

Approaching Social Hierarchies in Byzantium

Dialogues Between Rich and Poor

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Chapter 15

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15 Poor in this world but not in the next?

The commemoration of the dead among the Byzantine non-elite (ca. 300–1100)¹

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In contrast to other aspects of poverty explored in this volume, one would expect that death, the great equaliser, might have flattened social distinctions within Byzantine society. After all, did not the Orthodox Christian worldview of the Byzantines expect both the rich and the poor to be judged impartially before Christ at the Late Judgement, and did not numerous passages in Scripture and patristic texts affirm that the poor could more easily find entry into the Kingdom of Heaven than their wealthy coreligionists? Furthermore, were the rich and poor remembered and commemorated differently by those who survived them: did, say, Byzantine peasants conceptualise and commemorate their deceased loved ones in basically the same fashion as their aristocratic betters?

This contribution is concerned with how the non-elite, which encompassed peasants, the poor, and slaves, among others, both commemorated members of their own social stratum as well as how they were involved in the *memoria* of the Byzantine elite, between ca. 300 and 1100.² Drawing such a distinction is justified by the fact that Byzantine thought in general envisioned a bipartite division of society between ‘rich’ and ‘poor’.³ This dichotomy had emerged already in Late Antiquity and by the Middle Byzantine period was firmly rooted in all aspects of social relations, including law and legal culture.⁴

As a starting point for this enquiry, it would perhaps be useful to invoke the German medievalist Otto Gerhard Oexle’s observation, voiced in his seminal article ‘The Presence of the Dead’ (*Die Gegenwart der Toten*), that in premodern societies at death one’s ability to interact as a legal subject did not end, in contrast to today: ‘...they are legal subjects and thus subjects of relationships within human societies: in other words, they are present amongst the living’.⁵ From this perspective, the preservation of a person’s role as a legal subject even after death carries important implications for the transposition of social distinctions into the afterlife.

Before exploring this question further, a standard Byzantinist *caveat lector* needs to be stated. As with other Byzantine topics, so also regarding the commemoration of the dead, we have a paucity of information about the non-elite in comparison with other social groups.⁶ There are relatively few sources which allow us to assess what peasants, the poor, and slaves thought about death and commemoration in their own voices. The evidence which does exist tends to stem from

the Late Byzantine period.⁷ Though there are a number of studies which highlight the donor role of Late Byzantine peasants, an activity which was at least partially concerned with the commemoration of the deceased,⁸ the Middle Byzantine period has to date not been subjected to the same sort of analysis. Especially noteworthy in this regard are the acts of the Pontic Monastery of Vazelon, which are, however, only preserved beginning in the thirteenth century.⁹ Much of what we know about peasants, poverty, and the commemoration of the dead in fact concerns the role of the lower social strata in remembering their masters.

Though there were of course antecedents for remembering the dead in the pre-Christian Mediterranean, the appearance of practices regarding the commemoration of the deceased within Byzantine society represented the institution of specifically Christian notions of *memoria*, which included prayers and liturgies for the departed, as well as dispensations to the poor in their name. These commemorative acts are often described in Byzantine sources as *mnemosyna* (μνημόσυνα), which perhaps comes closest to the *memoria* of the Latin West, though the latter had far broader connotations.¹⁰

Though it cannot be excluded that commemorative services for the deceased were always a substantive part of the Christian tradition, evidence for this practice in the Eastern Mediterranean is quite scarce before roughly the year 500 CE.¹¹ Indeed, Modern Orthodox theologians are often at a loss when asked to offer scriptural or patristic justification of prayer for the dead.¹² In this context it is worth bearing in mind that the earliest Christians expected Christ's imminent return, and this attitude likely prevailed until the reign of Constantine I in the early fourth century. The increasing Christianisation of society, and especially the conversion of the wealthy, including the senatorial elite, required the emerging church hierarchy to entertain the possibility that the practice of Apostolic poverty was not the only road to salvation. If some Christians were to remain wealthier than others during their time on this earth, how would the former be able to secure their own salvation?

Responses in the Latin West to this question have been explored in scholarship, including as the subject of Peter Brown's magisterial survey *Through the Eye of a Needle* (2012).¹³ By contrast, Eberhard Bruck's (1956) study *Kirchenväter und soziales Erbrecht* remains the best exposition of this discussion in the Byzantine and other Eastern Christian churches. Bruck's basic thesis, which despite later criticism remains correct in its essentials, runs as follows: the Cappadocian fathers, and in particular Basil the Great, developed the doctrine of the *psychikon*, the 'part for the soul', whereby a wealthy benefactor gave a share of his inheritance equivalent to that of his heirs for his soul.¹⁴ In fact, the Western articulation of the 'part for the soul', above all by Jerome and Augustine, originally stemmed from this Cappadocian context.

