

# Theodore Balsamon's Canonical Images of Women

*Patrick Viscuso*

CANON LAW often contains legal stipulations limiting the actions of women in order to prevent defilement and impurity. In particular, provisions concerning sexual morality contain detailed descriptions of female anatomy and faculties. This brief study will examine the descriptions of women contained in selected writings of the Byzantine canonist Theodore Balsamon (ca. 1130/1140–death after 1195, resident at Constantinople during the reign of Manuel I Komnenos).<sup>1</sup>

Balsamon, a chartophylax of the ecumenical patriarchate and patriarch of Antioch, was noted for his commentaries on the received corpus of Byzantine canon law as well as the *Nomokanon in Fourteen Titles*. He is also the author of legal treatises and canonical responses dealing with a variety of subjects, including marital issues, abortion, and childbirth. The canonist's works were extremely influential and emerged as a standard source for Orthodox canonists and theologians.

Over the past decade, the author of this study has examined

<sup>1</sup> Theodore Balsamon's canonical writings are contained in the first five volumes of G. A. Rhalles and M. Potles, *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων* I–VI (Athens 1852–1859), as well as in *PG* 137–138. For additional information and bibliography see Patrick Viscuso, "Marital Relations in the Theology of the Byzantine Canonist Theodore Balsamon," *Ostkirchliche Studien* 39 (1990) 281–288. See also Robert Browning, "Theodore Balsamon's Commentary on the Canons of the Council in Trullo as a Source on Everyday Life in Twelfth-century Byzantium," in *Ἡ καθημερινή ζωὴ στὸ Βυζάντιο* (Athens 1989) 421–427; M. Emm. Miller, "Lettres de Théodore Balsamon," *Annuaire de l'Association pour l'Encouragement des Études Grecques en France* (1884) 8–19; Michael Angold, *Church and Society in Byzantium under the Comneni*, 1081–1261 (Cambridge 1995), esp. 148–157.

various problems related to Balsamon's scientific and theological thought on women's bodies, cognitive faculties, and spirituality. This paper will synthesize this work to present Balsamon's theology on women as a systematic whole. Within this context, the study will also present a new aspect of the patriarch's theological views based on his acquaintance with scientific treatises on women's bodies and with erotic literature, as well as his personal observation of and inquiry into women's use of sacred space.

In a legal treatise entitled *Decision regarding the question that was discussed in a synod, concerning whether it is possible for one and the same man to be joined to second cousins*, Balsamon sets forth his fundamental views concerning the differentiation of gender and human nature.<sup>2</sup>

In this treatise, Balsamon described the marital relationship in Trinitarian terms. Marriage was characterized as the sharing of one human nature by two hypostases with more or less the same soul. Female and male were viewed as possessing human nature according to a particular mode of existence (τρόπος τῆς ὑπόρξεως), two different realizations of humanity, with distinct characteristics that at once unite and distinguish them in their hypostatic relations.

Sexuality, the sharing of flesh, reciprocally related male and female, bringing about a unity subjecting both spouses to a mutual sharing of laws governing marriage. The hypostases of male and female after the marital union manifested their continued existence by a difference of sexual roles and functions, different modes of existence for the same humanity; and yet were united by these very same functions through their marital relations in which they mutually partook of their common human nature.

Although a woman in the context of marriage was viewed as a hypostasis sharing a common nature, for Balsamon this did not imply equality in the marital consortium. Women are described as under the legal authority of their husbands. Consistent with this notion, in his commentary on Gregory of Nyssa canon 4, Balsamon affirms a Roman legal tradition

<sup>2</sup> See Viscuso, *Ostkirchliche Studien* 39 (1990) 281–288.

which holds that the husband's illicit relations with an unmarried woman, although a sin in the eyes of the Church, is a fornication "injuring no one," as opposed to adultery, defined as an affair with a married woman that injures another man. Authority over a wife differentiates fornication from adultery. A husband is required to be faithful to his wife, but is viewed as not committing adultery if he strays with an unmarried woman. He is viewed as a fornicator and thus suffers less in terms of penance.<sup>3</sup>

However, in contrast to other commentators on this same canon,<sup>4</sup> Balsamon does not describe the authority of the husband in scriptural terms as head of the wife. In his commentary, he restricts his discussion to Roman legal concepts regarding the husband's authority and moves beyond them only to explain different proportions of penance connected with the specific sexual sins of fornication and adultery.

