THE CANONS OF THE COUNCIL OF CHALCEDON CONCERNING MONKS*

Astonishing as it may seem, the first legal regulations meant to deal with monasticism, which in the latter half of the 4th century was developing very rapidly, were undertaken on the emperors' initiative, and not by the leaders of the hierarchic Church. The first of the imperial constitutions concerning monks, issued in 369 by Valentinian I and Valens and addressed to the Prefect of the Praetorium of the East, was aimed at those members of the elites of Egyptian cities who had become monks in order to avoid the *munera* they were obliged to provide: "Certain devotees of idleness have deserted the compulsory services of the municipalities, have betaken themselves to solitudes and secret places, and under the pretext of religion have joined with bands of hermit monks".[1] The emperors commanded to have them tracked down and brought out of hiding in order to make them comply with the *munera* responsibility (CTh 12, 1, 63). Should any of them choose not to return to their cities and obligations, they would lose their properties, which the authorities would transfer to individuals capable of complying with the fiscal obligations.

Twenty-one years later, Theodosius I went back to the monastic question in a constitution issued on 2 September 390 (CTh 16, 3, 1): "If any persons should be found in the profession of monks, they shall be ordered to seek and to inhabit desert places and desolated wilds".[2]

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[1] *Quidam ignaviae sectatores desertis civitatum muneribus captant solitudines ac secreta et specie religionis cum coetibus monazonton congregantur* (CTh 12, 1, 63). Edition: *Theodosiani libri XVI cum Constitutionibus Sirmondianis*, edd. P. Krueger - Th. Mommsen, Berlin 1905. Translation: C. Pharr, *The Theodosian Code and Novels and the Sirmondian Constitutions*, Princeton 1952.

[2] CTh 16, 3, 1: *Quicumque sub professione monachi repperiuntur, deserta loca et*

The constitution is addressed to the Prefect of the Praetorium of the East, Tatianus, who is known to have been an open pagan: he had no reason to be well-disposed to the monks, since they had already proved to be a force capable of interfering with issues that had nothing to do with asceticism. In 379, they had protested in Constantinople against Gregory of Nazianzus; in 387, they had been involved in unrest in Antioch; in 388, in Callinicum, they had burnt down a synagogue and a chapel of a Gnostic group of Valentinians (they had done so, actually, at the instigation of the bishop). Unquestionably, there must have been more such incidents, and in subsequent years their number was to increase. Despite this, Theodosius annulled that constitution by a new act (CTh 16, 3, 2) issued on 17 April 392.[3] In order to explain the shift in the emperor's attitude, we need to take into consideration the events that happened between the two legal acts, CTh 16, 3, 1 and 16, 3, 2. In April 390, the so-called Massacre of Thessalonica took place: Theodosius punished the city residents (some of them, to be precise) for lynching a higher-ranking officer, a Goth, who had fallen into disfavour with the people of Thessalonica. A number of individuals were killed; we do not know how many, neither is it known how the victims were selected. Upon learning about the fact, the bishop of Milan, Ambrose, left the city where the emperor resided at the time, and informed him that he would have to do penance if he wanted to receive Holy Communion from his hand. The emperor did not yield straight away, he even took some measures hurting the Church.[4] Among oth-

vastas solitudines sequi adque habitare iubeantur.

[3] *Monachos, quibus interdictae fuerant civitates, dum iudiciariis aluntur iniuriis, in pristinum statum submota hac lege esse praecipimus; antiquata si quidem nostrae clementiae iussione liberos in oppidis largimur eis ingressus.* "Aluntur" does not convey an acceptable sense; it is therefore reasonable to replace it by Gothofredus' conjecture *aguntur*. So corrected, this text can be paraphrased as follows: "We order that the monks who had been banned from the cities, since they are suffering injustice from the administrative authorities, be restored to their previous status, for the previous act has been removed, since by revoking the previous instruction of our *clementia* [the emperor's honorary title; literally meaning 'gentleness', 'kindness'] we concede them the right to freely access the cities [*oppida* should be treated here as synonymous with *civitates*]".

[4] On the whole issue: E. Wipszycka, *Storia della Chiesa nella tarda antichità,*

ers, he published a constitution on the deaconesses' legates. Those anti-Church moves included the constitution banning monks from staying in towns. Finally, Theodosius surrendered and at Christmas 390, he reconciled with the Church. Meanwhile, CTh 16, 3, 1 remained in force, if only theoretically, for the following eighteen months. Those who had persuaded the emperor to issue this constitution continued to be influential within the emperor's circle, thus counterbalancing the pressure from the Church hierarchy, which understandably sided with the monastic environment. Interestingly, the CTh 16, 3, 1 constitution harmed all the monks, and not merely elite members who did not comply with their responsibilities (as in CTh 12, 1, 63).

Finally, in 434, already under Theodosius II, who treated monks with utmost reverence, monastic communities were granted the privilege to inherit property of their members, provided they had failed to make the last will (CTh 5, 3, 1).

Admittedly, a group of bishops gathered at Gangra (sometime in the forties of the 4th century) attempted to halt the radical ascetic movement which had developed in Asia Minor at the instigation of Eustathius of Sebaste. However, their decisions were directed against deviations and, though they did influence the development of Anatolian monasticism (inasmuch as they could not be disregarded by founders and leaders of monastic communities), they cannot be treated as an attempt of the Church at establishing a systematic control on monasticism. Eustathius was twice condemned for his theological doctrine and that put an end to his movement, although some of his ideas were taken over by Basilius of Caesarea and therefore became an integral part of Christian thought of that time.[5]

It was during the Council of Chalcedon in 451 that the Church for the first time established the principles that were to regulate monastic communities. The decisions on this subject which were registered among

Milano 2000, 156-160.

[5] On the synod of Gangra and the movement inspired by Eustathius see especially: F. Fatti, *Monachesimo anatolico. Eustazio di Sebastia e Basilio di Cesarea*, in *Monachesimo orientale. Un'introduzione*, ed. G. Filoramo, Brescia 2010, 53-91; A. Mardirossian, *La collection canonique à Antioche. Droit et hérésie à travers le premier recueil de législation ecclésiastique (IV^e siècle)*, Paris 2010, 99-117. 211-251.

the canons of that Council were an innovation. The reasons of this innovation and the effectiveness of these decisions are a problem that has long been debated by modern historians of the Church institutions of late Antiquity. However, it seems to me that a thorough examination of both the canons and their context might lead to new conclusions.

