book, containing the Psalter with commentary. [p. 97]

Another book in parchment, in uncials, *The Capture of Jerusalem* [by Flavius Josephus].

Another parchment book, a *Nomocanon*, and [the *Acts*] of the holy apostle Peter by [Ps.-] Clement [of Rome].

Another parchment book, a commentary on [St. John] the Theologian.

Another [volume], a *Heirmologion* in paper.

Another book, containing a *Kontakarion* and psalter, as well as the verses preceded by Alleluias.

Another book, a *Schematologion*.

The books donated by the executors after the death of the founders, as well as the books acquired subsequently for the needs of the monastery, and the books donated by the monk lord John, the spiritual father of our late master and founder, have been recorded at the end of the volume of the *typikon* because of the limited space in this part of the catalogue of the books in the *typikon*.

[INV 8] The textiles

One cloth in green silk fabric for the holy altar, with eleven young horses and a two-headed lion-griffin.

Another altar cloth in linen, with painted decoration.

Two curtains, one for the *templon*, and the other for [St. John] the venerable and holy Forerunner.

Veils for the chalice, one new and one old.

Another cloth for the holy table, made of *skaramangion*.

A curtain for the *templon*, similar to the altar cloth, which also covers the columns of the holy doors, both old.

ELEVENTH CENTURY

Another silk cloth, a curtain in two shades³⁵ of purple, depicting a purple peacock in a conch-shaped niche, with borders [and ?] lining (?)³⁶ of pistachio color, and another very long [p. 99] and narrow curtain, of brilliant white, the so-called *ambelokladion* [with vine-tendrils decoration], with ordinary borders [and?] lining (?). These two liturgical cloths were dedicated with devotion to [St. John] the venerable and holy Forerunner by the *praipositos* and chamberlain John for the remission of his sins, so that on feast days the narrow [curtain] might be hung above the venerable head [of St. John], the other in front of him like a *podea*.

[INV 9] [List of] properties

This monastery with its rental properties, the bakery, the perfume shop, and the houses with upper and lower floors which are rented out, except for the ones which I have excluded, that is, the gallery and ground floor [of the buildings] which look out on the courtyard of the small house.

Half of the income from the house which came to me from Thomas of Nicaea.

All of my large house in the town of Rhaidestos, which I designated to be a poorhouse in fact and in name, and joined indissolubly with the monastery.

The estate of Selokaka together with Makron Chorion.

The estate of Baboulou, or Lips.

The estate of St. Myrope, also known as the Monokellion, and the other Monokellion donated to my monastery and poorhouse as his own personal property by the most holy patriarch of Theoupolis, the great Antioch, lord Nikephoros.³⁷ On his behalf an *ektenes* and memorial rites should be celebrated in perpetuity, and on the anniversary of his death two *nomismata* should be given to the monks for liturgical [purposes], and three *nomismata* for distribution to the poor, and in addition there should be celebrated a *trisagion* and twenty-four liturgies.

The estate of Symeoniou.

The *aule* of Metaxas. [p. 101]

The *aule* of Arkolykes together with the houses acquired by exchange with Hagia Sophia.

The *aule* of Kentarchos, together with all of the houses there.

Of my estates at Mesokomion, I donate one estate which I bought from the nun _____, the niece of Skribas, which he had from Chosbaïtes.

It should be known that the property of the Monokellion donated by the patriarch of Theoupolis, the great Antioch, which was taken by force from him, belonged to the nun Xene Komnene, the most noble *kouropalâtissa*, and was later given by her to the monastery of the All-Merciful, with the approval of her holy mother, lady Anna; and they should be commemorated both during their lifetime and after their death, together with Constantine, the late husband of the nun, lady Xene, and their memorial rites should be celebrated in perpetuity in accordance with the text of their donation.³⁸

19. ATTALEIATES

[INV 10] [Chrysobull of Emperor Michael VII Doukas]

Copy of the chrysobull of the emperor, lord Michael Doukas, which was registered at the office of the *genikos logothetes* in the month of March of the thirteenth indiction, at the office of the *oikeiaka* on March 28 of the thirteenth indiction, at the office of the *sakelle* in the month of March of the thirteenth indiction, at the *oikonomion* of pious institutions on March 30 of the thirteenth indiction, and at the office of the *stratitikos logothetes* on April 14 of the thirteenth indiction.

+In the name of the Father and the Son and the Holy Spirit, Doukas, faithful emperor and orthodox *autokrator* of the Romans.+

[p. 103]

There is nothing at all which can render the generous soul of a ruler even more generous than the sincere loyalty of a grateful subject whose heart is eager to serve his master. If this man is also adorned with learning of general usefulness and a good disposition and intelligence, this encourages his master to even more generosity. For this man attracts his master to himself³⁹ as a magnet does iron, and he asks, as is reasonable, to enjoy abundant favors from him. Indeed an example has been revealed right before our eyes and very close at hand that this is so and that these words are true, namely the *anthypatos* and judge, Michael Attaleiates, a man venerated for the dignity of his bearing and his good character, a very serious individual of great learning and admirable experience, and even more admirable in his loyalty to my majesty, a man who is prouder of this [loyalty] with which he is adorned than he is of his other [accomplishments], as a long period of time has clearly revealed. For this man was apprehensive lest his house in Rhaidestos, and his additional properties which he acquired and owned in the themes of Thrace and Macedonia, be subjected daily to plundering and ruin at the hands of all the profiteers, and suffer great and wrongful damage from them. Thus he has presented an urgent petition to my majesty on their behalf, and has entreated earnestly that we issue a chrysobull to spare them harassment.

Therefore, my majesty, who is more eager to grant the petition than Attaleiates was to make the request, has graciously consented, and has royally awarded him the present chrysobull, by means of which he ordains and decrees that this man's house, together with its rental properties and the estates which he has honestly acquired and owns in the aforementioned themes, whatever their nature and number, are to be inviolate and spared any harassment, even if with the passage of time they should happen to increase a great deal.

[He also decrees] that these properties and their inhabitants are not to fear the visitation of judges or fiscal agents or soldiers or *orthotai* or magistrates or registrars or tax collectors of any sort, nor any of their subordinates. Furthermore [he decrees] that from the present time all [these properties] are to be preserved inviolate in perpetuity, and that they be completely spared all other [problems], and enjoy complete freedom and peace from this day on, whether they belong to private and lay owners, [p. 105] or, as the result of a donation, to ecclesiastics or monks or pious foundations. They should pay only that amount exacted from them annually up to this point, whether it is taxes, or some other kind of payment. [They should pay] those people to whom they have been making payments at stated intervals until now, and in no way be subjected to any new or novel burden of imposition and innovation, whether great or small.

ELEVENTH CENTURY

They are also forthwith to be spared the passage of an army and *vestiaritai* and mandators and other imperial agents who come to the aforementioned themes on any sort of business, or pass through en route. Neither they nor their animals are to be subjected to any compulsory labor service, or additional labor, by any of these agents, nor to be compelled to supply the provisions which are given to the judges or fiscal agents and those enumerated above. Rather these properties should remain in total peace and security, and should banish far away from themselves and reject any fear and danger of harassment.

