

THE COMMUNAL CHARACTER OF THE ADMINISTRATION OF CHURCH PROPERTY IN CYPRUS UNDER OTTOMAN RULE

1. The purpose of the present paper is to trace and illustrate the communal character of Church land administration in Cyprus under the Ottomans. I am going to study an example of joint exploitation of church property by church and peasants. This is provided by the Archiepiscopal Register No XLII, p. 53. According to this, in the village of Vavatzinia in the year (α) “αφνης’ [1756] ἐδιαμοιράσθησαν ἡ ἄνωθ(εν) ἐλαιοὶ εἰς τοὺς χωριανοὺς κατὰ τὸ ὅπερ ἐπεδόθη τούτοις κατὰστιχον κατὰ μέρος διωρισμένας νὰ τὰς καλλιεργήσουν, καὶ ὅταν σὺν Θεῷ γίνῃ μαξοῦλιν νὰ πέρῃ ἡ ἐκκλησία δύο καὶ αὐτοὶ ἐν ὧς ὑπεσχέθησαν.”

We are here confronted with a sort of association between the church of Vavatzinia and the parishioners of that village community. The association concerns the cultivation and exploitation of a number of olive-trees belonging to the said church. The trees-in-question being the capital, were ‘distributed,’ for how long it is not specified, obviously by the church authorities, to the parishioners for cultivation. A special ‘register’ was handed over to them—no doubt to one of them acting on their behalf. This ‘register,’ in fact a contract, recorded the number and location of the olive-trees-in-question as well as the terms of distribution. According to the latter, the produce of the trees would be divided into three shares, two for the church offering the capital, and one for the parishioners offering the labour, which would have certainly included the collection and transportation of the olives from the trees. Who would pay the taxes is not stated. It is equally unknown who would provide the means of cultivation, water, tools, manure, etc.: It is to be presumed that all these except tax would burden the villagers.

2. Sociologically speaking this association falls under the category of *direct co-operation*, i.e. “activities in which people do like things together,”¹ or “communal relations involving a sense of collective participation.”²

1. R. M. Maciver - Charles H. Page, *Society*, London, Macmillan & Co LTD, 1961, p. 63.

2. *Op. cit.*, p. 231. Cf. A. D. Sideris, *Ἱστορία τοῦ Οἰκονομικοῦ Βλοῦ*, 1, Athens, ed. Argyris Papazissis, 1950, p. 21.

3. From an institutional point of view despite the omission of any mention of means of cultivation and tax the said association seems to be similar to the *colonia partiaria* of the imperial Roman period,³ the Byzantine μορτή (-*fructuum partitio inter Dominum fundi et agricolam*),⁴ otherwise ἐπίμορτος καλλιέργεια,⁵ the medieval *métayage* or *medietaria* or *moitoieria* or *moieterie* of

3. Georges A. Petropoulos, *Ἱστορία καὶ Εἰσηγήσεις τοῦ Ρωμαϊκοῦ Δικαίου*, 'Ὡς Εἰσαγωγή εἰς τὸ ἰσχύον ἐν Ἑλλάδι Ἀστικὸν Δίκαιον καὶ εἰς τὸν Ἀστικὸν Κώδικα, Athens, 1944, pp. 856-858. Eiusdem, *op. cit.*, (edition) (πρὸς χρῆσιν τῶν φοιτητῶν), Athens, ed. "Τὸ Νομικόν," 1955, pp. 412-414.

4. Carolus Du Fresne Du Cange, *Glossarium ad Scriptores Mediae et Infimae Graecitatis*, Lugduni, 1688, col. 957: μορτή, μορτίτης, γεωργός, partiarius colonus, cf. col. 478: ἡμισυμερίτης, partiarius, and ἡμισειαστής, partiarius colonus. D. Demetrakos, *Μέγα Λεξικὸν ὅλης τῆς Ἑλληνικῆς Γλώσσης*, VI, Athens, 1964, p. 4760 a: μορτή, μορτίτης, μορτικός. Cf. below, fn. 5.

5. Iohannis D. Zepos, *Βασιλικά*. II, Athens, ed. George D. Fexis, 1910, pp. 881b-896b, Βιβλίον 20, τίτλος 1, θέμα 25 § 6, espec. pp. 893a f.; cf. Hesychii Alexandrini, *Lexicon post Ioannem Albertum*, recensuit Mauricius Schmid, II, E-K, Amsterdam, Adolf M. Hakkert, 1965, p. 161, "ἐπίμορτος σπόριμος γῆ [ῆ] ἐπιμεριστή ...", cf. III, p. 121: "μορτὰν τὴν γνωμένην καταβολὴν ἀπὸ τῶν καρπῶν"; cf. N. Charissades, *Πρόχειρον Νόμων ἢ Ἐξάβιβλος Ἀρμενοπούλου ...*, ed. G. Seftanides, Constantinople, 1885, p. 418, BIBA. Γ', ΤΙΤΛ. Η, § 7: *Basilicarum Libri LX*, series B, Volumen III, Scholia in Libr. XV-XX, Ediderunt H.J. Scheltema et D. Holwerda, J.B. Wolters, Groningen, Djakarta - Martinus Nijhoff's Gravenhage, 1957, p. 1191: BXX, 125 [= D XIX, 2, 25], no 11; cf. I. Zepos & Pan. Zepos, *Jus Graecoromanum*, II, Athens, 1931, p. 65: [Κεφάλαια Νόμου Γεωργικοῦ κατ' ἐκλογὴν ἐκ τοῦ Ἰουστινιανοῦ Βιβλίου], θ': Ἐὰν γεωργός θερίσας μορτιτῆς [sic] ἄνευ γνώμης τοῦ χωροδότη καὶ κουβαλίση τὰ πράγματα αὐτοῦ, ὡς κλέπτῃς ἀλλοτριωθῇσεται πάσης τῆς ἐπικαρπίας αὐτοῦ; cf. *ibid.*, ι': μορτίτου μέρος δεμάτια ἐννέα, τοῦ χωροδεσπότη καὶ μέρος δεμάτων ἐν ὃ δὲ ἐκτὸς τούτων μεριζόμενος θεοκατάρατος, cf. pp. 65-66, ια' - ιζ'; cf. *op. cit.*, VIII, Athens, 1931, pp. 461-462: Ἐπίμορτος καλλιέργεια § 44. Εἰδικὰ θέματα ἐπιμόρτου καλλιέργειας (Κολλυγικῆς σχέσεως), examples from Argos, Andros, Monembassia, Palamas Karditsis, Chios; cf. Panay. I. Zepos, *Συνταγματικὸν Νομικὸν Ἀλεξάνδρου Ἰωάννου Ὑψηλάντου Βοεβόδα ἡγεμόνος πάσης Οὐγγροβλαχίας 1780*. Ἐκδιδόμενον μετ' εἰσαγωγῆς καὶ ἱστορικῆς ἀνασκοπήσεως τῶν ἐν αὐτῷ θεσμῶν, [Πραγματεῖαι Ἀκαδημίας Ἀθηνῶν, Vol. IV, no 2], Athens, 1936, p. 41, text and fn. 1: Οἱ γεωργικοὶ νόμοι [of the Isaurian Emperors] περιέλαβον διατάξεις μόνον περὶ τῶν εἰς κοινότητος βιούτων γεωργῶν (1 Πρβλ. Arhburner ἐν *J.H.S* 32, 1912, σ. 77. Οὕτως εἰς τοὺς γεωργικοὺς νόμους διακρίνονται δύο κατηγορίαι [ἐλευθέρων] γεωργῶν, οἱ "μορτῖται" καὶ οἱ "ἡμισειασταί". Οἱ πρῶτοι καλλιεργοῦντες τὴν ἀλλοτρίαν γῆν λαμβάνουν τὰ 9/10 τοῦ καρποῦ, ἀποδίδουν δὲ 1/10 εἰς τὸν κύριον τοῦ κτήματος. Μορτίτου μέρος ... [*J.G.R.*, II, p. 65, θ', above]. Ὁ δὲ τὴν ἡμισείαν λαβὼν γεωργός, καλλιεργεῖ τὸ ἀλλότριον κτῆμα δαπάναις τοῦ κυρίου αὐτοῦ, μερίζεται δὲ ἐξ ἴσου μὲ αὐτὸν τοὺς καρπούς. Ἀμφότεροι εἶναι ἐλεύθεροι γεωργοί. E.A. Sophocles in his *Greek Lexicon of the Roman and Byzantine Periods* (From B.C. 146 to A.D. 1100) Vol. 1, Frederick Ungar, Publishing Co., New York, p. 565 b gives: ἡμισειάζω, to halve,