Exactly how this 'part for the soul' was to be used was not clearly defined by the Greek fathers, but their writings suggest that it would have been mainly dedicated to caritative purposes, especially distributions to the poor and needy. That this portion of the inheritance would have financed the commemoration of the deceased through masses and prayer even in Late Antiquity seems unlikely, or there is at the very least only little support for this notion. In their discussions of death the Greek

fathers concentrated above all on the theme of death as a consolation for believers, a release from the burdens of this earthly life.¹⁵ Yet over the course of time, and in particular after the turn of the millennium, the 'part for the soul' in the Byzantine tradition was clearly connected with liturgical commemoration, as is clear from the terminology employed in monastic acts.¹⁶

A useful starting point for discussing Christian commemorative practices and the role of the non-elite within them are the so-called *Apostolic Constitutions*. These prescriptions were ascribed to Pope Clement I but were drawn up sometime around the year 380 and likely reflect the primitive practices of the Antiochene church.¹⁷ In a section of the eighth book, which is concerned with funerary practice, it is stated: 'Let the third [day] of the deceased be celebrated with psalms and prayers, because of the One Who Rose after three days, and on the ninth [day] in the memory of the living and dead, and on the fortieth, according to the old usage. For the people thus also lamented Moses on the anniversary day in his memory. And let there be distributions to the poor made in his memory'.¹⁸ We see already in this very ancient source some of the defining characteristics of the commemoration of the dead in Byzantine Christianity: periodicity (commemorations on the 3rd, 9th, and 40th days after death, though these numbers sometimes varied); prayers and psalms; and distributions to the poor.

Though otherwise a wonderful source for social history, the Late Antique Egyptian papyri are almost completely devoid of references to the commemoration of the dead or to donations for the benefit of one's soul.¹⁹ By contrast, one particularly productive genre for examining the commemoration of the dead in Byzantine society are collections of monastic lore, encompassing the so-called Sayings of the Desert Fathers (*Apophthegmata ton Pateron*, though in scholarship more commonly known via the Latin designation *Apophthegmata Patrum*). Within the larger genre of the *Apophthegmata Patrum* are two categories or sub-genres of desert wisdom: the first is the saying (*rhema*), a concise and often pithy aphorism attributed to one of a panoply of Late Antique monastic leaders; the second, the so-called spiritually beneficial tale (*diegesis psychopheles*), is a short story designed to illustrate a particular point or moral.²⁰ The textual tradition of this genre, which is found not only in Latin and Greek but in the whole spectrum of Eastern Christian languages as well, is immensely complicated.²¹ They originated and were circulated in the monastic communities of Egypt and Syro-Palestine from the fourth century onwards: the main codifications of desert lore emerged in the sixth century or perhaps a little earlier, and flowered into the seventh century, notably in collections like the *Pratum spirituale* of John Moschos. A second and more or less final codification occurred in the eleventh century with the composition of the *Euergetinos* or *Syana-goge* of Paul, the abbot of the monastery of Christ Euergetes in Constantinople. The *Euergetinos* then later served as a forerunner to the nineteenth-century *Philokalia*, which is still consulted by Orthodox Christians the world over.

Although originating in a monastic context, these texts covered the whole gamut of issues of life and the afterlife and attest to extensive interactions with the world of the laity. They contain interesting information, often only in passing, about the commemoration of the dead and the role of the poor in it.

The question of the effect of worldly riches on one's postmortal fate is not frequently posed in these collections of desert lore, but where it does appear, it is nonetheless unambiguously answered. One widely transmitted tale concerned the contrasting deaths of a rich but impious man and an anchorite who lived in the desert of Neiloupolis.²² At the death of the former, a lay servant of the anchorite witnessed the magnificent funeral procession of the rich man, in which the whole city participated, even the bishop. Meanwhile, while going about his regular task of delivering bread to the anchorite, the servant found that his master had been devoured by a hyena. The servant, as might be expected, decried the injustice of their respective fates, whereupon an angel of the Lord appeared and offered an explanation. The rich man, according to the angel, had enjoyed a fine funeral but would find no succour in the next world, while the anchorite had led an almost blameless life, yet even his meagre sin was cleansed by virtue of his violent death, so that he would appear cleansed before God.

Another tale even more vividly illustrates the worthlessness of riches in improving one's fate in the afterlife. A clairvoyant monk went into a city to sell his wares and installed himself at the gate of the house of a rich man who lay dying.²³ The monk then witnessed a troop of black horses and riders wielding fiery batons, who entered the rich man's house, whereupon he cried out to God for help. The riders answered that it was too late for him, and he was now without hope or intercession, then they took him and departed.

