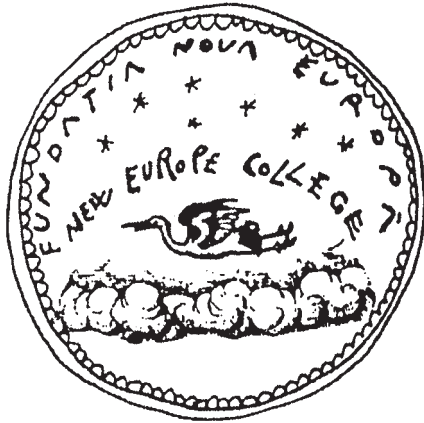


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*Cu frică s-au temut acolo unde nu era frică... Istoria dialogului teologic dintre  
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# BYZANTINE IMPERIAL EXCOMMUNICATION OR ABOUT THE BOLDNESS OF A PATRIARCH. CASE STUDY: MICHAEL VIII PALAIOLOGOS

## Abstract

In the Byzantine society, profoundly religious as it was, one could hardly imagine that the emperor or a member of the imperial family could become subject to excommunication. Firstly, the status of *God's chosen*, promoted by the Byzantine imperial ideology, was totally incompatible with the severe transgressions one had to commit in order to be liable for ecclesiastical censure, even only for a temporary one. Secondly, any bishop who would dare to forbid an emperor's access to the Church would obviously risk opening a conflict with very little chance of success. The practice of excommunication was mentioned by the Church in several penitential canons and enforced, in some exceptional cases, even on the Byzantine emperors (Theodosius I, Leo VI, Nikephoros II Phokas, and John I Tzimiskes). Thus, the conflict between Arsenios and Michael VIII should not be construed solely as a Western influence, but rather merely as one of the recurring disputes between the representatives of the State and the Church that took place throughout the Byzantine history.

Keywords: excommunication, Byzantium, State vs. Church, emperor vs. patriarch

The ecclesiastical sanction of excommunication (the exclusion of an individual from the Christian community; *ἀφορισμός*, *excommunicatio*, *segregatio*), either on a temporary (*μικρός ἀφορισμός*) or on a permanent basis (*μέγας ἀφορισμός*, *ἀνάθεμα*) is a penitential practice introduced by the Church as early as the first centuries. However, the role of this spiritual penalty was rather therapeutic by nature as the repentants were supposed to become fully aware of the sins they had committed and to undertake a canon of repentance in order to be accepted again by the Christian

community. The permanent excommunication or the anathema would be employed in cases of heresy and could only be pronounced by those who had been consecrated to as bishops (be they patriarchs, metropolitans, archbishops or bishops).

Notwithstanding the cases in which certain dogmas of the Church were flagrantly breached, there were indeed very few situations that compelled a member of the upper clergy to pronounce excommunications on the Byzantine emperors during their life time. However, since the 13<sup>th</sup> century the context has changed radically in that the sentence of ecclesiastical censure was endorsed by the lay courts of justice and replaced the practice of oath-taking. Thus the testimonies of those involved in private disputes or criminal activities would be taken *under the penalty of excommunication* carried out by the Church, should the testimonies have proved to have been untrue. Afterwards, during the post-Byzantine period, this extreme ecclesiastical sanction was enforced in almost all circumstances provided by private law.

A particularly suggestive excommunication formula, dating back to the 17<sup>th</sup> century, has been preserved in a volume by Paul Rycaut, the British Consul in Smyrna (1667-1678):

May all those who will not pay his right or empower him peacefully, but allowed for him to remain wronged and deprived, be excommunicated by God Almighty, and may they be cursed and unforgiven and may they not decay after death either in this world or in the world to come. Stones, wood and iron will decay, but may they never do. May they inherit the leprosy of Gehazi and the hanging of Judas. Let the ground cleave open and swallow them up like Dathan and Abiran. Let them sigh and tremble on the earth like Cain. May God's wrath be upon their heads and faces and may they never see the fruits of their labor and may starvation be their bread in all the days of their lives; may their belongings, their estates, their toils and their burdens be cursed and may they never accomplish anything, but be destroyed entirely and be scattered away like husks on a field at harvest time. May the curses of the Holy and Righteous Patriarchs Abraham, Isaac and Jacob and of the 318 Holy God-bearers Fathers from Nicaea, and from the other Holy Councils be upon them and may they be excommunicated by the Church of Christ. Let no one, under the penalty of forbiddance from the Eucharist and of excommunication, make them partakers to those ecclesiastical, or to consecrate them, or to cense them, or to give them Holy Bread, or to eat, or to drink, or to work, or to have any physical connection with them, or to bury them after their death, until they accomplish what is written here and will be forgiven.<sup>1</sup>

## The Circumstances Related to the Excommunications of Michael VIII Palaiologos

In a very short period of time (from the autumn of 1258 – when he became regent for the legitimate young emperor John IV Laskaris – to the autumn of 1261 – when he was ostentatiously re-crowned in Hagia Sophia in Constantinople, in the absence of the legitimate emperor), the position of the founder of the Palaiologos dynasty on the throne of the Empire changed radically. Thus, the process of progressive usurpation of the imperial power had to be concluded with a brutal and permanent removal of the one who held the legitimate right to rule the Byzantine State. Therefore, Michael Palaiologos chose to have the last male descendant of the Laskaris dynasty lose his sight, on the religious feast day of the Nativity of the Lord (December 25) in 1261.<sup>2</sup>

This deliberate gesture of the one who was named *novus Constantinus* after he had conquered back the capital from the Latins, meant that he had consciously broken the successive oaths of allegiance to both the Laskaris imperial family (in the second half of 1254)<sup>3</sup> and to the young legitimate basileus (in the autumn of 1258 and on the date of the imperial proclamation on January 1, 1259, respectively).<sup>4</sup> All these solemn oaths explicitly stipulated the penalty of ecclesiastical in the case that Michael Palaiologos made an attempt at John IV Laskaris' life or if he took measures to establish his own dynasty on the throne of the Empire. Thus, after patriarch Arsenios Autoreianos belatedly learned that the legitimate emperor had been mutilated, in January 1262 he decided to excommunicate Michael VIII Palaiologos.<sup>5</sup> However, this penalty concerning the basileus did not imply his permanent banishment from among the Church members, but rather his temporary forbiddance from attending the Holy Liturgy and from receiving the Holy Eucharist. At the same time, whoever would pronounce such an interdict would also indicate a canon of repentance which the penitent would have had to undergo in order for the excommunication to be removed. As a concession to this exceptional situation, patriarch Arsenios allowed the clergy to continue to pray for their temporal authority, namely for their repenting emperor, during the daily divine services.<sup>6</sup> Also, before the beginning of the Holy Liturgy, the emperor was allowed to enter the church and to venerate the Holy Icons,<sup>7</sup> pointing to the fact that Michael VIII found himself in the third penitential stage out of the four stages required for the reintegration of those who were temporarily banished from the Christian community. This group of *kneelers* included those who had the right to attend the Holy Liturgy inside the church until the special prayer for the

neophytes (which made the transition from the Liturgy of the Catechumens to the Liturgy of the Faithful), but who thereafter had to leave.<sup>8</sup>

Confronted with the above-mentioned situation, emperor Michael VIII Palaiologos acknowledged the sin he had to expiate and humbly accepted the penalty imposed by the ecclesiastical authority, confident that he would be forgiven once the repentance period established by the patriarch came to an end.<sup>9</sup> According to Georgios Pachymeres, the basileus' vigilant consciousness urged him to permanently seek to make amends for this situation.<sup>10</sup> Therefore, until the summer of 1264, the emperor failed in his attempt to have the patriarch disclose the terms of the penance (*ἡ θεραπεία*) that he was ready to carry out.<sup>11</sup> Instead of giving a suitable canon of repentance, Arsenios Autoreianos imposed a series of political conditions on him: he was to reduce taxes and commercial fees as well as to restore justice in the Empire.<sup>12</sup> He also suggested, sometimes clearly, other times in a more concealed manner, that the appropriate moral remedy for the sin of having broken the oaths towards the legitimate emperor would be for him to resign the imperial throne.<sup>13</sup> In reply, Michael VIII threatened to appeal to Rome and plead his case to the pope in order to receive forgiveness, should the patriarch obstinately refuse to indicate to him the proper spiritual therapy and hence agree to remove his excommunication.<sup>14</sup>

Georgios Pachymeres described in detail one of the direct confrontations between the two protagonists as it follows:

And because, as one would say, presence in person is a remedy [...], [the emperor] decided to go himself and to ask for absolution and to confess. Therefore he went to see him several times. However, one would ask for the canon for his sin, while the other would demand that the canon be undertaken, without clear terms, but rather imprecise and confuse [conditions]. However, one would ask to be taught openly, in order to carry out immediately what should be said, while the latter would answer ambiguously: 'Repent and I accept'. As he had asked for remedy several times, without receiving clear answers, the emperor said: 'How knows if, after I shall do even more [than what was required of me], you will not add some other [demands] in order to accept me [back]?' And the latter answered that for grievous sins it is a heavy penance as remedy. The emperor, pushing things further [said]: 'Then what? Don't you order me even to waive from [the command of] the Empire?' And while saying that, he took out his sword and offered it to him, so as to test his intentions. The other quickly turned his hand for the sword, wishing to take the object apparently offered, but still not completely drawn out from its sheath,



[and] the emperor started to sing the same tune [went back to what he was previously saying] and reproached him that, if he wanted [to take the sword], he made an attempt to [take] his life. However, removing the crown which he had on his head, shamelessly threw himself to his feet, although many [were able] to saw him. Yet the other rejected him firmly and looked down on the one threw at his knees. The graver is the sin, the more honorable is the virtue. And as he continued and press him with many requests, slipped out towards his chamber, closed the doors in his face and left him without any answer.<sup>15</sup>

On the one hand, the scene described by Pachymeres confirmed the conflicting positions of the emperor and the patriarch concerning the removal of excommunication: Michael VIII went to the patriarchal palace, threw himself at Arsenios Autoreianos' feet and begged him to consider a canon of penance which he was ready to accomplish; the patriarch refused several times to point out the suitable repentance for the sin the emperor committed, choosing to speak in general or ambiguous terms. On the other hand, this depiction contains two Western imperial symbols: the sword (*ἡ σπάθη*) and the crown (*ἡ καλύπτρα*). Marie Theres Fögen interpreted this scene as the Byzantine reproduction of the Canossa episode that had taken place almost two centuries before (the three-day penance undertaken by the emperor Henry IV (January 25-28, 1077) in front of the above-mentioned Tuscan fortress, which accommodated pope Gregory VII, so as to convince the pontiff to remove his excommunication).<sup>16</sup> The similarities between the main elements of the two episodes are remarkable: an excommunicated emperor, willing to accept and undergo a penance, humbly addresses to the primate of the Church so that his censure is removed. Also, Michael VIII's intention to offer the patriarch his sword, which is a token of dignity and imperial power according to the Western political ideology, could be interpreted within the *theory of the two swords*, the spiritual and the temporal one, both pertaining *de jure* to the Church. Thus, returning the temporal sword to the patriarch would inherently lead to his acknowledging the key role of the Church in relation with the State.

However, notwithstanding these analogies, which would indicate at first glance an ideological borrowing from the West to the East, one must also clarify the reasons that might have convinced the protagonist, Michael VIII Palaiologos, to prefer this strategy. Actually, the main key of interpreting the entire episode relies in understanding the fact that it was not the patriarch who dictated the terms of this meeting, but the emperor who intentionally chose to act in this manner. Firstly, it is obvious that in the eyes of the Byzantine audience the laying down of the sword and

crown did not necessarily have the same connotation as it did in the West. Besides, the two imperial symbols belonged to Baldwin II, the last Latin emperor of Constantinople, and did not exactly carry the same meaning, even if they were used in the context above by the Byzantine emperor. Secondly, Michael VIII's conscious yet inferior position, doubled by patriarch Arsenios Autoreianos' proud and resolute rejection, allowed him to assume the image of an apparently innocent victim. At the same time, this position offered him enough arguments, should he have decided to plead his case to the pope in order to have his excommunication removed. And thirdly, it might be typical of Pachymeres to depict the entire scene in this rather dramatic tone. Consequently, a comparative analysis of the moment in Magnesia when the *officium stratoris* was performed, and of the above-mentioned meeting between the emperor and the patriarch, two exceptional episodes in relation with the Byzantine ceremonies, highlights a hypothesis based on the chronicler's highly subjective perception.

