The story of one of Byzantium’s less well-known monastic founders, Glykeria, who created a monastery on her estate on the island of Skyros in the early eleventh century, provides a fascinating window into the realities of provincial monastic foundations. The struggles Glykeria and her husband John undertook in order to create an independent monastery also display systems of provincial authority in practice. In addition to its value as a source for provincial power contests, Glykeria’s surviving act of donation participates in a tradition of legal rhetoric that denigrates women’s ability to make legally sound judgments. This essay will use Glykeria’s example to explore this rhetorical tradition and assess its function and impact on the range of actions available to female founders and female legal actors more generally.

Glykeria is known from two documents surviving in the archives of Athos. The first document was written in 1012 and records a donation from Eustratios, a monk of the Great Lavra, to his nephew Athanasios who was the hegoumenos of the monastery of the Theotokos of Bouleuteria. Eustratios gave Athanasios a monastery, church and land on the island of Skyros that had been donated to Eustratios by Glykeria. So at least four different acts of donation were made for this monastery: Glykeria to Eustratios, Eustratios to Athanasios, Glykeria to her bishop, and Glykeria to Eustratios for a second time.

The story that emerges from the two surviving documents is that in the late tenth century Glykeria and her husband John were childless. They decided to turn their house and their estates in Skyros into a monastery and leave it to their spiritual father Eustratios, a monk of Lavra. The bishop of Skyros opposed their choice to found a monastery and demanded that they donate it to the church. In the course of the dispute the bishop banned the celebration of the liturgy at their monastery and censured those priests who served them. John travelled to Constantinople to ask the help of the patriarch, Nicholas Chrysoberges. Presumably John asked the patriarch to make his monastery a patriarchal foundation, a patriarchal stauropegion, which would have removed it from the jurisdiction of the local bishop. Nicholas gave John a sigillion and letter, which Glykeria still had years later. The sigillion and the letter were written to the bishop of Skopelos, rather than to the bishop of Skyros. While a lacuna impedes certainty, a plausible explanation is that the

2 Lemerle/Guillou/Svoronos, Actes de Lavra (cit. n. 1), no. 20.
bishop of Skyros had died and so ecclesiastical control of Skyros was temporarily exercised by the bishop of neighboring Skopelos. This bishop was just as hostile and after the receipt of the patriarchal sigillion certain illogical malignant ones, inspired by the devil, burned down the church John and Glykeria had built in the middle of the night. In the midst of these tumults John died, leaving Glykeria alone as a childless widow to continue the fight. Glykeria then made a donation of her monastery to her spiritual father Eustratios. Eustratios in turn donated the property to his nephew Athanasios. His act of donation mentions the travails Glykeria endured in order to donate the property to him. Meanwhile the fight over the monastery in Skyros continued. Although the poor preservation of the document makes the details obscure, Glykeria’s claim seems to have been that while in church the bishop threatened to pierce all of her limbs with some kind of saw. Under this pressure, she annulled her first donation and donated her land to the bishop against her will. Subsequently however she called on the help of Eustratios, who was by then the hegoumenos of Lavra. He sent his ecclesiarch Athanasios to Skyros. In the presence of Lavra’s representatives, the island’s luminaries, and visiting landowners from Lemnos, Glykeria claimed that the donation she had made to the bishop was invalid, null and void, on the grounds that it had been coerced through violence. She then made a new donation to Eustratios and to Lavra. We do not know whether the fight in Skyros continued after the representatives of Lavra went home, but the great monastery provided Glykeria with a strong and interested protector.

This story brings up a number of key factors in the functioning of authority in provincial society: the alternation of local coercion and violence with appeals to external authorities; physical movement from the provinces toward the centres of power and back; difficulties in getting that authority to stick once back in a provincial setting; the slight regard for ideas of episcopal jurisdiction or formal chains of authority. In addition Glykeria’s story offers particularly valuable information about the abilities of women to exert their authority and make legally binding decisions regarding their property.

The study of this provincial fight is made more intriguing by the preservation of all of our information in texts that participate in deeply ancient legal traditions. Legal documents of the Byzantine era participated in a tradition of legal writing that stretched back many centuries. Byzantine laws and legal theory of course constituted a direct living continuation of Roman law. Greek deeds of conveyance – sales, gifts, bequests – had been written as first-person declarations by the alienator since the first century BCE. Particular clauses of these deeds have clear antecedents in Akkadian deeds of the Old Babylonian peri-

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4 Lemerle / Guillou / Svoronos, Actes de Lavra (cit. n. 1), no. 16, pp. 141–144.
This continuity in legal forms and practices means that many of the individual phrases in medieval deeds of conveyance are present because they were required by legal conventions. Notaries constructed texts whose validity and strength they believed derived from their conformity to the principles of Roman law as they understood it.