Riches could, however, if properly used, be of great benefit to the donor or founder. A rich man who had acquired his wealth by unscrupulous means, becoming worried about the fate he would suffer at the Last Judgment, gave away almost all he owned to the poor. He later regretted this decision but managed to miraculously reacquire his wealth before being told by an angel at the end of the tale that he had received seven times what he had given away in this world as well as in the world to come.²⁴

There is precious little information in these collections of monastic lore or in other texts of this period which would allow us to say much about how the poor commemorated their own dead. The poor or needy are primarily mentioned in the context of almsgiving or distributions in favour of the dead: thus, one tale of Abba Bessarion relates how a monk, who had both a wife and daughter, gave the shares of the inheritance of all three for the ransom (*antilytron*) of his daughter's soul after her death.²⁵ This is a concrete implementation of the 'part for the soul' discussed above. Anastasios of Sinai entertained the query of whether it was more beneficial to give to churches or the poor: his answer was that, though churches are not listed among the recipients of almsgiving in Mt 25:35, one could give to poor churches, while avoiding giving charity to wealthier ones.²⁶

Indeed, information regarding the non-elite and the commemoration of the dead continued to revolve around the poor's role as recipients of the 'part for the soul'. In fact, by the beginning of the ninth century, this practice became a fixed part of imperial legislation. A novel variously ascribed to Leo III and Constantine V, Leo IV and Constantine VI or Leo V and his son and co-emperor Smbat/Constantine, is the first time we find a fixed 'part for the soul' in Byzantine law.²⁷ A new date

for the novel has now been advanced by the late Andreas Schminck, who argued for identifying the two emperors associated with its promulgation as Leo VI and Constantine VII (911/912).²⁸

The law enacts provisions against the practice of couples attaining a divorce through mutual consent, which had been banned since the time of Justinian, via the husband becoming the godparent of his own children and hence automatically invalidating the marriage. If a husband did this, then the dowry and the pre-nuptial gift would go to the wife, and the children would receive two-thirds of the husband's property, which the wife, should she not remarry, would have use of while she lived. At her death, the children would inherit this two-thirds' portion of the husband's estate. Amidst the further scenarios the law envisaged, eventually the remaining one-third portion of the husband's property is discussed. While he retained the usufruct of this portion, his children would inherit it, and the husband could not give or bequeath it or additional property he acquired to anyone besides his children, *except for the salvation of his soul*.²⁹ A clue as to what purpose this 'part for the soul' was intended for is provided by a further provision of the law, which stipulates that if the children died before the completion of the divorce, then the wife acquired, in addition to the dowry and pre-nuptial gift, a part of the husband's estate equivalent in value to one-fourth of the dowry. The remaining part of the husband's estate was to be divided in the following way: the husband was to retain one-third, while two-thirds were to be distributed to the poor.³⁰ Thus, the poor were envisaged as the main beneficiaries of this 'part for the soul'.

Further evidence from Middle Byzantine legislation makes it clear that slaves played an important role within these postmortem benefactions. The emperor Leo VI (r. 886–912) included in his extensive legislation of 113 novels a law which granted *testamenti factio* to prisoners.³¹ Novel 40 in Leo's corpus also institutes provisions for the intestate succession of persons who die in captivity: if they had ascendant or descendent relations, then these inherited, but in their absence two-thirds of the estate (excluding house-slaves) went to the fisc, and the remaining third was set aside for the salvation of their soul.³² The mention of slaves as a portion of estates, hitherto not a feature of imperial legislation on the 'part for the soul', presaged their prominence in the testaments listing memorial prescriptions beginning in the eleventh century.

These special cases regarding the imposition of a 'part for the soul' were expanded upon in a novel during the reign of Constantine VII Porphyrogennitos (r. 945–959).³³ In the case of intestate succession, a two-thirds' portion would go to the appropriate next of kin or (if these were lacking, to the state), while the remaining 'third would be gifted to the God and Emperor of all on behalf of the soul of the deceased'. Slaves (*oiketai*) belonging to the deceased person would have their value included in this third portion and subsequently be freed. Estates consisting mainly or entirely of slaves would still see all those in servitude manumitted, in order to avoid having some stay slaves while others became free. Again, the prominence of slaves in this legislation is noteworthy and suggests that already in the tenth century in many cases they must have made up a significant portion of the value of large estates.