At the beginning of 1265, three years after the excommunication was pronounced, emperor Michael VIII Palaiologos decided to abandon the defensive attitude he had adopted up to that moment and that had no effect over the patriarch's decision. Thus, in March 1265<sup>17</sup> a *libellus* was drafted, containing several detailed accusations<sup>18</sup> against Arsenios Autoreianos, namely that he eliminated a psalm *for the emperor* from the Orthos service; he allowed the courtiers of the former Seljuk Sultan of Ikonion, Izz ad-Dīn Kaykāvūs II (1246-1256; 1257-1261), who resided in Constantinople until 1264, to bathe in the baptistery, the place where the Holy Sacrament of Baptism was officiated; he administered the Holy Eucharist to the sons of the same Seljuk Sultan, before being baptized; he permitted Sultan Izz ad-Dīn Kaykāvūs II and the satraps in his entourage to accompany the patriarch during the Orthos service officiated on Resurrection Sunday (most likely in 1264). The bishops in Constantinople were immediately convened, and this first meeting being followed by three sessions of the patriarchal Council (April-May 1265). Patriarch Arsenios was invited to defend himself, but he declined. The invitation was reiterated three times, as indicated in the ecclesiastical prescriptions, and only after his third rejection did the assembly proceed to examine the accusations. In between the second and the third session, the emperor made one last attempt to have his excommunication removed, before a celebration of a Holy Liturgy in one of the churches from *Blachernai* Palace attended by the patriarch Arsenios. However, he was faced with the same adamant rejection.<sup>19</sup> Thus, during the third session of the Synod, the accusations were examined *in absentia* of the incriminated person and the patriarch was deposed by a great majority of those who

were present.<sup>20</sup> The Council appointed two bishops to inform the high prelate of the decision that he should be deposed and the latter declared his willingness to step down from the patriarchal office. Consequently, in mid-May 1265, Arsenios Autoreianos left Constantinople for the monastery St. Nicholas on the island of Prokonnesos, the place of his exile.<sup>21</sup>

One would think that, since the man who excommunicated emperor Michael VIII and who thereupon obstinately refused to discuss at all the removal of excommunication was banished from the patriarchal office, the basileus' reintegration in the Church should quickly come about. However, surprising as it may seem, although Michael VIII guaranteed for metropolitan Germanos of Adrianopolis (Germanos III, May 1265 – September 1266), considering his transfer<sup>22</sup> to patriarchal office fully legitimate, the removal of the ecclesiastical censure was delayed. This postponement was the emperor's deliberate action due to the fervent opposition of the Arsenites who claimed that the deposition of Arsenios Autoreianos and the subsequent election of Germanos as patriarch were not according to canonical prescriptions. Also, considering the context, the authority of the new Patriarch was weak. That is why Emperor Michael VIII refrained from any attempt to seek the removal of his excommunication. This extremely delicate decision, that had driven him to repeatedly humiliate himself in front of Arsenios, the former patriarch, had to remain undisputed. On the contrary, the act of removal of his excommunication, as conceived by the emperor, was supposed to imply that the Church acknowledged him once again, after he had been successively proclaimed and crowned in Magnesia, Nymphaion, Nicaea and Constantinople (1258-1261).

Rhetorical treatment of Michael VIII between 1265 and 1267 reinforces the impression that penitence played a central role in the emperor's strategy for public acceptance. After having been rehabilitated in the first part of 1265, Manuel Holobolos, *the rhetor of the rhetors* (ῥήτωρ τῶν ῥητόρων), prepared several speeches that praised the personality of emperor Michael VIII. If some of these addresses portrayed him as *novus Constantinus*, one of Holobolos' works particularly emphasized the penance of the Byzantine emperor, which was compared to that of king David. The entire argumentative construction relied on the similarities between the two personalities: emperor Michael VIII was excommunicated by patriarch Arsenios, while king David was admonished by Nathan the prophet; both rulers proved on many occasions that they had indeed fulfilled the penance for the sins they had committed; king David's reprehensible action was forgiven and God permitted his son, Solomon, to reign over

the people of Israel after his death; as a consequence, the Church should also reconsider the position of the Byzantine emperor.<sup>23</sup>

After Germanos III was forced to write down his resignation (September 15, 1266), the patriarchal office was occupied by the hieromonk Joseph Galesiotes, who was the emperor's confessor and spiritual advisor, as well as a person of high esteem within the Church. Elected by the Synod sometime between September-December 1266, Joseph was promoted (*πρόβλησις / προβολή*) by the emperor on December 28, 1266, whereas his ordination (*χειροτονία*) as bishop and his enthronement (*ἐνθρονισμός*) as patriarch took place on the feast of Saint Basil the Great (January 1, 1267). Therefore, five years after Michael VIII had been excommunicated (January 1262), the patriarchal office was assumed by a person who was most suitable for the emperor's intentions: Joseph I was well-known and highly respected by the clergy, he was furthermore the emperor's spiritual father and, upon his ordination as bishop and receiving the title of patriarch, he acquired the means to remove the excommunication pronounced by Arsenios Autoreianos.<sup>24</sup> The ceremony in which the repenting emperor was granted forgiveness took place soon after, on the feast of the Presentation of the Lord (February 2, 1267). At the end of the Holy Liturgy, Michael VIII kneeled bareheaded at the feet of the patriarch, in front of the ambo of Hagia Sophia, begged for forgiveness and confessed his sin with a loud voice. Meanwhile, Joseph I read the special formula for the removal of excommunication, which also included the emperor's reprehensible deed, namely that he had caused the blindness of the legitimate emperor John IV Laskaris and had banished the latter from the imperial throne. One by one, all the bishops who had attended the service would pass by the prostrating emperor and would read the excommunication removing formula. In the meantime, the attending Senate members would beg God to have mercy on the sinner. At the end of this touching ceremony, the emperor was given a few crumbs of Holy Bread (*ἀντίδωρον*) as a token of his reintegration into the Church.<sup>25</sup> During the following years of his reign, the feast of the Presentation of the Lord would be ostentatiously celebrated in Constantinople, so as to stress the importance of the moment when emperor returned into the canonical boundaries of the Church.<sup>26</sup>

However, shortly after this solemn moment in Hagia Sophia, the disputes issued by the Arsenite dissidents with respect to the legitimate election of patriarch Joseph I grew stronger and stronger. The main accusation against the one who had dared to loose what Arsenios Autoreianos had bound, referred to an alleged excommunication concerning Joseph, which was supposedly enforced in March 1265, on the account of continuing to hear the repenting emperor's confessions, despite the censure imposed

by the patriarch.<sup>27</sup> Obviously, had Joseph I been excommunicated prior to his election as patriarch, all his future decisions, including the episode when he granted forgiveness to Michael VIII, would have been null from the canonical point of view. The information regarding the censure of the new patriarch was mostly spread among the Arsenites, who were Joseph I's sworn enemies.<sup>28</sup> The accused provided only a brief reply to this rumor at the time of his second election to the patriarchal office (December 1282 – March 1283).<sup>29</sup> Therefore, due to the one-sided and inconsistent sources that endorse such an interpretation,<sup>30</sup> on the one hand, and Pachymeres' cautiousness in this matter,<sup>31</sup> on the other hand, there are strong arguments to discard the hypothesis of a supposed excommunication regarding Joseph I, either before or after becoming patriarch. Consequently, the act of forgiveness towards Michael VIII was genuine and compliant with the canonical provisions of the Church.

The second reaction against the emperor's reintegration into the Christian community came from Arsenios Autoreianos himself. He and his supporters considered that his banishment from Constantinople was a tyrannical deed, which ignored the canonical legislation. Thus, according to them, the only *legitimate* patriarch was Arsenios, who had been unjustly deposed and exiled to the monastery St. Nicholas in Prokonnesos. Before he died (September 30, 1273) the former patriarch made use of his alleged canonical legitimacy and wished to reinforce the excommunication he had pronounced against emperor Michael VIII, condemning at the same time the forgiveness granted by Joseph I on February 1267:

And I renew the excommunication and the anathema, to which he subjected by his own will, by his own pleasure, by his own [vain] glory, and I give him to Satan, as before he gave himself [to Satan] by breaking the oaths, and nowadays by persecuting the Church.<sup>32</sup>

Was this reinforcement of excommunication really effective on the spiritual ground, taking into account that it came from a patriarch who had been officially deposed? Should he not have resolved this conflict by granting his forgiveness, as the Christian ethics suggest, especially since the repentant showed true signs of remorse? The only reliable argument Arsenios Autoreianos could use was the *praxis Ecclesiae* which recommended that each repentant should receive forgiveness from the one who had pronounced his or her excommunication. In this way the former patriarch could have claimed that morally it was his right to assess the repentant's amends and possibly to grant forgiveness. On the other hand, since

Arsenius Autoreianos had been deposed by a legitimate Synod, although under Michael VIII's influence, the canons of the Church forbade him to exercise his rights as a bishop, namely the power to bind and to loose.<sup>33</sup> The dilemma resided in the validation or the rejection of the legitimacy of the patriarchal Synod of April-May 1265, and, hereafter, in the validity of the decisions taken in the three consecutive sessions.

The history of the ecclesiastical censures imposed on emperor Michael VIII Palaiologos was not limited to this open conflict with patriarch Arsenius Autoreianos and the excommunication issued against him (January 1262) and subsequently renewed by the latter during his exile (May 1265 – September 1273). Three other ecclesiastical assemblies declared the founder of the Palaiologan dynasty guilty of transgression the Church canons and dogmas. Chronologically, the first penalty inflicted on the basileus was issued by the local Council held by the Melkite Patriarchate of Alexandria, in June-July 1264, as he had broken the terms of the treaty signed in November 1261 – November 1262 with the Mamluk sultan of Egypt and Syria, Baybars I (1260-1277), by retaining in Constantinople the members of his embassy to the Mongol khan Berke (1257-1266):

During this month [Ramaḍān 662, June-July 1264], news reached the sultan that king al-Ashkarī [Laskaris]<sup>34</sup> detained his ambassadors to king Berke, who were travelling accompanied by the ambassadors from king Berke. The sultan demanded the documents relating to the oaths, and from these he brought out a record of the oaths of king, kyr Michael, which were written in Greek. The patriarch [Nicholas II of Alexandria] and bishops were summoned, and he [the sultan] had a discussion with them about the case of a person who swears in such and such a way, and then violates his oaths. They passed a verdict to the effect that he should be put outside the pale of his religion and excommunicated. The sultan recorded their signatures on this, while they did not know what was expected of them. Then he placed before them the records of the oaths taken by al-Ashkarī, and said to them: 'By detaining my ambassadors, he has violated his promises and has inclined to the side of Hülegü [Mongol khan, 1256-1265]'. Then, he sought out the Greek philosopher who read the coin,<sup>35</sup> and he sought out [as well] a bishop and a priest, and equipped them to their expedition to al-Ashkarī, with these letters accompanying them. He wrote to al-Ashkarī, being rough with him in his speech, [...].<sup>36</sup>

Subsequently, along with the rising discontent that seized the Byzantine society after the religious union with Rome was accomplished (July 1274), Michael VIII was perceived as the tyrant who sought to impose the decisions from the Council of Lyons by force. Thus, as a direct reaction to this attitude,

at the end of 1276, *sebastokrator* John I Doukas of Thessaly convened a local Synod at Neopatras, which excommunicated the pope, emperor Michael VIII Palaiologos, and patriarch John XI Bekkos.<sup>37</sup> At that time pope John XXI (September 1276 – May 1277) was in charge, but the excommunication most likely involved Gregory X (September 1271 – January 1276), the one who had convened *Concilium Lugdunense Secundum*.

The last excommunications concerning Michael VIII were pronounced by pope Martin IV (1281-1285). As he was French and therefore willing to commit the Latin Church to the interests of the Angevin crown, represented by Charles I of Anjou, king of Sicily (1266-1282) and of Naples (1266 – 1282), Martin IV, while in Orvieto, excommunicated emperor Michael VIII without a warning, on November 18, 1281. He was charged to have offered support to the *schismatic and heretic Greeks*.<sup>38</sup> Afterwards, on Maundy Thursday (March 26, 1282), the previous censure was reaffirmed and moreover extended to all the representatives of the Western powers who would dare to provide the excommunicated with military assistance and supplies.<sup>39</sup> A third sanction addressed to the Byzantine emperor, confirming the previous censures, was publicly displayed on the doors of Orvieto's cathedral, on the feast of the Ascension of the Lord (*in die Ascensionis Domini* – May 7, 1282), after the *Sicilian Vespers* from Palermo (March 30, 1282).<sup>40</sup> At last, the fourth excommunication pronounced by the pope against Michael VIII was signed at Montefiascone (Viterbo), on November 18, 1282, together with a similar document addressed to king Peter III of Aragon (1276-1285), who had been the ally of the Byzantine emperor against Charles I of Anjou.<sup>41</sup> The basileus' reaction to the news from Rome was harsh: after he had supported the Latin religious policy for nearly two decades, sacrificing even the Empire's internal peace in the process and almost steering it on the verge of a civil war, he admitted the failure of his diplomatic policy in this respect: he ordered that the pope's name be removed from the diptychs and considered disclosing the unfavorable terms of the Lyons union.<sup>42</sup> This last part of his plan was not carried out as the first emperor of the last Byzantine dynasty died on Friday, December 11, 1282, while leading a military campaign against *sebastokrator* John I Doukas of Thessaly.

