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World History as the History of Foundations, 3000 BCE to 1500 CE

By

Michael Borgolte

Translated by

Zachary Chitwood



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Contents

Acknowledgments VII

List of Illustrations XI

Introduction 1

1	Religious Basis and Sovereign Practice: Intercultural Comparisons	4
1.1	Foundations for Gods and Ancestors	4
1.2	Foundations for Individuals after the Revolution of the Axial Age	18
1.2.1	<i>The Reevaluation of the Individual through Foundations in Ancient Egypt</i>	19
1.2.2	<i>"Foundations for the Salvation of the Soul" in Zoroastrianism</i>	25
1.2.3	<i>Genesis and Variations of Christian Foundations</i>	40
1.2.4	<i>"Foundations for Nearness to God" in Islam</i>	64
1.2.5	<i>Salvation for the Soul through Foundations in Judaism?</i>	77
1.2.6	<i>Foundations for Merit and Temporal Salvation: Indian Religions</i>	96
1.2.7	<i>Temporal Ethics without Divine Judgment: Confucianism and Daoism</i>	119
1.3	Rulers as Founders and Policymakers of Foundations	137
1.3.1	<i>Pharaohs, "Kings of the Four Regions of the World" and Hellenistic Rulers</i>	138
1.3.1.1	Rulers of the Ancient Kingdoms on the Nile, Euphrates and Tigris	138
1.3.1.2	From Cyrus the Persian to Alexander of Macedon	145
1.3.1.3	Monarchical Euergetai	157
1.3.1.4	An Autocrat as Founder in the Kingdom of the Commagene	176
1.3.2	<i>Foundations and State Formation in India</i>	182
1.3.3	<i>Ancient Founders, a Cultural Breakthrough and Orthodox Christian Rulers</i>	203
1.3.3.1	Foundations in the Context of State Worship and Christian Congregations	206
1.3.3.2	Byzantine Emperors as Leaders of the Church and Great Founders	212
1.3.3.3	Monasteries, Emperors, Economies	228
1.3.3.4	The Free Monasteries	238
1.3.3.5	Sovereign Foundations in the Fragmentation and Spread of Orthodoxy	245

1.3.4	<i>Caliphs and Their Epigones: Foundations for the Support of the Community</i>	257
1.3.4.1	The Legal and Political Basis	257
1.3.4.2	The Caliphs of Damascus and Baghdad as Founders	265
1.3.4.3	Regional Rulers between al-Andalus and Iran	270
1.3.5	<i>Foundations Require Association: Latin Christian Kings and Princes</i>	308
1.3.5.1	Laypersons, Bishops and the Accumulation of Church Property	308
1.3.5.2	Monasteries of “German” Kings from the 5th Century Onwards	314
1.3.5.3	Irish Kings and Networks of Ascetics	342
1.3.5.4	English Minsters between “Proprietary Churches” and “Foundations”	358
1.3.5.5	Foundations in the Context of Carolingian Ecclesiastical Policy	370
1.3.5.6	The Time of Strong Founders	417
2	Societal Development and Philanthropic Motivations: Diversification of the Actors and Purposes	508
2.1	China and India	509
2.2	Greece and Rome in Antiquity	544
2.3	Judaism and Muslim Lands	559
2.4	Greek Orthodox and Latin Christianity	572
3	A Transcultural Synthesis	622
	Bibliography	637
	Abbreviations and Acronyms	637
	Sources	638
	Literature	657
	Index	752

Acknowledgments

One could trace back the beginning of the history of this book to the Summer semester of 1984; at that time, as a young private docent at the University of Basel, I held a lecture on “The Foundations of the Middle Ages as a Problem of Social History (Churches, Hospitals, Universities)” [“Die Stiftungen des Mittelalters als Problem der Sozialgeschichte (Kirchen, Hospitäler, Universitäten)”]. Until recently, that manuscript offered the most comprehensive treatment of the subject, so that I myself in the following decades was able again and again to resort to it.¹ The next milestone one could name is my Berlin inaugural lecture on 2 June, 1992 (“‘Total History’ of the Middle Ages?” [“‘Totale Geschichte’ des Mittelalters?”], printed in 1993), which was dedicated to the topic of foundations, as was my valedictory lecture at the Humboldt University on 12 July, 2016 (“Sigismund, Radegunde and the Origins of Foundations in Latin Christian Europe” [“Sigismund, Radegunde und die Anfänge des Stiftungswesens im lateinchristlichen Europa”], published in 2018). Meanwhile, such a perspective would thereby exclude the greater portion of my other works and the considerable breaks and changes of directions of my studies.

In this sense I can and should thankfully mention the indelible impression and the long-lasting influence of my teachers *Karl Schmid* and *Otto Gerhard Oexle*. Schmid (1923–1993), as my doctoral advisor in Münster and then as my mentor in Freiburg, introduced me to the topic; he himself was interested in foundations as a researcher of aristocracy and monasticism of the Early and High Middle Ages (cf. his “Commemorative Prayer and Aristocratic Self-Understanding in the Middle Ages” [“Gebetsgedenken und adliges Selbstverständnis im Mittelalter”], 1983). As I became enthusiastic and began to go my own way he was, as is usually the case between students and teachers, at first irritated, then, however, forbearing. Without Schmid’s former assistant, the Hannoverian professor and director of the Max Planck Institute in Göttingen, Otto Gerhard Oexle (1939–2016), I would not have had the courage, at least at the beginning, to concern myself with foundations from a decidedly social-historical perspective and with the concept of the “total social phenomenon” according to Marcel Mauss. Above all the expansion Oexle brought about of the research on “*memoria*” beyond the traditional studies on confraternity (cf. his “Reality and Knowledge” [“Die Wirklichkeit und das Wissen”], 2011, 99–283), strongly influenced me.

¹ Recently, *Tillmann Lohse* has submitted his habilitation on “Stiftungen im Okzident, ca. 500 bis 1500”.

My plan to develop Berlin into a center for the historical study of foundations again and again fell behind other projects during the quarter century of my activity there, even disappearing from time to time from my thoughts. My colleague Frank Rexroth, who while still in Freiburg was the first of my students to have written a dissertation within this field of inquiry (s. his “German University Foundations from Prague to Cologne” [“Deutsche Universitätsstiftungen von Prag bis Köln”], 1988, published 1992), occasionally reminded me of this. A workgroup on foundations (“Arbeitsgemeinschaft Stiftungen”), established in January 1995 at the HU with junior researchers, was supported by the German Science Foundation with multi-year financing for studies on sources, whose results also entered this book (“The Corpus of Sources for Medieval Foundations” [“Quellencorpus zum mittelalterlichen Stiftungswesen”], 1997–8; “The Foundations of the Frankish and German Kings of the Middle Ages and their Realities” [“Die Stiftungen der fränkischen und deutschen Könige des Mittelalters und ihre Wirklichkeiten”], 1999–2000). Collaborators on these projects, whose eagerness for discussion and imagination often inspired me, presented some monographs, which for the most part have appeared in the series “Foundation Histories” [“StiftungsGeschichten”, from 2000 onwards) (*Ralf Lusiardi*, “Foundations and Urban Society” [“Stiftung und städtische Gesellschaft”], 1998, published: 2000; *Wolfgang Eric Wagner*, “University Chapter und Collegium in Prague, Vienna and Heidelberg” [“Universitätsstift und Kollegium in Prag, Wien und Heidelberg”], 1999, published: 1999; *Benjamin Scheller*, “Memoria at a Turning Point” [“Memoria an der Zeitenwende”], 2002, published: 2004; *Claudia Moddelmogg*, “Royal Foundations of the Middle Ages in Historical Change” [“Königliche Stiftungen des Mittelalters im historischen Wandel”], 2009, published: 2012; *Tillmann Lohse*, “The Permanence of Foundations” [“Die Dauer der Stiftung”], 2009, published: 2011).

Studies and presentations of European history, which for a long time bound my interest more strongly and increasingly were conceived along the lines of intercultural comparison, around the turn of the millennium changed the way I viewed foundations. In 2003 the Fritz Thyssen Stiftung facilitated a trans-culturally-oriented international conference (s. “Foundations in Christianity, Judaism and Islam in the Premodern Period” [“Stiftungen in Christentum, Judentum und Islam vor der Moderne”], 2005) and between 2006 and 2008 a research project on the closure of foundations in the “West” and in Byzantium (s. *Tim Geelhaar* / *John Thomas* [eds.], “Foundations and the State in the Middle Ages” [“Stiftung und Staat im Mittelalter”], 2011). When in 2010 I was made aware of the “7th Framework Programme in Research. Technological Development and Demonstration” of the European Commission and the call for well-financed Advanced Grants, I nonetheless initially would have had

to turn my attention away from other projects on medieval global history, if I wanted to submit a promising application. Almost contrary to my presumptions I was successful, so that a decisive change was brought about, without which this book, despite all preliminary work, would not have been possible.

The project “Foundations in Medieval Societies. Cross-cultural Comparisons” of the European Research Council enabled me between 2012 and 2017 to employ, besides post-docs in medieval history, also experts in Byzantine Studies, Indology, Islamic Studies, Judaism and for time Sinology as well, who with me worked on and published a three-volume “Encyclopedia of Foundations in Medieval Societies” [“Enzyklopädie des Stiftungswesens in mittelalterlichen Gesellschaften”] (2014, 2016 and 2017). This “World History of Foundations” was from the start planned as a second undertaking of the Advanced Grant, which was, in contrast to the analytically-conceived encyclopedia, not only to interpret the history of foundations in a narrative fashion, but was also, where possible, to extend far beyond the five or six “cultures” of the shared endeavor. Without the “preliminary work” of my colleagues, especially of other disciplines, who came from Israel, Italy, Romania, Spain/Great Britain and the USA to Berlin, this book would not have been written. I thus thank Zachary Chitwood, Susanne Härtel, Patrick Koch, Emese Kozma, Corrado La Martire, Tillmann Lohse, Volker Olles, Ignacio Sánchez and Annette Schmiedchen more than I can here express. I would also like to expressly thank my student assistants Laura Haßler, Ruth Schwerdtfeger and Benjamin Wolff, who constantly sought to sate my insatiable hunger for source editions and secondary literature, even outside of working hours on weekends.

Something that I did not expect at the start of my studies was the revision of certain fundamental conceptions. In the tradition of Schmid and Oexle, I had been able still in 2012 to publish my older articles in the collection “Foundations and Memoria” [“Stiftung und Memoria”]. What was intended to be the theoretical and methodological cornerstone of FOUNDMED soon was proven to be in need of correction. To wit, in universal comparison one cannot substantiate the assumption that foundations always served the memory of the founder or the salvation of the soul of the founders, as important as these motivations remained for certain “cultures”. I am forever grateful for this new insight, since there is nothing greater for a researcher than to be able to correct one’s own errors and thereby at the same time see oneself as a cultivator of international scholarship.

Alongside all the aforementioned and many still-unnamed collaborators and colleagues who have enabled this work, I would like to thank the European Research Council for the financial means, the Humboldt University of Berlin, which has proven itself not only to be my home, but through its committee, administration and intellectual climate to be my veritable alma mater, and the

Wissenschaftliche Buchgesellschaft, which has taken upon itself the risk of the German publication. For the translation of my book into English I would like to thank my onetime colleague Zachary Chitwood. I would also like to express my gratitude to Kathy van Vliet for accepting this version of the work into the offerings of the Koninklijke Brill NV and for the good care of printing Kim Fiona Plas.

I dedicate this book to my wife Claudia. It is thanks to her love and patience above all others, especially in times of grave illness, that I was able to write this book and other works for scholars and for those generally interested in history.

Michael Borgolte

Berlin, early in 2019

Illustrations

(Picture credits: All except Nos. 7 und 46: Akg images)

- 1 Pyramid of Saqqara: Pharaoh Djoser of Egypt (ca. 2700 BCE) 10
- 2 Grave monument of Cyrus the Great of Persia (559–30 BCE) in Pasargadae (Iran) 31
- 3 Maria with Child, Saints Felix and Adauctus and also the founder Tortura, wallpainting in Rome, Catacombe di Commodilla, of 528 CE 40
- 4 Jovan Oliver, Serbian Despot, c. 1310–56, founder's portrait with archangel Michael in Manastir Lesnovo (Macedonia), 15th c. 63
- 5 Mosque of Sultan Hasan with mausoleum in Cairo (1356–62 CE) 74
- 6 Synagogue of Sardis (Western Anatolia, Turkey), c. 230 CE 84
- 7 Copper-plate charter of Gurjara (Western India) about 8th/11th c. CE. With permission of Prof. Dr. Annette Schmiedchen (Berlin) 103
- 8 Temple of Fengxian in the Grottos of Longmen (Henan, China) of 672 CE: Buddha Vairocana with his pupils Ananda (left) and Kassapa (right) such as kings of Heaven and guardian figures 113
- 9 Stele of King Assurbanipal of Assyria, 668–27 BCE (Esagila in Babylon) 141
- 10 Statue of Udjahorresnet, chief physician and treasurer of the king of Lower Egypt, holding a shrine of Osiris—Found in Sais (Egypt). Vatican Museums, Rome 148
- 11 Pergamon, Gymnasium (today Bergama, Turkey) 161
- 12 Edfu, Temple of Horus. Egypt, 237–12 BCE 171
- 13 Hieroglyphon of King Antiochos I Theos of Commagene (69–36 BCE), Nemrud Dağı (Taurus Mountains, Turkey) 177
- 14 Pillar inscribed with edicts by the Mauryan king Aśoka in Vaishali, Bihar (India) (3rd c. BCE) 187
- 15 Eight armed Vishnu statue at the temple Angkor Wat (12th c. CE), Cambodia 196
- 16 Juliana Anicia, daughter of the Emperor Anicius Olybrius and founder of the Church of Mary in the Honoratae (Pera; Constantinople) of 512/3 CE 225
- 17 Megístis Lávras, the oldest monastery on the Holy Mountain of Athos, founded in 963 by the monk Athonites 235
- 18 Bačkovо Monastery near Plovdiv (Bulgaria), founded by Gregorios Pakourianos in 1083; ossuary, 11th c. CE 239
- 19 Mother of God of Volokolamsk, 16th century. Russian icon 252
- 20 Damascus and the Great Mosque, painting of the 17th c. CE 265

- 21 Samarkand, Registan with three madrasas: Left to right: Ulugh Beg (1417–20),
Tillja Kari (1647–60) and Shir Dor (1619–36) 277
- 22 Al-Azhar mosque in Cairo (Egypt) with academy (since 988 CE) 281
- 23 Orontes in Hama with a noria and the Nūr ad-Dīn-Mosque (erected 1172) 285
- 24 Mausoleum of Khvāja ‘Abdullāh Anṣārī (d. 1089) near Herāt (Afghanistan),
erected 1428 296
- 25 Founder's portrait of Pope Honorius I, c. 625/38 in Rome, S. Agnese fuori le
Mura 313
- 26 Saint-Maurice d'Agaune Abbey (Switzerland), with the earliest Christian
churches on the site, as well as the burial site of Saint Mauritius 322
- 27 Radegunde, consort of the Merovingian king Chlothar I (d. 587), establishes the
Monastery of the Holy Cross in Poitiers. Stained glass in St. Radegunde /
Poitiers, early 13th c. 330
- 28 King Dagobert establishes the Church of Saint-Denis (c. 632). Book
illumination, 14th c. 338
- 29 Holy Island, Lindisfarne Castle. On the site of a monastery of the Early Middle
Ages (16th c.) 347
- 30 St. Augustine's Abbey, Canterbury (Kent), established 598, renewed c. 1099 and
1539 360
- 31 Portrait of St. Willibrord (Adriaen Lommelin, 1630–77) 376
- 32 Charlemagne or Charles the Bald, equestrian portrait, c. 870 (?) 385
- 33 Andlau. Memorial stone for the founding of the monastery by Empress Rich-
gard 880/1 408
- 34 San Salvatore in Brescia, cloister of the former monastery 413
- 35 Quedlinburg, former collegiate church for members of the Ottonian royal
family 424
- 36 Grave monument of King Rudolf of Hapsburg (d. 1291) in the Cathedral of
Speyer 468
- 37 Chartreuse Mauerbach near Vienna. Foundation of King Frederick the Fair,
about 1313, abolished 1782. Photograph about 1970 478
- 38 Emperor Charles IV and his consort Anna with reliquary cross (1357),
wallpainting in the Castle of Karlstein by Prague 494
- 39 Grave monument for Emperor Maximilian I (d. 1519) in the Court Church in
Innsbruck, 16th c. 505
- 40 School of the Buddhist Cave Monastery of Phuktal (Zaskar Region, Himalaya,
India) 514
- 41 Nālanda: Buddhist 'Monastic academy' in Bihar (India), founded 5th c. CE 538
- 42 School of Plato, established c. 387 BCE. Roman mosaic around 100 BCE in
Pompei 545
- 43 Testament of Aulus Quinctilius Priscus in Ferentino, 2nd c. CE 556

- 44 Córdoba, Synagogue of 1351, with Hebrew inscriptions 561
- 45 Caravanserai in Mahyar (Isfahan, Iran), time of the Safavids 570
- 46 Founder Georgios Mazizanis, consort and daughter, wallpainting in the Panagia Kera in Kritsa (Crete), middle of 14th c. Mystis Editions, Heraklion / Crete 575
- 47 Grave monument of Cardinal Francesco Carbone (d. 1405 CE) with sculpture of Caritas, Cathedral of Naples / Italy 595
- 48 Ford's Hospital, Coventry (Grey Friars Hospital), United Kingdom, founded 1509 605
- 49 King William II of Sicily (d. 1189) with church model of Monreale of 1174 612
- 50 Oxford (UK), Christ Church College (16th c.) with cathedral 617

Introduction

For taking a look at the whole of history, or at any rate some of its periods, contemporary scholarship prefers the designation “Global History” to that of “Universal History”.¹ The former emphasizes the examination of global relationships or interconnections, with their implications for historical change, while the latter tends to sequester cultures for the purposes of comparison.² Global historians accuse Universal History, not entirely without reason, of neglecting the dynamic of exchange and transformation by essentializing cultural boundaries. Yet the usefulness of comparisons in the observation of certain phenomena in systems of the same or quite different eras is undisputed,³ as long as supposed laws of historical development are not derived from their results. It is a fascinating insight that human ingenuity, apparently independently of prototypes, begets similar or even identical solutions for the same problems or tasks, whose prerequisites and conditions are accessible to historical analysis.

Foundations as well belong to those universal phenomena which can be compared to each other rather than being effortlessly traced back to the imitation of older cultural models in their particular forms.⁴ It is a worthwhile scholarly undertaking to inquire after them in the broadest possible way, as should take place in this book, because foundations have been recognized as a total social phenomenon, from which the framework of entire societies can be discerned.⁵ Not least of all, research on foundations provides information about people within their own histories: with what intentions and under what circumstances they desire to have an influence after death,⁶ to what extent they can count on the assistance of their fellow human beings and material aid in that place and how, with the passage of time, their plans were transformed or even undone.

1 On Global History, see most recently *Conrad*, *Globalgeschichte* (2013).

2 On the relationship of the two concepts see *Borgolte*, *Über europäische und globale Geschichte* (2013).

3 One example among many others: *Borgolte*, *Otto Hintzes Lehre* (2002). On the problem of the essentializing of cultures and the demarcation of comparative entities see the prudent remarks in *Höfert*, *Kaisertum und Kalifat* (2015), esp. 42–53.

4 Cf. *Borgolte* (ed.), *Enzyklopädie des Stiftungswesens* (2014–17); *Borgolte*, *Stiftung und Memoria* (2012), 337–419; *Geelhaar / Thomas* (eds.), *Stiftung und Staat* (2011); *Borgolte* (ed.), *Stiftungen in Christentum* (2005).

5 *Borgolte*, “Totale Geschichte” (1993).

6 Cf. *Borgolte*, *König als Stifter* (2000); see also n. 8 below.

What a foundation is cannot be defined for all periods; one can, however, generalize many of its forms via an ideal type.⁷ Accordingly, in a foundation a sum of capital is allocated, with whose revenues a certain goal can be followed over the long term.⁸ In contrast to a donation, which consists of a one-time gift, a foundation should, due to its inexhaustible and inalienable endowment, enable a periodic task to be repeated unendingly. Foundations supplement the activities of others and overcome shortcomings; they serve to help the needy, poor, sick and strangers; support state institutions in the fulfillment of their public duties; and further religious worship, as well as art and learning. They are to be found again and again in developed societies with a division of labor, which allow the accumulation of wealth in the hands of individuals. Yet it remains an open question as to whether the idea and practice of foundations were invented in different societies or were spread via imitation.

In the search for the oldest and most important manifestations of foundations, a typological differentiation is advisable. The terms “foundation for the gods” and “ancestral foundation” are self-explanatory, since they designate the beneficiaries of the spent foundation revenues. “Funerary foundations” are not easily differentiated from “ancestral foundations”, since the former can be dedicated to the festal commemoration of those long dead just as easily as the planned *memoria* of those still living after their demise. They are often denigrated as “pagan”, as opposed to Christian foundations, even though both types have in common a visitation of the tomb while uttering the name of the deceased.⁹ Via the alternative designation of “foundations for the cult of the soul”, however, funerary foundations are referred to in a decidedly pre-Christian fashion:¹⁰ in this context the assumed prolongation of life was

7 Cf. *Von Reden* (ed.), *Stiftungen zwischen Politik und Wirtschaft* (2015); *Borgolte / Lohse / Sánchez et al.*, *Stiftung* (2014); *Adam / Von Reden / Borgolte et al.*, *Stiftungen* (2012); *Kocka / Stock* (eds.), *Stiften, Schenken, Prägen* (2011).

8 On strictures for the obligation of an “eternal” service and the varying conception of “revenue foundations” or “operative foundations” (*Gebrauchsstiftungen*), see *Borgolte*, *Stiftungen—eine Geschichte von Raum und Zeit* (2009, repr. 12), 387–8. On the motive of permanence in historical change see now *Moddelmog*, *Königliche Stiftungen* (2012); *Lohse*, *Dauer der Stiftung* (2011).

9 On the problem of the conception of the “funerary cult”, see *Oexle*, *Mahl und Spende* (1984), 401 n. 1.

10 On foundations for the cult of the soul, which “predominated throughout all of antiquity”, see *Liermann*, *Handbuch 1* (1963), esp. 13–4; cf. *Bruck*, *Stiftungen für die Toten* (1954). Newer studies on antiquity contradict the association of pagan foundations with the cult of the soul: *Veyne*, *Brot und Spiele* (1988, repr. 90), 225; further references in the secondary literature in *Holman*, *Hungry are Dying* (2001), 14 n. 64, cf. most recently *Von Reden*, *Glanz der Stadt* (2012). See, however, *Pickert*, *Römische Stiftungen* (2005); *eadem*, *Sehnsucht nach Ewigkeit* (2008).

emphasized, which was above all enabled by the ritual nourishment of, or meal with, the deceased.¹¹ The continuance of life into the hereafter was fixated on the soul, without God (or the gods) having to intervene in its favor or for its salvation. Conceptually, “foundations for the salvation of the soul” are to be starkly differentiated from “foundations for the cult of the soul”. The “salvation of the soul” is the reward of eternal life for a person’s good deeds, as the gift (as well as according to the judgment) of God in a bliss transcending all experience, which could be acquired after a single rebirth and in the resurrection of body and soul. Through “foundations”, the individual can have his works continue to resonate after his death and acquire salvific merits for the salvation of his soul. Until recently, this type of foundation was known to scholarship only from Latin Christendom; in the Middle Ages “foundations for the salvation of the soul” were even thought to have been identical with foundations more generally.¹² The pious were promised salvation as the recompense of God; whoever created a foundation “for the soul”, “for the ransom” or “for the salvation of the soul”, expected, according to the early Christian theologian Tertullian (d. around 220), to make God indebted to him through his good works and to achieve the forgiveness of his sins (and punishments thereof) as a heavenly reward.¹³ The founder was aided in this endeavor by monks, clerics and also laypersons, who repaid their support by the foundation through intercessions on his behalf. Periodic memorial services, which to an extent have attracted the particular interest of scholarship,¹⁴ were, however, according to their type, at most a means of differentiating them from foundations for the cult of the soul. One is not always able to separate the latter via the formulary indication of motives in the written documentation from foundations for the salvation of the soul; it is thus methodologically important that they can only be determined by taking into account the act of foundation in its entirety and through the religious context in which it was undertaken.¹⁵

11 Cf. Oexle, *Mahl und Spende* (1984); *idem*, *Gegenwart der Toten* (1983, repr. 2011), 127–36.

12 Schmid, *Stiftung für das Seelenheil* (1985), 61, 66–7. Corrected now in *Borgolte*, *Stiftungen “für das Seelenheil”* (2015).

13 Schmid, *Stiftungen für das Seelenheil* (1985), 59 and 61, with reference to *Tertullien*, *La penitence* (1984), 150 cap. 11.11. *Angenendt*, *Offertorium* (³2014), 265–79.

14 See now *Borgolte / Lohse / Sánchez et al.*, *Gedenken und Kultus* (2016); *Borgolte*, *Stiftung und Memoria* (2012).

15 In this book I rely in numerous instances on my own publications and borrow passages from them, which I do not reference individually. Translations from Latin are my own, unless otherwise noted.

Religious Basis and Sovereign Practice: Intercultural Comparisons

1.1 Foundations for Gods and Ancestors

The oldest layer of foundations dates from a period in which the world of the gods and of men was still indivisible.¹ It was with the gods that the living and the dead found their place in the unity of the cosmos and, together in mutual obligation, sustained it. Nonetheless, gods and ancestors were the first addressees of foundations. If foundations fostered the worship of the gods and especially the veneration of ancestors, one can conclude² that this was the case because of their neglect in daily practice or that they served to elaborate and enhance worship. Thus, it has been argued that, on the one hand, the indifference of surviving family members to the cult of the dead created the “institution of the foundation”,³ while others have argued that the appearance of foundations reflects a shift of mentality, in which “the enjoyment of luxury as well as empathy for others” became important.⁴ In fact, there was doubtless a dilatory practice of the worship of the dead or gods, without this indicating that there occurred a retreat from cosmic thinking.⁵

Scholarship has proven that the first foundations were in Mesopotamia and Egypt.⁶ The sources for the cult of the gods in Babylon are especially important in this context, because the motive of permanence is discernable, which was a constitutive element of foundations. From the time of the Sumerian

1 On the following see esp. *Borgolte*, *Fünftausend Jahre Stiftungen* (2015).

2 Cf. *Gatzemeier* / *Red.* / *Ebert*, *Kosmos* (1976); *Arndt*, *Kosmozentrisch* (1976). For the Middle Ages *Podossinov*, *Kosmographie* (1991); *Elders*, *Kosmologie* (1991).

3 Thus *Laum*, *Stiftungen* 1 (1914, repr. 64), 238, similarly 242–3 on the genesis of the cult of the gods. Even more pronounced in this sense is *Bruck*, *Stiftungen für die Toten* (1954), 53.

4 *Veyne*, *Brot und Spiele* (1988, repr. 90), 225.

5 When, for example, the Assyrian king Sargon II desired to construct a new capital for his empire in 713 BCE, he was forced to replace the donation of land of his predecessor Adad-nirari III (of 788) for the imperial god Aššur with other properties; nonetheless, with his foundation he did not want to present a challenge to the veneration of the gods, but rather “to give the temple its full due, to strengthen the offerings, to guide the world, and to exalt myself”: *Kataja* / *Whiting* (eds.), *Grants, Decrees and Gifts* (1995), 21 no. 19, cf. xxiv. *Postgate*, *Neo-Assyrian Royal Grants* (1969), 67–8 with a commentary at 68–9.

6 Cf. *Sarrazin*, *Étude sur les fondations* (1909), 1–12; *Laum*, *Stiftungen* 1 (1914, repr. 64), 61–88, 237–43.

city-states of the early third millennium, rulers or kings were attributed the title “Nourisher of the God X” or “Nourisher of Temple X”. Royal ordinances in stone inscriptions decreed the regular provision of meals and libations to the gods “for all time”.⁷ From the time of the empire-builder Hammurabi (1793–1750 BCE), Marduk rose from being a civic deity to the premier god of the land, and his temple became a depot for meals and other foodstuffs from the entire realm.⁸ Priests and other temple functionaries were to feed him twice daily. This obligation was based on the notion that humankind must nourish the gods to preserve the world.⁹ That which all ancient eastern myths narrate in one way or another, the cosmogenic poem “Enuma Elish” from the end of the 2nd millennium concerns Marduk himself. Before heaven and earth existed, there were so many rival deities that the younger gods rebelled against their elders and, in the course of the struggle, seemingly invincible monsters were created. The young Marduk offered to fight on behalf of the gods, yet stipulated that, in the event of his triumph, he would be able to become the most senior of the gods and their king in perpetuity. This was agreed to. After his victory, Marduk became the creator god of the world and fashioned man, who “from now on through the work of his hands [had to provide] for the sustenance of the gods.”¹⁰ The creation of humankind thus freed the gods from worrying about their subsistence.

Scholarship has demonstrated that the animals which the king sacrificed for the deity of his city, land or empire were supposed to stem not only from all regions under his rule, but also to correspond to the three cosmic regions of the Near Eastern worldview: “Sheep and bulls represent the earth, the birds heaven and fish the ocean, which encompasses the earth and over which the earth arches. With the offering of these animals the highest god is nourished and ‘placated’, by being borne by the life force of the whole cosmos in its vertical order: heaven, earth, sky.”¹¹ According to administrative documents, which stem already from the 21st century BCE and extend into the late 7th century, administrators, generals and cities from the whole empire had to supply the king for the feeding of the gods; thus, the sacrificial cow in no way came only from the extensive herds of the state and temples. This was therefore clearly a levy or tax on all the inhabitants of the empire.

7 *Maul*, Gott ernähren (2008), 78; *idem*, Religionen Babyloniens (2008), 177; *Jursa*, Babylonier (2008), 57, 85–6.

8 On the historical context: *Neumann*, Mesopotamien (2009), 198–200.

9 *Oppenheim*, Ancient Mesopotamia (1977), 183–98.

10 *Maul*, Religionen Babyloniens (2008), 167–78; quotation at 168; *idem*, Gott ernähren (2008), 76–8; *Oshima*, Babylonian God Marduk (2007); *Jursa*, Babylonier (2008), 80–4; *Groneberg*, Götter des Zweistromlandes (2004), 92–108.

11 *Maul*, Gott ernähren (2008), 79.

How seriously this obligation was taken is demonstrated by two letters of a priest of Aššur to the New Assyrian king: “Today’s 5th Kanunu from the city of Talmusu is to be paid. Nothing was delivered. I (nonetheless) have sacrificed the offering of Aššur for the life of the king, my lord [and the gods of the king, my master].” “[To the king], my lord: [your servant D]adi. [Hail] to the king, my lord. May Nabû and Marduk bless the king, my Lord! Two cows and 20 sheep, offerings of the king, which the city of Diquqina was to provide, have not been delivered. May the king, my lord, pursue this matter. (...) It has now been [x] years that they have not been delivered. They have ceased this. The king, my lord, should [send] his soldiers [there].”¹²

The demand for permanence for foundations may thus have been based on the myth that human beings were responsible for the continual maintenance of the immortal gods.¹³ Despite the general obligatory levy, which (in the New Assyrian Empire) applied to the queen, the crown prince, leading members of the temple and palace as well as influential families in the inner circle of the ruler,¹⁴ there remained room for the founder’s initiative. From Lagash, one of the important Sumerian city monarchies, stems already the inscription of a “clay nail” in the local temple.¹⁵ It reports that King Enmetena (around 2400 BCE) had made a pious gift of land to the god Enlil (of Badtibira) from the inheritance of his forefathers.¹⁶ The donation of such a fortune in real estate justifies

12 Cited after *ibid.*, 83.

13 On the immortality of the gods *ibid.*, 77; *Groneberg*, Role and function of goddesses (2007), 321.

14 *Maul*, Gott ernähren (2008), 81.

15 On Lagash: *Selz*, Untersuchungen zur Götterwelt (1995). On “clay nails” *Chiera*, They Wrote on Clay (1938), 93–101. It concerns the fact that inscriptions on the clay nails of the great Babylonian buildings did not last.

16 *Charvát*, Social configurations (2007), 251, with reference to the translation of *Cooper*, Sumerian and Akkadian Royal Inscriptions 1 (1986), 63–4 no. La 5.17: “For Enlil of [E]ad[da]—Enmetena, ruler of Lagash, chosen in her heart by Nanshe, chief executive for Ningirsu, [son of E]nanatum [ru]ler of Lagash, descendant of Urnanshe king of Lagash, built the Eshdugru for Ningirsu and built him the Aḫush, the temple he looks upon approvingly (...). / At that time, Enmetena fashioned his statue, named it ‘Enmetena Whom Enlil Loves’, and set it up before Enlil in the temple. / Enmetena, who built the Eadda—may his personal god, Shulutul, forever pray to Enlil for the life of Enmetena. / Eanatum had ceded 25 bur [162,5 hectares] from Surnanshe. 11 bur [71,5 hectares] of ... rushes, land in the marshes of Nina, adjacent to the Holy Canal, and 60 bur [390 hectares] (already belonging to?) Enlil, land in the Gu’edena, Enmetena, ruler of Lagash, ... to Enlil of Eadda.’ Eanatum was the brother of Enanatum and uncle of Enmetena; the wording of the source (in its English translation) could also suggest that Enmetena was not the direct heir of his uncle, but rather confirmed his donations of land to the god Enlil as a new founder. *Selz*, Untersuchungen (1995), 127–8, speaks of “the erection of a temple prebend”; cf. 132, 150, 161, 302. On “prebends” in Babylon: *Van Driel*, Pfründe (2003–5). On

without a doubt the conclusion that it was a foundation, whether the yields were used for offerings or were spent for priests or other employed personnel. This attestation is certainly one of the oldest documentarily-transmitted foundations of Mesopotamia; it not only verifies the act of foundation and transmits the founder's name, but it also documents "private" landholding as the source of the gift. In another emphatically-transmitted foundation for the gods, the Babylonian king Maruttash around 1300 gave "the god Marduk, his lord, (...) for always and all future days" certain fields across from the capital.¹⁷

Foundations for ancestors on the Nile belong to roughly the same period as the foundations for the gods in Mesopotamia.¹⁸ Offerings for ancestors had the function of maintaining them in the realm of the dead or grave and to keep them well-disposed towards the living, not, however, as in later religious systems, to improve their situation in a separate hereafter. The intensity with which the Egyptians felt themselves connected with their ancestors is impressively expressed in a series of letters to the dead, which already stem from the time of the Old Kingdom (ca. 2600–2200). In one of these documents, for example, a widow complains to her deceased husband about what use at all were the carefully performed funerary rites, if their ancestors would not come to their aid in a conflict over their daughter?¹⁹ Foundations for ancestors and the dead are likewise transmitted from the Old Kingdom, whether from kings or "private persons". The mental basis for this was a profound trust in the indestructible world order; the principle which permeated the cosmos and society was, according to Jan Assmann, the *Ma'at*, which was understood as the "order" of the world, in contrast to "chaos".²⁰ The king stood at the center of this order,

the royal genealogy and chronology see *Cooper* 14; image in the Wikipedia article "Clay nail", accessed on 11.2.2015.

- 17 *Laum*, *Stiftungen* 2 (1914, repr. 64), 207–8, here dates it to 1326–1301 BCE; cf. *ibid.* 1, 239–40. On the understanding of the monumental text-bearing *kudurrus*, which were earlier thought to (only) be boundary stones, now, however, have (above all) been judged to have been inscriptions in temples, see *Slanski*, *Mesopotamia. Middle Babylonian Period* (2003), 486; cf. *Oelsner / Wells / Wunsch*, *Mesopotamia. Neo-Babylonian Period* (2003), 913. Maintaining their interpretation as "boundary stones": *Bahrani*, *Babylonian Visual Image* (2007), 162–8; cf. *Brinkman*, *Kudurru* (1980–83).
- 18 Cf. *Laum*, *Stiftungen* 1 (1914, repr. 64), 238–9; *Goedicke*, *Private Rechtsinschriften* (1970), esp. 205–7; *Mrsich*, *Untersuchungen* (1968). On the following also *Morenz*, *Prestige-Wirtschaft* (1969), esp. 29–59.
- 19 *Jasnow*, *Egypt. Old Kingdom* (2003), 98, 132–3; cf. *idem*, *Egypt. New Kingdom* (2003), 350; *idem*, *Egypt. Third Intermediate Period* (2003), at 812. On the related genre of "letters to the gods": *Parpola*, *International Law* (2003), 1048. Dating of the 'Old Kingdom' and of the Egyptian dynasties in what follows after *Graefe*, *Altes Ägypten* (2009), 148–53.
- 20 *Assmann*, *Große Texte* (1992), 248; *idem*, *Ma'at* (1990, ²2006), 9–10, 18; *Morenz*, *Ägyptischer Totenglaube* (1965).

which he had created and preserved, and took officials of the kingdom in this sense into his service. The king was understood as the lord and “owner” of all land, which did not hinder, however, “the ability of private persons to acquire and use property.”²¹ Some founders concluded formulaic contracts with priests for the dead in order to secure the purpose of their gifts of landed properties, slaves and other goods for the funerary cult.²² Naturally, in Egypt the gods themselves were also themselves addressees of foundations for the dead.²³

The emergence of foundations in Egypt is closely connected with the genesis of a sophisticated state.²⁴ The kings of the 1st Dynasty (ca. 3000 until ca. 2800 BCE) took care to travel through the land every two years, to dispense justice and guarantee the general order through their presence; it was referred to as the “convoy of Horus”, and thus made reference to the cosmic god Horus, who in his universal authority reflected the institution of the kingdom.²⁵ Along with Horus, who was soon renamed Re, there existed local deities which, lacking a professional priesthood, could have been supported via personal exchange with the inhabitants.²⁶ During his journeys, the king collected the exactions on which he and his court lived. From the time of the 2nd Dynasty (ca. 2800 to ca. 2700) onwards the “convoy of Horus” gradually disappeared, and the levy, which soon became annual, was diverted to the palace as a tax of the whole land to the palace.²⁷ In this context, alongside a central administration, an independent economic complex developed, which was designated for the king personally. For foundations, this was a decisive first step, since this administration *ad personam* lasted beyond the death of the Pharaoh and had to supply his tomb.²⁸ In greater complexity, magazines for royal tombs were separated from those of high-ranking officials; to wit, there prevailed the concept that kings must continue to supply the people of their time, even in death, for all eternity.²⁹ Furthermore, a change came about at the end of the 2nd Dynasty (around 2700 BCE), as the kingdom collapsed into the regions of Upper and Lower Egypt, the latter with old royal residence of Memphis. The kings reigning

21 Goedicke, *Private Rechtsinschriften* (1970), 191.

22 Jasnow, *Egypt. Middle Kingdom* (2003), 277–9.

23 Cf. Helck, *Materialien* (1961), esp. 790–1, 974–82, 1010; Meeks, *Donations aux temples* (1979); Fitzenreiter, *Statuenstiftung* (2007); Jasnow, *Egypt. New Kingdom* (2003), 328–32; cf. Jursa, *Babylonier* (2008), 15–6, 51–2, 57, 88–9; Slanski, *Mesopotamia* (2003), 505.

24 The following after Helck, *Wirtschaftsgeschichte* (1975); in addition: Goedicke, *Private Rechtsinschriften* (1970), esp. 205–11; *idem*, *Cult-Temple and ‘State’* (1979).

25 Helck, *Wirtschaftsgeschichte* (1975), 22–3.

26 Goedicke, *Cult-Temple and ‘State’* (1979), 115–20.

27 Helck, *Wirtschaftsgeschichte* (1975), 23.

28 *Ibid.*, 26.

29 *Ibid.*, 28, 31.

there were so decisively defeated that not even their names were recorded in the annals of the kingdom. According to the interpretation of Wolfgang Helck, this *damnatio memoriae*, to which the tombs of the “anti-kings” may have fallen victim, must have presented a serious crisis of identity, because the preservation of the corpse of the king was a key perquisite for the supply of his people for eternity: “Were the body to be destroyed, no one would take care for the dead of their time, and they would die a second death of hunger and depression. Thus, for those ‘supplied’ by ‘their’ king (...) it was of the greatest importance that the king continue to live in his form. As a consequence, mummification was further developed, but also the tomb of Zoser [Pharaoh Djoser, 3rd Dynasty] was laid in the vicinity of the royal residence, which was easier to secure, was erected ‘for eternity’ in stone and, finally, was made unsailable through an ever greater monumentality.”³⁰ The thorough organization of all life that was now necessary led to the “first Egyptian ‘state’, and also the development of an ‘economy’”. Not only did the population have to be called upon for the quarrying of stone, as in the construction of the pyramids. From this there also arose the necessity of registering the population for their provisioning during the construction work (...). Yet at the same time the demand increased by leaps and bounds, to undreamed of heights, for trained personnel: specialists, scribes, planners, administrators, ‘managers’ of every sort.”³¹ With a connection to the maintenance of the dead king, the persons in question, and in the course of a change of rulership there were ever more of this—were removed from the rest of the economy and the disposal of the reigning king. The food supply in the kingdom therefore had to be reorganized. A demesne economy arose, and with it the true economic basis of royal foundations: “The old ‘economic structure’ of the king disappeared, and in its place properties were established in the provinces which with strict organization produced food for the court for distribution to workers and specialists. Since these specialists were likewise now also dependent on the ‘king of their time’ after their death, the pressure on this king increased for the newly-established properties to become his funerary foundations. Through the refounding of further estates by his successors, the entire population was soon reorganized in these properties, whereby the old village economy disappeared in favor of a strictly-organized economy of state demesnes.”

Over the course of the 4th Dynasty (c. 2600 to c. 2500 BCE) the villages and properties of royal funerary foundations emerged evermore at the expense of “state” lands: Pharaoh Snofru, a builder of important pyramids, endowed his

30 Ibid., 31–2.

31 Ibid., 32.



ILLUSTRATION 1 Pyramid of Saqqara: Pharaoh Djoser of Egypt (ca. 2700 BCE)

funerary temple with around 100 villages, of which on average around four per district in the realm were allocated.³² Not all kings, however, could assign so many fields along with their yields to funerary temples. King Shepseskaf, the last pharaoh of the 4th Dynasty, first had to finish the temple of his predecessor and father Mykerinus, and there endowed a sacrifice for the eternal service of priests.³³ Yet that same Mykerinus had supported the cult of the imperial goddess Hathor with the endowment of two *arures* of farmland for (benefices for) priests in Tehne.³⁴ Apparently, such endowments for deities were at first a consequence of royal funerary foundations, and were initially restricted to the gods of the palace. Provincial temples were first also endowed to a greater extent at the end of the 5th Dynasty (ca. 2300).³⁵ In the roughly four centuries between Snofru and Pepi I, the proportion of temple lands that were designated for the cult of the gods slowly increased at the expense of properties for royal funerary temples.³⁶

³² Ibid., 37, 39–40.

³³ Goedicke, *Königliche Dokumente* (1967), 16–21; Helck, *Wirtschaftsgeschichte* (1975), 48.

³⁴ Goedicke, *Private Rechtsinschriften* (1970), 131 (inscription of *Nj-k3-ḥḥ*). Two *arures* appear to have been the customary size of a funerary endowment (ibid., 136 n. 6); cf. Goedicke, *Cult-Temple and 'State'* (1979), 121–3.

³⁵ Helck, *Wirtschaftsgeschichte* (1975), 53–4.

³⁶ Ibid., 38, 44, 52.

The funerary cult concerned not only the king in his pyramid: along with his mummy, his statues in front of the pyramid had to be ritually fed.³⁷ With the cult of statues, which stood for the king himself, funerary foundations could be decentralized. In particular, from the 6th Dynasty onwards (ca. 2300 to ca. 2200 BCE) the pharaohs had chapels erected in the temples of the countryside for a statue cult, which was economically attached to the temple in question.³⁸

From the beginning, it seems to have been a royal duty to secure a worthy burial, including a fitting funerary cult, for the king's servants; this doubtless applied in particular to his officials.³⁹ Nevertheless, there is early documentation for a "private" foundation: it stands "utterly isolated" in the transitional period between the 3rd and 4th Dynasty (ca. 2600).⁴⁰ A man (an official) by the name of *Mtn* possessed an inheritance from both his father and mother, as well as incomes from leased royal land.⁴¹ He apparently turned his paternal inheritance into a funerary foundation for himself; the king appears not only to have donated his tomb to him, but also to have himself created endowments on site. *Mtn* thus had private property, even though his funerary foundation was closely dependent on the king, as his lord, from an official, property rights' and cult perspective. Similar is the case of a disposition of *K3-m-nfrt* from the 5th Dynasty, who acquired his tomb in the cemetery district of the Chephren pyramid.⁴² "As he still lived on his feet (...) and performed service at court every day for the king", the official compelled the "endowment priests of the dead" to sacrifice to the deceased on his behalf. Neither they nor their children, siblings or descendants were to alienate the properties allocated for the sacrifices, but they were to instead use the inherited agricultural land, persons (slaves) and objects for the cult at his tomb. *K3-m-nfrt* repeatedly emphasized that the king had supplied him materially for his funerary sacrifices.⁴³ The income from the funerary foundation was to support "concurrently the performance of rites as well as the maintenance of the priests of the dead."⁴⁴

37 Ibid., 45.

38 Ibid., 46, 54.

39 Ibid., 73.

40 Goedicke, *Private Rechtsinschriften* (1970), 191.

41 Ibid., 5–20; on the interpretation of various inscription fragments esp. *ibid.*, 7–8, 15–6, 19, 191, 200–1, 205–6.

42 Ibid., 44–67, who rejects a dating to the time of the 4th Dynasty, also adopted by *Laum*, *Stiftungen 2* (1914, repr. 64), 201–2, in favor of the 5th Dynasty (*Goedicke* 46 ad 1).

43 Cf. esp. *Goedicke*, *Private Rechtsinschriften* (1970), 62–4.

44 Ibid., 63, cf. 210–1.

An impressive inscription that was composed by the son of a “palace manager” demonstrates how much the Pharaoh cared for the planning of the tombs of his officials. It states that Mykerinus had donated a tomb to his father and assigned all the necessary craftsmen for its construction.⁴⁵ In this case, as well as more generally, the palace itself was initially responsible for the funerary cult of royal persons; yet soon properties of the dead were assigned, and thus with royal aid foundations were created for eternity.⁴⁶ A particular form of financing that proved to be beneficial to both parties was the “circular contribution”: “Kings endowed contributions to a temple on the condition that a portion of the contribution would be allocated to a statue of the king erected there or to the chapel of a queen. From there he could, however, then give a fraction to a high official, living or dead, for the sacrificial site at the tomb.”⁴⁷ Thus, initially the stipend of the official was (partially) financed from the revenues of the foundation in favor of the king (his statue or that of the queen), and after the death of the officeholder these funerary offerings were spent in his favor. “Such circulatory foundations were especially undertaken in those places where a subordinate was to be venerated, who could then designate himself as ‘maintained with his lord.’”⁴⁸ In particular, in provinces where officials were entrusted with the administration of state property or royal (funerary) temple lands, it naturally followed that portions of the properties passed over to them, so that they could independently create funerary foundations for themselves.⁴⁹ The dissolution of a close association with the king’s discretionary power is demonstrated by the fact that royal funerary foundations for his officials from the 5th Dynasty onwards refer only to the endowment, yet no longer to an actual funerary structure.⁵⁰ An official of this time emphasized that he had “in a month erected” his tomb and added: “Verily have I made this tomb from my own property (...) and I took nothing from others.”⁵¹ At the end of the 6th Dynasty private statues in a temple could also be supplied by circulatory sacrifices.⁵² Nonetheless, the boom in private foundations, which was observable from the 5th Dynasty onwards, at first does not appear to have lasted. Especially in the second half of the 6th Dynasty a “tendency to emphasize royal suzerainty” is again apparent, as well as in the 4th Dynasty, as has been

45 *Helck*, *Wirtschaftsgeschichte* (1975), 73.

46 *Ibid.*, 77–8.

47 *Ibid.*, 81.

48 *Ibid.*, 83; *Goedicke*, *Private Rechtsinschriften* (1970), 206.

49 *Helck*, *Wirtschaftsgeschichte* (1975), 59, 64–5, 67–8, 135.

50 *Goedicke*, *Private Rechtsinschriften* (1970), 15, 191–2.

51 *Helck*, *Wirtschaftsgeschichte* (1975), 75; *Goedicke*, *Private Rechtsinschriften* (1970), 199.

52 *Helck*, *Wirtschaftsgeschichte* (1975), 83, 87.

emphasized by scholarship. The private law situation thus fluctuated during the Old Kingdom.⁵³

The two foundations of Pepi I and Pepi II may thus have been characteristic of this epoch. The former committed himself to the pyramid city (or cities) of his distant predecessor from the 4th Dynasty, Snofru, in Dahshur. In an edict he ordered an unknown official to favor the pyramid city with the everlasting exemption of taxes and other exactions, as well as with the revenues of certain estates:⁵⁴ “Our Majesty orders for him [Snofru] the exemption of this pyramid city from the exaction of any sort of work of the royal household, (from the exaction) of any taxes for the administration of the residence, (from the exaction) or any obligation (to work) because of the directive of anyone and (from the exaction) of any similarly obligatory (work) because of the directive of anyone for all eternity (...). Our Majesty orders the division of all portions of acreage of these pyramid cities according to the division ordinance for these pyramid cities. (...) Nor shall you give any land, priestly income or property to any persons who are resident in another pyramid city (...).”⁵⁵ As for the purpose of these measures, Pepi I expressly mentioned sacrifices for the deceased Snofru, who is here clearly remembered as a god: “Our Majesty does this for the protection of the pyramid cities from these affairs, so that the priestly office, the monthly sacrifice and the sacrifice to the gods are performed in these pyramid cities [for] the king of Upper and Lower Egypt, Snofru, in (both) the pyramids *H^{rw}-Snfrw*, by command [for the benefit of] life, [prosperity and health of the] king of Upper [and Lower Egypt *Mrjr^e*], may he live [eternally].”⁵⁶ The foundation of Pepi for his distant predecessor thus was to benefit himself as well.⁵⁷

The double foundation ascribed to Pepi II, alias Neferkare^e, in the Min shrine in Koptus, is complicated. This pharaoh of the late 6th Dynasty had a statue of himself erected “out of Asiatic copper, color pastes and gold”, which he named “triumphant is the king of Upper and Lower Egypt Neferkare^e”, and which he endowed with a royal or divine sacrifice. Already while still alive Pepi had, according to the inscription, created a foundation for himself as a god. In addition, he gave “three *arures* of farmland in the District of the Two Falcons (...), which flood annually”, for a foundation by the name of “Min strengthens

53 *Goedicke*, *Private Rechtsinschriften* (1970), 192.

54 *Goedicke*, *Königliche Dokumente* (1967), 55–77.

55 *Ibid.*, 54–5 (the quotation here has been gently reworked in the interest of readability).

56 *Ibid.*, 56.

57 *Ibid.*, 77.

Neferkare^e”; this farmland was to serve “as a secure offering for all time in addition [to] the rites for the feasts.”⁵⁸

While funerary foundations predominated in Egypt, ancestral foundations in a narrower sense can be observed in China. The key idea for “to found” in this context was *gongyang*—translated literally: “to offer sustenance”—, which “in the original Chinese context referred to the care of parents in their dotage, but in a wider sense also meant a meal offering to ancestors or divinities.”⁵⁹ To the Chinese state cult thus belonged, alongside the veneration of heavenly or chthonic deities by the ruler or his functionaries, the ancestral cult of the respective ruling house.⁶⁰ The Chinese ancestral cult attained its classic formulation in the time of the Western Zhou dynasty (ca. 1050–771 BCE), and as such has retained its paradigmatic status until the present.⁶¹ The practices of the Zhou period were predicated on the assumption that “the ghosts of deceased ancestors possessed extraordinary powers. It was believed that one’s ancestors were in principle favorably inclined towards their children and children’s children, that they could even help them along the path to prosperity and renown; they in return had to earn the favor of their ancestors anew through the correct and punctual performance of the offertory rites again and again. Ancestors and descendants thus lived in a symbiosis with one another, in which the living kept their ancestors alive through food offerings, while they in turn influenced the forces of nature to help their living descendants.”⁶² The offerings were performed through ritual meals, at which a family member was stationed in the ancestral temple and the ancestral spirits used a human being as a medium. In ritualized speech the most senior family member had to report to the ancestors of the prosperity, as well as the virtues, of their descendants. “Through an oracle one learned of the answer of the heavenly beings; their blessing and aid was the expected reward for maintaining the traditional customs and rites.”⁶³ Bronze dishes, with which the dead of the well-to-do or even those stemming from the ruling dynasty were buried, were provided with inscriptions that document the interdependence between the living and dead. Inscriptions attest the vicinity of the highest heavenly god as the ancestral resting place,⁶⁴ from

58 Ibid., 128–36.

59 Olles, *Religiöse Stiftungen* (2016), 720; cf. Eichhorn, *Alte chinesische Religion* (1976), 6–14 and passim.

60 Olles, *Religiöse Stiftungen* (2016), 696.

61 Von Falkenhausen, *Ahnenkult* (1990), 35; on the contemporary ancestor cult: Reiter, *Religionen in China* (2002), 52–4, 56–61.

62 Von Falkenhausen, *Ahnenkult* (1990), 35.

63 Ibid., 35.

64 Ibid., 35, 40.

which they could temporarily return to the world of the living, while other sources refer to a realm of the dead or a “dark city”, with the grave itself perhaps being understood as the last possible dwelling of the dead.⁶⁵ In any case, the spheres of the living and dead formed a unity that was mutually permeable, and with the obligation of the cult of remembrance in the one corresponding to the task of *memoria* in the other.⁶⁶ Through foundations the mechanism of gift and gift in return could be strengthened.

As in other foundation cultures of the ancient world, ancestral foundations and foundations for the gods in Greece and Rome likewise developed foundation prototypes. Endeavors of this sort for the benefit of the cult of the gods are to be found in Greece from the early 4th century onwards. The historian Xenophon was witness to his own foundation for the shrine of Artemis in Ephesus, with reference to the locality of Skillus by Olympia around 400 BCE: “Soil dedicated to Artemis! Whoever owns and builds it up, is to offer the tithe each year as a sacrifice; from the surplus the shrine is to be maintained; whoever does not perform this will come into the [wrath of the] goddess.”⁶⁷ Foundations for the dead appear from the 3rd century BCE onwards. According to a document transmitted by inscription, for example, Agasikles and Nikagora bequeathed money and a tract of arable land to the citizenry of Kalaureia for a foundation in favor of the gods and themselves. After the administrators “had collected the interest from the money and the lease of the land”, they were “to offer from these a fully-grown sacrifice to Poseidon and the same to Zeus, the savior”; furthermore, they were to “erect an altar (...) before the statues of founders that stand at the assembly; the sacrifice is to be performed annually, as it is written on the pillar; you should procure everything else as excellently as possible.”⁶⁸ Even more extensive provisions are offered by a testament of a Roman citizen from Langres (in Gaul), who belonged to the tribe of the Lingons.⁶⁹ According to the document, which is dated to around 100 CE, the testator had a funerary structure (*cella memoriae*) erected and gave instructions

65 Clart, *Religionen Chinas* (2009), 49.

66 Bokenkamp, *Ancestors* (2007), esp. 51–3 and *passim*.

67 Laum, *Stiftungen* 2 (1914, repr. 64), 15 no. 12 after Xenophon, *Anabasis* 5.3.13, cf. 1.61; cf. *Laum* 2, 9 no. 3 (2nd cent. BCE). Also: *Von Reden*, *Glanz der Stadt* (2012), 25–6. Cf. in addition *Laum* 1, 243, with reference to 2, 42 no. 42 of the 4th cent. BCE (an inscription), and 65 no. 53, which is, however, first reported by Plutarch (died around 125 CE), with reference to Nikias, who died in 413 BCE. According to the tenor of the description by Plutarch, it was probably a foundation which was to benefit Nikias during his own lifetime, cf. *Von Reden* 25, with a different perspective Veyne, *Brot und Spiele* (1988, repr. 90), 226–7.

68 Laum, *Stiftungen* 2 (1914, repr. 64), 67 no. 58, cf. 1, 68–81, 243, with reference *inter alia* to 2, no. 43, 45, 50 and 117.

69 Arangio-Ruiz (ed.), *Fontes* 3 (1943), 142–6 no. 49.

on the endowment, the administration of the foundation and the commemoration of the dead. The *cella* was to be supplemented by an annex (*exedra*), in which the sitting statue of the founder, in marble or bronze, was to be erected; before the monument a bed was to be placed, and stone benches were envisaged on both sides of the tomb. For the days on which the building was to be opened, blankets and pillows, as well as robes and undergarments, were to be made available, so that those attending the funerary meal could stay. Before the *cella*, according to the provision of the unnamed testator, a spectacularly chiseled altar for his mortal remains was to be placed. The supervision of the burial site, which also included lakes and orchards, was entrusted to two freedmen, who were also left with funds for the maintenance of the installation. To aid them the founder envisaged three nurserymen with apprentices; were one of them to die, a successor was to be chosen. As a salary 60 bushels of wheat a year was allocated for each gardener, which the heir of the testator, Aquila, and his own heirs were to pay. The tomb itself was designated exclusively for this Roman citizen; he expressly objected to any misappropriation of the endowment through an additional burial. Aquila and his heirs were threatened with hefty fines in favor of the *civitas Lingonum* if they were not to observe this provision. Finally, the testator carefully regulated the funerary cult that was to be dedicated to him. He entrusted the carrying out of the burial and funerary festivals to his nephew Aquila along with three other men, including an additional freedman. He ordered regular feasts at his tomb for the period after his burial. All of his freedmen, but also Aquila, were to render monetary payments for the procurement of food and drink. These provisions were to be provided for the periodic sacrifices before the *cella memoriae* and were to be consumed at the gravesite. Furthermore, the freedmen were to annually elect rotating “trustees” for the funerary cult, who were to celebrate the *sacra* at the tomb six times a year. The testator himself had selected the first of the *curatores*.

According to the long authoritative theory of the historian of law and religion Eberhard F. Bruck, the preservation of the funerary cult formed “the most important, or in any case a compelling motive” for Roman foundations.⁷⁰ As in Hellenism at the start of the 3rd century before the Common Era, in Rome around 100 BCE a shift to an individualized tendency with relation to life after death can be ascertained.⁷¹ Just as in Greece, where the ancient bonds of family and class were dissolving, so four hundred years later in the great families of the Late Republic the voluntary funerary cult was being increasingly neglected;

70 Bruck, *Stiftungen für die Toten* (1954), 53. The present author still followed this model in: Borgolte, *Stiftungen in rechts- und sozialhistorischer Sicht* (1988, repr. 12), 8–9.

71 Bruck, *Stiftungen für die Toten* (1954), 58–9; cf. thus already Laum, *Stiftungen* 1 (1914, repr. 64), 242, 250.

the rise of new social groups, such as that of the *equites* (“knights”), brought with it the need for an individual funerary cult.⁷² In order to secure familial piety, new legal forms became necessary. Distrust of heirs, who once had performed the funerary cult as the most important duty towards their parents and forefathers, led above all to the continued spread of foundations.⁷³

Recent scholarship has, in part, called this reconstruction into question.⁷⁴ Thus, it has been shown that Roman foundations already extend back to the first centuries after Christ, and only a few founders can be discerned from the senatorial upper class. In these cases as well they are not funerary foundations.⁷⁵ Nonetheless, a younger author still pronounced the “longing for eternity” as the principal motive in the title of her monograph on foundations in the Age of Augustus.⁷⁶ According to this examination, funerary foundations reached back even to the time of the Late Republic (that is until 30 BCE); their characteristic initiators and executors were freedmen.⁷⁷ Erstwhile slaves certainly acquired citizenship, yet they could not occupy offices or undertake military service. “As second-class citizens, important paths to renown and fame—the prerequisites for a continuing life in the remembrance of posterity—were thus closed to them.”⁷⁸ In order to preserve one’s own name from oblivion after death, funerary monuments with founders’ inscriptions naturally suggested themselves, which could be provided with “tomb gardens”. These could produce flowers for commemorative celebrations or other natural bounties for the funerary meals. The transmission of one’s name among successive generations was realized by freedmen themselves manumitting slaves, who bore the name of their patron. Even free citizens by birth, like the founder from Langres, made use of the instrument of the memorial foundation with the aid of freedmen. To this construct was added the *fideicommissum*, which became legally-binding under Augustus;⁷⁹ the endowment was transmitted to the freedmen and their descendants in the trust and expectation that the cult at the tomb and of remembrance would be implemented.⁸⁰ These persons could be rewarded by likewise being granted the right to be buried at the tomb of their patron.

72 Bruck, *Stiftungen für die Toten* (1954), 96–7.

73 Ibid., 57.

74 Cf. *Von Reden*, *Glanz der Stadt* (2012), 29–33.

75 Andreau, *Fondations privées* (1977); cf. Pickert, *Römische Stiftungen* (2005), 30–1.

76 Pickert, *Sehnsucht nach Ewigkeit* (2008), which references in particular (27) *Le Bras*, *Fondations privées* (1936), and (23–4) various publications of *Borgolte*.

77 Pickert, *Sehnsucht nach Ewigkeit* (2008), 33–56.

78 Pickert, *Römische Stiftungen* (2005), 33.

79 Pickert, *Sehnsucht nach Ewigkeit* (2008), 49–50.

80 Ibid., 46, one finds the important notice that it was not the bodily heirs of freedmen who were to continue to care for the tomb, but rather the freedmen of the freedmen.

1.2 Foundations for Individuals after the Revolution of the Axial Age

Foundations for the gods and for ancestors were the products of a conception of ontology and of the “world” in which the living and dead found their place in the unity of the cosmos; in order to reach the hereafter from the temporal, human beings were not reliant on divine aid or their own deeds. Though individuals were bound to their families, social classes and local communities in solidarity, an ethical imperative to help the stranger was as foreign as compassion. The caesura by which this changed has been called, after Karl Jaspers, the “Axial Age”. According to Jaspers the “axis of world history”, the “deepest incision in history”, lies between 800 and 200 years before Christ; in addition, he writes: “In this period the extraordinary converged. Confucius and Lao-tse lived in China, and there all the schools of Chinese philosophy arose, which Mozi, Zhuang Zhou and Liezi, as well as countless others conceptualized. In India the *Upanishads* came into existence, Buddha lived, and there developed every philosophical possibility, from skepticism and materialism, to sophistic and nihilism, as in China. In Iran Zoroaster preached the demanding worldview of the struggle between good and evil. In Palestine the prophets tread, from Elijah to Isaiah, Jeremiah and Deuter Isaiah. Greece witnessed Homer and the philosophers—Parmenides, Heraclitus, Plato—and the tragedians, Thucydides and Archimedes. Everything developed in these few centuries, which is only hinted at through such names, at practically the same time in China, India and the West, without one being aware of the other.”⁸¹ At the center of this incomparable breakthrough stood the discovery of transcendence, which fundamentally changed the worldview of human beings. The conception of the cosmos which encompassed the world of human beings and the gods was displaced by a division between the temporal and the hereafter, the sacred was extracted and the world, in the words of Max Weber, was “demystified”.⁸² The individual was no longer bound within a cosmic cultic community, but instead had to bridge the gap that arose between the temporal and the hereafter. With the discovery of transcendence he became self-referential, experienced himself as a subject, personality or individual, that is as just another one of his fellow human beings.⁸³ Since the search for mean-

81 Jaspers, *Ursprung und Ziel* (2017), 17–8. The observation of world historical parallels goes back to Ernst von Lasaulx in the middle of the 19th century, cf. Pitz, *Griechisch-römische Ökumene* (2001), 524, 540; Bayer / Boyce / Christ et al., *Neue Hochkulturen* (1966), 9, 151–2, 253–4, 286–93, 317–25, 382.

82 Cf. Schluchter, *Entzauberung der Welt* (2009).

83 Cf. Joas, *Was ist die Achsenzeit?* (2014); Stroumsa, *Entstehung des reflexiven Selbst* (1992); Halbfass, *Mensch und Selbst* (1992).

ing in no way had to be oriented upon a hereafter, which with or without a divine presence would still be radically different from the temporal, it could also consist of self-transcendence, that is in the overcoming of selfishness.⁸⁴ Correspondingly, the still-recent ethical injunctions of the Axial Age were heavily emphasized: “Morality moved into the center of spiritual life. The only way to encounter what was termed ‘God’, ‘Nirvana’, ‘Brahman’ or the ‘way’ was to live a life characterized by compassion.”⁸⁵ Moreover, the individual could recognize the temporal world as malleable, develop utopias and consciously bring about social change. The so-called Axial Age was thus also the advent of the intellectual.⁸⁶

Jaspers’ proposals have been seized upon above all by social scientists and scholars of religion;⁸⁷ instead of breakthroughs of the Axial Age, more recently there has been an emphasis on the typology of axial cultures and attempting to ascertain the rediscovery of axial characteristics in history. Occasionally, there is also reference to secondary breakthroughs, among which Christianity in relation to the religion of Israel is counted, or one stretches the Axial Age from ca. 500 BCE to the rise of Islam, that is to the 7th century.⁸⁸ Furthermore, historians have considered whether later exchanges between innovations of the Axial Age contributed to the formation of a “world culture”.⁸⁹ For the world history of foundations as well, the “Axial Age” represented a watershed moment, indeed the most significant one of general importance.

1.2.1 *The Reevaluation of the Individual through Foundations in Ancient Egypt*

This can be first be discerned in ancient Egypt. From a purely chronological perspective, one is reverting back to still earlier periods of human history, but typologically it is at the stage of the “Axial Age”. It is the achievement of Jan Assmann that ancient Egypt, which remained unexplored by Jaspers,⁹⁰ has been brought within this context. According to Assmann, the First Intermediate Period after the Old and before the Middle Kingdom, sometime between the

84 Cf. Joas, *Braucht der Mensch Religion?* (2004).

85 Armstrong, *Achsenzeit* (2006), 10–1.

86 Elkana, *Entstehung des Denkens* (1987), esp. 61; Eisenstadt, *Achsenzeit* (2005), 41, 44; *idem*, *Transcendental Vision* (2003).

87 Cf. Arnason / Eisenstadt / Wittrock (eds.), *Axial Civilizations* (2005), Eisenstadt, *Comparative Civilizations 1* (2003), 195–488; *idem* (ed.), *Kulturen der Achsenzeit* (1987); *idem* (ed.), *Kulturen der Achsenzeit 2* (1992).

88 Cf. Borgolte, *Geburt Europas* (2007); *idem*, *Universität und Intellektueller* (2008).

89 Pitz, *Griechisch-römische Ökumene* (2001), 26; cf. Borgolte, *Mediävistik* (2003), 319; *idem*, *Wie Europa seine Vielfalt fand* (2005), 120–1.

90 Cf. Assmann, *Ma’at* (2006), 24–8.

22nd and 20th century before Christ, was the Egyptian Axial Age.⁹¹ Crucially, there had been an epochal religious change. While in the Old Kingdom every human being, especially officials, derived his meaning from participating in the business of the king,⁹² the central position of the monarch eroded towards the end of the 6th century in favor of the individual, who proudly emphasized his own achievements. A life was made worthy of remembrance and given meaning no longer through the careful obedience of royal commands, but rather through autonomous action, farsighted planning and vigilant care.⁹³

Furthermore, new ground was being broken in ethics. At the same time, solidarity thinking and mutual activity shifted in the Middle Kingdom into a transactional relationship.⁹⁴ In a text of the period the individual is called upon to do the following: “Do not conceal your face to him whom you have known, nor be blind to him upon whom you have gazed, do not rebuff him who turns to you in supplication, but instead cast off this hesitation from allowing your utterance to be heard. Act for him who acts for you!”⁹⁵ As remuneration, the benefactor, including the king and in particular officials, could expect the continuance of his name in this world. The incomparable effort which the ancient Egyptians expended for their tombs was predicated on the expectation that they would not be forgotten and would be famed for their deeds.⁹⁶ An inscription of the 5th or 6th Dynasty is exemplary in this regard: “I departed from my city and came down from my district, after I had done the Ma’at for their lord (...). I (...) said that which was good and repeated it, I have attained perfection, because I wanted to do well by people. I judged two litigants in court in such a way that both were satisfied; I delivered the wretched person from someone more powerful than he, to the extent that it was in my power to do so; I gave bread to the hungry and clothing to the naked, passage to the shipwrecked, a coffin to the person with no son, and a ship to the shipless. I honored my father and was loved by my mother, I raised their children.”⁹⁷ In exchange for good deeds one hoped for earthly goods, long life, health and

91 Assmann, *Große Texte* (1992), 247. The First Intermediate Period is otherwise dated from the 7th to the 10th Dynasty, i.e. from c. 2200–2000 BCE: Graefe, *Altes Ägypten* (2009), 150.

92 Assmann, *Große Texte* (1992), 249.

93 Ibid., 254. This new self-confidence veered into hubris, as an inscription of this period attests: “I am the beginning and end of humankind, since there has never been, nor shall ever be, one like me. I have exceeded the feats of my forefathers, and after me no one shall achieve which I have done.” Cited after Assmann, *Ma’at* (2006), 55.

94 Assmann, *Ma’at* (2006), 60–91. Cf. *Von den Driesch*, *Geschichte der Wohltätigkeit* 1 (1959).

95 Cited after Assmann, *Ma’at* (2006), 63–4.

96 Assmann, *Stein und Zeit* (1991); *idem*, *Stein und Zeit* (1988); *idem*, *Tod und Jenseits* (2010).

97 Cited after Assmann, *Ma’at* (2006), 100.

the favor of Pharaoh.⁹⁸ Yet this usually concerned government help, to which officials were obligated in the name of the king; thus, they also restricted themselves to their city or the district that they governed.⁹⁹ It emerges from the “Teachings of Wisdom” that each individual was called to the aid of his fellow persons in need.¹⁰⁰ Philanthropic deeds for the needy stood next to sacrifices for the gods and the blessed dead.¹⁰¹

Ethicizing went hand in hand with a spiritualization; of greater use than a thousand gifts, so it was taught, was a person’s good character, righteousness had to be accompanied by deeds.¹⁰² In the First Intermediate Period there arose texts about the Court of the Dead, at which each person would have to justify his deeds in this life. The Court of the Dead, which belongs to the fundamental ideas of human history, is, according to Assmann, the only religious idea of central importance which connects Egypt with the great world religions.¹⁰³ At the Court of the Dead the good deeds of a person were judged and his entrance into heaven decided upon. The court is thus tied to the idea of immortality; according to Herodotus “the Egyptians were the first to teach that the human soul is immortal.”¹⁰⁴ Amongst the various forms of the soul the *Ba*, which in the Old Kingdom had been reserved for the king, was now assigned to every person; with one’s *Ba* each person that had successfully passed the divine judgment could attain immortality.¹⁰⁵ Thus, what earlier had been exclusively recommended to King Merikarê as the member of a privileged class, now applied to everyone: “When a person lingers after his death, then his deeds will be stacked in a mound next to him. One’s existence there lasts forever! Whoever does that which [the gods] condemn is a gate, yet whoever comes to them without having done injustice will remain over there, like a god, freely striding like the lords of eternity.”¹⁰⁶ In the last years of the 4th or the beginning of the 3rd century before Christ the high priest Petosiris articulated

98 Cited after *Von den Driesch*, *Geschichte der Wohltätigkeit* 1 (1959), 136.

99 Cf. the boast of a high official of the Ramses Period (around 1220 BCE) in *Brunner-Traut*, *Wohltätigkeit* (1990), 33.

100 On the teaching of Amenemope from the 20th Dynasty (c. 1200–1080 BCE) to exercise leniency towards the aged, poor and weak, see the quotation in *Brunner-Traut*, *Wohltätigkeit* (1990), 37–8.

101 *Ibid.*, 39.

102 *Assmann*, *Große Texte* (1992), 258.

103 *Assmann*, *Ma’at* (2006), 122.

104 Herodotus in four volumes 1 (1920, repr. 31), 425 II.123.

105 *Assmann*, *Tod und Jenseits* (2010), 116–59; *idem*, *Große Texte* (1992), 259; *Hasenfratz*, “Seelenvorstellung” (1990); *Feld*, *Ende des Seelenglaubens* (2013), 13–4.

106 Cited after *Brunner-Traut*, *Wohltätigkeit* (1990), 40. Cf. also the funerary text of a tomb from Memphis stemming from the time of the 18th or 19th Dynasty or the Insinger

this holy wisdom in the following way in his funerary inscription: "If I have arrived here, in the city of eternity, this is because I have done good on earth (...). I have practiced righteousness and hated injustice. I have had no congress with those who knew not the spirit of god (...). I have done everything with the thought that I would reach god after my death."¹⁰⁷

Justification through works and the conception of recompense were thus already familiar to ancient Egypt; yet the idea that one could also care for the soul of the deceased through postmortal works of charity was foreign to them. As long as the corpse was prepared for burial, such as, for instance, through embalming, those left behind could accompany the deceased on his way, without, however, being able to aid him at the Court of the Dead.¹⁰⁸ The living had no possibility of intervening for temporary salvation, which the deceased had to have earned exclusively through works during his lifetime. Thus, foundations had to be restricted to the cult, namely to the preservation of the memory of the dead and care for his tomb.

The breakthrough of individualization, which Assmann connects with an ethicization and convincingly interprets as a sign of the Egyptian Axial Age, appears from the perspective of economic history to have even been a cause for the political collapse of the Old Kingdom. Wolfgang Helck has demonstrated that the persons in the demesne economy slated for the cult of each deceased king obtained freedom from the ruling pharaoh, since they were removed from the state economy.¹⁰⁹ The more such special economic units arose, the more the political order was questioned, which was based and dependent on a centrally-managed system of irrigation canals.¹¹⁰ Craftsmen in particular, who were made available for the funerary cult, yet enjoyed considerable leisure due to their restricted work obligations, inspired a general emancipation movement, which led to extensive uprisings, even in the countryside.¹¹¹ On the one hand, the individuals of the "Intermediate Period" extolled themselves for having attained property by their own means,¹¹² on the other hand, the collapse of the state economy brought with it terrible famines, to which the local potentates and officials reacted with an innovative care for one's neighbor. Thus, a district chief of Assiut said of himself: "I provided a canal of 10 cubits

Papyrus from the Ptolemaic Period (332–30 BCE), both in *Von den Driesch*, *Geschichte der Wohltätigkeit* 1 (1959), 136.

107 Cited after *Von den Driesch*, *Geschichte der Wohltätigkeit* 1 (1959), 136.

108 Cf. *Assmann*, *Ma'at* (2006), 114–5; *idem*, *Tod und Jenseits* (2010), 100–5, 116–159, 394–452.

109 *Helck*, *Wirtschaftsgeschichte* (1975), 66–7; 68; in addition 91, 104–406, 109, 137–8, 284–286.

110 *Ibid.*, 145–6, 195–6.

111 *Ibid.*, 104–6.

112 *Ibid.*, 7, 156, 161–2.

in length, which I had dug from the *ḥsb*-field of Assiut, and had its floodgates brought in order again. I built it with the necessary bricks in a single phase of building, without allowing any property to go dry.”¹¹³ Another ruler of the same province paid the taxes of his city out of his own pocket, “so that in it there was no taskmaster from Lower Egypt, and no tax collector from Upper Egypt.”¹¹⁴ With the 12th Dynasty (ca. 2000 to 1800 BCE) the economy was violently returned to its former condition under the Old Kingdom: private property was abolished, and the population was obligated to the corvée and to service in the demesnes. “This return of the population to the condition of state property” in the Middle Kingdom, however, accounted for the preceding development only to an extent. For the “inner mindset of the people had been transformed by the experiences of the intervening period. The experience of acquisition ‘by one’s own ability’ lived on in memory; in addition, the people of the 4th Dynasty also lacked any inner conviction that work on the pyramid of their ruler would in the end benefit them. This may have been the critical difference why the attempt of the 12th Dynasty to rationalize the equality of people in their activity for the state (...) must have been allowed to fail.”¹¹⁵

In the New Kingdom (ca. 1500 to ca. 1000 BCE) two forms of “private property” can again be differentiated: Alongside fields, which the king probably gave over into the full ownership of his people, there were “fiefs”; these were agricultural properties that were assigned to individual families, especially soldiers, yet which belonged to an institution or a temple, to whom the cultivator paid contributions. These fields could be used for foundations, but this required the approval of the owner or other overlords (city governors, the king).¹¹⁶ A special system, connected to ancient practices, of cult and funerary foundations benefited first of all the gods, but also the pharaohs (who were themselves deified) and ordinary laypersons, in order to effect, in the end, a simple safeguarding of the existence of the founding officials (“sacrificial circulation”).¹¹⁷ The kings had statues of themselves erected in temples that could, with full validity, substitute for the gods in sacrifice and accompany the pharaohs on their peregrinations. According to Ramses II (13th cent.), the kings “filled” the temples with such statues, “which sacrifice cowering or kneeling.”¹¹⁸ From the offerings that

113 Ibid., 145–6.

114 Ibid., 147.

115 Ibid., 196–7.

116 Ibid., 235, 244.

117 On the following, alongside *Helck*, *Wirtschaftsgeschichte* (1975), 249–58, and *idem*, *Materialien* 3 (1963), 268–71, see also *Fitzenreiter*, *Statuenstiftung* (2007); *Meeks*, *Donations aux temples* (1979).

118 Cited after *Helck*, *Materialien* 2 (1961), 192.

were initially intended for the gods, the royal statues themselves were then also supplied via a circulatory process.¹¹⁹ From the Ramses Period (ca. 1300 to ca. 1000) it became customary for officials to endow their own statues of kings and to deposit offerings for them. The king then handed over these statues once again to the founder to maintain, and their incomes thus flowed to him. This was material protection for officials, whose incomes and properties that they had received for the exercise of their office were returned to the king after their passing.¹²⁰ From the 18th Dynasty onwards it also probably became common to grant royal statues to private persons, who thus became their priests and were able to live from the incomes of the statues that were inherited from father to son.¹²¹ This was also a form of (old-age) insurance, since the endowed fields were removed from the grasp of the king or state, because they then only belonged to the statue.¹²²

A private temple foundation from the so-called 3rd Intermediate Period (ca. 1000 to ca. 600 BCE) once again makes clear that the king was viewed as the owner of all land and thus had to offer the sacrifices of others to the gods.¹²³ Pharaoh Osorkon II (881/880 to 852/851 BCE) acted in this role in the presence of the founder, a scribe, and a high priest; all three, according to the bas-relief of the stele, venerated the Memphis triad of the gods Ptah, Sakhmis and Nefertem. “My good lord”, ran the prayer of Pharaoh, “do you desire to accept this endowment of fields, which the divine father, [the scribe] *Dd-Ptah e.f-^{en}h*, has given you, as a beautiful gift from my hand, and do you want to give me in return, as a reward, life, happiness and health, [to grant] him long life and a good old age, and to preserve him [probably the scribe] forever?” Though the god supposedly enthusiastically agreed to this, Pharaoh uttered still another plea: “My good lord, do you desire to kill anyone who contests the foundation, whatever their station in the whole kingdom, and do you desire to erase their names throughout the land, so that Sakhamis plagues his wives and Nefertum their children?” The great god [also] emphatically agrees.”

The aforementioned evidence touches upon the cult of the gods,¹²⁴ but officials could also organize their own funerary cults, once again as founders

119 Cf. a foundation inscription of Thutmosis cited by *Helck*, *Materialien* 2 (1961), 193.

120 *Ibid.*, 196. Cf. a papyrus, probably from Thebes from the 12th century before Christ *ibid.*, 969.

121 *Ibid.*, 226.

122 *Ibid.*, 228.

123 *Iversen*, *Two Inscriptions* (1941), at especially 5–6; the dating of Osorkon II according to the Wikipedia entry, accessed on 2.3.2015.

124 According to *Iversen*, *Two Inscriptions* (1941), 16–8, though the foundation of *Dd-Ptah e.f-^{en}h* was to go towards the temple endowment, it was aimed at funerary services for the founder.

with the help of the king. For example, a senior administrator of a demesne of Memphis under Amenophis III (18th Dynasty) endowed a statue of the king in his funerary temple with lands and incomes. For this the king ceded those incomes of his statues that initially had benefited the statue of the god to his administrator, as an offering for his tomb: "His Majesty gave me the divine offering, which stemmed from his statue in his funerary temple, which His Majesty erected in the irrigation district of Memphis. When, namely, the god has derived pleasure from his things, this statue receives the offering; on which the bread on my behalf has come out through the lector priest in his temple, and the web of the monthly service ought then to offer these things at my tomb according to the daily ordinance."¹²⁵ Despite the tremendous leeway that was conceded to individual persons according to these sources, the dependence of the individual on the material power of disposition and cultic authority of the king from the Middle Kingdom onwards was again strengthened; thus, it can be maintained that the new orientation of the "Axial Age" in Egypt certainly contributed to the development of "private" foundations, yet was not able to permanently overthrow the old dependencies.

1.2.2 *"Foundations for the Salvation of the Soul" in Zoroastrianism*

"Foundations for the salvation of the soul" were first typologically identified by medievalists, without, however, their having noticed that foundations of this sort had existed in a completely different region of the world, namely in ancient Iran, and that they were influenced by the religion of Zoroastrianism.¹²⁶ Their principal source is a comprehensive collection of legal decisions, which took shape at the beginning of the 7th century CE (*Hazār dātestān*);¹²⁷ in this compilation numerous regulations for foundations for the soul were exemplarily presented and formulated. Inscriptions attest to the praxis already for the time of the Sassanid ruler Šābuhr I in the 3rd century.¹²⁸ It is, however, questionable whether and to what degree Zoroastrian foundations for the salvation of the soul can be traced back to the teachings of Zoroaster himself and whether there are older attestations for them.

¹²⁵ Cited after *Helck*, *Materialien* 2 (1961), 199–200 and 228.

¹²⁶ *Macuch*, *Sasanidische Stiftung* (1994); *eadem*, *Sasanidische fromme Stiftung* (2009), *eadem*, *Pious Foundations* (2004); *Boyce*, *Pious Foundations* (1968); *De Menasce*, *Feux et Fondations Pieuses* (1964).

¹²⁷ An edition in two parts with a commentary and German translation by *Macuch* (ed.), *Sasanidisches Rechtsbuch* (1981), and *eadem*, *Rechtskasuistik* (1993). On foundations for the soul see also the transliterations and French translations of *De Menasce*, *Feux et Fondations Pieuses* (1964), 5–31, cf. 59–62.

¹²⁸ *Macuch*, *Sasanidische Stiftung* (1994), 167; *eadem*, *Pious Foundations* (2004), 191–2; *Stausberg*, *Religion Zarathushtras* 1 (2002), 218–20, cf. 223–4, 229–30, 233.

The origins of Zoroastrianism (Zoroastrism) itself are highly disputed in contemporary scholarship.¹²⁹ Certain is only that the *Avesta*, the most ancient collection of the religious texts of the Zoroastrians, first arose in the third Persian empire of the Sassanids, (224–642/651 CE), after the tradition had been only transmitted orally for hundreds of years.¹³⁰ Presumably, it was the confrontation with Christianity and the religion of Mani (216–274/277), both of which possessed holy scriptures, which prompted this process of composition.¹³¹ Under Khosrow I (531–578 CE) this codification process had apparently advanced so far that the *Avesta* could be sent to the most senior priests in the land.¹³² How far back chronologically the oldest layers of the *Avesta* extend is still discussed, but one distinguishes old *Avesta* texts, which are dated to the second millennium before Christ (1700–1200 or 1200–1000), from young *Avesta* texts (1000–600 or 800–600 BCE).¹³³ What role Zoroaster¹³⁴ himself played in the genesis of Zoroastrianism is completely unclear; some doubt his historicity, while others, including the majority of specialists, no longer date him, as was earlier the case, to the 6th century, but rather to an even more ancient period, to around 1000 BCE.¹³⁵ His most credible attributions are five *Gathas* (“chants”, “songs”), which are transmitted in the oldest collection of the *Avesta*, *Yasna*, and were designed for liturgical use.¹³⁶ There is agreement that pre-Zoroastrian religious ideas as well are manifested in the *Yasna*. Some scholars assume that an essentially uninterrupted line of tradition from the *Gathas* to the religious life of Zoroastrian villages in Iran of the 1960s can be concluded,¹³⁷

129 Cf. recently the overview of Kreyenbroek, *Zoroastrismus* (2013); Stausberg, *Religion Zarathushtras 1* (2002), 7–68. On Zoroaster see also: Strohm, *Geburt des Monotheismus* (2014); Assmann / Strohm (eds.), *Echnaton und Zarathustra* (2012).

130 Macuch, *Iranische Literaturen* (2013), 283; Kreyenbroek, *Zoroastrismus* (2013), 157–63, Stausberg, *Religion Zarathushtras 1* (2002), 69–153.

131 Cf. Stausberg, *Religion Zarathushtras 1* (2002), 220–6; Reck, *Manichäismus* (2013).

132 Kreyenbroek, *Zoroastrismus* (2013), 162–3.

133 Macuch, *Iranische Literaturen* (2013), 283; Stausberg, *Religion Zarathushtras 1* (2002), 83–115.

134 On speaking of the religion's founder “Zarathustra” (or: “Zarathushtra”), but of the religion of “Zoroastrism” (“Zoroastrianism”), cf. Clark, *Zoroastrianism* (1998), 165 n. 2; Stausberg, *Religion Zarathushtras 1* (2002), 1–10.

135 Kreyenbroek, *Zoroastrismus* (2013), 160: around 1000 or earlier; likewise Stausberg, *Religion Zarathushtras 1* (2002), 27–8. By contrast, still Anonymus, *Zarathustra* (2006), 460: around 628–around 551 BCE; Boyce, *Zoroastrismus* (1996), 261: around 588 BCE.

136 Macuch, *Iranische Literaturen* (2013), 284–5; Stausberg, *Religion Zarathushtras 1* (2002), 22–6, 86–107.

137 Kreyenbroek, *Zoroastrismus* (2013), 156, with reference to the observations and conclusions of M. Boyce.

while others doubt this continuity over hundreds, indeed thousands, of years of initially oral tradition and praxis that was only later written down.¹³⁸

These controversial scholarly opinions cannot and need not be presented here in detail; it is merely a matter of outlining the religious context for Zoroastrian foundations, independent of the question of which element in which period might have developed. While “Zoroaster” is spoken of in this chapter, one must, however, keep in mind that the authorship by a particular person is in no way certain. With this reservation I will rely in the following on the expositions of Mary Boyce and Peter Clark.¹³⁹

Assuming his historical existence, “Zoroaster” was an Iranian, a member of a tribal people related to the Indians, who had moved in the third millennium before Christ from the Asiatic steppe to the south. Scholars believe they can determine the original religious ideas and practices of these shepherds and farmers through a comparison of the *Avesta* with the ancient Indian tradition.¹⁴⁰ According to this reconstruction, the ancient Iranians sacrificed to fire and water with prayers for the souls of people and animals: “So then we worship (...) our own souls and those of the domestic animals which nourish us (...) and the souls of useful wild animals.”¹⁴¹ The gifts which were offered to the many gods were to keep the world functioning, as well as positively shape human life. A cosmic power of truth and order (*asha*) was worshipped, which corresponded to the human qualities of virtue and good conduct, and stood opposed to the power of falsehood (*draoga*).¹⁴² Ahura Mazdā (“Prince of Wisdom”) was worshipped as the highest god belonging to *asha*.¹⁴³ According to Boyce, there was a belief in the postmortal existence of the individual, which the living could

138 Kreyenbroek, *Zoroastrismus* (2013), 155–7.

139 Boyce, *Zoroastrians* (2001), Clark, *Zoroastrianism* (1998), and Boyce, *Zoroastrismus* (1966). It is necessary to note that the theories of the British Iranologist Mary Boyce, who died in 2006, have in the meantime been accused by some specialists as being harmonizing and essentializing, see Kreyenbroek, *Zoroastrismus* (2013), 156.

140 Skeptical, however, is Stausberg, *Religion Zarathushtras* 1 (2002), 117–8.

141 Yasna 39.1–2, cf. Stausberg, *Religion Zarathushtras* 1 (2002), 105; cited here after Boyce (ed.), *Textual Sources* (1984), 55 (cf. the commentary *ibid.*, 53). Cf. Boyce, *Zoroastrians* (2001), 5. The citation stems from *Yasna Haptanhāiti*, which is contained within the five *Gathas*, see Macuch, *Iranische Literaturen* (2013), 284; Stausberg, *Religion Zarathushtras* 1 (2002), 101–7.

142 Boyce, *Zoroastrians* (2001), 7–8; *idem*, *Zoroastrismus* (1966), 261; cf. now also Stausberg, *Religion Zarathushtras* 1 (2002), 91–5; Kreyenbroek, *Zoroastrismus* (2013), 159.

143 Kreyenbroek, *Zoroastrismus* (2013), 160, argues that “the origin of Ahura Mazdā is [first] to be ascribed to the world of the *Gathas*”: cf. Stausberg, *Religion Zarathushtras* 1 (2002), 95–9.

at times decisively influence.¹⁴⁴ In the first three days after death, the soul of the deceased had to be aided by the mourning of its relatives, fasts and priestly prayers against evil forces. In order to reach the realm of the dead, its relatives were supposed to sacrifice to the soul of the deceased for food and clothing. These actions were repeated over thirty days, then each month, because the soul, so it was thought, was not fully accepted by the brotherhood of the dead. After the passing of a year these sacrificial rites were repeated for thirty years on the day of death, in which the responsibility for the performance of the rituals fell to the heir of the deceased, normally the oldest son. Only after a generation, so it was supposed, did the soul enjoy the expansive company of the dead without any restriction, so that the family could be content with commemorating him on the shared “All Souls’ Day” (*Hamaspāthmaedaya*). This festival was celebrated on the last night of the calendar year, when souls returned to their onetime houses, in order to disappear once again at the dawn of the new year. It is thought, however, that originally only princes, warriors and priests could hope for entry into paradise and the company of the gods; other souls, above all those of the low-born, women and children, could only expect an eternally joyless existence.¹⁴⁵

According to these religious beliefs regarding the postmortal world, foundations could only foster the cult of the soul, by which souls were to be nourished for their continuing existence, but not for the salvation of the soul, which promised a bettered form of existence as the gift of God or the gods. Zoroaster himself supposedly accounted for this transition. “Zoroaster” is thought to have been a priest, who, through the revelations of the highest god Ahura Mazdā, felt himself called to be a prophet for all of humanity. The hymns (*Gathas*) ascribed to him preach that Ahura Mazdā was the one uncreated god, who had existed for all eternity and was the creator of all other good things, including the other benevolent divinities. At the same time, “Zoroaster” is said to have recognized in a vision the opponent of the highest god, the “Hostile Spirit”, Angra Mainyu, who was likewise uncreated, yet was ignorant and thoroughly evil. Both great gods of good and evil stood in conflict with one another in thought, word and deed: “And when these two Spirits first encountered, they created life and not-life, and that [determined] at the end the worst existence shall be for the followers of falsehood (drug), but the best dwelling

144 Boyce, *Zoroastrians* (2001), 9, 12–3; cf. *Stausberg*, *Religion Zarathushtras* 1 (2002), 99–101; 145–50, who, however, warns against a harmonizing treatment of the various eschatological texts.

145 Boyce, *Zoroastrians* (2001), 14.

for those who possess righteousness (asha).¹⁴⁶ The primordial free choice of both first beings for good or for evil corresponded, according to the teaching of “Zoroaster”, to the choice that each person must himself make in his life. In his struggle with the “Hostile Spirit”, however, Ahura Mazdā was able to attain aid from the “Holy Spirit” (Spenta Mainyu) and through it six smaller deities; in the end, he would conclude the struggle victoriously, destroy evil and make the universe good for all time.¹⁴⁷

Thus, a person had to play his own role in the struggle between good and evil in the world created by Ahura Mazdā. To “Zoroaster” is ascribed the insight that the “worth of the individual (...) is not realized via his belonging to society.”¹⁴⁸ Every individual, besides his own physical and spiritual existence, had to support that of his fellow human beings, since they were also part of God’s creation just as he was. The “prophet” called for his followers to live according to the maxims of good thoughts, words and deeds, which corresponded to the threefold requirement of Iranian priests to perform the divine service with a good disposition, the proper words and correct rituals.¹⁴⁹ At one’s death one would be judged according to what one had done for the good. In contrast to traditional teaching, women as well as men, slaves as well as masters, could hope for paradise. Every person would be judged at the “Bridge of the Separator”, not by the expense of his sacrifices in the past life, but according to his ethical merits.¹⁵⁰ Following an individual judgment, the righteous attained paradise, while the wicked were condemned to hell. A few souls, whose good and evil deeds stood in equal weight, entered a “Place of the Mixed Ones”, where they led a colorless existence bereft of joy or sorrow.

According to Mary Boyce, the good as well still did not enjoy the joy of paradise, but rather had to await the day of resurrection at the end of days. “Zoroaster” was thus perhaps the first religious thinker “to teach the doctrines of an individual judgment, Heaven and Hell, the future resurrection of the body, the general Last Judgment, and life everlasting for the reunited soul and body”, all teachings which were to reappear amongst the monotheistic religions of the Mediterranean.¹⁵¹ In contrast to Boyce, Peter Clark views the

146 Ibid., 20, with the citation of *Yasna* 30.3–5, at 30.4, cited after Boyce (ed.), *Textual Sources* (1984), 35.

147 Boyce, *Zoroastrians* (2001), 20–1.

148 Boyce, *Zoroastrismus* (1966), 262.

149 Boyce, *Zoroastrians* (2001), 24.

150 Ibid., 27.

151 Ibid., 29.

differentiation between the two days of judgment not as an idea of “Zoroaster” himself, but rather as a further development of his teachings.¹⁵²

According to doctrine outlined above, there thus existed in the Iranian religion a very ancient cult for the soul (of man and beast), which stretched beyond death and which was to foster the entry of the souls (of certain persons) into paradise. The conceptional breakthrough of “Zoroaster” consisted of his opening this prospect to all people, of every sex and station, and of demanding ethical deeds of the deceased on this earth as merits which would be scrutinized in a postmortal judgment. Accordingly, a foundation for the soul would correspond to the ancient conceptions of the soul cult, and would manifest itself *inter alia* in the ritual food and clothing of the deceased; foundations for the salvation of the soul also brought forth offerings and prayers for the deceased, yet would have above all been designed to “eternally” stabilize the benefactions of the founder (or in favor of the deceased) from this life. The surviving administrators of the foundation, the so-called “foundation organs”, would have had to have performed good deeds in his stead, which would have been facilitated through the material offerings of the foundation. A foundation gained special leeway, as is known from observations on pre-modern foundations in general, when the fate of the soul was not decided in an individual judgment immediately after death, but rather in a shared verdict at the end of days.¹⁵³ In that case the good works of the founder could still multiply his good works through the postmortal actions of his foundation and amass good deeds upon the scales.

Persian empire-building was essential for the spread of Zoroastrianism; yet the personal religious disposition of the first Achaemenid rulers is disputed by scholars.¹⁵⁴ A key role is ascribed to Cyrus the Great (559–30 BCE); he founded the first Persian Empire through the conquest of Susa, the tribal confederation of the Medes, the Lydian Empire and the east of Iran. In the west he pushed its borders to the coast of Asia Minor and to Egypt, and overthrew the New Babylonian Empire in 539 with the capture of its king, Nabonid.¹⁵⁵ Apparently, Cyrus and his successors did not exclusively venerate Ahura Mazdā, but abetted a mixture of Zoroastrianism with the ancient Iranian traditions of the

¹⁵² Clark, *Zoroastrianism* (1998), 63–5.

¹⁵³ Lusiardi, *Stiftungen und Seelenheil* (2005).

¹⁵⁴ Cf. Kreyenbroek, *Zoroastrismus* (2013), 161; Henkelman, *Other Gods* (2008), 214–20, 335, cf. 527–9; Kuhrt, *Problem* (2007), esp. 120–5; Stausberg, *Religion Zarathushtras 1* (2002), 157–86; Boyce, *Zoroastrians* (2001), 48–77; *eadem*, *Zoroastrismus* (1966), 265–6; Wießner, *Reich der Perser* (1966), 101–2.

¹⁵⁵ Wiesehöfer, *Iranische Großreiche* (2009), 49–53; Beaulieu, *Nabonidus the Mad King* (2007); Kuhrt, *Cyrus the Great* (2007); Briant, *Histoire de l'Empire Perse* (1996), esp. 41–60.



ILLUSTRATION 2 Grave monument of Cyrus the Great of Persia (559–30 BCE) in Pasargadae (Iran)

Magians;¹⁵⁶ outside of Iran, they protected and supported foreign religions and, as the successors of dethroned rulers, took part in the respective cult exercises.¹⁵⁷ The role ascribed to Cyrus the Great by the Jewish tradition in the return of the people from the Babylonian Exile and the rebuilding of the temple in Jerusalem is interpreted today in a more nuanced manner. Rather, the narratives and praises of the prophets concern an “ascribing of measures which were only later approved or initiated to a long-awaited liberator”; the decisive steps in the Syro-Palestinian regions are likewise first supposedly to have occurred under the successors of the empire-founder himself.¹⁵⁸

Cyrus fell in battle against the steppe peoples; his corpse was led back to Persia and interred in the newly-founded capital of Pasargadae. His monumental tomb was erected upon twice three steps with the assistance of Ionian stonemasons, and it still stands today under the open sky.¹⁵⁹ As Alexander the Great crossed over to Asia Minor and conquered Persia (334/330 BCE),

¹⁵⁶ Cf. *Boyce*, *Zoroastrians* (2001), 48–50; cf. *Kuhrt*, *Problem* (2007), esp. 136–7.

¹⁵⁷ *Wiesner*, *Reich der Perser* (1966), 101–2.

¹⁵⁸ *Wieshöfer*, *Iranische Großreiche* (2009), 53; cf. *Kuhrt*, *Problem* (2007), passim; *Eißfeldt*, *Israelitisch-jüdische Religion* (1966), 253–4; *Wiesner*, *Reich der Perser* (1966), 103–4.

¹⁵⁹ *Wieshöfer*, *Iranische Großreiche* (2009), 53, 65 (image); *Henkelman*, *Other Gods* (2008), 430–41; *Boyce*, *Zoroastrians* (2001), 53; *ibid.* 57 and 59, with references to the holy number

he sought out, as the Greek Arrian reports, this very resting place: "The tomb of this Cyrus was in the territory of the Pasargadae, in the royal park; round it had been planted a grove of all sorts of trees; the grove was irrigated, and deep grass had grown in the meadow; the tomb itself was built, at the base, with stones cut square and raised into rectangular form. Above, there was a chamber with a stone roof and a door leading into it so narrow that with difficulty, and after great trouble, one man, and he a small one, could enter."¹⁶⁰ To his sorrow, the Macedonian ascertained that the tomb had been plundered; of the resplendent interior with its canopy of Babylonian silk, Median livery, trappings, weapons, a table with a bench, etc., only the golden sarcophagus remained, which the perpetrators had not been able to force through the small opening. "Within the enclosure, and lying on the approach to the tomb itself, was a small building put up for the Magians, who were guardians of Cyrus' tomb, from as long ago as Cambyses, son of Cyrus, receiving this guardianship from father to son. To them was given from the King a sheep a day, an allowance of meal and wine, and a horse each month, to sacrifice to Cyrus. There was an inscription on the tomb in Persian letters; it ran thus, in Persian: 'Mortal! I am Cyrus son of Cambyses, who founded the Persian empire, and was Lord of Asia. Grudge me not, then, my monument.'¹⁶¹ Alexander commissioned Aristobulus to restore the tomb and to reinter within his sarcophagus the preserved mortal remains of the Persian. He had the Magians imprisoned and wanted to force them under torture to disclose the names of the defilers of the tomb, but in vain; since their complicity could not be proven, Alexander set them free.

The Magians, the guardians of the tomb, were already active as priests in the empire of the Medes, which was destroyed by Cyrus. According to Arrian, they were to receive goods in kind for the expenses of the cult each day and each month, and were to pass on their function within their families hereditarily. This was the case for roughly two hundred years, from Cyrus' death to Alexander's campaign. All of this speaks for the erection of a foundation by Cambyses, for which the contemporaneous reigning king was active as the "foundation organ", rather than for the financing of the funerary cult by the treasury.¹⁶² In addition, Mary Boyce has also pointed out that the sun, as a

3 among the Zoroastrians; *Briant*, *Histoire de l'Empire Perse* (1996); s. v. Tombes, Cyrus le Grand, esp. 97, 102, 106–7, 923.

160 Arrian in two volumes 2 (1978), 195/7 VI.29; *Kuhrt*, *Persian Empire* 1 (2007), 87–92.

161 Arrian in two volumes 2 (1978), 197 VI.29.

162 No opinion on the question in *Briant*, *Histoire de l'Empire Perse* (1996), esp. 106–9, who, however, concluded (109): "En définitive, les sacrifices funéraires pratiqués régulièrement auprès du tombeau de Cyrus offrent le seul exemple indiscutable de culte étatique mis

symbol of immortality, was depicted in a luminous paradise above the entrance to the funerary chamber, and speaks of a foundation of the soul for eternity;¹⁶³ Zoroastrian conceptions were thus married to the cultic traditions of the Medes.¹⁶⁴ Yet in the Greek source concern for the soul of King Cyrus is not mentioned, and above all echoes of the temporal good deeds of the deceased and an individual judgment are lacking; it could have been a funerary cult or a soul cult, which—aside from the servicing of the ruler's memory among the living—would have enabled the postmortal continuance of the life of the deceased. The reference to a bench, which had originally been covered with rugs and livery, suggests the practice of the funerary meal, at which Cyrus would have been provisioned with food and clothing for the afterlife.

In the course of the expansion of the Persian Empire, more recent Zoroastrian conceptions of postmortal care might have spread along with ancient Iranian ones in the subjected territories. As a site of Persian influence, for example, the oasis of Tayma' on the Myrrh Road comes into consideration, which bound the south of the Arabian peninsula with the eastern Mediterranean (Gaza; Syria) and Mesopotamia as well as southern Iraq.¹⁶⁵ At the subjugation of his empire by Cyrus, King Nabonid of Babylon retreated there for ten years (556–539 BCE); he was apparently accompanied by Jewish conscripts, but had also supplemented his army with Greek mercenaries.¹⁶⁶ In Tayma' a stele with depictions of the Babylonian gods for the sun, moon and star (of Venus) still bears witness to his stay.¹⁶⁷ Stone columns from Tayma' often carry Aramaic inscriptions,

en place avant Darius." ("In conclusion, the funerary sacrifices that were regularly performed at the tomb of Cyrus constitute the only indisputable example for a state cult before Darius.") According to *Koch*, *Verwaltung und Wirtschaft* (1990), 30–1, around 500 or in the 5th cent. BCE there was apparently "no production of agricultural products" in Pasargadae; the goods in kind required for the (royal) local staff came from elsewhere, and especially from Shiraz. In Pasargadae a priest is also attested who was supplied with barley and wine (from royal incomes) (*Koch* 31, 253, 255; cf. in addition 3, 103, 141–2, 198).

163 *Boyce*, *Zoroastrians* (²2001), 52–3, 65–6. Viewed differently in *Briant*, *Histoire de l'Empire Perse* (1996), 106. Cf. *Wießner*, *Reich der Perser* (1966), 101.

164 Herodotus ascribes to the Magians that they first gave over corpses to birds and dogs to be consumed, then covered them in wax and buried them: Herodotus in four volumes 1 (1920, repr. 1931), 178–9 I.140, cf. *Boyce*, *Zoroastrians* (²2001), 59. For the offerings of the Persians to their gods, he attests (Herodotus 1, 171 I.132) that they neither had altars nor did they light fires: "they use no libations, nor music, nor fillets, nor barley meal."

165 *Hausleiter*, *Antikes Tayma'* (2011); furthermore: *Franke* / *Al-Ghabban* / *Gierlichs* et al. (eds.), *Roads of Arabia* (2011), passim; *Schiettecatte*, *Arabian Iron Age* (2010).

166 *Potts*, *Altes Arabien* (2011), 90–3; *Hausleiter*, *Antikes Tayma'* (2011), 114–5; *Beaulieu*, *Nabonidus the Mad King* (2007).

167 *Hausleiter*, *Antikes Tayma'* (2011), 115. On the Aramaic steles of Tayma' *Schiettecatte*, *Arabian Iron Age* (2010), esp. 194–6.

and had therefore adopted the language of important merchant people, which both the Babylonians and Persians used as an official imperial language. Around 400 BCE the oasis apparently fell under the dominion of the local kingdom of Liḥyān, which appears to have had its capital at the neighboring city of Dedan.¹⁶⁸ An official from Liḥyān erected a stele, which presents documentation for the foundation of a temple. Carved are a winged image of the sun and moon and an eight-pointed Venus star enclosed by a circle; alongside these recognizable Mesopotamian deities, the founder expressly addresses three other gods: “[In the year ... in the city] of Tayma’ Paḍigū Šharū, the son of the royal official of Liḥyān, Ha’lay, erected the temple of Šalm of Rabb and its amplitude, and erected this throne before Šalm of Rabb as a pedestal for Sengallā and Ašimā, the gods of Tayma’, for the life of the soul of Paḍigū Šharū and (for the life) of his issue, of the lords, and for the life of his own soul.”¹⁶⁹ Paḍigū Šharū had thus dedicated a temple to the divine triad of i ialm (Šalm), Ashima and Shengalla, which is known as the “Aramaic Pantheon” and would have reached Tayma’ from northern Syria.¹⁷⁰ However, it was not only a foundation for the worship of the gods, for which individuals or the community of Tayma’ as a whole could have expected temporal prosperity as divine recompense, but rather at the same time a foundation for the souls of the founder and his descendants. Evidently, the founder ascribed decisive influence to the gods over the fate of souls, which goes beyond a mere foundation for the cult of the soul, yet in this case every indication of a postmortal judgment or the good deeds of the founder is lacking, which could have undergirded his claim to salvation. Alongside Babylonian and Aramaic religious influences, Persian ones with the Zoroastrian promise of eternal reward for a founder’s goodness are not clearly discernable.¹⁷¹ This also applies for an additional cultic foundation from the same period, which the founder created “for the life of his soul”,¹⁷² and for an inscription from the Nabatean period (1st century BCE). In it, one ‘Aḥbōl, the ward of Ḥaṭmah, endowed the Arabian goddess of fate, Manawah, “for the life of his soul and the soul of his progeny for eternity.”¹⁷³

168 Hausleiter, *Antikes Tayma’* (2011), 116; cf. *Al-Said*, Dedan (2011).

169 Beyer / *Livingstone*, *Neueste aramäische Inschriften* (1987), 286–8; Marx, *Schriften und Sprachen* (2011), 183 with 188 image 6. *Maraqten*, *Aramaic pantheon* (1996), 28 n. 12, finds the translation of Beyer and Livingstone unsatisfactory, but makes no suggestion of his own.

170 *Maraqten*, *Aramaic pantheon* (1996); Hausleiter, *Antikes Tayma’* (2011), 115–6.

171 Cf. Potts, *Altes Arabien* (2011), 93.

172 Donner / Röllig, *Kanaanäische und aramäische Inschriften* 1 (⁵2002), 58 no. 229, commentary 2 (1964), 281.

173 Beyer / *Livingstone*, *Neueste aramäische Inschriften* (1987), 290–2.

At least in the Iranian Empire of the Sassanids Zoroastrianism took root; even though Christians and Manichaeans were persecuted at times, there was not a single, exclusive tolerated religion, so that newer scholarship no longer, as was earlier the case, speaks of a Zoroastrian state church.¹⁷⁴ From the time of the imperial founder Ardašir (224–239/240? CE), the “King of Kings of Iran” attributed divine qualities to themselves and, out of thanks for the favor of the gods, fostered Zoroastrian worship, “bestowed benefactions upon the priests, endowed fires and thus multiplied the sites of the worship of the gods.”¹⁷⁵ Proof of this is an impressive inscription of Ardašir’s son Šābuhr I (240–71/2 CE) for a tower (*Ka’ba-i Zardušt*) at Persepolis; it is composed in three languages, namely Middle Persian, Parthian and Greek, and emphasizes the divine origin of the nobility as well as veneration for (Ahura) Mazdā.¹⁷⁶ The king of Iran and Not-Iran had acquired renown through his military victories and conquests, also at the cost of the Imperium Romanum, but thereby enjoyed the protection of the gods. Thus, Šābuhr had erected many Wahrām fires (shrines) and bestowed benefactions upon the Magians. Via the inscription of Persepolis he also endowed a fire with the name of “Glorious is Šābuhr”, and “for Our Soul and (Our) renown”, as well as further shrines of this sort with the same motivation for his daughter, the “Queen of Queens”, as well as individually-named sons, among them the great king of Armenia. The expense for the foundation were to consist of 1,000 lambs, “which are traditionally due to us from the surplus”. Whether the endowment asset consisted of lands, or the king of Iran and Not-Iran intended to fund the cult from diverted revenues of crown lands or taxes, is not stated. For the soul of Šābuhr, as was already the case with Cyrus I, each day one lamb and a precise measure of bread and wine were to be sacrificed, and the same was to occur for the souls of the members of the royal house and of the dignitaries of the empire.¹⁷⁷ The difference with the foundation of the Cambyses for his Achaemenid predecessor almost eight hundred

174 Wiesehöfer, *Reich der Sasaniden* (2009), 289; *Stausberg*, *Religion Zarathushtras* 1 (2002), 205–62, at esp. 235–44.

175 Wiesehöfer, *Reich der Sasaniden* (2009), 284; in particular on the holy fires and the concurrent foundations in Zoroastrianism esp.: *Boyce*, *On the Sacred Fires* (1968); *De Menasce*, *Feux et Fondations Pieuses* (1964).

176 *Huyse*, *Dreisprachige Inschrift Šābuhrs I.* (1999); with a German translation of the Middle Persian version: *Back*, *Sassanidische Staatsinschriften* (1978), 284–371; a short excerpt in English translation in: *Boyce* (ed.), *Textual Sources* (1984), 111. Cf. *Henning*, *Great Inscription I* (1939), esp. 845–7; *Macuch*, *Sasinidische fromme Stiftung* (2009), 33–4; *eadem*, *Sasinidische Stiftung* (1994), 174–5; *Stausberg*, *Religion Zarathushtras* 1 (2002), 218–9.

177 Cited after the translation of the Middle Persian version, supplemented by the other versions, by *Huyse*, *Dreisprachige Inschrift I* (1999), 46–48, in addition 49–64; cf. *Back*,

years previously lay in the double motivation of temporal fame and the soul, combined with concern for others, among whom were not merely ancestors and other family members of the ruler. But similar matters are also known from the history of foundations in the Egyptian Old Kingdom. Whether the ethical impulse suffices to conclude the influence of Zoroastrian doctrine and an indication of the Axial Age, must remain undecided, and at the same time the motivation of judgment is lacking.

An ordinance of the grand vizier Mihr-Narseh from the first half of the 5th century CE speaks more clearly than Šābuhr's foundation for the motivation of salvation. The vizier was feared as the archenemy of the Christians, yet was famed in his land as a benefactor, as the Arab chronicler aṭ-Ṭabarī also attests.¹⁷⁸ Fire temples, which he founded for his remembrance and for that of his son, have survived in his homeland, the district of Firūzābād. The endowment of a bridge in this city attests to the spiritual sense of the benefaction. The inscription reads: "This bridge was built by the order of Mihr-Narseh, the Vuzurgframadār [Great Commander of the Army], for the benefit of his soul, at his own expense. Whoever has come on this road, let him give a blessing to Mihr-Narseh and his sons for that he thus bridged this crossing. And while God gives help, wrong and deceit there shall be none therein."¹⁷⁹ Bridge endowments are also known *inter alia* from Greek antiquity, where they belonged to the deeds of Euergetism;¹⁸⁰ yet in this case it was not a service for the public good, but rather for those in need, and there was concern for the souls of the founder and his sons, and thus a deed for the salvation of the soul.¹⁸¹

The key evidence for foundations for the salvation of the soul, the *1000 Legal Decisions* of the otherwise unknown author Farroḥmard ī Wahrāmām, only stems from the last years before the Arab conquest of Persia (633/51 CE). In the work an institutional order of life not recognizable from other sources is simply taken for granted, and the language of the text as well has presented Iranologists with tremendous problems of understanding, which have not always led to clearly-recognized solutions. For two decades there has been an edition with comprehensive explanations and a German translation. It can be

Sassanidische Staatsinschriften (1978), 326–71. *Back* translates "for Our [or: the] salvation of the soul", cf. also the commentary of *Huyse* 2 (1999), 104–6.

178 *Macuch*, Sasanidische Stiftung (1994), 167, 174; *eadem*, Sasanidische fromme Stiftung (2009), 32, 35.

179 *Henning*, Inscription of Firuzabad (1954), 98–102.

180 *Veyne*, Brot und Spiele (1988, repr. 1990), 190.

181 On bridge endowments among the Muslims and Brahmins cf. *Heidemann*, Frömmigkeit (2009), 76, 69–72; *Lev*, Charity (2005), 70–1; *Schmiedchen*, Wohltätigkeit (2016), 258.

concluded from the legal text¹⁸² that there existed foundations for religious ceremonies, which apparently were only to serve the fire cult or (at the same

182 I quote here the relevant chapter (with some omissions), in order to facilitate a better verifiability of the following comments; the following references of details above in the text and in the footnotes could be thus deliberately reproduced in a simplified form, in order to ease the understanding of often uncertain phrases; *Macuch*, *Rechtskasuistik* (1993), 254–7 (edition of the Middle Persian original text at 252–4, commentary at 258–66, cf. also *ibid.* 192–219): “The chapter of the foundation for religious ceremonies (*yazišn nihādag*); about the property, which is for the fire, and the thing, which is founded as a foundation for the soul (*ruwān nihād*). (...) (When) it thus written: ‘By + me + is (the thing) endowed for religious ceremonies for the soul (*ruwān yazišn rāy*)’, (then it) is (founded) for religious ceremonies alone. And when it is thus written: ‘By me is (the thing) endowed for the soul (*ruwān rāy*)’, (thus) it should be used and spent for that which he (= the founder) gives for the possession, for which the ‘foundation for the soul’ seems the most beneficial.—When someone endows a thing for religious ceremonies for the soul (*ruwān yazišn rāy*) and erects it specifically for religious ceremonies, (then) part of the revenue, which is left over from the foundation, belongs to the administrator (*sālārān*). And when he writes: ‘By me (the thing) for the soul (*ruwān rāy*) should be endowed’, (and) creates the endowment specifically for religious ceremonies (*yazišn*), (then) from the portion of the revenue, which is left over from the foundation, not a few prayers of supplication (*yazišn*) are to be performed. (...) When he (= the founder) has laid down: ‘By me is the thing for the soul (*ruwān rāy*) endowed. The thing, which is endowed by me for the soul (*ruwān rāy*), Mihrēn shall possess’, then it will (in this way) not be taken away from the soul again, because it (is valid) also as a pious gift (*ahlawdād*) for the soul. And Mihrēn can explain: ‘It (= the thing) was bequeathed as a pious gift (*ahlawdād*).’ (...) And when he (the testator) says: ‘This thing should be endowed “for the soul” (*ruwān rāy*), not (however) for the holding of religious ceremonies (*yazišn nē*). The thing, which has been endowed by me, Mihrēn shall possess’: (if) he does not write this: ‘In the way, in which it was endowed by me, (Mihrēn should possess it)’, (then it is) not lawful. When he (= the testator) explains: ‘By me a thing for the soul (*ruwān rāy*) is endowed and ownership is allocated to Mihrēn. Neither Mihrēn nor another person is authorized to sell or to spend the thing’: even then he (= Mihrēn) is licensed to sell the revenue (*bar*) (of the thing). He is (however) not authorized to spend the endowment (*bun*) on account of the way in which (the thing) came to him. And it (= the endowment) is consigned to the kin (of Mihrēn). (...) If he (= the testator) determined: ‘From the revenue (*bar*) and the interest (*waḥt*) of this thing such and such religious ceremonies (*yazišn*) are (to be held) in the month of Frawardin for the soul of Farroḥ (*pad ruwān i Farroḥ*) and in the month of Tir for the soul of Mihrēn. And each year on the day, on which I pass away, as many *yazišn* as is befitting are to be held’: if the accrual (*waḥt*) does not suffice, in order to be able hold the *yazišn* (for the persons named in the testament) to the same extent, (then those ceremonies) should be held which, when they are performed, are the most meritorious (*kirbag wēš*). It is not valid otherwise, as when someone prescribes: ‘In the month of Ādur a *wisperad* per day *ohrmazd* and a *yasna* per day *wahman* and a *drōn* per day *ardwahišt* are to be recited for my soul (*pad ruwān i man*).’ And if, should the *wisperad* be recited, and the *yasna* and *drōn* can no longer be recited, (then) for this reason, that one should orient it according to the last explanation and stipulation (of the testator), the *wisperad*

time) were to be performed in favor of the founder.¹⁸³ Whatever remained from the ceremonial foundations for the soul could be allocated by the foundation's administrators for other purposes (of charity?): "When someone endows something for religious ceremonies for the soul and erects the endowment explicitly for religious ceremonies, then a part of revenue, which remains as a surplus from the foundation, falls to the administrators." The revenues of the foundation could, in place of the liturgical cult, also directly contribute to the financing of third persons: "When the founder has determined: 'The thing that I have endowed for the soul is to be possessed by Mihrēn', then this is also valid as a pious gift for the soul. Neither Mihrēn nor another person is authorized to sell the thing and to spend it.' The endowed asset is transferred to the family of Mihrēn." Founders and the beneficiaries of the foundation were supposed to be able to reap profit from religious ceremonies, and whoever took care for cultic practices in favor of others would also benefit his own soul.

According to extensive analyses of the Sassanian lawbook, assets "for the upkeep of the soul" or "for pious purposes" constituted a considerable proportion of the fortunes of wealthy families. Estimates stretch as far as a one third of the total.¹⁸⁴ As the usufructuary of the foundation, the founder could nominate his own family, wives and children, as well as persons outside of his own immediate kin. Often, he would also entrust a family member with the administration (*sālārīh*) of the foundation, which was all the more sensible, since the legal heir of the deceased was also obligated to execute the prescribed rituals for his soul. "In this way 'the endowment of the soul' was generally transmitted within the line of succession of the testator, and could be further inherited as a separate portion of the inheritance to the posterity of the testator, without their receiving any right of ownership or their being able to alter the status of this specific asset."¹⁸⁵ Revenues of the endowed properties could also be employed for the upkeep of personnel in fire temples, to which, alongside priests, laypersons also were numbered; among them can be distinguished, besides high-ranking officials, in addition those born free and freedmen of lower rank,

should not be held less (= to a lesser extent).—And the religious ceremonies, which a man holds for the soul of (another) man (*yazišn i pad ruwān i mard*) endows and detains, they are (at the same time) endowed and held for one's own soul." Cf. *Stausberg*, *Religion Zarathushtras* 1 (2002), 219–20.

183 Redacted quotation from the source text cited in the previous footnote: "The chapter of the foundation for religious ceremonies; about property which is endowed for the fire and the thing which is endowed as a foundation for the soul."

184 *Macuch*, *Sasanidische fromme Stiftung* (2009), 28–9.

185 *Ibid.*, 30–1. On which see the passages on Mihrēn above in the source quotation of n. 197.

including women and children. These “Fire Servants” were differentiated from unfree “Fire Slaves”.¹⁸⁶

By all appearances, various strata of the history of Iranian religions were expressed in the Sassanian lawbook: the first, surely more ancient, type of foundation was intended to provide for the well-being of the soul through the careful observance of the soul cult (*nāmagānīh*).¹⁸⁷ *Ruwānagān* foundations, which “belonged to [the] soul”, were erected, according to the understanding of scholarship, largely for the salvation of the soul of the founder, his family and friends;¹⁸⁸ “If the testator prearranged (...) that they (the ritual acts) were to be performed ‘for the soul’, *ruwān rāy* (or *pad ruwān*), this stipulation served as an act of foundation, and this diverted portion of the estate was used for the establishment and endowment of a pious foundation that seemed ‘the most beneficial’ (*ruwān rāy sūdōmandtar*) for the salvation of the soul of the testator.”¹⁸⁹ If it was expressly envisaged that the founder would allocate certain revenues for alms for the benefit of the poor,¹⁹⁰ this corresponded to the ethical imperative of Zoroastrian doctrine. The living were specifically allowed to use revenues, according to their own discretion, for purposes of common benefit as well, such as for bridges, roads and irrigation canals.¹⁹¹

In conclusion, it can be postulated that “foundations for the salvation of the soul” can be attested at the earliest from the 3rd century after Christ, and therefore at the time of the Sassanids, under whom the teachings of the *Avesta* were codified, which had hitherto only been orally transmitted. Though foundations for the salvation of the soul are clearly influenced by the religious and ethical reform ascribed to “Zoroaster”, they cannot be traced back chronologically to the vicinity of the Axial Age, regardless of whether one dates this to the 2nd or 1st millennium before Christ.

¹⁸⁶ Macuch, *Sasinidische fromme Stiftung* (2009), 34–5.

¹⁸⁷ Ibid., 26–7; cf. Boyce, *Pious Foundations* (1968), 270–1. In an epistolary communication of 4.4.2014, Prof. Dr. Maria Macuch opined on the aforementioned differentiation between Persian foundations for the soul cult and for the foundation of the soul with the qualification, that the endowment character of the financing of religious ceremonies would need to be verified through further studies; she, however, confirmed the “foundations for the salvation of the soul” (*pad ruwān, ruwān rāy*). Stausberg, *Religion Zarathushtras* 1 (2002), repeatedly references the appearance of foundations in the Sassanian Empire under Zoroastrian influence, without, however, in the sense meant here and differentiating between them (219–20, 223–4, 229–30, 233).

¹⁸⁸ Macuch, *Sasanidische fromme Stiftung* (2009), 26.

¹⁸⁹ Ibid., 29–30. Boyce, *Pious Foundations* (1968), 282–3.

¹⁹⁰ Macuch, *Sasanidische fromme Stiftung* (2009), 33.

¹⁹¹ Macuch, *Sasinidische Stiftung* (1994), 168; cf. De Menasce, *Feux et Fondations Pieuses* (1974), 15, chapter 18.2.

1.2.3 *Genesis and Variations of Christian Foundations*

Within scholarship it has repeatedly been discussed whether Sassanian foundations influenced their Islamic counterparts,¹⁹² yet to date the proposition that Zoroastrian foundations for the soul could also have served as models for Christian “foundations for the salvation of the soul”, or for foundations in Judaism, has received only little consideration.¹⁹³ In this regard, cultural contacts between Persians and Jews or Greeks had existed since at least the time of Cyrus the Great, and in particular under the Sassanids. The reverse relationship of Christian models for Sassanian praxis is rather to be excluded, since the Church could hardly have transmitted foundations before Emperor Constantine the Great raised Christian communities to the status of other religions (311/3) and granted them property and testamentary capacity (321).¹⁹⁴



ILLUSTRATION 3 Maria with Child, Saints Felix and Adautus and also the founder Tortura, wallpainting in Rome, Catacombe di Commodilla, of 528 CE

192 E.g. Macuch, *Sasanidische Stiftung* (1994); *eadem*, *Sasinidische fromme Stiftung* (2009); Stausberg, *Religion Zarathushtras 1* (2002), 219–20; 287; Hennigan, *Birth of a Legal Institution* (2004), 50–70; Arjomand, *Philanthropy* (1998), 110–1.

193 This holds despite the legal historical comparison between Sassanian and Byzantine foundations by Macuch, *Pious Foundations* (2004).

194 Liermann, *Handbuch 1* (1963), 28.

While the analogy between Zoroastrian and Christian “foundations for the salvation of the soul” has to date not been debated, Jan Assmann, without discussing foundations explicitly, has argued for a special relationship between the religion of ancient Egypt and the teachings of Christianity.¹⁹⁵ Both are connected in their desire for salvation from the burden of ephemerality and the idea of the hereafter as a place of righteousness. As in Egypt, the immortality of the individual stands at the center of Christian dogma. The ritual realization of death and the resurrection of Jesus in the sacraments must have spoken in particular to the Egyptians, even in Late Antiquity. With his death on the cross and his descent into the realm of the dead, Christ overcame the dread of the underworld and opened the gate to Elysium. Partaking of immortality is promised to every baptized person. The dead will rise again and be judged at the End of Days. Eternal bliss is pledged to the good, while, by contrast, the everlasting torments of hell await the wicked. In the later history of the Christian West the idea of purgatory was added, with its concept of an individualized judgment. Each person is judged immediately after one’s death, in order to, if necessary, use the time until the Resurrection as penance for sins. Yet whoever was pronounced innocent went straight after death into the eternal bliss of paradise.

What bound the Egyptian and Christian religion together sharply distinguished them from the teaching of the Old Testament, because the idea of personal immortality was foreign to Israel. The righteousness of God was to be fulfilled in the here and now, not in the hereafter, and was promised to God’s people as a whole, rather than to the individual. A person lived on through his progeny. Along with Mesopotamia and the Greeks, ancient Israel knew an underworld that had nothing in common with the Elysium of the Egyptian funerary belief or the paradise of the Christians: She’ol or Hades allowed the deceased only a shadowy existence. Yet at the time of Jesus the Pharisees already as a rule believed in personal immortality, while the Sadducees continued to refute this thinking.

That a belief in the immortality of the individual or in the existence of the soul was truly unknown to ancient Judaism is certainly debated among scholars of the Old Testament,¹⁹⁶ but a focus on the salvation of the soul in the hereafter already played a greater role in primitive Christianity than in ancient Judaism. That is naturally of relevance for the question of the appearance of “foundations for the salvation of the soul”. Yet the idea of salvation for the soul developed only gradually among the Christians as well. Jesus himself hardly focused on the question of the Resurrection, since he expected the arrival of the

195 Assmann, *Tod und Jenseits* (2001), 521–5.

196 Cf. *Feld, Ende des Seelenglaubens* (2013), 34–58.

Kingdom of God in the near future.¹⁹⁷ Paul likewise lived with the conviction of an immediate Resurrection.¹⁹⁸ But in contrast to the (pagan) Greek tradition, the apostle emphasized the belief, fundamental to Christianity, in the resurrection of the soul with its body.¹⁹⁹

As it became clear to the first Christians that the promise of the End Times would not be immediately fulfilled, they had to give thought to the whereabouts of the deceased. Initially, they latched onto the Jewish conception of Hades, and saw those who had fallen asleep in an anticipatory state until the judgment at the End of Days. At that point the body would be raised from the grave and the soul awoken from Hades. However, it was thought that the martyrs were immediately received into heaven after death, where they likewise had to assume a kind of intermediate state until the Last Judgment; the apocalyptic apostle John, who wrote around a generation after Paul, glimpsed them at the foot of the heavenly altar.²⁰⁰ There slowly arose the idea that among the souls already in Hades, yet before the Final Judgment, a division into the righteous and sinners was effected; the Lazarus Parable of Jesus offered a starting point for this: "So it was that the beggar died, and was carried by the angels to Abraham's bosom. The rich man also died and was buried. And being in torments in Hades, he lifted up his eyes and saw Abraham afar off, and Lazarus in his bosom. Then he cried and said, 'Father Abraham, have mercy on me, and send Lazarus that he may dip the tip of his finger in water and cool my tongue;

197 "The time is fulfilled, and the kingdom of God has come near; repent, and believe in the good news." (Mark 1:15; Bibel. Neues Testament [2017], 42) "Truly I tell you, there are some standing here who will not taste death until they see that the kingdom of God has come with power." (Mark 9:1; Bibel. Neues Testament [2017], 53) Jesus promised entry into paradise to the thief on the cross on the very same day (Luke 23:43). Cf. *Rotach*, *Durst der Toten* (2019), 33 and 39 n. 4; *Jezler*, *Jenseitsmodelle* (2019), 16; *Angenendt*, *Theologie und Liturgie* (1984), 79–81; *idem*, *Geschichte der Religiosität* (1997), 684–5.

198 At the sounding of the trumpet the dead in Christ would be resurrected first. "Then we who are alive, who are left, will be caught up in the clouds together with them to meet the Lord in the air; and so we will be with the Lord forever." (1 Thess. 4:17; Bibel. Neues Testament [2017], 238).

199 Cf. on the following *Angenendt*, *Theologie und Liturgie* (1984), esp. 79–83; cf. also *Lohse*, *Religiöses Verdienst* (2016); *idem*, *Gedenken und Kultus* (2016).

200 "I also saw the souls of those who had been beheaded for their testimony to Jesus and for the word of God. They had not worshiped the beast or its image and had not received its mark on their foreheads or their hands. They came to life and reigned with Christ a thousand years. (The rest of the dead did not come to life until the thousand years were ended.) This is the first resurrection." (Rev. 20: 4; Bibel. Neues Testament [2017], 296) Cf. *Angenendt*, *Heilige und Reliquien* (1994), 102.

for I am tormented in this flame” (Luke 16:22–35).²⁰¹ Abraham’s Bosom became a preliminary dwelling of the righteous until the Last Judgment, while the rich (or wicked) had to do penance for their sins in the flames. The unattainable place of refreshment, where they hoped to cool (*refrigerare*) their tongues, became the *refrigerium*. The church father Tertullian thus around 200 CE spoke of the *interim refrigerium* (“place of intermediate refreshment”) and contrasted this to the *interim tormentum* (“place of intermediate torment”), which, however, was not yet hellfire.²⁰² The most ancient prayers for the dead of the Roman liturgy also already assume that the saints, the angels or Christ himself can come to the aid of the deceased, and lead souls to Abraham’s Bosom, so that they could there, along with Lazarus, find their preliminary repose.

Christian conceptions of the afterlife can be classified as the religious horizon of “foundations for the salvation of the soul” only with difficulty. In this regard it has rightly been said for the Latin Middle Ages that, curiously, its wealth of precision in detail is accompanied by a lack in systematic consistency.²⁰³ The reasons for this lie already in the Christian Bible. The Evangelists Matthew and John paint, for example, completely different pictures of the Final Judgment at the End of Days. According to Matthew, all people must answer before the court. When the Son of Man comes accompanied by all the angles, he will, while sitting on the throne of his glory, divide all peoples, as a shepherd does the sheep from the rams. He will place the lambs to his right, the rams to his left. Those placed on the right, as the blessed of his father, he will call upon to take possession of the kingdom, which had been prepared for them already from the beginning of the world. Those standing at his left, by contrast, will be thrown as the damned into the eternal fire (Matthew 25:31–46). According to this eschatology there are only good and evil, who shall be sent at the Final Judgment to heaven or eternal hell. For the Evangelist John, on the other hand, the good could evade the Last Judgment: “Most assuredly, I say to you, he who hears My word and believes in Him who sent Me has everlasting life, and shall not come into judgment, but has passed from death into life. (...) Do not marvel at this; for the hour is coming in which all who

201 Bibel. Neues Testament (2017), 94; *Rotach*, *Durst der Toten* (21994), esp. 33 and 35–6; foundational is: *Stuiber*, *Refrigerium interim* (1957).

202 The popularity of the idea of a (transitional) refreshment of the deceased in the hereafter is also expressed in funerary inscriptions of Roman cemeteries from 3rd/4th century. In the Catacombs of Calixtus a deceased person is the object of the following wish: *SPIRITUM TUUM DEUS REFRIGERET* (“may God refresh your soul”), and in the Catacombs of Priscilla a message on a wall reads: *IN REFRIGERIO ET IN PACE* (“[rest] in refreshment and in peace”), *Rotach*, *Durst der Toten* (21994), 36.

203 *Jezler*, *Jenseitsmodelle* (21994), 13. On the following *ibid.*, 15–6 with 14, images 1–4.

are in the graves will hear His voice [the voice of the Son of God]—those who have done good, to the resurrection of life, and those who have done evil, to the resurrection of condemnation.” (John 5:24 and 28–9)²⁰⁴ This teaching was interpreted in such a way that, along with the good reaching heaven without judgment, there were also the half-good, who together with the wicked had to present themselves before the Highest Judge, and thus receive a second chance at bliss. This distinction was further developed by Saint Augustine (d. 430); the church father from Africa conceptualized that the “very good” and the “very bad” would immediately enter heaven or hell after their death, and judgment would only be held over the “not very good” and “not very bad.”²⁰⁵ According to another Christian tradition, Jesus himself descended into hell, opened its gates and freed the patriarchs of the Old Testament and led them into paradise. The realm of the dead mentioned here rather resembles the underworld in the antique sense; according to Matthew 12:40, Jesus penetrated the inner parts of the earth and remained there for three days and three nights, as long as Jonas had spent in the belly of the sea monster.²⁰⁶

According to Christian norms the faithful could attain salvation in two ways: through God’s mercy or through one’s own actions. Jesus himself taught that man can acquire no merit before God; he presents God more as a father than as a judge, who receives his son, whom he had thought was lost, without reproach, and even with love, and who forgives without recompense.²⁰⁷ Yet Jesus did not quite abandon the primordial, general religious principle of recompense; he taught his disciples to pray: “And forgive us our trespasses, as we forgive those who trespass against us.” (Matt. 6:12)²⁰⁸ The conception of a compensatory reckoning soon came to the fore and also influenced Christian thinking on heaven and hell.²⁰⁹ Similar considerations applied to sinners. Pope Gregory the Great (d. 604), who was highly esteemed in the Middle Ages, announced in his exegesis of the Book of Job that a sin could not remain without retribution for the sinner.²¹⁰ The Apostle Paul could be read in contradictory ways. On the one hand, he preached justification through faith alone (Rom. 3:28), on the

204 Bibel. Neues Testament (2017), 114.

205 *Angenendt*, *Theologie und Liturgie* (1984), 85; *Schmitz-Esser*, *Leichnam im Mittelalter* (2014), 25–32.