Western Europe,⁶ and the Islamic-Ottoman *muzara'a* and *mus ākāt*, i.e. ἀγροληψία and δένδροκομία,⁷ especially the latter.

"The essential feature of *métayer* tenancy [in W. Europe] is the payment to the landlord of an agreed or customary proportion of the produce, commonly a half (whence, indeed, the name)."⁸ The means of cultivation should, in the West, be usually supplied by the owner of the property,⁹ and this is the case with present-day *métayage* there.¹⁰ But in the Byzantine and Muslim East the capit-

according to Heron Jun. 53, 27 [700 A.D.] ἡμ ἰσευμα, ἡμισυμερίτης [= Schol. Antec. 2, 23, 5], ἐξ ἡμισείας.

For the term ἐπίμορτος καλλιέργεια see also Demetrakos, *op. cit.*, IV, p. 2816a. For another testimony relating to Byzantine *métayage* see Sideris, *op. cit.*, p. 233 text and fn. 2: Βασιλ. ΝΕ' 14.

6. Carolus Du Fresne Du Cange. *Glossarium Mediae et Infimae Latinitatis*, ... Digessit G.A.L. Heuschel, Parisiis. [ed.] Firminis Didot Fratres, 1845, IV, p. 339 β-γ — p. 340β: Medietarius, Mettoier, Medeitatia Functio, Medietarii Servi, Medietaria, Medietarria, Medietas, Medietas Beneficii, Medietare teneri feuda, Medietas perpetua, Medietates, Medietarii, Medietenarii; cf. p. 337 γ: Mediatores; p. 338α - β: Mediator, Mediatoria, Mediatura; p. 339β: Medietaria; p. 464α - β: Moitoieria. The *Métayage* system did frequently occur all over Europe but not in England: William Ashley, *The Economic Organization of England, An Outline History*, Longmans, Green & Co., London, New York, Toronto, pp. 4-5, 55-56. For the *métayage* in North and Central Italy, — the so-called *mezzadria* — during the XIVth century and after, and for XVIII th century *métayage* in France see Herbert Heaton, *Economic History of Europe*, Harper & Brothers, Publishers, New York, 1948, pp. 111-112, 429; for the post - 1789 period see p. 435.

7. Dem. Nikolaïdes [ed.], 'Οθωμανικοί Κώδικες, ἡτοι Συλλογὴ ἀπάντων τῶν Νόμων τῆς 'Οθωμανικῆς Αὐτοκρατορίας, Διαταγμάτων, Κανονισμῶν, 'Οδηγιῶν καὶ 'Εγκυκλίων, Constantinople, 1889, I, pp. 715-720, Τίτλος Η', Περί ἀγροληψίας καὶ δένδροκομίας (περιέχει δύο κεφάλαια): Κεφάλαιον Α' Περί ἀγροληψίας (Μουζαραὰ πεγιανὶν τὰδ' ἱρ) articles 1431-1440, pp. 715-718, Κεφάλαιον Β', Περί δένδροκομίας (Μουσκατὰ π' ἐγιανιντὰ δῖρ), articles 1441-1448, pp. 718-720; cf. Joseph Schacht, *An Introduction to Islamic Law*, Oxford, 1964, pp. 119, 155, 156.

8. Ashley, *op. cit.*, pp. 55-56; cf. Zepos, *Βασιλικά*, cit., p. 894α [fn. 1].

9. E.g. see Du Cange, *Gloss. Inf. Latin.*, IV., p. 338 b: "donavit ... duas Medieturas cum bubus et agricolis"; cf. Heaton, *op. cit.*, p. 112: "The landlord provided the fields, vineyards, and pasture, and also such capital goods needed for their cultivation as the seed and the ox for the plow. The tenant usually was too poor to supply more than labor, and cattle were too expensive for a small man's purse." Cf. the Byzantine ἡμισειασταί, above fn. 5, apud Zepos, *Συνταγματικόν*, p. 41, fn. 1.

10. *Larousse Universel*, II, Paris, 1949, p. 201a: "... à l'inverse du fermier, il [= the *métayer*] n'effectue cette mise en valeur qu'avec les ressources en argent, machines et animaux, que lui fournit le propriétaire; il ne paie pas de redevance en argent, mais partage la récolte avec le propriétaire. Le *métayage* est donc à la fois un mode d'association et un mode de louage"; cf. Harrap's *Standard French and English Dictionary*, edited by J.E. Mansion, I,

al goods needed for cultivation could be supplied either by the landlord or by the *métayer* peasants. In Byzantine law the former category of peasants were termed *ἡμισειασταὶ* and took half of the produce, while the latter were the *μορτίται* who took 9/10.¹¹ In present day Cyprus, particularly in the plain of Messaria, in Paphos district and in the Western section of Limassol district, there is a type of *métayage* system called *φουμουσιαρκά*—elsewhere *πομισιαρκά*—, according to which the landowner offers the land and the seed and also pays all taxes, while the ‘hirer’—tenant supplies the labour and the live stock required for cultivation.¹² This recalls no doubt, the Byzantine *ἡμισειασταὶ*^{12a} and occurs often in church registers of the Ottoman period.^{12b}

4. Now from the legal point of view the character of *métayage* is much disputed: (a) some take it to be a partnership¹³ or a ‘deficient partnership’;¹⁴

French-English with Supplement, 1961, p. 536a; cf. *The Shorter Oxford English Dictionary on Historical Principles*, Revised by C. T. Onions, 1, 1959, p. 1242 b.

11. Zepos, *Βασιλικά*, cit., p. 894 α-β (ftn. 1); cf. Nikolaïdes, *op. cit.*, p. 716 ftm. 1 to article 1434; for the shares see *ibid.*, p. 717 art. 1435: 1/2 or 1/3 would be that accruing to the peasant in *muzara’at*; same in *musākā’at*, *ibid.*, p. 719 art. 1444. For *ἡμισειασταὶ* and *μορτίται* see Zepos, *Συνταγμάτιον*, p. 41 ftm. 1, and J.G.R., VIII, pp. 461-462.

12. N. K. Lanitis, *Ἀγροτικά Χρέη καὶ γεωργικοὶ συνεταρισμοὶ ἐν Κύπρῳ*, (translation from the English by Chr. Christodoulou,) Limassol, 1943, pp. 11-12.

12a. Zepos, *Συνταγμάτιον*, p. 41, ftm. 1.