### **The Recurrence of Imperial Excommunications during the Byzantine Period**

Throughout a reign of nearly a quarter of a century, emperor Michael VIII Palaiologos' deeds and actions caused him to be successively

excommunicated by patriarch Arsenios Autoreianos (January 1262), censured by the local Synod of the Melkite Patriarchate in Alexandria (June-July 1264), forgiven by patriarch Joseph I (February 1267), banished by the another local Synod in Neopatras (end of 1276) and finally excluded four times from the Latin Christian community by pope Martin IV (November 1281; March / May / November 1282). Thus, the founder of the Palaiologos dynasty finds himself on a relatively short list of Orthodox Byzantine emperors who have been in conflicting relations with the Church and who have endured the ecclesiastical censure for a shorter or longer period of time, so as to expiate their sins.

Chronologically, the first Church personality who dared to impose penitence to an emperor was archbishop Ambrosius of Mediolanum (374-397). The bloody massacre in Thessalonica, in the summer of 390, authorized in order to stop the inhabitants' rebellion against the barbarian troops of general Butheric, prompted Ambrosius to address a confidential letter to emperor Theodosius I (379-395). Therein the bishop of the Western capital of the Empire admonished the latter for having recklessly killed the innocent people and then he brought forth king David's model of penance for his sin.

Certainly, I, between all the others, although indebted to Your Piety, for which I cannot be ungrateful, piety which I see to many emperors, but suitably to only one, I, I say [that] I have no charge out of ambition against you, but I have [one] of fear; I dare not to perform the Sacrifice, if you intend to be present. Something that is not allowed when the blood of only one innocent [is spilled], is allowed [in the case] of many? I think not.<sup>43</sup>

Even if he does not explicitly pronounce the emperor's excommunication in this epistle, the archbishop's declared resolution not to perform the Holy Liturgy in his presence, points out to an obvious ecclesiastical censure. Few decades later, Theodoret, bishop of Cyrrhus (423-457), depicts a scene that is much more relevant in this aspect:

When the emperor came to Mediolanum and, according to the custom, wished to enter the godly place, that Ambrosius, whom I have remembered several times, having learned of the tragedy that had brought about many tears, greeted him in front of the entrance, forbade him to go past the holy doors, saying to him such words: [...] 'With what eyes will you see the sanctuary of the Master of all [things]? With what feet will you walk on this holy ground? How will you raise [your] hands [in prayer], on which the blood of unjust killings still trickles? How will you receive in such hands



Most Holy Body of the Lord? How will you bring [His] Precious Blood close to [your] mouth, which, through wrathful words, spilled so much blood in an impious manner? Thus, leave and do not attempt to add to the first transgression another one, and accept the penitence that agrees with God in Heavens, the Master of all [things]'.<sup>44</sup>

After having repented for eight months in Mediolanum, period of time when he refrained from wearing his imperial vestments, he shed many tears for the sin he had committed and passed a law that enforced a 30-days period before executing a death sentence,<sup>45</sup> emperor Theodosius I was appraised by archbishop Ambrosius in December 390.<sup>46</sup> Then, in April 391, on Maundy Thursday, the emperor's interdict was removed.<sup>47</sup>

If in Mediolanum, the Western capital of the Empire, Theodosius I accepted the ecclesiastical censure, in Constantinople, the Eastern residence, the open conflicts between archbishop John Chrysostomos (398-404) and the imperial family (emperor Arcadius, 395-408, and *augusta* Aelia Eudoxia), resulted in two exile sentences for the Church representative. Although in this episode no excommunication was pronounced, due to the numerous public criticisms regarding the Empress' moral weaknesses (especially, love of money and vainglory), the Church was expected to propose a penitential canon. Also, the explicit analogies the famous exegete had resorted to, so as to stigmatize the *augusta* for her sins, were quite suggestive: Aelia Eudoxia was consecutively compared to Jezebel, king Ahab's wife, who craved for Naboth's vineyard (*1 Kings* 21); to the unfaithful wife of Job, who incited the latter to curse God (*Job* 2:9); to Potiphar's adulterous wife (*Genesis* 39); to Herodias, king Herod Antipas' wife, who asked for John the Baptist's head on a platter (*Matthew* 14; *Mark* 6). Eventually, due to a series of unfriendly circumstances and also to empress' resentment towards him, archbishop John was judged and exiled during the Synod of the Oak (September 403), called back to the capital shortly after (October 403), then deposed and exiled for the second time (June 404).

A paradigmatic moment for the disputes between a patriarch and a Byzantine emperor was the one centered on Nicholas I Mystikos (901-907; 912-925) and Leo VI (886-912). Aiming to consolidate the Macedonian dynasty, founded by emperor Basil I (867-886), Leo VI infringed both the civil laws and the canonical provisions of the Church with respect to successive marriages. Thus the male descendant, the future emperor Constantine VII Porphyrogenetos (913-959) was born from an affair with Zoe Karbonopsina (September 905), after three unsuccessful marriages. The patriarch agreed to officiate the Baptism for the infant (January 6, 906),<sup>48</sup> provided that emperor Leo VI put an end to his relationship with Zoe. In a

short while, after the feast of the Resurrection of the Lord (April 906), the imperial couple received the blessing of Marriage from one of the palace priests. The infringement of the Church canons, with no previous synodal dispensation, compelled patriarch Nicholas I to enforce the ecclesiastical censure on the emperor.<sup>49</sup> Consequently, when Leo VI wished to attend the celebration of the Nativity (December 25, 906) and of the Epiphany (January 6, 907) in Hagia Sophia, Nicholas I forbade him to enter:

But the patriarch, excusing himself, said to him: 'If the metropolitans and primate Arethas [the bishop of Caesarea in Cappadocia] will not agree, I have no power. However, if you wish to be above the law and enter, then I and those with me from here will leave immediately'.<sup>50</sup>

At the beginning of February 907, for having dared to confront the basileus, Nicholas I was forced to step down from the patriarchal office and was driven into exile.<sup>51</sup> In the meantime, the representatives of the four other patriarchates (Rome, Alexandria, Antioch and Jerusalem) had arrived in Constantinople with official documents stating that emperor Leo VI was granted dispensation for his fourth marriage, by exercising the *oikonomia* while interpreting the canons. The basileus was to be acknowledged again by the Church after he had undergone the penitence that was usually assigned in similar circumstances.<sup>52</sup> Euthymios, the new patriarch of Constantinople (907-912), agreed to crown Constantine VII on Pentecost Sunday (May 15, 908), thus securing the Macedonian dynasty, which was Leo VI's main goal and the reason for having accepted even the patriarchal excommunication. A few days before his death († May 12, 912), the basileus called back the former patriarch from his exile, restored him in his office, confessed his sin and received forgiveness, as Nicholas I himself reveals in a letter addressed to pope Anastasius III (911-913):

I do not say these of the good emperor [Leo VI] (God forbid!), or of your primate, Sergius [pope Sergius III (904-911)], nor do I mean that these should be anathematized. For when God had already stretched forth His hand upon the good emperor, he, being near the end of his life, found for himself (as I trust in the Divine Favor) an escape from the condemnation and the anathema, acknowledging his own transgressions and imploring pardon and release from the ban which we had laid upon him, and gave us back the flock from which we had been expelled, and entrusted all things to be administered by us as we thought pleased by God and in conformity with the holy and divine canons.<sup>53</sup>

Also during the 10<sup>th</sup> century, patriarch Polyuktos (956-970) imposed the ecclesiastical censure on two great generals who acceded consecutively to the imperial throne, *id sunt* Nikephoros II Phokas (963-969) and John I Tzimiskes (969-976), forbidding them to attend the Holy Liturgy officiated in Hagia Sophia. The conflict with emperor Nikephoros II Phokas, who usurped the imperial throne from the Macedonian dynasty, broke out when he married the widow of emperor Romanos II (959-963), basilissa Theophano, in September 963 so as to reinforce his position. Although the patriarch had previously granted them his dispensation for the second marriage<sup>54</sup> and had also attended the ceremony, the imperial couple was then forbidden access to the divine service until they completed the penance foreseen by the Church for cases of *secondes noces*:

When they came to the moment of entering the sanctuary, Polyuktos, leading him by the hand, approached the Holy Doors and entered inside himself, forcing him to remain outside, saying that he would not allow him to enter the sanctuary if firstly he will not perform the penance required for the one who weds a second woman. This offended Nikephoros and he never ceased being indignant with him until his death. Then a rumor, which disturbed the Church in no small way, spread in all directions that Nikephoros had stood as godfather for one of Theophano's children at his Holy Baptism. Taking the rumor as an opportune pretext, Polyuktos demanded him either to separate from the woman, as the canons required, or to stay away from the Church; which he did in fact, separating from Theophano. The local bishops of the city summoned [by Polyuktos], along with the leading senators, were consulted on this matter. They all said that was a law of [Constantine V] Kopronymos and that, according to them, it needs not be observed. They put their signatures to a statement in this respect and sent it to him [the patriarch]. And when Polyuktos delayed in admitting the emperor to [the Holy] Communion, the caesar [Bardas Phokas] affirmed that he [the emperor] had not stood as godfather. And that Stylianos, the first clergy of the Great Palace, who was suspected first to have put the rumor in circulation, came before the Synod and the Senate and swore that neither had he seen Bardas or Nikephoros stand as godfather, nor had he told [this to] anybody. Whereupon Polyuktos, fully convinced that Stylianos was perjuring himself, forgave him for this charge of godfathering, and that who previously insisted to impose [the emperor] a penitence for a second woman, overlooked even this grave offence.<sup>55</sup>

Surprising as it may seem, patriarch Polyuktos decided to remove the ecclesiastical censure despite the fact that the union in marriage of two persons spiritually related (*συντεκνιά*) was considered a sin similar to that

of an incest, by both the Church (Canon 32 of the *Quinisextum* Council, Constantinople 691-692) and by some local customs.

A few years later the same patriarch imposed a time of penitence on emperor John I Tzimiskes (969-976) for having committed the grievous sin of murder against Nikephoros II Phokas on the night of 10/11 December 969:<sup>56</sup>

After taking these measures, without any apprehension, in the same night, the emperor, accompanied by only a few men, went to the Great Church, aiming to receive the [imperial] crown from the hands of the patriarch. But when he wanted to enter, Polyuktos would not let him, saying that the one whose hands were dripping with the steaming blood of a recently murdered kinsman, was not worthy to enter the Church of God, and he had better start showing deeds of repentance and thus gain permission to step into the House of the Lord. John quietly accepted the penance and humbly declared that he would perform all of these, asking for forgiveness, although it was not him the murderer who went against Nikephoros, but Balantes and Atzyotheodoros, instigated by the Sovereign Lady [the Empress]; on hearing these, the patriarch ordered him to be ejected from the palace and sent to an island, Nikephoros' murderers to be punished, and the document by which Nikephoros sought to throw into disarray the Church affairs to be torn up.<sup>57</sup>

Just as in Nikephoros II Phokas' case, who was excommunicated in 963, the canonical *akribeia* applied to the basileus was short lived. Thus, after having fulfilled all the requests of the patriarch, on the occasion of the Nativity of the Lord (December 25, 969), the censure pronounced against John I Tzimiskes was removed and the usurper was crowned as *autocrator*. Moreover, not long after the crowning ceremony, the patriarch issued a synodal statement<sup>58</sup> which stipulated the effects of the emperor's anointment, in accordance with the canon 12 from the Synod of Ancyra:

Relying on this canon, this Most Holy patriarch, kyr Polyuktos, firstly banned the emperor, kyr John Tzimiskes, from within the Most Holy Great Church of God, for having murdered the emperor, kyr Nikephoros Phokas, then he received him back. For he said, together with the Holy Synod, in the synodal document which was issued afterwards and which is kept in archives, that since the anointment from the Holy Baptism wipes away the sins committed before, no matter is their kind or their number, also, undoubtedly, the imperial anointment completely wiped away the murder committed before by Tzimiskes.<sup>59</sup>