206 *Vorgrimler*, *Geschichte der Hölle* (1993), 28–30; *Jezler*, *Jenseitsmodelle* (21994), 16–7.

207 Cf. Luke 7:41–43 and 15:1–32, on which *Angenendt*, *Theologie und Liturgie* (1984), 120. On the following *ibid.*, 121–42.

208 Cf. Bibel. Neues Testament (2017), 8.

209 The *ius talionis* had already predominated in the Old Testament: *Angenendt*, *Theologie und Liturgie* (1984), 119.

210 Sanctus Gregorius Magnus, *Moralium libri* (1862), 889, lib. 9, 34.

other hand, he emphasized retribution according to a person's deeds: "But in accordance with your hardness and your impenitent heart you are treasuring up for yourself wrath in the day of wrath and revelation of the righteous judgment of God, who 'will render to each one according to his deeds': eternal life to those who by patient continuance in doing good seek for glory, honor, and immortality; but to those who are self-seeking and do not obey the truth, but obey unrighteousness—indignation and wrath." (Rom. 2:5–8)²¹¹ Paul expected the return of the Son of Man in the company of the angels; then, however, all would have to present themselves before Christ's seat of judgment, and each would be granted good or bad, depending on his actions in life. (2 Cor.: 5:10)

As actions for the penance of one's own sins, which could come to the aid of the soul at the judgment of God, were understood first to be martyrdom and then ascetic renunciation. The church writer John Cassian (d. 432/435) already composed a list of works for the expungement of one's misdeeds. According to this, love took pride of place, followed by almsgiving, the shedding of tears, the acknowledgement of sins, the castigation of heart and body, the merits of mercy and of faith, the conversion of others as well as pardoning and forgiveness.²¹² One comes across variations of this expiatory list time and time again in the Christian literature of the Middle Ages, whose core consisted of the biblical and patristic triad of prayer, fasting and almsgiving. Since their daily circumstances hindered the laity from time-intensive prayer, they viewed themselves as above all dependent on the other penitential acts. In the Old as well as the New Testament almsgivers were promised the forgiveness of sins and the Kingdom of Heaven.²¹³ Yet almsgiving could only be practiced if one's standard of living was secured. Thus, for the vast majority of the faithful only fasting came into consideration.

The notion that the salvation of the souls of other persons could be furthered with prayers and good works was momentous for Christian foundations; this teaching was already developing in the early period of congregations. The basis for this was the cult of martyrs, and in particular the Old Testament story

211 Bibel. Neues Testament (2017), 176.

212 Iohannis Cassiani conlationes (1886), 561–5 lib. 20,8.

213 "As water extinguishes a blazing fire, so almsgiving atones for sin." (Sir. 3:30; Bibel. Neues Testament [2017], 993). "But rather give alms of such things as you have; then indeed all things are clean to you." (Luke 11:41; Bibel. Neues Testament [2017], 87). "Do not lay up for yourselves treasures on earth (...) but lay up for yourselves treasures in heaven." (Matt. 6:19–20; Bibel. Neues Testament [2017], 9) "Go your way, sell whatever you have and give to the poor, and you will have treasure in heaven." (Mark 10:21; Bibel. Neues Testament [2017], 55) "Love will cover a multitude of sins." (1 Peter 4:8 following Prov. 10:12; Bibel. Neues Testament [2017], 254).

of the Jewish revolt against the Seleucid king Antiochus IV (168/165 BCE). 2 Maccabees narrates that Judas provided for the salvation of the soul of those who had fallen in battle.²¹⁴ The celebration of the mass, alongside prayer and almsgiving, was understood as an offering for the purification of the dead.²¹⁵ The church father Augustine differentiated the function of good gifts according to the quality of the dead. The offerings of the altar and alms were effective as a thanksgiving among the dead for the very good (*valde boni*), yet benefited the not entirely bad (*non valde mali*) as expiations; for the deceased who were completely bad (*valde mali*), they certainly did no good for them, yet instead served as a consolation to the living. To those they benefited would be brought complete forgiveness, or at least a lesser form of damnation.²¹⁶ Gregory's teaching of a cleansing fire after death was groundbreaking in this respect, all the more so because the pope presented it in an impressive narration; according to him both the works of the dead themselves as well as the propitiatory prayers of living were effective. Gregory told of a deacon who, because of unknown and therefore less serious sins, had to do penance in the cleansing fire, yet was saved there, because he had earlier given alms.²¹⁷ In addition, the prayer of a holy man had aided him. Especially effective were masses which those who survived him had offered on his behalf. Once, so narrated the pope, a soul had been freed from the agonies of the purifying fire after eight days, during which prayers had been made and masses celebrated. In another instance, thirty masses on consecutive days had been necessary, while a third narration revolved around a widow, who had over the course of an entire year had brought daily gifts for the Eucharist.

As influential as Gregory the Great was the Northumbrian scholar and historian the Venerable Bede (d. 735) on Latin European conceptions of the hereafter and the human possibilities of intervention. Bede told the story of Drythelm, a pious family father from the region of Cunnigham, who died

214 "He also took up a collection, man by man, to the amount of two thousand drachmas of silver, and sent it to Jerusalem to provide for a sin offering. In doing this he acted very well and honorably, taking account of the resurrection. For if he were not expecting that those who had fallen would rise again, it would have been superfluous and foolish to pray for the dead (...). Therefore he made atonement for the dead, so that they might be delivered from their sin." (2 Macc. 12:43–45; Bibel. Neues Testament [2017], 1098–9) Cf. *Angenendt, Theologie und Liturgie* (1984), 157.

215 Now *Angenendt, Offertorium* (³2014), passim.

216 Aurelii Augustini enchiridion de fide (1960), 182–5, cap. 110; cf. *Angenendt, Offertorium* (³2014), 247–9; *idem, Theologie und Liturgie* (1984), 157–8.

217 Grégoire le Grand, Dialogues 3 (1980), 150–5, cap. 4, 42. Cf. *Angenendt, Offertorium* (³2014), 256–7.

due to a severe illness.²¹⁸ But Drythelm returned to life and first divided his inheritance; his wife retained a third, another third went to his sons, while the final third he reserved “for himself”, in that it was directly (for the salvation of his soul) distributed among the poor. Shortly thereafter, he entered Melrose Monastery, where he led the life of an anchorite. There he told in detail of his experiences in the hereafter, above all the agony of souls in the cleansing fire and the stay of those almost saved in a paradisiacal pre-heaven. His guide explained to him: “The valley that you saw, with its awful flaming fire and freezing cold, is the place in which those souls have to be tried and chastened who delayed to confess and make restitution for their sins they had committed until they were on the point of death; and so they died. But because they did repent and confess, even though on their deathbed, they will all come to the kingdom of heaven on judgement day; and the prayers of those who are still alive, their alms and fastings and specially the celebration of masses, help many of them to get free even before the day of judgement. Furthermore, the fiery noisome pit which you saw is the mouth of hell, into which whoever once falls will never be released from it through all eternity. This flowery place in which you see a fair and youthful company, so joyous and bright, is where the souls are received of those who depart from the body practising good works; but they are not in such a state of perfection that they deserve to be received immediately into the kingdom of heaven; nevertheless all of them at the day of judgement will enter into the presence of Christ and the joys of the heavenly kingdom. But any who are perfect in every word and deed and thought, as soon as they leave the body, come to the kingdom of heaven. This kingdom is near the place where you heard the sound of sweet singing, amid delightful fragrance and glorious light. You must now return to the body and live among men again; but if you seek to watch your actions with greater care and keep your ways and words righteous in singleness of heart, you yourself will receive a place after your death among the joyous band of the blessed spirits whom you see ...”

Already in the early period of its history, the Church had managed to make itself the recipient of pious gifts for the salvation of the soul. In addition, congregations of Christians from time immemorial had obligated themselves to *caritas*, and developed an organized charity that was in this respect unknown in the ancient world.²¹⁹ Accordingly, mercy was to be shown to every person in need, regardless of his status. In the care of the congregation for the poor, which was infused with private poor relief, originally no special institutions

218 Bede's Ecclesiastical History of the English People (1969), 488–99, cited at 489, 495, 497.

219 Uhlhorn, *Christliche Liebestätigkeit* (21895), 7–10, 27; cf. Borgolte, *Mittelalterliche Kirche* (2004), 119–22; *Angenendt*, *Offertorium* (2014), 88–9.

were necessary. The practice of mercy lay in the hands of the priests, then the bishops, at whose side the deacons stood.²²⁰ The means that were available were used for the alleviation of acute need, and thus were not yet gathered for the future.²²¹ Every month, the faithful freely gave an amount to the community fund, which was determined according to their wealth.²²² According to Tertullian, each person contributed a moderate amount each month: "This is at the same time a deposit of piety. This is because it is used not for banquets and drinking bouts, but in order to nourish the poor and bury the poor, to raise boys and girls who have no fortune and no parents, for elderly persons, for the shipwrecked and those who labor in the mines, in exile or prison."²²³ Justin Martyr (d. around 165) expressed quite similar sentiments.²²⁴

Dues in kind that were connected with the celebration of the Eucharist, the so-called oblations, became more important than the monthly contributions, which would soon become weekly, for the community fund for the purpose of charity.²²⁵ The character of the gift emerged with them as a sacrifice. The naturalia that the faithful brought to the altar at the dinner's celebration of the mass were first used for the mass offering itself, while the surplus was diverted to the congregational relief of the poor. Those who had brought forth the oblations were at once commemorated in a prayer of thanksgiving. Soon thereafter the dead were also included in the offering of the mass.²²⁶ The church father Cyprian of Carthage (3rd cent.) had already written: "We commemorate one another, and also with respect to the departed our love in the Lord continues."²²⁷ The conception of the oblations changed with the inclusion of the dead: while these had earlier been offerings of thanksgiving of the members of the congregation, they now became propitiatory offerings, certainly for the living, but especially for the dead. Already with Tertullian this meant that a husband

220 Uhlhorn, *Christliche Liebestätigkeit* (21895), 81.

221 Ibid., 73: "Charitable activity is not yet ever directed at the future; the church still collects no funds for future needs; there are not yet any foundations to serve succeeding persons. What funds there are can be seen at a glance."

222 Ibid., 83–4.

223 Cited after *ibid.*, 83.

224 Cited after *ibid.*, 83: "The wealthy who so desire give at their pleasure as much of what they have as they want. The collection is brought to the administrator, and he supports from it the widows and orphans and those suffering from sickness and other causes, prisoners and incoming strangers, and he is in general a provisioner of the needy."

225 Ibid., 85, 89; *Angenendt*, *Offertorium* (32014), 179–95.

226 *Angenendt*, *Missa specialis* (1983); *idem*, *Buße* (1985); *idem*, *Offertorium* (32014), 260–63; *Berger*, *Wendung "offerre pro"* (1965), *Häussling*, *Mönchskonvent* (1973), esp. 243–6; *Nußbaum*, *Kloster, Priestermonch* (1961), esp. 152–72.

227 Cited after Uhlhorn, *Christliche Liebestätigkeit* (21895), 88.

gave an offering for his deceased wife on the anniversary of her death, to guide her towards eternal refreshment and to further her participation in the first resurrection.²²⁸

The transition from a “one-dimensional” love of the first Christians, in the name of mercy to the poor, to offering alms in order to pay off one’s own sins, has been met with different verdicts in the secondary scholarship; here the religious beliefs of the authors have left their mark. For Gerhard Uhlhorn (1826–1901), who was the Protestant abbot at Loccum (from 1878), with Cyprian and his tract “On Good Works and Alms” poor relief by the congregation began to atrophy, a development that was only again corrected from the time of the Reformation. Though Uhlhorn recognized that charitable activity among Christians had also existed among Christians after Cyprian, he thought its medieval stage to be corrupt.²²⁹ By contrast, the canonist Eberhard F. Bruck (1956) pointed out that the conception of the expiatory power of alms had already been expressed in the Gospels and in the words of Jesus himself.²³⁰

Of particular concern for foundations was inheritance law. One finds among the Greek church fathers the doctrine of the “part for the soul” (*psychikon*), which was later adopted by the Latin fathers Augustine and Jerome.²³¹ In the middle of the fourth century the Cappadocian abbot Basil of Caesarea countered the argument of wealthy parents that retaining their possessions was necessary because of their children with the question: “Is not your own soul dearer to you than any of your children? Is it not dearer to you than everything?”²³² Basil and the other Cappadocian fathers, Gregory of Nazianzus and Gregory of Nyssa, as well as John Chrysostom, called for a portion of the family fortune to be a “quota for the soul”, “quota for Christ” or a “quota for the poor”,²³³ which was measured in different ways. Gregory, bishop of Nyssa (from ca. 371), called above all for a division of the inheritance into equal portions, because everyone, even the poor, were the brothers of one family. The following words are transmitted by his homily “De pauperum amore” (after 368): “Not everything is for you, but rather there is also a portion for the poor, the beloved of God.

²²⁸ Cited after *ibid.*, 88–9.

²²⁹ *Ibid.*, 43: “The Lord demands almsgiving without any consideration of its reward”, cf. 39, 89, 128–9, 210, 512, 522–3.

²³⁰ Bruck, *Kirchenväter* (1956), 39; cf. *Angenendt*, *Offertorium* (³2014), 114–21.

²³¹ *Schultze*, Augustin (1928), Bruck, *Kirchenväter* (1956), cf. now *Ogris*, *Freiteil* (²2008), who, however, still follows the old theory of Schultz and not Bruck. With reference to Cyprian (c. 200–258 CE) and Clement of Alexandria (c. 150–c. 215 CE), as well as the Old Testament books of Tobias and the Wisdom of Sirach, the key role of the Cappadocian fathers has recently been qualified by *Holman*, *Hungry are Dying* (2001), 15.

²³² Cited after Bruck, *Kirchenväter* (1956), 6.

²³³ *Ibid.*, 29.

For everything belongs to God, the common Father. Yet we are but brothers of one family. For brothers it is best and most just that the inheritance be divided into equal portions. Less advantageous is when one brother or the other is assigned a greater portion, while the rest [i.e. the poor] at least receive the [remaining] portion. Yet if a [brother] desires to seize the whole for himself and to exclude his brothers [i.e. the poor] from the third or fifth portion, such a person is therefore (....) an insatiable beast, who greedily eats the slop, or rather he is more savage than wild beasts, for even a wolf lets others have a part of the meal."²³⁴

With Gregory it already sounds like the idea of a son's portion for the soul or the poor. Saint Jerome adopted this notion. In the year 406 or 407 he answered from Bethlehem the question of an aristocrat named Hedibia, as to how a childless widow could live a perfect Christian life. He recommended that she give all she owned to the Church, yet conceded to a widow with children the necessity of supporting descendants: "When, however, a widow has children, and especially when she is from a lofty family, may she not leave her sons destitute, but may they live to the degree that she loves them, and may she thereby first of all think of her own soul, and may she see itself [her soul] as one of her sons, and she may let it rather share with the children, instead of leaving everything to her sons; rather, let her make Christ a co-heir with her children."²³⁵ Augustine appears to have adopted the idea of the son's portion from Jerome. He states in his 86th sermon: "Create a place for Christ with your sons; the Lord should enter your family, your Creator shall enter your progeny; a brother should be added to the number of your sons (...) and since he is the only son of the [heavenly] Father, he wanted to make them [your sons] co-heirs (...). If you have two sons, count him as an additional third; if you have three sons, he shall be counted as a fourth in addition; if you have five sons, he will be named the sixth; if you have ten sons, he shall be the eleventh. I will say no more: keep the place of one of your sons for your Lord (...). But you will also give a portion that you have designated as that of a son; remember that you produced one more."²³⁶

Alongside the per capita portion for each son in Augustine's thought, in the western Early Middle Ages a fixed quota of the estate also appears, which, for example, foresaw a third or a fifth of the household fortune as a *Freiteil* (a free portion) for the family father. This prescription in general disadvantaged heirs more than the solution of Augustine. Even more extreme was the elevated demand, stemming from monastic circles, to leave behind all one owned to the

²³⁴ German translation *ibid.*, 19–20.

²³⁵ German translation *ibid.*, 84.

²³⁶ After *ibid.*, 87.

Church to attain salvation. Thus Salvian, for instance, who had retreated to the monastic island of Lérins near Marseilles, wrote around 435/439 that God desired a person to give everything to him as an offering, so that at the hour of one's death, at the latest, one should employ one's fortune as "good traveling money" for the next world.²³⁷ Salvian thought that those who desired to leave behind something for their children were sinful; whoever so acted, however, would at the same be working against his own interest, namely prosperity in heaven.

With respect to gifts to the Church, whether for the funding of the liturgy, prayer and mass, or for the support of the needy and poor, donations as a single act must be differentiated from foundations, which were to permanently produce revenues from an endowed asset that had been set aside.²³⁸ Pious works were in this case also postmortally performed through the "foundation organs" in the name and place of the founder, and could further the salvation of his soul over the long term or permanently. Donations to the Church were also, however, in principle permanent gifts and foundation-like, even without a concrete directive, since they could not be alienated from the Church.²³⁹ Innumerable gifts for the salvation of the soul to churches or monasteries are documentarily attested in the Middle Ages. The *donationes pro anima* were to, as emphasized, effect the *venia peccatis* or *venia delictis*, forgiveness for sins and misdeeds.²⁴⁰ Very often this motivation was expressed in the formula *pro remedio animae* "for the salvation of the soul", *pro redemptione animae*, "for the ransom of the soul", or in similar terms. The goal of donations and foundations was the *aeterna beatitudo*,²⁴¹ the *aeterna retributio*, eternal bliss and restitution.²⁴² It was absolutely imagined that the donation was a transaction

²³⁷ After *ibid.*, 108.

²³⁸ On the following see inter alia: *Borgolte*, Stiftungen "für das Seelenheil" (2015); *Lohse*, Religiöses Verdienst (2016); *idem*, Gedenken und Kultus (2016); *Hugener*, Buchführung für die Ewigkeit (2014); *Angenendt*, Offertorium (³2014), 265–279 and passim; *Stanford*, Commemorating the dead (2011); *Ruprecht*, Stiftungen (2011); *Soares-Christen*, Don aux églises (2009); *Schilp* (ed.), Pro remedio et salute anime (2008); *Bijsterveld*, Do ut des (2007); *Lauwers*, La mémoire des ancêtres (1997); *McLaughlin*, Consorting with Saints (1994); *Hillebrand*, Stiftungen zum Seelenheil (1991); *Neiske*, Rechtssicherung und Praxis (1986); *Schmid*, Salische Gedenkstiftungen (1984); *Jorden*, Cluniazensisches Totengedächtniswesen (1930), esp. 47–69; *Henrici*, Schenkungen an die Kirche (1916); *Hübner*, Donationes post obitum (1888).

²³⁹ Cf. *Stutz*, Geschichte (³1972), 10. A limited transfer of property is only permitted to preserve the spiritual goal, cf. *Chartularium Sangallense* 1 (2013), no. 166.

²⁴⁰ E.g.: *Chartularium Sangallense* 1 (2013), no. 7, from the early 8th century; cf. *Traditiones Wizenburgenses* (1979), 78.

²⁴¹ E.g.: *Chartularium Sangallense* 1 (2013), nos. 24, 116, 204.

²⁴² E.g. *ibid.*, no. 204.

based on mutual reciprocity; for the good gift the giver expected the mercy of God in judgment. Quite in the way of a business transaction, the documents speak of *merces boni operi*, the reward for a good work, or the *merces animae meae*, the reward for one's own soul.²⁴³ The actual business partner was thus not the monastery that had been patronized or the Church, but rather God as the judge and lord of eternal life. As justification, the Sermon on the Mount was often cited: *Date et dabitur vobis*; in this way the assurance was expressed that God would not forget the pious gift.²⁴⁴ Even when the corresponding reports of motives seem and were stereotypical, the motive of the salvation of the soul was constantly present, so that ecclesiastical scribes also were always inventing new formulations. In a document of St. Gall from 852, for example, the monk Iso, possibly also a historian of the monastery, said of the wise man Wolfhugi: "After humankind was wounded by the blemish of sin and excluded from the joy of paradise for the trespass of disobedience, God gave the world, among other cures, also the remedy that persons could ransom their souls from the underworld of hell with their own treasures, as is said by Solomon: A man's wealth lies in the ransom of the soul. Therefore, divine mercy is also in and of itself admonished, by the saying in the Gospel: 'Give, and it will be given to you', and again 'Give alms and everything is clean for you.'"²⁴⁵

Caritas, which from the beginning has influenced Christian foundations and likewise has the motive of the salvation of the soul, stood within the tradition of Egyptian philanthropy and therefore the revolutionary breakthrough of the Axial Age; at the same time, it superseded Graeco-Roman Euergetism. It encompassed the manumissions of slaves, which were to result, according to the will of Constantine the Great, *religiosa mente* ("from a pious disposition"), just like material benefactions for the benefit of the Church or poor.²⁴⁶ Early attestations of this shift are offered by legal texts of the 6th century; thus, a church gathering in the Visigothic Kingdom of Spain (506), as well as a synod in the Kingdom of the Merovingians (551), regulated donations to the Church "for salvation" or "for the ransom of the soul,"²⁴⁷ while the oldest collection of formulas for the composition of documents and the Frankish

243 E.g. *ibid.*, nos. 7, 9.

244 Cf. Jorden, *Cluniazensisches Totengedächtniswesen* (1930), 49.

245 *Urkundenbuch der Abtei Sanct Gallen* 2 (1866), 38 no. 418; this document is treated in greater detail in *Borgolte, Gedenkstiftungen* (1984, repr. 12), 114–5 n. 68. Cf. also the example in *Angenendt, Theologie und Liturgie* (1984), 140–1.

246 *Theodosiani libri* 1.2 (⁴1971), 836 xvi,2,4; 179 iv,7,1, cf. 11,8,1. On which with further literature: *Borgolte, Freigelassene* (1983, repr. 12), 133; *Angenendt, Offertorium* (³2014), 274–77.

247 *Concilia Galliae* a. 314–a. 506 (1963), 194 cap. 6 (the Synod of Agde of the year 506); *Concilia Aevi Merovingici* (²1966), 114 (Synod of Bishop Aspasius of Eauze of 551).

Lex Ribuaria envisaged manumission for the benefit of the salvation of the soul.²⁴⁸ For foundations on the threshold of the Middle Ages, however, the motives of the pre-Christian period continued to have an effect; this applies to the series of Roman legal testaments, for instance, which end in 739 CE.²⁴⁹ A particularly cogent example stems from Bishop Berthram of Le Mans and is dated to 27 March 616.²⁵⁰ Though Berthram for his testamentary dispositions invoked *fragilitas humana* ("human frailty") and in this way employed a pre-Christian motive, in his concrete ordinances he called upon the formulas *pro remedio* or *pro mercede animae meae*. Aside from legacies for his relatives, he installed as heir his episcopate, but in particular a basilica to Peter and Paul that he had erected, at which clerics, canons, the poor and freedmen, who all profited from his fortune, were to permanently cultivate his *memoria*, the *commemoratio nominis* of Berthram, that is his commemoration through prayer.

Whether it is a coincidence of the sources that the first papal foundation stemmed from a Greek must remain an open question: John VII (d. 707) was the son of an imperial official.²⁵¹ As the bishop of the city he erected in St. Peter's, therefore at the tomb of the apostle and not in his see, the Lateran, a Marian chapel, in which he had himself displayed as the founder. His riches were said to have been used almost entirely for the chapel, which had been conceived as a tomb, with mosaics, gold and silver, and the rest was bequeathed to the poor. John thus also envisaged a foundation for the poor, while nothing is specified regarding the liturgical care of his oratory. His successor Gregory III also planned more lavishly and ambitiously for his tomb in St. Peter's (d. 732 CE); he was so successful with his foundation that the whole clergy of the venerable church regularly gathered at his place of rest until the late 15th century, and even some of Gregory's successors renewed his endeavor.²⁵²

Outside of Rome, further impressive testimonies of early foundations for the salvation of the soul have survived from 8th-century Italy.²⁵³ Soon after the subjugation of the Lombard Kingdom by the Carolingians, for example, a burgher from Pisa by the name of Walfred brought to life an extremely consequential

248 *Borgolte*, Felix est homo ille (1982), 9–10.

249 *Ibid.*, 7.

250 Most recently *Borgolte*, Stifter—Lateinische Christen (2016), 361; *Weidemann*, Testament (1986).

251 Especially: Liber Pontificalis 1 (21955), 385–6; *Borgolte*, Petrusnachfolge (21995), 97–102.

252 *Borgolte*, Petrusnachfolge (21995), 102–3, 281–5; *idem*, Stifter—Lateinische Christen (2016), 368. Edition of the most important source in *Mordek*, Rom (1988). Cf. *Zitzlsperger*, Sehnsucht nach Unsterblichkeit (2014). On further papal (funerary) foundations *Borgolte*, Petrusnachfolge (21995), passim; case study on the 9th cent.: *Herbers*, Leo IV. (1996), esp. 168–198.

253 Cf. *Feine*, Studien 1 (1941).

foundation.²⁵⁴ “Out of love for Christ and as a remedy for my sins” he founded with his possessions the Monastery of S. Pietro di Monteverdi (754) and entered it himself as a monk.²⁵⁵ Walfred lamented in the document that he had for a long time dedicated himself to temporal life, but was now worried that because of his sins he would find himself locked out of the Kingdom of Heaven and unable to enjoy eternal life with Christ. He had therefore decided to live a life by which his misdeeds could be forgiven; in order to realize the goal of his foundation, Walfred even compelled his sons to enter the monastery and to submit petitions in prayer to God day and night for his sins.

Thanks to rich documentation, the history of pious foundations in Latin Christendom can be followed through the dispositions of kings and emperors.²⁵⁶ Caesuras were formed less by the change of dynasties and rulers than by a shift in piety. Accordingly, foundations from the High Middle Ages onwards were influenced by a significant shift in thinking on the hereafter. Within High Scholasticism, that is since the 12th century, theologians gave up the ancient patristic notion of a general intermediate state of the dead until the Final Judgment; instead, one now thought of an individualized judgment which would decide upon the entry of the soul into heaven or hell shortly after death. Thomas Aquinas (d. 1274) taught, for example: “Souls, immediately after being loosed from the manacle of the flesh, by which there were held back in the state of this life, obtain reward and punishment, as long as no barrier is present (...). Since souls are assigned their place according to the suitability of reward and punishment, the soul immediately after its release from the body either is cast down to hell or ascends to heaven, if it is not held back by any entrapment of sin, so that the ascent [to heaven] must be delayed until after the purification of the soul.”²⁵⁷ Sins were said to follow the soul to purgatory, which developed in the Western Christian imagination at the same time on

254 *Borgolte*, Periodisierungen (2014), 255–7; *Schmid* (ed.), *Vita Walfredi* (1991).

255 *Molitor*, Walfreds “cartula dotis” (1991), 152.

256 As the “possibly first attestation” of a land donation *pro anima*, which surely is not the case, *Angenendt*, Offertorium (³2014), 271, has identified an “Anglo-Saxon document that is viewed as authentic from the years 696/711: the king and queen of Kent donated for the salvation of their souls (*pro remedio animarum*) a courtyard, together with its appurtenances, to the Monastery of St. Peter in Canterbury, so that ‘you might hold our commemoration [*memoria*] in the celebration of the masses as well as in your prayers’”: *Sawyer*, Anglo-Saxon Charters (2016), no. 16; cf. by contrast *Blair*, Church (2005), 87; cf. in addition *Ewig*, Gebetsklausel (1982), 91.

257 Thomas Aquinas, *Summa theologica* 3 (suppl.) quaestio 69, 12; cited after *Angenendt*, Theologie und Liturgie (1984), 85–6; *Jezler*, Jenseitsmodelle (²1994), 17–22 with images 9–10.

the basis of earlier conceptions of a postmortal cleansing fire.²⁵⁸ Here, at a certain point in the hereafter, the soul was still to repent for those sins from earthly life, but was to no longer suffer the torments for sins for which penance had been done. At the Council of Lyons in 1274 the doctrine of purgatory became obligatory for the Roman Catholic Church. Purgatory drew the attention of believers from the long period between death and the Final Judgment to the shorter period of time directly after the death of the individual, in which an individual judgment was to take place.²⁵⁹ Yet no one could say how long a “half-good” deceased person had to do penance in purgatory, and, moreover, the teaching of a general Final Judgment never became obsolete in religious praxis and the exercise of piety.

In the more recent scholarship the claim has been made that, with the appearance of the doctrine of purgatory in the 12th century, foundations for the salvation of the soul became less attractive; namely, it became a question less of lasting intercessions and “eternal masses” than of short-term aid through prayer and offerings by the living in favor of the dead. The French medievalist Jacques Chiffolleau developed this thesis on the basis of testamentary sources from Avignon.²⁶⁰ In disagreement with him, the historian Ralf Lusiardi has meanwhile evaluated the testamentary dispositions of the Hanseatic city of Stralsund and impressively refuted Chiffolleau.²⁶¹ Apparently, the conception of the verdict of the Final Judgment was never permanently ousted or qualified by the teaching of an individual judgment and purgatory. Testators who could do so prepared an unlimited series of masses as well as a temporary liturgical aid for the salvation of the soul.

The doctrine of purgatory never penetrated Greek Christianity; when Orthodox theologians were confronted with it, above all after the conquest of Constantinople by western “Crusaders” (1204), they reacted more with incomprehension than with resistance.²⁶² Their eschatology remained fixed on the Final Judgment, and offered the faithful few waystations in the hereafter

258 Cf. *Angenendt*, *Theologie und Liturgie* (1984), 158–61; *Le Goff*, *Geburt des Fegefeuers* (1984); *idem*, *Wucherzins und Höllenqualen* (2008), 90–118; *Jezler* (red.), *Himmel, Hölle, Fegefeuer* (2009), passim.

259 *Lusiardi*, *Stiftung und städtische Gesellschaft* (2000), 145–6; *idem*, *Fegefeuer* (2000).

260 *Chiffolleau*, *Comptabilité de l’au-delà* (1980). Supplementary and supporting: *Lorcin*, *Vivre et mourir* (1981); *Schmitt*, *Heidenspaß* (1993), 66–74; *idem*, *Wiederkehr der Toten* (1995), esp. 16–8; *Marandet*, *Souci de l’au-delà* (1998); *Tabbagh*, *Rythme des messes* (2011).

261 *Lusiardi*, *Stiftung und Seelenheil* (2005), esp. 53–5; *idem*, *Stiftung und städtische Gesellschaft* (2000); *idem*, *Fegefeuer* (2000). Cf. now *Lohse*, *Forschungsgeschichten* (2014), 90, as well as *idem*, *Gedenken und Kultus* (2016), 95.

262 Cf. *Angold*, *Church* (1995), 451–3; *Beck*, *Byzantiner* (1979), 41, 69–70; *Chitwood*, *Religiöses Verdienst* (2016), 65–6.

between the death of the individual and the general day of Resurrection. Their imagination and depressive expectations could seize upon pre-Christian ideas of a shadowy realm of Hades, as a joyless and hopeless abode of the deceased, because church leaders remained agnostic in this respect and gave few answers. The thesis of a historical *mentalité* study from the 1970s,²⁶³ whereby the church teaching of a Final Judgment, heaven and hell hardly penetrated at all into the religious conscience of the Byzantines, is now, however, seen as outmoded.²⁶⁴ In both text and art conceptions were widespread of a struggle of angels and demons for the souls of the deceased, as well as the passage of the soul through 22 tollbooths, at which good works were to be weighed against sins for which no penance had been done.²⁶⁵ More recent scholarship has also mined something of value from hagiographic texts for the understanding of folk conceptions of the hereafter.²⁶⁶ Not least of all, it can be argued that the spread of foundations for the salvation of the souls of the dead, especially through the establishment of monasteries, documents the extent of church teaching on the hereafter and justification before the highest judge.²⁶⁷ One of the few writers who made an effort to rationalize foundations and *memoria* was the historian, theologian and mathematician Michael Glykas (12th cent.). Asked whether the performance of good works could erase the sins of the dead, he cited the prayer of Saint Basil: "The Dead do not praise You, O Lord, nor have they the freedom to make confession to You from Hades, but we, the living, make supplication for their souls."²⁶⁸ Glykas highlighted in this context the practice of commemorating the dead on the third, ninth and fortieth day, as well as on the anniversary thereafter, and adduced the authority of the apostles, yet the interventions of the living through prayer could only be effective against venial, and not mortal, sins.

263 Beck, *Byzantiner* (1979).

264 Cf. *Angold, Church* (1995), 442–53.

265 *Constas, Sleep* (2001), 96–9; *Every, Toll Gates* (1976).

266 *Baun, Last Things* (2008); *eadem, Tales* (2007); *Constas, Sleep* (2001).

267 *Theis / Mullett / Grünbart* (eds.), *Female Founders* (2013); *Mullett* (ed.), *Founders and refounders* (2007), in which esp. *Kaplan, Why were monasteries founded?*, in addition to: *Talbot, Founders' choices*, und *Dimitropoulou, Imperial women founders*; *Horden, Memoria* (2005); *Lusiardi, Stiftung und Seelenheil* (2005), 58–61; *Thomas, In Perpetuum* (2005); *Borgolte, Von der Geschichte des Stiftungsrechts* (2002, repr. 2012), 347–55; *Congdon, Imperial commemoration* (1996); *Morris, Monks and laymen* (1995), 120–42; *Angold, Church* (1995), 445–6; *Talbot, Byzantine Family* (1990); *Thomas, Private religious foundations* (1987); *Galatariotou, Byzantine ktetorika typika* (1987), esp. 91–5; *Morris, Monasteries* (1985).

268 Cited after *Angold, Church* (1995), 450.

That in religious foundations it was always again and again emphasized that they were to last “forever” or “until the end of time”, reflected the unclear religious conceptions of the Byzantines of the hereafter, which were otherwise oriented on the Final Judgment.²⁶⁹ The preferred places of prayer for the commemoration of the dead (*mnēmosyna*)²⁷⁰ “as long as the world exists” were in fact monasteries; they in particular were the heirs of the pagan foundations of antiquity.²⁷¹ John Chrysostom, bishop of Constantinople (398–404), still complained that many wealthy persons founded markets and baths instead of churches. Yet those who founded churches in the countryside would receive mention in unending prayers and spiritual reward through hymns at Sunday services, in addition to worldly recompense (contributions).²⁷² In the Middle Ages monasteries, as reflected in the surviving sources, stand so at the center of the history of foundations that both are somethings almost seen as one. Of course, this applied above all to wealthy pious persons and their families, who expected mercy, aid and the support of prayer for their gifts to God, Maria or the saints, or to monks and nuns.²⁷³ Yet the less affluent as well could have a claim to the aid of prayer with contributions to the Church. Benefactors had their names and those of their dependents entered into the diptychs already while they were living, which were to enable commemorative prayer for the living and dead in the liturgy of the mass. In the monastic foundation charters and rules, the so-called *typika*, founders stipulated detailed memorial practices.²⁷⁴

Another motive of Byzantine founders that was closely intertwined with *memoria* was charity. At the time of John Chrysostom care for the poor seems to have been more important than the foundation of churches; already around 350 CE, according to the conclusions of more recent studies, the Christian hospital was invented in Anatolia as a charitable establishment.²⁷⁵ These Christian philanthropic institutions appear to have been implemented in the second half of the fourth century; in the *Codex Theodosianus*, the lawbook of Emperor Theodosius II of 438, they were not yet mentioned, while the *Codex*

269 Thomas, *In perpetuum* (2005), 123–4.

270 Von Zhishman, *Stifterrecht* (1888), 48–9.

271 Thomas, *Private religious foundations* (1987); Morris, *Monks and laymen* (1995), 120–42.

272 This and the following after Chitwood, *Stiftung* (2014), 60.

273 Cf. Galatariotou, *Byzantine ktetorika typika* (1987).

274 More than 60 of these texts have been edited with extensive commentaries in English translation by Thomas und Constantinides Hero, in: *Byzantine Monastic Foundation Documents* (2000); evaluation: Thomas, *Private religious foundations* (1987).

275 Cf. Horden, *Cities* (2015), 160–8; *idem*, *Poverty* (2012); *idem*, *Memoria* (2005), 139–40; Müller, *Birth* (2007); Chitwood, *Forschungsgeschichten* (2014), 137–8, und *idem*, *Typologisierung* (2014), 218.

Iustinianus of 534 documents their tremendous importance in the Byzantine Empire.²⁷⁶ In contrast to conditions in classical Roman law, they were independent; though one finds no general designation for them in the sources, the scholarship speaks of *piae causae* ("pious affairs"), according to the oft-cited motive of a pious disposition, alternatively of *venerabiles domus* ("venerable houses"), to emphasize their ecclesiastical character.²⁷⁷ Within scholarship hospices in the sources are individually divided into guesthouses or *xenodocheia*, poorhouses, hospitals, orphanages, foundling-houses and old-age homes. The ideal-type justification and description of these foundations was already given by Emperor Justinian (d. 565): "To each person is granted only the length of a single life by the Creator, at whose end stands death. But it is not fitting to set an end for the venerable houses and their congregations, which stand as immortal under the protection of God, nor for their properties. Rather, as long as the venerable houses exist—and they will exist for eternity, indeed until the End of Days, as long as the name of 'Christians' is understood and honored among men—, it is right and just that the gifts and incomes donated to them last forever, so that they might unceasingly serve unending pious works."²⁷⁸ The recipients of these benefactions were ascribed a particular proximity to God: lepers, orphans, the sick or widows thus were included in the intercessions in favor of the founders in return for supporting them. In the medieval sources one encounters the poor and philanthropic institutions almost always as dependencies and components of monastic complexes.

The *typika*, as the most important sources for Byzantine foundations, demonstrate, despite their similarity in form, an astounding variety with regard to the history of foundations and the norms for the future life of the monks.²⁷⁹ The stipulations of the senator, judge and historian Michael Attaleiates of March 1077 contain in this sense much that is incontrovertibly unique, alongside the more typical.²⁸⁰ In his own words, he stemmed from "a foreign land", from Antalya on the southern coast of Anatolia, if one evaluates his name as evidence, thus from the expansion region of the Islamicized Turks (Seljuks).²⁸¹

276 Cf. *Borgolte*, *Stiftungen in rechts- und sozialhistorischer Sicht* (1988, repr. 12), 11; *Hagemann*, *Stellung* (1953).

277 For the designation *venerabiles domus* see now *Alexander*, *Anstalten* (2003), 16–45.

278 *Corpus Iuris Civilis* 2 (141967), 38–9 lib. 1, 3, 57 § 3; German trans.: *Borgolte*, *Von der Geschichte des Stiftungsrechts* (2002, repr. 12), 348.

279 Cf., for example, the dispositions of the Georgian Gregory Pakourianos (1083 CE) and of the emperor John 11 Komnenos of 1136: *Borgolte*, *Von der Geschichte des Stiftungsrechts* (2002, repr. 12), 350–355; *Congdon*, *Imperial commemoration* (1996).

280 *Gautier*, *Diataxis de Michel Attaliat* (1981), 17–130; English translation in: *Byzantine Monastic Foundation Documents* 1 (2000), 326–79.

281 *Byzantine Monastic Foundation Documents* 1 (2000), 333.

But he had left his patrimony to his sisters, and in his rise from modest beginnings in the distant province had acquired rich properties in the capital and in Rhaidestos (Turk. Tekirdağ), on the Sea of Marmara. His wife was already deceased as he began to think about God's benefactions and to struggle with himself because of his many grievous sins. He wanted, moreover, to place all hope for his salvation in God and use a part of his possessions for good works. He created an almshouse in Rhaidestos and Constantinople, to which a monastery was assigned for spiritual supervision. "To thee therefore, O Lord," so it reads in his prayer inserted into a legal text, "I make this offering, because it is through thy generosity that I have accumulated all [my property], so that it may be at the service of thy loving precept. For in thy kindness thou hast given to those who wish to be pious the manner of their salvation, by declaring that the wealth of each man can serve as a ransom for his soul. May thy great and all-powerful right hand keep the offerings and preserve them in perpetuity (...). Every emperor and noble and dynast, and all ministers of the holy sanctuary, both bishops and priests, and everyone involved in political and ecclesiastical affairs should keep their distance from this holy property of the poorhouse which was constituted for the pleasure of thy transcendent glory and for the holy flock of monks therein and everything belonging to them. For all this property is dedicated to God, and honored with inviolability (...)." ²⁸² He entrusted the mass to monks who lived in Constantinople and who were to supervise the proper teaching and liturgy in the church. ²⁸³ The almshouse (in both locations) as well as the monastery subordinated to it were to be independent and autonomous. Besides God, he wished for as patrons and helpers Maria and Saint Michael, the Commander of the Heavenly Host, as well as John the Baptist. For the care of the poor at his house in the capital he stipulated that on each Sunday at the gate much bread would be given to needy brothers in Christ; furthermore, each day six poor men would be fed a portion of bread in the refectory, supplemented by meat, fish or cheese and dried, fresh or cooked vegetables. In addition, each of them was to receive four *folleis* (coins), as he himself already now did. 216 masses of wheat were to be distributed to unfortunate persons, and each twelfth of this to 18 registered widows or old men worthy of mercy. According to Attaleiates' plan, the distributions at the poorhouse in Rhaidestos were to differ; the founder namely slated the division of revenues from the properties to other poor monasteries which, as he knew, were bereft of resources. In exchange, the monks that were supported were to write his name in the holy diptychs, "and that I should be commemorated

²⁸² Ibid., 337.

²⁸³ Ibid., 339.

continually in those [monasteries], and that every day they should say a Trisagion after the morning office for the sake of myself, the sinner.”²⁸⁴ In Rhaidestos a dwelling with dormitories was to be erected for pilgrims to the holy sites (in Constantinople? Or Jerusalem?) and for other strangers, where bread and wine was to be distributed for consumption. Each year, on the anniversary of his death, twelve older brothers in Christ, if they were weak, frail and in need, were to receive one *nomisma* ([gold] coin) and six masses of wheat. Also there, that is in the almshouse, they were to sing liturgical chants at the time of his commemoration and be compensated for this with gold and goods in kind.²⁸⁵ Concerning the monks, it was their duty to celebrate a special liturgy on each Saturday for his parents, who are specifically mentioned by name, as well as himself each Saturday, “that I should also be commemorated in perpetuity”. Other persons, probably his relatives, and the emperors were included in this *memoria*.²⁸⁶ Attaleiates expressly allowed future contributions to his foundation by third parties aiming at commemorative prayer for future generations.²⁸⁷ The monks and his heirs were also to be inscribed in the diptychs; whoever went against the will of the founder, however, would lose this privilege and thus his commemoration.²⁸⁸

It is noteworthy that Michael Attaleiates by no means endowed his houses with his entire fortune. He even ordered that his son Theodore and his male issue be named heir, lord and administrator of his foundation “forever”.²⁸⁹ Once the prescribed measures for commemoration and philanthropy had been completed, Theodore was to receive two-thirds of the unused revenue of the endowment, and only a third was to be saved.²⁹⁰ Only when Theodore’s line of succession died out were the administrators of the almshouse and the monks to come into authority in place of the founder’s family.²⁹¹ Furthermore, Theodore and his sons and descendants did not have full disposal of their paternal inheritance, but had to keep it within their own lines of succession. In the event of the male line dying out, everything would finally go to the almshouse and monastery.²⁹² The regulations of the *typikon* thus secured financially, on the one hand, the descendants of Michael through the male

284 Ibid., 343.

285 Ibid., 343.

286 Ibid., 349.

287 Ibid., 348.

288 Ibid., 345.

289 Ibid., 338.

290 Ibid., 345.

291 Ibid., 340–1.

292 Ibid., 342.

line, and on the other hand, the founder slated all his properties directly or indirectly for commemoration or *caritas*.

Russian foundations were influenced by the practices of the Greek Orthodox Church, after the principality of Kiev accepted Christianity from Constantinople in 988.²⁹³ However, more abundant source material on which historical research can be based first appears at the end of the 15th century, if one concentrates on the span of time to around 1700. It is emphasized in the documents that foundations were erected “to acquire eternal goods” and that “the ephemeral of this world” were given to acquire “the eternal”.²⁹⁴ The Old Russian *zadušie* (“for the soul”) corresponded to the Greek designation for the “part for the soul” (*psychikon*)—a loanword that one also encounters in Serbian and Bulgarian (*zadužbina*).²⁹⁵ As in Byzantium, conceptions of the hereafter until the Final Judgment remained unclear or contradictory. The preacher Cyril of Turov described in the 12th century how the soul was led by an angel before the court, where God questioned it and then hid it in a place known only to him. The verdict itself would be pronounced only after the unification of body and soul at the Final Judgment: “Thus, until the second coming of Christ there is neither judgment nor torment for any human soul, be they believers or unbelievers.”²⁹⁶ Only at the end of the Middle Ages does the concept of a preliminary verdict directly after death appear to have acquired greater meaning; correspondingly, prayers were intensified within the first forty days. The conception of heavenly tollbooths (*mytarstva*), which the soul had to pass on its way to the throne of God, was widespread, as in Greece. A difference with Byzantium lay in the configuration of lists for commemorative prayer. Benefactors could expect inscription in the *sinodik*, which served as the basis for *memoria* and was modelled after the example of the diptychs. Around 1500 a complex system seems to have developed. Each layperson, as well as the monks of the monastery in question, regardless of whether one was rich or poor, or had given much, little or even nothing at all, could be entered into the “eternal *sinodik*”.²⁹⁷ The inscription of an entire family could cost a quarter of a ruble. Reading the names of the thus rapidly lengthening list lasted many hours and, litany-like, in certain circumstances many divine services

293 On what follows *Steindorff*, *Memoria* (1994); *idem*, *Glaubenswelt* (2005).

294 *Steindorff*, *Memoria* (1994), 25.

295 *Steindorff*, *Glaubenswelt* (2005), 160.

296 After *Steindorff*, *Memoria* (1994), 90.

297 *Ibid.*, 60–1, 167. Also in the Georgian Church there was a calendar for the liturgical commemoration of donors and founders that was so designated, see *Chitwood*, *Schriftzeugnisse* (2014), 405. On foundations to the Georgian monastery of Mghvime (9th–13th cent.): *Martin-Hisard*, *Les biens d'un monastère Géorgien* (1991).

during the day. Only entry into the “daily list” (*povsednevnyi spisok*) augured an individual commemoration, and then only at certain portions of the liturgy (in the morning, at the “divine liturgy”, that is at the celebration of mass, after the reading of the gospels, at the *pannychides*, which were celebrated at the evening mass, etc.).²⁹⁸ The length of the individual commemorative prayer was regulated by price; evidently, the rule of thumb became common that the spending of ruble corresponded to *memoria* for one year; for permanent entry in the daily list at least 50 rubles had to be spent. In place of gold, lands, villages, horses, valuable vessels and “all of the riches, the evanescent gold and silver of this world” could be endowed.²⁹⁹ The highest level of commemoration was understood to be the *korm*, a feast for the monks based on an endowment for the commemoration of a particular person; a yearly meal of this sort cost one hundred rubles. The poor could be included in the *korm* for the monks. In the Monastery of the Dormition of the Mother of God at Volokolamsk, founded in 1479, of which a rich base of sources has survived, twelve registered poor persons (*zapisnye niščie*) regularly took part at the monks’ meals.³⁰⁰ The distribution of meals before the gate of the monastery was more important; the “meal book” of Volokolamsk calendrically lists the names of those benefactors in whose memory meals for the poor were to take place.³⁰¹

Similar to, or rather even more than in Byzantium, monasteries in Rus’ served as sites of *memoria* for the living and above all for the dead. A right to be buried in a monastery could be connected with an endowment; also widespread was the purchase of entry into a monastery, whether immediately or at a later point in time, while some founders retained the usufruct of their endowed properties until their death or entry into the monastery.³⁰² Iosif Sanin, the founder of Volokolamsk, composed a *Narrative on Books Edifying to the Soul*, and justified the existence of the monastery itself with the keeping of an eternal *Sinodik* and the daily list.³⁰³ For the sake of these books the priests, deacons and all brothers received rest for their bodies, in addition to food and drink, clothing and shoes, as well as their cells with their furnishings as housing. Endowed properties also, such as villages and gardens, rivers and lakes, meadows, four-legged and other types of animals, would in this way be

298 Steindorff, *Memoria* (1994), 41, 43, 180–1.

299 Ibid., 173.

300 Ibid., 18, 122–3.

301 Steindorff, *Glaubenswelt* (2005), 173.

302 Steindorff, *Memoria* (1994), 263. Some testators regulated their affairs in this context by manumitting their serfs at death. The freedmen were then obligated to make intercessory prayers for their deceased patron, *ibid.*, 168.

303 Steindorff, *Memoria* (1994), 206.



ILLUSTRATION 4 Jovan Oliver, Serbian Despot, c. 1310–56, founder's portrait with archangel Michael in Manastir Lesnovo (Macedonia), 15th c.

received by the monastery. The “One Hundred Chapters” Synod of 1551 also stated the first duty of monasteries to be the commemoration of the dead. The careful performance of *memoria* as a counter-gift had to correspond to the endowment as a gift. According to the verdict of the czar, the discipline of the monks was at that time low. Despite endowments gifted to them “for remembrance” (*na pominek*), the monks wandered as vagabonds (instead of staying in their monasteries) into villages and cities: “Who will experience torment at the Last Judgment for this?”, the ruler admonished them.³⁰⁴

The most significant contrast to Byzantine and Western/Latin foundations lay in the fact that the Rus’ knew no philanthropic foundations alongside memorial endowments.³⁰⁵ The distribution of meals to the poor, as in Volokolamsk, was a by-product of the daily monastic routine, yet constituted no organized charity.³⁰⁶ Believers were called to directly support the needy

304 After *ibid.*, 207.

305 Steindorff, *Glaubenswelt* (2005), 172–5.

306 Steindorff, *Memoria* (1994), 206–7, 212–5.

and took this Christian duty seriously, but the church never functioned as an entity for the redistribution of profits and fortunes.³⁰⁷ Still in the Russian Empire at the end of the 18th century it was the state that was supposed to erect almshouses.³⁰⁸

1.2.4 “Foundations for Nearness to God” in Islam

It is now a little more than thirty years ago that the American philosopher and scholar of religion William R. Jones sharply differentiated pious foundations in medieval Christianity from those in Islam. Both certainly knew religious, philanthropic and pedagogic purposes; yet while the Christian foundation put prayers and masses in favor of benefactors, both living and deceased, at the front and center, the Muslim *waqf* was emphatically temporally-oriented and had as its goal the “moral tendency” of Islam for the transformation of society according to the norms of the Quran and sacred law.³⁰⁹ The sacramental character of Christians was based on the institution of the church, which through its clergy could intercede with God in favor of founders. Muslims, who lacked an organization of this sort, instead had to rely on their personal responsibility for the moral order of the world. More recent studies have come to conclusions different than those of Jones. After examining Muslim “public foundations” in Jerusalem, Johannes Pahlitzsch has judged that from at least the 12th century to the Ottoman period (16th cent.) they served to foster one’s own salvation of the soul. The Christian system of foundations thus facilitates our understanding of *waqf*.³¹⁰ And the Israeli scholar Yaacov Lev summarized the results of his comprehensive treatment of Muslim foundations in the Middle Ages in the year 2005, that there was a tendency in all three monotheistic religions, namely “the quest for personal salvation through giving and the wish to oblige the beneficiaries of charity to pray for the salvation of their benefactors (...). The quest for nearness to God and salvation symbolized the deepest meaning of medieval sacred charity.”³¹¹

In order to sort out these contradictory conclusions, it is worth taking a look back to pre- and early Islamic conceptions of the hereafter. From the turn of the 7th century CE, therefore during the lifetime of the “Prophet”, above all poetic fragments offer illuminating information. According to the analysis of

307 Ibid., 141–2.

308 Steindorff, Glaubenswelt (2005), 174–7.

309 Jones, Pious Endowments (1980), esp. 23–4, 28–9, 32.

310 Pahlitzsch, Concern (2001), 343–4; cf. *idem*, Memoria (2005).

311 Lev, Charity (2005), 159–60, cf. 103. On the following section see now also: Sánchez, Religiöses Verdienst (2016); *idem*, Gedenken und Kultus (2016); *idem*, Wohltätigkeit und Bildung (2016).

specialists, we encounter in them a figure trapped on this earth, who staves off death as a senseless and inexplicable event and gives himself over to the things of this world.³¹² Ancient Arabian poetry primarily depicts prowess in battle, the courage of heroes along with the mockery of their opponents, the struggle with nature, but also travels as well as the adventures of love. Under the influence of Christians, Jews and Zoroastrians, whom Arab traders and pilgrims would have met, for instance, at the shrine of the Kaaba in Mecca or in Syria, Ethiopia, Iran and in Yemen, and who also formed communities and influenced principalities on their peninsula, teachings of the creator God, of personal resurrection and their presence with God may have gained currency.³¹³ What was then revealed to Muhammad about the Final Judgment of the Creator is contained in one of the oldest Suras (99: 6–8): “On that Day will men proceed in companies sorted out, to be shown the deeds that they (had done). Then shall anyone who has done an atom’s weight of good, see it! And anyone who has done an atom’s weight of evil, shall see it.”³¹⁴

In fact, the Arabs at first proved to be too obdurate to accept the teaching of resurrection and individual judgment. Another passage of the Quran reports: “And say, ‘This is nothing but evident sorcery! What! When we die, and become dust and bones, shall we (then) be raised up (again), and also our fathers of old?’” (Sura 37: 15–17).³¹⁵ This naturalistic skepticism came up again and again against the promise, formulated by Muhammad, that the unbeliever would be cast into hellfire on the day of judgment, while the God-fearing person would have his good deeds rewarded with the joy of paradise. Everyone would be held accountable in the end for his actions on earth. The doctrine, that it was the merit and personal action of persons that would determine their fate in the hereafter, was then especially advocated in the 7th century by the so-called Kharijites, yet in the Quran the idea had already been expressed that divine mercy (alone) could effect entry into paradise.³¹⁶ This thinking evidently offered a starting point for later teachings on the possibilities for intervening in favor of the deceased. Among the Shiites, this role fell to Muhammad himself along with the imams stemming from his kin: whoever had demonstrated allegiance to them could expect them to intercede before God for their entry into paradise. The Sunnis assigned the same power to, along with Muhammad, also his closest companions. The theologian al-Aṣʿarī (d. 935) formulated

³¹² Nagel, *Leben nach dem Tod* (1983), 131.

³¹³ *Ibid.*, 132.

³¹⁴ German translation: Koran (2012), 580; cf. Nagel, *Leben nach dem Tod* (1983), 133; *idem*, Koran (2002), 41–2.

³¹⁵ German translation: Koran (2012), 392; cf. Rebstock, ‘Grabesleben’ (2002), 371.

³¹⁶ Nagel, *Leben nach dem Tod* (1983), 134–5; cf. Bowker, *Meanings of death* (1991), 110–1.

tenets, to which an essentially dogmatic importance is to this very day ascribed within Sunni Islam: “[The Sunnis] affirm that God aids the believer in obeying him, but draws back from the unbelievers, is merciful to the believers, (...) but not to the unbelievers (...). Furthermore, they affirm the intercession of the Prophet, which also extends to those from their congregation who have committed grievous sins; in addition, [they confess] to a penalty in the grave and that the pond [in paradise] is truth and the bridge is truth and the awakening after death is truth and the reckoning of God with men is truth and standing before God [on the Final Day] is truth.”³¹⁷

The Quran is laconic regarding a person's or soul's path between death and the Final Judgment; the divine revelations in the tradition of Muhammad are completely fixated on paradise and hell, while otherwise in Muslim texts the imagination of the authors ends at the grave and the existence in the grave. The intermediate period, and with it the potential interventions of the living who realize the work of a foundation, remained mostly nebulous. Even the soul does not appear to have been clearly comprehended: already in pre-Islamic poetry, according to modern scholars, the term *nafs* designated the individual self in a reflective sense, while *rūḥ* indicated the “spirit” in a general sense, without referencing an individual person's soul.³¹⁸ Other historians differentiate between the two differently.³¹⁹ In addition, in orthodox Islam the controversy concerning the immortality of the soul was less heatedly debated than the discussion on the resurrection of the body.³²⁰

At a person's death, at least so the Suras suggest, the soul escapes the body through the throat and comes into the hands of angels. Embellished narratives depict the struggle of a variety of these beings over the soul, which could rely on lists of the good and evil deeds of the deceased.³²¹ In Sura 23:100 there is in any case mention of a barrier behind the deceased, which hindered any return to earthly life, thus, for example, also rebirth; it was to hold “until the day on which it was awakened”.³²² The barrier is described with the Persian loanword *al-barzakh*, and acquires in the narration the quality of a period between this world and the hereafter. A literature on the “Life in the Grave” developed over

317 Cited after *Nagel, Leben nach dem Tod* (1983), 136–7.

318 *Smith / Haddad, Islamic Understanding of Death* (1981), 18.

319 Cf. *Rebstock, 'Grabesleben'* (2002), 374, and *Bowker, Meanings of death* (1991), 104–5, esp. 108.

320 *Smith / Haddad, Islamic Understanding of Death* (1981), 17.

321 *Ibid.*, 32–40.

322 *Koran* (2012), 302; cf. *Rebstock, 'Grabesleben'* (2002), 373; *Nagel, Koran* (2002), 188–9.

centuries, including with reference to the few sayings (*ḥadīṭe*) ascribed to the Prophet.³²³

The first comprehensive work on this subject is the *Book of the Soul* (“Kitāb ar-Rūḥ”) of the Syrian jurist and Hadith scholar Ibn Qaiyim al-Ğauzīya (d. 1291). For him, the interim in the grave between the temporal and the hereafter possessed an independent quality.³²⁴ Granted, the soul (*rūḥ*) according to al-Ğauzīya’s doctrine was wrested from the deceased through the throat by the angel of death after one’s demise and carried away to a preview of heaven and hell; yet it was afterwards again fixed to the body. It was thus not an immaterial, but rather an ethereal, soul, so that every deceased person could experience with their senses the now painful questioning and punishment to come. It was first after an initial reckoning of one’s deeds that the deceased was confronted with the question of his religious belief. Only the martyrs escaped a penalty in this context, while the others had to suffer according to the degree of their religious convictions. The purification of sinfulness certainly pointed to the eternal punishments to come, but was no preliminary verdict for the Final Judgment. The punished souls were loosed from their bodies and in various locales awaited the End of Days; the souls of the faithful, depicted as green birds, received a place in trees close to paradise, while those of the impious, described as blackbirds, were in the vicinity of hell. According to al-Ğauzīya, the penalties in the grave lasted between seven and forty days and kept the soul trapped in the neighborhood of the grave. In this span of time the deceased could still communicate with those they had left behind, who aided them through prayers and recitation of the Quran, and might even encounter them in dreams.

The validity of theological discourses, such as those found in al-Ğauzīya on this world, the hereafter and the state in between for a general understanding of the dead in Islam, was some time ago qualified by Thomas Bauer with formidable arguments.³²⁵ He calls attention to the fact that conceptions of paradise and hell, in contrast to the Quran, receives in the entirety of Classical Arabic literature astoundingly little mention.³²⁶ When one looks for discourses on the dead in texts that are not scholarly, then it becomes clear the grave occupied people more than the hereafter. As done twenty years earlier by a Byzantinist,³²⁷ the scholar of Islamic Studies and Arabist, employing a history of *mentalité*

323 Cited after *Rebstock*, ‘Grabesleben’ (2002), 372.

324 *Ibid.*, 374. On the *Book of the Soul* of al-Ğauzīya see also *Pahlitzsch*, *Memoria* (2005), 85–6.

325 *Bauer*, *Todesdiskurse* (1999), 5.

326 *Ibid.*, 13–4.

327 *Beck*, *Byzantiner* (1979).

or sociological-historical approach, also made an attempt to prove a realm of experience and expectation for the majority of the population that predated salvation history, in contrast to the understanding of scholarship. He tests the validity of his skepticism on the biographical collection of al-Qiftī of 1235 CE. Granted, it follows the pattern of other narrations, in which the deceased report to the living in their dreams that God had forgiven them and that they are in paradise.³²⁸ When one turns to poets and their works, however, then the traditions of the pre-Islamic poetical discourse on death appears immensely potent. In the elegiac poems (*marṭiya*) the pain of death, in contrast to the norms of the Quran, is not moderated, and death is railed against during unrestrained mourning. The Islamic hope for a continuation of life in the hereafter in this context plays practically no role in favor of an afterlife on this earth through the fame of imperishable deeds. Thus, al-Qiftī cites a verse of Ibn Sīd al-Baṭalyawṣī: “He who knows lives, and lives on forever after his death, while his joints rot beneath the earth.”³²⁹ By far the most important, constantly reappearing consolation of elegiac poetry is the recognition that all men must die; Arabic poetry shares this with its contemporaneous Christian medieval poetic counterpart, and stands in sharp contrast to the viewpoint of today’s poetry, which does not at all find solace in the universality of death.³³⁰

Certainly, different discourses cannot be ascribed to mutually exclusive groups of persons, but they rather would have been able to penetrate into the thoughts and actions of the same people. Pagan traditions of an emphatic temporality asserted themselves alongside the revelation of a creating and judging God, of the punishments of hell and the joys of paradise. There exists no doubt, however, that in Islam as well salvific care for the dead through prayer and charity were widespread. Already in numerous hadiths relatives and friends were given various indications as to how they could make the stay in the grave more pleasant.³³¹ Generally, two categories are differentiated, namely mourning for the dead and prayer or almsgiving in their favor.³³² The prayers in question could not only be uttered at the burial and the grave itself, but indeed everywhere. The petition, that is the intercessory prayer (*duʿaʿ*), could also benefit the living,³³³ yet was understood to be helpful above all to the dead.

In the folk *Book of the Dead of Islam* (“Mohammedan Eschatology”), the path of the deceased from the carrying of the bier from his house until burial

328 Bauer, *Todesdiskurse* (1999), 10–1.

329 Cited after *ibid.*, 12.

330 *Ibid.*, 12; cf. Ariès, *Geschichte des Todes* (1980), 11–120.

331 Smith / Haddad, *Islamic Understanding of Death* (1981), 59.

332 Cf. Sánchez, *Gedenken und Kultus* (2016); *idem*, *Wohltätigkeit* (2016).

333 Cf. Lev, *Charity* (2005), 101–3, 159–60.

is described, during which the dead repeatedly turns to those present in search of help: "See, I relinquish everything that I have gathered up to my heirs, yet they do not have to bear any of my sins, and the Judge will bring me to account while you follow my corpse. Therefore pray for me!" As they prayed at his bier and some of the members of his household and friends who had performed the prayer went away from the bier, he then says: 'By God, o my brothers, I knew full well that the deceased is forgotten, but I certainly didn't want you instead to turn from here as you buried me in the earth (...)'! And when they place him in his grave, he says: 'By God, o my brothers, I know that you benefit from me while I find myself in the shadow of the grave, and you leave me now alone in terror; thus, I ask for aid, calling to you for help.' When they laid him in the grave, he spoke thus: 'By God, o my heirs, the great fortune that I gathered up in the world, I leave to you, therefore forget me not, [but remember me] with great liberality. Indeed, I taught you the Quran and good manners, and see that I am today in need of you; forget me not in your prayers!"

The anonymous author relates a further story on the efficacy of the help of the living for the dead. From Abu ʿĪlāba the following is transmitted: "He saw in a dream a cemetery [and it seemed to him] that the graves were empty and the dead had proceeded from them and had been placed at the edge of the grave. Before each one of them was a lampshade; among them, however, he saw a man among his neighbors before whom he perceived no light, and he asked him about his condition, saying: 'Why do I see no light from you?' Then the deceased answered: 'Those here have children and friends who pray for them and for their sake give charitable gifts, and this light is (produced) by that which they send to them; I, however, have a son who is not pious; he does not pray for me and performs no benefactions for my sake; I therefore have no light and am ashamed amongst my neighbors.' Once Abu ʿĪlāba awoke, he had the son called to him and recounted to him what he had seen. The son then said: 'I have been convinced by you and desire no longer to return to that which I have to date persisted in doing.' And he then busied himself continually with pious works and prayers for his father and charity for his salvation. After a time Abu ʿĪlāba saw the burial site again in a dream and indeed in its earlier state, yet with the (aforementioned) man adorned with a light brighter than the sun and larger than that of his companions, and this one spoke: 'O Abu ʿĪlāba, may God grant you good for what you have done for me; because through your (monitory) word I have been freed from hellfire and from the shame of my neighbors.'"334

334 Muhammedanische Eschatologie (1872), 45–7; cf. the differing version in *ʿAbd ar-Rahim, Totenbuch des Islam* (2006), 60–2.

The Quran certainly charges that every individual owes account for his deeds and his faith at the Final Judgment, at which point it is too late to perform new good works, and no one can come to help;³³⁵ yet already in the Sunni tradition it was determined that good works performed during one's lifetime could also have a further effect after death and could favorably influence the fate of the benefactor. A saying of the Prophet transmitted by Abū Hurayra attained canonical importance: "When a man dies, all his actions come to an end, with the exception of these three: the repeated work of mercy, works of knowledge as well as a pious posterity that prays for him."³³⁶ Another hadith specifies: "There are seven works whose reward is received by a servant of God after death, when he is already resting in the grave: the cultivation of knowledge, the erection of a shipping channel in a stream, the construction of an irrigation canal, the planting of a tree, the building of a mosque, the bequest of a book with the Quran or the testimony of a son who prays for the forgiveness of his sins."³³⁷ Even though the concession of a postmortal power of negotiation from a systematic theological perspective has been termed a "marginal exception",³³⁸ the supposed sayings of the Prophet nonetheless served as the intellectual basis of Muslim foundations. Correspondingly, the hadith is cited in *waqf* documents.³³⁹

The hadith collections classify the erection of a foundation (*waqf*) as *ṣadaqa*, a word which originally designated every good deed.³⁴⁰ It was first in the 9th century that the definition of "irrevocable alms" (*ṣadaqa batta*) appears for the (family) *waqf*, and in the 11th century aš-Širāzī underlined that a foundation is to be viewed as indestructible and lasting alms. In the opinion of Muslim jurists, through its perpetual existence a foundation could be understood as a deed pleasing to God, which could bring the founder closer to God the longer it lasted. The postmortal drawing-near to God (*qurba*), which

335 Bowker, *Meanings of death* (1991), 112–5.

336 Cited in Sánchez, *Gedenken und Kultus* (2016), 110, among others after Muslim, *Al-Musnad al-ṣaḥīḥ* (s. a.), 1255 no. 1631; Çizakça, *History* (2000), 6; Borgolte, *Von der Geschichte des Stiftungsrechts* (2002, repr. 12), 356.

337 Al-Jawzī, *Birr al-wālidayn* (1988), 74, cited after Sánchez, *Gedenken und Kultus* (2016), 111.

338 Bowker, *Meanings of death* (1991), 116. The author emphasizes (113) that in Islam there could exist no mechanism of transferal for the merits stemming from good works, since, in contrast to Christianity, the doctrine of ransom was lacking, in addition, the death of Christ (as a substitutional penance for the salvation of humankind) was disavowed by Muslims.

339 Sánchez, *Gedenken und Kultus* (2016), 110; Hoffmann, *Gates of Piety* (1997), 197; Pahlitzsch, *Concern* (2001), 337.

340 On this and what follows now Sánchez, *Wohltätigkeit und Bildung* (2016); cf. Pahlitzsch, *Concern* (2001), 329–32.

corresponded to the Muslim conception of the return of man from the time of Adam's original sin to paradise,³⁴¹ could thus be measured according to the extent and length of the benefactions. Since foundations were to last forever, they not only had to be constantly kept in operation through new living persons, but also by their performance of good works they increased the heavenly merits of the founder. *Waqf* as *ṣadaqa* was thus according to a modern definition a "perpetual dedication—(...) in order to obtain a heavenly reward—of the corpus of some property to God and of its income to any purpose approved by the law".³⁴²

Even if Islam knew no institution comparable to the Christian clergy and the mass, Sufi communities, for example, through the recitation of the Quran and chanted prayers, fulfilled a task similar to the "saving of Muslim souls". The performance of *ḥuḍūr*, the daily communal prayer with readings of the Quran, was viewed in the *khanqāhs* (Sufi convents) of the Mamlūk period (from 1250) as quite effective aid for the deceased, both for their struggles in the grave as well as for the forgiveness of their misdeeds and for the resurrection to paradise at the End of Days.³⁴³ In addition, the poor, travelers and pilgrims, school children and all others who were supported through a foundation's work that was pleasing to God could aid deceased founders on their path to God.

Large-scale foundations in or near Tabriz during the 14th century not only stand exemplarily for the motive of recompense in the hereafter and the help of the living, but also for the continuance of the founder's fame. As the Mongolian Il-Khan of Persia, Gāzān Hān, adopted the Muslim faith of his subjects immediately before his assumption of power (1295–1304), he then endowed widely-scattered lodgings for the descendants of the Prophet, convents of Sufis, mosques, madrasas and a canal for the water supply of the Shiite shrine in Karbala (on the Euphrates / Iraq). For the site of his mausoleum in Šanb, west of Tabriz, he oriented it on the richly-furnished tombs of Islamic saints and imams: "How can one think that someone who is dead in such way and possesses such a burial site, such a mausoleum (*mašhad*, *mazār*), is actually dead?", he is said to have asked, then to have answered: "If I can also not claim the [spiritual] manner of men of God for myself (literally: if I cannot achieve the rank of the pious—*martaba-yi sulāhā*), [thus can I] at least imitate them, by founding a complex with pious establishments (*adwāb ul-birr*: "gateways of piety"), which shall serve as my final place of rest and in this way

341 Cf. Bowker, Meanings of death (1991), 104–5; Stillman, Waqf (2000), 358–9, 361–2; Hoffmann, Islamische "fromme Stiftungen" (1990), 117.

342 Anderson, Religious Element (1951), 294; Pahlitzsch, Concern (2001), 332.

343 Homerin, Saving Muslim Souls (1999), esp. 71–2; cf. Sabra, Public Policy (2005).

ought to be a continual work of common benefit (*ḥairī, ṣadaqa-yi ḡārī*). May the blessing (*barakāt*), which [thanks to the pious foundations] will rest upon it, ensure the mercy of the sublime God and bring about unceasing rewards in paradise (*ṣawāb*). That would be exceedingly good.”³⁴⁴ The “gateways of piety” corresponded to the *piae causae* or *venerabiles domus* in Byzantium;³⁴⁵ the complex of the Il-Khan encompassed, alongside the mausoleum itself, a mosque, a Ḥanafi and Shāfi madrasa (that is different schools of Islamic learning), a Sufi convent, a hostel for the relatives of the Prophet, an observatory, a library, a hospice, a soup kitchen and other things.³⁴⁶

In the year 1309 CE the vizir of the Mongolian armies, the doctor and writer Rašīduddīn, also drafted a foundation charter, which he would continue to amend in the following years. As has been shown, he emulated Gāzān’s undertaking and erected around his own tomb a multifunctional complex for philanthropy, learning, the recitation of the Quran and the cultivation of one’s later renown. He prefaced his extremely effusive document, written in his own hand in Persian, with a far-reaching treatise on the benefit of pious foundations for the postmortal fate of a person. As a modern analysis has emphasized, in no place is there mention of compassion for the poor and needy or the wish to make a contribution to the public good: “Philanthropic motivations do not count, rather the striving toward the spiritual benefit (*ṣawāb*) of the creator of the good work.”³⁴⁷ The founder allowed himself to be guided by the conception, already to be found in the Quran and likewise known from Christianity, of the “soul account”, which would be settled at the End of Days.³⁴⁸ The reward for good, as well as the penalty for evil deeds, would then, as he argued, not be equally appraised; the punishment certainly would be straightforwardly implemented, yet would one could count upon a multiple of the worth of good deeds. Rašīduddīn cited for this Suras 6:160 and 2:261: “He That doeth good shall have ten times as much to his credit: He that doeth evil shall only be recompensed according to his evil.” “The parable of those who spend their

344 Cited after Hoffmann, *Waqf* (2000), 206, cf. 76; cf. Borgolte, *Von der Geschichte des Stiftungsrechts* (2002, repr. 12), 362.

345 Cf. Hoffmann, *Gates of Piety* (1997).

346 Hoffmann, *Waqf* (2000), 112.

347 Ibid., 243.

348 Ibid. Cf. for evidence from the time of Hārūn ar-Rašīd, that is from the 9th cent. CE, Pahlitzsch, *Memoria* (2005), 91–2. Jesus himself had taught, according to Matt. 19:21, that giving to the poor meant treasure in heaven, and portrayed the Kingdom of Heaven as a reward for deeds of mercy, cf. Bruck, *Kirchenväter* (1956), 39. A late medieval example: Marx, *Geschichte des Armenhospitals* (1907), 63; Kortenkamp, *Urkunden des St. Nikolaus-Hospitals* (2004), 109 no. 57, cf. Hensel-Grobe, *St. Nikolaus-Hospital* (2007), 38, and esp. Tritz, “... uns Schätze im Himmel zu sammeln” (2008), *passim*.

substance in the way of Allah is that of a grain of corn: it groweth seven ears, and each ear Hath a hundred grains. Allah giveth manifold increase to whom it pleaseth.”³⁴⁹ Paradise was organized hierarchically, so that a pious person was especially close to God. Whoever had produced more good works than another rose further and more quickly through the heavenly ranks. Even when death took from a person the opportunity for himself to do good or evil, this did still did not necessarily cause stasis in the movements of the soul account. For, according to the well-known saying of the Prophet, “everlasting” alms could also produce posthumous profits, just as some knowledge of the dead could be of benefit to the living, or the intercessory prayer of a righteous son. “Everlasting alms” (*ṣadaqa ġārīyya*) were generally identified with the pious foundation (*waqf*). Aside from the virtuous son, other persons could also share in the spiritual reward for the dead, by, for instance, uttering intercessions or fasting for him.

The endowment complex of Rašīduddīn encompassed multiple buildings, establishments and groups of persons, staff and beneficiaries; travelers and ambulatory poor were also included, in total several hundred people. At the tomb of the founder, that is at the heart of the complex, the summer and winter mosque, Quran school, scriptorium and a madrasa were to be found. For the continuous commemoration of the founder, 24 Quran readers were planned, who would have had to spell one another continually, so that the readings and prayers would not have been interrupted, even for meals. The recitations were connected with supplications for the founder, to which the other groups were also obligated. Rašīduddīn, the author, understood at the same time to provide for his renown with the foundation; he therefore had his works regularly copied by the supported students. Moreover, by spreading the Quran and the scholarship of tradition, he provided for the effective prominence of his name. The two precious editions of the Quran, each in thirty volumes, which were to be produced each year, were to be offered at his tomb with a propitiatory prayer that would also benefit the pious scribes and readers: “Praise to you, o God, who has dispatched the Quran as a gift for humankind and as a driving force for good for your creation [and you have furthermore dispatched] the seal of your apostle, Muhammad, to whom you revealed the laws and commandments, so thus also your servant Rašīd, the doctor, who is in need of your mercy, you have enabled to endow a portion of his possessions, whereby he made the conditions that from its revenues (*bi-irtifā’ihā*) a complete Quran and a miscellany with the traditions of the Apostle of God may be produced and completed. So accept this, o God, from him, and take it as an occasion for

349 In German: Koran (2012), 128, 42.

friendly praise in the present and rich recompense in the hereafter. Forgive him and each and every person who has striven or still strives to complete this pious work, in addition to each person who recites from these volumes of the Quran or consults these traditions of the Prophet and acts according to them. Preserve for them until the end the tongue of authenticity and join them together with those of the prophets, the upright, the martyrs and pious, to whom you have demonstrated good deeds, because they are befitting as companions.”³⁵⁰

Although Rašīduddīn had hoped to bring his foundation into being and to secure it for eternity with immense capital and quite detailed instructions in his charter, its duration was rather modest. In 1318 the vizier was executed after a court intrigue, and the same fate befell his son (1336), who had reestablished the paternal foundation and expanded it with his own funds. Until 1408 CE there are certainly indications that the qadis confirmed the prescriptions of Rašīduddīn, yet already at that time supposedly not a stone was left standing within the complex.

Nonetheless, the influential family of the Kuḡuḡī, who hailed from the close vicinity of Tabriz, apparently oriented themselves for their own foundation on Rašīduddīn’s endeavor, and created their own mosque-madrassa-*khanqāh*



ILLUSTRATION 5 Mosque of Sultan Hasan with mausoleum in Cairo (1356–62 CE)

³⁵⁰ Cited after Hoffmann, Waqf (2000), 255–6.

complex in the city. Numerous fragments from the foundation charter of 1380 CE permit the conclusion that Ḥwāḡa Šaiḥ Muḥammad Kuḡuḡī was not in fact the first founder, but rather continued and expanded the work of his father Ibrāhīm. In his charter, the *Kuḡuḡī Waqfiya*, he repeatedly emphasizes the permanent existence of the foundation and its spiritual benefit for him and his own. At his madrasa, for example, ten poor orphaned children were to be provided for, “who have not yet attained puberty. They should, however, not be so small that they are not yet capable of learning something by heart or if their tongues are not yet able to recite. They should be of the age in between, so that they can memorize the Quran and its fundamentals. Each morning, except on days off, they should be present and, following the teacher, devote themselves to the recitation of the Quran. Whoever can recite the entire Quran is still left some time in order to secure that which he has learned and so he does not forget anything. 60 dinars per year are slated for each of them. ‘Whoever washes the head of an orphan only for God’s reward, benefactions grow with every hair his hand passes over. Whoever does something good for an orphan, I will be together with him in paradise,’ says the Prophet.”³⁵¹

The prescriptions are so detailed that the cost and placing of the lamps and the dual benefit of the lighting, on earth and in the hereafter, is emphasized: “Our lord, the founder—may God preserve the shadow of his renown—has earmarked 1,440 dinars for the wax, the animal fat and sesame oil lamps of the sublime mosque. In the hope that God may illuminate the way of the founder in the dark places, two candles in the iwan of the Quran reader (*suffat al-ḥuffāz*) shall be placed (...). The founder has appropriated 400 dinars annually for the illumination of the washing place and passages of the madrasa. A lamp shall be placed in the hallway of the madrasa from dusk to the point in time, at which around a third of the night has passed, and from first daybreak until dusk. Five lamps are to be placed in the restroom and one at the gate of every entry, so that the legal scholars, students and staff have light and so that they pray for our lord, the founder. If more money is needed for this, the contribution will be increased.”³⁵²

Special meals as well were to benefit the founder: “For the feasting table in the month of Ramaḡān 1,200 dinars annually are appropriated for this community [of the madrasa], that is 40 dinars every evening, which the administrator or his representative will dispense for bread, sumptuous dishes and sweets. The administrator shall set two tables, one each in the in western and eastern iwan, and station there the legal scholars, students and all the others. They

351 Werner / Zakrzewski / Tillschneider, *Kuḡuḡī-Stiftungen* (2013), 57.

352 Ibid., 57–8.

shall eat there and pray for our lord and master, the founder—may God allow him to realize his most audacious hopes. The food is served together with the cooked meat in clean bowls and covered with two fine loaves of bread. At dusk each evening a bowl of soup with a quarter *man* [ca. 750 grams] of the cooked meat and two loaves of bread are served to all the present members of the madrasa and other notable persons. ‘Whoever hands food to a person fasting at the breaking of the fast, his sins will be forgiven and he will escape hellfire. He shall receive such a reward and certainly no less,’ says the Prophet (...).”³⁵³ Corresponding regulations applied to the Sufi convents.

The postmortal revenue of the “correct and lawful foundation”, which was designated “as a lasting establishment dedicated to philanthropic purposes and as a unbroken pious gift from its beginning onwards”,³⁵⁴ was to benefit the first as well as the contemporaneous founder, Ibrāhīm and Ḥwāḡa Šaiḥ Muḥammad Kuḡuḡī, and be even more generally valid, as also indicated in a prayer: “O God, thus have you honored the son and the father in this world through high ranks and sublime perfection in knowledge and deeds, by your allowing them to prove successful in the founding of philanthropic establishments (*binā’ al-ḥairāt wa ta’sīs al-mabarrāt*) to meet the requirements of the needy through properties in favor of male and female Muslims, therefore honor both of them also in the hereafter (*fī l-’uqbā*) with manifold rewards and elevate their rank in paradise. Gather them on the Day of Judgment into the group of the righteous, together with the prophets, the lovers of truth, the martyrs and the God-fearing—God spare the one who says amen! This intercession (*du‘ā*) encompasses all of creation, it includes the happy news.”³⁵⁵

Can it therefore be said that the world of Islam knew “foundations for the salvation of the soul”, as above all Christendom did? This is doubtless the case, when one sets as the criterium good deeds on earth and beyond death for the preservation of the individual before the judgment of God at the End of Days with the reward of eternal life. The answer is somewhat different, however, if one takes into account the Muslim conception of salvation history and the corresponding strictures of the tradition. It has been pointed out in the scholarship that Islam, in contrast to the linear eschatological dynamic of Christianity, follows a circular concept. At the center of its religious imperative is the reversal of the expulsion from paradise; the faithful person must remember God without prompting and return to him. Thus, eternal life is described

353 Ibid., 59.

354 Ibid., 64.

355 Ibid., 91. On the comprehensive benefit that the foundation was to enhance, cf. furthermore *ibid.* 97.

as a convergence to God, in which there exists a graduation corresponding to pious deeds. Correspondingly, the motive of “nearness to God (*qurba*)” predominates in the foundation charters.³⁵⁶ Thus, it can be deduced that, instead of “foundations for the salvation of the soul” as in Christianity, one must speak of “foundations for nearness to God”.³⁵⁷ Also in Islam, however, pious foundations were motivated by their benefit for the soul, which was especially furthered by recitations of the Quran;³⁵⁸ there is much to indicate that this motive was adopted from other religions, with which the Arabs had coexisted since the time of Muhammad on their peninsula or with which they were in contact in their vicinity.³⁵⁹

1.2.5 *Salvation for the Soul through Foundations in Judaism?*

As in other religions, so also in Judaism are belief in the soul and conceptions of the hereafter unclear, contradictory and disputed.³⁶⁰ Yet in contrast to Christianity, the questions connected with them attracted little interest whatsoever;³⁶¹ with the lack of generally recognized-authority for theological decisions, other thinkers and religions had an effect on the widely-scattered communities to a varying degree and permanence. What is understood as a “soul” in the sense of a “person” or “individual”, is most closely approximated in Judaism as *nephesh*; alongside this concept stood *neshamah* and *ruah*, which, however, primarily designate the “principle of life” or the “breath of life”.³⁶² Originally, the Hebrews appear to have hardly differentiated between life and soul. While we speak of our “having souls”, they thought, as has been formulated in the scholarship, they “are a soul”.³⁶³ At death the body turned to the dust from which it had been formed, while the “breath of life” returned to God the creator. The influence of Hellenism from the 4th century BCE onwards certainly created an impetus towards individualization, since above all Plato

356 Bowker, Meanings of death (1991), 102–28, esp. 104–5; Pahlitzsch, Concern (2001), 333–4.

357 Arjomand, Philanthropy (1998), 109, 111; Stillman, Waqf (2000), 359.

358 Pahlitzsch, Memoria (2005), 85; Meier, Für immer und ewig? (2009), 199, cf. 197.

359 Cf. the foundation charter of 1330 cited by Pahlitzsch, Concern (2001), 337–8. In it the motive of salvation is connected to the “Bridge Şirāt, on which the righteous will reach paradise”, which goes back to Zoroastrian conceptions; here it stands alongside the hope that almsgiving will bring the founder closer to God.

360 The following after Borgolte, Religiöses Verdienst (2016), 20; cf. Kozma, Religiöses Verdienst (2016).

361 Hoheisel, Tod und Jenseits (1983), 100–1; cf. Raphael, Jewish Views (2009); Anonymus, Afterlife (2002), 36–8.

362 Sumegi, Understanding Death (2014), 78; Anonymus, Soul (2002), 731–3.

363 Sumegi, Understanding Death (2014), 78.

had taught that the soul is the essence of human existence and that at death it was freed from the captivity of the body.³⁶⁴

That should not, however, mean that it was primarily outside influences that had conditioned Hebrew thinking about the soul; some scholars even assert that belief in the immortality of the soul is already imbedded in the most ancient layers of the Jewish tradition. In a far-reaching analysis of belief in the soul from antiquity to “late modernity”, the theologian Helmut Feld has recently attempted to prove this theory with a string of written evidence.³⁶⁵ The shadowy realm of death, *She’ol*, is in no other book of the Old Testament so often and vividly described as the “land of no return” as in the Book of Job.³⁶⁶ Job himself, however, does not seriously consider that he would be separated from and abandoned by God, and in all his need and desperation is in the end not disappointed in his hope.³⁶⁷ Much the same can be said of the petitioner in some of the Psalms. He gives thanks in one instance for the rescue of his soul (*nephesch*) “from the depths of the realm of the dead”.³⁶⁸ In the Psalms as well as in the Book of Job, according to H. Feld, “elements of a conception of the ‘soul’ are also expressed in connection with the belief in the resurrection of the body.” Although Biblical scholarship is not unanimous in this respect, according to his understanding this stems from Psalm 16, attributed to David: “Therefore my heart is glad, and my glory rejoices; My flesh also will rest in hope. For You will not leave my soul in *She’ol*, Nor will You allow Your Holy One to see corruption.”³⁶⁹ An awareness of individual existence lasting beyond death is here clearly expressed: “*nephesch* has in the context of the Psalm the meaning of ‘soul’ rather than of ‘life’. The trust of the supplicant is based on God’s eternally (*nezach*) lasting reliability (16: 11), that his soul (*nephesch*) is not destined for *She’ol*, and even his body (*basar*) does not fall victim to decay. The decisive factor (...) is that the *nephesch* is ascribed a continuing existence after death; yet God in the end shows ‘the way of life’ (*’orach chajim*)”.³⁷⁰ Later, the books of the prophets attest that in the Israel of the kings the conception of spirits of the dead, which existed in the underworld, yet were destined to be

364 Ibid., 91; cf. Bowker, *Meanings of death* (1991), 63.

365 Feld, *Ende des Seelenglaubens* (2013), 34–58.

366 Job 7:9–10: “As the cloud fades and vanishes, so he who goes down to *She’ol* does not come up; he returns no more to his house, nor does his place know him any more.”

367 Feld, *Ende des Seelenglaubens* (2013), 35.

368 Ibid. with reference to Psalms 86:13: “For great is thy steadfast love toward me; thou hast delivered my soul from the depths of *She’ol*.”

369 Feld, *Ende des Seelenglaubens* (2013), 36, with reference to Psalms 16:9: “Therefore my heart is glad, and my soul rejoices; my body also dwells secure.”

370 Feld, *Ende des Seelenglaubens* (2013), 36.

reawakened to full life, already had become widespread before the influence of the Greek Platonic belief in the soul. Isaiah (c. 740–690 BCE) describes the feast, the *Jahwe Zebaoth*, that would be given for all peoples after the bringing about of the Kingdom of God in Jerusalem. Jahwe would then “swallow up death for ever, and the Lord God will wipe away tears from all faces”.³⁷¹ While the godless would fall victim to judgment and not rise again from the underworld, the prophet says of God’s dead: “Thy dead shall live, their bodies shall rise. O dwellers in the dust, awake and sing for joy! For thy dew is a dew of light, and on the land of the shades thou wilt let it fall.”³⁷² Likewise, Deutero Isaiah sketched somewhat later (2nd half of the 6th century BCE) in the context of the “servant of God” the existence beyond death that was enabled by God.³⁷³

Other researchers—certainly the majority—interpret or weigh the evidence differently. For Otto Plöger, for example, the word *She’ol* indicates death as a counter-world to lived life, while the conception of a shadowy realm is only tentatively connected with it.³⁷⁴ Without confidence or even joyful affirmation it is related that a human being at death will “rest with his fathers” (Deuteronomy 31:16).³⁷⁵ It is bitterly stated that descending into the pit means to be brought to nothing and to fall victim to oblivion (Psalms 28:1, 31:13; 40:3 and elsewhere). God is foremost a God of life and of the living, not of death. When he is asked in the Psalms why only the living and not the dead are able to praise him, these are only queries, not statements uttered with conviction. A life lived to the fullest is discernable at death through a good name and numerous progeny, that is in an afterlife on this earth, and one could not at all hope for postmortal retribution and fulfillment. In fact, this began to change at the end of the Old Testamentary period; even the passage cited by H. Feld in Isaiah on the devouring of death refers to a vision of temporal peace, and analogous

371 Is. 25:8: “He will swallow up death for ever, and the Lord God will wipe away tears from all faces, and the reproach of his people he will take away from all the earth; for the Lord has spoken.”

372 Feld, *Ende des Seelenglaubens* (2013), 55 with citations of Is. 25:8 and 26:19. The author qualifies this, however, by stating that the transmission of the text is not completely certain. Is. 26:19: “Thy dead shall live, their bodies shall rise. O dwellers in the dust, awake and sing for joy! For thy dew is a dew of light, and on the land of the shades thou wilt let it fall.”

373 Feld, *Ende des Seelenglaubens* (2013), 55–6.

374 Plöger, *Tod und Jenseits* (1983), 79–82; Sumegi, *Understanding Death* (2014), 80–85; Bowker, *Meanings of death* (1991), 45–58.

375 “And the Lord said to Moses: ‘Behold, you will rest with your fathers; and this people will rise and play the harlot with the gods of the foreigners of the land, where they go to be among them, and they will forsake Me and break my covenant which I have made with them.’”

passages do not reference an individual resurrection, but rather the people of Israel, who will rise up again.

Consensus largely reigns that in the Book of Daniel, written around 165 BCE and the last of the Hebrew Bible, individual resurrection is clearly mentioned for the first time: “And many of those who sleep in the dust of the earth shall awake, some to everlasting life, some to shame and everlasting contempt. Those who are wise shall shine like the brightness of the firmament, and those who turn many to righteousness like the stars forever and ever.”³⁷⁶ This promise of resurrection, however, was directed only at the members of the people of Israel. It was developed as a reaction to the suppression of the Maccabean revolt by the Seleucid king Antiochos IV Epiphanes (168 BCE). In the second of the four books of the Maccabees, which the Rabbinic tradition does not, however, recognize as belonging to its canon, is related inter alia the martyrdom of the seven Maccabean brothers and their mother, who refused to renounce the Jewish laws.³⁷⁷ These witnesses to the faith went to their deaths in the certainty that they would be rewarded with eternal life. Thus, the second of the brothers points out to their malefactor: “You accursed wretch, you dismiss us from this present life, but the King of the universe will raise us up to an everlasting renewal of life, because we have died for his laws.” And as the third was said to have had his tongue torn out, he offered his hands to his executioners and said: “I got these from Heaven, and because of his laws I disdain them, and from him I hope to get them back again.” Before the mother herself was executed, she comforted her sons, one after the other, with the words: “I do not know how you came into being in my womb. It was not I who gave you life and breath, nor I who set in order the elements within each of you. Therefore the Creator of the world, who shaped the beginning of humankind and devised the origin of all things, will in his mercy give life and breath back to you again, since you now forget yourselves for the sake of his laws.”³⁷⁸

One should not, however, imagine that from that point onwards belief in resurrection was able to be implemented unopposed; still until the second destruction of the temple of Jerusalem in the year 70 CE, the traditionalist

376 Dan. 12:2–3. Cf. *Plöger*, *Tod und Jenseits* (1983), 82–5; *Hoheisel*, *Tod und Jenseits* (1983), 101; *Sumegi*, *Understanding Death* (2014), 86–9; *Raphael*, *Jewish Views* (2009), 72–3; *Bowker*, *Meanings of death* (1991), 60–1; *Feld*, *Ende des Seelenglaubens* (2013), 58.

377 *Bowker*, *Meanings of death* (1991), 61–2; *Shepkaru*, *From after Death to Afterlife* (1999), 2–5, cf. also *ibid.*, 15, on the resonance of the narrative in the fourth book of Maccabees. On the standing of the four books of Maccabees in the Jewish and Christian canon, see *Schmuttermayr*, *Makkabäer* (1997), 1228; *Schunck*, *Makkabäer* (1991), 742–3; *Anonymus*, *11 Maccabees* (1989), 489; *Mittag*, *Antiochos IV. Epiphanes* (2006), 225–281, esp. 256–277.

378 2 Macc. 7:9, 7:11 and 7:22.

Sadducees were able to effectively counter it. Their most successful competitors, the Pharisees, spoke to the great majority through their middle-class lifestyle as well as their deep knowledge of the Mosaic Law, and passed on their teachings to the Rabbis, with whom “the resurrection at the end of the world [advanced] to become a fundamental tenet of Jewish eschatology” and has remained as such into the most recent period.³⁷⁹

As the dwelling of the dead, Rabbinic Judaism from the 3rd century after Christ onwards differentiated between the Garden of Eden as an intermediate or permanent state of paradise from the *Gehinnom* as a place of torment.³⁸⁰ While the Babylonian gaon (religious leader) Saadja (d. 942 CE) still connected the immortality of the soul with the idea of corporeal awakening, Maimonides (d. 1204 CE) established the doctrine of an immortality of the soul independent from the body, as it slowly gained hold as a Jewish tenet of faith, while the resurrection of the body receded into the background. Often the intermediary and final state in the hereafter was not clearly differentiated; the conception can also be documented, however, that the deceased would receive preliminary torments in Gehinnom. It was also sometimes assumed that the damned would be awakened together with the just at the Final Judgment, but then would be consumed by fire after the pronouncement of the verdict. The arrival of the messiah tended to be separated from the Final Judgment; the dead would then first be awakened on the day of judgment at the end of messianic time and concurrently at the threshold of the “coming world” (*Olam ha-ba*). Even when (as in Christianity) the differentiation of an individual judgment directly after death was forming, it was hardly ever clearly separated from the universal Final Judgment.

Hopes and fears regarding the hereafter concerned the recompense of deeds in the previous life.³⁸¹ An undated commentary on the Book of Deuteronomy expresses the compensation of God for good works in the following way: “And thus spoke the Holy One, praise be to Him, to Israel: ‘My sons, when you always furnish for the needy, I reckon it as though I myself had been furnished.’”³⁸² Another midrash to Psalms 118 reads: “In the world to come man will be asked: ‘What was your conduct?’ When he gives the

379 *Hoheisel*, Tod und Jenseits (1983), 103; cf. *Sumegi*, Understanding Death (2014), 89–90; *Raphael*, Jewish Views (1994, 2009), 117–62.

380 What follows after *Hoheisel*, Tod und Jenseits (1983), 103–08; cf. *Sumegi*, Understanding Death (2014), 90–3; *Anonymus*, Day of Judgement (1989), 205; *Anonymus*, Eschatology (1989), 246–7; *Anonymus*, Eden (1989), 225; *Anonymus*, Resurrection (1989), 654, 656.

381 Cf. *Anonymus*, Reward and Punishment (1989), 658–60.

382 Midrasch tannaim 1 (1908), 83, cited after *Koch*, Typologisierungen (2014), 202; *Holman*, Hungry Are Dying (2001), 45.

answer: 'I fed the poor', then they will say: 'This is the gate of the Lord, through which the righteous shall enter.' (Psalms 118:20). Likewise [it should happen with those] who give the thirsty something to drink, cloth the naked, look after the orphans and in general all that which loving goodness brings about."³⁸³ In the Babylonian Talmud (2nd/3rd cent. CE)³⁸⁴ a man is mentioned who justified his benefaction (*ṣedaqa*) by reasoning "so that my son might live [and] I might be an heir of the world to come." It was "to be understood as a perfect benefaction", yet could also bear witness to a "completely righteous man", as is stated in a variant. Benefaction offered protection from the torments of hell, as the Talmud demonstrates via other examples. The Palestinian sage Rabbi Meir from the second century explained: "When someone engages you in discussion and asks 'If God loves the poor, why does he not then help them?', answer him thus: 'This happens for our benefit, so that we can be saved from the judgment of hell (*Gehinnom*).'" Yet here it is not clear whether the poor should be ascribed only a passive role in the reception of gifts or an active part in the saving of souls, for instance through intercession in favor of their benefactors before God. Another rabbi compared people to sheep who wanted to cross a river: "Whoever prunes a part of his fortune and donates it as benefactions will be freed from the punishment of hell. Imagine two sheep who desire to cross a river, one shorn, the other unshorn; the shorn one reaches the other side, the unshorn does not." In the Tosefta (supplement to the Mishnah) it is told of King Monobaz I of Adiabene and the conversion of his family to Judaism. As he gave considerable caritative donations, his brothers wondered why he did not instead increase his riches with his wealth, as his ancestors had done. Monobaz answered: "My ancestors gathered up treasures in this world, I do so for the world to come."

Whether others could also intervene in favor of a person was controversial. The aid of prayer of the living for the dead is given credence by an episode from the Second Book of Maccabees. As the troops of Judas Maccabeus achieved a victory over the Edomites and the few of their own who had fallen were to be buried, idols were found among the bodies; these were of course forbidden, so that their deaths must have been interpreted as a sign of divine wrath. Thereupon Judas raised an exaction of 2,000 drachmas and brought them as an atonement to Jerusalem, justifying it as follows: "In doing this he acted very well and honorably, taking account of the resurrection. For if he were not expecting that those who had fallen would rise again, it would have been superfluous and foolish to pray for the dead. But if he was looking to the splendid

383 Cited after *Holman*, *Hungry Are Dying* (2001), 45.

384 The following after *Galinsky*, *Jewish Charitable Bequests* (2005), 433–4, and *Holman*, *Hungry Are Dying* (2001), 45, 47.

reward that is laid up for those who fall asleep in godliness, it was a holy and pious thought. Therefore he made atonement for the dead, so that they might be delivered from their sin" (2 Macc. 12:39–46).³⁸⁵

Though recompense or memorial acts in favor of the salvation of the soul of a third party could be justified with this episode, quite a few men of God opposed it. The rabbi Maharam Chalawa, who was active in Tortosa under Christian rule (c. 1350), was once asked: "Is it desirable to raise good gifts for men who have already passed away? Can their fate be decisively changed in their favor after their death?" The rabbi judged intransigently: "There is no doubt that whoever does something for a deceased person cannot support him or bring him to salvation, because everyone will be judged according to his actions at the time of his death."³⁸⁶ Abraham bar Hiyya ha-Nasi (c. 1070–c. 1136) in Catalonia had already voiced similar sentiments: "Each person who believes that the deeds and prayers of his sons and grandsons can be of assistance to him after his death, [expresses] fictitious thinking, which in the eyes of the wise and the representatives of learning correspond to a false expectation";³⁸⁷ and the head of the Babylonian academy of Pumbedita (Iraq), Hai Gaon (939–1038), denied the effect of pure intercessions on redemption for the sins of the dead: they "are of no benefit for the dead (...). The appending of a [religious] merit through a [financial] compensation can in no way be advantageous."³⁸⁸

To what degree such reservations had an effect must be deduced *inter alia* from the foundations of the Middle Ages. Yet it is not easy even to investigate Jewish foundations and their effects. Problems arise in this context from an unsatisfactory state of scholarship,³⁸⁹ but above all from the subject itself and the corresponding sources. Foundations in Judaism were almost exclusively dedicated to charity (*ṣedaqa*).³⁹⁰ As a rule, the recipients of the gifts were not the poor and needy themselves, but rather the communities or the community

385 Cf. *Bowker*, Meanings of death (1991), 62–3.

386 *Levi*, Consultation inédite (1903); cf. *Galinsky*, Commemoration (2005), 191.

387 Abraham bar Hiyya, *Higayon ha-Nefesh he-Ašuvah* ["Meditations of the Mournful Soul"] (1865 / 1976), 58; cited after *Koch*, Typologisierung (2014), 203.

388 *Ōṣar ha-ge'ōnim* 4 (1931), 28; cited after *Koch*, Typologisierung (2014), 203.

389 Newer literature: *Toukabri*, Satisfaire le ciel (2011); *Galinsky*, Jewish Charitable Bequest (2005); *idem*, Commemoration (2005); cf. *idem*, Custom (2011); *Burns*, Jews (1996); *Gil*, in: Documents (1976), 1–118; *Goitein*, Mediterranean Society 2 (1971), 112–21, 545–5; 413–510. On what follows now also *Koch*, Stiftung (2014), and *idem*, Forschungsgeschichten (2014). On the unsatisfactory state of scholarship *Salfeld* in: Das Martyrologium des Nürnberger Memorbuches (1898), v; *Barzen*, Nürnberger Memorbuch (2011); *Cohen*, Poverty and Charity (2005), 202. Cf., now, however, *Baumgarten*, Practicing Piety (2014).

390 Cf. *Kozma*, Wohltätigkeit und Bildung (2016); *Zion*, Jewish Giving (2013); *Galinsky*, Public Charity (2010); *Frenkel*, Charity in Jewish Society (2009); *Cohen*, Foundations and Charity (2005); *idem*, Poverty and Charity (2005).



ILLUSTRATION 6 Synagogue of Sardis (Western Anatolia, Turkey), c. 230 CE

funds, which administered and distributed the allocated sums.³⁹¹ The designation of the community fund as *heqdes* / *qodes*, which was derived from the temple treasury, was also used for foundations: a specific terminus for this was thus lacking.³⁹² An interdependence between the founder and the beneficiary, which distinguished foundations for the salvation of the soul, was made even more difficult because a gift was viewed as especially pious and meritorious if it was given anonymously.³⁹³ Already in Proverbs it is stated: “A gift in secret pacifies anger” (Prov. 21:14), and in the Middle Ages Maimonides constructed a value hierarchy of charity in his *Mishneh Tora* (c. 1180), in which the anonymity of the donor (and the recipient) was ranked at the very top.³⁹⁴ In addition, a foundation could also occur through oral agreement, so that there are only very few documents at all in which the founder could formulate his motives and expectations. Thus, it is above all the verdicts of legal scholars (*reponsa*)

391 Most recently Kozma, *Wohltätigkeit und Bildung* (2016), 223–31, passim; Toukabri, *Satisfaire le ciel* (2011), 139–244; Gil, in: *Documents* (1976), 1–118.

392 Kozma, *Wohltätigkeit und Bildung* (2016), 223–4; Koch, *Stiftung* (2014); Galinsky, *Jewish Charitable Bequests* (2005), 425–6; Gil, in: *Documents* (1976), 3–4.

393 Kozma, *Wohltätigkeit und Bildung* (2016), 224; Cohen, *Poverty and Charity* (2005), 190; Holman, *Hungry Are Dying* (2001), 47; Klein, *Idealisieren* (2000), 27–8.

394 Cf. in addition the petition for a needy person in Old Cairo: Cohen, *Voice of the Poor* (2005), 42–3 no. 15.

and the administrative documents that must illuminate Jewish foundation activity and its intellectual background.³⁹⁵

Quite apart from the precarious source material and unsatisfactory state of scholarship, attempting to draw conclusions on the motives of founders is exacerbated by the wide dispersal of the Jews and their life under the influences of other religions; one cannot speak of a unitary Judaism, but rather of a plurality of Jewish cultures.³⁹⁶ Generalizing conclusions taken from individual insights are thus in this respect especially problematic. A well-suited approach to the analysis of Jewish endowments, at least at a regional level, is offered by the Nuremberg Memorial Book.³⁹⁷ Its origin is easy to describe, its purpose less concretely so. The author and (first) hand identifies himself as Isaac, the son of Rabbi Samuel of pious memory, from Meiningen. He had written “this memorial book” in the year 5057 of the Jewish Era, thus 1296/7 CE, as the Nuremberg community had moved into a new house of God.³⁹⁸ Isaac names Mar Simson as the builder of the synagogue; after his death the buildings were completed “through the aid of the generous and the generosity of the noble: The names of these donors have, however, been entered into the Book of the Beloved, who sleep in dust.”³⁹⁹ The codex, which is designated as *Sefer Sikaron* (“Book of Remembrance”) and *Sefer Sichronot* (“Book of Remembrances”),⁴⁰⁰ was therefore a book of the dead. Although all members of the community were encouraged to finance the synagogue, charitable work and the corresponding personnel through their donations, without, however, being obligated to do so, extraordinary donors are above all inscribed. It is stated, for example: “R(abbi) Jechiel and his wife Rahel, the daughter of R(abbi) Samuel, who willed two

395 Cf. also Kozma, *Schriftzeugnisse* (2014); Koch, *Typologisierungen* (2014).

396 Toch, *Kultur des Mittelalters* (2001).

397 Cf. now Barzen, *Nürnberger Memorbuch* (2011); edition and translation of the martyrology and excerpts from the necrology by Salfeld: *Martyrologium des Nürnberger Memorbuches* (1898), of both necrologies in German translation by Salfeld / Stern in: *Israelitische Bevölkerung 3* (1894–96), 100–72, 190–205. On this and in what follows: Borgolte, *Gedenken und Kultus* (2016), esp. 89; Kozma, *Gedenken und Kultus* (2016), passim.

398 *Martyrologium des Nürnberger Memorbuches* (1898), 288.

399 *Ibid.*, 288–9.

400 Barzen, *Nürnberger Memorbuch* (2011), at n. 13 (according to the books of the Bible Mal. 3:16 and Est. 6:1). Salfeld, in: *Martyrologium des Nürnberger Memorbuches* (1898), XII, adds that later the designation “Book of the Commemoration of Souls” became common for the Nuremberg Book, before one used “the general designation for a similar genre of literature also customary in Christian circles, of the memorial or memory book.” The term “memory book” for the Nuremberg manuscript thus refers to a chronologically later transfer of a genre designation, especially considering that “memorial books” are transmitted from the 16th to 19th centuries.

rolls of the law and a machsor, built the women's synagogue and the communal bath, and bequeathed 10 marks for the purchase of wheat for the poor during Passover, 10 marks for lights on the sabbath and holidays in the synagogue, 10 marks for oil to produce light in a glass lantern during the whole year, 4 marks for lights on the sabbath and holidays for the poor, 3 small mantels and still other endowments."⁴⁰¹ Or from a later hand: "May God remember the soul of R(abbi) Samuel, son of the martyr R(abbi) Nathan halevi, with the soul of Abraham, Isac [sic] and Jakob, because he bequeathed 200 pounds for the cemetery, 50 pounds for the hospital, a *tallit* [a prayer mantel for the morning devotion], a *sargenes* [funerary shroud] and 50 pounds for the instruction of the youth. Because of these may the Holy One, praise unto Him, let his soul rest amongst the other pious who dwell in paradise. To this let us say: amen!"⁴⁰² Yet more modest gifts were also documented.⁴⁰³ It is noteworthy that donations in favor of third persons are also attested.⁴⁰⁴ For the compensation of prayer by the community a formula is offered by the manuscript: "May God remember the soul of x, son of x, with the soul of Abraham, Isac and Jakob, because he bequeathed.... for the cemetery. For this reason may God remember him with all the pious who dwell in paradise. Amen!"⁴⁰⁵

Isaac of Meiningen, who was able to perform his work only until his imminent death in August 1298,⁴⁰⁶ extended the entries of the dead back into the 1280s, yet the necrologium is connected with a martyrology; the most ancient layers of this index of martyrs referred to the pogroms of the First Crusade (1096). Isaac's work was continued by his successors on the victims of the persecutions in the time of the Black Death until 1392. The codex is thus a martyrology-necrologium, as known from Christian *memoria*; compared with the Latin tradition, one can designate it as a mixed form of early medieval memorial and high medieval anniversary book.⁴⁰⁷ It shares similarities with the first type in that the book is so filled with martyrs (saints) and the usual dead that a particular name is difficult to find and an individual commemoration on this basis is hardly possible, while with the second type it shares the naming

401 Martyrologium des Nürnberger Memorbuches (1898), 292–3.

402 Ibid., 304.

403 For example, *ibid.*, 295: "The Rabbi R. Menachem, son of Rabbi R. Samuel halevi, 1/8 [of a Mark] for the teaching of the youth."

404 For example, *ibid.*, 294: "The boy Moses, son of R. Joseph, whom a mill wheel seized and crushed, 1/8 [of a Mark]."

405 Ibid., 292. The formula was thus derived from the case of a gift for the cemetery.

406 *Barzen*, Nürnberger Memorbuch (2011), at n. 29.

407 *Lohse*, *Schriftzeugnisse* (2014), 342–3; *Oexle*, *Memoria und Memorialüberlieferung* (1976); *Schmid / Wollasch*, *Gemeinschaft der Lebenden* (1967); *Hugener*, *Buchführung für die Ewigkeit* (2014).

of the donor or founder with his contribution.⁴⁰⁸ The genre designation “memorial book” could have extended back to these analogies (*Liber memorialis*), yet referred to the “almemor”, on which the pulpit for the reading of the Torah stood in the synagogue.⁴⁰⁹ A commemoration of the soul was, according to the Nuremberg memorial book, foreseen for the teachers of the community, the martyrs and the founders on each sabbath of the year, in addition to an additional one on certain holidays.⁴¹⁰

The prayer book of Simcha of Vitry from the 12th century has been adduced as a further convergence to this praxis.⁴¹¹ After the morning prayers and the reading of the Torah, and before the supplementary prayers (*mussaf*), “we commemorate”, so Simcha wrote, “the dead who have increased the Torah and the legal statutes and have donated something for the community, or persons, for whose well-being donations were given by other people”; while the Torah roll lay upon the pulpit (*bima*), the benefactors listed would be read out.⁴¹² According to Simcha there was a further commemoration of the dead at the corresponding liturgy of the “Day of Reconciliation” (*Yom Kippur*), yet this time it is mentioned that the living be included and that alms be distributed.⁴¹³ According to the Nuremberg book the prayer for the dead (*Yizkor*)⁴¹⁴ for benefactors (of their own and of other communities) should be the following: “May God commemorate, as he commemorated the souls of Abraham, Isak and Jacob, the souls of all communities that have taken pains for the good of the communities, thwarted planned persecutions, effected the lifting of taxes and have regained the rolls of the law from unlawful possession. Whether someone

408 Both necrologies are sorted by date in ascending order, but Necrology II (Israelitische Bevölkerung 3 [1894–96], 192–205) also contains the calendrical days of death over the course of the year. Thus, Necrology II comes closer to the Latin anniversary book than Necrology I (ibid., 100–172), but in this context as well no rites for the dead could be performed on the anniversary, since all the entries had to be checked daily. The ritual of the yearly commemoration appears to have first arisen in Ashkenaz in the 15th century, see *Anonymus*, *Yahrzeit* (1989), 806.

409 *Barzen*, *Nürnberger Memorbuch* (2011), at n. 15.

410 *Martyrologium des Nürnberger Memorbuches* (1898), 289–91.

411 *Galinsky*, *Commemoration* (2005), 196.

412 *Machsor Vitry* I (1889–1893), 173 no. 190; here after *Barzen*, *Nürnberger Memorbuch* (2011), at n. 17. All the founders’ names would hardly have been read, cf. *Galinsky*, *Commemoration* (2005), 196 n. 15.

413 *Machsor Vitry* I (1889–93), 392 no. 352; here after *Barzen*, *Nürnberger Memorbuch* (2011), at n. 18: “And then charity should be publicly performed for the well-being of the living and the dead”; *Galinsky*, *Commemoration* (2005), 196.

414 *Freehof*, *Hazkarath Neshamoth* (1965); *Raphael*, *Yizkor* (2008); *Anonymus*, *Memorial prayers* (1989), 517–8.

has praised a pious gift on their behalf or not, may God commemorate them because of their deeds alone etc.”⁴¹⁵

Though no documents exist—and perhaps also never existed—that can speak to this, one can conclude from the entries of the memorial book that certain Nuremberg residents created foundations in favor of the community, in order to find peace of the soul through God with the patriarchs in paradise. The similarity with the rich tradition of the Christian majoritarian society could be an indication that they followed Latin models. Like the Church among the Christians, in this case it was the community that received philanthropic or generally pious foundations (by contrast, in Islam, aside from Sufi convents, a recipient of this sort and distributor of the revenues was lacking). Likewise, in the scholarship the peculiar logic of the history of Ashkenaz is cited; namely, the events of 1096 had apparently caused the composition of lists (which preceded the memorial book, but are lost) of Jewish victims of the persecution.⁴¹⁶ In fact, it is plausible to assume that, analogously to Maccabean history, the massacres and suicides of the Rhineland Jews made acute the hope in eternal life as compensation; this applies especially due to the numerous “sacrificed” children. How strongly this motive had an effect in the overcoming of the trauma can be deduced from Hebrew accounts of the pogroms.⁴¹⁷ When the commemoration of the regular dead is said to have followed that of the martyrs, then in this case there is a further parallel to the development of Christian *memoria*.⁴¹⁸

It would be careless, however, to conclude that the liturgical commemoration of Jewish founders first arose under the special circumstances of Rhineland Jewry at the turn of the 12th century.⁴¹⁹ Lists of benefactors have been likewise been transmitted in the possession of the Jewish community of Fustat (Old Cairo), therefore under Muslim rule, and supposedly extend back

⁴¹⁵ Martyrologium des Nürnberger Memorbuches (1898), 291.

⁴¹⁶ *Shephkaru*, From after Death to Afterlife (1999); *idem*, To Die for God (2002); in addition also *idem*, Death Twice over (2002). *Freehof*, Hazkarath Neshamoth (1965); *Raphael*, Yitzkor (2008), at n. 4. Cf. *Haverkamp*, in: Hebräische Berichte (2005), 19 with n. 83, 22–3.

⁴¹⁷ See now the chronicle of Salomo bar Simson of 1140 on the fire of the synagogue of Mainz on 29.5.1096, for which the head of the community, Mar Isaak bar David, was himself responsible: Hebräische Berichte (2005), 378, 380; during the martyrdom of numerous other Jews resort was made to inter alia Dan. 12:2 as well as Is. 66:24; *ibid.*, 388. See also *ibid.*, 288 (Worms); 362; 370, and *passim*.

⁴¹⁸ Cf. *Oexle*, Memoria und Memorialüberlieferung (1976, repr. 11), 160.

⁴¹⁹ Tending towards this assumption, however, is *Freehof*, Hazkarath Neshamoth (1965), esp. 179, 181 and 189, as well as *Raphael*, Yitzkor (2008), at n. 4; more nuanced: *Lévi*, Commémoration des âmes (1894), esp. 46. Cf. also already *Salfeld*, in: Martyrologium des Nürnberger Memorbuches (1898), IX–XI.

to the first half of the 11th century.⁴²⁰ These registers of names, as S. D. Goitein has demonstrated, are strongly shaped by the family and allowed the founder to appear after multiple (often seven or more) generations of his ancestors and as the forefather of his descendants. As “memorial lists”, they were conducive to being recited in the public worship service; a visitor to Egypt still in the 16th century complained that half of the service was taken up by reading them out.⁴²¹ Particular occasions for Jewish *memoria* were recent deaths or the “day or repentance”, on which all wealthy houses commemorated their dead. Much attention was given at these events to the names of (living) sons, while women were never mentioned in family trees. Goitein has correctly designated these prayers for benefactors in the services of the synagogue as “an occasion for intense rivalry in social prestige”,⁴²² while only vague reference was made to the afterlife, if at all.

Around 1200, for example, one of the founders had his name written with five honorary titles alongside the text of prayer and his support of the poor, scholars, synagogues and schools praised. In a conventional fashion he wished for a long and happy life and further blessings for the earthly and postmortal world, yet also emphatically desired the reunion of a representative of the merchant with the son of his sister.⁴²³ Another document shows how strong the care for the living was even on the bier. A noblewoman, chaste and pious, whose name is not given, has “departed to her eternal abode”; directly afterward are good wishes for the recently-deceased father, for an uncle who passed away in youth, for the grandfather, who had been a judge, and for the great-grandfather, a person of some standing. Then all the mourners were wished “life, wellbeing, honor, and all the consolations written in the holy scriptures”, but especially the husband and the two present sons of the deceased, a third son outside of the city as well as further relatives mentioned by name. In conclusion, a blessing is pronounced for the community and its head.⁴²⁴

In contrast to Nuremberg, the Geniza of Fustat offers a series of foundation acts, in part as testamentary dispositions.⁴²⁵ The founders in this context, however, never discernably expressed their hope for paradise or the aid of prayer of the community as recompense.⁴²⁶ Valuable glimpses into the

420 Goitein, *Mediterranean Society* 2 (1971), esp. 92–3, 97–8, 162–3; 470–510; 3 (1978), 2–6; Cohen, *Voice of the Poor* (2005), 164–87; Mann, *Texts and Studies* 2 (1931), 257–83.

421 Goitein, *Mediterranean Society* 3 (1978), 2–3.

422 Ibid. 2 (1971), 162.

423 Ibid., 162 with 554 n. 28.

424 Ibid. 3 (1978), 3.

425 Ibid. 2 (1971), 112–21, on which *ibid.*, 5 (1988), 128–87.

426 Documents (1976).

expectations ascribed to benefactors are offered by a large number of petitions, with which the poor, the other needy and strangers turned to the leaders or other office-holders of the Jews.⁴²⁷ As recompense for the hoped-for aid, the petitioners wished their addressees mainly a good life on earth, protection from adversity, success and prosperity, but above all a blessed progeny.⁴²⁸ At times wishes for salvation with reference to the hereafter were formulated,⁴²⁹ but this was only rarely stated at length and clearly. This is the case for the letter of man who wanted to go to Jerusalem with his son. The addressee was the *gabbai*, the collector of alms, Kohen R. Phineas, yet the pilgrim (or migrant) had also turned to the judge Hananel, a relative of Moses Maimonides. The letter concerns the rapid handing over of the donations raised, so that the journey could begin the next day. "Don't make me delay till tomorrow to depart for there. Know that your reward will be very great in this world and in the next. I pray for your honor at all times, and may the O(mnipotent) save you from every trouble and injustice and reward your actions in th(is) wo(rld) and in the w(orld) to come and reward you with sons who study Torah, as I, your beloved and admirer, who prays for your honor, wish."⁴³⁰ In another document a stranger who had ended up in Fustat turned to an influential benefactor by the name of Maymūn; though he had taken a (second) wife in Egypt, he was clearly disappointed in his hopes for a new existence and therefore wanted to return by ship to Europe after the feast of Passover. He asked the addressees both for a divorce of the wife he would leave behind as well as a collection of donations among his friends. Due to his shame, the aid was supposed to come to him by hidden means: "May God save you from the judgment of de[ath] and from its decrees and snares (...). I hope that you, my lord, will not [abandon me] and that God, in His mercy, will not forget me (...). May He never put you in need of gifts from human beings (...). May God protect your flowers [the flower of your students or children] (...). May I be able to merit to see your countenance."⁴³¹

As one can see, the hopes of the Jews of Fustat were also quite focused on paradise, which some of them likewise hoped to reach with the aid of good

427 *Cohen*, *Voice of the Poor* (2005); *idem*, *Poverty and Charity* (2005).

428 *Cohen*, *Voice of the Poor* (2005), 21, 28–9, 31, 34, 40, 44–5, 56, 59, 61–2, 69, 72, 86–7, 89, 99, 101, 103. Cf. also *idem*, *Geniza Documents* (2009), 287; *Friedman*, *Indigent Scholar's Plea* (2009).

429 *Cohen*, *Voice of the Poor* (2005), 21, 28, 34, 40, 49.

430 *Ibid.*, 101 no. 55; on the *pesiqa* mentioned here see *Cohen*, *Poverty and Charity* (2005), 220–4.

431 *Cohen*, *Voice of the Poor* (2005), 61–2. The hope for great renown in this world and the next was expressed by a needy trader from India for R. Hananel, whom he had addressed, *ibid.* 45. Cf. also *ibid.*, 56–7, a document unusually studded with Midrash and Bible quotations.

deeds and endowments; yet temporal prosperity stood at the fore. Should one assume that a clear reference to a continuing life after death was superfluous, since the wording in any case presented the prospect of salvation from (eternal) death in exchange for good deeds of this sort? Is it not twice stated in the Book of Proverbs that “mercy (or “righteousness”: *ṣedaqa*) delivers from death”? (Prov. 10:2 and 11:4)⁴³² Or should one conclude that there was a different religious belief than of Nuremberg Jewry?⁴³³ In any case, locally there was also a community of Karaite Jews, who refused prayers (to saints / martyrs and) for the dead as a matter of principle.⁴³⁴ And should one not also keep in mind that Jews understood “salvation”, *redemptio*, *yeshu'ah*, in as far as it referred to the debt of sin, more as a result of one's own repentance and return to God and that it did not view any person as an aid, but only God himself as a savior?⁴³⁵ All in all, the afterlife was only formulaically discussed in sources, so that the imagination of the faithful could hardly be engaged over the long term and whose actions could not at all have been influenced to a large degree.⁴³⁶ Foundations for the peace of the soul or the salvation of the soul were thus only a marginal phenomenon in the communities of Fustat.

A third sphere of Jewish life, for which at least a few new studies have appeared, is Spain under the influence of Christian principalities. Robert I. Burns has analyzed and edited an impressive series of Jewish documentary dispositions in Latin from the 13th/14th cent. CE, while Judah D. Galinsky has examined the corresponding *responsa* of Spanish rabbis.⁴³⁷ The clear conclusion which emerges from these sources is that supplemental endowments for the (caritative) community funds and independent foundations in the form of Muslim *waqfs* (or, as one in Spain and northern Africa would have said, *hubs'*⁴³⁸) “for my soul”, “for the ransom of my sins” or “in the hope of eternal life” were erected. When a merchant from Valencia was asked why he had dedicated his possessions to charity and not bequeathed them to his son, he

432 Cf. *Goitein*, Mediterranean Society 5 (1988), 142.

433 Already in the Qur'an Jews are accused of being entirely fixated on this temporal life (Sura 2 “The Cow”, 94–6; Koran [2012], 19). Cf. *Goitein*, Mediterranean Society 5 (1988), 131, who, however, posits a fundamental difference in the attitude of both religious communities to life and death.

434 Cf. *Goitein*, Mediterranean Society 5 (1988), 19, 186.

435 *Anonymus*, Redemption (1989), esp. 640; *Anonymus*, Repentance (1989).

436 With a different emphasis is *Goitein*, Mediterranean Society 5 (1988), 140–1, 174, 182–3, 337–8, 348–9, 351, 406–13.

437 *Burns*, Jews (1996); *Galinsky*, Jewish Charitable Bequests (2005); *idem*, Commemoration (2005).

438 Cf. *Sanjuan*, Till God inherits the earth (2007); *Carballeira Debasa*, Role of Endowments (2005); *eadem*, Legados pios (2002).

gave the answer: “He does not act properly with me and therefore I do not intend that he inherit my property and I want to give it [away] as atonement for my soul [*kofer le-nafshi*]”; so described by Rabbi Solomon ben Abraham ibn Aderet (“Rashba”), who served the community in Barcelona between 1265 and 1307, in a *responsum*.⁴³⁹ His student Rabbi Isaac ben Abraham Ishbili (“Ritva”, active until c. 1320), treated the case of a woman from Árevalo in northern Castile, who had created a foundation for the rebuilding of a synagogue and the prayers to be pronounced there. After she had given away some sums of money as legacies, she said to the witness of her legal act: “I am commanding and donating to heaven for the benefit of my soul [*le-toelet nishmati*] all the houses and upper floors that I live in.”⁴⁴⁰

From the city of Puigcerdá, situated high in the Pyrenees, which at that time belonged to the Kingdom of Mallorca and where supposedly around a tenth of the population was of the Jewish faith, a series of notarial books have survived which offer Jewish wills of testamentary dispositions of another sort.⁴⁴¹ A *Liber testamentorum* of the two notaries Mateu d’Alb and Bernat Mauri encompasses exactly a year, from 24.6.1306 until 24.6.1307, and transmits, among much else, four Jewish legacies; it is noteworthy that three of them were commissioned by wives and widows and the fourth by a husband who provided for his wife.⁴⁴² Two documents here are of interest. On 23 October 1306, Regina, the widow of Bondia, made provisions for her burial, set aside various legacies and then assigned 100 sous to “some charity, for my soul, on the day of my death”⁴⁴³ She added legacies for her two daughters to this donation with the goal of a one-time caritative gift and then inserted a foundation for the salvation of her soul: “Item dimitto elemosine Iudeorum Podiiceritani, amore dei pro anima mea, quendam lectum meum cum omnibus suis pannis et preparamentis, qui stet in scola Iudeorum predictorum (I leave behind the charity of the Jews of Puigcerdá by the love of God and for my soul my bed with all sheets and furniture, which is in the school of the Jews).”⁴⁴⁴ By this *elemosina* the philanthropic community fund or an almshouse could have been meant, but in this case a connection to a school (Bet Midrash) was created, which likewise could have been outfitted with sleeping units like a hospice.⁴⁴⁵ According to the other

439 After Galinsky, *Jewish Charitable Bequests* (2005), 431, cf. 424.

440 After *ibid.*

441 Burns, *Jews* (1996), 95–6, 100, vii.

442 *Ibid.*, 100.

443 *Ibid.*, 101–3 with 228–9, edition *ibid.*, 177 n. 35. Cf. on the other instances *ibid.*, 75, 170 no. 31, and 98.

444 *Ibid.*, 177.

445 *Ibid.*, 101–2; cf. *Anonymus*, *Bet Midrash* (1989), 119.

source, an apparently terminally-ill woman by the name of Gentil installed her husband, the Jew Jacob Abraham Choen, as her trustee and executor of the testament; right at the start of this comprehensive scheme she laid out that 100 Barcelona *solidi* would be handed over to him and to all later-named heirs, who were to distribute them in charity “for my soul” within a year.⁴⁴⁶ Apparently in this case, as with the death day of the aforementioned Regina, donations rather than investments in an endowment were being considered.

Quite different is the establishment which was disputed before the court of King Peter IV of Aragón in 1357. Abraham Mayl had bequeathed some houses across from the synagogue as well as a series of Hebrew books to the community in Egea “out of piety and for his salvation and that of his relatives”.⁴⁴⁷ His condition was that the schoolmaster or rabbi would live there and instruct the students in the law, without the local Jews being able to redirect the foundation’s purpose. This was not observed, however, so that the king obligated the community to observe the founder’s will and threatened it with violent measures if it did otherwise.⁴⁴⁸ One learns from other documents of this sort that money was to be used for the dowries of Jewish girls and in the same mass for the purchase of a new Torah or oil for the lamps in the synagogue was to be bought “for love for God”.⁴⁴⁹ In one case even God himself was named as the sole heir and the available capital was earmarked for poor girls and children.⁴⁵⁰ Reminiscent of Muslim foundations are dispositions which retain properties for the usufruct of inheriting relatives, but for which the reversion of the entire estate for care “for the salvation of my soul” is foreseen in the event of their death without children.⁴⁵¹

It was hardly different north of the Pyrenees. On 5 August 1305, Isaak Metge in Carcassonne, terminally ill “and desiring eternal life”, formulated his last will and testament, in which he provided for his children and grandchildren, but also determined that his heir would have to have a crown made for the Torah roll in the local synagogue within six years after his demise.⁴⁵² He outlines another gift to the Jewish community of Carcassonne in greater detail: “In remission for my sins I leave a hogshead of kosher wine [*modium vini iudaeicum*] every year”, which was to be distributed by his heirs on four dates and to each respective quarter; only three days were named, but the Latin notary

446 Burns, *Jews* (1996), 108–9, edition *ibid.*, 180–2 no. 38.

447 *Ibid.*, 64 with a source citation at 218 n. 30.

448 On a further school endowment see *ibid.*, 63–4, 218 n. 30.

449 *Ibid.*, 87, 89, 98–9, 111–2, 121–2.

450 *Ibid.*, 89 with 225 n. 15, 133.

451 *Ibid.*, 134; cf. *ibid.* 70 with 222 n. 50.

452 *Ibid.*, 122–3; cf. *ibid.*, 107–9, 178 no. 36.

introduced for them in part the names of Christian festivals and added alongside the Feast of Tabernacles (Sukkot) and “the feast of Circumcision of the Lord, called in Hebrew Rosh ha-Shana [*Rossana*]”. Since Rosh ha-Shanah was the holiday for the Jewish new year, which occurred in the Fall, it was apparently identified with the feast of the Circumcisio Domini, which was celebrated at the year’s start on 1 January in the Christian calendar of Carcassonne.⁴⁵³ Unusual in Jewish dispositions, but otherwise well-known in Christian or Muslim ones, are the prescriptions of Asher of Lunel, resident of Perpignan, of 1277. Asher namely endowed out of love for God a certain sum for the reconstruction of a bridge in the city, which did not at all lie in the vicinity of the Jewish quarter, and thus he felt himself to be co-responsible for the infrastructure of the entire community. Furthermore, he slated 625 *solidi* “for the love of God, in remission of my sins”, which were to be distributed over ten years with partial contributions of 62.5 *solidi* on the Feast of Tabernacles, certainly to poor Jews.⁴⁵⁴ This is not strictly speaking a foundation, in which the revenues from an inviolable endowment were used, but instead a donation spread out over time.

Judah D. Galinsky has discovered that Jewish foundations in Christian Spain or in southern France evidence no prayers for the commemoration of the dead, as in Ashkenaz, for instance in Nuremberg.⁴⁵⁵ In fact, one knows in this case that the praxis of liturgical commemoration of the dead differed from Sephardic Judaism. The rhythm of the commemoration of the dead on four days, on Yom Kippur and on the pilgrims’ holidays, developed only in Ashkenaz. The prayer for the dead of *haskavah* for close friends and family in other Jewish cultures appears to have first followed the model of the Ashkenazi *hazkaroth neshamoth*.⁴⁵⁶ When one factors in with reference to the Spanish documents that they were composed by Christian notaries in the Latin language and in imitation of Christian formulas and motives, then it seems reasonable to conclude the imprint of Christian influence in these sources.⁴⁵⁷ Is the incomplete reception of Christian practices also at play in the Jewish foundations and donations for the salvation of the soul in Christian Spain and in southern France? The critical comments of Jewish scholars of the 11th/12th and 14th century against expectations that others nurtured for the aid of prayer

453 Ibid., 123; *Anonymus*, Rosh Ha-Shanah (1989), 662–3.

454 *Burns*, Jews (1996), 83–4, 224–5 n. 14; cf. a related instance *ibid.*, 83, 224 n. 13.

455 *Galinsky*, Commemoration (2005), esp. 195, 201.

456 Cf. *Anonymus*, Memorial prayers (1989), 517–8; *Freehof*, *Hazkaroth Neshamoth* (1965), esp. 179, 181, 188–9.

457 *Galinsky*, Jewish Charitable Bequests (2005), 432; cf. *Burns*, Jews (1996), 29.

after death and good works in their favor would suggest this; they appear to evidence resistance to a practice seen as foreign.

Despite all the qualifications that must be made in view of the state of scholarship, one cannot at all speak of a leitmotif of the salvation of the soul amongst the Jewish foundations of the Middle Ages, evaluated on the basis of the traditions from Nuremberg, Old Cairo and Spain. Rather, this only sporadically appears and was strongly shaped by Christian influences.

Zoroastrianism and the three religions of one God therefore formed the context of “foundations for the salvation of the soul”. The Persian and the monotheistic religions spread over the course of time to India and China, even if usually only cursorily and with varying intensity.⁴⁵⁸ South and East Asia in the ancient world were, however, above all influenced by their own religions and “worldview systems”, and were likewise marked by the world historical caesura of the “Axial Age”.⁴⁵⁹ The question arises of whether in this case a similar type of “foundations for the soul” or “foundations for the salvation of the soul” can be ascertained. The rarity of casting a comparative gaze of this sort to India and China from the Occident is demonstrated by recent analysis of Helmut Feld (b. 1936) on the history of the soul: namely, the author restricts himself to a quite traditional point of view from the ancient Orient to Jews and Greeks, then Etruscans and Romans, all the way to Christians and western Modernity.⁴⁶⁰ The worlds of Islam and Persia, South and East Asia are completely ignored by him, so that his generalizing conclusions are constantly devalued by the defect of occidental bias.

The “Axial Age” is attested for India with the (oldest) Upanishads (c. 7th/6th to c. 4th/3rd century BCE)⁴⁶¹ as well as with the religion-founder Buddha

458 On the spread of Islam: *Krämer*, *Islam* (2014); *Ruthven / Nanji*, *Historical Atlas* (2004); on Christianity in medieval Asia: *Hamilton*, *Christliche Welt* (2004), 235–80; on Zoroastrians in India, among others cursorily: *Kreyenbroek*, *Zoroastrismus* (2013), 163–4; *Stausberg*, *Religion Zarathushtras* 1 (2002), 373–417.

