

Patrick Demetrius Viscuso,
*Guide for a Church under Islām:
The Sixty-Six Canonical Questions
Attributed to Theodōros Balsamōn*

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A Review Essay Discussing: Patrick Demetrius Viscuso, *Guide for a Church under Islām: The Sixty-Six Canonical Questions Attributed to Theodōros Balsamōn* (Brookline, MA: Holy Cross Orthodox Press, 2014), 155pp.

In 1195, the people of Constantinople were witness to a singularly rare event. Patriarch Mark III of Alexandria (r. 1080–1209), visiting from Muslim-controlled Egypt, celebrated the liturgy at Hagia Sophia with the Patriarch of Constantinople, George II Xiphilinos (r. 1191–1198), and the Patriarch of Antioch, Theodore Balsamon (r. 1193 – after 1195). Much to the shock of his fellow patriarchs, he attempted to serve the traditional liturgy of his see, the Liturgy of Saint Mark, but they prevented him from doing so. It seems that this incident brought to the attention of everyone involved that practices in the Churches of Constantinople and Alexandria diverged on a wide variety of points and so Mark submitted to the patriarch and synod of Constantinople a list of sixty-six questions for clarification. The end result of this was a series of questions and responses prepared by Balsamon (a native of Constantinople who, though officially the absentee patriarch of Antioch, seems to have never left the city) on the synod's behalf. These have now been made available to us thanks to Patrick Demetrius Viscuso's translation of Balsamon's *Sixty-*

Six Canonical Questions under the title *Guide for a Church under Islam*. Viscuso's translation is a welcome contribution to the history of how the Byzantine Church understood Orthodox Christians living outside the boundaries of the empire.

Throughout the volume, Viscuso demonstrates his expertise in Byzantine canon law by thoroughly cross-referencing passages from the *Questions* to the entire corpus of Balsamon's works as well as to other pertinent Byzantine legal texts. He also provides extensive notes explaining the reasoning behind some of the more difficult-to-understand rulings, such as the Galenic theory lying behind the prohibition against communing on the same day as having bathed (78–80), as well as several of the rulings related to marriage, sexuality, and gender in a manner that is clear and accessible for non-specialists. However, the reader might have appreciated further explanation of two of Balsamon's more disturbing rulings, permitting a man to sell off a female slave with whom he has fornicated (118) and declaring betrothal to a girl of seven to be valid on the grounds that girls of that age are subject to concupiscence (119).

Nevertheless, even as he expertly explains the peculiarities of the *Questions* in relation to the broader corpus of Byzantine canon law, Viscuso neglects to situate the text within its Middle Eastern dimension. In particular, he does not even so much as cite any of the substantial literature on Melkite canonical collections and the history of the reception of Byzantine legal texts among Middle Eastern Christians.¹ This leads to a

¹ The bibliography on this material is thoroughly and conveniently summarized in Hubert Kaufhold, "Sources of Canon Law in the Eastern Churches" in *History of Medieval Canon Law: History of Byzantine and Eastern Canon Law to 1500*, edited by Wilfried Hartmann and Kenneth Pennington (Washington, DC: Catholic University Press, 2012), 215–342; and Johannes Pahlitzsch, "The Translation of the Byzantine *Procheiros Nomos* into Arabic: Techniques and Cultural Context," *Byzantinoslavica. Revue internationale des études byzantines* 65 (2007): 19–29. Of particular note in this regard are Jean-Baptiste Darblade, *La collection canonique arabe des Melkites (XIIIe–XVII siècles)* (Harissa, Lebanon: Imprimerie de St Paul, 1946) and Elias Jarawan, *La collection canonique arabe des Melkites et sa physiologie propre : d'après documents et textes en comparaison avec le droit byzantin*. (Rome: Pontificia Università Lateranense, 1969) as well as the sections of Joseph Nasrallah's *Histoire du mouvement littéraire dans l'église*

reading of the text that, while grounded in the history of Byzantine law, makes very little effort to understand it in terms beyond Balsamon's own limited horizons. In choosing to give his translation the title *Guide for a Church under Islam*, Viscuso highlights precisely the dimension of the text that he least examines. This is made even clearer when he states that

The *Canonical Questions* represented an attempt by the Alexandrian patriarchate to resolve a number of canonical and liturgical problems arising in a church under Islamic rule, and to harmonize its practices with those of the Great Church of Constantinople. In this context, the usages of the Great Church were regarded as the custom of the New Rome, free from heresy as well as from the effects of Muslim or crusader domination, and thus a guide or model for another patriarchate under Islam.

This assertion effectively adopts what may very well have been Balsamon's understanding of the text without placing it in the context of the reception of Byzantine canon law by Middle Eastern Christians or of the lived realities of Middle Eastern Christian communities at that time. This problem is exacerbated by a lack of attention to the textual history of the *Questions*. Throughout the text, Viscuso treats Balsamon's version of the questions as being identical to those that Mark himself submitted, but we know that this is not the case. Although Viscuso notes that there exists a published version of the questions that precedes that of Balsamon, probably attributable to the bishop of Chalcedon, John Kastamonites (44–45), he makes no mention of the fact that both the questions themselves and the responses differ significantly between the two versions. Thus, the questions as presented in Balsamon's version were not submitted to the synod by the Patriarch

melchite 3 vols. in 6 parts (Louvain: Peeters, 1979–1989), 2(2).188–210; 3(1).340–57; 3(2).172–74 cataloguing the extant manuscripts of Melkite canonical and legal texts in Greek and Arabic and the treatment of Arabic canonical literature in Georg Graf, *Geschichte der Christlichen Arabischen Literatur* vol. I, (Rome: Biblioteca Apostolica Vaticana, 1944), 556–620.