Regarding the concrete implementation of this legislation, we are by Byzantine standards in the unique position of being able to consult an inscription which appears to reference this novel. An inscription from the church known as Yazılı Kilise in the Zelve Valley of Cappadocia reproduces a legal document (*libellos*) of Anthimos, priest and *chorespiskopos*.³⁴ This Anthimos had freed some of his slaves and, in doing so, made reference both to Holy Writ and the legislation of the emperors Romanos I Lekapenos and Constantine VII. The final part of the inscription had listed the names of his manumitted slaves, of which only the name Nicholas can be discerned. Since the inscription is contained within a burial chamber – presumably that of Anthimos – this text clearly had a salvific purpose, with this act of manumission being one of Anthimos' principal good deeds and thus worthy of being recorded in his memory.

Middle Byzantine imperial legislation, as with other genres of sources hitherto discussed, assigns the poor only a passive role in the commemoration of the deceased. A more concrete example of how peasants and the poor were entwined within commemorative practices is provided by the will of Eustathios Boilas. What little we know of Eustathios can be gleaned from his testament of 4 April 1059, in which he disposed of his vast estate among his two surviving daughters, churches, and manumitted slaves.³⁵ While the exact location of Eustathios' landholdings is not mentioned in his testament, he does state that he had moved one-and-a-half weeks' journey from his native Cappadocia and that the land he had improved had earlier been practically unsettled, with only some Armenians living there. The most plausible localisation posits that his possessions were somewhere in the Katepanate of Edessa.³⁶ Eustathios had amassed an impressive fortune in the service of the Apokapes family, who exercised considerable authority in eastern Asia Minor over multiple generations, including over Edessa.³⁷

Eustathios' will created a complex memorial endowment which aimed above all at commemorating himself and his immediate family. The core of his fortune consisted of four properties, which he divided amongst his two surviving daughters, his son-in-law Michael and two churches, namely the Church of the Theotokos, which he had founded, and the Church of St. Barbara, established by his mother in his native Cappadocia and where she, Eustathios' deceased wife, and son were already buried, and where Eustathios himself planned to be interred. As long as his daughters fulfilled the conditions laid out earlier in the will, they would have dominion over all his four estates (Salem, Bizina, Isaïou, and Paraboniou), by observing the feasts, performing the commemorations and taking complete care of his church, the clerics, and 'his wretched and humble soul'.³⁸ Moreover, he desired these commemorations (*mnemai*) to be unceasing (*alektos*) and for the service (*hyperesia*) in the church to remain uninterrupted. Were his children and heirs to prove negligent in continuing to finance these commemorations, they would then have possession only of his house, Salem, Isaïou, and Paraboniou, while Bouzina would then be appropriated for the compensation (*antilepsis*) of the clerics and the illumination (*photapsia*) of the two churches, as already stated.³⁹

The truly remarkable aspect of Eustathios' endowment is that he had over the course of his lifetime created a commemorative group composed of his former slaves

and household servants.⁴⁰ Such commemorative groups of freedmen are known both from the Roman world, early Medieval West, most notably in the famed testament of Bishop Berthram of Le Mans (616), and from the Ottoman Empire, among other contexts.⁴¹ Eustathios had manumitted these freedmen and -women through codicils – in form they might have resembled the inscription of Anthimos discussed above – and though the text of the codicils themselves has not been transmitted with the testament, they are sufficiently discussed in the will to give us some idea of their contents. These manumissions were conditional: the close of the testament states that apostatising from the Orthodox faith would result in a return to servitude, while at another point in the will Eustathios mentions that his former slave Zoe, whom he supposedly bought for the astronomical sum of 400 *nomismata*, had broken the conditions of her manumission by marrying, instead of entering the monastic life, as she had promised to do. Eustathios had given bequests to his freedmen and -women who had dedicated their children to the Church of the Theotokos. Moreover, he explicitly stated in his testament that any of the male descendants of his former slaves who desired to do so could be brought up and supported at the Church of the Theotokos to learn Holy Writ and eventually be ordained as clergy.

Though there are clear references throughout the will to monks being a part of Eustathios' endowment, the testament is only very rarely discussed within the context of Byzantine monasticism. This is perhaps because the monastic community described in the will seems to be small, non-communal, maybe even idiorrhythmic: but these monks were probably much more representative of Byzantine monasticism than the large communal monasteries on Athos or elsewhere in this period which are so much better attested.⁴²