459 Among the more recent literature, besides *Armstrong*, *Achsenzeit* (2006), passim, cf. esp.: *Eisenstadt* (ed.), *Kulturen der Achsenzeit* 2 (1987), 95–343: “Die Ursprünge der Achsenzeit in China und Indien”; *idem* (ed.), *Kulturen der Achsenzeit* 2.1 (1992), 11–232: “China”; 2.2 (1992): “Indien”. *Arnason / Eisenstadt / Wittrock* (eds.), *Axial Civilisations* (2005), 361–528.

460 *Feld*, *Ende des Seelenglaubens* (2013), see already above pages 78–9; cf. already *Hazard*, *Crise de la Conscience européenne* (1935), and now in addition *Bremmer*, *Karriere der Seele* (2009).

461 So the corresponding dating in *Olivelle*, *Upaniṣads and Āraṇyakas* (2010), 44; *idem*, in: *Upaniṣads* (1996), xxxvi–ii; *Michaels*, *Hinduismus* (1998), 67: “500 BCE–200 CE”; *Witzel*, *Altes Indien* (2003), 125: “around 600–450”; *Kulke / Rothermund*, *Geschichte Indiens* (2010), 64: “roughly between 750 and 500 BCE”.

(d. around 420/350 BCE);⁴⁶² with him is to be placed his supposed contemporary and founder of Jainism, Mahāvīra.⁴⁶³ From around the same time for China Confucius (c. 551–479 BCE)⁴⁶⁴ as well as Laotse (Lao-tsu) can be named, yet the latter, to whom the fundamental work of philosophical Daoism, the *Daodejing*, is ascribed, perhaps never even lived.⁴⁶⁵ In India, along with Buddhism and Jainism, Brahmanism / Hinduism, which represents still older traditions, is to be taken into account.

1.2.6 Foundations for Merit and Temporal Salvation: Indian Religions

Hinduism, Buddhism and Jainism are salvation religions like Christianity and Zoroastrianism (Parsism); they offer a salvation which each individual can strive towards and attain.⁴⁶⁶ The shared point of departure was the religion of the Brahmins, a priestly caste, who keep the cosmos functioning through rituals thousands of years old that are laid down in the text collections of the *Vedas*.⁴⁶⁷ Brahmins performed Vedic sacrifices for themselves and high-ranking non-Brahmins in their village communities and supported potentates through public rituals. One hoped to receive from the gods, for example, “aid in battle, wealth, a good harvest, and the favor of landing in heaven after death in order to live on without care.”⁴⁶⁸

In the Upanishads the ritualism of the older Vedas was overcome. Even when they became the decisive textual basis of Hinduism, they shared some of the essential religious concepts with the religions of Jainism and Buddhism, which arose slightly later. Among them were above all the law of *karman*, the

⁴⁶² In dating the Buddha, a “long chronology” (d. 543 BCE) is differentiated from a “short chronology” (d. 486/77 BCE), while the year of death is now sought even later: *Bechert*, *Einleitung* (2000), 6–7: “between around 420 BCE and 350 BCE”; *Witzel*, *Altes Indien* (2003), 54: “around 400”. *Von Brück*, *Einführung* (2007), 66–7: “the lifetime of the Buddha was around 450–370 BCE”. On Buddhism see now the excellent overview of *Sen*, *Spread of Buddhism* (2015).

⁴⁶³ *Mette*, in: *Erlösungslehre der Jaina* (2010), 207–8, who, however, finds the death year of 527/6 traditionally cited by adherents of the religion to be “perhaps too early”; *Witzel*, *Altes Indien* (2003), 53–4: Mahāvīra “supposedly died in 477 before Christ”, but was a “contemporary” of the Buddha; *Kulke / Rothmund*, *Geschichte Indiens* (2010), 72. A predecessor of the Mahāvīra by the name of Pārśva is said to have already died 250 years before him: *Mette* 205–6, *Bronkhorst*, *Buddhistische Lehre* (2000), 42 n. 34.

⁴⁶⁴ *Van Ess*, *Konfuzianismus* (2009), 12–9.

⁴⁶⁵ *Van Ess*, *Daoismus* (2011), 17–28; *Kohn*, *Laozi and Laojun* (2008); *Kirkland*, *Taoism* (2004), 55 f.; *Xiaogan*, *Daoismus* (1997), 205–7, 219–25.

⁴⁶⁶ *Lanczkowski*, *Heil und Erlösung* 1 (1985); *Balbir*, *Jainismus* (1987). Regarding Indian religions, still highly worth reading is: *Weber*, *Gesammelte Aufsätze* 2 (1978).

⁴⁶⁷ *Bechert*, *Einleitung* (2000), 20–1.

⁴⁶⁸ *Freiberger / Kleine*, *Buddhismus* (2011), 32.

teaching of rebirth (*saṃsāra*) and the techniques of liberation from their unrelenting cycle.⁴⁶⁹

Already in the Brahmanic religion of Vedic India (ca. 1500–500 BCE) ritual acts were designated with the Sanskrit word *karman* (“deed”, “work”).⁴⁷⁰ Since every *karman* had consequences, the fire sacrifice could have a cosmological or mundane effect and, for example, provide for carnal needs. According to the hymns of the most ancient Vedas (*Rgveda*), the gods were prepared to help the individual towards a rebirth in heaven, if the ritual was performed correctly. In the case of religious actions which were not performed correctly or at all, one landed in the “World of the Fathers”, according to the ancient teaching, and one returned from there into the human world after a certain period via rebirth.⁴⁷¹ Around 600 BCE, in the period of the oldest Upanishads, a doctrine of an endless cycle of rebirths (*saṃsāra*) developed from this conception.⁴⁷² The second transformation of the Upanishads lay in the ethicization of cosmic processes, an achievement that remained inscribed in all Indian cosmological teachings and marked the caesura of the “Axial Age”: “What a man turns out to be”, so it was taught, “depends on how he acts and on how he conducts himself. If his actions are good, he will turn into something good. If his actions are bad, he will turn into something bad.”⁴⁷³ “When a man lacks understanding, is unmindful and always impure; he does not reach that final step, but gets on the round of rebirth. But when a man has understanding, is mindful and always pure; he does reach that final step, from which he is not reborn again.”⁴⁷⁴ Whoever performed good works was promised rebirth as a Brahmin or as a member of the upper bureaucratic or merchant class (*kṣatriya*; *vaiśya*); persons of bad behavior, by contrast, had to reckon with being reborn from the dirty lap of a dog, a pig or an outcast woman.⁴⁷⁵ The principle of *karman* bound both forms of action, rituals and ethical behavior, automatically, together with their consequences.

According to the teaching of the Upanishads, a person has an unchangeable and immortal self, *ātman*: “It was connected, regardless of accumulated good or bad karma [*karman*], with the bodies of greater or lesser forms of existence—such as a caterpillar that wandered from leaf to leaf. This continuous rebirth was, however, understood not as positive, but rather as sorrowful;

469 The following is based on *Schmiedchen*, *Religiöses Verdienst* (2016).

470 *Lipner*, *Karman* (2010).

471 *Freiberger / Kleine*, *Buddhismus* (2011), 198.

472 *Lipner*, *Saṃsāra* (2010).

473 *Bṛhadāraṇyaka Upaniṣad* 4.4.6, in: *Upaniṣads* (1996), 65.

474 *Kaṭha Upaniṣad* 3.7–8, in: *Upaniṣads* (1996), 239.

475 *Chāndoya Upaniṣad* 5.10.7, in: *Upaniṣads* (1996), 142.

rebirth also meant in particular having to die again.”⁴⁷⁶ The essential goal of a person thus did not consist of improving one’s existence through more favorable rebirths, but of interrupting the continuous cycle of rebirths.

The belief in *saṃsāra*, that is the migration of the soul, and the doctrine of *karman* or recompense related to it, were each internalized and in their indissoluble linkage are the only “dogmatic” fundamental teachings of Hinduism, which also created the Indian caste-system.⁴⁷⁷ Even though both doctrines were found among the Greeks, they are distinguished, as Max Weber has shown, in India through a consistently rational implementation. “All (ritual or ethical) merits and demerits of the individual represented [in India] a form of open account, whose balance inevitably affected the further fate of the soul at rebirth, and indeed exactly proportional to the mass of the surplus of one side of the account or the other. ‘Eternal’ rewards or punishments therefore cannot exist: they would surely be absolutely incommensurate with a final action. In heaven as well as in hell there can only be final time. And both played only a secondary role. Indeed, heaven was originally only a heaven of Brahmins and warriors. Yet the most baleful sinner could escape hell through purely ritualistic and quite pleasant means: the uttering of certain formulas at the hour of death, even by third parties (even unknowingly and by an enemy). By contrast, there simply did not exist any sort of ritual means and no (temporal) action at all by which one could withdraw from rebirth and dying again. The universally widespread conception that sickness, infirmity, poverty, simply everything feared in life, were the consequences of knowingly or unknowingly self-imposed shortcomings of magical relevance, led to the view that a person’s entire fate was the most personal deed. And since on the surface it appeared too much to be the case that ethical recompense took place within each individual life in this world, after the implementation of the doctrine of the migration of the soul the conception seemed obvious, and was perfected by the Brahmins, apparently first as an esoteric teaching, that merits and demerits of earlier lives determined the current life and its fate in future temporal lives (...). And here now lies the decisive relation to the caste-system (...). The individual was born into the caste that he had merited through his behavior in an earlier life (...). A Hindu of orthodox belief would only think with regard to the objectionable situation of a member of an unclean caste: he had to atone for especially many sins from an earlier existence. This, however, also has a flip-side: that the member of the impure caste above all dwells upon the chance to

⁴⁷⁶ Freiburger / Kleine, *Buddhismus* (2011), 198. Cf. Chapple, *Ātman* (2010).

⁴⁷⁷ Weber, *Gesammelte Aufsätze* 2 (1978), 117.

be able to improve his future social prospects at rebirth through an exemplary life of caste rituals.”⁴⁷⁸

The ultimate goal of human existence is, however, according to the Hindu perspective, to free oneself from the cycle of birth and rebirth in this temporal world and the suffering connected with it.⁴⁷⁹ The noun *mokṣa* was above all used for this “liberation”, which roughly corresponds to the concepts of “perfection”, “salvation” and “redemption” in other religions. According to the teaching of the Upanishads, one attained liberation, as has been stated in scholarship, “by recognizing that one’s self (*ātman*) and the universe, the one and all (*brahman*), at the most basic level are identical.”⁴⁸⁰ In fact, *brahman* is usually used in the Upanishads for the last entirety of everything that exists, so that it is identical with the *ātman*.⁴⁸¹ “Brahman, you see, is the whole world”, so one reads in one of the Upanishads,⁴⁸² while elsewhere a father teaches his son: “that’s what you are.”⁴⁸³ While the circumscriptions of “liberation” from the cycle of rebirths, that is the negative effects, are quite uniformly formulated, positive metaphors and turns of phrase for salvation vary more strongly. One reads of “going to the *brahman*”, of “reaching the highest light”, “attaining immortality”, reaching “the world of Brahṁā” and “the perfect contentedness”, “enjoyment of the heavenly paradise”, even becoming one with the “divine person”. Alongside conceptions of the complete loss of individuality, sometimes the preservation of one’s own soul is emphasized.⁴⁸⁴

In the religious literature of Hinduism starkly divergent doctrines on salvation developed over the course of the centuries. In modern scholarship three different approaches are to be discerned.⁴⁸⁵ At the center of the “pluralistic” tendency stands an unending variety of spiritual selfhoods (“souls”; *ātman*); the individual self was certainly over and done with the world of suffering, yet remains for itself alone, and also has in theories, in which a God is recognized, no communion with him and can expect no blessing from him. The “transtheistic” schools, by contrast, preach the unity of the liberated with characteristic-less, thus also with non-theistic *brahman*. “It is not a question of an individual *ātman* becoming, or—as is often said—merging into *brahman*. *Mokṣa* occurs with the realization that the single self (*ātman*), which is present

478 Ibid., 118–20.

479 The following is derived from Nelson, *Liberation* (2010).

480 Freiburger / Kleine, *Buddhismus* (2011), 198.

481 Ram-Prasad, *Brahman* (2010).

482 Chāndoya Upaniṣad 3.14.1, in: *Upaniṣads* (1996), 123.

483 Chāndoya Upaniṣad 6.8.7, in: *Upaniṣads* (1996), 152.

484 Nelson, *Liberation* (2010), 789.

485 Ibid., 791–2.

uniformly in all beings as their inmost consciousness, is and always has been nothing other than *brahman*.”⁴⁸⁶ With few exceptions, all traces of the earlier individuality of the liberated are dissolved. Thirdly, one encounters “theistic” schools of thought, especially in the time of the so-called Middle Ages, and shortly afterward. In general, they accept a variety of spiritual selfhoods, which through “liberation” could attain an eternal and blessed communion (but no identity) with the divinity. This takes place in a heavenly realm that transcends the temporal world. The liberated appears in this context as not completely bodiless, but as clothed with a spiritual body which consists of pure being. Some theorists designate differing degrees of relation with the divinity at the “liberation”: dwelling in the same realm, partaking of divine qualities, proximity to the divine, the assumption of a godlike form and unity with God. The theologian Madhva differentiates among souls levels of blessedness according to the state of their worthiness; yet the same scholar also voices the view that some persons are never able to escape the cycle of rebirths, while others must go to the eternal hell.

Despite these variants, it is quite clear that Hindu beliefs on salvation and immortality differ, for instance, from Christianity, Judaism and Islam. On the one hand, it is a doctrine of self-salvation: through some merit a person can acquire automatic recompense through a better form of temporal existence, and in the end even “liberation”, without resort to a judging—and merciful—God. On the other hand, the reward usually does not consist of eternal life in blessedness, but rather, on the contrary, redemption from all life as well as the death accompanying it. After liberation, the redeemed self or soul, though this does not apply to all teachings, will not be individually retained and transfigured, but will return into the one and all or realized in it. In any case, in the Hindu teachings on salvation, as for instance in Christianity, the individual salvation of the soul in the sense of eternal life of the distinctive personhood does not stand at the center of teaching.⁴⁸⁷

According to the Indian understanding, the entire fate of a person lies in the hands of the individual; he gathers merits (*punya*), which benefit him already in this world and can bring salvation. “According to the law of *karman* the mechanism of recompense is automatically effective.”⁴⁸⁸ Thus, whoever, for example, gave to a Brahmin priest or a Hindu temple⁴⁸⁹ is neither reliant upon the intercessions of his addressees nor expects salvation as divine remuneration.

486 Ibid., 791.

487 Cf. the excellent analysis of Weber, *Gesammelte Aufsätze 2* (1978), 22–4, cf. 367.

488 Schmiedchen, *Gedenken und Kultus* (2016), 166.

489 Cf. Talbot, *Temples* (1991); Stein, *Economic Function* (1959/60).

Mauss' law that each gift demands a gift in return is rendered powerless in this context.⁴⁹⁰ Nonetheless, from India hundreds, if not thousands, of foundations are transmitted "to Brahmin priests without any reference to temples as well as foundations in the context of temples and shrines of Hindu deities."⁴⁹¹ The renaissance of Vedic Brahmanism, which is dated to the end of Indian antiquity, around the middle of the 6th century CE,⁴⁹² was itself essentially based above all on royal foundation activity, by which Brahmanism spread over the entire Asian subcontinent.⁴⁹³ "Not in all of them, but in the majority of Brahmanical endowments the purpose of the foundation is explicitly stated. When a determination of the foundation's purpose of this sort occurred, then it is always stated that the Brahmin priests in question would be in a position to be able to pursue their obligations with regard to the performance of Vedic sacrifices."⁴⁹⁴ From the 11th/12th century onwards foundations for Brahmins or groups of Brahmins combined with Hindu temples are transmitted.⁴⁹⁵ Foundations for Hindu temples of the gods were in fact not addressed to the buildings or institutions, but rather to the gods and goddesses themselves. "Foundations could be differentiated between those to Viṣṇu, Śiva, the sun god as well as various local female and male divinities."⁴⁹⁶ But all religious foundations were to foster "the increase of religious merit (*puṇya*) of one's parents and of the individual person (*mātāpitror ātmanaś ca puṇyābhivṛddhaye*)."⁴⁹⁷

Foundations for third persons, that is the transfer of merit in favor of parents (living or deceased), or in favor of other relatives or the teachers of the founder, which from a systematic perspective were actually not foreseen, constitute the reason why, according to the theory of Annette Schmiedchen, the motive of acquisition of merit, otherwise automatically expected, is named at all in foundation documents.⁴⁹⁸ Already Max Weber had pointed out in the same sense that in these works for third persons the long-ago inherited praxis

490 Heim, *Gift* (2010), 750, with reference to Mauss, *Essai sur le don* (1950). On the reception of this essay in the Latin Christian research on foundations, see by contrast Borgolte, "Totale Geschichte" des Mittelalters? (1993).

491 Schmiedchen, *Typologisierungen* (2014), 230; cf. eadem, *Schriftzeugnisse* (2014). On Hindu foundations see also: Orr, *Religious Endowments* (2011).

492 Schmiedchen, *Periodisierungen* (2014), 319, with particular reference to Kulke, *Regionalreiche* (1985).

493 Cf. Kulke / Rothermund, *Geschichte Indiens* (2010), 176–8; Datta, *Migrant Brāhmaṇas India* (1989); Von Stietencron, *Brahmanen als Integratoren* (1985).

494 Schmiedchen, *Typologisierungen* (2014), 232.

495 Ibid., 233.

496 Ibid., 234.

497 Ibid., 231; Schmiedchen, *Religiöses Verdienst* (2016).

498 Schmiedchen, *Gedenken und Kultus* (2016), 167.

of sacrifice for the dead continued to have an effect, which was supposed to influence the fate of the deceased (like offerings and prayer in Christianity). Foundation inscriptions show, however, that what concerned the individual was the influencing of his fate of rebirth: “Offerings were made and foundations created in order to be born again in the future in circumstances that were as good or better, e.g. with the same wife or the same children; female potentates desired to attain an appearance in the future in a similarly respectable situation on earth.”⁴⁹⁹ Normative legal texts allowed for the binding of the motive of the acquisition of merit for the founder and his parents, and also expressed the chronologically limited effect of good works; an eternal salvation was not foreseen. In the *Brhaspatismṛti*, the ruler was exhorted to do the following: “After he had endowed land and other things, the king had a proper endowment charter drawn up upon a copper plate or a piece of fabric, complete with the [mention of the] place [of its composition], [his] dynasty, etc.: ‘Today, for the purpose [of increasing] my merit and that of my parents, I have granted an endowment to x the son of y, from the Vedic school of z. It may not be encroached upon or confiscated, it is freed from all exactions, is permanent like the moon and sun and is able to be inherited by his children and children’s children. The founder and protector [of the foundation] will be accorded heaven, and the robber hell, for sixty thousand years’—[In this way] let the lot of the gift and [its] confiscation be described.”⁵⁰⁰

How closely one oriented oneself on such prescriptions is demonstrated, for example, by a copper plate with a foundation charter issued by Maharadschas Droṇasiṃha around 320 CE. The foundation was dedicated to the goddess Pāṇḍ[u]rājyā, its instrument was the village of Trisaṃgamaka in the district of Hastavapra (probably near Hathab), and its goal was manifold: certain cults were to be formed, the ruined temple was to be rebuilt and compassionate meals were to be facilitated. In return, Droṇasiṃha hoped for an increase of his “victories, his life, the fruits of *dharma*, his renown and his landholdings”, he wanted “to attain all happiness and yearning in a period of a thousand years and to multiply the religious merit of his parents and himself.” This was to “last as long as the moon, the sun, the sea and the earth exist, as well as long as rivers and mountains endure.” The endower of such lands was promised, so he cited

499 Weber, *Gesammelte Aufsätze* 2 (1978), 119–20. On foundations “for the great feast day of the [veneration of] ancestors” see *Schmiedchen*, *Typologisierungen* (2014), 235.

500 *Brhaspatismṛti* (reconstructed) (1914), section 1.6.20–25; German translation in *Schmiedchen*, *Schriftzeugnisse* (2014), 414. On the source see *Michaels*, *Hinduismus* (1998), 77. From the tradition of numerous (royal) copper-plate documents *Schmiedchen*, *Schriftzeugnisse* (2014), 431, has even derived a typical foundation charter of the sixth century, that is a documentary formula.

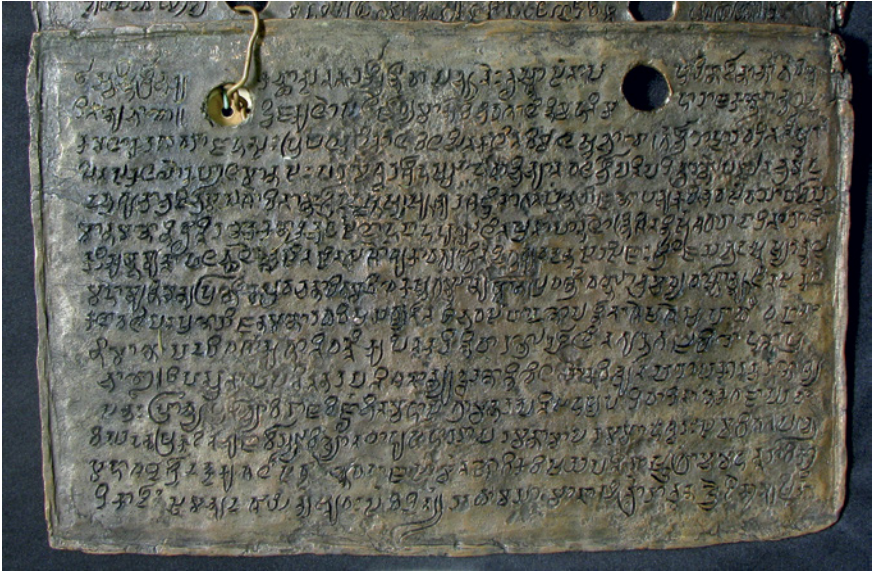


ILLUSTRATION 7 Copper-plate charter of Gurjara (Western India) about 8th/11th c. CE—
With permission of Prof. Dr. Annette Schmiedchen (Berlin)

from the *Vyāsa*, 60,000 years of rejoicing in heaven, yet whosoever weighed seizing it or authorizing its confiscation ought to spend the same number of years in hell.⁵⁰¹

In sharp contrast to the ritualism of ancient Brahmanism, but on the basis of the doctrines of *karman* and rebirth, there arose soon after the first Upanishads the ascetic religions of Jainism and Buddhism in India. According to its own worldview, Jainism is restricted to Bhārata (India), the southern portion of the earthly continent of *Jambūdvīpa* ("Isle of the Elephant Apple Tree"). The Jaina monks were even permitted to live only in the Ārya land, in the "pure land" of the Arians between Sindhu (the Indus) and the Ganges, while the other peoples of India were viewed by them as "impure" (*mleccha*).⁵⁰² Jainism on the whole therefore did not spread beyond India, but rather has survived until the present day with a very small population.⁵⁰³ By contrast, Buddhism, which arose at around the same time, spread until the middle of the first Christian millennium over the entire subcontinent, then lost its dynamism and has from the 13th century onwards almost entirely disappeared from this land.⁵⁰⁴ Through proselytizing wandering monks, traders and the religious preference of rulers, Buddhism in the meantime already back then also encompassed South, Southeast and East Asia, and advanced alongside Christianity and Islam to become one of the three world religions of the present.⁵⁰⁵ Both Indian faiths share a division of monasticism (including nuns) from the laity.

Mahāvīra, whom his followers (*jaina*) saw as *jina*, "conqueror" or "victor",⁵⁰⁶ already acquired "complete knowledge" during his lifetime through his ascetic

501 Inscriptions of the Maitrakas of Valabhī (in press), 56–9 no. 1 (CE dating according to the friendly consultation of Prof. Dr. A. Schmiedchen). The conception of reciprocal reward is also formulaically addressed in the text, albeit without an interpersonal god-human reference (ibid., 58). For further texts of a similar nature in the same collection of sources, inter alia on Brahmanical and Buddhist foundations: 59–96, nos. 2–11.

502 Mette, in: Erlösungslehre der Jaina (2010), 225, 229.

503 Ibid., 222: According to the census of 2001: 4.2 million adherents amongst 1.028 billion Indians, yet an additional 0.2 million Jainas (certainly laypersons) are counted outside of India: Wikipedia entry "Jainismus", checked on 3.4.2014.

504 Bechert / Gombrich (eds.), Buddhismus (21995), 70; Freiburger / Kleine, Buddhismus (2011), 53–4. The ebbing of foundation activity in favor of Buddhists is dated by Schmiedchen, Stiftungen zum Unterhalt (2013), esp. 109, to the 10th century; see also eadem, Periodisierungen (2014), 323–4; eadem, Typologisierungen (2014), 235–6.

505 Cf. Freiburger / Kleine, Buddhismus (2011), 45–161; Bechert / Bronkhorst / Ensink et al. (eds.), Buddhismus I (2000), passim; Bechert / Gombrich (eds.), Buddhismus (21995), passim; Johnson / Johnson, Universal Religions (2007), 31–73.

506 Mette, in: Erlösungslehre der Jaina (2010), 201 with n. 1. The designation "Jinism" thus refers to the honorary title of the founder of the religion, "Jainism" to its adherents who are subordinated to the Jina.

exercises, and at his death (probably after 527 / 526 BCE) attained the peace of “complete extinguishment” (*parinirvāṇa*): “from a dogmatic perspective, this means: The *jīva*, his soul, more precisely ‘the life’, had forever left not only the body, but all material substance (especially the karma). Without the ballast of the material, but rather as something purely spiritual, weightless and (...) comparable to the blowing of the wind, it had entered Nirvāṇa.”⁵⁰⁷ The debasing of the material is constitutive of Jainism⁵⁰⁸ and does not allow for a teaching of resurrection with regard to the body and soul. As long as life was trapped in the unending cycle of coming into existence and passing away, the *jīva*, understood to be eternal, bound with the four elements of earth, water, fire and air, was, however, placed in shackles by being attached to the body. Its form of existence as a person, god, animal or inhabitant of hell was based on the measure of its acquired merit.⁵⁰⁹ Whoever laid up much *puṇya* can ascend to the heaven of the gods and there dwell for a long time in worlds of pure pleasure; yet at some point the value of his *puṇya* was used up, so that the *jīva* descended into a form of existence, which is qualified by another Karma acquired in another existence. An existence as an animal or inhabitant of hell was determined by wicked deeds, but these forms of existence also did not last forever.⁵¹⁰ Only by a correct transformation of life (*caritra*) does one attain rebirth as a person,⁵¹¹ the first important prerequisite on the path towards salvation. It is, however, impossible for the layperson to achieve eternal salvation.⁵¹² The only route to salvation lay open to the monk, even nuns could not tread it, but first had to be reborn as men.⁵¹³ The ascetic can attain the liberation of the *jīva* by loosing every connection to the world. Alongside the prohibitions against killing a living thing, lying, stealing and of living unchastely, the fifth rule of life of monks contained not only a renunciation of material possession,⁵¹⁴ but more broadly of “love for anyone and anything: for love kindles desire and begets Karman. Entirely lacking (...) [in Jainism] was the Christian idea of ‘charity’. And, moreover, there was even lacking something that would correspond to ‘love of God’. For there exists no mercy and forgiveness, no repentance to wash away sin, and no efficacious prayer.”⁵¹⁵

507 Mette, in: Erlösungslehre der Jaina (2010), 230.

508 Balbir, Jainismus (1987), 456; Weber, Gesammelte Aufsätze 2 (1978), 204, 206.

509 Mette, in: Erlösungslehre der Jaina (2010), 227, 232, 234–5.

510 Ibid., 235–6.

511 Ibid., 236–7.

512 Ibid., 235–237.

513 Ibid., 210–1, 216, 234.

514 Ibid., 213.

515 Weber, Gesammelte Aufsätze 2 (1978), 214.

Jaina sources designate monks and nuns as the “footloose” and the “pious”, but also as the “unhoused” and the “portion-seeking”, that is those begging for alms.⁵¹⁶ According to their rules, the monks were to be perpetually on the move and supplied by the laity—the “house-dwellers”—with sustenance and, in the rainy season, temporarily with shelter.⁵¹⁷ The laity, analogously to monks, could take “small” or “subordinate orders”, which were, however, adjusted to the practical demands of worldly life. The fifth of these prescribed liberality and the avoidance of great wealth.⁵¹⁸ In contrast to Brahmin (priests), Jaina monks were obligated to a compensatory action which consisted of instructing the laity.⁵¹⁹

In the novel *Samarāiccakahā*, which is ascribed to the Jaina scholar Haribhadra-sūri in the 9th century CE,⁵²⁰ a monk explains to a prince, that is a layperson from the upper class, the system of giving. Among the various sorts of giving, he gives instruction on the support of spiritual teachers: “But that is food, drink, clothing, a bowl of alms and suitable medicine; the prudent person ought to also donate camps and sites of good quality. Give alms to those who devote themselves to study and meditation and have no support. Whoever bears the burden of asceticism and the discipline of the order will be maintained by these alms. Since his *karman* [that is all of the remaining material of the immaterial soul] is light, he can have his own self and also another person cross the ocean of the cycle of being. He who is heavily laden with *karman*, so that he cannot himself even cross it, how should he help others transverse it? (...) With respect to the donor, a gift is deemed pure if the giver possesses insight, is free from the eight positions of false pride and is utterly permeated with the shower of happiness of the conviction of faith (...). Yet whoever gives without conviction of faith in striving for fame and honor, or when he donates out of vain pride: ‘Do I not give something?’—such a giver is blind and his soul is polluted. His alms are like a seed that does not bring much fruit, because it lacks the water of the conviction of faith, though the gift may be even generous and of an exquisite sort.”⁵²¹

On the donation of recognition, which was supposed to be given by monks, it is stated in the same context: “That, whereby a soul gains a discerning recognition of bond and salvation, is the giving of recognition, the seed for the flourishing of blessed happiness. When this is given, then the soul, which

⁵¹⁶ Mette, in: Erlösungslehre der Jaina (2010), 210.

⁵¹⁷ Ibid., 211, 214–5.

⁵¹⁸ Ibid., 219 f., 225.

⁵¹⁹ Ibid., 211, 214.

⁵²⁰ Ibid., 220.

⁵²¹ Cited after the translation *ibid.*, 150–1.

discerningly and restlessly recognizes with accuracy purifying merit and evil in its variety, itself turns to the former and away from the latter. Turning towards the most meritorious deed, it easily acquires the happiness of the mortal and immortal, yet is free from the sorrow of the inhabitants of hell and animals, and turns away from all evil. And it also acquires the very broad happiness of salvation already through the unbroken chain of happy existences (as a person); that is precisely the power of this pure recognition. Since the soul acquires happiness in this world as well as the next through recognition, it is therefore an excellent gift.”⁵²²

In fact, radical rootlessness and poverty allowed no endowments to Jaina monks and nuns. Nevertheless, in the medieval millennium temple and monastic foundations are also attested for them, which Annette Schmiedchen thus summarized: “The number of Jaina foundations was, from a pan-Indian perspective, always relatively small and was regionally concentrated, above all in certain regions in western India (Gujarat) and in the south (Karnataka and Tamilnadu). In contrast to Buddhism, foundations in favor of Jaina institutions did not, however, come to a halt, even after the 10th century. Medieval Jaina foundations went to male representatives of this ascetic tradition and to a degree favored monks and nuns together (...). Recipients of endowments were either Jaina institutions or individual Jaina ascetics, which were characterized by their belonging to certain schools of thought (...). The cultic buildings of the Jainas were not only dedicated to Mahāvīra Jina (...), but also—since according to the Jaina understanding he had had 23 predecessors—included the so-called ‘Ford Preparers,’ the Tīrthaṃkaras. Foundations are above all attested for the temples of Ādinātha (no. 1), Candraprabha (no. 8) and Pārśvanātha (no. 23), the immediate predecessors of Mahāvīra Jina (...). The foundation charters in question mostly contain ordinances for the maintenance of the buildings and cultic tasks. In relatively few inscriptions is it prescribed that the endowments in question were also to be used for the sustenance of Jaina ascetics.”⁵²³

522 Ibid. 149–50. The third form of giving is that of fearlessness, “in order to excellently call upon the services of very good people.”

523 Schmiedchen, *Typologisierung* (2014), 236–7. Eadem, *Gedenken und Kultus* (2016), 178, explains the just-made observation presumably because the enhanced ascetic idea of the Jainas “allowed no permanent institutions for the maintenance of the ordained”. According to Weber, *Gesammelte Aufsätze 2* (1978), 209 n. 1, foundations for Jainas were undertaken in the form of revocable leases of land, “in order to maintain the fiction of the absolute voluntary nature of gifts and poverty.” Furthermore, from the laity stemmed, “with a lack of other cult objects, the cult of saints and of idols”, who “via comprehensive structures and foundations caused an extraordinary flowering in hieratic architecture and artwork” (ibid., 215). Agreement in this respect in Mette, in: *Erlösungslehre der Jaina* (2010), 220–2.

A founder could, however, in this way only improve his prospects for a better rebirth, but not do anything for the salvation of his soul. “Foundations for the salvation of the soul” had no place whatsoever in the religious system of Jainism. Salvation was only possible through radical asceticism (Sanskrit: *tapas*), which could lead to voluntary death by starvation.⁵²⁴ All liberated souls were united in their goal “with the impersonal, purely spiritual, perfect ‘absolute’ (*kevalam*)”,⁵²⁵ but after they had stripped all forms of their existences and the body, were they also without their own “identity”. In the *Aupapātika-Sūtra*, that is a didactic text from the 1st/2nd century CE, the place of the freed soul(s) in the world was even described: “Where will the saved be turned away? Where do the saved have their place? Where does it (the *jīva*) leave its body, whither does it go and is saved? In the netherworld the saved will be denied, but their place is at the top of the world. Here it leaves its body, goes there and is saved (...). Without the body, souls become manifest, they give over that which is the mark of the saved to contemplation and recognition, with and without form at the same time. Given over to complete recognition, they recognize the existence of all things. They look everywhere with gazes that encompass everything and know no boundaries. This happiness exists not only for people, but for all gods, as for the saved, who are without distress. The happy state of the gods, piled up in all time and of unending variety, does not equal the happiness of liberation with its endless parts and little parts. Were the fullness of the happiness of the liberation to be piled up, and broken up into its little parts, it would not fit within the entire area. Thus, a savage who is familiar with the manifold advantages of the city would not be able to tell of them, because just as a comparison in the wild is lacking, so also is the happiness of the saved without comparison, nothing is comparable to it. With distinctions, however, this is comparable, listen: As a man, who ate excellent dishes corresponding to all his wishes, finds himself freed from hunger and thirst, as though he had been sated with nectar—so are the saved sated for all time, entering into the incalculable Nirvāṇa, tarrying eternally without distress, and attaining happiness. They are called ‘saved’, they are called ‘awakened’, ‘reaching the other shore, at the end of the chain’, they are free from the armor of Karman, ageless, deathless and without bond. Cut off from all sorrow, free from all shackles: birth, old age and death, the saved enjoy happiness for eternity without distress. Having landed in the ocean of immeasurable happiness to incomparable

524 Mette, in: Erlösungslehre der Jaina (2010), 213, 237; Weber, Gesammelte Aufsätze 2 (1978), 206.

525 Mette, in: Erlösungslehre der Jaina (2010), 237; Weber, Gesammelte Aufsätze 2 (1978), 204–5, 209.

well-being, they dwell for all future time, the happy ones, having landed in happiness.”⁵²⁶

Buddhism⁵²⁷ shared with Jainism a striving after salvation as liberation from the world, and in the one as well as in the other the community of monks (and nuns) stood at the center of religious life and the tradition of teaching. Siddhārtha Gautama, who was also called Śākyamuni and stemmed from the region of contemporary Nepal,⁵²⁸ attained at the age of 35 years ‘Enlightenment’ and from then on earned the honorary epithet “Buddha”.⁵²⁹ He had left his family and homeland six years before, in order to seek immortality as a wandering beggar-monk—not in the sense of an eternal life like the Christians or Muslims, but in the liberation from an unending chain of sorrowful existences. *Nirvāṇa*, which he had already attained within his lifetime and even as a young man, consisted in the extinguishing of greed and thirst for life, hate and delusion, and is supposed to have led to the final *Nirvāṇa* (*parinirvāṇa*) with his death as an octogenarian with the cessation of all bodily functions. In the second half of his life he devoted himself, being driving by boundless compassion, to the task of leading all existence to *Nirvāṇa*. According to his experience, conviction and teaching, however, each person could himself come to the salvific view that everything is ephemeral, sorrowful and without a lasting core, that therefore no god and also no fellow human being could aid him in this. The “Middling Way”, discovered by him after the disappointing results of extreme asceticism, was only to be pursued in the religious order, the *saṅgha*. By contrast, the layperson could fundamentally not attain salvation.⁵³⁰

In contrast to Brahmanism and Hinduism, which believe in the existence of a lasting, permanent self, the Buddha strongly rejected the conception of a soul. “Buddhism is the teaching of the non-self (*anātmavāda*).”⁵³¹ Persons who like the laity were generous, acted morally and performed good deeds,

526 After the translation of *Mette*, in: *Erlösungslehre der Jaina* (2010), 191–2. The dating of the *sūtra* follows the corresponding Wikipedia entry (accessed on 3.4.2014). On the localization of *Nirvāṇa* through Jainism within the space of the world (in contrast to the Buddhists), see *Mette* 230.

527 For Buddhism I rely in the following on: *Bechert / Gombrich* (eds.), *Buddhismus* (2009); *Freiberger / Kleine*, *Buddhismus* (2011); *Bechert / Bronkhorst / Ensink et al.* (eds.), *Buddhismus I* (2000).

528 The epithet Śākyamuni is derived from his ethnic origin and means “sage from the race of the Śākyas”, see *Bechert / Gombrich* (eds.), *Buddhismus* (2009), 31.

529 “Buddha” is thus not a personal name, so that after the turning point in his life Siddhārtha Gautama must be spoken of as “the Buddha” in the sense of “the Awoken One”: *Freiberger / Kleine*, *Buddhismus* (2011), 36.

530 *Lamotte*, *Buddha* (2009), 66.

531 *Ibid.*, 48.

still hoped for a good rebirth after their death, and thus clung to a belief in their own self. “Belief in the self is, however, not reconcilable with the Buddhist recognition of the overcoming of desire and the way to Nirvana.” As to the question how the teaching of retribution for good or bad deeds at rebirth was compatible with the claim that no being had a stable core, which one could call “soul” or “self”, the Buddha offered a brilliant answer. That which continued from existence to existence was only a bundle of bodily and spiritual components, which was kept in motion by cupidity and appeared in various forms at the cycle of rebirth.⁵³²

Nirvāṇa is not paradise: it is placeless and timeless, negatively termed as the “end of suffering”, positively as the “highest happiness” (*parama sukha*). But since there exists no more desire and feeling in it, it is a happiness without bliss.⁵³³

As in Jainism, the monks and nuns in Buddhism were dependent on the aid of the “house-holders”, who supplied them with clothing, sleeping-sites and medicine (inter alia);⁵³⁴ they were not, however, in contrast to Jaina monks, obligated to individual poverty.⁵³⁵ In return for these gifts, the ascetics offered instruction to the laity.⁵³⁶ Over time laypersons did not see themselves restricted to an improvement in their rebirth as a reward for the merit they had acquired. At the end of the first Christian millennium a new form of Buddhism developed, which was called *Mahāyāna*, “Large Vehicle”, and which differentiated itself polemically from the older, “Small Vehicle”.⁵³⁷ Its adherents dedicated themselves to preparing the way for a *Bodhisattva*, a future Buddha. In contrast to the Buddha himself and his first disciples, they wanted to delay entry into Nirvāṇa for an unimaginably long period of time and to go through innumerable existences, namely in order to be able to aid, out of empathy, as many persons as possible on their road to salvation. The teaching of individual

532 Ibid., 37, 49.

533 Ibid., 53.

534 Ibid., 55–6, 63–4.

535 Kieffer-Pülz, *Musterbeispiel* (2006/2007), 295, with critical opposition to Von Brück, *Einführung* (2007), 198–9; Walsh, *Sacred economies* (2010), 55–7; Gernet, *Buddhism* (1995), passim, esp. 78–93, 131–7.

536 Gombrich, *Einleitung* (21995), 26–7.

537 Bronkhorst, *Buddhistische Lehre* (2000), 127–77; Freiberger / Kleine, *Buddhismus* (2011), 48–53; Schumann, *Mahāyāna-Buddhismus* (1990, repr. 1995); Lamotte, *Mahāyāna-Buddhismus* (21995). In modern scholarship the intentionally pejorative term *Hīnayāna* is avoided as the counterpoint to *Mahāyāna*. It is instead suggested to speak of “Mainstream Buddhism” (or “Mainstream Buddhist schools”): Freiberger / Kleine 48.

salvation in this context formed a most impressive connection with the likewise Buddhist idea of boundless empathy.⁵³⁸

“Foundations for the salvation of the soul” cannot exist in a religion whose message consists of the rejection of an abiding core of existence of all living things, and therefore also of people, and whose goal amounts precisely to the annihilation of the self with its thirst for life and its desire. Foundations are, however, possible as good deeds for the betterment of one’s own *karman*.⁵³⁹ Even though the Buddha had taught that every person could only advance within the circle of rebirths by virtue of his own merit and eventually attain Nirvāṇa, the thinking and praxis of a transfer of merit can already be discerned in ancient “mainstream Buddhism”.⁵⁴⁰ This is demonstrated, for example, by foundation inscriptions on religious buildings or sculptures from Mathurā (now in the Indian state of Uttar Pradesh), which stem from monks: “[This is] the gift of the Monk Buddhapāla [which is made] as an act of pūjā for the parents and all beings.” “On this date an image of the Blessed One Śākyamuni was set up by the Monk Buddhavarman for the worship of all Buddhas. Through this religious gift may his Preceptor Saṅghadāsa attain Nirvāṇa, [may it also be] for the cessation of all suffering of his parents [... and] for the welfare and happiness of all beings.” “May it be an act of pūjā for his deceased parents. May it [also] be for the granting of health to his companion Dharmadeva.”⁵⁴¹ What emerges from the sources is that the transfer of merit via foundations was to benefit the living and dead, parents, thus relatives, and apparently still other persons, while Nirvāṇa itself as a foundation goal in early Buddhism is not often attested.⁵⁴²

538 Kieffer-Pülz, *Musterbeispiel* (2006/2007), 292, has pointed out that “compassion” (*karuṇā*) played “a rather subordinate role” in early Buddhism, cf. also *Lamotte*, *Buddha* (21995), 65–6; yet *ibid.* there is also an example for the compassion of the Buddha himself. Cf. also *Sizemore / Swearer* (eds.), *Ethics* (1990).

539 On Buddhist foundations, excepting the contributions of Schmiedchen in the *Encyclopedia of Foundations* (2014/16/17), *inter alia*: *Schuler* (ed.), *Stifter und Mäzene* (2013); *Schopen*, *Buddha as Owner of Property* (1990); *Thapar*, *Patronage and Community* (1992); *Klimkeit*, *Stifter im Lande der Seidenstraßen* (1983). For China *Gernet*, *Buddhism* (1995), *passim*, and *Olles*, *Religiöse Stiftungen* (2016), esp. 685–719.

540 Cf. *Herrmann-Pfandt*, *Verdienstübertragung* (1996); *Findly*, *Dāna* (2003), 272–80; *Walsh*, *Sacred economies* (2010), 109–12 with 181 n. 22.

541 After *Schopen*, *Two Problems* (1985), 31–2. The second inscription cited dates back to the 51st year of the reign of King Huvishka of the Kushana Empire, on whom: *Kulke / Rothermund*, *Geschichte Indiens* (22010), 104; on the Buddhist inscriptions of Mathurā from the 1st/2nd century CE see *Joschi*, *Buddhistische Kunst und Architektur* (21995), 104.

542 *Schopen*, *Two Problems* (1985), 32; on the breadth of evidence see *Schmiedchen*, *Religiöses Verdienst* (2016).

Not only ascetics, but also laypersons found salvation within Mahāyāna Buddhism, by trusting in the aid of Bodhisattvas. Some of these figures were especially venerated. Among them was above all Maitreya,⁵⁴³ who had already died before the Buddha Śākyamuni and was said to have entered the Tuṣṭita heaven; there he waited for the time of his return to earth, in order to attain Buddha-hood and announce the *dharma*. His followers hoped of Maitreya, the future Buddha, who were more widespread in Central Asia than in India, for succor at the hour of death and conveyance into his “Inner Palace”. Amongst the attested Buddhas, who number in the thousands, alongside Maitreya (“the Benevolent”) the five “Tathāgatas” were also venerated, who were associated with the cosmos. Again in Central Asia, as well as in China and Japan, there flowered the cult of Amitābha (“Immeasurable Light”; in China: Amituo Fo) or Amitāyus (“Unending Life”).⁵⁴⁴ According to a foundational source of this religion, which was also translated in the second century after Christ from Sanskrit into Chinese, Amitābha was said to have made an oath that he would accept living beings that trusted him into his heavenly realm. One expected salvation via recitation of the formula “Reverence of the Buddha Amitābha” alone—which was sometimes uttered as many as hundreds of thousands of times a day.

The Bodhisattva Avalokiteśvara was very popular in China, and in Mahāyāna more generally, as a companion of the Buddha.⁵⁴⁵ In China he bore the name Guanshiyin or Guanyin and was mainly imagined in feminine form as the “Goddess of Mercy”.⁵⁴⁶ He was seen as the purest embodiment of Bodhisattva, who first wanted to lead all other lifeforms to salvation, before he himself entered Nirvāṇa.⁵⁴⁷ The *Lotus Sūtra*, popular throughout all of Asia and translated into Chinese in the year 406 CE, placed with regard to this Bodhisattva the following words into the mouth of the “historical” Buddha: “Assume that there were immeasurable hundreds of thousands and countless millions of living things which experience all evils and sorrows. If they learned of this Bodhisattva Avalokiteśvara and called out his name with all their heart, then

543 *Klimkeit*, Heilsgestalten des Buddhismus (2000), 242–5; *Schumann*, Mahāyāna-Buddhismus (1990, repr. 95), 141–145.

544 *Klimkeit*, Heilsgestalten des Buddhismus (2000), 248–53; *Schumann*, Mahāyāna-Buddhismus (1990, repr. 95), 153–68.

545 *Klimkeit*, Heilsgestalten des Buddhismus (2000), 259–65; *Schumann*, Mahāyāna-Buddhismus (1990, repr. 95), 207–12.

546 *Yü*, Kuan-yin (2001); also attested in the Daoist context: *Olles*, Berg des Lao Zi (2005), 183–8.

547 *Klimkeit*, Heilsgestalten des Buddhismus (2000), 260; *Schumann*, Mahāyāna-Buddhismus (1990, repr. 95), 159 and often elsewhere.



ILLUSTRATION 8 Temple of Fengxian in the Grottoes of Longmen (Henan, China) of 672 CE: Buddha Vairocana with his pupils Ananda (left) and Kassapa (right) such as kings of Heaven and guardian figures

the Bodhisattva would heed their voices and all of them would be freed from their sorrow.”⁵⁴⁸ The veneration of this savior figure is attested inter alia in the caves of Dunhuang and other cave temples along the Silk Road.⁵⁴⁹

To the cult of Avalokiteśvara belongs the foundation of a Uighur couple probably from Kočo, the main town of the Oasis of Turfan.⁵⁵⁰ They both had a picture of the Bodhisattva (under the name of Cakravartin-Cintāmaṇi) painted on a woolen fabric in the late 10th or early 11th century, and in addition had an inscription affixed to it; three fragments of the banner, which was slated for a temple, are today found in the Berlin collections. Fortunately, the text has largely retained its ordinance; it emerges from it that founders not only were banking upon the aid of Avalokiteśvara, but that they also hoped for Maitreya: “Now, at a good chosen time, on a desirable day, in a blessed month, i.e. on the 13th day of the 3rd month of the fortunate Mouse year, I, Nam Čor, the layman with a very firm heart for the Three Jewels, together with my wife Kiu

548 Lotos-Sūtra (2007), 306.

549 Cf. also Wiercimok, Donor Figure (1990); *Klimkeit*, Stifter im Lande der Seidenstraßen (1983).

550 On this source *Bhattacharya-Haesner*, Central Asian Temple Banners (2003), 200–2 no. 202; *ibid.*, esp. 18–9, on Kočo; cf. also *Zieme*, Religion und Gesellschaft (1992), and now *Kasai*, Stifter in alttürkischen buddhistischen Texten (2015).

Šun, we have thought day and night as follows: ‘The body is transitory, and the movable property will decay. We may not adhere to the transitory body nor to the decaying goods. So let us think [of our?] soul. May we not obtain a human (or woman’s) body again!’ We have humbly ventured to have the image of Cakravarti-Cintāmaṇi Bodhisattva painted. May this meritorious and good deed yield fruits. We two and our children, i.e. Qutluğ Singqur, Ädgü Singqur, Oğul Singqur, Qutadmiš Alp Singqur, and our elder brother Alp Yegän, and our daughter-in-law Yumšaq and so on, all of us shall be joyful, and free from illness and disease, from pain and danger in this present world. Furthermore, we transfer this meritorious and good deed to our deceased parents. And whoever of the relative groups, beginning with son and daughter till the seven degrees, may they be saved from the evil ways of existence (...) and be reborn above in the Tuṣita heaven. And let us see in the future time Maitreya Buddha by the strength of this meritorious and good deed. [Let us decorate] Maitreya Buddha’s graceful body with the Jambu-river gold. When our strength goes away, then we want to be saved from this [dangerous or awful] saṃsāra! All sufferings in the five ways of existence [may disappear!]⁵⁵¹ The repeated passage about the immortal soul,⁵⁵² which contradicted Buddhist doctrine, could go back to the influence of Manichaeism, which was widespread along the Silk Road and especially in Kočo itself.⁵⁵³

It was typical of Mahāyāna Buddhism that the pious did not only seek salvation for themselves, but to also acquire it for their family members and finally for all beings. One was thoroughly aware of this difference to older “mainstream Buddhism”. It was emphatically taught in a Chinese school: “The Lesser Vehicle has no other aim than personal interest. The pursuit of that personal interest is the bane of families, monasteries, kingdoms, and the life in religion, for it ruins enlightenment (*bodhi*) in the practitioner. The Greater Vehicle, by contrast, aims simultaneously at personal interest and the interest of all others. That is

551 Cited according to the English translation of *Moriyasu / Zieme*, Uighur inscriptions (2003), 463; German translation in *Zieme*, Stifter und Texte (2013), 53, with fig. 1. Cf. the foundation inscription of a Buddhist temple in the same place, *Klimkeit*, Stifter im Lande der Seidenstraßen (1983), 299.

552 On the “emptiness” in the middle of every existence see *Lamotte*, Buddha (21995), 49.

553 Cf. *Moriyasu / Zieme*, Uighur inscriptions (2003), 463, at 06. The Kingdom of Turfan was Manichaean during the Empire of Kočo (850–1250 CE) at least for a time, see *Klimkeit*, Stifter im Lande der Seidenstraßen (1983), 29; *Höllmann*, Seidenstraße (2004), 54, 92 (the Manichaean communities remained mostly small “and only in the Kingdom of Kocho [with its center in the oasis of Turfan] could rulers from the middle of the 9th century be induced to continually support the religious community”). Cf. also *Johnson / Johnson*, Universal Religions (2007), 185–6; historically diachronic: *Liu / Shaffer*, Connections Across Eurasia (2007); *Böhlig*, Manichäismus (1992), esp. 33–4, 39.

why the bodhisattva, in their spirit of great compassion, instituted the method of the inexhaustible receptacle (*wu-chin tsang*). Of the ten virtues, charity is the first; of the four means of solicitation, liberality is the principal.”⁵⁵⁴ The striving of faithful thus had to concentrate on accumulating religious merits with the aid of the Bodhisattvas, and by this means give oneself and others, above all ancestors and other family members, salvation, when possible until the reaching of Nirvāṇa.

In Mahāyāna Buddhism the monk became the facilitator of salvation for others as well. He was put into a situation by laypersons to acquire merit, which he could then transfer to them and benefit them in various ways. Volker Olles has stated that “in these conceptions of merit as a form of spiritual capital (...) lay the ideological basis of religious founding in China.”⁵⁵⁵ Its foremost form were doubtless monasteries, which for their part, as Olles has claimed for China, were always foundations.⁵⁵⁶ In a narrative source from the middle of the 10th century it is, for example, reported that the eunuch Yü Ch’ao-en in the year 767 CE placed an estate, which he had received from the emperor as a gift, at the disposal of a new monastery, so that there “the happiness beyond the grave” could be fostered for the empress Chang-ching.⁵⁵⁷ The Monastery of Ayuwang had enjoyed the support of various emperors over hundreds of years, when the monk Deguang (1121–1203) had the court poet Lu You (1125–1210) compose the following inscription for a stele: “During both the Jiayou reign period [1056–63] and the Shaoxing reign period [1131–62], emperors bestowed upon Ayuwang Monastery writings written by their own hands. This beautified the ten thousand things. Thereupon, all the gods of the mountain and the spirits of the sea did their utmost to fulfill their duties. All the beasts, the giant turtles and water lizards, the kraken and the crocodiles, retreated in submission. All evil mists and virulent vapors disappeared, leaving clear air. Ships came from afar and merchants arrived from all directions; gold came in from the south, and shells poured into the market and shops—one could not count how much! The dams and dikes were strengthened, and the harvests were exceptional. Ah! How prosperous! Now the monk Deguang made good use of the imperial gifts and increased them all. He prayed for the long life of the emperors and the empresses. He established blessings for all the world and enabled them to multiply; it was unlimited and eternally peaceful. A stele was carved

554 Gernet, *Buddhism* (1995), 214.

555 Olles, *Religiöse Stiftungen* (2016), 694.

556 Ibid., 698. Olles also includes Daoist monasteries. One should also note, however, imperial measures to support monasticism, which stemmed partially from the treasury; cf. Gernet, *Buddhism* (1995), 30–1, 209.

557 Gernet, *Buddhism* (1995), 123.

and this inscription was used to record these things. It is clear that Buddhists live a peaceful life within Ayuwang monastery, devoting themselves to propagating the Buddha law, and repaying the emperor's benevolence; this should continue in the future."⁵⁵⁸

As insinuated in this text, the monks of imperial monasteries had to exert influence via their religious ceremonies, including for the imperial family and soldiers in the field, for the security of the state or protection from natural catastrophes, and there is even a ritual for "human kings" which has been transmitted.⁵⁵⁹ Special monasteries were established to pray for long life for the emperor.⁵⁶⁰ Alongside imperial monasteries, there were also establishments of leading families as well as persons of modest means, who also banded together to endow. The eyewitness Falin (572–640) counted for the kingdom of the Northern Wei (386–534) 47 large state monasteries, 839 monasteries of princes, dukes and noble families as well as 30,000 or more monasteries of ordinary founders; amongst the Ch'en (in the north, 557–89), 17 new state monasteries were erected as well as 68 monasteries of officials, which added to other benefactors were 1,232 new establishments of this sort.⁵⁶¹ Apparently widespread was the type of the "merit monastery"; a house of this sort was usually erected, with imperial approval, in the vicinity of a place of burial of a wealthy family or of a high official. It consisted only of a few monks who were to perform rituals for the benefit of the deceased members of the founding family. Yet the "merit monasteries" were not only created for purely religious reasons, since they could also be used to acquire tax exemption for the lands in question.⁵⁶²

Especially numerous and informative written sources have been transmitted from the oasis-city of Dunhuang in what is today the province of Gansu (northwest China), which are dated to the period from the 4th to the 11th century.⁵⁶³ A list demonstrates the wide variety of gifts, motives and reciprocal actions: "One *shih* [a unit of measure between 20 and 60 liters] of millet offered for the construction. The intention of the believer is to act on behalf of his diseased mother for whom no cure has yet been found. Today he comes to the sanctuary (*tao-ch'ang*) to request the recitation of sutra for her. Note by the believer Chih Kang-kang, the thirtieth day of the first month, year *ch'en*. One gown of white silk offered for the construction (...). Half an ounce of glue and a mirror offered by a believer for the festival of the procession of the statues, on

558 Cited after *Walsh*, *Sacred economies* (2010), 104–5.

559 *Ibid.*, 107.

560 *Ibid.*, 108.

561 *Gernet*, *Buddhism* (1995), 4–5.

562 *Walsh*, *Sacred economies* (2010), 81.

563 *Olles*, *Religiöse Stiftungen* (2016), 704; cf. *Wang*, *Pictorial program* (2010).

the eighth day of the second month (...). Five haircuts offered for the construction by an anonymous believer, for the benefit of her younger brother having departed on a western journey. She hopes that nothing untoward will happen to him and that he may soon be able to return. Five fans, one *shih* of wheat, and one *shih* of millet offered by Chang I-tzu for the construction, so that his deceased mother may be reborn in the Pure Land, and for the benefit of his father, suffering from eye disease. On the eighth day of the second month."⁵⁶⁴ All the donors beseeched the monks to recite a sutra for them.

Alongside readings and rituals for their benefactors, the monks were also to perform charitable works as compensation. In Chinese Mahāyāna Buddhism the largest distributions were for the construction of houses of God, the casting of bells and statues as well as liturgical celebrations, only then followed benefactions for the poor and needy.⁵⁶⁵ The author I-ching (635–713) declared: "Pious foundations thus make it possible to feed the clergy and the laity at the same time, for even though the donors present their offerings to the monks, their kindness in fact extends to all without distinction."⁵⁶⁶ In a contemporaneous source a Buddhist hospice is mentioned: "The monk Chih-yen [d. 654] then went to Shih-t'ou [in modern Nanking] where he stayed at the leper house. He preached Buddhism to the lepers and attended to their every need: sucked their abscesses, washed them, etc."⁵⁶⁷

Like Christianity, it was fervently believed that one could enter into a dialog with the deceased on their fate in the hereafter and that this fate could be influenced. The abbot Hui-ch'eng of the Monastery of Ch'i-fu in Fen-chou had suffered from an infection and suddenly died with a cry like the bellowing of a cow. Still on the same night he met a monk, Ch'ang-ning, of the same monastery in a dream: "I endure unspeakable sufferings", he said, "because I repeatedly used triratna goods [for myself]. Other sins are comparatively unimportant; none is more serious than using the goods of the *saṃghārāma* [i.e., the permanent assets]. Kindly grant me your help." Thereupon Ch'ang-ning read a sutra in favor of the abbot and prayed for the remission of his sins. The author of the report in question offers the following commentary on the story: "If one is a śramaṇa but does not understand the doctrine of the retribution of deeds, and if he appropriates permanent assets for his personal use, he who utilizes such goods and he who receives them both undergo the evil consequences [of such abuse]. The lightest retribution is rebirth as an ox, a farmyard animal, or

⁵⁶⁴ Cited after *Gernet, Buddhism* (1995), 203–4.

⁵⁶⁵ *Ibid.*, 219.

⁵⁶⁶ Cited after *ibid.*, 221.

⁵⁶⁷ *Ibid.*, 222.

a slave; the most severe, to undergo [the torments of] the boiling cauldron or burning coals. If retribution is clearly explained, suffering can be avoided.”⁵⁶⁸ Another anecdote is told of the encounter in hell of the monk Hsüan-hsü with his contemporary, the beggar-monk Tao-ming from Hsiang-chou. The latter was suffering for the transgression of not having paid back a loan of his monastery for firewood. To end his awful existence, Tao-ming asked Hsüan-hsü to replace one hundred cords of wood in his name for the perpetual ownership of the monastery, in exchange for the one cord of wood that he had loaned.⁵⁶⁹

The key difference for Buddhists to the salvation which Christians, Muslims and Jews hoped for in the afterlife consists of the fact that every heaven and hell, long though the deceased might dwell in them, can offer no permanent, eternal existence, and with Nirvāṇa is connected with the attainment of the highest happiness, and thus also the extinguishment of the individual. One can, of course, doubt whether the differentiated conceptions of the afterlife were manifest, or even comprehensible, to the average Buddhist.⁵⁷⁰ In addition, the expectations, which were above all oriented in Central and East Asia on the “Pure Land” and the aid of Amitābha (Amituo Fo) or Avalokiteśvara (Guanshiyin / Guanyin), were apparently so high that “even Nirvāṇa paled” by comparison to the blessed land in the west.⁵⁷¹ Nonetheless, it can only be ascertained with difficulty how the message of faith on the ultimate goal of all beings had an effect and was understood. In any case, Buddhist monks made efforts to spread their religion and, in certain circumstances, deftly tied their proselytizing to their offering of poor relief. Chinese monks were advised in the following way in a didactic text of Mahāyāna Buddhism: “When you encounter the poor, ask of them first: ‘Are you capable of taking refuge in the Three Jewels and receiving the precepts?’ If they say yes, let them first take the triple refuge and the vows, then give them alms. If they reply that they are incapable, continue as follows: ‘If you are not capable of doing so, can you follow us at least when we preach the impermanence and nonbeing of all things and the extinction in nirvana?’ If the answer is yes, then they are to be instructed in these truths, and once they are instructed they should be given alms (...).”⁵⁷² Thus, at least the claim supposedly existed to differentiate paradises in the

568 Ibid., 71–2.

569 Ibid., 178.

570 Cf. *Zieme*, *Religion und Gesellschaft* (1992), 88 n. 491.

571 *Klimkeit*, *Heilsgestalten des Buddhismus* (2000), 249. The Amitābha faith promised that its adherents would go from Buddha Land, as a sort of purgatory, directly into Parinirvāṇa: *Schumann*, *Mahāyāna-Buddhismus* (1990, repr. 95), 155–6, 158, 163–4.

572 Cited after *Gernet*, *Buddhism* (1995), 219.

hereafter as intermediary existences from Nirvāṇa, and to make this emphatically clear in preaching the faith.

1.2.7 *Temporal Ethics without Divine Judgment: Confucianism and Daoism*

Meanwhile in China, the cult of Amitābha might have been able to become so popular, because it meant, according to his second name Amitāyus, “He of Unending Length of Life”.⁵⁷³ In contrast to Indian religions, striving for immortality in the sense of everlasting life for each individual stood at the center of the Chinese “worldview” and of autochthonous religions. That, however, does not necessarily mean that in China “foundations for the salvation of the soul” must also have been widespread; the difficulties of achieving clarity in this question are enormous. Namely, it is certain that foundations beyond Buddhists and their monasteries also played an outsized role in the worship of Confucians and Daoists, yet scholarship on the history of endowments for China is almost entirely lacking.⁵⁷⁴ The following considerations are therefore based on observations whose individual scope still requires verification and supplementation.⁵⁷⁵

A good start is the Chinese cult of ancestors, the expression of a cosmic unity lacking the experience of transcendence.⁵⁷⁶ Funerary offerings for the ritual meal with the deceased, as are typical of archaic societies, were supplemented by the endowment of bells, which have been found in hoards. Presumably from Prince Wu of Qin rule (r. 697–78 BCE) stems one of the pieces with an elaborate inscription: “I, the duke of Qin, announce: My ancestors received the mandate of heaven. They were rewarded with a dwelling, they received a state. My brilliantly illustrious [predecessors] Prince Wen, Prince Jing and Prince Xian never neglected the [ancestral spirits] above (or: they are not inattentive in their high places [in heaven]). In glittering harmony with the sublime heaven they subjugated the barbarian lands. We, the prince of Qin and the princess from

573 Schumann, *Mahāyāna-Buddhismus* (1990, repr. 95), 164.

574 Olles, *Religiöse Stiftungen* (2016), 681. For scholarship on the endowment of Daoist temples and the sponsoring of collections of canonical texts or of Daoist monasteries in cross-religious comparison he mentions inter alia: Reiter, *Chinese Patriot's Concern* (1990); *idem*, *Some Observations* (1983); Katz, *Images of the immortal* (1999), and Kohn, *Monastic Life* (2003). For Reiter's 1983 study one can, however, from some examples conclude that foundations themselves are only indirectly discussed (cf. *Some Observations* 365–6, 368); see also Olles himself, *Unsterblicher Lehrmeister* (2003).

575 The tract of Olles, *Religiöse Stiftungen* (2016), was written parallel to what follows.

576 On the discussion of the Axial Age in China cf. Cho-Yun, *Rethinking the Axial Age* (2005), at esp. 453–6; Harbsmeier, *Axial Millenium in China* (2005). In addition, see the essays in: Eisenstadt (ed.), *Kulturen der Achsenzeit* 2.1 (1992).

the royal house, together announce: We are no longer small children, yet since we have seriously and reverently performed our sacrificial rites unprompted from morning to night, we have received many blessings. We have deigned to make clear our disposition and thus to exalt our hereditary court officials and to forgive (...). We have received luminous virtue from above. We have spread our rule over the one hundred barbarian tribes (...). [For this reason] we have made our finely-tuned bells. Their wonderful tone is ‘tong-tong (tuoyong, tuoyong)’! When they are rung at the feast in honor of sublime princes, may we receive a great blessing, unadulterated happiness, manifold blessedness and a long life of 10,000 years. May I, the prince of Qin, remain forever fixed upon my throne, receive the great mandate in return, enjoy a wonderfully long life without end and rule the four regions of the world. May I preserve this treasure in peace.”⁵⁷⁷ Foundations for the veneration of ancestors thus promised well-being, long life and—as with this ruler—a successful reign as recompense.

A clear new orientation in Chinese thinking has been dated by scholarship to the later period of the Eastern Zhou dynasty (770–221 BCE). Symptomatic of this was a waning funerary cult, which is not to be equated with the curtailment of the ancestor cult without qualification.⁵⁷⁸ Instead of communication between the living and dead, there was now instead a separation of both spheres, which indicates the discovery of transcendence. Emblematic of this change are the *Analects* of Confucius (d. 479 BCE), which must stem from either him or his disciples.⁵⁷⁹ “Confucius” did not at all reject the ancestor cult,⁵⁸⁰ yet refrained from uttering concrete statements about the world of the spirits and gods, in order to even more energetically indicate one’s duties to one’s fellow man, “society” and “state”. His aphorism on wisdom condenses his message in this sense: “Fan Chi asked about wisdom. The Master said: ‘Secure the rights of the people; respect ghosts and gods, but keep them at a distance—this is wisdom indeed.’”⁵⁸¹ The almost agnostic attitude of the *Analects* is also expressed in the topic “Life and Death”: “Zilu asked how to serve the spirits and gods. The Master said: ‘You are not yet able to serve men, how could you serve the spirits?’ Zilu said: ‘May I ask you about death?’ The Master said: ‘You do not yet know life, how could you know death?’”⁵⁸² Instead, “Confucius” formulated

577 Cited after *Von Falkenhausen*, *Ahnenkult und Grabkult* (1990), 39.

578 *Ibid.*, 44.

579 *Van Ess*, *Konfuzianismus* (2009), 10–1.

580 Confucius, *Analects*, 8 III.12: “Sacrifice implies presence. One should sacrifice to the gods as if they were present. The Master said: ‘If I do not sacrifice with my whole heart, I might as well not sacrifice.’” Cf. *ibid.* 8 III.11; 7 on II.24, 30 IV.19.

581 *Ibid.*, 17 VI.20.

582 *Ibid.*, 30 XI.11.

for the first time in world history the “Golden Rule” of humanity: “Zigong asked: ‘Is there any single word that could guide one’s entire life?’ The Master said: ‘Should it not be reciprocity? What you do not wish for yourself, do not do to others.’”⁵⁸³ Where one wanted to earn merit, he suggested temporal remembrance, or better yet, fame: “The Master said: ‘A gentleman worries lest he might disappear from this world without having made a name for himself.’”⁵⁸⁴

By contrast, Confucius reportedly avoided questions regarding posthumous existence; as he became terminally ill and his disciple Zilu asked him whether he could pray for him to the “Spirits from above” and the “Spirits from below”, the Master reacted quite brusquely, saying that he had “been praying for a long time already.”⁵⁸⁵ Disciples and family meanwhile took pains for his commemoration in Qufu, where Confucius had been born and buried; yet the decisive step for the cult of Confucius was the attention of the emperor.⁵⁸⁶ The founder of the Han dynasty, Han Gaozu (r. 206–195 BCE), was the first to personally sacrifice at the Temple of Confucius; successive emperors furnished the “Kongs”, the descendants of Confucius, with hereditary honors and estates as well as repeated donations for the renovation of the temple. In the Middle Han period the Kongs already possessed over 3,800 households, which had been given to them for sacrifice to Confucius in their temple.⁵⁸⁷ Later, the emperor Ming Taizu in the year 1368 alone donated 98,400 acres of land. Naturally, the giving of estates, which was complemented by tax exemption, served to maintain the Kong family itself.⁵⁸⁸ Without a doubt, these material furnishings of the Confucius Temple in Qufu were foundations—foundations which, however, were meant “only” to further a temporal commemoration and to secure for living relatives the succor of their ancestor. It is noteworthy that the cult of Confucius, which also included the veneration of his disciples and later additional scholars, was not limited to a single place. Already under the emperor T’ai-tsung (627–49), the order was issued for a Confucius Temple to be erected in every province and district school;⁵⁸⁹ this measure was connected with the implementation of the examination system for bureaucrats. It has even been

583 Ibid. 47 xv.23; in *Van Ess, Konfuzianismus*, 23, he renders the text in the following way: “[The student] Tzu-kung spoke: ‘What I do not want is that others inflict on me, that which I do not want to inflict on others.’ The Master spoke: ‘Tz’u, that way you won’t make progress.’” Cf. in addition the comments and citations *ibid.*, 23–4.

584 Confucius, *Analects*, 47 xv.20.

585 Ibid., 21 vii.35; cf. *Van Ess, Konfuzianismus* (2009), 20.

586 On the following esp.: *Lamberton, Kongs of Qufu* (2002); *Van Ess, Konfuzianismus* (2009), 55–60; *Shryock, Origin and Development* (1966).

587 *Lamberton, Kongs of Qufu* (2002), 319.

588 Ibid., 311.

589 Ibid., 297; *Van Ess, Konfuzianismus* (2009), 57.

said by scholars that Confucius had been raised “to a kind of divinity of the state administration”, which “naturally was something quite different than the Buddhist call for the striving after salvation of each individual person.”⁵⁹⁰

Within Confucian ethics, care for one's own family ranked above duties to the state.⁵⁹¹ Where ancestor veneration in Confucian worship became a matter of state, and therefore the task of a third party, memorial foundations could find their place. A development as in Hellenism or Republican Rome, where waning familial concern for the deceased is thought to have led to the formation of funerary foundations,⁵⁹² is in China utterly inconceivable. Rather, for modern scholarship the Confucians evidence a quite pragmatic relationship to the ancestral cult. Hans van Ess has pointed out that the intensity of the ancestor worship depended on social rank, separation in time and degree of kinship. According to a normative text of Chinese antiquity the “Son of Heaven”, that is the central ruler, had seven ancestors to venerate, a feudal duke five, a dignitary still three, while a simple bureaucrat was only obligated to the commemoration of his father. Later Confucians also conceded to the simple man the veneration of four ancestors. Over the course of time tables with the names of other ancestors were removed from ancestral temples and ancestral effects from private houses, “and there is little indication that one imagined the world or even heaven as a pantheon peopled by invisible ancestors.”⁵⁹³

The signature of the Axial Age, that with “Confucius”, despite clinging to ancestor worship, a decisive shift to temporal ethics can be ascertained, also influenced Daoism in its foundational texts.⁵⁹⁴ The first work, the *Daodejing*, certainly did not stem from a single author, Laotse, the supposed contemporary of Confucius, but its most ancient components date back to the 4th century BCE and it was compiled in its present form above all in the 3rd century BCE.⁵⁹⁵ “The main contribution of the *Daodejing* to Daoism and Chinese thought lies in the new meaning given to the word ‘dao’. Usually and broadly understood as ‘way,’ ‘method,’ or ‘rule of life,’ ‘dao’ takes on for the first time in the *Daodejing* the meaning of ‘Ultimate Truth’, one and transcendent, invisible (*yi*), inaudible

590 Van Ess, *Konfuzianismus* (2009), 59; *Shryock*, *Origin and Development* (1966), 137.

591 Van Ess, *Konfuzianismus* (2009), 51–2, cf., however, 27.

592 *Von Bruck*, *Stiftungen für die Toten* (1954), esp. 49–50, 57–9, 96–7; cf. *Borgolte*, *Stiftungen in rechts- und sozialhistorischer Sicht* (1988, repr. 12), 8–9.

593 Van Ess, *Konfuzianismus* (2009), 22.

594 On Daoism see now in particular *Pregadio* (ed.), *Routledge Encyclopedia of Taoism* (2008); *Kohn* (ed.), *Daoism Handbook* (2000). In addition: *Van Ess*, *Daoismus* (2011); *Kirkland*, *Taoism* (2004); *Robinet*, *Geschichte des Taoismus* (1995); *Clart*, *Religionen Chinas* (2009), esp. 38–44, 159–162; *Reiter*, *Religionen in China* (2002), 83–146; *Eichhorn*, *Religionen Chinas* (1973), *passim*.

595 *Clart*, *Religionen Chinas* (2009), 39–40; *Robinet*, *Daode jing* (2008), esp. 311–2.

(*xi*), and imperceptible (*wei*), not usable and not namable. Since the Dao is beyond all relationship of differentiation and judgement, it cannot be ‘daoed,’ or ‘said’ (*dao*), or practiced as a way. One cannot make use of it, as it is ‘neither this nor that.’ However, in spite of this apophatic or negative approach, the Dao, through its Virtue (**de*), is said to be the source of all life, the ‘mother,’ ‘pervading’ (*tong*), ‘rich in promises’ and the only certain reference point; in this sense, it is ‘both this and that.’ All that can be said (*dao*) and has a name is transient and pertains to the world; only the Dao that has no name is permanent. ‘Naming’ and language, however, are said to be the ‘mother’ of all things.”⁵⁹⁶ All schools of Daoism clung to this foundational meaning of the Dao. “The Dao is the source of the world, the point to which everything flows back, the ‘Treasure of the World,’ that by which heaven and earth exist.” The *Daodejing* attempts to demonstrate that speech cannot encompass the reality of things, but by demonstrating that every assumption implies its own negation, it seeks to unite both, like a medal with two sides. In a cosmogenic sense it concerns the “return” (**fan*) to primordial indivisibility, just as a small child with its mother forms a unity. At the same time, a return to the beginning means a return to an ordered world.

The discovery of broken unity, thus the discovery of transcendence, is the—negative—point of departure for the *Daodejing*, which influenced Daoism. The work strongly objects to the solution of the Confucians, who sought to bridge the gap through ethics and legality: “On the decline of the great Tao, there are humanity and righteousness. When intelligence and knowledge appear, there is great artificiality. When the six relations are not in harmony, there are filial piety and parental love. When a nation is in darkness and disorder, there are loyal ministers.”⁵⁹⁷ Moral values had first to be created when natural goodness, which arose from harmony with the Dao, was lost. The wise ruler, to whom the *Daodejing* in particular appeals, was to rule so that the commonwealth would be filled with Dao: “Eliminate sagacity, discard knowledge, people will be profited a hundredfold. Eliminate humanity, discard righteousness, people will again practice filial piety and parental love. Abolish artistry, discard profit-seeking, robbers and thieves shall disappear.”⁵⁹⁸

The second foundational work of Daoism, the *Zhuangzi*, can be ascribed to a historical person, Zhuang Zhou, who died in 290 BCE; yet only the first portions go back to the author himself, others stem from his disciples and later

596 Robinet, *Daode jing* (2008), 312–3.

597 Tao Te Ching (1989), 99; German translation in: Clart, *Religionen Chinas* (2009), 41.

598 Tao Te Ching (1989), 101; German translation in: Clart, *Religionen Chinas* (2009), 41.

compositors.⁵⁹⁹ In contrast to the *Daodejing*, the book of “Master Zhuang” is not addressed to the ruler, but rather to everyone, with counsels and anecdotes on the correct way of life. The Dao is again depicted as something that is inarticulable and unanalyzable. The idea is not to understand it, but rather only to experience it. Its goal is to free consciousness from all learned knowledge and to overcome the distance between subject and object. The self was to lose itself in deep contemplation. This strived-for condition is exemplarily described in the *Zhuangzi*: “I smash up my limbs and body, drive out perception and intellect, cast off form, do away with understanding, and make myself identical with the Great Thoroughfare.”⁶⁰⁰ The complete forgetting of one’s self means to immerse oneself in the non-being of the universe. In this sense a commentator of the *Zhuangzi* in the 3rd century after Christ wrote on the forgetting of the self: “First one forgets all outer manifestations (*ji*), then one also forgets that which causes the manifestations. On the inside, one is unaware that there is a self (*shen*), on the outside one never knows that there is heaven and earth. Thus one becomes utterly empty and can unite with the changes, leaving nothing unpervaded.”⁶⁰¹ An individual’s death itself is, from this perspective, no more than part of the eternal and constant change of the Dao. Being consistently obligated to the conception of change, the *Zhuangzi* also propagated the conception that the “Golden Age” has passed, thus it is not worth looking back, but rather the individual should enjoy life as long as it lasted. The work could certainly be read as instruction in hedonism, since universal harmony is most truly attainable when every person fulfills his wishes, since all wishes and desires are an organic component of nature and of the Dao. All ways and means of suppressing emotional and physical desires meant, by contrast, a rupture with the harmony of nature and thus is to be avoided.

From the early writings of Daoism a tendency towards emptiness and self-forgetting emerges, which is naturally diametrically opposed to a conception of individual salvation, as is striven for by the monotheistic religions of Christianity and Islam, for example. On the other hand, tendencies of Chinese culture towards the affirmation of life can also be discerned from it. As Daoism attained its particular form in the late period of the Han dynasty (23–220 CE),⁶⁰² certain teachings and techniques of lengthening one’s life or of striving after

599 Kohn, *Zhuangzi* (2008); Clart, *Religionen Chinas* (2009), 42–3.

600 *Zhuangzi* 6, cited after Kohn, *zuowang* (2008), 1308.

601 Guo Xiang, *Nanhua zhenjing zhushu*, cited after Kohn, *zuowang* (2008), 1308; on the author cf. Robinet, Guo Xiang (2008).

602 Earlier scholarship differentiated between an older, rather philosophical, strain of Daoism, and the new Daoist religion, though this dichotomy is now obsolete, cf. Clart, *Religionen Chinas* (2009), 159–60.

immortality were able to take root and in this context were even able to exercise their strongest influence.⁶⁰³ Concepts for long life (*shou*, *changsheng*) are already found in bronze inscriptions from the Zhou period; they were connected with the belief that human beings developed their full life force by observing certain physical practices and could avoid an early death. In the period of the “Warring States” (403–221 BCE) there appeared the expression *chengxian*, “to become immortal”, which connoted a metamorphosis of the body and the attainment of a transcendental existence. “Long life” and “immortality” thus have to be kept separate from one another as goals of the Chinese way of life and religion.⁶⁰⁴ The disciples of Daoism wanted above all to acquire immortality: “This change of state, this transcendence, has been understood as being equivalent to attaining the Dao by becoming one with it.”⁶⁰⁵

For the acquisition of immortality amongst the *fangshi*, the “Masters of the Methods”, Daoists turned to teachings in which alongside astrology and prophecy above all the manufacture of life elixirs was practiced.⁶⁰⁶ These experts on immortality lived since at least the 4th pre-Christian century on the Chinese seacoast; they knew of mountains where the “Immortals” dwelt and gathered herbs to conquer death. The “Master Who Embraces Simplicity”, named Ge Hong (283–343 CE), gave nuanced verdicts on various methods.⁶⁰⁷ In his book *Baopu zi* he ranked divination and magic as less potent means, which were unable to banish the harm of demons and spirits, while herbal pills supposedly contributed to the lengthening of life. According to Ge Hong, widespread breathing techniques, physical exercises and certain sexual practices were inferior to alchemy and various forms of meditation.⁶⁰⁸

It was therefore practices by which Daoists of all periods sought to attain their life’s goal. This striving, however, ought not be confused with ideas of modern individualism. “Daoist theory did *not* accept any dichotomization of ‘self’ from ‘other’. Contrary to the charges of its critics—both among China’s Confucians and among modern Westerners—Daoist ‘self-cultivation’ has never been grounded in a belief that each human being has any separate,

603 This leitmotif in the identification of Daoism, especially by western scholars and Confucians, has been qualified by Russell Kirkland, who warns of a “romanticizing” of the “immortals”, see *Kirkland, Taoism* (2004), 172–210; *idem*, *Transcendence and immortality* (2008); the same author concedes, however: “Yet, Taoism was the only Chinese tradition that provided colorful images of a happy afterlife”, *idem*, *Transcendence and immortality* (2008), 93.

604 *Engelhardt, Longevity Techniques* (2000), 75.

605 *Penny, Immortality and Transcendence* (2000), 109.

606 *Csikszentmihályi, fangshi* (2008), 406–9.

607 *Pregadio, Ge Hong* (2008), 442–3.

608 *Pregadio, Baopu zi* (2008), 215–7.

enclosed, individualized ‘self’ that is more worthy of value and attention than what is outside such enclosures. Rather, Daoists generally assume that one’s ‘self’ cannot be understood or fulfilled without reference to other persons, and to *the broader set of realities in which all persons are naturally and properly embedded*. It is this fundamentally *holistic perspective* that sets Daoist ideas and practices apart from most of what is taught in other traditions of China or those of other lands, in Asia or elsewhere.”⁶⁰⁹

Paths to immortality were also offered by a rich tradition of the biographies of the “Immortals.”⁶¹⁰ The most favorable means of mystical and transcendental unity with the Dao is ascending to heaven during one’s life; one so blessed is raised into the air and disappears in the clouds, often accompanied by various spirits. The second variant consists of the liberation of the body and resurrection after a supposed death; thereby one’s clothes often remain in the grave or the body of the person becoming immortal is replaced by certain objects, such as a talisman, a bamboo staff or a sword.⁶¹¹ The immortal person was ascribed the ability to fly, to roam far away and to render aid; they were often connected with mountain shrines as the locations of their apotheosis. For certain purposes they could put on the body of an animal, remove certain objects with them into the air, but also multiply themselves into different forms and be at different places at the same time. They were also capable of exercising control over objects and living things of all sorts, and could especially influence the good and bad actions of animals and spirits. Finally, they possessed healing powers and the ability to predict the future. With the last-mentioned art they played a special role in affairs of state for rulers who desired to found or legitimize their dynasties.⁶¹²

According to Chinese thinking, two types of life force dwelt within each person, which were often understood as “souls”, *hun* and *po*. *Hun* shines brightly and moves about freely in the air, *po*, by contrast, is dark and heavy; *hun* represents spirit, awareness and intelligence, while *po* stands for physical nature and bodily strength. At a death from natural causes, the *hun* escaped to heaven, while *po* returned to the earth; from the early Zhou period onwards this place is described as an underworld. First, the nobility erected shrines for sacrifices to the *hun*; the offerings fostered the well-being both of ancestors and of their living progeny. By comparison, one appeased the demonic *po* with rich burials and tombs, in order to prevent its return to this world. In the later spread of

609 Kirkland, *Taoism* (2004), 192.

610 Penny, *Hagiography* (2008).

611 Penny, *Immortality and Transcendence* (2000), 124.

612 *Ibid.*, 110, 125–6.

the aristocratic cult for *hun* and *po* to other social classes, the number of *hun* increased to three and of *po* to seven. The *fangshi* developed methods to monitor both types of “souls”.⁶¹³

The *Baopu zi* (around 320 CE) mentions the mountain of Fengdu for the first time as the dwelling of the dead, which became a sort of Chinese purgatory.⁶¹⁴ In Fengdu, supposedly situated in the northernmost extremity of the universe, the “Six Heavens” were to be found, where the Daoists localized all decaying energies. This world of the dead was regulated by a massive administration, with palaces, royal capitals, bureaus and courts. Here registers about the dead were kept and checked from time to time. The virtuous dead were led from here to a heavenly paradise, while sinners were confined to “Earthly Prisons”, which were buried in the deepest caves. In Fengdu the dead ruled themselves; at the head of the hierarchy stood the northern king by the name of Beidi. Even though it was a court merely of the dead, it was richly adorned with jewels and pearls, and even a special species of rice was supposedly cultivated there. It was only under Buddhist influence that Fengdu changed into a place of anguish and torment for dead sinners.

In Daoism different strands and schools with their respective particular written traditions must be differentiated. A fundamental motive of this religion(s) was “self-healing”, that is the concern of the individual for himself. Representative of this attitude was the *Shangqing*, which goes back to the 4th century and manifested itself in a special ensemble of teachings and practices.⁶¹⁵ In it immortality was no longer physical and corporeal, as it was still in the *Baopu zi*, but rather understood as a spiritual quality, which was to be reached less through rituals and direct appeals to divine beings than by prayers, chanting and meditation on the holy scriptures and the visual immediacy of spirits and the heavenly. Thus, internalizing was the innovative approach of the *Shangqing* and its achievement for Daoism more generally. Immortality was seen as a “private” affair, without the intervention of human intermediaries, yet possibly relying on divine helpers, who could hand over to the believer keys to heavenly palaces. The ultimate goal of its adherents was to dwell as immortals in the emptiness, where, however, eternal youth and supernatural powers were promised, with which the entire world could be governed. This sought-after existence was at the same time described as a transcendence that lay beyond the dualism of life and death, being and not-being, light and darkness. Believers hoped that their names could be entered into registers of

613 Baldrian-Hußein, *hun* and *po* (2008).

614 Mollier, Fengdu (2008); Miller, Hell (2008); eadem, Otherwordly bureaucracy (2008).

615 Robinet, *Shangqing* (2008), esp. 862, 865.

life kept by divine beings (*shengji*). One could even attain salvation after death and thereby rise from a lower rank of immortals, the “administrators of the underworld”, to a heavenly immortal.

In contrast to the *Shangqing*, the school of the “Orthodox Unity” or *Zhengyi* relied upon human succor.⁶¹⁶ Its origin lay in a dramatic revelation for the Zhang Daoling,⁶¹⁷ a seeker of transcendence, in the year 142 CE. The deified Laozi,⁶¹⁸ who desired to contract a new alliance between the true gods of Daoism and the people, appeared to him on Mount Heming. This practically marks the birth of Daoism as an organized religion, in which the leading role was given to priests.⁶¹⁹ The central teaching of the movement in the early period was a turning away from blood sacrifices for the traditional gods and the contemporaneous abstention of religious teachers from financial compensation for their services: “The gods neither eat nor drink, the master takes no money.”⁶²⁰ The priests were designated as “Demon Soldiers” (*guibing*) and “Allocators of Wine” (*jijiu*), and had the task of collecting the yearly grain tax from adherents, as well as running “Social Stations” (*yishe*), which were supported by these exactions. They were also to regulate other public affairs, such as the construction of roads and bridges. They headed three gatherings per year, at which the faithful confessed their sins, reported of births, deaths and marriages and took a common meal together.⁶²¹ From the 6th century until the present the Daoist clergy has been established as a vocation specializing in rituals, which requires long training in the tradition of the Dao and differentiates itself from simpler cult practices. The priests, *daoshi*, often attained their office as the son or daughter of a *daoshi*.⁶²² The vocational specialization and class differentiation resulted in there not really being a Daoist lay movement: “Within western scholarship, we designate only a priest (*dao-shi*) as a Daoist, who is distinguished by his knowledge of the divine nature of humankind and the corresponding religious methods by which he can use this knowledge for the commonwealth, state and society, as well as for individuals and, not least of all, for himself.”⁶²³ The school recognized the “Masters of Heaven” as religious

616 Yaoting, Zhengyi (2008).

617 Kleeman, Zhang Daoling (2008).

618 Kohn, Laozi and Laojun (2008).

619 Cf. Kleeman, Tianshi dao (2008), 981–2; Robinet, Geschichte des Taoismus (1995), 87.

620 Cited after Kleeman, Tianshi dao (2008), 984.

621 Kleeman, jijiu (2008); Reiter, Religionen in China (2002), 89–90.

622 Kirkland, daoshi (2008); Reiter, Religionen in China (2002), 103–4.

623 Reiter, Religionen in China (2002), 104.

leaders, who likewise traced themselves back to Zhang Daoling and can prove their succession with interruptions into the 20th century.⁶²⁴

The services of Daoists for state and society were generally recognized, especially the power of healing ascribed to them, which were attributed to their spirituality. At the court of the Tang dynasty (618–907 CE) a Daoist reported of this in his encyclopedia, *Bag of Pearls from the Three Hells*, via the example of three personages:

The Daoist Ren Dun lived in seclusion during the years 307 to 313 on Mount Mao-shan in Kiangsu, where he himself used the substance of 'Red Mineral Paste'. When he went amongst the people, he kept the religious rules of conduct and scriptures with him, in order to instruct the people. Despite the great throng, still no worthy successor had been found. Du Gui stood in the tradition of *Zheng-yi* Daoism. Early on he affiliated himself with the organization and registers of the Heavenly Master, in order to help the people. A person of integrity both within and without, he did not seek alms. Finally, he erected for himself a seat of office, whence he could aid people. As the presiding minister Lu Na was suffering from a tumor at the age of 40, he said to Du Gui that short lives ran in his family and at the end of one's life such ulcers would always come. But Du Gui overcame the danger to the life of Lu Na via a petition of prayer to the gods and a medicinal powder. Lu Na, as prophesied by Du Gui, became 70 years old. Liu Ning-zhi lived on the south side of Mount Heng, where he gathered and consumed medicines. He had received and practiced the *Dao of the Good Effect of the Heavenly Masters on the People*. Together with his wife, who possessed the same means, he helped people in need, thereby being granted wondrous efficacy (...). The Daoist Wang Zhong-fu dedicated himself from the time he was small to the matter of divine immortals. He trained himself for over 40 years in breathing techniques and dietary regimens, without noticeable result. His son, by contrast, was successful after eighteen years and ascended one bright day into heaven. Later, the Perfect One of the Holy Mountain of the South [Wei Hua-cun, *Nan-yue zhen-ren*] taught Wang Zhong-fu that his failure was due to sicknesses, to symptoms of deficiency in the 'Palace of the Brain'. He solved this problem and was likewise successful after eighteen years and advanced to the station of Perfect One of the Holy Mountain of the Middle [*Song-shan*]. There he directed the Office of the Nine Heavens.⁶²⁵

624 Cf. Kleeman, *Tianshi dao* (2008), here esp. 982–3.

625 Cited after Reiter, *Religionen in China* (2002), 105–6.

From the beginning of religious Daoism, temples were built and used; they were designated as “Hotels”, because the “Allocators of Wine” would there take the confessions of (lay) guests and draft holy contracts with the gods. Later, this term was almost completely replaced by *guan*, which means “observatory” or “belvedere”. With this word the twin perspective between the priest and the gods was expressed: “Thus, just as the Daoist in his rituals, his petitions to the gods and journeys of meditation to the star palaces of the gods looked above to heaven, so the gods through their ‘Observatory’, the temple, looked below upon the world of human beings.”⁶²⁶ There were observatories of the gods in heavenly spheres and ones on earth. Their location was termed “Places of Happiness”, where a person and the transcendental gods met. The faithful could also seek these sites, even independently of priests and rituals, in their hope for salvation and redemption: state and society were obligated to maintain the temples. A tract on the *Founding of Temples* prescribed: “As far as the spread and location of such residences on earth is concerned, all places and buildings are subject to strict rules. In general, six forms of locality are appropriate for their location, namely mountains, cities and suburbs, palaces and their attached buildings, villages, remote sites and inhabited places. In all cases the material support and patronage of the emperor and the local elites, as well as the accompaniment of the construction and their maintenance by the highest officials of the administration, are necessary. The ordination of Daoist priests and nuns, the management and material support of such institutions belongs to the foremost ‘good deeds’ that are to be performed.”⁶²⁷ In fact, numerous inscriptions document that emperors and other powerful persons erected or supported Daoist temples as well as Buddhist monasteries. The texts, often quite long, attest donations for the rebuilding of ruined or the expansion of more modest complexes, but also the bequeathal of considerable estates and “households”.⁶²⁸ These were doubtless foundations, even though future scholarship must ascertain the quantity of both forms of grants.

The reception of Buddhism in China, particularly that of Mahāyāna Buddhism, caused a lasting change in the religious life of China from the 2nd century onwards.⁶²⁹ The doctrines of rebirths, the torments of hells and the acquisition of merit as well as—from the 4th century onwards—the

626 Ibid., 109.

627 Cited after *ibid.*, 111–2.

628 Cf. *Reiter*, Chinese Patriot's Concern (1990), where a long inscription of the scholar Wang O (1190–1273) at the temple of Lao-tse's purported birthplace in Po-chou (Honan) is offered in translation with commentary. Here 101, 103.

629 *Clart*, Religionen Chinas (2009), 79–80; *Reiter*, Religionen in China (2002), 147–8.

inroads of monasticism also profoundly changed Daoism.⁶³⁰ The Indian doctrine of the mechanism of reciprocity resulted in the individual bearing in mind the consequences of his good and bad deeds and relaxing his familial responsibilities. The ancestors, from whom the older Chinese tradition had expected help and guidance, were now banned to the hells, and even bereft of one's aid in order to find postmortal salvation.⁶³¹ Priests and monks were increasingly tasked with acquiring merit through religious cultic practices, recitations and works of penance, which could then be transferred to others, especially to the dead.

A first important marker of Buddhist influence on Daoism was the corpus of *Lingbao* texts, which stem above all from Lu Xiuqing (406–77).⁶³² In one of the first of its texts it is recounted how the “Transcendent Duke” Ge Xuan told his 32 disciples on 11 February 240, what pains he had taken to ascend to the highest heavens and the court of the highest gods. It is noteworthy that Ge Xuan (still) had not adopted the Buddhist doctrine of soullessness, but instead assumed the persistence of his self at multiple rebirths: “I could speak until the end of the day about the transgressions and merits, the transmigrational processes, and the various bodies I have passed through in my previous existences and still not tell all. Since you wish to know, I can relate but one corner of it: (1) Of old I was born as a rich man, but I ignored the poor, supported the strong, and suppressed the weak. Thus I died and entered the earth-prisons. (2) Then I was born as a commoner, destitute and sickly; orphaned and without support. At this time I thought, ‘What have I done in past lives to reach such suffering? And what merit have those others accomplished in their past lives to attain such good fortune and riches?’ I determined to do good deeds, but did not understand why, so my anxiety was difficult to express. When I died, I ascended into the halls of the blessed and was reborn into a wealthy family. (3) Treasures were not lacking, and there was nothing I could want, but yet I was violent with our slaves and servants and died to enter [again] the earth-prisons. There I suffered servitude and beatings in the Three Offices until my transgressions were at an end. (4) Then I was born as a lowly functionary, attendant on others’ every breath and laboring at every sort of service. Yet, for each move I was beaten. I labored through the mud and ashes [of societal disorder], experiencing every sort of suffering. Then I thought ‘What crimes did I commit in former lives to be made a lowly functionary?’ So I used my own goods to aid the poor and to respectfully serve Daoists through offerings of

630 Cf. above all *Bokenkamp, Ancestors and Anxiety* (2007); *Kohn, Monastic Life* (2003).

631 *Bokenkamp, Ancestors and Anxiety* (2007), 4, 6, 51–2.

632 *Bokenkamp, Lingbao* (2008).

incense and oil. I was willing only that I be born into a wealthy family. Then I died and ascended into the Halls of Blessing, where my clothing and food were naturally provided. (5) Later I was reborn as an esteemed person, but I again slaughtered the myriad forms of life and practiced fishing and hunting. When I died, I entered [again] the earth-prisons. There I experienced the mountains of knives, the trees of blades, boiling in a vat, and swallowing fire. All of the five sufferings were visited upon me. (6) Once my transgressions were at an end, I was reborn as a pig and then as a sheep to repay ancient grievances [against me]. (7) Then I was born a very lowly man, extremely detestable, stinking and despised. I cheated and robbed others of their goods, never repaying them, and died to enter the earth-prisons. (8) Then I was reborn as an ox, to requite humans with my labor and to feed humans with my flesh. (9) After that, I received human form as a person of middling worth with treasures nearly enough [to support myself]. At this time, I thought to perform meritorious deeds. I constantly supported Daoists, revered the scriptures, and kept the precepts. With humility, I placed myself below others and gave alms to the suffering and destitute. In all things, I followed the Way. Whenever I heard of a virtue, I followed it. Then, at eighty years of age, I died and ascended straightaway to the hostels of the blest, where I enjoyed food, clothing, from the celestial canteen. (10) Then I was born into a noble family, where I became practiced at martial bravery and undertook killing and campaigning. Yet, still, I was reverent towards Daoists and kept faith with the ultimate law. When I died, I entered the earth-prisons and was about to undergo bitter interrogation when the Most High sent down an instruction, saying, 'Although this person has transgressed through murder and warfare and has descended into the earth-prisons, when he was alive he kept faith with the law and revered the Dao. He gave to the distressed. Now I desire that, having been interrogated and punished, he be allowed to ascend to the Halls of Blessing and provided for from the celestial canteen.' (11) Then I was born as a noble, and retributions for the grievances [I had caused in my previous lives] was about to be visited upon me. At this, I vowed to keep my mind fixed on the Way and to respectfully receive the scriptures and teachings. Thus I practiced secret virtues, saving the endangered and distressed, conducting governances in accord with the Way, and maintaining a benevolent heart toward all living beings. I supported Daoists, served my lord with loyalty, and treated my officials according to the rites. With constant mindfulness I eschewed glory and official emoluments. In this way, I avoided [the exactments] of those who bore grievances against me [for the transgressions of my former lives]. When I had lived out my full allotment of years, I died and ascended to heaven. (12) In my next life, I was again a nobleman. My reverence and faithfulness were even more intense. When I was but young, I

burnt incense and made a promise that I would later be born with high intelligence that I might comprehend the wondrous principles and thus become a Daoist. When I died, I entered the Halls of Blessing. (13) Later I was born into a family in the middle lands and became a Daoist Master of the Law. I wore robes of the law and kept the precepts. When I practiced the Dao, I preached the scriptures with intelligence. Because of my actions as Master of the Law, I was revered by all. Then I took an oath, saying, 'Since in this life I am unable to obtain the Dao, it would be best to be a woman, and enjoy the advantages of leisured withdrawal from affairs.' (14) When my lifespan came to an end, I was born a woman, fair of face and body, with innate intelligence and mystically distinguished. My speech was like poetry. At this time I practiced retreats and recited scriptures. Then I determined to be born a man with vast talent and decisive will, so that I could penetrate to the mysterious and vacant. I wished to fully comprehend the 'slight and subtle' and be born as a prince who would associate with the Daoists. With this as my goal, I went into reclusion in the mountains and took pleasure in music, frequently having the scriptures recited for me. When my life came to an end, I ascended to heaven and was naturally clothed and fed. (15) After a while, I was born as heir in the family of a prince. I had free recourse to all the palaces and succeeded to the king's throne. I invited Daoists, worthy Ru, and men of learning to conduct rituals and discourse on the Dao. I held retreats where I maintained quietude. My most cherished concerns were that the kingdom might know peace and the folk prosperity; that I might [occupy my throne] reverently and without pursuing [mundane] affairs. At this time I took an oath together with officers of my Three Ministries that we would in our next lives be Daoists. I would be a recluse. Shi Daowei and Zhu Falan vowed to become [Buddhist] monks. Zheng Siyuan and Zhang Tai vowed to become Daoist Masters. We all desired to rise in transcendence and cross over the generations, so we ceased carrying out the business of kingly governance. At death, we ascended immediately to heaven, where we were clothed and fed at the celestial canteen. (16) In my next life, I was a recluse. Zhu Falan and Shi Daowei were monks, and Zheng and Zhang were Daoists. We all entered the mountains to study the Dao and seek transcendence. Later, I became the master of them all, with my will fixed on the Great Vehicle. I carried out lengthy retreats, practiced the precepts, recited scriptures, and gave away all my treasures. I paid my respects to a great Master of the Law and received from him the great scriptures of the Three Caverns and the rituals for observance. Vowing to conduct retreats and practice the Dao, I practiced ingesting, inhaling, and exhaling [celestial *qi*]. (17) Since my [karmic] causes and conditions were not yet exhausted, at the end of my lifespan I passed through Grand Darkness and was born into a worthy family. Again, we became Daoists and

monks and I studied together as master and disciple. Again, I received the great scriptures and practiced the Dao with retreats and the precepts. For this reason, the higher sages glimpsed my deeds and sent the Perfected to descend and instruct me.”⁶³³

With the reception of Buddhist doctrines, the Chinese had to deal with the teaching of Nirvāṇa, with which they were unfamiliar and which contradicted their concept of an everlasting life. As Stephen R. Bokenkamp has demonstrated, they achieved this through a rearticulation of the conception of rebirth: The authors of the *Lingbao* used the term *miedu*; this supposedly meant “to be obliterated (die) and cross over [in salvation]”. It was to designate those persons of a higher spiritual quality, while the others would be “obliterated and destroyed” (*miehuai*). Both conceptions, according to Bokenkamp, implied a form of rebirth, one which led to heaven for a coexistence with the Dao, the other to an assemblage of vital components of the body for a further existence on earth.⁶³⁴

Corresponding to the Buddhist Bodhisattva ideal, the texts of the *Lingbao* offer rituals and prescriptions which aimed at salvation for living things, from the emperor down to “beasts that wriggle and crawl”.⁶³⁵ The theological basis of rites and hopes was, as in India, the doctrine of merit through good deeds as well as obedience to the Dao (*gongde*).⁶³⁶ The Daoist priest attained merit and transferred it to a third person, above all deceased ancestors. The principal book of ritual, the *Treatise on Salvation* (*Duren jing*), which was read aloud during rituals, but referred to “illimitable, universal salvation without end”; correspondingly, the rites likewise were aimed at orphaned or abandoned souls (*guhun*).⁶³⁷ Thus, the souls of those were designated, whose demise had not been properly commemorated. One feared their return amongst the living and sought to appease them. Apart from Daoists, that is the priests of the Dao, the role of monks as substitutional acquirers of merit grew. Daoist monasticism arose under Buddhist influence according to early models from the late 5th century onwards. In contrast to the priests (“Allocators of Wine”), who (mainly) lived as married heads of household, monks chose a celibate life in regulated communities; already the first of these performed rituals for the

633 Cited after Bokenkamp, *Ancestors and Anxiety* (2007), 158–61. Cf. *ibid.* the commentary, 162–3.

634 Bokenkamp, *Ancestors and Anxiety* (2007), 176–7; cf. Kohn, *Monastic Life* (2003), 192.

635 Cited after Bokenkamp, *Lingbao* (2008), 668.

636 Asano, *gongde* (2008).

637 Cited after Miller, *pudu* (2008), 793; Boltz, *pudu* (2008), 794; Bokenkamp, *Duren jing* (2008).

well-being of the empire and committed themselves to long life and the techniques of meditation.⁶³⁸ Buddhist influence likewise manifested itself from the very beginning in the custom of *Pratimokṣa* rituals, which included the concepts of karma and rebirth, the ritual praxis of daily and monthly religious services as well as the recitation of scriptures for the increase of merit. Likewise typical was the founding of houses by the emperor, members of the imperial family or nobility. According to religious scriptures, those who erected monasteries or gave donations were promised inter alia prosperity, long life and health, and even the prospect of rebirth as an emperor or empress, prince or nobleman.⁶³⁹ For example, in the *Yaoxiu keyi* from the 8th century it is stated: "If one builds a temple or monastery, altar or oratory, scripture hall or purification facility, kitchen or pavilion [for the religious], or provides Daoists with clothing or furniture, one will in all cases receive celestial rewards in due accordance with one's gift—ascending to the heavenly halls, one will be provided with clothing and food spontaneously. All one ever needs will come about promptly, and whatever proves unnecessary will easily be dispensed with."⁶⁴⁰ Succor to a monastic community was to bring specific advantages in this life and the next: "The *Taizhen ke* [one of the elder *Rules of great perfection*] says: Lay followers can give donations in property or cash and help build parish halls and oratories. For the construction of one brick room, they receive 120 days [in additional lifespan], for three rooms, 360 days. As the merit increases, so does the reckoning. The *Dajie jing* [*Great precepts scripture*] has: From the gift of one coin of cash on upward, the karmic reward will be 320,000 times that. From 10,000 cash on upward, the reward will be far beyond any estimation!"⁶⁴¹

As far as liturgical services were concerned, recitations were especially highly prized. A member of the Zhou managed to utter the *Daodejing* ten thousand times and flew away immediately as a heavenly being. A confidante managed only 9,733 recitations and missed immortality, yet at least acquired magical powers and invulnerability. Monks (and nuns) could attain great merit for themselves, their families, the realm and all living things by performing the cults each day, singing their hymns and reciting the scriptures with particular dedication.⁶⁴² An especially close connection between earthly and heavenly beings was developed through penances, which included lay donations.

638 Kohn, *Monastic Life* (2003), 19, 39–40.

639 Ibid., 48–9.

640 Cited after *ibid.*, 49–50.

641 Yaoxiu keyi 12.2b, cited after Kohn, *Monastic Life* (2003), 50.

642 Kohn, *Monastic Life* (2003), 181, cf. 177.

Penance was performed either in the monasteries or in the home of the donor, and always demanded the active participation of the giver. When monks performed sacerdotal functions in the process, and thus acted as Daoists in a narrower sense, they served as intermediaries of happiness and preparers of the way of the “Great Peace”. If the ritual took place in a monastery, the donor and his family arrived a few days in advance. Everyone was accommodated in guest-houses and received instruction in the monastic life and the simple ceremonies of purification. They also brought numerous gifts with them, which were customarily deposited on the altar and consumed at the great feast following the ceremony. On the day of the event they came together with the Daoists at the shrine for the cult ceremonies, at which the primary donor took part and cooperated with the priest performing the sacrifice. The latter offered the Dao the incense, called the gods while doing so and had the celebrating party take refuge at the “Three Treasures”. Then the priest pronounced the exact name and origin of the donor family and uttered a long prayer for the atonement and forgiveness of all their sins. A text of a prayer of this sort reads, for example: “May you [O gods] take this merit and virtue and return flowingly to so-and-so’s family, including all his nine mysterious forebears and seven ancestors, All members of his clan, whether present or former! I beg that you pardon completely all violations committed by them, whether in former lives or present bodies, all their acts of disobedience and ugly deeds of evil, their millions of sins and billions of transgressions, them all, I beg, eradicate and purge!”⁶⁴³

Gifts to priests and monks, and doubtless foundations as well, thus served in Daoism, according to the reception of Mahāyāna Buddhism with its teaching of merit, to effect prayers, intercessions and other religious services, which were to benefit the postmortal salvation of the donor. In contrast to Buddhism, the end goal was not Nirvāṇa, but rather unity with the Dao, in which the individual would not be lost. Religious foundations in this context therefore came very close to “foundations for the salvation of the soul” known to us from the West, even though a clear conception of a judgment and a reference to a personal relationship between man and God was lacking. This analogy is also noteworthy because in China it was the result of a hybridization of Chinese and Indian religious traditions.

643 Fengdao kejie 6.7b–8a, cited after *Kohn, Monastic Life* (2003), 184.

1.3 Rulers as Founders and Policymakers of Foundations

From an actor-centered perspective, with a foundation the founder comes to the fore; for in fact no foundation can exist without him or her.⁶⁴⁴ Yet it would be mistaken to assume that the founder can make plans completely at his or her own discretion: they not only have to account for the social context of their undertaking,⁶⁴⁵ but they also see themselves often excluded from the wishes and expectations of those for whom they wanted to create their foundation.⁶⁴⁶ For the implementation of their will, if not permanently, then at least over the long term, they are dependent on persons and groups of persons who act on their behalf. In a slight variation of the famed definition of authority of Max Weber⁶⁴⁷ it has thus already been pronounced that: “A foundation means the chance for commands of certain content to find obedience after one’s own death amongst specific groups of people.”⁶⁴⁸ The room for maneuver of the founder is thus a historical problem. It can be especially well evaluated for kings: what premodern historical figures can one ascribe a greater claim to the validity of their demands than monarchs?⁶⁴⁹ Paying attention in the first instance to kings while looking at the actors of foundation processes⁶⁵⁰ is for methodological reasons and from the perspective of universal history understandable, because their history can be followed over many centuries, lands and kingdoms. They are thus suitable as an “index fossil” for an excursion through the history of foundations.

644 Cf. *Borgolte / Knost / Kozma et al., Stifter* (2016).

645 Innovative: *Rexroth, Deutsche Universitätsstiftungen* (1992); now additionally: *Lohse, Dauer der Stiftung* (2011).

646 Cf. *Borgolte / Winterhager / Sánchez et al., Stiftungsbegünstigte* (2016).

647 Weber, *Wirtschaft und Gesellschaft* (51972): “P o w e r [*Macht*] means any opportunity to enforce one’s own will within a social relationship, even in the face of resistance, irrespective of what this chance rests upon. A u t h o r i t y [*Herrschaft*] means the chance for commands of certain content to find obedience after one’s own death amongst specific groups of people.” Cf. *ibid.*, 122.

648 *Borgolte, König als Stifter* (2000, repr. 12), 312.

649 *Ibid.*; *Bringmann, König als Wohltäter* (1993). Cf. *Borgolte, Europa entdeckt seine Vielfalt* (2002), Ch. 2: “The European Monarchies. A Contradictory Success-Story.” In the following chapter emperors are included among the kings.

650 Cf. *Borgolte* (ed.), *Enzyklopädie des Stiftungswesens 2: “Das soziale System Stiftung”* (2016).

1.3.1 *Pharaohs, “Kings of the Four Regions of the World” and Hellenistic Rulers*

1.3.1.1 Rulers of the Ancient Kingdoms on the Nile, Euphrates and Tigris In Egypt, funerary foundations for the king did nothing less than create the state, as was able to be demonstrated. By planning monumental funerary complexes and dividing the land into domains, which were to serve the cult of certain rulers, the population of the whole land had to be accounted for and the economy had to be managed at a sophisticated level. Even if the two processes cannot be separated, temples and the cult of the gods receded behind funerary care for the king.

In contrast to Egypt, cities in Mesopotamia certainly played an important role,⁶⁵¹ yet Babylon, or better yet, Lower Mesopotamia, from the time of the first human settlements (around 6000 BCE) was likewise influenced by the agricultural economy; irrigation systems there, as well as in the land on the Nile, aided in overcoming nature's disfavor. Present scholarship no longer postulates a direct relationship between these technologies and the earliest instances of state formation (the “hydraulic civilization” model), yet it firmly insists upon the communal organization of the inhabitants for the maintenance of agrarian production.⁶⁵² This societal formation must to a degree have gone together with a division of labor, which also included the cult. Rural temples with temple personnel can be identified since the so-called Early Dynastic period (ca. 2900–2750),⁶⁵³ yet it is uncertain whether the periodic sacrificial offerings were staged ad hoc or secured via long-term planning, and whether cultic tasks were rotated among them or they needed their own priestly class.⁶⁵⁴ Though there appear to have been the rudiments of foundations for the worship of the gods in the countryside, these were nonetheless a typical phenomenon of cities and princely or royal rule.⁶⁵⁵

651 Cf. *Welck*, *Wirtschaftsgeschichte* (1975), 3–9, 108–113.

652 *Richardson*, *World of Babylonian countrysides* (2007), 15; cf. *Renger*, *Economy of ancient Mesopotamia* (2007), 189.

653 *Richardson*, *World of Babylonian countrysides* (2007), 20, 31 n. 40. In the article “Tempel” of *Sallaberger* et al. (2011–13) there is a section on “Temple and Town” (523), yet a counterpart to temples in the countryside is lacking. Cf. also *Averbeck*, *Temple Building* (2010), and *Fitzgerald*, *Temple Building* (2010). On the Early Dynastic period *Neumann*, *Mesopotamien* (2009), 185–8, on the dating of which *Richardson* 16.

654 On the family cult under the leadership of the father of the house see *Chiera*, *They Wrote on Clay* (1938), 106–10. Cf. by analogy in ancient Egypt: *Goedicke*, *Cult-Temple and ‘State’* (1979), 117–9.

655 Cf. *Van Driel*, *Pfründe* (2003–5), 519.

The Sumerians claimed a heavenly origin;⁶⁵⁶ from the time of Akkad, the first large territorial empire of Mesopotamia (2334–2193 BCE),⁶⁵⁷ monarchs laid a comprehensive claim to rulership, which was expressed via the title “King of the Four Regions of the World”.⁶⁵⁸ The cult attained a pivotal role. Kings often performed the rituals themselves, especially sacrifices for their own ancestors, and were in principle seen as the leaders of religious ceremonies; often their sons and daughters acted as priests and priestesses.⁶⁵⁹ As the favorites of the gods, kings were obligated, according to the Mesopotamian myths, to provide for their lasting nourishment, care and preservation, and, in addition, the prosperity of the land was predicated on the conscientious fulfillment of this imperative.⁶⁶⁰ By the same token, the gods themselves were seen as the owners of the land or the world, so that kings were only returning to the gods what anyways belonged to them. In view of divine possession and the royal power, it was a central question for primordial foundations whether and to what degree land was freely available.⁶⁶¹ Scholarship has attempted a solution to this problem via the discussion of the so-called palace economy (oikos economy).⁶⁶² One opinion supposes that this palace economy absorbed available land ownership from the 4th millennium BCE onwards, while according to another thesis a not insignificant amount of private property remained, even though the written sources hardly account for them.⁶⁶³ From the early 3rd millennium onwards the oikos of the ruler had become identical with the “state”.⁶⁶⁴ From the palace a redistributive economy was run, in which the incoming exactions or “taxes” were redistributed to the subjects. The kings were likewise as responsible for the “public order” as for the construction of “infrastructure”, although fields and gardens, which were able to flourish due to new irrigation canals, were the property of certain gods.⁶⁶⁵ Likewise, kings were obligated to charitable tasks: care for orphans, widows and “houses” bereft of inheritance is mentioned in

656 *Neumann*, Mesopotamien (2009), 186.

657 *Ibid.*, 188–96.

658 *Ibid.*, 190.

659 *Charvát*, Social configurations (2007), 254.

660 *Ibid.*, 254. Still in Assyria the god Aššur was viewed as the true ruler of the land: *Galter*, Textanalyse assyrischer Königsinschriften (1998), 22.

661 Cf. *Renger*, Interaction of Temple (1979).

662 *Renger*, Economy of ancient Mesopotamia (2007), esp. 189–90; *Renger*, Palastwirtschaft (2003–5), esp. 276–7, 279.

663 *Renger*, Economy of ancient Mesopotamia (2007), esp. 189–90; for a different view *Richardson*, World of Babylonian countrysides (2007), esp. 20, 22–3.

664 *Renger*, Economy of ancient Mesopotamia (2007), 190.

665 *Ibid.*, 190; *Oppenheim*, Ancient Mesopotamia (1977), esp. 105–109.

stele inscriptions.⁶⁶⁶ From the 3rd Dynasty of Ur (ca. 2100–2000 BCE) onwards the temple endowments are supposed to have belonged to the patrimonial household of the ruler.⁶⁶⁷ Meanwhile, an individual tributary and private economy gradually increased in importance.⁶⁶⁸ In the Old Babylonian period (1800–1595) there existed three sectors of the economy, namely the palace, the temple and the private households,⁶⁶⁹ yet at no time can one speak of temple economies independent of the palace.⁶⁷⁰ Private property as well was still regulated by the state in the first millennium BCE. Nonetheless, archives of city-dwellers at this time attest “ample information on private ownership of agricultural land; fields and gardens in private hands could be bought and sold freely. In the sixth century, one frequently hears of land that had come into the hands of upper-class families as a result of land allotment schemes sponsored by king, temple, or city authorities.”⁶⁷¹

Sacrifices, which kings financed with exactions and taxes from the entire land, can doubtless not be viewed as foundations, even if they represented regular occurrences. Speaking of endowments for the cult is appropriate only when rulers, as well as private persons, desired to permanently foster the worship of the gods through additional exertions with an inviolable endowment. What “permanently” meant in this case, is, however, not readily known, as an example from the Neo-Assyrian Empire can demonstrate. In order to secure his power over Babylon, Assurbanipal (668–27 BCE) had the Marduk shrine of the old capital renovated.⁶⁷² The king himself reported of this on an almost 40-centimeter high sandstone tablet; the lines of cuneiform here run in part over the royal figure in half-relief.⁶⁷³ The king stands straight up, his head covered by a tiara-shaped crown, yet above it in his outstretched arms is a basket that is apparently filled with earth. The iconographic model of this royal representation goes back to Sumerian city princes. According to the traditional ritual, the king, as the builder of the temple (with the material of his basket), had to fill a mold for the first brick and then deposit this as the cornerstone of the building. With oblations of wine and honey as well as prayers, and prob-

666 *Charvát*, Social configurations (2007), 253–4 (with regard to the 3rd millennium BCE). For the Old Babylonian period *Renger*, Interaction of Temple (1979), 254, refers to the caritative tasks of temples.

667 On which *Neumann*, Mesopotamien (2009), 193–5.

668 *Renger*, Economy of ancient Mesopotamia (2007), 190–1.

669 *Goddeeris*, Old Babylonian economy (2007); *Renger*, Palastwirtschaft (2003–5), 277. On the chronology see *Richardson*, World of Babylonian countrysides (2007), 16.

670 *Jursa*, Babylonian economy in the first millennium (2007), 226.

671 *Ibid.*, 227.

672 *Neumann*, Mesopotamien (2009), 212–3.

673 *Bahrani*, Babylonian Visual Image (2007), 155–7 (with figures).



ILLUSTRATION 9 Stele of King Assurbanipal of Assyria, 668–27 BCE (Esagila in Babylon)

ably also with liturgical hymns, an inscription was usually inserted in the wall with a depiction of a god as well as the figure of the king, which was to keep the memory of the work alive and protect it from the encroachments of later generations. Assurbanipal presented himself as “great king, merciful king, king of the universe, king of Assyria, king of the four regions of the world, king of kings (...), who made good the damage to Esagila, at the temple of the god.”⁶⁷⁴ He called upon the god Nabu to make his royal throne powerful as recompense for his rescue of the temple.

Yet can Assurbanipal in Babylon be viewed as a (new) founder of the temple? Doubtless the building that he restored was to serve the cult of the gods and his own glory “forever”, which corresponds to the conception of a foundation. In a narrower sense, it would depend on proof that the ruler with material gifts, above all with tributary estates, enabled worship by priests or priestly colleges over the long term, and exactly what tasks he assigned to them in the performance thereof. It is often argued in the scholarship that with the erection of a sacral building there was also an accompanying endowment of revenues for its maintenance, for regular sacrifices and for the provision of the priests and other temple personnel, though this is seldom explicitly stated. This cannot be contradicted, but it makes a difference whether a (royal) founder could automatically assume a cultic praxis or whether he created or at least influenced this according to his own premonitions. In this context, one should take notice that scholarship has strongly reevaluated the role of the king as a “cultic intermediary”, to the detriment of the priest: “The king is concerned with the cult and plays a central role in its practice (e.g. from the Tummal feast of Šulgi to the New Year’s feast of Nebuchadnezzar). In this context the individual or the king, as masters of the rituals, determined the goal of the religious ceremony, while the priest provided for its practical implementation. This applies both for the funerary cult as well as for soothsayers and conjurers. As a specialist, however, the priest has to advise the king in religious affairs (...).”⁶⁷⁵ Not merely the construction, but also religious “operation” determines the endowment character of a new (or rebuilt) temple.⁶⁷⁶

674 Despite this intitutatio the civic god Aššur was seen as the true ruler. See the crowning hymn of Assurbanipal in *Galter*, *Textanalyse assyrischer Königsinschriften* (1998), 22–3.

675 *Sallaberger / Huber Vuillet*, *Priester* (2003–5), 619. On Schulgi see *Neumann*, *Mesopotamien* (2009), 193–5, on Nebuchadnezzar II (604–562 BCE) *ibid.*, 214.

676 The exceedingly numerous sources on temples are largely limited in their significance to economic or administrative aspects, cf. the study of *Bongenaar*, *Neo-Babylonian Ebabbar Temple* (1997), esp. 21; cf. *Kümmel*, *Familie, Beruf und Amt* (1979), 147; esp. 148–54 on the “prebend profession(s)”. Similarly *Selz*, *Untersuchungen* (1995).

Studies on foundations are rare within Assyriology,⁶⁷⁷ so that their breadth can only be estimated with difficulty. Yet there is no doubt that kings already of the second and third millennium BCE fostered the cult of the gods with landed endowments. Especially valuable are royal temple inscriptions from the Sumerian period. A fragmentary source of King Eanatum of Lagash (c. 2450 BCE) on a stone mortar kept today in London reads in English translation: “He [de]feated [Ur]uk, [he defeated] Ur.... Eanatum, who built the temple of Gatumdug—his personal god is Shulutul. / Eanatum [fashio]ned (a statue of) Nanshe.... He establi[shed] regular offerings [for] Na[nshe] in the lof[ty] *gi-guna*, established regular offerings [for Nin]girsu in the E...., and [establishe]d [regular offerings] for Enlil at [Ni]ppur (...).” According to this source Eanatum had erected a temple with an idol after military victories and instituted regular offerings for the worship of various gods.⁶⁷⁸ Sometime later Eanatum’s nephew Enmetena, who felt himself called by the gods Nanshe and Ningirsu to rule the kingdom, endowed the god Lugalurub with a “palace”, which he decorated “for him with gold and silver, and established regular offerings of precious metals, lapis lazuli, 20 bulls and 20 sheep.”⁶⁷⁹ From the Empire of Umma, King Lugalzagesi around 2350 BCE had the highest god Enlil in Nippur receive a bounty of food and libations (drink offerings) in thanksgiving for his rule, according to an inscription on a stone vessel; apparently, the object was to be periodically reused for this purpose.⁶⁸⁰

In the rising Empire of Aššur (from ca. 1900 BCE), the surviving building inscriptions stand “exclusively in connection with temple buildings [of the king]”, which were to last permanently;⁶⁸¹ here the motive of prosperity of the ruler and city is attested.⁶⁸² An actual foundation is evidenced for the Middle Assyrian king Tukluti-Ninurta I (1233–1197 BCE). He had offered the goddess Šarrat-nip̄ha in Kâr-Tukulti-Ninurta an “eternal gift”, a “continuous offering”, and fixed the shares of portions of bread and meat as well as the skins of the sacrificed animals which the crown prince, the priests, the hierodules, the

677 Modest citations in *Sallaberger / Huber Vuillet, Priester* (2003–5), 625; cf. *Van Driel, Pfründe* (2003–05), 519.

678 *Cooper, Sumerian and Akkadian Royal Inscriptions* 1 (1986), 45 La 3.11; there follow in the text multiple threats against theoretical confiscation, as well as entreaties to future kings to preserve the shrine. On the temple construction see *Averbeck, Temple Building* (2010); on Enlil, Nanshe and Ningirsu see *Selz, Untersuchungen* (1995).

679 *Cooper, Sumerian and Akkadian Royal Inscriptions* 1 (1986), 65–6. La 5.23. On Lugalurub see *Selz, Untersuchungen* (1995), 163–169, at 165, 169.

680 *Cooper, Sumerian and Akkadian Royal Inscriptions* 1 (1986), 94, 7.1; dating *ibid.*, 14.

681 *Galter, Textanalyse assyrischer Königsinschriften* (1998), 8 and 14. On Assyrian temple construction: *Novotny, Temple Building* (2010).

682 *Galter, Textanalyse assyrischer Königsinschriften* (1998), 5.

brewers, the senior singers and other members of the temple personnel were to receive.⁶⁸³ In this source the beneficiaries of the foundation coincide with the “foundation organs”. Occasionally, even the origin of the royal endowed properties can be traced. Thus, Adad-nirari III (810–783 BCE) gave the imperial god Aššur cities, fields, buildings, orchards and slaves from the property (office holdings? sinecure?) of his eunuch Šamaš-našir “for the pres[ervation of] his [life]”.⁶⁸⁴ Apparently, the gift was slated for “regular offerings”.⁶⁸⁵ The same formula is attested for the purpose of a grant of land by the Neo-Assyrian king Asarhaddon (680–669 BCE).⁶⁸⁶ And his father Sanherib in the year 684 endowed a temple he had erected for the New Year’s feast with at least 180 persons,⁶⁸⁷ in this case, a hereditary binding of the descendants to sacral sites, and thus a lasting purpose, was certainly intended, as is characteristic of foundations.

Less discernable than royal foundations, for whose spread there exists in any case no doubt, are foundations of “private persons” in Mesopotamia. In or by the state of Adab, one of the most important centers of Mesopotamia, a man by the name of *Ur-^dLAGABxSIG₇+ME* in the empire of King Sargon of Akkad (2340–2285 BCE) endowed the temple of the goddess Damgalnunna with a priest, an administrator, as well as male and female functionaries. From the inscription of an excellently-preserved “foundation cylinder” it furthermore follows, that with this deed he desired to bring about from the goddess a good fate for himself and a (good) life for his mother, his wife, his children and his brothers.⁶⁸⁸ From Sippar (modern Abū-Ḥabba in Iraq), whence a “huge mass of clay tablets in the British Museum” (London) stem, an Old Babylonian document has survived. In it, three brothers had settled their inheritance dispute “in the temple of the god of their city and of their god / gods”, and decided

683 Ebeling, *Stiftungen und Vorschriften* (1954), 12, 16.

684 Kataja / Whiting (eds.), *Grants, Decrees and Gifts* (1995), 4 no. 1; the request: “.... will hear your [pray]er” has survived, *ibid.* 6. A shared gift of the ruler and his official to the god was perhaps meant. Cf. Postgate, *Neo-Assyrian Royal Grants* (1969), 57–9.

685 This is also noted on another inscription fragment that has been connected with the aforementioned source, see Kataja / Whiting (eds.), *Grants, Decrees and Gifts* (1995), 78 no. 71, cf. *ibid.* XXI–XXIII.

686 *Ibid.*, 24 no. 24; on the ruler: Neumann, *Mesopotamien* (2009), 212.

687 Ebeling, *Stiftungen und Vorschriften* (1954), 1–9 no. 1; Kataja / Whiting (eds.), *Grants, Decrees and Gifts* (1995), 104–8 no. 86. On Sanherib: Neumann, *Mesopotamien* (2009), 211–2.

688 Biga, *Sargonic Foundation Cone* (2005), esp. 30–3. On Sargon: Neumann, *Mesopotamien* (2009), 188–9.

together to erect a benefice (“the bread”) for the gods Šullat and Marduk.⁶⁸⁹ For New Babylonian sacrificial practices there is, according to a recent verdict of one specialist, “hardly any information in the sources” on private foundations. From lists of sacrificial sheep of Ebabbar, of a temple of the sun-god Šamaš also in Sippar (c. 640–580 BCE), one can, however, deduce that private persons offered gifts parallel to the king.⁶⁹⁰ Although private archives of some families, like the Egibi from the time of Nebuchadnezzar II and others until the beginning of the reign of Xerxes, are transmitted with many thousands of texts, these seem to hardly divulge anything further on foundations.⁶⁹¹

1.3.1.2 From Cyrus the Persian to Alexander of Macedon

The empires of Mesopotamia and Egypt lost their independence first through the conquests of the Persians, then later of the Macedonians. Cyrus the Great conquered Babylon in 539 BCE, but also overthrew the Median Kingdom of Ecbatana, the Lydian Empire of Sardis, the Neo-Elamite Empire of Susa as well as Bactria in Central Asia. Egypt was added in 525 under his son Cambyses, and because Darius I (522–486), the third ruler of the Persian Empire, penetrated to the Indus and, in the opposite cardinal direction, Thrace, for the first time territories from the Eastern Mediterranean to India were united under one polity.⁶⁹² The Egyptians were able to free themselves once more for some decades (401–343 BCE) before being subjugated by Alexander the Great (332), who also overcame Persian rule in Inner Asia and conquered inter alia Babylon (331).⁶⁹³ The Macedonian projected himself as the avenger of the Ionian cities and the restorer of civic Greek democracies, as well as the liberator of the peoples subject to the Persians. Following his early death (323),

689 *Stol*, *Heiligtum einer Familie* (2003), citations 293–4. Oft-mentioned, but apparently still not exploited for the question of foundations, is the archive of Balamunamhe, see inter alia: *Dyckhoff*, *Balamunamhe von Larsa* (1998), esp. 123. A priest named Pilsu-Dagan founded a temple of the god Nerval in the Syrian Euphrates Valley; like him, his posterity was to serve there; the source stands alone in a geographic and chronological context that can only be vaguely described as the Late Bronze Age, see: *Arnaud*, *Textes Syriens* (1991), 142–4 no. 87, cf. *ibid.*, 5 and 20.

690 *Da Riva*, *Schafe* (2002), 57, 63. On Neo-Babylonian temple construction: *Schaudig*, *Restoration of Temples* (2010).

691 Cf. *Wunsch*, *Neubabylonische Geschäftsleute* (2000). Cf. the other essays in the volume edited by *Bongenaar* (*Interdependency of Institutions*, 2000). On Xerxes (486–65 BCE) see *Wiesehöfer*, *Iranische Großreiche* (2009), 57; *Briant*, *Histoire de l'Empire Perse* (1996), 531–85.—Foundations as the basis of sacrifices are not discernable within the rich sources in *Chiodi* (ed.), *Offerte “funebri”* (1997).

692 Cf. *Wiesehöfer*, *Geschichte* (2013); *idem*, *Iranische Großreiche* (2009); *Briant*, *Historie de l'Empire Perse* (1996), 41–173.

693 *Graefe*, *Altes Ägypten* (2009), 182; *Lehmann*, *Mittelmeerraum* (2009), 167–78.

his generals filled the power vacuum, yet quarreled over the empire's regency and competed for their own areas. From the "Wars of the *Diadochoi*" the Antigonids in Greece and Macedonia, the Ptolemies (Lagids) in Egypt and the Seleucids in Babylon emerged as the strongest dynasties, yet above all in Asia Minor still more small empires (for example in Bithynia) were able to assert themselves.⁶⁹⁴ The Hellenistic empires in Egypt and Babylon did not last for equal amounts of time.⁶⁹⁵ On the Nile it was the Romans who replaced the Ptolemies (30 CE), while the Arsacids of Parthia ended the line of the Seleucids already in 141 BCE; the second great Persian Empire then lasted until its dissolution by the Sassanids (224 CE).

Both the Persians and Macedonians were confronted with the question of what to do with the cults of the subjugated peoples, and to what degree they themselves wanted to erect foundations in this context that corresponded to their own religions and cultures. As far as the Achaemenids were concerned, they doubtless more or less respected autochthonic traditions, and even partially fostered them, and there is little evidence for a conscious spread of the Persian religion(s). Greater precision is hardly possible, since sources are lacking and Greek authors are at least partially disparaging.⁶⁹⁶ Express testimonies of foundations have not survived. At the shrine of the god Marduk in Babylon, Cyrus the Great attributed his triumphal entry into the city to the succor of this very Babylonian king of the gods. By contrast, in the Akkadian inscription of the so-called Cyrus Cylinder he accused the last king, Nabonid, whom he had just conquered, of neglecting the cult of Marduk, even of having banished the god from his thoughts. He had absconded with the other gods (idols) to Babylon, thereby, so it is implied, delivering over the land defenseless to the Persian invaders. He, Cyrus, had overturned both measures and renewed the Babylonian veneration of the gods: "Marduk, the great lord (...) daily I cared for his worship (...). The city of Babylon and all its cult-centres I maintained in well-being (...). And the gods of Sumer and Akkad, which Nabonidus to the fury of the lord of the gods had brought into Babylon, at the order of Marduk, the great lord, in well-being I caused them to move into a dwelling-place pleasing to their hearts in their sanctuaries. May all the gods, whom I have brought into their cities, ask before Bel and Nabu for the lengthening of my life, say words in my favour and speak to Marduk, my lord."⁶⁹⁷ When geese, ducks and

694 *Lehmann*, *Mittelmeerraum* (2009), 178–93; *Briant*, *Seleucid Kingdom* (1990).

695 *Heinen*, *Ptolemäerreich* (2009); *Hölbl*, *Geschichte* (1994); *Wiesehöfer*, *Geschichte* (2013), 34–6.

696 Cf. the summary of the state of scholarship and references to further literature in *Wiesehöfer*, *Geschichte* (2013), 25–32.

697 *Kuhrt*, *Persian Empire 1* (2007), 70–4 no. 21, at 71; cf. *idem*, *Cyrus the Great* (2007).

wild pigeons, namely sacrificial animals, are mentioned at the end of the inscription, which is only fragmentarily preserved, it is not clear whether this was a one-time act or periodic gifts in the manner of a foundation.