The last two direct disputes between the Church and the State representatives took place during the Palaiologos dynasty. Consequently, after the successive censures aiming emperor Michael VIII Palaiologos, at the beginning of the civil war that occurred the following century (1341-1347), in October/November 1341, patriarch John XIV Kalekas (1334-1347) excommunicated the one who had just proclaimed himself *co-imperator* at Didymoteichon (October 26, 1341), the future emperor John VI Kantakouzenos (1347-1354).<sup>60</sup> In this case the ecclesiastical interdict was strictly political: this gesture addressed to the usurper was meant to express, on the one hand, the Church's support for the legitimate emperor, young John V Palaiologos (1341-1391), and for the empress Anna's regency, and on the other hand, the utter disapproval against John Kantakouzenos' audacity to assume the imperial symbols. Later on, after the end of the civil war, the ecclesiastical censure was at first removed by the same patriarch John XIV Kalekas, the same day in which John VI Kantakouzenos triumphantly entered in the Capital (February 3, 1347).<sup>61</sup> However, due to the patriarch's ambiguous canonical situation (he had been previously deposed by *basilissa* Anna/Giovanna and then, shortly after, condemned by the Synod, both events taking place consecutively, in the first week of February 1347), around John VI Kantakouzenos' second imperial coronation (May 21, 1347), the new patriarch, Isidore I, issued another synodal decision by which all former excommunications pronounced during the civil war by his predecessor were removed.<sup>62</sup>

This brief recount of the situations in which several Byzantine emperors were excommunicated by a representative of the Church, brings the first conclusions. Thus, apart from the last example (John XIV Kalekas vs. John VI Kantakouzenos), all the pinpointed conflicts were caused by the breach of the Christian moral prescriptions (killing of innocent people; successive marriages; second marriage with no canonical dispensation / forbidden matrimony with a spiritual relative; murder of the basileus; blinding of the legitimate emperor). Also, according to the Church regulations, the excommunication was eventually removed for those who have fulfilled the penance (Theodosius I; Nikephoros II Phokas, John I Tzimiskes). But whenever the representatives of the Church applied the *akribeia* in the interpretation of the canons and were by no means willing to grant dispensations, they were condemned to exile (John Chrysostom, although he had not pronounced the excommunication formula towards either emperor Arcadius or *augusta* Aelia Eudoxia; Nicholas I; Arsenios Autoreianos).<sup>63</sup> Two of those punished died during their exile (John Chrysostom – September 14, 407; Arsenios Autoreianos – September 30, 1273) and there was only

one occasion when the emperor reversed his decision and the exiled was forgiven, then offered back the patriarchal office (Nicholas I vs. Leo VI). Similarly, the conflict between Arsenios Autoreianos and Michael VIII was the sole case when the one who pronounced the excommunication formula not only did not grant forgiveness, but, instead, he reinforced the censure, although the patriarch was deposed at that time (the emperor was reintegrated into the Church by the next patriarch, Joseph I). On the other hand, the analysis of the positions of those excommunicated by the Church points out the following: two of the emperors were founders of dynasties, Theodosius I and Michael VIII, the former being invited to take part in the government of the Empire, while the latter usurped the legitimate rights of a Laskaris emperor. Three other *autocrats* condemned by the Church seized the throne by acts of usurpation (Nikephoros II Phokas; John I Tzimiskes; John VI Kantakouzenos). Emperor Leo VI was the second representative of the Macedonian dynasty but, due to the lack of any male descendants, the dynasty line was without perspective and could not be continued. Thus, besides the rightly application of the Canon Law even in the case of those *anointed by God*, the inflexibility displayed by the ones who rose against the representatives of the temporal authority, could also be explained by an attempt to benefit as much as possible from their insecure positions (Leo VI; Nikephoros II Phokas; John I Tzimiskes; Michael VIII Palaiologos; John VI Kantakouzenos). The false impression of the precarious situation in which the emperors found themselves at the beginning of their reign, accompanied by a serious offence against the moral commandments, determined the patriarchs of Constantinople (Nicholas I; Polyeyktos; Arsenios Autoreianos; John XIV Kalekas) to withhold their self-preservation instinct with respect to the position they occupied on a temporary basis, and to think that they had enough authority to impose themselves in open conflicts with the Byzantine emperors. A reason for this conclusion resides in the fact that, in three of the cases mentioned earlier, the patriarchs inexplicably backed down shortly after the context changed (Polyeyktos vs. Nikephoros II Phokas; Polyeyktos vs. John I Tzimiskes; John XIV Kalekas vs. John VI Kantakouzenos). At the same time, by enforcing this extreme censure, publicly expressed so as to enhance its effect within the Byzantine society, the representatives of the spiritual power implicitly proposed a reassessment of the limits of the two institutions, which would lead to the superiority of the Church in relation with the State. Thus, in most of the personal disputes (patriarch vs. emperor) throughout the Byzantine history, the decisions that condemned various violations of the ethical commandments done by the temporal authority would also conceal several political interests.

Moreover, the audacity that the Church representatives manifested when confronting an *autocrator* most likely also derived from the recurrent insurrections that took place in the Byzantine society against the imperial family. Consequently, out of the 107 emperors of Constantinople between 395 and 1453, more than half of them (65) either were forced to abdicate or suffered a violent death (they were poisoned, stabbed, strangled or mutilated).<sup>64</sup> However, if were to consider the other unsuccessful attempts at the lives of the emperors, the number mentioned above would increase considerably. This way the Byzantine practice managed to balance the authoritarian theoretical formulas (*princeps legibus solutus est / quod principi placuit legis habet vigorem*) through a real *jus resistendi*. On the other side, the legislation tried to protect the imperial family, holding the attempts to overthrow the government (*ἐπανάστασις*) as crimes against the State (*τυραννίς*) and crimes of *lèse-majesté* (*καθοσίωσις / crimen majestatis*) and sentencing the guilty to death penalty. Surprising as it may seem, although the attempts to overthrow the State government were not subject to the prescriptions of the canonical *corpus* of the Church, between 11<sup>th</sup> to 13<sup>th</sup> centuries there have been three synodal decisions pronouncing the *anathema* with respect to all those who would dare to plot against the Byzantine emperor.<sup>65</sup> The canonical and legal authority of the first two decisions, ratified by a Synod and confirmed by the basileus, was so great that it could only be exceeded by that of the canons passed during the first millennium (the Apostolic Canons and those ratified by the Ecumenical Councils, by the local Synods and by the Fathers of the Church). Arsenios Autoreianos was familiar with the content of the first two *tomoi* when he decided to excommunicate Michael VIII Palaiologos (January 1262). Thus, the patriarch's gesture cannot be reduced only to a mere reaction against the fact that the emperor had breached of the previous oaths of allegiance or against the cruel measure to which the latter had resorted in order to remove John IV Laskaris from the throne, but also by the existence of these previous synodal decisions he applied the ecclesiastical censure provided by the Byzantine Canon Law for those who attempted to harm the legitimate emperor.

In the end, the rather small number of high clergy who dared to impose penitence to the Byzantine emperors was the direct result of the successful rhetoric of the imperial ideology. Thus, the relationship between Church and State was affected by the frequent interference of the political power in the internal affairs of the spiritual authority. The privileged status of the emperors with respect to the Church was captured in a few clear-cut expressions (*ισαπόστολος; επίσκοπος τῶν ἐκτός; ιερεὺς καὶ βασιλεὺς*) that

advanced the idea of the sacred nature of the one, who, *by the will of God*, came to rule the Empire. After the iconoclast period, when several emperors promoted various heresies and enforced them on the Church, it became imperative that the position of the Byzantine *autocrator* with respect to the spiritual authority should change. Thus, starting from patriarchs Photios (9<sup>th</sup> century) and Michael I Kerularios (11<sup>th</sup> century) up to archbishop Symeon of Thessalonica (15<sup>th</sup> century), a hierocratic theory was devised in order to decrease the influence of *Temporalia* on the Church and to increase that of *Spiritualia* on the emperor and the State. As a result, two parallel rhetoric discourses were developed, each claiming its superiority to the other institution. Gradually, the powerful expressions specific to the imperial office in the first centuries of the Byzantine history came to be replaced by much milder formulas (*ἐπιστημονάρχης; δεπούτατος / δεποτάτος*) and the status of the emperor was lowered to that of a *layman*, with just a few prerogatives during the religious services. Yet, in spite of this profound ideological change, the emperor continued to hold a special place in the collective mentality of the Byzantine society. Thus, the hesitation manifested by some patriarchs to impose the canons of the Church on the imperial figures can be explained not only by their desire to protect their own position, but also by their misconception of the emperor's intangibility with respect to the civil law (*νόμος*) and to the ecclesiastical legislation (*κανών*).

## Conclusions

In the Byzantine society, profoundly religious as it was, one could hardly imagine that the emperor or a member of the imperial family could become subject to excommunication. Firstly, the status of *God's chosen*, promoted by the Byzantine imperial ideology, was totally incompatible with the severe transgressions one had to commit in order to be liable for excommunication, even only for a temporary one. Secondly, any bishop who would dare to forbid an emperor's access to the Church would obviously risk opening a battlefront with very little chance of success. Thus, if in some cases the patriarchs who had the audacity to enforce the canonical *akribeia* on the Byzantine emperors as on any other lay member of the Church, grounded their actions solely on spiritual reasons, combined with an inner drive to promote morality within the ecclesiastical community, there were also cases when the high clergy would pronounce excommunications upon the emperors as a means of pursuing their own political agenda.



Referring to the open conflict between patriarch Arsenios Autoreianos and emperor Michael VIII Palaiologos, Marie Theres Fögen<sup>66</sup> concluded that the imperial excommunication episode of January 1262 and the subsequent meetings between the two protagonists, as presented by Pachymeres, would constitute the Byzantine copy of the Canossa event in January 1077 (the three-day penance of emperor Henry IV, as a result of the censure enforced upon him by pope Gregory VII Hildebrand). Then, sequentially, the *officium stratoris* performed by Michael Palaiologos at Magnesia (1258), the deepening of the emperor's remorse problems after his excommunication, the inclusion of two Western imperial insignia (the sword and the crown) during one of the meetings between the emperor and the patriarch, and the gesture made by the representative of temporal authority to lay down the sword as a symbol of his stepping down from the imperial throne, were inferred as irrefutable indications to the fact that the Byzantine chronicler intended to copy and mock the Western type of Church-State relationship.

On the other hand, Lutz Rickett<sup>67</sup> deepened his investigation, stressing that patriarch Arsenios would have been influenced in his decision to resort to the extreme gesture of imperial excommunication by his direct knowledge of the Western usages during his visit to Rome. Most likely, Arsenios allegedly participated in the second imperial mission from Nicaea to Innocentius IV (1243-1254) during 1253-1254. Therefore, given the circumstances, the future patriarch would have had the occasion to observe not only pope's official entrances, riding a white horse, or visiting the Saint Sylvester chapel within the *Santi Quattro Coronati* cloister, where a fresco which also included a few representations from the *Donatio Constantini* had just been executed, but also to become aware of the tensions between pope Innocentius IV and the king Conrad IV of Jerusalem, Germany and Sicily (1228-1254; 1237-1254; 1250-1254), tensions that the bishop of Rome had addressed precisely in the first months of 1254 by excommunicating the son of emperor Friedrich II Hohenstaufen (1194-1250). Moreover, patriarch Arsenios seems to have acquired all these Western gestures, as it results from the Magnesia episode in the autumn of 1258, from the usurping the imperial ritual of public appearances on horseback and from the excommunication of the emperor.

Nevertheless, the assumptions made by the two German scholars, who put emphasis on a Western ideological influence on the relationships between the emperor and patriarch in Constantinople, which could be perceived in the ceremony of the imperial court, should be properly placed into context, so as to correctly understand the extent to which the Latin

ideas and practices have penetrated the Byzantine society. Consequently, one should first of all emphasize that the practice of excommunication was mentioned by the Church in several penitential canons and enforced, in some exceptional cases, even on the Byzantine emperors (Theodosius I, Leo VI, Nikephoros II Phokas, and John I Tzimiskes). Therefore, the conflict between Arsenios and Michael VIII should not be construed solely as a Western influence, but rather merely as one of the recurring disputes between the representatives of the State and the Church that took place throughout the Byzantine history. Secondly, as in the case of previous conflicts between the patriarch and the emperor, this time also, the dispute was bluntly approached, the two protagonists meeting face to face. In this respect, the Western Europe would provide a different model because of the geographical impediment: the long distance between the residence of the popes and those of the various representatives of the temporal authority, with whom they came into conflict, required the dispute to be settled by letters of excommunication. Last but not least, it is conspicuous that most medieval ecclesiastical sanctions pronounced in the Western Europe lack moral grounds and rely mostly on the accusation that the political rulers did not submit to the Church of Rome. In Byzantium, on the other hand, even when the representative of the Church envisaged a political agenda, the original grounds for pronouncing an excommunication on the emperor would always be due to a serious violation of Christian moral commandments. Therefore, without denying the infusion of certain Western ideas into the Byzantine mentality, both through a careful examination of the Latin practices in Constantinople (1204-1261) and through several other channels of information, Michael VIII's excommunication should not be construed solely as a transfer in Constantinople of a specific Western practice. A thorough investigation of the complex historical background has revealed not only the presence of a legitimate moral reason for initiating such a conflict (the Byzantine pattern), but also a series of political claims made by the representative of the Church (the Latin pattern). In this way, the Byzantines borrowed some of the Western ideas that could have helped them push back the institutional boundaries of the State by reference to the Church, and contextualized them in a specific Eastern context.