12b. E.g. see Register XLIII, p. 10, “Σκυλλούρα, ἀφ’δ’ [1764], νεομ. γ’ κτηνὰ κεφ. 50, τὰ ὁποῖα ἐδόθησαν τῷ μουχαρρέμῃ διὰ φουμουσιάρικα”; Reg. XLIII, p. 439, “Λογαριασμοὶ τοῦ ἰ. μοναστηρίου τοῦ ἀγίου Σπυρίδωνος, ἀφ’δ’ [1764] = ἰανν. κ’ ... σπορά, σῖτος καὶ κριθὴ φουμουχιάρικη μὲ τὸν ἴδιον σκάλ(ες) 51”, etc.

13. E.g. see Heaton, *op. cit.*, p. 112: “The method was in effect a partnership in which one member provided the capital while the other supplied the labor. If the harvest was good both benefited, if it was bad, both shared the disappointment”; cf. Zepos, *op. cit.*, p. 893a ftm. 1: “Ἡ ... ἐπιμορτος καλλιέργεια ἀποκλίνει εἰς τὴν ἐταιρίαν”; cf. p. 893b ftm. 1, p. 894a ftm. 1 - p. 894β ftm. 1, p. 895α-β ftm. 1, espec. p. 895b: [ὅταν] ἀντὶ τῆς χρήσεως λαμβάνεται καρπὸς [προκύπτει] ἢ τῆς ἐπιμόρτου καλλιέργειας ἐταιρική σχέσις”; cf. *Basilicarum Liber LX*, ... ed. Scheltema - Holwerda, B, III, cit. p. 1191, BXX, 1, 25, [§], 11, [§] 12; cf. Charissiadēs, *Πρόχειρον* ... ‘*Ἀρμενοπούλου*, 418, BIBΛ. Γ’, ΤΙΤΛ. Η’ § 7: ... “Ὁ δὲ τοὺς καρποὺς μεριζόμενος ὡς μισθωσάμενος ὡς ἀνὴρ δικαίῳ κοινωνίας καὶ τὸ κέρδος καὶ τὴν ζημίαν συμμερίζεται τῷ δεσπότῃ (B. XX. 1,25).”

14. This is particularly the view of Moslem legal experts: Nikolaïdes, *op. cit.*, p. 715, ΤΙΤΛΟΣ Η’. ΚΕΦΑΛΑΙΟΝ Α’, Περὶ ἀγροληψίας, art. 1431, ftm. 1: “ἐπειδὴ ἀντικείμενον τῆς ἐταιρίας εἶναι τὰ παραχθισόμενα προϊόντα, τοῦτέστιν ἄγνωστον καὶ ἀόριστον πρᾶγμα, ἡ τοιαύτη ἐταιρία εἶδει νὰ θεωρηθῇ ὡς πλημμελής καὶ διὰ τοῦτο κατὰ τὸν Μέγαν Ἰμᾶμην τοιαύτη ἐταιρία δὲν ἐπιτρέπεται, ἀλλ’ ἐπετρέπη ὑπὸ τῶν δύο Ἰμᾶμῶν διὰ τὴν διευκόλυνσιν τῆς παραγωγῆς ἐξαιρετικῶς”; cf. *ibid.*, p. 719, [ΤΙΤΛΟΣ Η, ΚΕΦΑΛΑΙΟΝ Β’, Περὶ δυνδροκομίας, art. 1441], ftm. 1. For another case of ‘deficient partnership’ see *ibid.*, p. 678,

(b) others take it to be a *locatio conductio operarum* and *operis*; (c) a third group consider it an 'anonymous exchange,' and (d) a fourth one consider it a *locatio conductio rei*=renting or farming.¹⁵ Though the latter view seems to have prevailed, especially on the ground that, according to Roman Law, the rent of a rural property can consist (either in money or) in a part of its produce, and, consequently, that the tenant has to allow the landowner's supervision of operations,¹⁶ still it can by no means explain or nullify the partnership element of *métayage* which can best be defined as "*à la fois un mode d'association et un mode de loyage*."¹⁷ This double identity may produce some ambiguity,¹⁸ but cannot destroy the partnership element in *métayage*, which, however, does not at all imply a joint ownership of the property between the landlord and the tenant, but just an association concerning the produce, a part of which will be given to the tenant as reward for his work.¹⁹ This was especially true of the Byzantine *ἡμισειασταί*, but none the less of the *μορτίται* too.

5. Which is the origin of the *métayage* attested in Vavatzinia in 1756? A definite answer is impossible. What can at present be provisionally stated is that it may have been a traditional usage in Cypriote church law, going back either to the Byzantine or to the Latin²⁰ period, and fitting well into the Muslim

ΚΕΦΑΛΑΙΟΝ Γ', Περὶ εἰδικῶν ὄρων τῆς χρηματικῆς ἐταιρίας, art. 1343 and ftm. 1, art. 1344 and ftm. 2: "... ἐταιρεῖται ... λογίζονται πλημμελεῖς, διότι ὁ μὲν εἰς καταβάλλει ἐμπορεύματα, ὁ δὲ ἕτερος χρήσιν, ὠφέλειαν πράγματος, τοῦ κέρδους ἀνήκοντος εἰς τὸν κύριον τοῦ συγκεκριμένου πράγματος, τουτέστιν εἰς τὸν τῶν ἐμπορευμάτων."

15. Petropoulos, *Ἱστορία καὶ Εἰσηγήσεις*, cit. [above, ftm. 3], 1944, p. 857 = ed. 1955, p. 413. For a detailed discussion of the question see E. Kobles, *Der Teilbau im römischen und geltenden italienischen Recht*, Marburg, 1928, pp. 24-25.

16. Petropoulos, *op. cit.*, *loc. cit.*; cf. Heaton, *op. cit.*, p. 112: "Having provided so much, the landlord decided the kind of work that the tenant must do, supervised operations, and at harvest time claimed a fraction of the crop, often a half"; cf. Nikolaïdes, *op. cit.*, p. 720, ftm. 1 to art 1447: "'Ο καρπὸς ἀνήκει εἰς τὸν κύριον τῶν δένδρων ... ὁ δὲ δενδροκόμος λαμβάνει μισθὸν κατ' ἐκτίμησιν, διότι κατέβαλε τὴν ἐργασίαν αὐτοῦ ἐπὶ σκοπῷ ὠφελείας."

17. Cf. *Larousse*, above, ftm. 10.

18. See Nikolaïdes, *op. cit.*, p. 716 ftm. 1 to article 1434: "'Ἐὰν ὁ σπόρος εἶναι τοῦ ἀγροδεσπότου, τότε ὁ ἀγρολήπτης θεωρεῖται μισθωτός [= tenant], ὁ δὲ ἀγροδεσπότης μισθωσάμενος. Ἐὰν δὲ ὁ σπόρος εἶναι τοῦ ἀγρολήπτου, τότε ὁ ἀγρολήπτης θεωρεῖται ὅτι ἐμισθώσῃ τὸν ἀγρόν, διὰ τοῦτο τὸ προϊόν ὅτε μὲν θεωρεῖται ἀμοιβὴ τῆς ἐργασίας, ὅτε δὲ μίσθωμα τῆς γῆς." Cf. Zepos, *op. cit.*, *loc. cit.* When the seed was provided by the landowner, the peasant was, in Byzantine terminology, *ἡμισειαστής*; when by the peasant, himself, he was *μορτίτης*; cf. above, ftm. 5 and ftm. 12a.