An inscription of the funerary statue of the courtier, admiral, scholar and priest Udjahorresnet is able to suggest conciliation between the victorious king Cambyses, as well his successor Darius I, and the Egyptian priesthood; it stems from Sais in the western Nile Delta (now in the Museo Gregoriano Egizio in Rome), where the 26th Dynasty had its capital.⁶⁹⁸ Udjahorresnet had served the last rulers Amasis (570–26 BCE) and Psammetich III (526–5 BCE), had been a witness to the Persian invasion and then reached the court of Darius. He is depicted carrying the shrine of Osiris, the Egyptian god of the dead, before his body; the autobiographical inscription covers his whole figure. First Osiris, “Lord of Eternity”, is called upon with the offering of sacrifices to care for the *ka* (the “soul”) of Udjahorresnet, who receives honor from all gods.⁶⁹⁹ After listing his many functions under the final pharaohs, the author indulges in self-praise, that Cambyses had named him chief physician and “friend” at his side, as well as administrator of the palace. He had bestowed the Persian conqueror with the royal name of *Mesutire* (“Progeny of Re”) and induced him to recognize the greatness of Sais, where the goddess Neith had once given birth to the god Re’. The temple of Neith was in its loftiness like the heavens, with the ruler’s palace corresponding to it in its dignity. Here were also, inter alia, the house of Re’ and the house of Amun, the secret of the gods. By his intervention Cambyses, the king of Upper and Lower Egypt, had driven foreigners from the temple of Neith and revived the cult: “His Majesty commanded that sacrifices were to be made to Neith, the Great One, the Mother of God, as well as the (other) great gods in Sais, as had earlier been the case there. His Majesty commanded that all their feasts were to be organized and the feasts of their revelation, as had earlier been the case.” Cambyses himself also came and poured libations in the temple of Neith, because he, Udjahorresnet, had taught him how beneficial this was for every king. At the king’s behest he had made offerings “for eternity” and given fields for them. As Darius later resided in Elam (Susa, that is in Mesopotamia), the king sent him to Egypt to organize scholarly activity, the prosperity of the poor and the temple services. The inscription closes with the words: “For all my masters I was a learned man, they all valued my character. They honored me with golden ornament and did

698 Kuhrt, *Persian Empire* 1 (2007), 117–22 no. 11. An unfavorable picture of Persian rule under Cambyses with reference to this source is sketched by Viottmann, *Ägypten zur Zeit der Perserherrschaft* (2011), 375, 377–81.

699 On *ka* see Assmann, *Tod und Jenseits* (2010), esp. 116, 131–9 and often elsewhere.



ILLUSTRATION 10

Statue of Udjahorresnet, chief physician and treasurer of the king of Lower Egypt, holding a shrine of Osiris—Found in Sais (Egypt)

VATICAN MUSEUMS, ROME

everything necessary for me. Well-taught by (the goddess) Neith is he who says: 'O, ye great gods who live in Sais. Remember all the beneficial deeds of the chief physician Udjahorresnet! Do everything he requires! Let his name remain in this land forever!'"

While Cambyses had himself depicted by his Egyptian court officials as a malleable patron of the cult of the gods in Sais, who became a founder with agrarian land, other sources cast him in a darker light. A papyrus written in Demotic states that the Persian reduced certain sacrificial offerings for the temples of the land.⁷⁰⁰ Cambyses was even vilified as a grave desecrator and accused of sacrilege by Herodotus: "Entering the house of [Pharaoh] Amasis, straightaway he bade carry Amasis' body out from its place of burial; and when this was accomplished, he gave command to scourge it and pull out the hair and pierce it with goads, and do it despite in all other ways. When they were weary of doing this (for the body, being embalmed, remained whole and did not fall to pieces), Cambyses commanded to burn it, a sacrilegious command; for the Persians hold fire to be a god; therefore neither nation deems it right to burn the dead, the Persians for the reason assigned, as they say it is wrong to give the dead body of a man to a god; while the Egyptians believe fire to be a living beast that devours all that it catches, and when sated with its meal dies together with that whereon it feeds. Now it is by no means their custom to give the dead to beasts; and this is why they embalm the corpse, that it may not lie and be eaten of worms. Thus Cambyses commanded the doing of a thing contrary to the custom of both peoples." Yet the Egyptians are said to have claimed that Cambyses had not even found the remains of Amasis and had burned another corpse instead. This was because the pharaoh had once in fact been foretold of the postmortal fate he would receive, so that he had had his tomb prepared in the deepest recess of his crypt and hidden. Herodotus, however, did not put faith in this Egyptian tradition.⁷⁰¹

With his desecration of Pharaoh Amasis' corpse, if Herodotus' depiction is accurate, Cambyses must have deeply affected the Egyptians, since the funerary cult was of great importance to them; in addition, the Persian would have doubtless expiated funerary foundations in Sais.⁷⁰² His successor Darius I was

700 *Kuhrt*, *Persian Empire 1* (2007), 124–7 no. 14; cf. *Wiesehöfer*, *Geschichte* (2013), 27; *Hölbl*, *Geschichte* (1994), 3.

701 Herodotus in four volumes 2 (1921, repr. 63), 23 III.16; cf. *Kuhrt*, *Persian Empire 1* (2007), 129 no. 17.

702 Also in Memphis, Cambyses is supposed to have opened old tombs and there ridiculed the idols of the god Ptah, see Herodotus in four volumes 2 (1921, repr. 63), 48–51 III.37; cf. *Kuhrt*, *Persian Empire 1* (2007), 131 no. 19.

not a member of his dynasty and had usurped the throne;⁷⁰³ for his legitimization he invoked the aid of the god Ahura Mazdā.⁷⁰⁴ Though Herodotus denied that the Persians erected altars and cult statues,⁷⁰⁵ Darius had erected at least one statue of himself in Egypt to demonstrate his power, which was conceived as an everlasting remembrance of his person; later the statue was moved to Susa.⁷⁰⁶ Especially noteworthy was his decoration of the temple of Hibis for the native gods Amun-Re', Mut and Chons in the Egyptian oasis of al-Charga; he was repeatedly depicted in sacrifices for the Egyptian gods.⁷⁰⁷

His son and successor Xerxes I (486–65 BCE) also worshipped Ahura Mazdā, and boasted of having opposed and suppressed the *daivas* (demons? false gods?) of the foreign lands subjugated to his rule.⁷⁰⁸ In Babylon he is said to have commandeered a golden idol and to have killed a priest who tried to stop this sacrilege.⁷⁰⁹ Yet at Troy he allegedly offered a herd of one thousand sacrificial animals to the goddess Athena.⁷¹⁰ The later Persian king Artaxerxes II (405–359 BCE) is even said to have erected in Babylon a statue of the Old Iranian god Anāhitā, who was identified with Aphrodite, and also spread the cult of Mithras.⁷¹¹ In provinces only weakly controlled by the Achaemenids, local cults could, by contrast, truly prosper. In Lycian Xanthos (Asia Minor, modern Turkey, near Antalya) under Artaxerxes IV and the Persian satrap Pigeseres (Pixodarus), in probably 337 BCE, a stele was dedicated for the Carian deity Kaunios and his companion Arkesimas.⁷¹²

703 Wiesehöfer, *Geschichte* (2013), 27.

704 *Kuhrt*, *Persian Empire* 1 (2007), 141–58 no. 1; cf. *ibid.* 2 (2007), nos. 39–41, in addition nos. 42–5.

705 Herodotus in four volumes 1 (1920, repr. 31), 170–3 I.131–2; *Kuhrt*, *Persian Empire* 2 (2007), 548–51 no. 35. On the corresponding evidence of Berossus see *ibid.*, 566 no. 59.

706 *Kuhrt*, *Persian Empire* 2 (2007), 477–82 no. 2.

707 *Hölbl*, *Geschichte* (1994), 3, where it is even stated that Darius built the temple; cf. the Wikipedia article “Hibis”, dated to 30.7.2014, where the construction of the temple is ascribed to the 26th Dynasty. Darius II, furthermore, is said to have furthered the work of his homonymous predecessor. On the problem of the attribution of the temple to Darius I and/or Darius II see now *Vittmann*, *Ägypten zur Zeit der Perserherrschaft* (2011), 385, 401. Darius also founded the sanctuary in the temple of Qasr al-Ghuwaita, see *Hölbl*, 3, *Vittmann*, 385.

708 *Kuhrt*, *Persian Empire* 1 (2007), 304 no. 88. Cf., however, *Wiesehöfer*, *Geschichte* (2013), 28.

709 Herodotus in four volumes 1 (1920, repr. 31), 228 I.183; *Kuhrt*, *Persian Empire* 1 (2007), no. 8.

710 Herodotus in four volumes 3 (1922, repr. 63), 358 VII.43; *Kuhrt*, *Persian Empire* 1 (2007), no. 19.

711 *Kuhrt*, *Persian Empire* 2 (2007), nos. 59, 37; cf. *Wiesehöfer*, *Geschichte* (2013), 30; *Binder*, *Plutarchs Vita des Artaxerxes* (2008), 117–120.

712 *Kuhrt*, *Persian Empire* 2 (2007), no. 33; cf. *Trilingue vom Letoon*, in Wikipedia (accessed on 23.2.2015). On the Persian patronage of local cults, see in addition *Kuhrt* 2, no. 36.

Babylon and Egypt have fallen within the orbit of European empires and cultures since the time of Alexander the Great. A series of new studies have examined the attitude of Hellenistic rulers to native cults;⁷¹³ especially valuable is a catalog of all written and material sources for donations and foundations that the great conqueror and his royal successors made to Greek cities.⁷¹⁴ Alexander himself had little opportunity to do so on his Asian campaign. Two determining factors of his actions are in this context discernable: on the one hand, his financial room for maneuver was continually constrained. Already as the twenty-year-old succeeded his father as king of the Macedonians and lord of Greece in 336, he is said to have found only 50 talents in the treasury, and ten times as much debt; he had to be loaned a further 800 talents to campaign against the Persians.⁷¹⁵ The support of the Hellenic alliance, however, was so non-committal, that he was forced to consider the crossing of the Hellespont to Asia Minor in early 334 “influenced by acute financial need”.⁷¹⁶ Only when he plundered the Persian royal treasury in Susa in December of 331 did his situation change, yet he still had to above all finance his conquests and include his soldiers in the spoils.⁷¹⁷ Moreover, Alexander’s activity as a donor and founder was influenced by the motive of revenge for the unforgotten invasion of the Hellenes by Xerxes during the Persian war and the destruction of their shrines in the year 480.⁷¹⁸ Thus, it concerned the renewal of the cult of the gods and reconstruction: what the Persians now lost would benefit the Hellenes and Macedonians. The conquering king was not, however, given a long enough lease on life (d. 11.6.323 BCE) to implement a large number

713 Hölbl, *Geschichte* (1994); Huß, *Makedonischer König* (1994); Johnson, *Role of the Egyptian Priesthood* (1986); Quaegebeur, *Documents égyptiens* (1979); Clarysse, *Egyptian Estate-Holders* (1979); Evans, *Social and Economic History* (1961); Aperghis, *Seleukid Royal Economy* (2004); McEwan, *Priest and temple* (1981).

714 Donations and foundations were, however, not strictly differentiated in this project: Bringmann / Von Steuben (eds.), *Schenkungen* (1995); on which: Bringmann, *Geben und Nehmen* (2000), and Schmidt-Dounas, *Geschenke* (2000); Ameling, “... et dona ferentes” (1987), esp. 12–16, 31–40. The same applies to Schaaf, *Untersuchungen* (1992), here esp. 12. On Greek foundations from a strictly legal-historical perspective: Mannzmann, *Griechische Stiftungsurkunden* (1962). Indispensable remains Laum, *Stiftungen* 1–2 (1914, repr. 64). Cf. now also Harter-Uibopuu, *Stadt und Stifter* (2015).

715 Bringmann / Von Steuben (eds.), *Schenkungen* (1995), 305 no. 262.

716 Lehmann, *Mittelmeerraum* (2009), 167; Wiemer, *Alexander der Große* (2005), 90.

717 Bringmann / Von Steuben (eds.), *Schenkungen* (1995), 308 no. 264; Lehmann, *Mittelmeerraum* (2009), 173; Wiemer, *Alexander der Große* (2005), 114.

718 Bringmann, *Geben und Nehmen* (2000), 57; Lehmann, *Mittelmeerraum* (2009), 166. On the Greek campaign of Xerxes and the destruction of Greek temples by his Persians, see Kuhrt, *Persian Empire* 1 (2007), 238–43, with the source citations 250–85 nos. 9–61, at esp. nos. 37 and 40.

of works conceived for the long term, such as foundations, and they instead consisted mainly of modest yet representative dedicatory gifts that were to spread Alexander's fame in temples.⁷¹⁹

From the start Alexander had stylized his campaign against the Persians as a mirror-image to Xerxes' invasion of Greece and as the renewal of the successful war of the Greeks against the Trojans.⁷²⁰ Before the Achaemenid crossed over at Abydos to conquer Europe with his powerful army, he had portentously sacrificed to the goddess and had his Magians offer libations to the heroes. Calling on the sun, he also, as is reported, sacrificed to the sea from a golden phial, and threw this together with a golden bowl and a Persian sword into the water.⁷²¹ When Alexander then trod upon Asian soil at Abydos, supposedly throwing his spear onto the land,⁷²² he sacrificed to Athena Ilias and offered his armor as a dedicatory offering to the temple.⁷²³ In exchange, he took "the strongest" armor (or weapons) of the Trojan War displayed there, that is that of Achilles, in order to engage in the first battle against the Persians with this protection. Shortly thereafter (in May of 334 BCE), he attained at the River Granicus the first momentous victory over the Persian satraps, and sent 300 sets of armor plundered from the Asiastics to Athena on the Acropolis. He ordered, as it has transmitted, to inscribe upon the plundered pieces: "Alexander, the son of Philipp, and the Greeks except for the Lacedaemonians, from the barbarians inhabiting Asia."⁷²⁴ While Athens' goddess was rewarded as restitution for the destruction of Greek temples by Xerxes and her city was honored for its panhellenic merits, Alexander excluded Sparta from the allocation of the votive offering, because it was not a member of the Corinthian League and had not participated in the war against the Asiastic foe.⁷²⁵

The victor of the Granicus also honored some of the Macedonian cavalymen who had fallen in the first engagement with the Persians with statues

719 For a summary of Alexander's donation and founding activity esp. *Bringmann*, *Geben und Nehmen* (2000), 36–48, 57–63, and *Schmidt-Dounas*, *Geschenke* (2000), 3–8, and often elsewhere.

720 Cf. *Wiemer*, *Alexander der Große* (2005), 91; *Bringmann*, *Geben und Nehmen* (2000), 57.

721 Herodotus in four volumes 3 (1922, repr. 63), 368–371 VII.54.

722 On the ideology of the "Land Won by the Spear", according to the later narrative of Diodoros, see *Engels*, *Philipp II. und Alexander der Große* (2006), 49; *Wiemer*, *Alexander der Große* (2005), 91; *Hölbl*, *Geschichte* (1994), 83.

723 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 281 no. 246; cf. *Bringmann*, *Geben und Nehmen* (2000), 57. The account of Strabo: *Bringmann / Von Steuben* 282 no. 247; cf. *Habicht*, *Gottmenschentum* (1956), 27.

724 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 17 f. no. 2 (according to Arrian or Plutarch).

725 *Ibid.*, 18 no. 2.

given in commission to the sculptor Lysippos.⁷²⁶ As the place for the hero statues he chose the shrine of Zeus in Dion, venerated by both Macedonians and Hellenes as the highest god, where likenesses of the Macedonian kings were erected. King Archelaos I (d. 399) had here founded the Macedonian Olympics as a competitor to the Peloponnesian version in Olympia, and Alexander himself celebrated these games in honor of Zeus and the Muses at great expense, as he was hoping that war against the Persians would break out. Now he ensured “the dedication [of equestrian statues] to the divinity (...) the everlasting commemoration of the heroic deed”,⁷²⁷ without, however, a financing of the hero cult on his part through a foundation in evidence.

After Granicus, Alexander wanted to erect a temple and build an altar on the acropolis of the ancient royal residence of Sardis, which in the meantime had become the seat of a Persian satrap. As Arrian relates: “As he sought the best location on the citadel, however, there suddenly arose in the middle of the summer a violent storm with much thunder and rain on that very spot, where the Lydian royal citadel was. Alexander believed that the god had thereby given a sign where the temple for Zeus was to be built, and the corresponding order.”⁷²⁸ According to him, the grounds of the Lydian royal palace instead of the citadel were selected as the site; since archaeological traces of this are lacking, there is doubt in the scholarship as to whether the construction was ever completed.⁷²⁹ It is, however, supposed that Alexander’s founding of the temple was meant to supplant a cult of the Zoroastrian god Ahura Mazdā in Sardis.⁷³⁰

Alexander took Ephesus a few weeks after Granicus in the summer of 334 BCE. After the expulsion of the Persian occupation he reintroduced exiles that had been banned from the city on his behalf, overthrew the oligarchy and restored democracy; but the tribute “that had been paid to the barbarians, he ordered to be offered to Artemis.” While other liberated cities had to contribute financially to the campaigns of the Macedonian, Alexander exempted Ephesus from this burden to support the reconstruction of the Artemision with the erstwhile Persian tribute.⁷³¹ In addition, according to Timaeus and Strabo he also offered the Ephesians to cover the future expenses of the Temple of Artemis, only, however, on the condition “that he be mentioned for this in the

⁷²⁶ Ibid., 179 no. 112.

⁷²⁷ *Bringmann*, *Geben und Nehmen* (2000), 58, cf. *Schmidt-Dounas*, *Geschenke* (2000), 4.

⁷²⁸ *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 296 no. 258.

⁷²⁹ Ibid., 296; *Schmidt-Dounas*, *Geschenke* (2000), 4 n. 3.

⁷³⁰ *Bringmann*, *Geben und Nehmen* (2000), 60. Whether a statue foundation of Artaxerxes (429 or 367 BCE?) at Sardis may have referred to Ahura Mazdā is, however, debatable: *Kuhr*, *Persian Empire 2* (2007), 865–869 no. 36 (i), with n. 5.

⁷³¹ *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 304 no. 263.

inscription". This request was refuted with the argument that "it is unfitting of a god [sc. Alexander] to make votive offerings to the gods."⁷³² In fact, this was more about the city community not wanting to allow the monarch to take the cult of its own goddess away: "The erection of temples for the gods of the community was a task of the polis. Given the self-responsibility of the citizenry for their cultic matters, it was difficult to reconcile with this that a ruler from outside of the community would pay for the dwelling of the civic goddess, and that he wanted this documented by a dedicatory inscription. This had hitherto not taken place in a corporately-conceived city. Precedents existed only in cities under dynastic rule."⁷³³ Furthermore, it has been pointed out that already in the archaic period the legendarily rich Lydian king Croesus had donated most of the columns in the Temple of Artemis, as Herodotus reports and surviving inscriptions confirm; Alexander thus presented himself in the succession of a more ancient king whose rule had included Ephesus.⁷³⁴

If the narrative accounts are correct and can be amalgamated, then Alexander could only offer circumscribed, temporary gifts for new constructions, yet was not accepted as founder for a lasting cult. Since additional funds for long-term purposes could hardly have been available to the Macedonian general, this offer is dated at the earliest to after 331, or more probably to 324/3;⁷³⁵ in any case, Timaeus / Strabo offer rare testimony for the refusal of a foundation. The cult of Alexander, however, is attested in Ephesus still in 102 / 116 CE; even the grandsons of Augustus were supposedly enrolled in it. It has been deduced from an imperial inscription that the cult, provided with a priest, was indeed created during the lifetime of Alexander and in the context of his material support of the city.⁷³⁶

As Alexander traversed and took control of Asia Minor, he defeated the Persian imperial army under the personal command of Darius III at Issus in Cilicia (November of 333).⁷³⁷ Instead of penetrating from there into Mesopotamia and onwards to Perisa, he turned south and, through the control of important harbors along the eastern Mediterranean, cut off the Persian fleet from the motherland. With the conquest of Egypt (332 BCE) he pursued further economic, yet certainly also ideological, interests, since the millennia-old tradition of pharaonic kingship offered him an attractive legitimization for his monarchical rule, even over the Greek poleis. Following the ancient Egyptian

⁷³² Ibid., 307 no. 264.

⁷³³ *Bringmann*, *Geben und Nehmen* (2000), 62; cf. *Schmidt-Dounas*, *Geschenke* (2000), 4.

⁷³⁴ *Schmidt-Dounas*, *Geschenke* (2000), 7, 288–9.

⁷³⁵ *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 308 no. 264.

⁷³⁶ *Habicht*, *Gottmenschen* (1956), 18–9.

⁷³⁷ *Lehmann*, *Mittelmeerraum* (2009), 171–178.

example of attaining rule, he visited Heliopolis, the city of the sun god, and sacrificed to the gods in the shrines of the capital Memphis, especially the royal god Apis: "Since in Egypt sacrifice to the gods was essentially a pharaonic phenomenon, it was ipso facto connected with ascending the throne as Egyptian king."⁷³⁸ At the start of the following year the king went to the oasis of Siwa to question the oracle of Amun, who also enjoyed considerable prestige among the Greeks as Zeus Ammon. The priests allowed him—unaccompanied by his retinue—to come before the idol of the god Amun-Re' and complete the royal oracle with him, then greeted him as the son of Zeus (Amun), which followed the ritual of Egyptian successors to the throne.⁷³⁹

Back in Memphis, Alexander organized a feast of sacrifice in honor of *Zeus Basileus*, that is for Amun as king of the gods, and connected this with a military parade as well as with a gymnastic and musical *agōn* in the Greek style.⁷⁴⁰ He underlined his awareness or styling as a new pharaoh through temple constructions in the tradition of two rulers from the 18th Dynasty (1550–1292 BCE).⁷⁴¹ In Luxor he outfitted a space erected by Amenophis III with a boat sanctuary,⁷⁴² and in nearby Karnak he renewed the festal temple attributed to Thutmose III. The inscription of the so-called Alexander Chapel of Karnak reads in French translation: "(...) c'est une rénovation du monument qu'a faite le roi de Haute et Basse Egypte, maître du Double Pays, Setepenrê-Miamoun, le fils de Rê, possesseur des couronnes, Alexandre,—qu'il vive à jamais—, après qu'il l'eut trouvé construit sous la majesté de l'Horus Taureau-vaillant-qu i-s'est-levé-dans-Thèbes, le maître du Double Pays, Menkheperê, le fils de Rê, Thoutmosis, aimé d'Amon-Rê (...)." ⁷⁴³ In the oasis of Bahrija he had a temple building erected depicting himself sacrificing to Amun-Re and the other gods.⁷⁴⁴ He also enhanced his founding of Alexandria with a sacral building dedicated to Isis.⁷⁴⁵

After the conquest of Egypt Alexander achieved a further decisive victory over Darius III at Gaugamela (1.10.331 BCE), north of the upper Tigris (Mosul?), and styled himself "King of Asia."⁷⁴⁶ During the subsequent conquest of

⁷³⁸ Hölbl, *Geschichte* (1994), 9; Wiemer, *Alexander der Große* (2005), 107.

⁷³⁹ A critical discussion of the sources in Wiemer, *Alexander der Große* (2005), 108–9.

⁷⁴⁰ Hölbl, *Geschichte* (1994), 11; Lehmann, *Mittelmeerraum* (2009), 171–2.

⁷⁴¹ Hölbl, *Geschichte* (1994), 77–8.

⁷⁴² Abd el-Raziq, *Darstellungen* (1984).

⁷⁴³ Martinez, *Décoration* (1989), 109.

⁷⁴⁴ Hölbl, *Geschichte* (1994), 78 with 297 n. 30; Fahry, *Oases of Egypt 2* (1974), 99 and 101; cf. Hölbl, *Altägypten im Römischen Reich 3* (2005), 95.

⁷⁴⁵ Arrian in two volumes 1 (1976), 224 III.1.5.

⁷⁴⁶ Wiemer, *Alexander der Große* (2005), 123–4.

imperial metropolises, that of Babylon was certainly the most symbolically important—there he had the Marduk shrine restored—,⁷⁴⁷ Susa the most financially lucrative, but Persepolis the most politically lasting. Alexander allowed the palace complex to be burned down, where the Persians at the new year's feast had celebrated their rule “far-ranging over the peoples” and their “tribute-bearing subject peoples”. As a “national-religious” center, Persepolis was suited “for the ostentatious execution of ‘panhellenic’ revenge, as an equivalent for shrines that had earlier been razed in Greece.”⁷⁴⁸ Darius, his fleeing foe, was murdered on the way to eastern Iran by the satrap of Bactria, who now desired to become the Great King. Alexander, however, did not allow his successes to be disputed and he determinedly followed in the tradition of the Achaemenids: he had Darius buried in Persepolis and eliminated the Bactrian usurper with further campaigns to the east. Though thereafter he tarried at Babylon and was preparing an expedition to the ocean, but died after a short illness, the ancient metropolis on the Euphrates was presumably not foreseen as the permanent center of the Macedonian Empire.⁷⁴⁹

After Gaugamela Alexander no longer referred to the motive of the panhellenic war against the Persians in his votive gifts, but rather to his newly-won status as king of Asia.⁷⁵⁰ The chronicle of Lindos on the island of Rhodes offers the first testimony for this: “King Alexander (dedicated) steers with the following inscription: ‘King Alexander offered this after he had defeated Darius in battle and become Lord of Asia, according to the augur of the mild Athena.’ Under the priest Theugenes, son of Pistokrates (...). He also put up weapons on which an inscription was written.”⁷⁵¹ According to the catalog of priests, Theugenes, and the inscription itself, can be dated to 330 BCE. It has been hypothesized that the victorious general now also “gave in some sort of form a portion of the Persian booty to all the communities that had acquired merit for the freedom of the Greeks.”⁷⁵² The inhabitants of Croton in southern Italy, who were the only Greeks outside of the motherland to have aided in the conflict, he likewise rewarded with a gift.⁷⁵³ “For their outstanding loyalty to his cause he gave back to the Mytilenians the money which they spent for the war, and added a large neighboring territory (to theirs).”⁷⁵⁴ Elsewhere, Alexander

747 Ibid., 113.

748 Lehmann, *Mittelmeerraum* (2009), 173; Wiemer, *Alexander der Große* (2005), 114–6.

749 Lehmann, *Mittelmeerraum* (2009), 177.

750 Bringmann, *Geben und Nehmen* (2000), 59–60.

751 Bringmann / Von Steuben (eds.), *Schenkungen* (1995), 231 no. 194.

752 Bringmann, *Geben und Nehmen* (2000), 58–9.

753 Bringmann / Von Steuben (eds.), *Schenkungen* (1995), 381 no. 305.

754 Ibid., 248 no. 222.

made generous promises that, due to his early death, he was not able to keep.⁷⁵⁵ An inscription in Anatolian Priene names “King Alexander” as founder of the temple of Athena;⁷⁵⁶ this foundation is dated first to ca. 324/3 and presupposes older benefactions. According to a second inscription dated to 334, he is supposed to have declared Priene free, richly endowed the city and bestowed a series of benefactions upon its citizens.⁷⁵⁷ Alexander apparently continued in Priene the tradition of the rulers of Caria, the heir of whom he could be seen by adoption.⁷⁵⁸ As in Ephesus a cult (for his foundation?) was dedicated.⁷⁵⁹

1.3.1.3 Monarchical Euergetai

Progeny and relatives of little promise quarreled over Alexander’s inheritance, above all dignitaries and officers who had served him or already his father, Philip of Macedon. Thereby the unity of the empire was lost, even though the idea of a universal monarchy centered around Greece and western Asia Minor remained vibrant, and made way for individual states under their own dynasties.⁷⁶⁰ These new polities were, as the empire of Alexander itself, (mainly) founded on conquest and had a legitimacy problem: monarchs could never completely annex the Greek poleis with their democratic traditions, but rather had to try to win them over for themselves through benefactions.⁷⁶¹ One speaks in this context of “Euergetism”.⁷⁶² This neologism is derived from the Greek noun *euergesia*, and designates the—voluntary or morally/legally

755 Strabo relates that Alexander, after the eradication of Persian rule, sent to Illium “a letter with generous promises (...); he would make the city great, gloriously extend the shrine and institute a ‘sacred’ agon.” Cited after *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 282 no. 248. On which the commentary, *ibid.*, 283: “Death prevented the king from the fulfillment of his pledges.”

756 *Ibid.*, 313 no. 268: “King Alexander founded the temple of Athena Polias”, translation of the inscription. Cf. *Schmidt-Dounas*, *Geschenke* (2000), 3, 5.

757 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 314 no. 268; *Habicht*, *Gottmenschentum* (1956), 18.

758 *Schmidt-Dounas*, *Geschenke* (2000), 7, 286–90.

759 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 314; *Habicht*, *Gottmenschentum* (1956), 17–8.

760 Cf. *Meißner*, *Hellenismus* (2007), 4–18; *Gehrke*, *Geschichte* (4²⁰⁰⁸), 30–46; *Bringmann*, *Geben und Nehmen* (2000), 108–9.

761 *Bringmann*, *Geben und Nehmen* (2000), esp. 5, in addition *ibid.*, esp. 53, 79, 109; *Bringmann*, *Ehre des Königs* (1995); *idem*, *Der König als Wohltäter* (1993); *Ameling*, “... et dona ferentes” (1987); *Gauthier*, *Cités grecques* (1985), esp. 39–66; *Dignas*, *Economy of the Sacred* (2002). Now as well: *Harter-Uibopuu*, *Stadt und Stifter* (2015).

762 Fundamental is *Veyne*, *Brot und Spiele* (1988, repr. 1990), at esp. 162, 188–190; cf. *Zuiderhoek*, *Politics of Munificence* (2009), esp. 6–12; multiple contributions in: *Christol / Masson* (eds.), *Actes du x^e Congrès International* (1997); *Gauthier*, *Cités grecques* (1985).

prescribed—donation of the wealthy to the public, be it that of the “state” or of a city.⁷⁶³ These benefactions financed, on the one hand, games, public entertainments, fortifications or similar matters, on the other hand, constructions such as those of amphitheaters, bridges, baths etc. In contrast to philanthropic works in Christianity, ancient foundations in this sense were not works of charity, but rather strivings for “public recognition of the founder and his generosity” as well as the prestige of the city.⁷⁶⁴ Moreover, these donations often had cultic connotations, thus also possessing a religious meaning.⁷⁶⁵ It is thus problematic to strictly distinguish between religious and secular motives, between sacral and agonal or social goals, in the foundations of Graeco-Roman antiquity.⁷⁶⁶

The monarchs who succeeded Alexander, for the legitimation and securing of their rule, resorted to votive gifts to temples or even the erection of new sacral sites and profane structures, since these could spread their fame. Furthermore, such donations and foundations touched upon the agenda of the local citizens themselves and could, as unwanted interventions upon the cult of one's own veneration of the gods, encounter refusal. Where Hellenistic rulers had subjugated foreign peoples with distinct cults, such as the Seleucids in Asia (Babylon) or the Ptolemies on the Nile, they were also well-advised to treat native priests with respect and to support their religious institutions.

A characteristic behavior of monarchical Euergetai also consisted of the financing of Greek city-states and shrines outside of one's own realm, and rivalry at the sites of the panhellenic cults. Good examples of this are the votive gifts and foundations of Philetairos, the founder of the Attalid dynasty of Pergamon,⁷⁶⁷ as well as the vase endowments of Delos. Philetairos was at first entrusted with the treasury of King Lysimachos of Thrace, who also gained Macedonia in 285 BCE. Yet as Seleukos I advanced into Anatolia against Lysimachos, Philetairos changed sides and, after the death of his mentor in battle with the regime in Pergamon (281), was also able to keep the royal treasury of the fallen Lysimachos for himself. Since his financial means far exceeded the tasks of his small city territory, he was well-positioned to make friends with gifts outside its borders. He gave the city of Kyzikos on the Sea

⁷⁶³ Veyne, *Brot und Spiele* (1988, repr. 90), 22–24, 27 and *passim*.

⁷⁶⁴ *Von Reden*, *Glanz der Stadt* (2012), 22; *eadem*, *Stiftungen* (2015).

⁷⁶⁵ E.g. *Laum*, *Stiftungen* 2 (1914, repr. 1964), 27–30 no. 28 of 159/8 BCE, decree of the city of Delphi.

⁷⁶⁶ Thus, however, *ibid.* 1 (1914), 40–53, 60–115.

⁷⁶⁷ On which *Bringmann*, *Geben und Nehmen* (2000), 101; *Schalles*, *Untersuchungen* (1985), on Philetairos: 33–40. In addition, it is worth noting that the rulers of Pergamon cannot be counted among the Diadochoi of Alexander, s. *Ameling*, “... et dona ferentes” (1987), 17.

of Marmara (contemporary Balız) “26 Alexandrian talents for oil and the gatherings of the youth”, whereby the immensity of the sum would suggest a foundation rather than a simple donation.⁷⁶⁸ In thanks, the city organized a festival (*Philetairea*), even if his funds (also) were themselves not slated for it.⁷⁶⁹ To Aigiai in Mysia, under Seleucid rule, he made a votive gift for the temple (or the propylon) of Apollo Chresteros and endowed the shrine with land.⁷⁷⁰ He repeatedly endowed the shrine of the Muses in Thespiiai (Boeotia / central Greece). Three boundary stones with corresponding inscriptions mark donations of land there, which served the Muses (for the cult). One supported a cultic association named after itself and, through the production of oil, was to enable the operation of a local gymnasium “for all time”.⁷⁷¹ At Pergamon itself the dynastic founder Philetairos founded a temple of Meter Aspendone; the financing of a cult of the great mother goddess was apparently supposed to further “the wooing of the long-established population and to bind them closer to himself”.⁷⁷²

“Vase foundations” emerged from the widespread votive gifts of phials to temples. Thereby kings or other lords gave a sum of money, from whose interest a vase or bowl or an extraordinary sacrifice or feast was annually financed.⁷⁷³ These phials were placed in the treasuries of the shrines; in the shrine of Apollo at Delos alone there were supposedly around 1,600 vessels of various sizes.⁷⁷⁴ They were customarily made of silver, yet golden and crystal pieces are also evidenced.⁷⁷⁵ Provided with a dedicatory inscription, they could preserve the name of the founder for posterity; thus, they served both the cult of the gods and the fame of the donor forever. Surviving individual pieces are rare,

768 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 272–4 no. 241 [E 1]; *Laum*, *Stiftungen* 2 (1914, repr. 64), 79 no. 68; *Schalles*, *Untersuchungen* (1985), 39–40.

769 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 274 no. 241 [E 2]; cf. in addition *ibid.*, 295 no. 257; *Bringmann*, *Geben und Nehmen* (2000), 101, 122.

770 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 285 nos. 251–2; cf. *Schmidt-Dounas*, *Geschenke* (2000), 20–22; *Schalles*, *Untersuchungen* (1985), 33.

771 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 136–139 nos. 86–88; *Laum*, *Stiftungen* 2 (1914, repr. 64), 25 nos. 24a and 25. Cf. *Bringmann*, *Geben und Nehmen* (2000), 101, 54; *Schalles*, *Untersuchungen* (1985), 36–38; *Mannzmann*, *Griechische Stiftungsurkunden* (1962), 143–4. On the gymnasium *Schmidt-Dounas*, *Geschenke* (2000), 53.

772 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 293–95 no. 256; *Schmidt-Dounas*, *Geschenke* (2000), 8–10, 272 f., and often elsewhere (citation 9); *Schalles*, *Untersuchungen* (1985), 26.

773 *Schmidt-Dounas*, *Geschenke* (2000), 145–51, esp. 148; *Bringmann*, *Geben und Nehmen* (2000), 84–8.

774 *Schmidt-Dounas*, *Geschenke* (2000), 150.

775 *Ibid.*, 149.

from Delos or Didymos almost nothing has come down to us.⁷⁷⁶ Our knowledge is based, to the extent that it concerns kings, exclusively on inventories of temple treasures preserved as inscriptions. The lists allow the conclusion that these were not merely personal foundations, but above all concerned dynastic self-promotion. In Delos, the shrine of Apollo was presumably the recipient of these foundations of royal successors or families.⁷⁷⁷ The inaugurator of the Delian vase foundations appears to have been Ptolemy II Philadelphos (282–246 BCE). In 277 or 276 the Hellenistic ruler of Egypt, probably for the fame of his father Philadelphos I Soter (306/305–283/282), who had passed away some years previously and was the founder of the dynasty, established the *Ptolemaia* as a first sacrificial festival, for which, through the list entries, until 224 each year quite regular repetitions are evidenced. A second and third Ptolemaios festival came in 241 and 224 through the successors of the second Ptolemy.⁷⁷⁸

In the year 252 the Antigonids (from Macedonia and Greece) began to imitate the Ptolemies, even though were as unable to bring the Aegean islands under their rule as their rivals. For this year vase foundations of King Antigonos Gonatas and his sister Stratonike are documented, both of whom founded festivals named after them. The phials of the *Antigoneia* stretch back to the year 225, those of the *Stratonikeia* to 224 (or both to 207).⁷⁷⁹ Already in the previous decades Stratonike had distinguished herself as a donor of many other votive gifts to Delos, including jewelry for the Artemision and a golden crown for the temple of Apollo.⁷⁸⁰ Antigonos alone, furthermore, endowed already in the year 245 festivals with vases for his personal patron deity, Pan, as well as for the redemptive gods (*Paneia*; *Sōtēria*). Later rulers continued the series of vase endowments (Demetrios II in 238: *Dēmētrieia*; Philipp V in 217: *Philippeia*).⁷⁸¹

The third great dynasty, that of the Seleucids, did not, however, participate in this competition of festive foundations on Delos, but instead preferred gifts

776 Ibid., 149 with n. 668, 671; *Bringmann*, *Geben und Nehmen* (2000), 9.

777 On the following *Bringmann*, *Geben und Nehmen* (2000), 85–7; *Bruneau*, *Recherches* (1970), 515–76.

778 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 207 no. 151. On the two Ptolemies: *Hölbl*, *Geschichte* (1994), 22–43, at esp. 43, 91, 301 n. 95.

779 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 203 no. 142; *Bringmann*, *Geben und Nehmen* (2000), 85–6.

780 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), nos. 156–66, at esp. 213 nos. 158; *Bringmann*, *Geben und Nehmen* (2000), 86; *ibid.* 55–6.

781 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), no. 142; *Bringmann*, *Geben und Nehmen* (2000), 86–7.



ILLUSTRATION 11 Pergamon, Gymnasium (today Bergama, Turkey)

to the shrine of Apollo of Didyma (Asia Minor).⁷⁸² By contrast, the minor ruler Philetairos of Pergamon, founder of the Attalid dynasty, or his heirs around 263/2 BCE endowed a vase foundation with 4,000 drachmas for *Philetaireia*, which provided a yearly revenue of around 400 drachmas and “functioned” until at least the year 170; the later ruler Attalos I Soter (d. 197) enhanced this foundation through gifts for an *Attaleia*.⁷⁸³

Founders provided land or money, from which land was purchased and rented out at interest, for festivals and larger constructions. Thus, King

⁷⁸² *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), nos. 167 und 171; *Bringmann*, *Geben und Nehmen* (2000), 87.

⁷⁸³ *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), no. 182; *Bringmann*, *Geben und Nehmen* (2000), 87; *Schalles*, *Untersuchungen* (1985), 38, 135 n. 778.

Ptolemy III Euergetes (or Ptolemy II Philadelphos) and his consort Arsinoë transferred 25,000 drachmas to Thespiiai for the shrine of the Muses there from a store of capital in Egypt. Thereafter, the central Greek city decreed “that, in accordance with the decision of the people, holy land should be purchased with these funds.” Two properties of quite differing sizes were acquired, which were to each be leased for (at least) 14 years, and were to produce a regular revenue from interest of exactly 1701 drachmas and an obol.⁷⁸⁴ An inscription of a long list is transmitted from the island of Chios, with information on what the funds of King Attalos I Soter were to produce for the fortification of the city and the heating of the gymnasium: “The acre of Agathokles, son of Agathinos, in the Peraia: 115 drachmas (...). The developed and undeveloped land of Deinomachos, son of Leomedon, in Eurypylidai and the groves and the place by Metroon and Kabirion in Karidai, for which the Philidai permanently receive mortgage interest of 4 drachmas per year (...).”⁷⁸⁵

In return, those donated to and endowed bestowed various levels of honors: numerous examples have been transmitted.⁷⁸⁶ Already King Seleukos I and his consort Apame had “shown benevolence and favor” to the Milesians, as their son Antiochos I in the year 299 decided “to build a hall the length of a stade”;⁷⁸⁷ yearly incomes were then expected from the stoa, which were to benefit the cultic site. In order to emphasize “that the people of the Milesians dedicate fitting care to their benefactors”, they erected inter alia “an honorary statue of Antiochos on horseback”, and granted to the king and his progeny, that is the dynasty on a permanent basis, entrance to the oracle within the shrine of Didyma.⁷⁸⁸

It is characteristic of the Hellenistic period that cities turned expressly to monarchs for aid, and in certain cases negotiated with them the honors in advance, yet also risked conceding considerable influence to the kings over their own affairs.⁷⁸⁹ More so than in other societies, one can here discern the

784 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), no. 85.

785 *Ibid.*, 258 no. 231.

786 Cf., for example, nos. 275, 239, 301.

787 *Ibid.*, 342 no. 281 [E 2]. Cf. *ibid.* no. 280; on this source also *Schalles*, *Untersuchungen* (1992), 26–36; *Günther*, *Textkritische Nachträge* (1977/78) and now *Dignas*, *Economy of the Sacred* (2002), 41.

788 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 338–341 no. 281 [E 1], here 339; cf. *Laum*, *Stiftungen* 2 (1914, repr. 1964), 119 no. 129.

789 *Bringmann*, *Geben und Nehmen* (2000), 3, 54, 109, 121, 136, 150, 153, 157, 163, 171. Cf. the critique of Polybios at the acceptance of a school endowment of Eumenes II Soter by the inhabitants of Rhodes, *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 242–4 no. 212, here 242.

interference of recipients on patrons.⁷⁹⁰ The city of Delphi, for example, appealed around 160 BCE repeatedly to the kings of Pergamon, Eumenes II Soter and his brother and co-ruler Attalos II Philadelphos from the dynasties of the Antigonids. At first, the Delphians appear to have sent an embassy to Eumenes in order to bring attention to their precarious supply situation and the urgently-needed repairs to their buildings, as emerges from a decision of the assembly: “King Eumenes, as we earlier had sent the emissary Praxias, son of Eudokos, [and] Kallias, son of Emmenidas, because of money for the grain fund and the embellishment of the shrine to him, had benevolently heard the petitions and promised to do something; for this he tasked emissaries to relay that he had undertaken to fulfill from the city of Erbetene what had been requested, and he had to this effect written to the city and afterward, as had been arranged, dispatched three and a half Alexandrian talents for the purchase of grain and donated it to the city. And as we again sent Praxias, the son of Eudokos, [and] Bakchios, the son of Agron, as emissaries to him, who were to greet him in the name of the city, thank him for the benefactions bestowed, and—according to the tasks assigned to them—to present petitions, the king there received them hospitably and sent an additional Alexandrian talent for the honors and sacrifices earlier decided by him, as well as slaves for the construction of the theater and the other votive gifts and other benefactions. Fortunately, the city therefore decided that the money ought to be sacred. As supervisors for the purchase of grain three esteemed men, not younger than 30 and not older than 60, were to be chosen, that is elected by the people in the assembly (...).”⁷⁹¹ The festivals and sacrifices created in Eumenes’ honor were then financed by his own foundation.⁷⁹²

At almost the same time, Attalos created a school foundation and received the honor of the Delphians, who regulated his cult in complex decisions: “The city of Delphi has decreed in a lawmaking assembly with the votes prescribed by the law: King Attalos, son of King Attalos, to whom we turn on account of educating children (...), is already like his ancestors our friend and well-disposed to the city, furthermore, he acts piously before the gods and fulfills his duties and has eagerly granted our request. For this reason, he has sent 18,000 Alexandrian silver drachmas for the education of children as well as 3,000 drachmas for honors and sacrifices, so that the gift might last for all time,

790 The ideal-type progression of the foundation of a gymnasium or temple or festival in *Bringmann*, *Geben und Nehmen* (2000), 16, cf. 161; *idem*, *König als Wohltäter* (1993), here esp. 86.

791 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 150 no. 93 [E 2], cf. nos. 93 [E 1] und 94 [E]. Cf. *Schalles*, *Untersuchungen* (1992), 62–72.

792 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), no. 93 [E 3].

the salary for teachers be paid regularly and the expenses for the honors and sacrifices be paid from the interest of the money loaned. Therefore the city—fortunately—has decided: the money should be sacred to the god, and neither an official nor a private person is to be allowed to use anything for another purpose or in another way (...). If, however, any official or private person does something of this sort, he is to be turned over to the treasury officials due to the theft of holy funds, then the treasury officials are to enter eight times the sum of the money stolen by decree or other means (on a list of debts in his name) (...).” Whatever remained of the interest was to be loaned out at a rate of 6.66%. While the sacrifice with a public feast for Eumenes was to be regularly held on the 12th of Hercules,⁷⁹³ the *Attaleia* was slated for the following day: “The Epimeletai are to sacrifice three unblemished cows, which the citizens are to offer to Apollo, Leo and Artemis, respectively, and the other sacrificial animals for King Attalos, as has been fixed, whereby they should loudly proclaim the sacrifices as *Attaleia*. The meat and the 40 metretes of wine are to be used for the festival. On the 12th of Hercules everything should be ready for the sacrifice. On the 13th the priests of Apollo and the other gods and the Prytanes and the Archontes and the wreathed youths are to hold a procession, and the procession is to go from the ‘threshing floor’ to the temple. After the procession the priests of Apollo should likewise call out *Attaleia* while uttering the prayers, as is customary. So that it will be known, what has been determined, the decree should be written on the monument of King Attalos (...).”⁷⁹⁴

With another foundation, which once again Eumenes II dedicated to the inhabitants of Ionia in general and specifically the city of Miletus, the king only summarily mentioned his benefactions in order to describe in more detail the honors to be bestowed upon him.⁷⁹⁵ It is worth quoting the entirety of this document: “King Eumenes greets the community of the Ionians. Of your emissaries, Menekles did not meet me, but Eirenias and Archelaos greeted me in Delos and gave me a fine and polite edict, in which you first narrated, that I from the beginning have performed the finest actions and proven myself a general benefactor of the Hellenes and undertaken great struggles against the barbarians, whereby I exercised all diligence and care that the inhabitants of Greek cities live in peace and in an optimal condition, and I have exchanged the danger and pains connected with it for glory; that I decided to consistently continue the behavior of my father in the matters pertaining to the community of the Ionians, by being well-disposed to both the community as well as

793 Ibid., 151 no. 93 [E 3].

794 Ibid., 154–158 no. 94 [E], here 156; *Laum*, *Stiftungen* 2 (1914, repr. 1964), 27–31 no. 28.

795 On the historical context, see *Gehrke*, *Geschichte* (42008), 122–130.

the individual cities and by aiding each one in erecting a great deal, which contributed to the outward luster and glory, so that by these deeds my generosity as well as the gratitude of the community [is demonstrated]. Therefore you have decided, so that you are seen always to render to benefactors the honors due to them, to crown us with a golden wreath as a [most excellent] proof of honor, and to erect a golden statue at the place of Ionia, which I will visit, and, furthermore, to announce these honors in the Agones which you will organize, and also in the Agones which the cities each organize for themselves, to greet me from the community and to rejoice with me, that my relatives (i.e.: the court) are doing well and that matters of state are in order, moreover, to request of me, since I see the gratitude of the populace, to take the proper measures to ensure that the community of the Ionians grows and finds itself in the best condition; thus, I would in the future acquire everything that contributes to honor and glory. In agreement with everything that has been decided, the emissaries as well have spoken with great zeal and stated the most heartfelt and most untiring good wishes of the populace on our behalf. I benevolently accept these honors and, as I have never neglected, such as I am able, to apportion something of that which belongs to fame and glory to all the cities together as well as each individual one, I will also now thus attempt not to depart from this model. May reality follow my will! For you would have a sure proof of my affection through the deeds themselves. So that in the future as well, when you celebrate at the festival of the Panionia also a day named after us, you perform the whole festival in a fitting manner, I am setting aside sufficient incomes for you, from which you will take the money in order to organize the memorial celebrations befitting us. I myself will have the golden image manufactured, because I prefer that the gratitude of the community bear no cost at all. I desire that it be placed in a sacred district, which the Milesians have decreed for us. I mean namely that its erection in this city will be the most fitting, because you have there just decreed the honor for us at the mounting of the festival, since only this city, of all the cities of Ionia, until the present moment has erected a sacred district for us, and we treat them because of the Kyzikans as related to us, and since it has besides done much worthy of remembrance for the Ionians. The details regarding my goodwill towards all of you together and for each individual city has been heard by the emissaries and they will relate it to you. Adieu."⁷⁹⁶

These royal foundations ran into obstacles if they created political dependency too openly. When Eumenes II offered 120 talents to the Achaean League in order to pay stipends to the council from the interest, this attempt at bribery

796 *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 349–353 no. 285, at 351–2.

caused outrage. As Polybius reports, Apollonidas of Sikyon appeared during the consultation on the affair: "He said that the sum offered by Eumenes was a gift not unworthy of the Achaeans' acceptance, but that the intention of the giver and the purpose to which it was to be applied were as disgraceful and illegal as could be. For, as it was forbidden by law for any private person or magistrate to receive gifts, on no matter what pretext, from a king, that all should be openly bribed by accepting this money was the most illegal thing conceivable, besides being confessedly the most disgraceful. For that the parliament should be in Eumenes' pay every year, and discuss public affairs after swallowing a bait, so to speak, would evidently involve disgrace and hurt. Now it was Eumenes who was giving them money; next time it would be Prusias, and after that Seleucus. 'And,' he said, 'as the interests of democracies and kings are naturally opposed, and most debates and the most important deal with our differences with the kings, it is evident that perforce one or the other thing will happen: either the interests of the kings will take precedence of our own; or, if this is not so, we shall appear to every one to be ungrateful in acting against our paymasters.' So he exhorted the Achaeans not only to refuse the gift, but to detest Eumenes for his purpose in offering it."⁷⁹⁷

In Egypt the Ptolemies were confronted by the twin challenge of having to religiously provide incoming Macedonians and Greeks with their own cultic sites as well as making the native priesthood well-disposed to their rule.⁷⁹⁸ Already Alexander had correspondingly in his planning for his eponymous city on the Mediterranean foreseen temples for Greek gods as well as the Egyptian goddess Isis, and while the Alexandrians themselves probably still during the lifetime of the great king erected a cult for their hero-founder (*hērōs ktistēs*), the conqueror himself provided at the same time for two temples in honor of his friend, the hero Hephaistos.⁷⁹⁹ The second ruler of the new dynasty already in 279/8 endowed a *Ptolemaia* in Alexandria that was adopted throughout the kingdom in the cities.⁸⁰⁰ Meanwhile, all the kings of the dynasty of the Lagids, beginning with Ptolemy I Soter, supported the Egyptian priesthood

797 Polybius, *The Histories* 5 (1960), 359; German trans.: *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 113–6 no. 67, at 115; cf. *Bringmann*, *Geben und Nehmen* (2000), 127–8.

798 Cf. *Huß*, *Ägypten* (2001), 240, with reference to Ptolemaios I Soter, who, however, qualifies that there are only sources in limited quantities regarding his patronage of Macedonian and Greek cults (241 n. 15). Similarly already *Otto*, *Priester und Tempel* 1 (1905), 278.

799 *Huß*, *Ägypten* (2001), 63, 69. Alexandria was in a legal sense one of the three Greek cities in Egypt: *Hölbl*, *Geschichte* (1994), 28.

800 *Hölbl*, *Geschichte* (1994), 87.

through the construction or restauration of their temples.⁸⁰¹ In return, they were accepted into the cult and identified with the gods.⁸⁰² Ptolemy II, in conformity with Egyptian tradition, was attested as having completed works like no other king before him, with the whole world lying suppliant at his feet.⁸⁰³ The priests repeatedly resolved to erect cultic statues for the members of the royal family in all temples, like the ancient Egyptian pharaohs.⁸⁰⁴ The famed priestly decree on the Rosetta Stone of the year 196 BCE attests that Ptolemy V had acted extraordinarily “philanthropically” to the temples.⁸⁰⁵ The priests of Philai ascribed to the same ruler that he was one “who protects Egypt, endows the shrines and preserves the laws”. Ptolemy VII was but a “youth, who supplies the temples, who multiplies the gifts of the prince of princes, rich in acres, lord of sacrifices.”⁸⁰⁶ For their favorable behavior towards the gods, they had already proven themselves to be generous to them, and they would do so in the future as well. The gods and goddesses of Egypt, so it was stated, had repaid the gifts of the kings with many years of life, strengths, riches and health, and erected their throne in the entire land, for their children as well. Wished for and prophesied were “one million and one hundred thousand jubilee festivals of the reign” and “the great kingdom forever”. The priests themselves interceded through their prayers for “protection, life and happiness” and wished the rulers and their consorts eternal life.⁸⁰⁷

It is difficult to judge whether the royal benefactors stipulated these reciprocal gifts, which would correspond to a founder’s mentality, or the self-confident priests used the endowments as an opportunity to become active “of their own accord”. The relationship between the foreign king and the native priesthood is impressively expressed in the so-called Decree of Kanopos from the year 238 BCE; according to its form, it was a decree that the Egyptian priests

801 Huß, *Makedonischer König* (1994), 19, with the addition: “The kings did not undertake all costs for the construction of all temples.” Cf. *ibid.*, 26–39, the list of sacred structures that Ptolemaic kings and queens erected in honor of Egyptian gods; *idem*, *Ägypten* (2001), 457 and often elsewhere.

802 Huß, *Makedonischer König* (1994), 99–103. The king was the high priest of the gods, and was seen as the son of the gods and himself a god. Since the second king of the Macedonian dynasty in Egypt, Ptolemaios II, the rulers had appeared as *synnaioi theoi* and received daily sacrifices in the temples: *Evans*, *Social and Economic History* (1961), 150, cf. 152.

803 Huß, *Makedonischer König* (1994), 103–4.

804 *Ibid.*, 105.

805 Hölbl, *Geschichte* (1994), 146 and often elsewhere.; *Hunger*, *Φιλανθρωπία* (1963), 5–6.

806 Huß, *Makedonischer König* (1994), 105–6.

807 *Ibid.*, 109–22.

had composed during one of their annual synods.⁸⁰⁸ The honors are for King Ptolemy III Euergetes, the son of Ptolemy II Philadelphos, who had married his own sister Arsinoe (II) for his second marriage, and his consort Berenike.⁸⁰⁹ The benefactions of the ruler are exhaustively praised in the lengthy document: “Since King Ptolemy, son of Ptolemy and of Arsinoe, the sibling gods,⁸¹⁰ and Queen Berenike, his sister and consort,⁸¹¹ have always evidenced many important benefactions to the shrines in the land and have continually increased donors for the gods and supply with much cost and great expense [the sacred bulls] Apis, Mnevis and the other most-treasured holy animals in the land with all means, and [since] the king had brought back the sacred idols, which had been stolen by the Persians, to Egypt in a campaign, from which each one had been diverted, at his time, and [since he] preserves the land in continual peace by waging war against many peoples and those who rule over them, and because they [= the royal couple] offer all the [inhabitants] of the land and the remaining subjects of their kingdom good order (*eunomia*), and [since], when the Nile once scarcely flooded and all the inhabitants of the land were brought low because of this event and remembered the misfortune which had occurred under some of the earlier kings, under whom the inhabitants of the land suffered drought, they attentively engaged themselves on behalf of these people in the shrines and the other inhabitants of the land, thereby displaying much prudence and declining no small part of their tax revenues to save the people, and, by importing grain from Syria and Phoenicia and Cyprus and numerous other regions into the land at high prices, they saved the inhabitants of Egypt and thus bequeathed an immortal benefaction and a superb reminder of their sublimity to those living today and future generations. For this the gods have given them the stability of their royal rule, and they will give them all further blessings for all time.—O what good fortune! Let it be the decree of the priests in the land, that the already-existing honors be augmented in shrines for King Ptolemy and Queen Berenike, the Beneficent Gods, and their parents, the sibling gods, and their grandparents, the redemptive gods, and the priests in each shrine in the land also bear the designation ‘Priests of the Beneficent Gods’ and [with this designation] be inscribed in all documents, and that the

808 Hölbl, *Geschichte* (1994), 99–105. The initiative for the priestly assembly stemmed from the royal court, which largely predetermined its decisions. According to Hölbl, 100, the royal influence in Kanopos had been even stronger than on later synods.

809 Ibid., 44–53.

810 The biological mother of Ptolemaios III was also named Arsinoe (I), yet the monarch is here designated as the son of the homonymous sister of his father, Arsinoe (II).

811 Berenike was not the biological sister of Ptolemaios III, but the daughter of King Magas of Cyrene.

Priesthood of the Beneficent Gods also be engraved on their signet rings.” At the side of the four existing divisions of the priesthood, a fifth was to appear, which was to be called “Phyle of the Beneficent Gods” after the reigning royal couple. Thereafter the synod of Kanopos regulated the cult in detail through this section on Egyptian priests: “Those [selected] from the fifth phyle ‘of the Beneficent Gods’ are to participate in the lustrations and all other [rites] in the temples (...). And since in every month in the shrines, corresponding to the earlier decree, the fifth, ninth and twenty-fifth [day] are to be celebrated as feast days of the Beneficent Gods, and feast days and public festive gatherings are to be dedicated to the other important deities, annually a public festive gathering is to be celebrated, in the shrines and in the whole land, for King Ptolemy and Queen Berenike, the Beneficent Gods, on the day which the star of Isis [= Sirius] arises, which is New Year’s Day according to holy writ and currently falls in the ninth year on the day of the new moon [= 1st] of the month of Paṃni, on which the Small and Great Bubastia are celebrated, crops are harvested and the Nile flood begins.”⁸¹²

Ptolemy III and his consort Berenike were thus honored for their various benefactions, including for the support of shrines and the populace in general with grain at times of natural calamities, but also for the financing of the cult. It remains unclear whether this material support consisted of a one-time gift or a foundation. It is, however, implied that the king for a time relinquished his taxes, to which temples in Egypt were also obligated.⁸¹³

Egyptological scholarship firmly maintains not only that temples possessed their own estates,⁸¹⁴ but were also supported by exactions and regular state subventions. Moreover, it is unclear how much weight the regular contributions of the fisc had, which were to be divided amongst the priests

812 Brodersen / Günther / Schmitt, *Historische griechische Inschriften* III (1999), 14–19 no. 412, at 15–17. Three copies of the decision, each trilingual (hieroglyphic, Demotic and Greek) have survived, and thus was directed equally at Egyptians as well as at Greeks and Macedonians. The editions are listed in *ibid.*, 14–5. A reprint of the translation by Meißner, *Hellenismus* (2007), 41–3, at 41–2.

813 Huß, *Makedonischer König* (1994), 43, 69; Otto, *Priester und Tempel* 2 (1908), 287.

814 Otto, *Priester und Tempel* 1 (1905), 258–62; cf. *Préaux*, *Économie Royale* (1939), 482: “Les terres détachées du domaine royal et consacrées aux dieux sont vastes.” The same verdict is delivered by *Evans*, *Social and Economic History* (1961), 151; cf., however, *Manning*, *Land and Power* (2003), 83: “The association of high priests and the land is rarely tested. The normal presumption is that priests had a right to income produced from temple holdings. Priests may have divided temple income among themselves, but they also held land privately.” *Johnson*, *Role of the Egyptian Priesthood* (1986), 79, speaks of a “small number of documents mentioning landed property”. In addition, *Clarysse*, *Egyptian Estate-Holders* (1979).

(*syntaxis*);⁸¹⁵ tax relief also belonged to the occasional royal measures of support.⁸¹⁶ How freely temples or priests could use their property definitely differed from period to period.⁸¹⁷ In addition, the priesthood was also to organize itself cooperatively.⁸¹⁸ To what degree one can speak of royal foundations at Egyptian cultic sites during the Ptolemaic period, by which a bequeathed property was to be used for a lasting goal determined by the founder, remains unresolved within Egyptology. At the center not only of scholarship, but also of the sources, stands always the erection of cultic structures themselves. The cult in question could, however, also be taken over by the civic community affected by it, so that no royal foundations at all existed.

Such sovereign gifts, based on the taxes of certain goods and which were slated for donees over the long term, could seem similar to foundations. A much-discussed instance of this sort is the *apomoira*;⁸¹⁹ in the year 263 BCE Ptolemy II dedicated it to the cult of his deified consort and sister Arsinoe II. A sixth of the revenues of vineyards and gardens of the entire land were to be appropriated for it. It has been hypothesized that the tax stemmed already from the Old Pharaonic period and that to that point it had been dedicated to certain temples in each of their agricultural hinterlands. Certainly, like a foundation, particular revenues from well-delineated properties, according to the will of the king, were to be spent; yet the properties themselves remained under sovereign control, and it was certainly also the royal administration that was entrusted with the collection of the garden revenues. Even when the *apomoira* is attested into the Roman period,⁸²⁰ thus attaining a duration worthy of a foundation, the strong royal rights of interference speak against calling it so.

Similar to the *apomoira*, much the same could be said for the financing of the shrine dedicated to the crocodile god Sobk in the village of Tebtunis, which went back to Ptolemy I.⁸²¹ To the temple of Soknebtunis was dedicated a third of the taxes levied from 1,000 dove-cotes in the vicinity; here as well a state ex-

815 Otto, *Priester und Tempel* 1 (1905), 366; *Quaegebeur*, *Documents égyptiens* (1979), 713 with n. 20; *Evans*, *Social and Economic History* (1961), 158.

816 Huß, *Makedonischer König* (1994), 43.

817 Cf. *Manning*, *Land and Power* (2003), 71: "Temples, at least the large ones, were historically part of the state, controlled by the king in his monopoly on stone and crucial commodities such as incense, and by religious ideology that viewed the pharaoh as the chief official in every cult, though temples could also be independent actors."

818 Huß, *Makedonischer König* (1994), 48–50.

819 Cf. *Manning*, *Land and Power* (2003), 56; *Quaegebeur*, *Documents égyptiens* (1979), 714; *Evans*, *Social and Economic History* (1961), 217–21; Otto, *Priester und Tempel* 1 (1905), 340–56; cf. *Préaux*, *Économie Royale* (1939), 50, 171–81.

820 *Evans*, *Social and Economic History* (1961), 220–1.

821 *Ibid.*, at esp. 149, 176, 209.



ILLUSTRATION 12 Edfu, Temple of Horus. Egypt, 237–12 BCE

action of the appropriated funds is suspected.⁸²² Yet in this case the exaction appears to have been short-lived.

Recognizably a foundation is the Horus temple of Edfu. On the outer wall of the monumental sacral structure, the most spectacular architectural work of the Ptolemaic period,⁸²³ Ptolemy X Alexander (107–88 BCE) had a lengthy text inscribed, which traces its current property to earlier rulers.⁸²⁴ Named as benefactors are Darius I and Darius II, as well as Pharaoh Nektanebos II, one of the last Egyptian kings. Ptolemy X, by confirming the donations of his predecessors, presented himself as a donor.⁸²⁵ It is expressly stated that gifts for the father of the gods Horus, lord of heaven, as well as for all gods of Edfu,

822 Ibid., 210, 216–7.

823 Hölbl, *Geschichte* (1994), 79, 236–9 and passim.

824 See now the analysis of Manning, *Land and Power* (2003), 73–9; in addition, Meek, *Grand text* (1972).

825 Manning, *Land and Power* (2003), 245 (English translation); Meek, *Grand text* (1972), 19 (French translation). An edition of the hieroglyphic text in Meek, 4*–76*. On the matter cf. Manning, 75–7; Meek, 133; Vittmann, *Ägypten zur Zeit der Perserherrschaft* (2011), 403–4.

are to be used “for the daily sacrifice”, while for the revenue-producing estates “Eternal Fields” are specifically mentioned.⁸²⁶ A dispute between the temples of Elephantine and Philae also refers to foundations in a more narrow sense.⁸²⁷ The priests of the gods Chnum and Satet of Elephantine at the first Nile cataract claimed that already Pharaoh Djoser (3rd Dynasty) had transferred to them the Twelve-Mile Land (Dodekaschoinos), to wit the agricultural revenues, a tenth of the animals hunted as well as access tolls and mineral rights. Apparently, Ptolemy II had initially confiscated these properties and incomes, as he was endowing the temple of Isis at Philae he had constructed. The protests of the priests of Chnum lasted into the Roman period, yet remained unheeded.

In Babylon, the Seleucids succeeded Alexander of Macedon and the Persian Achaemenids. Though northern Syria also belonged to the kingdom's heartland, its aspirations were directed towards Asia Minor, Iran and India.⁸²⁸ Newer scholarship has emphasized the Asiatic (rather than Mediterranean) character of its state structure, as indicated by the erection of the new capital, Seleucia-on-the-Tigris.⁸²⁹ A foray of the dynasty's founder Seleukos I (311–281 BCE) to the east supposedly even exceeded the conquests of Alexander, but he concluded a treaty with Candragupta Maurya in 305/3, which surrendered all lands under Seleucid suzerainty east of Kabul.⁸³⁰ With 500 war elephants, the tribute of the north Indian ruler, Seleukos was able to win a decisive victory in Asia Minor in the year 301 BCE.⁸³¹ Nonetheless, Seleucid rule always remained fragile both in the west as well as in the eastern extremities. The most important successor of Seleukos I, Antiochos III (223–187), aspired to be a great power on the model of Alexander. He defeated an usurper in Asia Minor (216–3), without succeeding in gaining control of this entire region, and then campaigned successfully against Armenia, Parthia and Bactria (212–5).⁸³² Soon thereafter he conquered Coele Syria and Palestine and in 196 embarked for Europe, in order to reestablish the empire of Seleukos I in Thrace as well.⁸³³ There he was met by a new and powerful foe, the Romans, who acted as defenders of Greek freedom and defeated Antiochos in a conflict over many years

826 *Manning*, Land and Power (2003), 246; *Meek*, Grand text (1972).

827 *Hölbl*, Geschichte (1994), 78, 143, 148, 166.

828 Cf. *Wiesehöfer*, Geschichte (2013), 33; *idem*, Iran nach dem Alexanderzug (2009), 194–6; *Lehmann*, Mittelmeerraum (2009), esp. 181–3; *Gehrke*, Geschichte (42008), passim.

829 For example, *Van der Spek*, Seleucid State (2000); *Sommer*, Babylonien im Seleukidenreich (2000); *Briant*, Seleucid Kingdom (1990).

830 *Gehrke*, Geschichte (42008), 32, 40; *Schmidt-Glitzner*, Geschichte Indiens (2009), 339–40.

831 *Gehrke*, Geschichte (42008), 40.

832 *Dreyer*, Römische Nobilitätsherrschaft (2007), 239–91; *Gehrke*, Geschichte (42008), 116; *Wiesehöfer*, Iran nach dem Alexanderzug (2009), 195.

833 Cf. on which the considerations of *Gehrke*, Geschichte (42008), 121.

on land and sea.⁸³⁴ A treaty of 188 led, aside from enormous reparations, to the renewed loss of all lands north and west of the Taurus range.⁸³⁵

In forming their empire, the Seleucids thus not only had to win over Babylonians and Persians, but also Hellenes in their cities. One can deduce this from the foundations of Antiochos III and his consort Laodike. As the king reconquered Lydian Sardis (215), he found the Anatolian city in ruins. He assigned deliveries of wood for its reconstruction, ordered a five-percent tax for the citizens and granted additional benefits. Even the gymnasium was to be rebuilt. Antiochos prescribed that a fund be formed, from whose incomes 200 metretres of oil for the use of the youth staying in the gymnasium would be purchased. In exchange, the assembly and people of Sardis, as was customary, decreed honors for the king and his consort, including a three-day festival of Laodikeia. The queen herself expressed thanks for the erection of a sacred district dedicated to her, the consecration of an altar and the annual festival; this was to be celebrated with a procession and sacrifices to Zeus Genethlios, but was to benefit the well-being of the king and their children. As long as the goodwill of the people lasted, she would always try to render good unto the city.⁸³⁶

After Antiochos, probably in the year 197, also “liberated” Iasos in Caria, Laodike created a notable “caritative” foundation for the city. In this instance an earthquake had afflicted the people. Just as her “brother” (husband) supported the city materially and intellectually through the restoration of freedom and the laws, she wanted to likewise do so and erect “a foundation for the weaker citizens, which is of common benefit for all the people.”⁸³⁷ Over ten years 1,000 Attic *medimnoi* of wheat were to be brought into the city and handed over to the officials: the treasurers were to sell them in portions, and the administrators were “to use [the revenues] for the dowries of daughters of poor citizens, by giving every one to be married no more than 300 Antiochene drachmas.” This was therefore not an “eternal”, but rather a temporary, foundation; it has been calculated that with a presumed yield of 6 drachmas per *medimnos* at

834 Dreyer, *Römische Nobilitätsherrschaft* (2007), at esp. 293–4.

835 Ibid., 291–300, 321–82; Gehrke, *Geschichte* (⁴2008), 118–24; Wiesehöfer, *Iran nach dem Alexanderzug* (2009), 195.

836 Bringmann / Von Steuben (eds.), *Schenkungen* (1995), no. 260; on which Dreyer, *Römische Nobilitätsherrschaft* (2007), 241–48.

837 Bringmann / Von Steuben (eds.), *Schenkungen* (1995), 366–71 no. 297, at 369. On which Dreyer, *Römische Nobilitätsherrschaft* (2007), 248–50; Bringmann, *Geben und Nehmen* (2000), 146–8 and often elsewhere.

least 20 girls a year, that is 200 of them over ten years, could be financed.⁸³⁸ The inscription, as usual, also lists the honorary decree of the assembly. According to it, annually a virgin priestess of Queen Aphrodite Laodike was to be chosen, who was to wear a white sacerdotal band during the procession. Special ceremonies were slated for the birthday of the queen in the month of Aphrodision. All bridegrooms and brides were to sacrifice to the queen after being married and (in all probability) to participate in the procession. Antiochos was also extolled: he had generally endeavored “that the monarchy [has been erected to] render benefactions to the people”; thus, he had also freed Iasos from servitude. During their annual change of office, the *stratēgoi* were to sacrifice at the altar dedicated to Antiochos for this.⁸³⁹

Of course, the Seleucids also personally supported Greek shrines.⁸⁴⁰ A much-discussed foundation stems from the village of Baitokaike in northern Syria from a certain King Antiochos, which is usually dated to the later period of the dynasty (Antiochos VIII, sole ruler 121–113 BCE?).⁸⁴¹ According to the inscription, the power of the god Zeus flowed from the place in question, which one Demetrios had hitherto possessed. Now returned to the king, the village, with all of its adjacent and constituent parts as well as the revenues of the current year, was to be left to Zeus of Baitokaike “for all time”, and in such a way that the incomes for the monthly sacrifice be used “furthermore for the elevation of the shrine, according to custom, by the priest ordered there by the god.” In addition, exaction-free festivals were to be held on the 15th and 30th of every month: “The shrine ought to be inviolable, the village itself free of quartering and encumbrances, as long as no repeal occurs.” Those opposed to this regulation were threatened with punishment.⁸⁴²

838 *Bringmann*, *Geben und Nehmen* (2000), 194. This instance is mentioned as an example for women as founders by *Gauthier*, *Cités grecques* (1985), 74; cf. on the votive offerings of women as indications of personal piety *Bringmann*, 55.

839 On this resort to royal ethics cf. *Bringmann*, *Geben und Nehmen* (2000), 3–8; *idem*, *König als Wohltäter* (1993), esp. 83–5 (with reference to the example of Iasos). A cult for Antiochos and Laodike comparable to that of Iasos was also found in Teos: *Bringmann / Von Steuben* (eds.), *Schenkungen* (1995), 370; *Dreyer*, *Römische Nobilitätsherrschaft* (2007), 250.

840 Cf. *Bikerman*, *Institutions* (1938), 252–3.

841 Thus, the recent dating recommendation of *Ebling*, *Untersuchungen* (2008), 77, cf. 215. Still more on the source: *Aperghis*, *Seleukid Royal Economy* (2004), 110, 331; *Dignas*, *Economy of the Sacred* (2002), 74–84.

842 According to the translations of *Laum*, *Stiftungen* 2 (1914, repr. 64), 147, or *Kreissig*, *Wirtschaft und Gesellschaft* (1978), 53 (which speak of two royal “markets”, instead of the English translations of “festivals”), and *Aperghis*, *Seleukid Royal Economy* (2004), 331, as well as *Dignas*, *Economy of the Sacred* (2002), 77.

Along with the patronage of Greek cities and shrines, the temples of native cults also belonged to the agenda of the Seleucids, particularly as they were able to join the tradition of Alexander and the Achaimenids.⁸⁴³ Meanwhile, scholarship now affirms that temples possessed large estates and with their revenues financed, besides worship itself, considerable personnel, including craftsmen and other employees.⁸⁴⁴ Their property rights were, however, limited, and at the very least rulers could interfere in the temple economy through officials and overseers. Furthermore, kings possessed private property and tributary incomes, from which they could gift and endow temples.⁸⁴⁵ The daily needs of sacral sites and their endowments were likewise borne by regular gifts of the “faithful”, who by the same token enjoyed temple sinecures for special tasks in the temple economy. The temples in Babylon, Borsippa, Cutha, Uruk, Sippar and Larsa were important for the economy of the land. Direct attestations of the royal financing of cult are, however, only poorly transmitted.⁸⁴⁶

A cuneiform source documents the reconstruction of temples, referring to Antiochos I (281–61) and the shrines of Ezida (Borsippa) and Esagila.⁸⁴⁷ Antiochos, the result of the marriage of his father with a Persian princess and perhaps especially inclined to the cult of the conquered,⁸⁴⁸ also sacrificed sheep in the Egišnugal temple of Sin in Babylon, while Seleukos III (226–3),⁸⁴⁹ on the other hand, offered gifts to the gods Bel and Beltia (Esagila) (224).⁸⁵⁰ The Seleucids were particularly interested in ancestor worship, which they sought to anchor in autochthonous cults. A ritual for Seleukos I and his progeny is

843 Indications for the patronage of Zoroastrian cults, but also for the tolerance of Buddhists (under Antiochos I) in *Bikerman*, *Institutions* (1938), 251.

844 *Aperghis*, *Seleukid Royal Economy* (2004), esp. 88, 108; *Van der Spek*, *Seleucid State* (2000), 30; *Isager*, *Kings and Gods* (1990); foundational is: *McEwan*, *Priest and temple* (1981), esp. 121–58, 199; *Kreissig*, *Wirtschaft und Gesellschaft* (1978), esp. 50–6.

845 Cf. *Kreissig*, *Wirtschaft und Gesellschaft* (1978), esp. 32–40 and often elsewhere.

846 Cf. *ibid.*, 55, who without evidence states that in the late Seleucid period grants to temples (through the king or pretenders to the throne) “again” increased.

847 *McEwan*, *Priest and temple* (1981), 184.

848 Cf. *Wiesehöfer*, *Iran nach dem Alexanderzug* (2009), 194; *Lehmann*, *Mittelmeerraum* (2009), 174, 177, 183, 187–8.

849 Dating according to the corresponding Wikipedia entry (accessed on 3.5.2015), cf. *Gehrke*, *Geschichte* (*2008), 115.

850 *McEwan*, *Priest and temple* (1981), 193; *Van der Spek*, *Babylonian Temple* (1985), 557–62, with the translation at 557: the king Seleukos (III) donated: “[n] shekels of silver from the house of the king, from his own house, 11 fat oxen, 100 fat ewes, 11 fat ducks for the offering within Esagila for Bel and Beltia and the great gods and for the ritual of Seleucus, the king [according to *Van der Spek*, 562, the founder of the dynasty, Seleucus I, is meant] and his sons. The portions of the oxen and those (other) sacrifices he designated for (?) the lamentation-priests and the *šatammu* (...).”

evidenced by a chronicle text in the temple of Esagila at Babylon.⁸⁵¹ In contrast to the Ptolemies, the Seleucids hardly, if indeed at all, personally took part in local cults and did not strive for an amalgamation of different traditions (syncretism). The religious diversity of the land certainly would have discouraged them from doing so.⁸⁵²

The flowering of monarchical Euergetism has been dated by newer scholarship to the century and a half after the death of Alexander. The terminus is supposedly marked by the Battle of Pydna (168), at which Rome overcame King Perseus of Macedon; with the crushing of this empire “the Hellenistic world of states fell into the gravitational field of the rising world power” from the west.⁸⁵³ Thus periodized, a late Hellenistic foundation is, however, excluded, that not only bundled together the tendencies of older endeavors, but also aimed beyond them, and in an almost unique way represents the category of the autocratic founder: that of King Antiochos I of Commagene (69–ca. 36 BCE).

1.3.1.4 An Autocrat as Founder in the Kingdom of the Commagene
The Kingdom of Commagene, lying between the eastern Taurus range and the upper Euphrates, already at that time had a long prehistory, which extended back to the time of the Assyrians; yet it first became independent in the late period of the Seleucids and found itself now in the conflict zone between the empires of the Romans and Parthians.⁸⁵⁴ From his paternal line Antiochos sprang from the dynasty of the Orontids, through whom he was descended from the Persian king Darius I, and therefore from the Achaemenids. His mother was the daughter of Antiochos VIII, a member of the Seleucid house, whose genesis itself was traced from Alexander the Great. Coming to prominence as the Seleucid satraps of Armenia, the Orontids established themselves first around 163/2 BCE under a certain Ptolemy as independent kings, then fell afterwards once again (86–66/5) under the foreign rule of the Armenian king Tigranes the Great. As the latter had to abandon his conquests west of the Euphrates and in 69/8 BCE suffered two decisive reverses against the Romans, Commagene was able to free itself, because Rome preferred not to fill the power vacuum itself.

851 *McEwan*, Priest and temple (1981), 161, 182; *Aperghis*, Seleukid Royal Economy (2004), 108. On the financing of a temple in Uruk: *Bikerman*, Institutions (1938), 251.

852 *McEwan*, Priest and Temple (1981), 201.

853 *Bringmann*, Geben und Nehmen (2000), 43, who in this conclusion refers to the patronage of Greek cities by Hellenistic rulers; on the history of events see *Meißner*, Hellenismus (2007), 61–3.

854 On the history cf. *Sullivan*, Dynasty of Commagene (1977); *Wagner*, Könige von Kommagene (2000).



ILLUSTRATION 13 Hierotheseion of King Antiochos I Theos of Commagene (69–36 BCE), Nemrud Dağı (Taurus Mountains, Turkey)

Antiochos proudly emphasized, with reference to the succession and symbol of authority of Tigranes, “I have taken the tiara as the first [of my people].”⁸⁵⁵

His kingdom was entirely characterized by a cult which included ancestors, but was, in a radical fashion, directed at himself.⁸⁵⁶ Antiochos filled his land with cultic sites, at which the entire population was to regularly sacrifice and celebrate. Though the language and veneration of the gods of his people were Aramaic, he oriented himself on foreign cults, at first Greek ones. A foundation directed outwardly for the Artemis shrine of Ephesus thus belonged to his early years.⁸⁵⁷ After his astronomers on 7 July 62 BCE deduced the “Lion Horoscope” from their sidereal predecessors, he turned to oriental divinities and identified these with their Greek equivalents.⁸⁵⁸ His cult reforms, which are in fact viewed as the creation of a new religion, culminated in the apotheosis of his person, along with the highest god, Zeus. Antiochos had fantastic sacral sites erected, in particular separate tombs for his predecessors

855 Cited after *Wagner, Könige von Kommagene* (2000), 19. On the relationship of Commagene to Armenia in view of the royal cult see *Sarkissian, Problem* (1968).

856 *Jacobs, Religionspolitik* (2000); *Hoepfner, Arsameia am Nymphaios* (2000); *Merkelbach, Mithras* (²1994), 50–72; *Dörner, Thron der Götter* (³1987); *Dörrie, Gutes Beispiel* (1978).

857 *Wagner, Könige von Kommagene* (2000), 12; *Jacobs, Heiligtum* (2000), 34.

858 *Wagner, Könige von Kommagene* (2000), 18, 20; *Jacobs, Religionspolitik* (2000), 47.

and himself. For the three larger complexes he invented a new word, *hierotheresion* ("holy place"), next to which the roughly ten smaller shrines (*temenos*) appeared.⁸⁵⁹ With considerable aspirations he had numerous idols erected, including monumental sculptures, which (or their remains) still are to be found today in situ. The Greek inscriptions as well, which were certainly far-removed from the population to whom they were directed,⁸⁶⁰ already for linguistic reasons, are testimonies of the highest ambition. Eduard Norden praised one of the texts as the "most important document of Greek literary prose from the first pre-Christian century."⁸⁶¹

Among the complexes that Antiochos had erected, three stand out: the Hierotheresia of Arsameia at Nymphaios, where the tomb of Antiochos' father Mithradates I Kallinikos was erected; of Arsameia on the Euphrates, which apparently was understood to represent the general ancestral veneration of Antiochos;⁸⁶² as well as that of Nemrud Dağı in the Taurus range, which lay at 2,000 meters above sea level.⁸⁶³ This consisted, inter alia, of two terraces created only a little beneath the peak, each with five monumental divine figures, enthroned and looking to the west and east, as well as of an ancestral gallery with 32 planned sacrificial sites in total, which were to bring to mind the Greek (Macedonian) as well as the Persian origin of the king.⁸⁶⁴ Here, as well as at the other sacred sites, foundation inscriptions were inscribed; these vary in some details, which, along with other evidence, are used by scholarship for the construction of a relative chronology of the shrines. Of the highest ambition was doubtless the Hierotheresion upon Nemrud Dağı, which was apparently conceived of as the tomb of King Antiochos. The lengthy text inscribed here best recounts the plans of the Commagenian king.⁸⁶⁵

859 Hoepfner, *Arsameia am Nymphaios* (2000), 67; Waldmann, *Kommagenische Kultreformen* (1973), 1–49 (*temenē*), 51–141 (*hierotheresia*). Waldmann discerns, besides the shrines of Nemrud Dağı, Arsameia at Nymphaios und Arsameia on the Euphrates, still further Hierotheresia and presents a definition of the concept (131).

860 Hoepfner, *Arsameia am Nymphaios* (2000), 67; cf. Wagner, *Könige von Kommagene* (2000), 24.

861 Norden, *Antike Kunstprosa* (1989), 917, cf. Waldmann, *Kommagenische Kultreformen* (1973), 61–2.

862 Hoepfner, *Arsameia am Nymphaios* (2000), esp. 60, 67; Waldmann, *Kommagenische Kultreformen* (1973), 80–141, 213–5.

863 Jacobs, *Heiligtum* (2000).

864 Messerschmidt, *Ahnengalerie* (2000).

865 Older edition with German translation in Laum, *Stiftungen 2* (1914, repr. 64), 148–58 no. 210; cf. the legal historical evaluation of Mannzmann, *Griechische Stiftungsurkunden* (1962), 159–61. Completely edited for the first time on the basis of new finds and provided with a German translation by Waldmann, *Kommagenische Kultreformen* (1973), 61–77.

Already at the start the royal endower emphasizes his rank and the ambition of his endeavor, that aimed at immortality: "The great king Antiochos, god, the just, Epiphanes, friend of the Romans and Hellenes, son of the king Mithradates Kallinikos and the queen Laodike, goddess, the brother-loving, wife of the king Antiochos Epiaphanes, the mother-loving, victorious, inscribes at the consecrated foot of the throne with immortal letters words of his own grace—for all times."⁸⁶⁶ He recounts that after attaining rule as the legacy of his father he had made "the kingdom subject to my throne the common dwelling of all the gods", and had chosen his own burial site at the throne of the gods "so that there the outer husk of my body, well-maintained into old age, may rest endlessly, after it has sent the soul, beloved of god, to the heavenly thrones of Zeus Oromasdes." Along with the images of ancestors, he had erected statues of the gods, "that of Zeus Oromasdes [in fact the second name is derived from the Zoroastrian Ahura Mazdā], of Apollo Mithras Helios Hermes, of Artagnes Hercules Ares and of the All-nourishing Kommagene—of my fatherland." The four monuments, whose deities bore composite Greek-Oriental names, he had "finished from the same stone, on the same throne as this" as the depiction of his own person: "I thus made the primordial worthiness of the great gods the coeval companion of my young fate."⁸⁶⁷ There follow precisions regarding the material endowment of the cult and sacrifices: "I have allotted ample estates and their inviolable incomes for the manifold elaboration of the sacrifice; I appointed continuous sacrifice and select priests, and outfitted them with garments in the Persian manner; I arranged the order of festivals and the whole liturgy as befitting my station and the grandeur of the gods. Regarding the everlasting length of the sacrifices, I decreed a fitting ordinance, that namely outside of the sacrifices which require the traditional and common privilege, new festivals as well will be attended by all inhabitants of my kingdom for the veneration of the gods and for our honor. I thus sanctify the day of the birth of my body, the sixteenth of Audnaios, and the day of my crowning, the tenth of Loos, of the revelation of the great gods, who have proven themselves to me as the cause of my fortunate rule and the reason for general prosperity for the whole realm. So that the sacrifices might be more abundant and the feasts grander, I furthermore consecrate two additional days, each of which are to be attended yearly. Indeed, I divide the populace of the kingdom for the assemblies, festal gatherings and sacrificial feasts according to villages and cities, and

On its history of scholarship and current state see *Wagner*, *Könige von Kommagene* (2000), 11–3, 15–8.

866 *Waldmann*, *Kommagenische Kultreformen* (1973), 71.

867 *Ibid.*, 72.

command that the festivals are to be attended at the nearest sites of worship, as the easiest to reach for each in his vicinity. I command that throughout the remaining period every month the aforementioned days in question are to be festively attended continually by the priests, namely for the celebration of my birth on the sixteenth and the celebration of the assumption of the diadem on the tenth.”⁸⁶⁸

He arranged his ordinances into a “law” and for its eternal application had it inscribed in stone. Here he specified above all his prescriptions for personnel and rituals: “The priest who is appointed by me for these gods and their deified ancestors, whose images I erected around the summit of the gorges of the Tauros at the holy burial site of my body, and the priest who in later years shall inherit this office, he, freed from all other duties, is, without hindrance and excuse, to exercise his office at this holy burial site, by caring for the cult and the proper adornment of the holy statues. On the days of the revelation of the gods and myself, which I have ordained are to be celebrated monthly and yearly forever, he, wearing the Persian garments that my Grace and the paternal ordinance of our house have provided for the priests, are to crown all with golden wreaths, which I have consecrated for the pious veneration of the gods; and by raising funds from the villages that I have allocated for the sacred honors of the divine house, he should sacrifice rich offerings in incense and aromatic herbs on the altars and perform luxuriant sacrifices for the honor of the gods and of ourselves in decorous fashion, by filling the tables of the shrine decked with fitting dishes and the jugs of wine mixed with water for generously-given drink. With great courtesy let him receive the entire present populace of the locals and foreigners and prepare a feast enjoyable to all for the assembled community. For himself, he, as is customary, is to select his portion as the honorary gift of his sacerdotal office, then, however, distribute my grace for the general pleasure, so that each person, receiving sufficient fare, enjoys the feast unreservedly, by richly eating and drinking what he likes. And the drinking vessels that I have consecrated shall be used as long as they participate in the sacred district at the common gathering. All musicians that I employed for this purpose and are later employed, their sons and daughters and all their progeny who learn the same art, they are to be freed from all other employment, but are to exercise their office at the gatherings I have decreed and fulfill their duties without excuse, so long as the participants wish it.”⁸⁶⁹

868 Ibid., 72–3. On the generous furnishing of the cult participants at the festivals through the endowment(s) of Antiochos see *Dörrie*, *Gutes Beispiel* (1978), esp. 260–2.

869 *Waldmann*, *Kommagenische Kulturreformen* (1973), 74.

Antiochos expressly forbade under penalty the enslavement of the hierodules and their descendants for all time, that is to remove them from their duty, and he mandated the same regarding the villages, or rather the incomes stemming from them, bequeathed to the gods as sacrosanct property. He exhorts his children and grandchildren to follow his example and to contribute to the glory of the royal house (through subsequent foundations): "For those who act in this manner, I pray that all the ancestral gods from Persia and Macedon and from [our] native Kommagene remain favorably inclined to each benevolence. And whosoever in the course of time assumes this rule as king or ruler, he ought to possess the mercy of all deified ancestors and all gods through my petition, if he preserves this law and our veneration; whose volition, however, contrary to this law, baulks at honoring the gods, may him befall, without me myself cursing him, every calamity at the hands of the gods."⁸⁷⁰

According to the inscription of Antiochos I, his father had the Hierothesion in Arsameia at Nymphaios "dedicated for his own body", yet it had been renovated by the reigning potentate and richly endowed. As on Nemrud Dağı, he installed a hereditary priestly class and outfitted it with royal properties, but the cult was likewise to apply to him as well.⁸⁷¹ Recent scholarship is convinced that the cult reform to an overwhelming degree was devoted to the glory and remembrance of Antiochos, and not of his dynasty.⁸⁷² While the ruler utilized all the financial resources of the realm for this and wanted to compel all his subjects to participate in the tightly-scheduled celebrations, this elitist, indeed pedantic, concept with a predilection for the veneration of foreign gods hardly reached the "people". It has also been shown that the shrine on Nemrud Dağı was not able to be completed during the lifetime of Antiochos, and apparently no cultic festivals took place there.⁸⁷³ Already his son and successor Mithridates II turned away from the project, thus not completing it.⁸⁷⁴

870 Ibid., 75–6.

871 Ibid., 91: "And I assign a priest, whom I nominated for the hereditary succession of his caste, and attendants of hierodules of a number befitting royal grace, in equal parts to the cult of my father and the valid share of my own commemoration. I command that the sacrifices and cultic gatherings for my father and my monthly birthdays shall be celebrated with a shared festival of the citizens. And I have dedicated land from the royal demesne and assigned continuous incomes from it as inviolable and handed over its administration and oversight to the priests." Furthermore *ibid.*, 104.

872 *Wagner, Könige von Kommagene* (2000), 14, 16, 24; *Jacobs, Religionspolitik* (2000), 49; *idem, Heiligtum* (2000), 33.

873 *Wagner, Könige von Kommagene* (2000), 23. The tomb of Antiochos has still not yet been found, see *Merkelbach, Mithras* (2004), 53.

874 *Wagner, Könige von Kommagene* (2000), 23.

The Commagenian royal cult still survived some generations later, in that the rulers were again described as *theos* and *epiphanēs*,⁸⁷⁵ yet the kingdom was too weak to resist the great powers in its vicinity. Under pressure from the Parthians, who under the Arsacids were able to spread their suzerainty to western Iran and Mesopotamia around the middle of the second century before Christ,⁸⁷⁶ the kingdom for a time sought refuge among the Romans, but was annexed by them in the “Commagenian War” of the year 72 CE. The royal family settled at Rome, while two legions of the occupiers were stationed in the castles of Samosata and Zeugma until 305 CE.⁸⁷⁷

In the second empire of the Persians the Arsacids are supposed to have continued the Seleucid patronage of Babylonian shrines.⁸⁷⁸ The source material, however, is quite modest and hardly researched.⁸⁷⁹

1.3.2 *Foundations and State Formation in India*

Beginning in the 20th century, archaeological discoveries in India made an early history of high culture discernable, which placed it alongside the long-known human achievements on the Euphrates and Tigris or the Nile. The Indus or Harappa Culture of roughly 2600 to 1900 BCE, which even possessed a modest prehistory extending back to the 7th millennium, was urban in nature; it is ascribed a hierarchical social structure and advanced economic system, yet structures of prestige and cult such as royal tombs, temples and palaces cannot yet be identified.⁸⁸⁰ Writing was known and was engraved upon around 5,000 tablets, seals and amulets, but has not yet been deciphered by scholarship. The text length of typically five (up to 21) characters does not allow inferences of complex material in the inscriptions, such as foundation-like agreements.⁸⁸¹

The beginnings of foundation history in India can therefore first be sought in the cultures after the migration of the Arians from Central Asia, which—at least on a large scale—started beginning around 1300 BCE.⁸⁸² Indology has

875 Ibid., 24.

876 Wiesehöfer, *Geschichte* (2013), 34–5.

877 Wagner, *Könige von Kommagene* (2000), 24–5.

878 Cf. van der Spek, *Babylonian Temple* (1985), 547, cf. 546.

879 Wiesehöfer (ed.), *Partherreich* (1998), in which especially *idem*, *Zeugnisse* (1998).

880 Parpola, *Indus Civilization* (2012); Rothermund, *Politics and Economy* (2011), 135; Franke, *Indus-Kultur* (2009), at esp. 227; Kulke / Rothermund, *Geschichte Indiens* (2010), 24–44, where “cultic structures” are mentioned and the “great bath” is assigned the function of ritual tasks (25); in addition, *ibid.*, 36, with reference to “traces of fire altars” in Kalibangan; Witzel, *Altes Indien* (2003), 19–21.

881 Franke, *Indus-Kultur* (2009), 233; Witzel, *Altes Indien* (2003), 20.

882 Kulke / Rothermund, *Geschichte Indiens* (2010), 44–56; an in part differing presentation in Witzel, *Altes Indien* (2003), 25–31.

hardly concerned itself with the topic and only for the so-called Middle Ages has relief been provided by Annette Schmiedchen;⁸⁸³ for the centuries until ca. 300 CE, Schmiedchen has argued for a predominance of “private” foundations, yet kings appear repeatedly as founders in antiquity.⁸⁸⁴ They, analogously to the Old Kingdom in Egypt, even appear to have instrumentalized foundations in state formation. Characteristic of this was a close alliance of rulers with the priestly class of the Brahmins already in ancient times,⁸⁸⁵ and in the later religious diversification in South Asia through the patronage of Buddhists, Jains and Hindus “for” mutual benefit.⁸⁸⁶

Probably after the inroads of at least 40 tribes into the northwest of the subcontinent, the Ārya began to conserve their holy wisdom in the *Vedas*;⁸⁸⁷ one thus speaks of an early (until c. 900 BCE), in contrast to a late, Vedic period (until c. 600 BCE).⁸⁸⁸ Already in the first period the estates of the free tribesmen (*viś*), the nobility and the warriors (*kṣatriya*), and tribal leaders (*rājan*) and Brahmin priests are mentioned, from which the caste-system developed.⁸⁸⁹ The kingdom of the early period was able to be hereditary, yet rulers were also elected. After the Arian nomads from the turn of the millennium onwards became sedentary, the kings emerged from the infighting of the nobility and had to justify their position ideologically. The Brahmins, who ritually performed the royal consecration and developed the sacrificial ceremonies, offered themselves as learned advisors.⁸⁹⁰ The territorialization of the kingdom was fostered by confrontations with Persians striking from the west (especially Darius I) in the 6th and Alexander the Great in the 4th century.⁸⁹¹ Through the conquests of its King Bimbisara (540–490 BCE), supposedly a

883 Cf. Schmiedchen, *Forschungsgeschichten* (2014), 145: “A discrete body of scholarship on foundations (...) within Indology exists only in part.” For the Middle Ages there are now the contributions of *eadem*: Borgolte (ed.), *Enzyklopädie des Stiftungswesens* 1–3 (2014–17); for the tradition of antiquity *eadem*, *Periodisierungen* (2014), 314–319; Orr, *Religious Endowments* (2011).

884 Schmiedchen, *Periodisierungen* (2014), 314–318.

885 Ali, *Kingship* (2011), 90; Tripathi, *Priests* (2011), 255–257; Kulke / Rothermund, *Geschichte Indiens* (2010), 59–61; Weber, *Gesammelte Aufsätze* 2 (1978), esp. 62, 138–140 and often elsewhere.

886 In what follows I do not discuss the advance of Islam into India.

887 Cf. Proferes, *Vedas and Brāhmaṇas* (2010), 27–31.

888 Cf. Kulke / Rothermund, *Geschichte Indiens* (2010), 44–65, 477; Schmidt-Glintzer, *Geschichte Indiens* (2009), 335; Proferes, *Vedic Period* (2012).

889 Kulke / Rothermund, *Geschichte Indiens* (2010), 56; Schmidt-Glintzer, *Geschichte Indiens* (2009), 336.

890 Kulke / Rothermund, *Geschichte Indiens* (2010), 59–61.

891 Ibid., 74, 78; Witzel, *Altes Indien* (2003), 72–8; Chattopadhyaya, *Achaemenids and India* (1974).

contemporary and supporter of the Buddha, the first great empire with the name of Magadha expanded in the Ganges Valley.⁸⁹² The local dynasty of the Nanda was overthrown around 320 BCE by Candragupta Maurya, who also defeated the Hellenistic king Seleukos I during his advance beyond the Hindu Kush in Punjab in the year 305.⁸⁹³ When (probably) shortly thereafter Seleukos sent Megasthenes to the court of the Maurya king, Megasthenes was able to write a comprehensive description of India, which included a social outline of its society. As he would have it, the “philosophers”, that is the Brahmins, enjoyed the greatest prestige, while the rural peasantry formed the mass of the population. The latter “till the land; and they pay the taxes to the kings and to the cities, such as are self-governing.”⁸⁹⁴ Already according to the Vedic sources the rural tax obligation was based on the assumption that all land belonged to the king.⁸⁹⁵ This is reminiscent of the conception of the king as the owner of all land in Egypt, and as in Mesopotamia, in South Asia the revenues of the rural inhabitants were originally to be offered to the gods as a sacrifice.⁸⁹⁶

Alongside offerings, in the second half of the pre-Christian millennium levies and taxes appeared, so that the king could also finance the emerging state apparatus from them.⁸⁹⁷ Now theoretical writings were composed that revolved around correct behavior (*dharma*; “Dharmaśāstra”), that is successful royal government and the good condition of the state.⁸⁹⁸ The sources are individually difficult to date, since they are usually hybrid texts of various preceding layers. Nonetheless, the state-theoretical tract of the *Arthaśāstra* is traced back to Kauṭīliya, the legendary minister of the Maurya ruler Candragupta, though this attribution is contested.⁸⁹⁹ The *Arthaśāstra* distinguishes four “sciences” which a king must practice: “philosophy” allowed him to differentiate between good and evil in ethics, material gain and loss in economics and the good and bad use of force in governance. The study of the Vedas clarified for

892 Witzel, *Altes Indien* (2003), 61–6; Kulke / Rothermund, *Geschichte Indiens* (2010), 74–80; Schmidt-Glintzer, *Geschichte Indiens* (2009), 336–8.

893 Kulke / Rothermund, *Geschichte Indiens* (2010), 80; Witzel, *Altes Indien* (2003), 78–81.

894 Arrian in two volumes 2 (1978), 339 VIII. (*Indica*) 11.

895 Cf. Witzel, *Altes Indien* (2003), 84; a corresponding translation in Kulke / Rothermund, *Geschichte Indiens* (2010), 81: “They pay rent to the king, because all of India belongs to the king, yet the private person is not allowed to own soil and land; besides the sum of rent they pay a quarter to the treasury.” This interpretation goes back to Stein, Megasthenes (1921), but is controversial, see Kane, *History of Dharmaśāstra* (1941), 865–7.

896 Ali, *Kingship* (2011), 91.

897 Ibid., 92–3.

898 Olivelle, *Dharmaśāstra* (2010); Strauch, *Dharma* (2010); Ali, *Artha* (2010).

899 Rothermund, *Politics and Economy* (2011), 138–140; Ali, *Artha* (2010), 680; Schmiedchen, *Schriftzeugnisse* (2014), 427 n. 2.

him the duties (*dharma*) of the social estates. Instruction in economics relied on the various forms of producing profit in agriculture, animal husbandry and trade. Finally, particularly important was *danḍanīti*, the way and means of the royal exercise of power, including with arms, since thereby the success of the other three forms of the exposition of knowledge were ensured and the social order preserved. All in all, the art of *artha* consisted of the generation of material wealth, as well as its protection, increase and distribution by the king.⁹⁰⁰

In some passages of the *Kauṭīliya-Arthaśāstra* royal foundations to Brahmins are mentioned, above all in connection with land colonization. In section 2.1.7 it is stated that the ruler “should preserve the exempt Brahmin expenditures for sacrificial priests, Brahmanical teachers, court priests and scholars of the Veda from fines and the payment of taxes, which are heritable to heirs of the same qualifications.”⁹⁰¹ The endowed property, from which the king could claim taxes and other exactions, is only indirectly referenced, yet it would have constituted permanently-ceded revenues, as is necessary for a foundation, since an inheritance of the various functions of the Brahmins was made a condition. Concrete formal prescriptions for the issuing of a royal foundation charter are found in another Brahmanical legal text (*dharmaśāstra*), presumably already from the end of the 4th century BCE, the *Yājñalkyasmṛiti* (1.314–316): “After he [the king] has endowed something and made a favorable assignment, let the ruler have a document drawn up to inform future and vassal kings. Upon a piece of fabric or a copper-plate supplied with a seal, the king shall have the [names of] the members of his house and his own name written and a lasting decree issued, which contains the extent of the gift [and] the description of the [consequences of a] transgression against the foundation and which is provided with his own signature and the time [i.e. date].”⁹⁰²

Candragupta's grandson Aśoka (c. 268–33 BCE) played a key role in the history of early Indian foundations; similar to the Old Kingdom of Egypt or in Commagene at the time of Antiochos I, this was closely connected with the construction of statehood, yet in India an ethical impulse came in addition. An outstanding source are Aśoka's some 50 inscriptions on pillars and boulders or in caves, which were scattered across the Maurya Empire and already through their planned diffusion document the decisive reform imperative of the ruler.⁹⁰³

900 Ali, *Artha* (2010), 681–2.

901 Edition referenced in *Schmiedchen*, *Schriftzeugnisse* (2014), 427 n. 3; a German translation by Schmiedchen *ibid.*, 427 n. 3.

902 The German translation by *Schmiedchen*, *Schriftzeugnisse* (2014), 414; edition referenced *ibid.*, 427 n. 5; on the dating of the source also *Olivelle*, *Dharmaśāstra* (2010), 66.

903 On Aśoka *Witzel*, *Altes Indien* (2003), 78–85; *Kulke / Rothermund*, *Geschichte Indiens* (2010), 83–91; *Schmidt-Glintzer*, *Geschichte Indiens* (2009), 340; cf. *Singh*, *Historical*

Aśoka so continued the expansionist policy of his predecessors that to him is ascribed the formation of the first Indian universal empire as well as the title of emperor. When in the year 261 he undertook a successful campaign in the east and conquered the land of Kalinga (Orissa), he claimed he had brought about the death of 100,000 men and forced 150,000 into exile.⁹⁰⁴ Out of remorse, characterized by the empathy of the Axial Age, he is supposed to have undergone a religious conversion for this reason;⁹⁰⁵ while his grandfather converted to Jainism at the end of his life and is said to have died of starvation,⁹⁰⁶ according to the strict doctrine of this religion, Aśoka turned to Buddhism, without repudiating other religions. In 16 pillar edicts he explains: “For two and a half years I was a [Buddhist] layman and not very zealous. For more than a year I [then] visited the religious order [*saṅgha*] and became very zealous. Previously the gods had not intervened among men, but they do so now. This is the result of religious zeal. Not only can high-ranking persons reach this goal, but this is also possible for regular people, who exert themselves from within.”⁹⁰⁷ In his great rock edicts Aśoka proclaimed that he desired in the future to strive for conquests only through the proclamation of moral doctrine (*dhamma*):⁹⁰⁸ “When the king D. P. [Aśoka] had been consecrated for eight years, Kalinga was conquered (...). Since then only (...) a strict *dhamma* study, love of *dhamma* and *dhamma* instruction have become [an instrument] of the Beloved of the Gods. This is the attitude of the Beloved of the Gods, after he conquered Kalinga. When he namely conquers an unconquered [region], then the resulting slaughter or dying or deportation of people seems most painful and grievous to the Beloved of the Gods (...). Therefore, as many people were killed at that time in Kalinga, died and were deported, of them today the hundredth, even the thousandth part is felt as grievous by the Beloved of the Gods.”⁹⁰⁹ Henceforth, not even animals were to be slaughtered for sacrificial purposes or the consumption of meat; instead, throughout the empire stations for the healing of people and animals were to be erected, useful herbs and

Perspectives (2012), 30–2; *Ali*, Kingship (2011), 93 On the inscriptions now especially *Falk*, *Aśokan Sites* (2006). An edition of the extrapolated *Urtext* of the great rock edicts with a German translation by *Schneider*, *Große Felsen-Edikte* (1978).

904 *Schneider*, *Große Felsen-Edikte* (1978), 116–7. Citations from *Schneider*’s edition will be reproduced in a slightly simplified form in what follows.

905 Aśoka in his rock edicts, see *Schneider*, *Große Felsen-Edikte* (1978), 107.

906 *Witzel*, *Altes Indien* (2003), 80.

907 *Falk*, *Aśokan Sites* (2006), 55; cf. *Schneider*, *Große Felsen-Edikte* (1978), 110 no. VIII; cf. *Kulke / Rothmund*, *Geschichte Indiens* (2010), 85.

908 *Dhamma* is the Pakrit form of *dharma*, see *Singh*, *Historical Perspectives* (2012), 32. Most of the inscriptions of Aśoka were composed in Pakrit.

909 *Schneider*, *Große Felsen-Edikte* (1978), 117 no. XIII.



ILLUSTRATION 14 Pillar inscribed with edicts by the Mauryan king Aśoka in Vaishali, Bihar (India) (3rd c. BCE)

trees planted and wells dug. Above all, the king desired to improve interpersonal relationships; obedience to one's father and mother was good, but so was also liberality to friends, acquaintances and Brahmins or ascetics.⁹¹⁰ "What has not transpired for many centuries is today fostered by the *dhamma* instruction of King D. P.: the non-killing of animals, the non-injuring of living things, [furthermore] proper behavior towards relatives, proper behavior to Śramaṇas und Brāhmaṇas, obedience to parents, obedience to the elderly (...). The king D. P. will continue to support the *dhamma* transformation (...)." ⁹¹¹

With his reforms, Aśoka did not desire to forbid certain customs among the people, but to surpass them with precepts and adherence to a way of life conceived by him as correct according to the teaching of *dhamma*.⁹¹² In order to lend vigor to his reforms, he ordered special officials to undertake periodic inspections and a survey of the entire realm:⁹¹³ "At that time, while I eat, in private affairs, while eating, in the stables (?), in the litter, in the park, everywhere informants report to me of the affairs of the people."⁹¹⁴ He justified this

⁹¹⁰ Ibid., 106 no. III f.

⁹¹¹ Ibid., 107 no. IV; on *śramaṇas* see Von Brück, Einführung (2007), 110.

⁹¹² Schneider, Große Felsen-Edikte (1978), 111 / 113 no. IX.

⁹¹³ Ibid., 105 no. III; 107 / 109 no. V.

⁹¹⁴ Ibid., 109 no. VI.

authoritarian program of governance with concern for those entrusted to him: "And everywhere I myself will handle the affairs of the people (...). Since I will not relax in personal exertion and the swift completion of matters. For I view it as my duty to work for the salvation of the whole world. And that reason is precisely the point of departure, (namely) personal exertion and the prompt completion of matters. For there is nothing more important to do than [to work for] the salvation of the whole world. And with whatever I busy myself, it is: I desire to be blameless before Creation; on the one hand, I desire to make as many as possible happy here below, and on the other hand, they ought to reach heaven in the hereafter."⁹¹⁵

A particular concern of Aśoka was the liberality that would benefit Brahmins as well as ascetics, including Buddhists: "The king D. P. everywhere wishes: that all religious communities might have a dwelling; for they all desire self-restraint and purity of heart (...). Yet the following is verily quite fruitful, namely the *dhamma* custom. It is [to be understood] as follows: correct behavior towards slaves and servants, deference to persons of respect, self-restraint towards animals, liberality towards Śramaṇas and Brāhmaṇas (...). The king D. P. reverences all religious communities, ordained or house-holders, with gifts and honors of various sorts. But the Beloved of the Gods does not hold gifts or honors for so [important] as fundamental growth among all religious communities (...). Yet foreign religious communities must be particularly revered in this or that form. When one acts in such a manner, he supports to a great degree his own religious community and also benefits the foreign religious community (...)."⁹¹⁶

Aśoka even included the neighboring lands of the Hellenistic Diadochoi in his endeavor and sent there Buddhist missionaries; their addressees included, among others, Antiochos II Theos in Mesopotamia, Ptolemy III in Egypt and Antigonos Gonatas in Macedonia.⁹¹⁷ According to his own remarks, for Aśoka this great initiative hardly concerned honor and glory, but rather merit on earth and in the hereafter, though "the Beloved of the Gods [considers] only that of the hereafter quite fruitful."⁹¹⁸ Thus, he also emphatically committed his dynasty to the teaching of *dhamma*: "And for this purpose this tract on the *dhamma* has been written, namely: my sons and grandsons ought not to think that they must undertake any new conquest, but should within their own conquest relish leniency and mild punishment, and they ought to count only the

⁹¹⁵ Ibid., 109/111 no. VI.

⁹¹⁶ Ibid., 111 no. VII, 111 no. IX, 115 no. XII.

⁹¹⁷ Ibid., 119 no. XIII.

⁹¹⁸ Schneider, Große Felsen-Edikte (1978), 113 nos. X and IX, 119 no. XIII.

dhamma conquest as a true conquest. For this brings temporal [happiness] and otherworldly [salvation].”⁹¹⁹

In his inscriptions, Aśoka underlined the royal duty of supporting Brahmins as well as ascetics (*śramaṇas*); though his ethics were doubtless deeply influenced by Buddhist doctrine, his endowing may also have been influenced by Brahmanical legal texts. In any case, it is certain that these also, under the rubric of “regal law” (*rājadharmā*),⁹²⁰ also charged the duty of donations and foundations to worthy persons.⁹²¹ In view of his liberal religious-political views and his personal preference for Buddhists, it may therefore be a coincidence of the sources that from Aśoka foundations can be documented only for a single sect, the Ājīvika, who competed with the Buddhists and Jains.⁹²² The Ājīvikas, whose traces have otherwise largely been lost, followed radical teachings espousing perfect predestination and no human free will; though they were of the conviction that people could do nothing for their temporal or otherworldly happiness, they were strict ascetics.⁹²³ In the 12th and 19th year of his coronation, so the stone inscriptions relate, the ruler of Maurya had provided some cave dwellings (with barrel vaults and highly-polished walls) in east Indian Bihar.⁹²⁴ In the caves in Barābār inscriptions with his name were to be found at the entrance; nothing is indicated regarding a provision for the upkeep of the pious men: “This cave of Nigrodha [that is: this cave in the ‘Slippery Rock’] was given to the Ājīvikas by King Priyadarśin [Aśoka], as he was anointed for the 12th year of his reign.” “King Priyadarśin came to Jālūtha, when he was anointed for the 19th year of his reign. At this opportunity he gave a cave with the name of Supriyekṣā to the Ājīvikas.”⁹²⁵ According to the assumption of scholarship, there had indeed existed beforehand rock caves as dwellings for ascetics, yet these planned complexes, conceived for the long term, were an innovation of Aśoka.

Doubtless Aśoka’s cave foundations were not primarily foundations for his own commemoration or that of his ancestors (as in the Egyptian Old Kingdom or in the late Hellenistic Kingdom of Commagene), but rather a component of the religious reform of the Maurya Kingdom, which itself was to be

919 Ibid., 119 no. XIII.

920 Cf. Ali, Kingship (2011), 92–3.

921 Schmiedchen, Schriftzeugnisse (2014), 413.

922 Rothermund, Politics and Economy (2011), 140–1.

923 On the sect of the Ājīvika: Rothermund, Politics and Economy (2011), 141.

924 Falk, Aśokan Sites (2006), 255–282; Schmiedchen, Periodisierung (2014), 314; eadem, Stiftung (2014), 71.

925 Falk, Aśokan Sites (2006), 266 (Barābār, B1: Karṇa Caupār); 267 (ibid., B2: Sudāman cave); 268 (ibid., B4: Viśvāmitra cave). On which cf. Falk, 257.

encompassed by a centrally-organized system of control. Following the emperor's example, his successors erected their own cave dwellings in other neighboring locales. King Daśaratha desired that the caves of Nāgārjuni "be granted for as long as the moon and stars exist."⁹²⁶ Even into the first pre-Christian century the caves of Aśoka were imitated and have been inhabited to an extent until the present by ascetics.⁹²⁷

In the centuries after Aśoka, Buddhist structures (stupas, monasteries) and sculptures with founders' inscriptions are increasingly evidenced. The central Indian dynasties of the Sātavāhanas and Kṣatrapas were particularly involved as patrons, yet their share of the total mass of attested founders is only ten per cent.⁹²⁸ Royal foundations usually refer to more elaborate endeavors or the allocation of larger sums of capital, properties or tax sinecures. The proportion of queens and duchesses in foundations of this period is notable. Thus, the queen mother Gautamī Balaśri from the family of Sātavāhana (in honor of her deceased son) had Monastery No. 3 excavated from the rock in the Buddhist cave-complex of Nasik (now in Maharashtra), as well as endowed with land and incomes from a village;⁹²⁹ and in southeast India some time later female members of the Ikṣvāku dynasty founded the Nāgārjunakoṇḍa monasteries.⁹³⁰ The endowed properties could vary: Uṣavadāta, the son-in-law of the Kṣatrapas prince Nahapāna, around 100 CE selected a money deposit as well as 8,000 coconut palm-trees, so that the caves of Nasik could be again become active for the benefit of the Buddhists.⁹³¹ By contrast, according to a series of inscriptions by King Gautamīputra Śhātakarni and his son from the Sātavāhana dynasty, thousands of cattle were left to the Brahmins.⁹³² An innovation of this ruling family was also pioneering for later royal founders: the Sātavāhanas for the first time granted landed endowments to Buddhist monasteries and also to Brahmins with immunities on a large scale, by which the properties were protected from royal officials and soldiers. Apparently, the bureaucracy of the empire was not yet strong enough to allow kings unlimited interventions, while religious institutions and individual families (and persons), due to royal

926 Ibid., 276 (Nāgārjuni, N1: Gopikā cave). The accompanying inscription ibid. for N2: Vaḍaṭhikā cave, and for N3: Vahiyakā cave. Cf. ibid., 256 Buddhists and Hindus later took over the cave dwellings.

927 Ibid., 255, 259.

928 Schmiedchen, *Periodisierungen* (2014), 316; cf. Kulke / Rothmund, *Geschichte Indiens* (2010), 129–32; 105; Witzel, *Altes Indien* (2003), 105–7.

929 Schmiedchen, *Periodisierungen* (2014), 316; cf. Burgess, *Report* (1883), 105–7, at 106, no. 13.

930 Schmiedchen, *Periodisierungen* (2014), 317 with 329 n. 40 (lit.); Singh, *Women's Patronage* (1999), 286; Kulke / Rothmund, *Geschichte Indiens* (2010), 132.

931 Senart, *Inscriptions* (1905 / 1906), 82–5 no. 12.

932 Witzel, *Altes Indien* (2003), 106.

patronage, were seen as loyal partners of the central administration and as a counterweight to local magnates.⁹³³

Due to the dominance of private foundations, indications for support can only be gained from the prescriptions of non-royal patrons; they are largely restricted to Buddhists—that is monks, to a lesser degree nuns—as usufructuaries.⁹³⁴ According to inscriptions from the western Deccan, these monastics were to be supplied with begging bowls (only rarely with food), clothing, sandals and medicine. In part, endowment revenues were also slated for the decoration and renovation of the cave monasteries.⁹³⁵ Exceptionally, according to a pillar inscription of around 150 CE from Mathurā in the north of India, Brahmins were also once favored. According to the inscription, a high official of Huvīṣka, ruler of Kuṣāṇa, deposited with two guilds 550 *purāṇa* coins each, that were to enable the feeding of one hundred Brahmins once a month as well as the feeding of the (remaining) needy daily.⁹³⁶ The patronage of a temple is attested by a stone inscription from the 3rd century, according to which several persons had submitted 100 gold coins amongst four guilds, from whose interest the cult in the temple of a Hindu god was to be financed.⁹³⁷

Profound changes to foundations occurred in the period of the Gupta Empire (320–520/570 CE), which is often seen as the classical period of Indian history.⁹³⁸ On the one hand, Brahmin beneficiaries now moved decisively to the forefront, to the detriment of Buddhists and Jains, which coincided with a shift of emphasis from the cities to the countryside. On the other hand, foundations were now executed primarily by kings and princes, who funded the maintenance of the members of various Vedic schools with revenues from villages and estates. The expression and means of this societal change were also represented by a shift in language and the medium of writing: Pakrit in stone inscriptions was replaced by Sanskrit texts on copper plates. While documentary inscriptions were often made on several specimens of this heavy metal, the plates were portable and thus fitted the largely peripatetic lifestyle of institutionally-unattached Brahmins.⁹³⁹ The Brahmins

933 Kulke / Rothermund, *Geschichte Indiens* (2010), 131; Witzel, *Altes Indien* (2003), 107.

934 What follows after *Schmiedchen*, *Periodisierungen* (2014), 317.

935 Cf. Burgess, Report (1883), 93 no. 3 (Junnar); 107 no. 17 (Karle).

936 Mathura Brahmi Inscription (1931/2), esp. 58, trans. 61.

937 More Inscriptions (1963 / 1964), 4–7 (here dated to the year Jahr 333 CE); cf. *Schmiedchen*, *Periodisierungen* (2014), 317, with a dating to the late 3rd century.

938 Kulke / Rothermund, *Geschichte Indiens* (1998, 2010), 108–23; Witzel, *Altes Indien* (2003), 111–20.

939 *Schmiedchen*, *Periodisierungen* (2014), 318–22; on the predominance of foundations for Brahmins in the Early Middle Ages (550–1000 u. Z.) also Njamasch / Schmiedchen / Virkus, *Sozialgeschichte* (2001).

themselves fostered foundations in their favor.⁹⁴⁰ It is thus stated in the law-book of Viṣṇu (*Viṣṇusmṛti*, 3.81–83; probably 7th cent.): “May [the ruler] grant land to Brahmins. For those, for whom he has granted [land], may he give [a document] to inform future kings, written on a piece of fabric or a copper plate and supplied with a seal, with the [name of] the members of his house, with the extent of the land and the description of the [consequences of] a transgression against the foundation. May he not confiscate endowed land from others.”⁹⁴¹ In another of the Brahmanical legal texts, a particular Brahmin of a specifically-designated Vedic school is even more clearly foreseen as the grantee and the inheritability of properties to children and children's children underlined. As much as the Brahmins were interested in foundations and foundation charters, so also rulers used them as a means for self-promotion, above all for the praise of their genealogy. Annette Schmiedchen has accordingly reconstructed a formula of a foundation charter for the 6th century: “Prosperity! From the place ... In the dynasty of ... was born Prince / King ... His son / younger brother was Prince / King ... His son / younger brother, Prince / King, who is in rude health, informs all his officials ... and others effected: May it be known to you, that I have endowed the village of ... in the district of ... to the Brahmins ... as well as their sons, grandchildren and further posterity to use in the form of a gift to Brahmins with a water libation, for as long as the moon, sun, earth, rivers and mountains exist, for the purpose of performing the rites connected with the five great sacrifices, in order to increase the religious merits of my parents and even to attain the wished-for fruits in this world and the next. Thus, no one causes such a small hindrance for him, who uses the village according to the rule for a gift to Brahmins, and the village plows it or has it plowed by others. May those likewise born to our dynasty and other kings recognize this our foundation, since power is ephemeral and human existence uncertain, yet the fruit of landed endowments is a common one. Whoever confiscates land or approves its confiscation is guilty of the five great and the small misdeeds. On this there are also two verses of the *Vyāsa*: The endower of land shall rejoice for six thousand years in heaven. He who confiscates a foundation or condones its confiscation shall spend this (number of) year(s) in hell. Many kings, beginning with Sagara, have enjoyed the earth. To whomsoever the land belongs also receives its yield. This is my signature, of

940 Cf. Schmiedchen, *Stiftungsbegünstigte* (2016), 499–500.

941 Schmiedchen, *Schriftzeugnisse* (2014), 414; on the source see Olivelle, *Dharmaśāstra* (2010), 66.

Prince / King ... The Servant was.... Written by ... Year ..., month ..., the bright / dark half, (day)..."⁹⁴²

In the Gupta period foundations of members of local or regional dynasties predominated, not, however, those of the royal family of the Gupta itself.⁹⁴³ Moreover, until the end of the early Middle Ages (10th century) in all parts of India, primarily individual Brahmins and groups of Brahmins were taken into consideration, that is "in general, clearly-defined persons, whereby permanence was to be secured through the heritability of the endowment (in each case to the oldest son or adoptive son)."⁹⁴⁴ Since Brahmanical priests did not live celibately, in part the maintenance of their families or other persons belonging to the household was recorded. In return for the gift of the founder, the Brahmins had to perform the Vedic sacrifices; from the 10th/11th century onwards duties for the study and teaching of those texts are also mentioned, which were notable for each school.⁹⁴⁵ The dynasties sometimes supported multitudinous groups of donees.⁹⁴⁶ Thus, the east Indian king Śrīcandra from the family of Candra in the 10th century endowed no fewer than 6,000 Brahmins on the territory of contemporary Bangladesh.⁹⁴⁷ In the following century King Candradeva even explicitly named 495 of 500 Brahmins, as he decreed a foundation of several villages around Benares. The Rāṣṭrakūṭa ruler Govinda IV in the Śaka year 851 (c. 930 CE) differentiated according to specific groups of donees, purposes and localities. According to the wording of the copper-plate inscription, numerous Brahmins at this time dwelt in his capital of Mānyakhēṭa. The ruler appropriated the market district of Payalī on the western boundary of his capital for the "sacrificial assembly" of 1,000 Brahmins as well as means for the daily feeding of (a further) 1,000 Brahmins (in Mānyakhēṭa). Of the one thousand planned recipients, he counted here 240 of the Karahāṭaka Brahmins, and a further group of 300 persons of unspecified origin of learned

942 *Schmiedchen*, *Schriftzeugnisse* (2014), 420. Here the invocation of a god is lacking. The degree of rhetorical flourish at the start of a document, where a founder could introduce his lineage, as well as himself with his consort and court, is demonstrated by the foundation of the village of Meṣikā by the Pala king Devapāla (c. 821–61 CE) to the Brahmin Vihekarātaṁiśra, see *Bhattacharya*, *Landschenkungen* (1985), 110–3 (cf. *ibid.* 85). Similarly opulent: *Waldschmidt*, *Schenkungsurkunde* (1936), at esp. 288–92.

943 *Schmiedchen*, *Periodisierungen* (2014), 318; *Kulke / Rothermund*, *Geschichte Indiens* (2010), 118.

944 *Schmiedchen*, *Typologisierungen* (2014), 231.

945 *Ibid.*, 232.

946 Specialized studies: *Schmiedchen*, *Herrschergenealogie* (2014); *Njamasch*, *Bauern, Buddhisten und Brahmanen* (2001); *Bhattacharya*, *Landschenkungen* (1985).

947 *Schmiedchen*, *Typologisierungen* (2014), 233.

Brahmins of the Vājikaṇva school.⁹⁴⁸ From the 11th century onwards endowments of land were frequently connected with the founding of Brahmin settlements.⁹⁴⁹ Undeveloped land was often granted, so that Brahmins acted not only as pioneers of their culture, but also apparently as “domestic colonists”.⁹⁵⁰ The initiative for royal foundations often stemmed from the Brahmins themselves, especially when, as has been demonstrated, they could take advantage of their presence at court for this purpose.⁹⁵¹

Even when Brahmanical legal texts emphatically demanded it, Indian kings in no way restricted themselves to the patronage of Brahmin priests:⁹⁵² even in Late Antiquity the rise of Hindu temples had begun, which competed with Buddhist monasteries until Buddhism disappeared from most parts of India around the 11th century.⁹⁵³ Conceptually, one also differentiates the “gift to Brahmins” (*brahmadeya/brahmadāya*) from the “gift to a god”, that is to a Hindu temple, where for example Śiva oder Viṣṇu were venerated (*devadāya*), and from a “religious gift” in general (*dharmadāya*).⁹⁵⁴ Individual royal endowment activity was hardly constrained by personal religious preference. This is shown exemplarily by the around one hundred surviving copper-plate inscriptions of the Maitraka of Valabhī, who reigned in west Indian Gujarat between the early 6th and late 8th century.⁹⁵⁵ Most of the kings were adherents of Śiva, three were Viṣṇus and one worshipped the sun god. Nevertheless, for these rulers only a single foundation for a temple of Śiva is attested, in contrast to 25 for Buddhist monasteries and almost 80 for one or more Brahmins. King Dhruvasena I within three years (c. 343/5 CE) patronized, for example, two Brahmins from the Śāṇḍilyagotra and the Chandoga school, the sun temple of Kukkūṭagrāma as well as a Buddhist monastery.⁹⁵⁶ In each case he emphasized that his father, who had attained the royal dignity, and both of his older brothers, had been worshippers of Śiva, while he himself was attached to Viṣṇu. In all cases he allocated estates or a village for the increase of the religious merit of his ancestors and himself “in this world and the next, as long as the moon,

948 *Schmiedchen*, Herrschergenealogie und religiöses Patronat (2014), 175.

949 *Schmiedchen*, Typologisierung (2014), 233.

950 *Kulke / Rothermund*, Geschichte Indiens (2010), 118; *Datta*, Migrant Brāhmaṇas (1989).

951 *Schmiedchen*, Forschungsgeschichten (2014), 152; *idem*, Periodisierungen (2014), 321.

952 *Schmiedchen*, Stiftungen zum Unterhalt (2013), 105.

953 *Ibid.*, 107, 109; *Schmiedchen*, Periodisierungen (2014), 319–24.

954 *Schmiedchen*, Stiftungen zum Unterhalt (2013), 109; more nuanced: *eadem*, Stiftung (2014), 74.

955 *Schmiedchen*, Stiftungen zum Unterhalt (2013), 104 Cf. also *Njamasch / Schmiedchen*, Maitraka-Studien (1993).

956 Inscriptions of the Maitrakas of Valabhī (in press), 59–62 no. 2; 72–76 no. 6; 91–96 no. 11.

the sun, the ocean, the earth, the rivers and the mountains exist.”⁹⁵⁷ For the Brahmanical foundation he added that the properties were also to be exploited by the sons, grandsons and further posterity of both grantees, “and namely for the purpose of performing the ceremonies connected with *bali*, *caru*, *vaiśvadeva*, etc.”⁹⁵⁸ For the Hindu temple he stipulated that the properties “should be used for the incense, the lights, the oil, the garlands, the fragrances and the flowers for the (...) sun god erected in the village of Kukkūṭa” as well as for the repair of collapsed parts of the temple. The revenues, however, were also to be used for charitable meals or for the food and clothing of the responsible priest.⁹⁵⁹ For the foundation of the Buddhist monastery it was stated that power over the donated village was to include rights for fines, exactions and taxes, those both of the harvests and of trades, and that the incomes were to again benefit the individually-named needs of the cult and of maintenance, including medicine for sick monks.⁹⁶⁰ The members of the dynasty and the future “pious” kings were sworn to preserve the foundation; they were to be mindful that power was ephemeral and that human existence was uncertain, yet that the reward for landed endowments benefited both parties (the donees and the endowers).⁹⁶¹ Those opposing this were threatened with the well-known formula of a sixty-thousand year penalty in hell.⁹⁶²

For Hindu foundations the gods and goddesses were viewed as the personal donees, whose “eternal” presence guaranteed the endurance of the endowments.⁹⁶³ This naturally accommodated the wish for dynastic continuity. Only exceptionally do we find express wishes in Indian endowment charters for the commemoration of a founder, as was characteristic of monotheistic cultures of gift-exchange. All the same, in the year 1245 CE the “crowned chief consort” of a vassal prince of the Kādamba dynasty by the name of Daśāvai Padmaladevī had an idol erected for this purpose in the locality of Hulluṃgūru (contemporary Hulgur) and transferred to the aegis of a community of Brahmins already settled there. The estates endowed for the ancestral veneration of the Kādambas were to be used for the cult of the gods, the maintenance of 64 Viṣṇu-inclined Brahmins as well as two teachers, the instruction of boys

957 Ibid., 62, 75, 95.

958 Ibid., 62.

959 Ibid., 75.

960 Ibid., 95.

961 Ibid., 62, 76, 95.

962 Ibid., 62, 76; varying: 95.

963 Within scholarship they have even been ascribed the status of a juristic person; cf. *Schmiedchen*, *Typologisierungen* (2014), 234; *Sontheimer*, *Religious Endowments* (1965).



ILLUSTRATION 15 Eight armed Viṣṇu statue at the temple Angkor Wat (12th c. CE), Cambodia

and a dining hall. A special “great festival of ancestral veneration” was also foreseen.⁹⁶⁴

Royal stipulations predominate even amongst the roughly 60 known early medieval foundation charters for Buddhist monasteries.⁹⁶⁵ Endowments tied to persons, such as those for Brahmins, do not appear in this context, although the monks were absolutely allowed personal property and could also use this for their own foundations. The addressees were always certain monasteries, usually for monks but rarely for nuns, who also lived within or near the royal capital; yet in principle the entire order was understood to be the recipient of the pious gifts. This was not unimportant, because such a regulation guaranteed the enduring permanence of foundations. Especially noteworthy is that the initiative of founding monasteries seldom stemmed from the rulers themselves; rather, they were called for above all by people from their own circle, by their relatives and by vassal princes, but also—similar to the case for Brahmins—by the monks themselves.⁹⁶⁶ Although these foundations were primarily tax sinecures, for the endowment of villages and fields it could also be stipulated that the grantees enjoy, plough, have ploughed or be assigned some other task for their use. With foundations in favor of Brahmins, the right of use for third parties is noticeably frequent; this can presumably be explained by the fact that monks and nuns were expressly forbidden by canonical texts from undertaking agricultural work, since by necessity this would lead to the injury or even the killing of living beings. Correspondingly, Buddhist monastics were often granted entire villages as areas designated for agriculture.⁹⁶⁷

In contrast to other religions or cultures, foundations for Jains in India starkly receded.⁹⁶⁸ With the so-called imperial Rāṣṭrakūṭas, who between the middle of the 8th and the end of the 9th century desired to consolidate and unite their large territory in Maharashtra, Gujarat and Karnataka through their endowment strategy,⁹⁶⁹ of ca. 75 foundations on copper plates less than ten were directed at Jain institutions or individual Jain ascetics.⁹⁷⁰ For their successors in some of their territories, the Śilāhāras (until the middle of the

964 *Schmiedchen*, *Typologisierungen* (2014), 235; *eadem*, *Herrschergenealogie* (2014), 391–4.

965 On this and what follows: *Schmiedchen*, *Typologisierungen* (2014), 235; *eadem*, *Stiftungen zum Unterhalt* (2013), eps. 105–16. The general conclusion of *Von Hinüber*, *Felsbilder* (2013), 117: “Buddhism survives on foundations.”

966 *Schmiedchen*, *Stiftungen zum Unterhalt* (2013), 108 with n. 28; cf. the example of the year 884 CE in *Schmiedchen*, *Stiftungsbegünstigte* (2016), 502.

967 *Schmiedchen*, *Stiftungen zum Unterhalt* (2013), 111.

968 On what follows *Schmiedchen*, *Typologisierungen* (2014), 236–7.

969 *Schmiedchen*, *Herrschergenealogie und religiöses Patronat* (2014), 25, 129.

970 Cf. *ibid.*, 158, 191, 201.

13th century), no important changes in this regard occurred; in this case, copper plates as well as stone inscriptions were employed.⁹⁷¹ Amongst these ruling families as well the impulse to endow came from third parties, despite the political scheming that one can ascribe to them. In the forefront was the patronage of certain lines of masters and students, which, analogously to the Brahmanical priestly families or Buddhist orders, was to secure the survival of foundations. Cult structures were dedicated not only to the religion's founder, Mahāvīra, but also to his 23 predecessors, the so-called "Preparers of the Way" (*Tīrthaṅkaras*). The things endowed consisted, as elsewhere in India, of the granting of villages or properties. Thus, the Rāṣṭrakūṭa Kambha in the Śaka year 72[4] (that is: around 802/3 CE) endowed a village to a Jain temple lying in the western part of the city of Mānyapura (Manne), which had been founded by a general. The revenues were to be used "for the performance of the cult with dancing, singing and music, presented with beautiful girls, with *bali* and the anointing (of the cult statues) and (for the erection) of new buildings."⁹⁷² Around ten years later King Govinda III, at the request of the administrator Cākīrāja, granted a certain village to a Jain named Arkakīrti. The foundation was supposed to turn away the negative influence of Saturn on the nephew of Cākīrāja. For the Jain foundations of the Śīlāhāras of Kolhapur, as goals are named inter alia the regular feeding of local ascetics and the eightfold veneration of the respective *Tīrthaṅkara*. The eight cultic gifts, similarly to Hindu temples, consisted of water, fragrances, petals, grains of rice, incense, lamps, food and betel. In addition, there were also a renovation of the temple building. In the middle of the 12th century CE, for example, the king Vijayāditya endowed a precisely-designated field, a flower garden and a cultivated piece of land "for the eightfold cult of the god", who was venerated in the temple of Tīrthaṅkara Pārśvanātha in the village of Maḍalūra, for repairs to the temple and meals for ascetics. The temple itself stemmed from a village chieftain mentioned by name, and was the gift of the king at the request of his uncle, who thus wanted to (religiously) patronize his patrilineal line.⁹⁷³

Royal foundations are able to be understood as a key phenomenon in explaining early state formation in India: this has been demonstrated by the discussion within Indology over the preceding decades, which has above all referenced the early medieval kingdoms between the empires of the Guptas and Sultanate of Delhi (thus roughly the 6th–13th cent. CE). Yet the respective

971 Cf. *Schmiedchen*, *Herrschergenealogie* (2014), 213, 318.

972 *Ibid.*, 202.

