

Dalibor Djukić, LL.M (University of Thessaloniki)*

THE LEGAL STATUS AND MONASTIC ORGANIZATION ON MOUNT ATHOS IN THE 18TH CENTURY

Mount Athos represents a unique monastic community modelled after the great monastic centres of the Byzantine (Roman) Empire. Owing to the benevolence of Byzantine rulers a specific system of administration was established on Mount Athos, and the monks retained a high degree of self-administration. Although the Ottoman Empire in the 15th century took control of Mount Athos, its specific legal regime was not abolished. In the first centuries of Ottoman rule there were no significant attempts of introducing new or revising the old rules which regulated the organization of the administration on Mount Athos. It was only in the 18th century that the period of the more lively legislative activities began. During that period the Athonite administrative bodies, more or less similar to the current ones, were formed. This paper deals with the reasons that led to their creation and their evolution in the 18th century.

Key words: *Mount Athos. – Turkey. – Typicons. – Organization of administration.*

1. INTRODUCTION

During the period of Byzantine rule over the Holy Mountain, this particular monastic community was governed by two central administrative bodies: the protos and the synod¹. After falling under Turkish rule,

* Lecturer, University of Belgrade Faculty of Law, daliborva@gmail.com.

¹ Protos is a sole body characteristic for Athonite community of monks. It represented Mount Athos before secular and ecclesiastical authorities, it exercised judicial function and confirmed the choice of the monastery abbots. The synod initially consisted of all the monks of Mount Athos, and later on all the abbots and prominent monks. It represented the highest authority on the Holy Mountain. It chose a protos, distributed annual financial aid to all the monks, and solved disputes. D. Papahrisantu, *Athonite Monas-*

the institution of the protos declined, while large and rich monasteries eventually took control over the work of the synod. This was mostly due to the fact that in the new circumstances smaller monasteries grew poor much faster, and some of them became completely desolate. In the 17th century, Mount Athos faced with huge debts which threatened the survival and functioning both of the monastery and of the monastic community as a whole. There were several reasons that led to the constant increase of the debts, among which were extra taxes, self-will of the Turkish authorities², reduced donations (mainly gifts from Wallachian and Moldavian princes), etc³. However, the rapid growth of the debt was in particularly influenced by the reorganization of the central administration. Namely, the epistates (a supervisor, representative) of the Great Lavra had a special authority on the Holy Mountain. Apparently the monks of this monastery were in charge of common finances⁴. However, they did not have enough knowledge and skill to deal with serious economic problems that befell the whole community. Thus, one of the most serious reasons of over-indebtedness of Mount Athos in the 17th century was the lack of bodies and persons who would be able to manage the common finances with adequate knowledge and experience⁵. So, the monastic community of Mount Athos found itself in a vicious circle: economic difficulties caused destabilization and disorganization of the central administrative authorities, and then the newly formed authorities by excessive borrowing further worsened the financial situation of the monastic community, which led to the further destabilization and strengthening of centripetal forces at the expense of the authority of the central administrative bodies.

In order to consolidate up to a certain extent the external debt, the synod decided in 1661 to sell to the monasteries of Mount Athos all the

ticism – Origins and Organization, The Society of Friends of Mount Athos, Belgrade 2003, 213–242.

² Κ. Βλάχος, *Η χερσόνησος του Αγίου Όρους Άθω και εν αυτή μοναί και οι μοναχοί πάλαι τε και νυν*, Βόλος 1903, reprint: Αγιορειτική Εστία, Θεσσαλονίκη 2005, 103.

³ Δ. Παπαχρυσάνθου, *Η διοίκηση του Αγίου Όρους (1600–1927)*, Εθνικό Ίδρυμα Ερευνών, Ινστιτούτο Βυζαντινών Ερευνών, Αθήνα 1999, 21.

⁴ Δ. Παπαχρυσάνθου, 22. After the inventory of properties of Athonite monasteries had been made in 1724, Turkish authorities imposed new taxes. The distribution of these taxes among monasteries was conducted by Timothy I, an epistates and prohegumen of the Lavra. I. Μαμαλάκης, *Το Άγιον Όρος (Άθως) δια μέσου των αιώνων*, Θεσσαλονίκη 1971, 284.

⁵ Ν. Αντωνόπουλος, *Η συνταγματική προστασία του αγιορειτικού καθεστώτος*, Τροχαλία, Αθήνα 1997, 47. D. Papahrisantou points out that small monasteries were also responsible for that, because they did not timely fulfilled their obligations. Δ. Παπαχρυσάνθου, 22; Vlachos considers that the absence of a permanent body responsible for tax collecting and disposition of common funds was the main reason for the excessive indebtedness. Κ. Βλάχου, 103.

cells belonging to the Protaton⁶. Thus, the bodies of the central administration lost their own property and became economically dependent on the monasteries, as the only landowners on the peninsula⁷. This measure had only a short-term economic effect. However, it had far-reaching consequences for the organization of the authorities on Mount Athos since it contributed to the final termination of the old administrative system. In the meantime, since new administrative bodies were not formed, the period of general instability and the absence of rules that would regulate the organization of the central government followed. This situation caused dissatisfaction among the monks, and the idea of drafting a new typicon which would resolve all disputable issues became more and more prevalent.

