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Alexius Studites' Two Documents on Reforms of Charistike

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This paper is an attempt to translate into English the texts of two documents issued by Alexius Studites, patriarch of Constantinople (1025–1043), which concern the *charistike* and other problems of ecclesiastical properties. Both of them were given as decrees of patriarchal synods held in November 1027 and in January 1028.

As well known, he was formerly the abbot of monastery of Stoudios in Constantinople. He was made the ecumenical Patriarch by the dying Emperor Basil II in December 1025. When Basil died soon afterwards, on 15th Dec., new Patriarch Alexius began to take action to check abuses of the *charistike*, lit. "gift of grace", that is, a system of giving monasteries to private persons or institutions on a conditional basis for a restricted period, usually a lifetime or three generations[1]. This program which appeared in the 10th century was flourishing in his times, and were often abused out ot its original purpose. Indeed Alexius Studites was the first denouncer as to this *charistike*, along with other donations of ecclesiastical properties in general.

His documents states the original purposes of the *charistike* for the maintenance (*διαμονή*), well-being (*εὐθενία*), and the enlargement (*πλατυσμός*) of ecclesiastical foundations. Then it begins to denounce the abuses. Main theme of these decrees was, after all, to regulate donations of monasteries and their properties. Mian focuses in them are as follows.

(1) It is forbidden that beneficiaries of such monasteries transfer or sell them to any other person.

(2) Woman cannot possess men's monastery, as well as man cannot women's. This provision must be observed in everywhere, that is, in metropolis, archbishopric and bishopric dioceses.

(3) All transfers of monasteries which have been done without approval of Patriarch and recognition of Chartophylax (Department of Archives under the Patriarch) will be annulled. Any compensation won't be made, that is, monasteries thus transfered will be returned without any damage, but only assignors and assignees are to suffer. Such transfers are henceforce interdicted. If need be, it must be reported in advance to either Patriarch or Chartophylax, and transfer is permitted only after the issue of certificate.

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1 For example, according to the article in *The Oxford Dictionary of Byzantium*, (Oxford, 1991) p. 412-423.

(4) Bishops who possess monasteries by donation from metropolitans must recede them, if metropolitans are in a distress.

In the document (B) issued in Jan. 1028, in addition to these, Alexius prescribed such prescriptions as that all assignees of monasteries (*pronoetai*, that is, *charistikarioi*) have to render accounts for their ecclesiastical deacon (*diakoniai*), or that those who refuse to render must be punished according to the provisions of canons, and so on. (A further discussion will be made in my another paper.)

Translation is based on the following texts, especially that of G.A. Rhalles & M. Potles: Hypomnema A'; (1) G.A. Rhalles & M. Potles, *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων* ... vol. 5, Athens, 1852. p. 20–24. (2) *Patrologia cursus completus, Series graeca (PG)*, accurante J.P. Migne. *vol. CXIX*, p. 837–844. (3) G.D. Mansi, *Sacrorum conciliorum nova et amplissima collectio, vol. XIX*, p. 461–468. cf. Venace Grumel, *Les regestes des actes du patriarcat de Constantinople, vol. 1, fasc. 2–3*, 2eme ed. Paris, 1989. p. 340–341, no. 833. Emilio S.I. Herman, Ricerche sulle istituzioni monastiche bizantine. Typika ktetorika, caristicari e monasteri < liberi >. *Orientalia Christiana Periodica 6* (1940), p. 320–321. Hypomnema B'; (1) G.A. Rhalles & M. Potles, *Σύνταγμα* ... vol. 5, p. 25–32. (2) *PG., vol. CXIX*, p. 828–837. (3) C.D. Mansi, *vol. XIX*, p. 468–467. cf. V. Grumel, *Regestes*, p. 342–343, no. 835. Herman, Ricerche, p. 320–321. These two documents were partly refered in a later synodical decree, that is, *Συνοδτκὴ διάγνωσις* issued by Patriarch John IX of Agapetos at 8 Dec. 1116. cf. Grumel, *Regestes*, p. 458–459, no. 1000.