An equally vivid picture of the participation of the non-elite in the commemoration of a wealthy benefactor has been transmitted to us in the form of two testaments stemming from the married couple Smbat Pakourianos (in religion Sabas) and his wife Kale (in religion Maria).⁴³ In his testament of 1090, Smbat not only left bequests to his wife, brother, Emperor Alexios I (r. 1081–1118), and two retainers, but also for his male slaves. Upon his death they were to be freed from 'the yoke of servitude' (*zygou tes douleias*) and given their clothes, bedding and possessions, including their arms and mounts, in addition to 20 *folleis* each.⁴⁴ These freedmen, who appear to have constituted an armed retinue for their master, thus might have formed a commemorative group similar to the manumitted men and women in the testament of Eustathios Boïlas. Manumission, however, was limited only to Smbat's male slaves: his female slaves were to instead remain with his widow.⁴⁵ Furthermore, Smbat granted legacies consisting of 6 pounds of *trachea protocharaga* gold coins and 3 *chiliades* of grains for the repose of his soul. Unfortunately, the document does not further specify the identity of the recipients of this largesse – the 'poor' were perhaps those of Smbat's estates, or, more likely, where the testament was drawn up, at the Church of the Forty Martyrs in Constantinople. Last but not least, the freedmen still in Smbat's service at the time of his death could expect 6 pounds of *trachea protocharaga* gold coins.⁴⁶

Smbat died shortly afterwards and his widow composed her last will and testament in 1098.⁴⁷ By this time Kale had taken the habit as the nun Maria and appears to

have lived in a domestic convent comprised of both other family members who had taken the vow, namely her own widowed mother and sister, and four additional nuns.⁴⁸ While Smbat's testament had hardly discussed commemorative provisions, Maria's will contains extremely detailed instructions on how the couple's *memoria* was to be performed. Besides the monks of Iviron Monastery on Mount Athos, a significant role in preserving the memory of this couple was played by the estate of Rhadolibos, a former possession of Smbat which Maria endowed to the monks of Iviron.⁴⁹

Maria ensured that Rhadolibos would be one of the foremost sites of her commemoration by instituting a number of her provisions in her will which bound the dependent peasants of the estate more closely to her memory through benefactions and, in turn, obligated them to commemorate both her and her deceased husband. Thus, Maria ordered that the *paroikoi* of her estates would no longer pay the taxes and exactions that she had hitherto collected from them, so that they might pray for her.⁵⁰ In addition, she also stipulated that all the animals and grains found at Rhadolibos at the moment of her death were to be divided among the estate's workers. Moreover, her commemorative provisions touched not only upon the time immediately after her death but also on the long-term *memoria* of the couple. Every year, on the anniversary of their deaths, their commemorative rites (*mnemosyna*) would include a lavish memorial banquet at which 100 *modioi* of wheat, ten slaughtered animals, and 100 measures of wine would be consumed, in addition to distributions to the poor.⁵¹

Compared to the testaments of Smbat Pakourianos and Eustathios Boilas, slaves do not feature prominently in Maria's will. The only specific provision for their maintenance in her testament is the stipulation that all of her slaves would be freed after her death.⁵² More generally, Maria ordered that all of her estate-workers, both free and unfree, were to be given an allowance in grain and wine for one year after her death, as well as two pigs and two other animals.⁵³

A final set of considerations in evaluating how peasants and the poor commemorated the dead is the development of Byzantine monasticism, and the opportunity monastic life provided for eternal commemoration regardless of social status. While the aforementioned examples of Eustathios Boilas as well as Kale and Smbat Pakourianos show how wealthy benefactors, often described in Byzantine sources as 'founders' (*ktetores*), could ensure special commemorations for their own persons, joining a monastery was another way of ensuring that one's name was remembered after death. The development of commemoration within monastic communities, whereby first abbots and then regular monks were remembered in the prayers and liturgies of the communities they served, is well-documented in the Medieval West and constituted a first step in the development of more elaborate memorial books over the course of the Middle Ages.⁵⁴

The Byzantine commemoration of the dead followed a similar pattern, in that mutual commemoration within monastic communities seems to have preceded the practice of these communities commemorating outside laypersons. The monastic rule of Theodore the Stoudite mentions in passing that canons for the dead would be sung on any day associated with the commemoration of a brother.⁵⁵ By the time Abbot Timothy wrote his *typikon* for the Mother of God Euergetes in

Constantinople, he openly acknowledged that the number of commemorations for the ever-increasing number of deceased brothers required creative solutions: either by allowing only part of the community to depart and sing the canon for the dead, or by allowing all the commemorations falling within a week to be celebrated on a single day.⁵⁶ The commemorations of abbots were excepted from this measure and were always to be celebrated on the day on which they fell.

In this monastic context as well, the evidence is very much slanted towards the measures that wealthy benefactors undertook to ensure their commemoration. In her groundbreaking comparative study of ‘aristocratic’ vs. ‘non-aristocratic’ *typika*, Catia Galatariotou identified the prayers and intercessions of monastic communities as a feature of the former, while the latter emphasised to a much greater extent ascetic discipline.⁵⁷ Though this observation certainly holds true for *typika*, the other types of evidence available before the year 1100 do not allow us to test this hypothesis in depth: it is only in the Late Byzantine period that surviving monastic acts enable a more balanced analysis of peasant motives regarding the hereafter.