For all [the properties] of the aforementioned *anthypatos* and judge of the *velum* have anchored in a harbor protected from the waves on all sides, and do not expect any storm or turbulence and damage, and so that the force of my words may be understood in its essentials, [these properties] are protected in perpetuity by this chrysobull, in the manner I have described, as if by a mighty fortress that is impregnable on all sides. They will drive far away anyone who attempts, or even considers, abuse of these [properties], and they will use weapons against any person of this sort, as if from a very high vantage point, and they will be safe and completely free from any harm and damage from these people.

They will also be exempted from the billeting of officers of the *tagmata* or themes, or of the Russians, Varangians or Koulpingoi⁴⁰ or Franks or Bulgarians or Saracens or any other [mercenaries], from *antimitatika*, *aplekta*, and the provisioning of *aplekta*, *mesaplekta*, judges, tax-gatherers and all others, the requisitioning of pack-animals, the payment of *kaniskia* and *antikaniska*, both old ones and those which might be imposed subsequently, the provisioning of fortresses, the purchase of mules, half-shares of mules, pack-mules, half-share of pack-mules, horses, [p. 107] horses for use as out-runners, jackasses, she-asses, mares, draft oxen and beef cattle, pigs, sheep, goats, cows, buffalo, hunting dogs and other four-footed animals, the furnishing of produce by forced sale, the obligation of the *dromos*, the *oikomodion*, the *komodromikion*, the *prosodia*, the *aerikon*, the *synone*, the *strateia*, the hearth tax, the tax for the construction of fortresses and the paving of roads, the building of bridges, the *taxation*, the *matzoukation*, the provision of supplies to be given to judges or fiscal agents or other officials, or foreign envoys in transit or an army, the supplying of fodder, the sustenance of *protokentarchoi* or *proeleusimaioi*, or imperial agents dispatched on certain missions, the provision of produce or transport of wine, meat and miscellaneous items, the outfitting of marines, lancers, bowmen or mounted archers, the purchase of wheat, barley, oats, oil, legumes and grains of all kinds, the cutting and transport of any sort of wood or the transport of oars, or anything else, the provision of *malaratoi*, archers, the outfitting of soldiers, cavalry and infantry officers, lodging of top-ranking officers, *doukes*, *katepano*, *strategoi*, judges, and other tax gatherers, the provisioning and lodging of armies going to and returning from war, of *vestiaritai*, mandators of the *dromos* who are escorting ambassadors or exiles, or passing through for any other reason, of *topoteretai*, *tourmarchai*, *merarchai*, and anyone else entrusted with making inquiries into affairs of the fisc, compulsory labor service, additional labor, or any other imposition, whether mentioned [above] or omitted, whether existing at this moment or devised at a later time.

Therefore I command and confirm that all officials, at present or in the future, *sakellarioi*, *genikoi logothetai* and *stratitotikoi logothetai*, the [officials in charge of] our *sakelle* and *vestiarion*, the stewards of the pious institutions and of [the convent of] Petria, the officials in charge of the

19. ATTALEIATES

oikeiaka, and the *ephoroi* of the imperial curatories, the *eidikoi*, the directors of old age homes, the officials in charge of our divine treasury of Phylax, the curators [p. 109] of the house of Eleutheriou and Mangana, the *oikistikoi*, and their subordinates, the *protonotarioi*, the *logariastai*, the *chartoularioi*, notaries and imperial notaries, as well as the *domestikoi ton scholon*, *doukes*, *katepano*, *strategoï* and their representatives, *taxiarchai*, *tourmarchai*, *chartoularioi* of the *dromos* and the themes, counts of the Court, *domestikoi* of the themes, *droungarokometai*, *protokentarchoi*, *proeleusimaïoi* and other officers of the *tagmata* and themes; and in addition judges, magistrates, *strateutai*, *orthotai*, registrars, *protonotarioi*, collectors of the *synone*, *horeiarioi*, and anyone else entrusted with government business, that no one at all, at any time or in any way, is to annul or invalidate any provision decreed here by my majesty, even if it is only a mere attempt, on account of the guarantee and security of this pious sealed chrysobull of mine issued in the month of March of the 13th indiction in the year 6583 [= 1075 A.D.], to which my pious authority, chosen by God, has appended its signature.+

+Michael Doukas, in Christ God the faithful emperor and *autokrator* of the Romans.+

[INV 11] [Chrysobull of Emperor Nikephoros III Botaneiates]⁴¹

[This document makes extensive use of the preceding Chrysobull of Michael VII [INV 10]. Borrowings are indicated in boldface type.]

Copy of the chrysobull of the emperor lord Nikephoros Botaneiates, registered at the office of the *oikeiaka* in the month of May of the second indiction, at the office of the *sakelle* on the ninth of May of the second indiction, at the office of the great *sakellarios* in the month of May of the second indiction, at the office of the *oikonomion* of the West in the month of May of the second indiction, at the office of the *genikos logothetes* on the fourteenth of May of the second indiction, and at the office of the *stratitikos logothetes* on the seventh of May of the second indiction.

+In the name of the Father and Son and Holy Spirit, Nikephoros Botaneiates, faithful emperor [and] orthodox *autokrator* of the Romans.+ [p. 111]

It is fitting for a true emperor to be known as one who distributes rewards to the deserving and assigns to each the appropriate honors; and if learning and a reputation for learning have become as it were a distinctive characteristic of the *magistros* and judge, Michael Attaleiates, it would not be fair for this man not to receive the corresponding favor. For if a man imbued with culture is not revered, then we consider culture to be unimportant. If we do not place importance upon culture, which is the crowning glory of civilization, then we condemn to neglect people with rational natures. [I trust], however, that no one would neglect the good to so great an extent as to fail to honor learning in a reasonable manner. For this reason it would be unfair if a man who has exerted himself on behalf of culture, and achieved greater success than most, should now be deceived in his expectations by my pious majesty, and not have his request granted, especially since he has affixed to his present purpose an extraordinary image of divine piety. But what is the reason for this preamble? The text which immediately follows will indicate this most clearly.

This aforementioned *magistros* formerly acquired properties in Thrace and Macedonia, and procured from the previous emperor, lord Michael Doukas, a chrysobull granting total immunity

to them, and enjoining that they were **to be free from any access and visitation** by anyone, by **judges and fiscal agents and *strateutai*, *orthotai* and magistrates, registrars, and tax collectors of any kind, and all their subordinates.** [The chrysobull also] forbids **any increase** or amendment [in the taxes] on his estates, so that he is to pay **only** the [monies] **exacted annually** up to this time, **whether they be taxes, or any other payments.** Moreover, [the chrysobull] excludes and prevents any other sort of imposition, whether billeting or compulsory labor service or extra duty, or other responsibilities enumerated in that [document]. Thereby it had the force [of law], and since the foundation was laid in accordance with the law, the edifice placed on top of it was also secure. But even a solid [edifice] often needs a support, so that it may become stronger. For example, sometimes we surround a trench with walls, and encircle a city with a double circuit wall, and this procedure is not incompatible with [the concern for] perfection. Therefore the *magistros* has resolved on this circumspect and shrewd [procedure]. He decided to approach our pious majesty for confirmation, since he knew that an imperial decree which confirms a [previous] decree has even greater weight. [p. 113] For this reason he requested a document sealed with a chrysobull confirming the properties which he has acquired legally, and granting him an unassailable title of ownership, as well as confirming the above-described immunity. Since [this] request was not unreasonable, but rather made good sense, it has been granted.