19. Zepos, *op. cit.*, pp. 894a-β, 895a-β, cf. p. 893a-β.

20. As a matter of fact no actual testimony relating to *métayage* practised in Cyprus before 1756 has come down to us, at least to the best of my knowledge. But it is to be assumed

law introduced in Cyprus after 1570. Unfortunately neither the amount of rent to be discharged by our χωριανοί — 2/3 as against 1/3 that would be reserved for them — nor the omitted terms of “distribution” (=grant, lease) concerning the means of cultivation and tax, may offer any help in determining the origin of the institution under consideration.

The amount of rent, 2/3, recalls the Ottoman *muzara'a* and *musākāt*. According to both, the peasant-associate would enjoy 1/2 or 1/3 of the produce, the exact rate being fixed in the contract.²¹ This contrasts the κολλιγιά in Modern Monembassia, where 3/4 of the produce go to the peasant-associate, and the επίμορτος καλλιέργεια in Andros, where the peasant receives either 2/3, in the case of cereals, beans etc., or 3/4, in that of wine, oil, etc.,²² i.e. amounts approaching the 9/10 enjoyed by the Byzantine μορτίται.

Concerning the amount of rent, 2/3, our Vavatzioniotai associates cannot have been μορτίται if, however, they had to pay for the cultivation expenses, as we have assumed (§ 1), then they would appear to be a variety of that class, while the rate of rent would rather approach them to the ἡμισεϊασταί, or to the *métayers*.

that it had been part of the legal tradition of the island during both periods, whose law provided for this as for other sorts of association including the κολλιγιά or Κολλιγιά (cf. Kyrris, in *Rivista di Studi Bizantini e Neoellenici*, N. S. 4 [XIV], Roma, 1967, p. 133 fn. 1). For some cases of association - not métayage - in Lusignan Cyprus see Jean Richard, *Chypre sous les Lusignans. Documents Chypriotes des Archives du Vatican* (XIVe et XVe siècles), Paris, 1962, pp. 115-117, doc. II, 1319, 1er mars: ... Mauricio ... generali preceptori Hospitalis ... ac medietatis bonorum et reddituum eiusdem Hospitalis in regno Cipri; L. de Mas Latrie, *Histoire de l'île de Chypre sous le règne des princes de la maison de Lusignan*, III, Paris, 1835, p. 379 fn. 4: a document of 1474, IV Junii: ... cum conditione partis dimidii ...; p. 380: a document of 28. III. 1474: ... solvendo dimidium nostro dominio juxta formam partis.

21. Nikolaides, *Ὁθωμανικοὶ Κώδικες*, I, cit., p. 717 art. 1435 (*muzara'a*); p. 719 art. 1444 (*musākāt*). The choice between 1/2 and 1/3 would depend upon whether the seed and means of cultivation were provided by the owner or by the peasant, cf. *ibid.*, p. 716 fn. 1 and p. 717 fn. 1.

22. Zepos, *J.G.R.*, VIII, pp. 461-462. Note that in Andros the κολλιγιάς = peasant-associate does also several jobs for the owner without any salary, offers him a number of yearly presents and acquires a number of hereditary rights of possession on the property in association with the owner, at whose expense the cultivation is done. For other cases of κολλιγιά μορτή see George A. Petropoulos, *Νομικά Ἐγγράφα Σίφνου τῆς Συλλογῆς Γ. Μαριδάκη (1684-1835) μετὰ συμβολῶν εἰς τὴν ἔρευναν τοῦ Μεταβυζαντινοῦ Δικαίου*, ἐκδιδόμενα ὑπὸ Γ.Α.Π., fasc. 1, Athens, 1956 (= Μνημεῖα τῆς Ἑλληνικῆς Ἱστορίας, Vol. III, fasc. 1, edited by the Academy of Athens), pp. 97-109 doc. 26a, 1805 (20.X), cf. p. 188 doc. 44, 1740.

6. So we are confronted with a mixed local kind of ἐπίμορτος καλλιέργεια, possibly of Byzantine origin, with, perhaps, both Latin and Moslem influences in details. This would fit into the general pattern of survival of Byzantine Law in Cyprus under Latin occupation in the Bourgeois Assises, the Church Law²³ and the Customary Law of the island, though not without various impacts on it. That such a survival would be extended into the Ottoman period is to be expected and is amply attested in several ways. The very reference to a κατά-στιχον handed over by the Church authorities of Vavatzinia to the villager associates (§1), points to the well known constitutive importance of βρέβια (= Registers, κατάστιχα) and of written contracts, in Byzantine sale and transaction law.²⁴ There is no trace of any paroikian status in the said associates, who, like the Byzantine μορτῖται and ἡμισειασταί, are free men.²⁵ This may point to the survival of a free peasantry in Cyprus from the Byzantine period, although it is also possible that our μορτῖται and ἡμισειασταί may have been the descendants of ancient paroikoi whose feudal obligations (corvée, rent etc.) were converted into *métayer* dues under Ottoman rule.²⁶

7. However, what is to be stressed in the case under consideration is, beyond the institutional point of view, the *collective*, specifically *communal spirit* attested in the association between Church and rural population. This spirit was not limited to Vavatzinia or to μορτή: it covered many aspects of the maintenance,

23. Pan. I. Zepos, "Τὸ δίκαιον εἰς τὰς Ἑλληνικὰς Ἀσσιζὰς τῆς Κύπρου," *Ἐπετηρὶς Ἑταιρείας Βυζαντινῶν Σπουδῶν*, XXV, 1955, pp. 306-330, citing sources and literature; C. Hadjipsaltes, "Εκκλησιαστικά δικαστήρια Κύπρου ἐπὶ Φραγκοκρατίας, Μία "πληρεστάτη ἀπόφασις" τοῦ ἐπισκόπου Σολίας Λεοντίου (1306 μ.Χ.) εἰς ὑπόθεσιν τελείας μνηστείας, *Κυπρ. Σπουδ.*, XIX, 1956, pp. 25-34; Achill. C. Emilianides, The "Hellenic Laws" of Cyprus and the Hexabiblos of Armenopoulos, in *Τόμος Κ. Ἀρμενοπούλου ἐπὶ τῇ ἐξακοσιετηρίδι τῆς Ἐξαβίβλου αὐτοῦ, 1345-1945*, Thessalonica, 1952, pp. 33 f.

24. Pan. I. Zepos, "Τὸ δίκαιον εἰς τὰς Ἑλληνικὰς Ἀσσιζὰς τῆς Κύπρου," *ΕΕΒΣ*, XXV, pp. 318-319. Georges A. Petropoulos, *Νομικὰ Ἐγγράφα Σίφνου, passim*, e.g. pp. 40, 264-266. Ant. Fl. Katsouros, "Ναξιακὰ δικαιοπρακτικὰ ἔγγραφα τοῦ 16ου αἰῶνος," *Ἐπετ. Μεσ. Ἀρχ. Ἀκαδ. Ἀθ.*, V, 1955, pp. 47-91. Apostolos E. Vakalopoulos, *Ἱστορία τοῦ Νέου Ἑλληνισμοῦ*, II, 1, Τουρκοκρατία 1453-1669. Οἱ ἱστορικὲς βάσεις τῆς Νεοελληνικῆς Κοινωνίας καὶ Οἰκονομίας, Thessalonica, 1964, pp. 31-34. Constantinos A. Manafis, *Μοναστηριακὰ Τυπικὰ-Διαθῆκαι*, Athens, 1970, pp. 113-123, especially pp. 119-120; Costas P. Kyrris, "Ἀνέκδοτα Ἐγγράφα ἀπὸ τὸ Ἀρχεῖον τοῦ Δήμου Λαπύθου," *Χρονικὰ τῆς Λαπύθου*, I, January 1970, pp. 51-53 with further literature. Costas P. Kyrris, "Ἡ μονὴ Ἀγίας Νάπας ἰδίως ἐπὶ Τουρκοκρατίας," *Κυπρ. Σπουδ.*, XXXII, 1968, pp. 256-257 text and fn. 37.