In the manuscripts of the Greek acts of the Council as well as in the oldest Latin version, the canons concerning the monastic communities were put in the records of Session 7, while in the later Latin versions they were included in the records of Session 15.[6] However, they do not feature any date; neither do they include a list of vote participants. This goes to say that the canons were not decided upon by Council members, not even by acclamation.[7] This uncommon mode of action did not prevent them from being treated in the Church's tradition as decisions of the Council Fathers. It remains unknown why these canons did not follow the regular legislative procedure. The patriarch of Constantinople Anatolius who was among the closest circle of those running the Council of Chalcedon must have been the author of the canons' text; his people gave the final shape to the Council's acts. In the effort of formulating canonical regulations he was supported by emperor Marcian, who spoke on the topic in Session 6; his spokesman read a letter containing his demands. It is precisely in the emperor's address and the letter to the Council's participants that we can find the

[6] Edition: E. Schwartz, *Acta Conciliorum Oecumenicorum* 2, 1, 2, *Concilium Chalcedonense,* Berlin - Leipzig 1936 (quoted as ACO). English translation with an excellent preface and comments: *Acts of the Council of Chalkedon,* edd. R. Price - M. Gaddis, Liverpool 2005 (Translated Texts for Historians). This is the translation I shall be using in my quotations from the Acts of the Council. The best study of the canons, still valid and reliable, is: L. Ueding, Die Kanones von Chalkedon, in *Das Konzil von Chalkedon. Geschichte und Gegenwart,* edd. A. Grillmeier - H. Bacht, Würzburg 1954, vol. 2, 569-676. See also: R. Price, *The Council of Chalcedon (451). A Narrative,* in *Chalkedon in Context. Church Councils 400-700,* edd. R. Price - M. Whitby, Liverpool 2009, 70-91; and Id., *Truth, Omission, and Fiction in the Acts of Chalcedon*, in *Ibid.* 92-106.

[7] In the first of his papers quoted in the previous footnote, R. Price claimed (pag. 85) that the canons were approved by a "semi-formal session chaired by the archbishop". Anatolius certainly did not keep it secret that he was working on the canons; he may have discussed them with a group of bishops.

first aspect of the context which I will try to reconstruct in the present article.

16. Our most divine and pious master said to the holy council: "There are certain articles which we have reserved for you out of respect for your devotedness, since we consider it proper that they should be decreed canonically by you in council rather than enacted by our laws."

And at the order of our most divine and pious master, Veronicianus, the hallowed secretary of the divine consistory, read out the articles, as follows:

17. To those who truly and sincerely enter on the solitary life we accord the honour that is owed to them. But since some people use a cloak of monasticism to disrupt both the churches and public affairs, it is decreed that no one is to found a monastery contrary to the will of the bishop of the city, nor on an estate contrary to the will of the master of the estate. Those who practise monasticism in each city and territory are to be subject to the bishop, and are to embrace tranquillity (*hesychia*) and devote themselves to fasting and prayer alone; they are not to cause annoyance in ecclesiastical or public affairs, unless indeed for some compelling need they be permitted to do so by the bishop of the city. Nor should monks have the authority to receive slaves or serfs into their monasteries contrary to the will of their masters.

18. Since some of those enrolled in the clergy or living the monastic life, being plagued by avarice, throw themselves into responsibility for worldly business, becoming lessees of estates or stewards or serving great houses as administrators, this holy and great council has decreed that no cleric is to lease estates or accept a stewardship, unless indeed they be entrusted by their own bishop with responsibility for church property. If after this decree anyone should dare to take out a lease himself or accept such responsibility through the agency of another person, he is to be subject to the ecclesiastical penalty, and if he remains obstinate, he is to be stripped of his dignity.

19. Clerics enrolled in a church are not to be appointed to the church of another city, but are to remain content with that church where they were deemed worthy to serve originally, except for those who have been forced to leave their own homelands out of necessity and so moved to another church. If anyone after this enactment should receive a

> cleric belonging to another bishop, it is decreed that both the person received and the one who receives him are to be excommunicated, until the absconding cleric returns to his own church.[8]

The emperor's intervention demanding that these rules be 'decreed canonically' happened during the most prestigious Council's session, the one in which the Creed was adopted in his presence. This shows the importance of his demands. The reasons for which the emperor wanted the Council to issue 'canonical decrees' stating that monks should be subject to the bishop can be found in the tumultuous history of monasticism in Constantinople and in its vicinity since the end of the 4th Century. Apart from minor conflicts, monks violently protested at four occasions against the bishop of Constantinople.[9]

In 379, a crowd of monks, virgins, and 'poor people' attacked Gregory of Nazianzus during the Paschal Vigil when he was baptising catechumens in his private chapel, which he had called *Anastasis*; the crowd thrust stones; their hostility resulted from doctrinal discrepancies, as Constantinople monks siding with the Arians were hostile to the Nicaean candidate to the city's bishopric.

Since the very first years of John Chrysostom's episcopate (which began in February 398), the monk Isaac, an individual of much influence within the monastic circles of Constantinople and vicinity, formed a veritable coalition against the bishop, which forced him twice to go into exile. The monks went to the streets, where literal fights took place between John's opponents and followers. It was Isaac who during the Synod of the Oak, while representing the monks, added 17 articles to the already prepared 29-articles indictment.[10] The attack of

[8] ACO 2, 1, 2, 156-157.

[9] The most important study, which I took as my guide, is G. Dagron, *Les moines et la ville. Le monachisme de Constantinople jusqu'au concile de Chalcédoine (451)*, in *Travaux et Mémoires* 4 (1970), 229-276. I would also recommend to my readers to consult a good monograph by P. Hatlieb, *The Monks and Monasteries of Constantinople ca. 350-850,* Cambridge 2007. The best collection of the evidence is to be found in with a chapter by H. Bacht, *Die Rolle des orientalischen Mönchtums in den kirchenpolitischen Auseinandersetzungen um Chalkedon (431-519)*, in *Das Konzil von Chalkedon. Geschichte und Gegenwart*, vol. 2, 193-314.

[10] Phot., *cod.* 59 (ed. R. Henry, Paris 1959, vol. 1, 52-57).