For my serene majesty **decrees**, by means of **this pious chrysobull**, that the properties which the *magistros* acquired in any way in **Thrace and Macedonia** with **proper** title deeds are to belong to him without any harassment or contest, and no insolent person with evil designs is to trespass on them. Nor [are they permitted to] harass the *magistros* himself nor any of his party, his heirs and successors or any others with ownership rights. [They may not] disturb his lawful right of ownership with regard to [properties] which he has acquired by purchase from the fisc or as imperial gifts, or [properties] acquired in good faith by means of private transactions, or trouble him and his party with pretexts of *hypertimon*, or other new exactions or vexations, nor [may they] damage and maltreat his property. May any imposition of this kind or any other sort be banished far away from him and his properties, and may every unjust and greedy person be driven away from them. For my pious majesty wishes him to have his lawful ownership uncontested and undisputed and with no grounds for argument in any way for any reason or cause. Moreover he should not be subject to any abuse, as provided by the chrysobull previously granted to the *magistros*, which my serene majesty confirms and ratifies and reinforces with this present decree.

But the *magistros* did not seek only after culture, nor did he place importance on terrestrial matters alone; rather he devoted considerable and noble forethought to the condition of his soul. For he was well aware that all the things of this world are transitory, and terrestrial [wealth] ends on earth, and only those things are abiding which bring profit to the soul, and therefore he has shared all of his possessions. For he has offered as a dedication to God his house in the capital, which he acquired by purchase from his late sister-in-law, the *protospatharissa* Anastaso, and made it a monastery for pious men; and he joined with it, as a total gift, the house he owned in the town of Rhaidestos, [p. 115] after transforming it into a poorhouse, so that both of these institutions might be combined and consolidated and united into one **through the bond** of the [Holy] Spirit.

In order to accomplish this pious objective, the *magistros* stored up material resources to

19. ATTALEIATES

achieve his goal, and then designated both rural and urban properties as an offering to the monastery and poorhouse that he had established. In addition, he drafted a *Rule* in which he explained very clearly how and by whom each of these properties should be administered. And since he was on guard against vicissitudes in affairs and the different sorts of changes which occur, he was not easy in his mind, but sometimes the thoughts of his heart were fearful. For this reason he approached my serene majesty and sought a guarantee. Since my pious majesty was desirous to participate in a good [cause], he did not hesitate or delay in acceding to this pious endeavor. As soon as the *magistros* made his petition, my majesty fulfilled his request in a pious fashion, decreeing and ordaining in the present pious chrysobull that the newly established monastery built by the *magistros* in the name of our great God and Savior Jesus Christ, the All-Merciful, and the poorhouse in Rhaidestos which is joined with it, as well as their properties, in accordance with his *Rule* should be reserved for our Lord God alone to whom they were consecrated by the *magistros*. They are not to be diverted by any imperial authority or official bureau or bishop, nor by the authority of any ruling officials or anyone with a private fortune. Rather these properties should be kept separate from everything else, and, as if they were in inviolable storerooms, should be preserved for and assigned in perpetuity solely to the Word of the Person of God the Father. Everyone else should know that if anyone attempts, as an act of folly, to desecrate properties which have been honestly consecrated and delivered into the hands of God alone, he will be immediately found guilty of sacrilege, and will not escape the just punishment for it. For if we rarely escape the subsequent punishment when we harm our fellow citizens and commit moderate sins, when God himself is the One dishonored and the evil purpose affects him directly, what kind of threatening punishment is it not reasonable to expect? I do not think anyone would ever be so rash, or would come to such an extreme of insanity; but if there should perhaps be certain people whose inner soul teems with evil, I offer in his defense this [p. 117] chrysobull, by which I absolutely prohibit any interference in these affairs, by any imperial authority, or the visitation of an official bureau or patriarchal or episcopal authority, or the power of eminent people, or even the insignificance of very unimportant people. For it is wrong for people who ought to desire nothing but justice (?) to interfere in property that is completely alien to them and dedicated to God alone, and to insinuate themselves wickedly.

We award these properties to God alone the All-Merciful, and decree that they belong to his portion, and all the pious provisions made by the *magistros* with regard to these properties should be observed in perpetuity as he determined and as is described in his *Rule*. His son, the *dishypatos* Theodore, the imperial notary, has been entrusted with the supervision and administration of these pious institutions in accordance with the *typikon* of the aforementioned founder, and his direct descendants and their descendants in turn, as long as his lineage continues. [I also ordain] that when his line runs out, the monastery and poorhouse should be self-governing and independent, and all its supervision and administration should be carried out under [the direction of] God the leader and guardian, and thus all human *ephoreia* and abuse should be removed from them.

All the real estate belonging to these institutions together with the other properties of the *magistros* (which will be indicated by name below), **are to be exempt from judges, fiscal agents, strateutai, orthotai, magistrates, registrars, tax collectors and all their subordinates**, as well as the inhabitants and dependent peasants **residing on these** estates. They will be **preserved** from

all abuse and additional payment to the fisc, from *kaniskion* and *antikaniskon*, so that no one at all is to trespass on these properties.

Furthermore, from the present moment they are all to be preserved unharmed in perpetuity, and will prevail completely over everything else, and will enjoy total freedom and peace, even if they should increase greatly with the passage of time. In no way are they to be subjected to any new or novel burden or imposition and innovation, either great or small, and moreover, they are to be spared the passage of an army and *vestiaritai* and mandators and other imperial agents who come to the aforementioned themes on any sort of business, or pass through en route; and neither they nor their animals are to be subjected to any compulsory labor or additional labor by any of these agents, nor to be compelled to supply the provisions which are given to the judges or fiscal agents or those enumerated above. Rather these properties should remain in total peace and security, and should banish far away from themselves and reject any fear and [p. 119] danger of harassment, so as to seem to have anchored in a harbor protected from the waves on all sides, and not to expect any storm or turbulence and damage, [or payment of the] *hypertimon*, and so that the force of my words may be understood in its essentials, that all the properties of the aforementioned *magistros* and judge of the *velum* [and of the aforementioned pious institutions] are to be preserved in perpetuity by this chrysobull, in the manner described, as if by a great fortress which is impregnable on all sides. They will drive far away anyone who attempts or even considers abuse of these properties, and they will use weapons against any person of this sort, as if from a very high vantage point, and they will be safe and completely free from any harm and damage from these people.

