

Novel 133.

Concerning monks and nuns and the manner
of their life.

(De monachis et santimonialibus et
vita eorum.)

Emperor Justinian Augustus to John, glorious
praetorian prefect of the Orient the second
time, exconsul-ordinary - and patrician.

Preface.

The monastic life, and the contemplation therein, is a holy matter, which naturally leads the souls to God, and is not only beneficial to those to betake themselves thereto, but is also clearly beneficial to all others through its purity and the prayers to God. Hence former emperors gave some study to this matter, and not a few things have been prescribed concerning their honorable conduct and their dignity by us. For we follow the divine canons and the holy fathers, who prescribed these things, since there is nothing that is not open to examination by the imperial majesty, who received the general care of all men from God. We have already enacted a constitution ^(a) which provides that monks who make up a crowd, shall live together according to the rule of so-called community-monasteries, shall have no individual places of abode, shall not accumulate riches, nor lead a life without witnesses, but shall live and sleep together, follow an honorable life, and be witnesses to each other's honorable conduct; and that the younger one shall revere the gray hairs of those who observe these rules, and take pains to hold vigils, so that nothing improper may happen even during sleep and no disgraceful spectacle be exhibited to the others, but that each one shall maintain propriety of conduct even during sleep.

(a) Novel 5 c. 3; see also Novel 123 c. 36.

Novel 133 c. 1.

c. 1. But since some things have been reported to us which need a more comprehensive and firmer law, we have justly come to make this law to perfect and supplement the former one, and we ordain, that no one shall have his own place of abode or what is called a cell, unless he is in the monastery alone with, perhaps, one or two servants, and leads a life of contemplation and solitude; but if there are several men, they shall have one meeting place both while they pray and while doing the natural things which are without blame or suspicion, and, as stated, they shall eat and sleep together. And this, if the number is such as to be contained in one house; otherwise, there may be two houses, perhaps, or three, to hold them. No one shall have anything for himself; but they shall live together day and night, so that they may observe the same thing at night as in the day time. For not all of them will sleep at the same time, and it is clear that some of them will sleep, while others will be awake, and that there will be some who will watch the sleepers. But if there are places in any monasteries under the ecumenical patriarch, whether in this great city -- or if there are any under your Holiness -- or in its territory, whether built by ourselves or by others, which have individual places of abode for some monks, you will destroy all these, and you will open them up to each other's view, so that they can all see what the others do. Why should those fear to do so, who have once consecrated themselves to God and have renounced all secular life? And this shall be so now and for all subsequent time, and we want no one, as stated, to have his individual habitation, but all shall be congregated together and each see what the others do; for it is clear that they will take pains that condi-

Novel 133 c. 1 cont'd.

tions are such as will be without blame. If anyone shall be so impudent as to dare to violate anything herein provided, the abbot of the monastery shall examine into it. We want a stricter rule to be followed than now; and in the first place we do not want the monastery to have any entrances, but only one, or perhaps two, and old and chaste men, approved by the testimony of all, shall stand at the door, who shall not permit the religious monks to leave the monastery without the consent of the abbot, but shall detain them therein, to find the ways of god and not disturb themselves, their doings and their studies; and (the doorkeepers) shall not permit any others who would take the good reputation away from the religious monks, to be in the monastery, either day or night. The monastery shall be surrounded by a firm wall, so that there may be no exit from it except by the doors.

c. 2. Next, even if there is no church in the monastery, they shall not, because of attendance at church, go out at will, or take walks and meet with men with whom that is not becoming, but they shall, at the time of the holy service attend it with the abbot or the primates and seniors among them, and when the service is over, all monks shall return to the community-monastery and remain there, and pray to God and read the holy scriptures. For the number of holy books is great, which can improve the mind of each one of them and imbue it with holy sayings, and if they read them continuously they will never waver, nor fall into human cares. In the holy church in the monastery (if there is one), there shall be four or five old men from the same monastery, who have already com-

Novel 133 c. 2. cont'd.

pleted the struggle in monastic practice, who have been considered worthy of the appointment as clergymen, and who shall have the position of presbyter, deacon or of a clergyman of lower rank. They shall speak to those who come, discuss the holy scriptures, and bring it about that all will be considered as (such good men); and they shall guard the holy house, and keep youths in restraint who want to break the traces.