In the preceding paragraphs, we find that in the period from ca. 300 to 1100 the role of the Byzantine non-elite in the commemoration of the dead was primarily intertwined with that of their aristocratic overlords or indeed, given the frequent mention of slavery in these texts, their masters. The poor were identified as the recipients of the ‘part for the soul’ and given distributions at commemorative functions; in this context slaves could hope for manumission, freedmen additional largesse from their masters. In addition, it is notable that wealthy benefactors used various means to create commemorative societies dedicated to the remembrance of their person: the three eleventh-century testaments of Eustathios Boïlas, Smbat Pakourianos, and the nun Maria all show how members of the Byzantine elite bound their former servants and slaves within mechanisms of perpetual commemoration.

In summation, death did not eliminate social distinctions within Byzantine society. Aristocrats used their wealth to ensure their elevated status in the hereafter. The eye of the needle by which the Byzantine aristocrat entered the Kingdom of Heaven may have been small, but it was greased by the merit acquired through pious benefactions, and he himself was carried through it on the intercessions and prayers of his former slaves, servants, and monks.

Notes

- 1 The research leading to the publication of this chapter was supported by the European Union’s Horizon 2020 research and innovation programme under grant agreement No 851352, project MAMEMS (Mount Athos in Medieval Eastern Mediterranean Society: Contextualizing the History of a Monastic Republic [ca. 850–1550]). In addition, this chapter profited from the comments and critique of colleagues within the Top-level Research Area Challenges (“40,000 Years of Human Challenges: Perception, Conceptualization and Coping in Premodern Societies”).
- 2 For approaches to Byzantine social history as well as a proposed division of the elite into a ‘power elite’ (those with direct access to state patronage and resources) within a more general elite, see Haldon 2009. Grünbart 2015 has convincingly argued that by the Middle Byzantine period the term ‘aristocracy’ for the Byzantine elite is a productive category of analysis.

- 3 The classic study on the emergence of the ‘poor’ as a social category is Patlagean 1977. For a wide-ranging discussion of wealth and poverty in Byzantium, see Schreiner 2015.
- 4 On ‘rich’ and ‘poor’ as categories in Middle Byzantine legal culture, see Chitwood 2017, 83–86. The fundamental study on these categories in Middle Byzantine legislation remains Morris 1976.
- 5 Oexle 1983/2011, 101.
- 6 New approaches can be found also from the material evidence, in particular from textile production for funerary purposes, as discussed by Kelley’s contribution in this volume.
- 7 On death and commemoration in the last centuries of Byzantium and into the early modern period, see Chitwood 2021.
- 8 See especially Laiou 2013. A golden age of collective church-founding in the countryside in the last centuries of Byzantium has been connected by Sophia Kalopissi-Verti with the breakdown of central authority and the emperor’s inability to finance church construction on the same scale as in previous centuries: Kalopissi-Verti 2012, 135. A similar bout of local church-building for the last centuries of the Middle Ages is lavishly attested in surviving frescoes and inscriptions from Crete: see Lymberopoulou 2019.
- 9 Chitwood 2021, 215–17.
- 10 There is no substantial study of the commemoration of the dead in Byzantium, a fact underlined by the lack of a corresponding entry in the *Oxford Dictionary of Byzantium*. For this observation as well as remarks on the lack of *memoria* scholarship in Byzantine Studies, see Grünbart 2012, 373–76. The connection between *memoria* and foundations in Byzantium has been explored recently in Chitwood 2016. As is often the case, the seminal handbook of Phaidon Koukoules does in fact contain some information regarding commemoration of the dead in Byzantium: see Koukoules 1951 (vol. 4), 208–11. Concerned with Byzantine conceptions of the afterlife but touching upon many issues also discussed in this piece is Marinis 2017.
- 11 On the services for the dead in Late Antiquity, see especially Rebillard 2009. The scarcity of such evidence in the Greek-speaking provinces of the Eastern Roman Empire is to be contrasted with many attestations already in the fourth century for the Christian veneration of the deceased from North Africa and Italy, both literary (Augustine, Ambrose of Milan, Tertullian) and archaeological. The epigraphic material for the commemoration of the deceased is usefully listed by region in MacMullen 2014. Among more recent contributions, for North Africa, see Potthoff 2017. For Rome, see especially MacMullen 2010.
- 12 To cite just one example from perhaps the most prominent Orthodox theologian in the English-speaking world, Bishop Kallistos Ware wrote that ‘What is the doctrinal basis for this constantly repeated prayer for the dead? How can it be theologically justified? To this the answer is extremely straightforward. The basis is our solidarity in mutual love. We pray for the dead because we love them’: Ware 2000, 35 (quotation), with a discussion of commemorative prayer at 33–36.
- 13 Brown 2012.
- 14 Bruck 1956, 1–75. For criticism of the importance ascribed to Basil the Great by Bruck in the formulation of this doctrine, see Holman 2001, 15.
- 15 See especially Gastgeber 2003, 45–56.
- 16 The shifting emphasis of the ‘part for the soul’ in Byzantine law from charitable distributions to commemoration is explored in Chitwood 2024.
- 17 For overviews of scholarship on the *Apostolic Constitutions* and the *Canons of the Apostles*, see Ohme 2012, 28–33; Troianos 2017, 52–53.
- 18 *Didascalia et Constitutiones Apostolorum* 8.42 (ed. Funk 1905, vol. 1, 552, 554). Aside from noting that the commemoration of the deceased on the 30th day after death was common in the Medieval West (and indeed it is found as a variant in manuscripts) but more or less unknown in Byzantium (where the 40th day was standard), it should also be mentioned that the *Apostolic Constitutions* were not recognised as canonical until