They will also be exempted from the billeting of officers of the *tagmata* or themes, of the Russians, Varangians or Koulpingoi, or Franks or Bulgarians or Saracens or any others, from *antimitatika*, *aplekta* and the provisioning of *aplekta*, *mesaplekta*, judges, tax gatherers, high-ranking military officers and all others, from the requisitioning of pack-animals, the payment of *kaniskia* and *antikaniska*, both old ones and those which might be imposed subsequently, the provisioning of fortresses, the purchase of mules, half-shares of mules, pack-mules, half-shares of pack-mules, horses, horses for use as outrunners, jackasses, she-asses, mares, draft oxen and beef cattle, pigs, sheep, goats, cows, buffalo, hunting dogs and other four-footed animals, the furnishing of produce by forced sale or some other cause, the obligation of the *dromos*, the *oikomodion*, the *komodromikion*, the *prosodia*, the *aerikon*, the *synone*, the *strateia*, the hearth tax, the tax for the construction of fortresses, the paving of roads and the building of bridges, the *taxation*, the *matzoukation*, the provision of supplies to be given to judges or fiscal agents or other officials, or foreign envoys in transit, or an army, the supplying of fodder, the sustenance of *protokentarchoi* or *proeleusimaioi*, imperial agents dispatched on certain missions, the provision of produce or transport of wine, meat and miscellaneous items, the outfitting of marines, lancers, bowmen or mounted archers, the purchase of wheat, barley, oats, oil, legumes and grains of all kinds, the cutting and transport of any sort of wood or the transport of oars or anything else, [p. 121] the provision of *malaratoi*, archers, the outfitting of soldiers, cavalry and infantry officers, lodging of top-ranking officers, *doukes*, *katepano*, *strategoï*, judges and other tax gatherers, the provision-

ing and lodging of armies going to and returning from war, *vestiaritai*, mandators of the *dromos* who are escorting ambassadors or exiles, or passing through for any other reason, *topoteretai*, *tourmarchai*, *merarchai*, and anyone else entrusted with making inquiries into affairs of the fisc, compulsory labor and additional work, or any other imposition, whether mentioned [above] or omitted, whether existing at this moment or devised at a later time.

Since the aforesaid *magistros* petitioned my serenity to confirm as an act of munificence his gift of an endowment for this pious monastery, my pious majesty, agreeing that his request should not be disdained, orders that twelve *nomismata* be given to this monastery as an endowment at the time of paying the salary of the *spatharokandidatoi*. It is to receive this payment now and in perpetuity without any diminution or delay, and it is not to suffer either total confiscation or partial diminution at the hands of anyone.

Therefore, I command and confirm that all officials, at present or in the future, *sakellarioi*, *genikoi logothetai* and *stratitotikoi logothetai*, the [officials in charge of] our *sakelle* and *vestiarion*, the stewards of the pious institutions, the officials in charge of the *oikeiaka*, and the *ephoroi* of the imperial curatories, the steward of [the convent of] Petria, the *eidikoi*, the directors of old age homes, the officials in charge of our divine treasury of Phylax, the curators of the house of Eleutheriou and Mangana, the *oikistikoi*, and their subordinates, the *protonotarioi*, the *logariastai*, the *chartoularioi*, notaries and imperial notaries, as well as the *domestikoi ton scholon*, *doukes*, *katapano*, *strategoï* and their representatives, *taxiarchai*, *tourmarchai*, *merarchai*, *chartoularioi* of the *dromos* and the themes, counts of the Court, *domestikoi* of the themes, *droungarokometai*, *protokentarchoi*, *proleusimaïoi* and other officers of the *tagmata* and themes; and in addition judges, magistrates, *strateutai*, *orthotai*, registrars, *protonotarioi*, collectors of the *synone*, *horeiarioi*, and anyone else entrusted with government business, [p. 123] that no one at all, at any time or in any way, is to annul or invalidate any provision decreed here by my majesty, even if it is only a mere attempt, or to impose in any way or on any pretext any additional tax or increase or rectification on the aforesaid estates, or to harass and trouble them for the sake of the *hypertimon*, on account of the guarantee and security of this pious sealed chrysobull of mine issued in the month of April of the second indiction, in the year 6587 [= 1079 A.D.], to which my pious authority, chosen by God, has appended its signature.

The following properties are to be granted immunity: the house in Rhaidestos, the rental properties, that is the *aule* of Metaxas with . . . the house of Kentarchos [and] Arkolykes, as well as those acquired by exchange with the poet Kamarotes, the coastal properties and the others, the estate of Selokaka together with Makron Chorion and [the estate of] Bandophorus, the estate of Baboulou or Lips, the estate of Monokellion, the estate of Koukou, the estate of Symeoniou, the estate of Hai Tzachnistai, the estate of St. Helen or the village of Ano Siliou together with Thlabioi, the estate of Leuke of the Armenians, the estate of Phletra with its miraculous fountain, the houses at Selymbria with the estate, and the estates at Mesokomion.

[INV 12] [Dedication of additional books by the superior Michael]

The following books were donated or dedicated to the All-Merciful by the most honorable superior:

ELEVENTH CENTURY

The four Evangelists with a commentary [by the archbishop] of Bulgaria,⁴² that is, four books on paper. [p. 125]

Another book in paper containing at the beginning the commentary on this text of Chrysostom, “We do not wish you to be in ignorance concerning the dead” (I Thess. 4:13), and numerous other different commentaries.

Another small book, in parchment, containing the *Schematologion*.

+ Michael, the most insignificant monk and superior.+

[INV 13] Books from the property of the founders, presented after their death(s) by the executors
The book of the ascetical treatises by St. Basil.

The book of *Pearls* [by St. John Chrysostom].

A commentary of St. Basil on the prophet Isaiah.

A selection from the ascetical treatises of St. Basil by [Symeon] the Logothete.

The first volume of the *Hexaemeros*.

A volume in paper, for September and October, of [Symeon] Metaphrastes.

The book of St. Dionysios, in uncials.

The book of St. Dorotheos.

The *Nomocanon*, in uncials.

The *Tetrabasileion*, containing two Books of Kings and the Life of St. Andrew the Fool for Christ.

A *Kontakarion*, containing also the miracle at Pege.

The *Antirrhetics* of St. Basil against Eunomios.

[INV 14] [Books] acquired after the death of the founders

Two books of [Symeon] Metaphrastes, one with the first part of January, the other containing February, March and April. [p. 127]

Another *Tetrabasileion*, this one also containing two Books of Kings, Chronicles and Ezra, and another book, a *Panegyrikon*.

[INV 15] [Books] donated after the death of the founder by the monk, lord John, the spiritual father of our late master and founder:

A great *Paterikon*.

The first and second volumes of the commentary of [St. John] Chrysostom on the Gospel according to Matthew.

[INV 16] Books acquired later by purchase

19. ATTALEIATES

Lectionaries containing various readings, one containing at the beginning the text, “How do you feel about our situation?”⁴³ and the works of [Ps.-] Clement [of Rome], another bound in cloth, containing at the beginning the Life of St. Symeon.

Another book, donated by the *protosynkellos*, containing at the beginning a chronicle and *Leukippe* [and *Clitophon* by Achilles Tatius].

[INV 17] Other items acquired after the death of the founder
Purchased items

Ten books of [Symeon] Metaphrastes, and a gospel lectionary with a wooden cover, purchased from the late magistros, lord Symeon Seth.

The second book of the commentary on John [by John Chrysostom] was also donated by the late lord Constantine Peribleptenos.

From the monk Gregory we received a book containing *sticheraria* with their notes, like a *heirmologion*.

Various objects in silver were bequeathed by the late Boutoumites, and a basin was donated by the late lord Niketas, which gifts we received, a gilded chalice and paten containing an image of the Crucifixion, [p. 129] weighing eight *litrai*, another silver-gilt chalice and paten, containing on the interior a cross and the inscription, “Take, eat,” an *ithmos*, *asteriskos* and spoon.

[INV 18] Objects donated by the late monk lord John, notary, *mystikos* and chamberlain
Silk cloth in three shades of yellow,⁴⁴ of which the background is purple, six spans long and five wide.

Another silk cloth, an altar cloth.

An embroidered cloth, of Saracen manufacture.