2. THE TYPICON FROM 1744

2.1. The Circumstances that Led to the Adoption of Typicon

During 1724 and 1764 all the property of the monasteries of Mount Athos located on the peninsula of Chalkidiki was inventoried. Immediately after the inventory, the new higher taxes were imposed⁸. In addition to the regular and extra taxes, monks were often forced to pay various polls for which they often were even not responsible⁹. So, eventually the debts increased and reached the unbearable level.

In early 1744, the representatives of all Athonite monasteries went to Constantinople and presented to Patriarch Paisius II the difficult condition of their monastic community. All the nineteen monasteries blamed the Great Lavra for the current situation. At the same time the synod asked the “rufet” (guild) of furriers in Constantinople to help in repaying the debt. In order to find a lasting solution, Patriarch Paisius invited the representatives of the monasteries, the Constantinople Patriarchates (3 metropolitans) and representatives of the guild of furriers to a common meeting¹⁰. The decisions made at that meeting were confirmed by the

⁶ The act was signed by the representatives of all the monasteries from Mount Athos except Hilandar, although Hilandar latter purchased the largest number of monastic cells. Α. Λαυριώτης, *Το Αγιον Όρος μετά την Οθωμανικήν κατάκτησιν*, Αθήναι 1963, 218–220.

⁷ Not all the property of the Community was sold. Athonite metochions in Romania were kept.

⁸ Ν. Αντωνόπουλος, 47; For detailed information about all tax increases see: Κ. Βλάχου, 102–103.

⁹ Mount Athos paid fine of 40 kesas (20,000 piasters) in 1743, for providing shelter to the Metropolitan of Sofia, who supported Russia during Russo-Turkish wars. Ν. Παπαδημητρίου-Δούκας, *Αγιορειτικοί θεσμοί 843–1912/13*, Αθήνα-Κομοτηνή 2002, 326

¹⁰ Δ. Παπαχρυσάνθου, 23.

sigillion of Patriarch Paisius from 1744¹¹, which represents one of the typicons of Mount Athos¹².

2.2. The Content of the Typicon from 1744

The Sigillion of the Patriarch Paisius could be divided into three units¹³. The first unit is the introduction in which all the events preceding its adoption were outlined. It is about high debts of the Athonite monastic community and about the responsibility of the Lavra monks for such a situation. The end of the introductory part specified the way in which the debts should be repaid. The total debt was 102,448 piasters, and the Great Lavra monastery had to pay nearly a half of that sum, i.e. 45,631 piasters. It is obvious that accusations of other monasteries against the Lavra, which were presented to the Patriarch, resulted in the transfer of almost a half of the total Athonite debt to this monastery. Beside Lavra, two other large monasteries responsible for debts were obliged to pay a part of the common debt: Iviron 15,000 piasters and Vatopedi 7,500 piasters. The remaining twenty monasteries from Moun Athos were obliged to pay the rest of the debt, i.e. 34,417 piasters. According to a document, the decision about the sum that every monastery should pay was up to the “*elect-ed judges*” (ἀίρετοὶ κριταί), i.e. three Metropolitans of the Patriarchate of Constantinople¹⁴. It is obvious that the share of each monastery in the repayment of the debt was proportional to its influence on the administrative bodies. This also means that it was proportional to its responsibility for the existing situation.

The second part of this typicon regulates all the matters relating to the finances of Athonite monastic community. It consists of eight provisions, the sole objective of which was to transfer the management of common finances from Athonite authorities to the furriers guild from Constantinople. The constant control of common finances was introduced, with the commission for supervision consisting of prominent representatives of the guilds who approved all the incomes and expenses related to Mount Athos as a whole. It was envisaged that there should be an updated book of incomes and expenses in order to achieve the constant con-

¹¹ The sigillion was published several times. Δ. Παπαχρυσάνθου, 62–70; Δ. Πετρακάκος, *Νέαι πηγαὶ των θεσμών του Αγίου Όρους*, Αλεξάνδρεια 1915, 5–14.

¹² The term typicon on Mount Athos indicates general legal document governing the organization of authority of the whole monastic community. The term constitution can be used as a synonym.

¹³ The division of the typicon from 1744 in three parts can be found with majority of authors. Δ. Παπαχρυσάνθου, 23; Ν. Παπαδημητρίου-Δούκας, 332.