25. Zepos, *Συνταγμάτων Νομικόν*, p. 41, fn. 1.

26. For the close connection between serfs' and *métayers*' obligations see Ashley, *op. cit.*, p. 56; Sideris, *op. cit.*, pp. 233, 231 f.

preservation and administration of ecclesiastical property. So, in Register XLIII, p. 8 occurs the following entry:

(β) "Παλαιομέτοχον,
αψμθ' [1749] νοεμ(βρίου) β' εξετασθείσης τῆς ἐκκλησίας ταύτης οὐδὲν εὐρέθη αὐτῇ, ὑπεσχέθησαν δὲ οἱ ἐγγύριοι εἰς τὸν καιρὸν νὰ κάμουν ἀπὸ μίαν σκάλαν χωράφι καὶ νὰ δώσουν καὶ ἀπὸ ἓν κτηνόν. ἐπίτροπος κατέστη δ' κὺρ ἀντζουλῆς."

The village church was found to be in extreme poverty. To make it good, the parishioners offered each one to till one acre of its land and to donate one animal to it: they did this as a duty towards their local church, which meant and means so much for them, being a supra-human entity, a symbol of transcendental contact with God, and a power offering protection and services.

8. Similar examples are provided by the following entries, in Register XLII, p. 194:

(γ) "Τοῦ Ριζοκαρπαστοῦ
αψνε' [1755] προσετέθη διὰ κοινῆς ἀγορᾶς τῶν χωριανῶν χωράφι τοῦ στεφανῆ εἰς τὴν ἀγίαν θέκλαν κατὰ τὸν καιρὸν τῆς δυστυχίας σκάλ(ες),⁵" and in Register XLVI, p. 50:

(δ) "Τοῦ Ἀγίου Νικολάου Δαυλοῦ....
(απογ') [1773] ἕτερον [ἐσσωπέροβον] εἰς τὸν Δαυλὸν μὲ νερόν, εἰς κάθε 5 ἡμέρας ἓν νυχθήμερον μὲ τὴν θέλῃσιν τῶν χωριανῶν."

9. Such 'common purchases' and 'common donations' of property by villagers for their church do, like the innumerable individual donations to and 'purchases for the sake of' churches and monasteries, point to the *communal character of church property*—in pure theory—and also throw ample light on the ways and means by which that property was excessively increased during Ottoman rule. And, although this is beyond the scope of the present paper, it may be added here that, among the motives of such donations and accretion, through purchases, were piety, the collective or communal spirit and, also, the wish of villagers to secure their property from Turkish rapacity by entrusting it to the Church, whose property was relatively safer than that of individuals under normal circumstances.

10. One step further was the *communal control of the management of ecclesiastical property*²⁷ such as appears in entries like the following:

27. To be distinguished from the "communal management of the whole village territory" and "joint husbandry" in some European countries during the Middle Ages: E. Lipson, *The Economic History of England*, Vol. I, The Middle Ages, London, Adam and Charles Black, 1956¹¹, pp. 74-78 ("open field system", having "strong elements of communalism" and a tillage "co-operative in character").

(ε') Register XLIII, p. 380:

“Ομορφίτα, αφνέ' [1755], α'.

Παραιτηθέντος τοῦ πρὸ χρόνων ἤδη ἱκανῶν ἐπιστατοῦντος ἐπιτρόπου κὺρ ἀντώνη ... 'Εδιωρίσθη μὲ γνώμην ὄλων τῶν χωριανῶν ὁ κυργιανής.”

(στ') Ibid., p. 353:

“Γιαλοῦσα. ἀφοῶ [1771] 2/24 Δεκεμβρίου 24. Κατὰ τὴν σήμερον ἔμπροσθεν τοὺς Χωριανοὺς ὁμολόγησεν ἐν φόβῳ θεοῦ ὁ τῆς ἱ(ερᾶς) ἐκκλησίας ταύτης 'Επίτροπος γέρο Τζουφρῆς εἰς ὅσον καιρὸν φαίνονται οἱ λογαριασμοὶ τοῦ ἀναπόδεικτοι ἐφ' ὅσον ἐστάθησαν αὐτὸς ἕως τώρα, ἔμειναν τῆς ἐκκλησίας ἄσπρα καθαρὰ ἐπάνω εἰς τὸν ἴδιον @ (ἄσπρα) 30.15 εἰς τὸν νικολὸν υἱὸν τοῦ @ 30.15 καὶ εἰς τὸν γαμβρόν τοῦ ἱεροδιάκονον @ 26. καὶ ὁ Μανρομάτης ἄσπρα 40' καὶ ἐδιωρίσθη μετ' αὐτοῦ [apparently by the parishioners' assembly] ὁ υἱός τοῦ νικολὸς εἰς ὃν ἐδόθη καὶ κατάστιχον. Τὰ ἄνω τοῦ μανρομάτη ἐπληρώθησαν εἰς @ καὶ εἰς ἓν κομμ(άτι) περιβόλ(ι) ὁμοίως καὶ τοῦ νικολῶ τὰ 15. εἰς ἓν βόδιν καὶ μένουσιν ἄλλα 15.”

(ζ') Ibid., p. 177:

“Ἀθνα. αφνγ' [1753], ἰούλ. (105) ιζ'. Μετὰ τὴν φυγὴν ὄλων τῶν χωριανῶν, ἔμεινον τὰ τῆς ἱ(ερᾶς) ἐκκλ(ησίας) ἀπροστάτευτα καθὼς καὶ τὰ κτηνὰ τῆς ἀπερίσκεπτα. Τὰ νῦν δὲ μερικοὶ τούτων συναχθέντες εἰς τὸ χωρίον, καθὼς ὅτε Λυσάνδρος τῆς μαροῦς καὶ ὁ Λυσάνδρος τοῦ τζοβάνη. Οἱ ὅποιοι αὐθις ἐζήτησαν κτηνὰ καὶ ἐδόθησαν αὐτοῖς κεφ.(άλια) 110. νὰ δίδωσι κατ' ἔτος @ 8 κατὰ τὸ ὅπερ ἔχομεν τούτων συμφωνητικὸν γράμμα εἰς πλάτος.”²⁸

(η') Ibid., p. 205:

“Μουσουλῆτα. ἀφος' [1776] νοεμ[βρίου]... κοινῇ γνώμῃ ἐδιωρίσθη ἀντ' αὐτοῦ [τοῦ 'Αντώνη Καρτίκκη] ὁ Χατζῆς κὺρ Νικόλαος τοῦ παπα εἰς τὴν ἐπιτροπὴν ...”

(θ') Ibid., p. 260:

“Ἅγιος Μέμων, (see 259) ... ἀφοβ' [1772] [ἐπίτροποι] ἐδιωρίσθησαν ὁ κὺρ Λιάσης καὶ ὁ πρωτοπαπᾶς κοινῇ γνώμῃ τῶν ἐνοριατῶν, ὁ κὺρ Χ' Φραντζέσκος ἀντ' αὐτοῦ...”²⁹

(ι') Ibid., p. 275.