The preponderance of evidence however indicates that medieval deeds were deeply responsive to individual circumstances. Notaries commonly had templates or formularies to guide their work. Yet while the models may have helped the writers know what sort of thing needed to be said, the documents vary too much for us to think that the authors were copying out clauses mindlessly. The structure of the deeds and the contents of the individual clauses conform to stable legal patterns, but the texts contain enough variation to be certain that they were composed with care for their specific occasions. Even in examples which share many common elements in length, vocabulary and meaning, the precise word choice varies. Each text should be treated as an individual composition because the writers were working within a living legal tradition that was adaptive and responsive to particular cases.

Late antique writers are known to have imbued their notarial work with a lively sense of drama and novelistic excitement. The influence of late antique rhetorical elaboration on legal education may be part of the explanation for the longer, more flamboyant, deeds of the sixth century and later. A similar sense of narrative drama can be discerned in medieval Greek deeds, such as Glykeria’s.

A standard part of a medieval deed of conveyance was a set of clauses in which the alienator expresses free will and denies coercion or any kind of pressure in making the transaction. If the seller could reasonably claim later only to have transferred the property under pressure, then the transaction could be ruled invalid. The clauses expressing free will and renouncing the ability to contest the transaction in the future became increasingly elaborate and detailed through the medieval period. When it came to writing clauses of intention


Saradi, Il Sistema Notarile Bizantino (cit. n. 8), pp. 89–93.


Simon, Ein späthethistisches Kaufformular (cit. n. 8), p. 176.


and renunciation for transactions involving women, their womanhood was frequently—but not universally—added to the list of possible reasons for making a bad decision that needed to be explicitly denied. In 897, for example Georgia stated that she donated her property voluntarily, and without any womanly simplicity.17 Womanhood was listed among all the other factors that could cause one to make a bad decision.18 One text additionally lists womanly guile among grounds for overturning a decision.19 When Manuel Lygaras, his wife and children, sold property in 1301, they all foreswore acting out of womanly simplicity, even though they were not all female.20 Womanly simplicity and subjection to men are often placed just before the “ordination Velleianum” in the list of renounced excuses.

The “ordination Velleianum” refers to the Roman Senatusconsultum Velleianum issued sometime between 41 and 65 CE, which prohibited women from posting security for others.21 The references to this first century senatorial decree in late medieval documents highlight the continuities in legal rhetoric over great stretches of time. The continuities in terminology can mask real changes in usage and perceptions of the underlying concepts. The precision of the Senatusconsultum Velleianum, which only forbade women to use their property as security for others, loosened even in antiquity so that the decree was seen as restricting women’s transactions more generally.22 In the Justinianic era the ordinance was seen as having been intended to protect women from their own weakness, and consequently was applied in circumstances beyond its original purview. By the medieval period “the ancient principle of the decree had been forgotten” and it appears to have been used arbitrarily according to the opinion of the notary.23

The legal discourse of “womanly weakness” seems to have originated as a rationalization for the practice of the perpetua tutela (lifelong financial guardianship) of women by a male member of her family.24 In the oldest stratum of Roman law perpetua tutela protected not weak women, but their fathers’ male heirs who stood to be defrauded by women who sought to transfer property to their children, and hence to their husbands’ families.25 The ancient Roman prejudice was that women were both greedy and good with money.26 The discourse of female weakness, and the perceived need to protect women on account of their infirmity, arose in the late republican period at a time when laws regarding women’s tuition.
telage were routinely circumvented and women commonly managed their own estates and passed them to their children.  

As the social and financial practices that gave rise to the *perpetua tutela* became ever more distant and unfamiliar, the vestigial laws were explained through the appeal to the weakness of women, first in forensic oratory and only in the late antique period in law and legal commentary.

By the medieval period the various phrases referring to female incapacity functioned together as a blanket renunciation of excuses based on female gender. Legal experts may well have understood the etymologies and traditions of legal theory behind these terms. Expert opinion notwithstanding, no legal training was required for participants in legal transactions to understand that the phrase meant that a woman was renouncing the ability to claim fraud based on being an infirm female. Regardless of the precise legal history of the phrases, the social logic was that the woman promised she would not claim that she had been defrauded because of some weakness in her gender.

By the fourteenth century clauses about female incapacity commonly were expanded to include a new renunciation of “subjection to men.”

