

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

CHAPTER SEVEN

Independent and Self-Governing Monasteries of the Thirteenth Century

“Monasteries that are self-governing are more flourishing and self-sufficient than those that are subject to various individuals. For these enjoy what they possess without any diminution, whereas the others receive little or nothing of their revenues.” (37) *Auxentios* [2]

“This is my wish, and I bid you as a mother, so to speak, or rather I command it as your mistress. For I am permitted to decree my wishes in my own affairs, especially since I happen to be a *despoina* by the mercy of my all-powerful God.” (39) *Lips* [11]

“As an overall principle there should never be any investigation or correction of the spiritual failings here by an outsider, but I ordain that all the care for this brotherhood should be borne solely by their leader.” (34) *Blemmydes* [1]

This chapter includes seven thirteenth-century documents composed by their authors for independent monasteries. The documents represent a broad spectrum of authorship: (34) *Machairas* was authored by a bishop, (35) *Skoteine* by a monk of very modest social origin, (36) *Blemmydes* by a monk from a middle-class background, and (37) *Auxentios*, (38) *Kellibara I*, (39) *Lips*, and (40) *Anargyroi* by members of the imperial family. The last two were composed for convents, while all the rest were written for men’s monasteries.

Chronologically, the documents are spread throughout the century, with (34) *Machairas* coming near the beginning in 1210, followed by (35) *Skoteine* and (36) *Blemmydes* at mid-century in 1247 and 1248, respectively, then with (37) *Auxentios* and (38) *Kellibara I* towards the end of the reign of their author, Michael VIII Palaiologos, in 1280/81 and 1282 respectively. Theodora Palaiologina’s (39) *Lips* and (40) *Anargyroi* date from the last few years of the thirteenth century or, just possibly, the early years of the next.

A. Typology of the Documents

One of the documents, (35) *Skoteine*, is described by its author as a testament, while the rest are founders’ *typika*. Of the latter, the texts of (36) *Blemmydes* and (38) *Kellibara I* are substantially incomplete. (34) *Machairas* reflects a complex textual background rooted in the twelfth-century milieu of reform monasteries. None of the other documents shows evidence of the direct textual dependence on *typika* of the reform tradition as it does, although the author of (39) *Lips* apparently utilized (27) *Kecharitomene* or some similar text as a structural model. The other documents

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in this chapter are essentially original compositions, like those *typika* and testaments drawn up before (22) *Evergetis* began to serve as a model for reform-minded founders in the twelfth century. After (34) *Machairas*, the determination to break out of the mold of Evergetian textual dependency became general, even though most of the later documents continue to reflect a considerable number of Evergetian institutions and customs that had been assimilated into the mainstream of Byzantine monasticism.

Although aside from (34) *Machairas*, textual fidelity to documents of the reform tradition was not a concern for the authors of the documents in this chapter, many were written nevertheless with other documents in mind. The authors of (35) *Skoteine* [12], [24], (37) *Auxentios* [8], [10], and (39) *Lips* [30] are able to omit detailed regulation of liturgical matters by acknowledging external *typika*, usually the liturgical *typikon* of St. Sabas, as being authoritative for their own foundations. The author of (40) *Anargyroi* [5] was able to dispense almost entirely with the writing of a new *typikon* by incorporating (39) *Lips* by reference. (40) *Anargyroi* [6] also acknowledges the validity of an earlier *typikon* written for this foundation. Finally, in addition to utilizing the Evergetian textual tradition, the author of (34) *Machairas* [12], also refers [12], [18] to the testament of his predecessor Ignatios and incorporates ([121] through [131]), some pseudo-Basilian disciplinary canons.

Reflecting the continued concern for the security of their foundations' assets that the founders in this chapter inherited from their twelfth-century predecessors, the majority of their foundation documents incorporated inventories of property. The most detailed are (35) *Skoteine* [22] ff. and (39) *Lips* [43] ff. The inventory once in (37) *Auxentios* [17] is now lost, while the one in (40) *Anargyroi* [4] is incomplete due to a gap in the text. It is reasonable to suppose that the now incomplete texts of (36) *Blemmydes* and (38) *Kellibara I* also once included inventories.

B. Relation of the Documents to the Monastic Reform Tradition

Among these documents, arguably only (34) *Machairas*, on the strength of its textual links to (22) *Evergetis*, can be considered a tentative member of the Evergetian family of reform monasteries. Although its author certainly utilized a version of (32) *Mamas* as well, he made a conspicuous return to several Evergetian institutions and usages absent from the Maman recension.¹ Among other results, these Evergetian revivals strengthened the cenobitic character of his foundation. The other authors were not oblivious to the influence of the monastic reform tradition, however. The author of (35) *Skoteine* was especially keen to strengthen cenobitic institutions, and to this end endorsed practices dear (though not exclusive) to most reform founders such as eating in common, sharing the same food, and banning personal possessions. The fragments of (36) *Blemmydes* show some evidence of influence both from the early Evergetian tradition, including the rejection of episcopal oversight and a use of canon law and patristic precedent, as well as from later developments in the reform tradition such as the institutionalization of monastic ranks.² On the whole, however, (36) *Blemmydes* must be considered a strongly idiosyncratic document, at least in the form in which it has come down to us.

¹ (34) *Machairas* [50], [51], [52], [54], [87A], [102], [103], [109], [118], [141].