A silver reliquary (?)⁴⁵ containing a piece of the precious wood, two enameled angels, and below, the Mother of God, St. John the Theologian and SS. Constantine and Helen, all in cast gold; and the container is entirely of silver.

Another silk cloth in three shades of yellow, with a griffin in the middle and with borders and lining.⁴⁶

The *podea* of the All-Merciful.

Two other silk cloths, hangings for [St. John] the Holy Forerunner
. the one above of gleaming white in three shades, with borders and lining, the one below long and in three colors with borders in the style of Attaleia. [p. 130]⁴⁷

Two pairs of veils for chalices, one of *kastrision* (?) cloth and with gold crosses in the middle, the other of Saracen cloth A silver basin with gilded border on the rim, and silver chains, and a handle . . . donated by the late . . . anos, a pectoral of reversible (?) silk cloth⁴⁸

Also a gilded pot-shaped lamp, with an image of our Lady and the Incorporeal [Archangel], was

ELEVENTH CENTURY

donated for [the icon of] the Holy Forerunner by the late monk, lord Ignatios, or rather [it was donated] by his executors in accordance with his instructions . . . with an image of our Lady and the Incorporeal [Archangel] . . . five, and two silver icons with silver-gilt [and] bronze frame.

In the eighth indiction of the year 6587 [= 1079 A.D.]⁴⁹ two books were also purchased for four *nomismata*, one a *synaxarion* for the entire year, [the other] a book of St. Ephraem.

Notes on the Translation

1. Eirenikos and Kale; see [16] and [31] below.
2. Probably Attaleia, hence his name Attaleiates; see Lemerle, *Cinq études*, p. 76, n. 8.
3. Constantinople.
4. Sophia; see [16] and [31] below.
5. In other words, God is satisfied with a small offering, even though what we offer him is not ours but his. Unlike God, however, we judge a gift by its size, despite the fact that the person who gives us this gift does a favor to us by offering something that is his, not ours.
6. John Chrysostom, *Hom.* 18.5 (*PG* 53–54, col. 156A).
7. September 23, 1063; see Lemerle, *Cinq études*, p. 77, n. 11.
8. For this individual, see Lemerle, *Cinq études*, p. 78, n. 17.
9. Defective reference; cf. [13], [17].
10. That is, in [7].
11. For this individual, see Lemerle, *Cinq études*, p. 82, n. 25; Nissen, *Diataxis*, p. 109, thought he was the husband of Euphrosyne, the aunt of Attaleiates' first wife Sophia, who is mentioned above in [4], [5].
12. For this foundation, see Janin, *Géographie*, vol. 3, p. 70.
13. Of Michael VII Doukas, Dölger, *Regesten*, no. 1005, included in the *Rule* below as [INV 10].
14. An *episkopeion* or episcopal see, which sort of foundation Alexios Studites, *Hypomnema B'* (1028) (R&P 5.25–32) (= Grumel, *Regestes*, no. 835), had attempted to exclude from participation in the *charistike*.
15. See *C. Nicaen. II*, c. 12 (R&P 2.592–93).
16. See [26] below.
17. Entrance gift (*apotage*) contrasted here with obedience (*hypotage*).
18. For this official, the urban prefect of Constantinople, see Alexander Kazhdan, "Eparch of the City," *ODB*, p. 705.
19. "Assent," cf. Gautier, "Diataxis," p. 68, who renders *epineusis* by "assentiment," and writes in n. 45 that he believes it has to do with the eparch's compensation for agreeing to try the case.
20. June 24.
21. *hyper hyelion*: As noted by both Lemerle (*Cinq études*, 107, n. 91) and Gautier ("Diataxis," 70, n. 49), the term *hyelion* ("a glass object") does not make sense in the present context. However, J. O. Rosenqvist, in a recently published article, argues that *hyelion* is used here to denote an inexpensive glass lamp, in the form of a small conical cup in which a layer of oil floated on water (cf. "Lamps for St Eugenios: A Note on Byzantine Glass," *Eranos* 92 [1994], 52–56). This is a plausible interpretation, especially if we choose to change the reading of the manuscript to *hyper hyelion* and translate "for small glass lamps." We wish to thank Alice-Mary Talbot for bringing this article to our attention just as this volume was going to press.
22. In [10] above; cf. [25], [33].
23. In [26] above.
24. This is a reference to the surviving isotype, now in the National Library, Athens, on which the text of this document is based.

19. ATTALEIATES

25. In [33] above.
26. In [35] above.
27. In [31] above.
28. See [13] above; cf. [30].
29. In [10] and [37] above.
30. Prayer of Ephraem Syrus, ed. J. Assemani, *S. Ephraem Syri opera omnia*, vol. 3 (Rome, 1746), p. 485.
31. See John Chrysostom, *Liturgy*, ed., F. E. Brightman, *Liturgies Eastern and Western* (London, 1896), p. 386.
32. *hyelion ké*: Rosenqvist (as in note 21 above, p. 55 and n. 28) expressed the view that *hyelia* also denoted lamps attached to icons, citing as evidence two items from the *Inventory* of Xylourgou on Mount Athos published in the Acts of the Monastery of Saint Panteleemon, where *hyailia* (sic) are identified by the editors as lamps (cf. Lemerle, *Actes de Saint-Pantéléémôn*, no. 7, lines 16 and 22 with commentary on p. 69). However, a careful perusal of the text of this document shows that the *hyailia* in question were not lamps but paste gems. In the first instance (lines 15–16), 18 *hyailia* are cited as part of the decoration of the cover of a reliquary together with tiny pearls. While in the second instance (lines 21–22), *hyailia* are found on the frame of an icon. For other examples of the term *hyelia* as decorative stones on icons and crosses, see (27) *Kecharitomene*, Appendix B. It must also be noted that Gautier translates *hyelia* as “cabochons” (cf. “Diataxis,” 90).
33. For his other benefactions, see [INV 6], [INV 7], [INV 8], [INV 15] and [INV 18] below; the year of this donation is probably 1085.
34. Probably a book entitled *On the Cross* by Alexander the Monk, for whom, see Alexander Kazhdan, “Alexander the Monk,” *ODB*, p. 60.
35. *diblattion*; on the meaning of *diblattion* and *triblattion*, see D. Jacoby, “Silk in Western Byzantium before the Fourth Crusade,” *BZ* 84/85 (1991/92), p. 458, n. 29.
36. *meta periphoreion esophoreion*: Gautier (“Diataxis,” p. 97) tentatively translates “aux bordures et au fond de couleur pistache”
37. Nikephoros Mauros, nominated for the patriarchate by Nikephoros III Botaneiates between 1078 and 1081; see Gautier, “Diataxis,” p. 98, n. 50.
38. The individuals named are Nikephoros Mauros, Theodora Komnene, her mother Anna Dalassena, and the *kouropalates* Constantine Diogenes († 1074/75); see Gautier, “Diataxis,” p. 100, n. 52, and Lemerle, *Cinq études*, p. 91, n. 47.
39. Read *heauton* for *heauten*.
40. Mercenaries cited in eleventh century chrysobulls and tentatively identified with Kolbiagi of the *Russkaja Pravda*. See A. P. Kazhdan and Anne Wharton Epstein, *Change in Byzantine Culture in the Eleventh and Twelfth Centuries* (Berkeley, 1985), pp. 173, 257.
41. This chrysobull utilizes portions of the text of the preceding chrysobull of Michael VII ([INV 11]); the borrowings are indicated in boldface type.
42. Theophylaktos of Bulgaria, archbishop of Ochrid; see Lemerle, *Cinq études*, p. 91, nn. 48–49, and p. 97.
43. Gregory Nazianzen, *Homilia* 42 (*PG* 36, col. 457).
44. *blattion kitrinotriblatton*.
45. *proseuchadion*; for the various meanings of this term, see Gautier, “Diataxis,” p. 88, n. 7.
46. See note 36 above.
47. From this point on, the text is not well established because of the deteriorated condition of the manuscript.
48. *blattion diphoton*; the latter is not in the dictionaries. It may refer to reversible fabric, usually called *diprosopon*. See Koukoules, *BBP*, v. 2.2, p. 33.
49. The indiction and the year do not coincide.