¹⁴ They were Metropolitan of Cyzicus (Exarch of all Hellepont), Metropolitan of Veroia and Naousa and Metropolitan of Serres (Exarch of Macedonia). Δ. Παπαχρυσάνθου, 64. Δ. Πετρακάκος, 7.

trol of the situation¹⁵. Similar control was also envisaged for two Athonite metochs, in Bucharest and in Zion. There was also a rule that all regular taxes should be paid according to the instructions given by the members of the commission, and only after the money was counted and stamped by their seal. Considering all the mentioned regulations, it becomes apparent that the entire finances of Mount Athos were under the strict control of the furriers guild, while the powers of Athonite authorities were reduced to a minimum. The origin of these regulations was found in the conditions that the representative of the furriers guild set before the synod, in order to meet its requirements and to assist in the repayment of accumulated debts¹⁶.

The third part typicon from 1744 was dealing with the problem of reorganization of the administration of Mount Athos. All the twenty Athonite monasteries were divided into two ranks (categories). The first rank consisted of three large monasteries: Lavra, Vatopedi and Iviron. The second rank included the remaining seventeen Athonite monasteries. All the monasteries participated in the election of the four administrators (διοικητὰς) – one of them was elected among the monks belonging to the monasteries of the first rank, and two monks belonged to the second rank monasteries. They were under the control of one administrator – Epistat, who belonged to one of the first rank monasteries. They kept the seal of the Community and together, not separately, managed all the affairs. If there occurred a serious problem they were required to notify all the monasteries, beginning with the Great Lavra, so that their abbots could gather to make necessary decisions. Their mandate lasted one year. At the end of the mandate they were to submit a report to the synod, especially concerning the incomes, expenditures and paid taxes.

2.3. The Importance of the Typicon from 1774

The sigillion of Patriarch Paisius from 1744 represents a great turning point in the history of Mount Athos. The new system of administration, which was gradually developing under the strong economic and po-

¹⁵ Δ. Παπαχρυσάνθου, 24.

¹⁶ The conditions of the guild of furriers envisaged that prominent members of the guild should form a board which would monitor and manage Athonite finances. The conditions were as follows: Athonite monks must not solve any issue import for the Community without knowledge and approval of the board, all debts and taxes of Mount Athos could be paid only in accordance with the opinion and in the presence of the members of the board, the board held the seals of the Community for performing legal affairs, the board might act without informing the Community if it considers it necessary in order to prevent harm for the Mount Athos and for that the Community would provide reimbursement of the expenses, etc. It is obvious that all the conditions of the guild were accepted and confirmed by the Patriarchate sigillion. X. Γάσπαρης, *Αρχαίο Πρωτόκολλο*, Αθήνα 1991, 29–32.

litical pressures during 16th and 17th centuries, was made official by the act of the Patriarch of Constantinople. Many authors have described this new system as aristocratic, because big and rich monasteries had more influence on the authorities than the smaller or poorer ones¹⁷. But, the fact that the synod retained its supremacy over other administrative bodies is contrary to this point. The sigillion from 1744 officially abolished the old system of government characteristic for Mount Athos since the first monastic communities here appeared. However, due to new changes that would follow in the centuries to come, it was only a transition stage towards the establishment of self-administration system of Mount Athos which has remained until today.

The authors of the 1744 typicon introduced considerable terminological changes. To be more precise, the new terminology was made official by this typicon, since the terms had already been previously used. Thus the term Community (Κοινότητα) was introduced referring to the body which consists of the representatives of all the Athonite monasteries (previously called synaxis – Σύναξη). Besides, the epistates (Ἐπιστάτης) was also mentioned for the first time in one typicon. The term Epistasia would derive from it, referring to a permanent executive body. The importance of these changes is still evident, since the same terms have been used to these days to denote the central Athonite self-administration organs.

However, what makes this typicon particularly significant is the fact that it was actually applied after being passed. On the basis of some available sources it is obvious that there was the four-member Community¹⁸, as well as that the agreement between Athonite monks and the guild of furriers was respected¹⁹. The furriers guild of Constantinople helped Mount Athos to repay a part of the accumulated debts, and until the first half of the 19th century it supported the interests of Mount Athos in Constantinople²⁰.

Finally, it should be pointed out that some authors deny that the sigillion of Patriarch Paisius from 1744 had the character of typicon (statute). Bearing in mind all the above stated, it is evident that this act played the role that one typicon should have in the history of Mount Athos. Although its adoption did not solve all the problems of Mount Athos at the time it was issued, it remains one of the more successful attempts to pre-

¹⁷ Δ. Παπαχρυσάνθου, 24; Ν. Παπαδημητρίου-Δούκας, 332; Γ. Σμυρνάκης, *Το Άγιον Όρος*, Αθήναι 1903, reprint Καρυές Αγίου Όρους 1988, 320.