973 *Ibid.*, 323.

interpretations differ starkly from one another.⁹⁷⁴ One can start with two observations: first, that the overwhelming number of medieval religious foundations were royal or princely foundations;⁹⁷⁵ second, that rulers often did not act of their own accord, but through the interventions of others. This concerned grantees, that is the potential beneficiaries, Brahmins, Buddhists and so forth, but also above all subordinate local or regional potentates. Schmiedchen has described this phenomenon in the following way: “A typical endowment paradigm in the Middle Ages was that private persons established a monastery or temple and the ruler—not infrequently at their direct request—created foundations for the maintenance of these institutions.”⁹⁷⁶ She has rightly emphasized the substantial difference with other foundation cultures: “In contrast to Latin Christendom, an initial endowment was (...) not at all obligatory for monasteries and temples in medieval India.”⁹⁷⁷ It stands to reason that this division of roles of (private, often noble) founders and (royal) endowers is to be explained by assuming that the king was ascribed dominion over all land; in any case, this thesis could call upon the observation of Megasthenes and would not at all exclude private property alongside that of the king.⁹⁷⁸ Even the argument that the principal type of endowed property consisted of tax sinecures, whose granting each individual ruler was alone justified,⁹⁷⁹ implies a particular privilege of the king over (landed) property, for which his participation in the creation of the value can be extrapolated. More important, however, is how the dynamic between kings or princes and other persons and groups of persons for foundations is to be explained.

Since the 1960s Marxist historians have interpreted the large number of medieval village and land endowments as a sign of the loss of monarchical central power in favor of individual religious and temporal grandees, who themselves aimed at autonomous principalities.⁹⁸⁰ According to Ram Sharan Sharma landed endowments to Brahmins and religious institutions (monasteries and temples) took precedence over grants to royal officials, which included the transfer of royal prerogatives, such as tax revenues and court jurisdiction.⁹⁸¹ The apogee of fragmentation and decentralization supposedly lay between

974 Cf. *Schmiedchen*, *Forschungsgeschichten* (2014), 149–53; recently: *Sahu / Kulke* (eds.), *Interrogating Political Systems* (2015).

975 *Schmiedchen*, *Typologisierungen* (2014), 241.

976 *Ibid.*, 240.

977 *Schmiedchen*, *Stiftungsvermögen* (2016), 337.

978 Cf. *Njamasch*, *Bauern, Buddhisten und Brahmanen* (2001), 62–3.

979 *Schmiedchen*, *Typologisierungen* (2014), 241.

980 Cf. *Schmiedchen*, *Forschungsgeschichten* (2014), 150; *Kulke*, *Regionalreiche* (1985), 80–1.

981 Cf. *Sharma*, *Indian Feudalism* (1965), 4 f., 159–60.

1000 and 1200 CE. The deprivation of land and people to the detriment of the central authority by intermediate authorities described here, however, is a typical paradigm for the genesis of feudalism or the feudal state.⁹⁸²

The proponents of the “traditional school”, who insisted upon the religious character of foundations, contradicted this theory. Since 1977 the American Burton Stein has countered Indian Marxists with the model of the “Segmentary State”.⁹⁸³ As Stein demonstrated via the example of the south Indian Colas, dynasties could only develop full political authority in their heartlands:⁹⁸⁴ here almost “all the prerequisites of a modern unitary state (are fulfilled): territorial sovereignty, centralized administration with a specialized bureaucracy and (the) monopoly of physical violence.”⁹⁸⁵ To differentiate from these were “nuclear areas” in the outer regions, whose princes and minor kings, though obligated to raise armies and contribute taxes, were, however, in fact only ritually able to be integrated into the larger polity.⁹⁸⁶ Via the religious foundations of the central monarchs in the peripheries, local lords could be incorporated into the state cult, though they also venerated their own local and regional deities. The constitutive element of the great south Indian kingdoms had been, according to Stein, thus a simple “ritual sovereignty”.⁹⁸⁷

More recently the German Indologist Hermann Kulke has developed a third explanatory model both based upon and deviating from Stein’s theory.⁹⁸⁸ Though Kulke concedes that both older theories are justified in explaining royal grants of land—the loss of central power over the land and people (feudalism) versus the expression of ritual sovereignty—he, however, objects to the one-sided conception of the loss or deficit of authority in each model. Rather, landed endowments to religious institutions and Brahmins and their endowment with sovereign rights represent an important instrument of authority in the period of medieval kingdoms. They are both the means as well as the expression of the consolidation of authority within the heartland and the integration of outer territories. Kulke speaks of a “moment of concentric integration”, which he seeks to describe through a tripartite explanatory model.

982 Cf. *Borgolte*, *Otto Hintzes Lehre* (2002).

983 Cf. *Schmiedchen*, *Forschungsgeschichten* (2014), 151; *Kulke*, *Regionalreiche* (1985), 81–2.

984 Cf. *Stein*, *Segmentary State* (1977); *Stein*, *Peasant State* (1980).

985 According to *Kulke*, *Regionalreiche* (1985), 82. For the modern state, however, more characteristics have been named, recently there were ten in *Reinhard*, *Europäische Politik* (2013), 18; according to him Europa first invented the state, and in particular the Latin West from the High Middle Ages, see *Reinhard*, *Geschichte der Staatsgewalt* (1999), 15, 22.

986 *Kulke*, *Regionalreiche* (1985), 82; *Stein*, *Segmentary State* (1977), esp. 35, 39–49.

987 *Kulke*, *Regionalreiche* (1985), 83; *Stein*, *Segmentary State* (1977), 16–8.

988 Cf. in the more recent period: *Kulke*, *Introduction* (1995; the second edition is in press); *Sinha*, *Early Maitrakas* (2001).

The corresponding periods of state development are marked by principedom (in the Sanskrit terminology corresponding to the term “king”, *rājā*), kingdom (“great king”, *mahārāja*) and imperial regional empire (“chief king of the great kings”, *mahārā-adhirāja*).⁹⁸⁹ The starting point is the Gupta Empire, which stretched from the north to deep into central India and also reached into the distant south as well as towards southeast Asia.⁹⁹⁰ It was not, however, the regional centers of this great empire from which the process of new empire-formation began, but rather the cores for this lay in its autonomous outer areas and in the still unconquered intermediate regions. In these regions local princes were given the chance to form their own polities under the influence or according to models of higher political and economic organization. In order to construct these early states, potentates attracted the Brahmins of these “nuclear areas”, who offered their more advanced knowledge, even though there also existed religious who moved into these outer areas of their own accord. The local central core regions, from which this development proceeded, lay, according to Kulke, mainly in the ecologically-favorably riverine regions, above all on the east coast, where an intensification of the rural economy benefited from the cultivation of rice paddies; interregional (sea) trade also profited in this context.⁹⁹¹ In this early phase Brahmins were settled in the direct vicinity of the new seats of authority: “They were not only highly-qualified experts on magic and ritual secret wisdom, but also possessed, through their monopoly-like access to the Śāstra texts, considerable knowledge of state administration and political economy.”⁹⁹² But above all they legitimated a new form of political authority for an increased absorption of societally-produced surplus. The means of the ideology were the creation of a potentate’s genealogy, the endowment of Hindu kingship with symbols, such as the royal parasol, as well as the erection of Hindu temples. While the local tribal divinities received gifts only on certain occasions, and were manifested only temporarily in their pictureless symbols or through priestly media, the new cult had different demands: a regular performance of daily rites for a permanently “present” god, who was venerated in an anthropomorphic idol or a śivaitic Liṅgam. But the regularity and permanence of the veneration of the gods could, as should be added, not be so promisingly organized as in a foundation. It suited the *rāja*, which in contrast to older, always temporary chieftain-rulership in tribal societies,

989 Kulke, *Regionalreiche* (1985), 86.

990 Cf. Schmidt-Glintzer, *Geschichte Indiens* (2009), 345–7; Virkus, *Politische Strukturen* (2004).

991 Kulke, *Regionalreiche* (1985), 88–9.

992 Ibid., 89.

only could exist over the long term: “In the societal teaching of the Brahmins it permanently acquired a higher position, which towered over that of the population of the local core region. And in this new ‘presentation’ he demanded in his palace—as with the ever-present ‘new’ Hindu god in its temple next door—permanent exactions.”⁹⁹³

The second phase was characterized by an intensification of direct rule in the core region and its partial expansion into the periphery and the subjugation of tributary dependencies through it or those of its neighbors.⁹⁹⁴ While the princes of the first phase had largely concentrated on the direct vicinity of their seats of power, the Mahārājas now endowed whole villages in the entire core region to increasingly larger groups of Brahmins. Yet there can be no implication that their considerable endowment of immunities and sovereign rights constituted a loss for the king, as the adherents of the “school of Indian feudalism” maintain. Rather, the opposite was true. For by listing the rights of Brahmins and their claims to exactions in copper-plate inscriptions for the first time in detail, unitary measures of state power were spread. In individual instances the king transferred sovereign rights through foundations in regions that he did not even still rule: “By the entire core region becoming enmeshed in a net of such privileged Brahmin settlements with the standardized rights of Brahmins for exactions and corvees, binding measures were also created for those regions, which were not subjected to the taxation and administration of Brahmins. In addition, the kings clearly left the implementation of these royal claims in the Brahmin villages to the Brahmins so favored, since in all foundation inscriptions it is clearly stated that the access of administrative officials to the endowed land was forbidden.”⁹⁹⁵ In this second phase intensive relations with the periphery and neighboring regions were also undertaken for the first time. The latter often consisted of thick jungles and ranges of hills which encircled the riverlands of the core regions, and had long been able to detach themselves from the influence of regional princes. The protracted process of consolidation through new settlements and sovereign institutions was, according to Kulke, above all performed by farmers of the near vicinity, who sought new areas to cultivate for themselves and their family members in view of the presumed increase of the population as a whole. Their endeavor was supported, on the one hand, by temporary tax remissions, and, on the other hand, lastingly by endowing the Brahmins following the settlers with enduring privileges. Even when the wording of the royal documents suggests otherwise,

993 Ibid., 90.

994 Ibid., 92.

995 Ibid., 93–4.

it stands to reason that (in the sense of B. Stein) it was likely tribal leaders who brought the Brahmins.⁹⁹⁶ The regional empires of the third, imperial stage were then the end result of Hindu state development before the founding of Islamic states in India,⁹⁹⁷ to which the polities of the aforementioned Colas or Rāṣṭrakūtas belonged. The great kings were seen as the earthly representatives of Hindu deities, above all of Śiva and, increasingly from the 12th century onward, Viṣṇu, to whom a series of monumental great temples were dedicated. Their worship developed into elaborate state cults, which were increasingly directed at the rulers. In the temple of Tanjore, built around 1012, hundreds of priests, temple wardens, dancers, musicians, bookkeepers and craftsmen rendered service, and their names, with their places of origin stemming from all parts of the empire, are transmitted via the large inscriptions of the building: "While most craftsmen and temple wardens still had to be supplied with exactions from their native villages, King Rājarāja endowed tax revenues from villages that were spread across the entire empire for the maintenance of priests and dancers. Thus, the empire was permeated with a net of new relationships directed at the royal-sacral imperial center, and these relationships were of a politically-legitimizing as well as of an economic nature. Extra levies and profits of the temple were granted at a rate of 12.5% to the surrounding villages and districts, which employed these funds inter alia for processes of agricultural development, which led to an additional economic strengthening of the tribal homeland of the Cōlas."⁹⁹⁸

Thus, regardless of how one explains state development in India until the 13th century—whether through the theory of Feudalism, the thesis of the Segmentary State or the model of Concentric Integration, religious foundations for Brahmins and temples always play a key role, in which the kings, according to the wording of the copper-plate documents, were only ascribed the key position. Often more important were the grantees of gifts or officials and local magnates, who were effectively able to assert their interests.

1.3.3 *Ancient Founders, a Cultural Breakthrough and Orthodox Christian Rulers*

Like citizens and officials of the republic, Roman emperors felt themselves obligated to relieve public burdens with their own wealth. In this they drew upon the *patrimonium Caesaris*, the imperial private fortune, whose basis had been created by Gaius Iulius Caesar and Augustus, and to which each ruler further

996 Ibid., 96.

997 Ibid., 99.

998 Ibid., 99.

contributed.⁹⁹⁹ At the forefront of imperial benefactions stood the infrastructure of Rome itself and Italy, especially the construction and maintenance of roads and the water supply¹⁰⁰⁰ as well as public buildings more generally. The situation of the *plebs urbana* in particular, which had grown substantially since the end of the Second Punic War (201 BCE), caused problems. Cicero (d. 43 BCE) describes the poor living conditions of Rome's urban underclass in multistoried rental houses standing upon bad roads and narrow alleyways.¹⁰⁰¹ Though the *cura annonae* the state provided for the provisioning of grain, which in times of need could be given out at reasonable prices, nonetheless social unrest repeatedly arose due to famine. In addition to the *annona*, the *frumentatio* appeared from the 2nd century onwards; citizens that were residents of Rome who were entered into lists could thereafter even expect a free supply of grain. The *frumentatio publica* of the Imperial period was, however, not a program of social welfare for the poor, but rather an honorary gift; with this imperial beneficence only a precisely-specified group of Roman citizens was honored by demonstrable affinity to the ruler.¹⁰⁰²

Augustus (27 BCE–14 CE) himself sought to overcome the miserable situation of the city of Rome. He personally adopted responsibility for the *cura annonae* (22 BCE) and from the year 7 CE onwards conferred this function upon a special equestrian *praefectus*.¹⁰⁰³ For the water supply, which was personally financed by Agrippa, the close confidante of the emperor, he likewise appointed state supervisors until his death in 12 BCE. He also wanted to improve the quality of life of the inhabitants through the erection of a state fire department and legal prescriptions for height limitations on new buildings. Other emperors followed his example.¹⁰⁰⁴

Outstanding in this line were the so-called Adoptive Emperors (the Antonines) of 96–180 CE; for this reason they are even credited with a “humanitarian emperorship”.¹⁰⁰⁵ Already with Nerva (96–98) these measures stretched beyond Rome to all of Italy.¹⁰⁰⁶ This emperor fostered public welfare through the construction or renovation of aqueducts and roads as well as a

999 Herz, *Römische Kaiserzeit* (2006), 369.

1000 Schneider, *Rom* (2006), 278, 291–3, 299.

1001 Ibid., 293, 313, 327–8.

1002 Seelentag, *Kaiser als Fürsorger* (2008), 228; Sontheimer, *Annona* (1975, repr. 79).

1003 Herz, *Römische Kaiserzeit* (2006), 338–9.

1004 Cf. ibid., 380, on Emperor Claudius (41–54 CE).

1005 Cf. Heuss, *Römische Geschichte* (1964), 342–51; Schuller, *Erstes Europa* (2004), 162–5 (here as well respectively on the epithet “Adoptive Emperors”). “Antonines”: Herz, *Römische Kaiserzeit* (2006), 351–6.

1006 Woolf, *Food* (1999), 204; Seelentag, *Kaiser als Fürsorger* (2008), 213–4.

state-financed program of settlement, which was to increase agricultural production. Nerva likewise exhorted all citizens to liberality (*munificentia*) and engagement in favor of their communities. According to a narrative source he also “ordered that girls and boys of needy (*egestosis*) parents in the towns (*oppida*) of Italy should be fed at public expense.”¹⁰⁰⁷ Though the testimony is likely dated to the period after 395, an inscription from the year 98 indirectly confirms it.¹⁰⁰⁸ Scholarship has identified this imperial ordinance as the birth of so-called alimentary institutions.¹⁰⁰⁹ Generally, imperial foundations are so designated in which money was put into landholdings, whose yields benefited particular children. Blessed by military successes in Dacia, Trajan (98–117) was able to effectively continue the work of his short-reigning predecessor. In Rome and its vicinity he implemented a large building program (four harbors, including Trajan’s Harbor at Ostia, the Forum Traiana).¹⁰¹⁰ He enlarged the list of recipients of free grain in an entirely new way. Whereas it had earlier been customary for the praetor to annually raffle off slots that had become open, so that the number of beneficiaries always remained constant, Trajan around the year 100 raised the number of the privileged at a stroke by 5,000. Yet these were not adults, but rather children of the capital.¹⁰¹¹ He expanded the alimentary institution through foundations in over fifty locations in Italy.¹⁰¹² Most of the evidence consists of laconic inscriptions, by which the privileged boys and girls honored the imperial benefactor.¹⁰¹³ From Veleia an epigraphic act of foundation has survived, which allows more precise conclusions.¹⁰¹⁴ It states that Trajan “out of goodness” (*ex indulgentia optimi maximique principis*) had provided 440,000 sesterces to support almost 300 children: 245 of them were legitimately-born boys and were to each receive 16 sesterces a month; 47 girls of legitimate birth as well as an illegitimate boy were each to slated 12 and an illegitimate girl 10 sesterces.¹⁰¹⁵ In this case, as in all other expressions of antique euergetism, this was not care for the poor, but rather the self-promotion

1007 Ps.-Aurelius Victor, *Epitome de Caesaribus* 12.4, cited after Woolf, Food (1999), 204.

1008 Seelentag, Kaiser als Fürsorger (2008), 214 with n. 18.

1009 Sontheimer, *Alimenta* (1975, repr. 79), 257; Pickert, *Sehnsucht nach Ewigkeit* (2008), 108; Laum, *Stiftungen* 1 (1914, repr. 64), 104, 112, 236, 252, 254.

1010 Herz, *Römische Kaiserzeit* (2006), 351; Seelentag, Kaiser als Fürsorger (2008), 225; *idem*, *Taten und Tugenden* (2004), esp. 439–41.

1011 Seelentag, Kaiser als Fürsorger (2008), 228–9.

1012 *Ibid.*, 208; Woolf, Food (1999), 199.

1013 Cf. Woolf, Food (1999), 206, with Laum, *Stiftungen* 2 (1914, repr. 64), 175 no. 38, Emperor Antoninus Pius for boys and girls in Cupra Montana of the year 149; 166 no. 10a, Emperor Marcus Aurelius for Ficulea of 162.

1014 Laum, *Stiftungen* 2 (1914, repr. 64), 179 no. 59a, cf. *ibid.* 1, 112; Woolf, Food (1999), 207.

1015 Cf. Laum, *Stiftungen* 2 (1914, repr. 64), 172 no. 29a of the year 101 CE.

of *munificentia* and *liberalitas*, that is demonstrative patronage. At the same time, with the privileged children the imperial endower could hope for lasting fame and additional gratitude. For Trajan, as has recently been demonstrated, this was tied up with his sovereign self-presentation as the *restitutor Italiae* ("Restorer of Italy").¹⁰¹⁶ His successors imitated both him and Nerva, until imperial alimentary foundations apparently died out around the end of the 3rd century, that is shortly before the Constantinian period.¹⁰¹⁷

1.3.3.1 Foundations in the Context of State Worship and Christian Congregations

The first emperor had contributed to the development of Rome with important works: inter alia he had, according to his own testimony, alone in his sixth consulate (28 BCE) rebuilt 82 temples, in addition to building or renovating 14 other temples in Rome during his reign.¹⁰¹⁸ Nonetheless, he and his successors are not understood to be religious founders until the Constantinian period.¹⁰¹⁹ From a legal-historical perspective, it has been asserted that in the classical period there existed no concept of foundation, according to which temples could be seen as independent legal persons.¹⁰²⁰ In fact, the public cults, the *sacra publica*, were a "state" affair.¹⁰²¹ Still in the Augustan period Livy traced the history of Roman religious institutions in this sense to Rome's origins, and ascribed their founding to Numa Pompilius, the second king. After nocturnal encounters with the goddess Egeria, Numa in his own words established the divine services that were most pleasing to the gods, and gave to each god a priest.¹⁰²² Though the successor of Romulus was at pains to perform as many sacral acts as possible, he recognized that for him and the kings who came after him this would not be comprehensively possible over the long term, due to their military duties. Thus, he appointed individual priests for Jupiter as well as the gods Mars and Quirinus. For Vesta he summoned select virgins: "That they might be perpetual priestesses of the temple, he assigned them a stipend from the public treasure, and by the rule of virginity and other observances invested them with awe and sanctity." After the appointment of further religious orders

1016 *Seelentag*, Kaiser als Fürsorger (2008), at esp. 209, 212–24, 233–241; *Woolf*, Food (1999), passim, esp. 223–4.

1017 *Laum*, Stiftungen 1 (1914, repr. 64), 112.

1018 *Beard / North / Price*, Religions of Rome 1 (1998), 118, 196; *Alföldy*, Euergetismus (1997).

1019 Cf. *Liermann*, Handbuch 1 (1963), 24.

1020 See now *Alexander*, Anstalten und Stiftungen (2003), in this context esp. 49–51.

1021 *Rüpke*, Religion der Römer (2001), 27–31; now also esp. *Bowes*, Private Worship (2008), 18–60.

1022 Livy in fourteen volumes 1 (1919, repr. 88), 69 lib. 1.19 (Latin text 68). On this and what follows: *Beard / North / Price*, Religions of Rome 1 (1998), 1.

he selected a high priest from the ranks of the senate and “he intrusted written directions, full and accurate, for performing the rites of worship; with what victims, on what days, in what temple, sacrifices should be offered, and from what sources money was to be disbursed to pay their costs.”¹⁰²³ He also dedicated many places of sacrifice and shrines, one of which was dedicated to fealty.¹⁰²⁴ Other kings emulated the example of Numa. The fifth amongst them, Tarquin the Elder, for example, began the construction of the great temple of Jupiter on the Capitoline; his son Tarquin the Proud desired to complete it as “a memorial of his reign and of his name.” The war booty from the subjugation of Pometia, however, did not suffice, so that this last of all Roman kings according to Livy used “not only the state funds but labourers drawn from commons.”¹⁰²⁵

These reports, supplemented by other sources,¹⁰²⁶ prove that in Rome the religious underpinnings are dated to the end of the 6th century BCE;¹⁰²⁷ the republic, whose early history Livy further narrated as the history of the cult of the gods, built upon them.¹⁰²⁸ The personnel for the veneration of the gods and cultic practices were financed from public funds, which stemmed primarily from taxes, levies and war booty.¹⁰²⁹ Whoever further wanted to foster the cult was limited in his room for maneuver by Roman sacral law. The assignment of estates and other properties to state-recognized deities was not the prerogative of the individual citizen, but rather had to occur through a magistrate with the power to do so. The erection of a new shrine was bound up with burdens on the state treasury for its maintenance, especially the annually-occurring festivities, so that it was practically forbidden for private persons to erect sacral foundations without the approval of the authorities.¹⁰³⁰ Were the pious undertaking approved, then the owner first had to renounce his property rights in the form of a *dedicatio* (“dedication”); thereupon followed the act of *consecratio*, by which the properties in question, certain objects (for the cult) buildings

1023 Livy in fourteen volumes 1 (1919, repr. 88), 71 lib. 1.20 (Latin text 70).

1024 Ibid., Book 1.19 as well as Book 1.20.

1025 Ibid., 191, 193 lib. 1.55–6 (Latin text 190, 192); on which *Beard / North / Price*, *Religions of Rome* 1 (1998), 3, 59.

1026 Referenced by *Beard / North / Price*, *Religions of Rome* 1 (1998), 1, 3, 59; *Fliedner*, *Numa Pompilius* (1975).

1027 *Beard / North / Price*, *Religions of Rome* 1 (1998), 3.

1028 Ibid., esp. 54–61 and 87; *Aberson*, *Temples Votifs* (1994).

1029 *Rüpke*, *Religion der Römer* (2001), 27.

1030 *Voelkl*, *Kirchenstiftungen* (1964), 11 with references to the sources in n. 17. In the context of the *sacra publica*, a patron of the cult could thus hardly have constructed or fostered exclusive relations between himself and the gods, but it rather exclusively concerned the commonwealth; cf. as well *Wesch-Klein*, *Liberalitas in rem publicam* (1990); *Herrmann*, *Kaiserliche Garantie* (1980). On the *sacra privata* s. *Rüpke*, *Religion der Römer* (2001), 36; *Bowes*, *Private Worship* (2008), 18–60, passim.

or persons were festively dedicated. The Pontifex Maximus was included as a religious advisor; he had to read aloud the formulary contract document, the *lex templi*, for reiteration by the magistrate.¹⁰³¹ In the scholarly literature these *leges templorum*, which were engraved as inscriptions on the temples, are seen as “pronounced endowment charters”. They followed a particular formulary: “Generally, they bore as a date the names of those consuls in his consulships the consecration had been undertaken. The name of the founder (or consecrator), as well as that of the Pontifex Maximus, who was required to preside over the religious act, followed the date. The name of the founder was connected with a series of prescribed formulas of dedication, which the Pontifex Maximus was to first recite and the consecrator was to repeat verbatim. The formula itself contained a precise description of the area in question, on which the temple or altar had come to stand, the objects which were to serve the cult, the pieces of decoration that were to adorn the temple, the name of the deity as well as the type, extent and time of the respective sacrifices which were to be repeated. Frequently, there also appeared remarks on the income of the responsible priests and the threat of punishment for all those who dared to disregard the ‘leges templorum’. The formula closed with the consecratory prayer, which was to win over the deity at the place prepared for it and secure for the participants the protection of the divinity.”¹⁰³²

Though the sources for this appear to be meagre, in scholarship it is assumed that in that case a piece of land was designated for the performance of the rituals.¹⁰³³ This “capital stock” produced a certain yield through the renting of real estate, which was used to finance a cult or a priesthood. It is certain that temples possessed property with which they were able to maintain the cult or the cult personnel; this capital could stem from the gifts of “private persons”, yet was based above all on the resources of the state, which was responsible for

¹⁰³¹ Voelkl, *Kirchenstiftungen* (1964), 19.

¹⁰³² Ibid., 22, of n. 53, where as an example the dedicatory inscription of the Temple of Jupiter in Salona from the year 137 BCE is quoted: *L. Aelio Caesare II P. Coelio Balbino Vibullio Pio Cos / VII Idus Octobres / C. Domitius Valens II vir iure dicundo / Praeunte C. Iulio Severo Pontifice / Legem dixit in ea verba quae infra scripta sunt: / Iuppiter Optime Maxime / Quandoque tibi hodie hanc aram dabo dedicaboque / Ollis legibus ollisque regionibus dabo dedicaboque / Quas hic hodie palam dixero / Uti infimum solum huius arae est / Si quis hic hostia sacrum faxit / Quod magmentum nec protollat / It circo tamen probe factum esto / Ceterae leges huic aere eadem sunt / Quae arae Dianae sunt in Aventino monte dictae / Hisce legibus hisce regionibus sic uti dixi: / Hanc tibi aram, Iuppiter Optime Maxime, do dico dedicoque / Uti sis volens propitius mihi collegisque meis / Decurionibus colonis incolis Coloniae Martiae Iuliae Salonae / Coniugibus liberisque nostris.*

¹⁰³³ Rüpke, *Religion der Römer* (2001), 28.

the long-term operation of temples.¹⁰³⁴ Temple property in Roman antiquity is best understood as special state property for the *usus sacer* ("cult"), which was also seen as divine property.¹⁰³⁵ Thus, temples were not legal subjects with their own independent property and did not represent, as (certain) churches and monasteries in the Christian period, an economic potency.¹⁰³⁶ As far as the cost of the cult is concerned, one must also keep in mind that the priests in ancient Roman temples had little in common with the Christian clergy.¹⁰³⁷ They were in part the conductors of sacrifices, yet were primarily experts who had to instruct the magistrates and the Roman people in this. Moreover, by no means were there established priesthoods in all temples, which, organized in colleges, were mobile. Their numbers were much smaller than in those religious communities in which they were indispensable for the mediation between the faithful and God (or the gods).¹⁰³⁸ At least for the foremost gods and temples, they were selected from the leading families for life, without being restricted to sacral functions;¹⁰³⁹ their social background also did not make them dependent on pay for their cultic service.

Successful generals had founded new temples in Rome already at the time of the republic, in order to show gratitude and veneration to gods who had aided them in battle;¹⁰⁴⁰ if the constructions were not completed on schedule,

1034 *Delmaire*, *Largesses sacrées* (1989), 641. (Particular?) temples, including the Altar to Victory in the senate building, had the right of accepting landed property (through bequests); this was abolished by Emperor Gratian in the year 382: *Pietri*, *Erfolge* (1996), 464; cf. *ibid.*, 468. Instructive in this context is a narrative of Livy on the Temple of Juno Lacinia by the city of Croton in Lower Italy; not only did a meadow for the animals to be sacrificed belong to the temple, but it also functioned as an entrepreneurial undertaking with substantial profits (Livy in fourteen volumes 6 [1940, repr. 1984], 182 f, lib. 24.3). *Pietilä-Castrén*, *Magnificentia publica* (1987), 27, points to the fact that the state was responsible for the maintenance of temples, which were erected, for example, by successful generals. Cf., however, *Eck*, *Euergetismus* (1997), 329. *Carlsen*, *CIL X 8217* (1994), 13, maintains that the scholarship on the landholding of temples in the Roman Empire is insufficient (9 and 11).

1035 *Alexander*, *Anstalten und Stiftungen* (2003), at esp. 46–51.

1036 *Beard / North / Price*, *Religions of Rome 1* (1998), 87.

1037 Cf., however, the reference of *Vöekl*, *Kirchenstiftungen* (1964), 23, to the *leges* of the Isis shrine of Priene (Asia Minor), in which inter alia payments in money and kind for the cult and the priests of Isis were ensured.

1038 Cf. *Beard / North / Price*, *Religions of Rome 1* (1998), 302–3.

1039 *Ibid.*, 27, 61, 102–104, 115. *Ibid.*, 192, on the situation from the time of the Imperial Period onwards.

1040 *Pietilä-Castrén*, *Magnificentia publica* (1987), who examines victory monuments (temples, statues) of the Roman generals of the Punic Wars (264–146 BCE); these included works of this sort praised at the start of an (eventually victorious) battle. Yet for the erection of

as often happened, then their sons or other descendants completed the work.¹⁰⁴¹ In this way ancient Roman shrines appear as familial endeavors, even though they were given over to the state cult. Augustus later reserved for the emperor the right to build temples.¹⁰⁴² What held in Rome for the *sacra publica* formed, though not completely and without change, the model for the treatment of the Christian Church since Constantine the Great.

In the first centuries of its existence, the Church survived from the regular and extraordinary contributions of its believers.¹⁰⁴³ Alongside goods in kind, pecuniary offerings were laid before the altar, from which the clergy and above all the poor, widows and orphans were supported.¹⁰⁴⁴ According to a source of the early 3rd century, the bishops were seen as the stewards of God, who accepted “first fruits, tithes, votive offerings and gifts” as “sacrifices”.¹⁰⁴⁵ According to the testimony of Bishop Cornelius (d. 253), within the church of Rome 46 elders, seven deacons, seven subdeacons, 42 acolytes, 52 exorcists, lectors and wardens as well as over 1,500 widows and other needy persons were maintained, outside of the chief pastor himself.¹⁰⁴⁶ The revenue from money was so great that it exceeded the immediate need. Around 170 the renown of the Roman community’s prosperity had reached all the way to Corinth,¹⁰⁴⁷ and somewhat later a widow even had to be warned that money received from church coffers was not to be lent at usurious rates of interest.¹⁰⁴⁸ Scholarship even possesses figures. At his entry into the Roman community around 140 the later heretic Marcion, the heir of a large shipping concern on the Black Sea, paid an entrance gift of 200,000 sesterces; in 1979 a modern church historian estimated its value to be at least 500,000 Deutschmarks. When Marcion later founded his own church, the Roman Christians were able to pay back

building the permission of the senate had to be attained, if it was supposed to stand on public land (27).

1041 *Beard / North / Price*, Religions of Rome 1 (1998), 88, 122–125. Cf. Livy in fourteen volumes 1 (1919, repr. 88), 356 lib. 1.42; 4 (1926, repr. 82), 504 lib. 10.37; 536 10.46, and elsewhere. *Pietilä-Castrén*, Magnificentia publica (1987), 93, cf. *ibid.* 87–88.

1042 *Beard / North / Price*, Religions of Rome 1 (1998), 196, 376.

1043 *Staats*, Deposita pietatis (1979), 5; *Klauser*, Kleine Abendländische Liturgiegeschichte (1965), 14; *Angenendt*, Offertorium (³2014), *passim*.

1044 *Staats*, Deposita pietatis (1979), 6; cf. *Gaudemet*, L’Église dans L’Empire Romain (1958), 291–3.

1045 *Staats*, Deposita pietatis (1979), 7.

1046 Letter of Cornelius to Bischof Fabius of Antioch, transmitted by Eusebius, Kirchengeschichte (³1989), 314 lib. VI.43,11; cf. *Markschies*, Antikes Christentum (2006), 171; *Pietri*, Rom und Italien (1996), 129; *Staats*, Deposita pietatis (1979), 9.

1047 Eusebius, Kirchengeschichte (³1989), 223, lib. IV.23,10 (letter of Bishop Dionysius of Corinth to Bishop Soter von Rom); cf. *Staats*, Deposita pietatis (1979), 6.

1048 *Staats*, Deposita pietatis (1979), 6.

the entire sum.¹⁰⁴⁹ The fortunes in certain North African cities were on a similar scale: according to the testimony of Cyprian the congregation of Carthage was able to raise 100,000 sesterces for the ransom of Christians who had fallen into the hands of Numidian bandits. When Cyprian himself fell victim to a persecution of Christians in the year 258, it was primarily, according to new research, to fill the state coffers via his ransom. Contemporaries were of course aware of the difference between the financing of the Church and the ancient Roman religion. When in the post-Constantinian period Roman aristocrats still sought state support for the maintenance of their cults, Bishop Ambrose of Milan (d. 397) had nothing but contempt for them: a religious community that could cover its needs only with the help of the state was, in his eyes, doomed to failure.¹⁰⁵⁰ The Christian priest had to—and could—refrain from support of this sort.

Real estate was a different matter than that of money in the pre-Constantinian period. For their masses and other gatherings Roman Christians, similarly to the adherents of other “foreign religions” (the cults of Mithras, of Isis and the Mother Goddess, the Syrian gods or that of the Jewish Yaweh), relied upon the houses or dwellings of wealthy congregants.¹⁰⁵¹ Still in the 4th century, 24 of their *tituli* are known, named after their owners, but this does not allow the extrapolation of their belonging to a net of gathering sites already in the pre-Constantinian period.¹⁰⁵² Nonetheless, it is certain that the Primitive Church possessed certain properties. An Egyptian papyrus of ca. 300 attests that gifts of real estate to the church were “an ancient practice” and that at least some churches could be landowners.¹⁰⁵³ In Rome the Christian community possessed some cemeteries, of which the Catacombs of Calixtus in the early 3rd century is itself an episcopal foundation.¹⁰⁵⁴

1049 Ibid., 8.

1050 Ibid., 9. Cf. *Fiedrowicz*, Christen und Heiden, 2004, 163–7. Cf. also the measures accompanying the attempted restoration of paganism by the emperor Julian (361–3): *Flamant / Pietri / Gottlieb*, Julian Apostata (1996), 404–11; *Rosen*, Julian Apostata (2006), esp. 297–306; *Pietri*, Erfolge (1996), 462 with n. 3.

1051 *Marschies*, Antikes Christentum (2006), 177–80; *Beard / North / Price*, Religions of Rome 1 (1998), 267; 2 (1998, repr. 2000), 110–3; *Krautheimer*, Rom (1987), 28–9.

1052 *Bowes*, Private Worship (2008), 65–71; *Krautheimer*, Rom (1987), 28; *Guyon*, Kirche Roms (1996), 882; *ibid.*, 878 n. 6, with reference to “a first great upswing in church building already before the Diocletianic persecution” according to Eusebius, Kirchengeschichte (31989), 361 VIII.1.5 (“in all cities”), though these reports are probably to a certain extent exaggerated.

1053 *Thomas*, Private religious foundations (1987), 11.

1054 *Beard / North / Price*, Religions of Rome 1 (1998), 270; *Guyon*, Kirche Roms (1996), 882; *Thomas*, Private religious foundations (1987), 9; *Borgolte*, Petrusnachfolge (21995), 27–30.

1.3.3.2 Byzantine Emperors as Leaders of the Church and Great Founders
 Yet the Church could also acquire properties in great style from the time of Constantine onwards. After he ejected a rival from Rome in 312 and attributed his victory to the aid of Christ, he not only gifted the church with lavish funds,¹⁰⁵⁵ but also with his co-emperor Licinius endowed it with far-reaching property rights. Namely, in the “Edict of Milan” of the year 313, along with a restoration of Christian buildings confiscated in the persecutions, a precise definition of Christian properties was decreed: “They are the customary areas of assembly, the churches and the possessions of the congregation.”¹⁰⁵⁶ Scholarship has argued that this was a new legal principle that, however, may have been based on the model of those temples whose endowment was regulated by a specific *lex*. Accordingly, the Christian congregation could have been, like a college, the proprietor of possessions; church property was entrusted to the personal supervision of the bishop.¹⁰⁵⁷

Constantine himself made the Christian religion visible with numerous new church constructions.¹⁰⁵⁸ In the west and east, above all in Rome, in the Holy Land and in his new capital on the Bosphorus, he erected basilicas and other houses of God that were to announce the triumph of the Christian God and increase his own fame.¹⁰⁵⁹ He financed the buildings in Rome exclusively from his own family fortune, not from the treasury.¹⁰⁶⁰ In these grand new constructions the faithful could finally emerge from their scattered gathering sites into

1055 *Beard / North / Price*, *Religions of Rome* 1 (1998), 367; *Pietri*, *Christianisierung* (1996), 206; *Gaudemet*, *L'Église dans L'Empire Romain* (1958), 10.

1056 *Pietri*, *Christianisierung* (1996), 208.

1057 *Ibid.*, 208, 222; *Bowes*, *Private Worship* (2008), 64, 68–70.

1058 Recently *De Blaauw*, *Kaiser Konstantin* (2013); *Hunt*, *Imperial building* (2003); *Beard / North / Price*, *Religions of Rome* 1 (1998), 368; *Krautheimer*, *Ecclesiastical building policy* (1993); *idem*, *Rom* (1987), 30–42; *Armstrong*, *Imperial Church Building* (1967), 5–13; *Voelkl*, *Kirchenstiftungen* (1964); *Chitwood*, *Soziale Positionen* (2017), 79.

1059 Constantine dedicated the churches in Bethlehem and on the Mount of Olives to the memory of his mother, s. *Voelkl*, *Kirchenstiftungen* (1964), 28 with n. 71, according to *Eusebius*, *Vita Constantini* (2007), 360, lib. 3, 41.2. To the basilica of the martyrs Marcellinus and Peter on the Via Lavicana, where Helena was buried, he gave dedicatory gifts *pro amore* [sic] *matris suae et veneratione sanctorum* (*Liber Pontificalis* 1 [21955], 182). The Basilica of St. Agnes on the Via Nomentana, which according to the building inscription was erected by the princess Constantina, yet according to the *Liber Pontificalis* (186) *ex rogatu filiae suae* by her father, the emperor, apparently (also) served to commemorate the baptism of Constantina as well as the sister of the emperor, likewise Constantina, which was conducted there by Pope Silvester; cf. *Voelkl* 26.

1060 *Bowes*, *Private Worship* (2008), 68; *Krautheimer*, *Rom* (1987), 41. Cf. *Delmaire*, *Largesses sacrées* (1989), 641–2. By contrast, *Durlat*, *Finanzsystem* (1996), believes that these were “incomes of the treasury from exactions on landed property (*fundi*).” Different than *Krautheimer*’s interpretation is also *Hunt*, *Imperial building* (2003), 110–8.

the light and congregate in great numbers. For an already impressive, albeit difficult to estimate, Christian proportion of the ca. 800,000 inhabitants of Rome the practical need for spacious churches was undeniable.¹⁰⁶¹ While Eusebius, the biographer of Constantine, reports of imperial churches in the places commemorating Christ (Jerusalem, Bethlehem, the Mount of Olives) and Abraham (Mamre), in Nicomedia, Antioch, Heliopolis and Constantinople,¹⁰⁶² the *Liber Pontificalis* transmits so-called “church foundations” of Constantine in Rome, Ostia, Albano, Capua and Naples.¹⁰⁶³ In Rome the new constructions of the episcopal Lateran Basilica as well as the funerary church of Saint Peter at the Vatican and of Saint Paul on the road to Ostia stood out.¹⁰⁶⁴ Yet in this context Constantine’s churches were literally marginalized, probably not because the “pagan”-inclined senate was still completely unwilling to relinquish the center of the city, but rather because other building sites were simply unavailable.¹⁰⁶⁵ This source, a collection of papal vitae from the early 6th century, places the new foundations in the pontificate of Sylvester (314–335); its basis was apparently a list of imperial donations, which for their part were oriented on the pagan *leges templorum*.¹⁰⁶⁶ At the beginning *Constantinus* is stereotypically designated as *Augustus*, the title of his office, which corresponded to ancient Roman sacral law, since only a magistrate could create and endow a sacral building.¹⁰⁶⁷ Correspondingly, Constantine functioned in individual cases as an intermediary for the gifts of third persons.¹⁰⁶⁸ Apart from liturgical objects

1061 *Markschies*, *Antikes Christentum* (2006), 171, assumes c. 700,000 inhabitants for Rome and views the proportion of Christians at 7,000, as suggested by others, to be clearly too low. *Guyon*, *Kirche Roms* (1996), 877, with n. 3, by contrast, sees ten percent of the inhabitants as an “upper limit”. *Krautheimer*, *Rom* (1987), 14, suggests 800,000 inhabitants for the time of Constantine, of which more than a third were Christian or sympathizers to the Church (18 and 28).

1062 *Voelkl*, *Kirchenstiftungen* (1964), 21 with n. 51, 24, 27–8; *Bleckmann*, *Einleitung* (2007), 22, 80–5, here esp. on *Eusebius*, *Vita Constantini* (2007), 272–5 lib. 2, 45–6; 342–93 lib. 3, 25–59; 478–81 lib. 4, 56–9. The emperor erected the basilica in Mamre at the suggestion of the women of his house, s. *Pietri*, *Christianisierung* (1996), 234, cf. 232.

1063 *Liber Pontificalis* 1 (21955), 172–86.

1064 *Voelkl*, *Kirchenstiftungen* (1964), 22 with n. 52. On the Roman churches and Constantine’s establishments: *Pietri*, *Roma Christiana* (1976), 3–96.

1065 *Krautheimer*, *Rom* (1987), 41; by contrast, *Diefenbach*, *Römische Erinnerungsräume* (2007), 212–4; *De Blaauw*, *Kaiser Konstantin* (2013), 153.

1066 *Geertman*, *Nota sul Liber Pontificalis* (2004); *Voelkl*, *Kirchenstiftungen* (1964), 22; *Pietri*, *Evergétisme* (1978), 318–26; *idem*, *Roma Christiana* (1976), 79; cf. *Borgolte*, *Petrusnachfolge* (21995), 69–70.

1067 *Voelkl*, *Kirchenstiftungen* (1964), 22, 24. Cf. for example, the establishment and endowment of S. Croce in Gerusalemme: *Liber Pontificalis* 1 (21955), 179–80.

1068 Cf. *Voelkl*, *Kirchenstiftungen* (1964), 25.

and other endowed objects, in the *Book of Pontiffs* for each church a dedication with landed properties is mentioned, which were to serve its religious functioning (the “church workshop” [*Kirchenfabrik*] and certainly also the maintenance of the clergy). The estimated incomes of all estates for Rome run to 25,000 gold *solidi*.¹⁰⁶⁹ Yet as the grantee of the gifts of Constantine the Church itself always figures, which for its part, through an insertion in the papal vita, was clearly allocated to the jurisdiction of the bishop of Rome. Though the wording of the donations may have been based on “temple foundations”, this was certainly not an integration of the Christian Church within Roman sacral law.¹⁰⁷⁰ In one instance or another there perhaps arose a special endowment for the sacral site in question,¹⁰⁷¹ yet in pre-Christian Rome this was a component of a public cultic endowment, but in Christianity part of church property, which itself was of a non-state nature. In both instances one cannot speak of actual “foundations”; yet the Christian churches of Constantine come closer to being “foundations” than the establishment of pagan temples with their own property, since the church itself as a whole enjoyed a privileged status beyond the state.¹⁰⁷²

In the Byzantine Empire, whose beginning is dated by many historians from the time of the founding of the new capital on the Bosphorus by Constantine (324/30),¹⁰⁷³ “church” and “state” were never so clearly and permanently separated as in the incipient Latin West of Christendom, but both spheres were gradually discernable at various levels and each stood periodically for a time opposed to the other. One can speak of an “unstable relationship of ambivalence between that which one generally terms a state, on the one hand, and religious exigencies and claims borne by groups who stood out only indistinctly

1069 *Krautheimer*, Rom (1987), 31, who by way of commentary adds: “A very considerable sum, but little compared to the income and wealth of the great families, which at times was tenfold that of the Church.” *Voelkl*, Kirchenstiftungen (1964), 35, calculates as much as 34,000 *solidi* as the yield from estates, mines, baths, rental houses, state bakeries etc. for eleven basilicas, the baptistery in the Lateran as well as the mausoleum *ad duos lauros* on the Via Lavicana. Converting these sums (with reference to 1964) would yield 713,000 Deutschmarks per year. *Pietri*, Evergétisme (1978), 322–8.

1070 Of a different view, however, is *Voelkl*, Kirchenstiftungen (1964), 30.

1071 References to patrimonies in local churches: *Gaudemet*, L’Église dans L’Empire Romain (1958), 302.

1072 Cf. *Durlat*, Finanzsystem (1996), 520.

1073 Cf. *Chitwood*, Periodisierung (2014), 299, 311 n. 1; *Borgolte*, Christen, Juden, Muselmanen (2006), 315, 325; *Lilie*, Byzanz (2003), 40. On Byzantium in general: *Wamser* (ed.), Welt von Byzanz (2004); *Stiegemann* (ed.), Byzanz (2001); *Laiou* (ed.), Economic History (2002); *Lilie*, Byzanz (1999); *Treadgold*, History (1997).

from the state, on the other.”¹⁰⁷⁴ The Church retained the possibility, as it has been formulated, of “distancing itself in individual cases from imperial policy, even if this did not always agree with its self-image in the here and now. It did so repeatedly and perhaps more often than assumed.”¹⁰⁷⁵ Apart from this poorly defined, yet recurrently appearing polarity on the surface, this state-spiritual sphere was also marked by an impressive variety of institutions and special areas, which offered religious donations, benefactions and foundations varying degrees of latitude that allowed for different ad hoc solutions or in a particular period. Foundations in the modern sense, that is institutions that were self-owned and could operate independently, remained the exception rather than the rule; yet the idea behind them, namely to perpetually appropriate certain capital yields for a defined purpose, can be applied as a measure for the assessment of historical reality.

In order to gauge the possibilities for development of religious foundations, especially those of the emperor, the state-church order must at the very least be sketched, even in broad strokes.¹⁰⁷⁶ Foundational for Byzantium were: its self-image as the imperial people, the Romans, and thus called to world dominion; an imperial office stretching back to Augustus; the imperial capital of Constantinople as a political and religious center; as well as a hierarchical administration that functioned effectively for centuries. Political rulership was redefined from the time of Constantine onwards. The Council of Nicaea in 325, with his cooperation, defined Christ as equal to God, so that the status of a godlike creation, subordinate to God and bound to obedience, became free for the emperor himself. Constantine was also the first emperor to have employed the Old Testament idea of the divine election of the king.¹⁰⁷⁷ Eusebius, borrowing from Hellenic treatises on kingship, drew parallels between the one God and the one emperor, and designated Constantine as the “common bishop” and as “bishop for those who are without” (the pagans).¹⁰⁷⁸ As God’s representative on earth, the emperor was comprehensively responsible, especially for Orthodoxy. Christ himself had entrusted him with the charge of his flock. The empire was assigned an eschatological function: *imperium* and *evangelium* had to work as a unity for salvation. The responsibility of the emperor for the

1074 Beck, *Geschichte* (1980), 5; recently Höfert, *Kaisertum und Kalifat* (2015), esp. 139–45.

1075 Beck, *Geschichte* (1980), 6. The differences are more emphatically underlined, however, in *idem*, *Kirche* (1977), 36; cf. Angold, *Church* (1995), and Pitz, *Griechisch-römische Ökumene* (2001), 205.

1076 Cf. Borgolte, *Christen, Juden, Muselmanen* (2006), 311–324; *idem*, *Europa entdeckt seine Vielfalt* (2002), 27–75, with secondary literature 408–411.

1077 Eusebius, *Vita Constantini* (2007), 178 lib. 2, 24.

1078 *Ibid.*, 204 lib. 1, 44; 434 lib. 4, 24.

church extended not only to Christians, but also to non-Christians, both within and without his empire.

One can observe with the emperor Justinian I (d. 565) how the motives of the early 4th century were further developed; he succinctly formulated his understanding of empire in a legal text of 530: "We guide our empire under God's direction, which has been handed over to Us by the heavenly power, We happily end wars, adorn the peace, preserve the integrity of the state and set our hearts upon the aid of Almighty God, that we might place our hopes not in Our arms, nor in our soldiers, nor in our generals nor in our own ability, but alone in the providence of the most high Trinity, from which the pillars of the whole world issue forth and transmits its order upon the whole world."¹⁰⁷⁹ For Justinian as well, the people of God was the universal Roman Empire, at whose head stood the orthodox emperor as God's representative.

The ruler was not allowed to stray from orthodoxy, something he swore already at his coronation. Were he to neglect his duties, however, then one saw in this the loss of God's succor and justification for his overthrow. The understanding of his office also supposed that he stood over all things, even the law. Yet imperial rule was not seen as tyranny: the emperor viewed himself as the source of the law, though he always emphasized his adherence to the fundamental laws.

As unresolved as the relationship between *imperium* and *sacerdotium* remained in Byzantium, theologians were nonetheless quite capable of marking the boundary between the two spheres. Already under Constantine the archbishop Athanasios of Alexandria, the opponent of the heretical priest Arius (d. 335/6), called upon the words which Bishop Ossius of Córdoba had addressed to the ruler: "Do not mettle in church affairs and do not give us an order to do so, rather learn about them from us! God has bestowed upon you the imperial office, and entrusted us with the church. Thus, just as everyone who robs you of your rule opposes the divine order, so must you also be fearful, if you involve yourself in church affairs, of becoming guilty of a great crime."¹⁰⁸⁰ Even more clearly, indeed in an almost Western fashion, did the theologian John of Damascus express himself in the 8th century, who was himself an Arab by birth: "It is not a matter for the emperor to give laws to the church (...). The political order lies with the emperors, but the church order with shepherds

¹⁰⁷⁹ Codex Iustinianus (¹¹1954), 69 lib. 1.17.1; German translation in Mazal, Justinian I. (2001), 91.

¹⁰⁸⁰ S. Athanasius, *Historia Arianorum* (1857), 745s. D; German translation in Fögen, *Politisches Denken* (1993), 59.

and teachers.”¹⁰⁸¹ On extraordinary occasions, some formulated radical statements. Thus, the abbot Theodore the Stoudite is said to have forbidden meddling in questions of faith, as Emperor Leo V the Armenian (813–20) revived Iconoclasm and wanted to impose his will on the Church and monks: “O emperor, do not overthrow the church order! For the Apostle has said: ‘God appointed the apostles as first within the Church, second the prophets, third the shepherds and teachers.’ He said nothing of the emperors. The world order is entrusted to you, as is the army. Look after them and leave the Church to the shepherds and teachers, according to Holy Writ.”¹⁰⁸² The historian Leo the Deacon, who stemmed from Asia, around the turn of the millennium ascribed a clear differentiation between the temporal and spiritual spheres to Emperor John I Tzimiskes himself: “I recognize One Authority, the highest and foremost, which brought into being from non-being the structure of the visible and invisible world. But I know that in this life and in the earthly sphere here below there are two [authorities], priesthood and imperial rule; to the former the Creator granted responsibility for our souls, to the latter the guidance of our bodies.”¹⁰⁸³ With Emperor Justinian I, however, knowledge of the two orders was superimposed upon a “semantics of unity.”¹⁰⁸⁴ In one of his novels it is stated: “Among the gifts granted to human beings out of divine grace, the greatest are the *sacerdotium* and the *imperium*. The former serves the divine, the latter is responsible for human affairs (...). While the *sacerdotium* is irreproachable and full of God’s trust, the *imperium* correctly and expertly governs the polity entrusted to it, and there arises, as it were, a wondrous harmony.”¹⁰⁸⁵

The only consequential attempt to define the role of the emperor constitutionally was undertaken by Patriarch Photios in 885/6. From the respective tasks of emperor and patriarch there arose, according to Photios, a division of labor of two equal parties, which he, however, did not—as did Justinian in his “symphony” of *sacerdotium* and *imperium*—again abolish. Even when this revolutionary blueprint in Byzantium appears to have caused a sensation, it apparently had no long-term effect on the construction of political power. Likewise bogged down in the High Middle Ages were attempts to reform or codify canon law, and thus the creation of an autonomous sphere for the church. Yet from the 12th century onwards the conception of rulership

1081 Johannes von Damaskos, *Schriften* (1975), 102; German translation in Beck, *Byzantinisches Lesebuch* (1982), 225.

1082 Georgii Monachi *Chronicon* (1978), 779.

1083 The History of Leo the Deacon (2005), 151; German trans. Leonis Diaconi *Historiae* (1828), 101, lib. 6.7; German translation in Nikephoros Phokas (1961), 96.

1084 *Fögen*, *Politisches Denken* (1993), 60.

1085 Nov. 42, pr., cited after *ibid*.

changed: instead of the immanent sacrality of the imperial office, the rights of the emperor over the church were increasingly traced to concessions of the Church itself, which could be verified via canon law.

The dominance of the emperor was demonstrated above all in the election of the patriarch of Constantinople as well as in his influence on the rest of the church hierarchy, even though his room for maneuver could be limited by the demands of the cathedral clergy and other institutions. At the head of the patriarchal administration stood a college of five or six deacons, whose authority was based on their noble lineage and classical education, as well as their knowledge of legal affairs and the specialized task of their office. The counterweight to this assembly was the “continuous synod”; since 1071 at the latest their daily meetings were protocolled. The synod’s composition included the *archontes* of the Great Church, that is of Hagia Sophia, and the metropolitans of the provinces, representatives of state power and also the emperor in person, especially during trials of heretics. The choice of metropolitans also lay with the synod: it presented the patriarch with a list of three choices, but against whom the emperor could extend his veto. At the decision of the office of the patriarch himself the ruler could follow the vote of the synod or name his own candidate. Choosing a patriarch against his will was hardly possible. The synod, which was led by the emperor during the absence of the patriarch, could also depose bishops.

The emperor himself stripped numerous patriarchs of their office, forced them to resign or banned them. By contrast, no case is known in which the most senior leader of the Church expelled an emperor from his office on his own authority, as was the case in Catholicism. The Orthodox Church continually clung to its connection to, even its dependence on, the emperor. Notable was what the patriarch Anthony IV of Constantinople wrote in 1393 to the grand duke Vasily I of Moscow. Emperor Manuel II had enraged Vasily by marrying the daughter of a Serbian prince, because the latter was a Turkish vassal and the imperial dignity was thus compromised; the Russian forbade his metropolitan from commemorating the *basileus* in the liturgy and explained: “We have a church but no emperor.” Anthony then explained this to him: “It is impossible for Christians to have a church but no emperor. Since the imperial office and the priesthood form a unity and a community, it is impossible to separate the one from the other. Christians only reject those emperors who are heretics, who rebel against the Church and introduce false dogmas that are incompatible with the doctrine of the apostles and the fathers. My great and holy emperor, however, is by the grace of God an orthodox and very pious ruler, a champion of the Church, her protector and avenger, and it is impossible for a high priest not to mention him. Heed Peter, prince of the apostles, who says

in his first epistle: Fear God, honor the emperor. He did not say 'the emperors', so that someone would not think of so-called emperors of certain peoples, but rather he said 'the emperor', thereby to demonstrate that there is only one ecumenical emperor."¹⁰⁸⁶

As important as the imperial office for the empire was Constantinople.¹⁰⁸⁷ Its existence significantly differentiated the eastern from the western empire, which never possessed a center of the sort, let alone of the same magnitude. By comparison with the rest of Europe, in Constantinople was bundled together in a unique fashion the functions of a capital: it was the capital of culture and learning, of finance, of trade, of industry and long-distance travel, the most populous settlement with over one hundred thousand inhabitants (around 1204), the foremost site of imperial foundations—of the construction of monasteries, of hospitals and of sovereign tombs—, yet above all the only residence of the *basileus* himself, of his family and his court, as well as the seat of the central administration. Constantinople was also the leading location of the Orthodox Church, all the more so because the other three patriarchates in Africa (Alexandria) and Asia (Antioch, Jerusalem) went their own ways due to geographical distance and political heteronomy.¹⁰⁸⁸

How the emperor, patriarch and the rest of the clergy worked together in their concern for religion and the Church in Constantinople, as well as how their respective functions were separated from one another, remained an open question. Certain is only that the sacramental functions were retained by the ordained representatives of the Church, and that the latter never acquired the right to rule as in the West, whether through transfer or usurpation. Thus, the Church certainly persisted in maintaining a distance to any "public" task, yet for this reason was all the more able to concentrate on its spiritual mission. The material bases for the operation of individual churches, for clerics and monks were different, without there haven arisen a constant balancing or exchange in a legally-regulated way between them.¹⁰⁸⁹ "The revenues of the patriarchs of Constantinople formed for the most part a unitary endowment with the

1086 Acta Patriarchatus Constantinopolitani (1862), 191; German translation in *Ostrogorsky*, Zur byzantinischen Geschichte (1973), 120.

1087 Cf. *Lilie*, Byzanz (2003), passim; *Magdalino*, Medieval Constantinople (2002), with secondary literature 537; *Mango*, Constantinople (1991).

1088 Cf. *Beck*, Geschichte (1980), 93–8; *Flusin*, Bischöfe und Patriarchen (2001); *Hamilton*, Christliche Welt (2003), 145–234.

1089 The following is according to *Beck*, Kirche (²1977), 65–140. Cf. the foundational studies of *Herman*, Kirchliches Benefizialwesen (1939); *idem*, Bischöfliches Abgabenwesen (1939); *idem*, Kirchliche Einkünfte (1942). Cf. also *Schmid*, Byzantinisches Zehntwesen (1957); *Steinwenter*, Aus dem kirchlichen Vermögensrechte (1958). On the 6th century there had been already earlier: *Knecht*, System (1905).

incomes of his cathedral, the Great Church. In the Early and Middle Byzantine period it was chiefly composed of estates and enterprises (farms, vineyards, mills) which were spread across the entire patriarchate and were continually increased through donations, bequests, etc.¹⁰⁹⁰ In addition, there were regular state subsidies, which in the middle of the tenth century ran to 100 pounds of gold, but were later raised. One can therefore speak of a mixed church-state financing. The economic situation of the patriarchate became particularly acute after the capture of the city by the crusaders in 1204; Emperor Michael VIII (1259–1282) prescribed a division of revenues between the patriarch (a third) and the cathedral clergy (the rest), but tried in 1279 to deprive the patriarchate of all incomes from provinces and monasteries in favor of local bishops. Aside from incomes from its endowment and imperial subsidies, the patriarchate was also financed by regular contributions of the faithful. This lay tax, the *kanonikon*, first developed from the second half of the 10th century from (supposedly) voluntary gifts of the faithful as well as illegally-demanded older exactions.¹⁰⁹¹ But the *kanonikon* was not only supposed to be paid to the patriarch, but was to help finance all bishops. Emperor Alexios I in 1085 ordered a fixed sum for the payments. Repeatedly the attempt was made to include the clergy in the payment of the *kanonikon*. Patriarch Alexios Stoudites meanwhile already imposed upon the priests the payment of one piece of gold each year to their bishop. The latter also took a cut of fees for acts of consecration.

Entry into the clergy proceeded according to ecclesial election and consecration. In contrast to Western Christendom, married men were also allowed into the higher grades of ordination, so that whole families had to be supported from their income. They also exercised thoroughly “bourgeois” professions, above all as craftsmen and traders. Yet they were forbidden ignoble activities, such as the trades of a barkeep, of a banker, an estate overseer, tax collector, doctor, lawyer, among others. Already Constantine had granted them exemption from municipal duties and military service.

In the patriarchate of Constantinople there was “a multitude” of bishoprics that were further subsumed into metropolitan areas.¹⁰⁹² The most important office in the episcopal financial administration was the *oikonomos*, who since the Council of Chalcedon (451) at the latest had to be a cleric. In the Middle Byzantine period emperors were able to secure the nomination of this officeholder at the Hagia Sophia for themselves, and thus also acquire influence, if not interference, on the endowment of the Church. The episcopal and par-

1090 Beck, *Kirche* (21977), 65.

1091 Papadakis, *Kanonikon* (1991).

1092 Beck, *Kirche* (21977), 67.

ish churches (as well as other houses of God) were viewed as public churches (*katholikai ekklesiiai*), and as such were differentiated from the imperial and private churches (chapels in manor houses and palaces as well as proprietary churches).¹⁰⁹³ At the very least services for holidays and donations for the sacraments were reserved for the parish priests, who were doubtless appointed and ordained by the bishop and were subject to his jurisdiction, so that they also had a claim on the accompanying *sportulae*.¹⁰⁹⁴ Emperor Leo VI (886–912) also conceded to owners of private churches the right to invite priests for the celebration of the liturgy and allowed baptisms in such oratories.

Already Justinian had provided public churches with proprietary privileges. “Inheritances, for example, by which ‘Christ’ was instituted as the heir, if the grantees were not more precisely specified by the testament, went to the parish church. The parish clergy”, so it has been stated in the scholarship, “lived from such foundations. If they did not suffice, then the endowment of the episcopate had to intervene.”¹⁰⁹⁵ In contrast to the Western Church, where the endowment of the bishopric predominated, the support of priests in Byzantium was not all derived from the bishop. The clergy in private churches had to be maintained by their founder and his heirs.

As far as the incomes of the individual churches were concerned, one must differentiate between landed property and profits from businesses, regular subventions of the emperor, the obligatory contributions of the faithful as well as gifts, donations and foundations. The emperors themselves played various roles for foundations: as legislators they established the legal framework, as rulers they gave or took money or precious objects from churches, as founders they acted in their own name or for the well-being of the dynasty, but they also intervened when the pious undertakings of other benefactors were endangered. The modern conception of a foundation can, however, only rarely be applied to them.

Nonetheless, the scholarship on them has continually increased.¹⁰⁹⁶ In one of the few monographs on the subject, the Vienna historian of canon law Joseph von Zhishman already in 1888 sought to provide evidence for a “founder’s right”, which would be accepted for a century and which he compared with the western *ius patronatus*.¹⁰⁹⁷ In contrast to the pagan consecration

1093 Cf. also Thomas, *Private religious foundations* (1987), 5. On proprietary churches in Byzantium see now Chitwood, *Proprietary Church* (2016).

1094 Cf. Papadakis, *Kaniskion* (1991).

1095 Beck, *Kirche* (21977), 85. Proof of such (supposed) foundations has to date not been given, however, by *Byzantine Studies*.

1096 On the following cf. Chitwood, *Forschungsgeschichte* (2014), 134–6.

1097 Von Zhishman, *Stifterrecht* (1888), 12.

of temples in Roman antiquity, by which the “temple with its liturgical objects was excised from private ownership”,¹⁰⁹⁸ the rights ascribed to founders of churches and monasteries originally were likewise circumscribed, with the aid of the emperor, and replaced by a special founder’s right (τὸ κτητορικὸν δίκαιον).¹⁰⁹⁹ This privilege could be obtained for public churches, monasteries and other pious institutions such as hospitals and almshouses, yet not for episcopal churches and private chapels.¹¹⁰⁰ A formulary transfer of property for the “erection of a church institution”, that is an irrevocable renunciation of full ownership by the founder (κτήτωρ, *ktētōr*), was decisive in determining the legal relationship.¹¹⁰¹ The founder was with his gift to provide for the lasting maintenance of the institution, as well as the required land and building, to ensure the permanent performance of the liturgy and to maintain the clergy installed there.¹¹⁰² As matters of divine law, endowment properties were removed from all human control, and the bishop as well was not able to dispose of them.¹¹⁰³ Nonetheless, the founder retained certain rights, which did not, however, concern the religious life itself.¹¹⁰⁴ Thus, according to Zhishman, he had the authority to nominate a person of his choice to the local bishop for ordination at his church.¹¹⁰⁵ In addition, living and deceased founders and their families were ascribed the right of being entered into the diptychs of the church and for liturgical commemoration on annual days of remembrance.¹¹⁰⁶

Meanwhile, newer scholarship has demonstrated that Zhishman relied one-sidedly on civil (Justinianic) and church legislation, and overestimated the ability of these norms to be implemented. In fact, in the “Medieval Millennium” “the almost unrestricted private ownership of a foundation, which was later designated *ktētoría* (κτητορία), was customary.”¹¹⁰⁷ To date there is, however, only one new, comprehensive and diachronic examination of this.¹¹⁰⁸ It brings attention above all to foundations of monasteries, in which the emperors

1098 Ibid., 4.

1099 Ibid., 13.

1100 Ibid., 15–7.

1101 Ibid., 31, 33–4.

1102 Ibid., 14–5, 23–4, 64–5.

1103 Ibid., 33–5.

1104 Ibid., 47–8.

1105 Ibid., 50.

1106 Ibid., 48–9, cf. 61–2.

1107 Chitwood, *Forschungsgeschichte* (2014), 135; *idem*, *Proprietary Church* (2016), at esp. 42.

1108 Thomas, *Private religious foundations* (1987); in addition: Chitwood, *Forschungsgeschichte* (2014), 138. Cf. also Kaplan, *Pouvoirs* (2011), 479–579. From the perspective of proprietary churches there is now also the diachronic study of Chitwood, *Proprietary Church* (2016).

participated to a considerable degree, and often in a paradigmatic fashion.¹¹⁰⁹ Thus, according both to the sources and the historic conditions, a considerable segment of Byzantine society was impacted, because monastic “foundations influenced the Greek Orthodox Church to a degree (...), that would, for example, have been hardly imaginable in the Medieval West.”¹¹¹⁰

Constantine the Great and his mother were not yet able to act as the founders of monasteries; yet in the sources of the Eastern Empire they are ascribed far more foundations than actually can be evidenced.¹¹¹¹ It appears certain that both were philanthropically active: Eusebius maintains that Constantine left agrarian land to churches and contributions of grain for the maintenance of the needy.¹¹¹² Yet some of his churches were only completed by his sons, such as those in Antioch and St. Peter’s in Rome.¹¹¹³ The imperial example encouraged other wealthy Christians to imitation, who appear to have predominated from the end of the 4th century onwards;¹¹¹⁴ yet in Constantinople alone there appear to have been 90 religious institutions stemming from emperors or their circles into the 10th century.¹¹¹⁵ Founders of this rank appear again among the members of the Theodosian dynasty. Three generations of this family participated, for example, in the erection and adornment of the Church

1109 Byzantine Monastic Foundation Documents (2000); cf. *Smyrlis*, *Fortune* (2006).

1110 *Chitwood*, *Forschungsgeschichte* (2014), 136. I will accordingly concentrate in what follows on the relationship between emperors and monasteries and will follow the presentation of *Thomas*, *Private religious foundations* (1987), cf. *idem*, *Your Sword* (2007), or the contributions of *Chitwood* to the *Encyclopedia of Foundations* (“Enzyklopädie des Stiftungswesens”). On the importance of the emperor in Byzantine foundations cf. *Chitwood*, *Soziale Positionen der Akteure* (2017), 78.

1111 According to *Chitwood*, *Stifter* (2016), 414, in Constantinople there was hardly to be found a foundation which did not make reference to usually fictitious founders from Late Antiquity. Especially prized as invented founders were Constantine I and Justinian I.

1112 *Eusebius*, *Vita Constantini* (2007), 442, lib. 4, 28. On Helena cf. *ibid.*, 364, lib. 3, 44. On which *Chitwood*, *Wohltätigkeit und Bildung* (2016), 244; *Herrin*, *Bread and Circuses* (2013), 280; *Constantelos*, *Byzantine Philanthropy* (1968), 112, (21991), 89.

1113 *Voelkl*, *Kirchenstiftungen* (1964), 24.

1114 *Thomas*, *Private religious foundations* (1987), 15–25; *idem*, *In perpetuum* (2005), 126; *idem*, *Your Sword* (2007), 27.

1115 According to *Thomas*, *Private religious foundations* (1987), 5 n. 1; of these, 22 were ascribed to Constantine the Great and his mother Helena, which must be viewed as most doubtful. In comparison to 90 imperial establishments, in the listing of the *Patria Konstantinoupoleos* 45 foundations were created by laypersons and eight by monks or members of the ecclesiastical hierarchy. According to another source (*De antiquitatibus Constantinopolitanis*) there were 64 imperial foundations, including 13 of Constantine and Helena, along with 41 private establishments and only three by patriarchs or monks.

of Euphemia.¹¹¹⁶ The construction was begun in 462 by Licinia Eudoxia, the daughter of Emperor Theodosius II and the widow of Emperor Valentinian III (425–55). At her death her daughter Placidia, the wife of the last western emperor Anicius Olybrius (d. 472), continued the undertaking with her own fortune, yet it fell to her own daughter Juliana Anicia to decorate the family church in the vicinity of the paternal palace. One of the building inscriptions records the history of the three women: “I am the house of the Trinity, and three generations constructed me. First, Eudoxia, the daughter of Theodosius, after she had escaped war and the barbarians, erected me for God and consecrated me to Him, in recognition of her rescue from danger. Afterward, her daughter Placidia with her most blessed husband adorned me. As my beauty lost its luster, thirdly the generous Juliana decorated me in memory of her parents and increased the renown of her mother, her father and her illustrious mother’s mother by the augmentation of my earlier adornment. In this way I was made.” Juliana, who had married Flavius Areobindus Dagalaifus, was prominent in Constantinople still more often as a patroness of churches. She built, inter alia, a church dedicated to St. Stephan, in which she deposited relics of the martyr that her grandmother, Aelia Eudocia, the consort of Theodosius II, had once brought back from a pilgrimage to Jerusalem (439). These holy objects had in the meantime been laid up in a Church of St. Lawrence, which Pulcheria, the sister-in-law of Eudocia, had erected. Juliana Anicia also founded the Church of St. Polyeuktos as well as further houses of God that are fragmentarily mentioned in the sources.

Her founder’s portrait in the Vienna Dioskurides Codex is famous, as it concerns the earliest example whatsoever of a book dedication within art.¹¹¹⁷ The image, which can be dated to 512/3, honors Juliana as the founder of Church of Mary in the Honoratae (Pera) quarter in Constantinople. Juliana is enthroned in the vibrant picture between the antique personifications of “Generosity” (*Megalopsychia*) and “Wisdom” (*Phronēsis*). In the bottom-left before them, small figures are depicted, which represent the “Gratitude of the Arts” (*Eucharistia Technōn*) and the “Love of Architecture” (*Pothos tēs Philoktistou*); the first of the two kisses the right foot of the patroness, while the second opens a book, into which Juliana showers coins. Further small personifications are meant to express the love of the citizens of Honoratae for Juliana and the gratitude of the guilds. All figures are framed by an artfully-interspersed inscription with the name of the leading patroness. Juliana died in 527 and left two sons and multiple granddaughters. Since a brother of the emperor

¹¹¹⁶ What follows is closely based on *Thomas*, *Private religious foundations* (1987), 23–4.

¹¹¹⁷ Cf., also in what follows, *Mazal*, *Byzanz* (1981), 475 no. 376, cf. fig. 17.



ILLUSTRATION 16 Juliana Anicia, daughter of the Emperor Anicius Olybrius and founder of the Church of Mary in the Honoratae (Pera; Constantinople) of 512/3 CE

Maurice (582–602) transformed their ancestral residence that was founded by Areobindus into a church of the Mother of God, the family of Theodosius appears to have died out by this point.¹¹¹⁸

¹¹¹⁸ The Church of the Theotokos of Chalkoprateion, which had been established by Empress Pulcheria (d. 453) and completed by Verina, consort of Emperor Leo I, apparently lay

Alongside the imperial and episcopal churches, private church and monastic foundations at first developed in a haphazard manner. Tax relief for the clergy, which was, however, never comprehensive and did not include private landholdings, encouraged an increasing number of men to take the cloth.¹¹¹⁹ Always problematic, however, was securing the lasting material maintenance of religious service and life. As Melania the Younger and her husband Pinianus around 410 sold their landholdings in North Africa and donated the resulting sum to monks and beggars, they were warned by the bishops Augustine of Hippo, Alypius of Thagaste and Aurelius of Carthage: “The money that you now distribute in the monasteries will be used up within a short time. If you desire to leave behind a lasting memory in heaven and on earth, then make to each of the monasteries a gift in the form of a building and income.”¹¹²⁰ With the motive of *memoria* as a gift in exchange, the bishops thus recommended foundations for securing the monasteries’ maintenance instead of “wasted” benefactions.

General regulations were first decreed by the Council of Chalcedon in 451. Accordingly, no monastery or house of God could any longer be erected without first inquiring with the local bishop. Once the religious institution was called to life, then the foundation was understood to be irrevocable and subjected to episcopal authority; the same was prescribed for hospitals, that is the slowly-appearing institutions of charity.¹¹²¹ The emperors Zeno (474–5, 479–91) and Justinian supported the church ordinances with legislation.¹¹²² Zeno even allowed bishops and their *oikonomoi* to coerce the heirs of a founder of a private church into fulfilling their obligations.¹¹²³ Justinian further prescribed that the erection of a private chapel should be completed within three (later five) years and a hospital within a year, in order to prevent material alienations.¹¹²⁴

under the responsibility of the emperor. Pulcheria also belonged to the Theodosian ruling house; s. *Thomas*, Private religious foundations (1987), 21.

1119 *Thomas*, Private religious foundations (1987), 25–9, esp. 25; *Chitwood*, Typologisierung (2014), 222: “In general, religious foundations were not exempted from the land tax. However, exemptions from the numerous secondary taxes and state fiscal exactions constituted one of the principal components of the endowments of monasteries.” On the conditions in the Middle Byzantine period, see *Oikonomidès*, Fiscalité (1996).

1120 Cited after *Salamito*, Christianisierung (1996), 794; *Thomas*, Private religious foundations (1987), 18.

1121 *Thomas*, Private religious foundations (1987), 37. Cf. also *Geelhaar / Thomas* (eds.), *Stiftung und Staat* (2011), 316, B 2.

1122 Cf. now the excerpts from the seventh novel of Justinian of 535 in *Geelhaar / Thomas* (eds.), *Stiftung und Staat* (2011), 316–27, B 3.

1123 *Thomas*, Private religious foundations (1987), 39.

1124 *Ibid.*, 43.

Nevertheless, the emperor demanded that the public (episcopal) churches support the clergy in private churches, if their founders had not sufficiently provided for them.¹¹²⁵ In the year 538 he decreed a law by which every private founder must himself pay for the costs of illuminating the church, the liturgy, the clergy and the maintenance of the church itself.¹¹²⁶ Justinian ordered nothing more specific on the type of material endowment; some churches appear to have been outfitted with landed properties, as the conciliar fathers of Chalcedon surely had in mind. Justinian and his consort Theodora supported churches from their private fortune. Annuities (*presbia annalia*), which were financed from the mortgaging of certain properties, were particularly popular. These incomes, also termed *prosodon*, are to be understood as annuities and were apparently also used for financing by private founders, since they were by this means able to retain ownership of their property.¹¹²⁷

After Constantine, Justinian along with his consort Theodora herself were seen as the foremost imperial founders of churches.¹¹²⁸ He likewise patronized the *piae causae*, to which he had also granted autonomy through legislation,¹¹²⁹ and acted as the first imperial founder of monasteries.¹¹³⁰ His contemporary Procopius devoted a full book to the building activity of Justinian and could not content himself enough with praise of the church founder. Not only in Constantinople, but also in the entire Roman Empire he had either first

¹¹²⁵ Ibid., 47.

¹¹²⁶ Chitwood, *Typologisierungen* (2014), 222; *idem*, *Stiftungsvermögen* (2016), 324; Thomas, *Private Religious Foundations* (1987), 47.

¹¹²⁷ Thomas, *Private religious foundations* (1987), 47–8. Chitwood, *Stiftungsvermögen* (2016), 326, also disagreeing with Kaplan, Moines (1993, repr. 2011), 481, *idem*, *Monastères* (1984), 72, und Lemerle, *Aspect* (1967), 11: “Late Antique sources even demonstrate that land, at least in eastern half of the empire, was not necessarily an important component of the endowment. The extensive regulation of church landed property in the Justinianic legislation primarily concerns the ‘public’ churches (*katholikai ekklesiāi*); as far as private churches and monasteries were concerned, landed endowments are not mentioned, but rather yearly revenues (*presbia annalia*). Though these apparently were produced from the revenues of a certain piece of land, it itself remained in the ownership of the founder and his descendants. Justinian supplied foundations with yearly incomes rather than land.”

¹¹²⁸ In this the motive of the part for the soul played an important role; cf. Bruck, *Kirchenväter* (1956), 120–6, who also, 124, cites Justinian’s Novel 7, 2, 1 of 535, according to which “boundlessness” is “the best limit” for gifts to the Church, also Chitwood, *Soziale Positionen* (2017), 79.

¹¹²⁹ On the foundation of charitable establishments from the circle of Justinian see Thomas, *Private religious foundations* (1987), 46, 115.

¹¹³⁰ Chitwood, *Periodisierungen* (2014), 304; *idem*, *Wohltätigkeit und Bildung* (2016), 244; Thomas, *Your Sword* (2007), 27; Chitwood, *Stiftungsorganisation* (2016), 562.

erected houses of God or, if they were in ruins, rebuilt them with imperial funds.¹¹³¹ He narrated in particular detail the building of Hagia Sophia under the direction of the architect Anthemius of Tralleis and Isidore of Miletus, as well as the restoration of the Church of Holy Apostles, whose first construction he ascribed to Constantine's son Constantius.¹¹³² As far as houses of charity were concerned, he had a hospital of a certain pious man named Sampson that had burned down in the Nika Riot rebuilt. It was dedicated to those without means who had suddenly become gravely ill and lost both property and their health. "The Emperor Justinian rebuilt it, making it a noble building in the beauty of its structures, and much larger in the number of its rooms. He has also endowed it with a generous annual income of money, to the end that through all time the ills of more sufferers may be cured." In addition, with the aid of Theodora he erected two further hospitals in the vicinity, which were dedicated to the saints Isidore and Arcadius.¹¹³³ The monastery of the imperial couple arose on the seashore and had replaced a bordello; it was to take in sinful women and had the epithet "repentance".¹¹³⁴ In this case as well it was financed through a regular large payment of money. The same applied to a great church dedicated to the Mother of God in Antioch and to the maintenance of the poor, who were to live in the same place at the site of the Church of the Archangel Michael.¹¹³⁵ Likewise, Justinian endowed the Church of Mary of Jerusalem "with the income from a large sum of money."¹¹³⁶ It thus seems that the emperor himself relied on the payment of annuities for the maintenance of his religious establishments, instead of leaving them full freedom with their own landed property.¹¹³⁷

1.3.3.3 Monasteries, Emperors, Economies

In the second half of the 6th century the endowment activity of Byzantium apparently receded; this was conditioned by demographic and economic decline,

¹¹³¹ Procopius of Caesarea, *Buildings* (1940), 70 lib. 1.8.5, cf. 8 lib. 1.1.17.

¹¹³² *Ibid.*, 11–33 lib. 1.1.21–78; 52 lib. 1.4.19–24. On the Church of the Apostles as an imperial burial site see *Grierson*, *Tombs and Obits* (1962); *Borgolte*, *Petrusnachfolge* (21995), 54.

¹¹³³ Procopius of Caesarea, *Buildings* (1940), 36 lib. 1.2.14–19. On the history of the hospital *Miller*, *Sampson Hospital* (1990), and summarily *Chitwood*, *Wohltätigkeit und Bildung* (2016), 245; below 582. According to the canons of the Council of Chalcedon (451) the clerics of the almshouses also were subordinate to the bishops, s. *Chitwood*, *Stiftungsorganisation* (2016), 561.

¹¹³⁴ *Procopius of Caesarea*, *Buildings* (1940), 75, 77 lib. 1.9.1–10; here 1.9.5–10.

¹¹³⁵ Apparently, the hospice for the poor was a part of Church of St. Michael, thus a dependent foundation: Procopius of Caesarea, *Buildings* (1940), 173 lib. 2.10.24–5.

¹¹³⁶ *Ibid.*, 349 lib. 5.6.26.

¹¹³⁷ *Thomas*, *Private religious foundations* (1987), 49.

which was further exacerbated by the territorial losses to the Islamized Arabs.¹¹³⁸ In order to confront the threat of the Persians under the great king Chosroes II, Emperor Herakleios had already previously undertaken, most likely for the first time, compulsory loans from the “pious houses”, that is the monasteries and philanthropic establishments, and robbed the “Great Church” of its adornment (before April 622).¹¹³⁹ He later compensated the Hagia Sophia with yearly annuities.¹¹⁴⁰ The losses of church property during “Iconoclasm” may have been more serious; the Iconoclast emperor Constantine V (741–775) secularized the monasteries and expelled their monks.¹¹⁴¹ When the Second Council of Nicaea (787) reversed these measures, it also had to take action against bishops and abbots who had favored their relatives or other persons with sacred properties.¹¹⁴² The corresponding canons became part of the tradition of the church order in Byzantium.¹¹⁴³

After the (first) victory of the Iconophiles, Empress Irene (797–802) once again acted as a patroness of churches and monasteries; she herself found refuge after her deposition in the monastery she founded on the island of Prinkipo (contemporary Büyükada).¹¹⁴⁴ Pious undertakings transitioned from being financed by the revenues of retained properties (that is by annuity endowments) to leaving the properties themselves to churches, monasteries and charitable establishments.¹¹⁴⁵ It was presumably also Irene who released the peasants on these endowed properties from their tax obligations. In a short time the state revenues seem to have so decreased that Emperor Nikephoros I resorted to decisive measures. Theophanes dated ten “evils” to the year 810, by which the ruler attempted to salvage the empire’s finances. The fourth of these was that he supposedly “overturned all tax exemptions”; in the fifth instance the monastic historian specified: “that the *paroikoi* of charitable foundations, of the orphanage, of hostels, homes for the aged, churches, and imperial monasteries should be charged the hearth tax counting from the first year of his

1138 Thomas, Übersicht (2011), 39; *idem*, Private religious foundations (1987), 115–8. Chitwood, Periodisierungen (2014), 306: Of the 150 to 200 monasteries in Constantinople around the year 600, only 50 still existed a century later.

1139 Geelhaar / Thomas (eds.), Stiftung und Staat (2011), 326–9, B 4.

1140 *Ibid.*, 328, B 5.

1141 *Ibid.*, 330, B 7; cf. Thomas, Private religious foundations (1987), 118–22.

1142 Geelhaar / Thomas (eds.), Stiftung und Staat (2011), 332, B 8.

1143 *Ibid.*, 333, with reference to *ibid.*, 382, B 30, and 396, B 34.

1144 The Chronicle of Theophanes Confessor (1997), 657; cf. Thomas, Private religious foundations (1987), 123–4.

1145 Thomas, Übersicht (2011), 39; *idem*, Private religious foundations (1987), 127–9.

usurpation.”¹¹⁴⁶ In addition, the emperor transferred the larger parts of such possessions to “the imperial demesne” for administration, and in part exacted double the taxes on them. Nikephoros was also charged with quartering his generals on monastic and episcopal properties and secularizing precious objects dedicated to the Church.¹¹⁴⁷ His successor Michael I (811–3) only partially reversed these measures, and retained the right of imperial administration of ecclesiastical properties and granted imperial monasteries to close supporters.¹¹⁴⁸ He sought, however, to compensate churches and monasteries with lavish gifts of money.¹¹⁴⁹

In the second period of Iconoclasm (815–43) the boom of pious undertakings continued; emperors who, like Theophilos (829–42), rejected the veneration of images, themselves participated in it.¹¹⁵⁰ In the same period a greater number of privately-founded monasteries can be discerned, which were given over to imperial administration.¹¹⁵¹ The Stoudios Monastery in Constantinople may have belonged amongst them, which the abbot Theodore Stoudites (d. 826) appears to have made the center of a whole family of monasteries. Together with its dependencies (*metochia*), Stoudios under Theodore comprised between 700 and 1,000 monks, yet was unable to evade the grasp of the emperor. Its close proximity to the court is evidenced until the 12th century by many monks who entered the patriarchal office from there, as well as by the fact that the monastery was chosen as place of exile by three emperors.¹¹⁵²

The period until the middle of the tenth century was, however, a period of almost unchecked growth of private establishments. These were so much exposed to the mercy of their initiators that bishops and emperors must have worried about their influence. A council of Constantinople in 861 upbraided some founders for themselves taking the title of *hēgoumenos* (“abbot”), or at the very least appropriating the right of appointing an abbot in their monasteries, paying no heed to the local bishop’s right of ordination.¹¹⁵³ The church

1146 The Chronicle of Theophanes Confessor (1997), 668; German translation in Theophanes, *Weltchronik* (21964), 152. On *paroikoi* s. *Bartusis*, *Paroikos* (1991); on the “hearth tax”: *idem*, *Kapnikon* (1991).

1147 The Chronicle of Theophanes Confessor (1997), 672; Theophanes, *Weltchronik* (21964), 156.

1148 *Thomas*, *Private religious foundations* (1987), 129–30.

1149 The Chronicle of Theophanes Confessor (1997), 677; Theophanes, *Weltchronik* (21964), 163–4.

1150 *Thomas*, *Private religious foundations* (1987), 130–3, here esp. 132–3.

1151 *Thomas*, *Your Sword* (2007), 30–1.

1152 *Byzantine Monastic Foundation Documents* 1 (2000), 67–83, no. 5, here esp. 67–72; cf. *Thomas*, *Übersicht* (2011), 40; *Talbot*, *Metochion* (1991).

1153 *Thomas*, *Private religious foundations* (1987), 133–6.

gathering was in any case able to decide that from now on each founder must compose a register (*brebeion*) of properties for the upkeep of his monastery and to deposit it in the episcopal archive; this regulation at the same proves that in the meantime landed property, and not revenues of money, now formed the predominant economic basis of monasteries.¹¹⁵⁴ The council also had to confront the widespread ruin of older religious establishments; in part this can be explained by the dangers to the Empire presented by the Arabs and Bulgars, also in part through the negligence or overreach of private founders or their progeny. The widespread practice of bishops using their episcopal endowment to come to the aid of ruined establishments was also not to be allowed in the future.

The emperors themselves, however, behaved like lay founders, and by the end of the 9th century possessed their own “imperial” clergy. As Basil I between 876 and 881 founded his *Nea Ekklesia*, he reserved for himself the nomination of the clergy serving there and endowed them with properties;¹¹⁵⁵ apparently even some stipends were reserved for the award of external persons, comparable to the (later) honorary canonries at the abbey churches of Western Christendom.¹¹⁵⁶ Yet Basil must have discerned an increasing lack of liquid reserves, which doubtless affected churches and monasteries of every sort. His successor Leo VI (886–912) was likewise unable to come to grips with the uncontrolled growth of private monastic foundations.¹¹⁵⁷

Pioneering approaches to this were first developed by Romanos I Lekapenos (919–944). He concerned himself with the widespread praxis of future monks surrendering at least a portion of their property at their entry into a monastery. Thus, in 936 the emperor in a novel unmistakably forbade abbots, administrators of philanthropic institutions, archbishops, metropolitans and other church officials as well as secular magnates from appropriating the landed property of peasants; they were instead to sell their property and then hand over the resulting sum of money to the monastery.¹¹⁵⁸ Romanos’ successor Constantine VII confirmed this law in 947.¹¹⁵⁹ Yet it was Nikephoros II Phokas (963–9) who strove towards a comprehensive reform. The diversion of economic resources to ecclesiastical establishments in his time supposedly already imperiled the

¹¹⁵⁴ Cf. Kazhdan, Brebion (1991). Chitwood, *Schriftzeugnisse* (2014), 402, however, notes that almost no *brabeia* have survived which list landed property.

¹¹⁵⁵ Thomas, *Private religious foundations* (1987), 136–9.

¹¹⁵⁶ Cf. Borgolte, *Typologie und Chronologie* (1991, repr. 12), esp. 223.

¹¹⁵⁷ Thomas, *Private religious foundations* (1987), 139–43.

¹¹⁵⁸ *Ibid.*, 145; Geelhaar / Thomas (eds.), *Stiftung und Staat* (2011), 337.

¹¹⁵⁹ *Byzantine Monastic Foundation Documents 1* (2000), 200–1.

military strength of the Empire.¹¹⁶⁰ In the first year of his reign the emperor in his *Novella de monasteriis* now forbade any further endowment of monasteries, hostels or old-age homes, since their numbers already ran into the thousands and, apart from the hoped-for recompense of God, brought no further benefit. Nikephoros II, however, did not at all want to combat pious undertakings, but he instead exhorted benefactors to sell their property and donate it to the poor; those of them who were able to found monasteries or charitable establishments with their fortunes were to instead aid the numerous old and ruined houses through the purchase of slaves, oxen, sheep and other animals. Expressly—and this was, apart from the repair of already-existing establishments, the true intent of the regulation—the emperor forbade anyone from donating landed properties to monasteries or hospices, metropolitans or bishops. The endowment of real estate for church institutions was thus viewed, despite all pious intent, as a danger for the “state” and “church”, against which a liquidation of endowments through monetization was to help. Nikephoros, however, qualified this by stating that the myriad monastic foundations until his own day were only to be seen superficially as pious works; pious motivation had become a pretext for secular renown, which was to impress not only contemporaries, but also future generations. It was thus all about earning the epithet of “founder” (*ktistēs*).¹¹⁶¹ Aside from his prescriptions, only the founders of hermit’s cells or so-called *lauras*, that this monastic complexes with individual cells in remote areas, were to be excluded, provided they do not thereby hand over any landed properties or settlements, aside from the monastic dwellings.¹¹⁶²

This qualification certainly accounted for a monastic establishment on Mount Athos, which Nikephoros himself had participated in before being crowned emperor.¹¹⁶³ His partner in this endeavor was the monk Athanasios, who hailed from Trebizond (born c. 925/30), and after studies in Constantinople had retreated to the Kyminas Monastery on Mount Olympus in Bithynia (around 952).¹¹⁶⁴ There the abbot Michael Maleinos had himself erected a *laura*, which was to prepare monks in a half-hermitical life for the isolated hermitage. Already this *laura* had enjoyed the patronage of Nikephoros, then still a general in the Anatolikon Theme, who was a nephew of the abbot

1160 Thomas, *Private religious foundations* (1987), 148–53, here 149–50.

1161 Ibid., 150.

1162 Geelhaar / Thomas, *Stiftung und Staat* (2011), 339. Talbot / Kazhdan, *Lavra* (1991).

1163 On what follows: *Byzantine Monastic Foundation Documents 1* (2000), 193–293; cf. Chitwood, *Stifter* (2016), 409.

1164 *Byzantine Monastic Foundation Documents 1* (2000), 205; Kazhdan / Ševčenko, *Athanasios of Athos* (1991).

of Kyminas.¹¹⁶⁵ In 957/958 Athanasios returned to the monastic mountain of Athos, on the southeast tip of the Chalkidike Peninsula in northern Greece, where he soon led the life of a hermit.¹¹⁶⁶ In 961, however, he met on Crete with Nikephoros, who himself was considering becoming a monk on Athos, yet delayed his decision. The considerable monastic community on Athos had already been supported by a yearly subvention (*rhoga*), which supposedly consisted of three pounds of gold and was to be divided amongst the many monastic establishments.¹¹⁶⁷ General Nikephoros himself participated in this financing and had delivered to Athanasios sufficient funds for the construction of the necessary buildings. First, Athanasios created five cells for the monks, a refectory for common meals and a church (*katholikon*).¹¹⁶⁸ As Nikephoros was elevated by his troops in July of 963 to emperor, the endeavor appeared to be in danger, but already by 964 the emperor had so richly endowed it that Athanasios was able to erect a large monastery. Scholarship has come to the conclusion that the Laura reconstituted itself as a *koinobion*, that is as a monastic community practicing the communal life, although it retained its older designation.¹¹⁶⁹ From then on 80 monks lived under Athanasios; the emperor granted his monastic house 244 *nomismata* as a yearly subvention (*solemnion*) and transferred to it another monastery near Thessaloniki with its holdings.¹¹⁷⁰

Emperor Nikephoros had thus slipped into the role of the monastic founder, who transferred the "Laura" to Abbot Athanasios and his successors. According to his will the new Athonite monastery was to "remain free and govern itself."¹¹⁷¹ This completely new conception of a monastery, removed from any outside jurisdiction, was secured by granting to Athanasios and his monastic community the right of electing future abbots from their own community. The monastery's dependence on annual imperial subsidies, however, made it fall short of being an unqualified free foundation. Nikephoros' murderer and successor John I Tzimiskes (969–976) doubled the yearly payments, so that now 120

1165 Byzantine Monastic Foundation Documents 1 (2000), 206; in addition, the *typikon* of Athanasios for his laura of 973/75 (ibid., 245–70, no. 13, at 259).

1166 Talbot / Kazhdan, Athos, Mount (1991); recently Speake / Ware, Mount Athos (2012), in which esp.: Cameron, Mount Athos.

1167 Byzantine Monastic Foundation Documents 1 (2000), 196.

1168 Ibid., 206; cf. the *typikon* of Athanasios ibid., 252.

1169 Ibid., 207.

1170 Cf. Byzantine Monastic Foundation Documents 1 (2000), 208; Thomas, Private religious foundations (1987), 149; Bartusis, Solemnion (1991).

1171 On which there is the document of the emperor, which has survived in copied excerpts; s. Byzantine Monastic Foundation Documents 1 (2000), 195, according to the *typikon* of Athanasios (253). Ibid. Athanasios also ensures that he has been consulted for each word of the text of the chrysobull.

instead of 80 monks could be accepted; the funds, as was expressly emphasized, were to flow from the taxes of the island of Lemnos.¹¹⁷² According to Byzantine tax law this was a *solemnion logisimon*.¹¹⁷³ In 978 Basil II and Constantine VIII in the same fashion enabled its expansion to 500 monks, and after the death of Athanasios (probably 1001 CE) the number of pious men until the middle of the 11th century rose even to 700.¹¹⁷⁴ As the “Great Laura”, the establishment of Nikephoros and Athanasios soon, and then permanently, attained the preeminent place in the hierarchy of monasteries on Mount Athos.¹¹⁷⁵

John Tzimiskes patronized not only the new establishment of his predecessor on the Holy Mountain, but also restored, in the sense of reformed, old church institutions. Among them were a monastery in Armenia, a hospital in the imperial capital and the Christ Chapel by the Chalke Gate at the Great Palace in Constantinople: here he raised the number of positions for clerics from twelve to fifteen, though for this he had to allocate further landed properties.¹¹⁷⁶ Basil II, by contrast, overturned the measures of 964 by a novel of 988, whose authenticity has been challenged.¹¹⁷⁷ These prescriptions had meant, so the accusation was formulated, an “injustice and insult not only to the church and pious foundations, but to God himself”, and had caused manifold evil, uprisings and disturbances. This could be a reference to the revolts of the magnates Bardas Phokas and Bardas Skleros against the emperor. It was thus the will of the ruler that “the aforementioned legislation from this day forward is null and void and forever invalid.” Instead, with regard to the churches of God and the pious foundations, the laws of his ancestors and predecessors Constantine VII, Leo VI and Basil I were again to hold.¹¹⁷⁸ Regardless of the question of the authenticity and dating of the source, it remains true that the reformatory regulations of Nikephoros Phokas were never again taken

1172 Ibid., 196; on which the *typikon*, *ibid.*, 260. It should also be added that of the 120 monks, according to Athanasios’ will five were to live as anachorites, isolated in solitude. A yearly stipend of three *nomismata* and five *modioi* were intended for them: *ibid.*, 260.

1173 According to the *Fiscal Treatise*, s. *Bartusis*, *Solemnion* (1991). This type of annual gift predominated in Byzantium, rather than a direct payment from the treasury; the reference to a certain tax source naturally increased the predictability of the yearly benefit. With the *solemnion logisimon*, however, still other forms were differentiated than planned in the case of the Laura of Athos.

1174 Byzantine Monastic Foundation Documents 1 (2000), 196, 209, 275, 287.

1175 Talbot / Kazhdan, *Athos, Mount* (1991), 224–50.

1176 Thomas, *Private religious foundations* (1987), 153; Emperor John I was also buried in the Chalke Chapel: *Mango*, *Chalke* (1991), 406.

1177 Geelhaar / Thomas (eds.), *Stiftung und Staat* (2011), 340–3, B 12; Thomas, *Private religious foundations* (1987), 154.

1178 Cf. Geelhaar / Thomas (eds.), *Stiftung und Staat* (2011), 337, 384, B 31.



ILLUSTRATION 17 Megístis Lávras, the oldest monastery on the Holy Mountain of Athos, founded in 963 by the monk Athonites

up. The problems caused by the increasingly prevalent small monastic foundations and the immobilization of capital which accompanied them remained, however, unresolved; until the first capture of Constantinople in 1204 by the Western crusaders, emperors and patriarchs time and again embarked on new and often mutually conflicting paths.

A choice means was the granting of monasteries and other church establishments in *charistikē*, that is administration by laypersons, or in *epidōsis*, under the direction of larger churches and monasteries.¹¹⁷⁹ The basic idea behind this was the preservation of imperiled houses of God, which had fallen into ruin because of initial endowments that were too small: leading lords who looked after such desolate complexes as *charistikarioi* were supposed to perform pious works in this way, without considering their own new foundations, yet also stood before the prospect of being able to profit materially from their service if their efforts bore fruit. This perspective over the course of time naturally perverted the originally pious intention, all the more so because by this means soon even intact and flourishing establishments were granted to secular

¹¹⁷⁹ Thomas, *Private religious foundations* (1987), 156–214; Ahrweiler, *Charisticariat* (1967); Geelhaar / Thomas (eds.), *Stiftung und Staat* (2011), 347; Bartusis, *Charistikion* (1991). Further literature in: *Byzantine Monastic Foundation Documents* 5 (1991), 1739.

administrators. Monasteries that had once been privately founded, but were now transferred to a bishop, metropolitan, patriarch or the abbot of a large monastic community forfeited their freedom.

Under Basil II, Patriarch Nikephoros Chrysoberges (980–92) supported the institution of *charistikē*, while the emperor himself adopted a more nuanced position.¹¹⁸⁰ In his novel “On the Powerful” he sought, in the tradition of Romanos I, to counter the encroachment of magnates and monasteries on peasant property.¹¹⁸¹ It had reached his ears that many village communes were hard pressed by the expansion of monasteries; when one of the farmers erected a church on his land, became a monk and spent the rest of his life there, others soon followed his example, so that two or three monks stayed in that place. At his death the local metropolitans or bishops tended to appropriate the church (*epidōsis*), to designate these as monasteries and possibly to offer them to members of elite families (*charistikē*). In this way the villagers were exploited and injured. According to the will of the emperor, this practice was to be forbidden in the future; churches of this sort were not allowed to be called monasteries and had to be given by the metropolitans and bishops or laypersons back to the village “forever”. The village churches were thus to be exempt communal houses of God (*euktēria*). Chapels, meanwhile, which already received donations for their illumination from the emperor and themselves possessed dependencies, were to remain in the hands of the metropolitans and bishops, but were not to be surrendered to other persons. Where, however, there existed monasteries in the villages already with eight, ten or more monks, because from the vicinity corresponding estates had been turned over to them, they were to be removed from ecclesiastical authority, because the latter tended to bestow such houses to others. Furthermore they were, corresponding to the laws of Romanos I and Basil II, to acquire no new properties themselves and to be content with their existing endowment. Independent monasteries that had earlier housed a larger community, but were now abandoned, were to stay in the power of metropolitans and bishops and passed on by them to *charistikarioi*.

The Constantinopolitan patriarchs of the 11th/12th century had a fluctuating stance on the *charistikē*.¹¹⁸² Meanwhile, around 1090 Patriarch John IV Oxeites of Antioch determined that practically every monastery—“small, large, poor,

1180 Thomas, *Private religious foundations* (1987), 154–63.

1181 Geelhaar / Thomas (eds.), *Stiftung und Staat* (2011), 342–45, B 13.

1182 Sisinnios II (996–8) broke with the open-minded approach of his predecessor Nicholas to the *charistikē*: Thomas, *Private religious foundations* (1987), 156; Sergios I (1001–19) allowed it again: Geelhaar / Thomas (eds.), *Stiftung und Staat* (2011), 346, B 14; Alexios Stoudites (1025–43) desired to reform the institution: *ibid.*, 346–9, B 15; Nikolaos III Grammatikos

rich, male and female monasteries”—stood under a *charistikarios*; by contrast, Sisinnios was unable to set things aright by opposing his saintly predecessor. Only the newest establishments had been spared: “Yet even they [the newest monastic establishments] will soon become subordinate to [the *charistikē*], exactly as the old and great communities have already suffered it, because this evil has become customary. They will be granted to laypersons, men as well as women, at times even to foreigners and—alas!—to two persons. What mind, what tongue would be capable of describing the amplitude of the misdeeds perpetrated by this evil?”¹¹⁸³

The wealth of Byzantine monasteries also roused the envy of the emperor, who after the final apogee of Byzantine power under Basil II (until 1025), had to come to grips with an increasing deterioration of the empire.¹¹⁸⁴ This process was accelerated by new aggressors in east and west. Turkmen warriors, with the nomadic shepherds of their people in tow, had from ca. 960 penetrated from the Jaxartes on the Aral Sea to Asia Minor, and overcame under their Seljuk sultan at Malazgirt (Mantzikert) in 1071 Emperor Romanos Diogenes, who himself was captured. The borders of the East Roman Empire moved deep into the west of Anatolia, and even the venerable conciliar city of Nicaea (Turkish İznik) on the Asian side of the capital fell for a time into the hands of the Muslims. At the same time, Normans from southern Italy menaced the empire; already half a year after his crowning (4 April 1081) Emperor Alexios I Komnenos (until 1118) was defeated by Robert Guiscard at Dyrrachion (Albanian Durrës), which was lost to the East Romans, and had to face the prospect of further advances of the bellicose knights.¹¹⁸⁵ Moreover, Alexios had found the imperial treasury completely empty at his accession and did not know how he was to acquire mercenaries and allies to fight his enemies.¹¹⁸⁶ The new emperor thus resorted to a legal prescription of his predecessor Justinian I of the year 544, which permitted the requisitioning of church plate for coining money for the ransom of captives.¹¹⁸⁷ Though in the aftermath Alexios was forced through treaties to abandon almost all of Asia Minor to the Turks and to grant wide-reaching

(1084–11) once again turned against the *charistikē*: *ibid.*, 364–7, B 22; Johannes IX Agapetos (1111–34) acted in a similar manner: *ibid.*, 382, B 30.

1183 Geelhaar / Thomas (eds.), *Stiftung und Staat* (2011), 368, B 24; cf. Thomas, *Private religious foundations* (1987), 186–92.

1184 Lilie, *Byzanz. Das zweite Rom* (2003), 246–56; Borgolte, *Europa entdeckt seine Vielfalt* (2002), 17, 71, 73; *idem*, *Christen, Juden, Muselmanen* (2006), 348.

1185 Borgolte, *Europa entdeckt seine Vielfalt* (2002), 73; *idem*, *Christen, Juden, Muselmanen* (2006), 253.

1186 On what follows: Geelhaar / Thomas (eds.), *Stiftung und Staat* (2011), 352–65, B 18–B 21.

1187 *Ibid.*, 352–9, B 18; 358–63, B 20.

trade privileges within the empire to Venice, the pressure of the Normans relaxed. The secularization of church property, however, elicited outrage with some clerics; especially the metropolitan Leo of Chalcedon was opposed to it and had the inventories of the monasteries opened, in order to determine the exact extent of the losses. The emperor felt compelled to partially compensate these with annual subventions of money.¹¹⁸⁸ For the history of foundations it is nonetheless important to emphasize that only movable church property, not, however, estates, had been confiscated.¹¹⁸⁹

1.3.3.4 The Free Monasteries

After the *charistikē* could be seen only as a weak instrument for preserving religious establishments, private benefactors of the Church began to found truly free monasteries in the second half of the eleventh century; from their inception they were to be “independent” (*autodespota*) and “self-governing” (*autoexousia*).¹¹⁹⁰ Athanasios of Athos, in alliance with Emperor Nikephoros II more than a hundred years before, was in this sense a pioneer, yet of crucial significance was that such houses were to be based on an initial endowment of real estate, and not be dependent on annuities. This was nothing less than the emergence of truly free foundations.¹¹⁹¹ In this regard, the Western Church and monastic Reform Movement has been indicated within scholarship as a possible model, but this remains controversial.¹¹⁹² An independent monastery of the new type claimed freedom from the control of bishop and patriarch and administered its endowed properties through its own officials, without the meddling of the founding family or (other) secular magnates. Founders were forbidden from any financial usufruct, so that they only retained the traditional rights of commemorative masses, tombs and the acceptance of family members into the monastic community. It is noteworthy that the duty of the religious community to commemorate founders through prayer was now, however, more emphatically and precisely emphasized than in earlier periods. This could only be safeguarded permanently if the foundation were to actually exist uncontested “forever”. In this regard, the analogy of the Western Church again suggests itself. Yet without any sort of protection, the foundations were

¹¹⁸⁸ Ibid., 362, B 20, cf. 358, B 19.

¹¹⁸⁹ On the later resort to church property planned by Alexios I s. Geelhaar / Thomas (eds.), *Stiftung und Staat* (2011), 368–71, B 24.

¹¹⁹⁰ Thomas, *Private religious foundations* (1987), 214–43, at 214.

¹¹⁹¹ Cf. Thomas, *Übersicht* (2011), 43.

¹¹⁹² Thomas, *Private religious foundations* (1987), 214; cf. Chitwood, *Forschungsgeschichten* (2014), 138, with reference to Mullett, *Founders* (2007), 2, and Morris, *Monks and Laymen* (1995), 270–5; *idem*, *Proprietary Church* (2016), esp. 32–4.



ILLUSTRATION 18 Bačkovo Monastery near Plovdiv (Bulgaria), founded by Gregorios Pakourianos in 1083; ossuary, 11th c. CE

also not able to get by.¹¹⁹³ Thus, in place of the abolished *charistikarioi* the institution of “ephors” (trustees) appeared, who were, for example, entrusted to the local *stratēgoi*.¹¹⁹⁴

Among the first free monastic foundations was that of Petritzos-Bačkovo (near Plovdiv in Bulgaria), by the Georgian military leader Gregorios Pakourianos; he determined his prescriptions for the safeguarding of monastic independence and liturgical commemoration of the dead for himself, his brother and the rest of his family in a lengthy *typikon* of 1083.¹¹⁹⁵ Still in the time of Gregorios’ master Alexios I, the imperial family attached itself to this reform. The consort of the emperor, Irene Doukaina Komnene, founded around 1100 a convent in Constantinople dedicated to the Mother of God *Kecharitōmenē* (“Full of Grace”). The rule which Irene gave to her foundation was based on the *typikon* of another Marian monastery, that of Evergetis, which was esteemed as a model for free monasteries within the empire into the 14th century.¹¹⁹⁶ Yet

1193 Cf. Grünbart, *Memorialkultur* (2012), esp. 379–89.

1194 Cf. Kazhdan / Talbot, *Ephoros* (1991).

1195 On this see 58; cf. on the church foundation of Eustathios Boilas of 1059: 576.

1196 Gautier, *Typikon de la Théotokos Kécharitōménē* (1985); *Byzantine Monastic Foundation Documents* 2 (2000), 649–724, no. 27. Gautier, *Typikon de la Théotokos Évergétis* (1982);

the rules differ in detail from one another. While she lived, the empress wanted to direct the convent; she therefore did not discharge full freedom to the monastery already at the time of its founding, as the Georgian Pakourianos had done.¹¹⁹⁷ After her death, however, it was “to be independent and stand under its own control, free of all authority [from without] and all attempts to possess it.” It was to be subjected neither to imperial nor ecclesiastical nor any sort of private privilege, nor granted as a gift in *epidōsis* or *ephoreia*, but was only to be subjected to the authority of the Virgin Mary, as well as the administration of its own leadership. Were Alexios I to survive Irene Doukaina, he was to have the same rights of management as she herself had had, but afterward it would not be subject to anyone. Though she refused an external ephor, she nonetheless wanted to see the protection of the convent secured hereditarily with members of her family: she named her daughter, the nun Eudokia, as the first. Other female Komnenoi were to succeed her.¹¹⁹⁸ She also prescribed that the pious female monastic community was to accept her granddaughters if they desired to join it.¹¹⁹⁹ The property of the monastery—both mobile and immobile—was to be inalienable, even if twice, three times or ten times its value was to be offered.¹²⁰⁰

After the model of the Evergetis *typikon*¹²⁰¹ Irene did, however, concede some exceptions in cases of extraordinary losses. If the monastery suffered foreign (military) attacks, conflagrations or earthquakes and there was no money for restoration, church plate was allowed to be sold, but only to other houses of God. The alienation of landed property was, by contrast, strictly forbidden, because in times of need these could help to a greater extent; the purchase of movable with immovable property was possible if needed, but it was difficult to realize the acquisition of real estate with the sale of movable property.¹²⁰² There was thus a clear hierarchy in the value of the monastery’s endowed property. Irene comprehensively regulated the memorial duties of the nuns. One chapter of her *typikon* regarded the daily liturgy, another the specific liturgical actions for the commemoration of the dead. Each day at the celebration of mass seven loaves were to be offered, one for the Lord (Jesus Christ), a second for the Mother of God *Kecharitōmenē*, a third for the saint of the day,

Byzantine Monastic Foundation Documents 2 (2000), 454–506, no. 22. Geelhaar / Thomas (eds.), *Stiftung und Staat* (2011), 378–81, B 28, and *ibid.*, 374–9, B 27.

1197 Byzantine Monastic Foundation Documents 2 (2000), 667, cap. 1, cf. 654; the following *ibid.*, 667, cap. 1. On which cf.: *ibid.*, 527, cap. 3.

1198 *Ibid.*, 669, cap. 3; 654–5.

1199 *Ibid.*, 670, cap. 4.

1200 *Ibid.*, 673, cap. 9.

1201 *Ibid.*, 488, cap. 19.

1202 *Ibid.*, 673, cap. 10.

a fourth for the ransom and the forgiveness of the sins “of my most merciful emperor and myself”, a fifth for the deceased nuns, a sixth for her parents and other relatives that had passed away and a seventh for the living children of the imperial couple as well as her sons-in-law and other relatives.¹²⁰³ After “our death” the bread in question was to be offered forever for the remission of her sins. If one of the spouses predeceased the other, the loaf was to be offered for the surviving spouse, as had hitherto been the case, and another one for the deceased; after the death of the other spouse, again only one loaf was to be used for both. Apart from the daily offerings, on each Sunday *stauria*, that is eucharistic wafers in the shape of crosses,¹²⁰⁴ were to be offered for “our parents”, children and daughters-in-law, who had already passed away or were to die in the future. These persons were also to be entered into the diptychs (registers of names) and were to be commemorated according to the regulations of the *typikon*. Other *stauria* were to be offered on Sundays for living relatives, who likewise were to be registered in the diptychs and in the rule.

The annual commemoration for the individual Komnenoi was regulated especially comprehensively and in systematic-hierarchical order.¹²⁰⁵ On the respective death day the memoria was to be opened by a *parastasimon* during the night office,¹²⁰⁶ at which the church was to be illuminated more richly than normal. During the liturgy a wafer and *kollyba* (wheatbread with raisins and pomegranate seeds)¹²⁰⁷ were to be offered; the deceased had to be commemorated in the prayers during the change of stations for the nightly office, at the morning service, and the celebration of mass and vespers. The nuns were to dine on these days as they did during feasts of the Lord (Jesus). Were the day of commemoration to fall on a Wednesday or Friday, they were to eat only haddock, unless it was the death day of Irene’s imperial consort. If indeed his memoria were to occur on a Wednesday or Friday, the nuns were to be served generous portions of fish, since a person of extraordinary dignity deserved an excellent commemoration. Also, on all the days not devoted to fasting the nuns were to eat fish in remembrance of Irene’s other relatives. But if the day of commemoration for a person were to fall during the forty-day period of Lent, then the night office was to be held on Friday evening of the week in question, while the nuns were to enjoy haddock the next day, on Saturday.

1203 Ibid., 687, cap. 34; the following *ibid.*, 687, cap. 34.

1204 Cf. *ibid.* 5, 1689.

1205 Ibid. 2, 700–2, cap. 71.

1206 Ibid. 5, 1687: “*parastasimon*—solemn office consisting of prayers and supplications for the dead.”

1207 Ibid., 1684: “*kollyba*—boiled wheat mixed with raisins, pomegranate seeds, herbs and a sprinkling of roasted flour and sugar, served after a memorial service.”

On the death day of Emperor Alexios I the church was to be extremely well-illuminated, the nuns were to receive a particularly sumptuous meal and ten *modioi* of grain to be distributed (to the poor) at the gate of the convent, as well as eight measures of wine and 12 special coins (*trachea nomismata* in *noummia*).¹²⁰⁸ Irene herself was to be remembered in the same fashion on the day of her passing. For the other members of the imperial family, the children and children by marriage, parents and siblings of Irene, less arduous distributions, usually half of the bread and the coins, were prescribed, starting with the born-in-the-purple heir to the throne and his consort. The comprehensive and almost exhaustingly precise regulations ended with the comment that the children of Irene were granted the right to regulate anew the celebration of their commemoration through their own additional endowments of movable and immovable property.

Meanwhile, John II Komnenos, the son of Alexios and Irene, created his own foundation, which became especially famous as the “Pantokrator” in Constantinople.¹²⁰⁹ Like his mother before him, the new emperor (1118–1143) wanted to erect a free monastery for the salvation of his soul; as he composed his *typikon* in the year 1136, his consort Irene of Hungary had already died, who was able to be seen as the co-founder through her gift of properties and planning.¹²¹⁰ Irene (the younger) found her final resting place in the “Pantokrator”, and John himself as well as his son Alexios chose the Chapel of Michael as their tomb. Moreover, the founder conceived the entire complex as a commemorative foundation for himself and for the Komnenian dynasty as a whole, especially for his parents and children. To wit, eighty monks were to participate in commemoration at the monastery, at the church of the Theotokos Eleousa a further fifty religious, in the hospital fifty sick persons as well as the medical personnel, 24 aged and infirm persons in a home as well as the residents of a separate leprosarium. Above all, the emperor hoped from the poor, sick and infirm for the effective aid of God. So it is stated in the prayer that he directed to the Pantokrator, the Ruler of All: “Along with these I bring thee, the Lover of goodness, some fellow-servants, whom thou in thy compassion called brothers [Matt. 25:40], worn out by old age and toil, oppressed by poverty and suffering from diseases of many kinds. Those whose

1208 Ibid. 2, 701, cap. 71: “*trachea nomismata* in *noummia*”, cf. *ibid.* 5, 1690: “*trachy, nomisma*—electrum *trachy* (q. v) that had on it the head of the emperor, the Virgin Mary, and Christ”; *ibid.*, 1686: “*noummia*—lowest unit of account, synonymous with small change.”

1209 Thomas, *Private religious foundations* (1987), 223. On this establishment: Kotzabassi (ed.), *Pantokrator Monastery* (2013); Miller, *Birth of the Hospital* (21997), 12–29.

1210 Gautier, *Typikon du Christ Sauveur* (1974), 115; *Byzantine Monastic Foundation Documents* 2 (2000), 768, cap. 65; Volk, *Gesundheitswesen* (1983), 190–1.

bodies are ravaged by leprosy are all receiving the appropriate care, others are being relieved of their burdens, revived from weakness, and are receiving complete healing of their wounds, and others are being freed from want, finding consolation in a sufficient supply of food and clothing. We bring thee these people as ambassadors to intercede for our sins; by them we attract thy favor and through them we plead for thy compassion.”¹²¹¹ “Accept those who are the living dead, half-separated from their bodies and half-dead, as suppliants of thy goodness begging for thy compassion on our behalf. Thou who waitest for our reform and repentance do not wish for the death of sinners [Ezek. 18:23].”¹²¹² Likewise, just as the monks were to call out to the Lord for “our orthodox rulers and founders who are at rest”¹²¹³ when coming to the tomb of their master, so were the doctors and other personal of the hospital to pray on the days of the commemoration of the Komnenoi, together those patients able to go to the church: “God will bless the founders.”¹²¹⁴ Likewise, the 24 residents of the hospice, the crippled, feeble, lame and invalid of every sort, were to hold commemorations for the dead,¹²¹⁵ and John even hoped from the lepers for “their special entreaty on our behalf.”¹²¹⁶

The justifiably much-admired regulations that the emperor carefully and in great detail had planned for the monastery, church, hospital, home for the aged and leprosarium were, one should not forget, in reference to his memoria. This pious undertaking, conceived to last permanently and to operate unceasingly, indeed was aimed at making God himself favorably inclined to the founder, but the residents, personnel and beneficiaries of the complex were also to make their own contribution through petitions and masses. Everything was subjected to the abbot, including some additional monasteries which were joined to the “Pantokrator.”¹²¹⁷ In order to secure its freedom from external encroachments, three monks from the principal monastic house and the daughter monasteries were to be granted the choice of a new abbot.¹²¹⁸ In the case of disagreement, after three days of prayer by all the monks, God was to reveal his will by drawing lots. At the consecration of a new abbot the monks were granted the right of choosing a bishop who resided in the capital; the ordained was thereafter, in a visible expression of monastic freedom, to receive his staff (from the altar)

¹²¹¹ Byzantine Monastic Foundation Documents 2 (2000), 738.

¹²¹² *Ibid.*, 773 cap. 71.

¹²¹³ *Ibid.*, 739, cap. 3.

¹²¹⁴ *Ibid.*, 759, cap. 44.

¹²¹⁵ *Ibid.*, 766, cap. 58.

¹²¹⁶ *Ibid.*, 767–8, cap. 63. Cf. *Chitwood, Stifter* (2016), 413.

¹²¹⁷ Byzantine Monastic Foundation Documents 2 (2000), 749, cap. 19; 752, cap. 28.

¹²¹⁸ *Ibid.*, 751, cap. 24.

“from the icon of the Pantokrator itself as he will surely render account to him on the day of judgment for his period of rule.”¹²¹⁹ Monks under the direction of the abbot were to occupy the key positions in the administration of the individual establishments.¹²²⁰ The monastery was thus self-governing, though the Komnenian also instituted his own son and further members of his family as “stewards”: “The monastery will be completely free and under no subjection, being subject to no authority, with no one having control over it, independent and self-governing, master and controller of itself, placed under no ecclesiastical control, or princely authority or any other governmental power, with sole claim on its own possessions and enjoying all of them with complete power and authority and with the regulation of inalienability observed in respect of all the things dedicated to it, whether properties or monasteries or any rights both secular and spiritual. I wish this monastery to be respected, defended and supported first by my very dear son the *basileus* Lord Alexios and then in turn by the leading member of our family (...).”¹²²¹

It was characteristic of the shifting policy of Byzantine emperors towards foundations or monasteries that John’s son Manuel (1143–80) again sought to implement restrictions.¹²²² Though to the monasteries of Constantinople and its hinterland, where many of the wealthiest establishments lay, he conceded tax immunity of their existing estates and “flocks”, he nevertheless forbade them from acquiring new mortgaged properties or self-cultivated estates.¹²²³ This attempt at stemming the flow of real estate to monastic houses corresponded to the fact that he endowed his own monastic foundation only with funds from the treasury. As a justification he cited concern for the monastic way of life, because a solitary and undisturbed life could not be maintained where the monks had to worry themselves with attaining fields and vineyards.¹²²⁴ Manuel’s intervention was, however, unsuccessful: the independent monasteries were able to assert themselves, and many of them even survived the subjugation of the empire in 1204.¹²²⁵

1219 Ibid., 751, cap. 25.

1220 Ibid., 768, cap. 64.

1221 Ibid., 773, capp. 69–70.

1222 Thomas, *Private religious foundations* (1987), 224–8; *idem*, *Übersicht* (2011), 44.

1223 Geelhaar / Thomas (eds.), *Stiftung und Staat* (2011), 386–9, B 32.

1224 Ibid., 384–7, B 31.

1225 Thomas, *Private religious foundations* (1987), 228; Janin, *Sanctuaires de Byzance* (1944); Dallegio d’Alessio, *Sanctuaires urbains* (1953); Stathakopoulos, *Stiftungen* (2005), at 150. Chitwood, *Periodisierung* (2014), 308, summarizes that twenty churches and thirteen monasteries of Constantinople were placed under direct Latin control, while the hospitals probably did not survive the Latin occupation.

Still into the 13th century reformist Christians in Byzantium experimented with various concepts for the safeguarding of freedom, while, on the other hand, the great canonist Theodore Balsamon again combatted the exemption of monasteries from the control of the official church. Though Balsamon did not want to renew the old lay control, he still nonetheless pleaded for episcopal interventions in the nomination of the abbot; against both tradition as well as the praxis of the reformers, he even condemned the burial of founders in the church.¹²²⁶ In the last centuries of the empire the rights of freedom of the founders of church establishments were strongly curtailed; only then one can speak of a “founder’s right”, which von Zhishman incorrectly assumed to have been paradigmatic for the period of the empire more generally. The *ktētores* were certainly able to preserve the right of choosing clerics for their privately-founded churches as well as monks for their monasteries, but were only rarely to peel away the nomination of the abbot for themselves. By contrast, the patriarchs claimed for themselves the right of dismissing monastic leaders without a justifiable reason. A lay founder could oversee the keeping of the monastic order according to an individual *typikon*, yet was hardly able to alter it. Were he himself a monk, then this privilege was curtailed, because it in fact lay in the hands of the local bishops or patriarch.¹²²⁷ The most important right that the *ktētores* maintained was the *mnēmosynon*, namely the commemoration of the dead dedicated to them, and burial in their church. Economic exploitation of monasteries was, however, forbidden to them.

1.3.3.5 Sovereign Foundations in the Fragmentation and Spread of Orthodoxy

In its later period, the Byzantine Empire was sharply reduced in its extent and territorially fractured.¹²²⁸ This erosion began already before the Fourth Crusade. At the deposition and murder of Emperor Andronikos I in 1185, his grandsons Alexios and David apparently leaned towards Georgia, the homeland of their mother and grandmother; from there they seem to have anticipated the attack of Latin knights on Constantinople in 1204 with an invasion of Trebizond on the Black Sea.¹²²⁹ Tamar, the queen of Georgia and probably an aunt of the Komnenian brothers, is said to have facilitated the attack.

1226 Thomas, Private religious foundations (1987), 228–38; cf. Geelhaar / Thomas (eds.), Stiftung und Staat (2011), 396, B 34. Cf., however, also Chitwood, Proprietary Church (2016), 40–1.

1227 Cf. Thomas, Private religious foundations (1987), 253–8; with qualification in this respect Chitwood, Proprietary Church (2016), 42.

1228 Cf. Borgolte, Christen, Juden, Muselmanen (2006), 286–7.

1229 Lilie, Byzanz (2003), 473; Brand, Alexios I. Komnenos (1991); *idem*, Komnenos (1991). On what follows foundational is: Vasiliev, Foundation (1936).

Tamar, like her ancestor King David IV the Builder (1089–125)¹²³⁰ also a great patroness of monasteries,¹²³¹ was outraged that Emperor Alexios III Angelos (1195–1203) had robbed monks of the Holy Mountain that she had showered with gifts. “Then, in her anger with the Greek king”, so it reads in the *Georgian Chronicle*, “she sent an army,” which took inter alia Trebizond, “and every part of Paphlagonia and Pontus, and offered them to her kinsman Alexios Comnenus, son (!) of Andronicus, who at that time had taken refuge with Queen Tamar.”¹²³² The “Grand Komnenoi”, who even brandished the imperial title,¹²³³ skillfully maneuvered between Constantinople, Georgia and the Turks, so that their Empire of Trebizond in the end lasted longer than Byzantium itself. Alongside fortifications, they erected churches (at the beginning in particular Hagia Sophia) and monasteries (like St. Eugenios) in Trebizond itself¹²³⁴ or renovated ruined monastic houses, such as Soumela on a cliff south of their city.¹²³⁵ Like other sovereigns of the late medieval successor empires, they concerned themselves especially with monasteries on Mount Athos. They selected the Monastery of Dionysios as the foremost site of their dynastic commemoration, which even “functions” to the present day in this respect.¹²³⁶ This monastery was and is named after its founding monk, Dionysios, who in 1347 was initially supported by the Byzantine emperor with estates on the island of Lemnos. Since the funds of the impoverished ruler of Constantinople did not suffice, however, Dionysios turned to Emperor Alexios III of Trebizond (1349–90). Once again, we see a potential beneficiary seeking a strong founder: “In order to convince the emperor, Dionysios pointed to foundations and benefactions of monasteries on the Holy Mountain by Orthodox potentates of every sort,

¹²³⁰ Georgian Chronicle (1991), 36 (here from the “Life of David, King of Kings”), not only mentioned “the lavras, meeting-places and monasteries (...) in his own realm”, which David filled with plenty, “but also in the lands of the Greeks, the Holy Mountain and Borghaleti [i.e. Bulgaria] and again in Assyria and Cyprus, the Black Mountain and Palestine (...), and still more the tomb of Our Lord Jesus Christ, while he enriched the monasteries of Jerusalem with a variety of gifts. His beneficence extended even further: for on Mount Sinai, where Moses and Elijah had looked on God, he built a monastery and donated many thousand pieces of gold, hangings of brocaded velvet, a complete set of ecclesiastical books and choice gold vessels for divine service.” German trans.: Leben Kartlis (1985), 432. Cf. Rewriting Caucasian History (1996), 343; Georgian Chronicle (1991), 36; *Garsoian*, David II/IV the Restorer (1991).

¹²³¹ Georgian Chronicle (1991), 86; Leben Kartlis (1985), 85; cf. *Chitwood*, Soziale Positionen (2017), 81; *Brand*, Tamar of Georgia (1991).

¹²³² Georgian Chronicle (1991), 86; German translation in: Leben Kartlis (1985), 450–1.

¹²³³ *Vasiliev*, Foundation (1936), 30–7.

¹²³⁴ *Brand / Kazhdan / Cutler*, Grand Komnenos (1991); *Talbot*, Trebizond (1991).

¹²³⁵ *Talbot*, Soumela Monastery (1991).

¹²³⁶ The following is based on *Chitwood*, Stifter (2015), 414–5.

emperors, kings and other rulers, for the sake of the salvation of their souls; were Alexios to follow this example, 'continual and endless spiritual delight awaited him.' Thereafter the emperor of Trebizond endowed the monastery with a sum of 100 *sōmia* for a church with walls, monks' cells and an aqueduct, which would suffice for a small monastery. In addition, the monastery, dedicated to John the Forerunner (Baptist), was to receive an annuity of 1,000 *aspra* from the treasury of the empire. In return, Alexios expected continual liturgical commemoration for the fallen members of his dynasty, the 'heroes' of the Grand Komnenoi, as well as for himself, his mother, consort, children and heirs, but also a blessing for the Empire of Trebizond.¹²³⁷ The annuity foundation did not completely liberate the monastery, yet in this case it served as a means of binding it to the founding family. In the first half of the 15th century Alexios' successors confirmed it. Only with the conquest of the empire in 1461 and the eradication of the dynasty in 1463 did this form of financing end; meanwhile, from the beginning of the following century onwards the princes of Wallachia and Moldavia looked after the monastery.

No monastic foundation survived the fall of Constantinople itself in 1453 to the Muslim Turks; only the Monastery of St. John the Theologian on the island of Patmos as well as the Great Laura and the other monasteries on Mount Athos were able to assert themselves within the empire under the rule of the Ottomans.¹²³⁸ There has been a discussion in Byzantine Studies as to whether the fall of Byzantium was facilitated by too great a loss of tax revenues due to excessive monastic foundations. This thesis, which was laid out by the American of Greek origin, Peter Charanis (1908–85), in the year 1948,¹²³⁹ has recently been evaluated on the basis of more sources and a more advanced state of knowledge (2011). John Thomas came to no conclusive result. Though there are, according to the contemporary state of scholarship, indeed new reasons for this thesis, more decisive for the downfall of the Christian empire than monasticism was the "terrible war machine" of the Ottomans.¹²⁴⁰

Long before the process of Turkish encirclement began in the early 14th century,¹²⁴¹ the empire had to assert itself against aggressors from without.¹²⁴² Yet in the east of Europe it also succeeded in making the only

1237 Ibid., 414 (here the quotation has been simplified).

1238 Thomas, Übersicht (2011), 46; *idem*, In perpetuum (2005), 128, 133–5; Chitwood, Periodisierung (2014), 309–10.

1239 Charanis, Monastic Properties (1948, repr. 73).

1240 Thomas, Charanis Thesis Revisited (2011), 66–7.

1241 Cf. Borgolte, Christen, Juden, Muselmanen (2006), 287–8.

1242 Ibid., 354–66; Borgolte, Europa entdeckt seine Vielfalt (2002), 170–6, 178–82; 189–91. Cf. Martin, Medieval Russia (1995); Stephenson, Byzantium's Balkan Frontier (2000); Fine, Jr.,

important acquisition which expanded beyond the boundaries of the ancient empire. This was not territorial rule, but rather an expansion of the imperial church: the conversion of the Rus' to Orthodoxy in the year 988. The leading role of the emperor or of his patriarch was respected in all of these regions, although the peoples in question at times sought to appropriate ancient Rome for themselves and become independent under their own princes. None of these "nations", in contrast to what occurred in the West from the Late Middle Ages onwards, had successfully questioned over a long period of time the religious and cultural supremacy or claim to the Roman tradition of universality with the empire. Byzantium functioned as the architect of its own European house. Though it arose on the soil of the ancient empire, its outline was a new, medieval invention. The Eastern European political, religious and cultural formation has been designated within historical scholarship as the "Byzantine Commonwealth".¹²⁴³ All the members of this system of states shared a confession of Orthodox Christianity and the recognition of the pre-eminence of the church of Constantinople. To it belonged above all the empires of the Bulgarians (679–1018; again from 1185/7) and of the Serbs (from 1166/1196) until their respective subjugation by the Muslim Ottomans (1396 and 1389/1459 respectively). Though the emperor of Byzantium remained in principle unchallenged as an authority, the Bulgarian and Serbian rulers again and again themselves adopted the imperial title (Bulgaria: Symeon from 913 onwards: "emperor of the Bulgarians", "peacemaking emperor"; "emperor of the Bulgarians and Romans"; "emperor of the Romans"; Ivan Asen II, 1230: "czar of the Bulgarians and the Greeks"; the Serbs: imperial titulature under Stefan Uroš II Milutin, 1282–1321; Stefan Dušan, 1345: "emperor and autokrator of the Serbs and of Romania"; "successor of the great and holy Greek emperors"). In Kievan Rus', which already in 1240 (or 1257) had been defeated by the Mongols, under the rule of the "Golden Horde" the center of gravity shifted to the Grand Duchy of Moscow; first it also liberated its native church from Greek Orthodoxy. In 1448 the Russian bishops, with the participation of the grand dukes, refused a union of churches, which the Latins and Greeks had agreed upon at the Council of Florence. Through the absorption of Novgorod by the Moscow grand duke Ivan III in 1478, the traditional family rule of the Rurikids was replaced by the sole authority of the "Czar of All Rus'". Ivan in fact succeeded in uniting the largest part of Rus', and soon thereafter an abbot was to

Early Medieval Balkans (1983); *Fine, Jr.*, Late Medieval Balkans (1987); *Hösch*, Geschichte der Balkanländer (42002).