ELEVENTH CENTURY

Document Notes

- [1] Founder's autobiography. For Attaleiates' career, see Gautier, "Diataxis," pp. 11–16, and Lemerle, *Cinq études*, pp. 76–77.
- [2] Motivation for the foundation. See summary by Lemerle, *Cinq études*, p. 77.
- [3] Status of the consecrated property. Note that only a portion of Attaleiates' property is being consecrated at this time; see below [17], cf. [16]. See also summary of this section by Lemerle, *Cinq études*, p. 77.
- [4] The Poorhouse at Rhaidestos. As Lemerle, *Cinq études*, p. 77, n. 10, notes, it was important for Attaleiates to establish that he had engaged to buy the Rhaidestos property from Euphrosyne before she was tonsured to exclude any claim her convent might have on it. See summary by Lemerle, pp. 77–78.
- [5] Attaleiates' house in Constantinople. Attaleiates obtained this property in the settlement of the estate of his late wife Sophia; see [1] above. Another property is reserved. See summary by Lemerle, *Cinq études*, pp. 78–79.
- [6] The Church of Christ All-Merciful. For this foundation, see Janin, *Géographie*, vol. 3, pp. 512–13. This church is united administratively with the Poorhouse at Rhaidestos; see (38) *Kellibara I* [13] for another example of the administrative unification of two geographically separated ecclesiastical institutions. See also summary by Lemerle, *Cinq études*, p. 79.
- [7] Appeal for divine protection; warning to transgressors. See also [14], [15] below. (10) *Eleousa* [18] provides another example of attribution of ownership to a heavenly patron. Attaleiates anticipates and seeks to avert another confiscation of ecclesiastical property like that carried out by Isaac I Komnenos (1057–1059), which he himself describes in his *Historia*, ed. I. Bekker, *CSHB* (Bonn, 1853), pp. 60–62. See also summary of this section by Lemerle, *Cinq études*, p. 79.
- [8] Curse on transgressors. See similar curses in (8) *John Xenos* [2], (9) *Galesios* [246], (10) *Eleousa* [19], (16) *Mount Tmolos* [5], (17) *Nikon Metanoite* [5], (22) *Evergetis* [12], (24) *Christodoulos* [B14] as well as in [23] below. Attaleiates, aware of his intent to appoint Theodore as protector below in [12], makes an exception for his own appointees. He is unwilling to permit even a liturgical commemoration (*anaphora*) of the local prelate for fear that might lead to a later claim of ownership; cf. (10) *Eleousa* [16], [18]. Lemerle, *Cinq études*, p. 79, summarizes.
- [9] Blessing for supporters of the *Rule*; recapitulation of prohibitions. This is Attaleiates' personal restatement of [8] above. The appeal to the legal inviolability of a testator's will is also found much later in (37) *Auxentios* [15] and (40) *Anargyroi* [1]. His assertion of canonical support for this premise, however, is naive or disingenuous (see discussion below, Chapter Seven, Historical Context). The list of potential violators will be repeated below in [14]. Lemerle, *Cinq études*, pp. 79–80, summarizes this section.
- [10] Designation of Theodore as protector; line of succession. Theodore is to enjoy the rights of a traditional patron; he is unaccountable and irremovable. Attaleiates sets grounds for deposition for others. Succession is by primogeniture, provided the candidate possesses the appropriate personal qualifications for the office. Women are eligible for the office in default of male heirs; collateral relatives are excluded here from the succession, but see [13] below. Note precautions against treating the foundation as an ordinary piece of personal property, in line with the reform opinion quoted here that "that which has once been consecrated to God cannot be shared," for which see (22) *Evergetis* [19]. The mild treatment prescribed for Theodore in the event he is discovered to have been dishonest is repeated in [33] and [37] below. The requirement to repay disputed sums here is doubled below in [25] for other heirs and in [37] for Theodore also. Lemerle, *Cinq études*, p. 80, summarizes this section.
- [11] Celebration of the offices. Note the change in plan for staffing the church with monks rather than secular clergy which is also reflected in [13] below. For Attaleiates' less than enthusiastic view of monks, see Kazhdan and Franklin, *Studies*, p. 76. Lemerle, *Cinq études*, p. 80, summarizes this section.
- [12] Subordination of officials to the protector; union of the monastery with the poorhouse. See also [6] above, and the terms of union in (58) *Kellibara I* [14]. Lemerle, *Cinq études*, p. 80 summarizes.
- [13] Alternate line of succession. Here Attaleiates sets conditions and terms for the succession to the *ephoreia*

19. ATTALEIATES

of the collateral relatives whom he had earlier excluded in [10]; see also [43] below. Lemerle, *Cinq études*, pp. 80–81, summarizes.