Isaac and the monks who followed him stemmed from personal conflicts (John easily made individuals and groups take a dislike to him), but also had deeper reasons. Chrysostom's aim was to strengthen the leading centre of the Constantinopolitan Church, to take over from different monastic groups various charity institutions, such as hospitals, orphanages and old people's houses. He opposed the independence the Constantinople monks had enjoyed since their beginnings in the mid-4th century; first of all, he wanted to eradicate them from public life, in which the most influential of them had already taken prominent positions. Isaac received support from Theophilus, patriarch of Alexandria, and from people at the court; the alliance of these forces was fatal to John.

The monks of Constantinople soon turned into opponents of Nestorius, who had been ordained patriarch in April 428. Contrary to that with John Chrysostom, this was a clearly dogmatic conflict: on Christmas Day 428, Nestorius delivered his first homily in which he questioned the *Theotokos* title to be given to Mary, provoking very strong protests among various circles. Apart from that, the scenario of the conflict between the monks and the patriarch resembled to a great degree the conflict between them and John Chrysostom. Just like the latter, Nestorius was facing a dangerous enemy, the patriarch of Alexandria (in this case, Cyril), and took measures meant to discipline the monks of Constantinople. He expelled the most active ones from their monasteries.[11] The protests came not only from the 'wandering, begging monks' (to use a term coined by Daniel Caner), but also from a group of respectable archimandrites (Basil of Cilicia; Hypatius of the *Rufinianae* Monastery; Alexander, abbot of the *Acoemetae*). In 429, they appealed to the emperor to call a council. It was held two years later (June 431) in Ephesus. All throughout its course, monks violently protested on the streets of Constantinople. When Nestorius' supporters blocked the access to the capital to the anti-Nestorian delegation, Dalmatius, successor to the archimandrite Isaac, went out of the monastery in which he had spent 48 years without ever leaving it, grouped around him a great number of monks and went to the emperor to express

[11] D. Caner, *Wandering, Begging Monks: Spiritual Authority and the Promotion of Monasticism in Late Antiquity,* Berkeley - Los Angeles 2002, 212-224.

his protest, after which he addressed the crowd in the church of St Mocius.[12]

[12] Let us listen to Nestorius in his work *The Bazaar of Heracleides,* preserved in Syriac (Nestorius, *The Bazaar of Heracleides*, edd. G. R. Driver - L. Hidgson, Oxford 1925, 272-273): «And they [the monks] took for themselves as organizer and chief, in order to overwhelm the Emperor with amazement, Dalmatius the archimandrite, who for many years had not gone forth from his monastery; and a multitude of monks surrounded him in the midst of the city, chanting the offices, in order that all the city might be assembled with them and proceed before the Emperor to be able to hinder his purpose. […] But when the Emperor saw Dalmatius, he shook his head and put up his hand as one who is in astonishment at the sight of a person; and he said: "What is the cause which has constrained thee to break thine own pact? For we were coming unto thee, but now why hast thou come unto us? And especially in the midst of the city! Thou, one that not even in thy monastery hast been seen outside thy cell nor usest to let thyself be seen of all men, hast now made thyself as it were a spectacle both unto men and unto women. […]." Dalmatius says: "Yea, Emperor, it was by no constraint such as this among these things that there was need of my coming forth. For this reason indeed God has not made me to know [aught of these difficulties], for he has settled them otherwise. But now God has commanded me, [even] me, to counsel thy Majesty, and I have been commanded to bear thee witness that thou transgressest against thyself in transgressing against the Council and perverting its judgement. Thou hast assembled the Council for judgement and it has judged; it knows how it has judged; it is responsible unto God […]". The Emperor said unto him: "I too find no impiety in this man [*i.e. Nestorius. E.W.*] nor any cause worthy of [his] deprivation. I testify unto thee and unto all men: I am innocent; for through no human inclination have I loved this man and done the things which have taken place, so that he has been judged and condemned, as those who rise up against God and usurp for themselves the [prerogatives] of the priests. [Here follows a long speach of the emperor defending Nestorius]". And after the things were finished which were wrought against me [this is Nestorius speaking] by them, the impious band went forth from [his] Majesty and some spread abroad other things against me; and they carried Dalmatius around, reclining on a couch which was spread with coverlets, and mules bore him in the midst of the streets of the city, in such wise that it was made known unto all men that a victory had been gained over the purpose of the Emperor, amidst great assemblies of the people and of the monks, who were dancing and clapping the hands and crying out the things which can be said against one

It was already at this stage of events that there appeared the Syrian monk Eutyches as an assistant to Dalmatius. It was his doctrinal views that began the next stage of the conflict between monks and the patriarch's office, which was at the time exerted by Flavian. Eutyches headed the Monastery of Hiob (later renamed Eutyches' Monastery) located on the outskirts of Constantinople, and in ca 440 constituting the main monastic community in the city.[13] Just like Dalmatius, Eutyches led a secluded life at the monastery, enjoying the prestige of sanctity, he had a major influence at the court, especially through the powerful eunuch Chrysaphius (to whom he was godfather), and corresponded with the pope on issues concerning the fight against Nestorianism. According to Nestorius, he aspired to run the ecclesiastical affairs of Constantinople: he attacked bishops ("not being a bishop, thanks to the emperor's authority he acted as if a bishop of bishops"), and removed clergymen who disagreed with him from their churches.[14]

However, the situation in the city had substantially changed in comparison to the times of the Council of Ephesus: for doctrinal reasons, the monastic circles divided into supporters and opponents of Eutyches. Under the circumstances, patriarch Flavianus felt powerful enough to attack him. In the course of a *synodos endemousa*[15] on 8 November 448,

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who has been deprived for iniquity. But after it was known that the intention of the Emperor had been overcome by them, all the heretics, who had formerly been deprived by me, took part with them, and all with one mouth were alike proclaiming my anathema, taking courage from anything that had taken place, in every part of the city, but especially in the parts by the sanctuary, in such wise as to add unto themselves crowds of the people to commit iniquity without reverence; and thus they took courage, clapping the hands and saying naught else except "God the Word died".»

The passage just quoted does not seem to be one of the many interpolated passages that can be detected in *The Bazaar of Heracleides*. Nestorius narrates here events which he witnessed. Admittedly he is partial, but his information is sound, as can be seen by a confrontation with other evidence. Of course what he lets Theodosius and Dalmatius say cannot be their very words.