² (36) *Blemmydes* [1], [9], [11].

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More specifically Evergetian influence is apparent in most of the documents of imperial authorship. (37) *Auxentios* shares many institutions and even some use of diction with (22) *Evergetis*.³ Evergetian usages are even more obvious and numerous in (39) *Lips*, whose author may have used (directly or indirectly) the strongly Evergetian (27) *Kecharitomene*.⁴ Both by virtue of its authoritative citation [5] of (39) *Lips* and on its own, e.g., the requirement [5] of keeping a register of accounts, (40) *Anargyroi* likewise shows the influence of the monastic reform tradition in the twelfth century.

Finally, despite the diversity of background among them, all of the authors of these documents endorse (at least nominally) for their foundations the institutional independence which is itself one of the most important legacies of the reform movement.⁵

C. Other Concerns of the Authors

1. Fixed Assignments to Liturgical and Service Duties

The division of the authors' monastic communities into monks assigned to liturgical duties and those with service functions, which is anticipated in the twelfth century by (29) *Kosmosoteira* [3], is still ambiguous in the semi-Evergetian (34) *Machairas* [165]. Thereafter, our authors recognize a formal division, as in (35) *Skoteine* [14], with the possible exception of the fragmentary (36) *Blemmydes*.

The imperial founders were very careful to specify the precise numbers of monks or nuns that could be supported in their respective foundations; they also specified how the positions available should be allocated between liturgical and service assignments.⁶ In her foundations, Empress Theodora Palaiologina preferred to allocate a larger percentage (60%) of her nuns to hymnody than her husband Emperor Michael VIII did (40%) in his monasteries, possibly because his monks handled more administrative responsibilities directly than her nuns did. Our other founders either relied on gifts from benefactors and postulants, like the author of (35) *Skoteine*,⁷ or mandated a one-to-one replacement of existing monks, like the author of (34) *Machairas* [164]. Overall, the total numbers of monks ranged from the twenty reported at one time to have been at the ascetic Maximos' foundation in (35) *Skoteine* [8] to the fifty nuns provided for in (39) *Lips* [4].

2. Revival of Manual Labor

The development of a separate class of monks formally freed of liturgical responsibilities signals the revival of the practice of manual labor by these monks. As (32) *Mamas* [19] and (33) *Heliou*

³ See (37) *Auxentios* Analysis, A-2.

⁴ See (39) *Lips* Analysis, A.

⁵ (34) *Machairas* [21], (35) *Skoteine* [20], (36) *Blemmydes* [1], (37) *Auxentios* [2], (38) *Kellibara I* [15], (39) *Lips* [1], and (40) *Anargyroi* [3]. Epigraphic evidence confirms the diversity of benefactors; see Sophia Kalopissi-Verti, *Dedicatory Inscriptions and Donor Portraits in Thirteenth-Century Churches of Greece* (Vienna, 1992), esp. pp. 28–46.

⁶ (37) *Auxentios* [6]: not more than 40 monks (split 16/24); (38) *Kellibara I* [17]: 36 monks (split 15/21); (39) *Lips* [4]: 50 nuns (split 30/20); and (40) *Anargyroi* [6]: 30 nuns (split 18/12).

⁷ (35) *Skoteine* [9], [10], [36], [41], [45] (benefactors' gifts), [33], [38], [39] (postulants' gifts, i.e., *prosenexeis*).

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Bomon [19] show, a start had been made in the second half of the twelfth century. There are incidental references to manual labor in (34) *Machairas*.⁸ In (35) *Skoteine*, some monks practiced [41] viticulture while others manufactured [23] clothing. In (37) *Auxentios* [6] some of the monks worked in the fields, while postulants were rotated [7] through all of the service functions of the monastery. In both (39) *Lips* [4] and (40) *Anargyroi* [6] nuns were assigned to household duties.

3. Importance of Liturgical Responsibilities

There can be no question that for founders the performance of hymnody and the liturgy remained of paramount importance, reflected in the allocations of monastic personnel to these tasks and the careful provisions for stationing clergy at each church where commemorations were to take place.⁹ In the previous century, founders had quickly lapsed from the standard of a daily celebration of the liturgy provided in (22) *Evergetis* [5], and celebrations became less frequent. In the thirteenth century, (34) *Machairas* [36] returns to the daily liturgy, while (39) *Lips* [30] provides for it five times and (40) *Anargyroi* [5] four times during the week. (34) *Machairas* [40], [41] and (36) *Blemmydes* [4] add a new concern for the purity of the ingredients of the eucharistic bread.

4. More Lenient Requirements for Tonsure

Twelfth-century founders in the reform tradition had generally followed (22) *Evergetis* [37] in allowing an accelerated novitiate of six months for notables while holding all others to a longer term of a year that subsequent founders sought to lengthen to two or three years. Alone among the documents in this chapter, (34) *Machairas* [55], [56] upholds the double-tracked novitiate with the original Evergetian terms of service. The attempt by the author of (36) *Blemmydes* [9] to make all adult candidates serve a three-year novitiate did not find favor among the rest of our authors. Generally they preferred shorter novitiates: six months in (37) *Auxentios* [12], one year in (39) *Lips* [18] (six months for “mature” women) and (presumably) (40) *Anargyroi*. Our authors shared their twelfth-century counterparts’ increasingly relaxed attitudes towards the admission of monks tonsured elsewhere. (34) *Machairas* [60], (35) *Skoteine* [17], and (39) *Lips* [20] welcome worthy ascetics (though in (34) *Machairas* [148] not as superior), while a *xenokourites* became the first superior of the *Skoteine* monastery.