- [14] Provision for institutional independence. This section is a later insertion, as the defective reference to the discussion of the extinction of Attaleiates' family line, which is actually mentioned first in [17], demonstrates. Attaleiates envisions a pre-existing privilege of independence and autonomy (cf. the description in [13] above of the poorhouse as "autonomous") that would come into effect only conditionally. As Lemerle, *Cinq études*, p. 81, n. 24, cf. 103–5, rightly observes, Attaleiates' views on the future status of his foundation were in the process of development during the editing of his *Rule*. The prohibitions on donation or subordination of the foundation are boilerplate material, which Attaleiates has used previously in [9] above; cf. (27) *Kecharitomene* [1].
- [15] Heavenly protectors and patrons. This section is an elaboration of [7] above, with more patrons added here.
- [16] List of consecrated properties. These are listed below in the inventory in [INV 9]. This section summarized by Lemerle, *Cinq études*, pp. 81–82; see also his discussion of Attaleiates' estate, pp. 101–2.
- [17] Hereditary transmission of other personal properties. The rules under which these properties might be utilized for dowries, inheritances, etc. are more liberal than those found in [10] above for the consecrated properties. In [46] below, Attaleiates was to revisit his provision for the inheritance of these properties by the foundation in the event of the extinction of his family line. Summarized by Lemerle, *Cinq études*, p. 82; cf. 102.
- [18] Charitable distributions at the monastery in Constantinople. See discussion of the benefactions in Lemerle, *Cinq études*, p. 82, 106–7, 108.
- [19] Charitable distributions at the poorhouse in Rhaidestos. See discussion of the benefactions in Lemerle, *Cinq études*, pp. 82–83, 106, 108. See [30] below for similar donations for the purpose of liturgical commemoration from which Attaleiates expected his own foundation to benefit. Among the beneficiary institutions here are the monastery of St. George and the convent of St. Prokopios, of which Attaleiates was *charistikarios*; the foundation was to inherit his financial obligations to these institutions. According to Alexios Studites, *Hypomnema A'* (1027) (R&P 5.20–24) (= Grumel, *Regestes*, no. 833), a male *charistikarios* was not supposed to rule over a convent, as Attaleiates evidently does here.
- [20] Construction of a hostel for pilgrims; other charitable distributions. Summarized in Lemerle, *Cinq études*, p. 83. See (21) *Roidion* [B2], (34) *Machairas* [116], [118], (42) *Sabas* [8], and (45) *Neophytos* [10], [20] for provisions for pilgrims elsewhere.
- [21] Regulation of the life of the monks. See also [32] below. There seems to be an allusion to a lost liturgical *typikon* here; so Lemerle, *Cinq études*, p. 85.
- [22] Inalienability of consecrated property. Attaleiates reaffirms his earlier prohibitions [7], [14] on the alienation of the entire foundation and here extends the restrictions to cover the foundation's immovable properties; the provisions are based on a literal application of the principles of canon law that were generally being disregarded in the eleventh century.
- [23] Duties of the property administrator. This official is probably not the steward, whose duties are discussed in [41] below, but rather a subordinate, possibly a layman; cf. (22) *Evergetis* [34], (27) *Kecharitomene* [31], (29) *Kosmosoteira* [40], (30) *Phoberos* [49], and (34) *Machairas* [109]. Attaleiates reuses the curse employed above in [8] again here.
- [24] Use of surplus income from the founder's properties. The custom of maintaining a reserve fund, though condemned long ago by (3) *Theodore Studites* [21], returns to favor in this era: see (23) *Pakourianos* [26], (27) *Kecharitomene* [24], and (29) *Kosmosoteira* [94]. Attaleiates explicitly permits Theodore and his heirs to retain two-thirds of the foundation's excess income, doubtless a common practice under the traditional regime of private patronage but one that would not long stand the scrutiny of the monastic reform movement. In [37] below, Attaleiates provides for an amendment of this provision in the event of the deposition of his last heir for dishonesty. See summary of this section in Lemerle, *Cinq études*, p. 83.

ELEVENTH CENTURY

- [25] Punishment of transgressors. This section is primarily concerned with internal corruption by the monastery's own officials. The earlier requirement in [10] above that Attaleiates' heirs should be obliged to make amends for actions harmful to the foundation's interests is strengthened here to a double repayment of deficits. The entitlement of violators to three warnings is reaffirmed in [37] below. See summary of this section in Lemerle, *Cinq études*, p. 84.
- [26] Appointment of the superior and other officials. Theodore's option to rule the foundation directly without appointing a superior, alluded to in [24] above, is discussed directly here. The resolution of disputed elections is somewhat like procedures found in (27) *Kecharitomene* [11], (32) *Mamas* [1], and (33) *Heliou Bomon* [1]; see also its endorsement in [38] below. The importance of humility in the choice of a superior is discussed again below in [29].
- [27] Number of monks. (9) *Galesios* [246], (10) *Eleousa* [5], (13) *Ath. Typikon* [37], (16) *Mount Tmolos* [1], and (17) *Nikon Metanoite* [5] also limit the number of monks, but not (22) *Evergetis* [23]. For an example of an increase subsequent to a monastery's foundation, see (57) *Bebaia Elpis* [146]. See Dölger, "Zahlenmystik," pp. 183–89, for a discussion of the significance of the number seven. See summary of this section in Lemerle, *Cinq études*, p. 84.
- [28] Entrance gifts not required. See also [29], [30] below. These had already come under critical scrutiny in (13) *Ath. Typikon* [49] out of a concern, as here, for their disciplinary impact on the donors. The classic resolution of the reform movement, (22) *Evergetis* [37], reaches a similar conclusion to that of Attaleiates here, permitting but not requiring postulants to make such gifts.
- [29] Disciplinary regulations. Note the pairing of liturgical service and manual labor, soon to be rare in other institutions in which these responsibilities were performed by different groups of monks, e.g. in (22) *Evergetis* [7], [33] and (29) *Kosmosoteira* [3]. The discussion of personal humility as an essential attribute for the foundation's superior seems misplaced. See summary in Lemerle, *Cinq études*, p. 84.
- [30] Other sanctioned sources of income; requirements for tonsure. Attaleiates' title is not representative of the actual contents of this section. For sales of living allowances (*siteresia*) by monastic institutions, see H. Monnier and G. Platon, "La *Meditatio de nudis pactis*," *Nouvelle revue historique de droit français et étranger* 37 (1913), 334–36. (23) *Pakourianos* [20], a reform document, prescribes a more selective approach to accepting *prosenexeis* for liturgical commemorations than Attaleiates adopts here. For other views on the acceptability of a *xenokourites*, a monk tonsured outside the monastery, see (13) *Ath. Typikon* [24] ff., (22) *Evergetis* [37], and (27) *Kecharitomene* [54]. Attaleiates' requirement that his monks be eunuchs is a remarkable contrast to Athonite tradition that was exceptionally hostile to them: see (12) *Tzimiskes* [7], (13) *Ath. Typikon* [48], and (15) *Constantine IX* [1]. See summary of this section in Lemerle, *Cinq études*, pp. 84–85.
- [31] Required commemorations. Sophia and Irene were Attaleiates' two wives; see Lemerle, *Cinq études*, p. 85, n. 30. For namesakes and relatives of Attaleiates, see Kazhdan and Franklin, *Studies*, p. 58.
- [32] Performance of the offices. This section returns briefly to the subject of [21] above, identifying the liturgical *typikon* as being of Attaleiates' own composition, perhaps in the sense that (11) *Ath. Typikon* is vis-à-vis (4) *Stoudios*. The actual model is unknown.
- [33] Monks' allowance and pension. The actual payments are specified in [35] below. The custom of paying allowances to monks, eclipsed for a time by the militantly cenobitic stance of the monastic reform movement (for which see (22) *Evergetis* [22]), returns again in the mid-twelfth century in (32) *Mamas* [28] and (33) *Heliou Bomon* [28] in the form of allowances for clothing and bathing. The provision for the reading of the *Rule* (see also [40] below) will become a commonplace in *typika* of the reform era: see (22) *Evergetis* [43] and related documents. The provision for mild treatment of Theodore even if he is found to be corrupt reiterates [10] above, and will be confirmed in [37] below. See summary of Lemerle, *Cinq études*, p. 85.
- [34] Procedure to be followed in responding to lawsuits. See the introduction to (15) *Constantine IX* and (23) *Pakourianos* [18] for the debilitating involvement of religious institutions in lawsuits. Attaleiates offers a consideration to the eparch to influence a favorable outcome in the resolution of any future