A: Copy of the document issued in a Synod held at Constantinople in Nov. 1027

> Copy of memorandum deposited in the holy Chartopylax in Constantinople in the days of Patriarch Alexius, concerning those who take hold of monasteries through donation, and other necessary ecclesiastical matters, hearing from Metropolitans, Archbishops and Bishops.

With all other causes, in course of time, patriarch's donations have been changed and such deeds have been converted into illiberal ones as beatitude patriarchs' acts concerning the continuance, prosperity and the expansion of pious monasteries, and transfers of them from ones to others, to hucksters and to all mendicants filling up. And it is reasonable. Because, while monasteries carried perfectly are abandoned, according to Jobus, those plowed absurdly have become plentiful and the evil surpassed the virtue. All who gape for money refuse no ugly revenues nor unjust profits, and demand to enrich themselves from pieties and expiations. Hence it may possibly happen that the holy places lie neglected in the same place or the sanctuaries are deconsecrated. It may also possibly happen that those who distinguish between piety and profanity or who keep straight, who see, who walk rightly, are no longer neighbors nor take any place in the civil society. And we wish something shall begin. Now all of badness have come to spoil the human lives and the immodesty has intruded completely freely. The action of pretense is regarded as a business of honor and an object of praise. Most of men mind nothing with careful

earnestness except that, firstly, from what place and in what way, who will gain and find out a revenue by avarice, secondly, who may carry out adding to the present revenues, and lastly, who will contrive outright the purposes which would captivate his sole away from the God. We have properties much more than worth our soles. Many persons have already grasp the untouched properties, but never save them. They have expanded their own insatiable desires up to the insufferable level, and threw a greedy desire and an immoderate yearning on those who dedicate themselves to the God.

They have made pious houses useless and deserted holy monasteries, as well as stripped divine temples of their holy treasures, while removing the holy anger of God and the indignation over those profanities. Thus they deceived the pious words of God and sneered at the God's law. Lest no groan happen for the circumstances, some persons have already deceived the penetrating eye of law. They have strived eagerly first to insult the candor of holy Patriarch and other sacred priests, secondly to obtain monasteries by means of donation, thirdly to show a character of beneficence at the time of promise, forthly to scatter the misfortune brought in to them from now or from old times, and lastly to restore the glorious appearance of them. However, after getting any of them, they are so far from keeping their words and fulfilling the promises, and do the quite contraries unblushingly, along with heaping up desolations of those monasteries. They themselves take wealth from those monasteries they have gained, never contributing any of what they want. So they will drive them into the extreme catastrophe and desolation. After thus destroying the monasteries, they dispose them by sale just as common profane possessions, or give to others as a gift. It is as if a locust eats up the remaining of cole, and as if an entire destruction receives the last blow. Even if something escaped the formers, it would be squandered by the latters. They are undertaking an enterprise which is like a barbaric attack, quite unworthy of the Christian's dignified bearing and modesty.

And the matter which is still more undignified and more unseemly than the above-mentioned is that women are presiding over the men's monasteries and that men are caring for the women's. It is said that wolves heed lambs, or fire is thrown at the hay. Indeed men are not permitted to approach any women's monasteries by the divine canons, whether accidentally or inconspicuously, nor women any men's dwellings. It must be given up at any rate that men rule women who chose to live only for the God, along with that women become leaders of pious men, if someone doesn't yet wish to mingle unmixed elements, and if he is jesting stubbornly at the divine laws and injunction. Our mediocrities don't have any more important thing than the conservation of sacred canons and the observation of divine laws. Our mediocrities also anticipates and makes firm such sufferings, and, in order to check further aggravation, determines that any kind of transfer of monastery must not henceforward be done from who has occupied it to the other. But if it once happened, it must be annulled and not be accepted, and then liable to the most appropriate corrections. Women who will be in their proper condition must not dominate men's monasteries, and vice versa, men not women's. Especially those who are of suspicious age, as well as who set a trap to the faithful, must not. This must be observed in metropolis, in dioceses and in everywhere as well. The suspicious ill-conditions must be freed by all means, and

henceforward it must not be allowed that any calamities would be brought about and the whole honor of Church would be lost.