5. Increasing Tolerance for Alternative Forms of Monasticism

Some of our thirteenth-century founders subscribed to a more tolerant view of alternative forms of monastic life than was typical in some twelfth-century documents such as (33) *Heliou Bomon* [26]. (34) *Machairas*, for instance, generally endorses the principles of Evergetian cenobiticism, but [152] provides for the settlement of solitaries as well. So does its contemporary, (45) *Neophytos* [17], written for a private foundation (see below, Chapter Eight). Towards the end of the century, (37) *Auxentios* [11] permits the coexistence of solitary and hesychastic forms of monasticism. Yet earlier, (35) *Skoteine* [13] is strongly pro-cenobitic, rejecting solitary and kelliotic alternatives. (38) *Kellibara I* [17] might also be interpreted as being anti-kelliotic in so far as it provides for the extension of the main monastery’s cenobitic rule in the foundation’s small dependencies. For the

⁸ (34) *Machairas* [32], [33], [86], [120].

⁹ Cf. (34) *Machairas* [49], (35) *Skoteine* [14], (36) *Blemmydes* [13], (37) *Auxentios* [6], (38) *Kellibara I* [17], (39) *Lips* [30], [52], and (40) *Anargyroi* [6].

cloistered nunneries, alternatives to cenobiticism were usually not at issue. The regulations for the common life in (39) *Lips* [25] are lost in a gap in text, but the [29] refectory procedures are Evergetian. (40) *Anargyroi* [5] was ordered to follow *Lips* in the practice of cenobiticism.

6. Attenuation of the Concept of Institutional Independence

Institutional independence, one of the more enduring features of the monastic reform, is contrasted favorably to private ownership of religious foundations in (37) *Auxentios* [2] on the practical grounds that “monasteries which are self-governing are more flourishing and self-sufficient than those which are subject to various individuals.” Nevertheless, some founders chose to impose protectorates on their foundations as their predecessors had done to many reform monasteries in the twelfth century:¹⁰ (34) *Machairas* [147] alludes to a protector, and appeals [161] to local Frankish magistrates on the island of Cyprus to help uphold the *typikon*; in (38) *Kellibara I* [16] the emperor designates himself as the foundation’s guardian, while in (37) *Auxentios* [3], [5] he functions like one without holding the actual title; in (39) *Lips* [3] the emperor and his successors are designated to serve as the foundation’s protectors and guardians. As we have seen, a protectorate, if carefully and strictly limited, was not thought to be incompatible with a degree of institutional independence.

Although all the authors in this chapter assert the independence of their foundations, the precise meaning of independence must have varied from institution to institution. The blood relationships of many of the monks in (35) *Skoteine* [4] as well as the extensive network of supportive local patronage must have made the institution for which that document was written more like a private or communal monastery. We know from the historian Pachymeres that the institutional independence claimed by the author of (36) *Blemmydes* [1] was not successfully maintained since his monastery was confiscated after his death and subordinated instead to the Galesios monastery.¹¹ Then there is the unique relationship between the institutions represented by (39) *Lips* and (40) *Anargyroi*, which are described by their author as being “separate in unity.” Although the institutions for which they were written were nominally independent, their founder saw no incompatibility in asserting ownership over both of them: see (40) *Anargyroi* [3], “[Lips is] considered mine no less than this one [*Anargyroi*]” (cf. (39) *Lips* [11]). Indeed, not only in the case of these two institutions but also in those represented by (37) *Auxentios* and (38) *Kellibara I* we find that institutional independence in reality may have been no more than a thin overlay of ideological rectitude placed upon the bedrock of traditional institutions of imperial patronage.

7. Contemporary Threats to Institutional Independence

In the case of all these thirteenth-century foundations, the critical question is “independent of what?” The catalogue of perceived threats to independence is instructive. (34) *Machairas* [21] follows the original but vague formulation of (22) *Evergetis* [12] closely and warns off both ecclesiastical and imperial authorities as well as private individuals. The author of (35) *Skoteine* [20] was worried about ecclesiastical officials and (appropriately for a foundation of private origins) private individuals. The author of (36) *Blemmydes* [1] was concerned exclusively about the eccle-

¹⁰ (27) *Kecharitomene* [3], (28) *Pantokrator* [70], (32) *Mamas* [3], and (33) *Heliou Bomon* [3].

¹¹ Pachymeres, *De Michaele Palaeologo* 5.2, ed. I. Bekker, *CSHB*, vol. 1 (Bonn, 1835), p. 342.

siastical hierarchy and their representatives. The Emperor Michael VIII was not particularly concerned that any private individual would dare to seize an imperial foundation. In (37) *Auxentios* [2] he adds to the traditional twelfth-century prohibitions on the establishment of an (external) protectorate or donation under *epidosis* to another monastery a proviso that his monastery should not be united (through *henosis*) to another ecclesiastical foundation either. Similarly, in (38) *Kellibara I* [15], he provides that the foundation for which this document was written should not be added or joined to any monastery, church or philanthropic institution. The fact that the emperor himself used *henosis* in a good cause in (38) *Kellibara I* [14] suggests that he was aware of the potential for its misuse by others.