NOTES

- <sup>1</sup> Paul Ricaut, *The Present State of the Greek and Armenian Churches*. Anno Christi, 1678, John Starkey, London, 1679, pp. 274-275 (chap. XIII: *Of the Power of Excommunication, and upon what frivolous occasions it is made use of*): Ἐὰν μὴ πληρώσωσι [corr. πληρώσωσι] τὸ δίκαιον αὐτοῦ οὐκ ἐξουσιάσωσιν αὐτὸν εἰρηνικῶς, ἀλλ' ἐάσωσιν τοῦ τὸν ἡδικημένον, καὶ ἐξημιωμένον [corr. ἐξημιωμένον] ἀφωρισμένοι ἦσαν παρὰ Θεοῦ παντοκράτορος, καὶ κατηραμένοι, καὶ ἀσυνχώρητοι, καὶ ἄλλοι μετὰ θάνατον ἐν τῷ νῦν αἰῶνι καὶ ἐν τῷ μέλλοντι· αἱ πέτραι, καὶ τὰ ξύλα, ὁ σίδηρος λυθήσονται, αὐτοὶ οὐδαμῶς· κληρονομήσουσι τὴν λέπραν τοῦ Γιάζη, καὶ τὴν ἀχόνην [corr. ἀγχόνην] τοῦ Ἰουδα· σχίθη ἡ γῆ, καὶ καταπή αὐτοῦς, ὡς τὸν Νάθαν [corr. Δάθαν] καὶ Ἀβίρων· στένοντες ἦσαν καὶ τρέμοντες ἐπὶ γῆς ὡς ὁ Κάϊν· ἡ ὄργη τοῦ Θεοῦ εἶη ὑπὲρ τὰς κεφαλὰς αὐτῶν καὶ προσωπῆν, οὐ μὴ ἴδοιεν ὡποτε ἐφ' οἷς ἐργάζονται, καὶ λυμωξείαν ἄρτον πάσας τὰς ἡμέρας τῆς ζωῆς αὐτῶν, τὰ πράγματα, κτήματα, οἱ κόποι, αἱ δουλεύσεις αὐτῶν εἴησαν κατηραγμένα, καὶ εἰς ἀφανισμόν πανταλῆ, καὶ ἐξυλόθρευσιν γινόμενα ὡς κοινορτὸς ἀπὸ ἄλυνος θερinhῆς· ἔχοιεν καὶ ἀρὰς πρὸ ἁγίων δικαίων Πατριάρχων Ἀβραάμ, Ἰσαὰκ, καὶ Ἰακώβ, καὶ τῶν ἁγίων τριακοσίων δέκα καὶ ὀκτὼ Θεοφόρων Πατέρων τῶν ἐν Νικαίᾳ; καὶ τῶν λοιπῶν ἁγίων Συνόδων, καὶ ἔξω τῆς Ἐκκλησίας Χριστοῦ· καὶ μηδεὶς Ἐκκλησία αὐτοῦς, ἢ ἀγίαζη, ἢ θυμιάζη, ἢ Ἀντίδωρον δῶ, ἢ συνπάγη, ἢ συνπίη, ἢ συνδουλεύση, ἢ σωμασραφή [corr. σωμαστραφή], ἢ μὴ θάνατον ταφιάζη ἐν βάρει ἀργίας, καὶ ἀφωρισμοῦ, εἰς οὐ ποιήσων ὁ γράφομεν καὶ συγχωρηθήσονται.
- <sup>2</sup> Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορία* III.10, in: Georges Pachymères: *Relations Historiques (Livres I-III)*, Édition, Introduction et Notes par Albert Failler, Traduction française par Vitalien Laurent, coll. *Corpus Fontium Historiae Byzantinae* XXIV/1, Société d'Édition *Les Belles Lettres*, Paris, 1984, p. 257<sup>15-21</sup> [= Pachymères, *Relations* 1]; *Διαθήκη τοῦ ἀγιωτάτου Ἀρσενίου, ἀρχιεπισκόπου Κωνσταντινουπόλεως Νεᾶς Ῥώμης καὶ οἰκουμενικοῦ πατριάρχου* IX, in: *Patrologiae cursus completus. Series Graeca*, accurate J.-P. Migne, tomos 140, Garnier Freres, Parisii 1887, col. 956A [= PG 140]; Νικηφόρος Γρηγοράς, *Ῥωμαϊκὴ Ἱστορία* IV.4, in: Nicephori Gregorae. *Byzantina Historia, Graece et Latine*, cum annotationibus Hier. Wolfii, Car. DuCangii, Io. Boivini et Cl. Capperonnerii, cura Ludovici Schopeni, coll. *Corpus Scriptorum Historiae Byzantinae* XIX/1, Impensis Ed. Weberi, Bonnae, 1829, p. 93<sup>5-8</sup> [= Gregoras, *Byzantina Historia* 1]; Μακάριος Μελισσηνός (Μελισσοουργός), *Χρονικόν* I.2, in: Georgios Sphrantzes. *Memorii (1401-1477)*. *În anexă: Pseudo-Phrantzes: Macarie Melissenos, Cronica (1258-1481)*, ediție critică Vasile Grecu, coll. *Scriptores Byzantini* V, Editura Academiei, București, 1966, pp. 164<sup>34</sup>-166<sup>1</sup> [= Sphrantzes, *Memorii*].
- <sup>3</sup> Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορία* I.7, II.2, in: Pachymères, *Relations* 1, pp. 37<sup>8-11</sup>, 39<sup>8-11</sup>, 135<sup>8-9</sup>; Μακάριος Μελισσηνός (Μελισσοουργός), *Χρονικόν* I.1, in: Sphrantzes, *Memorii*, p. 158<sup>20-24</sup>.

- 4 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* II.3-4, in: Pachymères, *Relations* 1, pp. 135<sup>21</sup>-137<sup>16</sup>; *Διαθήκη τοῦ ἀγιωτάτου Ἀρσενίου, ἀρχιεπισκόπου Κωνσταντινουπόλεως Νεᾶς Ῥώμης καὶ οἰκουμενικοῦ πατριάρχου* IV-VI, in: PG 140, col. 949D-953A; Νικηφόρος Γρηγοράς, *Ῥωμαϊκὴ Ἱστορία* IV.1, in: Gregoras, *Byzantina Historia* 1, p. 78<sup>1-12</sup>; Μακάριος Μελισσηνός (Μελισσουργός), *Χρονικόν* I.2, in: Sphrantzes, *Memorii*, p. 162<sup>9-13, 18-19</sup>.
- 5 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* III.14, in: Pachymères, *Relations* 1, p. 269<sup>14-17</sup>; *Διαθήκη τοῦ ἀγιωτάτου Ἀρσενίου, ἀρχιεπισκόπου Κωνσταντινουπόλεως Νεᾶς Ῥώμης καὶ οἰκουμενικοῦ πατριάρχου* IX, in: PG 140, col. 956A; Νικηφόρος Γρηγοράς, *Ῥωμαϊκὴ Ἱστορία* IV.4, in: Gregoras, *Byzantina Historia* 1, p. 93<sup>17-18</sup>; Μακάριος Μελισσηνός (Μελισσουργός), *Χρονικόν* I.2, in: Sphrantzes, *Memorii*, p. 166<sup>7-9</sup>. There is no historical source mentioning a synodal document that might have ratified the patriarch's decision. In conclusion, this gesture was assumed by Arsenios Autoreianos alone: V. Laurent (ed.), *Les registes des actes du Patriarcat de Constantinople*, vol. I (*Les actes des patriarches*), fasc. IV (*Les registes de 1208 à 1309*), Institut Français d'Études Byzantines, Paris, 1971, n. 1362 [= Laurent, *Regestes* IV].
- 6 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* III.14, in: Pachymères, *Relations* 1, p. 269<sup>19-22</sup>; Νικηφόρος Γρηγοράς, *Ῥωμαϊκὴ Ἱστορία* IV.4, in: Gregoras, *Byzantina Historia* 1, p. 93<sup>18-22</sup>.
- 7 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* IV.5, in: *Georges Pachymères: Relations Historiques (Livres IV-VI)*, Édition et Notes par Albert Failler, Traduction française par Vitalien Laurent, coll. *Corpus Fontium Historiae Byzantinae* XXIV/2, Société d'Édition *Les Belles Lettres*, Paris, 1984, p. 343<sup>4-10</sup> [= Pachymères, *Relations* 2].
- 8 Νικηφόρος Γρηγοράς, *Ῥωμαϊκὴ Ἱστορία* IV.4, in: Gregoras, *Byzantina Historia* 1, p. 93<sup>22-24</sup>. See: G.A. Rhalles, M. Potles, *Σύνταγμα τῶν Θεῶν καὶ Ἱερῶν Κανόνων*, τόμος ἕκτος, Τυπογραφίας τῆς Ἀυγῆς, Ἀθήνα, 1859, pp. 363-364 (*Περὶ τῶν τῆς μετανοίας τόπων*); Dimiter G. Angelov, "The confession of Michael VIII Palaeologus and King David", *Jahrbuch der Österreichischen Byzantinistik*, 56 (2006), p. 195, n. 8 [= Angelov, *The confession*].
- 9 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* III.14, in: Pachymères, *Relations* 1, p. 271<sup>1-7</sup>; Νικηφόρος Γρηγοράς, *Ῥωμαϊκὴ Ἱστορία* IV.4, in: Gregoras, *Byzantina Historia* 1, p. 93<sup>22-24</sup>.
- 10 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* III.15, III.19, in: Pachymères, *Relations* 1, pp. 271<sup>10-13</sup>, 281<sup>3-4</sup>. Michael VIII's remorse's depicted by Georgios Pachymeres have been interpreted as part of a true *dramatic play*, in which the basileus and the patriarch were the main characters. See: Marie Theres Fögen, "Kaiser unter Kirchenbann im östlichen und westlichen Mittelalter", *Rechtshistorisches Journal*, 16 (1997), p. 539 [= Fögen, *Kaiser*]. At the same time, the unjustified prolongation of the emperor's excommunication would weaken the latter's authority and would reduce the efficiency of his political actions.