[13] Cf. H. Bacht, *Die Rolle des orientalischen Mönchtums*, 206-211.

[14] Cf. *The Bazaar of Heracleides*, 336, note 12.

[15] *Synodos endemousa:* an institution characteristic of patriarchal capitals of

one of its participants, Eusebius, bishop of Dorylaion, who had previously been the main accuser of Nestorius, played the same part against Eutyches. The latter initially refused to justify himself before the bishops' court (reminding of his vow not to leave the monastery), but finally, on 22 November, he arrived at the session accompanied by a host of monks, soldiers, and prefecture officials. However, the synod's participants – 31 bishops and 18 archimandrites (out of 50 known in Constantinople at the time) – found him guilty. Nevertheless, Eutyches did not intend to give in; in the spring of 449, he made an appeal to the emperor as well as the bishops of Rome, Jerusalem, Thessalonica, and Alexandria, accusing Flavianus of having violated trial procedures, and asking to convoke a council. Against Flavianus' opinion, Theodosius decided to hold one, making Dioscorus, successor to Cyril, responsible for organizing and running it. The venue and the date were Ephesus in August that very year. Eutyches came to the city with an entourage of 300 monks. They are said to have arrived at the archbishop's palace accusing the archbishop of having welcomed the emperor's enemies.[16] The opposing party too sent their monks, apparently less effective in view of the energetic activity of Dioscorus, who was supported by monks from Syria led by Barsauma and soldiers who were at his disposal owing to a decision of the governor of Asia. Eutyches was cleared of heresy charges. The bishops, albeit reluctantly, yielded to the pressure of Dioscorus and deposed the patriarch of Constantinople, Flavianus, and that of Antioch, Domnus.

The death of Theodosius II on 28 July 450 deprived Eutyches and the monks supporting him, as well as Dioscorus, of the fruit of the victory they had carried off at that council which pope Leo the Great called

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the East. Born in Constantinople, it gained its name there. A patriarch, facing some major decisions to make, would call a meeting of bishops present in the city for their purposes, as well as major bishops of nearby cities. The *synodos endemousa*'s composition depended entirely on the patriarch's will, however he could not ignore those of the most prestigious colleagues he could invite without undue waiting. Abbots of major monasteries, called archimandrites, would also participate.

[16] ACO 2, 1, 1, 75 (passage 58): declaration of Stephen, archbishop of Ephesus.

latrocinium – violent, illegal act.[17] The monasteries opposing Eutyches, first and foremost the *Acoemetae*, were instead gaining stronger position in the political game conducted by Pulcheria, Theodosius' sister, to be soon joined by her husband Marcianus.

It can thus be clearly seen why the emperor wanted the Council of Chalcedon to establish regulations subduing monastic circles to bishops. As for the patriarch of Constantinople, who constantly run the risk of monks' protests, it was obviously in his interest that the emperor should put his signature to regulations meant to provide means of controlling this turbulent social category, in order to make it clear that the ruler would not defend disobedient monks but use force against them. Of course, this threat was hard to implement, yet it was worthwhile reminding of such a potential solution.

However, why did the emperor's letter read in Session VI of the Council contain two other demands?

The second section of Marcian's letter condemns those clerics and monks who 'become lessees of estates or stewards' or 'serve great houses as administrators'. The sanctions proposed by the emperor included ecclesiastical penalty or stripping of dignity/office (*axioma*); the latter, however, could not apply to monks (who had no ecclesial dignity, as they were lay individuals). It thus seems as if monks were 'added' to the clergy. With respect to the clergy, these regulations were not new.[18] Although there is plenty of evidence of clerics serving wealthy individuals and this is not surprising (as a matter of fact, they could have been employed in the administration of estates before being ordained), I find it difficult to imagine an analogous situation with respect to monks, and this as early as in the mid-5th century. It is true that in one of his letters Jerome claims that there are monks who have turned wealthier than they had been before assuming the habit (*ep.* 60, 11); these are, however, ungrounded malicious remarks (possibly aimed at some Palestinian monks not mentioned by name). I cannot recall any definite instances in the records I have been through.

[17] Cf. Leo M., ep. 95 (ACO 2, 2, 4, 51).

[18] See J. Gaudemet, *L'Église dans l'empire romain,* Paris 1958 (second edition supplemented 1989), 168-170.

The third section of the imperial letter concerns exclusively clerics. It condemns those clerics who leave their church and move to another diocese without being forced by exceptional circumstances to do so, as well as those who receive them. This prohibition does not constitute any novelty; canons forbidding transfers had been adopted already at the Council of Nicaea (canons 15 and 16), and this regulation had been repeated on various occasions. There seems to be no reason why in 451 the emperor should be concerned by this phenomenon, we are not aware of any definite cases then worrying the public opinion, which could account for the emperor's initiative.

It seems to me that the structure of the imperial letter should be accounted for by factors from outside the Church's pastoral activity. Marcianus did not want to play the role of one who is only interested in pacifying monks. He therefore 'wrapped his attack up' (pardon the colloquialism) in trivial demands, thus attenuating it by manifesting his concern for the Church in general, not merely his hostility to ascetics protesting on streets and squares.[19] The point is that monks as a category were extremely popular; admittedly, critical voices could be heard from time to time, these, however, concerned some definite wrongdoings by certain small groups, not the whole category as such.

Let me now proceed to the interpretation of the monastic canons adopted at Chalcedon. The response to the emperor's suggestion

[19] A similar case can be found in CTh 16, 2, 27 issued on 21 June 390 by Theodosius. The most important point of this law, that which mattered to the emperor, was the article forbidding deaconesses and widows to bequeath property to the Church, clergy, and the poor if they had children. This constituted a severe blow to the economy of the Church and its good name. However, this article was not put at the beginning of the law: the first article was one which forbad to appoint women under 60 as deaconesses and canonic widows; this actually constituted an ordinary requirement of the Church. The third article of the law also harmonized with the hierarchy's wishes: it forbad women with short-cut hair (or maybe shaven off?) in the man-like style to enter churches. It is known that in the ascetic circles in Asia Minor such habits did appear, much to the indignation of the clergy. The emperor revoked the law already on 23 August 390; this, however, does not interest us here; what matters to us is the fact that this law shows how imperial lawyers tried to work on public opinion.