When commenting on canon 70 of the Council in Trullo which forbids women to talk during liturgy, Balsamon also adds that in this spirit the prohibition extends to all religious services, particularly to women's preaching and teaching, and is related to civil impairments for women in representing others in court, serving as witnesses, or functioning as guardians.<sup>5</sup> The canonist relates these legal impairments to a passage from Genesis, "your submission will be to your husband, and he shall rule over you" (Genesis 3:16 [LXX]), in this way emphasizing that the submission of females to males occurs by nature according to divine commandment. He also stresses in his citation of civil law that women acting contrariwise are usurping male functions.

In his commentary on canon 11 of Laodicea, Balsamon again emphasizes the requirement for women's submission to authority when explaining why abbesses are able to teach in convents, but not laywomen in parishes:

<sup>3</sup> Rhalles and Potles IV 312–314.

<sup>4</sup> Such as John Zonaras (death after 1159), Rhalles and Potles IV 311–312.

<sup>5</sup> Rhalles and Potles II 468–469.

For understand that submission to God and tonsuring makes the many to be reckoned one body (ἐν σῶμα), and they view all their affairs in terms of spiritual salvation. On the other hand, a woman teaching in a parish church, where a number of men and weak women (γύναια) with differing opinions are gathered, is most unbecoming and destructive.<sup>6</sup>

Balsamon describes the teaching authority of the abbess as based on monastic obedience. Tonsuring and submission, legal relations, unite the convent as one body to its head. This is placed in contrast to the parish where “weak women” are described as possessing differing opinions and sow discord in the absence of legal restraints through vows of obedience.

The underlying reason for a woman’s propensity for “differing opinions” is alluded to in his commentary on canon 46 of Trullo, where Balsamon explains that young nuns as women possess “an easily erring nature of female thought.” They should thus be restricted in travel to when it is necessary, with permission of the abbess, and then accompanied by only the most senior and virtuous in the convent, who would presumably keep the younger mindful of spiritual salvation.<sup>7</sup> A woman’s old age is associated with progress in virtue and decline of the passions. Submission to such an authority provides the restraints necessitated by the weakness of the female faculties. In contrast, Balsamon notes that young monks are not under such restrictions and may travel alone with permission.

By nature, women were created not only with weak reasoning, but also, in Balsamon’s words, “the plague of the monthly distress.” Women are viewed as a source of birth through the contribution of blood, but also of defilement through corrupt blood when the seed of man is not joined to them. When commenting on the relationship of women to the sacred, Balsamon viewed them as a source of pollution. He has extensive commentaries on canonical regulations restricting women’s access to the Mysteries and even church buildings on account of pollution associated with their bodily functions.

<sup>6</sup> Rhalles and Potles III 181.

<sup>7</sup> Rhalles and Potles II 415.

Once having experienced menarche, women were no longer suitable to access the altar or to be admitted to the clergy. According to Balsamon, the rank of deaconesses was excluded from the service of the Church because of menstruation.<sup>8</sup> He describes a woman's period as lasting for a maximum of seven days. He comments that during this time women experiencing menstruation cannot be baptized, receive the Eucharist, or even enter a church. However, in commenting on the second canon of Dionysios of Alexandria which prohibited the menstruating from approaching the altar, Balsamon makes the following observation:

Therefore, the Saint who was asked concerning faithful women, whether they ought to enter the church when they are troubled by menses, responded that this must not take place, and cited as an example the woman with a flow of blood who did not dare to touch the Lord, but only the fringe of his garment. For he states that while they will not be prohibited during such a time from praying and making mention of the Lord, they must not enter