- <sup>11</sup> Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* III.19, in: Pachymérés, *Relations* 1, p. 281<sup>7-12</sup>.
- <sup>12</sup> Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* III.19, in: Pachymérés, *Relations* 1, p. 281<sup>14-16</sup>; *Διαθήκη τοῦ ἀγιωτάτου Ἀρσενίου, ἀρχιεπισκόπου Κωνσταντινουπόλεως Νεᾶς Ρώμης καὶ οἰκουμενικοῦ πατριάρχου* IX, in: PG 140, col. 956A.
- <sup>13</sup> Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* III.19, in: Pachymérés, *Relations* 1, pp. 281<sup>30</sup>-283<sup>1</sup>; Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* IV.1, in: Pachymérés, *Relations* 2, p. 331<sup>8-9</sup>; Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* XII.2, in: *Georges Pachymérés: Relations Historiques (Livres X-XIII)*, Édition, Traduction française et Notes par Albert Failler, coll. *Corpus Fontium Historiae Byzantinae* XXIV/4, Institut Français d'Études Byzantines, Paris, 1999, p. 517<sup>4-10</sup> [= Pachymérés, *Relations* 4].
- <sup>14</sup> Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* III.19, in: Pachymérés, *Relations* 1, p. 283<sup>17-19</sup>; Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* IV.1, in: Pachymérés, *Relations* 2, p. 333<sup>8-13</sup>.
- <sup>15</sup> Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* III.19, in: Pachymérés, *Relations* 1, pp. 281<sup>20</sup>-283<sup>11</sup>: *Καὶ ὅς ἐπειδὴ καὶ τὸ αὐτοπρόσωπον ἀντιφάρμακον λέγουσι [...], αὐτὸς ἔγνω προσερχόμενος ἐντυγχάνειν καὶ τὴν λύσιν ἐξομολογούμενος ἐκζητεῖν. Ἐπίστατο τοίνυν πολλάκις· καὶ ὁ μὲν ἐζήτει τὴν θεραπείαν τοῦ τραύματος, ὁ δὲ τὰ τῆς θεραπείας πράττειν προσέταττε, πλὴν οὐκ ἐπὶ ῥητοῖς, ἀλλ' ἀορίστως καὶ ἀφανῶς. Καὶ ὁ μὲν ῥητῶς ἐζήτει μαθεῖν ἐπὶ τῷ ποιεῖν προθύμως ὅ τι καὶ λέγοι, ὁ δὲ καὶ πάλιν ἀορισταίνων ἔλεγε· «Ποίει τὴν θεραπείαν καὶ δέξομαι.» «Ὡς δὲ πολλάκις ἐκείνος μὲν ἐζήτει τὰ φάρμακα, ὁ δ' οὐ φανερώς ἔλεγεν, εἰπεῖν τὸν βασιλέα· «Καὶ τίς οἶδεν εἰ καὶ πλείω ποιοῦντα οὐ προσθήσῃ τοῦ δέξασθαι;» Καὶ τὸν ἀποκρίνασθαι ὡς μεγάλων ἁμαρτημάτων μεγάλην εἶναι δεῖ καὶ τὴν ἀντίποινον θεραπείαν. Καὶ τὸν βασιλέα, πρὸς τὸ βαθύτερον βάψαντα· «Τί δαί, εἰπεῖν, μὴ τῆς βασιλείας ἐκοτήναι κελεύεις;» Καὶ οὕτω λέγοντα, τὴν σπάθην ἀποζώννυσθαι καὶ διδόναι, τῆς ἐκείνου διανοίας ἀποπειρώμενον. Ἐκείνου δὲ τὴν χεῖρα κατὰ σπουδὴν προτεινάντος, ἐφ' ᾧ λαμβάνειν τὸ δῆθεν διδόμενον, μήπω τελῶς καὶ τῆς ὀσφύος ἀπολυθέν, παλινωδῶν τε ἄδειν τὸν βασιλέα καὶ ὡς ἐπιβούλῳ οἱ τῆς σφετέρας ζωῆς ὀνειδίζειν, εἰ οὕτω βούλεται. Πλὴν καὶ τὴν ἐπὶ κεφαλῆς καλύπτραν ἀποτιθέμενος, ἐς πόδας ἐκείνῳ ἑαυτὸν ἐρρίπτει καὶ, πολλῶν βλεπόντων, οὐ κατηδεῖτο. Ὅ δ' ἀπέπεμπεν ἐμβριθῶς καὶ ὑπερεώρα ἀπριζ τῶν γονάτων ἐχόμενον. Οὕτως ἡ ἁμαρτία περιδεῆς, οὕτως ἡ ἀρετὴ τίμιον. Ὡς δὲ πολλάκις παρακαλῶν ἠκολούθει καὶ κατηγάκαζεν, ἐκείνος, εὐθύς τὴν κέλλαν ὑποδύμενος, ἀπεζύγου τε τὰς θύρας αὐτῷ κατὰ πρόσωπον καὶ ἄργον ἠφίει.*
- <sup>16</sup> Fögen, Kaiser, pp. 543-544.
- <sup>17</sup> For the chronology of the episode when patriarch Arsenios Autoreianos was formally removed, see: Albert Failler, "Chronologie et composition dans l'Histoire de Georges Pachymère", *Revue des Études Byzantines*, 39 (1981), pp. 155-164.

- 18 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* IV.3, in: Pachymérés, *Relations* 2, p. 337<sup>9-18</sup>.
- 19 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* IV.5, in: Pachymérés, *Relations* 2, pp. 341<sup>21</sup>-345<sup>12</sup>.
- 20 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* IV.6, in: Pachymérés, *Relations* 2, pp. 345<sup>13</sup>-351<sup>3</sup>.
- 21 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* IV.7-8, in: Pachymérés, *Relations* 2, pp. 351<sup>4</sup>-355<sup>3</sup>.
- 22 *Συνοδικὸς τόμος*, in: I. Sykoutres, “Συνοδικὸς τόμος τῆς ἐκλογῆς τοῦ πατριάρχου Γερμανοῦ τοῦ Γ. (1265-1266)”, *Ἐπετηρὶς Ἑταιρείας Βυζαντινῶν Σπουδῶν*, 9 (1932), pp. 180<sup>16</sup>-182<sup>25</sup>, 183<sup>5-12</sup>.
- 23 The text of this *oratio*, entitled *Τοῦ αὐτοῦ ἐρμηνεία εἰς τὸ εὐαγγελικὸν ῥητὸν τὸ «ἐὰν ἔχητε πίστιν ὡς κόκκον σινάπεως ἐρεῖτε τῷ ὄρει τούτῳ» καὶ τὰ ἕξῃς. ἠπορήθη δὲ τοῦτο παρὰ τοῦ ἁγίου ἡμῶν αὐτοκράτορος τοῦ καὶ νέου Κωνσταντίνου* [By the same, an interpretation of what is said in the Gospel: ‘If you had faith as a grain of mustard seed, you would say unto this mountain’ and the others. This was an *aporia* of our holy emperor, the New Constantine], in: *Manuelis Holoboli: Orationes*, edidit Maximilianus Treu, vol. 1-2, coll. *Programm des Königlischen Victoria-Gymnasiums zu Potsdam* (Ostern 1906), Druck der Krämerschen Buchdruckerei (Paul Brandt), Potsdam, 1906-1907, pp. 20-29. Also, for a pertinent contextual interpretation of this *oratio*, see: Angelov, *The confession*, pp. 193-204.
- 24 According to Theodore Balsamon’s commentary to canon 5 from the First Ecumenical Council (Nicaea, 325), although in theory the excommunication could be removed by any bishop or Synod, Church practice would encourage the repentant to ask forgiveness from the very bishop that had bound him, precisely so as to prevent abuses of any kind. Thus, hieromonk Joseph, even if he was the emperor’s personal confessor, could not remove the excommunication pronounced by a bishop, however, after occupying the patriarchal throne, he would be able to grant forgiveness, at least in theory. With respect to the exceptions from Church practice (at that moment the person who had pronounced the excommunication was still alive), this could be explained by Arsenios Autoreianos’ explicit condemnation through a synodal decision that would be canonically undisputed, although Michael VIII influenced it. This way, Arsenios was not only removed from the patriarchal throne, but he was also defrocked, which made it impossible for the excommunication to be removed by the same person who had pronounced it. See: G.A. Rhalles, M. Potles, *Σύνταγμα τῶν Θεῶν καὶ Ἱερῶν Κανόνων*, τόμος δεῦτερος, Τυπογραφία Γ. Χαρτοφύλακος, Ἀθήνα, 1852, p. 127.
- 25 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* IV.25, in: Pachymérés, *Relations* 2, pp. 397<sup>21</sup>-399<sup>18</sup>; Νικηφόρος Γρηγοράς, *Ρωμαϊκὴ Ἱστορία* IV.8, in: Gregoras, *Byzantina Historia* 1, pp. 107<sup>21</sup>-108<sup>8</sup>; Laurent, *Regestes* IV, n. 1386.

- 26 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* IV.25, in: Pachymérés, *Relations* 2, p. 573<sup>22-24</sup>.
- 27 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* IV.2, in: Pachymérés, *Relations* 2, p. 335<sup>7-9</sup>; Laurent, *Regestes* IV, n. 1365.
- 28 The two Arsenite texts which support the authenticity of the ecclesiastical censure imposed to Joseph are: *Διαθήκη τοῦ ἀγιωτάτου Ἀρσενίου, ἀρχιεπισκόπου Κωνσταντινουπόλεως Νεᾶς Ῥώμης καὶ οἰκουμενικοῦ πατριάρχου* XI, in: PG 140, col. 956C; *Τοῦ μητροπολίτου Πισιδείας πρὸς τὸν μητροπολίτην Θεσσαλονικῆς κῦρ Μανουὴλ τὸν Δισυπάτον πῶς καὶ τινὰ τρόπον ἀφωρίσθη ὁ κῦρ Ἰωσήφ παρὰ τοῦ ἀγιωτάτου πατριάρχου κύρου Ἀρσενίου ὡς λύων ἄπερ αὐτὸς ἔδησε κανονικῶς*, in: Sofronios Eustratiades, “Ὁ πατριάρχης Ἀρσένιος ὁ Αὐτωρειανός (1255-1260 καὶ 1261-1267)”, *Ἑλληνικά*, 1 (1928), pp. 89-94 (the author of this epistle, Makarios, the metropolitan of Pisidia, supported the theory that Joseph was excommunicated three times by Arsenios Autoreianos: once before being elected patriarch – March 1265, and twice during his office, before Arsenios’ death, between 1267-1273).
- 29 *Πιττάκιον τοῦ πατριάρχου κῦρ Ἰωσήφ πρὸς τὸν μετὰ ταῦτα γεγόνοντα Θεσσαλονικῆς μητροπολίτην κῦρ Ἰγνάτιον, δέσμιον ὄντα τῆνίκαντα διὰ τὴν λατινικὴν ὑπόθεσιν*, in: V. Laurent, “L’excommunication du patriarche Joseph I<sup>er</sup> par son prédécesseur Arsène”, *Byzantinische Zeitschrift*, 30 (1929-1930), pp. 495-496. More than a decade later, in 1296, John Cheilas, metropolitan of Ephesus, brought up the subject again and rejected the Arsenites’ accusations: *Λόγος συντεθείς* III.9-10, IV.9-13, in: *Documents inédits d’ecclésiologie byzantine*, Textes édités, traduits et annotés par J. Darrouzès, coll. *Archives de l’Orient chrétien* 10, Institut Français d’Études Byzantines, Paris, 1966, pp. 375<sup>9</sup>-376<sup>22</sup>, 383<sup>6</sup>-387<sup>10</sup>.
- 30 Besides the two Arsenite sources already mentioned (footnote 28), the first referring to only one excommunication, while the second clearly indicating the three successive excommunications of patriarch Joseph, there is another Arsenite document dating from 1275-1276, including an indictment on the same person, which omits however this important accusation: *Ἐπιστολὴ Καλλίστου πρὸς τὸν Θεσσαλονικῆς κύριον Ἐμμανουὴλ τὸν Δισύπατον*, in: I. Sykoutres, “Περὶ τὸ σχίσμα τῶν Ἀρσενιατῶν”, *Ἑλληνικά*, 3 (1930), pp. 17-26.
- 31 Although Pachymeres would mention this accusation in multiple contexts, he would adopt however a distant attitude: Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* IV.28, V.2, in: Pachymérés, *Relations* 2, pp. 409<sup>9-14</sup>, 437<sup>7-10</sup>; Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* VII.12-13, VII.30-31, in: *Georges Pachymérés: Relations Historiques (Livres VII-IX)*, Édition, Traduction française et Notes par Albert Failler, coll. *Corpus Fontium Historiae Byzantinae* XXIV/3, Institut Français d’Études Byzantines, Paris, 1999, pp. 47<sup>27-28</sup>, 51<sup>2-6</sup>, 95<sup>12-17</sup>, 29<sup>-31</sup> [= Pachymérés, *Relations* 3]; Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* XII.2, in: Pachymérés, *Relations* 4, p. 515<sup>17-22</sup>.