1243 *Obolensky*, Byzantine Commonwealth (1971, repr. 74); of a different view is *Lübke*, Östliches Europa (2004).

propagate the teaching of Moscow as the third Rome and the grand duke as the successor of the emperors (around 1523).¹²⁴⁴

Russian, Bulgarian and Serbian sovereigns acted like the Byzantine emperors themselves as the founders of churches and monasteries, often in their own personal or dynastic interests, but also often at the request of monks.¹²⁴⁵ Thanks to the chronicle of the Monastery of the Caves of Kiev,¹²⁴⁶ we possess a detailed account written shortly after the events depicted, the only source of this quality in Eastern Europe at all. In it the deeds of the Rurikids, empire-founders from Scandinavia, are depicted. When Saint Vladimir chose to convert to Christianity of a Greek Orthodox variety (988 CE), he had churches erected at the places of pagan cultic sites as well as in cities, assigned priests there and led the people even in the villages to baptism;¹²⁴⁷ in this context the Marian church of Kiev and the origin of the priests from Kórsun' (Cherson in the Crimea) are explicitly mentioned.¹²⁴⁸ He left the tenth part of his possessions and of his cities to this house of God, and also provided for the care of the poor through the distribution of money.¹²⁴⁹ Among his sons who continued his church foundations,¹²⁵⁰ Yaroslav (probably as the first) also founded monasteries.¹²⁵¹ As an admirer of ascetics, as is reported for the year 1051, he installed a priest in the Church of the Apostles of Berestovo as the metropolitan of Kiev. This man by the name of Ilarión had always previously retreated to a hill on the Dnieper, where he sang religious hymns in his cave and prayed in hiding.¹²⁵² Later, a man whose original name is not transmitted went to Athos and, impressed by the pious way of life of the brothers there, became a monk and was ordered by an abbot to return to Rus' and there to spread the blessing of the Holy Mountain. Now named Antónij after the desert father, he found no suitable community in his homeland and thus returned to the empty cave of Ilarión. Under Jaroslav's son Izjasláv 12 brothers joined Antónij, and "they dug a great cave and a church and cells", which were located at the place of the later monastery.¹²⁵³ While Antónij himself again returned to solitude, he installed

1244 Cf. *Borgolte*, *Geschehenskompexe und Regionen* (2013), 306.

1245 On what follows *Obolensky*, *Byzantine Commonwealth* (1971, repr. 74), 377–404.

1246 I cite the *Tale of Bygone Years* (or *Chronicle of Nestor*) in the version of 1116. Cf. *Obolensky*, *Byzantine Commonwealth* (1971, repr. 74), 385.

1247 *Nestorchronik* (2001), 146.

1248 *Ibid.*, 150.

1249 *Ibid.*, 153. Cf. *ibid.*, 153, on a further church foundation with alms to the poor; *Steindorff*, *Glaubenswelt* (2005), 160–1.

1250 *Nestorchronik* (2001), 181 and 185, on Mstisláv; 186–7 on Jarosláv, at esp. 188.

1251 *Ibid.*, 186.

1252 *Ibid.*, 192.

1253 *Ibid.*, 194.

an abbot for the monastic community, under whom the number of brothers continued to increase, so that they desired to erect a monastery. At Antónij's command they again turned to Prince Izjasláv and asked him to donate the mountain to them. He followed them and thus diverted the "blessing of the Holy Mountain" to the Monastery of the Caves, and meanwhile appointed the abbot to his own monastic establishment dedicated to Saint Demetrios. The chronicler at this point compared initiatives of lay founding with the works of ascetics: "Many monasteries are erected by czars and boyars [nobles] and with wealth. Yet they are not like those erected with tears, fasts, prayers and vigils. Antónij had neither silver nor gold, but he endowed with tears and fasts, as I have stated."¹²⁵⁴ The new abbot, likewise chosen by Antónij, also clung to the principles of abstinence, fasting and of "prayers with tears", so that the number of monks climbed to one hundred. Now the rule of the Stoudios Monastery of Constantinople was followed, which thereafter became normative for "all monasteries".¹²⁵⁵

As this story of founding demonstrates, the earliest Russian monasteries were almost always erected in the vicinity of cities: of the roughly 70 known houses before the 13th century, around two-thirds were princely foundations, which were to cultivate the liturgical commemoration of lay benefactors, although their impulse often stemmed from ascetics.¹²⁵⁶ In the middle of the 14th century the network of Russian monasteries—and one can at this point speak of such a thing—expanded beyond suburban areas;¹²⁵⁷ the endowments of landed and movable property "enabled the donor to enter the monastery, in order to there spend his dotage or to at least die in a monk's habit; he secured for himself a place of burial, and above all from the gift of the foundation followed the gift in return of continuous commemoration of the dead."¹²⁵⁸

It was foundations, and less so the purchase of large estates, which formed the economic basis of monasteries in the 15th century.¹²⁵⁹ Ludwig Steindorff has sketched the mutually-stimulating ascetic and aristocratic motives of memoria by the example of the Monastery of the Dormition of the Mother of God by Volokolamsk, more than one hundred kilometers west of Moscow; here he was able to make use above all of a liturgical source: "The initiative for its founding apparently went back to the ascetic Iosif Sanin, who already in 1460 was tonsured as a monk at the Pafnutij Borovskij Monastery and there in 1477

¹²⁵⁴ Ibid., 196.

¹²⁵⁵ Ibid., 196–7. Cf. *Obolensky*, *Byzantine Commonwealth* (1971, repr. 74), 385–7.

¹²⁵⁶ Ibid., 385; *Steindorff*, *Glaubenswelt* (2005); *idem*, *Memoria* (1994).

¹²⁵⁷ Cf. *Smolitsch*, *Russisches Mönchtum* (1953), 79–100.

¹²⁵⁸ *Steindorff*, *Glaubenswelt* (2005), 164.

¹²⁵⁹ Ibid., 164–5.

was active for a short time as the igumen [abbot]. The founding of his own monastery in 1479 furthered his goal of realizing a monastic community with a strict coenobitic way of life. Prince Boris Vasil'evič of Volokolamsk, brother of the Moscow grand duke Ivan III Vasil'evič, participated in the construction of the first church in the monastery: 'This most honorable prince is the *načal'nik* [founder] of this holy site and himself with the reverend Igumen Iosif laid the first beam for the church on his patrimony.' Prince Boris granted two privileges to the monastery: yet in no way can one deduce from the text of the documents that the prince understood himself to be the founder and benefactor of the monastery. He himself was not even buried there, but rather in the Moscow Kremlin; it was his two sons who first found their final resting place in the Iosif Monastery.¹²⁶⁰ Until the end of the century the wealth of the monastery so increased through the additional endowment of real estate and the obligations to commemorative prayer resulting from them that reformers raised objections. It was asked whether the monks had a right to the possession of land at all, or whether they should not live from the work of their hands? It appears, however, to have been the founder Iosif Sanin himself who introduced a veritable tariff system of memorial services, ranked according to the amount donated, which was adopted by all the main monasteries of the Muscovite realm. Only beginning at the end of the 16th century were endowments of land seriously combatted.¹²⁶¹

The (first) empire of the Bulgarians, which had been Christianized in the late 9th century, was brought by Prince Symeon (894–927) to its largest extent.¹²⁶² As Byzantium was subjected to tribute after a military reverse (897), Symeon erected a new capital in Preslav. Now there arose in that place and in the vicinity of Ohrid the first Bulgarian monasteries. As the new czar Peter made peace with Constantinople (927), monasticism in Bulgaria truly began to blossom. The economic basis may have been the gifts of the "emperor of the Bulgarians" and other wealthy notables.¹²⁶³ Paradigmatic of Bulgarian monasticism were, however, the hermitages, often connected with communal monasteries and favored by the land's mountain ranges,¹²⁶⁴ for which reason pious individuals repeatedly turned for material aid to "secondary" founders as

1260 Ibid., 165, with a quotation on annual commemoration for the princes of the so-called Mealbook of Volokolamsk.

1261 Ibid., 166, cf. 168–9.

1262 *Borgolte*, Christen, Juden, Muselmanen (2006), 163–5; *Giuzeev*, Bulgarian Medieval State (1981); *Lang*, Bulgarians (1976), 42–71.

1263 *Borgolte*, Christen, Juden, Muselmanen (2006), 358; *Obolensky*, Byzantine Commonwealth (1971, repr. 74), 160, 383.

1264 See in addition on Lesnovo: *Browning*, Gavril of Lesnovo (1991).



ILLUSTRATION 19 Mother of God of Volokolamsk, 16th century. Russian icon

benefactors. For monasticism itself influences from Greece and examples of Mount Athos were discernable. To the present day the Rila Monastery in the mountains of the upper Struma, which was founded by the monk John (around 930/1), is famous; it was supported in the 13th/14th century with landed possessions and privileges by the Bulgarian czars and nobles.¹²⁶⁵ In the 14th cen-

¹²⁶⁵ *Obolensky*, *Byzantine Commonwealth* (1971, repr. 74), 384; *Browning*, *John of Rila* (1991); *Schwartz*, *Rila* (1991).

ture Czar Ivan Alexander (1331–71) patronized the Monastery of Zographou on Athos, which had been controlled by Bulgarian monks for some centuries; this ruler, who maneuvered between various powers in the Balkans, even succeeded in persuading the emperor of Byzantium and the Serbian “autokrator” into making donations to the monastery.¹²⁶⁶ In the same ruler the world-travelling monk Gregory of Sinai, who was repeatedly persecuted by the Turks, found financial assistance for establishments of *lauras* in Paroria (Thrace), including on Mount Katakekryomene, where Greek and Slavic monks in the Athonite tradition practiced mystic contemplation through prayer (Hesychasm).¹²⁶⁷

The situation among the Serbians was considerably different than that of the Russians and Bulgarians, if while searching for foundations one takes monasticism into account. While in this context the beginnings of the formation of stable political units on the lower Adria extend back to the 6th/7th century, it was first in the High Middle Ages that one can speak of empire formation.¹²⁶⁸ From the time of its founder, the grand *župan* Stefan Nemanja (1166–96), until 1371 only his dynasty, that of the Nemanjids, reigned.¹²⁶⁹ They systematically employed church and above all monastic foundations for the legitimation of their rule. This does of course not exclude religious motivations in a narrower sense, and similarly to the Bulgarians and Russians the Serbians also utilized the experiences of Greek monasticism as well, in particular the model of monasteries on Athos. In the beginning there was cooperation between Stefan Nemanja and his son Sava, who became a monk on the Holy Mountain.¹²⁷⁰ When in 1196 Stefan passed on his crown in favor of a homonymous son, he retreated as a monk to the Monastery of Studenica in southern Serbia (near Ušće), which he himself had founded;¹²⁷¹ there he adopted the name of Symeon. Yet in 1198 he followed his son Sava onto Athos and there planned with him the restoration of the ruined Hilandar Monastery (near Esphigmenou);¹²⁷² he sent Sava to Constantinople for this purpose, in order to acquire permission to realize their plan. Sava composed a monastic rule oriented on the *typikon* of the Evergetis Monastery of Constantinople.¹²⁷³ Stefan Nemanja, with the monastic name of Symeon, also founded other monasteries

1266 *Kazhdan* / *Talbot*, Zographou Monastery (1991); *Browning*, Ivan Alexander (1991).

1267 *Talbot*, Gregory Sinaites (1991); *eadem*, Paroria (1991); *Obolensky*, Byzantine Commonwealth (1971, repr. 74), 389–92, who also refers to a daughter establishment in Kilifarevo (c. 1350), which likewise was erected with the aid of Ivan Alexander.

1268 *Borgolte*, Christen, Juden, Muselmanen (2006), 158; *Obolensky*, Byzantine Commonwealth (1971, repr. 74), 400–1.

1269 *Allen*, Nemanjid Dynasty (1991).

1270 *Allen*, Stefan Nemanja (1991); *Browning*, Sava of Serbia (1991).

1271 *Ševčenko* / *Babić*, Studenica (1991).

1272 *Talbot* / *Cutler*, Hilandar Monastery (1991); *Actes de Chilandar I* (1998), 26–32.

1273 *Browning*, Sava of Serbia (1991); *Talbot* / *Cutler*, Hilandar Monastery (1991), 931.

(Djurdjevi Stupovi; Sts. Maria and Nicholas in Toplica), died in 1199/1200 and was initially buried in Hilandar. When Hilandar was occupied by the Latins in 1208, Sava made his way to Studenica Monastery and brought the mortal remains with him. Sava as well as his brother Stefan composed *vitas* of their father, which founded a Nemanjid biographical tradition.¹²⁷⁴ These literary monuments of the ruling family have been designated “the principal contribution made by the Serbs to the literature of medieval Europe.”¹²⁷⁵ Again and again, the Nemanjids were also immortalized in the frescoes of their churches and monasteries—a singular testament to successful memorial endowments.¹²⁷⁶

Despite the opposition of Sava, his brother allowed the pope to provide him with a crown in 1217 and honor him with the title of king. Though Sava returned to Athos, he was ordained as the archbishop of the autocephalous church of Serbia in 1219; until his death in 1235 he constructed an independent Serbian church organization. He used his fortune and influence also to himself erect churches and monasteries in Serbia, on Athos, in Thessaloniki, Constantinople as well as in the Holy Land. He was interred in Mileševa, the monastic foundation of his nephew Vladislav, which also transmits a contemporaneous depiction of him.¹²⁷⁷

The Monastery of Hilandar on Athos had been endowed with 15 Serbian villages by Stefan Nemanja; in the 13th century it already housed 90 monks. Its next great benefactor was King Stefan Uroš II Milutin (1282–1321). Until the middle of the 14th century Hilandar was extraordinarily wealthy and possessed more than a fifth of the peninsula of Athos and further estates in Macedonia, 360 villages in total.¹²⁷⁸ While his father Stefan Uroš I became known as the founder the Church of Sopoćani (c. 1255),¹²⁷⁹ Stefan Uroš II was ascribed by his biographer Daniil the establishment or rich benefaction of 15 churches and monastery buildings between Serbia and Jerusalem.¹²⁸⁰ In Constantinople

¹²⁷⁴ Allen, Stefan Nemanja (1991).

¹²⁷⁵ Obolensky, Byzantine Commonwealth (1971, repr. 74), 401.

¹²⁷⁶ Allen, Stefan Nemanja (1991), 1948; Ševčenko / Babić, Studenica (1991), 1969; Browning, Mileševa (1991); Ćurčić, Gračanica (1979); Ševčenko, Sopoćani (1991); Babić, Arilje (1991); eadem, Staro Nagoričino (1991); Kazhdan / Babić, Prizren (1991); Allen, Stefan Uroš III. Dečanski (1991), regarding Dečani; Allen / Kazhdan, Stefan Uroš IV Dušan (1991), regarding Peć, Bela Crkva at Karan, Dečani, Lesnovo, Ljuboten, St. Nicholas in Ochrid, Matejčca; Allen, Stefan Uroš V (1991), inter alia regarding Psača.

¹²⁷⁷ Browning, Mileševa (1991); *idem*, Sava of Serbia (1991).

¹²⁷⁸ Talbot / Cutler, Hilandar Monastery (1991).

¹²⁷⁹ Allen, Stefan Uroš I. (1991); Ševčenko, Sopoćani (1991).

¹²⁸⁰ Allen, Stefan Uroš II Milutin (1991), 1950, names each of them (aside from Hilandar and the Greek sites discussed in what follows): Banjska, St. Nikita (see Babić, Nikita [1991]), Studenica, Staro Nagoričino and Prizren; cf. Ćurčić, Gračanica (1979), 6 n. 9.

Milutin, for example, founded a hospice at the Petra Monastery, which he himself restored, and endowed the *xenōn* with landed estates. When the abbot of Hilandar came to Constantinople he possessed the right to occupy three rooms there;¹²⁸¹ the religious establishments of the Nemanjids thus formed a functional framework. The monastic church of Gračanica (near Priština), which the king perhaps had prepared as a tomb, offers a wall inscription with Milutin's document for the monastery as well as the family tree of the royal family according to the model of the "Tree of Jesse".¹²⁸²

Though Bulgars and Serbs expanded at the cost of the empire before they were both subjugated by the Ottomans, Byzantium still found the power to expand in Eastern Europe. North of the Danube, the proto-Romanian princes of Wallachia (1330) and in Moldavia (1365) managed to free themselves from Hungarian suzerainty.¹²⁸³ They sought support from the empire, which conceded to them their own metropolitan seats. Presumably, Orthodox Christianity had some time before expanded to here from Bulgaria. Among the rulers of both lands, Mircea the Elder of Wallachia and Alexander the Good of Moldavia both were certainly in contact with Constantinople.¹²⁸⁴

The voivodes of Wallachia were closely connected with the Athonite Monastery of Koutloumousiou, a relationship that was to last until 1863, that is even under Ottoman rule.¹²⁸⁵ Koutloumousiou bore a Turkish name: it may have been established by a family member of the Seljuk sultans in Asia Minor from the family of Qutlumush I, who perhaps converted to Christianity in the 11th/12th century. When the monastery in 1329 received a large property from the head (*prōtos*) of the Athonite monasteries, 40 monks lived there, albeit in great poverty. The monastery experienced a decisive upturn, even a veritable new founding, through its abbot, Chariton, who was able to secure the support of the Wallachian princes. Chariton, who himself led the monastery from 1355/6 onwards, had to make concessions to the voivode John Vladislav, yet later rose to become metropolitan of Wallachia (1372) and *prōtos* of the monastic community of Athos (1376). From him three testaments have been preserved in which he is ascribed the rank of founder of the monastery (*ktētōr*).¹²⁸⁶

¹²⁸¹ Talbot, Xenon of the Kral (1991).

¹²⁸² Unfortunately, there is no comprehensive treatment or even depiction by Ćurčić, Gračanica (1979), cf. at 9; Ćurčić / Babić, Gračanica (1991). Cf. also Ćurčić, Nemanjić Family Tree (1973).

¹²⁸³ Kazhdan, Wallachia (1991); *idem*, Moldavia (1991); *idem*, Rumanians (1991).

¹²⁸⁴ Kazhdan, Mircea the Elder (1991).

¹²⁸⁵ Byzantine Monastic Foundation Documents 4 (2000), 1408; Talbot, Koutloumousiou Monastery (1991); Năsturel, Mont Athos (1986), 39–72.

¹²⁸⁶ Byzantine Monastic Foundation Documents 4 (2000), 1408–32.

In order to improve the status of the monks he had, as he described in 1370, not only turned to prominent Romans (Byzantines) but also to donors of other nationalities, with whose help he was able to outfit the monastery with not inconsiderable properties (1414); he was especially concerned with defensive structures against external foes who threatened to disturb the life of the ascetics: "I therefore went off to the most fortunate, most valiant lord, my son, the ruler of Ungrovlachia, lord John Vladislav, the *voivode*, and explained my plans to him. I also intimated that since his father, lord Nicholas Alexander of blessed memory, himself lord of the same Ungrovlachia, had greatly cooperated in constructing the foundations for a great tower, even though its completion was left to others, he too ought to imitate his father. This would assure him of remission of his sins, good health of soul and body, and an enviable reputation among emperors and rulers, for he would not be inferior to them in his munificence and his offerings to this most holy mountain, the eye, so to speak, of the whole civilized world. All this would be his if he should choose to build fortifications in this monastery of Koutlounousi." His endeavor had required much power of persuasion, as well as many journeys, in order to find support from others. The *voivode* insisted on one condition for his support, which Chariton found difficult to fulfill: to wit, the monastery was not only to accept Vlachs as monks, but also to turn into an idiorhythmically-organized monastery from its current communal form, which offered the individual much freedom. Monks of these houses could possess property and acquire it through their own work.¹²⁸⁷ Correspondingly, Chariton already in his first testament was able to name as its financial endowment not only movable and immovable goods, which Koutlounousiou owed to benefactors mentioned by name, but also the monks themselves.¹²⁸⁸ In a later version (1378) he ranked the benefactors according to their origin: Romans, Serbians and Wallachians, and differentiated between gifts of money and other goods.¹²⁸⁹ Most of the properties, however, stemmed from the yields of the corporal labor of the brothers.¹²⁹⁰ In the later Middle Ages the *voivode* Vlad IV Kalogeros, among others, endowed

¹²⁸⁷ Talbot, *Idiorhythmic Monasticism* (1991), 982.

¹²⁸⁸ Byzantine Monastic Foundation Documents 4 (2000), 1416–7.

¹²⁸⁹ *Ibid.*, 1419. Chitwood, *Stiftungsvermögen* (2016), 334, cites a corresponding passage from the *Actes du voevode Jean Vladislav* (21988), 109; Chariton had attracted patronage for his monastery with the words: "Serbs, Bulgars, Rus' and Georgians have taken care for their commemoration and honor on this wondrous and holy mountain, which forms, one might say, the eye of the whole Orthodox world."

¹²⁹⁰ Byzantine Monastic Foundation Documents 4 (2000), 1422.

the monastery with a rent of 4,000 *aspra* and it was patronized by two kings of Georgia, who are honored for this with a donor portrait in the refectory.¹²⁹¹

1.3.4 *Caliphs and Their Epigones: Foundations for the Support of the Community*

1.3.4.1 The Legal and Political Basis

There existed royal foundations in the Arabic sphere already a thousand years before Muhammad. The son *S²hr Ġyln* of King *³bs²bm* of Qataban in the south of the peninsula (Yemen) dedicated to the god *^εm d-Lbh* and his priests, according to a rock inscription in the wādī Labaḥ around the 5th/3rd century BCE, “for all time” the “tenth of all revenues, the tribute, the acquisitions and inheritances as well as all tax revenues” of a fertile littoral.¹²⁹² A reference to the financing of the cult or salvation of the soul, as in the roughly contemporaneous temple foundation in Tayma’ much further north and dedicated to Aramaic deities, is here lacking. While Zoroastrian, Jewish and Christian influences on the religious motivation of Muslim foundations are likely, a direct relationship between these and the ancient Arabic religious permanent gift of Qataban can hardly be established, for Islam knew no cultic foundations for priests of the one God.

Scholarship has again and again come to the conclusion that the quite widespread phenomenon of Islamic foundations, though religiously motivated, has no explicit basis in the Quran or in the sayings of the Prophet (*hadīts*); rather, it must have been the case that, after its praxis had already become widespread, Arab jurists in the 9th century CE first overcame theological reservations and theoretically justified it.¹²⁹³ The Islamic foundation is designated as *waqf* (in the context of the Mālikī school of law as *ḥubs*), which etymologically refers to immobility. The verb forms *waqafa* and *waqqafa* mean “to last”, “to remain immobile” or “to immobilize” and were especially used “in order to express the idea of foundations with property and its inalienability.”¹²⁹⁴ Inalienability was ascribed to foundations because the property belonging to them, it was imagined (according to the doctrine of the Ḥanafī jurists), was subsumed within the

¹²⁹¹ Chitwood, Stifter (2016), 417.

¹²⁹² Corpus of South Arabian Inscriptions (2004), 270–2, no. 197 R 3688 (with an English translation as well as a commentary by Giovanni Mazzini). It is dated to Period B, on which see *ibid.*, 27–9. On the historical context (with a geographic map) *ibid.*, 17–22. Cf. Sánchez, Periodisierung (2014), 279.

¹²⁹³ Summarized in Sánchez, Stiftung (2014), 44; Hennigan, Birth of a Legal Institution (2004), 178–86.

¹²⁹⁴ Sánchez, Stiftung (2014), 38.

“law of God” (*ḥuqūq Allāh*);¹²⁹⁵ with its immovability the *waqf* also acquired unlimited permanence as the “property of God”, while its religious quality was at the same time connected with the idea of philanthropy. In contrast to the more general alms prescribed by Islam (*zakāt*), foundations were seen as a voluntary deed of charity; the accompanying concept of *ṣadaqa* was sometimes even used for “foundations” themselves.¹²⁹⁶ From the beginning, so it was at least transmitted, foundations had been the inalienable property of God for the use of the community of the Prophet, yet that also meant that the special use for the construction of “public infrastructure” stood behind them. In Islam as well foundations created the state, but not, as in Ancient Egypt, with the motivation of caring for the dead and tombs, nor, as in medieval India, with the goal of colonization, but rather from the pious veneration of God and in order to support the Umma (the community of believers). In the same sense, albeit used with reference to society, the Israeli scholar of Islamic Studies Miriam Hoexter recently stated: “(...) the *waqf* fulfilled a particular role: it became the vehicle for financing Islam as a society, or, as I prefer it: the *waqf* served as a major means through which the Islamic idea of the social order proper for the *umma* was implemented.” Thus, foundations in the premodern Muslim world were created by all strata of the populace, including rulers.¹²⁹⁷

A differentiation seemed to exclude this, which Muslim schools of jurisprudence developed concerning the *waqf* in the course of the 9th century CE and applies to the present day. According to this the *waqf ḥairī* is to be differentiated from the *waqf ahlī*.¹²⁹⁸ The former concept designates a foundation in favor of institutions of relief under public administration, the second a personal or familial foundation “that is, a foundation in favor of relatives, descendants or clients and, after their demise, in favor of the poor.” The beneficiaries are in this case normally the direct heirs of the founder, while only a portion of the *waqf* incomes would benefit charity without being diverted elsewhere. The founder himself could even become one of the beneficiaries or an administrator. These familial foundations, which were always the most common form of foundation in Islam, also served in particular to preserve the estate for bodily heirs, and thus to deprive it from the “state”. Though the differences between the various forms of foundations were emphasized by jurists, historians have, by contrast,

1295 Cf. Hoexter, *Ḥuqūq Allāh* (1995); Heidemann, Frömmigkeit (2009), 64.

1296 Sánchez, Stiftung (2014), 38; Gil, Earliest Waqf Foundations (1998), 130.

1297 Hoexter, Public Sphere (2002), 120.

1298 What follows is after Sánchez, Stiftung (2014), 41; cf. Heidemann, Frömmigkeit und Wohltätigkeit (2009), 64–5.

qualified them. In fact, they both fulfilled “public functions”. The *waqf* was always an individual act that would also be accrued as a good work only for the founder in the hereafter; it would also be accountable to the whole community, especially as it always (even in the case of the *waqf ahlī*, albeit only after the extinction of the line of inheritance) benefited charity.¹²⁹⁹

This also meant that from the 3rd century onwards an imagined narrative of its origins served to justify the concept of a “foundation”.¹³⁰⁰ In this tradition, Muhammad himself had dedicated the property of those Jews killed in or expelled from Medina to the Muslim community.¹³⁰¹ As ‘Umar ibn al-Ḥaṭṭāb, his father-in-law and later the second caliph (634–44) received his portion from the oasis of Ḥaibar, which had likewise been inhabited by Jews and surrendered to the Prophet (628), he is said to have asked Muhammad whether he should give it away as *ṣadaqa*; the latter responded that he ought to retain the possession as his property, but to endow its profits “for pious purposes”.¹³⁰² Thus, in this case the revenues, not the property itself, became inalienable. When Caliph ‘Umar conquered the Sawād, essentially the area of modern Iraq, he gave his warriors no share of the spoils, nor did he retain these for himself, but rather had their entirety, as has been transmitted, turned into *waqf* within the inalienable possession of the Umma. It included the inhabitants of the land, who were tied to it and were to serve with their labor the Muslim community.¹³⁰³ ‘Umar acted in a corresponding fashion after the conquest of Egypt: “He wanted it to be a *ḥaṣṣ*’ (a source of income) made into a *waqf* (*mauqūfan*) for the

1299 Hoexter, *Public Sphere* (2002), 121; *Sabra*, *Public Policy* (2005), 101.

1300 Sánchez, *Periodisierungen* (2014), 277 maintains that the sources for the formative epoch of Islam are quite meagre, and argues for an “invention of tradition”, with reference to *Hennigan*, *Birth of a Legal Institution* (2004), esp. 108–85, as a process of adaptation of the concept of foundation by the Muslims from the 9th century CE. In contrast to the depiction in what follows, *Heidemann*, *Frömmigkeit und Wohltätigkeit* (2009), 65–74, differentiates the Early Islamic Period of the Umayyads and Abbasids, in which “similarly to the Late Antique state” public and semi-public tasks were generally financed by the public purse, from that of the Zengids and Ayyubids (in Syria and northern Mesopotamia), which was characterized by a sovereign foundation policy through private funds. Even if “state” funds were certainly from the start used for the infrastructure of the formative Arab empire, *Heidemann* ignores the fact that these were also viewed as *waqf* of the Umma and were thus religiously interpreted. A periodization that divided between “public” and “private” funds with regard to foundations, as in ancient Rome, would doubtless fail, even if an awareness of the difference in financing foundations appears to have increased in the 12th century.

1301 *Lev*, *Charity* (2005), 55; *Sánchez*, *Periodisierungen* (2014), 281–2.

1302 *Forand*, *Status of the Land* (1971), 30; *Gil*, *Earliest Waqf Foundations* (1998), 126; *Knost*, *Stifter* (2016), 380.

1303 *Forand*, *Status of the Land* (1971); *La Martire*, *Soziale Positionen* (2017), 46.

Muslims and their offspring, generation after generation".¹³⁰⁴ It is also reported that Muhammad left nothing to his daughter Fātima, but rather declared his estate to be *ṣadaqa* or a pious foundation.¹³⁰⁵ In particular, warriors in Holy War, the poor and orphans were named as beneficiaries of these (supposedly) early *waqfs*.¹³⁰⁶ Whenever even afterwards a conqueror with his warriors abstained from his spoils in favor of the Umma, made them inalienable as *waqf* and financed philanthropic deeds with the revenue (*ṣadaqa*), these converged with "public tasks" (*maslaha*),¹³⁰⁷ which included the construction of streets and bridges, irrigation projects, hospitals etc.¹³⁰⁸ Furthermore, the "court circle", that is the foremost elite, participated in works of the caliphs and other rulers in Islam; in this regard the spheres between them as well were not clearly separated, and much the same can be said of the division between "state" and "private" properties among those who could possess both.¹³⁰⁹

The difficulties in defining Muslim rulers as founders also stem from the fact that authority in Islam was itself theologically and historically controversial, did not develop uniformly and manifested itself in a large number of dynasties with their own histories.¹³¹⁰ The history of Muslim conquests from the 7th century onwards already shows that no single political will was efficacious; Islam was more characterized by a plurality of political, and also of religious, forces from the very beginning. Already the first caliphs were unable to hinder their generals from attacking the neighboring lands of Islam at their own initiative, undertaking plundering expeditions, extracting tribute and, not least of all, expanding the "Area of Islam" at the expense of the unbelievers. The caliphs, who initially desired to be the "Servant of God, Commander of the Faithful" (Arabic: *ʿabd allāh, amīr al-muʿminīn*) and later also the "Representative (Arabic: *al-ḥalīfa*) of the One Sent by God",¹³¹¹ in the course of the rapid expansion of the Arabs had to again and again recognize governors in the new provinces which they were barely able to control. Even the caliphate, which under

1304 Cited after *Gil, Earliest Waqf Foundations* (1998), 128, cf. *Forand, Status of the Land* (1971), 29.

1305 *Gil, Earliest Waqf Foundations* (1998), 130, 138; *Lev, Charity* (2005), 55.

1306 *Lev, Charity* (2005), 55; cf. *Gil, Earliest Waqf Foundations* (1998), 131–2.

1307 Cf. *Sabra, Public Policy* (2005), 97; *La Martire, Soziale Positionen* (2017), 44.

1308 Cf. *Forand, Status of the Land* (1971), 32.

1309 Cf. *Lev, Charity* (2005), 47.

1310 *Borgolte, Christen, Juden, Muselmanen* (2006), 243–7. Cf. *Crone, Medieval Thought* (2004); *Black, History* (2001). On its history: *Krämer, Islam* (2014); *eadem., Geschichte* (2005); *Haarmann* (ed.), *Geschichte* (2009); *Nagel, Islamische Welt* (1998); *Gronke, Geschichte Irans* (2006); *Wink, Al-Hind* (2002–04); *Kennedy, Muslim Spain* (2008). At times with a different interpretation is *Höfert, Kaisertum und Islam* (2015), *passim*.

1311 See the analysis of *Höfert, Kaisertum und Kalifat* (2015), 259–327.

the Umayyads (661–750) had its capital in Syrian Damascus, while under their successors the Abbasids (until 1258) it was Baghdad on the Tigris, was unable to achieve political unity and itself contributed from a religious perspective to schisms, even heresies, amongst the believers. There thus arose a multitude of often short-lived Islamic principalities, which, though unable to override the community of believers as a whole, were nonetheless able to individually follow their own various religious orientations and were not infrequently hostile to one another.

A major cause of this fissuring was the endurance of tribal structures and blood ties. Already indicative of this is that, of the first four caliphs, two were fathers-in-law of the Prophet himself, with the other two being his sons-in-law, and that lasting divisions arose from their rivalry that have endured to the present. A first civil war for the caliphate arose in 656 as ‘Uṭmān, the third caliph, was murdered and ‘Alī b. abī Tālib, the consort of Muhammad’s daughter Fāṭima, was promoted by his partisans as his successor. The governor of Syria, Mu‘āwija b. abī Sufjan, a brother-in-law of the Prophet, opposed ‘Alī, who submitted to an arbitration in 660, and founded the dynasty of the Umayyads. From ‘Alī’s “party”, that is the Shia, dissatisfied Ḥārīgītes split off with him, one of whom even murdered ‘Alī himself. The Ḥārīgītes recognized no prescriptions for their way of life outside of the Quran, and battled the caliphate; some among them became so radical that they condemned any form of authority. Yet they played a noteworthy role only in the 7th century. The Shiites, by contrast, understood authority to be the Imāmate. The Imām was the leader of prayer in the mosque; the caliph himself could be honored with this title. In addition, the Shiites saw the Imām as the legitimate leader of the community, who was entitled to rightful leadership because of his bloodline, according to the law of God: “According to religious-political theory the Shiite imams were ranked below the Prophet, the bearer of the law, yet they attained a certain amount of sanctity in the eyes of the faithful, because they (...) preserved correct, divinely-mandated application of this law.”¹³¹²

The Shia therefore demanded that the lawful caliph be a descendant by blood of Muhammad and Fāṭima, which simultaneously guaranteed religious authority. In fact, the Shiites were unable to prevail against the Umayyads, and in 680 one of their own, ‘Alī’s son al-Husain, suffered martyrdom at Kerbelā’. Over the course of time, they compensated for their political misfortunes with millenarian speculations: they awaited (and still await) a legitimate successor of ‘Alī—in the manner of the “Twelver Shias”, the hidden twelfth Imām—, who

¹³¹² Nagel, *Islamische Welt* (1998), 40; cf. Höfert, *Kaisertum und Kalifat* (2015), 279–88.

will end the political and religious division within Islam, reconstitute pristine Islam and bring justice to the world.

In the conflict with the Umayyads Sunnism, the third fundamental strand of Islam, developed. The Sunnis accused the dynasty of the caliphs of fabricating the tradition of Muhammad and his first two “representatives”, and wanted to again achieve the original prophetic community through orientation on their normative behavior (Arabic: *as-sunna*). A collection of testimony from the early period fostered this, which extended beyond the Quran, and stemmed from Muhammad himself and from his companions (*hadīṭ*). The Quran, the Imāmate and the *sunna* respectively constituted for the three aforementioned religious communities of Islam the essential authorities for the justification of authority, without their being able to directly contribute to the basis of the caliphate.¹³¹³

Nevertheless, it is a significant characteristic of Islam throughout the entirety of its history that political authority was never loosed from its religious basis, as in the Western Christian world.¹³¹⁴ Islam had no church which could claim and also implement a monopoly on the oversight of the religious tradition and means to salvation, and thus stand between God and man; as unknown was the concept of the public office and a transpersonal state, so that the authority of the ruler was grounded only in the personal qualities of his biological descent and divine selection. The inseparability of authority and religion was manifested from the beginning most clearly in the caliphate itself, even when the reach of its power at first only gradually emerged. Its religious basis was already made evident in that calling Abū Bakr the first “Successor of the One Sent by God”¹³¹⁵ was justified on the grounds that during the life of Muhammad he had already vicariously taken over the leading of ritual prayers. From that time it has remained among the foremost duties of the Islamic head of state to utter the ritual prayer in the mosque, especially during the Friday service. On the latter occasion loyalty to God as the true ruler is announced, and likewise the political leader is expressly named as a successor of the Prophet and the earthly custodian of Allah.¹³¹⁶ The caliph was to be an Imām, that is the spiritual leader of the community, as well as the emir,

¹³¹³ According to *Höfert*, *Kaisertum und Kalifat* (2015), the caliphate can be understood as a product of late antique civilization, in which both Christianity and Islam developed alongside the Christian imperial office. The caliphate in this context is to be understood as a variant of an “imperial monotheism” after the model of the (post-)Constantinian imperial office. Cf. on which *Borgolte*, *Anspruch der Kalifen* (2015).

¹³¹⁴ Against this view see now *Höfert*, *Kaisertum und Kalifat* (2015).

¹³¹⁵ Critical of this *ibid.*, 250.

¹³¹⁶ *Nagel*, *Islamische Welt* (1998), 151.

the “Commander of the Faithful” (*amīr al-mu’minīn*), in a thoroughly military sense. He had to provide for the application of divine law, to defend the territory of Islam against attackers and to carry the war of faith into the domain of the unbelievers, to collect taxes and dispense justice.

The fundamental concept of political order was the *Islam*, which meant subjugation to the will of God and promised admission into a pact of peace. In contrast to Christian Europe, the Islamic “people” encompassed tribes, clans or other segmented groups without destroying their inner structures. Tribal society was, however, eclipsed by universal revelation.¹³¹⁷ Islam from its origins also encouraged the breaking of ethnic categories. Non-Arabs were welcomed, and were even as obligated to the acceptance of the faith as Muhammad’s own people. All men shared the same rights and duties, and their hierarchy was to be composed according to their share of wisdom and piety. Thus, the caliph who was not only Imām and “representative of the Prophet”, but also desired “kingship” (*mulk*), was mocked: anyone wanting to be named a king was guilty of interfering within the sphere of divine authority.

And this was precisely what the pious accused the Umayyads of doing. After the elimination of the empire of the Sassanids (until 645), the Umayyads began in fact to import monarchical ideas from Persia into the neo-tribal order of the Muslim Arabs.¹³¹⁸ This can be deduced, for example, from the creation of a court of appeals according to the Sassanian model, or in monarchical rhetoric. The ruler was now seen as the shepherd of his flock; the caliph filled the earth with light, mercy, justice and even with rain. He could demand unquestioned obedience and call himself the “Representative of God”, no longer only of the Prophet. The Abbasids further developed these ideas into a central monarchy, which is especially evident from the fantastic construction of their capital in Baghdad (762), where an Iranian-inspired court culture was introduced with a corresponding ceremonial protocol. The caliphs could now designate themselves as the “Authority of God on Earth” and depict themselves as an element of the cosmic order.

It was first in the middle of the eleventh century, as the Muslim world had already sharply diversified politically, that a systematic treatment of the caliphate arose; its author was the jurist al-Māwardī (d. 1058).¹³¹⁹ Scholarship assumes that the treatise was in no way unrealistic, but rather grasped the possibilities of the caliph quite accurately. From the first centuries, however, Sunni thinking

¹³¹⁷ Black, *History* (2001), 11.

¹³¹⁸ Unsatisfactory is Höfert, *Kaisertum und Kalifat* (2015), 119–23, 259, 266, 273, 498, 510.

¹³¹⁹ Black, *History* (2001), 85–90; Crone, *Medieval Thought* (2004), 223–33 and passim; Nagel, *Islamische Welt* (1998), 162 and passim; *idem*, *Kalifat der Abbasiden* (21991), 154–57.

had altered the Abbasid Caliphate. Al-Māwardī thus drew a clear boundary between the duties of the caliph and the personal responsibility of the faithful. The Quran and Sunna had laid down an order valid for all cases, according to which the individual was to live; the caliph had only the task of preserving the empire from strife, so that the faith could be practiced without hindrance.¹³²⁰ The author also, however, points out that Muhammad appointed substitutes for the leading of communal rituals during his absence in Medina. By means of this pluralization of office-holders he was thus able to apportion roles in the religious-political order to the representatives of the Prophet, that is the caliphs, as well as the officials in the provinces. All of these have the same task, namely the authority that had originally fallen to the God-appointed promulgator of the law itself. Nevertheless, the authority of the governor was always to be derived from that of the caliph. With regard to “viziers” (ministers) and “emirs” (military commanders), al-Māwardī clearly differentiated between those commissioned by the caliph as opposed to those who had usurped their tasks. The latter were, however, to be retroactively legitimated by the representative of the Prophet. In this way, he accounted for the regionalization of the Islamic Empire, yet also prepared the way intellectually for the sultanate.¹³²¹ This title of office is derived from the Arabic *as-sultān*, the “full authority”, and therefore refers back to the authoritative position of the caliph.¹³²² Although attempts to legitimize the *de facto* exercise of authority without recourse to the caliph certainly occurred, they did not last. The caliph thus remained, despite long periods of impotence, in the end the pivotal example for the justification of Islamic state authority in the Middle Ages.

The Muslim conquests, which not only facilitated the expansion of Islam but practically caused it, extending from the Arabian Peninsula encompassed the lands of the Mediterranean from Spain and Morocco to India in the east, to an extent already even the islands of Southeast Asia. Countless emirs, viziers and sultans rendered themselves practically or even legally independent, at times there even existed a number of caliphs. Their foundations are attested by archival sources, that is charters, as well as above all historical narratives and biographical sketches that are, however, quite unevenly distributed.¹³²³ There is a great lack of scholarly monographs on the foundation history of individual dynasties or Muslim states,¹³²⁴ to say nothing of comparative or synoptic

¹³²⁰ Al-Mawardī, Ordinances (1996), 15–6.

¹³²¹ Ibid., 23–37; 38–59.

¹³²² Ibid., 36–7.

¹³²³ Cf. Sánchez, Schriftzeugnisse (2014); *idem*, Forschungsgeschichten (2014), 104.

¹³²⁴ Cf. Sánchez, Periodisierungen (2014), 277, with reference to, inter alia, Amīn, Awqāf (1980). In addition are, among other works, *Alhamzah*, Late Mamluk Patronage (2009); *Kahil*,



ILLUSTRATION 20 Damascus and the Great Mosque, painting of the 17th c. CE

works.¹³²⁵ Nonetheless, analyzing sovereign foundations in particular allows the possibility of examining foundations in Islam diachronically.¹³²⁶

1.3.4.2 The Caliphs of Damascus and Baghdad as Founders

Only little can be ascertained regarding sovereign (and other) foundation activity in the first two centuries after the death of Muhammad (632).¹³²⁷ Yet the caliphs from the dynasties of the Umayyads and Abbasids are credited by scholars with the financing of public and semi-public tasks, such as the building of fortresses and roads, irrigation, the construction of mosques and supplying them with personnel, along with the creation of markets, normally from the public purse (*dīwān* and *bayt al-māl*). Without a doubt, they everywhere took pains for the construction or maintenance of “Friday mosques” (*ḡāmiʿ*),

Sultan Ḥasan Complex (2008); *Subtelny*, Timurids (2007); *Talmon-Heller*, Islamic Piety (2007); *Korn*, Architektur 1 (2004); *Sabra*, Poverty (2000); *Shatzmiller*, Berbers (2000), esp. 83–134; *Fernandes*, Evolution (1988). For later centuries: *Hoexter*, Endowments (1998).

¹³²⁵ *Lev*, Charity (2005), on which *Sánchez*, Forschungsgeschichten (2014), 110; *Toukabri*, Satisfaire le ciel (2011). *Çizakça*, History (2000) (with an emphasis on Ottoman history).

¹³²⁶ Cf. *Sánchez*, Periodisierungen (2014), 282.

¹³²⁷ *Ibid.*, 282; *Heidemann*, Frömmigkeit (2009), 65–6.

where the faithful of a city, urban quarter or village were to gather weekly to hear preaching with the explicit mention of the caliph's name (*khutba*). Famous among even much later travelers to Syrian Damascus was the Great Mosque of the Umayyads. The Meccan pilgrims Ibn Ġubair from Spain and Ibn Battūta from Morocco both visited the capital of the first caliphal dynasty in 1184 and 1326,¹³²⁸ respectively, and ascribed its erection to al-Walīd I (r. 705–15). According to the earlier account, the latter sent heralds for this undertaking to Constantinople, in order to demand from the emperor 12,000 craftsmen with threats: "But he obeyed submissively, after an exchange of letters between them, even as is recorded in the books of history."¹³²⁹ The caliph himself personally supervised its construction, whose gold and colored mosaics made it exceedingly splendid. Ibn Ġubair utilized a chronicle which reported the construction costs at 11.2 million dinars. Since the mosque was erected on the site of a Christian church (dedicated to John the Baptist), only half of which had been seized, al-Walīd compensated the "unbelievers" "with a great sum."¹³³⁰ The individual rooms and auxiliary buildings are described in more detail; among them were nooks where students could copy or study the Quran in peace, while elsewhere strangers were housed.¹³³¹ One of three domes served as the treasury for the riches of the mosque; in this context one learns precise information, otherwise seldom found, on the endowment's properties and revenues. The mosque was said to have received a large income "from its rents and the sale of crops", which Ibn Ġubair claims to have himself investigated there, that exceeded 8,000 Tyrian dinars.¹³³² Ibn Battūta, by contrast, in his time wondered at revenue from landowning exceeding 25,000 gold dinars.¹³³³ Conclusions regarding the size of the endowment, which of course may have grown considerably from the time of its creation, are given by yet another

1328 Cf. *Samarrai*, Ibn Jubayr (2000); *Van Leeuwen*, Ibn Battūta (2000); *Dunn*, *Adventures* (2005); on both see *Borgolte*, *Augenlust* (2010).

1329 Ibn Dschubair, *Travels* (1952), 272; the German translation (Ibn Dschubair, *Tagebuch* [1985], 197) contains unmarked abridgements of the text.

1330 Ibn Dschubair, *Travels* (1952), 273; German translation: Ibn Dschubair, *Tagebuch* (1985), 198. Cf. *Sack*, *Damaskus* (1989), 21. In fact, it was al-Walīd's second successor, 'Umar II (717–20), who resolved the legal dispute with the Christians, see: *Noth*, *Früher Islam* (2001), 83–4.

1331 Ibn Dschubair, *Travels* (1952), 276, 283; German translation: Ibn Dschubair, *Tagebuch* (1985), 199, 204. Only in the English translation is there in the end mention of a special foundation (*waqf*) instituted for such persons, who reclined against a certain pillar and meditated or studied; the founder is not named.

1332 Ibn Dschubair, *Travels* (1952), 277; German translation: Ibn Dschubair, *Tagebuch* (1985), 200.

1333 *Travels of Ibn Battūta* I (1958), 126.

passage in the two travel accounts. The entire Quran was read in the mosque every day. Whoever among the faithful had not mastered the text adequately and came, received daily support. For the author of the 12th century, this meant that more than five hundred men who could live well from this financing. His later fellow-traveler, who otherwise largely copied his account, counted over 600 persons. Lectures, for which the teachers received generous compensation, were also held.¹³³⁴ The pilgrim from North Africa also observed that a secretary noted those absent by means of a list of names, and correspondingly they could expect only a reduced stipend.¹³³⁵ Even students from the Mālikī school of jurisprudence of the Maghreb, that is the West, were endowed with a concrete sum: “The conveniences of this venerated mosque for strangers and students are indeed many and wide.”¹³³⁶

Analogously to the Umayyads of Damascus, the Abbasids also naturally provided for a (congregational) mosque in their new capital of Baghdad.¹³³⁷ The mosques at the holy sites of Mecca and Medina, which in part went back to Muhammad himself, were, after the “Upright Caliphs”, renovated or expanded by their successors from both dynasties.¹³³⁸

A type of hospital, that is an establishment specializing in medical care (*bīmāristān* or *māristān*), which can be understood as a further development of the Christian hospice (from the 4th cent. CE), is apparently evidenced for the first time as an undertaking of the aforementioned Umayyad caliph al-Walīd in Damascus in the year 706/7 CE. The Abbasid Hārūn ar-Rašhīd (r. 786–809), among others, followed his example, and he—as was customary for early foundations of this sort—entrusted a Christian doctor with the design and administration of his hospital in Baghdad.¹³³⁹ Already under the Umayyads there also existed special officials for the oversight of charitable establishments. Where the caliphs were unable to spend their own funds for their undertakings, they were able to fall back upon the revenues of the agricultural tax (*ḥarāğ*), as well

1334 Ibn Dschubair, *Travels* (1952), 283; German translation: Ibn Dschubair, *Tagebuch* (1985), 203; *Travels of Ibn Battūta 1* (1958), 129.

1335 *Travels of Ibn Battūta 1* (1958), 129.

1336 Ibn Dschubair, *Travels* (1952), 283; German translation: Ibn Dschubair, *Tagebuch* (1985), 204.

1337 The caliph al-Manšūr (reg. 754–75) and his son al-Hādī (d. 785) were credited with the construction of a mosque: *Travels of Ibn Battūta 2* (1962), 331; *Sánchez, Periodisierungen* (2014), 283 with 293 n. 22.

1338 On Medina cf. *Travels of Ibn Battūta 1* (1958), 168 (on ‘Umar), 170–1 (‘Utmān, 644–56; then al-Walīd, al-Mahdī, 775–85); on Mekka *ibid.*, 193 (then again al-Mahdī).

1339 Busse, *Chalif* (1969), 530; *Arjomand, Philanthropy* (1998), 115; *Sánchez, Wohltätigkeit und Bildung* (2016), 212–3.

as—as far as “unbelievers” (Christians, Jews, Zoroastrians) were concerned, particularly in the cities—the poll-tax (*ḡizya*).

The most renowned of the Abbasids, Caliph Hārūn, engaged in holy war against Byzantine Empire.¹³⁴⁰ The support of fighters for the *ḡihād* through the donation of weapons, alms and food already belonged to the context of the Islamic foundation according to the first relevant theoretical tract from the 9th century. Communal lodgings (*ribāt*, *khanqāh*) in the fortresses in particular, which Hārūn had constructed in the contested border region of Asia Minor, can be considered to be pious foundations of the caliph, though studies on this appear to be lacking.¹³⁴¹

A practice otherwise prevalent among other Muslim dynasties can also be observed with the Abbasid caliphs, namely that the female relatives of rulers appear as independent founders.¹³⁴² There is in any case much transmitted regarding what Hārūn's mother, Ḥaizurān, and one of his wives, Zubaida, did for the Muslim community.¹³⁴³ Ḥaizurān had been a Yemenite freedwoman and concubine of the caliph al-Mahdī, and was first able to emerge as a founder only after the accession to the throne of her second son, Hārūn.¹³⁴⁴ In only a few years (786–d. 789) she is said to have possessed an enormous personal income of 160 million dinars, which represented more than half the value of the land tax, the most important regular source of revenue for the state.¹³⁴⁵ She took advantage of her second pilgrimage to Mecca in 788 as an occasion to erect a mosque at the birthplace of the Prophet,¹³⁴⁶ and placed a personal token of remembrance at another spot in the city where Muhammad met his companions during the first period of his mission. She built a house there that was to bear her name; it possibly was intended to function as a lodging for pilgrims. Likewise, in Mecca, but also in other cities and regions of the empire, she erected fountains and canals—a form of charity that was as highly-prized as a pious work in Islam as well as in Christianity, and to wit of particularly vital importance in the climate of the Arabian peninsula.

¹³⁴⁰ Krämer, *Geschichte* (2005), 83.

¹³⁴¹ Sánchez, *Periodisierungen* (2014), 283; *idem*, *Gedenken und Kultus* (2016), 125–6. Cf. Knost, *Stifter* (2016), 380. On Saladin's endowment of investments to finance Holy War s. Sánchez, *Religiöses Verdienst* (2016), 45. On the relationship between the concepts of *ribāt* and *khanqāh* s. *idem*, *Sachzeugnisse* (2014), 479; Korn, *Architektur 1* (2004), 60–1.

¹³⁴² Sánchez, *Periodisierungen* (2014), 283. On women as founders cf. now in particular *La Martire*, *Geschlecht* (2017).

¹³⁴³ *La Martire*, *Geschlecht* (2017), 136, qualifies that many of the historical accounts on the both of them can only be legendary.

¹³⁴⁴ Abbott, *Two Queens* (1946), 117–20.

¹³⁴⁵ *Ibid.*, 124.

¹³⁴⁶ Lapidus, *History of Islamic Societies* (³2014), 120.

Zubaida, a cousin and wife of the caliph who became the mistress of his harem between 789 and 803, that is in most years of Hārūn's reign, acted even more comprehensively and lastingly as a founder.¹³⁴⁷ She left behind traces of this activity not only in Baghdad, but also in Raqqa, which from 796 became the preferred Syrian residence of her consort, also in the neighborhood of the Byzantine Empire,¹³⁴⁸ or on the banks of the Tigris, where palaces, baths and gardens beckoned for relaxation. She also apparently participated in the construction of border fortresses: the sources credit her with the construction of a fortified convent in Badakhshān west of the River Oxus, the renovation of the fortress of Warathān in the northern province of Adharbāyjān and of a guesthouse in the alpine city of Baghrās on the Syrian-Byzantine border. In Persia she is said to have constructed the northern urban quarter of Tabriz as well as the city of Kāshān. Complexes, called "Zubaidiyah" after her, lined the pilgrim road from Kufa to Mecca.¹³⁴⁹ This route, some 1,300 kilometers long and especially traversed by the impecunious faithful, was particularly dear to her. She built at least nine way stations with wells and in parts even a shelter for the performance of prayers, in some cases even with a mosque, and after the fork in the road to Medina there soon stood a tenth "Zubaidiyah".¹³⁵⁰ As important, if not more so, were the wells and aqueducts she had constructed to supply pilgrims to Mecca and at the holy sites themselves. After Hārūn's death, as she was returning from Raqqa to Baghdad with the caliph's treasure, she immediately set out again for Mecca (809), in order to adorn the Kaaba with a gift of 20,000 dinars. There she personally supervised the construction of defenses, water tanks and canals and had Allāh praised in an inscription, but also begged for God's mercy for the reigning caliph, al-Ma'mūn. When the governor of the state administration in Mecca had additional cisterns and canals erected (825/6 CE), she was insulted, because she took this to be interference in her personal endeavor. "Why did you not write to me so that I could have asked the Commander of the Believers to assign me that project?", so she reprimanded the senior official. "I would have undertaken its costs as I undertook the expenses of this other cistern so as to accomplish in full my intentions toward the people of the Sanctuary of Allah."¹³⁵¹ Many centuries later, it was a female ruler, the consort of the Turkish sultan Sulaimān the Magnificent, who restored the aqueducts of Mecca with reference to Zubaida (from 1561). The

¹³⁴⁷ *Abbott*, *Two Queens* (1946), 137.

¹³⁴⁸ *Krämer*, *Geschichte* (2005), 84.

¹³⁴⁹ On this and what follows: *Abbott*, *Two Queens* (1946), 238–64.

¹³⁵⁰ *Sabahi*, *Darb Zubayda* (1980); *Atıl*, *Islamic Women* (1993), 6.

¹³⁵¹ *Abbott*, *Two Queens of Baghdad* (1946), 246–7.

Darb Zubaidāh (the “Zubaida Street”) still calls to mind the Abbasid benefactor (d. 831). Water-carriers to the present day praise that “sweet water which refreshes the soul” and encourage others to enjoy it with the call: “Drink of the consecrated water from the well of Zubaida”.

The Turkish mother of the caliph al-Muqtadir (d. 932), Şağab, was also active as a founder in Mecca and Medina.¹³⁵² It is noteworthy that the mother of the caliph al-Muntaşir (d. 861/862) is also credited with the construction, and thus the foundation, of the first mausoleum (of the so-called Ḥabaşīya).¹³⁵³

1.3.4.3 Regional Rulers between al-Andalus and Iran

Between 747 and 750 CE the Abbasids overcame the rule of the Umayyads within the caliphate. The grandson of Hishām, the last important member of the first dynasty, named ‘Abd ar-Raḥmān, however, was able to flee to the west, to move from Africa to Spain and in 756 eject the governor of Córdoba and make himself emir. Umayyad rule in Spain was to last until 1031.¹³⁵⁴ In Córdoba ‘Abd ar-Raḥmān not only reinforced the citadel, but also began construction of the mosque of later renown.¹³⁵⁵ The Arabic chronicler Ibn ‘Idārī relates: “In (...) the year 170 [i.e. 786 CE] the emir [‘Abd ar-Raḥmān] ordered the laying of the foundation stone of the Friday mosque in the capital, Córdoba. There earlier stood a church at its location. [‘Abd ar-Raḥmān] gave 100,000 pieces [of gold] for this.”¹³⁵⁶ As in Damascus in the previous century, the Muslim conquerors of Spain had concluded a treaty whereby they were granted half of the old cathedral. Under ‘Abd ar-Raḥmān the Muslim community grew so rapidly that the emir tore down the old building and in its place erected the large mosque. As the homonymous emir ‘Abd ar-Raḥmān III was proclaimed caliph in 929 and his empire was permanently separated from Baghdad, he had his capital’s *ḡāmi‘* renovated and expanded.¹³⁵⁷

The erosion of the Abbasid Caliphate had already begun from the time of the civil war between the sons and heirs of Hārūn, al-Amīn und al-Ma’mūn, which

¹³⁵² *La Martire*, *Geschlecht* (2017), 137, with reference to *Roded*, *Women in Islamic Biographical Collections* (1994), 124; cf. *Nagel*, *Kalifat der Abbasiden* (21991), 141.

¹³⁵³ *Atıl*, *Islamic Women* (1993), 5; cf. *Nagel*, *Kalifat der Abbasiden* (21991), 133.

¹³⁵⁴ *Kennedy*, *Muslims in Europe* (1995), 259; *Borgolte*, *Christen, Juden, Muselmanen* (2006), 260–5.

¹³⁵⁵ *Maser*, *Historia Arabum* (2006), 328, cf. 436 and 298.

¹³⁵⁶ Cited *ibid.*, 436 n. 335.

¹³⁵⁷ *Ibid.*, 339 with n. 494. ‘Abd ar-Raḥmān’s son and successor al-Ḥakam II (961–6) undertook the second expansion of the Mezquita, for which the Byzantine emperor sent 320 centners of stone for the mosaics, s. *Singer*, *Maghreb* (21991), 281. Cf. *Borgolte*, *Christen, Juden, Muselmanen* (2006), 266–8.

broke out in the year 811–3.¹³⁵⁸ Among the winners was the Turkish governor in Egypt, Ahmad ibn Tulun (868–84); he became the founder of the “Tulunids” (until 905), who, along with the land on the Nile, soon brought Palestine and Syria under his control and whose position was recognized by the caliphs of Baghdad (892).¹³⁵⁹ Already in the 10th century, therefore at almost the same time, Ahmad found in Balawi a biographer who depicted him as a blood-thirsty ruler, who sought to compensate for his (mis)deeds through generous benefactions to the poor.¹³⁶⁰ His erection of a congregational mosque was emphasized, which in the manner of founders bore his name, in addition to his establishment of a hospital equipped with costly medicines and abundant drinking water, as well as of a fountain in Fustat (Cairo).¹³⁶¹ Two dreams transmitted by Balawi and reminiscent of the accounts of Pope Gregory the Great in Rome allow one to recognize the political prestige that Ahmad thereby acquired as well as the religious context of his activity.¹³⁶² Two dreamers saw Ahmad in paradise. The first, a strict ascetic, explained to the deceased emir that he enjoyed joy in the hereafter because of his devotion to Holy War, his efforts to secure the Muslim-Byzantine border and his philanthropic benefactions. The other narrator was likewise abstemious and had devoted his whole life to the service of God. He assured Ahmad that he had been saved from hell because of the well he had built. Ahmad was also credited with having other pious founders imitate his example. The biographer demonstrates this with a report of two court decisions issued with the participation of the emir, which proved the inalienability of *waqf*.¹³⁶³ A tax-liable peasant had died and left to his young children a house, but also tax liabilities. Ahmad swore to these facts before the qadi, so that the heirs had to sell the house to cover the unpaid liabilities. In another instance much the same is related of a second peasant, who, however, had turned his house into a pious foundation. In contrast to a public foundation (*waqf ḥairī*), it was a private one (*waqf ahlī*), which had employed within Islam from time immemorial to bypass inheritance law and support children and grandchildren as beneficiaries of the foundation. The qadi reminded Ahmad that he himself had created innumerable pious foundations, and convinced the ruler to recognize the peasant's foundation by forfeiting the unpaid taxes.

1358 Nagel, *Kalifat der Abbasiden* (21991), 127.

1359 Ibid., 131–2.

1360 Lev, *Charity* (2005), 11, 21 und 40.

1361 Ibid., 29, cf. 131.

1362 Ibid., 39–40.

1363 Lev, *Charity* (2005), 60.

The Tulunids were among those Turks who from the second third of the 9th century became ever more valuable to the caliphs as a counterweight to the Arabs and Persians among their mercenaries.¹³⁶⁴ The inner dissolution of the caliphate nonetheless continued, and accelerated from the early 10th century onwards. In the east, especially in Iran, the family of the Buyids from the region of Daylam on the south shore of the Caspian Sea became the most successful.¹³⁶⁵ One of them, Ahmad, who originally ruled Kirmān and Chusistan, advanced in 945 to Baghdad, put the Turkish guards to flight and made himself the new protector of the caliph. Each mutually honored the other and henceforth both were mentioned, one after the other, in the Friday sermon. Ahmad had already previously adopted the standard title of a “Great Emir” (*amīr al-umārā*; “Commander of Commanders”). The Buyids largely presented themselves via Iranian traditions and invented a line of descent from the Sassanids; they consistently adopted the ancient Persian title of “King of Kings” (*shāhānshāh*). The most outstanding ruler of the Buyids was ‘Aḍud ad-Daula (978–983), who even had himself crowned as Great King according to Persian court protocol.¹³⁶⁶ The main site of Buyid rule was their court at Šīrāz, though they did not abandon Baghdad. In his court city in Fars the great emir founded a public library which his sons and successors later renewed and enlarged.¹³⁶⁷ In Persia he distinguished himself in particular as a founder of hospitals and other philanthropic foundations. He became renowned for his eponymous hospital in Baghdad, on which he was said to have spent 100,000 dinars¹³⁶⁸ and which he had built directly opposite his palace on the east bank of the Tigris (980–982): “The personnel included doctors and apothecaries, store managers (*ḥazzān*), gatekeepers and wardens, its equipment included medication (*adwīya wa ašriba*), carpets and devices. Among its scholarly directors was the Christian doctor, philosopher and cleric Abū ‘Alī Nāzif b. Yumn. Like other public establishments, the hospital was maintained by pious foundations. ‘Aḍud ad-Daula also saw to this: especially mentioned are the erection of a mill on the Zubaidīya Canal (...) and the opening of a cloth merchants’ bazaar in the vicinity of the hospital. Alongside the scholarly administration, naturally maintained by the doctors, there was also a special ‘administrative director’, under whom the pious foundations created for the benefit of the hospital also stood.” It has been deduced that the director of

¹³⁶⁴ Nagel, *Kalifat der Abbasiden* (21991), 131–2.

¹³⁶⁵ On this and what follows *ibid.*, 141–6; Gronke, *Geschichte Irans* (2006), 32–4.

¹³⁶⁶ Busse, *Chalif* (1969), 174.

¹³⁶⁷ *Ibid.*, 528.

¹³⁶⁸ Arjomand, *Philanthropy* (1998), 115.

the hospital was a judge; accordingly, he would not actually have administered the hospital himself, but rather was subordinated to 'public' positions."¹³⁶⁹

Under the Buyids authority within the caliphate was further regionalized through the further development of the already-existing system of land grants (*iqta'*). Since it had already been the case that, due to the scarcity of money, meritorious soldiers were compensated with estates, so further functions of rulership, which had belonged to the prerogatives of the governors, were transferred to them or to other magnates of the caliphs. 'Adud ad-Daula himself had the nominal ruler of the empire leave large areas in western Iran to one of his brothers in this fashion. According to the surviving text of the document, the caliph granted to him in the precisely-delineated districts and areas "the leadership of the prayer as well as the administration of the soldiery, the auxiliary and police troops, the Ḥarāğ and tithe tax, the demesne lands, the supervision of minting, the distribution of alms, the taxes on the unbelievers and all other exactions, as well as of the mustering and payment of the army, (...) the jurisdiction over complaints against the ruler, (the regulation) of the slave markets and the place of verification in the office of the mint."¹³⁷⁰ A process of feudalism is discernable here, which, via its access to state revenues, also affected the area of sovereign foundation activity. Vice versa this also meant that officials or persons of considerable authority participated in the caliphal function of public foundations. It has been pointed out that one can thus understand the Islamic empire as a type of patrimonial rule, as Max Weber did.¹³⁷¹ However, the 10th/11th century CE marked no new approach in this regard, since foundations in Islam from time immemorial were based on conquests in favor of the Umma, so that officials, indeed all believers, were bound to them.

Viewed from this perspective, the foundations of additional libraries and hospitals, even of the "academies" (*dār al-'ilm*) such as in Baghdad, by soldiers, viziers or other magnates under the Buyids, turned out to be an endeavor of "general government" interest.¹³⁷² Badr ben Ḥasanūya (d. 1015), who was active as a governor in multiple west Iranian provinces for 30 years under the Buyids, even used *waqf* as means of public order.¹³⁷³ He built bridges, guesthouses and wells, endowed them with their own estates and allocated revenues for their maintenance. Above all, he erected mosques of a new sort, with teaching establishments for penniless students, and to wit 3,000 of them. These so-called

¹³⁶⁹ Busse, Chalif (1969), 531–2.

¹³⁷⁰ Cited after Nagel, Kalifat der Abbasiden (21991), 145.

¹³⁷¹ Arjomand, Philanthropy (1998), 112–3. More precisely, according to Weber, Drei reine Typen (1988), 479, it corresponds to its "estate" (*ständische*) form.

¹³⁷² Cf. Busse, Chalif (1969), 524–8, 532.

¹³⁷³ Arjomand, Philanthropy (1998), 114–5.

“mosque-inn colleges of law” combined sites of teaching with subsidized lodging, without both being (as would be the case with later mosques) institutionally bound.¹³⁷⁴

The Buyids belonged to a moderate strand of Shiism,¹³⁷⁵ and correspondingly financed the progeny of ‘Alī and his consort Fāṭima with yearly pensions and the allocation of incomes from pious foundations.¹³⁷⁶ Yet the genealogical extraction of both sets of descendants was carefully reviewed. Around the year 1000 CE their situation in Baghdad became precarious, since the Abbasid caliph al-Qādir (r. 991–1031), as a Sunni in conformance with the populace of his city, rebelled against the alien rulers. In the process he also employed Turkish allies and mercenaries, who now advanced militarily and politically from east to west.¹³⁷⁷ The first to be affected by the upheavals were the Iranian Samanids of Bukhara, who acted largely autonomously as the governors of the caliph in Khorasan and Transoxiana. As one of the Turkish officers of the Samanids, Sebüktegin, broke with them in Afghan Ghazna, his son Maḥmūd in the year 999 was able to establish an independent empire from Bukhara. Maḥmūd of Ghazna (until 1030), who was Sunni, was recognized by al-Qādir and formed the first legally independent Turkish empire of the Islamic faith. Annual campaigns to India allowed him to adorn not only his palaces, but also a mosque and a madrasa, which he erected in Ghazna, with gold and other precious materials.¹³⁷⁸ For his foundations he is also credited with bridges, aqueducts and irrigation canals; it is attested that he and his son Mas‘ūd (until 1041) utilized the corvée labor and taxes of their subjects.

Still under Mas‘ūd a nomadic Turkish tribe under their military leaders pushed the Ghaznavids all the way to Afghanistan and northern India. These were the Ġuzz, who were called “Seljuks”, after their first leader. Under Ṭoġrilbeg they took the important city of Nishapur in Khurasan in 1037, a Persian foundation, which under Muslim rule (from 755 CE) had been an important trading entrepot on the route to Bukhara and further still to India and China.¹³⁷⁹ Ṭoġrilbeg advanced further to the west, conquered Baghdad from the Buyids (1055) and had himself made “sultan”, that is “plenipotentiary ruler”, by the caliph.¹³⁸⁰ Meanwhile, in Nishapur he installed his nephew Alp Arslān (1058), at whose side stood a capable vizier by the name of Niẓām al-Mulk.

¹³⁷⁴ *Makdisi*, *Rise of Colleges* (1981), 29–31.

¹³⁷⁵ Namely the Zaydiyya, s. *Gronke*, *Geschichte Irans* (2006), 32.

¹³⁷⁶ *Gronke*, *Geschichte Irans* (2006), 33.

¹³⁷⁷ Cf. *Nagel*, *Kalifat der Abbasiden* (21991), 147.

¹³⁷⁸ On this and what follows: *Bosworth*, *Ghaznavids* (1963), 139–41.

¹³⁷⁹ Cf. *Bulliet*, *Patricians of Nishapur* (1972), Part I.

¹³⁸⁰ *Nagel*, *Kalifat der Abbasiden* (21991), 148–58.

When ʿŌğrīlbeg died in 1063, Alp Arslān succeeded him as sultan, and Nizām al-Mulk as the true regent of the Seljuk Empire.¹³⁸¹

The background and rise of the Seljuks are narrated at this point, because they offer a paradigm for the genesis of an important type of Muslim foundation: the invention and spread of the madrasa. In the words of the scholar of Islamic Studies George Makdisi, this is to be understood in classical Islam as the Muslim “institution of learning par excellence, in that it was devoted primarily to the study of Islamic law, queen of the Islamic sciences.”¹³⁸² According to Makdisi’s understanding, the madrasa developed from the *masʿid*, which reached back to at least the 8th century CE, thus into the earliest period of Islam, and in which Islamic sciences of all sorts, including grammar, philology and literature, were taught.¹³⁸³ The *masʿid* can be categorically designated an establishment of learning based on a foundation and loosed from the control of the founder, which, however, provided no opportunity for housing to its pupils.¹³⁸⁴ An intermediary stage between it and the madrasa was supposedly the “mosque-inn college of law”, for which Badr ben Ḥasanūya became famous. Even though the madrasa, like the *masʿid*, was created by a foundation, in contrast to the latter it remained “forever” under the supervision of the founder and his progeny.¹³⁸⁵ Also characteristic of this establishment was that, alongside the professor of law, the founder foresaw positions for a preacher (*wāʿiẓ*), librarian (*mutawallī-l-kutub*), Quran teacher (*muqqarī*) as well as a grammarian (*naḥwī*) who functioned as a teacher of Arabic.¹³⁸⁶ Makdisi and others ascribe the decisive role in the spread of the madrasa as a juristic institution of higher learning across the breadth of the Umma to the vizier of Alp Arslān, Nizām al-Mulk (d. 1092), therefore to the rise and expansion of the Seljuks; an important date in this schema is the establishment of the “Madrasa Nizāmiya”

1381 *Bulliet*, Patricians of Nishapur (1972), 72–3.

1382 *Makdisi*, Rise of Colleges (1981), 9, 27. More critically: *Geelhaar*, Stiftungszweck Bildung? (2007), 64–5.

1383 *Makdisi*, Rise of Colleges (1981), 27–9.

1384 *Ibid.*, 21–3.

1385 *Ibid.*, 28.

1386 *Ibid.*, 302; *Sánchez*, Periodisierungen (2014), 284; *idem*, Wohltätigkeit und Bildung (2016), 217. Cf. *Geelhaar*, Stiftungszweck Bildung? (2007), 64–5: “In Islam a madrasa [in contrast to the Western university colleges] was established for a teacher or for one or more schools of jurisprudence. (...) The teacher and instruction stood in the foreground and not so much the community of students, who were housed in or supplied by the madrasa. The instructor was to transmit the learning of that particular ‘school’, whose exegesis the founder desired to further with his endeavor. The foundation’s expenditures thus brought it about that no change within jurisprudence could be introduced.”

in Baghdad in 1067.¹³⁸⁷ The various Muslim strands of jurisprudence profited from the invention of the madrasa. Only in al-Andalus, that is Muslim Spain, was it unable to penetrate before the year 1349; there the Mālikī law on *waqf* reigned supreme, which restricted the control of the founder over his *waqf* to a greater degree than other schools of jurisprudence.¹³⁸⁸

The widespread but historically false conception is that Nizām al-Mulk was the very first founder of a madrasa.¹³⁸⁹ Scholarship has found early traces and indications in Nishapur, where urban notables (a “patrician class”) are known to have been active as beneficent founders since at least the 10th century CE.¹³⁹⁰ Richard W. Bulliet, utilizing the *History of Nishapur* (*Ta’rīkh Naisābūr*) of al-Ḥākim an-Naisābūrī (d. 1015 CE) and its continuation by ‘Abd al-Ghāfir al-Fārisī (d. 1135 CE), which he characterizes as a compilation of “patrician biographies”,¹³⁹¹ has provided proof that madrasas were widespread in this city of Khorasan long before the turn of the first millennium CE.¹³⁹² The Ghaznavids (1012 CE) and a governor of the region (before 994 CE), among others, had erected mosques here,¹³⁹³ which according to Bulliet formed “the models” for Nizām al-Mulk, “when he commissioned the building of the first Nizāmiya in Nishapur in 1058/450.”¹³⁹⁴ Yet the oldest madrasas in Nishapur were not confined to the teaching of the law:¹³⁹⁵ for example, the study of *hadīth* is evidenced for one, another was the foundation of a famed Sufi and seems to have instead facilitated preaching and the other special activities of these ascetics or mystics.¹³⁹⁶ The elite (the “patrician class”) of the city had apparently by tradition entrusted the supervision of education to a “Shaikh al-Islām”,¹³⁹⁷ according to a thesis of Bulliet, Nizām al-Mulk instituted “state” supervision in opposition

1387 *Makdisi*, Rise of Colleges (1981), 31–2.

1388 *Makdisi*, Madrasa in Spain (1973); *Sánchez*, Wohltätigkeit und Bildung (2016), 218. Meanwhile, the teaching of the Malikis is attested for the oldest known madrasa of Nishapur, founded before 936 CE by a jurist, s. *Bulliet*, Patricians of Nishapur (1972), 249 no. 1.

1389 Thus also *Sánchez*, Periodisierungen (2014), 284; *idem*, Wohltätigkeit und Bildung (2016), 218.

1390 Cf. *Bosworth*, Ghaznavids (1963), 157, with reference to a founder who had died in 986 CE.

1391 *Bulliet*, Patricians of Nishapur (1972), xi; *ibid.*, xii, with the information that for Nishapur alone there are 4,400 such biographical sketches that are still largely unexamined by scholars.

1392 *Bulliet*, Patricians of Nishapur (1972), 47, 73–5, 249–55.

1393 *Ibid.*, 73 with 250–1 nos. 9 and 5.

1394 *Ibid.*, 73 with n. 37, with 254 no. 39.

1395 *Ibid.*, 48.

1396 *Ibid.*, 250 nos. 6–7.

1397 *Ibid.*, 65.



ILLUSTRATION 21 Samarkand, Registan with three madrasas: Left to right: Ulugh Beg (1417–20), Tillja Kari (1647–60) and Shir Dor (1619–36)

to him,¹³⁹⁸ from which, it might be added, the particular rights of oversight for founders of madrasas and their descendants may have developed.¹³⁹⁹

Still further to the east, in Transoxiana, Yaacov Lev sought the prototype for a madrasa dedicated to law.¹⁴⁰⁰ Here around the turn of the century the Seljuks were in the service of the Qarakhanids. It can be verified that in 1066 Ibrahim ibn Nasr, the ruler of the western khanate from this dynasty, erected an educational institution of Ḥanafī doctrine in his capital of Samarkand. Alongside the professor, who received the largest salary, thirty students who lived on its grounds were maintained by the foundation.¹⁴⁰¹ While the Seljuk sultans likewise espoused Ḥanafī jurisprudence and apparently also supported

¹³⁹⁸ Ibid., 73.

¹³⁹⁹ But cf. *ibid.*, 74–5.

¹⁴⁰⁰ Lev, Charity (2005), 98, 122–3. On the Qarakhanids s. *Lapidus*, *History of Islamic Societies* (2014), 112, 115, 337 and elsewhere; *Krämer*, *Geschichte* (2005), 134.

¹⁴⁰¹ The madrasa of Samarkand was, however, part of a larger complex, which also included a mausoleum, mosque, study-rooms, a courtyard with a garden, a library with living quarters for personal retreats. A hospital was designated exclusively for the inhabitants of Samarkand, whom a series of doctors had to tend to, yet whose duties also included providing for the poor and travelers. Supervision over it, as well as the prescribed religious services and prayers, was to be invested with the personnel of the Friday mosque.

high officials, who through madrasas provided a home for this strand of Sunni learning, Nizām al-Mulk tended towards the legal theory of Idrīs aš-Šāfiʿī (767–820).¹⁴⁰² One cannot speak of a perfectly uniform legal policy under the Seljuks; by contrast, diversity and rivalry reigned, and in addition female members of the ruling house also participated in endowment activity.¹⁴⁰³ Yet the Seljuks and their officials shared a preference for the theology of Aschʿariya.¹⁴⁰⁴ The grand vizier Nizām al-Mulk, to whom supposedly flowed a tenth of state revenues and who was even able to maintain his own army, did not restrict his charitable works merely to the teaching of law and religion, but also fostered, among other things, the mystic contemplation of Sufis so inclined through the erection of convent buildings (*khanqāhs*). The yearly expenditure of his foundations is to have totaled 600,000 dinars.¹⁴⁰⁵

In his *Book of Statecraft*, the grand vizier nonetheless called for the separation of the tax administration from beneficiaries of the “state”.¹⁴⁰⁶ The background to this was a special concept for the maintenance of a professional cavalry. This formed the basis not only for the conquest of the Seljuks, but also over the long term the cornerstone of Turkish power in Syria and northern Mesopotamia as well. In order to finance the seasonably deployment-ready, mounted army, “the lands surrounding the conquered cities were divided among the emirs and army units as *iqṭāʿ*. That is where they were also stationed. The *iqṭāʿ* consisted of a direct claim to the tax revenue (*ḥarāğ*) of each district in exchange for military service.”¹⁴⁰⁷ In the west of the Seljuk Empire the *muqṭāʿ*, the personal beneficiary of an *iqṭāʿ*, contrary to the intention of Nizām al-Mulk, at the same time took over the fiscal-administrative management and the political-military security of his district from which he received exactions. Naturally, this decentralization deprived the state authority of enormous centrifugal powers, which the sultans sought to attain through the formation of elite troops composed of military slaves (mamlūks or *gilmān*). Money was also needed for fortifications and the expansion of cities, especially since the Seljuks for the first time since the de facto collapse of Abbasid authority around 900 CE again were erecting monumental prestige buildings. As a source for the revenues required, rulers

1402 Arjomand, *Philanthropy* (1998), 115–6. Briefly on the schools of jurisprudence is also Halm, *Islam* (2002), 43–5.

1403 Arjomand, *Philanthropy* (1998), 116.

1404 Ibid., 115; on this theological teaching Halm, *Islam* (2002), 37.

1405 Lev, *Charity* (2005), 51; Arjomand, *Philanthropy* (1998), 115–7; Heidemann, *Frömmigkeit* (2009), 69.

1406 Heidemann, *Frömmigkeit* (2009), 67–9 with n. 29; Krämer, *Geschichte* (2005), 136–7.

1407 Heidemann, *Frömmigkeit* (2009), 67.

exacted tolls from long-distance trade and exactions from sales within cities, which, however, contradicted the law (*šārīʿa*).

In contrast to the Buyids they had expelled, the Seljuk sultan found himself in religious accord with the Abbasid caliph, the nominal head of state. In the meantime, Baghdad was for time threatened by other Shiites, namely the Fatimids.¹⁴⁰⁸ In a precise sense they were not merely schismatics, but rather heretics: though the Fatimids maintained their genealogical descent from 'Alī und Fāṭima, for all their veneration of Muhammad they rejected his position as the last prophet and dismissed Islam as one of the state religions. One speaks of Ismaili Shiites. In the year 909 the Fatimids overcame the more than one-hundred-year rule of the Aḡlabids in Ifrīqiya (Tunisia),¹⁴⁰⁹ and in the following year erected their own caliphate; this was a usurpation that claimed leadership of the worldwide Umma at the expense of Baghdad itself. Supported by native tribal warriors of the Kutāma people and imported military slaves, often of Slavic, though later also of Turkish, extraction, the Fatimids contemplated territorial expansion to the west, that is via Africa at the expense of the Umayyads in Spain, as well as against Byzantine territories in Sicily and southern Italy, and above all in the east against Egypt. Though they were never able to attack Europe, they succeeded in conquering the land on the Nile in 969 after numerous failed attempts. They erected a new palace city, named "the Victorious" (*al-Qāhira*), upon the old Arab garrison city of Fuṣṭāṭ Miṣr. In 973 the Fatimid caliph moved with his whole court from North Africa to Egypt. In the double-city on the Nile two palace mosques now arose next to each other, one for the autochthonous Sunnis, the other for the Ismaili immigrants, but it must be emphasized that the majority of the populace was not even Muslim, but rather Christian or Jewish. The new rulers also employed non-believing officials, a circumstance which at times led to major protests among the Muslim subjects. The running of state affairs was entrusted to Ya'qūb ben Killis, who had been born as a Jew but converted to Islam from 967.

1408 *Halm*, Fatimiden (21991); *Krämer*, Geschichte (2005), 117–31.

1409 Ibrāhīm ibn Aḡlab, a Persian officer in the service of Hārūn ar-Rašīd, had founded the Emirate of the Aḡlabids in North Africa (Tunisia) around 800 CE. Scholars have highlighted the Empire of the Aḡlabids (906/7 CE) "as the most important polity culturally of the Maghreb in this period, whose brilliance overshadowed the Fez of the Idrisids and the Córdoba of the emirs," according to *Singer*, Maghreb (21991), 275. The 'Uqba Mosque and waterworks (the "Basin of the Aḡlabids") in the capital city of Qayrawān, as well as a royal library with particular support for doctors, are all noteworthy as foundations, s. *Singer* 272–4.

One of the most successful foundations within Muslim education goes back to him.¹⁴¹⁰ At the spiritual center of Ismaili statehood stood the palace mosque of *al-Azhar* ("The Most Luminous"), Ya'qūb created 35 chairs of jurisprudence—the point of departure for the most important institution of higher education until the present day in the Islamic world.¹⁴¹¹ For the Umma in their period it was still more important, as far as the Fatimids were concerned, to establish themselves as the protectors of the holy sites of Mecca and Medina and their pilgrims at the expense of the caliphs of Baghdad, yet without exercising territorial authority there. They repeatedly endowed the two cities with opulent payments of gold, but soon on the Nile there also lay "the most important endowed estates that financed religious and social institutions in Mecca; the city was regularly supplied with Egyptian grain, and even the Kiswa, the annually-replaced cloth that covered the Ka'ba, came from Egyptian weavers."¹⁴¹²

It is to be assumed, however, that with philanthropic and religious undertakings, immediate donations and long-term foundations were continuously supplemented by funds from the state budget and revenues from estates. The third Fatimid caliph, al-Ḥākim (996–1021), for instance, created in 1014/5 a pious foundation for various religious and social tasks. The endowed property consisted of a mixture of urban shops and country estates, and it was to finance Quran readers and muezzins in the Friday mosque in Cairo, the working of cisterns, the operation of a hospital and care for funerary shrouds. This was one of the oldest foundations endowed with both urban and rural properties. The diversification and dispersal of properties was meant to foster the chances for survival of the foundation. "It also provided a steady flow of revenues, since urban commercial properties generated income all year whereas rural lands only generated income after the harvest."¹⁴¹³ In 1015/6 the caliph was presented with a list of names of religious scholars, reciters of the Quran and muezzins, who were to be annually paid to the tune of the exceedingly great sum of 71,733 dinars from the treasury.¹⁴¹⁴ In the middle of the 11th century the Persian traveler Nasir Khusraw also observed that in Egypt, outside of the army, "scholars, literati, poets and jurists" were provided with a salary; in addition, he mentioned that the Fatimids maintained mosques and their staffs entirely from the

1410 On the philanthropic and ad hoc works of the vizier s. also *Lev, Charity* (2005), 15.

1411 *Halm, Fatimiden* (2001), 172; *Krämer, Geschichte* (2005), 124.

1412 *Halm, Fatimiden* (2001), 173.

1413 *Lev, Charity* (2005), 70.

1414 On this and what follows *ibid.*, 14–6.



ILLUSTRATION 22 Al-Azhar Mosque in Cairo (Egypt) with academy (since 988 CE)

revenues of their crown lands.¹⁴¹⁵ In 1123/4 it is attested that in the budget of the caliphate of Cairo subventions were slated for converts to Islam, above all, however, for the poor and beggars.

Al-Ḥākim in 1010 provided the *al-Azhar* mosque with an endowment.¹⁴¹⁶ The caliph, who pursued a vigorous policy to renew the Umma and, in contrast to his predecessors, acted repressively against Christians and Jews, is, however, above all prominently associated with the founding of an institution of learning, which can be understood as a counterpoint to the madrasa, an institution gradually spreading under the Seljuks. He created in 1005 a “House of Knowledge” (*dār al-‘ilm*) or “House of Wisdom” (*dār al-ḥikma*) near his palace in Cairo. In contrast to the pure school of law imported from the east, this academy was dedicated to the cultivation “of every kind of science and learning.” Its core was the library, whose basic holdings stemmed from the palace of the caliph; along with a librarian and multiple porters and attendants, scholars were engaged and salaried, and not merely representatives of the usual disciplines of law, tradition (*ḥadīth*) and reading of the Quran, but also grammarians and philologists, logicians, mathematicians and astronomers as well as

¹⁴¹⁵ According to *Sánchez*, *Periodisierungen* (2014), 278, as founders the Fatimids preferred congregational mosques.

¹⁴¹⁶ *Lev*, *Charity* (2005), 148; *Knost*, *Stifter* (2016), 389–90.

doctors. The library was open to the public; anyone could copy any text; quills, ink and paper were provided. Occasionally, the caliph invited the representatives of the individual disciplines to the palace for learned disputations.”¹⁴¹⁷

In the middle of the 11th century there arose in the eastern Mediterranean in the Fatimids and Seljuks two expanding Muslim powers of opposing religious convictions.¹⁴¹⁸ As the Sunni Togrïlbeg in 1055 ejected the Shiite Buyids from Baghdad, a general supported by the Fatimids temporarily contested his authority at the seat of the old caliphate; even though he sent the black mantle and turban of the abdicated Abbasid caliph to Cairo and instead hoisted the white flag of the Fatimids, the Seljuk sultan was soon able to again win the upper hand.¹⁴¹⁹ Sunnis of Turkish extraction also pushed back the Fatimids in Syria and Palestine; Aleppo and Jerusalem fell into their hands in 1071, Damascus in 1076.¹⁴²⁰ An important strategic and symbolic success was a victory of the so-called Seljuks of Rum in 1071 over the Byzantine emperor at the Battle of Mantzikert (Malazgirt), as a result of which Eastern Roman Asia Minor largely and permanently fell under Muslim rule.¹⁴²¹ The temporarily-unified Great Seljuk Empire under Alp Arslân's son Malikšâh (r. 1072–92) stretched from the western border of China to eastern Anatolia, Syria and the Arabian Peninsula. Nizâm al-Mulk, an important opponent of the Ishmaelis, still occupied the vizierate; in 1092, however, this political leader was murdered, and his sultan died in the same year, supposedly from poison. At almost the same time the reign of the last major caliph of the Fatimids, al-Mustanşir, ended (1094).¹⁴²² The difficulties caused by the Seljuks to Christian pilgrims on their route to Jerusalem caused (among other factors), after an appeal of the pope, the First Crusade (1096–1099), which, however, had its goal the liberation of Jerusalem and the holy sites of Christianity from Muslim rule.¹⁴²³ Already on the march a Latin prince, supported by his knights, founded a duchy in the western fashion on the Euphrates at the expense of Christian-Armenian rule; shortly thereafter the Crusaders took Antioch from the Seljuks and finally conquered the Holy City, which had just fallen into the hands of the Fatimids.

¹⁴¹⁷ *Halm*, *Fatimiden* (2019), 180; cf. *Lev*, *Charity* (2005), 54, 95–6. Here is also a reference to a library foundation with supposedly 100,000 books. *Borgolte*, *Christen, Juden, Muselmanen* (2006), 555–6.

¹⁴¹⁸ Cf. *Cobb*, *Kampf ums Paradies* (2015), 57–61.

¹⁴¹⁹ *Halm*, *Fatimiden* (2019), 187; *Krämer*, *Geschichte* (2005), 134–5.

¹⁴²⁰ *Halm*, *Fatimiden* (2019), 187; *Krämer*, *Geschichte* (2005), 125.

¹⁴²¹ *Krämer*, *Geschichte* (2005), 154; *Lilie*, *Byzanz* (2003), 324–8.

¹⁴²² *Cobb*, *Kampf ums Paradies* (2015), 109–10.

¹⁴²³ Cf. the new accounts of *Cobb*, *Kampf ums Paradies* (2015); *Asbridge*, *Kreuzzüge* (2010); *Phillips*, *Heiliger Krieg* (2011).

The history of the Muslim Reconquista already began some decades later. In this period the old legal theory, according to which conquered lands were to become *waqf* for the Muslims, had lost its practical meaning. Even though it may have opposed this development, regions now fell to conquerors, regardless of whether they had previously been under “orthodox” or “infidel” rule.¹⁴²⁴ At first, the initiative for this self-correction of Islam did not arise at the fall of Jerusalem nor came from the caliphs in Baghdad or Cairo, but rather commenced with the Turkman emir of Mosul, ‘Imād al-Dīn Zengi. He himself and his son Nūr ad-Dīn, as well as the heir to their rule, the Ayyubid Saladin (an-Nāṣir Ṣalāḥ ad-Dīn), apparently allowed themselves to be motivated to an increasing degree by the cause of Jihad, understood as Holy War against the infidels. Scholarship is, however, still in disagreement how much religious motivation in each case was actually a cause for action, or whether or how long it was in fact politically instrumentalized.¹⁴²⁵

Zengi rose to the governorship of Mosul (on the Tigris) in 1127 as well as at the same time as the *Atabeg* (“paternal commander”) of the sultan’s two sons as a dread warrior in the service of the Seljuk sultan of Baghdad.¹⁴²⁶ Already in the following year he succeeded in taking the important city of Aleppo, which had stood under the rule of his coreligionists, and thus in attaining a Syro-Mesopotamian twin status. His strategic goal was now Damascus further to the south, where, however, he was only able to strengthen his influence. In the ancient capital of the caliphate he was in any case able to support a madrasa and had himself celebrated there in an inscription of 1138 as “warrior for the Jihad, defender of the boundaries, subjugator of the polytheists [that is the Christians] and eradicator of the heretics [the Shiites].”¹⁴²⁷ As he subjugated Baalbek in Lebanon in 1139, the entire garrison there was crucified to a man, despite mutual oaths of protection; he entrusted the control of the city to a man in his retinue, the Kurdish soldier Nağm ad-Dīn Ayyūb b. Šādī.¹⁴²⁸ In 1144 he took advantage of a period of weakness amongst the Latin counts and took Edessa. Though this “triumph of opportunism”¹⁴²⁹ had dramatic consequences for the Christians from the west and caused their Second Crusade to the east, from Zengi’s perspective it was primarily about constructing a better

¹⁴²⁴ Lambton, *Awqāf in Persia* (1997), 298.

¹⁴²⁵ Cf. Asbridge, *Kreuzzüge* (2010), 247–50, 261, 267, 272, 281, 285, 288, 312, 351, 366–71; Cobb, *Kampf ums Paradies* (2015), 41–6, 161, 179, 210, 212, and elsewhere.

¹⁴²⁶ Asbridge, *Kreuzzüge* (2010), 210.

¹⁴²⁷ Ibid., 249, with the additional reference to corresponding titles on an inscription in Aleppo four years later.

¹⁴²⁸ Ibid., 212.

¹⁴²⁹ Ibid., 215.

connection between the two bases of his rule in Syria and Mesopotamia. He was unable to realize his claim of rising to become ruler of the entire Muslim world and to eliminate the hated heretical Fatimids of Egypt, because he was assassinated in 1146, when he was over sixty years old.¹⁴³⁰ Only later did Islamic chroniclers celebrate him because of his victory of Edessa as a “martyr”, and therefore granted him an honor only meted out to those who met death “on the path of God” as soldiers for the Jihad.¹⁴³¹

Among Zengi’s sons, Nūr ad-Dīn Maḥmūd replaced him and was able to conquer Damascus in 1154,¹⁴³² for his ambitions, which were directed at Egypt, he made use of an outstanding Kurdish general named al-Manṣūr Asad ad-Dīn Šīrkūh, who was a brother of Nağm ad-Dīn Ayyūb.¹⁴³³ He succeeded in this endeavor in 1169 after repeated attempts, entrenched himself on the Nile and had himself named the vizier of Egypt by the Fatimid caliphs. As ad-Dīn Šīrkūh died in the same year, Saladin, the son of his brother, succeeded him. He had himself named “sultan” and in this way underlined his claim to autonomous authority.¹⁴³⁴ In 1171 he permanently overthrew the Fatimids and thereby attained a decisive victory over the hated Shiites. When Nūr ad-Dīn died in 1174, the succession was denied him; the young Ayyubid, however, pushed north from Egypt with military successes and occupied large parts of Syria, including Damascus, but not Aleppo. His victory over the united Crusader army at Ḥiṭṭīn (1187) and the taking of Jerusalem (1189) later fostered the territorial integrity of his realm, but his fame within the history of Islam was above all founded upon his liberation of the Holy City from the hands of the “unbelievers”.

The time of the Zengids and Ayyubids in the Near East (until ca. 1260) was an epoch of rapidly increasingly sovereign foundation activity.¹⁴³⁵ It is related of Nūr ad-Dīn that he gave possessions worth 200,000 dinars (with annual revenues of 30,000 dinars) for pious foundations.¹⁴³⁶ He alone restored more than a hundred ruined mosques and endowed each with a *waqf*;¹⁴³⁷ in Syria and Ġazīra (northern Mesopotamia) 14 new mosques are attributed to

1430 Ibid., 249–50.

1431 Ibid., 249.

1432 On Nūr ad-Dīn: *ibid.*, 250–300; *Cobb*, *Kampf ums Paradies* (2015), 178–83, 199–205.

1433 *Asbridge*, *Kreuzzüge* (2010), 293–300.

1434 *Ibid.*, 300–10 and 314. On Saladin cf. also the catalog of *Wieczorek / Fansa / Meller* (eds.), *Saladin* (2005), and the collected volume of *Gaube / Schneidmüller / Weinfurter* (eds.), *Konfrontation* (2005).

1435 *Heidemann*, *Frömmigkeit* (2009), 69; *Talmon-Heller*, *Islamic Piety* (2007), 9; cf. *Lambton*, *Awqāf in Persia* (1997), 304, on the general increase in foundations in Persia over the 13th/14th centuries.

1436 *Lev*, *Charity* (2005), 70.

1437 *Heidemann*, *Frömmigkeit* (2009), 71–2.



ILLUSTRATION 23 Orontes in Hama with a noria and the Nūr ad-Dīn-Mosque (erected 1172)

him.¹⁴³⁸ Within the entire territory of the Ayyubids, the founding of 181 of these schools of law, 54 of which by the reigning princes or their family members, 69 by emirs, is documented in the almost 90 years of their rule.¹⁴³⁹ In Damascus alone there numbered 75 new madrasas, in Aleppo 38, in Cairo 34 and in Jerusalem eight.¹⁴⁴⁰ According to the testimony of his secretary, Saladin alone maintained 600 legal scholars through an annual expenditure of 200,000 to 300,000 dinars. The number of *khanqāhs*, that is lodgings for convents of Sufis, was smaller; like the madrasa, this was an urban establishment and in the same fashion spread throughout the entire Near East from the Seljuk period onwards. 23 of these houses for mystics and ascetics in the Ayyubid realm are attested, and not only in the larger cities. While *khanqāhs* were already known in Syria before the time of Saladin, he founded the very first convent in Cairo.¹⁴⁴¹

1438 Talmon-Heller, *Islamic Piety* (2007), 12.

1439 Korn, *Architektur 1* (2004), 48; Talmon-Heller, *Islamic Piety* (2007), 12.

1440 Talmon-Heller, *Islamic Piety* (2007), 11. Cf. Korn, *Architektur 1* (2004), 49–56.

1441 Korn, *Architektur 1* (2004), 60.

Political as well as religious motives are apparent for sovereign foundations. No doubt this involved the disempowerment of the Shiites and the driving back of the Christians, but also certainly the development of a loyal scholarly class; in this context it has been pointed out that the Ayyubids seem to have purposefully sent for scholars from Iraq, Iran or Syria for their madrasas in Cairo.¹⁴⁴²

Stefan Heidemann has recently analyzed how one can speak of a new “foundation policy” from the time of Nūr ad-Dīn Maḥmūd for the Zengids and Ayyubids.¹⁴⁴³ The (nearly) contemporaneous necrologies and eulogies for the rulers extensively treat their economic-political measures, which was unusual. Nūr ad-Dīn became famed for abolishing the tariff on long-distance trade (*mukūs*), which was contrary to Islamic law, as well as the urban sales exactions (*rusūm*), likewise contradictory to *šarīʿa*, from which the Seljuks had largely financed public duties. *Awqāf* took their place as a source of financing. In eulogies public as well as semi-public duties were summarized with the concept *maṣāliḥ al-muslimīn*, the “welfare of the Muslims”. The historian Ibn al-Atīr (d. 1232) counts among the works which Nūr ad-Dīn endowed for the collective in this sense the building program of the Zengids, namely city walls and fortresses, educational establishments, mosques, hospitals, Sufi convents, hospices for pilgrims and still more. According to Heidemann, the vehicles for these foundations were above all rent-producing urban properties, shops in markets, rental houses, trading establishments, bakeries, mills and baths. Heidemann cannot, however, explain the origin of these properties of Nūr ad-Dīn. According to al-Atīr, this ruler only used private property, and no funds from the state treasury. “It was only legitimate property in *šarīʿa* law, according to its outer appearance and inner meaning. He [Nūr ad-Dīn] only endowed that which had been handed over to him and that which he inherited in sums of money [?] and that which he conquered in the land of the Franks and received as his share.”¹⁴⁴⁴ The summary of these results is: “in the economic architecture of the state of Nūr ad-Dīn Maḥmūd and his Zangid and Ayyubid successors, foundations of urban, rent-yielding properties formed a source of financing of public and semi-public institutions and tasks, independent of the state fiscal apparatus. This is to be concluded from the verifiable and still richly transmitted buildings, the laudations that report of financing through *waqfs*, and the simultaneous lifting of exactions contrary to *šarīʿa* law.”¹⁴⁴⁵ The new foundation policy was fostered via the introduction of an “administrator for

¹⁴⁴² Ibid., 51–2.

¹⁴⁴³ On this and what follows Heidemann, Frömmigkeit (2009), 69–74.

¹⁴⁴⁴ Cited after ibid., 72, with a discussion of the passage in question in the translation in n. 50.

¹⁴⁴⁵ Ibid., 73.

the oversight of foundations" (*mutawallī naẓr al-awqāf*). The latter, for his part, decisively contributed to the economic development of cities by stimulating monetary circulation.¹⁴⁴⁶ The *waqf* in the city corresponded to the *iqṭāʿ* in the countryside, which resorted to the lawful tax revenue from agriculture for the financing of the local soldiery.¹⁴⁴⁷

Contemporaneous travelers with wonder realized, and modern scholars praised, how foundations in their respective locations, in certain circumstances as part of a planned network with other endowments, were to fulfill a well-thought out purpose. According to a recent historian, after he had brought Mosul under his control at the beginning of his political career, Nūr ad-Dīn first erected a Friday mosque and, due to his piety, entrusted this to a local sheikh. "The construction was provided with an unusual inscription, which referred to the five pillars of Islam, probably to instruct new converts in the predominantly Christian city."¹⁴⁴⁸ While Nūr ad-Dīn also had mosques built in smaller cities, he renovated the first mosque in Aleppo; the latter supposedly stemmed from the Muslim conquerors of 673, yet had been burned to the ground a short time before (1168/9) by Ismaili Shiites. "Nūr ad-Dīn had new pillars brought from other locations and repaired the damage, but he was unsatisfied with the result. For the new mosque was now an asymmetric construction. He realized that the problem could only be solved by moving the south wall at the expense of the neighboring marketplace; this place was, however, part of the *waqf* by which the congregational mosque was maintained. Nūr ad-Dīn was thus forced to attain the permission of the *muftī* 'Alā' al-Dīn al-Ghaznawī, in order to alter the use of the old foundation. As the sources relate, he in fact acquired the desired *fatwā* and could therefore complete the new construction." That the location was well-suited to demonstrate the triumph of Islam over Christianity is related by the inscription that Nūr ad-Dīn in the end had inscribed on the building. It refers to the second caliph, 'Umar ibn al-Ḥaṭṭāb, who once called for erecting a mosque in place of every church.

Nūr ad-Dīn wanted above all to elevate Damascus through buildings after his conquest of it.¹⁴⁴⁹ Immediately after 1154 he began the construction of a new hospital, which was soon to become a world-famous center of medical

¹⁴⁴⁶ Ibid., 77.

¹⁴⁴⁷ Ibid., 73.

¹⁴⁴⁸ Talmon-Heller, *Islamic Piety* (2007), 34–5. On the survival of Shiism and Ismailism in Aleppo s. Eddé, *Principauté Ayyoubide* (1999), 436–52. According to Lev, *Charity* (2005), 97, Nūr ad-Dīn also combatted local Shiites via the planned settlement and patronage of Sunni jurists in madrasas.

¹⁴⁴⁹ Asbridge, *Kreuzzüge* (2010), 285; Sack, *Damaskus* (1989), 23; cf. also Cobb, *Kampf ums Paradies* (2015), esp. 181–2.

research and healing; there was also a luxurious bathhouse that bore his name and exists to the present day. “In the year 1163 he financed the construction of a new ‘House of Justice’, where he later spent two days a week in order to receive the complaints of his subjects. It was followed by the building of the *Dar al-hadith al-Nuriyya*, a new center for the study of the life of Muhammad and Islamic traditions; at its head stood a confidant of Nur ad-Din, the famed scholar Ibn Asakir. Even Nur ad-Din himself pursued his studies there.” In order to make Damascus a center of Sunni Islam, the emir had a new quarter built in the western part of the city for the housing of pilgrims on their way to Mecca. He allocated many pious foundations for Mālikī *zāwiya* (sites of teaching), as Ibn Ġubair noted, to strangers from the Maghreb, including two mills, seven gardens, farmland, a baths as well as two stores in the perfume bazaar of Damascus; according to the information of a countryman from Jaén the revenues as a whole ran to 500 dinars annually, if these endowments were “properly controlled”.¹⁴⁵⁰ In the year 1159 Nūr ad-Dīn founded the city of al-Salihiyya around two kilometers south of Damascus, where refugees from Palestine were able to live. The emir saw himself as the restorer of Sunni orthodoxy and had his virtues praised in inscriptions on public buildings as those of a heroic Mujahid. That his efforts at postmortal renown as well as at commemorative prayer were successful is demonstrated by his tomb, which stands to the present day, in a law school that he erected; already Ibn Ġubair judged it in the following way: “One of the finest-looking colleges in the world is that of Nur al-Din—may God’s mercy rest upon his soul—and in it is the tomb—may God illumine it. It is a sumptuous palace. Water pours into it through an aqueduct in the middle of a great canal, filling an oblong fountain and finally falling into a large cistern in the centre of the building. The eyes are enchanted by the beauty of the sight, and all who see it renew their supplications for Nur al-Din—may God’s mercy rest upon this soul.”¹⁴⁵¹

Ibn Ġubair narrates his pilgrimage to Mecca and Medina primarily as a song of praise to Saladin as a merciful ruler and pious founder. This is all the more remarkable since this Muslim from Spain hoped that the strict Almohads who ruled his homeland would move east and there put an end to the excessively-lax religious life of his coreligionists, in particular the “sects and heretical

1450 Ibn Dschubair, *Travels* (1952), 298; German translation: Ibn Dschubair, *Tagebuch* (1985), 211. On the understanding of *zāwiya*: Korn, *Ayyubidische Architektur* 1 (2004), 62.

1451 Ibn Dschubair, *Travels* (1952), 296; German translation: Ibn Dschubair, *Tagebuch* (1985), 210. On the tomb of Nūr ad-Dīn *Asbridge*, *Kreuzzüge* (2010), 285; *Cobb*, *Kampf ums Paradies* (2015), 204; *Sack*, *Damaskus* (1989), 24 with table 11.a. On Nūr ad-Dīn’s special concern for orphans s. still further *Talmon-Heller*, *Islamic Piety* (2007), 68, 74.

groups".¹⁴⁵² Already in describing his first great stop, the Egyptian port-city of Alexandria, Ibn Ġubair praised the Ayyubid as a supporter of public welfare, as well as of particular groups of believers; he took pains to precisely differentiate the respective sources of financing: "Amongst the glories of this city, and owing in truth to the Sultan, are the colleges and hostels erected there for students and pious men from other lands. There each may find lodging where he might retreat, and a tutor to teach him the branch of learning he desires, and an allowance to cover all his needs. The care of the Sultan for these strangers from afar extends to the assigning of baths in which they may cleanse themselves when they need, to the setting up of a hospital for the treatment of those of them who are sick, and to the appointment of doctors to attend to them. At their disposal are servants charged with ministering to them in the manner prescribed both as regards treatment and sustenance. Persons have also been appointed to it who may visit those of the strangers who are too modest to come to the hospital, and who can thus describe their condition to the doctors, who would then be answerable for their cure.—One of the Sultan's most generous acts was the allotting of two loaves daily for each of the Moorish *ibna' al-sabil* [sons of the road], whatever their number; and for the daily distribution he appointed a person he trusted. Every day two thousand loaves or more, according to the lesser or greater number (of beneficiaries), were regularly distributed. (To meet this) there was his own personal *awqaf*, apart from what he allotted for the purpose from the *zakat al-'ain* [*zakat* on gold and silver]. He was insistent with those in charge of this that when the fixed sums were inadequate, they should draw upon his private purse.—As for his people in this city, they live in the height of ease and comfort. No tax is exacted from them and no revenues accrue to the Sultan himself in this city save the *awqaf*, which are tied and devoted by his order to these purposes, and the tribute of the Jews and Christians. Of the revenues of the *zakat al-'ain* in particular, he receives but three eighths, the other five eighths being for the object described. The Sultan who established these praiseworthy laws and prescribed these generous—although not wholly applied—decrees is Salah al-Din Abu 'l-Muzaffar Yusuf ibn Ayyub. May God bless him with His peace and succour."¹⁴⁵³ As far as the mosques of Alexandria went, Ibn Ġubair related estimates of 12,000 or 8,000.

¹⁴⁵² Cf. Ibn Dschubair, *Travels* (1952), 45, 73; German translation: Ibn Dschubair, *Tagebuch* (1985), 33, 55–6. On the rule of the Almohads, which at the time of the journey (1183–85) had just reached its pinnacle, s. *Singer*, *Maghreb* (2001), 299–306.

¹⁴⁵³ Ibn Dschubair, *Travels* (1952), 33; German translation: Ibn Dschubair, *Tagebuch* (1985), 25–6.

Each of these had its own imām, who was paid by the sultan. Some imāms received five Egyptian dinars a month, some more, others less.¹⁴⁵⁴

Indeed, it was for Cairo, his next major stop, that the pilgrim from the Maghreb related that Saladin had supported mosques, madrasas, mausoleums, hospitals and bridges over the Nile with regular payments for their construction, renovation, staff or temporary guests. Especially noteworthy is his description of the special rights of the main mosque, which had been erected by Ahmad ibn Tulun: “The Sultan made it a retreat for the strangers from the Maghrib, where they might live and receive lectures; and for their support he granted a monthly allowance. A curious thing, told us by one of their prominent men, was that the Sultan had entrusted to them their own management, and allows no other hand over them. They themselves produce their own leader, whose orders they obey and to whom they appeal in sudden contingency. They live in peace and satisfaction, devoted exclusively to the worship of their Lord, and finding, in the favour of the Sultan, the greatest help to the good on whose path they are set.”¹⁴⁵⁵ Ibn Ġubair also did not fail to mention that among the great deeds of Sultan Saladin were to be counted the abolition of the “customs duty” and the tax, which pilgrims in the time of the Fatimids had been forced to pay.¹⁴⁵⁶

Scholars have determined that Saladin also pursued his religious-political goals by confiscating the fortunes of his rivals and turning them into *waqfs*.¹⁴⁵⁷ His principal opponents were the Ismaili Fatimid heretics in the Nile Valley and the Christians in Jerusalem.¹⁴⁵⁸ Among other measures, he confiscated the properties of the Armenian church in Egypt and expelled the katholikos as well as the monks. To compensate for this, he settled Sunnis and Sufis in Egypt and in Jerusalem. Johannes Pahlitzsch has shown that Saladin purposefully transformed prominent Christian sites into houses of Islam: in place of the Church of St. Anne a madrasa of Shāfi jurisprudence appeared, Sufis were assigned the former palace of the Latin patriarchs north of the Church of Holy Sepulcher for their *khanqāh*, and a hospital presumably arose within the

1454 Ibn Dschubair, *Travels* (1952), 35; German translation: Ibn Dschubair, *Tagebuch* (1985), 26–7.

1455 Ibn Dschubair, *Travels* (1952), 44; German translation: Ibn Dschubair, *Tagebuch* (1985), 32.

1456 Ibn Dschubair, *Travels* (1952), 47 (but cf. *ibid.*, 23 and 31); German translation: Ibn Dschubair, *Tagebuch* (1985), 35–6.

1457 *Frenkel*, *Political and social aspects* (1999), esp. 1, 9, 11–3.

1458 Cf. also *Sánchez*, *Sachzeugnisse* (2014), 477; *idem*, *Wohltätigkeit und Bildung* (2016), 216; *la Martire*, *Soziale Positionen* (2017), 46.

Church of St. Mary Maior.¹⁴⁵⁹ The social and economic life of Jerusalem was influenced by these and other pious foundations of the Ayyubid: These *awqāf* shaped the Islamic character of Jerusalem and moved the successive rulers of the Mamlūks and Ottomans to imitate them.¹⁴⁶⁰

From the early 13th to the beginning of the 14th century the Muslim world was deeply transformed in the east.¹⁴⁶¹ Under their charismatic leader and architect of their state, Genghis Khan (1206–27), the Mongols, after their conquest of China, overthrew the great empire of Muhammad II of Khwarezm in Central Asia and northern Persia in the course of their westward advance. Supposedly, the caliph of Baghdad called for their aid against the shah. During their further expansion the “Tatars” advanced to Eastern Europe and overran inter alia in 1236 the Volga Bulgars, the only Islamic-influenced empire of the region. Under the descendants of Genghis Khan there formed multiple independent Mongol states, including the “Golden Horde” in southern Russia, the Ukraine and Kazakhstan, as well as the empire of the Ilkhans in Persia, the Caucasus, Mesopotamia and Anatolia. Though Egypt was able to assert itself under Saladin’s successor al-Kamil, struggles among the sultan’s heirs proved his undoing. Khwarezmians who had become homeless took advantage of the Ayyubids’ turmoil after the death of al-Kamil and occupied Jerusalem in 1244. The advance of the French king Louis IX for the restoration of Christian rule failed, but he contributed to the coup in Egypt in 1250. There the Ayyubids were replaced by the Mamlūks, strict Sunnis who directed the sultanate on

¹⁴⁵⁹ *Pahlitzsch*, Transformation (2004), esp. 48; source references from the endowment charter of Saladin for the Sufi convent: 63, 66. On which more recently: *Hawari*, Ayyubid Jerusalem (2007), 35–44.

¹⁴⁶⁰ *Frenkel*, Political and social aspects (1999), 16; cf. *Hawari*, Ayyubid Jerusalem (2007), passim. According to *Korn*, Architektur I (1999), 106, the conclusion that in Jerusalem between the Muslim conquest and 1193 “no building measures of emirs or non-reigning Ayyubids are recorded” suggests that “Saladin himself retained the right to remake Jerusalem into an Islamic city.” Ibid., 107, on the activity of the following Ayyubids. For a similar conclusion on Damascus s. *ibid.*, 108–18, esp. 115–7; *Sack*, Damaskus (1989), 27; on Aleppo *Korn* 118–22; *Eddé*, Principauté Ayyoubide (1999), 33–61; *Knost*, Stifter (2016), 384–5.

¹⁴⁶¹ *Borgolte*, Christen, Juden, Muselmanen (2006), 197, 282–4, 292; cf. now *Biran*, Mongol Empire (2015). In what follows I do not discuss the history of the Maghreb since the time of the Almohads, but cf. *Singer*, Maghreb (21991), 306–22; *Ruthven / Nanji*, Historical Atlas (2004), 66–9. Notable is the history of the Marinids, a Berber dynasty of Fez, of *Shatzmiller*, Berbers and the Islamic State (2000), who devotes a chapter respectively to the introduction of madrasas and the “Royal Waqf in the 14th-century Fez” (85–93; 95–113). According to *Carballeira Debasa*, Role of Endowments (2005), 109 n. 1, *Sanjuan*, Till God inherits the earth (2007), and *Carballeira Debasa*, Legados píos (2002), which, however, are not concerned with sovereign endowments, are “the only existing monographs on the subject [of Islamic pious endowments] for al-Andalus.”

the basis of slaveholding as military rule. In the meantime, the Mongol Ilkhan Hülägü succeeded in conquering Baghdad in 1258, and thus in finally ending the half-millennium old state of the Abbasids. The Mamlüks, however, brought a youth from Baghdad to the Nile and festively proclaimed him caliph, though his Abbasid ancestry was by no means certain. From that time onwards he and his descendants were seen as the representatives of the Prophet. Even though they possessed no political influence at all, they nonetheless legitimized the rule of the Mamlüks.

As decisive as the formal continuance of the caliphate for the survival of Islam was the fact that the Mamlüks succeeded in halting the advance of the Mongols. With the backing of the Kingdom of Jerusalem, the sultan managed to inflict a decisive defeat on the Mongols at Goliath Springs (Ain Dshalut). From that time onwards the hegemony of the Ilkhans was restricted to the lands east of the Euphrates. From its heartland in northeastern Iran, the Ilkhanate (1256–1335) finally eradicated the once flowering urban culture, which, however, had already previously been affected by the factionalism of the settled populace.¹⁴⁶² This encouraged the spread of Sufism into the countryside. Sufi convents now appeared as much-cultivated philanthropic establishments, alongside madrasas. The still-unconverted Mongolian rulers supported Muslim foundations and even exempted them from taxes; in comparison with the Seljuks and their successors, however, they strengthened state oversight of *waqfs* and erected a central *waqf* bureau. The native high officials and viziers recruited into service by the Ilkhanids made foundations into an instrument of public welfare and cultural-scientific financing for the state. Under the high vizier Shams al-Dīn Juvaynī (d. 1284) a typical foundation ensemble arose, which included a mosque, a madrasa (with a library), a teaching hospital, a Sufi convent, often an observatory or a mechanical clock as well as lodging for travelers. The philosopher and astronomer Khwāja Naṣīr al-Dīn Ṭūsī (d. 1274), named by Ilkhan Hülägü as the director of the bureau for foundations, instructed all regional officials to allocate a tenth of their incomes as the administrators of foundations to the treasury, above all in order to cover with this revenue the expenses for the observatory in Marāgha, the capital.

Among the Mongol rulers of the Ilkhanate, Gāzān Hān (d. 1304) was the first to convert to Islam. Though himself raised as a Buddhist, with his conversion he adopted the religion of the great majority of his subjects and also conceived his foundations in this sense. His mausoleum complex in Tabriz followed the example of the Seljuk sultan Sanjar in Merv, and thus also encompassed an

¹⁴⁶² *Arjomand*, *Philanthropy* (1998), 118–25; *Lambton*, *Awqāf in Persia* (1997), 310–8; *Ruthven Nanji*, *Historical Atlas* (2004), 58–61.

educational-philanthropic establishment. The Sufi convents, which were patronized by the Islamicized Mongols, now developed a new ruling class, the Sufi sheikhs, who attained great authority over the less educated. The most influential sheikh became the founder of the Safavid Order (as well as the homonymous dynasty which later ruled in Persia, 1501–1722), Šafī al-Dīn Ishāq Ardabili (d. 1334).

Under Gāzān Hān's successors the Ilkhanate began to collapse, which encouraged the founding of a new Turkish empire. The brilliant political strategist and military leader Timūr "the Lame" (alias Tamerlane; 1336–1405) seized power over his native Transoxiana in 1370, conquered Persia (1380–87) and proclaimed himself the "Descendant of Genghis Khan".¹⁴⁶³ After further inventions and campaigns to the Golden Horde and to India, he appeared once again in 1400 in the west and took Sivas. Instead of advancing further into Anatolia, Timūr attacked Palestine and Egypt and completely destroyed Baghdad. In the end his rule stretched in the west to the Euphrates and Caucasus. In 1405 the sultan, which he had himself named in the meantime, returned to his capital of Samarkand and prepared an expedition against China, which was only stopped by his death. Even though Timūr felt connected to Mongol traditions, he repeatedly emphasized his strong connection to Islam and granted Sufi dervishes great influence at his court. He himself and his successors, as well as the elites of his empire, promoted themselves as famed patrons of the arts; the buildings of Samarkand, as well as those of Herāt, are exceptional. One has even spoken of a "Timurid Renaissance".¹⁴⁶⁴

One of these patrons was the last scion of the ruling line, Sulṭān-Ḥusain, a great-great-grandson of the empire's founder;¹⁴⁶⁵ between 1469 and 1506 he ruled over the large Iranian province of Khorasan, before his capital of Herāt was taken by the Uzbeks in 1507. Newer scholarship has determined that Sulṭān-Ḥusain, like his predecessors, acquired particular merits by developing the agrarian economy through the restoration and creation of irrigation systems. This was, in effect, the acculturation of the Timurids and their military and administrative elite themselves, namely a "transition from a sprawling nomadic policy to a vastly reduced state based on Persian-Islamic ideals and agrarian values."¹⁴⁶⁶ The preferred means of cultural hybridization was

¹⁴⁶³ Cf. *Golombek*, Tamerlane (1989); *Borgolte*, Christen, Juden, Muselmanen (2006), 292; *Gronke*, Geschichte Irans (2006), 60–4; *Göckenjan*, Timūr (1997); *Ruthven / Nanji*, Historical Atlas (2004), 94–5.

¹⁴⁶⁴ Cf. *Subtelny*, Timurid Foundation (1991); *Iwatake*, Waqf (2003).

¹⁴⁶⁵ *Subtelny*, Timurids (2007), 41, 128; cf. *Forbes Manz*, Legacy (1989).

¹⁴⁶⁶ *Subtelny*, Timurids (2007), 1. On the cooperation of the elites s. *ibid.* 130.

foundations, which created a new basis for the entirety of the empire's finances in comparison to the Ilkhans.

Agriculture had played a role in Khorasan and especially in the vicinity of Herāt already from most ancient times; there, under favorable climatic conditions, “the California’ of the medieval eastern Islamic world” was created.¹⁴⁶⁷ The agricultural economy of the urban oases included the cultivation of fruits and vegetables, vineyards and gardens, which were mostly ringed by fruit trees and walls on relatively small, artificially irrigated pieces of land. After the Ilkhans had exposed this agrarian economy, which was foreign to them, to ruin, the Timurids now effected the (re-)cultivation of the land, by using the shrines of Sufi saints venerated by the populace as “vehicles for developing and managing agricultural activity”.¹⁴⁶⁸ In the process they transferred experience of the state financial administration to the shrine-tombs and also utilized Persian mirrors for princes as normative texts.

Sultān-Ḥusain in particular maximized the yields of estates through intensive irrigation; in contrast to various tariffs and other taxes that were illegal according to Islamic law and with which the Ilkhans had burdened the populace, he imposed a low rate of at least 10% on foundations.¹⁴⁶⁹ Foundations as a political means recommended themselves in particular because the founder was allowed to name both the beneficiaries and the administrators, and thereby name himself or his descendants as trustees.¹⁴⁷⁰ Foundations were particularly attractive for women, who were disadvantaged by inheritance law, and in this way could preserve their property and through administrative privileges maintain access to it over the long term.¹⁴⁷¹ Sultān-Ḥusain financed establishments equally with private property and public funds, which he allowed to be transferred. Furthermore, this foundation policy counteracted the decentralization of the empire by binding properties to the ruler.¹⁴⁷²

The key to the economic and state reforms of Sultān-Ḥusain was that he endowed popular shrine-tombs and thus Sufi communities with agricultural properties, for which learned sheikhs and other local experts achieved higher yields through the construction of irrigation systems.¹⁴⁷³ The methods of effective irrigation were apparently tested under Sultān-Ḥusain at the shrine of the

¹⁴⁶⁷ Ibid., 114.

¹⁴⁶⁸ Ibid., 3.

¹⁴⁶⁹ Ibid., 75, 160, 125–7.

¹⁴⁷⁰ Ibid., 148–9.

¹⁴⁷¹ On which cf. 154–8, with an edition of the endowment charter of Afaq Begim, one of the wives of Sultān-Ḥusain, for her mausoleum in Herāt 257–348.

¹⁴⁷² Ibid., 152–3.

¹⁴⁷³ Ibid., 198–9.

Sufi Khvāja ‘Abdullāh Anṣārī (d. 1089), who had already long been venerated as the “city patron” of Herāt, and his tomb was the destination of regular pilgrimage. The Timurids adopted his cult in the early 15th century and in this way also documented the revival of Sunni Islam. As orthodox Muslims, they underlined their final turning away from shamanistic practices, to which even Timur himself was associated.¹⁴⁷⁴ The agrarian scholar and rural architect Mīrak-i Sayyid Ghiyās, whose assistant composed foundational textbooks on agrarian science and methods of irrigation, also stood in the service of Sulṭān-Ḥusain.¹⁴⁷⁵ As far as their application was concerned, books were kept on harvest yields, the distribution of available water and financial means.¹⁴⁷⁶ Sulṭān-Ḥusain’s predecessor, Shāhrukh, had already provided the shrine of ‘Abdullā Anṣārī in the northeast of Herāt with endowments in 1425/6 and fostered its cult with regular visits to the tomb on Thursdays.¹⁴⁷⁷ Sulṭān-Ḥusain himself expanded the site through a tomb for his father, uncle and brothers. Even though his endowment deeds have not been transmitted, numerous reports on canals, mills and trading houses that were bequeathed to the shrine by him and other members of the Timurid elite indicate the existence of such acts. The final Timurid also exempted numerous foundations from taxes of various sorts.¹⁴⁷⁸ Since he himself appointed the administrators of the foundations, he must have also been the founder.

In the days of Sulṭān-Ḥusain, the Anṣārī Shrine functioned as a sort of “Harvard Business School” for the management of other shrines.¹⁴⁷⁹ Especially important among these complexes was the tomb of ‘Alī b. Abī Ṭālib, the cousin and son-in-law of the Prophet Muhammad, which was rediscovered in the village of Khavāja Khairān (contemporary Mazar-i Sharif), not far from the city of Balkh, in 1480/1, only ten years after the beginning of the reign of Sulṭān-Ḥusain.¹⁴⁸⁰ Here as well there arose a pilgrim shrine, whose yearly income from the votive offerings of believers is said to have run to almost a million dinars, according to one contemporary.¹⁴⁸¹ Sulṭān-Ḥusain erected a dome over the gravesite, and in a planned fashion supported the economic development of the village through the construction of a bazaar, various shops and a baths. All this indicates that he desired to make the shrine of ‘Alī a replacement

¹⁴⁷⁴ Ibid., 201–2.

¹⁴⁷⁵ Ibid., 133, 137.

¹⁴⁷⁶ Ibid., 136.

¹⁴⁷⁷ Ibid., 202–3.

¹⁴⁷⁸ Ibid., 204.

¹⁴⁷⁹ Ibid., 218.

¹⁴⁸⁰ Ibid., 208.

¹⁴⁸¹ Ibid., 212–3.

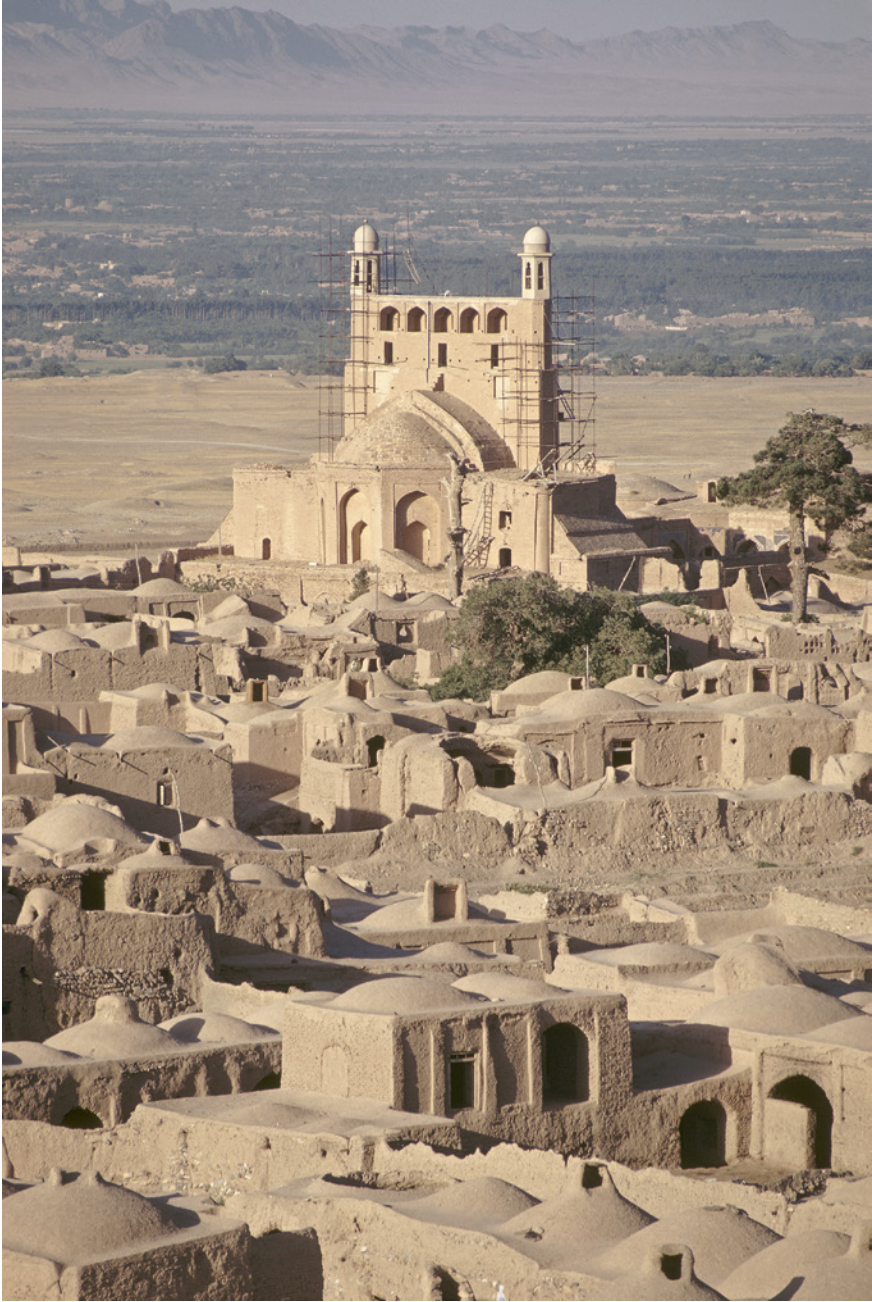


ILLUSTRATION 24 Mausoleum of Khwāja ‘Abdullāh Anṣārī (d. 1089) near Herāt (Afghanistan), erected 1428

for Mecca and Medina, including the hoped-for incomes for the complex itself as well as for the treasury. At the center of his actions was the construction of a canal which branched from the Balkh River: this measure was an enormous success, because the acreage under cultivation and the revenues from harvest increased tremendously. The Timurid apparently appointed professional managers as administrators of the shrine complex and passed over members of his family. His foundations seem most probably to have been based on state land that he had appropriated; it is known from a charter that he mistrusted the productivity of state lands. "By privatizing the properties in question and conveying them to *waqf* for the 'Alid shrine, Sultān-Ḥusain must have hoped to increase their productivity thanks to the kind of professional management that would have been available through the administration of the shrine complex."¹⁴⁸²

For the history of Muslim foundations, to the degree that the state of scholarship allows a verdict, in the Late Middle Ages, besides the Ilkhanate and the empire of the Timurids, the rule of the Mamlūks (until 1517) and Ottomans (all the way to 1920) is of great importance.¹⁴⁸³ With the Mamlūks, one is dealing with a monarchy of sultans, but not a dynasty. The Arabic word *mamlūk* means "to appropriate, to take possession of", and was used to designate Turkish slaves, who were employed from the middle of the 9th century in the caliphate of Baghdad as elite troops.¹⁴⁸⁴ Under the last Ayyubids their numbers in Egypt dramatically increased: Aṣ-Ṣāliḥ Ayyūb, a great nephew of Saladin (1240–49), deployed hundreds of these Turks, who stemmed from southern Russia, as a personal retinue in his struggle for Syria. In order to secure their special loyalty, he furthermore isolated them upon an island in the Nile from the native population. In the turbulence after his death the Mamlūks acquired power over the sultanate under the leadership of Baybars (1260–77). "Upon the foundations of the Ayyubid Federation arose a great centralized empire equal to the state of the Mongolian Ilkhanids, which bequeathed to Egypt and Syria a quarter of a millennium of external security, inner balance, economic prosperity and

¹⁴⁸² Ibid., 220.

¹⁴⁸³ Cf. Sánchez, *Forschungsgeschichten* (2014), 112, who speaks of an "overrepresentation of Ottoman and Mamluk examples" for foundations due to a great many archival sources, which refer to "administrative and economic affairs". Alongside Jerusalem, Cairo (already from the time of the Ayyubids onwards), due to material and documentary sources, stands at the center of *waqf* research, according to Sánchez, *Periodisierungen* (2014), 285. Likewise, many chroniclers, above all the Egyptian historian al-Maqrīzī (d. 1442 CE), have contributed a great deal to our knowledge of foundations: Sánchez, *Schriftzeugnisse* (2014), 371–2.

¹⁴⁸⁴ Haarmann, *Arabischer Osten* (21991), 218.

opportunities for cultural development.”¹⁴⁸⁵ Historians distinguish between a “Turkish” from a “Circassian” period, according to the origin of the Mamlūks.

The Mamlūk officers under Baybars and his successors continued to recruit white slaves captured in war. Only one who had born in the land of the “un-believers”, in the “land of war”, been enslaved, sold, quartered in the barracks, converted to Islam, trained in the military arts and finally freed was to himself come into the enjoyment of privileges, and thus of the key positions in the sultanate, extending to the leadership of the state itself. In the successor empire of the Ayyubids an elite was formed which was called *nās*. The respective Mamlūks formed around a particular master and manumitter. As soon as their patron died, his clients, and in particular his sons, would meanwhile lose all their privileges: since offices could not be inherited, various groups continually struggled with one another. In this system foundations were a welcome instrument, at least to assert one’s social status with property. The founder could of course name himself and his descendants as the beneficiaries and administrators of the endowed establishments.¹⁴⁸⁶ The Mamlūks also managed to gain access to the rural tax districts according to the *iqṭāʿ* system, which had been well-known since the Seljuks.¹⁴⁸⁷ In Egyptian tax lists and cadasters, from the late 14th century *iqṭāʿ* land, endowed land, crown land and private property were differentiated according to their legal form.¹⁴⁸⁸ The heritability of *iqṭāʿ* land would, however, have contradicted a principle of the state, by which it was renewed each generation through the recruitment of new slaves, and in fact the “feudal administration” was able to enforce the return of goods at the death or demotion of the fief-holder.

The written documents of the administration and a great number of endowment deeds, whose accessibility has, however, caused great headaches to scholars, promise nuanced glances into the economic and settlement geography of Egypt in the Late Middle Ages.¹⁴⁸⁹ Even more so than the Kipchak-Turkish Mamlūks, the Circassians appear to have themselves been drawn to Sufis and religious zealots. In any case, with the first sultan of Circassian origin there

¹⁴⁸⁵ Ibid., 222.

¹⁴⁸⁶ Cf. *Alhamzah*, Late Mamluk Patronage (2009), 22–3.

¹⁴⁸⁷ Cf. ibid., 35.

¹⁴⁸⁸ *Haarmann*, Arabischer Osten (21991), 234.

¹⁴⁸⁹ Ibid., 234–5; *Haarmann*, Mamluk Endowment Deeds (1980), 31 Apart from the sources of St. Catherine’s Monastery on Sinai and the Temple Mount of Jerusalem, around 900 private economic documents of various provenances are known from Cairo, s. *Conermann / Saghbini*, *Awlād al-Nās as Founders* (2002), 26. Cf. *Reinfandt*, *Beurkundung* (2009); *Jacobi*, *Frauen* (2009); *Sabra*, *Public Policy or Private Charity?* (2005), esp. 96; *Winter*, *Mamluks* (2004), 297.

began the “systematic patronage of mystical brotherhoods and their endowment with considerable properties.”¹⁴⁹⁰ It is noteworthy that despite the considerable depopulation of Egypt, which began with the plague epidemics of the middle of the 14th century and which brought with it a collapse of the rural economy, the foundation activity of sultans and emirs, as well as their wives, daughters, sons and grandsons, increased considerably. This is discernable inter alia with education:¹⁴⁹¹ thus, in the second half of the 15th century there were to be counted 130 schools of higher learning in Cairo alone, which between 3,000 and 6,000 students were able to frequent.¹⁴⁹² The jurist Abū Ḥāmid al-Qudṣī therefore sharply criticized the great number of philanthropic and scholarly foundations: “The founders should be sincere if they erect such buildings (...). Yet most of them today do this merely to make their own name famous, so that of them it should be read ‘this is the Friday mosque of so-and-so.’”¹⁴⁹³ Qudṣī and others took offense above all at family foundations, which were mainly seen as a means of support for the founder and his descendants. The sultans themselves abused the legal and economic system by transferring crown lands to endowments and in this way endowing their supporters, among others. Where it appeared opportune, even actually inalienable *waqf* properties were exchanged for less valuable real estate; hundreds of documents from the late period of the Mamlūks attest to this.