- the Council in Trullo of 691–2. The second canon of that council noted that the *Apostolic Constitutions* had to that point been suspected of heretical interpolations: thus, we cannot assume the widespread acceptance of the provisions of the text, including its prescriptions for the commemoration of the dead, until the close of the seventh century.
- 19 Steinwenter 1958, 18–19. Only in the provisions of the monk Paham (KRU 67.51), which states that from the estate of his mother one-third should be used for a funeral feast (*agape*) in honour of deceased family members, does one find perhaps a hint of the ‘part for the soul’.
 - 20 On the categorisation of the *Apophthegmata patrum* as a genre, see especially Wortley 2010, 71.
 - 21 While Wortley 2010 gives a nice overview of the development of the genre and discusses the issue of dating, the most extensive analysis of the *Apophthegmata patrum* remains Guy 1962.
 - 22 *Les apophthegmes des pères. Collection systématique chapitres XVII-XXI* XVIII.41 (ed. Guy 2005, 90, 92). This tale is also cited in the *Questions and Answers* of Anastasios of Sinai in a response to a question about whether a violent death is a sign of divine wrath: *Anastasioi Sinaitae Quaestiones et responsiones* Quaestio 30 (ed. Richard and Munitiz 2006); English translation in *Anastasios of Sinai. Questions and Answers* (trans. Munitiz 2011, 130–32).
 - 23 *Apophthegmes* XVIII.51 (ed. Guy 2005, 132, 34); *The Anonymous Sayings of the Desert Fathers. A Select Edition and Complete English Translation* no. 492 (ed. and trans. Wortley 2013, 330–31).
 - 24 *Anonymous Sayings* no. 450, BHG 1438p (ed. and trans. Wortley 2013, 286–89).
 - 25 *Anonymous Sayings* no. 9 (ed. and trans. Wortley 2013, 12–13).
 - 26 *Anastasioi Sinaitae Quaestiones et responsiones*, Quaestio 58 (ed. Richard and Munitiz 2006); English translation in *Anastasios of Sinai. Questions and Answers* (trans. Munitiz 2011, 171).
 - 27 Edition of the novel Simon 1976, 21–30. For the dating and scholarly discussion of this law, see Dölger and Müller 2009, 208–10 (no. 398a [338]).
 - 28 Schminck 2016/2018, 179–89.
 - 29 Simon 1976, lines 68–73.
 - 30 Simon 1976, lines 77–84.
 - 31 Οι Νεαρές Λέοντος ζ΄ του Σοφού no. 40 (ed. Troianos 2007, 152–58).
 - 32 Νεαρές Λέοντος ζ΄ no. 40, lines 93–109 (ed. Troianos 2007, 156–58).
 - 33 *Jus Graeco-Romanum. Pars III. Novellae Constitutiones* c. 3., nov. 12 (ed. Zachariä von Lingenthal 1857, 276–79); Dölger and Müller, 2009, 107 (no. 678).
 - 34 Text of the inscription in Thierry 1994, 329–31. See the discussion of the inscription in Tsiorou 2019, 355. I would like to express my thanks to Dr. Nicholas Melvani (Mainz) for bringing this inscription to my attention.
 - 35 Edition and extensive commentary of the text in Lemerle 1977, 15–63. English translation of the older edition in Vryonis 1957. The various liturgical objects mentioned in the testament are discussed in detail in Parani, Pitarakis and Spieser 2003.
 - 36 Discussion of the location of Eustathios’ estates in Lemerle 1977, 44–47.
 - 37 For the Apokapes family, see Andriollo 2017, 310–11; Grünbart 1998.
 - 38 Lemerle 1977, lines 173–77: ποιεῖν δὲ ἐξ Ἰσοῦ τὰς ἐορτάς καὶ τὰ μνημόσυνα καὶ τὴν ὅλην πρόνοιαν τοῦ ναοῦ καὶ τῶν κηρικῶν καὶ τῆς ἐμῆς ἀθλίᾶς καὶ ταλαιπώρου ψυχῆς.
 - 39 Lemerle 1977, lines 187–91.
 - 40 Discussion of the status of such freedmen on the basis of Eustathios’ will (and the testaments of Smbat Pakourianos and Kale discussed below) in Rotman, 2004, 175–79.
 - 41 Antiquity and the Middle Ages: Borgolte 1983/2012; the Ottoman Empire: Wagner 2020.
 - 42 On idiorhythmic monasticism in Byzantium, see the recent remarks in Talbot 2019.