- 32 *Διαθήκη τοῦ ἀγιωτάτου Ἀρσενίου, ἀρχιεπισκόπου Κωνσταντινουπόλεως Νεᾶς Ῥώμης καὶ οἰκουμενικοῦ πατριάρχου XI*, in: PG 140, col. 956D-957A: *καὶ ἐπιτείνω τὸν ἀφορισμὸν, ὃν αὐτὸς ἑαυτῷ ὑπέβαλε δι' οἰκειάν ὄρεξιν, δι' οἰκειάν ἀπόλαυσιν, δι' οἰκειάν δόξαν καὶ τὸ ἀνάθεμα· καὶ παραδίδωμι τοῦτον τῷ σατανᾷ, καθὼς καὶ τὸ πρότερον αὐτὸς ἑαυτῷ διὰ τῶν ἐπορκιῶν παραδέδωκε, καὶ νῦν διὰ τοῦ τῆς Ἐκκλησίας διωγμοῦ·*
- 33 For the ecclesiastical canons that forbid the removal of the excommunication by a different bishop than the one who had pronounced it, during the latter's lifetime (but notwithstanding the case in which the bishop is defrocked) see: Jean Darrouzès, "Fragments d'un commentaire canonique anonyme (fin XII<sup>e</sup> – début XIII<sup>e</sup> siècle)", *Revue des Études Byzantines*, 24 (1966), p. 31 (n. 8).
- 34 Originally, this name (*al-Ashkaṛī* / Laskaris, abbreviated from the correct form *al-Laskaṛī*) was used by Arabian chroniclers to designate the Byzantine emperors during the Nicene exile (1204-1261). Later, although they knew about the political changes in Constantinople, they continued to use the same nickname for the members of the Palaiologan family. Thus, depending on the time of events under discussion, this appellative (*al-Ashkaṛī*) must be read as either *Laskaris*, or *Palaiologos*, in this case obviously concerning emperor Michael VIII.
- 35 The episode mentioned by Muḥyī al-Dīn Ibn 'Abd al-Zāhir, Baybars I's biographer and the head of his chancellery, is described in the paragraph preceding the quotation: a Greek monk was the only one able to read the inscriptions on a copper coin (*al-fals*), part of a treasure found in Qūṣ that had belonged to king Goliāth (?!), which was about 2.300 years old at the time of its discovery (June-July 1264). See: Ibn 'Abd al-Zāhir, *'Al-Rawḍ al-Zāhir fī Sīrat al-Malik al-Zāhir*, in: Syedah Fatima Sadeque, *Baybars I of Egypt*, Oxford University Press, Dacca, 1956, pp. 344 (original text in Arabic), 218 (English translation) [= Sadeque, *Baybars*].
- 36 Ibn 'Abd al-Zāhir, *'Al-Rawḍ al-Zāhir fī Sīrat al-Malik al-Zāhir*, in: Sadeque, *Baybars*, p. 345: *وفى هذا الشهر بلغ السلطان ان رسله الذين كانوا توجهوا إلى الملك بركه وصحبته: رسل الملك بركه عوقهم الملك الأشكرى. فطلب السلطان نسخ الإيدان وأخرج منها يمين الملك كرميخائيل الأشكرى وهى بالرومية. وأحضرت البطارقة والاساقفة، وتحدث معهم فيمن يحلف بكذا وكذا من الإيمان ثم يخرج عنه، فقالوا يلزمه كذا وكذا مان الأمور المخرجة له عن دينه، وانه يكون محروما من دينه. فأخذ خطوطهم بذلك وهم لا يعلمون ما يراد منهم. ثم أخرج لهم نسخ إيمان الأشكرى وقال: قد نكت بيماسك رسلى ومال إلى جهة هولاءكو ثم طلب الفيلسوف اليونانى الذى قرأ الفليس وطلب اسقفا وقسيسا وجهزهم إلى الاشكرى وصحبتهم هذه المكاتيب، وكتب إلى الاشكرى وهو يغلظ له فى القول ويقول له... I extend my gratitude to Coleman Connelly who transcribed this paragraph and amended the English translation made by S.F. Sadeque.*
- 37 *Littere misse ex parte Ogerii prothonotarii M. Paleologi imperatoris Grecorum nuntiis eiusdem imperatoris* 15-17, in: R.-J. Loenertz OP, "Mémoire d'Ogier, protonotaire, pour Marco et Marchetto nonces de Michel VIII Paléologue auprès du pape Nicolas III. 1278, printemps-été", *Orientalia Christiana*



- Periodica*, XXXI (1965), 2, pp. 392-393 [reprinted in: Raymond-Joseph Loenertz OP, *Byzantina et Franco-Graeca: articles parus de 1935 à 1966 réédités avec la collaboration de Peter Schreiner*, coll. *Storia e Letteratura: Racolta di Studi e Testi* 118, Edizioni di Storia e Letteratura, Roma, 1970, pp. 537-572].
- 38 *Acta Martini IV* 53, in: *Acta Romanorum Pontificum ab Innocentio V ad Benedictum XI (1276-1304) e Regestis Vaticanis aliisque Fontibus*, collegerunt Ferdinandus M. Delorme OFM et Aloysius L. Tăutu, coll. *Pontificia Commissio ad Redigendum: Codex Iuris Canonici Orientalis – Fontes*, series III, volume V, tomus II, Typis Polyglottis Vaticanis, [Vatican], 1954, pp. 101-102 [= Delorme-Tăutu, *Acta Romanorum Pontificum V.II*].
- 39 The text of this papal interdict is lost, but the message can be reconstructed, based on the censures passed later (May 7, and November 18, 1282, respectively). See: *Acta Martini IV* 54, in: Delorme-Tăutu, *Acta Romanorum Pontificum V.II*, p. 103 (§218). The date indicated by the two publishers (April 5, 1282) is wrong.
- 40 *Acta Martini IV* 54, in: Delorme-Tăutu, *Acta Romanorum Pontificum V.II*, pp. 102-104.
- 41 *Acta Martini IV* 58, in: Delorme-Tăutu, *Acta Romanorum Pontificum V.II*, pp. 109-110.
- 42 Γεώργιος Παχυμέρης, *Συγγραφικαὶ Ἱστορίαι* VI.30, in: Pachymères, *Relations* 2, pp. 637<sup>9</sup>-639<sup>7</sup>.
- 43 Ambrosius Mediolanensis, *Epistula* 11.13 (*Maur.* 51: *Augustissimo Imperatori Theodosio Ambrosius*), in: *Sancti Ambrosii Opera*, pars X (*Epistulae et Acta*), tom. III (*Epistularum liber decimus. Epistulae extra collectionem. Gesta Concilii Aquileiensis*), recensuit Michaela Zelzer, coll. *Corpus Scriptorum Ecclesiasticorum Latinorum* 82/3, Hoelder-Pichler-Tempsky, Vindobonae, 1982, p. 216<sup>119-125</sup> [= Sancti Ambrosii, *Epistulae*]: *Ego certe in omnibus aliis licet debitor pietati tuae, cui ingratus esse non possum, quam pietatem multis imperatoribus praeferebam, uni adaequabam, ego, inquam, causam in te contumaciae nullam habeo, sed habeo timoris; offerre non audeo sacrificium, si volueris assistere. An quod in unius innocentis sanguine non licet in multorum licet? Non puto.*
- 44 Θεοδώρητος, Ἐπίσκοπος Κύρρου, *Ἐκκλησιαστικῆς Ἱστορίας* V.18.1-4, in: *Théodoret de Cyr. Histoire ecclésiastique*, tome II (*Livres III-V*), Texte grec de L. Parmentier et G.C. Hansen (GCS, NF 5, <sup>3</sup>1998) avec annotation par J. Bouffartigue, Introduction Annick Martin, Traduction Pierre Canivet, Revue et annotée par Jean Bouffartigue, Annick Martin, Luce Pietri et Françoise Thelamon, coll. *Sources Chrétiennes* 530, Les Éditions du Cerf, Paris, 2009, pp. 404<sup>1-6</sup>, 404<sup>17</sup>-406<sup>27</sup> [= Théodoret, *Histoire*]: *Ταύτην μαθὼν τὴν ὀδυρῶν γέμουσαν συμφορὰν Ἀμβρόσιος ἐκεῖνος, οὐ πολλάκις ἐμνήσθη, ἀφικόμενον εἰς τὴν Μεδιόλανον τὸν βασιλεῖα καὶ συνήθως εἰς τὸν θεῖον εἰσελθεῖν βουληθέντα νεῶν ὑπαντήσας ἕξω τῶν προθύρων, ἐπιβῆναι τῶν ἱερῶν προπυλαίων τοιαύδε λέγων*

- ἐκάλυπεν: «[...] Ποίοις τοίνυν ὀφθαλμοῖς ὄφει τὸν τοῦ κοινοῦ δεσπότητος νεῶν; Ποίοις δὲ ποσὶ τὸ δάπεδον ἐκεῖνο πατήσεις τὸ ἅγιον; Πῶς δὲ τὰς χεῖρας ἐκτενεῖς ἀποσταζούσας ἔτι τοῦ ἀδίκου φόνου τὸ αἷμα; Πῶς δὲ τοιαύταις ὑποδέξῃ χερσὶ τοῦ δεσπότητος τὸ πανάγιον σῶμα; Πῶς δὲ τῷ στόματι προσοίσεις τὸ αἷμα τὸ τίμιον, τοσοῦτο διὰ τῶν τοῦ θυμοῦ λόγων ἐκχέαντι παράνομον αἷμα; Ἄπιθι τοίνυν, καὶ μὴ πειρῶ τοῖς δευτέροις τὴν προτέραν αὔξειν παρανομίαν καὶ δέχου τὸν δεσμόν, ᾧ ὁ θεὸς ὁ τῶν ὄλων δεσπότης ἄνωθεν γίνεταί σύμφηφος: [...]».
- 45 Codex Theodosianus IX.40.13, in: *Theodosiani Libri XVI cum Constitutionibus Sirmondianis*, edidit Th. Mommsen, adsumpto apparatu P. Kruegeri, vol. I.2 (*Textus cum apparatu*), Weidmannos, Berolini, 1905, p. 503.
- 46 Θεοδώρητος, Ἐπίσκοπος Κύρρου, *Ἐκκλησιαστικῆς Ἱστορίας* V.18.5-25, in: Théodoret, *Histoire*, pp. 406<sup>29</sup>-414<sup>150</sup>.
- 47 Ambrosius Mediolanensis, *Epistula* 76.26 (*Maur. 20: De traditione basilicae <sorori frater>*), in: Sancti Ambrosii, *Epistulae*, p. 124<sup>253-261</sup>.
- 48 Venance Grumel (ed.), *Les registes des actes du Patriarcat de Constantinople*, vol. I (*Les actes des patriarches*), fasc. II-III (*Les registes de 715 à 1206*), Deuxième édition revue et corrigée par Jean Darrouzès, Institut Français d'Études Byzantines, Paris, 1989, n. 601 [= Grumel-Darrouzès, *Regestes* II-III].
- 49 Grumel-Darrouzès, *Regestes* II-III, n. 601a.
- 50 Vita S. Euthymii Patriarchae Cr. XII (*Περὶ τῶν ἀναμεταξὺ τοῦ τε βασιλέως καὶ τοῦ πατριάρχου γεγονότων παροξυσμῶν*), in: Vita Euthymii Patriarchae Cr., Text, Translation, Introduction and Commentary by Patricia Karlin-Hayter, coll. *Bibliothèque de Byzantion* 3, Éditions de Byzantion, Bruxelles, 1970, p. 77<sup>15-19</sup>: ὁ δὲ πατριάρχης πρὸς αὐτὸν ἀπολογούμενος ἔλεγεν ὡς «εἰ μὴ παρὰ τῶν μητροπολιτῶν ὁμόνοια γένηται καὶ αὐτοῦ τοῦ πρωτοθρόνου Ἄρέθα, ἀδυνάτως ἔχω· εἰ δὲ ἐκ τῆς αὐτονομίας εἰσελθεῖν βουλευθῆς, παρευθὺ ἐγὼ μετὰ καὶ τῶν σὺν ἐμοὶ τῶν ὠδε ἐξίημι».
- 51 Grumel-Darrouzès, *Regestes* II-III, n. 603-605.
- 52 Grumel-Darrouzès, *Regestes* II-III, n. 607a.
- 53 Νικόλαος Ἀρχιεπίσκοπος Κωνσταντινουπόλεως, *Ἐπιστολαὶ* 32 (*Τῷ τὰ πάντα ἀγιωτάτῳ πάπᾳ τῆς πρεσβυτέρας Ῥώμης, Νικόλαος ἀρχιεπίσκοπος Κωνσταντινουπόλεως περὶ τῆς παραλόγως δεχθείσης τετραγαμίας παρὰ Ῥωμαίοις*), in: Nicholas I, Patriarch of Constantinople. Lettres, Greek Text and English Translation by R.J.H. Jenkins and L.G. Westerink, coll. *Corpus Fontium Historiae Byzantinae* VI [= *Dumbarton Oaks Texts* 2], Dumbarton Oaks / Center for Byzantine Studies / Trustees for Harvard University, Washington DC, 1973, p. 242<sup>494-503</sup>: Τοῦτο δὲ φάμεν οὐ περὶ τοῦ καλοῦ βασιλέως (μὴ γένοιτο) οὐδὲ περὶ τοῦ ὑμετέρου προέδρου Σεργίου, οὐδ' ἴνα ἐκεῖνοι τῷ ἀναθέματι παραπέμποντο· ἤδη γὰρ χεῖρα ἐπορέξαντος θεοῦ τῷ καλῷ βασιλεῖ, αὐτὸς πρὸς τὸ τέλος τῆς ζωῆς γεγονώς, καὶ τοῦ κατακρίματος καὶ τοῦ ἀναθέματος (πεποίθαμεν τῇ θεϊκῇ εὐμενείᾳ) τὴν φυγὴν ἑαυτῷ περιπεποίηται, τὸ μὲν οἰκεῖον ἀμάρτημα ἐπιγούς, συγγνώμην δὲ καὶ λύσιν τῆς καταδίκης ἐξαίτησάμενος ἢ παρ'

ἡμῶν ὑποβέβλητο, καὶ ἀποδοὺς καὶ ἡμῖν τὸ ποιμνιον ἐξ οὐπερ ἠλάθημεν, καὶ πάντα διοικῆσαι ἡμῖν ἐπιτρέψας καθὼς συνωρῶμεν καὶ θεῶ ἀρέσκον καὶ τοῖς θεοῖς <καὶ> ἱεροῖς κανόνσιν ἀρμόδιον.