concerning the most important issue, namely the fact that monks are to be subordinate to bishops, can be found in canon 4:

> Those who truly and sincerely enter on the solitary life (*moneres bios*) are to be accorded due honour. But since some people use a cloak of monasticism to disrupt both the churches and public affairs, while they move around the cities indiscriminately and even try to set up monasteries for themselves, it is decreed that no one is to build or found a monastery or oratory (*eukterion*) anywhere contrary to the will of the bishop of the city. Those who practise monasticism in each city and territory are to be subject to the bishop, and are to embrace silence (*hesychia*) and devote themselves to fasting and prayer alone, persevering in the places where they renounced the world; they are not to cause annoyance in either ecclesiastical or secular affairs, or take part in them, leaving their own monasteries (*monasteria*), unless indeed for some compelling need they be permitted to do so by the bishop of the city. No slave is to be accepted into a monastery as a monk contrary to the will of his master; we have decreed that the infringer of this our regulation is excommunicate, lest the name of God be brought into disrepute. The due care of the monasteries must be exercised (*deousan pronoian poieisthai*) by the bishop of the city.[20]

There are some aspects of canon 4 that require a commentary from the point of view of my research. This canon treats the foundation of a monastery and that of an *eukterion* as equal events, whereas the emperor had not mentioned at all the case of the foundation of *eukteria*. In our sources the word *eukterion* is used unprecisely, most frequently as a synonym of *martyrion*, in which case it designates a building for the worship of saints – a building whose rank is lower than that of an *ekklesia*. It is never used to designate a monastic community. Meanwhile, canon 4 implies that there is a close relation between an *eukterion/martyrion* and monks. In the Council acts,[21] monks living in a *martyrion* are referred to as *memoritai* and *memorophylakes* and are treated as a lower category than monks from 'monasteries'. Forming small groups and living on donations from the faithful, they could be easily accused of some financial wrongdoing, and stayed in regular touch with lay people of both sexes.

[20] Cf. ACO 2, 1, 2, 159 (Can. 4).

[21] Cf. ACO 2, 1, 2 (passage 64); it belongs to Session IV.

The actual sense of the last sentence of canon 4 depends on the meaning of the term *pronoia*. It is usually translated with different words whose general meaning is 'care'.[22] Meanwhile, Caner considered the word to mean material care, therefore his translation of the final sentence of canon 4 reads as follows: "the bishop of the city must make the necessary provision".[23] He based on a passage of Sozomenus' *Historia Ecclesiastica* on John Chrysostom:

> John had several disputes with many of the monks, particularly with Isaac. He highly commended those who remained in quietude in the monasteries and practiced philosophy there; he protected them from all injustice and solicitously supplied whatever necessities they might have (Soz., *h. e.* 8, 9, 4).[24]

I am quite certain that John Chrysostom would willingly provide for those monastic communities which were extremely poor and sympathized with him. Nevertheless, in the mid-5th century, in view of the growth of monasticism the assumption of the role of a regular provider of living means by the bishop seems highly unlikely. Even the patriarch of Constantinople would not have been able to afford such expenses. All that we know of the economy of monasteries does not confirm Caner's views. Obviously, the lack of evidence in the realm of real life does not exclude the possibility that this was a desideratum of the Council; it is, however, better not to propose such a highly hypothetical interpretation of the last sentence of canon 4, since the usual meaning of *pronoia* so justly fits the realities of the time. Let me add that the bishop's systematic supervision over the monasteries was, from the Council's perspective, needed, since, even if the bishop participated in the founding act, there were no guarantees that several years later the monks would continue to be the same disciplined community they had been at the beginning, dedicated to fasting and prayer alone. The great fluidity in the composition and the organization of the communities as well as the changes that every new abbot was apt to introduce, continuously undermined the kind of stable arrange-

[22] Cf. G. W. H. Lampe, A Patristic Greek Lexicon, Oxford 1961, sv. πρόνοια, 1157-1158.

[23] D. Caner, *Wandering, Begging Monks*, 197-198; 238-239.

[24] Cf. edd. J. Bidez – G. C. Hansen, Paris 2008 (SCh 516).

ment that both ecclesial and imperial authorities would have wished for.

Canon 4 does not include the ban on establishing monasteries on private estates against the owner's will that the emperor had demanded. Whoever worded the canons could have assumed that the bishop's supervision at the stage of foundation would eliminate any irregularity in this respect.

There are three canons dealing with rebelling monks who are treated on the same terms as clerics rebelling against the bishop.

> Canon 8: The clergy of almshouses (*ptocheia*), monasteries and martyria are to remain under the authority of the bishops in each city, according to the tradition of the holy Fathers; they are not out of self-will to rebel against their own bishop. Those who dare to infringe this rule in any way whatsoever and do not obey their bishop, if they are clerics, are to be subjected to the penalties of the canons, and if they are monks or laymen, are to be excommunicated.[25]
>
> Canon 18: The crime of conspiracy (*synomosia)* or banding together (*phatria* = *phratria*) is utterly forbidden even by the civil laws; all the more should it be prohibited in the Church of God. If then any clerics or monks are found conspiring together or banding together or plotting intrigues against bishops or fellow clerics *(synklerikoi*), they are to be completely stripped of their own rank.[26]

Here, as in other cases, monks are put together with clerics. The latter are the main target. The penalty formulated in canon 18 was hardly applicable to monks: these could not be 'stripped of their own rank' (at the worst a monk could be expelled from his monastery). These canons did not provide bishops with a new instrument against conspiring clergy and monks; they expressed their indignation, nothing more. (By the way: from which moment did talks going on in a group of clerics and monks acquire the character of a conspiracy? From the moment of taking oaths binding the members of the group? The term *synomosia* could suggest this, but it is not at all certain whether the authors of the canons used it in its literal meaning). If the conspiring groups were powerful and had highly-ranking patrons (like

[25] Cf. ACO 2, 1, 2, 159-160.
[26] Cf. ACO 2, 1, 2, 161.