Michael VIII was even more worried that one of his successors might be tempted to reclaim the assets he had consecrated to the support of the imperial monastery described in (37) *Auxentios*. To forestall this, the emperor advances a novel argument in (37) *Auxentios* [15] that his successors should feel bound to confirm his benefactions to ecclesiastical institutions just as he himself has felt obliged to confirm the dispositions of his predecessors to religious foundations and other beneficiaries of imperial largess. Empress Theodora Palaiologina makes her own argument for the sanctity of testamentary provisions in (40) *Anargyroi* [1]. Clearly we are moving into the final phase of Byzantine history during which the hard-pressed public authorities, both lay and ecclesiastical, were once again losing their scruples about disregarding the wishes of private benefactors, either out of concern for the interests of state or alleged “solicitude” (*kedemonia*) for the welfare of the institutions in question.

Therefore, it appears that in their essentially reactive conceptualization of the term, “independence” for our thirteenth century founders meant immunity for their religious foundations from subordination to external authority or, *in extremis*, secularization. The original reform notion that “independence” meant also institutional self-governance, that is, independence also from arbitrary rule by the founder and his heirs, was less self-evident to the founders of this era, though (37) *Auxentios* [2] admits with amazing candor that foundations subject to individuals were liable to see their supposed benefactors dispose of institutional assets as if they were personal property.

8. Institutional Self-Governance

The key to institutional independence in the positive sense of the term, i.e., genuine self-governance, was a superior permitted to be elected and then to govern his foundation without routine interference by founders, patrons, or public officials. All of our authors who address the issue provide for internal selection of the superior by the monks themselves,¹² though for a time at the foundation for which (34) *Machairas* [12], [140] was written, the superior chose his own successor. The extent of the superior’s authority and the style of rule recommended to him varied from institution to institution. In (34) *Machairas* [91] the superior apparently appointed all the monastery’s officials, was intimately involved [82] in its financial administration, and generally ruled with an iron hand. In (35) *Skoteine*, the author indicates [15] his preference that the superior consider himself “of equal station” with the rest of the monks, who were obliged [16] to report

¹² (34) *Machairas* [17]; (37) *Auxentios* [3]; (38) *Kellibara I* [18]; (39) *Lips* [5]; (40) *Anargyroi* [5].

their superior to the local metropolitan if he neglected the foundation's financial affairs. In (36) *Blemmydes* [1] the superior could be indicted for heresy by the monastery's educated monks and removed from office if condemned by the (patriarchal) synod. In (37) *Auxentios* [2] Michael VIII also prefers that the superior rule jointly with the "leading monks," especially where financial matters were concerned [7]. In a more general way in (38) *Kellibara I* [15] he affirms the competence of the superior and rest of the community to administer all material and spiritual matters in the foundation for which that document was written. In (39) *Lips* Theodora Palaiologina obliges the superior to consult with the foundation's spiritual father as well as the leading nuns on a number of important administrative and procedural matters.¹³ Upon being reported to the spiritual father by the leading nuns, she might also be removed [10] by him. Although the superior was to rule by consensus [27], her stance towards ordinary nuns tended to be authoritarian [9].

9. Continued Restriction of Patronal Privileges

The curtailment of patronal rights was another area in which the Byzantine monastic reform movement had an impact that endured throughout the thirteenth century. In (34) *Machairas*, the twelfth-century practice [12], [140] of the superior designating his own successor evidently was abandoned in the thirteenth century for a community-wide election [17]. In (37) *Auxentios* [3] Michael VIII reserves for himself the right to choose a new superior, but only if the monks cannot reach a unanimous decision on their own; he also claims [3] the right to install the new superior in office and to mediate [5] disputes between the superior and the leading monks. In (38) *Kellibara I* [16], however, he limits himself and his successors as protectors to the reward of assistance from the Almighty and the patron St. Demetrios. Also, in what is probably the most expansive claim for patronal privilege seen in this chapter's documents, (39) *Lips* [40], [41] decrees extensive preferential admission privileges for Theodora Palaiologina's family, relatives, and other noble ladies. Otherwise, the patronal privileges claimed by our authors fall well within the restricted parameters permitted by the reform movement since the late eleventh century: principally, prayers and liturgical commemorations,¹⁴ and (occasionally) burial within the foundation's church.¹⁵

10. Financial Management

Insofar as can be determined, the foundations represented by these documents generally supported themselves with the revenues derived from their landed endowments, with the possible exception of one of Michael VIII's two foundations (see (37) *Auxentios* [1]). In (34) *Machairas* [85] property managers were responsible for the cultivation of these lands, and, contrary to the reform tradition, alienation of distant properties was permitted [111] if their management posed a threat of spiritual harm to the monks. In (35) *Skoteine* [10] monks administered and may have even worked on lands attached to the foundation's dependencies. Both (40) *Anargyroi* [2] and (39) *Lips* [44] ff. were supported by endowed properties, in these cases worked by dependent peasants. (39) *Lips* [43] bans the alienation of landed properties but permits the pawning of sacred vessels in fiscal emergencies.

¹³ (39) *Lips* [10], [12], [23], [32], [38], [39].