“Τραπεζα ... αφνδ' [1754] ...

ἐξετασθέντος τοῦ λογαριασμοῦ τῆς ἐκκλησίας ἔμπροσθεν τῶν χωριανῶν διὰ τοῦ ἡμετέρου ἐξάρχου παναρέτου...”

28. For the written contract see above text and fn. 24 in § 7.

29. This case is mentioned in Costas P. Kyrris, 'Ιστορία τῆς Μέσης 'Εκπαιδεύσεως 'Αμμοχώστου 1191-1955 ἰδίως δὲ τοῦ Ε.Γ.Α., 'Εκδόσεις Λάμπουσα, Nicosia-Cyprus, 1967, p. 25a.

(ια') Ibid., p. 279:

“Αγιος Σέργιος απνθ' [1759].... (when the ἐπίτροπος Χατζή Τζιά died in 1759, he was succeeded by his son) Γεώργιος Τζιάς, κοινῇ γνώμῃ ἐπίτροπος.” This Georges had also been serving as ἐπιστάτης = inspector of church proerty before 1759.

11. So, at least some of the ἐπίτροποι administering ecclesiastical property under Ottoman rule appear to have been appointed by or with the consent of and in some way to have been acting as trustees for the community and the church authorities, to both of whom they were accountable. I stress “some,” because in almost all other cases the ἐπίτροποι appear, at least as far as the texts indicate, to have been appointed by the church authorities alone, i.e. usually by an archimandrite acting on behalf of the prelate. E.g. see (ιβ) Register XLIII, p. 167: Ὁρμήδια, απν' [1750] ἀνγ(ούστου) κά(τι), ἐδιορίσθη ἀπὸ τῆς σήμερον ἐπίτροπος τῆς αὐτῆς ἐκκλησίας δι' ἡμετέρον γράμματος (of the archbishop) ὁ καθηγούμενος τῆς ἀγίας νάπιας κὺρ νικηφόρος εἰς ὃν ἐδόθη καὶ τὸ τῆς ἐκκλησίας κατὰστιχον τῶν τε πραγμάτων καὶ τοῦ λογαριασμοῦ.”

(ιγ') Cf. Ibid., p. 191

“Βατηλὴ απξο [1760] δεκ. ιγ' ἐπίτροπος καὶ αἰθις ὁ αὐτὸς (κὺρ νικολὰς) διορισθὲς νὰ γράψῃ τὰ τε ἔξοδα καὶ τὰ ἔσοδα, καὶ νὰ ἀποδείχῃ καὶ τὸν κουραμὰ τοῦ χωρίου.” This ἐπίτροπος was also, like others, charged with assessing the *Kurama* of the village, sort of collective tax (*miri*?), therefore he was in fact a communal clerk responsible to the church authorities, who were, as well known responsible to the Saray for all matters relating to the taxation of the rayahs.³⁰

(ιδ') Cf. ibid., p. 115:

“Πολιτικόν. απνθ' [1754] σεπτ(εμβρίου) ἐπίτροπος ἀντὶ τούτου κατέστη ὁ ἄλλος φιλιπποῦς Τζαμέτης.”

(ιε') Cf. ibid., p. 364:

Τοῦ ἀγ(ίου) Ἀντωνίου Μαρωνιτῶν (in Kythrea) απξε' [1765] φεβρ. β' ἐδιορίσθη ἐπίτροπος εἰς τὴν αὐτὴν ἐκκλησίαν ὁ φραντζέσκος μαρωνίτης. Εἰς ὃν παρεδόθησαν τὰ ὅσα φαίνονται γεγραμμένα εἰς τὸ ὅπερ ἐπιφέρει κατὰστιχον.”

(ιστ') Cf. ibid., p. 350:

“Νέτα.... απνστ' [1766] Ἰωνν. (Ιωνν) ἐπίτροπος ἐν τούτοις κατέστη ὁ γαβριήλης χωριανὸς εἰς ὃν παρεδόθησαν τὰ τε κτηνὰ καὶ τὰ ἄλλα τῆς

30. E.g. see Sir Georges Hill, *A History of Cyprus*, IV, The Ottoman Province. The British Colony 1571-1948, Edited by Sir Harry Luke, Cambridge, 1952, pp. 205, 78, 70; cf. pp. 69 f., 201, 206, 172, 204, 182, 375 f.

ἐκκλησίας πράγματα κατὰ τὸ τῆς ἐκκλησίας ἰδίως κατάστιχον, ὅπερ ἐδόθη διὰ φύλαξιν τῷ καθηγουμένῳ κανακαρίας.”

(ιζ'): etc. etc.³¹

12. In fact in the vast majority of entries relating to the appointment of ἐπίτροποι there is not the slightest hint to a popular participation in it. How are we to explain this contradiction to the cases indicating such a participation (9-10, [ε'] - [ια'])?

If we stick to the letter of the documents we have to accept that there was a distinction in the methods of appointment of ἐπίτροποι: a few of them were elected by the community and the church authorities acting jointly, and others, the vast majority, were appointed by the latter alone.

Still, the question arises: why and how did that distinction emerge? Was election a novelty opposed to the long-established procedure of appointment? Or was it in fact another way of stating the latter procedure?

A definitive answer is not easy. In view of the well-known miserable status of the rural population of Cyprus and of the whole Ottoman Empire at that time, and also in view of its bad need for guidance, of its being swayed by its notables and of its limited social initiative and actual illiteracy, it would appear improbable that really democratic procedures were or came to be familiar with it.

13. What can safely be assumed is this: The appointment of ἐπίτροποι was in fact always made by the church authorities, usually through a letter such as that mentioned in 1/2 (ιβ'), but it was subject to the more or less theoretical approval of the parishioners concerned. That there might occasionally arise differences of opinion or even conflicts between the authorities and their flock in matters of such appointments is possible,³² but these could by no means have been the rule.

Nonetheless it can hardly be denied that at least in some cases (§§ 9-10) a façade of 'democratic' procedure in such matters is attested. Such a procedure fitted well into the *communal spirit* mentioned above, it did obviously stress the communal character of church property and contributed to the gradual exercise of more control by the community upon the *management* of church property.

31. For some more cases see Kyrris, *op. cit.*, pp. 24β - 25α. Abundant evidence can further be found in the Church Registers, *passim*.

32. E.g. see a conflict in Famagusta - Varosia in 1870-1871 between two groups of citizens, actually two parties, one of them the School Committee, concerning the person of the teacher: Kyrris, *op. cit.*, pp. 36β - 37β.

It was from this procedure that the present day system of direct election of the ἐπίτροποι by the parishioners developed.^{32a}

14. This procedure was paralleled by the equally 'democratic' method of election of the Cypriote metropolitans (bishops) under Ottoman domination, i.e. by the people of their diocese, although subject to the approval of the Holy Synod and the confirmation by a berat from the Government, and although "*the elections came in the eighteenth century to be dictated by the Sultan or by the Turkish governors and the heads of the Greek community or Kojabashis.*"³³ There is no doubt that the said kojabashis were also the dominant element in the bodies of ἐπίτροποι of church property as well as in all other communal offices, which in fact they held hereditarily and nepotically.³⁴

Such a domination was usual in Cyprus under the Ottomans³⁵ and has equally occurred in other Hellenic provinces occupied by them, where the magistrates of communities were elected by a general assembly—of all social classes—as a rule "*from among the rich and intelligent people.*"³⁶ With the exception of

32a. Hackett-Papaioannou, *Ἱστορία*, *op. cit.* below fn. 33, pp. 50, 55f. 58 ff.