Women foreswore future objections to the transaction on the basis of being either simple women or subject to male authority. This phrase has no precedent in classical Roman law, and is rather a rhetorical elaboration of the general idea of female helplessness and weakness. This innovation may indicate that notaries were less concerned with historical legal precision, and certainly reflects the ever-increasing elaboration of medieval notarial documents. The renunciation of the right to object on the basis of being deferential to men leads to a rhetorically pleasing three-part phrase; womanly simplicity, masculine subjection and Velleian doctrine.

The repetition of denials that women acted out of “womanly simplicity” indicated to everyone in the audience that it was possible to challenge a donation or testament on those grounds. Irrespective of formal legal training, anyone who witnessed a transaction involving a woman would have learned that women had certain protections enshrined in law based on the notion that women were naturally vulnerable. As one might expect, in some cases women did appeal to the notion of female weakness to “defraud the buyer.”

Female infirmity could become “a loophole in cases in which, as it seems, they had changed their minds.”

Given the existence of this loophole, how did women make their transactions binding when their status as women was a just cause for dissolving their agreements? A step toward greater understanding can be made when the performative contexts of the documents’ creation is appreciated. These texts were both props and scripts in a ritual interaction which constituted the sale. The document is not the sale, but one element of the process of property transfer. The ownership of the property was transformed through all

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29 Saradi-Mendelovici, *Contribution* (cit. n. 11), pp. 84–86.
31 Saradi-Mendelovici, *Contribution* (cit. n. 11), p. 82.
32 Saradi-Mendelovici, *Contribution* (cit. n. 11), p. 82.
the elements of the transaction: the whole process of assembling parties and witnesses, invocations of emperors and God, pronouncing certain words, writing those words, describing boundaries, handing money from one party to another – while saying aloud that the money is being handed over – uttering promises for the future and curses against transgressors, moving forward in order of rank to sign and cross the text. As in a marriage ceremony, the words uttered during the sale have a transformative meaning in the context of the performance that transcends their semantic content. The documents surviving are records of transactions, but also scripts and props in performances that enacted the transactions. When the documents describe actions – *I take these coins from your hand* for example – they are further functioning as a script for a drama.

We obviously do not know if the words the texts claim were spoken were actually the words said, but the conceit is that the document is a record of a spoken and physically acted-out transaction. Standard notarial practice would have been to read the document aloud. The normal process of composition of a medieval text was oral.

Many of our documents have a wordplay that is essentially oral. Rhythmic and euphonic patterns are established that give the long clauses power as incantations that far exceeds their semantic content. A phrase found in several renunciation clauses, τῇ περιγραφῇ καὶ παραγραφῇ τῇ ἐγγράφῳ καὶ ἀγράφῳ, roughly translated as forgery and special pleas, promises in writing and unwritten, has its power, not so much in the meaning of those words as in the repetitive euphony of hearing the root γράφω with four different prefixes separated with a steady alternation of τε’s and καί’s. While dreary to read, these texts would sparkle in an oral performance.

The semantic redundancy of the long clauses created strong, powerfully worded declarations for key participants in the transactions; it gave them good speeches. The words of the declarations were rhetorically dramatic and had meaning in the performance beyond their sense content. The continual lengthening of the legal forms through the Byzantine centuries indicates that some benefit was gained by having these performances be full. One simple explanation is that the drama was satisfying. No one would want to give a less elaborate performance than the one everyone had heard last time. All the participants in the transaction were engaged in “participatory literacy” which was inherently empowering as medieval literacy was “a technology of power.” The witnesses assembled were the most important people the participants could gather and their assembly demonstrated the extent of the participants’ effective network. It would be better not to send them home without a good show.

Additionally, strong rhetoric made for stronger performances that may have felt more permanent. The elaboration of the ritual of exchange may reflect anxiety about making the stated decisions permanent. Our surviving records provide significant indications of dispute regarding the transfer of land. People did try to overturn their

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35 Saradi, Le notariat (cit. n. 8), pp. 171–172.
own agreements. The reactive nature of Byzantine government, especially in the provinces, meant that the process of sale and purchase was essentially unregulated. Part of the elaboration of the clauses of renunciation of future legal action may have been an effort to make the transactions more difficult and more embarrassing to annul later.

The emphasis on the aural qualities and rhetorical strengths of the deeds is not to deny that legal experts would have known the significance of the legal distinctions indicated by the particular words, or that those distinctions had a role in the legality of the document. The level of meaning open to those with specialized legal education was complemented by more immediately experiential meanings open to all participants and witnesses of the transaction. The perceptions and understandings of all the players involved in a community dispute were significant, particularly in a setting such as the Byzantine provinces in which the legal document was but one element of a process of dispute that frequently included intimidation, physical violence, arson, and threat of denunciation to imperial authorities who were otherwise uninterested in regulating provincial squabbles.