c. 3. No woman shall enter into a monastery for men, or a man in one for woman, either out of respect of a decedent buried there or for any other reason, and especially if it is said that they have, perchance, a brother in the monastery, or a sister or any other relative. For monks have no relations on earth, since they are seekers of a celestial life. For what do those who enter look for, unless they want to do what is forbidden? Men are permitted to do what is becoming to men in monasteries for men, and women are permitted to do what becomes women in monasteries for women; but the two sexes shall not mingle, not even if someone is said to be a brother or sister or other relative; we do not permit any entrance to anyone even for that reason. For we go to the root of the matter, and prevent allurements which enter the mind through sight, and prevent the fall (apt) to arise therefrom, and thereby make striving for a better life easier and with less trouble for the holy strugglers. All, therefore, shall obey this law, and men shall not be buried in graves of monasteries for women, or women in graves of monasteries for men. Habitations of women are not becoming to men, nor habitations of men for women. Nor do we, on account of (paying respect to) deceased persons, permit dishonorable and destructive com-

Novel 133 c. 3. cont'd.

mingling (of sexes) to the survivors, so as not to open a way to nature to act unbecomingly, indulge in revels, play, disgrace things divine, and under the cloak of piety and the appearance of funeral solemnities do those things, which it is not even good for those who lead a monastic life to say or think. It is, however, apparent that those who attend to burials, and especially those who carry the bier and who dig the graves must enter the monastery. The matter is easy in connection with monasteries for men, but, on account of the prohibition just mentioned, not so easy in monasteries for women. 1. We, therefore, ordain that whenever anything of the kind is to be done, and a woman in a monastery for women is to be buried -- for we do not permit it in the case of a man -- the religious women shall remain in their rooms, and only the (female) doorkeeper or doorkeepers, and the abbess herself, if she wishes, shall be present at what is done, and the men, as soon as they have done what is customary in connection with burials, and have made the grave and covered the body, shall immediately depart without seeing any of the religious women or being seen by them. No other shall be invented by men to enter a monastery for women, or by women to one for men, not even to do those things which in connection with funeral rites are called 'commemorations,' namely, to meet on the third and the ninth day, or when forty days have passed, or a year, for in the case of a monastery for women, the women, and in the case of a monastery for men, the men may do everything in connection therewith, and no venerable monastery shall be besmirched by an evil report on account of such ceremonies.

c. 4. Since, however, none of the provisions which we make

Novel 133 c. 4. cont'd.

will be properly maintained, unless it is properly watched, we ordain, that the person at the head of the monastery for the time being shall constantly observe and examine into the life and condition of each one (of the monks), and whenever anything slight is done contrary to decorum, he shall correct it and not permit the fall to be great or the soul to perish, which has fled (to the monastery) for safety, to be obtained through monastic practice. The exarch,^(a) moreover, of the monasteries if there is any in the place, as there is in this fortunate city, shall examine into these matters, and send his deputies [apocrisarii] into the monasteries, and inquire of the neighbors whether any evil is perchance done in any of the neighboring monasteries, and he shall correct all these things, and give them the proper attention. The bishop of each city, too, shall look after this matter, including the patriarch, metropolitan bishop, and the bishop of the several cities, and shall send the religious defenders of the church who shall inquire into and maintain these provisions and shall not permit anything improper to be done, and if done, shall immediately correct it. The holy patriarch of this fortunate city, moreover, shall likewise examine into the matters pertaining to the monasteries located here and appoint the God-beloved defenders of the Great church and others whom he thinks careful and honorable to watch the matter, so that when the matter is watched by several, the observance may be greater and punishment be meted out for offenses.

Note.

(a) exarchs - This term seems here to be applied to a legate of the patriarch, who was charged with the general maintenance of

the latter's rights and authority, and also entrusted with the visitation of monasteries subject to him.