- 43 Edition of Smbat's testament (dated to 1090): *Actes d'Iviron II. Du Milieu du XIe Siècle à 1204* no. 44 (ed. Lefort, Oikonomidès and Papachryssanthou 1990, 150–56). For both Smbat's and Maria/Kale's testaments, see Talbot 2014. Partial translation of Maria/Kale's testament in Talbot 2022. Full translation and annotated commentary of her testament in Chitwood 2023. Especially focused on the fiscal-administrative aspects of these documents is Otsuki 2001–2003.
- 44 *Actes d'Iviron II* no. 44, lines 12–13 (ed. Lefort, Oikonomidès and Papachryssanthou 1990, 155).
- 45 *Actes d'Iviron II* no. 44, line 17 (ed. Lefort, Oikonomidès and Papachryssanthou 1990, 155).
- 46 *Actes d'Iviron II* no. 44, lines 15–16 (ed. Lefort, Oikonomidès and Papachryssanthou 1990, 155).
- 47 *Actes d'Iviron II* no. 47 (ed. Lefort, Oikonomidès and Papachryssanthou 1990, 170–83).
- 48 Talbot 2014, 206–7.
- 49 For a detailed discussion of this estate, which is well-documented by Byzantine standards, see Lefort 2006. According to the *praktikon* of 1102, there were 122 fiscal units (number of hearths) in the village. Lefort calculates that at that time the village was home to some 283 inhabitants (*ibid.*, 168–70).
- 50 *Actes d'Iviron II* no. 47, lines 49–50 (ed. Lefort, Oikonomidès and Papachryssanthou 1990, 181).
- 51 *Actes d'Iviron II* no. 47, lines 16–18 (ed. Lefort, Oikonomidès and Papachryssanthou 1990, 179).
- 52 *Actes d'Iviron II* no. 47, lines 63–65 (ed. Lefort, Oikonomidès and Papachryssanthou 1990, 182).
- 53 *Actes d'Iviron II* no. 47, lines 47–48 (ed. Lefort, Oikonomidès and Papachryssanthou 1990, 181).
- 54 Oexle 1983/2011, 121–22.
- 55 This regulation is transmitted in both recensions of the Stoudite monastic rule: *Opisanie liturgicheskikh rykopisei* (ed. Dmitrievsky 1895 [vol. 1], 230: Δεῖ εἰδέναι, ὅτι κἄν πάσας τὰς ἡμέρας ἀναστασίμους ἡγούμεθα, ἀλλ' οὖν κανόνας νεκρωσίμους ἐν τοῖς σάββασι ψάλλομεν καὶ ἐν ἄλλῃ δὲ ἡμέρᾳ, εἰ τύχοι μνημόσυνον ἀδελφοῦ); PG 99, cols. 1704–1720, at 1708: Χρῆ γινώσκειν ὅτι ἕως ν', εἰ καὶ ὥρας οὐ ψάλλομεν, οὐδὲ γόνυ κλίνομεν, ἀλλ' οὖν κανόνας νεκρωσίμους ἐν τοῖς Σάββασι ψάλλομεν· καὶ ἐν ἄλλῃ δὲ ἡμέρᾳ, εἰ τύχοι μνημόσυνον ἀδελφοῦ, ψάλλομεν. English translation by Timothy Miller in *Byzantine Monastic Foundation Documents* (ed. Thomas and Hero, 2000, vol. 1, 103).
- 56 'Le typikon de la Théotokos Évergétis' §36 (ed. Gautier 1982, 77); English translation by Robert Jordan in *Byzantine Monastic Foundation Documents* (ed. Thomas and Hero, 2000, vol. 2, 493).
- 57 Galatariotou 1987, 91–95.

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