¹⁸ Δ. Παπαχρυσάνθου, 25.

¹⁹ Χ. Γάσπαρης, 29.

²⁰ Although it is commonly thought that they helped until 1806, the opinion of D. Papahrisantou that they provided their services until 1811 should be taken as correct. Δ. Παπαχρυσάνθου, 25 fn. 43.

serve the organization of the Athonite monastic community during the period of Ottoman rule.

3. THE ATTEMPT OF RESTAURATION OF THE ANCIENT SYSTEM OF ADMINISTRATION

3.1. The Conditions on Mount Athos in 1770s

Despite the legislative intervention of the Patriarch of Constantinople from 1744, the most serious problem that the monastic community on Mount Athos faced during the 18th century remained the difficult economic situation. This was mostly due to excessive borrowings, which were again the consequence of the unstable political situation and the lack of a strong system of central government. Therefore, the second half of the 18th century was the period of constant instability and unsuccessful attempts to find a solution to the difficult financial situation on Athos by temporary changes of the administration system.

Beside the constantly growing taxes, the financial situation of the Holy Mountain was burdened by various other obligations. Thus, during the Russo-Turkish wars in the 1770s Greek rebels got into Mount Athos to obtain necessary supplies. Their ships often approached Athonite shores mainly to take the food which monks gave them secretly. In order to prevent the reaction of the Turkish army and its entry into the Holy Mountain, the Community allocated huge sums of money²¹. For this reason its debts grew rapidly and in 1783 reached the amount of 325,000 piasters²².

Financial problems encountered by the Holy Mountain affected the organization of the central government. Although the sigillion from 1744 defined precisely the composition and competence of the central administration, the available documents reveal that the regulations of this typicon were not systematically applied. Thus, in 1771 monk Cyril from Docheiariou monastery was invited to manage the common Athonite finances. He was an epistates for seven years²³, while in the period 1776–1777 the other epistatae beside him were from the monastery of Iviron, Xeropotamou and Zografou. It is obvious that neither the regulation about the setting up of two epistatae from the ranks of large monasteries was respected, nor the regulation that the first place among them should be occupied by a monk from one of these monasteries. Athonite monks again acted quite pragmatically and for the person in charge set the monk who

²¹ I. Μαμαλάκης, 290.

²² X. Γάσπαρης, 114.

²³ I. Μαμαλάκης, 291.

possessed enough knowledge and skills to bring progress. Although Cyril succeeded in this partially, there was no significant recovery and improvement²⁴. Soon a new change occurred, and in 1778 the Epistasia was made of five epistatae of Great Lavra, Vatopedi, Iviron, Xeropotamou and Zografou. However, in the following year the Epistasia had two members consisting of the representatives of Great Lavra and Iviron²⁵. Thus, concerning the central government it can be said that the situation was extremely unstable and depended on the ephemeral factors and power relations among monasteries.

In this period there occurred another significant change. Besides the fact that the regulations of the typicon from 1744 were not respected, there was a new regrouping of monasteries. Instead of the previous division into two unequal categories, the monasteries were now divided into four equal groups of five monasteries. At the head of each group there was one large monastery, the representative of which was called an epistates.

Despite some short-term positive developments, the majority of Athonite monks were not satisfied with the situation. Thus, in the period between 1780 and 1783 it was decided to start drafting a new typicon. Smaller monasteries rightly blamed the large monasteries for the unfavourable situation of the whole monastic community, while, on the other hand, they believed that the main cause of such a state was the dysfunctional system of administration, which allowed large monasteries to abuse the given authority. The draft of the new typicon was probably created in 1783, and it envisaged the return to the ancient system of government according to which protos would regain a prominent position. The treasurer of the monastery of Esphigmenou Ignatius was elected protos, and he was sent to the Patriarch of Constantinople to have him ordained. Having learned that Patriarch was going to ordain the protos, the monks from two large monasteries, Lavra and Iviron, protested energetically against such a decision. In the end, the Patriarch gave up and disapproved of reintroducing the institution of protos in the monastic organization of Mount Athos. Due to the strong resistance of major monasteries, the draft of the typicon from 1783, created by Athonian monks themselves, had never come into force. Nevertheless, it represents an important source of information concerning the situation on the Athonite peninsula in the late 18th century²⁶.

²⁴ I. Μαμαλάκης, 290.

²⁵ Αλέξανδρος (Λαζαρίδου) Λαυριώτης, *Το Άγιον Όρος μετά την Οθωμανικήν κατάκτησιν*, Αθήναι 1963, 115; I. Μαμαλάκης, 291. Δ. Παπαχρυσάνθου, 27 fn. 53.