33. Hill, *op. cit.*, IV, p. 315; cf. John Hackett, *Ἱστορία τῆς Ὁρθοδόξου Ἐκκλησίας τῆς Κύπρου*, transl. by Charilaos I. Papaioannou, II, Piraeus 1927, pp. 39-40; Loizos Philippou, "Ἐκλογή ἀρχιεπισκόπου ἐν Κύπρῳ." *Κυπριακαὶ Σπονδαί*, VII, 1943 (1945), pp. 123-125: Γ' περίοδος (1571-XXth century); N.G. Kyriazēs, "Ἐκλογή καὶ ἐνθρόνισις Μακαρίου ὡς ἀρχιεπισκόπου (1854)," *Κυπριακά Χρονικά*, VI, 1929, pp. 309-311, especially p. 310. At least in some cases the laity are not mentioned as taking part in archiepiscopal elections: e.g. see Hill, *op. cit.*, pp. 353-354: election of archbishop Chryssanthos (January 1768) simply by the votes of the Bishops and clergy. In the very early years of the Ottoman occupation the people were not, it seems, participating in the elections; but the laity as a constitutive factor were represented by ἀρχόντες, obviously *ex officio* or by virtue of their social influence: Philippou, *op. cit.*, p. 123. The same happened in the Latin period, when the laity taking part in an election were "ἀξιόπιστοι καὶ λόγιμοι ἄνδρες τῆς ἡμετέρας ἐνορίας" see C. Hadsipsaltes, "Ἐκ τῆς ἱστορίας τῆς Ἐκκλησίας Κύπρου κατὰ τὴν Φραγκοκρατίαν," *Κ.Σ.*, XXII, 1958, 14, 15, 16. Cf. below, fn. 38a.

34. E.g. see above, § 9 (στ'), (η'); cf. reference in fn. 31.

35. E.g. see I. Antiphon G. Sykoutres, (Μοναστήρια ἐν Κύπρῳ), Δ', 'Αμασγού', *Κυπρ. Χρον.*, II, 1924, p. 116:

The metropolitan of Nemessos and Kourion, Leontios, together with three 'lay notables' of Limassol, Τζάν Φιλίππου, Λοῖζου and Ἀντζουλιῆ, donate a monastery to the Patriarch of Alexandria in 1633 or shortly before. Those notables were θρονικοί ἐπίτροποι, as the current terminology calls them today. There is no point in citing more evidence and literature to illustrate this well-known social phenomenon.

36. Apostolos E. Vakalopoulos, *Ἱστορία τοῦ Νέου Ἑλληνισμοῦ*, B1, Τουρκοκρατία 1453-1669, Οἱ ἱστορικὲς βάσεις τῆς Νεοελληνικῆς κοινωνίας καὶ οἰκονομίας, Thessaloniki, 1964, pp. 285-287, cf. *op. cit.*, A' Ἀρχές καὶ Διαμόρφωσὴ τοῦ, Thessaloniki, 1961, p. 200.

a short period in the mid - XVIIIth century, when the popular masses and especially the guilds of Constantinople were admitted by Patriarch Cyril V to the administration of church affairs,³⁷ the high offices of the Ecumenic Patriarchate were normally held and its affairs conducted or dominated by the ruling classes, as from the late XVIIth and early XVIIIth century the Phanariots, and this despite the formal either direct or indirect participation of the laity (κοινοῦ λαοῦ) in the Synod convoked to elect a Patriarch.³⁸ Such a participation had occurred in Morea in 1500, in the Greek Community in Venice during the XVI-XVIIth centuries and possibly in Cythera in 1636.^{38a}

15. What is striking in the cases of communal approval or participation in the administration of church property occurring in Cyprus (see above, § 9 - § 10) is their temporal proximity to the "*council elected by the Greek people [of Constantinople], charged with the superintendence and management of the ecclesiastical funds*" that was instituted through an Act of September 1755 by Patriarch Cyril V of Constantinople. The council - in - question was elected by "*an assembly of the people and clergy*," who "*agreed upon ... measures for ... cooperation*," and was "*composed of distinguished members of the Greek Community*," i.e.: "*(i) three Metropolitans, (ii) three eminent Greeks occupying high State positions, and (iii) ten members taken from each of the professional guilds of Constantinople*." This unique institution in the

37. Theodore H. Papadopoulos, *Studies and Documents Relating to the History of the Greek Church and People under Turkish Domination*, Brussels, 1952, pp. 51-55, 200-202; cf. pp. 206-209 ff., 211-216, 222, 169, 171, 165-166, 181, 272, 273, 275-276 f.

38. Theodore H. Papadopoulos, *op. cit.*, 45 fn. 2: direct participation (1476). Chrysostomos A. Papadopoulos, "Ἡ περὶ τὸν Πατριάρχην τῆς Κων/πόλεως Σύνοδος καὶ ἡ ἐκλογή αὐτοῦ κατὰ τοὺς μετὰ τὴν ἄλωσιν χρόνους," *Νέα Σιών*, Vol. XXV, 1930, pp. 724 ff.: indirect participation of the people through "notables" (πρόκριτοι); cf. Philippou, *op. cit.*, p. 123. For the domination of the ruling classes under various forms see Theodore H. Papadopoulos, *op. cit.*, *passim*, e.g. pp. 49-51, 53-60, 79-85, 131 f., 139-148, 160 fn. 3, 163 text and fn. 2 (: Paisios was elected Patriarch in 1752 by common consent of the Metropolitans and the "archons", i.e. the Phanariots), 170, 174 fn. 1, 202, etc.; Vakalopoulos, *op. cit.*, B', pp. 160-180 *passim*, 354-358. For a conflict between the lay and the monastic members of the Cretan δημογεροντεία as to the management of monastic property after 1857 see Gr. Petropapadakes, "Ἱστορία τῆς ἱερᾶς μονῆς Ἀγίας Τριάδος ἐπονομαζομένης τῶν Ζαγκαρόλων καὶ ἐν τῷ ἀκρωτηρίῳ Μελέχα τῆς Κρήτης εὐρισκομένης," *Κρητικά Χρονικά*, XX, I-III, 1966, pp. 20-21.

38a. Dem. G. Seremetis, "Δικαιοπρακτικά καὶ ἄλλα ἐγγραφα ἐκ τῶν Ἀρχαίων τοῦ Ἑλληνικοῦ Ἰνστιτούτου Βενετίας περὶ Κυθέρων. Δικαιοπραξίαι τοῦ Φιλαδελφείας Ἀθανασίου Βαλεριανοῦ," *Θησαυρίσματα*, I, 1962, p. 129 text and fn. 36, cf. fn. 2 and the literature cited therein, works by Manoussakas, Iak. Vizviziis, P. Pouliktas, I. Kotsonis etc.; cf. above fn. 33.

annals of the Greeks under Ottoman domination," as termed by the first scholar who drew attention to it, Mr Theodore Papadopoulos, "was doomed not to survive as it is the case with early experiments of this kind ... It was abolished by Imperial Order issued immediately after Cyril's deposition in 1757, and at the instance of his successor and enemy, Kallinicos III," supported by the Metropolitans and the Phanariot officials who feared that the control of church affairs would thus escape their hands and pass to the guilds' people being the majority in the Council. Nevertheless this was "the first realistic attempt at reforming the Synod; indeed, its object was to transfer a large part of administrative authority, all the material part of it, from the hands of the Synod, practically under the domination of the Phanariots, to a body formed out of lay elements." Although this Cyril's initiative is said to have been due to the fact that "he had to rely on popular contribution for a possible alleviation of the financial burden weighing heavily on the Oecumenic Church,"³⁹ still it must be viewed within the context of that Patriarch's close alliance with the popular masses⁴⁰ and also as part of the wider, dramatic, tormenting and contradictory process of development of mediaeval and modern Greek society towards a democratic structure and communal management of its affairs.⁴¹