19. ATTALEIATES

- lawsuit against the foundation. See also [38] below, in which the assistance of the eparch is invoked to prevent the superior of the Stoudios monastery from establishing an unauthorized *ephoreia* over the foundation, should it chance to become independent, and [43], which appeals for imperial assistance in the event of a lawsuit over the foundation's status.
- [35] Specifications for the monks' allowances. Attaleiates returns here to the subject of [33] above. See discussion in Lemerle, *Cinq études*, p. 107, 108, cf. 85.
- [36] Expenses for feast days. Cf. similar provisions for festal observances in (10) *Eleousa* [13], (17) *Nikon Metanoëite* [13], (22) *Evergetis* [11], and (23) *Pakourianos* [11].
- [37] Re-examination of the treatment of dishonest heirs. Likely in response to objections from his relatives, Attaleiates here revisits his earlier treatment of this issue in [10], cf. [25], [33]. In agreement with [25], he extends the benefit of three (here, written) warnings to an heir accused of dishonesty; he indicates that the foundation's conditional self-governance (for which see [14]) should come into effect if the heir being removed from the *ephoreia* is the sole survivor of the founder's line, but in that event the deposed heir is to receive half the foundation's surplus revenues, thereby amending [24]; and as in [33], cf. [10] he restates Theodore's immunity from expulsion, but now subjects him to the double repayment provision previously imposed [25] on his other heirs. See summary by Lemerle, *Cinq études*, p. 86.
- [38] Re-examination of issues regarding the foundation's self-governance. Attaleiates deals here with some of the likely consequences should his foundation achieve independent status under the terms discussed above in [14]. The superior of the Stoudios monastery is given the right to bless the newly elected superior of Attaleiates' foundation that rightly should have belonged to the local ordinary, the patriarch of Constantinople; cf. (28) *Pantokrator* [25] where this right (of *sphragis*) is in fact conceded by a later founder, Emperor John II Komnenos. Attaleiates provides a compensation for the Studite superior's service in this connection below in [41]. The founder's profound anxiety about the slim prospects for his foundation maintaining its independence as a self-governing institution is quite palpable here. See summary of this section by Lemerle, *Cinq études*, p. 86.
- [39] Treatment of dependent peasants and tenants. For similar sentiments, see (9) *Galesios* [246], (17) *Nikon Metanoëite* [14], (23) *Pakourianos* [1], (24) *Christodoulos* [A13], and (29) *Kosmosoteira* [71], [76], [103].
- [40] Security for title deeds and other documents; reading of the *Rule*. In the absence of patronal families, independent monasteries in the reform tradition would have even more reason to be concerned about the preservation of foundation documents: see (32) *Mamas* [Second *Semeioma*] for the most elaborate precautions taken in the twelfth century. Although the term *typikon* is used here, this is a reference to the *Rule*, not the liturgical *typikon* mentioned above in [21], [32], as the contextual association with the distribution of the monks' salaries, described above in [33], makes clear. The provision for reading this document is an elaboration of the requirement in [33]; cf. (22) *Evergetis* [43]'s requirement of a monthly reading of its *typikon*.
- [41] Instructions for the steward. Attaleiates amends [35] above to make a special provision for the foundation's chief financial officer; he also includes here a provision for a gratuity to the Studite superior that he had overlooked in [38] above.
- [42] Pension for servants of departed monks. Personal servants, banned by fervently reformist (22) *Evergetis* [24], make a reappearance in the aristocratic (27) *Kecharitomene* [4], [5], (28) *Pantokrator* [19], [28], and (29) *Kosmosoteira* [3].
- [43] Warning to those initiating legal proceedings against the foundation. Returning to the discussion of possible lawsuits against the foundation (see above, [34]), Attaleiates here invokes imperial assistance in return for the performance of a daily *trisagion* (see above, [31]). Attaleiates' reference to a prior chapter concerning his collateral relatives is problematic, since [13] does not provide for their right to be tonsured, but perhaps the author is thinking of [30] here also.
- [44] Provision for recording a future imperial chrysobull. Attaleiates' hope for another chrysobull was real-

ELEVENTH CENTURY

ized when he was granted one by Nikephoros III Botaneiates (= Dölger, *Regesten*, no. 1042) in 1079, two years after the *Rule* was drawn up; see [INV 11] below.

- [45] Conclusion. Attaleiates' original signature is affixed to the isotype here and also at the end of [46] below; see Lemerle, *Cinq études*, p. 70.
- [46] Clarification of certain provisions. Since Attaleiates signs this section separately, it must have been added subsequent to the earlier part of the document, i.e., sometime after May 1077. For the third time (see also [10], [37] above) Attaleiates reaffirms the eligibility of a woman for the *ephoreia*, suggesting some resistance to the idea, but here he indicates that the responsibilities of the office would actually be carried out by a male relative or servant. No doubt in response to another objection from his relatives (see also [37] above), Attaleiates here revisits his provision in [17] that the non-consecrated family properties should be inherited by the foundation if his heirs should die childless; here he restores ordinary rights of donation or testamentary bequest.
- [INV 4] Instructions for commemoration of donors. See the offerings of the *praipositos* John [INV 5], [INV 6], [INV 7], [INV 8], [INV 15], [INV 18]; the foundation's superior Michael [INV 7], [INV 12]; Nikephoros, Patriarch of Antioch [INV 9]; the nun Xene Komnene and her mother Anna [INV 9]; an anonymous *protosynkellos* [INV 16]; and five other benefactors [INV 17]; for commemorations established earlier, see [31] above.
- [INV 5] List of icons. See discussion by Gautier, "Diataxis," pp. 88–90, nn. 6–16.
- [INV 6] The sacred vessels. See discussion by Gautier, "Diataxis," p. 90, nn. 18–20.
- [INV 7] The books. See Gautier, "Diataxis," pp. 92–96, nn. 21–40, for identifications of these works.
- [INV 8] The textiles. See Gautier, "Diataxis," pp. 96–98, nn. 43–45.
- [INV 9] List of properties. Cf. discussion of these properties in [4], [5], and [16] above.
- [INV 10] Chrysobull of Michael VII Doukas = Dölger, *Regesten*, no. 1005; a detailed commentary on this and the following chrysobull lies outside the scope of our project.
- [INV 11] Chrysobull of Nikephoros III Botaneiates = Dölger, *Regesten*, no. 1042.
- [INV 12] Dedication of additional books by the superior Michael. For identification of these books, see Gautier, "Diataxis," pp. 122–24, nn. 37–38.
- [INV 13] Books from the estate of the founders. The use of the plural indicates the decease of both Attaleiates and his son Theodore at the time this record was made. See Gautier, "Diataxis," p. 124, nn. 39–47, for the identification of these books.
- [INV 14] Books acquired after the deaths of the founders. The distinction from [INV 13] perhaps implies that these were donated by other benefactors.
- [INV 15] Books donated by the founder's spiritual father John. For his other bequests, see [INV 5], [INV 6], [INV 7], and [INV 8] above and [INV 18] below. According to the note at the end of [INV 7], the record of this bequest was moved here because there was insufficient room there.
- [INV 16] Books acquired later by purchase. See also [INV 17] below, and note confusion in both between donations and purchases. The record is said to have been placed here for lack of space in [INV 7].
- [INV 17] Other items acquired after the death of the founder. The record of a donation by (Manuel) Boutoumites, known to have been sent on a diplomatic mission in 1111/12, suggests that this section is considerably later than the core document; see Gautier, "Diataxis," p. 126, n. 53.
- [INV 18] Objects donated by the monk John. See Lemerle, *Cinq études*, p. 90, n. 42, for the identification of this individual with John the *praipositos* mentioned above as a donor in [INV 5], [INV 6], [INV 7], [INV 8], and [15]; these perhaps are his testamentary bequests.