²⁶ Text of the typicon was published several times: Γ. Συμυρνάκης, 312–315; Δ. Παπαχρυσάνθου, 71–75.

3.2. The Content of the Draft Typicon from 1783

There is only one copy of this draft preserved, and it is kept in the archives of the monastery Ksiorpotam. Unfortunately, the transcript does not contain any indication of the time of its creation²⁷. In addition, the first act of 36 acts of this typicon has not been preserved, so its content remains unknown. This typicon is the first serious codification of customary rules created on Mount Athos in the 18th century. The most significant and unique novelty is the return of an ancient system of administration, with protos as its central authority. All other regulations reflected the customary rules that had already been applied in the life of the Athonite monastic community.

According to this draft typicon the central administration bodies were made of protos, his four assistants (*δευτερεύοντες του Πρώτου*), and the synod. The protos was elected by all the Athonite monasteries regardless of their size and position in the hierarchy. The person elected the protos was to be ordained by the Patriarch of Constantinople. The rule was introduced that before the future protos the ordination had to renounce his monastery and his monastic institution, so that he could manage the entire Mount Athos impartially and incorruptibly (Art. 2). The protos mandate lasted for life, but the synod might release him of his duty (Art. 4)²⁸. He holds the key to the meeting hall (Art. 6) and has the right to carry a staff, like all the other officials ordained by the Patriarch of Constantinople. The draft envisaged that protos had a wide range of competencies. However, he performed most of the work with the help of his four assistants.

This typicon would make official the new classification of Athonite monasteries. Instead of the previous several categories²⁹, all the monasteries were now made equal, but were divided into four groups of five monasteries. At the head of each group of five (pentad) was one of the large monasteries. The typicon did not specify which monasteries made each pentad, which shows that this division had already become common, well-established and well-known on Mount Athos. Each pentad set one representative, who had one-year mandate, and helped the protos with his duties. In this way the protos received four assistants (*defterevonts*), who took turns each year according to the established

²⁷ Smirinakis considers that the typicon was created in 1780. Γ. Σμυρνάκης, 292. Since the time of creation of the typicon is not known, most authors uncritically accept Smirinakis stance that the typicon was created in 1780. However, it is more certain that it was finished in 1783. Ν. Παπαδημητρίου-Δούκας, 333.

²⁸ The typicon provided that the former protos should be expelled from Mount Athos, after Patriarch of Constantinople was informed about this replacement.

²⁹ The previous typicon introduced the division into two categories. Δ. Παπαχρυσόπουλος, 67.

order (Art. 29). This draft envisaged the introduction of a new Community seal, divided into four parts, with one quarter of the seal kept by each of assistants of the protos³⁰.

As noted above, the protos and his assistants performed most duties together. They were to discuss all disagreements and disputes on the Holy Mountain (Art. 3). However, in the case of a serious dispute which they could not solve on their own, they should put it before the synod. In case that even the synod could not find a solution, then such a dispute should be put before the Patriarch and the Synod of the Patriarchate of Constantinople (Art. 15). The protos with the consent of the four assistants chose a skevofilax. The brotherhood of each monastery should choose one monk to perform that duty (Art. 10)³¹. The protos and his assistants were obliged to cooperate with skevofilaxes in distributing among all the monasteries the amount of the annual tax to be paid, taking into account their financial situation (Art. 16). Besides, the protos and his assistants had the obligation to control the finances of each monastery separately (Art. 17) and to submit to the Synod an annual report on what actions they had taken during the previous year (Art. 18). In addition to these duties, they had certain rights. Twenty monasteries in accordance with their economic condition should finance the activities of the protos and his assistants, and a part of the contributions that pilgrims brought to the Holy Mountain was put aside for the needs of Protaton. From everything mentioned herein, it is evident that the authors of this draft regulated all the details to ensure the smooth functioning of the institution of the protos, which, in accordance with the regulations of this draft, should again become the central administrative organ of the Holy Mountain.

Of all the regulations of the draft typicon only one referred to the work of the synod. It was forbidden that more than two representatives of one monastery should attend the sessions of the synod. The synod probably functioned relatively well, so there was no need for larger scale interventions. The aim of this provision was to reduce the number of those present at the sessions, which certainly contributed to the expediency and quality of the sessions. This regulation shows that the sessions of the synod were still open for all the Athonite monks, and not only for monastery superiors or representatives.

In addition to the regulations concerning the organization and competences of the central administration bodies, the draft contained some strictly ethical rules. Once again beardless people were banned from en-

³⁰ The division of the seal into four parts was done following the example of the Patriarchate of Constantinople, which seal was divided into four equal parts by the order of the Sultan in 1763. Π. Χρήστου, *Το Άγιον Όρος, Αθωνική πολιτεία –ιστορία, τέχνη, ζωή*, Αθήνα 1987, 210.