<sup>8</sup> See my article, "Menstruation: A Problem in Late Byzantine Canon Law," *Études Byzantines/Byzantine Studies* 4 (1999) 116–125. To Balsamon is attributed the following canonical response to Mark, Patriarch of Alexandria (Rhalles and Potles IV 477): "Question 38: The divine canons have made mention of deaconesses, therefore, we seek to learn what was their ministry? Answer: Long ago orders of deaconesses were recognized by the canons, and these also had a rank in the altar. But the monthly distress excluded this service from the divine and holy altar. Deaconesses were appointed by the most holy Church and Throne of Constantinople who did not have a participation in the altar, but usually attended church services and maintained order in the women's part of the church consistent with ecclesiastical principles." For information on the canonical responses see V. Grumel, "Les réponses canoniques à Marc d'Alexandrie, leur caractère officiel, leur double rédaction," *EchOr* 38 (1939) 321–333. The version attributed to Balsamon (*Canonical Questions of the Most Holy Patriarch of Alexandria the Lord Mark and the Answers for them by the Most Holy Patriarch of Antioch, the Lord Theodore Balsamon*) are at Rhalles and Potles IV 447–496; that attributed to John Kastamonites of Chalcedon (*A Work of the Most Holy Metropolitan of Chalcedon the Lord John on Ecclesiastical Questions. Questions of Mark, Pope of Alexandria, and Answers to them which were read in Synod during the Patriarchate of the Lord George Xiphilinos*) in *Ἐκκλησιαστικὴ Ἀλήθεια* 39 (1915) 169–173, 177–182, 185–189; on Kastamonites see H. G. Beck, *Kirche und theologische Literatur im byzantinischen Reich* (Munich 1959) 636, 658.

God's temple and partake of the Sanctified Elements. Although the great hierarch prescribed these things, we observe today especially in convents such women standing freely in narthexes (πρόναος), which have been adorned with holy icons of all kinds and dedicated to the glorification of God. After inquiring how this occurs, we hear that they do not enter the church (ἐκκλησιάζειν), a thing that did not occur to me before, for the narthexes are not common space, like the forecourts (προαύλια) of churches, but a section of them (churches) assigned to women who are not prohibited from attending church. Indeed this narthex is the second place of penance, which is called the place of the hearers. And it is not permitted even for men who are being censured from attending church to stand in it, but to weep outside of it. Therefore, such narthexes in which such impure women would stand ought not to constitute part of the church proper so that during the Cherubic Hymn priests would pass through them with the divine Sanctified Elements, incense the holy tombs which are perhaps in them, and celebrate rites of sacred prayer. Or at least (ἢ καὶ) with episcopal permission, such places should be set apart so that impure women may stand in them without condemnation. I also saw such a woman standing in the narthex receiving a prayer of betrothal from a hierarch, a thing which amazed me. It seems long ago women entered the altar (θυσιαστήριον) and communed from the holy table ...<sup>9</sup>

As a consequence of their pollution, menstruous women are not to enter the church and participate in the liturgy. Nevertheless, he observes such women in the πρόναος, which the canonist clearly states is not considered a common space such as the προαύλια (forecourts), but a section of churches proper for women not prohibited from attending services.

His response is to propose that in convents the πρόναος where menstruous women stand should not constitute part of the church proper, i.e., a separate πρόναος, perhaps in the manner of a glorified cloak room. Consequently, priests would no longer pass through them during the Cherubic Hymn, incense tombs possibly located there, and celebrate sacred rites within it. This solution would be consistent within the canonical framework accepted by Balsamon, which prohibited the

<sup>9</sup> Rhalles and Potles IV 8–9.

participation of menstruous women in sacred rites. In lieu of this, episcopal permission should be given for menstruants to stand in a separate place without condemnation.<sup>10</sup>

This text evidences not only Balsamon's views that menstruation polluted and ritually defiled women, but also reveals that the canonist was a visitor to convents of women, directly observed their religious practices which included restrictions derived from menstruation, and freely discussed such usages presumably with the practitioners to discover the basis for them. Balsamon also reveals that he saw a menstruous woman participate in the rite of betrothal. It would be interesting to speculate how he observed or learned of her menstruation. This may be related to his medical knowledge of women's physiology.