¹⁴ (34) *Machairas* [31], [44], [150], [154]; (35) *Skoteine* [10], [19]; (39) *Lips* [30], [42], [52]; and (40) *Anargyroi* [6].

¹⁵ (35) *Skoteine* [9] and (39) *Lips* [42].

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The treatment of entrance gifts suggests a slight softening of the position advocated previously by the reform tradition. (34) *Machairas* [57] typically endorses the Evergetian position that postulants should not be required to pay entrance gifts, though voluntary donations were acceptable [58]. There is no discussion of the issue in either of the documents associated with Michael VIII's foundations, nor does (35) *Skoteine* address the issue, perhaps, in that case, for the very good reason that entrance gifts (voluntary or not) were an important source of revenue there. The author of (39) *Lips* [14] returns to the classic Evergetian position on entrance gifts; a presumably voluntary gift of this sort is recorded in [49].

Perhaps increasing criticism of the wealth of the empire's most successful independent religious foundations made some thirteenth-century founders leery of imitating the practice of building up a reserve fund as some monasteries did in the twelfth century.¹⁶ In (37) *Auxentios* [9] Michael VIII orders that his monastery should not store up unneeded revenue but instead donate it to various charitable causes, yet in (39) *Lips* [23] Theodora Palaiologina takes for granted the existence of a reserve fund at her convent.

11. Provisions for Financial Oversight

Thanks in part to the success of reform monasteries in the previous century, none of our authors doubted the importance of honest, competent financial administration for a religious foundation's well-being. Our authors did differ in their approaches for achieving it, however. In (34) *Machairas* [87], Neilos of Tamasia has the steward work under the superior's close supervision; the latter even accompanies [82] him on his inspections of the monastery's properties so that it was necessary to appoint [86] a second steward to substitute for the superior during his absences from the monastery. Maximos, the author of (35) *Skoteine* [21], also prefers that the superior should be involved in even the small details of the monastery's administration. In (37) *Auxentios* [7] Michael VIII seems to disagree as he orders the superior to rely on officials "of proven competence," since otherwise there would be "too much for one man to handle." Then, for the cloistered nuns in her two foundations, Theodora Palaiologina felt constrained to resort to salaried, non-resident laymen as stewards, who reported on a regular basis to the superiors of these convents.¹⁷

The procedural safeguards devised by the reform monasteries of the twelfth century also found favor with our authors. (34) *Machairas* [101] provides for a reconciliation of the monastery's financial accounts every other month while (37) *Auxentios* [9] orders that this should be done monthly. (40) *Anargyroi* [5] also requires the maintenance of a register of accounts while (39) *Lips* [22] mentions written records of property turned over for administration to the sacristan and treasurer.

12. Ambivalent Attitudes towards Aristocratic Privilege

Where it can be detected and analyzed, our authors' attitude towards aristocratic privilege shows a further move away from the egalitarian tendencies of Evergetian monasticism that had already begun in the twelfth century. This is true even for (34) *Machairas*, the only document textually linked to (22) *Evergetis*, where the relevant surviving Evergetian passages are toned down even

¹⁶ Cf. (27) *Kecharitomene* [24] and (29) *Kosmosoteira* [94].

¹⁷ (39) *Lips* [25], [26] and (40) *Anargyroi* [5].

when they are incorporated into the new document. This document's explicit acceptance [148] of ranks within the monastic community is its greatest concession to privilege.

Surprisingly, both Michael VIII and his wife Theodora Palaiologina are ambivalent about aristocratic privilege. In (37) *Auxentios* the emperor rationalizes [4] the superior's preferential treatment for some monks as a "certain wonderful equality that comes from inequality," but he also requires [12] that novices gain experience in all servile duties regardless of their former dignity or position. Similarly, the empress balances her extraordinary privileges [40], [41] for family members and noble ladies with a refusal [29] to tolerate demands for better food or more prestigious seating from nobly born nuns. Instead of defending or attacking privilege, she advocates [14] the novel notion of "equality of privilege."

13. Relations with the Ecclesiastical Hierarchy

Although our authors' relations with the ecclesiastical hierarchy were generally better than those of their counterparts in the twelfth century, the rights to which the local bishops were entitled remained a matter of controversy. Neilos, author of (34) *Machairas*, was perhaps the most accommodating. As bishop of Tamasia he was himself the local prelate at the time and, moreover, he was obliged [17], cf. [9] by the terms of the monastery's original grant of independence by Manuel Komnenos to concede to his episcopal successors commemoration (*anaphora*) in the liturgy and the right to install each new superior (cf. [140]). Neilos had also obtained [16] an episcopal *stauropegion* upon the erection of his foundation's church—a canonical requirement, to be sure, but one more honored in the breach than in the observance by Byzantium's patrons of religious institutions.

Maximos, the author of (35) *Skoteine*, enjoyed friendly relations with the local metropolitan of Philadelphia. Perhaps this led him to concede the latter's rights to grant [17] both blessing (*sphragis*) and installation (*cheirotomia*) to the foundation's newly chosen superiors as well as [20] commemoration in the liturgy and the rarely conceded right of spiritual correction. On the other hand, the author of (36) *Blemmydes* forbids [1] agents of the ecclesiastical hierarchy entry to his foundation, and orders [2] that there shall be no concessions of the rights to conduct investigations or spiritual corrections.