the *Acoemetae* Monastery, ever since it became allied with the pope), bishops, both in Constantinople and other dioceses, were unable to oppose them. If the troublesome communities were weak, bishops were capable of punishing the disobedient through their own disciplinary power or by accusing them at a provincial synod. If the abbot of a monastery was supported by a substantial number of obedient monks and by many friends in the outside world (as Eutyches in the 440s), the bishop could present the case at a synod (as Flavianus did at a *synodos endemousa*), however the result of the procedure was not predictable at all. He had to convince other bishops and abbots that the discussed case was a conspiracy, not a simple dispute. On the other hand, if the monastic community was really weak, the bishop had means at his disposal to call it to order. A good example in this respect can be found in the story of the conflict between the monastery of Paula and Jerome in Bethlehem, and John, bishop of Jerusalem. Not going into the doctrinal background of the antagonism (the debate on Origen's theological views), I would like to focus merely on its strictly practical aspect. Epiphanius, bishop of Salamis on Cyprus, in 394 ordained Jerome's brother to become a presbyter at the Bethlehem monastery, thus infringing the rule which prohibited ordaining clerics for other dioceses. John, whose privileges were violated, imposed an interdict on the monastery, therefore its monks were not allowed to enter the church in Bethlehem.[27]

> Canon 23: It has come to the hearing of the holy Council that certain clerics and monks, with no commission from their bishop and sometime even when excommunicated by him, come to imperial Constantinople and stay a long time in it, causing disorder, disrupting the state of the Church, and upsetting the households of certain persons. The holy Council has therefore decreed that such people are first to be asked by the advocate (*ekdikos*) of the most holy Church of Constantinople to leave the imperial city; and if they shamelessly persist in the same behaviour, they are to be expelled by the same advocate, even against their wills, and return to their own places.[28]

[27] The whole story is described in detail and vividly by J. N. D. Kelly, *Jerome. His Life, Writing and Controversies,* London 1975.

[28] Cf. ACO 2, 1, 2, 162.

Here at last we have evidence directly showing that the phenomena within the monastic world that the canons were trying to prevent, mainly concerned Constantinople. What strikes is the helplessness of the authorities: could an *ekdikos* (a legal representative) of the Church of the capital city effectively reach a large number of monks participating in street protests, in order to first admonish them, then expel them from the city 'even against their wills' (remembering which of them had been previously admonished)? Restricting the monks' liberty of access to Constantinople's squares, streets, and places of worship posed an extremely complex challenge; the authorities (the emperor and civic officials) had already attempted (and will later attempt) at introducing this kind of regulation. In 445, Theodosius II ordered that clerics and monks coming to the capital carry *litterae episcoporum* (letters of their bishops) authorising them to do so (CI 1, 3, 11). Synods reiterated the rule. However, judging on what actually happened in the subsequent years, such recommendations were but a dead letter. In the 80th Novel from 539, Justinian established a special official called *quaesitor*, who supervised a team meant to control the inflow of people (not merely monks) into Constantinople; his jurisdiction was not limited to the territory of the capital, but also included towns on the Asian side. However, it does not seem that special services were established to systematically control everyone entering through the city gates (this would have been theoretically feasible, as Constantinople was surrounded by walls whose gates were closed for the night). The fact is that the monks flocking to the capital were able to find a place for themselves not only on squares and streets, but also in *martyria* and numerous charity institutions, at first as people in need of alms and care, later as people who, staying there, could provide necessary care to the needy.

The canons' authors responded to the emperor's suggestion concerning the clergy and monks involved in administering 'great houses' out of avarice, by developing and completing Marcianus' text:

> Canon 3: It has come to the knowledge of the holy Council that some of those enrolled in the clergy, for sake of sordid gain, become lessees (*misthotai*) of estates and apply themselves to secular business, neglecting the service of God while they frequent the houses of secular people,

> and, out of avarice, take on the management of property. The holy and the great Council has therefore ruled that in future no bishop or cleric or monk is to lease estates or involve himself in the secular administration of business, unless he is strictly required by the laws to take on the compulsory guardianship of minors or if the bishop of the city entrusts him with responsibility, out of the fear of God, for Church property or for orphans and destitute widows and people who especially need the help of the Church. If anyone in future attempts to transgress what has been laid down, he is to be subject to ecclesiastic penalties.[29]

The same train of thought inspired canon 7, which applies the same rule to the sphere of state and military service:

> We have ruled that those who have once been enrolled in the clergy or become monks are not to enter on state service (*strateia*) or a secular dignity (*axia kosmike*), and that those who presume to do so and do not repent by returning to the state they had formerly chosen for the sake of God are to be anathematized.[30]

However, I cannot help thinking that canons 3 and 7 were targeted at the clergy, while monks were simply added to the text just in case, since in the particular atmosphere in 451, bishops were prone to give credence to bad opinions on the monks.

Finally, there is a canon dealing with monks and female ascetics returning to the world and marrying:

> Canon 16: A virgin who has dedicated herself to the Lord God, and likewise a monk, is not permitted to enter into marriage. If they are discovered doing this, they are to be excommunicated. We have decreed that the local bishop has authority to exercise leniency towards them.[31]

Ecclesial norms concerning the 'virgins dedicated to the Lord God' had been issued before on more than one occasion,[32] while monks appear in this context for the first time, seemingly as 'added' to the virgins.

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[29] Cf. ACO 2, 1, 2, 158-159.
[30] Cf. ACO 2, 1, 2, 159.
[31] Cf. ACO 2, 1, 2, 161.
[32] J. Gaudemet, *L'Église dans l'empire romain*, 206-211.

Let us end our survey with canon 24:

> Monasteries that have once been consecrated (*kathieroo*) with the approval of the bishop are to remain monasteries perpetually; the property belonging to them is to be kept for the monastery, and they may not in future become secular residences. Those who allow this to happen are to be subjected to the penalties laid down in canons.[33]

What I find striking in the above canon is the term *kathieroo*, which designates a cultic act. In the mid-5th century, the bishop consecrated only spaces for the celebration of Eucharist; not all monasteries had such. It was only Justinian that ordered (in the 67th Novel) that the bishop participate in the act of founding a monastery and plant a cross on the site. This actually was merely one of the emperor's fantasies in his utopian vision of monastic life. The authors of canon 24 were convinced that monasteries had somehow a sacral character, yet this was merely a feeling, nothing more. If we want to strictly follow the canon's text, the conclusion that it protects the buildings serving monks (which should not get into secular hands) seems obvious. We would have expected the legislator to protect the land that belonged to monks, just as ecclesial property was protected against sale. I wonder whether broader conclusions should be drawn from canon's 24 phrasing, namely whether we can gather from it that monastic land ownership had not become a norm yet, and therefore the canons' authors, seeing things from the Constantinopolitan perspective, associated monastery property with buildings only. This does seem likely.