16. Now, can there have been any relation between Cyril V's 'experiment' and the similar procedures attested in Cyprus?

The oldest case of communal participation in church administration cited above is one of 1754 (§ 10, [ι'], but the same procedure occurred in December 1755, in 1759, 1771 and 1772 § 10, [ε'], [ια'], [στ'], [θ']) in parallel with mere appointment of ἐπίτροποι by the church authorities § 11 [ιβ', 1750], [ιγ', 1760], [ιδ', 1754], [ιε', 1766], etc.). Cyril's 'experiment' lasted from September 1755 until January 1757 (see § 15). So it could not, on first sight, have served as precedent for Cyprus, whereas the Cypriote practice may have been known to him: in fact

39. Papadopoulos, *op. cit.*, pp. 200-202, cf. p. 52.

40. See fn. 37.

41. Interesting treatment of this crucial topic apud Papadopoulos, *op. cit.*, *passim*, practically the entire book; cf. Apostolos E. Vakalopoulos, *op. cit.*, B1, pp. 279-314. For Byzantine society see I. Ghr. Tornarites, in *Ἀρχαῖον Βυζαντινὸν Δικαίον*, I, i, Athens, 1930, pp. XXVII-XLIII; Diog. Xanatalos, *Βυζαντινὰ Μελετήματα, Συμβολὴ εἰς τὴν Ἱστορίαν τοῦ Βυζαντινοῦ Λαοῦ*, Athens, Texte und Forschungen zur byzantinisch-neugriechischen Philologie, No. 28, 1940; George Ostrogorsky, *History of the Byzantine State*, Translated by Joan Hussey, Blackwell, Oxford 1956, *passim*; Costas P. Kyrris, *Gouvernés et Gouvernant à Byzance pendant la révolution des Zélotes (1341-1350)*, *Gouvernés et Gouvernants*, 1968, Recueils de la Société Jean Bodin pour l'Histoire Comparative des Institutions, XXIII, Deuxième Partie, Antiquité et Haut Moyen Age, Bruxelles, pp. 271-330.

Cyril's first deposition in May 1751⁴² was caused by his alleged participation in or instigation of troubles occurring at that time in Cyprus. Although this accusation does not seem to have been true,⁴³ it does possibly point to the Patriarch's interest in the affairs of our island;⁴⁴ an interest which may have continued during his second Patriarchate (7. IX. 1752 - 15. I. 1757), when a delegation of Cypriote Metropolitans visited Constantinople (1754) and persuaded the Grand Vezir to moderate his demands on the island and have a *Khatt-i Humayun* issued by the Sultan and firman appointing the Bishops *Kojabashis* of the Rayahs of Cyprus.⁴⁵

17. However, it is rather improbable that Cyril would have followed a practice of Cyprus in his reform, even if he knew it in detail. Nor is it probable that the Cypriote prelates were influenced by the mass movement recorded in Constantinople and around during the period before Cyril's re-instatement (7. IX. 1752) and after,⁴⁶ a movement whose logical consequence was the institution by Cyril of the Council for the management of ecclesiastical funds in September 1755.⁴⁷ To accept such an influence would not mean that the Cypriotes overtook Constantinople by establishing elected committees but they were inspired by the tendency of affairs in the capital.

Though Philotheos, during whose tenure of office (1734-1759) elected committees appear for the first time, was a generous, liberal-minded and charitable man.⁴⁸ I would hesitate to ascribe the said novelty to these qualities of his alone. What would seem more probable is that the novelty - in - question was a natural local product of the communal concepts relating to church property that have been mentioned above (§§ 7, 8, [β'], [γ'], [δ'], 1749, 1755, 1773 respectively; cf. § 1, [α], 1756).

The maintenance of the procedure of communal elections under Philo-

42. Papadopoulos, *op. cit.*, pp. 228-229, 176 cf. 162-163, 51-52. Hill, *op. cit.*, IV, p. 77, gives 1752 as the year of Cyril's degradation, but this is incorrect. Cyril's first Patriarchate lasted from 30 October 1748 until May 1751.

43. Papadopoulos, *op. cit.*, p. 229.

44. Hill, *op. cit.*, IV, p. 77.

45. Hill, *op. cit.*, IV, pp. 77-78. In fact re-appointing them, i.e. confirming their established position of guardians of the Rayahs held already since 1571, as I am showing elsewhere. Papadopoulos, *op. cit.*, pp. 228-229 text and fn. 5 of p. 228, dates this delegation to 1751. But Hill's chronology seems to be preferable.

46. Papadopoulos, *op. cit.*, pp. 163-166, 212-216, 220 etc., cf. fn. 37 above.

47. Cf. above, fn. 39.

48. Hill, *op. cit.*, IV, p. 346.

theos' successors, Paΐsios (1759-1768), Chrysanthos (1768-1810) and the rest up to the present day, points to the integration of this institution in the wider complex of structural developments of our Church.

It does also point to the organic nature of that institution rather than to its having been imported from abroad, and this particularly in view of its disappearance in Constantinople after only two years of life (1757).

It was, in any case, a parallel development that occurred in two different though inter-communicating Orthodox Churches, that of Cyprus and that of Constantinople, at about the same time. It must, no doubt, be ranked among the several—not few⁴⁹—“*edifying features*” presented by the Church of Cyprus under Ottoman domination. In a wider, national context, it anticipated the Reforms of 1838 according to which “*the notables summoned to the annual Assembly [responsible for the administration of the island] must be regularly authorized representatives of each town.*”⁵⁰ In a still wider perspective it should be considered as a notable recent contribution to the democratic heritage of humanity by a country where democratic concepts were born at times most remote from ours and have never died ever since.⁵¹

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49. As Hill states, *op. cit.*, IV, p. 380.

50. Hill, *ibid.*, p. 204, cf. pp. 170, 153, 154. For a similar procedure concerning the election of archbishop see Hackett - Papaioannou, *op. cit.*, II, pp. 39-40.

51. The early Christian Church had modelled a most democratic structure, see Philipou, *op. cit.*, pp. 117-8. Charles Norris Cochrane, *Christianity and the Classical Culture. A study of Thought and Action from Augustus to Augustine*, Oxford University Press, 1944, pp. 219 f.; Pierre L'Huillier, “A propos des élections épiscopales dans l'Orient Byzantin,” *Revue des Études Byzantines*, XXV, 1967, pp. 101-105. For late Byzantine practice see J. Darrouzès, “Documents d'ecclésiologie byzantine, textes édités, traduits et commentés” (*Archives de l'Orient Chrétien*, 10) Paris, Institut Français d'Études Byzantines, 1966. Add the Bibliography noted by C. Hadjipsaltes in *Κυπριακαὶ Σπουδαί*, XXVIII, 1964, p. 148 ftn. 15. Cf. G. Cronis, “*Ἡ ἐκκλησιαστικὴ περιουσία κατὰ τοὺς ὀκτὼ πρώτους αἰῶνας*,” Athens, 1935. J. Hajjar, “Le Synode permanent dans l'Eglise Byzantine des origines au XIe siècle,” *Orientalia Christiana Analecta*, 164, Rome, 1962.