³¹ A skevofilax (guardian of treasures) was in charge of monastery finances.

tering Mount Athos (Art. 8), consumption of meat was sanctioned, with the exception of Turkish clerks (art. 9), various workshops in Karyes were to be closed, and the lay persons residing on Mount Athos were obliged to leave, with the exception of those in charge of monastery chores (Art. 30).

This is the first typicon in the history of Mount Athos mentioning pilgrims. It envisaged the obligation, which has been in force until recently, that every pilgrim entering Mount Athos at the invitation of one of the monasteries, had to visit Protaton, as well. The aim was to stress the importance of the protos, and also to achieve better control of the pilgrims entering Mount Athos.

3.3. The Importance of the Draft Typicon from 1783

As already stated, the above mentioned draft has never officially become effective. However, it was for at least two reasons important for the organization of the monasticism on Mount Athos. First, it codified the customs of Mount Athos from the second half of the 18th century. This particularly refers to the regulations concerning the organization of the central administration and the division of the monastery in pentads. Another important fact is that this draft was the basis for the adoption of sigillion of Patriarch Gabriel from 1783, which was declared the fifth typicon of Mount Athos³². Therefore, it should be noted that the draft from 1783 was not only an unsuccessful attempt of restoration of the ancient administration system. Its contribution to the establishment of central administration was far more important.

There were two significant changes that this draft typicon tried to introduce. One was progressive, and the other regressive. The division of the monasteries into four pentads (groups of five monasteries) was for the first time made formal by the draft, and this represents a major step forward in comparison to the earlier Athonite typicons. It is hard to determine when exactly such a division of the monasteries appeared. It is only certain that it happened between 1744 and 1780. The available sources do not reveal the criteria for this division of the monasteries. The second change concerns the reintroduction of the dignity of protos, i.e. the return to the old system of administration where he held a central position.

³² Lj. Maksimovic consider it the fifth typicon, although he confuses it for the typicon of Patriarch Gabriel from 1783. Lj. Maksimović, “Svetogorska uprava kroz vekove”, *Kazivanja o Svetoj Gori*, Prosveta, Beograd 1995, 38–39. For Antonopoulos it is the sixth typicon. Ν. Αντωνόπουλος, 48. There are some authors who think it is the eighth typicon of Mount Athos. It depends on whether all the acts of patriarchs of Constantinople are considered a typicon. Ν. Παπαδημητρίου-Δούκας, 334. It is important that all the authors recognise the sigillion of Patriarch Gabriel from 1783 as a typicon, which reveals its importance for the organisation of Athonite monastic community.

The new system of government, which the authors of this draft were trying to introduce, revealed the lasting aspirations of most Athonite monasteries. These aspirations were directed towards achieving two objectives: the stability and the participation of all the monasteries in the administration system. As previously stated, the organization of the administration on Mount Athos during the middle of 18th century was very unstable. It is evident from the constant change in the number of epistatae and unregulated and arbitrary representation of some monasteries in the administrative bodies³³. This situation caused even greater dissatisfaction of small monasteries and confirmed the general impression that the large monasteries were unable to cope with the serious problems of Mount Athos. Reintroduction of the institution of the protos was aimed at achieving the desired stability of the organization of administration. Therefore, it insisted on the lifelong mandate of protos and a wide range of his competencies. On the other hand, the new division of monasteries in pentads was to ensure equal representation of all the monasteries in the administration, regardless of their size or position in the hierarchy. Thus, the aim of this typicon was to achieve the stability of the central administration by regressive, and the participation of the monasteries in it by progressive measures.

However, the authors of this draft did not think that their attempt at reorganization of the central administration on Mount Athos would encounter serious resistance of major monasteries. The return to the old system of administration was not possible³⁴, so the Patriarch of Constantinople used the presence of Athonite monks in Constantinople, and in cooperation with them and with the consent of the Synod adopted a new typicon in the form of sigillion from 1783. Thus, Mount Athos actually got a new typicon in 1783, but not the one composed by Athonite monks, but another one composed in Constantinople³⁵.

4. THE SIGILLION OF PATRIARCH GABRIEL FROM 1783

As already mentioned, the sigillion of Patriarch Gabriel was created as an attempt to find a solution to the long-lasting problems of the

³³ Δ. Παπαχρυσάνθου, 27 φη. 53; Ι. Μαμαλάκης, 290.

³⁴ Γ. Σμυρνάκης, 292–293.