In order that from now onwards any transfer of holy monasteries from a person to another or any sale of them (it's a disgrace to take account of it, not to mention, to say on and refer to) might not be committed, or in order that men might not preside over women's monasteries nor women might manage men's, this present memorandum was drawn. In addition to what are mentioned above, transfers of minor lauras, holy monasteries, properties, estates and vineyards must naturally be overthrown altogether and annulled without any compensation. Such transfers are not to be promoted under the patriarchal recognition nor the acknowledgment of Department of pious Chartophylax (Department of Archives). This is so that pious monasteries would not henceforth sustain any damage, but that those assignors would recognise their own damages. They assignors, as being deceitful, have not been entrusted by the holiest high-rank priests and are doing wrong for the sake of profit itself. On the other hand, the assignees have shut up themselves except worrying about confirmation of what to receive. They shut up especially if it does not become clear nor evident that the expense for repair was used for the useful and necessary costs of monasteries. Henceforward any of expenses must not be put out. If it must be, however, it should be reported to our mediocrities or to the Chartophylax mostly beloved of God, along with to venerable deacons and patriarch's secretaries. Assignment should be promoted by a document of encouragement and agreement written by us. Otherwise any of assignments won't enjoy the guarantee and unbrokenness. Rather, the assignee would lose his honor according to a provision of canons and laws, and the assignor would be punished. This must rule in metropolis, archdioceses and dioceses as well.

Donation of monasteries in some way must not be done to a person who is not arranged in it, and men must not care for women's monasteries nor women for men's. Transfers of minor lauras or any other immovable properties must not be done without approval of the holiest Patriarch or Metropolitan and the Archbishop. What has been done, however, will be only put on record. As a matter of fact it would not so work or benefit assignees as in a dream. Nay bishops, so many of whom occupy metropolitans' monasteries by donations and are thriving and prosperous, while metropolitans being poor without resources, should return rightly the gifts and should give the monasteries up to metropolitans, in order that metropolitans' distress would be henceforce relieved even a little. For it is absolutely absurd as well as unreasonable that metropolitans would be overcome by all kinds of exactions for the reason of their bishops' poverty, but, on the other hand, that prosperous bishops would never give assist to their metropolitans being at a loss, and, there happen to be so, never withdraw from monasteries belonging to metropolitans. Rather, just as the payment of state taxes institutes anew the condition which seemed necessary and inevitable, this present thought-out decision is to manage the matter and sanction its own future activity and effectiveness.

These matters were recognised through listening to the followings. That is, Metropolitans mostly beloved of the God; Kyriace of Ephesos, Constantine of Nikea, Theodore of Chalkedon, Constantine of Side, John of Melitene, Constantine of Tyane, John of

Claudiopolis, Theophane of Neocaesarea, John of Iconion, Serges of Corinth, Michael of Athens, Theognostos of Mokisos, Constantine of Trebizond, Agapetes of Adrianopolis, Stephen of Crete, Nicholas of Yydruntum (Otrant), and Archbishops; Dionysios of Proecones, Strategios of Apron, Leo of Brysis, Peter of Kypselon, Nicholas of Lemnos. They were given pledges and confirmed by means of lead seal, then given in November of the 11th Indiction, that is, of the year 6536.

B: Copy of the document issued in a Synod held at Constantinople in Jan. 1028

> Memorandum by the sacred Patriarch Alexius, concerning varied ecclesiastical matters, hearing from all of Metropolitans and Archbishops. Alexius, by the grace of God, Archbishop of Constantinople, New Rome, and the Ecumenical Patriarch.