Appreciation of the role of the legal documents within a transformative performance goes some way to explain how women could be party to legal transactions although “womanly simplicity” was a cause for annulling a transaction. Plenty of our surviving acts included women as central participants. The key that allowed women to make legal transactions may have been that gender is performed. The sheer act of participation in drawing up a written document and entering into a legal transaction was masculine gendered activity. All the women who undertook legal transactions were therefore performing masculinity. Since women engaged in legal activity were performing masculine actions they explicitly claimed not to act out of womanly simplicity. Women could make binding agreements when they acted like rational men rather than like simple women, hence they needed to forewear “womanly simplicity” in their transactions.

Returning to Glykeria, in her final act of donation to Eustratios in 1016, she rhetorically performs female gender, in an almost exaggerated form. In her first-person narrative of her travails, Glykeria appeals to her own female helplessness and weakness. In her narrative she endeavors to elicit sympathy by depicting herself as a helpless, childless widow struggling against oppressive tyrannical powers. The vocabulary of her story clearly invokes the constraint, difficulties, tyrannies, injustices, and indeed, the womanly simplicity, that were routinely denied as having influenced a decision to donate or sell property. Glykeria can be seen as having annulled her donation on the formal grounds of coercion and violence. Yet the rhetorical portrayal of her as a weak and helpless woman was a key to presenting such a powerful and wealthy landowner as a

38 Saradi, On the ‘archontike’ (cit. n. 5), p. 345. In donating his property to Lavra for all eternity, Jacob Kalaphatos explained that he had previously donated the land to another monastery for eternity, but he had changed his mind after a fight with the superior. Lemerle/Gillou/Svoronos, Actes de Lavra (cit. n. 1), n° 34. The regulations issued by Constantine Monomachos for the monasteries on Mt Athos addressed the issue of superiors who sign agreements before witnesses but later change their minds and annul the agreements, BMFD, I, p. 288.
39 Neville, Authority (cit. n. 6), pp. 99–135.
40 For the basic bibliography see D. Smythe, Gender, in: J. Harris (ed.), Palgrave Advances in Byzantine History, New York 2005.
41 Lemerle/Gillou/Svoronos, Actes de Lavra (cit. n. 1), n° 20, line 35: Εν τούτοις οὖν τοῦ ἐμοῦ τελευτήσαντος [συμβίου] (και) χήρα καὶ ἄπαις καταλιφθείσα τί τῶν ἄνερων καὶ πολλῶν βρήκαν ἀξίων […..] […..] ή ταλαιπωροῦ οὐχ ὑπείγην.
victim of coercion. Our text is so badly damaged that we have more a penumbra of vocabulary than clear sentences, but nearly all the key words occurring in the clauses renouncing coercion are used in the description of Glykeria’s troubles.43 Glykeria’s status as a widow – an unprotected woman – was central in portraying her as unable to resist pressure from her bishop.

Here the traditional gendered rhetoric of the legal texts is manipulated to make a case for annulling Glykeria’s previous sworn statement. Glykeria succeeded in changing her donation in part by appealing to her female weakness to overturn her earlier act. Glykeria’s final donation to Lavra includes many elements of the standard free-will clause. She acts freely and uncompelled and without any necessity or tyranny, but rather with all enthusiasm and choosing with my whole heart.44 But significantly she does not renounce “womanly simplicity”. In Glykeria’s donation she performs a weak woman whose sworn statement was invalid because of her female vulnerability in the face of pressure.

The circumstances of her fight indicate that much of Glykeria’s weakness was an act. The first witness to sign the document was Andrew Papadopoulos, an aikodespotes from Lemnos, followed by two spatharakandidatoi, several other landowners, the archon of Skyros and another landowner from Lemnos. Traveling from the island of Lemnos to Skyros was not trivial and the presence of two landowners from another island as well as several highly-titled local individuals speaks to Glykeria’s real influence and strength. At stake in Glykeria’s fight was not only the valuable asset of the estate but the principle of episcopal jurisdiction. The bishop stood to be publicly disempowered by having his canonical rights ignored by prominent members of the island community.