³⁵ The sigillion was published several times: Δ. Παπαχρυσάνθου, 76–80; Κ. Δελικάνης, *Περιγραφικός κατάλογος των εν τοις κώδιξι του Πατριαρχικού Αρχιεπισκοπικού Αρχαιοφυλακείου σωζομένων επισήμων εκκλησιαστικών εγγράφων περί των εν Άθω μονών (1630–1863) καταρτισθείς κελεύσει της Α. Θ. Π. του Οικουμενικού Πατριάρχου Ιωακείμ του Γ΄ Κωνσταντινούπολη* 1902, 281–285; Ph. Meyer, *Die Haupturkunden für die Geschichte der Athosklöster*, Amsterdam 1965, 243–248; Ι. Μαμαλάκης, 290; The summary was published by Χ. Κτενάς, 363–364.

Athonite monastic community, including the most serious ones like the difficult financial situation and the lack of a stable system of administration. The sigillion comprised 18 articles, i.e. less than half of the draft that had previously been compiled by Athonite monks and which represented its basis. The provisions of this typicon regulated the organization of the central administration, financial management and some issues concerning the Christian ethics and morals.

4.1. The Bodies of the Central Administration

The sigillion of Patriarch Gabriel from 1783 envisaged the Epistasia and the Community as the central authorities. The Epistasia consisted of four epistatae, elected each year on the first day of June by the four pentads (groups of five monasteries). They were responsible for the finances of the Community. The epistatae had a one-year mandate, in order to allow the representatives of all the monasteries to participate periodically in the work of the central administration. According to the typicon, the epistatae should submit the account to the Community before their mandate ended (Art. 1). The Community was to deliver their account to the Synod of the Patriarchate of Constantinople, which together with other prominent persons checked its contents and validated it. The aim of this provision was to provide the supervision and system of control of the work of epistatae, which would be independent from the influence of large Athonite monasteries. In addition, it also restricted the self-will of epistatae, who were aware that their work at the end of the mandate was to be checked by independent bodies outside Mount Athos.

The typicon envisaged that the existing seal of the Community should be destroyed and a new one used, which had been made just before the enactment of the typicon. The text of the new seal was printed in the Turkish and Byzantine (Greek) letters. The provision concerning the division of the seal into four parts was taken from the draft, and each part was to be preserved by one of the epistatae. The rule was introduced stating that the seal could be used for any legal transaction except for verification of homologa (bonds), which were used as warranty for Mount Athos when borrowing from Istanbul and Thessaloniki (Art. 2). The aim of this provision was to put an end to excessive borrowings, mainly made by epistatae, since their service was temporary and short-term. For the same reason the rule was introduced that all bonds not registered in the order book kept in Constantinople should be made void. If, however, such a bond would occur, it would become the obligation of the person whose signature appeared on such a document (Art. 3). It is obvious that epistatae could not borrow without the consent of the Patriarchate of Constantinople and epitrope. In this way, the Community finance management (common Athonite finance) came under the full control of external fac-

tors. The attempt of smaller monasteries to restrict the self-will of the central administrative bodies by the institution of protos, ended in such a way that their power (especially in economic matters) was limited by the Patriarchate of Constantinople.

Epistatae were to examine and verify the books of incomes and expenses kept by skevofilaxes of monasteries (Art. 12). This provision was also taken from the draft, with minimal modifications. Instead of a protos, epistatae controlled monastery finances and the work of skevofilaxes. Such an amendment to provisions was necessary, since the new typicon did not envisage the institution of a protos.

As far as paying taxes is concerned, it should be pointed out that none of Athonite administrative organs was responsible for redistribution of the common tax among the monasteries and their regional establishments (cells). The typicon from 1783 regulated the issue of redistribution of taxes. Namely, the rule was introduced that the tribute should be paid per capita, and other taxes and penalties should be paid in proportion to the number of monks who lived in each of the monasteries.

4.2. Judicial Power

The sigillion of Patriarch Gabriel from 1783 introduced several instances of the judiciary in the organization of the Athonite monastic community. The question of the judiciary was regulated by Art. 4 of the typicon, which provided that all disputes between monasteries should first be examined and resolved by the four epistatae. So, the epistatae had judicial power and represented a kind of the court of first instance, to which the parties turned concerning all kinds of civil disputes. If the four epistatae were unable to resolve the dispute, then they were obliged to convene the synod, which included the representatives of all the monasteries. The judgment was passed at the meeting of the synod, so the synod represented a sort of court of second instance. Finally, the parties to the dispute might challenge the decision of the synod before the Patriarchate of Constantinople. The Patriarchate made the final judgment and had the role of an appellate court³⁶.

The organization of the judiciary, introduced by the typicon from 1783, was taken from the draft typicon which also provided three levels of judicial authority, but with the participation of a protos. Since there was no restoration of the old system of administration which would imply the existence of institutions of the protos, the responsibilities which were by the draft typicon the obligation of the protos, by the typicon from 1783 were transferred to the Episatsia consisting of four members. In all other aspects, the provisions were identical, indicating that the draft of 1783

³⁶ Δ. Παπαχρυσάνθου, 28.

played a significant role in the organization of the judiciary on Mount Athos. The system which was established at that time has been in force until today with certain changes.