Divine and consecrated canons and bishops mostly beloved of God are permitting the authority of ecclesiastical properties, so now such acts are popular as supplying, with circumspection, something to those who want, and appropriating the necessary things for themselves. Some of bishops are indifferent to the matter, as one might have said, so that those who rash on such properties without hesitation, and who make use of them for themselves, not only brought down bishops into extreme corruption on the pretense of times' difficulty, but also threw metropolitans, whom they belong to, into intolerable damages as well as innovations. Burdens pertained to those bishops exact payment of money from metropolitans, and force them little by little into similar catastrophe. On account of it our mediocrities considered the matter as soon as this remaining venerable synod began. It is a really distinguished and absolutely severe injustice that metropolitans submit to bishops by the reason of such a great damage. From bishops any advantage has not come to metropolitans. He understood the need of finding a way which is not ignorant of sacred constitutions but rather familiar and harmonious, a way by which financial loss of metropolitans will be secured and the occurring conditions will be eased off.

Thence, by the authority of sacred canons, it was ordained that, besides such kind of bishops, *oikonomi* would be appointed by metropolitans mostly beloved of God and that metropolitans themselves would attend in order to simplify the affairs. It was also ordained that metropolitans would be punished so far as the fine attached to each of those bishops was provided by them, and that it would be made clear why they were brought down into such difficulty and distress. Since metropolitans say first that they are afraid lest other bishops suffer the similar difficulty by reason of their presidents' fault and ill habits, secondly that some of them are neglecting the sacred canons, yet worrying condemnation from canons, thirdly that fruits and other incomes are deprived of churches and carried away, and finally that bishops have some objects of desire and station the watchers. And while tax-gatherer's attention is fixed on, they are away from institutions which they obtained and retiring to any other place, then transfer to metropolitans the exaction of debt of those who belong to metropolitans in the guise of self-defense. It's necessary that the pursued matter concerning metropolitans should be ended before it will be really

performed. For the security, care and guard, a rule should be watched for, and curators should be appointed besides metropolitans. They are due to pay attention to all matters of churches along with their bishops, and annual report on management should be collected. And the surplus of revenues, if at least any remains over, should be yielded partly to what was the cause of damage for metropolitan, and, of course, to metropolitan himself as well, and, from the rest, it should be preserved for church, which should not be made any innovation.

That what was determined by us have the accuracy of canon is shown by the sacred canons themselves. Because the 25th canon of Antioch Synod, committing the authority of various ecclesiastical matters to bishops, prohibits from turning it into their use and from giving it to their relatives, since the order of churches would be weakened imperceptibly by this. Wherefore some persons responsible should be appointed at the provincial synods, and some suitable examination should be entrusted to them. Then, after compensating metropolitans for the damage, this our sacred synod, examining in a suitable way, would necessarily arrange the election of *oikonomi*. That's clearly according to the 12th canon of the 7th synod. For this canon allows liberty to the most sacred patriarch and the most holy metropolitans, to arrange *oikonomi* in such churches whose metropolitans and bishops don't allow of doing so or managing properties of churches badly. I suppose that those who habitually mind them would never doubt that this canon agrees with the above-mentioned aim.

Therefore now these dispositions are made by those who preserve such holy canons. These must be executed indisputably, firstly, on bishops who have been sources of the damage for metropolitans, secondly, on those who are supposed to be so, as well as those who abuse the properties of churches, who give them away, who disperse meanly the properties which are not gathered to metropolitans, and especially those who received other sorts of possessions, or, who manage secular portions of land, while neglecting ones assigned to them. And, if they won't change, initiators of mysteries and Fathers, with those metropolitans, are to condemn their final deposition. No obstruction should be brought in properties by bishops, as long as damages from them would reach metropolitans, and henceforward it will be discriminated whether metropolitans endure the imposed burdens or not. If, before it be done, some of bishops undertakes to add the cause of impeding to *oikonomi* or bother the affairs, he will become a host of much bigger condemnation, by reason that it opposes to the synodical and canonical decisions.

But it should be ordained by a synodical vote and decision that bishops might not be absent from the provincial synod, except in cases of some unavoidable circumstances and inevitable causes. Indeed, for many people's profit and for the institution, and probably for the amending of some who will happen to oppose, the synod must be held everywhere by all means. And those who are absent from the synod without any cause or refuse to attend it, while being summoned, must be acquainted that they would be destined to be voted for condemnation, if he won't give an account of his absence and hindrance. We ordain this as the 77th canon of Carthaginian Synod, with others, decrees. As the sacred and divine canons require, those who ought to be the symbols of discipline and the models of virtue

for others should not invade other territories nor appoint beyond their own, and nor dispatch clerics of other province before obtaining their own bishop's permission and his letter of commandment. That will be well preserved in the City guarded by the God, seeing that clerics, both responsible and irresponsible, elected and not elected, are coming there together from everyplace and perform sacraments without any hindrance.