For the great foundations of the Mamlūks, multi-functional establishments were the norm; these included mosques of various sorts, madrasas, mausoleums and Sufi convents.¹⁴⁹⁴ Amongst the buildings of the sultans, and indeed within the cityscape to the present day, towered the complex of al-Nāṣir Nāṣir al-Dīn Ḥasan. He was the 16th ruler of the Mamlūks in Egypt and, despite all the reservations regarding the line of succession, was already the seventh son of his father, who acquired the throne after his death.¹⁴⁹⁵ At his accession in 1347 he was only thirteen years of age; he stood under the guardianship of the emirs of his father, and was forced to witness the outbreak of the “Black Death” in his land. When he attempted to acquire the direction of the state for himself, the Mamlūk notables overthrew him (1351) and placed him under house arrest in the harem of his (long since deceased) mother. A new coup against his brother al-Ṣāliḥ Ṣāliḥ, who had been proclaimed sultan, in 1355 brought

1490 Haarmann, *Arabischer Osten* (21991), 244.

1491 On poor relief cf. *Sabra*, *Poverty and Charity* (2000); *idem*, *Public Policy or Private Charity?* (2005); *Lev*, *Charity* (2005), *passim*.

1492 Haarmann, *Arabischer Osten* (21991), 250.

1493 Cited after *ibid.*, 250. On the following *ibid.*, 250–1.

1494 *Kahil*, *Sultan Ḥasan Complex* (2008), 45–7, 43.

1495 *Ibid.*, 4–5; *Al-Harithy*, *Complex of Sultan Hasan* (1996), 70.

him to power once again. Until his murder at the age of twenty-seven in 1361, he busied himself with the construction of a monumental complex, whose dimensions—150 meters in length, 68 meters in width and around 37.5 meters in height (with a minaret of 81 meters)—speak for themselves.¹⁴⁹⁶ At his death the foundation was still not complete, but his chamberlain Bashir Agha al-Jamadar generously provided (until 1363/64) that which was still lacking: a dome for the tomb of the ruler, a further dome or a fountain, marble covering for the walls as well as some inscriptions and pieces of decoration.

Already in its time the Sultan Hasan Complex found admirers. The historian al-Maqrīzī praised it: “There is no sanctuary of the Muslims, known in the lands of Islam, that equals this *jāmi‘* and its dome, the likes of which has not been built in Egypt, Syria, Iraq, North Africa, or Yemen”; another ranked it above the Pyramids.¹⁴⁹⁷ The achievement of al-Nāṣir Ḥasan is all the more remarkable because he was an otherwise weak ruler with a quite short reign. According to the sources, the construction was from its beginning never interrupted and consumed 20,000 dirhams a day, though the land was considerably weakened economically by the deaths of large numbers of people due to the plague epidemic. Supposedly, the sultan only persevered because he did not want to be blamed by his subjects. Presumably, he was able to resort to the fortunes of heirless victims of the plague for its financing.¹⁴⁹⁸

With his construction he wanted to vie with the works of his father, who, however, had reigned 32 years and had exercised what was certainly the most stable rule of the entire Mamlūk period. According to an inscription on the portal, it can be concluded that he conceived of his foundation in a religious sense as symbolic entry into paradise; yet politically, he was above all concerned with legitimating his rule over the local population in conflict with the Mamlūks. He forged an alliance between the populace and the class of freedmen (*awlād al-nās*), to whom al-Nāṣir Ḥasan himself belonged into the second generation, against the emirs of the Mamlūks, yet to whom he himself in the end fell victim.¹⁴⁹⁹ According to an informative interpretation, the placement and diversification of the construction served the realization of his concept of rule.¹⁵⁰⁰

The complex was laid out upon a square within Cairo (the “Maydan of al-Rumaila”), opposite the citadel. For this al-Nāṣir Ḥasan purchased palaces

1496 *Kahil*, Sultan Ḥasan Complex (2008), 1.

1497 *Al-Harithy*, Complex of Sultan Hasan (1996), 67.

1498 *Ibid.*, 69.

1499 *Ibid.*, 69, 71.

1500 On what follows: *ibid.*, 71–7; cf. *Kahil*, Sultan Ḥasan Complex (2008), *passim*.

from two emirs and had them demolished, thereby already demonstrating his intentions. The fortress-like walls underlined in their outer appearance a counterpoint to the citadel, where the powerful emirs resided. In addition, this was also a place of remembrance for the sultan's family, since al-Nāṣir Ḥasan's father was forced to suffer a revolt of the emirs on this spot. As a contribution to the Cairene populace, the complex was distinguished by its educational, philanthropic and religious components. A madrasa with *iwāns* (half-circle shaped open halls of instruction) were erected for each of the four schools of jurisprudence. The foremost among them was slated for the Shāfis, as well as for Friday prayer and the recitation of the Quran. The *iwān* therefore served as a congregational mosque, the first to be incorporated within the program of a madrasa during the Mamlūk period. In its extension a mausoleum of the sultan was erected behind the wall of the *qibla*, which was to simultaneously house the tombs of his children, grandchildren and other descendants. The quadratic structure extended into the adjoining square and communicated both to the populace and to the emirs that as a counterpoint it would challenge the citadel. On the other side of the foundation complex in an inscription on the vestibule the faithful were exhorted to prayer and philanthropic deeds. A hospital with three doctors was also integrated, namely an internist, an ophthalmologist and a surgeon.

The erection of *khanqāhs* was quite characteristic of Mamlūk foundations.¹⁵⁰¹ The term is of Persian origin and designates something along the lines of "place of recitation", among other meanings.¹⁵⁰² Apparently, *khanqāhs* first arose in Khorasan and initially designated madrasas; later the term appears to have been narrowed to gathering-places for mystics. Students and disciples gathered within them under the direction of a learned Sufi, namely for spiritual contemplation and common services with the recitation of the Quran. *Khanqāhs* often also housed the relics of saintly men. In the 11th/12th century CE they spread from Iran to the west and are also known in the latter area by an Arabic word, *ribāṭ*. The first institutions of this sort in Baghdad were foundations for Seljuk preachers. The *khanqāh* founded by Saladin in Cairo was intended for more than 300 Sufis. While madrasas were to spread the law and teaching of the Sunnis, *khanqāhs* were to serve as sites of piety, rituals and spiritual exercises.

As successors to the Ayyubids, already the early Mamlūk sultans Baybars I and Qalāwūn (1279–90) purposefully expanded the *khanqāh-madrasa* system. For this purpose they installed a "Sheikh of Sheikhs", who was entrusted with

¹⁵⁰¹ Cf. *Fernandes*, *Evolution of a Sufi Institution* (1988).

¹⁵⁰² *Homerin*, *Saving Muslim Souls* (1999), 59.

the most senior supervision of Sufi instruction. Alongside madrasas and *khanqāhs*, they founded numerous *zāwiyahs*—*khanqāhs* on a smaller scale, where a residing Sufi master met students. These *zāwiyahs* were also frequently connected with saints' shrines. In addition, they also served as hospices for the needy, especially for foreign Sufis, and increasingly for Sufi fraternities. One *zāwiyah* was demonstrably for eunuchs from Abyssinia, while at least eight *ribāṭs* in Egypt were founded for the support of older women and pious widows. Two of these houses, including the foundation of a daughter of Baybars I, were erected for female sheikhs, who devoted themselves to preaching and the teaching of women of good character.¹⁵⁰³

Because of their care for madrasas and *ribāṭs*, the Mamlūks were famed as patrons of religion, which in turn legitimized their rule. According to endowment deeds the Sufis were above all assigned a special daily service through communal prayers and recitations of the Quran, whose religious merit was allocated to the founders. This pious praxis, called *ḥuḍūr*, could even be specially determined with regard to time and referring to a specific verse of the Quran; analogously to Christian intercessions for memoria, the founder himself and his family members, both living and dead, were named as the spiritual beneficiaries.¹⁵⁰⁴ "This is confirmed by several manuals on dying, death, and the afterlife popular in the Mamluk period, as they cite the exact Quranic passages and prayers specified in the endowment deeds as being the most efficacious for assisting the dead."¹⁵⁰⁵ Yet *ḥuḍūr* was also meant to bring blessings to the living. From the troubles Mamlūk founders took for financial, political and religious control over their *khanqāhs*, some scholars of Islamic Studies have concluded that they are to be understood as "a state-sponsored bastion of 'orthodox' Sufism standing against a 'popular' religion of the *zāwiyahs*." Meanwhile, others have interpreted the function of the "care for the soul" (of the founders) to be more important and have thus compared these houses with the English chantries.¹⁵⁰⁶

Perhaps for the very first time, stipends for Sufis were fixed in an endowment deed of the Circassian sultan Barqūq of 1386/95.¹⁵⁰⁷ The Sufi inhabitants of the planned madrasa in the old Fatimid city of Cairo were to be generously financed. Ten dirhams a month were slated for all students who participated

¹⁵⁰³ Ibid., 67.

¹⁵⁰⁴ Ibid., 71.

¹⁵⁰⁵ Ibid., 72.

¹⁵⁰⁶ Ibid., 75, 77; cf. *Fernandes*, *Evolution of a Sufi Institution* (1988), esp. 96–108; *eadem*, *Mamluk Architecture* (1997), 108, 113; *eadem*, *Foundation* (1987); *eadem*, *Three Šūfī Foundations* (1981); *Hallenberg*, *Sultan Who Loved Sufis* (2000).

¹⁵⁰⁷ *Haarmann*, *Mamluk Endowment Deeds* (1980), 36–9.

in the daily prayer of Allāh (*dhikr*), with which their pay for inhouse services was supplemented. The Sufi students worked as imāms, muezzins, managers of the prayer carpets, experts on the observance of the times of prayer, distributors of copies of the Quran and librarians, as well as general practitioners and ophthalmologists, cooks, porters, watchmen, cleaners and stable boys. A special Sufi was employed for the praise of the Prophet. As far as teaching and teachers were concerned, particular value was placed on Arabic grammar: the teacher in question was to receive a salary of 300 dirhams as a “professor” for the teaching of the three lesser norms (*madhāhib*).

The foremost professorship was for a scholar of the Ḥanafī school, who was to teach theology, the exegesis of the Quran, knowledge of traditions and the fundamentals of discerning norms (*uṣūl al-fiqh*), among other subjects. His salary ran to 500 silver dirhams per month and was thus some 200 dirhams higher than that of his colleagues from the other three schools of jurisprudence. As an “academic director” he was responsible for 40 students, while his colleagues each supervised 20. His teaching schedule was, apart from Tuesday and Friday, to begin at the break of dawn and last three and a half hours; he also was to lead the afternoon prayer, which all 187 members of the school had to participate in.

The life of the young students was carefully monitored, not only as far as the curriculum was concerned, but their “private” lives as well. They were only allowed to leave the madrasa five times a month. Young, beardless men were strictly forbidden from entering the living quarters, unless they were visiting relatives. Upon marrying students had to leave the house. Three of the personal eunuchs of the sultan were tasked with overseeing the cleanliness of the building and keeping away unwelcome persons; they evidently were also to function as especially close confidants of the founder in monitoring the staff.

The four professors, the sheikh for the *ḥadīths* and the teacher for the readings of the Qur’an were recruited from the whole Islamic world, while their stemming from the city itself was rather unwelcome. In no case was nepotism to be tolerated in the allocation of positions. Notaries and judges in particular were denied entry into the madrasa, surely to avoid conflicts of interest between the functions of oversight and the members of the institution. It was precisely those people with close contacts to the Mamlūk emirs and other functionaries of political life who were excluded. The class of scholars (*‘ulamā*) was apparently interested in asserting its independence and special worth. Periods of absence were also precisely regulated. If one of the six academic teachers went on pilgrimage to Mecca or Jerusalem or visited his homeland, he was allowed to claim a maximum of three months’ salary; during his absence an administrator of the position was to be appointed. Yet only one *ḥajj*

was paid for, while repeated pilgrimages had to be self-financed. The sanctions were drastic for unexcused absences: whoever was away longer than ten days lost his stipend.

Vast numbers of endowment deeds have been transmitted for some sultans. For Qānsūh al-Ghūrī, the last of them (1501–16), 290 *waqfiyyas* have been preserved in the archive of the ministry for waqfs in Cairo.¹⁵⁰⁸ One of his largest foundations was the Ghūriyya Complex on al-Qaṣaba al-ʿUzma Street by the Azhar Mosque in Cairo. It encompassed a mosque, a madrasa, a school for children (*kuttāh*), a public fountain (*sabīl*) as well as a hostel for traveling merchants.¹⁵⁰⁹ To measure its scope and expense, some figures are in order:¹⁵¹⁰ within the madrasa 53 positions were envisioned for religious tasks and 13 for the maintenance of the building; their monthly incomes lay between 150 and 2,000 dirhams, and together constituted a sum of 26,880 dirhams. The tomb was entrusted to five persons, who were to receive between 400 and 1,000 dirhams. The *khanqāh* possessed 111 persons with religious duties and 9 other staff. The *sabīl* and *maktab* (elementary school) produced costs of 8,100 dirhams monthly for their 54 employees; finally, a further 15,000 dirhams were slated for the administration of the foundation itself. In addition, there were costs for religious festivals and special celebrations, according to the prescriptions of the endowment deed: 11,000 dirhams were reserved for Ramadan, 30,000 dirhams for the clothing of orphans and their teachers, 12,000 dirhams for the slaughter of animals at the sacrificial feast, 62,000 dirhams for the transport of water as well as a sum that was not more precisely defined for animals in the running of water mills. In total, 273 persons were supported with an annual sum of 5,644.5 dinars, whereby 960 dinars, or 17% of the total, fell to the founder and his son.

The revenues of the foundation came from properties and estates in Egypt and Syria. In Cairo and its vicinity, for example, to it belonged 16 businesses (*wakkālas*), 526 shops, 41 warehouses, six hostels (“loggias”), 367 *riwāqas*, *ṭabaqas* und *qāʿahs*, 18 city houses, five hammams, two oil presses, two sugar manufactories, two mills for grain, two bakeries, eight plots of land, of which three measured 500 *faddāns*. 72 further pieces of land were held by the foundation in other Egyptian locales. In addition, there were 15 villages, four mills for grain in Aleppo, 53 shops in Damascus as well as four pieces of agrarian land in Tripoli. A contemporary listing comes to in total 190 addresses with revenues of the foundation. In the documents itself it has been determined

¹⁵⁰⁸ *Alhamzah*, Late Mamluk Patronage (2009), 51.

¹⁵⁰⁹ *Ibid.*, 28.

¹⁵¹⁰ The following after *ibid.*, 123–4.

that the properties had belonged to the founder and that written attestations had been presented at the registration of this *waqfiyya*.¹⁵¹¹

The history of the Ottomans, the last great dynasty of Muslims in the so-called Middle Ages, extends back to the 13th century and ends only at the start of the 20th century.¹⁵¹² Its origins lay with the advance of the Mongols to the west, as the Asiatic nomads destroyed the empire of the Seljuks in Asia Minor ("Seljuks of Rum"). After 1243 the sultanate collapsed into a series of Turkish principalities subject to the loose suzerainty of a Mongol governor-general in Kaisareia. One of these Anatolian statelets was founded by Osman, who was born in 1258 and was a nomadic cowherd, but who also led Muslim "Warriors for the Faith" (*gazis*) in holy war against the Christians. His son Orhan (d. 1362), who was able to take the strong fortress of Bursa in 1326, became the true founder of the Ottoman Empire. In order to demonstrate its independence, he procured the title of emir for himself and had coins minted with his name. Significantly, tradition has also bestowed upon him the epithet of *Gazi*, because he accepted Turkish fighters of holy war fleeing from the Mongols into his service; religious fraternities and above all the mystically-inclined Sufis likewise supported him. In 1331 he conquered the old conciliar city of Nicaea (Iznik), and also Nicomedia (Izmit) soon thereafter, and when he was able to take the fortress of Tzympe from the Byzantines, the Ottomans now had a foothold on European soil. Orhan's son Murad I (1361–89) initiated the systematic conquest of the Balkans, which culminated in the capture of the imperial city of Constantinople by Mehmed II in 1453.

Pious foundations (Turkish: *vakıf*, pl.: *evkaf*) play a significant role in the history of the Ottomans and, consequently, in scholarship ("Ottoman Studies");¹⁵¹³ yet the sources for the first two centuries of the empire are largely restricted to inscriptions, before documents (*vakıfname*, *vakfiye*) took hold. Also typical were endowment registers, the oldest example of which was compiled by the princes of Karaman in their city of Konya in 1476.¹⁵¹⁴

Foundations were employed by the Ottomans—by the sultans, their wives and viziers, who often married the daughters of the rulers—above all for the development of cities: buildings thus constituted their central element. They either facilitated the performance of pious works, for instance in madrasas,

¹⁵¹¹ Ibid., 86–103.

¹⁵¹² On what follows *Borgolte*, Christen, Juden, Muselmanen (2006), 281–300, cf. *Faruqi*, Geschichte (2000).

¹⁵¹³ *Barnes*, Introduction (21987); *Faruqi*, Pious Foundations (2005), here esp. 223–8. With an emphasis on the period after 1500: *Çizakça*, History (2000); *Meier*, Für immer und ewig? (2009); *Hoexter*, Endowments (1998); *Baer*, Waqf (1997).

¹⁵¹⁴ *Faruqi*, Pious Foundations (2005), 228–30.

in the building of bridges or the laying of aqueducts, or in their financing. In the great cities and occasionally also in provincial centers entire quarters were erected with the funds of the sultans or other wealthier founders.¹⁵¹⁵ The oldest complex of this sort already arose in the 14th century in Bursa and is attributed to Orhan Gazi; the sultan had a covered central market (*bedestân*) erected, which alongside public soup kitchens (*‘imāret*) would become characteristic of Ottoman cities.¹⁵¹⁶ The succeeding rulers, Murad I Hüdavendigâr (1362–89) and Bayezid I (1389–1402), expanded the city-quarter until its subjugation to Timur. After a civil war Çelebi Mehmed (1413–21) triumphed and took pains to connect his own name, rather than those of his predecessors, with the complex of a mosque, theological school and mausoleum. Bursa, which also served as the mausoleum of the sultans of this period, was replaced as the royal residence in the late 14th century by Edirne. Bayezid II (1481–1512) here as well erected a larger foundation complex, which included a school of medicine.¹⁵¹⁷

With the conquest of Constantinople, the constructions of sovereign foundations were concentrated within the new capital. Sultan Mehmed II (1451–81) and his grand vizier Mahmud Paşa even competed with one another. The vizier erected a covered market in distant Ankara in order to use its incomes for the construction of the main market on the Golden Horn. In 1472/1474 Mehmed himself endowed Hagia Sophia, now turned into a mosque, with confiscated properties of the largely deserted and ruined city. He also converted other churches, such as those of the Dominicans, into Friday mosques.¹⁵¹⁸ He founded mosques in the two Bosphorus fortresses of Rumeli Hisarı and Anadolu Hisarı as well as in the new citadel at the Golden Gate (Yedikule). A portion of his foundations was likewise the central market quarter, essentially the bazaar of Istanbul still standing today. The Conqueror put particular value on the new construction of a mosque on the Constantinian Church of the Holy Apostles, by which he demonstrably placed himself in the tradition of Christian emperors. Madrasas, a hospital, a hostel as well as a tomb for the sultan underneath the south wall also belonged to this complex.

A sensational undertaking of Mehmed was the erection and endowment of a central shrine with pilgrimage sites outside the city walls. At the time the Ottomans did not yet possess Mecca, Medina or Jerusalem, so that this must have represented their own proof of their religious legitimation. At the Golden Horn the tomb of the companion of the Prophet Abū Aiyūb al-Anṣārī was

¹⁵¹⁵ Ibid., 224, 232.

¹⁵¹⁶ *Arjomand*, Philanthropy (1998), 125.

¹⁵¹⁷ *Faroghi*, Pious Foundations (2005), 232 The following after *ibid.*, 233.

¹⁵¹⁸ On this and what follows: *Knost*, Stifter (2016), 386.

miraculously rediscovered, who had supposedly taken part in the Arab siege of Constantinople around 670 CE. Probably in order to underline the connection with early Islamic history, the sultan had the deed of foundation for the site drawn up not in Turkish, as was normally the case, but rather in Arabic. In a copy dated to 1582/3 CE, Mehmed had himself named “protector of the interests of the two holy sites Mecca and Medina”, and thus articulated his claim to leadership over the Muslim world. The lavish construction he had erected was also repeatedly endowed in the following centuries by the Ottomans. On the whole, the undertaking of Mehmed the Conqueror reached enormous dimensions: its properties numbered around 1,900 shops and workshops as well as 1,200 houses and portions of communal lodgings. Though it was contrary to the law on foundations, the sultan transferred material endowments between the various mosques.

Mehmed's successors of course also participated in the enlargement of the Ottoman-Muslim metropolis on the Bosphorus. A large complex of buildings on the erstwhile Byzantine *Forum Tauri* and around a further mosque is attributed to Mehmed's son Bayezid II.¹⁵¹⁹ As Sulaimān the Magnificent (1520–66) continued the remaking of Christian-Roman Constantinople, the contemporaneous French traveler Pierre Gilles complained that the architectural remains from the times of Constantine the Great as well as the emperors Theodosius and Justinian were fast disappearing. Now it was even the wife of the sultan, Hurrem Sultan (Roxelana), who called a foundation complex to life, and her daughter, Princess Mihrimah Sultan, together with her consort, the grand vizier Rüstem Paşa, did the same in Istanbul.

Until the end of the 16th century Ottoman princes were customarily sent to Anatolia, where they were to learn the art of rulership. In this way their residences in the provinces were likewise intentionally developed with foundations. Amaysa experienced the patronage of the later sultan Bayezid II, Konya of Selim II, Manisa of Murad II.¹⁵²⁰ Though the Ottoman sultans never undertook a pilgrimage to Mecca, they supported pilgrimage through the foundation of hostels. After the Ottoman capture of the Holy City in 1517, they had some buildings of the Mamlūks torn down and replaced by buildings in their own style, above all minarets and domes, which were meant to testify to the greatness of the dynasty and its rulers. Account books testify to pious foundations for the Hijaz, and even mention ships that belonged to them and which were rented to merchants. Egyptian villages with their grain harvests were

¹⁵¹⁹ *Faroghi*, Pious Foundations (2005), 233.

¹⁵²⁰ *Ibid.*, 238.

individually listed, but also locales which were worked without profit.¹⁵²¹ The large proportion taken up by foundations in the state budget of the Ottomans can be calculated for the 16th century: it ran to 10 to 15 percent of taxable properties.¹⁵²²

1.3.5 *Foundations Require Association: Latin Christian Kings and Princes*

1.3.5.1 Laypersons, Bishops and the Accumulation of Church Property

In ancient Rome the religious cult was organized by the state; even when there was room for private donations, these could hardly be dedicated to specific goals over the long term. The *sacra publica* were thus not an area in which foundations could have developed. It was, however, a readily-used instrument for the cult of the dead and of memory.

The Christian Church as well had established itself with its cult beyond or in opposition to the state, and originally lived from the offerings of the faithful. These revenues were immediately redirected to their goals, so that the acquisition of church property was at first restricted to places of gathering and cemeteries.¹⁵²³ The episcopal churches themselves could stem from pious donors. Gregory of Tours (d. 594), the historian of the Franks, illustrates this by example of Bourges, where a disciple of the first Gallic bishops of Arles, Narbonne, Toulouse, Paris, Clermont, Limoges and Tours was active as a missionary in the 3rd century: "A few of them believed and were ordained priests and learned the ritual of psalm-singing, and were instructed how to build a church and how they ought to observe the worship of the omnipotent God. But as they had small means for building as yet, the citizens asked for the house of a certain man to use for a church. But the Senators and the rest of the better class of the place were at that time, devoted to the heathen religion and the believers were of the poor, according to the word of the Lord with which he reproached the Jews saying: 'Harlots and publicans go into the kingdom of God before you.' And they did not obtain the house from the person from whom they asked it, but they found a certain Leocadius, the first senator of the Gauls (...). And when they had made known to him at the same time their petition and their faith he answered: 'If my own house in the city of Bourges were worthy of this work I would not refuse to offer it.' And when they heard this they fell at his feet and offered three hundred gold pieces on a silver dish and said the house was very worthy of this mystery. And he accepted three gold pieces from them for a blessing and kindly returned the rest, although he was

¹⁵²¹ Ibid., 237–8.

¹⁵²² Ibid., 251.

¹⁵²³ Stutz, *Geschichte* (31972), 2.

yet entangled in the error of idolatry, and he became a Christian and made his house a church. This is now the first church in the city of Bourges, built with marvelous skill and made illustrious by the relics of Stephen, the first martyr."¹⁵²⁴

It was first around the year 200 that a comprehensive direction of communities and priestly colleges by the bishops took hold in the Church ("monarchical episcopacy"),¹⁵²⁵ which included the administration of all church property; this was even understood as a unitary asset structure.¹⁵²⁶ A council of Antioch in 341 determined in this sense: "We order that the bishop has full control over the properties of the church; if namely the precious souls of people are entrusted to him, then much more comes to him, to have properties at his disposal, so that everything can be managed according to his stipulations and can be preserved for the needy by the priests and deacons as support."¹⁵²⁷ The bishop had to maintain the clergy, the poor and the *fabrica*, the church building, from the property of the church.¹⁵²⁸ He did not live at his seat in the city alone, but in a community of religious. According to their entry into the register of episcopal clerics, in Gaul in the early 6th century they were already designated as *canonici* (*clerici*). The "canons" shared meals and lodging with the bishop. They received from him *stipendia* and *munera* ("prebends" and "gifts") from church property, and were thus relieved from the necessity of working for a living.

The bishops, however, relied upon the offerings of the faithful for the spread of churches. The legal form in which this occurred was initially that of foundations, as a valuable source from Italy attests.¹⁵²⁹ In the year 471 a Catholic Goth¹⁵³⁰ by the name of Flavius Valila, who served in the Roman army and bore a high rank, erected a church on land belonging to him (*massa Cornutanensis*) by Tivoli and endowed it with properties; the latter were to facilitate the maintenance of the religious, the decoration and upkeep of the church as well as the illumination of the house of God. In particular, Valila gifted the church with the land on which he himself stood, as well as with the adjacent territory and land for gardens and dwellings of the clergy and administrators. For these gifts

1524 Gregorii Libri Historiarum x (1951), 24 cap. 31; German translation: Gregor von Tours 1 (¹1970), 37; English translation: <https://sourcebooks.fordham.edu/basis/gregory-hist.asp#book1>. Cf. Weidemann, Kulturgeschichte 1 (1982), 145.

1525 Dassmann, Entstehung (1974); Martin, Genese (1972); Baumeister, Ordnungsdenken (1978).

1526 Stutz, Geschichte (³1972), 5–12.

1527 Cited after *ibid.*, 6.

1528 Borgolte, Mittelalterliche Kirche (²2004), 39.

1529 Stutz, Geschichte (³1972), 53–5, and Feine, Studien 1 (1941), 1–4, treated this episode. Edition: Liber Pontificalis 1 (²1955), CXLVI–II.

1530 Valila expressly transferred *eidem ecclesiae catholicae proprietatem*: Liber Pontificalis 1 (²1955), CXLVI.

of property, he retained certain *fundi* while he lived for his own use, yet they were to fall to the church foundation after his death. Valila comprehensively listed silver vessels for the liturgy, numerous garments and liturgical books among the church's endowment. Finally, he secured the status of his establishment with care, especially with regard to the bishop and beyond the end of his life: "This I desire to secure above all, that with me, may it not come to pass, the divine service and worship at the Church of Cornuta might perish; therefore I have prescribed for my donation as a law and condition, that it never be allowed for a bishop or priest, who follows him, or to a cleric, to take anything away for another church or to use it for the adornment of another church on the pretext of divine worship, from these estates, gardens or silver vessels, garments and manuscripts which I have designated. Namely, I want it observed that the donated properties should belong to the aforementioned church for its eternal maintenance. If the attempt is made to take away something against my command, then my heir or heirs or my successor or successors, who shall follow them at some point, are to redirect all the properties which are listed in this deed of donation to its right and possession. Whatever is offered by us for the purpose of the venerable religion, according to the law and under precise conditions, should not be allowed to be allocated by anyone to the church of another, or to the properties of some person."¹⁵³¹

Within scholarship, the ban on episcopal encroachment upon this church foundation has been deemed a "grievous tear" in the system of church property since the 4th century: "We encounter here for the first time church property, for which the full administration is not only checked by legal restrictions, but is as good as overturned. The property belonging to the church of Cornuta cannot even be exchanged with another church property or be otherwise used for an ecclesiastical purpose, for instance in favor of a needier church. Its revenues do not flow to the central episcopal treasury, and the latter does not use expenditures for the new church. Instead, it supports itself directly from the use of its property; in particular, the priest of Cornuta as well as the remaining clergy receive their support directly from this fund, that it itself also administers. The bishop's role is limited to that of oversight. He was to supervise the stipulations of the founder; he certainly determined how much the priest was to use for himself and his fellow religious, and for the lights and repairs. He can, at the very least, render accounts for them. Yet his power extends no further. Were he to overstep these bounds, everything would revert to Valila and his heirs. The stipulations on the management of the church of Cornuta thus created,

¹⁵³¹ Ibid., CXLVII.

via the means of private law, an exception to the system of property administration holding within the church.”¹⁵³²

Bishops were so dependent on the aid of wealthy laity that private church foundations could indeed question the authority of their office or at least constrain it; yet one should see with these foundations less a break with the still-new condition of the church and more a continuation of the original participation of laity, which reached back to the pre-episcopal period. The motivation of Valila was the *propitiatio divinitatis*, that is reconciliation with God, and his eternal salvation.¹⁵³³ This stood alongside the goals of the spread of Christianity and the cultivation of religious worship, which a pious donor shared with the bishops and their prerogative of office. Valila could also have hoped for the special intercessions of the religious of his church for himself and for his family members. The wish for *memoria*, which developed in pre-Christian foundations for the dead beyond the *sacra publica*, pressed within Christianity into the spectrum of motives for founding churches, especially because they could also house the tomb of the founder.¹⁵³⁴

Especially with the proselytization of the populace in the countryside, wealthy magnates like Valila erected churches on their property, which met the religious needs of their people (*familia*),¹⁵³⁵ and soon also acquired parish functions for the whole populace of their vicinity.¹⁵³⁶ The parish churches accumulated impressive contributions of the faithful and therefore became attractive over the course of time as capital investments. Founders even laid claim to the nomination of priests in their churches and thereby intervened at the heart of episcopal authority. One then speaks of “proprietary churches”.¹⁵³⁷ These existed throughout the Middle Ages, not, as was long believed, only in its earlier period (into the 12th century).¹⁵³⁸ Even through state and church

1532 Stutz, *Geschichte* (31972), 54. Neither Stutz nor *Feine*, *Studien* 1 (1941), 1–4, take a clear position as to whether they view this transaction as a foundation; they employ the terms “founder” or “foundation” imprecisely, instead being fully fixated upon the genesis of the (supposedly Germanic) proprietary church during the transition to the Middle Ages. In fact, there had also existed church foundations from the beginning, cf. still *Borgolte*, *Churrätischer Bischofsstaat* (1986); *Moddelmog*, *Stiftung oder Eigenkirche?* (2008).

1533 Liber Pontificalis 1 (21955), CXLVI.

1534 Cf. *Borgolte*, *Stiftergrab* (1985); *idem*, *Stiftergrab / Grabkirche* (1996).

1535 *Borgolte*, *Mittelalterliche Kirche* (22004), 35; *Hartmann*, *Vom frühen Kirchenwesen* (2011).

1536 Foundational works: Stutz, *Eigenkirche* (1895); *idem*, *Geschichte* (31972). Quite recent is: *Petke*, *Pfarrei* (2013), esp. 25–34.

1537 Now *Moddelmog*, *Stiftung oder Eigenkirche?* (2008), who also (218, 225 n. 29) adopts a critical stance towards *Wood*, *Proprietary Church* (2006).

1538 Cf. *Borgolte*, *Stiftungen im Spannungsfeld* (1994, repr. 2012), 27–8. Pursuing this line of thought further: *Moddelmog*, *Stiftung oder Eigenkirche?* (2008).

legislators had restricted the authority of laypersons over these houses of God since the Carolingian period, these remained special church property, which bishops and laypersons laid competing claims to.¹⁵³⁹ The bishops had to at least take care that the functioning of churches for the congregation did not become overshadowed by the personal interests of individual believers.¹⁵⁴⁰

It is imperative to pay attention to the differences between endowed churches and proprietary churches. Due to their economic furnishing and staff, both could be devoted to lasting goals, above all to the liturgy and the commemorative prayer of the founders and their family members. With proprietary churches, hereditary authority secured the fulfillment of this purpose, yet at all times they were subject to the caprice of their proprietors. With a foundation, a community of persons was to safeguard its purpose. This community regenerated itself, and thus preserved its independence against all comers, above all the founder's family and the diocesan bishop and political authority. Since the unique essence of foundations consists of "the will of the founder remaining potent after his death", it must "take advantage of a plurality of persons". "Limiting himself to a single 'obedient' person, the founder would not arrive at the realization of his goal; instead, he requires a number of persons, who can reproduce themselves biologically, by nomination or co-option, either over the long term or permanently."¹⁵⁴¹ One can therefore say that the principle of association was the means by which religious foundations could develop within Christendom, especially in the sphere of the Latin Church.¹⁵⁴² Of course, communities of persons created by the founder could also develop their own communal will, which they even asserted against the original plans of the founder.

From the standpoint of typology, the Middle Ages did not invent new types of associations for foundations, but rather made use of already tried and true models: essentially, there were associations of persons with memorial, philanthropic and ascetic-monastic goals, though these functions often converged and combined. The aforementioned testament of Bishop Berthram of Le Mans of the year 616 demonstrates this paradigmatically, and it is a key piece of evidence for the history of religious foundations in Latin Europe between Antiquity and the Middle Ages.¹⁵⁴³ The bishop possessed a vast fortune from his own inheritance, royal donations and properties he had acquired by other means, including the endowment of the episcopal church itself. At the center of

¹⁵³⁹ Cf. *Borgolte*, *Periodisierungen* (2014), 253–255: proprietary church versus foundation.

¹⁵⁴⁰ This applies, for example, to the private tombs in Old Saint Peter's in Rome, cf. *Borgolte*, *Petrusnachfolge* (2019); *idem*, *Nepotismus* (1988), esp. 551–5.

¹⁵⁴¹ *Borgolte*, *Stifter—Lateinische Christen* (2016), 364–5.

¹⁵⁴² *Borgolte*, *Stiftungen im Spannungsfeld* (1994); thereafter *Wagner*, *Universitätsstift* (1999).

¹⁵⁴³ *Weidemann*, *Testament* (1986); *Borgolte*, *Felix est homo ille* (1982).



ILLUSTRATION 25 Founder's portrait of Pope Honorius I, c. 625/38 in Rome, S. Agnese fuori le Mura

his planning was a house of God dedicated to the holy apostles Peter and Paul. The extramural construction, which was outfitted with the relics of the Princes of the Apostles, was to foster “the protection of the city and the well-being of the people”, but was above all envisaged as a place of burial for Berthram. The founder slated multiple communities for his memoria. According to church legislation since Constantine the Great (321), which a Parisian council referenced in the years 561 / 67, he manumitted his slaves and from them, according to the model of the ancient-pagan testator, formed a concretely delineated group of *liberti*, that were to care for his tomb over the long term, that is via their descendants.¹⁵⁴⁴ They were subordinated to a clerical association at the *basilica* (“church”) of Saints Peter and Paul, which was designated a *monasterium* (“monastery”), stood under the direction of an *abbas* (“abbot”) and was composed of *canonici*. It had the same tasks as the freedmen and was to tend to the tomb of the bishop and the *luminaria* (“illumination”, that is the worship service), and was also slated to pray for Berthram’s salvation. One sees here how a religious, probably more a monastic than a priestly community, appears alongside the community of freedmen, known already from Antiquity, yet the former had not yet replaced the latter. A manumission *religiosa mente* (“from a Christian disposition”) was seen as a good work, yet Berthram was also philanthropically active beyond this. To wit, he erected a xenodochium dedicated to Saint Martin (literally a “hospice for foreigners”), which was to stand under the direction of the abbot of Saints Peter and Paul; here he foresaw 16 places for the poor, blind and frail as well as guestrooms for his *amici* (“friends”; “relatives”) as well as for *peregrini* (“foreigners”). Along with the clergy and freedmen, these needy and the “faithful” were likewise to pray at the tomb of Berthram for the forgiveness of his sins.¹⁵⁴⁵

1.3.5.2 Monasteries of “German” Kings from the 5th Century Onwards

As patrons of churches within Latin Christendom, kings stood in the tradition of Constantine the Great; like episcopal church foundations, financing from the property tied to an office cannot always be differentiated from private means. In general, their gifts to the Church went into the disposal of the bishops, who thereby were to finance the maintenance of the clergy, the furnishing

¹⁵⁴⁴ *Borgolte*, Freigelassene (1983, repr. 2012), esp. 134–40; without knowledge of this essay *Heidrich*, Freilassungen (2008).

¹⁵⁴⁵ From France or the transitional period to the Middle Ages there is no additional example of a solidly-established cultic community of freedmen (on the testament of Erminetrude, probably from the second half of the 7th century, cf. in this context *Heidrich*, Freilassungen [2008], 224–6); the care of tombs in this age went over completely into the hands of the Church.

of objects of worship and preaching of the faith as well as the works of caritas. Gifts of artistic patronage¹⁵⁴⁶ of rulers thus in this context have nothing to do with foundations: the former were donations, that is “lost” gifts, while the latter, pursuant to their purpose, were excluded from any takeover by a third party (the bishops, in this case).¹⁵⁴⁷ If one is to view a royal church or monastery establishment as a foundation, then it depends on whether a community of men or women was established which was bound to a particular task and was able to govern and regenerate itself.

In contrast to other cultures, royal foundations in Latin Christendom did not bring forth the state, even though they were certainly capable of complementing or fulfilling state functions. Yet monarchs, due to their economic power and their wide-ranging influence, had the opportunity to practice a foundation policy, which also made use of other founders and benefactors.

Most of the kingdoms which arose in Gaul, Spain, North Africa and Italy over the course of the so-called *Völkerwanderung*¹⁵⁴⁸ were led by dynasties that were not Catholic, but rather Arian.¹⁵⁴⁹ Alongside the church of the indigenous Roman populace, there arose their own special hierarchies and houses of God. Kings doubtless contributed decisively to the construction of these churches, as is attested for Theoderic the Great,¹⁵⁵⁰ but we otherwise know next to nothing about them.¹⁵⁵¹ For foundations, which were to preserve their independence, if not in opposition to, but rather in tension with, the episcopate, there would have meanwhile hardly been any place in the given political context.

There were therefore special reasons why the history of royal foundations in Western Europe was able to begin in the Kingdom of the Burgundians. These “Germans” in 443 CE settled in the Sapaudia, that is in the vicinity of Lake

1546 On the relationship between foundations and patronage s. *Borgolte*, *Stiftung und Wissenschaft* (2011).

1547 On differentiating between donations and foundations s. *Borgolte*, *Stiftung—Interkulturelle Perspektiven* (2014), 19.

1548 Quite recently, for instance, *Pohl*, *Völkerwanderung* (2014); *Borgolte*, *Mythos* (2010).

1549 *Borgolte*, *Christen, Juden, Muselmanen* (2006), 115–124.

1550 Cassiodori Senatoris Variae (1894), 28 no. 1, 26; cf. *Ausbüttel*, *Theoderich der Große* (2003), 93.

1551 On the kingdoms of the Visigoths (West Goths) in Gaul and Spain *Kampers*, *Geschichte der Westgoten* (2008), 148–151, 298, 304–11; for the Suebi in northwest Spain *Berndt*, *Konflikt und Anpassung* (2007), 164–9; for the Vandals in North Africa *Steinacher*, *Vandalen* (2016); *Castritius*, *Vandalen* (2007), passim; *Merrills*, *Kornkammer* (2009); for the Ostrogoths or Theoderic in Italy *Sotinel*, *Arianismus* ([2008]); *Giese*, *Goten* (2004), 78–83; *Ausbüttel*, *Theoderich der Große* (2003), 92–107.

Geneva, and there formed a kingdom.¹⁵⁵² In contrast to the provincial Roman populace, the Burgundians were only partially Catholic and otherwise followed “Arian” doctrine, which was viewed by the Romans as a heresy.¹⁵⁵³ Bishops and wealthy laypersons erected churches on their own properties or with their material means;¹⁵⁵⁴ apparently there were even property-owning churches in the countryside, though whether these were independent foundations or were able to remain so cannot be said.¹⁵⁵⁵ Catholic bishops made pains to subject all churches to their control and authority.¹⁵⁵⁶ The metropolitan Avitus of Vienne (d. 518) admitted to King Gundobad: “What my church has always possessed, indeed all of our churches, has come from you, since you have either preserved it until now or yourself donated it.”¹⁵⁵⁷ Monasticism promised to be a larger arena of development for religious foundations between the competing influences of private, royal and episcopal authority. The Burgundians encountered a large ascetic movement in their region, which had imported the way of life of hermits and communal monks from the start of the 5th century from the Orient through the Mediterranean littoral.¹⁵⁵⁸ Strong impulses further to the north stemmed above all from the Monastery of Lérins (by Cannes) and its monk Caesarius, who from 502 became bishop of Arles.

Although early monasticism in Gaul was already influenced by the aristocracy to a considerable degree, who were still able to partially rely on the wealth of their families, the monastic ideal stimulated the idea of foundations in a specific way. Originally, that is in Egypt and Asia Minor, monks, renouncing all possessions, personal relations and even participation in the common life of the church, had retreated into the desert in order to fully devote themselves to contemplation and prayer with complete freedom and solitude.¹⁵⁵⁹ For their provisioning with the most necessary material goods, they won what they could

1552 *Kaiser*, Burgunder (2004), 34, 38–40; *idem*, Mittelmeerwelt (2014).

1553 *Kaiser*, Burgunder (2004), 148–57.

1554 *Ibid.*, 156.

1555 *Ibid.*, 163; cf. Alcimi Aviti Opera (1883), 35–9. In her treatment of the testimony of Gregory of Tours, which (here), however, reaches back into the 4th/5th century, Weidemann, Kulturgeschichte 1 (1982), 339, comes to the conclusion that “there was no episcopal endowment and no budget for the bishopric, but in every see there were many wealthy churches with their budgets.” Weidemann does not mention endowments in this context.

1556 S. especially the canons of the Synod of Epao (517), *Concilia Galliae* a. 511–a. 695 (1963), 20–37; *Concilia Aevi Merovingici* (21966), 15–30; *Kaiser*, Burgunder (2004), 161–5.

1557 Alcimi Aviti Opera (1883), 74. Transl.: *Kaiser*, Burgunder (2004), 156.

1558 Esp.: *Prinz*, Frühes Mönchtum (1965), 47–117; *idem*, Von Konstantin (2000), 52–5; *Frank*, Grundzüge (1975), 35–50; *Angenendt*, Frühmittelalter (1990), 99–103; *Kaiser*, Burgunder (2004), 166–75.

1559 *Frank*, Grundzüge (1975), 1–34; *Angenendt*, Frühmittelalter (1990), 59–60.

from the soil with the work of their hands, yet they saw themselves as reliant upon the offerings of regular Christians. Hermits or monks did not provide for the basis of their subsistence themselves through their own foundations, but rather caused foundations to be created for their benefit. This division of roles is already known from the monasticism and monasteries of Buddhism.¹⁵⁶⁰

The Burgundian king Chilperic (d. 474/6), who perhaps himself adhered to Roman Christianity, but in any case was married to a Catholic wife, was confronted with this monasticism.¹⁵⁶¹ In the Jura Mountains of Switzerland the brothers Romanus and Lupicinus, who did not stem “at all from a poor family”, sought the desert after the model of the Near Eastern hermit Antony.¹⁵⁶² There, where according to a contemporaneous source still no monk had “dedicated himself to the monastic life, either as a hermit or as a cenobite”,¹⁵⁶³ first the elder brother Romanus settled and initially was able to live on what he himself harvested from the barren soil.¹⁵⁶⁴ A large influx of young men forced the brothers to establish multiple monasteries, which both siblings directed, especially the monastic community of Condat, which Romanus concentrated on, and that of Laucone, where Lupicinus practiced and demanded an especially harsh ascetic regime.¹⁵⁶⁵ “In fasting and wakes he exercised extensively, so that he exceeded the achievements of the eastern and Egyptian monks through the Gallic way.”¹⁵⁶⁶ Meanwhile, the way of life of hermits on the model of the eastern monastic fathers Basil and Pachomius was relaxed, whose norms were adapted to the “Gallic nature”.¹⁵⁶⁷ At the death of Romanus there were already said to be around 150 brothers, in addition to a convent also founded by him with around the same number of nuns.¹⁵⁶⁸ In order to maintain these ascetics, they began to clear the wood and run a complex agrarian economy.¹⁵⁶⁹ Nonetheless, Lupicinus (d. around 480), as attested by his slightly younger

1560 Esp.: *Schmiedchen*, Stiftungsbegünstigte (2016), 510; *eadem*, Stiftungen zum Unterhalt (2013); *Olles*, Religiöse Stiftungen (2016), esp. 695–719.

1561 *Kaiser*, Burgunder (2004), 152, but 235 n. 501. The dating of Chilperic *ibid.* 57.

1562 *Leben der Juraväter* (1975), 105–8, citation at 105 cap. 4. The new edition of the Latin text with a French translation: *Vie des Pères* (1968), 242–7, citation at 242. More information on the Jura Fathers: *Prinz*, Frühes Mönchtum (1965), 66–9, 78 and elsewhere.

1563 *Leben der Juraväter* (1975), 105 cap. 4.

1564 *Ibid.*, 106 capp. 6–10.

1565 *Ibid.*, 108–112 capp. 13–24.

1566 *Ibid.*, 129 cap. 65.

1567 *Ibid.*, 165–7 capp. 170–4, at 167 cap. 174, cf. 129 capp. 66–7.

1568 *Ibid.*, 112 capp. 24–5.

1569 *Ibid.*, 112, 123, 125, 132 capp. 22, 52, 57, 73, 77.

biographer (around 510/20),¹⁵⁷⁰ was once only able to avert an imminent famine through a miracle.¹⁵⁷¹ Towards the end of the century, the bishop Gregory of Tours narrated how Lupicinus had found a long-ago buried treasure of silver and gold, with which he was able to pay for the meals of a great many of the monks.¹⁵⁷² On another occasion (around 467), the monastic father sought King Chilperic at his seat in Geneva and asked him for aid. The abbot reminded the ruler that, though the Lord was able to satisfy his sheep with spiritual nourishment, they nonetheless lacked food. “We thus ask Your Highness to provide us with what we need in food and clothing.” The king replied: “Take fields and vineyards, from which you can make good your needs.” With this transfer of estates Chilperic desired to make a supplementary endowment to the monasteries of Jura—which was apparently the obvious solution in his eyes.¹⁵⁷³

Lupicinus, however, refused this offer: “We shall not accept fields and vineyards, but rather, if it pleases Your Highness, leave us [only] something of the yields. For it is not fitting for monks to better their way of life through worldly wealth, because they ought to seek the Kingdom of God with humility of heart.” Along with the motive of worldly poverty, a role might have been played by the fact that the properties offered by Chilperic could not have been easily united with the monastery’s cleared woodlands in Jura, so that an extensive administration may have been required of the monks. Chilperic, in any case, was convinced by the objection of the monks and had it documented that the monks were “to receive 300 measures of wheat and 300 measures of wine, in addition to one hundred gold shillings for clothing.” This had been, Gregory added, delivered by the royal treasury into his own times.¹⁵⁷⁴

Lupicinus preferred a dependence on annual payments in kind and in money to the preservation or even strengthening of monastic autonomy, which the royal endowment would have been able to achieve, even though the former was continually under the threat of royal revocation, because this corresponded to the ideal of monastic humility. His behavior, moreover, was apparently influenced by the model of monks in the Byzantine Empire.¹⁵⁷⁵

1570 On the dates *ibid.*, 99; *Weidemann*, *Kulturgeschichte* 1 (1982), 249; *Kaiser*, *Burgunder* (2004), 167.

1571 *Leben der Juraväter* (1975), 130 capp. 68–9.

1572 *Gregorii Liber vitae patrum* (1885), 215 cap. 1.3.

1573 *Ibid.*, 217 cap. 1.5. Cf. *Leben der Juraväter* (1975), 138 capp. 92–5. Dating: *Kaiser*, *Burgunder* (2004), 170.

1574 *Kaiser*, *Burgunder* (2004), 170–1.

1575 *Prinz*, *Frühes Mönchtum* (1965), 96; *Kaiser*, *Burgunder* (2004), 167–171. Knowledge of Greek was ascribed to the third of the Jura Fathers, Abbot Eugendus (d. around 520): *Leben der Juraväter* (1975), 151 cap. 126, cf. on which 300 n. 14 as well 99.

According to the legislation of Justinian I, as well as the type of patronage of churches and monasteries which he himself practiced, in the Eastern Roman Empire endowment with annual revenues (*presbia annalia*) was practiced instead of the granting of landed property.¹⁵⁷⁶

Chilperic's successor, King Gundobad, remained an Arian his entire life, yet was engaged to the Catholic Caretene, who with the permission of her husband made the Roman confession available to their sons, who had been baptized as Arians.¹⁵⁷⁷ The queen also stood under Greek influence, because a church erected by her in Lyons was dedicated to the Archangel Michael,¹⁵⁷⁸ who to that point had only been venerated in the east—the first case of such a choice of church patron in Catholic Europe (Saint-Michel d'Ainay).¹⁵⁷⁹ Cartene (d. 506) was also buried there.¹⁵⁸⁰ It stands to reason that the Church of the Guide of Souls¹⁵⁸¹ was able to fulfill its function as royal resting place only through a continuously active memorial association, but the contemporaneous foundation of a convent, which has been repeatedly suspected,¹⁵⁸² cannot be proven.

The renown of the first "Germanic" king as a religious founder benefited Gundobad's (d. 516) and Caretene's son Sigismund;¹⁵⁸³ together with his brother, he converted to Catholicism between 500 and 507 and was raised by his father to (junior) king with his seat in Geneva.¹⁵⁸⁴ As he visited Rome as a devout pilgrim (probably before 507), he brought back from there relics of the Prince of the Apostles, which he distributed throughout his kingdom. The most powerful sign of his veneration of Peter and conversion was, however, the Church of Saint Peter in his capital.¹⁵⁸⁵ Avitus of Vienne emphasizes the great material cost which Sigismund expended for it, which was unusual for the elite of his

¹⁵⁷⁶ Chitwood, *Stiftungsvermögen* (2016), 326.

¹⁵⁷⁷ Kaiser, Burgunder (2004), 57, 63, 152–7.

¹⁵⁷⁸ Alcimi Aviti Opera (1883), 185 (German translation in: Kampers, Caretena [2000], 1); 125–6.

¹⁵⁷⁹ On which: Ewig, *Verehrung* (1964, repr. 79), 399 with n. 46; Kampers, Carena (2000), 24; Kaiser, Burgunder (2004), 159.

¹⁵⁸⁰ Hartmann, Königin (2009), 11; Kaiser, Burgunder (2004), 159: "the oldest known funerary church built by a queen"; Krüger, *Königsgrabkirchen* (1971), 214–8; Ewig, *Kirche* (1960, repr. 79), 9.

¹⁵⁸¹ On the cult of Michael cf. Brückner, Michael, III. *Verehrung* (1998).

¹⁵⁸² At least in this sense as an assertion of facts: Hartmann, Königin (2009), 11. More cautious is Krüger, *Königsgrabkirchen* (1971), 216.

¹⁵⁸³ Kaiser, Burgunder (2004), 171, designates him as the first among the kings who established a monastery; Prinz, *Frühes Mönchtum* (1965), 102.

¹⁵⁸⁴ Kaiser, Burgunder (2004), 63; Kasten, *Königssöhne* (1997), 100 n. 169.

¹⁵⁸⁵ Kaiser, Burgunder (2004), 158; Krüger, *Königsgrabkirchen* (1971), 61.

time.¹⁵⁸⁶ Scholars have suspected that the house of God under the protection of Peter, the keeper of the Gates to Heaven, was even planned as a royal resting place,¹⁵⁸⁷ though this is uncertain. Since any testimony on a clerical or monastic community there is lacking, St. Peter's in Geneva cannot yet be seen as the first royal foundation.

Yet one can say this for the Monastery of Saint-Maurice d'Agaune, which Sigismund erected in 515, still during the lifetime of his father.¹⁵⁸⁸ The location had been settled since at least the Roman Period and was of great strategic importance.¹⁵⁸⁹ It lay near the emptying of the Rhône into Lake Geneva and on the way between Northern Italy (Aosta) and ancient Gaul or Germania, that is at Mont-Joux-Pass (the Great St. Bernard Pass). The Romans had used it at a bottleneck between the cliffs and the river as a tollhouse. Supposedly, the Christian adherents of the Theban Legion were massacred here because of their faith; Bishop Theodore of Octodorum / Martigny had housed the bones of Mauritius and the other martyrs in a small church in the second half of the 4th century. Soon thereafter, Bishop Eucherius of Lyons (around 434/50) composed a *passio* ("a tale of suffering") of the martyrs.¹⁵⁹⁰ At first, the martyrism was maintained by a community of lay families—women were especially prominent in this community—, which certainly also supplied a station for pilgrims and travelers.¹⁵⁹¹

The establishment of the monastery is above all described by a contemporaneous collection of biographies of the first abbots as well as by the historian Gregory of Tours, while the speech given at its founding is transmitted by Avitus. It is apparent from the sources that King Sigismund, who had recently converted to Catholicism, was able to involve multiple bishops as well as abbots of monasteries on the Rhône and in Jura for his endeavor. Avitus praised the provisioning of the monastery with liturgical vessels and material goods for the altars, while Gregory credited the king with the building of the residences and churches, in addition to the rich endowment of Saint-Maurice with estates and other gifts.¹⁵⁹² The monastic community was formed from groups of

¹⁵⁸⁶ Alcimi Aviti Opera (1883), 40; cf. *ibid.* 141–2.

¹⁵⁸⁷ *Kaiser*, Burgunder (2004), 159; cf. *Ewig*, Petrus- und Apostelkult (1960, repr. 79), 352–3.

¹⁵⁸⁸ On the dating: *Kaiser*, Burgunder (2004), 172; *Ueding*, Geschichte (1935), 169–70.

¹⁵⁸⁹ *Kaiser*, Burgunder (2004), 171–4; *Zufferey*, Abtei Saint-Maurice (1988), 23–32; *Gilomen-Schenkel*, Saint-Maurice (1986).

¹⁵⁹⁰ *Passio Acaunensium martyrum* (1896); on the dating of Eucherius: *Weidemann*, Kulturgeschichte 1 (1982), 168.

¹⁵⁹¹ *Vitae abbatum Acaunensium* (1896), 176 cap. 3. Cf. *Zufferey*, Abtei Saint-Maurice (1988), 29; *Gilomen-Schenkel*, Saint-Maurice (1986), 305.

¹⁵⁹² Alcimi Aviti Opera (1883), 146; *Gregorii Libri Historiarum* x (1951), 100 cap. 3.5; *Gregorii Liber in gloria martyrum* (1885), 87 cap. 74. Cf. *Kaiser*, Burgunder (2004), 172.

various home monasteries, while the first abbot, the Burgundian Hymnemosus, came from one of the Grigny monasteries by Vienne. At its founding, the brothers were prescribed a special regime for the singing of the Psalms, which was to take place daily without interruption.¹⁵⁹³ Apparently, this was conceived of as continuous shifts between groups of monks (*turmae*).¹⁵⁹⁴ Scholars speak of the *laus perennis* (a term that is not attested for the time).¹⁵⁹⁵ The Akoimatoi of Byzantium are seen as a model. This movement of the “Sleepless Ones” appeared in 405/425 in the imperial capital. The monastic father Alexander created a community of monks close to the Church of St. Menas in the Mangana quarter, which was to offer continuous praise to God in eight-hour shifts.¹⁵⁹⁶ In the middle of the 5th century the *akoimētoi* were expelled and settled elsewhere on the Bosphorus; there Markellos (c. 448–c. 484) appeared as an archimandrite, who bitterly opposed the heresies of the Miaphysites and Arians.¹⁵⁹⁷ The monks are to have numbered into the hundreds, and their special rite was copied in many places. The Akoimatoi founded, among other monasteries, the Monastery of Stoudion at Constantinople, which would later rise to special prominence.¹⁵⁹⁸

According to the prevailing, albeit not uncontroversial, understanding,¹⁵⁹⁹ the “Sleepless” monks of the Imperial Church in the East were the paradigm imitated in Agaune. This fits with the series of undeniable cultural impulses from the Orient for the churches and monasteries of the Burgundian Kingdom, especially as Bishop Avitus of Vienne cultivated personal contacts with the imperial court. Moreover, the Catholic monks shared with the Akoimatoi a rejection of Arianism. The well-attested praxis of the continual singing of the Psalms as a special characteristic of Saint-Maurice proves in an exemplary

1593 Vitae abbatum Acaunensium (1896), 176 cap. 3; 178 cap. 7; Gregorii Libri Historiarum x (1951), 101 cap. 3.5; Gregorii Liber in gloria martyrum (1885), 87 cap. 74; cf. Alcimi Aviti Opera (1883), 146.

1594 Zufferey, Abtei Saint-Maurice (1988), 32. The term *turmae* is not contemporaneous, yet is already attested by a charter of Clovis II for Saint-Denis from 654 (?), s. Urkunden der Merowinger I (2001), 219 no. 85; cf. in addition Gesta Dagobert I. regis Francorum (1888), 413, cap. 36; Vita Amati confessoris (1902), 218 cap. 10.

1595 Cf. Rosenwein, Perennial Prayer (2000), 42 n. 12.

1596 Talbot / Taft, Akoimatoi (1991).

1597 Kazhdan, Markellos (1991). Cf. Janin, La géographie I.3 (1969), 16; Hatlie, Monks (2007), 102–10.

1598 On its founding s. Kazhdan / Talbot / Cutler, Stoudios Monastery (1991); cf. Hatlie, Monks (2007), 107.

1599 An objection to influence from the Rhôneland (which would not exclude impulses from Byzantium) now by Rosenwein, Perennial Prayer (2000), which is, however, unconvincing; the same verdict has been reached by Kaiser, Burgunder (2004), 173 with 238 n. 552.



ILLUSTRATION 26 Saint-Maurice d'Agaune Abbey (Switzerland), with the earliest Christian churches on the site, as well as the burial site of Saint Mauritius

manner that Sigismund's establishment was an endowed monastery, because permanence—in this case everlasting liturgical services—is a core feature of foundations. Amongst the motives of the king for his establishment, it should be mentioned that Sigismund wanted to found a monastery as a representation of his conversion and secure the continuous intercession of the monks for his rule.¹⁶⁰⁰ The alternative of a royal abbey, in the sense of the hereditary proprietary monastery, may also have proven less appealing, because royal rule did not appear at all stable. The kingdom, which lay geographically between the Ostrogothic rule of Theoderic in Italy and the Kingdom of the Franks, had just had its weakness exposed in the course of multiple military conflicts from 500 onwards.¹⁶⁰¹ Nor could Sigismund be certain that his heirs or other future kings would stay true to Catholicism. He must therefore have been eager to found a monastic community that was so well-endowed that it was secured externally through the cooperation of bishops and was supplied with a lasting, particular task, which could assert itself in the ecclesiastical and political vicissitudes to come.

¹⁶⁰⁰ *Kaiser*, Burgunder (2004), 173.

¹⁶⁰¹ *Ibid.*, 62–7.

Sigismund himself destabilized his rule, when only a few years later and under the influence of his second wife, he killed his son Sigeric with his own hands (522), who reportedly wanted to usurp his rule.¹⁶⁰² His regret for this act drove him to Saint-Maurice, and Gregory of Tours would have it that he now instituted the *psallentium assiduum*; this is certainly not credible, but one can nonetheless assume that Sigismund from the beginning had planned for the monastery not only the praise of God, but also intercession for king and country. Thus, the special task of prayer as the intercessory penance of Sigismund himself could have been joined to the liturgical commemoration of Sigeric. Already in the following year Sigismund himself was murdered along with his wife and his two other sons while fleeing from the Franks. Yet when the Merovingian Theudebert in 533 allowed the royal remains to be transferred to Saint-Maurice, there developed in that place a further martyr's cult, by which Sigismund became the first sainted king of the Middle Ages.¹⁶⁰³

Royal memoria was joined with the *laus perennis* and brought stability to the endowed monastery at the headwaters of the Rhône. Though the Burgundian Kingdom was already in 534 subjugated and dissolved by the Merovingians,¹⁶⁰⁴ Saint-Maurice survives to the present day as a monastery (from ca. 830 as a collegiate church).¹⁶⁰⁵ This is not least of all because the first Frankish dynasty seized upon the traditions of the Burgundian kings and built upon them.¹⁶⁰⁶ In the person of Chrodechilde, who stemmed from the Burgundian royal family, the consort of the kingdom's founder Clovis, the Catholic monarchs of the Savoyan Kingdom of the Franks in 496/8 (?) made Catholic Christianity accessible to the Franks themselves.¹⁶⁰⁷ Gregory of Tours reports of Chrodechilde that she was a dogged distributor of alms; whether one can conclude that she also created (supplementary) religious foundations from the additional comment that the queen provided "for the Church (...) with properties, for monasteries and all sacred sites necessities",¹⁶⁰⁸ cannot be determined. The same applies for the Church of Holy Apostles erected by her and Clovis

1602 Ibid., 173; Zufferey, Abtei Saint-Maurice (1988), 33.

1603 Krüger, Königsggrabkirchen (1971), 63; Kaiser, Burgunder (2004), 173.

1604 Kaiser, Burgunder (2004), 72–4.

1605 For its transformation into a collegiate church und its history until the end of the 13th century s. Zufferey, Abtei Saint-Maurice (1988); Degler-Spengler / Gilomen-Schenkel (eds.), Chanoines réguliers (1997).

1606 On the spread of the *laus perennis* that was encouraged by the Franks: Kaiser, Burgunder (2004), 174; Prinz, Frühes Mönchtum (1965), 104–12; Semmler, Karl der Große (31967), 259.

1607 Cf. on the marriage and baptism of Clovis, which his people then followed: Becher, Chlodwig I. (2011), 167–203; Dierkens, Taufe Chlodwigs (1996); Rouche, Bedeutung (1996); Werner, Ursprünge (1989), 323–5.

1608 Gregorii Libri Historiarum x (1951), 120 cap. 3.18.

in Paris, which was later renamed after the city's patron, Genovefa.¹⁶⁰⁹ "We don't know anything about royal donations. The origins of the monastery at the basilica are undated. The oldest evidence points to before the middle of the 8th century."¹⁶¹⁰ Since Clovis (d. 511) and Chrodechilde (d. 544) as well as their daughter and grandson are buried there,¹⁶¹¹ one would like to imagine a religious community which had from its inception been called upon to undertake liturgical commemoration of the dead.¹⁶¹²

It is with greater certainty that Merovingian monastic establishments began with Clovis' sons, Childebert and Chlothar, and correspondingly verifiable royal endowments.¹⁶¹³ The military expansion of the kingdom under Clovis (507) and then his descendants (531–3) at the expense of the Visigoths allowed the Franks to advance to the Mediterranean coast and thus in direct contact with the original region that had been reached by eastern monasticism.¹⁶¹⁴ Around 548 Bishop Aurelian of Arles established a Monastery of Saint Peter in his city, which itself was connected with this tradition; the spiritual leader gave the monks a rule oriented on the model of his predecessor Caesarius.¹⁶¹⁵ Aurelian himself at its founding made reference to a "command" of King Childebert, while an epigraphic source of the period emphasizes the participation of Queen Ultrogotho, who, judging by her name, may have been of Visigothic origin.¹⁶¹⁶ Later, in the year 599, Pope Gregory the Great himself determined

1609 *Krüger*, Königsgrabkirchen (1971), 40–54; *Kluge-Pinsker*, Königliche Kirchen (1996), 423–7; *Hartmann*, Königin (2009), 64–5.

1610 *Krüger*, Königsgrabkirchen (1971), 45.

1611 *Ibid.*, esp. 47–50; *Périn*, Grabstätten (1996), 416; *Kluge-Pinsker*, Königliche Kirchen (1996), 423–7; *Hartmann*, Königin (2009), 64, 208–9.

1612 Clearly rejecting this possibility: *Ueding*, Geschichte der Klostergründungen (1935), 179 n. 59, 239–40. The anniversary of the founder is, according to *Krüger*, Königsgrabkirchen (1971), 52, apparently only attested from the 9th century onwards. On the question of the establishment of the monastery by Clovis cf. *Prinz*, Frühes Mönchtum (1965), 152–3. Prinz views the participation of the queen in Saint-Germain d'Auxerre as probable, cf. *Hartmann*, Königin (2009), 168.

1613 *Prinz*, Frühes Mönchtum (1965), 153–60, at esp. 153. For *Durliat*, Finanzsystem (1996), 520, the Merovingian monastic establishments (of the 7th century) were "the expression of a conscious policy, which was to be used for the spread of religion as well as for state service". Durliat underestimates the heft of the Church as an institution, which arose in opposition to the Roman state, but also of monastic communities, for which separation from the official church was a guiding principle and in which communal self-assertion again and again appeared in opposition to sovereign claims.

1614 *Ewig*, Merowinger (1988), 25–8, 35, 38; *Becher*, Chlodwig 1. (2011), 223–34; in addition *Kaiser*, Römisches Erbe (²1997), 24, 29–30.

1615 *Prinz*, Frühes Mönchtum (1965), 154.

1616 *Urkunden der Merowinger 2* (2001), 509 Dep(erditum). no. 25; on Ultrogotho's origin: *Hartmann*, Königin (2009), 68.

that Childebert was “filled with love of the Catholic religion, erected within the city walls of Arles a male monastery and granted something for the maintenance of those living there, to acquire (religious) merit for himself.”

As Gregory of Tours relates, Childebert (511–58) gifted the churches of his kingdom with treasures plundered from the Visigothic Kingdom.¹⁶¹⁷ Among other things, this new wealth enabled him to establish a church at the gates of Paris, which was dedicated to Vicentius, a Spanish saint.¹⁶¹⁸ It was later named Saint-Germain-des-Prés; the eponymous Paris religious leader Germanus is said to have completed its construction with Ultogotho and Childebert's brother Chlothar I.¹⁶¹⁹ Childebert himself, as well as further members of the royal family, were buried in the church.¹⁶²⁰ Yet a *congregatio monasterii* is first evidenced from 682.¹⁶²¹

Of greater importance for the history of royal foundations is, however, the *xenodochium* created by Childebert and Ultogotho in Lyons.¹⁶²² Establishments of this sort, by which according to the legislation of Emperor Justinian one must distinguish the houses from the congregations, reached the West along with monasticism from the Eastern Empire and are evidenced in Gaul around 400 CE.¹⁶²³ Private establishments must be differentiated from houses which were erected by bishops according to the conception of their office as having responsibility for poor relief, or which belonged to monasteries.¹⁶²⁴ In the second instance *xenodochia* could have formed a special church fund or

1617 Gregorii Libri Historiarum x (1951), 88 cap. 2.37; *Krüger*, Königsgrabkirchen (1971), 104.

1618 *Prinz*, Frühes Mönchtum (1965), 153; *Krüger*, Königsgrabkirchen (1971), 103–24, esp. at 104. *Périn*, Grabstätten (1996), 418, maintains that Childebert provided crown land from Issy for the basilica; the Merovingian, who could sense his coming demise (21.12.558), was supposedly intent “on realizing the endowment of the treasury to the church, in order to ensure the maintenance of its clerics.” The *Vita Droctovii* from the end of the 11th century likewise confirms this. He ignores that fact that Childebert's charter has been proven to be a forgery and is traced back to a comprehensive undertaking of this sort, which was credited to the author of the narrative source of the 11th century. On which s. *Urkunden der Merowinger* 1 (2001), 43, no. 13. According to *Kluge-Pinsker*, Königliche Kirchen (1996), 427, the grounds for the planned construction stemmed from the property of Childebert's consort, Ultogotho.

1619 Cf. *Urkunden der Merowinger* 2 (2001), Dep. no. 40, where Chlothar I is credited with the initiative of founding the monastery. Cf. *Krüger*, Königsgrabkirchen (1971), 108; *Hartmann*, Königin (2009), 168.

1620 *Krüger*, Königsgrabkirchen (1971), esp. at 113; *Périn*, Grabstätten (1996), 418–21; *Kluge-Pinsker*, Königliche Kirchen (1996), 427–9; *Hartmann*, Königin (2009), 208.

1621 *Krüger*, Königsgrabkirchen (1971), 109, 111.

1622 Cf. *Schönfeld*, Xenodochien (1922), 31; *Hartmann*, Königin (2009), 68, 168.

1623 Fundamental is *Schönfeld*, Xenodochien (1922), esp. at 9, 12.

1624 *Ibid.*, esp. 4–8.

been absorbed within the entire ecclesiastical budget; similar considerations apply to monasteries. Apart from their philanthropic imperative, their independence, meanwhile, could be preserved by laypersons, monks or clerics, who were active in them. Last but not least, the interests of the needy themselves, whose association-like organization was manifested in typical limitations on their acceptance as in the testament of Berthram of Le Mans, also lent weight to their self-assertion as foundations. The typological designation “*xenodochium*” is unspecific in the Medieval West and encompasses “at its most basic a general hostel for all *pauperes et peregrini* [poor and strangers], who have a spot within it.”¹⁶²⁵

No document has survived of the establishment of the Merovingian reigning couple, yet evidence of it is given by an odd decision of the Council of Orléans of the year 549: “Concerning the *xenodochium*, however, which the exceedingly pious King Childebert and his wife Queen Ultrogotho have built in the city of Lyons according to the inspiration of the Lord and whose house rule (*institutionis ordinem*) and list of expenses (*expensae rationem*) we have confirmed with our signature at their request, it seemed to us that we should unanimously make a decision with permanent validity for those entrusted in the sight of God, that nothing of that which has been or shall be given to the aforementioned *xenodochium*, either through the gifts of the aforementioned kings or the alms of any sort of the faithful, be it of things, or of bodies [cows?], shall be in the future taken away by the bishop of Lyons or transferred to the jurisdiction of his church. Instead, future religious leaders are to diminish neither something of the endowment of this *xenodochium* nor of the customs and the establishment [of the house], but are to take pains that the existence of this matter may not in any way suffer damage or any diminishment, and especially in view of the eternal merit, so that strong and God-fearing trustees are to be appointed for the departing [trustees] and that concern for the sick and the number and acceptance of strangers according to the established arrangement lasts forever in unbroken stability. When, however, at any time someone, be he a powerful person or a cleric, dares to act against our decision or to take something away from the customs or endowment of the *xenodochium*, so that the *xenodochium* ceases to exist, which may God avert, he shall be punished with an irrevocable excommunication as a destroyer of the poor.”¹⁶²⁶ This canon was supplemented by a generally differentiated protective measure for the endowments of churches, monasteries and *xenodochia*, which were viewed as

¹⁶²⁵ Ibid., 18.

¹⁶²⁶ Concilia Aevi Merovingici (21966), 105 cap. 15; Concilia Galliae a. 511–a. 695 (1963), 153 cap. 15; Urkunden der Merowinger 2 (2001), Dep. no. 23.

independent entities alongside other religious establishments. The threat of excommunication was in this context limited to the return of properties.¹⁶²⁷

The bishops of the Merovingian Kingdom¹⁶²⁸ thus unmistakably placed the *xenodochium* created by Childebert and Ultrogotho under their protection, which they expressed above all to their colleagues in Lyons. Yet it remains unclear who was responsible for appointing the provost; one can assume the (reigning) king or even the bishop,¹⁶²⁹ while one cannot speak of a communal self-assertion of the establishment.

It is unclear whether Childebert's brother King Chlothar I (511–561) also had his funerary basilica of Saint Medardus in Soissons,¹⁶³⁰ which he also endowed with properties of the treasury, entrusted to a monastic congregation, but he did participate in the founding of the convent of his fourth consort Radegunde in Poitiers.¹⁶³¹ After Sigismund's monastery of Agaune, this was the second largest endowment amongst the royal foundations of the kingdoms of the *Völkerwanderung*. Its conception stems from the careful planning of Radegunde, as attested by the excellent documentation.¹⁶³² Scholars often without reason speak of the unclear legal status of the monastery,¹⁶³³ because the well thought-out, albeit not flawless, construction is confused with the spectacular political upheavals after the death of Radegunde, which can be attributed to the unfavorable conditions of the period.

In order to give this foundation its due, one has to go back in history somewhat. Radegunde stemmed from the Thuringians, who are mentioned from around 400 in the sources and who settled in central Germany.¹⁶³⁴ Despite their settlements lying far to the east of the borders of the empire, the

1627 Concilia Aevi Merovingici (21966), 104 cap. 13; Concilia Galliae a. 511–a. 695 (1963), 152 cap. 13.

1628 On the ecclesiastical gathering s. *Pontal*, Synoden (1986), 94–101.

1629 *Schönfeld*, Xenodochien (1922), 31, believes it was the bishop.

1630 Urkunden der Merowinger 2 (2001), Dep. no. 37, cf. *ibid.* 511 Dep. no. 29; *Prinz*, Frühes Mönchtum (1965), 159; *Krüger*, Königsgrabkirchen (1971), 125–133; *Périn*, Grabstätten (1996), 418. Noteworthy is reference to a *laus perennis* by 40 monks, s. *Krüger* 132–3.

1631 On the monastery: *Weidemann*, Kulturgeschichte 1 (1982), 256–261; *Prinz*, Frühes Mönchtum (1965), 157–9; *Krüger*, Königsgrabkirchen (1971), 219–30; *Ueding*, Geschichte der Klostergründungen (1935), 204–22. On Radegunde: *Hartmann*, Königin (2009), 68–71; *Prinz*, Wahres Leben (2003), 109–23; *Nolte*, Conversio (1995), *passim*; *Wittern*, Frauen, Heiligkeit (1994), *passim*.

1632 Cited by *Gäbe*, Radegundis (1989), 1; *Werner*, Radegunde (1999), 795.

1633 One example among many: *Angenendt*, Frühmittelalter (1990), 179: “The legal situation, however, whether it was a royal monastery or Radegunde's own foundation and how its relationship to the bishop took form, long remained unclear.” Better is *Scheibelreiter*, Königstöchter im Kloster (1979), 4–11, esp. 7–8, 10–1.

1634 *Schmidt*, Königreich (1996), 285.

inhabitants of “Thuringia” appear to have been in contact with Roman provinces since the 3rd century.¹⁶³⁵ Around fifty years after their first express mention a Thuringian king can also be discerned.¹⁶³⁶ Before 486 the Thuringians were probably in the service of the “Roman king” Syagrius in northern Gaul,¹⁶³⁷ but they were also intertwined with the policy of alliances of the competing Franks and Ostrogoths.¹⁶³⁸ A prominent Thuringian by the name of Basina married Childeric, the father of Clovis, and thus became the progenetrix of the Merovingian Franks,¹⁶³⁹ while the second Thuringian king Herminefred married Amalaberga, a niece of Theoderic the Great in Italy (around 509/510).¹⁶⁴⁰ Similarly to how Clovis defeated his relatives in order to achieve sole rule over his people,¹⁶⁴¹ or how Sigismund of Burgundy rashly and unscrupulously strangled his son, also in the Thuringian royal house the monarchy had to be brutally asserted or attained. According to Gregory of Tours, originally two of his brothers had also reigned with Herminefred; at first Herminefred had overcome Bertachar by force and killed him, whose daughter Radegunde and probably also his brother he took with him.¹⁶⁴² There the daughter of the king, who was born around 520, grew up together with Herminefred’s son Amalafred, with whom she remained lovingly connected her whole life.¹⁶⁴³ Supposedly at the instigation of his Ostrogothic consort the other brother of Herminefred, Baderich, was also killed, albeit during a war in which he had secured the military support of the Franks.¹⁶⁴⁴ This coalition proved fatal, since subsequently the Merovingians Theuderic, Chlothar and Theudebert found reasons to join together against the Thuringian sole ruler. After a victorious battle at the Unstrut in 531 they annexed the Kingdom of the Thuringians. Herminefred was soon thereafter murdered in captivity, but Amalaberga was able to save herself

1635 Nüsse, *Germanien* (2013), esp. 129.

1636 Schmidt, *Königreich* (1996), 288.

1637 Ibid., 289; Böhme, Söldner (1996), 97; cf. Kaiser, *Römisches Erbe* (21997), 20 and elsewhere. The title *rex Romanorum* is according to Gregor von Tours.

1638 Cf. Borgolte, Christen, Juden, Muselmanen (2006), 119, 330–4; Becher, Chlodwig I. (2011), 161–7; Wiemer, Theoderich der Große (2007), 170–5; Ausbüttel, Theoderich der Große (2003), 111–28.

1639 Becher, Chlodwig I. (2011), 124–6; Hartmann, Königin (2009), 62; Schmidt, *Königreich* (1996), 289–90.

1640 Hartmann, Königin (2009), 14; Schmidt, *Königreich* (1996), 288.

1641 Becher, Chlodwig I. (2011), 251–8.

1642 Gregorii Libri Historiarum x (1951), 99 cap. 3.4 und 105 cap. 3.7.

1643 On Radegunde’s dates: Ewig, *Studien* (1974), 56–7. On her love for Amalafred: Venanti Fortunati *Opera* (1881), Appendix Carminum I, 272 v. 46–50, and Appendix III, 278–9. Cf. Gäbe, *Radegundis* (1989), 5.

1644 Gregorii Libri Historiarum x (1951), 100 cap. 3.4.

with her son Amalafred by going to Ravenna and thence to the imperial court in Constantinople.¹⁶⁴⁵ Radegunde and a brother whose name is not known also survived and were abducted away to France. King Chlothar I had the orphaned princess brought up at his court at Athies on the Somme and took her around 540 to be his fifth consort.¹⁶⁴⁶

Although it has been assumed that Radegunde first became a Christian in France,¹⁶⁴⁷ the unusual single-mindedness and circumspection with which she later acted are hardly understandable if one ignores that her predecessors were already intertwined within empire-wide connections and were in contact with Roman culture. An indication of the good education in her homeland can be shown by the fact that her cousin Amalafred occupied high ranks for a short period in the Ostrogothic army.¹⁶⁴⁸ After a decade-long and apparently childless marriage, Radegunde separated from Chlothar, presumably because she was embittered over the murder of her brother, and decided to lead a spiritual existence.¹⁶⁴⁹ She was able to convince the bishop of Noyon to ordain her as a deaconess; for some years in Saix (Picardy), at an "estate which the king had relinquished to her", she led the life of a woman devoted to God.¹⁶⁵⁰ Because she apparently still drew on incomes from the royal treasury, she was able to erect a hospice for poor and sick men and women in Athies, where she, "born and married as a queen, lady of the palace, served the poor as a humble woman, as a maid."¹⁶⁵¹ In Tours she founded a monastery, after she had already patronized other monasteries, when something remained of her incomes.¹⁶⁵²

Around 555/60 she finally created her greatest work, a convent in Poitiers, which was originally devoted to Saint Mary.¹⁶⁵³ It has been asked why Poitiers was chosen, a city more at the periphery of the Merovingian heartland,¹⁶⁵⁴ which the Franks had only taken in 507 from the Visigoths.¹⁶⁵⁵ The reason may be sought in the fact that Saint Martin (d. 397), who stemmed from Pannonia,

¹⁶⁴⁵ Ibid. and 103–6 capp. 3.7–8; *Schmidt, Königreich* (1996), 288.

¹⁶⁴⁶ *Gregorii Libri Historiarum* x (1951), 105 cap. 3.7; *Vita Radegundis* (1888), 365 cap. 1.2. Cf. esp. *Hartmann, Königin* (2009), 68–71; dating: *Ewig, Studien* (1974), 56–7.

¹⁶⁴⁷ Such is the prevailing opinion, inter alia *Hartmann, Königin* (2009), 70; *Scheibelreiter, Königstöchter* (1979), 20.

¹⁶⁴⁸ *Schmidt, Königreich* (1996), 288; *Prinz, Wahres Leben* (2003), 110, 112.

¹⁶⁴⁹ *Vita Radegundis* (1888), 368 cap. 1.12; *Gregorii Libri Historiarum* x (1951), 105 cap. 3. On which *Gäbe, Radegundis* (1989), 10; *Weidemann, Kulturgeschichte* 1 (1982), 257.

¹⁶⁵⁰ *Vita Radegundis* (1888), 368–9 capp. 1.12 / 15; 380 cap. 2.3.

¹⁶⁵¹ *Vita Radegundis* (1888), 366 capp. 1.3–4; *Hartmann, Königin* (2009), 70.

¹⁶⁵² *Vita Radegundis* (1888), 366 cap. 1.3 and 388 cap. 2–16; cf. *Hartmann, Königin* (2009), 70.

¹⁶⁵³ *Krüger, Königsgrabkirchen* (1971), 220.

¹⁶⁵⁴ Ibid., 222.

¹⁶⁵⁵ *Becher, Chlodwig I.* (2011), 230; *Kaiser, Burgunder* (2004), 65–6.



ILLUSTRATION 27 Radegunde, consort of the Merovingian king Chlothar I (d. 587), establishes the Monastery of the Holy Cross in Poitiers. Stained glass in St. Radegunde / Poitiers, early 13th c.

had founded the first monastery of Gaul there (Ligugé by Poitiers),¹⁶⁵⁶ and that Radegunde sought to attach her establishment to this impulse.¹⁶⁵⁷ Another role was played by the fact that Martin had been a foreigner, since migrants of various backgrounds seek to cultivate the traces and nearness of their fellow travelers.¹⁶⁵⁸ Later, around 565, a further migrant settled in Poitiers, the poet Venantius Fortunatus, who hailed from Northern Italy, and who became a close confidant of the former queen.¹⁶⁵⁹ It is remarkable how the Thuringian exile induced this southern intellectual, who has been designated the “first poet of the Middle Ages”,¹⁶⁶⁰ to write poems on various occasions, including an elegy on the loss of her homeland and a dedication in her name to the emperor in Constantinople. Though she was a female monastic, she cultivated a

¹⁶⁵⁶ On which *Prinz*, *Frühes Mönchtum* (1965), 19–46, esp. at 33–4.

¹⁶⁵⁷ Cf. on which also: *Gregorii Libri Historiarum* x (1951), 460–1, cap. 9.39.

¹⁶⁵⁸ Cf. *Borgolte*, *Langobardenreich* (2012), 99–101.

¹⁶⁵⁹ *Brunhölzl*, *Geschichte* 1 (1975), 118–28, 525, esp. at 121–3; *Prinz*, *Wahres Leben* (2003), 117–20.

¹⁶⁶⁰ *Brunhölzl*, *Geschichte* 1 (1975), 127.

court style of interaction with Venantius, and the "Italian" thanked her for this patronage not least all with a description of her life.¹⁶⁶¹

Radegunde was certainly the second important convent in Western Europe, if not the second more generally.¹⁶⁶² Radegunde provided a rule for the monastic way of life which Bishop Caesarius of Arles had composed for the women dedicated to God under the leadership of his sister Casaria.¹⁶⁶³ With the aid of this rule she desired to impress upon the nuns, who certainly stemmed for the most part from noble circles,¹⁶⁶⁴ the quite elementary but nonetheless new conception that entry into the convent was irrevocable, and a return to secular life would be impossible.¹⁶⁶⁵ The new Christian also, however, tapped into her outstanding connections by providing her community with a deposit of faith that would be difficult to exceed. For with the aid of the king she sent a delegation of religious to the east, which received "a piece of the wood of the cross of the Lord and relics of the apostles and other martyrs."¹⁶⁶⁶ Authors of the period therefore compare her with Helena, the mother of the emperor Constantine.¹⁶⁶⁷ Thereupon her convent took the name of the Holy Cross after this relic of the Lord.¹⁶⁶⁸

Radegunde unmistakably recorded in a document transmitted by Gregory of Tours and by other means that her monastic foundation was able to be achieved with the assent and above all with the material provision of her former consort Chlothar I; according to this his sons were also involved in its economic underpinnings.¹⁶⁶⁹ She also sought to secure the independence of the new religious community by winning the goodwill and protection of the bishops,¹⁶⁷⁰ yet in particular through the role she assigned to herself. To wit,

1661 Venanti Fortunati Opera (1881); Vita Radegundis (1888), 364–78.

1662 Scheibelreiter, *Königstöchter im Kloster* (1979), 4–5.

1663 Epistolae aevi Merovingici (1892), 450 no. 11; *Debus*, Studien 2 (1968), 138. Alternatively: Gregorii Libri Historiarum x (1951), 464 cap. 9.40; cf. Vita Radegundis (1888), 372 cap. 1.24. Césaire d'Arles, *Œuvres monastiques* 1 (1988), 470–99; Sancti Caesarii Arelatensis Opera Varia (1942), esp. 134–44. Scheibelreiter, *Königstöchter* (1979), 14–6.

1664 Krüger, *Königsgrabkirchen* (1971), 220.

1665 In this context the bishops cited Radegunde and the introduction of the rule: Gregorii Libri Historiarum x (1951), 462 cap. 9.39.

1666 Ibid., 464 cap. 9.40; Vita Radegundis (1888), 388 cap. 2.16; Venanti Fortunati Opera (1881), 275–8.

1667 Vita Radegundis (1888), 388 cap. 2.16; Venanti Fortunati Opera (1881), 277.

1668 Krüger, *Königsgrabkirchen* (1971), 220, cf. 225–8.

1669 Edition in *Debus*, Studien 2 (1968), 137–44, on which *ibid.*, 53–60; Gregorii Libri Historiarum x (1951), 470–4 cap. 9.42. Its endowment with royal property is also attested by Baudonivia, Vita Radegundis (1888), 381 cap. 2.5. Cf. Scheibelreiter, *Königstöchter* (1979), 5; Ueding, *Geschichte* (1935), 206–11.

1670 Gregorii Libri Historiarum x (1951), 460–74 capp. 9.39, 42; *Debus*, Studien 2 (1968), 137–44.

Radegunde not only entered the monastery herself, but appointed one Sister Agnes, who was without a doubt not related to her, as the abbess, to whom she wished to be subordinated as a simple nun.¹⁶⁷¹ The transfer of property as a lost material substratum combined with the renouncing of authority, however, has been seen in scholarship correctly as an excellent indication of a foundation;¹⁶⁷² a similar, albeit not so far-reaching, construction was developed by the Pisan burgher Walfred for his monastic foundation S. Pietro di Monteverdi (754).¹⁶⁷³ In a letter to the bishops of the period, Radegunde described her foundation with unusual clarity: "Since I have long ago freed myself from the bonds of this earthly life, having freely turned to a monastic life through the providence and inspiration of divine mercy under the direction of Christ, and directed my thoughts with all eagerness and the entirety of my soul to the well-being of others, so that my good intentions might prove of use for others by the help of God, thus I have erected a convent in the city of Poitiers, which the most serene King Chlothar founded and richly patronized. And after its founding I bestowed upon this monastery a donation of all the properties which the king in his liberality had given to me. Moreover, to the congregation which I have gathered there with the aid of Christ, I have given a rule under which the holy Casaria lived and which the holy bishop Caesarius of Arles fittingly composed in his foresight from the ordinances of the holy fathers. With the assent of the bishops in this city as well as in others and in accordance with the choice of the nuns themselves, I have appointed Sister Agnes, whom I have loved and raised like a daughter since her youth, as the abbess of the convent, and have submitted myself to her command after that of God himself, according to the rule. Finally, I myself and my sisters, following the apostolic example, have transferred all that we possessed in earthly goods to the monastery through documents, fearing the fate of Ananias and Sapphira, by holding nothing of our own at our entry into the monastery."¹⁶⁷⁴

With the appointment of Agnes as abbess and the introduction of the rule of Caesarius, Radegunde took precautions that the monastery would not be

¹⁶⁷¹ Seibert, *Agnes v. Poitiers* (1993); Scheibelreiter, *Königstöchter* (1979), 16; Weidemann, *Kulturgeschichte 1* (1982), 256; Ueding, *Geschichte* (1935), 218–20.

¹⁶⁷² Feine, *Studien 1* (1941), 14. Critical regarding conceptions of the constitution of an independent ecclesiastical legal person by a foundation is Borgolte, *Stiftergrab* (1985, repr. 2012), 155; cf. *idem*, *Churrätischer Bischofsstaat* (1986), 97–101.

¹⁶⁷³ Walfred himself and thereafter one of his sons as well as a nephew retained the abbacy, which, however, does not constitute an argument for it being a proprietary monastery: Borgolte, *Periodisierungen* (2014), 255–257.

¹⁶⁷⁴ Gregor von Tours, *Zehn Bücher 2* (⁵1972), 311/3 cap. 9.42; continuing further upon it on p. 313 / 5; Debus, *Studien 2* (1968), 138–9.

leaderless after her death and that its independence could be asserted through the new election of an abbess by the convent.¹⁶⁷⁵ In fact, Radegunde outlived Agnes, if only for a short time,¹⁶⁷⁶ and in her place the nuns were able to elect Leubovera as the new abbess, as is evident from the conflicts that arose shortly thereafter.¹⁶⁷⁷ Though it has been repeatedly pointed out, and rightly so, that Radegunde until her death (587) acted as *domna* and *mater* ("mistress" and "mother") in the convent,¹⁶⁷⁸ this does not concern the foundation character of the establishment, which economically and constitutionally would manifest itself in the independence of the congregation of nuns after the death of its foundress.

Radegunde's endeavor, similarly to that of the Burgundian Sigismund only fifty years earlier, represented the attempt of a royal person in an uncertain, if not unstable, political situation to erect a monument of permanence, which would be able to secure the memoria of one's self alongside one's own salvation and the prosperity of others and the "salvation of the entire fatherland and the survival of the kingdom."¹⁶⁷⁹ For the Thuringian daughter of the king, who had to live in a foreign land without any relatives and could expect nothing of this sort from the family of her estranged husband, the monastic community for her commemoration must have represented an escape from impending oblivion, which exactly for this reason was to facilitate the best-possible survival.

Despite royal protection and episcopal approval for her monastic foundation, however, Radegunde underestimated the degree to which her endowment challenged the customary way of life. On the one hand, the last bishop of Poitiers during her lifetime was not able to come to terms with the considerable independence of her monastery; perhaps he also took the prominent provisioning of the Monastery of the Holy Cross with relics from Constantinople as an offence to him and his episcopal church.¹⁶⁸⁰ When Radegunde died, he was not present to bury her, so that his colleague Gregory of Tours had to stand in for him. Worse still was that there were at least two Merovingian princesses to be found amongst the nuns of the convent, one of whom, calling

1675 Gregor von Tours, *Zehn Bücher* 2 (⁵1972), 315 cap. 9.42; *Debus*, *Studien* (1968), 139.

1676 *Gregorii Libri Historiarum* x (1951), 464 cap. 9.40; cf. *Gregorii Liber in gloria confessorum* (1885), 364–6 cap. 104; cf. *Scheibelreiter*, *Königstöchter* (1979), 13, 17; *Ueding*, *Geschichte* (1935), 215.

1677 Cf. *Scheibelreiter*, *Königstöchter* (1979), 17.

1678 *Ibid.*, 16–27; *Gäbe*, *Radegundis* (1989), 14–6.

1679 *Debus*, *Studien* 2 (1968), 138; Gregor von Tours, *Zehn Bücher* 2 (⁵1972), 311 cap. 9.42; *Vita Radegundis* (1888), 388 cap. 2.16 (quote); *Krüger*, *Königsgrabkirchen* (1971), 220, 228.

1680 *Scheibelreiter*, *Königstöchter* (1979), 11–4; *Weidemann*, *Kulturgeschichte* 1 (1982), 180–2, 257.

on her royal descent, apparently now claimed the position of abbess, contrary to the convent's right of election.¹⁶⁸¹ She split the congregation, and dozens of women dedicated to God departed with her, thereby disobeying the rule. Though the rebels were not able to have their way in a case before a religious court, the situation remained febrile. We know of other convents erected by kings for the female members of their houses from a later period,¹⁶⁸² but such a radical liberty against the ambitions of noble scions and those used to power was never again ventured upon as it was under Radegunde.

The Thuringian king's daughter and former Frankish queen did not find her final resting place in the Church of the Holy Cross, but rather in a second Marian church belonging to the monastery, yet lying outside of the monastic grounds, which served as a funerary basilica for the nuns.¹⁶⁸³ There Radegunde had erected a male monastery to liturgically service it, which was apparently to be subject to the abbess and thus a proprietary monastery of the Monastery of the Holy Cross.¹⁶⁸⁴ After the burial of the foundress and the "revolt of the nuns", there lay "a profound silence over the great Monastery of the Holy Cross, whose foundation was so exhaustively described";¹⁶⁸⁵ in the early 9th century it was a royal monastery of the Carolingians.¹⁶⁸⁶

The paradigm of monastic liberty through royal foundations, however, appears to have spread out from Poitiers.¹⁶⁸⁷ This is clear under King Gunthram (561–592/3), the ruler of the Franco-Burgundian successor kingdom, who from 567 was also the most senior of the Merovingian kings.¹⁶⁸⁸ As Gunthram in 584 supplemented the church of the martyr Marcellus in his capital of

1681 *Scheibelreiter*, *Königstöchter* (1979); *Weidemann*, *Kulturgeschichte* 1 (1982), 257–60.

1682 They were especially characteristic of Anglo-Saxon England, where by the death of Bede (735) at least 30 monasteries have been counted for widowed queens and for princesses, s. *Yorke*, *Conversion* (2006), 166. On Quedlinburg in Saxony: *Moddelmog*, *Königliche Stiftungen* (2012), 19–64, esp. at 28, 32, 63; *eadem*, *Stiftung oder Eigenkirche?* (2008), esp. 226–43.

1683 *Krüger*, *Königsgrabkirchen* (1971), esp. 223–8.

1684 Alongside *ibid.*, esp. 222–4, cf. *Prinz*, *Frühes Mönchtum* (1965), 158; *Ueding*, *Geschichte* (1935), 221.

1685 *Ueding*, *Geschichte* (1935), 221–2.

1686 Louis the Pious, as king of Aquitaine, had restored it along with many other monasteries of the land, reported a biographer of the (later) emperor: *Astronomus*, *Vita Hludowici* (1995), 338 cap. 19. Later, Louis's son Pepin of Aquitaine capped the number of nuns at 100, that of clerics at 30: *Capitularia* 1 (1883), 302 no. 149. In the year 830 Pepin also had his stepmother Judith imprisoned there as a nun: *Astronomus* 458 cap. 44; *Kasten*, *Königssöhne* (1997), 204.

1687 Similar narrated already by *Krüger*, *Königsgrabkirchen* (1971), 139.

1688 *Nonn*, *Gunt(h)ram* (1989).

Chalons-sur-Saône with a monastic community,¹⁶⁸⁹ he endowed it and the monastery “with costly properties”.¹⁶⁹⁰ A roughly contemporary church council of Valence (583/5)¹⁶⁹¹ decided to do something useful after various complaints of the poor and at the request of the king for his salvation and the survival of the religion, so it reads. Whatever he himself, his deceased consort Austrechilde or his two daughters had donated for the liturgy and worship of God to sacred sites, especially the basilicas of Saint Marcellus (of Chalons) and of Symphorianus (of Autun), was to remain inviolate.¹⁶⁹² The bishops, of whom 17 signed the conciliar document, censured any of their colleagues, as well as any royal power, from appropriating anything of the properties. Whoever disregarded this was to be forever damned by divine judgment as a “destroyer of the poor”.¹⁶⁹³ The king and bishops were in agreement that royal donations to churches were to be permanent and, as is to be concluded with reference to St. Marcellus in Chalons, the monks in particular were to have access to them as endowed properties forever.¹⁶⁹⁴ Especially important in this context is that Gunthram, according to the historian of the period, introduced the tradition of Saint-Maurice d’Agaune into the church of his capital.¹⁶⁹⁵ The king had come into contact with this cult and its special liturgy around ten years previously, as he liberated Saint-Maurice from the Lombards, who had implanted themselves there during campaigns over the Alps.¹⁶⁹⁶ He also procured relics of martyrs at this time. When it is narrated that Gunthram had the bishops order the erection of the monastery of Chalons “after the model of the monastery of the saints of Agaune”, one rightly sees in this a transfer of the *laus perennis* custom, even though this is first expressly evidenced around the year

1689 On the relationship between the church (attested from 579 onwards) and monastery Krüger, *Königsgrabkirchen* (1971), 138–41.

1690 *Chronicarum Fredegarii libri iv.* (1888), 124 cap. 4.1; cf. *Urkunden der Merowinger* 1 (2001), 50–2 no. 17 (a forgery); *Semmler*, *Episcopi potestas* (1974), 353–4.

1691 *Weidemann*, *Kulturgeschichte* 1 (1982), 361; *Pontal*, *Synoden* (1986), 143, with the date 22.6.585; *Krüger*, *Königsgrabkirchen* (1971), 139; *Prinz*, *Frühes Mönchtum* (1965), 160.

1692 *Concilia Galliae* a. 511–a. 695 (1963), 235; *Concilia Aevi Merovingici* (21966), 162. Cf.: *Ewig*, *Gebetsklausel* (1982), 91.

1693 *Concilia Galliae* a. 511–a. 695 (1963), 235; *Concilia Aevi Merovingici* (21966), 163 (with 17 *subscriptiones episcoporum*). “Fredegar” gives a different number (40 bishops): *Krüger*, *Königsgrabkirchen* (1971), 139.

1694 Monasteries, however, are not explicitly mentioned in the synodal document. On the problem: *Prinz*, *Frühes Mönchtum* (1965), 160 n. 49.

1695 *Chronicarum Fredegarii libri iv.* (1888), 124 cap. 4.1. On the source: *Collins*, *Fredegar-Chroniken* (2007).

1696 *Kaiser*, *Burgunder* (2004), 174; cf. *Postel*, *Ursprünge* (2004), 247; *Menghin*, *Langobarden* (1985), 102.

1000.¹⁶⁹⁷ Gunthram and perhaps other members of his family were buried in the monastic church.¹⁶⁹⁸

From the end of the 7th century indications increase for the foundation-like *laus perennis*, according to the model of Saint-Maurice, even outside of royal monastic foundations.¹⁶⁹⁹ The most important site was doubtless the Martyrium of Saint-Denis, the tomb of the first bishop of Paris, who is thought to have died as a martyr for the faith under the pagan emperor Decius in 250/51. Supposedly, Saint Genovefa erected the house of God in the second half of the 5th century.¹⁷⁰⁰ Already around 565 / 70 royal burials took place there, before with Dagobert I “the church became the mausoleum of the Kingdom of Neustria.”¹⁷⁰¹ Later, the Carolingians, and above all the French Capetians, would continue this tradition.¹⁷⁰² For the year 574 *custodes* are attested, with whom the care of the tomb was entrusted, before around 620 a religious community under the leadership of an “abbot” named Dodo is evidenced.¹⁷⁰³ After Chlothar II (d. 629) had honored the sainted bishop Dionysius as his “special patron”,¹⁷⁰⁴ the church before the gates of Paris enters the full light of history under his son Dagobert I (sole rule 629–38/39).¹⁷⁰⁵ Presumably before 15 October 632, this Merovingian king of the fifth generation since Clovis confirmed the basilica’s possession of a *villa*. He stipulated that the property “may be of use for all time to this holy place, the clergy as well as the poor who are to be found there, for the secure existence of the royal rule in addition to the salvation of our soul, without any condition.” What he had left to the endowment of the clergy and poor, was to bring him “future reward through the

1697 *Krüger*, Königsgrabkirchen (1971), 146; *Prinz*, Frühes Mönchtum (1965), 104.

1698 *Krüger*, Königsgrabkirchen (1971), esp. 144–5.

1699 Cf. *Prinz*, Frühes Mönchtum (1965), 104–7, also on the questionable introduction of unending psalmody by Gunthram in Saint-Bénigne de Dijon. For non-royal monasteries with this practice s. Habendum(- Remiremont), an establishment of the Frank Romarich; it was there that the monk Amatus, stemming from Columba-influenced Luxeuil, established the *laus perennis*, *Vita Amati Abbatis* (1971), 218 cap. 10.

1700 *Semmler*, Saint-Denis (1989), at 79; *Krüger*, Königsgrabkirchen (1971), 171–89; *Prinz*, Frühes Mönchtum (1965), 105, 167; *Ueding*, Geschichte (1935), 241–4.

1701 *Krüger*, Königsgrabkirchen (1971), 178, with attestations for the tombs of Queen Arnegunde, d. around 565, of Dagobert, the son of King Chilperic I (561–84) and of Fredegunde, as well as other royal relatives.

1702 *Krüger*, Königsgrabkirchen (1971), 178–83; *Erlande-Brandenburg*, *Roi est mort* (1975); *Leistenschneider*, *Französische Königsgrablege* (2008).

1703 *Semmler*, Saint-Denis (1989), 97; *Debus*, *Studien 1* (1967), 13, 87, cf. 15–7; *Krüger*, Königsgrabkirchen (1971), 177.

1704 *Semmler*, Saint-Denis (1989), 82; *Krüger*, Königsgrabkirchen (1971), 174.

1705 *Ewig*, *Descriptio Franciae* (1965, repr. 76), 282 n. 21; qualified by *Semmler*, Saint-Denis (1989), 82–3.

intercession of the aforementioned martyr Dionysius.”¹⁷⁰⁶ Thus, two recipients of the endowed properties, namely the religious and the needy, are differentiated, who on the basis of material goods were to perform intercessions for their royal benefactors forever. A monastic community is still not mentioned, though according to later sources Dagobert was seen as the founder of a community of poor, who according to their list-like registration and numerical limit were designated as *matricularii*.¹⁷⁰⁷ Even the erection of a monastery within Saint-Denis was already ascribed to him in the Middle Ages.¹⁷⁰⁸ In a description of Dagobert’s death and funeral in the church, the chronicler “Fredegar” around twenty years after these events summarized the deeds of the king and in the process also reported the introduction of the Agaune ritual: “In the 16th year of his reign Dagobert fell ill in the *villa* of Épinay on the Seine, not far from Paris, from dysentery. Thereafter he was brought by his people into the Basilica of Saint Dionysius. (...) A few days after these events Dagobert gave up the ghost; he was buried in the Church of Saint Dionysius, which he had earlier sumptuously endowed with gold, gems and many exceedingly valuable vessels and fittingly decorated all around, in order to secure the precious aid of the saint. He transferred so many treasures and many *villae* and possessions in various places to this church, that it astounded most people. He also prescribed that the singing of the Psalms in the manner of the Monastery of Saint Agaune [sic!] was to be instituted; but this establishment, as is well-known, fell into ruin again through the neglect of Abbot Aigulf.”¹⁷⁰⁹ One can therefore credit Dagobert with the endowment of a monastic community, which was obligated to the continual praise of God, and probably from its inception was bound to intercede at his tomb.¹⁷¹⁰

While founding was a legal act, by which through an economic endowment a community of persons could be made independent, this of course did not necessarily mean that this status could also be preserved. This can be observed

¹⁷⁰⁶ Urkunden der Merowinger 1 (2001), 109 no. 41.

¹⁷⁰⁷ Gesta Dagobert 1. (1888), 411 cap. 29; on which Urkunden der Merowinger 1 (2001) no. 89 as well as the falsified documents nos. 50 und 58. According to *Semmler*, Saint-Denis (1989), 99 n. 11, an “inviolable mass of property for the abbot” could have formed for the maintenance of the *matricularii* only “after the property-law exclusion of the basilica from the grouping of the ecclesiastical principality of Paris, for instance in 655.” On the *matricularii pauperum* s. *Rouche*, *Matricule des pauvres* (1974), at 89, 101; *Boshof*, *Armenfürsorge* (1984), at 165. Cf. in addition Urkunden der Merowinger 1 (2001), no. 166.

¹⁷⁰⁸ Urkunden der Merowinger 2 (2001), Dep. no. 168.

¹⁷⁰⁹ Chroniken des Fredegar (1982), 253 cap. 4.79, Latin text *ibid.* 252. Dating of the source to c. 660 according to *Collins*, *Fredegar-Chroniken* (2007), 26.

¹⁷¹⁰ Portrayed differently in *Semmler*, Saint-Denis (1989), 83, 99–101. Cf. *Hen*, *Roman Barbarians* (2007), 116; *Ewig*, *Gebetsklausel* (1982), 91 and 94–7.



ILLUSTRATION 28 King Dagobert establishes the Church of Saint-Denis (c. 632). Book illumination, 14th c.

from the history of Saint-Denis. When the ritual of the *laus perennis* was given up under Abbot Aigulf, who is evidenced until 652,¹⁷¹¹ the monastery surely soon after 639 had lost its chief communal task. Yet still in the 650s a reform of Queen Balthild, who for the first time under the Merovingians turned to monasticism as a whole, facilitated a new start.¹⁷¹² According to Balthild's biography the queen, who stemmed from England and who was married to Clovis II (d. 657),¹⁷¹³ compelled the abbots and bishops of the "greater churches",

¹⁷¹¹ Chroniken des Fredegar (1982), 253 n. 58.

¹⁷¹² Ewig, Privileg (1973, repr. 79), esp. 576–83; cf. Hartmann, Königin (2009), 84; Semmler, Saint-Denis (1989), 85–6.

¹⁷¹³ Ewig, Balthild (1980), 139; Hartmann, Königin (2009), esp. 82–5.

including Saint-Denis, which occupied pride of place, to adopt a “regular *ordo*”;¹⁷¹⁴ the bishops were thereby to refrain from their privileges of authority and kings were to bestow immunity on churches and monasteries. Already in 653, the bishop of Paris correspondingly bestowed on Saint-Denis immunity from any episcopal interference; the monastery was thereby explicitly mentioned for the first time.¹⁷¹⁵ In 654 Dagobert’s son Clovis II generalized the episcopal privilege and confirmed to the monastery, its abbot and his brothers all possessions stemming from other royal donors. The goal was, as stated in the royal charter, that “at this place a singing of the Psalms in rotating groups shall be celebrated, as was established in the time of our lord and primogenitor, and as is performed in the Monastery of Saint Mauritius of Agaune day and night.”¹⁷¹⁶

It thus seems that a monastic endowment created by Dagobert and bound to the *laus perennis* at first failed (Abbot Aigulf) and was then implemented under his son Clovis.¹⁷¹⁷ The independence of the monastery was likewise established by Balthild’s reform and episcopal immunity. What the foundation was to produce on the basis of a material gift was also created by royal and episcopal privileges. At the time Dagobert himself and his wife Nanthild already were buried in Saint-Denis,¹⁷¹⁸ and many Carolingians followed, beginning with the mayor of the palace Charles Martell, as well as King Pepin and his wife Bertrada. Correspondingly, the new dynasty also patronized the monastery, and to wit continually with special emphasis on the enduring liturgy. Though the *psallentium* was not expressly mentioned, Pepin demanded for his gift the endowment of the church, the clothing of the monks, the acceptance of the poor and strangers, daily masses and a daily prayer for himself (and his sons) by the uttering of his name.¹⁷¹⁹ His son Charlemagne in 769, shortly after the interment of his father, donated to Saint-Denis the small monastery of St. Dié in the Vosges “on the condition that there always 10 or 15 brothers in shifts should protect the place and do not neglect in praying the Psalms or by masses, other intercessions or special prayers to beg for God’s mercy for

1714 Vitae sanctae Balthildis (1888), 493 cap. 9 (A); Urkunden der Merowinger 2 (2001), Dep. nos. 256 und 262. With *ordo regularis* according to Ewig, Balthild (1980), 1392, the *regula mixta* of Luxeuil was meant.

1715 Cf. Urkunden der Merowinger 1 (2001), 217; Semmler, Saint-Denis (1989), 84–6.

1716 Urkunden der Merowinger 1 (2001), 216–9 no. 85; quotation at 219.

1717 According to Semmler, Saint-Denis (1989), 84, the Monastery of Saint-Denis until the middle of the 7th century lacked “its own legal personality (...) completely and utterly”.

1718 Urkunden der Merowinger 1 (2001), no. 85.

1719 Urkunden der Arnulfinger (2011), 53 no. 23 probably from 751. On the formula *pro stabilitate regni (Francorum)* s. Ewig, Gebetsdienst (1982), esp. 46. Cf. also Urkunden der Karolinger 1 (21956), no. 22.

Us and Our glorious lord father day and night.”¹⁷²⁰ Still under Charlemagne or his son Louis there was written a narrative source, according to which already Dagobert had carefully divided the endowed properties. One half was appropriated for the canons of the brothers doing service there, “which he (Dagobert), according to the manner of the Monastery of Agaune or that of Saint Martin of Tours, tasked with singing Psalms in groups”, while the other half was to benefit the poor who were enrolled on the lists and the servants of the church.¹⁷²¹ The various endowed groups (who were also obligated to perform memoria) are reminiscent of the dispositions in the testament of Berthram of Le Mans almost two hundred years before. Meanwhile, from the beginning of the 9th century onwards the Carolingian Kingdom forced the community to adopt the Benedictine Rule, and thus interfered in the affairs of the community under the pretext of reform.¹⁷²² Nevertheless, Abbot Hilduin was in 832 able to reserve certain monastic properties for the maintenance and provisioning of the monastery, which was to grow beyond 150 members.¹⁷²³ Other property was for the entertainment of guests and the “prebends of the staff”, while other incomes were reserved for the martyrs’ crypt, which Hilduin renovated: “For instance, the abbot provided surpluses acquired [from the offerings of pious pilgrims] for an additional *refectio* [meal] of the monks on All Saints’ Day, the crypt’s day of dedication, and for his own anniversary. The eucharist was to be celebrated daily at the altar of the crypt.”¹⁷²⁴ Hilduin also ordered that every eight monks were to perform the daily and nightly offices “after the Roman manner” in shifts.¹⁷²⁵ The memory of the origins of the practice of unbroken prayer in Saint-Maurice was therefore overlaid with a “modern” orientation towards Rome.

The reform queen Balthild also emerges as a monastic foundress.¹⁷²⁶ In Chelles on the Marne, on ancient royal property where supposedly already Chrodechilde, the consort of Clovis I, had erected churches and a small monastery, the widow also established a convent.¹⁷²⁷ She drew the abbess and nuns from the neighboring convent of Jouarre, but in time the queen’s

1720 Urkunden der Karolinger 1 (21956), 81–2 no. 55. On the evidence cf. *Beumann*, Grab und Thron (1967), 29. Cf. also Charlemagne’s donation of 775 (Urkunden der Karolinger 1, 133 no. 92).

1721 Gesta Dagoberti I. (1888), 413–4 cap. 35. Cf. Urkunden der Merowinger 2 (2001), Dep. no. 171, in addition *ibid.* Depp. nos. 169–70, 172–83, 205.

1722 *Semmler*, Saint-Denis (1989), 105–11.

1723 On this and what follows *ibid.*, 110–1.

1724 *Ibid.*, 111.

1725 *Ibid.*, cf. 106–7; *Krüger*, Königsgrabkirchen (1971), 186.

1726 *Ewig*, Privileg (1973, repr. 79), esp. 576–83; *Hartmann*, Königin (2009), 84–5.

1727 *Ewig*, Privileg (1973, repr. 79), 578, dates the establishment to around 660.

background also caused many noble Anglo-Saxons to immigrate there and join the community.¹⁷²⁸ After she was forced to abstain from matters of government around 665, Balthild herself entered the convent and there subjected herself to the abbess; like Radegunde in the previous century, she dared to surrender her ruling privilege.¹⁷²⁹ At around the same time, along with Chelles, she was also the founder of the Monastery of Corbie on the Somme, for which she acquired royal immunity and guaranteed the free election of the abbot.¹⁷³⁰ When she died around 680, her grave was found among her monastic sisters.¹⁷³¹ Later Gisela, the sister of Charlemagne, also lived there, and built a Marian church in the convent. At a visit to Chelles in 833 her nephew, Emperor Louis the Pious, had Balthild's remains transferred to this house of God, so that the deceased, as it reported, would share in the "*laudes* sung day and night for the Mother of God".¹⁷³²

Whether Balthild with her reform, that was to bring immunity (from episcopal interference) and royal protection to the especially reverend churches (*seniores basilicae*), sought a "reconstruction of the [Frankish] imperial church", is uncertain, but in any case because of her fall her initiatives did not advance beyond the initial stages.¹⁷³³ At her removal the Merovingian Kingdom lost its substantial role in monasticism to the benefit of the nobility, with whom it had already previously cooperated.¹⁷³⁴ This is clear from the two monastic endowments of Balthild's brother-in-law King Sigibert III (d. 665/7), which according to the opinion of scholars in fact goes back to the influence of a grandee.¹⁷³⁵ According to the wording of the somewhat older document, Sigibert first founded a regular monastery (*monasterium regulare*) in his Ardennes Forest with an endowment and installed Remaclus as abbot. Everything was to belong to the brothers "under our immunity" (*cum emunitate nostra*), so that it would incite them even more to make "intercessions

1728 *Krüger*, Königsgrabkirchen (1971), 238–9; *Prinz*, Frühes Mönchtum (1965), 175–6.

1729 *Vitae sanctae Balthildis* (1888), 489–90 cap. 7 (A); *ibid.* 496–7 cap. 11 (A).

1730 *Urkunden der Merowinger* 1 (2001), no. 86, on which no. 96 as well as *ibid.* 2 (2001), Depp. nos. 247–8; in addition the concession of Bishop Berthefrid: *Ewig*, Privileg (1973, repr. 79), 540–76, esp. 550 und 553–4 (free election of the abbot).

1731 *Krüger*, Königsgrabkirchen (1971), esp. 243–5.

1732 *Translatio S. Baltechildis* (1887), 284–5, at esp. 284; *Vitae sanctae Balthildis* (1888), 506.

1733 *Ewig*, Privileg (1973, repr. 79), 582–3.

1734 *Prinz*, Frühes Mönchtum (1965), 177, cf. 183. Cf. already the lament of Bishop Gregory on the affliction of churches by Theudebert (d. 575): Gregory of Tours, *Zehn Bücher* 1 [41970], 267 cap. 4.48.

1735 Namely of the mayor of the palace Grimoald, an ancestor of the Carolingians, s. *Schieffer*, *Karolinger* (⁵2014), 19–20.

constantly" (for the king).¹⁷³⁶ This monastery in Cugnion-sur-Semois, however, was not able to last and was probably moved at the initiative of the abbot further into the northern Ardennes. In Stablo and Malmedy Sigibert now erected a double monastery. There "the congregation of the house of God and its custodians were to lead a life dedicated to pious contemplation in quiet order."¹⁷³⁷

1.3.5.3 Irish Kings and Networks of Ascetics

In the middle of the 7th century all of Western Europe, insofar as it was Christian, already belonged to the Roman Catholic Church.¹⁷³⁸ From where the first missionaries came to Ireland, which had never been under Roman rule, is uncertain. One stands upon firmer ground in the 5th century.¹⁷³⁹ According to a trustworthy source, in the year 431 Pope Celestine sent a man he had ordained named Palladius "as the first bishop to the Irish who believed in Christ".¹⁷⁴⁰ It can be assumed that Palladius stemmed from one of the ancient noble families in Auxerre, and therefore had come to Rome from northern Gaul in order to receive the commission of the pope. At the same time or somewhat later Patrick also reached the island.¹⁷⁴¹ According to his autobiographical account he was a Briton by birth and had grown up as a scion of a Christian family of priests in the countryside. In a dream he had been commanded by God to convert the heathen Irish to Christianity. The founding of episcopal sees in the Roman manner, which still cannot be ascribed to Patrick, was made difficult in Ireland by its lack of cities. Even more important for the development of the church were leading families. Though the island is quite modest in size, as a plain ringed by mountains, it was understood as a unity and already in the Celtic period had received its own name (*Ériu*); by contrast, it formed no unified polity.¹⁷⁴² Between the 5th and 12th century there reigned at any one time up to 150 kings, that is regional potentates. Their rule was originally not based on soil, that is according to the Roman conception on the land, but rather on a group of persons. The king stood at the head of a tribe composed of numerous families. The nobility itself encompassed the ancestors and descendants of male persons up to four generations. Only free persons owned cows, while the soil

1736 Urkunden der Merowinger 1 (2001), 204 no. 80.

1737 Ibid., 206–7 no. 81, on which Urkunden der Arnulfinger (2011), 3–6 no. 1; cf. *Prinz*, Frühes Mönchtum (1965), 169–70; *Zotz*, Beobachtungen (1997), 108, 95–7.

1738 *Borgolte*, Christen, Juden, Muselmanen (2006), 118.

1739 *Yorke*, Conversion (2006), 112–4.

1740 *Prosperi Tironis epitoma chronicon* (1892), 473 ad A. M. 1307; cf. *Charles-Edwards*, Early Christian Ireland (2000), 202–14.

1741 *Charles-Edwards*, Early Christian Ireland (2000), esp. 214–33.

1742 On which *Borgolte*, Europa entdeckt seine Vielfalt (2002), 119, 127–8.

and land were the common property of the people or tribe. According to early legal texts, the king's powers were limited: his task was to protect his people from outside attack and stand at the head of his assembly. Priestly functions were lost from the time of Christianization. Since all male descendants of the royal family were entitled to succession (whether brother, uncle, cousin, son, grandson or great-grandson) there arose an inexhaustible supply of candidates able to be king, even more so because monogamy was never generally recognized in medieval Ireland. Thus, certain families, such as the Uí Néill, could reign for centuries. Many kings sought to reign over multiple tribes, yet the great tribes always remained ephemeral constructions, and a comprehensive polity such as that imagined by Abbot Adomnán of Iona (d. 704) ("a monarchy of the whole Irish kingdom")¹⁷⁴³ was never attained. On the other hand, noble families did ally with each other, so that until the Norman conquest the provinces of Ulster (in the northeast), Leinster (in the southeast), Munster (in the southwest) and Connacht (in the northwest) acquired concrete shape, while Meath in the middle knew no permanence.

As far as church order was concerned, there arose over the course of time episcopal sees and monasteries. The bishoprics followed the territorial divisions of the tribes,¹⁷⁴⁴ and episcopal churches were often erected in the vicinity of the residences of potentates, so that they were based economically and territorially on royal property.¹⁷⁴⁵ Typical for early Irish Christianity was that houses of God remained through inheritance in the possession of the founding families. Thus, the bishop of Toch in the land of Temerige (the province of Connacht) and his sister from the family of Corcu Theimne possessed the episcopal church there, which the Monastery of Clonmacnois acquired from them.¹⁷⁴⁶ Much the same applies for monasteries, the first important examples of which were established between 525 and 575 (apart from, among others, Clonmacnois, there were also Clonard, Iona and Bangor).¹⁷⁴⁷ These monastic establishments as well give the impression that inheritance was family-bound, so that only additional acquisitions could be freely disposed of; it was therefore under the influence of Christian doctrine that whole families entered monasteries which they had created.¹⁷⁴⁸

¹⁷⁴³ Adomnán's *Life of Columba* (1991), 38 cap. 1.14 (Columba turning to King Áid).

¹⁷⁴⁴ *Charles-Edwards*, *Early Christian Ireland* (2000), 102–6, 239–40, 243–44, 259; *Richter*, *Ireland* (1983), 24–7.

¹⁷⁴⁵ *Hughes*, *Church* (1966), 68, 76.

¹⁷⁴⁶ *Charles-Edwards*, *Early Christian Ireland* (2000), 252, cf. 255.

¹⁷⁴⁷ *Ibid.*, 241–343.

¹⁷⁴⁸ *Hughes*, *Church* (1966), 75–7; *Wood*, *Proprietary Church* (2006), 141.

Paradigmatic of this is the *Life of Saint Samson*, who, though he stemmed from Wales, likewise belonged to a Celtic (Briton) people like the Irish.¹⁷⁴⁹ Here it is described how, alongside the saint himself, Samson's parents, his five brothers along with his sister, his father's brother with his consort and three sons as well as his grandmother dedicated themselves to the spiritual life. With the approval of their children, the father and mother offered their family property to God.¹⁷⁵⁰ A part of this was used for the erection of churches, which Samson consecrated and which his mother called "our churches".¹⁷⁵¹ The author of the saint's life relates that he had often heard the names of Samson's father and mother among the names mentioned during mass by those giving offerings.¹⁷⁵²

The conception of memoria and intercession for the salvation of the soul thus appears to have played a role from the very beginning. It is difficult to come to conclusions regarding the legal character of such family monasteries, which were so typical of Ireland. In the case where no relative from without could implement his claim to authority and property as a legitimate heir, so that the leadership of the house remained only so long within the family until the last scion who had entered died, can one begin to speak of a foundation: this was thus a renouncement of authority and ownership in favor of a monastic community, which could immediately exercise its own right of cooptation and election unmolested. Meanwhile, scholars have tended to conclude that the abbot (or abbess) was for all practical purposes the family heir and at the same time the lord (or mistress) of the monastery and in this double function had successors from its own noble family. In this sense within the *vita* of Samson the same is said of his teacher Illtud, a Briton, who likewise had founded a family monastery. Two nephews had claimed the property, which they understood to be "a worldly inheritance" and "hereditary monastery".¹⁷⁵³ Yet as long as rule was not exercised from without, especially by laypersons, the designation proprietary monastery is as inapplicable as foundation.¹⁷⁵⁴

As the case of Samson demonstrates, Irish family bands often immediately erected a series of houses of God, possibly under their own control. Monasteries

1749 On Samson, who died after 562 and established Dol Monastery in Brittany, s. *Vie ancienne de Saint Samson* (1997), at 10–1, with an attestation of 562 and his supposed death around 565; *Poulin*, Samson (1995).

1750 *Vie ancienne de Saint Samson* (1997), 160–1, 188–93, 202–5, 222–3 capp. 1.9, 1.29–30, 1.39–40, 1.52.

1751 *Ibid.*, 190–3 capp. 1.30–1.

1752 *Ibid.*, 146–9 cap. 1.1.

1753 *Ibid.*, 168–77 capp. 1.14–18, esp. 168, 172.

1754 Already *Wood*, *Proprietary Church* (2006), 141, 143, 146, had visibly struggled with the appropriate categorization of these family monasteries, but from the perspective of the doctrine of the proprietary church.

of this sort formed networks, in the terminology of the sources *paruchia*, which crossed the boundaries of dioceses and tribal territories;¹⁷⁵⁵ they were led by an abbot, who at the same time could be head of the family band and king.¹⁷⁵⁶ He appointed the heads of dependent monasteries; these are to be separated from local churches, which belonged to a great church and to which they had to surrender their rents, or at least the surplus from their revenues. With regard to these dependent monasteries and churches, one must speak of proprietary monasteries and churches (of the large mother monasteries or churches).

Whoever wanted to free himself from family bounds could resort to the motive of monastic renouncement of the world. Already in the second half of the 6th century men from leading families in this sense made their way “to seek a desert in the ocean”.¹⁷⁵⁷ The sources speak of the *monachi peregrini* and the *peregrinatio propter nomen Domini* (“pilgrim monks”, “pilgrimage in the name of God”),¹⁷⁵⁸ historians of “ascetic rootlessness”.¹⁷⁵⁹ Alongside the motive of pious renunciation, striving after fame also played a role, which could be achieved by erecting a monastery far from one’s homeland. Instructive in this respect is the history of Mo Lua moccu Óche.¹⁷⁶⁰ Mo Lua was the founder and patron of the Monastery of Clonfertmulloe on the border between the regions of Loígsi as well as Munster and Drumsnat in Fernmag. One of the narratives of the life of the saint reports that he had once visited his native kingdom of Uí Fídgente in the south of Limerick and asked King Fáelán mac Dímma for land to build a monastery. He thus wanted to win over the ruler for a foundation. The beneficent Fáelán countered that, were he to stay amongst his countrymen, the monastery would remain small: “A man of the church enjoys no honor among his own countrymen, and your relations, who expel foreign persons, will always interfere with your monastery. But if you erect a monastery for yourself overseas, it will become large and you will enjoy honor from everyone.” A monastery removed from his family (the Corco Óche) and its overlord, the Uí Fídgente, and outfitted with a rule for successors which allowed anyone, regardless of origin, even foreigners, to attain the abbacy, would enjoy particular prestige.

¹⁷⁵⁵ Charles-Edwards, *Early Christian Ireland* (2000), 241–64.

¹⁷⁵⁶ Cf. *ibid.*, 256 f.; *Borgolte*, *Europa entdeckt seine Vielfalt* (2002), 128.

¹⁷⁵⁷ Adomnán’s *Life of Columba* (1991), 28, 30, cap. 1.6, on Cormac; here translated after *Lohse*, *Asketen, Missionare und Pilger* (2014), 269.

¹⁷⁵⁸ *Angenendt*, *Monachi Peregrini* (1982), esp. 124–144.

¹⁷⁵⁹ *Von Campenhausen*, *Asketische Heimatlosigkeit* (1930); *Angenendt*, *Irische Peregrinatio* (1982); *Lohse*, *Pious Men in Foreign Lands* (2013).

¹⁷⁶⁰ The following closely follows *Charles-Edwards*, *Early Christian Ireland* (2000), 257–8.

Religious profit, worldly honor and great liberties, which were thereby to be expected from a monastic foundation in a foreign land, required less the aid of one's own family than the cooperation of a wealthy founder "overseas". In fact, the ascetic rootlessness of the Irish in the 6th/7th century unfolded in the form of cenobitic rootlessness,¹⁷⁶¹ because the monks of the island won the support of many wealthy grandees on the neighboring isle of Britannia as well as on the continent. In other words, the movement of the *monachi peregrini* strongly stimulated the endowment activity of early medieval kings.¹⁷⁶²

Already the history of the first prominent protagonists prove this relationship. The monk Columba (Irish: Colum Cille, "Dove of the Church") was of royal blood and a member of the Cenél Conaill, a branch of the Uí Néill, who reigned in the northwest of the island.¹⁷⁶³ After a battle in which his relatives were among the victors, he left Ireland in 563 on his *peregrinatio* and went over to Britannia, only a few miles distant. There he was active in the Irish kingdom of Dál Riata, which had for some time spread out from northern Ulster across the Irish Sea to western Scotland.¹⁷⁶⁴ "Columba, therefore, may have left Ireland but he had not left the Irish."¹⁷⁶⁵ Just as Columba's migration was favored by particular political circumstances, it may also have been set in motion in the context of the policy of his royal relations; his self-distancing from his homeland was not sufficient to liberate himself completely in his monasticism. It is questionable whether Columba, as the Northumbrian historian Bede reports, desired to convert the Picts in the eastern Scottish vicinity of Dál Riata.¹⁷⁶⁶ Most historians contest Bede's further report that it was the Pictish king Bruide mac Máelchon who endowed the site for his monastery.¹⁷⁶⁷ More credible is the notice of the early Irish annals that Conall mac Comgaill, the king of Dál Riata, had donated to him "the island of Iona" for this,¹⁷⁶⁸ which

¹⁷⁶¹ That did not of course mean that hermits played no role among the pilgrim monks. But for their way of life no larger sum of capital (through foundations) was necessary, and hermitages hardly lasted over multiple generations. *Angenendt, Irische Peregrinatio* (1982), 69–70.

¹⁷⁶² On the relationship between monasticism and foundations see *Borgolte, Sigismund, Radegunde* (2018).

¹⁷⁶³ *Charles-Edwards, Early Christian Ireland* (2000), esp. 282–308; *Bullough, Missions* (1982), 80–5.

¹⁷⁶⁴ *Yorke, Conversion* (2006), 51–5, esp. at 53; 114–5.

¹⁷⁶⁵ *Charles-Edwards, Early Christian Ireland* (2000), 293, cf. 284.

¹⁷⁶⁶ Bede's *Ecclesiastical History* (1969), 220–5 cap. 3.4; on which: *Yorke, Conversion* (2006), 128–31; *Charles-Edwards, Early Christian Ireland* (2000), 299–308.

¹⁷⁶⁷ Cf. still *Bullough, Missions* (1982), 83, for example with *Charles-Edwards, Early Christian Ireland* (2000), 282–90.

¹⁷⁶⁸ *Bullough, Missions* (1982), 82; *Charles-Edwards, Early Christian Ireland* (2000), 282.



ILLUSTRATION 29 Holy Island, Lindisfarne Castle. On the site of a monastery of the Early Middle Ages (16th c.)

lies off the western coast of Scotland.¹⁷⁶⁹ This donation was a foundation, since the king would have intended the erection of a permanent monastery, which perhaps had to pray for him, his rule and his relatives. Columba himself, however, exercised the authority of an abbot and thereby moved in a curve back to his homeland. Apparently after Iona he founded numerous monasteries in Ireland, above all Durrow and Derry;¹⁷⁷⁰ still further churches, as well as monasteries, in the Scottish portion of Dál Riata were subordinated to Iona as the “Mother Church” and with him as the “head”.¹⁷⁷¹ With the appointment of “provosts” in the dependent monasteries he perhaps followed the model rule of the Greek monastic father Basil the Great.¹⁷⁷² The royal wandering ascetic (d. 597) in any case developed a transmarine *paruchia*,¹⁷⁷³ to whose leadership, as was customary in his native land, multiple relatives were to follow him.¹⁷⁷⁴

¹⁷⁶⁹ Charles-Edwards, *Early Christian Ireland* (2000), 299.

¹⁷⁷⁰ Ibid., 282; further churches and monasteries *ibid.*, 250.

¹⁷⁷¹ Ibid., 283, 289; Bullough, *Missions* (1982), 84. Bede speaks of the *principatus* that Iona had exercised, s. Bede's *Ecclesiastical History* (1969), 222 cap. 3.4.

¹⁷⁷² Charles-Edwards, *Early Christian Ireland* (2000), 250, 256–7, 286–7.

¹⁷⁷³ Cf. already Hughes, *Church* (1966), esp. 71, 81–2, 87.

¹⁷⁷⁴ Charles-Edwards, *Early Christian Ireland* (2000), 282 with n. 5; Wood, *Proprietary Church* (2006), 145, after Herbert, *Iona* (1988), 37–46.

The decisive difference with regard to the older Irish models was that the center of this association lay outside of the island and was not based on hereditary privileges, but rather on the foundation of another king.

The hierarchical network of Iona was enriched some decades later by the equally famous daughter monastery of Lindisfarne off the coast of Northumbria.¹⁷⁷⁵ The founder in this case was King Oswald of Bernicia (634–642), who had once received Christian baptism with his brothers and some of his retinue while in Irish exile, probably in “Scottish” Iona itself.¹⁷⁷⁶ When he was able to succeed his father as the ruler of his land, he turned for the proselytization of his people to the abbot of Iona, who had the monk Aidan (Áedán) ordained as a bishop and dispatched.¹⁷⁷⁷ The cooperation of Aidan with Oswald, as well as with his brother and successor Oswiu, in this Christianization was paradigmatic of the early medieval history of conversions, but is also important to remember the freedom of action of the monks. Bede emphasizes repeatedly that Aidan never kept the donations of the king and other wealthy men for himself, but rather passed them on to the poor or used them for the ransom of captives.¹⁷⁷⁸ On royal estates, that is by the royal residence of Bamburgh, he had a church and cell, whence he moved into the vicinity to preach the faith. He possessed nothing there besides a house of God and a smaller estate next to it. His disciples even were forced to pitch a tent where he could pray in peace.¹⁷⁷⁹ King Oswald left him the island of Lindisfarne for his monastery, as the bishop who lived as a monk would have wanted it, after the model of his Irish native monastery;¹⁷⁸⁰ it lay only a few miles removed from Bamburgh.¹⁷⁸¹ Since Aidan had not mastered the English language, the king himself translated his instruction in the faith.¹⁷⁸² From this time on, according to Bede, many moved from the land of the Irish, and, as has been supposed, above all from the Monastery of Iona, to further Aidan’s and Oswald’s endeavor: “Churches were built in various places and the people flocked together with joy to hear the Word; lands and property of other kinds were given by royal bounty to establish

1775 *Charles-Edwards*, *Early Christian Ireland* (2000), 124; Aidan’s successor Finan came, just as he had, from Iona, s. *Bede’s Ecclesiastical History* (1969), 262–7 cap. 3.17.

1776 *Bede’s Ecclesiastical History* (1969), 212–3 cap. 3.1, 218–21 cap. 3.3.

1777 *Ibid.*, 218–21 cap. 3.3; 226–7. cap. 3.5; *Charles-Edwards*, *Early Christian Ireland* (2000), 312–24, 289; *Bullough*, *Missions* (1982), 86–7.

1778 *Bede’s Ecclesiastical History* (1969), 226–9 cap. 3.5, 258–9 cap. 3.14.

1779 *Ibid.*, 262–5 cap. 3.17, on which *ibid.* 262–3 cap. 3.16; *Charles-Edwards*, *Early Christian Ireland* (2000), 314–5.