The gendered rhetoric – both the standard attempts not to act like women and Glykeria’s exaggerated female helplessness – can be better understood when the texts are considered as performative documents. Glykeria’s performance of female helplessness was but one act in a prolonged struggle, most of which was not recorded at any time. The two documents remaining are not a history of the event but props in an ongoing fight. Glykeria’s ostensible helplessness exhorted the men of her community to care for and protect her. Her posturing weakness gave them the opportunity to perform the highly positive role of helper and defender of the poor.


44 LEMERLE/GUILLOU/SVORONOS, Actes de Lavra (cit. n. 1), no. 20, lines 7–8: τίθημι [(και)] ποιὼ ἐκουσίο(ς) καὶ (και) ἀκινήσατ(ος) (και) δίχα πάντῃ ἀνάγκης(ης) ἡ τυραννίδ(ης) καὶ ἐμοῦ (ον) μὴν ὁ συνπροθυσίας(ας) πάση [(και) ἐλο ἄνωχ προθείει, …
When emperors took on this role, they did so in clear imitation of God.  

Glykeria’s story challenges us to reflect on the function of written documents in Byzantine society. It appears that, while texts and literacy were highly prized and acts of writing and written texts were significant and treasured in Byzantine culture, we should be highly cautious about using the surviving texts as mirrors of past events. However elaborate the statements of free will in a written document, the sentiments expressed could be denied later on the grounds that the participants had acted under duress. Presumably Glykeria’s donation to her bishop followed the standard form and so had all the usual attestations of free will. When another widow, Kalida, sold her property, she used a fairly standard clause of intent, but unusually explained that the reason she needed cash was so that she could ransom her captured son. Kalida’s description of her necessity at the moment of the sale was probably intended to make it more difficult for her to later annul the sale on the grounds that she had not acted out of free will. Making the seller’s script long and elaborate made it rhetorically stronger, but it could never actually guarantee that the participant in reality believed and thought the things he or she was asked to say. Performers could be actors. Glykeria, like Kalida, could say at the moment of the transaction that she was selling her land of her own free will without force, necessity, violence or compulsion, but if she really was subject to force, necessity, violence or compulsion what else would she say? This fundamental weakness of the document – that it could never lose its essential pretence and speak to inner truth – may have contributed to the continual growth of the rhetoric. Rhetorically elaborate performances were stronger than plain ones and so writers continually tried to go beyond the normal expressions of will to create a binding expression of true will.

These limitations on the binding power of the semantic content of the texts do not mean that the texts were unimportant. They were necessary as props in the moment they were created and enacted and in subsequent contexts they took on new roles. Texts can have all sorts of significance beyond what the words say. While whether the people who enacted the acts of sale really in their inward minds thought the things they pronounced at the moment the document was read was always open to doubt, the documents bore witness that they had once performed those sentiments in public. Documents were highly significant objects in disputes in part because sometimes the information in documents superseded all oral testimony and carried the day. Apart from issues of what people had said, the texts subsequently became objects testifying to the antiquity and significance of a household’s possessions. In particular within the deeply and continuously classicizing culture of Byzantium, texts could have significance as markers of continuity with ancient literate habits. Although the

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46 Evidence that documents were treasured is found in the instructions to the sacristan of the Kecharitomene monastery to preserve and guard the monastery’s records, BMFD, II, p. 681. I thank Alice-Mary Talbot for this reference.

47 Saradi, On the ‘archontike’ (cit. n. 5), p. 345: “Of course clauses of warranty could not secure the transactions if, in case of contestation of the validity of the document, it could be demonstrated in the tribunal that dynasteia or some other circumstance, which was contrary to the stipulations of the law, was involved.”

48 Lefort/Oikonomides/Papachryssanthou, Actes d’Iviron (cit. n. 12), no. 16.

49 Neville, Authority (cit. n. 6), pp. 139–142.

50 The cultural necessity of assessing taxation on the basis of written registers drove the imperial administration to
content of legal documents may have been decisive in some cases, these texts would have been deeply important even if they did not have much significance as records of what happened in the past. Glykeria’s example at least pushes us to consider the possibility that some of the performances recorded in our legal texts may have been quite disingenuous.

51 Leonora Neville continue to produce and carry tax register books whose information was so inconsistent and inexact as to be of little or no practical record-keeping utility. The difficult process of assessing taxation was eased by the presence of an authoritative text that may or may not have contained relevant information about who owed what. L. Neville, Information, Ceremony and Power in Byzantine Fiscal Registers: Varieties of Function in the Cadaster of Thebes, in: Byzantine and Modern Greek Studies, 25, 2001, pp. 20–43.

51 On the emergence of the record-keeping function of documents the classic treatment is M. T. Clanchy, From Memory to Written Record, England 1066–1307, Cambridge 1993.