We heard that the following phenomena are occurring in many places. That is, bigamists, as well as those who are in prohibited faults, who are still under age, who lack the most precise evidence, who solicit others' properties, while themselves being united to others, are said to be admitted to take priesthood. That should not be allowed. Bishops who fail to watch it, because of violating canons, will be excluded from them and inevitably submitted to compensation for the affairs, which were threatened by those men. We order, in accordance with the divine canons, that both clerics who dispute with clerics and monks who do with monks should be judged in front of the local bishop. Clerics should negotiate synodically with bishops, while bishops with bishops, before the provincial metropolitan. Besides, even if there happen to be some necessary matter, without metropolitan's acquaintance and his letter of recommendation, bishop must not come to the Imperial City nor is allowed to arrange travel to any other place. Then they themselves will be made men of liability by the canons. We order that bishops who made light of estimate of metropolitan's damage would be deposed indefensibly.

We never permit that clerics and monks go to the secular judges and demand some condemnation to be made by them. But henceforward bishopric court should condemn the bishops to banishment, while clerical court clerics, monastic monks. Against the judges who receive them or draw them forcibly, the irritation of the most magnificent emperor will be provoked, besides the righteous anger of the God. And, in addition to them, legal measures of corrections will be taken. If they won't change their mind manifestly and won't quit that unholy plan, the imprisonment by us will be extended, not being loosened, until their death. Because holy laws and Our mighty and pious Emperor born in the purple[2], with his brother in a happy memory, check whether the judges would behave willfully to such ecclesiastics, in their publicly registered charters. Indeed we never endure that church's holy and divine privileges are taken away by the judges of themas or cities. But, before us, the God, who is contemned and sneered by them, will put the anger on them, and make flash the righteous sword of anger. Because it is a dishonor as well as an insult that the more sacred and mightier part of people spars in front of the laity and excites abuse in the whole of Church. Especially the clerics of imperial monasteries and clerical ones are ready to do this irreverently and unholily. They prefer to be condemned and judged by the laity, whom they are assigned to train better. Rather various situations and laity's faults should be recognized by high-rank priests. Hence any proper cure should be taken just as by skillful physicians, and virtue should be awaken by themselves in the attention of the faithful. We order in the name of synod that bishops of the province in question as well as of other territories would not be esteemed in the ordination nor be

2 This is Constantine VIII, a younger brother of the late Basil II.

given other praises and fellowships, while monks belonging to those monasteries are undertaking such acts. Indeed we have determined that we ourselves never take it in hand to approach such condition, but pursue the solemnity and the honor of monastic life. Those persons will grant any other reward to the provincial bishops so that they won't make a report. Priesthood, however, will never receive any dignity in turn from them nor from others. We order that such clerics who are disobedient to their metropolitans must be corrected; metropolitans, who, without injuring clerics, direct some ecclesiastical injunctions possible to be taken. For indeed our Lord does not command the obstinacy nor the disobedience, but the readiness to obey and the obedience. Thus those who won't be at this are to be out of the calling as well as the Church.

We decree that if those who are entrusted the ecclesiastical services don't allow to show the accounts of the entrusted institutions, they must be corrected, and then those who are against our will must be submit to reckoning together with their inheritors and other descendents. Because our holiest brothers and our fellows have reported on the monasteries rendered as gifts (*διὰ δωρεᾶς*) as follows. Firstly that those who happened to obtain the gifts, managing hurtfully in regard to those monasteries, have driven them into destruction at last, secondly that they appropriate the incomes of them, while letting them stripped of their sacred possessions, and lastly that otherwise they have changed them completely into the secular properties, monks being compelled to go out unwillingly by the reason of entire lack and distress. It shall be allowed for those monks to prosecute such persons entirely freely, for that, if it could be found, they innovated and damaged the monasteries. And then it shall be made possible for those who have driven away their ill-thought and their outrage to recover their own authority in the metropolitan judges. Even if such curators of institutions might have some fairness as to that, they must not go to the secular judges and, if they go, they will be shut out of the whole of right. We never believe that the most divine metropolitans and other high-rank priests should be expelled from thanks-giving monasteries, without any cause nor accusation, and only by one insult. Unless someone want to behave unworthily, injustice should be greeted.