54 Grumel-Darrouzès, *Regestes II-III*, n. 789q.

55 Ἰωάννης Σκυλίτζης, *Σύνοψις Ἱστοριῶν (Νικηφόρος ὁ Φωκᾶς 2)*, in: *Ioannis Scylitzae, Synopsis Historiarum*, editio princeps, recensuit Ioannes Thurn, coll. *Corpus Fontium Historiae Byzantinae V*, Walter de Gruyter et Socios, Berolini / Novi Eboraci, 1973, pp. 260<sup>80</sup>-261<sup>9</sup> [= Scylitzae, *Synopsis*]: [...] ἐπεὶπερ ἔμελλεν εἰσοδος ἐν τῷ θυσιαστηρίῳ γενέσθαι, τῆς χειρὸς κατέχων αὐτὸν ὁ Πολύευκτος καὶ ταῖς ἱεραῖς ἐγγίσας κιγκλίσιν, εἴσεισι μὲν ἐκεῖνος εἰς τὰ ἄδυστα, ἐκεῖνον δ' ἐξώθησεν ὀπισθεν, ἐπειπὼν μὴ πρότερον συγχωρηθῆσθαι αὐτὸν εἰς τὸ θυσιατήριον εἰσελθεῖν, πρὶν ἂν δέξηται ἐπιτίμια δευτερογαμοῦντων. ἐλύπησε δὲ ἐν τούτῳ τὸν Νικηφόρον, καὶ οὐ διέλιπεν ἐγκοτῶν αὐτῷ μέχρι τῆς τελευταίας. διεδόδοτο δὲ καὶ λόγος ἀπανταχοῦ, ὅς οὐ μικρῶς διετάραξε τὴν ἐκκλησίαν, ὅτιπερ ὁ Νικηφόρος ἀπὸ τοῦ ἁγίου βαπτίσματος ἀνάδοχος ἐγένετο τῶν τῆς Θεοφανοῦς ἐνὸς παίδων. ταύτην δὲ τὴν φήμην ὡς εὐλογον ἀφορμὴν δεξαμένος ὁ Πολύευκτος, ἢ χωρισθῆναι αὐτὸν τῆς γυναικὸς ἀπεμάχετο κατὰ τὸν κανόνα, ἢ τῆς ἐκκλησίας ἀναχωρεῖν. ὁ δὲ καὶ πεποίηκε, τῆς Θεοφανοῦς ἐξεχόμενος. συγκαλεσάμενος δὲ τοὺς ἐνδημοῦντας ἐπισκόπους ἐν τῇ πόλει καὶ τοὺς τῆς συγκλήτου λογάδας, σκέπειν περὶ τοῦτου προέθετο. πάντες δὲ οὗτοι τοῦ Κοπρωνύμου εἶναι τὸν νόμον ἔλεγον, καὶ δέον αὐτὸν μὴ φυλάττεσθαι ἔκρινον. τοῦτ' ἄρα καὶ λίβελλον ἀφέσεως ὑπογράψαντες τούτῳ ἐπίδεδώκασιν. ἐτι δ' ἀναβαλλόμενον τὸν Πολύευντον κοινωῆσαι τῷ βασιλεῖ ὁ καῖσαρ ἐπληροφόρησεν, ὡς οὐκ ἀνάδοχος γέγονεν. ἀλλὰ καὶ Στυλιανὸς ὁ πρωτοπαπᾶς τοῦ μεγάλου παλατίου. ἐξ οὗ πρῶτον ἐλέγετο ἢ τοιαύτη φήμη διαδραμεῖν, ἐνώπιον ἐλθὼν τῆς συνόδου καὶ τῆς συγκλήτου ἐξωμόσατο μήτ' ἰδεῖν, μήτε πρὸς τινὰς ἀνειπεῖν, ὡς ἄρα Βάρδας ἢ Νικηφόρος ἀνάδοχος γένοιτο. ὁ δὲ Πολύευκτος καίπερ φανερώς ἐπιπορκοῦντα εἰδὼς τὸν Στυλιανόν, τὸ τῆς συντεκνίας συγκεχώρηκεν ἐγκλημα, καὶ ὁ πάλαι ἐνιστάμενος δευτερογαμίας ἐπιτίμια ἐπιθεῖναι καὶ τὸ μέγα τοῦτο παρήκεν ἀμάτημα.

56 Grumel-Darrouzès, *Regestes II-III*, n. 793.

57 Ἰωάννης Σκυλίτζης, *Σύνοψις Ἱστοριῶν (Ἰωάννης ὁ Τζιμισκῆς 2)*, in: Scylitzae, *Synopsis*, p. 285<sup>21-34</sup>: Οὕτω δὲ τῶν πραγμάτων οἰκονομηθέντων, κατὰ τὴν αὐτὴν νύκτα πάσης ὑποψίας ἀπολυθεὶς ἄπεισι μετ' ὀλίγων ὁ βασιλεὺς εἰς τὴν μεγάλην ἐκκλησίαν, χερσὶ τοῦ πατριάρχου λαβεῖν βουλόμενος τὸ διάδημα. ὃν ἐλθόντα εἰσελθεῖν οὐκ εἴασεν ὁ Πολύευκτος, μὴ ἄξιον εἶναι φήσας ἐπιβῆναι θείου ναοῦ νεαρῷ καὶ ἀτιμίζοντι ἔτι τῷ συγγενικῷ αἵματι σταζομένας τὰς χεῖρας ἔχοντα, ἀλλὰ σπεῦσαι ἔργα μετανοίας ἐνδείξασθαι, καὶ οὕτως ἐφίεσθαι πατεῖν ἔδαφος οἴκου κυρίου. τοῦ δὲ Ἰωάννου ἠπίως δεξαμένου τὴν ἐπιτίμησιν καὶ πάντα πράττει μετ' εὐπειθείας ἐπαγγεγαμένου, ἀπολογησαμένου δ', ὅτι καὶ αὐτόχειρ οὐκ αὐτὸς ἐγένετο τοῦ Νικηφόρου, ἀλλ' ὁ Βαλάντης καὶ ὁ Ἀτζυποθεόδωρος ἐπιτροπῆ τῆς δεσποίνης, ταύτην μὲν ὁ πατριάρχης προσέταττε τῶν ἀνακτόρων κατενεχθῆναι καὶ ἐν τινὶ νήσῳ περιορισθῆναι, ἐξοστρακισθῆναι δὲ καὶ τοὺς τοῦ Νικηφόρου

- αυτόχειρας, διαρραγίῃαι δὲ καὶ τὸν τόμον, ὃν ἐπὶ συγκύσει τῶν ἐκκλησιαστικῶν  
ὁ Νικηφόρος πραγμάτων ἐξέθετο.
- 58 Grumel-Darrouzès, *Regestes* II-III, n. 794.
- 59 Κανόνες τῆς ἐν Ἀγκύρᾳ συστάσεως συνόδου. Κανὼν IB' Ἐτέρα ἐρμηνεῖα [Θεόδωρος Βαλσαμών], in: Γ.Α. Ῥάλλης, Μ. Ποτλῆς, *Σύνταγμα τῶν Θείων καὶ Ἱερῶν Κανόνων*, τόμος τρίτος, Τυπογραφίας Γ. Χαρτοφύλακος, Ἀθήνα, 1853, p. 44: Τῷ παρόντι κανόνι χρησάμενος ὁ ἀγιώτατος ἐκεῖνος πατριάρχης κυρὸς Πολύευκτος, πρῶτον μὲν ἐξώθησεν ἐκ τῶν ἱερῶν περιβόλων τῆς ἀγιωτάτης τοῦ Θεοῦ μεγάλης ἐκκλησίας τὸν βασιλέα κυρὸν Ἰωάννην τὸν Τσιμισκῆν, ὡς φονεύσαντα τὸν βασιλέα κύριον Νικηφόρον τὸν Φωκᾶν ὕστερον δὲ ἐδέξατο. Εἶπε γὰρ μετὰ τῆς ἀγίας συνόδου ἐν τῇ γενομένῃ τηλικαῦτα συνοδικῇ πράξει, τῇ ἐν τῷ χαρτοφυλακείῳ ἀποκειμένη, ὡς, ἐπεὶ τὸ χρίσμα τοῦ ἀγίου βαπτίσματος τὰ πρὸ τούτου ἀμαρτήματα ἀπαλείφει, οἷα καὶ ὅσα ἂν ᾧσι, πάντως καὶ τὸ χρίσμα τῆς βασιλείας τὸν πρὸ ταύτης γεγονότα φόνον παρὰ τοῦ Τσιμισκῆ ἐξήλειπεν.
- 60 J. Darrouzès (ed.), *Les registes des actes du Patriarcat de Constantinople*, vol. I (*Les actes des patriarches*), fasc. V (*Les registes de 1310 à 1376*), Institut Français d'Études Byzantines, Paris, 1977, n. 2218 [= Darrouzès, *Regestes* V].
- 61 Darrouzès, *Regestes* V, n. 2267.
- 62 Darrouzès, *Regestes* V, n. 2274.
- 63 Although patriarch John XIV Kalekas was also exiled after he was condemned by the patriarchal Synod that took place on February 7-8, 1347, in this case, the decision to be banned from Constantinople was not at all a consequence of the excommunication pronounced with respect to John VI Kantakouzenos in October-November 1341. On the contrary, when he realized that *the usurper* John Kantakouzenos would come to the imperial throne, he urgently removed the ecclesiastical censure (February 3, 1347).
- 64 Charles Diehl, *Les grands problèmes de l'Histoire Byzantine*, coll. *Collection Armand Colin. Section d'Histoire et Sciences économiques* 237, Librairie Armand Colin, Paris, 1943, pp. 49-50.
- 65 The texts of these three synodal *tomoi* were paraphrased and inserted by Constantine Harmenopoulos (an anti-palomite Byzantine jurist, loyal friend to emperor John V Palaiologos) in an *addendum* (*Epimetra Hexabibli*) in his work entitled *Hexabiblos*, also known as *Procheiron Nomos* (1345), where he attempted to put together all the Byzantine civil laws that were in effect at that time. In this *addendum*, apart from paraphrasing the three decisions of the patriarchal Synod, the author also included a short version in Greek translation of the *Donatio Constantini*. The three synodal *tomoi* were ratified in June-July 1026 (during the reign of Constantine VIII), on March 24, 1171 (during the reign of Manuel I Komnenos) and on November 8, 1272, respectively (during the reign of Michael VIII Palaiologos, on the occasion of Andronikos II's coronation as *co-emperor*). All three synodal decisions have been interpreted as canonical innovations and their issue

has been explained through the excessive subservience of the patriarchs of those times (Alexios Studites, Michael III and Joseph I). In fact, there were also kept the two negative reactions to the idea of excommunicating those who rose against the imperial government, idea that was supported by Constantine Harmenopoulos himself, since he published the texts. Consequently, either before November 1353 (when he became patriarch), or around the end of 1354 and the beginning of 1355 (when he was defrocked), but before October 1364 (when he became patriarch for a second time), Philotheos Kokkinos wrote a letter to Constantine Harmenopoulos in which he produced a series of arguments against this innovation (Theodore Balsamon's commentaries to the canon 3 from the local Synod in Gangra; excerpts from St. John Chrysostom's exegetical commentary). Also, Matthaios Angelos Panaretos, an anti-Latin polemist from the mid-14<sup>th</sup> century, in a *codex* preserved in *Βιβλιοθήκη τῆς Βουλῆς* (Athens, mid-15<sup>th</sup> century, mss. gr. 33, ff. 398-401), aware of Philotheos Kokkinos' arguments, rejected the possibility to pronounce an excommunication on a person who remained loyal to the Orthodox faith, but chose to rise against the imperial government. For the critical edition and for annotations to these three *tomoi*, see: Marie Theres Fögen, "Rebellion und Exkommunikation in Byzanz", in: Marie Theres Fögen (hrsg.), *Ordnung und Aufruhr im Mittelalter. Historische und juristische Studien zur Rebellion*, coll. *Ius commune. Sonderhefte 70*, Vittorio Klostermann, Frankfurt am Main, 1995, pp. 43-80 (critical edition of the three texts pp. 67-79).

<sup>66</sup> Fögen, *Kaiser*, pp. 541-545; Marie Theres Fögen, "Um 1262: Warum Canossa in Byzanz nur zur Parodie taugte", in: Bernhard Jussen (hrsg.), *Die Macht des Königs. Herrschaft in Europa vom Frühmittelalter bis in die Neuzeit*, Verlag C.H. Beck, München, 2005, pp. 209-211.

<sup>67</sup> Lutz Rickelt, "Die Exkommunikation Michaels VIII. Palaeologus durch den Patriarchen Arsenios", in: *Zwei Sonnen am Goldenen Horn? Kaiserliche und patriarchale Macht im byzantinischen Mittelalter. Akten der internationalen Tagung vom 3. bis 5. November 2010*, hrsgg. Michael Grünbart, Lutz Rickelt, Martin Marko Vučetić, Teilband I, Lit Verlag, Berlin, 2011, pp. 102-105, 112-114, 118-125.

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