The term in general applied to anyone who took the lead, and was frequently used as the equivalent of a patriarch, but sometimes applied to one not quite so high in authority. See term 'exarch' in Smith & Cheetham Dict. of Christian Antiquities.

c. 5. Each monastery which is under an abbot, as stated before, shall have as so-called apocrisaries (deputies) men already advanced in age, who have completed their monastic training and who are not easily subject to passions of the body, to look after things for the benefit of the monasteries. Not only a monastery for men, but also one for women, shall have two or three men eunuchs, if possible, or old men, approved for their chastity, who shall attend to the business matters and administer the ineffable communion when it is time for that. If they have something necessary to say as to a transaction of some monastery (for women) and which affects one of the pious nuns, they shall speak only with the abbess and with no other women in the monastery, doing that through the pious (female) doorkeepers. For such doorkeepers shall be posted at the doors, who may observe the ingress to and egress from the monastery, prohibit egress from it and make ingress impossible except to the apocrisaries. These shall speak with the doorkeepers and announce their arrival; and when the abbess has been informed and has come down, she shall speak with them, and they shall tell her as to the administration and transaction on account of which they have come. In this way earthly matters will be well attended to, and chastity will in every respect be observed without any evil temptation. 1. If

Novel 133 c. 5 cont'd.

anyone offends -- for there is much that is human and no one can restrain his nature so as to never offend; that can be done only by God -- and the offense is slight, he ^(a) shall admonish and restrain him, and give time for penitence, so that reduced to a better condition, he may return to himself without losing the benefit from the hardship which he has already undergone. If the offense is graver, the cure of correction shall be applied in proportion to the sin, and a sterner admonition and severer penitence will be demanded. If he, who commenced to fall, can be saved in this manner -- and we say that as to holy women as well as to men -- he may give thanks to the great God, who has said that the angels in heaven also rejoice if one of the sinners is saved; if the offense is too great to be cured, he shall be expelled from the monastery, so that, when he himself turned from the good to the bad, he alone may reap the fruit of his evil, without besmirching others with any of his vice, just as a beast of burden affected by pestilence and incurably sick. And the emperor will not permit these things to be neglected, and will not fail to visit his indignation upon the abbot or the bishops of the places and defenders of churches under them, if they do not observe these provisions, since it is also necessary for the emperor to look after this matter. For if the monks offer prayers to God with pure hands and unstained minds, it is clear that the army will farewell and cities will flourish -- for when God is propitious and well-disposed, how could it be that the greatest peace and complete observance of the laws would not exist? -- the earth will bear fruits and the sea will yield its products, these prayers/conciliating the name of God in favor of the whole empire. And

Novel 133 c. 5 cont'd.

men generally will be more religious and they will live better when the purity of the monks is revered. Thus there will be concord among all, all will aim at this purpose, and all evil will, as far as possible, be exterminated, since in place of it, better and holier pursuits will be introduced, more in harmony with the situation. This is what we strive after, being persuaded that it is beneficial.

(a) This doubtless refers to the abbot, as well as abbess.

c. 6. We also want this to be observed in every respect, namely, that if one of the pious monks appears to live some tavern, he shall be immediately delivered to the defender of the city, and here to the tribunal of Your Sublimity, and if he is convicted, he shall be chastised and reported to the abbot, so that he may expel the person who does this, changing an angelic status for a dishonorable life, from the monastery. For we want the monks to do a two-fold work, either to devote themselves to the holy scriptures, or to mediate upon and be engaged in labors becoming to monks, and which are usually called manual labors; for a mind that is at leisure will produce nothing that is good. We have then enacted this law concerning these matters, and it shall be in force in this imperial city as well as among all people. For its proper security and maintenance, we shall transmit it to each of the holy patriarchs; they shall send it to the metropolitan bishops under them; these in turn shall deliver it to all the other bishops, and all these provisions shall be made known to the religious monks and abbots through them. Nor do we commit the observance of the matter only to the abbot of each monastery, nor solely to the God-beloved bishops of the places,

Novel 133 c. 6. cont'd.

nor to the venerable metropolitan bishops nor to the holy patriarchs, but (also) in this place (Constantinople) to Your Sublimity -- so that if the matter needs sterner correction, you may administer it when informed by the God-Beloved bishops -- and in the provinces to the presidents thereof, who shall first (before acting) be informed by the God-beloved bishops what is necessary to be done. Everything pertaining to God shall in every respect remain undefiled through the priests and the magistrates and especially the emperor, since none of the divine matters, and which are proper to be maintained, are neglected by us. But we strive in every way that the whole empire may enjoy the clemency of the great God and of Jesus Christ, the Saviour, through the purity of religious men, which must be maintained by the clergymen, the monks and the bishops, high or low, mindful of the sacred canons and of our laws and constitutions enacted concerning them the validity and effectiveness of which we also ordain by the present law.

Epilogue.

Your Glory, therefore, learning of our will, declared by this imperial law, must strive to carry it into force and effect.

Given at Constantinople March 16, 539.