In Balsamon's view, women also provided occasions for another type of pollution aside from menstruation. The canonist comments on the Church legislation that covered various sexual acts involving women, which ranged from incest to seduction. One unusual commentary occurs in his discussion of Basil's canon 70, which includes the following observations explaining a clergyman's defilement in lips:

The Saint directs that the deacon or priest defiled in lips who confesses the sin be prohibited from celebrating, and not be debarred from communion of the Sanctified Elements, but to receive communion within the holy altar with priests or deacons of equal rank. However, the Saint desires that one who sins up to this stage, but also sinks down to more, be deposed. The canon having prescribed these points, it was often asked, what is that which in lips defiles the clergyman? Some said it is one's having sinned up to when a passionate and erotic kiss occurs with a woman, according to the Gospel passage that states, "The one looking upon a woman lustfully has already committed adultery with her" [Matt 5:28]. Others said that some who are inflamed with a sexual fire use the female privy parts as a cup, and by it

<sup>10</sup> This analysis is consistent for most part with that of Robert Taft in "Women at Church in Byzantium: Where, When—and Why?" *DOP* 52 (1998) 27–87. The present translation is slightly modified from my previous study, *Études Byzantines* 4 (1999) 121.

(oh the defilement!) drink the abominable drink and defile their lips. Others say that some maddened by love kiss the female shameful part, and are not ashamed, but say, “our lips are before us, who will be our lord?” [Ps 11:5]. I, reading Julius Pollux, found in the second book of his *Onomasticon* writings the parts and features of the female shameful part which are named μυρτοχειλίδες (myrtle lips), κρημνώματα (edges), and πτερυγώματα (flaps). And the most wise Aristotle in his physiological study, *Concerning Parts of Animals*, calls these things χείλη (lips).<sup>11</sup> And many who write erotic poetry say the female privy parts gape, spit, and are magnified in being on top of a tongue. Therefore, I believe that the clergyman who is defiled by such lips in whatsoever way, as one who has committed a most hateful action, will be excommunicated for a time, but as one who did not commit a complete sin by sexual intercourse will not be deposed.<sup>12</sup>

<sup>11</sup> Pollux *Onom.* 2.174, ed. E. Bethe, *Lexicographi Graeci* IX.1 137; the work of Aristotle cited by Balsamon does not contain such a reference. The canonist most likely has in mind another writing, *History of Animals* 583a15, where the female genitals are described in detail and as having “lips” (χείλη; transl. D. M. Balme, Loeb).

<sup>12</sup> Rhalles and Potles IV 229–230; when citing other canonical views dealing with erotic kisses, Balsamon is apparently referring to the commentary of John Zonaras on the same canon, which contains no mention of *cunnilingus*. The “others” who describe “some who ... use the female privy parts as a cup” may be contemporaries of Balsamon, but are evidently not canonists. The patriarch is referring to their descriptions of a practice, but is not asserting that they are making a commentary on canon 70 of Basil. The commentary of Zonaras, whose overall work was used as a source by Balsamon (Rhalles and Potles IV 228–229): “The present canon is in dispute by some who think in one way, and others who think in another. For some say the one who is defiled in lips, that is to say, who stops with a passionate and erotic kiss with a woman (since this is a defilement, for if consent to sin is considered defiling to the mind alone, the impurity would be much greater for anything that proceeds up to a kiss that occurs passionately), is suspended from the serving liturgy, i.e., is suspended for a time and prohibited from exercise of the diaconate, and only partakes of the Sanctified Elements with the deacons, the temporary suspension from the diaconate sufficing as punishment. And in confirmation of this opinion, they subject to deposition one who sins any further—saying by this that the intention of the Saint is revealed, that he meant temporary suspension, the length of the time of the suspension being left to the judgment of the one having cog-