Michael VIII demonstrates that even an individual founder might not necessarily follow a consistent policy with regard to concessions of episcopal rights. In (37) *Auxentios* [2], [3] he concedes to the metropolitan of Chalcedon the rights of liturgical commemoration, blessing (*sphragis*) of a newly elected and installed superior, various honoraria, and (possibly) spiritual correction. As noted above, the emperor himself performed [3] the installation of the new superior in this foundation. In (38) *Kellibara I*, however, the emperor explicitly denies [15] any rights of overlordship, entry, or spiritual correction to the patriarch of Constantinople; the prelate is to content himself with the intangible rights of liturgical commemoration and proclamation. The emperor's wife also failed to provide any role for the patriarch in the installation of the superior in (39) *Lips* [1], though she does concede liturgical commemoration and the right to conduct spiritual correction of the convent's nuns.

14. Limited Provisions for Institutional Philanthropy

Only three of the seven foundations represented by the documents in this chapter made a signifi-

cant provision for institutional philanthropy: (34) *Machairas* [118] mentions the maintenance of a hospice, (39) *Lips* [50] provides for a small hospital, and, most unusual of all, (37) *Auxentios* [9] orders the foundation's surplus revenues donated at the end of each year in order to ransom prisoners, support orphans, and provide dowries for destitute maidens.

D. Historical Context

1. Imperial Support for the Rights of the Ecclesiastical Hierarchy

Since the foundation for which (34) *Machairas* was written was regulated, in part, by concessions and privileges awarded to it by Manuel I Komnenos, it is necessary to go back to his reign to set the historical context. Just as the patriarchs who granted memoranda to the foundations represented by (30) *Phoberos* [35], (32) *Mamas* [1], and (33) *Heliou Bomon* [1] reserved certain rights for themselves such as obliging the monks to bring their newly elected superiors to the capital for patriarchal installation, as we have seen, Manuel I Komnenos also reserved some important rights for the local bishop as a condition of his own recognition of independence for *Machairas*. Thus (34) *Machairas* [9], [17] can rightly be seen as evidence of the delayed effect of a collaboration between the Komnenian emperors and the patriarchs intended to compel private patrons of independent monasteries to recognize the hierarchy's canonical rights.

2. The Controversy over the Award of Patriarchal *Stauropegia*

The willingness of Neilos, author of (34) *Machairas*, to apply for an episcopal *stauropegion* or "foundation charter" when he erected his monastery's church towards the end of the twelfth century is also noteworthy in the broader historical context of resistance by most benefactors to acknowledging the canonical rights of the local ecclesiastical hierarchy.¹⁸ In 1176, Patriarch Michael III (1170–78) had sided with Constantine Spanopoulos, bishop of Pyrgion, in overturning the concessions of patriarchal *stauropegia* that benefactors had obtained for churches they were rebuilding in the bishop's diocese on the grounds that these concessions unfairly diminished traditional episcopal rights in these facilities.¹⁹ By the 1180s, independent monasteries were also contributing to the problem thanks to their ambitious programs of building or restoring chapels located on their extensive properties. In 1191, Patriarch George II Xiphilinos (1191–98) was asked to decide if monasteries holding patriarchal *stauropegia* could extend their own rights to exemption from local episcopal control to their dependencies. Like his predecessor Michael III, this patriarch also supported the episcopal side of the argument against the interests of his own office, and he awarded the bishops liturgical commemoration, ordination of clergy, and the *kanonikon*, an ecclesiastical tax.²⁰ The patriarchate continued its disinterested policy of siding with the bishops

¹⁸ See my *Private Religious Foundations in the Byzantine Empire* (Washington, D.C., 1987), pp. 238–43.

¹⁹ Venance Grumel, *Les registres des actes du Patriarcat de Constantinople*, vol. 1: *Les registres de 381 à 715* (Chalcedon, 1932); 2nd ed. (Paris, 1972), no. 1131, quoted by Demetrios Chomatianos, *De monasteriis et stauropegiiis*, ed. J. B. Pitra, *Analecta sacra et classica spicilegio Solesmensi parata*, vol. 7 (Paris-Rome, 1891), pp. 348, 349.

²⁰ Grumel, *Regestes*, no. 1179; cf. 1180 (= *Synodike apophasis*, ed. Jean Oudot, *Patriarchatus Constantinopolitani acta selecta* [Vatican City, 1941], no. 8).

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against unscrupulous holders of its own *stauropugia* up until the Latin conquest of Constantinople in 1204.

3. Growing Awareness of the Implications of Canon Law

The renewal of interest in canon law was itself one of the products of the reform movement that began in the eleventh century, and as we have seen, earlier documents in our collection (above all, (20) *Black Mountain*) show the impact of contemporary work in this field. Despite the early and continued selective use of canonical citations by our authors, during the course of the twelfth century it became as clear to Byzantine patrons as it is to us now that the canonical tradition, shaped as it was by the very different social conditions of late antiquity, generally favored the public authorities (i.e., the ecclesiastical hierarchy) over private interests in the resolution of most conflicts. Conversely, activist, reform-minded bishops like Constantine Spanopoulos realized that in canon law they had an effective weapon that, with patriarchal and imperial support, they could utilize in their conflicts with local private benefactors and, increasingly, the great independent monasteries. The Latin conquest, however, appears to have cut short the vigorous development of canonical studies that had been taking place in the twelfth century under patriarchal auspices.