Let me formulate one more remark on the whole of the Chalcedon normative acts. It is true that monasticism takes an important place there, yet their authors focus more on attitudes that are contrary to ecclesial custom and on situations in which monks have to do with the clergy, mainly with bishops. Out of twenty-eight canons, fifteen exclusively deal with clerics, most of the others mention monks next to the clergy, while only two are dedicated exclusively to monks and monasteries (admittedly, canon 4 is exceptionally extensive). The fifteen canons dedicated to the clergy alone reiterate regulations previously formulated in ecclesiastical normative acts. Two canons are regulations

[33] Cf. ACO 2, 1, 2, 162.

formulated for the first time: canon 2 banning simony and canon 26 concerning the function of the *oikonomos*, though they can hardly be regarded as truly novel. Simony had been widely condemned based on the New Testament, it is hard to understand why it was dealt with in ecclesial regulations so late; as for the stewards (*oikonomoi*), they had been present in churches (not only episcopal ones) for a long time. Canon 26 introduced the obligation to appoint members of the episcopal clergy to that position, this showing that the authors hoped that a cleric would have more authority versus a bishop than a layman in private relationships with his superior. It was but an illusory hope, since nothing could protect the Church's property against dishonest individuals from within its own circles.

Conclusions.

On the conceptual level the regulations concerning monks that were established by the Chalcedonian Council constituted a reasonable remedy for ailments that plagued the Church of Constantinople and those of other large cities (Alexandria, Jerusalem, Antioch). But was this remedy applicable, particularly in Constantinople?

Dagron claims that by subduing monasteries to bishops, the canons aimed at preventing the establishment of a 'monastic party' in Constantinople.[34] He himself was aware that the reality was different, since he recalled the big demonstrations held in 468 by the *Acoemetae* under Leo I, when monks united in a street revolt meant to oppose the succession to the imperial throne by an Arian, Patricius. This is merely one example, to which one should add the big demonstration of monks against Basiliscus, headed by Daniel the Stylite, who had got down from his pillar for the purpose. Zeno's issuing of the *Henotikon* authored by patriarch Acacius, an attempt at harmonizing contradicting dogmatic attitudes, caused much anger among the pro-Chalcedonian monks of the four major monasteries in the city, and their indignation was stirred up by papal envoys. Acacius responded with repressions. The monks hostile to monophysitism strongly protested against the arrival in the capital of Philoxenus of Mabbug (ca 507), and they behaved the same way during the 3-year-stay in Constantinople of Severus of

[34] G. Dagron, *Les moines et la ville*, 274.

Antioch (508-510). A similar reaction was triggered off in ca 510 by the first attempt to introduce the monophysitic version of the *trishagion* ("Holy God, Holy Strong, Holy Immortal, who wast crucified for us, have mercy on us"). The commitment of the *Acoemetae*, who repeatedly intervened with the popes and against their own patriarchs in defence of the dogmatic tenets established by the Council of Chalcedon, can also fall within the definition of the activity of a 'monastic party', if we do decide to use the term 'party'.

Furthermore, what happened within the monastic circles after the mid-5th century cannot be confined within the division into Chalcedon supporters and opponents, since in both camps there formed and dissolved smaller alliances, while the major monasteries ran their own policies.[35]

It was impossible to separate the monks of Constantinople from public activity, both in the political and the ecclesial sphere, to prevent them from putting pressure on patriarchs and emperors. The awareness of the power of their protests, the ambitions to continue the policies of the great abbots of a given monastery, yet first of all the passionate conviction that they were religiously right, no matter what ideas they followed, quite obviously opposed such separation. The tense, almost hysterical atmosphere in which monks permitted themselves to engage in whatever 'pious' actions, can be grasped in Leo's Constitution of 459:

> We decree that, hereafter, no monk, nor anyone else, no matter what his station or rank, shall unlawfully attempt to carry the Holy Cross, or the relics of the martyrs into any public house or place of any description, which has been set apart for the pleasure of the people; or shall venture to take possession of any building which has been erected for public purposes, or popular amusement. For, as religious houses are not lacking, after the episcopal authorities have been consulted, as is necessary, the relics of the holy martyrs can be placed therein, not by the arbitrary action of anyone, but by the authority of the Most Reverend Bishops. Hence Our laws, public discipline, and the reputation of the monks themselves, demand the exercise of patience and

[35] This is convincingly shown by P. Hatlieb, *The Monks and Monasteries of Constantinople*, 118-127.

> moderation, and each monk, as well as every member of other orders, should zealously attempt always to practice these virtues.[36]

Thus Constantinopolitan monasticism did not lose its characteristics, resulting from its being tied up with the life of a big city, of the capital city. Monks continued to flock into the capital; there existed there *martyria* and pious foundations run by secular patrons from among the wealthy and powerful of the Constantinopolitan world. It was impossible to limit monks' life to 'prayer and fasting', to persuade them to maintain *hesychia*. The situation was made more complicated by members of the secular elite building hospitals, old people's homes, orphanages, which were run by monks who did not belong to any monastery. The patriarch could not become the sole patron of the poor, a middleman between the rich donors and the needy. Meanwhile, aristocratic families were not content with merely providing the material means; they also wanted to be present in the awareness of the poor, of the monks, and of the clergy. With the passing of time such attitudes resulting to the same extent from piety and vanity grew stronger; for many wealthy individuals popularity with ordinary people constituted an important means in their stately or ecclesial career.

The Chalcedon monastic canons are, as can be seen from our survey, a reaction to bad experiences of the capital's patriarchs. The Constantinopolitan origin of the decisions is proved by the imperial recommendations in the course of Session 6 as well as by the mode of the canons' adoption. They were not instigated by the bishops of the eastern part of the empire, but by the ruler and the patriarch of Constantinople. The emperor, as had become customary, confirmed the Council's decisions (we know four edicts published in February-March 452), following which, evidently not considering the canons to be sufficient, he added one legal act more in 455 (CI 5, 8, 3).

Leo Ueding in the recapitulation of his excellent study on Chalcedon canons and their role in the history of monasticism wrote that as their consequence "dem Mönchtum so zu sagen offiziell ein Platz in der Kirche angewiesen wird".[37] Dagron ended his article on the monks

[36] CI 1, 3, 26 (ed. P. Krueger, Berlin 1914). Translation: *The Code of Justinian*, ed. S. P. Scott, Cincinnati OH 1932.