If some monasteries have a rule of paying some contribution to metropolitans from of old, whether it's offered to single persons or for the food of judges and fiscal exactors or otherwise, and if it happened to be entrusted afterward to someone else, we ordain that the contribution should be offered to the metropolitans without any deficiency nor innovation. As to whatever monasteries concerns with metropolitans for some reason or has some connection and communication with them, we don't consent that it's donated to some persons, if it not be conferred on someone before. If it has been donated, however, we wish that those donations would be annulled and have no validity, and that the monasteries would be turned to metropolitans or bishops at once. Monasteries which are located far and defined by their own limits only looked acceptable to be donated to the former Fathers, as well as to us. We forbid by all means that metropolitan and bishopric dioceses would be let out for lend by lease, in which way monastery might be lent up to for twenty-nine years, or by pact. It's opposed to the Evangelistic Order and the Apostolic as well as Patristic tradition. We don't hesitate to take punishment for the matter, most suitable to the canons. However,

donations of metropolitans' and bishops' dwellings, as well as of supports and organizations of Divine Churches, are not acceptable at all. For we don't endure that the holy grace is put in trade, nor that we associate with those who make profane the sacred properties, contrary to the canons. We don't endure also that spiritual donations are traded as profane ones for the sake of trade itself.

As to the seat of bishops, we ordain that they should sit according to the order of their metropolitans, both at the seats in the Church (*συνθρόνοις*), in synods and in banquets (*ἐν ἑστιάσεσι*) as well. And bishops subordinate to the metropolitans must not plunder the superior seats nor aspire to being the first unworthily. But, as obeying the canons and rules, they should obey the same metropolitans as to their own status in the seats and in everywhere. Some powerful persons of here and there strive obstinately first to give instructions in the local oratories, secondly to summon the assemblies, and lastly to execute the holy prayer, baptism and other rites, depending on, we suppose, the stauropegia issued by the patriarch or bishops. So it is worthy to determine first that the provincial bishops must not permit any longer such situations, secondly that priests who undertake to perform liturgies at the day of feast, except in the monastery by the bishop's trust, and perform other holy ceremonies in the oratories are to be submitted to degradation, and lastly that the powerfuls who won't admit this order, on the other hand, are to be submitted to excommunication. For the canons say so. If someone shows that the house of God and the meeting in it are contemptible, and if he holds an assembly privately besides ones in the universal Church without any priest, he must be excommunicated.

The Matters thus summed up and determined were noted in the memorandums and confirmed by the customary means of lead seal in the council consisted of the following members. That is, Metropolitans mostly beloved of the God; Kyriace of Ephesos, Demetous of Kyzikos, Constantine of Nikea, Theodore of Chalkedon, Constantine of Side, John of Melitene, Constantine of Tyane, John of Claudiopolis, Theophylaktos of Neocaesarea, John of Iconion, George of Corinth, Michael of Athens, Theognostos of Mokisos, Constantine of Patras, Constantine of Trebizond, John of Philippi, Agapetes of Adrianopolis, Theodros of Kamachos, Constantine of Chonae, Stephen of Crete, Niketas of Yydruntum (Otrant), Sisinios of Keltzene, and Archbishops; Niketas of Bizye, Dionysios of Proecones, Nikephore of Kios, Strategios of Apro, Andreas of Chersos, Leo of Brysis, Nicholas of Lemnos, John of Bosporos, Arsenios of Sougdea. Then they were given in January of the 11th Indiction, that is, of the year 6536.