4. Fracturing of the Reform Alliance

Thus the alliance between reform-minded private benefactors and like-minded members of the ecclesiastical hierarchy that dated back to the Synod of Blachernai in 1094 appears to have fallen apart well before the end of the twelfth century, perhaps as early as the reign of Manuel I Komnenos. The scathing critique of contemporary monastic foundations by Eustathios, metropolitan of Thessalonike († 1198), shows how far the formerly friendly relations had deteriorated.²¹ Eustathios' contemporary, the patriarchal archivist Theodore Balsamon, who himself was a moderate-to-conservative canonist, provides a discussion of the debate in ecclesiastical circles in the 1180s over the fundamental validity of founders' *typika*.²² This is additional evidence of deep hostility towards private benefactors, but that this basic question should have come up for discussion is not entirely surprising given that the canonical tradition did not even mention these documents. According to Balsamon, the most radical of his contemporaries wanted to declare all *typika* invalid, even if they contained no uncanonical provisions. To this party's way of thinking, all ecclesiastical property in a given diocese belonged by right to the local bishop, and therefore their patrons had no residual right to legislate for their foundations after dedication. Other, more moderate contemporaries were willing to accept the validity of founders' *typika* (cf. (54) *Neilos Damilas* [8]), provided that their contents were in accord with all the requirements of imperial and canon law. Another group accepted these requirements but added to them the obligation that the founder obtain specific imperial ratification of his *typonon*.

The remarkable fact is that, with the possible exception of (34) *Machairas*, none of the documents in this or previous chapters comes even close to meeting the requirements of any of the groups cited by Balsamon in his discussion, principally because since the beginning of the reform era their authors had routinely incorporated provisions restricting the rights of the ecclesiastical

²¹ Eustathios of Thessalonike, *De emendanda vita monachica*, PG 135, cols. 729–910.

²² Balsamon, *Comm. ad C. Const. I et II*, c. 1 (R&P 2.651).

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hierarchy. Therefore a vast ideological gap had opened up between the expectations of the ecclesiastical hierarchy, influenced by canon law, and the fundamental preconceptions of Byzantium's traditionally strong-willed and independent-minded private benefactors.

5. Impact of the Latin Conquest of Constantinople

It is too early in the present state of scholarly research to present more than a few generalizations about the impact of the Latin Conquest on the ecclesiastical foundations of the Byzantine Empire.²³ Initially, many, if not most, fell prey to secularization, particularly in Constantinople and its vicinity, but also in Thessalonike. Eventually, under pressure from popes Innocent III (1198-1216) and Honorius III (1216-27), the various Latin rulers who had divided up the conquests among themselves agreed to make restitutions or pay compensation, not to the previous owners, but to the new Latin Patriarchate of Constantinople and its dependencies. In the process of reconstituting a stable financing scheme for the patriarchate the complicated Byzantine system of mixed private, independent, and public ownership of ecclesiastical foundations disappeared as all the surviving monasteries became in effect diocesan institutions.

In Constantinople, at any rate, some twenty churches and fourteen monasteries continued to operate during the period of Latin rule (1204–61).²⁴ Among the latter was *Pantokrator*, although it is not known whether Greek monks remained there or whether they were replaced by Latins. In 1206, a papal legate donated the *Evergetis* monastery to the chief Benedictine monastery of Monte Cassino on the condition that the Greek monks resident there not be expelled. The Greek monks at *Studios* abandoned that famous monastery; there is no record that the facility was used during the Latin occupation. Many other religious facilities were abandoned and eventually fell into ruins. Some of these were restored in Palaiologan times after the Byzantines recovered the city: those represented by documents in this chapter are George Palaiologos' church of St. Demetrios (see (38) *Kellibara I* [12]), the convent of Constantine Lips (see (39) *Lips*), and the convent of Sts. Kosmas and Damian (see (40) *Anargyroi* [2]).

As for Byzantine foundations located on Latin territory outside Constantinople, the picture is less clear. On Cyprus, Neilos of Tamasia, author of (34) *Machairas*, managed to maintain the independence of his foundation and prevent its properties from being confiscated, perhaps through the expedients of designating [147] a protector (perhaps the Frankish King Hugh) for the monastery and appealing [161] to local magistrates for assistance in upholding the *typikon*.

6. Fortunes of Ecclesiastical Foundations in the Greek Successor States

Not much more is known at present about those foundations fortunate enough to have been located on territory that remained under Greek control in the various successor states of Nicaea,

²³ For the interim, see the studies of Robert Lee Wolff, "Politics in the Latin Patriarchate of Constantinople, 1204–1261," *DOP* 8 (1954), 225–94, "The Organization of the Latin Patriarchate of Constantinople, 1204–1261: Social and Administrative Consequences of the Latin Conquest," *Traditio* 6 (1948), 33–60, and "The Latin Empire of Constantinople and the Franciscans," *Traditio* 2 (1944), 213–37, all reprinted in *Studies in the Latin Empire of Constantinople* (London, 1976); my *Private Religious Foundations*, pp. 244–48, presents a summary of the salient points.

²⁴ R. Janin, "Les sanctuaires de Byzance sous la domination latine (1204–1261)," *REB* 2 (1944), 134–84.