There are two important consequences concerning the judiciary arising from the provisions of the typicon from 1783. In the first place, there is the Constantinople Patriarchate court jurisdiction in civil disputes. Although the Patriarchate of Constantinople centuries before had the jurisdiction in ecclesiastical disputes on Mount Athos, civil cases were usually solved by state courts. The second important issue is connected with this. Namely, the above mentioned organization of the judiciary prevented the participation of the laity in resolving the disputes that arose on Mount Athos. Although this had always been the aim, it was only in 1783 that such a rule was made explicit in one typicon.

5. THE CONCLUSION

The importance of the Athonite typicons is represented by two facts, i.e. how they were respected and how long after having been passed. The sigillion of Patriarch Gabriel from 1783 is one of the rare ones that was quite consistently applied in practice³⁷. Of course, just as was the case with the previous typicons, the sigillion from 1783 was applied most consistently in the first years after its adoption, and, as the time passed, its provisions one by one started losing their importance and became *de facto* unbinding³⁸.

The sigillion from 1783 was the first typicon of Mount Athos which introduced a new organ of the central administration – the Epistasia³⁹. As mentioned above, the Epistasia existed in a certain form even before the adoption of this typicon⁴⁰. However, until 1873 there was no body with the functions and authority the Epistasia had⁴¹. This organ of administration was gradually formed, taking over the jurisdiction of the protos, and it was only in 1783 that it was made official. Since that year until today the Epistasia has possessed three kinds of competencies: it has seen to the

³⁷ Δ. Παπαχρυσάνθου, 29; Ν. Παπαδημητρίου-Δούκας, 335.

³⁸ Χ. Κτενάς, 363.

³⁹ The word epistates comes from the verb επιστατώ (monitor, supervise, take care of something) and it refers to a foreman or supervisor.

⁴⁰ Many different points of views can be found concerning the time of the appearance of the Epistasia. Most authors have agreed that the Epistasia in its present form was officially formed in 1783. Χ. Κτενάς, 806; Κ. Δελικάνης, 280; Δ. Πετρακάκος (1925), 56–57; Ν. Αντωνόπουλος, 74 Ε. Δωρής, *Το Δίκαιον του Αγίου Όρους Αθω*, Αθήνα-Κομοτηνή 1994, 237.

⁴¹ *Ibid.*, 237.

execution of decisions taken by the Community, it has performed the first instance judicial power and specific tasks from the domain of local self-administration⁴². This is another reason why this year is considered the year when this *sui generis* authority, specific only for Mount Athos, appeared.

All the provisions of the typicon from 1783 concerning the composition and competences of the Epistasia were taken from the draft previously made by Athonite monks. However, there are two major differences. The first is the fact that this typicon did not envisage the institution of protos, so the epistatae represented the only permanent central administration organ. Another significant difference concerned the jurisdiction of the Constantinople Patriarchate. Athonite monks partly succeeded in limiting the power of epistatae, who were elected for one year, by reviving the protos as a lifelong institution. Because of the resistance of large monasteries the protos could not take office, but the same effect was achieved by expanding and establishing the authority of the Patriarch over the four epistatae. Once again it became obvious that only those that were outside Mount Athos benefited from the disagreements among Athonite monks.

Except for exercising the control over the work of epistatae, by the typicon from 1783 the Patriarch of Constantinople restored old and acquired new powers. He compiled new typicon, confirmed it by sigillion, controlled finances of Athonite monastic community and represented the highest judicial authority⁴³. All these powers of the Patriarchate of Constantinople to some extent have been preserved until today. Bearing all this in mind, it can be said that the provisions of the mentioned typicon governing the scope and jurisdiction of Epistasia and of the Patriarchate of Constantinople were most consistently applied, and therefore had the strongest influence on the development and formation of Athonite monastic community as exists today.

Since Mount Athos kept its autonomy during Ottoman rule, it was necessary to establish self-administration bodies, which would perform all the tasks that were exempt from the scope of the Turkish authorities. For that reason, during the 18th century the major reform of organizing the administration on Mount Athos was completed, which resulted in the formation of new administrative bodies and different distribution of responsibilities. The basis of this new organization was composed of two bodies: the Epistasia and the Community. These bodies remain until our days the foundation of self-administration of Mount Athos, what makes those reforms so significant. In the meantime, the rules regulating their

⁴² E. Δωρής, 238.

⁴³ N. Παπαδημητρίου-Δούκας, 335.

competence and activities have only been adapted and made more precise. Therefore, it is necessary to investigate the reasons and historical background in which they were created. Their characteristics and their specific role in the modern organization of the authorities on Mount Athos can be fully comprehended only through such examination.