[37] L. Ueding, Die Kanones von Chalkedon, 617.

of Constantinople by the following statement: "le monachisme devient décidément une institution, une institution de l'Église".[38] Such views can be found in the whole abundant literature on the subject. They are astounding, since the Chalcedon monastic canons were meant only to discipline monks, not really tackling what was of major importance in monastic life: the ascetic doctrine, internal organization, principles of learning and teaching asceticism, modes of individual and collective praying. They did not interfere with a feature of monasticism which characterized it from its very beginnings – with its polymorphic character. Modern scholars easily forget about it, treating monks as a coherent category that can be described as one. Meanwhile, monks lived in varied ways, formed various groups, and behaved variously.

Till the times of the Council of Chalcedon and beyond it was in literary works that a reflection on the issues basic for monastic circles took place: in Athanasius' *Vita Antonii*; the ascetic treatises of Basil of Caesarea; the works of Evagrius Ponticus; stories on monks of the kind of the Greek anonymous *Historia monachorum in Aegypto* and Palladius' *Historia Lausiaca*; the apophthegms circulating within the monastic world; the *Asketikoi Logoi* by Isaiah of Sketis (or Gaza). The Latin translation by Evagrius the Antiochene of the *Vita Antonii*, Rufin's translation of the *Historia monachorum in Aegypto* and the *Little Asceticon* of Basilius had for half a century been triumphant in the West. It was literature that had 'made room' for monks within the Church, not the Chalcedon canons.

Both Ueding and Dagron (as well as many others) yielded to the juristic way of conducting historical research. As seen from this perspective, monasticism, in order to come to existence as an institution, had to become the subject of legislation – there was a need for an appropriate rank of ecclesiastical power to take a decision on it, no matter on what purpose and in what tone. Seeking for proofs of the canons' enactment in the post-Chalcedon times, Ueding honestly admitted that no such testimony is known. This, however, did not prevent him from formulating the conclusion that the Chalcedon regulations played a decisive role in the history of monasticism; he did not need any proof, as for him the conclusion was obvious. And it is precisely in

[38] G. Dagron, Les moines et la ville, 276.

this apparent obviousness that the source of the misunderstanding is to be found. My predecessors commenting on the canons believed that if the Church assumed some regulations in the course of a Council, and the emperor confirmed them with his power and authority, they had to be effective. Furthermore, all scholars are aware that the doctrinal decisions of the Council of Chalcedon constituted an important caesura in the history of the Church of the Greek East; it seemed natural to assume that this was also true of its normative decisions. However, the Council's monastic canons remained mainly a set of desiderata. The emperor wanted monasteries subordinate to bishops; bishops wanted to have a say on the issues basic for monasteries, therefore the ruler and the Church formulated these desires in a set of legal regulations. However, neither the Church hierarchy nor the emperor had means to systematically enforce them.

Legal texts of late Antiquity (from the times of the Tetrarchy) play an important communication role between the secular and ecclesial power centres and society; they do not only formulate regulations, they also extensively account for the reasons of their introduction. This actually explains their declarative character.[39] Theodosius declares that monks should live away from settlements; Marcianus and the patriarch of Constantinople declare that they should not take to streets and squares, and particularly they should not participate in riots, even if these stem from doctrinal reasons.

Stating that the Chalcedon monastic canons had Constantinopolitan roots does not mean to say that they were unimportant to bishops of other cities. They were objectively in their interest and contributed to the process of settling the relationships between the Church hierarchy and monastic circles, even if in their dioceses there were no monks' unrests of the kind customary for Constantinople.

[39] The view I express here on the functioning of the legislation in the communication process between the legislator and community members is today a *communis opinio*; however, it had not yet been formulated when Ueding and Dagron were writing their works. For more explanation, see: J. Harris, *Law and Empire in Late Antiquity,* Cambridge 1999, Chapter 3: *The Construction of Authority* (in particular pagg. 58-59). Also: M. T. G. Humphreys, *Law, Power, and Imperial Ideology in the Iconoclastic Era (c. 680-850),* Oxford 2015, pagg. 1-36.

The Church of later periods (particularly in the 6th century) was a much more powerful institution, better organized, better integrated with social life of the Roman world than it had been in the last quarter of the 4th and the first half of the 5th century. It was therefore more efficient in ensuring order, in controlling the faithful and its own personnel. Was this Church able to enact, if only partially, the Chalcedonian programme outside Constantinople, and thus effectively to dam the freedom of monastic communities? The conflicts about the dogmatic tenets of the Council of Chalcedon, spreading wide within the Christian East, did not facilitate the process. We are entitled to suspect, though no confirmation of this comes up in our sources, that bishops hostile to the dogmatic tenets of the Chalcedonian Council did not have any reasons to consider its canons as binding. What about pro-Chalcedonian bishops? If their dioceses were torn by tempestuous Christological conflicts, were they able and willing to implement the canons in their everyday pastoral activity? As to the dioceses where these conflicts were not so passionate, where the implementation of the Chalcedonian monastic canons would not have aroused a powerful opposition, are we sure that their bishops did implement them?

Answers to the above questions can only be found in detailed researches that would verify the effectiveness of the legal regulations in the pastoral practice and the awareness of the people of the time. The existence of the canons does not mean that they were applied.

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ABSTRACT

The aim of the article is to propose new answers to four fundamental questions concerning those rulings of the Council of Chalcedon in 451 that aim to regulate the functioning of monastic communities: 1. Why did the authors of the canons in question (emperor Marcian and patri-

arch Anatolius) propose legal regulations for the key organizational aspects of the life of monastic communities? 2. Which monastic groups were to be subject to these regulations? 3. What were the chances of the regulations being implemented? 4. What role did the canons have in relations between monks and the Church after Chalcedon? In her conclusions, the author emphasizes the Constantinopolitan context of the canons. She sees them as an example of "declarative law", important in the sphere of ideology but hardly usable in practice. She explains her disagreement with those scholars who hold that the canons' impact on the life of the Churches in the Empire was significant.

Keywords: Anatolius, Canons of the Council of Chalcedon, Imperial regulations of monasticism, Marcian, Monks in Constantinople.