It is clear from this text that Balsamon has read medical sources regarding the anatomy of women and possesses a clear knowledge of their sexual organs. Although a monk, he also reveals himself to be well versed in erotic poetry and deviant sexual practices involving female genitals. In fact, Balsamon's words "abominable drink" (κατάπτυστον πῶμα) recall similar language used in certain classical texts, such as those of Aristophanes, in referring to the consumption of menses and secretions during sexual acts.<sup>13</sup>

Regarding the specific subject of his commentary, while oral contact with menses is regarded as defiling to a priest, Balsamon takes the view that, in contrast to sexual intercourse, their consumption does not result in permanent debarment from the Eucharist or clerical rank. In this sense, the canonist regards sexual intercourse with a woman as resulting in greater pollution than *cunnilingus*. It is interesting to note that among

---

nizance over him. Others say that the suspension is perpetual, and an outright deposition. For which reason, they say that a time is not determined, and he is considered worthy to commune with the deacons on account of the lightness of the sin. The Saint stipulated that the one proceeding to something greater is deposed, indicating by deposition the sinner's complete expulsion from his rank, for such a man does not receive communion with the deacons in the altar, but with the laity. I prefer the former opinion, as more philanthropic, and on account of the canon of the Synod in Neocaesarea that states, 'If one who lusts for a woman intends to have intercourse with her, but his idea did not result in an act, it appears that he was saved by grace.' At any rate, if the one who intends to have intercourse with a woman, who proceeds up to the bed, who does not sink down into an act, but who comes to himself before the intercourse, who turns away, and who refrains from the act, is believed to be saved by grace, the one who is defiled only by a kiss, and who does not proceed to more, would be even more believed to be saved by grace. How can one condemn him who was saved by grace, and in this way with so severe a sentence, i.e., expulsion from his rank?" The text of the fourth canon of the local council in Neocaesarea is being cited. For a summary of information on Zonaras, see Beck, *Kirche* 656–657; A. Kazhdan, *ODB* III 2229.

<sup>13</sup> For example Aristophanes *Knights* 1285, where a similar word is used (ἀπόπτυστον) to refer to the secretion being consumed by Aripheades: "He pollutes his tongue with shameful pleasures, licking up in his brothels the abominable dew (ἀπόπτυστον δρόσον), fouling his beard and vibrating the external female genitals (τὰς ἐσχάρας)."

Byzantine and later Orthodox canonists, Balsamon is isolated in interpreting Basil's canon 70 as discussing *cunnilingus*.

In conclusion, Balsamon viewed women as possessing human nature according to a particular mode of existence that related them reciprocally to men and when united in marriage appeared to image the hypostatic relations of the Trinity. Nevertheless, in this mode of existence women represented a lesser realization of humanity, possessing weak reasoning faculties, existing as snares for men until the advent of an old age associated with progress in virtue, and being subject to a cycle of monthly blood pollution defiling them in relation to all that was sacred until menopause. In Balsamon's view, the weakness of women's bodies could be regulated by their submission to authority within civil and monastic society to prevent the sowing of discord and to order their behavior. In this sense, Balsamon's orientation is fundamentally that of a legal mind, setting forth the necessary regulations as a canonist and writing for an audience who will apply the legislation of a united Church and state to a Christian commonwealth.

Balsamon's knowledge of women appears partly based on a study of civil and canonical regulations. Nevertheless, his writings also evidence an understanding of women's anatomy and physiology based on the reading of medical texts as well as erotica. Although a monk, he is not averse to learning of sexual deviancies and discussing them freely in his scholarly writings. His extended discussion of *cunnilingus* is unusual and perhaps implies a more direct concern with the subject. However, there is no additional information available in other sources or Balsamon's own writings regarding his life prior to ordination or concerning his celibacy in mind or body. In any case, the canonist does reveal himself to be a visitor to convents, one who involved himself in discussions with women and who observed their practices with a personal interest in how their bodies were regulated.

*April, 2005*

P.O. Box 3135  
Merrifield, VA 22116-3135