Epiros, and Trebizond. As part of his own scheme to promote himself as the foremost claimant to the lost empire, the despot Theodore I Laskaris (1204–22) secured the appointment of Michael IV Autoreianos (1206–12) as patriarch-in-exile at Nicaea. The new patriarch then anointed his benefactor as emperor in 1208, but neither was able to secure his authority throughout the other Greek successor states. More than seventy years later, Michael VIII reminds Patriarch John XI Bekkos (1275–82) in (37) *Auxentios* [17] of this difficult period in the history of the patriarchate when the latter’s predecessors at Nicaea were belittled with the titles of “Patriarch of Nicaea” or “Patriarch of the province of Bithynia,” while the Nicaean emperors themselves were mocked as “alleged rulers of Romania.”

There was considerably greater institutional continuity for the Byzantine church in Epiros and Nicaea than in the lands that fell under Latin rule after 1204. The patriarchate’s weakened claim to authority in those Greek lands not ruled by the Nicaean emperors may have led first Manuel I Sarantenos (1217–22) and then Germanos II (1222–40) to abandon the policy of restraint in issuing patriarchal *stauropagia* that had been practiced in the late twelfth century by their predecessors back in Constantinople.²⁵ Indeed, the early patriarchs may have been especially keen to issue charters to private benefactors and independent monasteries in locations in Epiros, beyond the boundaries of the Nicaean Empire, but Patriarch Manuel II (1243–54) returned to the traditional policy of restraint when he chose to support an appeal by Demetrios, bishop of Domokos near Larissa, in a dispute with some private patrons of a local monastery.²⁶ In this case, the patrons had sought to transfer ancestral donations made to a monastery with an episcopal *stauropegion* to a new monastery for which they had previously secured a patriarchal *stauropegion*, thus hoping to escape Bishop Demetrios’ control.

Another feature of the religious history of the Nicaean state was the revival of churches and monasteries founded by individual clerics and monks.²⁷ Perhaps the legislation of Manuel I Komnenos awarding special tax exemptions to members of the clergy, which we know by Balsamon’s time had succeeded in reversing the traditional shortage of clergymen in the countryside, played some part in gradually promoting the conditions that made small-scale patronage of religious foundations like that seen in (35) *Skoteine* [2ff.] possible.²⁸ The Nicaean hierarchy may have encouraged such foundations as a useful counterweight to larger independent monasteries prone to the hostility evident in (36) *Blemmydes* [1].

²⁵ See Chomatianos, *De monasteriis*, ed. Pitra, pp. 339–44, and V. Laurent, “Deux fondations patriarcales en Epire aux XIIe et XIIIe siècles,” *REB* 12 (1954), 100–113, at 108, with Donald Nicol, “Ecclesiastical Relations between the Despotate of Epirus and the Kingdom of Nicaea in the Years 1215–1239,” *Byzantion* 22 (1952), 207–28.

²⁶ Manuel II, *Peri ktetorikou dikaiou* (R&P 5.119–20) = Vitalien Laurent, *Les registes des actes du Patriarcat de Constantinople*, vol. 1: *Les actes des patriarches* (Paris, 1971), no. 1314.

²⁷ For this phenomenon, see (35) *Skoteine* as well as the cartulary of the *Lembiotissa* monastery, F. Miklosich and F. Müller, *Acta et diplomata graeca medii aevi sacra et profane*, vol. 4 (Vienna, 1871), nos. 15 (MM 4.56–57), 16 (MM 4.58–60), 40 (MM 4.97–99), and 118 (MM 4.203–05).

²⁸ Franz Dölger, *Regesten der Kaiserurkunden des oströmischen Reiches von 565–1453*, 5 vols. (Munich-Berlin, 1924–65), nos. 1334 (= *JGR* 3.432), 1335, 1336; Grumel, *Regestes*, no. 1082; Balsamon, *Comm. ad C. Nicaen. II*, c. 15 (R&P 2.261).

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7. The Palaiologan Institutional Reconstruction Program

After the recovery of Constantinople in 1261, Emperor Michael VIII Palaiologos (1259–82) faced a colossal task of rebuilding the many religious institutions that had fallen into decay and ruins in territories formerly controlled by the Latins. In the absence of their usual sources of funding, he also found it necessary to meet the expenses of the patriarch and the other members of the ecclesiastical hierarchy out of the imperial treasury.²⁹ The emperor's reconstitution of a venerable monastery of St. Michael led to the composition of (37) *Auxentios* late in his reign. Earlier, he had been working on the rebuilding of a church first erected in Komnenian times by his distant ancestor George Palaiologos. When refugee monks from the famous *Kellibara* monastery in Asia Minor sought his assistance, he decided to unite their remaining assets in and around Constantinople with his own project, leading to the foundation described in (38) *Kellibara I*. The foundation for which (36) *Blemmydes* was written in 1248 under the Nicaean Empire suffered confiscation after its founder's death and, as noted above, was subordinated to the *Galesios* monastery. During the reign of his son Andronikos II (1282–1328), Michael VIII's wife Theodora Palaiologina continued work on the restoration of ecclesiastical foundations, leading to the composition of (39) *Lips* and (40) *Anargyroi*.

²⁹ Pachymeres, *De Michaele Palaeologo* 26, ed. I Bekker, *CSHB*, vol. 1 (Bonn, 1835), p. 73.