1780 *Bede’s Ecclesiastical History* (1969), 218.

1781 Cf. *ibid.*, 262 n. 1; *Charles-Edwards*, *Early Christian Ireland* (2000), 314; *Bullough*, *Missions* (1982), 86.

1782 *Bede’s Ecclesiastical History* (1969), 220–1 cap. 3.3.

monasteries, and English children, as well as their elders, were instructed by Irish teachers in advanced studies and in the observance of the discipline of a Rule.¹⁷⁸³ Though it was characteristic of ascetics that they felt themselves compelled to erect monasteries, Aidan also, however, created a “private” retreat for prayer and contemplation. Less than two miles removed from Bamburgh (and seven from Lindisfarne) he had a hermitage on the small island of Farne, which later became famous through Saint Cuthbert.¹⁷⁸⁴ He died in the 17th year of his episcopate, on 31 August 651, and was buried in Lindisfarne.¹⁷⁸⁵ It was there that King Oswiu had the head of Oswald interred a year after his murder, but the arms of his brother in Bamburgh.¹⁷⁸⁶ The daughter of Oswiu, Osthryth, queen of Mercia, first salvaged the remains of Oswald, who was venerated as a martyr, saint and miracle-worker, in the province of Lindsey (between 675 and 697); the monks there, according to Bede, at first objected to this burial, because Oswald was the king of a foreign kingdom, who had once conquered them, but later relinquished them.¹⁷⁸⁷ There is nothing here which indicates that Oswald or his family had erected Lindisfarne as a royal funerary monastery. From his vantage point the monastery was understood as a foundation for the episcopal see and monks, while in its dependence on Iona it seems to have been a proprietary monastery of the Irish mother monastery.

Aidan’s successors as the bishop and head of Lindisfarne were Finan and Colman, who both likewise came from Iona, so that the Anglo-Saxon Bede could pronounce in retrospect that the Irish had possessed the episcopacy in the English Kingdom for thirty years.¹⁷⁸⁸ In the meantime, it was Finan (651–61) who first “constructed a church on the island of Lindisfarne suitable for an episcopal see.”¹⁷⁸⁹ Under him and his successors the Irish further spread Christianity through the conversion of the people and construction of churches and monasteries, always supported by kings, among whom Oswiu (d. 670) of Northumbria was the most important.¹⁷⁹⁰ Yet the Irish also attracted Anglo-Saxons to their endeavors. This was demonstrated exemplarily in the Midlands (Mercia), where Finan baptized King Peada and his retinue.¹⁷⁹¹ According to Bede, thereafter he dispatched four priests for proselytization and

1783 Ibid., 220–1 cap. 3.3, cf. 214–7 cap. 3.2; *Bullough*, *Missions* (1982), 86–7.

1784 Bede’s *Ecclesiastical History* (1969), 262–3 with n. 1.

1785 Ibid., 264–5 cap. 3.17.

1786 Ibid., 252–3 cap. 3.12.

1787 Ibid., 246–7 cap. 3.11.

1788 Ibid., 264–5 cap. 3.17; 294–7 cap. 3.25; 308–9 cap. 3.26 (quotation).

1789 Ibid., 294–5 cap. 3.25.

1790 Cf. *Yorke*, *Conversion* (2006), *passim*.

1791 Bede’s *Ecclesiastical History* (1969), 278–9 cap. 3.21.

instruction, one of whom, Diuma, was Irish, yet the remaining three (Cedd, Adda and Betti) were English. Soon Finan also ordained Diima as a bishop, and when he died shortly thereafter, he was replaced by another Irishman by the name of Ceollach. Yet not everyone remained overseas: as Bede narrates, Ceollach soon “left his bishopric and returned to the island of Iona where the Irish monastery was, which was the chief and head of many monasteries.” In his place came with Trumhere an Anglo-Saxon, who was trained in monastic life and again “was consecrated bishop by the Irish.”¹⁷⁹²

As King Sigibert of Essex then also adopted Christianity and petitioned Oswiu for teachers to instruct his people in the faith, the latter turned to the Midlands and had Cedd come, who was accompanied by another priest. After they crossed the land preaching the Gospel and erected a great church, Cedd returned to Lindisfarne, where Finan ordained him bishop of Essex.¹⁷⁹³ Bishop Cedd repeatedly also visited his Northumbrian homeland. There Oethelwald, the son of King Oswald, ruled Deira, and was so impressed by Cedd that he offered him a piece of land for the building of a monastery. Within England the Irish model for the erection of monasteries recurred in neighboring kingdoms. Oethelwald's wish was to have a place where he could pray often, hear the word of God and finally be buried.¹⁷⁹⁴ According to Bede's description Cedd sought out a very isolated place, difficult of access, for the royal monastery, and had the undertaking completed by his brother in the flesh, the priest Cynebill, because he himself was proclaimed king. He introduced into the monastery, now called Lastingham, the monastic rule of Lindisfarne, where he himself had been attracted.¹⁷⁹⁵ Bishop Cedd fell victim to an epidemic and was replaced in the episcopate of Essex by a further biological brother by the name of Ceadda. Bede calculated that in this case the unusual incidence had occurred, whereby four brothers in the flesh (Cedd, Cynebill, Cælin and Ceadda) had been priests, and two of them had even become bishops. For Cedd's burial, however, his monks from Essex came by and over thirty of them remained in Lastingham.¹⁷⁹⁶

Oswiu used a great victory over pagan foes and kings as an occasion to erect no fewer than twelve monasteries, which he each endowed with smaller estates that were freed from exactions to the treasury.¹⁷⁹⁷ Six of the properties stemmed from Deira, the other six from Bernicia. Each consisted, as

¹⁷⁹² Ibid., 280–1 cap. 3.21.

¹⁷⁹³ Ibid., 283–4 cap. 3.22.

¹⁷⁹⁴ Ibid., 286–5 cap. 3.23.

¹⁷⁹⁵ Ibid., 288–9 cap. 3.23. On the establishment of Lastingham cf. *Krüger*, *Königsgrabkirchen* (1971), 300–4.

¹⁷⁹⁶ Bede's *Ecclesiastical History* (1969), 288–9 cap. 3.23.

¹⁷⁹⁷ Ibid., 288–95 cap. 3.24.

described in detail by Bede, of ten *familiae*.¹⁷⁹⁸ For this military triumph Oswiu of Northumbria also promised to consecrate his not yet one-year-old daughter Ælflæd to God, which in fact occurred. She was given to the island monastery of Hartlepool, which was directed by Hild, likewise a woman of royal blood.¹⁷⁹⁹ Hild had devoted thirty-one years to the secular life, before she desired to enter the service of the Lord (Jesus); originally she went to Gaul and wanted to lead a monastic life in Balthild's monastery of Chelles, yet was then convinced by Bishop Aidan, the Irishman of Lindisfarne, to remain in England. Hartlepool Monastery was erected by a woman named Heiu, supposedly the first person in Northumbria to adopt the nun's habit. There Hild became abbess and instituted a rule-based life, advised always by Aidan and other God-fearing men.¹⁸⁰⁰ She was now, however, amongst the ascetics, to whom King Oswiu entrusted not only his daughter, but also (apparently) in the case of Whitby one of the twelve new monasteries.¹⁸⁰¹ As Bede emphasizes, Whitby followed the example of the Primitive Church: "no one was rich, no one had any private property." Thus, not only did ordinary persons flock to Hild and seek her advice, but even kings and princes. Whitby was a double monastery, therefore a congregation of men as well as women was subordinated to Hild. From the male monastery no less than five bishops emerged, "all of them men of singular merit" and of holiness.¹⁸⁰²

If in the case of Whitby, as far as the circumstances of the royal founding as well as the monastic convictions and order are concerned, at first everything indicates a foundation, history nonetheless soon passed over this approach. Oswiu's consort Eanflæda came from Kent to Northumbria and was influenced by Roman Christianity. The prevalent calculation of the church festal calendar there differed from that of the Irish, so that the queen and her Irish-baptized husband celebrated Easter on different days.¹⁸⁰³ At a synod held in Whitby Monastery in 664 father and son, along with Bishop Colman, took one side and Abbot Wilfrid the other, while Bishop Cedd, trained by the Irishman Finan but of Anglo-Saxon origin, acted as mediator.¹⁸⁰⁴ In the end Oswiu conceded to the Roman use; Colman retreated with his supporters to Iona and was replaced as bishop of Lindisfarne by the Anglo-Saxon Tuda, who had been trained in

1798 Ibid., 292–3.

1799 Ibid., 290–3.

1800 Ibid., 404–9 cap. 4.23.

1801 Cf. Krüger, *Königsgrabkirchen* (1971), 305–6.

1802 Bede's *Ecclesiastical History* (1969), 408–9 cap. 4.23.

1803 Ibid., 296–7 cap. 3.25.

1804 Ibid., 298–309 cap. 3.25.

Ireland but followed the Roman observance.¹⁸⁰⁵ Though in Whitby Hild was able to remain in office as abbess until her death (680), thereafter Oswiu's widow Eanflæda and her daughter, Ælfflæd, who had been consecrated to the monastery by Oswiu, took over the direction of the monastery.¹⁸⁰⁶ Whitby also became among the first major royal mausoleums in Northumbria. Along with the founder Oswiu (d. 670) and his consort Eanflæda, her father King Edwin as well as their daughter Ælfflæd were interred (d. 714) there.¹⁸⁰⁷ One can thus speak of a "family monastery",¹⁸⁰⁸ the shift from the Irish to the Roman orientation must thus have signified a major royal intervention, so that Whitby can hardly be designated as anything more than a foundation with an independent convent.

Bishop Cedd also converted to the Roman observance. Eata, a disciple of Aidan and formerly the abbot of the English Monastery of Melrose, was appointed as abbot and bishop of Lindisfarne for Colman. In accordance with the will of King Oswiu, he was to stand at the head of those who had remained in Lindisfarne after the retreat of the Irishman Colman.¹⁸⁰⁹ Despite his championing of the traditions of the Roman Church, Bede in this context praises how humbly and ascetically the Irish lived in the Northumbrian island monastery. Thereby they had remained true to the ancient monastic ideal of independence from the largesse of founders. As the Irish left Lindisfarne there were only a few buildings there aside from the church. "They had no money but only cattle; if they received money from the rich they promptly gave it to the poor; for they had no need to collect money or to provide dwellings for the reception of worldly and powerful men, since these only came to the church to pray and to hear the word of God. The king himself used to come, whenever opportunity allowed, with only five or six thanes, and when he had finished his prayers in the church he went away. If they happened to take a meal there, they were content with the simply daily fare of the brothers and asked for nothing more. The sole concern of these teachers was to serve God and not the world."¹⁸¹⁰ The clerics and priests also practiced pastoral care in the surrounding villages, but "they were so free from all taint of avarice that none of them would accept lands or possessions to build monasteries, unless compelled to by the secular

1805 Ibid., 308–9 cap. 3.26.

1806 Ibid., 428–31 cap. 4.26; *Krüger*, Königsgrabkirchen (1971), 308.

1807 Bede's Ecclesiastical History (1969), 292–3 cap. 3.24.

1808 *Krüger*, Königsgrabkirchen (1971), 311.

1809 Bede's Ecclesiastical History (1969), 308–9 cap. 3.26, cf. 435–6 cap. 4.27.

1810 Ibid., 310–1 cap. 3.26; *Beda der Ehrwürdige*, Kirchengeschichte 1 (1982), 297.

authorities. This practice was observed universally among the Northumbrian churches for some time afterwards."¹⁸¹¹

"As the catholic principles daily gained strength", so Bede described the consequences of Whitby, it happened that "all the Irish who had remained among the English either gave way or returned to their own land."¹⁸¹² Colman himself did stay much longer in Iona, but moved to Ireland, accompanied by his countrymen as well as some English monks. On the island of Inesbofin before the western coast he himself erected a monastery for the brothers of both nations (*de utraque natione*).¹⁸¹³ Now again close to their islands, the Irish tended to roam the land (and probably to return home) during the harvest season, while in winter they desired to profit from the fruits of their fellow English monks. This of course did not turn out well, so that Colman built the Englishmen their own monastery on the main island (Mag éo or Mayo, in Connacht). Now, however, he could no longer find a king to support him, but had to instead buy land from an earl. Despite the dubious nature of the gift, the latter expected the monks to pray on his behalf, probably because he supported the construction of the monastery along with his neighbors.¹⁸¹⁴ Already around 730 Bede could maintain that in the monastery there lived "a remarkable company gathered there from England, living after the example of the venerable fathers under a Rule, having an abbot elected canonically, in great devotion and austerity and supporting themselves by the labour of their own hands."¹⁸¹⁵

On the other hand, one can discern a counter-movement, indeed already at the time of Bishop Finan, by which the English left their homeland in order to pursue pious studies in Ireland and to lead an especially ascetic life.¹⁸¹⁶ Moreover, the Irish *peregrinatio* movement was practically from the very beginning by no means limited to the large British neighboring isle, but included at the very least the continent as well, due to its particularly daring proponents. These were certainly communal ventures and monastic establishments, in which penniless pilgrim-monks once again saw themselves reliant on the patronage and gifts of land from kings and also from magnates.

One of two known cases was that of Fursa, an Irishman of noble extraction, who "for the love of God (...) desired to lead the life of a pilgrim."¹⁸¹⁷ After he

¹⁸¹¹ Bede's Ecclesiastical History (1969), 310–1; and 297, 299.

¹⁸¹² Ibid., 316–7 cap. 3.28; or 303.

¹⁸¹³ Ibid., 346–7 cap. 4.4.

¹⁸¹⁴ Ibid., 346–9 cap. 4.4.

¹⁸¹⁵ Ibid., 348–9.; Beda der Ehrwürdige, Kirchengeschichte 2 (1982), 333, 335.

¹⁸¹⁶ Bede's Ecclesiastical History (1969), 312–3 cap. 3.27.

¹⁸¹⁷ Vita Sancti Fursei (1902), 434 cap. 1; Bede's Ecclesiastical History (1969), 268–9 cap. 3.19. Cf. Poulin, Fursa (1989).

had himself built a monastery in Ireland¹⁸¹⁸ and many years preached the word of God, he could no longer stand the noise of the mass of people pestering him and decided to leave Ireland. With only a few companions he moved to East Anglia, where King Sigibert around 631 provided him with the site for a monastery (*Cnobheresburg*); later, Sigibert's successor Anna and his nobles endowed the monastery with further buildings and gifts.¹⁸¹⁹ Fursa, however, had not completely renounced his native contacts and brought biological brothers with him. When he wanted to return once more, he handed over the leadership to one of them, Foillán, and had another, Ultán, accompany him.¹⁸²⁰ Once again, contrary to the expectations of the king and the grandees, but also out of concern over the incursion of the pagan armies of King Penda of Mercia, he also left England, moved around 640 to Gaul and there acquired the support of the Frankish king Clovis II and above all his mayor of the palace Erchinoald. They enabled him to build the Monastery of Lagny on the Marne, where he died (around 650).¹⁸²¹ Erchinoald also constructed a further monastery in Péronne, buried the corpse of the saint there and settled the monks that came from England under the leadership of Foillán (*Peronna Scottorum*).¹⁸²²

His countryman Columba (the Younger) (ca. 543–615) traveled even further.¹⁸²³ His life led him and his companions of the Monastery of Bangor in the province of Leinster to Brittany and Merovingian France and to the still Arian-influenced Lombard Kingdom in Italy. The *vita* composed soon after his death allows one to conclude that multiple kings attempted to keep him within their realms, because they esteemed his pastoral and missionary effectiveness, his sagacity and not least of all his power of prayer, but also how strongly Columba avoided laying down roots, and instead how ready he was to move further on.¹⁸²⁴ In his primordial monastic skepticism of extensive landowning,

1818 *Vita Sancti Fursei* (1902), 435 cap. 2. Neither a toponym is mentioned nor the financing explained.

1819 *Vita Sancti Fursei* (1902), 436–7 capp. 6–7; Bede's *Ecclesiastical History* (1969), 270–1, 274–5 cap. 3.19. *Virtutes Sancti Fursei* (1902), 440–1 cap. 3, according to which Fursa erected churches and monasteries for monks and nuns, as well establishments for the sick and needy.

1820 *Vita Sancti Fursei* (1902), 437–8 cap. 8; Bede's *Ecclesiastical History* (1969), 274–7 cap. 3.19.

1821 *Vita Sancti Fursei* (1902), 438–9 cap. 9; Bede's *Ecclesiastical History* (1969), 276–7; *Virtutes Sancti Fursei* (1902), 444 capp. 11–2. On Erchinoald: *Ebling*, *Prosopographie* (1974), 137–9 no. CLVI; on Chlovis II: *Kaiser*, *Römisches Erbe* (21997), 38–40.

1822 *Vita Sancti Fursei* (1902), 439–40 cap. 10; Bede's *Ecclesiastical History* (1969), 276–7; *Additamentum Nivialense* (1902), 449–50.

1823 *Haupt*, Columban (1986); *Von Padberg*, *Christianisierung* (2006), 42–6.

1824 Jonas von Bobbio, *Leben des heiligen Kolumban* (1975), 186–7 cap. (1.)6, 203 cap. (1.)18, 210–2, cap. (1.)20, 219 cap. (1.)24, 221–2, 226 cap. (1.)27, 228 cap. (1.)30.

he not only continually sought the harsh life of the hermit, but also poverty for his monastic establishments. Wherever he nonetheless had to acquire real estate for his monasteries, it was never well-cultivated crown demesne, but rather desolate or uncultivated land; the sources become strangely vague in their information whenever the previous owner of individual monastic property is concerned. Despite the proximity and even reliance upon royal power that scholarship has rightly emphasized for Columbian monasticism,¹⁸²⁵ the abbot from Ireland consistently provided for the monastic independence both of himself and of his followers.

In Brittany, where shortly before Saint Samson from Wales had been active,¹⁸²⁶ Columba and his (supposedly) twelve companions did not stay long (591/2); they instead proceeded to Burgundy.¹⁸²⁷ The reigning Frankish king there (Childebert II) asked him "to settle down in Gaul, not to pass on to other peoples and thus abandon him."¹⁸²⁸ Columba answered "that he did not desire to enrich himself with the possessions of others." In the end, however, he accepted an exceedingly far-removed spot in the Vosges, where he could increase his heavenly reward and could advantageously care for the salvation of the king and his kingdom. In the isolation and seclusion of the forested mountain range, Columba found a long-destroyed fortress with the name of Anagrates and settled there with his people. Jonas, the biographer of Columba, describes the place as property without an owner, so that one cannot properly speak of a royal foundation. In addition, nowhere is Annegray designated as a monastery;¹⁸²⁹ moreover, the land was so barren that the monks could only with difficulty feed themselves, yet at times found support from pious locals and a neighboring monastery.¹⁸³⁰ Only when the group of monks was sharply augmented by the arrival of young men did Columba decide to build a monastery, and selected for this Luxeuil, only a few miles removed. Though Jonas

1825 *Prinz*, Frühes Mönchtum (1965), 122; *Schäferdiek*, Columbans Wirken (1982), 174.

1826 *Vie ancienne de Saint Samson* (1997), 222–3 cap. 1.52.

1827 Jonas von Bobbio, *Leben des heiligen Kolumban* (1975), 184 cap. (1.)4.

1828 *Ionae Vitae Sanctorum* (1905), 163 cap. 1.6; Jonas von Bobbio, *Leben des heiligen Kolumban* (1975), 186. Jonas incorrectly designates Sigibert, who had already died in 575, as the first royal benefactor of Columba; *Frank* (Jonas von Bobbio, *Leben des heiligen Kolumban* [1975], 310 n. 28) and *Schäferdiek*, *Columbans Wirken* (1982), 174–7, suggest the emendation to Childebert II, who died in 595, *Haupt*, *Columban* (1986), 66, and *Von Padberg*, *Christianisierung* (2006), 43, follow the traditional correction to Gunthram.

1829 The scholarship to date has overlooked this fact, see most recently *Von Padberg*, *Christianisierung* (2006), 43. Yet Jonas specifically designates Fontaines after Luxeuil as the second monastery of the Irish, s. Jonas von Bobbio, *Leben des heiligen Kolumban* (1975), 192.

1830 Jonas von Bobbio, *Leben des heiligen Kolumban* (1975), 187–8 cap. (1.)7.

notes that in this place there was a strongly-fortified castle and that Luxueil was known for its hot baths, he names no owner.¹⁸³¹ But the monastery then attracted numerous free persons, who apparently gifted the monastery. The inflow was so large that Columba once again “built a second monastery” not far from Luxueil, which due to the bountiful water there he named Fontaines. Corresponding to the style of an Irish monastic family, he installed priors there as directors.¹⁸³² The good reputation of the Irishman so increased that even King Theuderic II of Burgundy (595–613) sought him out. Yet things came to a head when Columba reproached him for his sexual conduct, refused to baptize his illegitimate sons and closed the monastery to the ruler and the laity. Though the attempt to send him back to Ireland failed (610), Columba, only accompanied by Irish and Bretons, but without the monks of Gallic extraction,¹⁸³³ proceeded to the Neustrian successor kingdom of the Franks under Clothar II. “He joyously asked him to settle in his kingdom, if it so pleased him. He also desired to fulfill his every wish. Columba, however, explained that he in no way wanted to remain in the region, and on the one hand, he wanted to continue traveling and, on the other hand, to avoid their [the Merovingians’] enmity.”¹⁸³⁴ His destination was now Italy, but he first had to cross the Frankish successor kingdom under Theudebert. Columba only reluctantly accepted his offer of giving him suitable sites to preach to the neighboring peoples (Slavs), since his pilgrim’s destination stretched beyond it. After short stays to preach at Lake Zurich and in Bregenz on Lake Constance,¹⁸³⁵ he left Gaul and Germania, and headed south (after May 613). Jonas writes: “The Lombard king Agilulf received him there with reverence. He allowed him the freedom to settle in Italy, wherever he wanted (...). Then God ordained that a man named Jocundus came to the king and informed him that he knew of a basilica in honor of the Prince of the Apostles, Peter, in a remote part of the Apennines. It lay in a place with excellent advantages, was most bountiful, well-supplied with water and also rich

1831 Ibid., 191–2 cap. (1.)10. Only in the context of his conflict with Theuderic II does Jonas narrate that this king referred to gifts and other form of aid for Columba, s. 190 cap. 1.19 and (German translation) 206. *Schäferdiek*, *Columbans Wirken* (1982), 180, points out that the *Vita Sadalbergae abbatissae* (1910), 51 cap. 1, maintains that Columba had founded the monastery in the Vosges “with the generosity of King Childebert”. However, this late (9th cent.) and secondary source cannot be accepted as reliable evidence for crown land in Luxeuil.

1832 Jonas von Bobbio, *Leben des heiligen Kolumban* (1975), 192 cap. (1.)10. On which *ibid.*, 311 n. 39.

1833 Ibid., 210–1 cap. (1.)20.

1834 *Ionae Vitae Sanctorum* (1905), 207 cap. 1.24; Jonas von Bobbio, *Leben des heiligen Kolumban* (1975), 219.

1835 *Leben des heiligen Gallus* (1975), 241–5 capp. 4–9.

in fish. According to an old tradition the place was called Bobbio, for the river that ran near it (...). As Columba arrived there, he carefully erected the basilica anew, which was already half-ruined, and returned it to its former splendor.”¹⁸³⁶

Not in the *Vita Columbani*, but rather in a dubious document of donation for Columba and his companions, it is explicitly mentioned that King Agilulf had given the Irishman the entire region in the vicinity of Bobbio and that the monks were to “beseech the Lord day and night for the salvation and continued existence of our kingdom.”¹⁸³⁷ This request was in this respect awkward, as Agilulf was still an Arian—Columba even called him *rex gentilis* (“pagan king”)—,¹⁸³⁸ while his Bavarian consort clung to the Catholic faith.¹⁸³⁹ Yet one must doubtless view Bobbio as a royal foundation: already in 622 (?) the monastery received a document of confirmation for a donation of Agilulf and further royal gifts.¹⁸⁴⁰ When Bishop Probus of Tortona soon thereafter attempted to subject Bobbio to his authority, the king reigning at the time, Ariold, acquired a concession of exemption from Pope Honorius (628). The monastery was placed directly under the pope and the celebration of the mass in its church was forbidden to every outside priest without the permission of the abbot.¹⁸⁴¹

Columba died on 23 November 615, and was buried in Bobbio.¹⁸⁴² Luxeuil Monastery, where most of the brothers had remained, was in the meantime led by one of his disciples, the Frank Eustathius;¹⁸⁴³ he cultivated a good relationship with King Chlothar II. The Merovingian promised the monastery in the Vosges royal protection, “endowed it with yearly incomes, enlarged its surrounding area according to the wish of Eustathius and endeavored to eagerly help its inhabitants out of love for this man of God.”¹⁸⁴⁴ Luxeuil was, however, arranged in a typical Irish hierarchy of monasteries, with Bobbio at its head. It was there that the Burgundian Athala (d. around 626), who already had been one of Columba’s monks in Luxeuil and moved with him to

1836 *Ionae Vitae Sanctorum* (1905), 220–1 cap. 1.30; Jonas von Bobbio, *Leben des heiligen Kolumban* (1975), 228–9. On the monastery: Richter, Bobbio (2008); cf. Borgolte, *Langobardenreich* (2012), 88–9.

1837 *Codice diplomatico di Bobbio I* (1918), 84–9 no. 3, at 89; cf. Erhart, Gens (2005), 394–5.

1838 *Columbae Epistolae* (21957), 176 no. 5; *Sancti Columbani Opera* (1957), 52 Epistula v.14.

1839 Borgolte, *Langobardenreich* (2012), 98.

1840 *Codice diplomatico di Bobbio I* (1918), 91–6 no. 7; Erhart, Gens (2005), 397.

1841 *Codice diplomatico di Bobbio I* (1918), 100–3 no. 10; Erhart, Gens (2005), 396.

1842 *Ionae Vitae Sanctorum* (1905), 223 cap. 1.30; Jonas von Bobbio, *Leben des heiligen Kolumban* (1975), 230.

1843 *Ionae Vitae Sanctorum* (1905), 222–3 cap. 1.30; 240–57 capp. 2.7–10.

1844 Jonas von Bobbio, *Leben des heiligen Kolumban* (1975), 239 cap. (1.)30.

Italy, became his immediate successor.¹⁸⁴⁵ It was “the entire assembly of the monks” in Bobbio that unanimously elected the third head of the monastery, Bertulf, whom Athala himself had taken with him during a visit from Luxeuil.¹⁸⁴⁶ The fourth abbot as well, Bobolenus, came from Columba’s first monastery to Italy (around 639).¹⁸⁴⁷ Thus, in Bobbio the monastic community created by Columba and in a monastery founded by King Agilulf was able to preserve its communal freedom beyond its beginnings.

1.3.5.4 English Minsters between “Proprietary Churches” and “Foundations”

In a way similar to Ireland, but in a quite different fashion, political relationships and the peculiarities of proselytization also created particular conditions in early medieval England for the religious foundations of kings and other Christians.¹⁸⁴⁸ As the imperial army was withdrawn from Britain, the Roman *civitates* and with them Christianity were able to assert themselves for some time in the land. Yet from the middle of the 5th century Britannia was beset by barbarians on three sides from outside the Empire: from the west by the *Scotti* (Irish), from the north by Picts and from the east by the Germans, who previously had settled between the mouth of the Rhine and Jutland. Church authorities from the time of Pope Gregory I (d. 604) spoke of the “people of the Angles”, while Bede differentiates among the migrants of the continent the Angles, Saxons and Jutes. Certainly other tribes were also involved. The invaders, called more simply “Anglo-Saxons”, were not able to completely conquer the island, so that in the north (Scotland), west (Wales, Strathclyde) and south (Cornwall, Devon) British-Celtic polities remained. Among the Anglo-Saxons themselves there arose multiple kingdoms, whose number stabilized at seven over the course of time.¹⁸⁴⁹

All Germans were pagans; it has long been argued to what degree they repressed provincial Roman Christianity. But the reconversion could not have started at zero; Frankish and Roman impulses of proselytization crisscrossed at the turn of the 7th century. King Æthelberht of Kent had married Bertha, the daughter of the Merovingian king Charibert, a great-granddaughter of the kingdom’s founder, Clovis. Bertha had a Frankish bishop accompany her to the

1845 *Ionae Vitae Sanctorum* (1905), 230–40 capp. 2.1–6.

1846 *Ionae Vitae Sanctorum* (1905), 281 cap. 2.23; *Borgolte*, *Langobardenreich* (2012), 89.

1847 *Ionae Vitae Sanctorum* (1905), 177–8 cap. 1.15, 144 dedication.

1848 *Borgolte*, Christen, Juden, Muselmanen (2006), 126–9. Cf. *Hamerow*, Anglo-Saxon kingdoms (2005); *Thacker*, *England* (2005).

1849 *Thacker*, *England* (2005), 463–4; *Yorke*, *Conversion* (2006), 56–61; *Kirby*, *Earliest English Kings* (1991), 1–9.

island, where her consort transferred a church to her in the eastern part of Canterbury, his capital. This church supposedly stemmed from the Roman period, yet bore the patron of Martin of Tours, who was venerated by the Franks.¹⁸⁵⁰ Just as Clovis had once been open to the religious canvassing of his consort, Chrodechilde of Burgundy, so Bertha now surely influenced Æthelberht, though the latter (similarly to Clovis a hundred years previously) hesitated in his personal, though also “state-political” conversion. Yet it is also plausible that Pope Gregory the Great had long considered preaching to the pagans among the Angles before he actually acted.¹⁸⁵¹ As a Roman, the recovery of the old British province for the faith of the patron of his city, Saint Peter, would have meant a great deal to him.

Gregory secured the support of the Franks for this missionary effort.¹⁸⁵² The pope dispatched the prior of a monastery he had himself founded in Rome, who was named Augustine, after the church father. Together with his companions—according to Bede they were almost 40 in number—Augustine in the early part or summer of 597 reached Kent, accompanied by Frankish translators.¹⁸⁵³ Æthelberht permitted preaching and gave the monks from Rome “a dwelling in the city of Canterbury, which was the chief of all his dominions” and “he granted them provisions”.¹⁸⁵⁴ For the liturgy, especially baptism, the king left to them at the very least the Church of St. Martin, but after his own conversion he gave the monks “greater liberty to preach everywhere and to build or restore churches.”¹⁸⁵⁵ Apart from the king, to whom they owed the economic basis for the evangelization of the people of Kent, the Romans accepted, according to Bede, “only the necessities of life from those whom they taught”, but other otherwise despised all worldly goods, after the model of the Primitive Church.

With the aid of the king, Augustine was able to erect a “church family” in and around Canterbury.¹⁸⁵⁶ On the foundations of yet another supposed church ruin from the Roman period in the city, he built his cathedral and dedicated it to Christ the Redeemer; there he also erected dwellings, that is an episcopal residence, for him and his successors.¹⁸⁵⁷ Not far outside of Canterbury he erected a *monasterium* (monastery), in which Æthelberht, at his encour-

1850 Bede's Ecclesiastical History (1969), 76–7 cap. 1.26, cf. in all *ibid.*, 72–9.

1851 Gregorii I Papae Registrum II (1899), 213 no. IX.222.

1852 Bede's Ecclesiastical History (1969), 70–3 cap. 1.24.

1853 Liber Pontificalis 1 (21955), 312; Bede's Ecclesiastical History (1969), 68 cap. 1.23.

1854 Bede's Ecclesiastical History (1969), 74–5 cap. 1.25; 76–9 cap. 1.26.

1855 *Ibid.*, 76–7, cap. 1.26.

1856 Blair, Church (2005), 66–7.

1857 Bede's Ecclesiastical History (1969), 114 cap. 1.33.



ILLUSTRATION 30 St. Augustine's Abbey, Canterbury (Kent), established 598, renewed c. 1099 and 1539

agement, “built from its foundations the church of the Apostles St. Peter and St. Paul and endowed it with various gifts”. This extramural basilica was, as prescribed by the ancient tradition of the division of the living from the dead, to contain the tomb of Augustine and all the bishops of Canterbury, as well as the kings of Kent. This Church of the Apostles was consecrated, however, first by Augustine’s successor Laurence; the first bishop had himself designated him for the office.¹⁸⁵⁸

It is unclear whether the monastic community of Saints Peter and Paul was conceived of as a special monastery for contemplation and the commemoration of the bishops and kings or, what is rather more likely, whether the religious at the episcopal church in the city mixed with the monks before the city.¹⁸⁵⁹ In any case, all of the houses of God allocated or erected with the aid of King Æthelberht were such an important component of the rudimentary church organization that one can hardly speak of royal foundations which were dedicated to their own tasks.

Augustine was, at the instruction of the pope, consecrated in Arles as “archbishop of the English race.”¹⁸⁶⁰ According to Gregory’s plan, he was to found two archbishoprics in Britannia at London and York, each with 12 bishoprics.¹⁸⁶¹ But the most important cities preliminarily closed themselves to Christianity, so that Canterbury alone became a metropolitan see. In other respects as well Augustine did not really make progress with his construction of the hierarchy, and was able to consecrate as bishops only the Roman Mellitus (for Essex, with the see in London) and Justus (for Kent, in Rochester); it was again Æthelberht, supported by his nephew King Sæbreht, who erected the episcopal churches. He “later bestowed many gifts on the bishops of each of these churches and that of Canterbury; and he also added both lands and possessions for the maintenance of the bishops’ retinues.”¹⁸⁶² Yet pagan kings once more succeeded Æthelberht (d. 616) and Sæbreht, so that Mellitus and Justus fled to Gaul. Only after the victory of the Roman party in England at the Synod of Whitby did the construction of the organization of the church succeed according to the vision of the pope. Rome now dispatched the Syrian Theodore of Tarsus as archbishop to Canterbury (669–90); he managed to consolidate or found a large

1858 Ibid., 144–5 cap. 2.4. Laurence had been one of Augustine’s companions from Rome.

1859 Cf. Blair, *Church* (2005), 68.

1860 Bede’s *Ecclesiastical History* (1969), 78–9 cap. 1.27.

1861 Gregorii I Papae Registrum II (1899), 312 no. XI.39 (letter of Gregory to Augustine of 22.6.601).

1862 Bede’s *Ecclesiastical History* (1969), 142–3 cap. 2.3; Bede, *Kirchengeschichte* I (1982), 143. On Mellitus and Justus as well as Paulinus and Rufinianus s. Bede’s *Ecclesiastical History* (1969), 104–5 cap. 1.29.

number of episcopal sees, even though he did not realize by a large margin the original organizational plan.¹⁸⁶³

Everywhere it was Christianized kings who provided episcopal sees and endowed bishops with churches and incomes or lands.¹⁸⁶⁴ From a legal point of view, these were donations rather than foundations to the church, which formed special endowments under the power of the bishops. Characteristic of the Anglo-Saxons was less a network of dioceses according to Roman principles than the erection of *monasteria*, which were glossed in Old English as *mynsters*. Analogously to the Middle Ages, the modern designation “English minster” has become common.¹⁸⁶⁵ By this term is meant, in a word, “every sort of religious establishment with a church”, in which religious live with a congregation of persons.¹⁸⁶⁶

As far as the material endowment is concerned, apart from the contributions and fees of the faithful, as with (other) episcopal sees it was properties of lasting value which were to secure the “minsters”. In English scholarship there have been attempts to classify these houses of God with a religious community within the category of “proprietary churches”;¹⁸⁶⁷ for this there are in fact connections. For often minsters, like the monasteries and churches of the Irish, were inherited within the founding family. Kings or other magnates erected church institutions of this sort to remove princesses from the marriage market or also to support royal widows in a manner befitting their status and in an economically adequate fashion with the position of an abbess. The suspicion has even been raised that minsters served as secure repositories of capital, which, though not completely removed from the interference of the treasury, were nonetheless capable of considerable resistance. Finally, it is incontestable that royal and other well-to-do families created whole networks of *monasteria*, with which they were able to exercise authority beyond the mere diocese and sometimes beyond their own kingdoms.

1863 Blair, Church (2005), 78–9, counts 12 or 13 sees for the period at the death of Theodore, that is exactly one half of what Pope Gregory had intended.

1864 Yorke, Conversion (2006), esp. 122, 127–8; Blair, Church (2005), 84.

1865 Esp. the account of Foot, Monastic Life (2006).

1866 Blair, Church (2005), 3: “A complex ecclesiastical settlement which is headed by an abbess, abbot, or man in priest’s orders; which contains nuns, monks, priests, or laity in a variety of possible combinations, and is united to a greater or lesser extent by their liturgy and devotions; which may perform or supervise pastoral care to the laity, perhaps receiving dues and exerting parochial authority; and which may sometimes act as a bishop’s seat, while not depending for its existence or importance on that function.” Cf. Foot, Monastic Life (2006), 34–72.

1867 Wood, Proprietary Church (2006), 152–60, on “family monasteries” in England.

Nonetheless, with regard to English minsters terms such as “proprietary church” and “proprietary monastery” should be avoided. First of all, the capital used for their founding or maintenance was able to be removed only with difficulty from their ecclesial purpose, though of course confiscations or “secularizations” constantly occurred.¹⁸⁶⁸ Secondly, the mistreatment of an establishment does not militate against its legal construction. The permanent—in this case, religious—association of the endowment brings minsters close to “foundations”. The minster shared with the “proprietary church”, but also with the “church foundation”, that it was removed from episcopal authority (given that it was itself not an episcopal church). Thereby it was not subsumed within the larger mass of church property and could fulfill its special purpose. As far as the intervention of the founding family was concerned, from an intercultural perspective there is a close analogy to Islam. In the latter case family foundations, which were meant to skirt inheritance law and to keep property in the hands of relatives, were the most widespread type of foundation in general; yet this seemingly secular rationale did not undercut its religious purpose, since the maintenance of relatives was seen as a work pleasing to God and, in the event of the extinction of the line of inheritance, the endowed property was then slated for philanthropic tasks.

From around 670 a boom of founding minsters took place, which lasted into the 740s.¹⁸⁶⁹ One of the causes is thought to be, besides the consolidation of Christianity, now in its third generation, or the church decision of Whitby and the effective, albeit incomplete expansion of the episcopal organization under Archbishop Theodore, and the increase in trade with the Franks and Frisians. An important role might also have been played by the growing wealth of kings through the formation of larger kingdoms at the expense of smaller principalities. Moreover, the chances of finding husbands of equal status for princesses decreased, so that they had to find new duties in the minsters, especially as abbesses. The widespread phenomenon of double monasteries, uniting both male and female monastic communities under the direction of female head, can also be explained in this way.¹⁸⁷⁰

Only through the analysis of individual cases, however, can it be determined where a royal gift for the establishment of minsters is to be placed on the spectrum between the ideal-types of a “foundation” and a “proprietary church”. This is already demonstrated by some documents from the early history of the Anglo-Saxon church. The oldest document which has survived in

1868 Cf. *Geelhaar / Thomas* (eds.), *Stiftung und Staat* (2011), esp. 102–303.

1869 *Blair*, *Church* (2005), 75, 121, 132–3. and elsewhere.

1870 *Ibid.*, 84–5.

the original was written in the year 679 in the city of Reculver, in the vicinity of Canterbury, by King Hlothere of Kent for a minster in the same place.¹⁸⁷¹ Hlothere's predecessor and brother Egbert had commissioned his priest Bass with the construction of this house in 669.¹⁸⁷² The contemporaneous king of Kent donated certain properties on the island of Thanet and in Sturry for the salvation of his soul to the abbot Berhtwald and his monastery (*tibi Bercuald tuoque monasterio*). He himself, as well as his successors or descendants, were to own the properties in perpetuity.¹⁸⁷³ Hlothere highlighted the agreement of Archbishop Theodore as well as of his nephew Eadric and of the magnates, while he threatened serious penalties for any opposition, especially from his relations.

Particularly noticeable is the threefold emphasis that not only Berhtwald (and his *posterī*), but also the monastery itself appear as the addressees of the property transaction. Susan Wood has seen in this an indication that under the mantle of an "immortal" church establishment a lasting line of inheritance in the leadership and availability of the monastery was to be secured.¹⁸⁷⁴ One can—and must—see it exactly the other way round: in order to ensure the spiritual goal of the minster or the gift, it was not sufficient to merely gift the abbot and his successors, but also the monastery, that is the monastic congregation, which had to be named among the addressees. So understood, this was a foundation for the salvation of the soul or a memorial foundation, regardless of whether someone from the royal family followed Berhtwald in succession or someone else.¹⁸⁷⁵

By means of the exceedingly numerous English documents ("English charters"),¹⁸⁷⁶ whose authenticity is, however, often debated, plans for the establishment of minsters can be differentiated. In the year 692, for instance, King Nothelm of Sussex explained that he would gift "to my sister Nothgīd a piece of land to erect a *monasterium* and a *basilica* on it, which are to foster the praise of God and the veneration of the saints, for the salvation of my soul and knowing, that it will in the future be of benefit to me, if I give some of my

1871 Sawyer, *Anglo-Saxon Charters* (1968), no. 8; cf. Blair, *Church* (2005), 85–6.

1872 Bede's *Ecclesiastical History* (1969), 474 n. 2, with reference to the *Anglo-Saxon Chronicle*. On Egbert (d. 673) and Hlothere (d. 685) esp. *ibid.*, 352–3 cap. 4.5, 430–1 cap. 4.26, 564–5 cap. 5.24.

1873 Sawyer, *Anglo-Saxon Charters* (1968), no. 8.

1874 Wood, *Proprietary Church* (2006), 157 (with reference to n. 41).

1875 On Berhtwald s. Schäfer, *Tradition* (1996), 206.

1876 The texts and state of the editorial scholarship are conveniently accessible in Sawyer, *Anglo-Saxon Charters* (1968).

property to the followers of Christ.¹⁸⁷⁷ In this case, similarly to the foundation of King Sigismund of Burgundy, as its purpose only the divine liturgy is mentioned, but memoria for the founder is not.

A related connection likewise played a role in the gift of King Swæfheard in Kent to the abbess Æbbe (Eafe) of Minster-in-Thalet from roughly the same period.¹⁸⁷⁸ Swæfheard, about whom otherwise little is known, at the advice of Theodore of Canterbury and with the approval of his father, King Sæbbi, as well as of the magnates, had donated land in perpetuity on the island of Thanet and at the locality of Sturry on the mainland to the abbess and what successors she might leave behind, according to church and monastic law.¹⁸⁷⁹ This occurred, once again, “for the salvation of my soul and for the remission of my sins, and, moreover, so that the donation might forever belong to the servants of God (*famulis Dei*) without any restriction.” Clearly, this was simultaneously a repetition of the donation of earlier kings, among whom Hlothere and Eadric are named, while King Mulus of Kent had apparently received money for the properties of Æbbe.¹⁸⁸⁰ Yet it is unmistakable that the gift would be left in perpetual possession “not only for money or for the sake of relatives, but for the reward of Abbess Æbbe on the part of God Almighty.”¹⁸⁸¹ Whoever, however, of the heirs or successors of King Swæfheard in the principality of Kent or of other worldly or church dignity was to encroach upon the aforementioned donation, which he had given for the eternal reward of his soul for the benefit of those living under monastic law, should be damned by God for all time.

Æbbe appears in the document as the owner of the monastery, who could dispose of the properties of King Swæfheard as an individual inheritance; at the same time, there is no doubt that this property holding was not unrestricted, but was to be granted to a successor, so that with it the salvation of the soul of the ruler could be provided for. What first seemed a royal proprietary monastery was in fact clearly intended as a foundation, with inviolable properties for the purpose laid out by Swæfheard. Similar considerations apply to further donations of other kings of Kent to Æbbe or her convent, which can be documented until 697.¹⁸⁸²

1877 Ibid., no. 45; Kirby, *Earliest English Kings* (1991), 20–1, cf. 125.

1878 Sawyer, *Anglo-Saxon Charters* (1968), no. 10 of 689 III 1; according to Vollrath-Reichelt, *Königsgedanke* (1971), 127, it is to be dated to 691. Cf. Kirby, *Earliest English Kings* (1991), 43–4, 93, 122–3.

1879 Sawyer, *Anglo-Saxon Charters* (1968), no. 10.

1880 Ibid. on Mulus s. Kirby, *Earliest English Kings* (1991), 120, 124–5.

1881 Sawyer, *Anglo-Saxon Charters* (1968), no. 10.

1882 Cf. *ibid.*, nos. 13–5, 18.

That the establishment of a minster did not always succeed, or at least could be delayed, is demonstrated by additional cases. In the year 733 (?) King Æthelberht of Sussex had left part of his landed property to a “reverend man” by the name of Diozsan for the erection of a monastery “for the salvation of my soul”. Diozsan, who was supposed to function as a trustee of the king, wanted, however, to pass on the property to his “beloved sister”, for which he also acquired Æthelberht’s approval.¹⁸⁸³

At around the same period (736/7) King Æthelred of Mercia and his junior king Oshere of the Hwicce gave to two women dedicated to God, Dunna and her daughter Bucga, land by the River Tillath for the construction of a convent according to canon law, in order to acquire forgiveness for their transgressions.¹⁸⁸⁴ The charter, which was actually drawn up on the occasion of a synodal decision, narrates a checkered history. In fact, Dunna had erected the convent and stood alone at its head; since Bucga had apparently passed away, she had bequeathed the minster to the daughter of her (other) daughter, as she sensed her death approaching.¹⁸⁸⁵ Yet since this granddaughter was still young in years, concern for the minster together with the deed of transfer was given over to her mother until she was older. When she was supposed to produce this document, however, she responded that she could not do so because it had been stolen. The church assembly under Archbishop Nothelm thus decided to compose a (new) document and to hand it over to the “aforementioned abbess Hrothware”, that is Dunna’s granddaughter, and to confirm the convent’s property. The “holy synod” had furthermore determined that, after Hrothware’s death, the minster together with its property was to be transferred to the episcopal see of Worcester, as “their ancestors had determined”.

Regardless of whether the depiction of the churchmen reflects actual events or not, they present the establishment of the minster as though King Æthelred first wanted to maintain certain women (of his family?) in order to have the properties that were dedicated to a spiritual purpose then be given to the episcopal church of Worcester. The result would thus have been an episcopal proprietary monastery, and one would not have been able to speak of a foundation at all. In fact, a later bishop of Worcester determined that Hrothware had donated the monastic land to him as his own, whereupon he himself provided

1883 Ibid., no. 46. On Æthelberht s. Kirby, *Earliest English Kings* (1991), 131.

1884 Sawyer, *Anglo-Saxon Charters* (1968), no. 1429; on which Wood, *Proprietary Church* (2006), 158, and Kirby, *Earliest English Kings* (1991), 12, on Æthelred of Mercia and Oshere in addition, esp. *ibid.*, 117, 122–3, 126–8.

1885 Sawyer, *Anglo-Saxon Charters* (1968), no. 1429.

the abbess Æthelburga with a convent; after her death the minster again was to be given back to the cathedral for the eternal ransom of his soul.¹⁸⁸⁶

As in Ireland, in England as well during the 7th century networks of religious establishments and communities were formed under the direction of their founders. Indicative of this is Bishop Wilfrid of York (c. 634/5–709/10), an exponent of the Roman party in the conflict with the Irish observance.¹⁸⁸⁷ His biographer Stephan, a monk of Ripon Monastery (Yorkshire; Northumbria), reported on his eventful life soon after the death of the saint,¹⁸⁸⁸ as well as Bede, who was largely dependent upon him. Classifying Wilfrid's works between authority (*Herrschaft*) or a proprietary monastery and a foundation is not easy. His story is best told starting from its conclusion. As Wilfrid repeatedly became seriously ill, the monks of Hexham Monastery, which he had created, prayed "to the Lord to grant him an extension of life, at any rate so that he could speak to them, and dispose of his monasteries and divide his possessions, and not leave [them] as it were orphans, without any abbots."¹⁸⁸⁹ All the abbots of his monastery and the hermits had hurried to him, but did not reach Wilfrid. He had regulated the way of life at various places under priors he had installed, which had not previously occurred.¹⁸⁹⁰

Surprisingly, however, Wilfrid recovered; he elaborated upon his bequest one and a half years later, shortly before his death in Ripon.¹⁸⁹¹ He had two abbots and other especially faithful brothers come to him, eight persons in total. In their presence he opened his treasure chest and set out before them all the gold and silver, along with the precious gems, all of which he divided into four parts. The best part was said to have been brought to Rome and there offered to the churches of the Holy Mother of God Maria and the Apostle Peter *pro anima mea*. Of the other three parts, those present divided one amongst the poor "of my people for the ransom of my soul"; the priors of the two monasteries of Ripon and Hexham received the second "so that they can win the friendship of kings and bishops with gifts." The third (in total the fourth) portion he reserved for those who had suffered for long periods with him in exile, "and to whom

1886 Ibid., no. 1255 of 774, charter of Bishop Milred.

1887 On the bishop esp. Foot, Wilfrid's Monastic Empire. On his dates of birth and death s. Higham, Preface (2013), xiii, and Stancliffe, Dating Wilfrid's Death (2013), esp. 21; Kirby (ed.), Saint Wilfrid (1974).

1888 Life of Bishop Wilfrid (1927); Vita Wilfridi I. (1913). According to Stancliffe, Dating Wilfrid's Death (2013), esp. 24: "between July 712 and March 714".

1889 Life of Bishop Wilfrid (1927), 134–5 cap. 62; Vita Wilfridi I. (1913), 257 cap. 61.

1890 Ibid., 134 cap. 62 and 257 cap. 61.

1891 Ibid., 136–9 cap. 63 and 257–8 cap. 62. On which Gerchow, Gedenküberlieferung (1988), 20–1.

I gave no lands or goods, instead each according to his needs." He appointed his relative, Father Tatberht, who had hitherto steadfastly accompanied him, to the head of his Monastery of Ripon. While he lived Tatberht was to hold the leadership of the monastery along with him, but was to own the monastery without reservation after his death.¹⁸⁹² After these stipulations Wilfrid had the whole monastic congregation of Ripon summoned. The abbots Tibba and Eabba were also present, sent by King Ceolred of Mercia, who had promised to preserve the status of Wilfrid's monasteries in his kingdom.¹⁸⁹³ Should he recover, he wanted to move there and to install a worthy trustee; otherwise the monks were to accept the abbot recommended by the present abbots Tibba and Eabba, the priests Tatberht and Hathufrith, as well as the teacher Aluhfrith. They were to promise as much obedience to the person elected as they had to that point shown himself and God.

Wilfrid again traversed all of Northumbria and was able to meet the abbots of his monasteries. He thereby announced his testamentary dispositions to these and transferred to each of them the portion intended by him, including lands and money: he thus acted as a testator.¹⁸⁹⁴ He went to his Monastery of Oundel, where he had consecrated a church to St. Andrew, then fell mortally ill. He exhorted those present to be mindful of his good works, and reminded them of the various estates he had given or now wanted to give to the abbots. At the same time, he asked that the Monastery of Hexham be given to the priest Adda, who—as the biographer Stephan added—later became bishop.¹⁸⁹⁵ Wilfrid then passed away. The brothers accepted Tatberht as their leader, who immediately regulated the memoria of the deceased: "He decided to celebrate a private Mass for him every day, and every week to celebrate Thursday, the day on which he died, as a feast as though it were Sunday. He determined on the anniversary of his death to divide his whole share of the tithes of his herds and flocks among the poor people, to the glory of God, all the days of his life, apart from those charities which he always gave every day to God and to the needy, for himself and for the soul of his bishop and always in his name."¹⁸⁹⁶

The body of Wilfrid was brought to Ripon and buried in the Church of Peter that he had erected. Stephan emphasized that the saintly bishop in the 46 years of his episcopate had ordained innumerable bishops, priests and deacons and

1892 Life of Bishop Wilfrid (1927), 136, 138 cap. 63; Vita Wilfridi I. (1913), 258 cap. 62.

1893 Ibid., 138–9 cap. 64; and 258–9 cap. 63.

1894 Ibid., 140 cap. 65; and 259 cap. 64.

1895 Ibid., 140–5 cap. 65; or 259 cap. 64. Cf. Gerchow, Gedenküberlieferung (1988), 21.

1896 Life of Bishop Wilfrid (1927), 140, 142 cap. 65; Vita Wilfridi I. (1913), 260 cap. 64.

consecrated churches,¹⁸⁹⁷ and “our life” unfolded under elected abbots in all the kingdoms on both banks of the River Humber.¹⁸⁹⁸

Stephan made it abundantly clear that Wilfrid had power over the monastery he had founded as a personal possession¹⁸⁹⁹ and that he would use his authority to regulate the leadership of his houses for the time after his death and especially to designate his relative Tatberht as abbot in Ripon and as the supreme head of the whole federation. This indicates proprietary monastic authority.¹⁹⁰⁰ Wilfrid’s considerable property evidently occasioned bitter conflicts, in which he was repeatedly put to flight, his episcopal see in York was lost and he sought support from the pope in Rome. His opponents were kings, but also the archbishop of Canterbury and other episcopal clergy. He fought out his conflicts as an abbot and bishop, while according to their portrayal in the *vita* the religious communities dependent upon him were unable to play any active role. Nonetheless, one cannot simply describe his position as the master of proprietary monasteries.

In order to come to this conclusion, one must more carefully scrutinize the genesis and history of his properties. Wilfrid was of noble birth and had a royal background,¹⁹⁰¹ but it is nowhere mentioned that he had used his personal property for his monasteries; instead, the donations of kings to him, prompted by the motive of salvation for the soul, are continually emphasized.¹⁹⁰² Though one learns that he was rewarded for his role as royal advisor,¹⁹⁰³ for the most part properties were left to him always (directly) for the erection of minsters or for the support of churches more generally.¹⁹⁰⁴ Once he himself endowed

1897 *Ibid.*, 142 cap. 66 and 261 cap. 65.

1898 *Ibid.*, 148 cap. 68 and 263 cap. 67.

1899 Cf. above all the petition of Wilfrid to Pope John VI cited by Stephan, *ibid.*, 104–7 cap. 51, at 104 / 106 and 245.

1900 Cf. Wood, *Proprietary Church* (2006), 128.

1901 *Life of Bishop Wilfrid* (1927), 6–7 cap. 2; *Vita Wilfridi* I. (1913), 194–5.

1902 On Alhfrith of Northumbria: *ibid.*, 16–7 cap. 7; esp., 201; on King Wulfhere of Mercia *ibid.*, 30 cap. 14; and 209. On the visit of the kings Ecgfrid and Aelwinus of Northumbria to the Monastery of Ripon, which Wilfrid had beautified, *ibid.* 36 cap. 17 and 211–2. For additional details on Queen Ætheldrythe and Hexham s. *ibid.* 44–7 cap. 22 and 216–7; on Berhtwald of Mercia s. *ibid.* 80–1 cap. 40 and 232–3.

1903 *Life of Bishop Wilfrid* (1927), 84 cap. 42; *Vita Wilfridi* I. (1913), 235–6 cap. 42.

1904 Cf. esp. *ibid.*, 42 / 44 cap. 21; 215–6: Just as King Ecgfrid had expanded the Kingdom of Northumbria to the north and the south, Bishop Wilfrid increased “the Kingdom of the Churches” to the north (against the Britons, Irish and Picts) and south (against the Saxons). Everywhere priests and deacons had been employed to help him. Almost all the abbots and abbesses had decided to put their property under his protection or to appoint him as an heir after their death; the temporal princes of the nobility had handed over their sons for him to raise.

Ripon Monastery with his own property, namely with a precious evangelium, which according to Stephan's testimony was used every day and preserved his commemoration through daily petitions with the utterance of his name.¹⁹⁰⁵ The gift can thus be seen from the start as a memorial foundation.

Though Wilfrid is emphasized as the proprietor of his churches,¹⁹⁰⁶ there is no doubt that he exercised ownership over these properties only in a limited fashion, as he indeed intended. There can be no credible discussion of him using these properties for "secular" purposes, and even if he also designated a relative as a successor, there is no indication that he practiced a policy in his houses of broadly supporting his relations. His concern was always the preservation of the spiritual goal, which his patrons also expected of him. This goal was planned for the long term. For the first of monasteries, Ripon, Alhfrith of Northumbria initially appointed Irish monks, only to have them expelled in favor of those of the Roman observance under Wilfrid.¹⁹⁰⁷ Concern over the salvation of his soul, which was his main interest, was better kept with Wilfrid than with the Irish. In other words, Wilfrid's preservation of property and inheritance did not concern the proprietary goods themselves, but rather the best fulfillment of spiritual tasks. In order to achieve this, Wilfrid had to defend them against kings and archbishops, that is to hinder their being swallowed up into the larger secular or church endowment. As it was planned, according to Stephan's narrative, that Ripon itself would be transformed into a bishopric, this seemed to him an attack on its very freedom.¹⁹⁰⁸ Thus, Wilfrid's monastic authority did in fact resemble a foundation.

1.3.5.5 Foundations in the Context of Carolingian Ecclesiastical Policy

In the Kingdom of the Franks, the dissolution of the Merovingians by the Arnulfinger-Peppinid mayors of the palace and the Carolingian kings had momentous consequences for church property,¹⁹⁰⁹ which would also over the long term influence the room for maneuver in the development of foundations. Though already the predecessors of Charlemagne from the early 7th century onwards had occupied high church offices and had participated in a series of their monastic establishments in contact with Columban ("Iro-Frankish") or

1905 Life of Bishop Wilfrid (1927), 36 cap. 17; Vita Wilfridi I. (1913), 212–3.

1906 Around 686 / 7 Wilfrid after his first exile received back *multa monasteria et regiones propriae iuris* from King Æthelred of Mercia: *ibid.*, 90 cap. 43 and 238 cap. 43; the same through Alhfrith of Northumbria: *Ibid.* 90 f. cap. 44 and 238–9.

1907 *Ibid.*, 16–7 cap. 7; and 201–2; Bede's Ecclesiastical History (1969), 298 cap. 3.25.

1908 Life of Bishop Wilfrid (1927), 92 cap. 45; Vita Wilfridi I. (1913), 239.

1909 On the caesura of the "Carolingian-Ottonian Epoch": Schieffer, *Geschichtlicher Ort* (1998), 17–8.

Anglo-Saxon influenced monks,¹⁹¹⁰ in their struggle for power with others they found themselves compelled to place their hands on church and monastic possessions and positions.¹⁹¹¹ This style of authority, with some variations in intensity and form, then influenced the history of the early medieval kingdom into the 11th/12th century. Since the nobility acted correspondingly and much the same can be observed amongst the Lombards in Italy, the scholarship speaks of a period of princely church authority, or even of the “state church”.¹⁹¹²

Within historical scholarship the place of “foundations” for the early medieval “Era of the Proprietary Church”,¹⁹¹³ to which proprietary monasteries also belonged, remains largely undetermined. In general, the verb “to found”, as well as the noun “foundation”, were used for all types of sovereign or princely churches and monastic establishments, without attention being paid to the fact that foundations were generally intended to evade immediate authority;¹⁹¹⁴ relying on their own properties—more precisely through communities or groups of persons created by the foundation—they were only to be obligated to the will of the founder and to fulfill their duties, especially prayer and memoria for the founder, untroubled by external pressures.¹⁹¹⁵ Contemporary scholarship in this regard usually lacks a sensibility for the basic opposition of “authority” and “foundations”; also misinterpreted is that “authority” (*Herrschaft*) was manifestly derived as a special characteristic of the Early Middle Ages from the legal and social historian Otto Gierke during the formation of the proprietary church theory, according to whom only the High Middle Ages should be

1910 Schieffer, Karolinger (52014), 11–25; Heidrich, Kirchliche Stiftungen (1990), 134–47.

1911 Cf. Angenendt, Frühmittelalter (1990), 262–3.

1912 Feine, Studien (1941); Semmler, Karl der Große (31967), 274–7; Schmid, Ablösung (1972). For “princely ecclesiastical dominance and proprietary churches” as a defining characteristic of “Germanic-influenced canon law”: Feine, Kirchliche Rechtsgeschichte (51972), 147–8; “the extreme ‘state church’ of the time of Charles (sc. Charles Martell)”: Schieffer, Zeit (2005), 131; likewise with regard to the early period of Louis the Pious: *idem*, Karolinger (52014), 127. The connection between the “state church” and “proprietary churches”: Tellenbach, Libertas (1936), esp. 85–93.

1913 Borgolte, Stiftungen im Spannungsfeld (1994, repr. 2012), 27–8, with reference to Schönfeld, Xenodochien (1922), and Reicke, Stiftungsbegriff (1933), as well as *idem*, Deutsches Spital (1932, repr. 1970); cf. Stutz, Eigenkirche, Eigenkloster (1913). For a newer discussion of the idea: s. Borgolte, Periodisierungen (2014), 252–61.

1914 As stated by Angenendt, Willibrord (1973), 73, with regard to the aristocracy of “proprietary church monastic foundations”; *ibid.*, 92, with reference to Willibrord’s “foundation of a proprietary church”. Similarly confused is Zielinski, Kloster- und Kirchengründungen (1989), 102 and *passim*. The vocabulary for “foundation”, “fundatio” etc. clarifies little, s. Lohse, Mittelalterlicher Sprachgebrauch (2014).

1915 Borgolte, Stiftungen in rechts- und sozialhistorischer Sicht (1988).

characterized as a period of “association” (*Genossenschaft*).¹⁹¹⁶ Moreover, the applicability and extent of the “proprietary church privilege” has been qualified in the more recent period.¹⁹¹⁷

As in Ireland or England, the importance of foundations in the empire of the Franks and Germans, particularly with regard to the kingdom, can only be investigated via individual cases. It thereby emerges that the will of self-assertion of religious communities in their houses collided above all with the demands of the bishops over the precedence of property in their sees. By contrast, it was precisely sovereign protection that abbots secured for their communities in royal possession, and thus considerable range of action, which fostered the realization of the foundation's goal.¹⁹¹⁸

The church and monastic policy of the Carolingians was rooted in the confrontations with which the mayors Pepin of Herstal (from 687/8 until his death in 714) and his son Charles Martell (c. 720–41) had to implement their authority against noble or even family rivals. Both expanded the extent of their authority from Auster (the Maas-Rhine region) to Neustria (between the Seine and the Loire) and further neighboring regions (especially Frisia, later Aquitaine as well). Thereby they above all seized episcopal sees and aristocratic monastic establishments in order to reward their own retainers, yet also took advantage of longer vacancies in order to divert the accumulated incomes to their own treasury.¹⁹¹⁹ Yet only Charles Martell has been yoked with the epithet “Despoiler of the Church” from the 8th/9th century.¹⁹²⁰

In fact, Charles replaced bishops and abbots and in part pursued or allowed that many of these church offices were accumulated into the hands of a single prelate; in the division of resources he especially favored his own relatives amongst his confidants.¹⁹²¹ Reformers, among them especially the Anglo-Saxon Winfried-Bonifatius, were to proceed under his successors against these “irregularities”. The same applies for the confiscations and further bestowals of church properties themselves.

1916 *Borgolte*, *Stiftungen im Spannungsfeld* (1994, repr. 2012), esp. 26–9.

1917 Cf. *Borgolte*, *Periodisierungen* (2014), 257–61, with reference inter alia to *Modellmog*, *Königliche Stiftungen* (2012); *eadem*, *Stiftung oder Eigenkirche?* (2008); *Wood*, *Proprietary Church* (2006); *Hartmann*, *Eigenkirche* (2003); *Reynolds*, *Fiefs and Vassals* (1994); *Hedwig*, *Eigenkirche* (1992); *Magnou-Nortier*, *Société laïque* (1974). On the case of “Boniface and Fulda” s. also *Schmid*, *Frage nach den Anfängen* (1978).

1918 Cf. *Schieffer*, *Zeit* (2005), 37; *Semmler*, *Traditio und Königsschutz* (1959).

1919 Cf. *Schieffer*, *Karolinger* (52014), 26–30, 38–40, 46–7.

1920 Cf. *Fischer*, *Karl Martell* (2012), esp. 145, 147, 256 n. 20. Cf. *Geelhaar / Thomas* (eds.), *Stiftung und Staat* (2011), 102–7 A 6, at 106–7.

1921 Now *Fischer*, *Karl Martell* (2012), 142–52; on a much-discussed example s. *Ewig*, *Milo* (21954); *Schneider*, *Erzbischof Hinkmar* (2010), 66–108, 388–9.

An exemplary victim of “church despoilment” was the bishop of Orléans, Eucherius. In an account of his life composed shortly before his death in 738 (or 743), it is narrated how Mayor Charles Martell, under the influence of his followers, deposed and exiled the bishop and took the properties or offices for his own use or for the maintenance of his *satell(it)es*.¹⁹²² It was only later, in the middle of the 9th century, that a vision of Eucherius became known that illuminated the religious consequences of the “misdeeds” of the *princeps Francorum*.¹⁹²³ The appearance of the saintly bishop is transmitted in multiple sources, including a letter of the West Frankish bishops (probably) of 858, in which the East Frank Louis “the German” is said to have been exhorted to protect church property: “Take heed that priests be granted proper honor and the privileges due them (...). Do not suffer that church properties and endowments, which [as] ‘the offerings of the faithful, the ransom of sinners’ are the maintenance of the manservants and maidservants of the Lord, be plundered and torn away from the Church, but rather resolutely resist like a Christian king and scion of the Church and defend [them] (...). Prince Charles, the father of King Pepin, was in this respect the first among all the kings and princes of the Franks to rend properties from their churches and divide them up, so that he is lost for eternity for this [crime]. For the saintly bishop Eucherius of Orléans, who rests in the Monastery of St. Trond, while he was deep in prayer, was brought to the other world and saw inter alia, which he glimpsed at the command of the Lord, also that one, and how he was being tortured in the lower hell. To his question, his angel and guide answered that, by the verdict of the saints, who will decide at the future court with the Lord, that he who steals [church] property and divides it, will suffer eternal torment in body and soul before that court. He shall also with his [own] eternal sins receive the penalties for the sins of all those who have given their properties and fortunes for the honor of and out of love for the Lord at the place of the saints for the ransom of their souls, for the illumination of divine services and as alms for the servants of Christ and of the poor. As he [Eucherius] came to, he summoned Saint Bonifatius and Abbot Fulrad of the Monastery of Saint-Denis, the highest chaplain of King Pepin, and gave them a sign, by saying that they should go to his tomb, and if they did not find his corpse in that same place, it would give credence to what he said. They made their way to the aforementioned monastery [Saint-Denis], where the body of Charles was itself buried, opened the

¹⁹²² Vita Eucherii (1920), 50–1 cap. 9; cf. Fischer, Karl Martell (2012), 147–8.

¹⁹²³ On the tradition Fischer, Karl Martell [2012], 149; Hartmann, in: Konzilien der karolingischen Teilreiche 843–859 (1984), 417 n. 67; Levison, Politik in den Jenseitsvisionen (1921, repr. 48), 240–1.

tomb, and at once saw a dragon climbing out of it. The interior of the entire tomb was blackened, as though it had been burned. We, however, see in our time those who were present and report with a living voice the truth of what happened, what they had heard and seen.”¹⁹²⁴

Even when the vision is transmitted for the first time by Hincmar, archbishop of Reims (d. 882), it need not to have been invented by him, especially since the letter he wrote to Louis the German had as a model, among others, a legal collection in Saint-Denis.¹⁹²⁵ The story is not only noteworthy for its drastic depiction of the punishments of hell for (sovereign) despoilers of the church, but also for its emphatic description of the function of pious foundations: Whatever the faithful gave for the religious personnel of churches, the liturgy and care for the poor, it would further the ransom of their sins, so that the person who purloined these properties would also have to bear their weight.

As under the influence of Archbishop Bonifatius three synods in Austrasia and Neustria were held to make good the damages to the churches after Charles Martell's death, probably in 743 or 744, Charles was explicitly mentioned as their cause. Under the direction of the mayor of the palace Carloman, the so-called “Concilium Germanicum” first decided that “the law of God and the church order, which was dissolved under the early princes and collapsed, ought to be reconstituted”, so that “the Christian people (might) attain salvation, instead of being seduced by false priests.” Thus, the churchmen of Austrasia *inter alia* “delivered and returned the confiscated property of the churches (...) to the churches again.”¹⁹²⁶ Carloman already had to water down this radical measure shortly thereafter, because he became involved in new military conflicts and was dependent on the revenues of churches and monasteries. At a church gathering at Les Estinnes (Hennegau) of 1 March (744?), he announced that he “would retain a portion of church property, with God's lenient forbearance, as an interest-bearing loan of land for the support of our army for a certain period.”¹⁹²⁷ For this, however, churches and monasteries were to receive a certain tax for each farmstead of the faithful. Equally moderate were the

1924 Konzilien der karolingischen Teilreiche 843–859 (1984), 403–27 no. 41 (synodal statement of Quierzy, November 858), at 413–6 cap. 7; with a trans. (modified above) in *Geelhaar / Thomas* (eds.), *Stiftung und Staat* (2011), 114–21 A 9, at 117 / 119.

1925 Cf. Konzilien der karolingischen Teilreiche 843–859 (1984), 416–7; with a trans. in *Geelhaar / Thomas* (eds.), *Stiftung und Staat* (2011), 118–9.

1926 *Concilia Aevi Karolini* 1.1 (1906), 2–3 (narratio), cap. 1; with a trans. in: *Briefe des Bonifatius* (1968), 378–9. *Pangerl*, *Metropolitanverfassung* (2011), 16 with n. 12, and *Schieffer*, *Karolinger* (⁵2014), 54.

1927 *Concilia Aevi Karolini* 1.1 (1906), 7 cap. 2; with a trans. in: *Briefe des Bonifatius* (1968), 382–3.

reforms of Carloman's brother Pepin, the "duke and prince of the Franks", for Neustria; almost on the same day as the two synods, Carloman had 23 bishops in Soissons ordain: "The monks and servants of God should be supported from the confiscated church property until it covers their needs, and whatever is left should have interest drawn from it."¹⁹²⁸

Although already from the early Carolingian period there had been clerical opposition against the confiscation of church property by rulers, it remained bereft of notable success. Nonetheless, wealthy laypersons continued to establish churches and monasteries; in order to shield them from the encroachment of their heirs or diocesan bishops, they were often transferred to the kingdom itself.¹⁹²⁹ As royal churches or abbeys, that is proprietary churches of the ruler or kingdom, they could often last a very long time, yet had to suffer encroachment upon their properties and the imposition of their leaders (bishops and abbots) by their royal masters. These relations differed at the individual level from place to place. This is exemplarily demonstrated by Echternach and Prüm, two monastic establishments which fall within the decisive phase of the rise of the Carolingians.

The history of Echternach (today in the Grand Duchy of Luxembourg) is intimately bound with Willibrord, a monk of the Anglo-Saxon Monastery of Ripon and disciple of Wilfrid of York (born c. 657/8 in Northumbria, d. 739).¹⁹³⁰ Driven from his native land, Wilfrid had once proselytized on his journey to Rome amongst the heathen Frisians, with the permission of their king (678). Even though supposedly thereby most of the notables had already been won over to Christianity,¹⁹³¹ Willibrord took up the work of his teacher in 690 once again. In contrast to earlier ascetic emigrants, he was from the start less concerned with "self-sanctification" than the conversion of pagans. He at once established contacts with the Frankish mayor of the palace, Pepin of Herstal, who had just achieved two decisive military victories over the Frisian duke Radbod, in order to consolidate his people and land into the realm of the Merovingian kings. Pepin also had his monastic ally ordained in Rome as archbishop of the Frisians (695),¹⁹³² and thus intensified the relations of the Franks

1928 Concilia Aevi Karolini 1.1 (1906), 33 (narratio) and 34 cap. 3; Briefe des Bonifatius (1968), 385 / 387.

1929 Cf. *Semmler*, *Traditio und Königsschutz* (1959), 3–4.

1930 Ó Cróinín, Willibrord (2013); *Burkhardt et al.*, *Mission* (2013); *Schipperges*, Willibrord (1998).

1931 Life of Bishop Wilfrid (1927), 52–3 cap. 26; Bede's Ecclesiastical History (1969), 252–3 cap. 3.13.

1932 Bede's Ecclesiastical History (1969), 480–1 cap. 5.10, 484–7 cap. 5.11; *Angenendt*, Willibrord (1973), 67–8; *Fritze*, *Entstehungsgeschichte* (1971); *Schieffer*, *Karolinger* (2014), 30–1; *Logan*, *History* (2002), 65–6.



ILLUSTRATION 31
Portrait of St. Willibrord (Adriaen Lommelin, 1630–77)

with the pope,¹⁹³³ which in any case was important to the Anglo-Saxon. After his return, Willibrord received from Pepin the castle of Utrecht, that is land of the fisc,¹⁹³⁴ for the erection of his episcopal see, as was also the case with the establishment of other Carolingian sees.¹⁹³⁵ According to Bede's narrative, his Northumbrian countryman established still many more churches and some monasteries among the Frisians.¹⁹³⁶ In Utrecht itself he seems, in the Anglo-Saxon manner, to have initially formed a monastic congregation at the

1933 On the more ancient Cult of St. Peter amongst the Franks s. *Ewig*, *Petrus- und Apostelkult* (1960).

1934 Bede's *Ecclesiastical History* (1969), 486–7 cap. 5.11; *Urkunden der Karolinger* 1 (²1956), 6 no. 4; cf. *Heidrich*, *Kirchliche Stiftungen* (1990), 131–2; *Grosse*, *Bistum Utrecht* (1987), 35–40.

1935 *Schieffer*, *Bischofssitz* (1975); *idem*, *Anfänge* (1988), 184. On Münster *Balzer*, *Frühe Mission* (2010 / 2011).

1936 Bede's *Ecclesiastical History* (1969), 486–7 cap. 5.11.

cathedral, to which probably also belonged (some of the twelve) brothers who had accompanied him to the continent.¹⁹³⁷

Willibrord was also able to rely upon wealthy natives in the construction of the Frisian church. Already in 697/8 the abbess Ermina in her locality of Echternach donated two churches and a small monastery to him, which she had erected for the honor of God and for the sake of the salvation of her soul, to house pilgrim-monks and relieve the poor.¹⁹³⁸ She explicitly emphasized that she had provided Willibrord with free pieces of her own property, because she wanted to repay him for his spiritual good deeds. More precisely, she added that in Echternach it was the portion that she had inherited from her mother's and father's side, and both *basilicae* were left to Willibrord "to administer and own". While Ermina had at first personally turned to Willibrord (*patri Willibrordo episcopo*), in the summary concluding formula of the donation she designates him and the churches as recipients.¹⁹³⁹ While doubtless the authority was to be with Willibrord, Ermina envisaged the churches or the monks themselves as co-owners, something that is often overlooked.

Only one month later Ermina supplemented her first donation with properties around Echternach; she also thereby freed eleven of her slaves, for whom it was laid down that each year at Christmas they were to deliver a payment in wax to the "Sites of the Saints" in Echternach.¹⁹⁴⁰ She now spoke of Willibrord in the third person, while the erected churches expressly appear as the addressees: it was to them that the properties were to permanently belong.¹⁹⁴¹ When it is said that the donations—not, however, foundations—made the Anglo-Saxon the proprietor of the churches and monastery in Echternach, this is not false, but the shared entitlement of the religious community is omitted.¹⁹⁴²

As Ermina a few years later also donated costly liturgical objects and further properties (699 and 704), she, addressing Bishop Willibrord, expressly designated Echternach as "your monastery, which I rebuilt on my own land";¹⁹⁴³ nevertheless, the monastery appears once more as the recipient of the *villae*. Correspondingly, the property was to be in the possession of Willibrord and his monastery, so that he and the brothers could have power over it.¹⁹⁴⁴

1937 Cf. *ibid.*, 480–1 cap. 5.10; *Schieffer*, *Entstehung* (1976), 175–80.

1938 *Wampach*, *Geschichte Echternach* I.2 (1930), 17–20 no. 3, at 19.

1939 *Ibid.*, 19–20.

1940 *Ibid.*, 20–3 no. 4, at 22; cf. *Nonn*, *Merowingische Testamente* (1972), 23, 75 and elsewhere.

1941 *Wampach*, *Geschichte Echternach* I.2 (1930), 21–2 no. 4.

1942 Cf. *Angenendt*, *Willibrord* (1973), 68–9.

1943 *Wampach*, *Geschichte Echternach* I.2 (1930), 24–6 no. 6 of 699.

1944 *Ibid.* Correspondingly, but not so completely clear, is *Wampach*, *Geschichte Echternach* I.2 (1930), 31–2 of [704].

Yet already in 706 or shortly beforehand Willibrord, turning to Pepin, the mayor of the palace, gave Echternach Monastery itself “into the right and protection of the kings and emperors who lawfully succeed one another.¹⁹⁴⁵ Such transfers to the king (or, as in this case, the *de facto* ruler) are understood within scholarship as the surrender of property rights which made a monastery (or a church) a royal monastery (or a church).¹⁹⁴⁶ In May 706 this status became clear as Pepin and his consort Plektrud spoke of “their monastery”, which they even built in Echternach on their own property and where they had appointed Willibrord himself with his monastic congregation.¹⁹⁴⁷ The pair felt entitled to this historical self-arrangement, because they had gifted the second half of the locality of Echternach, which had once belonged to “Duke” Theotharius and which his son Theodardus had himself transferred. The two transactors emphatically underlined that their properties would go over “from their right and dominion to the dominion of the aforementioned monastery or the leaders, as well as their successors and to the entire congregation to be found there in perpetual ownership.” Once again, the rights of Willibrord and his successors, as well as those of the monastic community, are clearly differentiated. The dominion over and protection of the monastery, however, were to always remain with the mayoral couple and their heirs, yet the donation was to foster “at all times” the increase of their (religious) merit.¹⁹⁴⁸

In a second charter from the same day, Pepin and Plektrud expressly granted “the apostolic lord Willibrord” the privilege that “foreign brothers and the other God-fearing persons might gather [in Echternach], so that they might live there according to the holy order.”¹⁹⁴⁹ After Willibrord’s death the brothers would also have the right of electing a new abbot from their circle; he was, however, to be true in all respects to their heirs, while the monks were to remain under “our protection and shield”.

Monastic communities under royal dominion could thus be granted the largely associative right of the free election of abbots, as well with economic means that space which they required for the exercise of their religious duties in the interests of their founders. It is occasionally also mentioned that through Pepin of Herstal Echternach had become a “proprietary monastery (of Willibrord) under the *mundeburdium* [protection] of the Carolingians.”¹⁹⁵⁰

1945 Ibid., 37–8 no. 13*.

1946 Cf. Semmler, *Episcopi Potestas* (1974), 315; Zielinski, *Kloster- und Kirchengründungen* (1989), 122.

1947 *Urkunden der Arnulfinger* (2011), 11–3 no. 4, at 12.

1948 Ibid., 13. Cf. Heidrich, *Titulatur und Urkunden* (1965/66), 124–5.

1949 *Urkunden der Arnulfinger* (2011), 13–5 no. 5, at 14.

1950 Angenendt, *Willibrord* (1973), 69.

Willibrord also had Pepin and Plektrud grant him a further small monastery in Susteren in 714, which was to be occupied by monks of the Echternach sort. This was also to stand under the protection of the ruling family, whose ancestry is here more precisely described, and they were permitted to freely select Willibrord's successor.¹⁹⁵¹ Even Pepin's son Charles Martell as mayor of the palace favored Willibrord materially, as he gifted Echternach in 718 from his patrimony,¹⁹⁵² and in 723 the third monastery of the Anglo-Saxon in Utrecht, including with land of the fisc there.¹⁹⁵³

Similar to the Irish and Wilfrid before him, Willibrord probably viewed his monasteries as a "paruchia", as a federation under his leadership.¹⁹⁵⁴ He therefore chose Echternach as his place of burial; in a lengthy documentary miscellany, his so-called testament, he bequeathed (726) to this monastery what Pepin, Charles Martell and other Franks had donated to him. He treated the abbey, which the mayors of the palace certainly saw as their own, as a juristic person, similar to the way Ermina had also done so.¹⁹⁵⁵ And among his successors in Echternach as abbot was Beornrad, one of his relatives, and even Alcuin (d. 804), the confidant of Charlemagne, said that the monastery "until today (...) in lawful succession" was held by the heirs of Willibrord.¹⁹⁵⁶ Nevertheless, Pepin the Younger, the first Carolingian king, emphasized his sovereign rights by himself taking the properties of the monastery erected by Willibrord in a formulary concession under the protection and immunity of the abbey;¹⁹⁵⁷ Pepin's son Charlemagne is even listed in the catalog of abbots for Echternach as the head of the monastery for "almost a year".¹⁹⁵⁸

1951 Urkunden der Arnulfinger (2011), 15–7 no. 6, at 16. On which and on the further history of Susteren: *Heidrich*, Kirchliche Stiftungen (1990), 133; *Wislinghoff*, Untersuchungen (1999), 463–75.

1952 Urkunden der Arnulfinger (2011), 22–3 no. 9, cf. 17–22 nos. 7–8.

1953 Ibid., 28–30 no. 12, at 29. Cf. *Heidrich*, Kirchliche Stiftungen (1990), 132.

1954 Cf. *Angenendt*, Willibrord (1973), 89; *Schieffer*, Entstehung (1976), 178–9.

1955 *Wampach*, Geschichte Echternach 1.2 (1930), 83–97 no. 39, at 95. Cf. furthermore *Werner*, Lütticher Raum (1980), 139–58.

1956 Vita Willibrordi (1920), 116–7 cap. 1, regarding the cells which Wilgils, the father of Willibrord, erected and whose "legitimate succession" (inheritance) Alcuin received; furthermore 132 cap. 21; Ex Vita sancti Willibrordi auctore Thiofrido abbate (1874), 25 cap. 29. Cf. *Angenendt*, Willibrord (1973), 97; *Wampach*, Geschichte Echternach 1.1 (1929), 149–53; *Nonn*, Beornrad (1980); *Balzer*, Frühe Mission 1 (2010), 11–40, esp. 15–8; *Weinfurter*, Karl der Große (2013), 186.

1957 Urkunden der Karolinger 1 (21956), 41–2 no. 30, at 42.

1958 Catalogi abbatum Epternacensium (1881), 740 cap. 2 (Catalogus 11); confirmed by *Wampach*, Geschichte Echternach 1.2 (1930), 183–4 no. 114, at 184. Cf. *Voigt*, Karolingische Klosterpolitik (1917), 33; *Felten*, Äbte und Laienäbte (1980), 280–1; *Semmler*, Karl der Große

The contradictions of the sources are easily overcome when Echternach within historical scholarship (for the period since 706 or the kingdom of Pepin) is simply designated as a “Carolingian house monastery”¹⁹⁵⁹ or a royal monastery¹⁹⁶⁰—the decision for one possibility or the other namely appears to have been a question of the perspective of the participants and the realization of their conceptions. Yet it is more important that the royal or private rights of power over the monastery in no way precluded foundations. Evidence from the circle of the Carolingians themselves prove this around the turn of the 10th century. Echternach had in the meantime transformed from a monastery into one of the collegiate churches, whose members—in contrast to monks—were allowed to have private property. Especially since the number of canons was numerically fixed, they naturally preserved their claims to a certain proportion of the endowment, to a so-called “prebend”.¹⁹⁶¹ The late Carolingian king Zwentibold was confronted with these conditions in 895, in the first year of his reign in Lotharingia, and thus in the region of Echternach.¹⁹⁶² It had not yet come to the point that the community of brothers itself had emerged as an actor, but their own relationship to their founder and their current lord already shimmers through in Zwentibold’s concession. His first chancellor, Archbishop Ratbod of Trier,¹⁹⁶³ whose position as abbot of Echternach is not explicitly mentioned, had had this document drawn up. Ratbod asked the king whether he might “grant to the brothers, who serve the blessed Willibrord, something for their maintenance (that is their prebends), which they had already received from their predecessors.”¹⁹⁶⁴ Zwentibold agreed and gifted the 40 monks numbered there what they had up to that point received for their maintenance, and individually listed the estates with their free and servile laborers. At no point does Zwentibold designate

(³1967), 278. From the middle of the 9th cent. onward Echternach was subject to the “regiment of lay bishops”, according to *Heidrich*, *Kirchliche Stiftungen* (1990), 141.

1959 Thus e.g. *Schieffer*, *Karolinger* (⁵2014), 43; *Semmler*, *Episcopi potestas* (1974), 313–6, 372. A “Carolingian proprietary church”: *Zielinski*, *Kirchen- und Klostergründungen* (1989), 122.

1960 Thus e.g. *Ewig*, *Descriptio Franciae* (1965, repr. 76), 305.

1961 Cf. on the canons in Echternach: *Semmler*, *Kanoniker* (1995), at esp. 69; according to *ibid.*, 84, there are canons instead of monks in evidence in Echternach through the document in *Wampach*, *Geschichte Echternach* 1.2 (1930), 217–8, no. 145 of [855/6]; likewise *Heidrich*, *Kirchliche Stiftungen* (1990), 141. In general on canons: *Borgolte*, *Mittelalterliche Kirche* (²2004), 47–8; *Semmler*, *Mönche und Kanoniker* (1980).

1962 On Zwentibold *Schieffer*, *Karolinger* (⁵2014), esp. 192–4; *Kasten*, *Königssöhne* (1997), esp. 547–57.

1963 On whom *Schieffer*, *Karolinger* (⁵2014), 193; *Bauer*, *Radbod* (1995); *Fleckenstein*, *Hofkapelle* 1 (1959), 209.

1964 *Urkunden der deutschen Karolinger* 4 (1960, ²1963), 25–7 no. 5, at 25.

Echternach as a royal possession, yet he protested against every power-hungry person who might dare to take away something from the brothers which they to that point had power over; the monks naturally had the task “of acting as true intercessors for Us and for everyone to whom We are indebted, before the Lord [Jesus].”¹⁹⁶⁵ Without mentioning his predecessors, Zwentibold acts as a founder with a personal relationship to the religious community, whose gift consists of the confirmation of its endowment.

In the year 914 Charles the Simple, West-Frankish king and already for some years also the ruler in Lotharingia, continued Zwentibold’s work.¹⁹⁶⁶ He confirmed the increase of the canon prebends, which the powerful Duke Reginar had undertaken “as Our and his alms” through the donation of three seignories, apparently from crown lands. In addition, he acknowledged the individually-listed components of the older property, which had been assigned for the maintenance of the aforementioned brothers.¹⁹⁶⁷ Even more clearly than his Lotharingian predecessor, he objected to every “ruler of the monastery” who might dare to take away something from the goods or services (of the religious’ prayer) dependent upon them. The aforementioned gifts were instead to support the brothers without anyone’s objection in eternal security, to wit because they were not only “to continually beseech the mercy of the Lord for the state of our kingdom and for Our (own) salvation”, but also “for the souls of our predecessors and always to prove themselves particularly ready in the praise of God through joyous humility.”¹⁹⁶⁸

“Private” or royal proprietary churches were able to be the recipients of “private” or royal supplementary endowments; the power of a lord over religious establishments, which in principle threatened their untroubled existence, evidently need not to have conflicted in the eyes of contemporaries with “perpetual” goals more typical of foundations, to which they themselves or some of their properties were dedicated.

The Abbey of Prüm, the other case, lay at most three days’ travel north of Echternach in the Eifel.¹⁹⁶⁹ It was here that the nobles Bertrada and her son Charibert in 721 established a male monastery for her salvation and for her

1965 Ibid. On which *Voigt*, *Karolingische Klosterpolitik* (1917), 166.

1966 On this ruler s. *Schneidmüller*, *Karl III.* (1996), 23–36; on the relationship with the charter of Zwentibold s. *Voigt*, *Karolingische Klosterpolitik* (1917), 167.

1967 *Recueil de Charles III* (1949), 170–2 no. 76, at 171. On Reginar 1 “Longneck” s. *Nonn*, *Reginare* (1995), and *idem*, *Pagus und Comitatus* (1983), *passim*.

1968 *Recueil de Charles III* (1949), 171.

1969 That is, around 55 kilometers on today’s roads; the average traveling speed of the German court has been calculated at c. 20 kilometers per day, s. *Alvermann*, *Königsherrschaft* (1998), 163–4.

deceased sons and brothers, respectively.¹⁹⁷⁰ They designated their legal act as a “donation”, yet relinquished for all time their properties and their proprietary rights, namely in favor of the “Servants of God”, that is of the monastic community.¹⁹⁷¹ Though time and time again it is described as the establishment of a “proprietary monastery” and a “monastery of a noble house” or a contemporaneous articulation of claims to power,¹⁹⁷² in fact it was without a doubt a foundation. Without anything in the meantime being known about it,¹⁹⁷³ Prüm Monastery is only again mentioned some decades later. Shortly after his accession to the throne, Pepin gifted Prüm for the first time (752), to wit with fishing rights in the Moselgau. He emphasized that he had “erected [the monastery] anew in honor of the Redeemer and of Holy Mary”, and for this purpose had installed a monastic community.¹⁹⁷⁴ The gift was to remain outside of any royal power, discretion of a prelate or judicial authority. The present and future monks would thus be able to perform his memoria and that of his wife Bertrada forever. Despite the refoundation and repurposing of the memorial purpose, Pepin in this case once again created a free foundation.

Matters were different as the king and his consort had a long document drafted ten years later, in which they maintained that they had erected the monastery on their own property.¹⁹⁷⁵ Moreover, since they had endowed Prüm with their own estates, which they had inherited in the same proportion from their fathers Charles (Martell) and (Duke) Haribert (of Laon), the married couple acted as though they recognized that they were related with one another, and it is known of Bertrada that she was the granddaughter of the older, homonymous founder of the monastery.¹⁹⁷⁶ Pepin, who spoke at the same time for his wife, furthermore emphasized that they had deposited relics and sent for monks; the latter, equipped both materially and spiritually, were to live in complete peace under the holy rule and, in imitation of the blessed (monastic) fathers, beseech the Lord’s mercy for the integrity of the church,

1970 *Borgolte*, *Stifter—Lateinische Christen* (2016), 371–2; supplementary is *Isphording*, Prüm (2005).

1971 *Urkundenbuch zur Geschichte des Mittelrheins* I (1860), 10–1 no. 8.

1972 Cf. *Isphording*, Prüm (2005), 29–63; “aristocratic monastery” (*Adelskloster*); *ibid.*, 152, 155: “house monastery” (*Hauskloster*); *Kuchenbuch*, *Bäuerliche Gesellschaft* (1978), 43: “proprietary monastery” (*Eigenkloster*). For Wood, *Proprietary Church* (2006), 114–5, Prüm belongs to those monastic establishments typical of the 8th century, which from the beginning can be seen as an “investment in wealth and power”.

1973 According to *Isphording*, Prüm (2005), 62, the continued existence of the monastery must be assumed.

1974 *Urkunden der Karolinger* I (21956), 5 no. 3.

1975 *Ibid.*, 21–5 no. 16, at 22.

1976 Cf. *Hartmann*, *Königin* (2009), esp. 95; *Hlawitschka*, *Studien* (1979), 31–55.

the long duration of the kingdom as well as for Bertrada, their shared posterity and the Catholic people.¹⁹⁷⁷ “Since, however, the monastery itself has been again erected by us out of love for Christ”, it was to be observed from that moment on that priests and monks were obligated to their religious duties under an abbot, who knew how to keep them together.¹⁹⁷⁸ The royal pair allowed no doubt as to their proprietary rights over the monastery, which were also to be hereditary, yet added that they would not impose any abbot “from another community”.¹⁹⁷⁹ The conditions of “authority” and “protection” by the kingdom, as well as the emphatically called-for prayers for the royal family and the realm, bound up with the monastic praise of God day and night, went hand in hand with the guarantee of calling forth a new abbot with the approval of the brothers when the old one departed from this life.¹⁹⁸⁰ From the monastic endowment of Bertrada the Elder and (C)haribert (of 721), which Pepin and Bertrada the Younger had then renewed (752), a royal proprietary monastery had emerged, in which certain rights were conceded at the election of the abbot (762).¹⁹⁸¹ Though the memory of the first founders was in this case omitted, the motive of connections between those who established the monastery and the monastic and prayer community, so typical of foundations, were further transmitted.

Prüm Monastery remained until the end of the 9th century a “house monastery” which was especially close to the Carolingians. The trust they placed in the abbey is demonstrated by the fact that rulers repeatedly imprisoned rebellious or politically obsolescent members of the dynasty there.¹⁹⁸² In Prüm the commemoration of King Pepin and his consort was also cultivated, into which later members of the house were likewise incorporated.¹⁹⁸³ Under proprietary monastic authority *memoria* could certainly be cultivated over the long term, similar as that through a foundation. Yet the commemoration of the Carolingian founders notably stops in the documentary material, when with the Liudolfings/Ottonians a new ruling house took over the royal abbey. When Frankish kings and Roman emperors supported the abbey materially or with legal privileges, this is sometimes summarily motivated by the increase of the “illumination” or of “furnishings for the servants of God”, that is for the use of

1977 *Urkunden der Karolinger* 1 (21956), 22–3 no. 16; cf. *Ewig*, *Gebetsdienst* (1982), 47.

1978 *Urkunden der Karolinger* 1 (21956), 23.

1979 *Ibid.*, 24.

1980 *Ibid.* on the regulation of the election of the abbot: *Wagner*, *Abtswahlprivileg* (2001); *Isphording*, *Prüm* (2005), 129–34.

1981 Cf. in addition *Urkunden der Karolinger* 1 (21956), no. 18.

1982 *Kuchenbuch*, *Bäuerliche Gesellschaft* (1978), 44.

1983 Cf. *Borgolte*, *Stifter—Lateinische Christen* (2016), 371–2 with 379 n. 108.

the liturgy (the “church workshop”) and for the provisioning of the monks.¹⁹⁸⁴ A specific laying out of a goal in the sense of a foundation cannot not at all be extrapolated from this.

Somewhat further in this sense went a differentiation of the beneficiaries of royal gifts between poor and brothers. This still formulary use appears in a confirmation of immunity and royal protection by Emperor Louis the Pious (815 or 826), and was from that time often repeated by his successors.¹⁹⁸⁵ Doubtless, there is a foundation when a ruler designates his gift for a specific commemoration and / or for this prescribes a specific use. Thus, Lothar I a few days before his death endowed Prüm, which he slated for his tomb, for the benefit of his memoria. Having already arrived within close proximity of the monastery in which he himself would shortly enter as a monk, “out of love for God Almighty and for the eternal compensation of Our soul” he gave a seignory “to light or arrange for lights”.¹⁹⁸⁶ In a more precise formulation, he added by way of explanation that the candles were to be supplied with great care and were to burn over the course of the year. None of his successors, no son or grandson or other royal person, was to dare alienate this *villa* from the power of the “holy place”, and in addition no head of this monastery was to have permission to take away something from the liturgical service or to loan out this property to anyone. It can thus be concluded that even under the conditions of the Carolingian “state church”, even in a house monastery of the dynasty and by its imperial head itself, (memorial) endowments were possible, which were not to be bound to the length of family rule.

Over the course of time the Carolingians had power over so many monasteries—be it their own establishments or because they had been transferred to them or come into their hands by other means—that they hardly had to create new communities of monks, canons or nuns.¹⁹⁸⁷ This was already the case before Charlemagne. Scholarship does indeed ascribe to him a planned

1984 E.g. in the charters of Charlemagne: *Urkunden der Karolinger* 1 (21956), 223 no. 165 (of June 790), 275 no. 205 of April 807, but only *luminaria* *ibid.*, 272 no. 203, of January 806. On prayer for the king and the realm in the Carolingian Period *Ewig, Gebetsdienst* (1982).

1985 *Urkunden Ludwigs des Frommen* 1 (2016), no. 53 of 815; 2 (2016), no. 251 of 826. *Urkunden der Karolinger* 3 (1966), 161 no. 56 and 387 no. 3 (of 841 or 856); *Urkunden der deutschen Karolinger* 1 (1932/34), 186–7 no. 134 (of 870); *Urkunden der deutschen Karolinger* 3 (21956), no. 29 (of 888), alternately no. 92 (of 891); *Recueil de Charles III* (1949), no. 104 (of 919). Quite different: *Urkunden der deutschen Karolinger* 2 (1936/37), no. 100 (of 884).

1986 *Urkunden der Karolinger* 3 (1966), 311 no. 139. On the burial of Lothar in Prüm: *Isphording, Prüm* (2005), 351–60; *Hack, Alter* (2009), 207; *Schmitz-Esser, Leichnam* (2014), 192 with n. 138.

1987 *Zielinski, Kloster- und Kirchengründungen* (1989), 119–20, mentions inter alia the establishment of Inden (Kornelimünster) by Louis the Pious, as well as Frankfurt, Regensburg



ILLUSTRATION 32
Charlemagne or Charles the Bald,
equestrian portrait, c. 870 (?)

and dynamic “monastic policy”; thus, the king and emperor reformed monasticism, obligated it to follow the Benedictine Rule and endeavored to keep it separate from canons, as well as employing monks for his educational reforms, the sovereign consolidation of the border regions of his empire, and for missionary work and colonization.¹⁹⁸⁸ Yet whether Charlemagne himself even founded a single monastery is uncertain. He was certainly the builder of the Church of Mary in Aachen,¹⁹⁸⁹ but whether he was able to also establish a religious community there is not documented and disputed within scholarship.¹⁹⁹⁰ The

und Ötting by Louis the German. *Butz*, *Fundatio* (2010), concentrates on Charles the Bald and Charles III (“the Fat”) as founders.

1988 *Semmler*, *Karl der Große* (31967). On the educational reform see most recently *Fried*, *Karl der Große* (2013), 290–342; *Weinfurter*, *Karl der Große* (2013), 178–204.

1989 Against the erroneous thesis of *Illig*, *Enthält das frühe Mittelalter erfundene Zeit?* (1997), 481–2, cf. *Illig*, *Erfundenes Mittelalter* (21997): *Borgolte*, *Dauer von Grab und Grabmal* (2000, repr. 12), 276.

1990 On this more extensive is *Borgolte*, *Dauer von Grab und Grabmal* (2000, repr. 12), 271–80. Different is recently *Zotz*, *Klerikergemeinschaft* (2005), 187; *Bayer*, *St. Marien als Stiftskirche* (2014); *Schieffer*, *Karl der Große* (2014), 645, remain sceptical.

fact that his tomb in Aachen fell into oblivion shortly before his burial speaks against a completed foundation in this sense; and even when his son Louis gathered canons there, which is rather probable, until into the 12th century they proved to be too weak to cultivate the memoria of the great emperor with the requisite pomp.

Rather than in Aachen, one can hypothesize regarding Charlemagne's monastic endowments far outside of his realm, to wit in Jerusalem.¹⁹⁹¹ Already his biographer Einhard stated that Charlemagne had sought to improve the situation of Christians on the other side of the Mediterranean, that is under Muslim rule, and sent money to Syria, Egypt and Africa, as well as to Jerusalem, Alexandria and Carthage.¹⁹⁹² Thanks to a new study, we know that in the last years of Charlemagne and his negotiating partner Hārūn ar-Rašīd, the caliph of Baghdad, there lived at least 406 monks and nuns in the Holy City, of which almost 60 came from Western Europe.¹⁹⁹³ Before the year 800 there was a monastery of Latin monks on the Mount of Olives, which had either been settled by Charlemagne himself or so patronized by him that their house was thought by Greeks to be a Frankish monastery.¹⁹⁹⁴ Furthermore, around 808/10 at Christ's tomb a community of consecrated virgins "from the empire of the lord Charles" is evidenced.¹⁹⁹⁵ The task of the Franks in Jerusalem was doubtless above all prayer for Charlemagne's personal salvation and for his empire. Unthinkable, by contrast, is that the monks from the West would have proselytized, which would have certainly been a death sentence. Even though the caliph must have tolerated the Latins, overseas they were in principle without protection. The monks could not even defend themselves over the long term against their Greek coreligionists, who attacked them for dogmatic reasons.¹⁹⁹⁶ At first, the situation of the 17 consecrated virgins (women dedicated to God) from Charlemagne's empire must have been precarious, among whom a recluse from Spain was also counted.¹⁹⁹⁷ They themselves were under duress and

1991 *Borgolte*, Karl der Große (2013), 181–3; *idem*, *Global Player* (2014), 21 and 361–2.

1992 Einhardi *Vita Karoli Magni* (61911), 31 cap. 27.

1993 *McCormick*, *Charlemagne's Survey* (2011), 59.

1994 *Schmid*, *Aachen und Jerusalem* (1974); *Borgolte*, *Gesandtenaustausch* (1976), esp. 97–107; *McCormick*, *Charlemagne's Survey* (2011), esp. 77–81.

1995 *McCormick*, *Charlemagne's Survey* (2011), 206–7; on dating the Basel Roll to 808/10 *ibid.*, 177, on the community cf. *ibid.*, 76–7; *Schmid*, *Aachen und Jerusalem* (1974); *Borgolte*, *Gesandtenaustausch* (1976), 97–107.

1996 *Epistolae selectae* (21974), nos. 7–8; cf. *Borgolte*, *Gesandtenaustausch* (1976), 98–107; *idem*, *Papst Leo III.* (1980).

1997 The passage *Monasteria puellarum xxvi, de imperio domni Karoli quae ad sepulchrum Domini seruiunt Deo sacratas xvii, inclusa de Spania i* is translated by *McCormick*, *Charlemagne's Survey* (2011), 206–7 (cf. 220, as well as 26–7, 76–7.): "A monastery of 26

therefore dependent upon the aid of pious men from Western Europe. Yet for actual monastic foundations of Charlemagne in Jerusalem it is precisely these circumstances which speak in their favor. For it is where the power of the ruler fails or at least applies only a little, that communities, relying on their founder and obligated to his commission, must assert themselves. Analogies to this were by then already offered by the foundations of Sigismund of Burgundy in Saint-Maurice and Radegunde in Poitiers.

Thus, only under exceptional circumstances did the endowment of monasteries or cathedral churches belong to Charlemagne's policy, as opposed to rich donations to existing communities, which certainly did.¹⁹⁹⁸ In this regard he naturally had in his mind his own well-being, as well as that of his family members. In this regard, he endowed the funerary church of his third consort Hildegard (d. 30.4.783).¹⁹⁹⁹ This was the same house of God in Metz in which already Bishop Arnulf, one of the progenitors of the royal dynasty, had been buried, and in which Pepin of Herstal had laid one of his sons to rest;²⁰⁰⁰ later, Emperor Louis the Pious and a series of women from the Carolingian house were to follow.²⁰⁰¹ The mayor of the palace Pepin or two of his sons, first in 687 and 715, had endowed the Basilica of the Apostles (St. Arnulf) and the "servants of God" living there or clerics (and lectors as well as the poor) with seignories.²⁰⁰² Already two days after Hildegard's death (1.5.783), Charlemagne transferred a further *villa* to the church, "so that from now on lights should burn day and night at her tomb for the salvation of Our consort."²⁰⁰³ This was therefore a clear memorial foundation in one of the funerary churches that was, at the very least, closely connected with the Carolingians.

women [, of whom] 17 nuns who serve at the Holy Sepulcher are from the empire of Lord Charles; 1 recluse from Spain". The crooked number suggests that the group had not come in a fixed form to the Holy Land; however, that does not exclude that later migrants joined the monastic community which had gathered at Christ's tomb, for example when it was made a gift to Charlemagne from the caliph.

1998 Semmler, Karl der Große (31967), 267–70.

1999 Urkunden der Karolinger 1 (21956), no. 149. On Hildegard s. Hartmann, Königin (2009), esp. 99–100.

2000 Heidrich, Kirchliche Stiftungen (1990), 142; Oexle, Karolinger (1967), 273.

2001 Schmitz-Esser, Leichnam (2014), 193; Boshof, Ludwig der Fromme (1996), 248–9; Heidrich, Kirchliche Stiftungen (1990), 142; Oexle, Karolinger (1967), 274, 278–9.

2002 Urkunden der Arnulfinger (2011), no. 2, of Pepin (11) and his consort Plektrud (of 20.2.687). Ibid., 19–22 no. 9, at 21, of the brothers *sacerdos* Hugo and Duke Arnulf as well as Pepin and Godefridus, the sons of Drogo and grandsons of Pepin (11), donation for the burial of Drogo *ibid.*

2003 Urkunden der Karolinger 1 (21956), 203 Nr. 149.

Despite its proximity to the ruler, the untroubled continuance of the foundation was by no means assured, as a later interpolation in Charlemagne's document from the time of Louis the Pious demonstrates. According to this insertion, Charlemagne complained of the sudden appearance of "cooling passion" and negligence in Metz, and forbade the abbots and administrators from giving the seignory as a fief or loan to anyone, as had become common practice. Moreover, the property was in no way to be diverted to a secular purpose, "but rather, as stated, maintain the lights in the same holy place without interruption for the salvation of the soul of our beloved wife Hildegard." Yet whatever remained was to go to those who daily celebrated masses for the deceased queen or offered up psalms and petitions. The later interpolation to the donation of Charlemagne clearly shows that foundations in the understanding of their contemporaries could be protected in their integrity by the authorities (and probably also had to be so).

Amongst the progeny and successors of Charlemagne, his grandson Charles the Bald (b. 823, d. 877) was doubtless the most prolific founder.²⁰⁰⁴ That is not necessarily because of an especially large number of foundations, but rather the precise and diverse prescriptions by which the West Frankish king and later emperor strove to bind religious and the poor to his will. For this Charles employed the advanced differentiation of monasteries and collegiate churches, in which leaders and communities had gone their separate ways and special offices with their own powers had formed, so that according to their various obligations they could be laid claim to for the founder's beneficence. The intensity with which Charles the Bald articulated himself as a founder in the sources thus makes structural changes in churches evident, yet this fervency was conditioned from the start by a difficult life and decades-long struggle over sovereign rights. Therefore Charles the Bald was not so concerned with postmortal aid and favors, as is otherwise usually the case, but rather with the cementation of his name as a ruler amongst many prelates and communities during his life.

Charles was the late-born son of Emperor Louis the Pious from his second marriage, for whom his father and mother had to create a share of the inheritance against the resistance of his much older half-brothers.²⁰⁰⁵ From 829

2004 Cf. most recently *Butz*, *Fundatio* (2010), 32–4; *Wagner*, *Walahfrid Strabo* (2008); *Ewig*, *Remarques* (1982); *Ewig*, *Gebetsdienst* (1982), 55–61. *Nelson*, *Charles the Bald* (1992), 267, has calculated: "Of Charles the Bald's 354 surviving genuine charters approximately 30% (121) are alienations of land or rights by Charles himself." It is unclear whether and in what sense one can speak of foundations in the surviving documents.

2005 On Charles the Bald *Nelson*, *Charles the Bald* (1992); *Schneidmüller*, *Karl (II.) der Kahle* (1991); *Kasten*, *Königssöhne* (1997), esp. 428–43.

the Frankish Empire fell into grave crises over this: he was not provided with a permanent kingdom until the death of Louis. "In 829–831 he was the king in Alemannia, in 832 king in Aquitaine (...), in 837 king in the Austrisian and Neustrian regions between the Maas and the Seine along with Frisia, the lower Rhine and north Burgundian territories, in 838 king in Neustria between the Seine and the Loire, in the fall of 839 again king in Aquitaine—there he was strictly speaking the rival king against his roughly coeval nephew King Pepin II of Aquitaine."²⁰⁰⁶ Soon after the death of his father he married the nineteen-year old Ermintrude in 842, the daughter of the duke of Orléans, but his sons capable of succession, who would have strengthened his rule, did not appear until 846 (Louis the Stammerer) and 847/848 (Charles: the years of birth of Carloman and Lothar are unknown). His situation improved from 848 onwards, as the Aquitanian nobility recognized him. Charles also now had himself honored in Orléans as a king, and anointed and crowned king of Aquitaine, and Pepin II was repeatedly excluded through monastic imprisonment (853, 864). Meanwhile, he was newly challenged by the aspirations of the East Frankish king Louis the German over his rule, whom opportunistic nobles in the west had called upon.²⁰⁰⁷ It was only a peace of 860 with his brother Louis and his nephew Lothar II, who ruled a kingdom with its capital at Aachen, as well as the waning attacks of the Northmen, which led to a period of consolidation. In particular, Charles cultivated a court culture and employed the notion of the *rex christianus* ("Christian King") in a propagandistic manner for the legitimization of his rule.²⁰⁰⁸ He was faced with an accelerating loss of royal fiscal properties, not least of all through pious donations and foundations, and a build-up of aristocratic principalities which competed with the kingdom. Though after the death of Lothar II in 869 he was able to acquire Lotharingia and have himself again crowned king in Metz, already in the following year he had to share the central kingdom with Louis the German and thereby lost *inter alia* the palace of Aachen.²⁰⁰⁹ His last great success was the attainment of the imperial throne at Christmas in 875 in Rome as the successor of his nephew Louis II, who had died shortly before.

Just like his grandfather, Charles the Bald himself hardly founded new religious establishments. He took up the stalled plan of his father Louis for a monastic establishment in Neuville-sur-Sarthe in 845, but designated this house

²⁰⁰⁶ Kasten, Königssöhne (1997), 428.

²⁰⁰⁷ Cf. Hartmann, Ludwig der Deutsche (2002), 48–54.

²⁰⁰⁸ Staubach, Herrscherbild (1981); *idem*, Rex christianus (1993).

²⁰⁰⁹ Hartmann, Ludwig der Deutsche (2002), 56–60.

as an appurtenance of the royal treasury, and thus not a free foundation.²⁰¹⁰ His founding of a collegiate church in the royal palatinate of Compiègne was important, which Charles the Bald was only able to begin in 865.²⁰¹¹ This house for exactly one hundred canons, likewise expressly designated by him as “Monastery of the Kings”, followed the example of the Aachen of Charlemagne, which had become inaccessible.²⁰¹² The collegiate church, however, was only consecrated in his absence after his imperial accession (5.5.877), to wit only a few months before his death (6.10.877). The revenues of the endowed properties were to benefit the economy and offices of the place, namely “those for the lighting (of the church), the guests, the accommodation of the needy and the prebends of the brothers.”²⁰¹³ The prayers were dedicated, apart from the welfare of the church and the realm, to his parents and other ancestors of the emperor, to himself, his consort and his progeny, yet were not particularly concrete, but rather composed quite formally.²⁰¹⁴ Charles, however, did not also envision Compiègne as his tomb, but had rather long before slated Saint-Denis for this purpose.²⁰¹⁵

The grandson of Charlemagne therefore acted as a founder almost exclusively by additionally endowing already-existing religious establishments. The advantage of this dispensing of gifts, instead of concentrating on a few especially costly and richly endowed places, lay in the diversification of social relations that could benefit the ruler in his struggle for self-assertion as

2010 The abbot of the Monastery of Fossés was tasked with the establishment of the monastery in Neuville: *Recueil de Charles II* 1 (1943), no. 76, at 217. Cf. *Regesten Karls des Kahlen* 1 (2007), no. 496.

2011 *Annales Sancti Maximini Trevirensis* (1841), 6 ad a. 865. Cf. *Zielinski*, *Kloster- und Kirchengründungen* (1989), 109–11; *Lohrmann / Kaiser*, *Compiègne* (1980).

2012 *Recueil des actes de Charles II le Chauve* 2 (1952), 448–54 no. 425, at 451. On limiting the brothers to 100 see also *ibid.*, 453. On the occasion of his imperial coronation Charles had the palace chapel of Compiègne transferred to the pope.

2013 *Ibid.*, 451–2.

2014 *Ibid.*, 453. By contrast Charles’ grandson Charles III the Simple attests in an undated charter (*Recueil de Charles III* [1949], no. 75) that his father Louis the Stammerer (d. 879), who had been buried in Compiègne, had donated a *villa* for his annual memorial commemoration to the abbey, which had in the meantime been destroyed by a fire; other endowments of land of his father likewise for *luminaria* were to serve from now to set up two candles on the evening of the anniversary, so that they would burn the entire night before the altar (*ibid.*, 169). The (non-Carolingian) King Odo (d. 898) also endowed Compiègne with an estate, and Charles the Simple also instructed that for him as well an anniversary should be celebrated by the canons in the future (*ibid.* 168). Memorial endowments of Louis the Stammerer in Compiègne: *ibid.*, nos. 90–1, 93, 95, cf. nos. 96 and 122.

2015 *Recueil des actes de Charles II* 2 (1952), 56 and 64 nos. 246–7 of 862, drafted in Compiègne.

much as his own memoria.²⁰¹⁶ As far as the addressees and the purposes of the gifts are concerned, the leitmotifs of his documents consisted of, alongside the liturgical *luminaria*, the “stipends of the brothers” and the “nourishment of the poor”, that is the maintenance of monks and canons, as well as of the poor, to be supported by the monastery and collegiate church.²⁰¹⁷ It remains an open question as to whether a genuine division of the endowment revenues was thereby truly considered, above all in the sense of individual prebends of the canons, and with whom the power of distribution might have resided.²⁰¹⁸ The same applies for the question of who was supposed to be responsible for the shaping of the religious acts in return.

This was clearly regulated in perhaps the very first foundation of Charles, which the young king created for the commemoration of his father shortly after his death at the burial place of Louis, namely the Abbey of St. Arnulf in Metz (February 842). There the form of the memoria was to be left to his uncle Drogo, the archbishop of the city, with the participation of his brothers.²⁰¹⁹ Quite different was Charles' first foundation for the poor, which he created at the Monastery of Saint-Denis (January 851). The brother who had been entrusted with this charity had even sought the endowment from the king. Charles designated certain fiscal incomes of a small property as a foundation and determined, doubtless in agreement with the monk, the philanthropic services which were to be offered: in particular, five needy persons a day were to be hosted by in the monastery for a meal, and yearly at Easter provided with new clothes; in addition, twelve of the poor were each to receive a dinar, that is a donation of money, on Maundy Thursday after the washing of the feet. In contrast to services for the poor, Charles himself in this context did not describe the precise religious compensation. The foundation was to foster lasting commemoration in Saint-Denis, without the form of memoria being determined by him. Presumably, he assumed without particular conditions that the monk of Saint-Denis would obligate the poor who benefited to intercede for the king at their daily meal, and above all at the Easter feast. Clearer in this respect is a further foundation for the poor for Saint-Denis of 862. In this case, the register (originally the list of the poor) and the treasure of the monastery are expressly named as the addressees of the donation of properties, whose revenues were to be used by the administrators for the daily feeding of

2016 Cf. already *ibid.*, 3–8 no. 2 of 841 I 12, at 8. Afterward also *ibid.*, nos. 3–4 and much else, in part according to the prototypes of Louis the Pious.

2017 *In dominatione et regimine rectorum* (or *abbatis*) the properties were to be invested with the Monastery of Ferrières: *Recueil des actes de Charles II* 1 (1943), II no. 3.

2018 *Ibid.*, no. 9.

2019 *Ibid.*, no. 135.

twenty poor. In return, the “whole mass serving God there”, in which the poor were certainly included, “in the future were to beseech God’s mercy for the transgressions both of Ourselves and those close to Us.”²⁰²⁰

As far as the realization of the founder’s conditions were concerned, it was especially important that Charles the Bald again and again turned directly to the monastic or canon communities.²⁰²¹ Thereby, but also in documents for the respective leaders, it was often made a perquisite that the abbots or other heads with and without the aid of the ruler had left certain properties of their churches to the brothers for their own use.²⁰²² Elsewhere, Charles supported or undertook such a transition.²⁰²³ The oldest traces of this so-called *mensa* sharing (*Mensenteilung*)²⁰²⁴ refer back to the time of Charlemagne,²⁰²⁵ and especially Louis the Pious (around 830).²⁰²⁶

The religious communities were, however, always obligated to pray for king and country,²⁰²⁷ and Louis the Pious had emphasized this first in 819.²⁰²⁸ Nonetheless, the specifics of prayer are consistently emphasized in the documents. It was not enough to expect the salvation of one’s soul as a recompense

2020 Ibid., no. 238.

2021 Ibid. 1 (1943) or 2 (1952), separated according to the respective communities: nos. 22 und 58; 61–2, 239, cf. 113; 92; 156, 269, 427; 220, 379; 304, 408; 338, 462; 431; 433; 435.

2022 Ibid. 1 (1943) or 2 (1952), nos. 3; 22, 58, 61–2, 92, 116; 147; 150; 407.

2023 Ibid. 1 (1943) or 2 (1952), nos. 42; 70; 74.

2024 On this (or the “division of property”) with regard to the East Frankish collegiate churches s. *Schieffer*, Entstehung (1976), esp. 261–69; *Schneidmüller*, Verfassung und Güterordnung (1986), 130–3. The first express mention of a *mensa fratrum* in the charters of Charles the Bald dates from 852 (?): *Recueil de Charles II 1* (1943), no. 150; cf. *Urkunden Ludwigs des Frommen 2* (2016), no. 341.

2025 According to *Recueil de Charles II 1* (1943), no. 61 of 844 or 845, Charles offered to confirm properties for the brothers of St. Martin of Tours, which Louis the Pious had left them at the request of Abbot Fridugis. These rights even extended back to the time of Charlemagne; cf. on which *Urkunden Ludwigs des Frommen 2* (2016), no. 318 of 832, as well as *Regesten Karls des Kahlen 1* (2007), no. 453. A key document in this context is an imperial formulaic charter from the time of Louis the Pious (of 817?): *Formulae Imperiales* (1886), 304.

2026 Cf. *Recueil de Charles II 1* (1943), no. 22 von 843 (?); cf. *Regesten Karls des Kahlen 1* (2007), no. 363. Charles refers to a charter of his father of the year 830, which clearly proves the economic independence of the congregation: *Urkunden Ludwigs des Frommen 2* (2016), 709–711 no. 285. Further testimony: *Recueil de Charles II 1*, no. 92; cf. *Regesten Karls des Kahlen 1* (2007), no. 562; *Urkunden Ludwigs des Frommen 2* 1039 Dep. no. 8. *Recueil de Charles II 1*, no. 116, s. *Urkunden Ludwigs des Frommen 2*, 1042–3 Dep. no. 11. *Urkunden Ludwigs des Frommen 2*, no. 316; *Recueil de Charles II 2*, no. 247.

2027 *Butz*, Fundatio (2010), 28–9; *Hen*, “Flirtant” avec la liturgie (2007); *Ewig*, Gebetsdienst (1982); *Kantorowicz*, Laudes Regiae (1958), 56–64; *Biehl*, Liturgisches Gebet (1937).

2028 *Notitia de servitio monasteriorum* (1963), 484–99.

from God for gifts to the church, but the monks and clerics were to instead make their contribution through petitions and the liturgy. The clauses of the diploma, which take into account the obligation to pray *pro salute imperatoris* [or *regis*] *vel filiorum eius et stabilitate imperii*,²⁰²⁹ have been comprehensively examined in the more recent scholarship. When it is foundations in a more narrow sense that should be spoken of, documentary prescriptions must exist that do not merely refer to the general obligation to pray or also to the general praxis of service for God and the poor, but rather contain demands or favors, which could be directed to or claimed by certain persons.²⁰³⁰ Thus understood, by no means is every diploma of Charles the Bald with a formulaic prayer to be evaluated as an endowment charter; on the other hand, this differentiation, which corresponds both to the linguistic shape of the documents as well as the social reality of the realm and of its religious communities, allows the rich documentation for the king of the West Franks and emperor to speak more clearly with regard to political history.

It is therefore striking that Charles first had access to memorial foundations beginning from 851. Apparently, he was unable or unwilling to be active in this sense, before he had triumphed in Aquitaine at the expense of Pepin II and had been selected as king. Within the circle of those family members whom he intended to be included in the commemoration, initially his father Louis the Pious and his mother Judith stood at the forefront.²⁰³¹ Only from the time around 860 onwards, that is with the peace with the other kings of his house, did his commemorative foundations concentrate on his own family with his consorts Ermintrude and Richild, as well as their shared children.²⁰³² Only in

²⁰²⁹ Ibid., 493.

²⁰³⁰ In this sense already subtle is *Ewig*, *Gebetsdienst* (1982), 59 (with regard to Charles the Bald).

²⁰³¹ Apart from *Recueil de Charles II 1* (1943), nos. 9 und 76 s. *ibid.* no. 147 of 852 (annual commemoration on the death day of Louis the Pious, 20.6. [840], as well as for Empress Judith [d. 843 IV 19], in addition to his own birthday, 13.6. [823], and in the future his death day in the Monastery of Marmoutier), 153 v. 853 (annual commemoration on Louis' death day, the same for Judith, himself, his consort Ermintrude and their two offspring in the episcopal church of Châlons-sur-Marne) and 162 v. 854 (annual commemoration on the death days of Louis and Judith, his own birthday, his anointing or his death in the Cathedral of Mâcon).

²⁰³² Cf. already *Recueil de Charles II 1* (1943), no. 216 of 859 × 13 (after Louis the German had retreated to his own kingdom in the summer of that year; the anniversary of himself and his consort Ermintrude in the episcopal church of Autun). Furthermore, with many variants: *ibid.* no. 220.2 of 860. *Ibid.* 2 (1952), nos. 236, 238, 246–7, 265, 277, 288, 307, 333, 355, 364, 381.

exceptional cases did he go beyond this and endow for the memoria of further family members or of confidants.²⁰³³

The focus on himself, his parents and his family mirrors the difficult implementation of his rule. This is still further underlined by Charles having designated the dates of his own life as days of memoria: the day of his birth, then also the return of the day of his crowning and the winning back of his rule (by repulsing Louis the German from the western kingdom).²⁰³⁴ Corresponding to the presentism of his commemorative planning, he also wanted the birthdays of his consorts Ermintrude and Richild, as well as the anniversaries of their weddings (and “engagements”) with each, to be celebrated.²⁰³⁵ On the occasion of his death he planned for the shift of the date from that of his crowning or birth to that of his demise, while the commemoration on each of the other “days of life” would apparently have ceased. With a birthday as a date of commemoration Charles clearly took the antique pagan *natales caesarum* (birthdays of the emperors) as his model,²⁰³⁶ while with the day of his anointing he imitated the bishops, perhaps Aldrich of Le Mans (835/40).²⁰³⁷

Particularly noteworthy is the shaping of memoria through commemorative meals, as those found before Charles the Bald in the oft-cited testament of Bishop Berthram of 616.²⁰³⁸ The tradition of such meals, however, went back much further, indeed into pagan antiquity; though the ritual was for this reason criticized by the Latin church fathers Ambrose of Milan and Augustine of Hippo, they had been maintained from the time of the Primitive Church, primarily as a funerary meal at the graves of martyrs.²⁰³⁹ Extended to the ordinary deceased, the meal became an expression of the connectivity of the living with the dead. For donations of lands or money, for legal privileges and the transfer of liturgical vessels or furnishings, especially to monasteries, one expected a *convivium in refectorio* (a banquet in a dining room) or a *caritas*

2033 Again with many variations: *ibid.*, nos. 239, 325, 338, 361, 363, 379.

2034 Birthday: *Recueil de Charles II 1* (1943) und 2 (1952), nos. 147, 162, 236, 246, 355, 363–4. Day of anointing: *ibid.* 2, nos. 236, 239, 355, 363–4. Return to the kingdom: *ibid.* 2, no. 246.

2035 Birthday of Ermintrude: *Recueil de Charles II 2* (1952), nos. 236 and 246; date of betrothal with the same: *ibid.* no. 246. Birthday of Richild: *ibid.*, nos. 355, 364. Day of “reunification” with her: no. 355. Moreover, the birthday of his son Carloman was also envisaged according to *ibid.*, no. 338.

2036 Recently *Wagner*, *Walahfrid Strabo* (2008), esp. 205–13.

2037 *Ewig*, *Remarques* (1982), 229; *idem*, *Gebetsdienst* (1982), 60, with reference to *Le Maître*, *Œuvre d’Aldric du Mans* (1981). Charles foresaw the anniversary of his anointing as a day of commemoration.

2038 *Borgolte*, *Felix est homo ille* (1982), 14–5; *idem*, *Freigelassene* (1983, repr. 2012), 138.

2039 Foundational and with reference to further literature is: *Oexle*, *Mahl und Spende* (1984); *Althoff*, *Charakter des Mahles* (1987), at esp. 21–2.

(charity meal) as recompense from the religious communities, at which the absent (deceased) donor or founder was considered an actual participant. Within scholarship one even speaks of “meal endowments *in memoriam* of the founder”, which were meant to survive his death.²⁰⁴⁰ The meals were often connected with feeding the poor.

Charles the Bald occasioned memorial meals more than twenty times,²⁰⁴¹ yet in his documents one can verify older traces of this practice which stretch back to the Merovingian period. One case involves the Monastery of Saint-Germain-des-Prés, which goes back to Childebert I. As Charles there in 872 endowed *refectiones* for the feasts of the patron of the monastery, of the dedication of the church and of other saints, as well as for Maundy Thursday, Easter and Christmas, he included the anniversary of King Childebert and added that *karitates*, in this case probably gifts of charity for the poor, on the same days “according to the ancient custom (...) are to be distributed twice on the part of the abbot.”²⁰⁴² Something similar can be supposed for Saint-Denis. In 862 Charles mentioned already-instituted memorial meals, above all of Saint Dionysius, which were also to be held on the anniversary of King Dagobert (I), who, moreover, was also viewed as the founder of this monastery. And he added: “Gifts of charity ought likewise to be instituted on the anniversaries of the kings and abbots by the cellarer of the abbot according to custom.”²⁰⁴³

In monasteries such as Saint-Denis, Charles could have become familiar with a whole set of memorial meals for saints and the dead, on which he oriented himself with a particular emphasis on several of his life's dates.²⁰⁴⁴ Sometimes he assigned the ritual meals directly to the communities, which he accordingly must have viewed as independent and capable of owning property,²⁰⁴⁵ but often to bishops, abbots, other leaders or special officials, who had offered them to the convents.²⁰⁴⁶ Via these arrangements he strengthened the inner structure of the monastic communities, especially according to the so-called

2040 Oexle, *Mahl und Spende* (1984), 411.

2041 Recueil de Charles II 1 und 2 (1943 or 1952), nos. 147, 153, 162, 195, 220.2, 236, 238–9, 246–7, 263, 288, 325, 338, 355, 357, 361, 363–4, 379, 381, 439, † 462.

2042 Ibid. 2, 305–12 no. 363, at 310.

2043 Ibid., 56–67 no. 247, at 63.

2044 Ibid., 65. On which *ibid.*, no. 246.

2045 Ibid., 1 or 2 (1943 or 1952), nos. 220, 239, 246–7, 269 (but *per XIa dies in anno in festivitibus sanctorum benedictiones fratribus* were to be performed by the provost), 338.

2046 E.g. *ibid.* 1 (1943), no. 153 of 853, for the Church of Châlons-sur-Marne under Bishop Lupus. Correspondingly 2 (1952) nos. 162, 236, 263 (for the brothers of Saint-Denis to be undertaken by the *cellerarius fratrum*), 355, 381; cf. in addition nos. 147, 361, 364.

division of properties, but also the mechanisms of control for the implementation of his plans.²⁰⁴⁷

With Charles the Bald one can therefore speak of “foundations for life and rule”, rather than funerary endowments. Naturally, he also thought in this context of the next generation, in particular as the problems of succession in the kingdom were particularly personal for him. When his first wife Ermintrude died (6.10.869), who had borne him at least nine children, of the two surviving sons only one stood ready for the succession, yet who because of a speech impediment was in fact only conditionally qualified, Louis “the Stammerer”.²⁰⁴⁸ The other son, named Carloman, was forcibly tonsured and as an abbot was supplied by his father with a series of upscale monasteries, and thus in fact excluded from “secular” offices of authority.²⁰⁴⁹ The acuity of Charles’ need can be recognized in that he had a new wife, Richildis (12.10.869),²⁰⁵⁰ sent to him immediately after Ermintrude’s death, and already married her on 22 January of the following year. In 871, however, only a daughter was born.²⁰⁵¹ The ruler’s worries also were expressed in his foundations, as an ordinance in favor of the episcopal church of Paris demonstrates (12.5.872). Charles endowed the bishop and his successors for the benefit of the cathedral with the Monastery of Saint Eligius and thereby varied the pattern of his memorial stipulations. In this way the current and future bishops, together with both communities, were to consistently offer prayers and masses at the death days of his parents Louis and Judith, on the days of his birth and crowning, of which the second was to be replaced after his death by the day of death, furthermore on the birthday of his consort Richild and on the day of their union (*copulam secundum D[e]i voluntatem nostrae conjunctionis*), as well as the “birthday of our progeny, if these will be realized for us from the fertile Virgin [Maria, the patroness of the episcopal church].” Moreover, a feast was to be held with the greatest zeal by both congregations only on the birthday of the hoped-for (male) descendant.²⁰⁵²

2047 As an example of the complex division of labor in monasteries at commemorative meals and otherwise s. *ibid.* 1 (1943), 248–54 no. 338 v. [866–70] for Saint-Médard de Soissons, at 253. On the detachment of monastic properties in favor of the monastic community *ibid.*, 252. On the relationship between “distribution at the refectory” (of 832) and foundations of commemorative meals s. esp. *ibid.* 2 (1952), 56–67 no. 247, in addition to which die *Urkunden Ludwigs des Frommen* 2 (2016), no. 316 of 832.

2048 Hartmann, Königin (2009), 117–9.

2049 Esp. *Kasten*, Königssöhne (1997), 466–7.

2050 On the *conjunctio*, the day of which he expressly had celebrated (in Lyons), s. *Recueil de Charles II 2* (1952), no. 355.

2051 Hartmann, Königin (2009), 119.

2052 *Recueil de Charles II 2* (1952), 312–5 no. 364, at 314–5.

It has been stated in the scholarship that Charles “with the seemingly idiosyncratic foundation form of instituting anniversaries and memorial meals for certain events related to the ruler and his family (...), at the same time ex nihilo founded a lasting tradition.”²⁰⁵³ This is, however, somewhat exaggerated. Charles’ actual successor, Louis, probably reigned too briefly to form his own praxis (December 877 until April 879).²⁰⁵⁴ In Paris he confirmed the ordinance of his father for the Abbey of Eligius, yet transferred a portion of its endowment to the mother church for the illumination of Notre-Dame (2.4.878); the candles were to burn on 8 December, the day of his anointing, and later on his death day, and the two congregations were to hold a memorial meal.²⁰⁵⁵ Shortly thereafter in Saint-Martin de Tours he obligated the canons (20.6.878) to celebrate his birthday with meals (1.11.) and the day of his crowning during his lifetime and to also commemorate his parents, his brothers Charles and Carloman, his consort and his progeny with vigils and masses.²⁰⁵⁶ And at the Monastery of Saint Medardus he expanded the memorial obligations instituted by his father in favor of some persons of the ruling family (8.2.879).²⁰⁵⁷

It was only sometime after Louis II’s death (10.4.879) that his sons Louis III and Carloman II could succeed him (September 879).²⁰⁵⁸ Due to their lineage from a disputed marriage of their father, their legitimacy was disputed; their stepmother, Queen Adelheid, at the same time, though posthumously, gave birth to Charles (the Simple). Neither Louis (d. 5.8.882) nor Carloman (d. December 884) created endowments in the style of their grandfather.²⁰⁵⁹ The West Frankish notables, bypassing their half-brother, who was only five, invited the East Frankish king and emperor Charles III (the “Fat”) to be their successor, who was unable to change the fate of the kingdom for the better, which was now also threatened by the Northmen (until 887).²⁰⁶⁰ Apparently prompted by observations in the west, he established a memorial (in part with a meal) three times in an endowment charter for the Church of Langres on his day of

2053 *Wagner*, Walahfrid Strabo (2008), 201; cf. *Ewig*, Gebetsdienst (1982), 61.

2054 *Schneidmüller*, Ludwig (II.) ‘der Stammeler’ (1991). On what follows *Ewig*, Gebetsdienst (1982), 61.

2055 *Recueil de Louis II* (1978), 22–4 no. 9.

2056 *Ibid.*, 28–33 no. 12, at 32. Cf. on which the elaborate regulations of Charles the Bald for St. Martin in: *Recueil de Charles II 2* (1952), no. 239.

2057 *Recueil de Louis II* (1978), 88–92 no. 30, at 91; compared with the regulations of Charles the Bald (*Recueil de Charles II 2* [1952], no. 338) memorial meals are extended to his grandparents as well as to himself, his consort and his progeny.

2058 *Kasten*, Königssöhne (1997), 480–95.

2059 Cf. *Recueil de Louis II* (1978), 105–233; on the dates of death of the kings s. *ibid.*, XLIX–LVI, as well as *Schneidmüller*, Ludwig III. (1991).

2060 *Schneidmüller*, Karl (III.) der Dicke (1991).

anointing and death (885/7);²⁰⁶¹ he employed this punctual practice once more at the Monastery of Fulda in the east (885).²⁰⁶²

This custom, introduced by Charles II the Bald and seized upon by his nephew Charles III, was also transferred to third parties through his court. One learns of this through an unusual document of Reichenau Monastery that has survived in the original and is understood to be a “confraternal contract” (*Verbrüderungsvertrag*) as well as a “memorial foundation”.²⁰⁶³ Chadolt reports that Emperor Charles (III) had installed him, a monk of the monastery on Lake Constance, as the bishop of Novara (882), and had endowed him with the royal estate of Erchingen (in the Thurgau) at the request of his brother, the archchaplain Liutward (of Vercelli). Together with his brother, he had requested and attained from the emperor that the latter would leave the same estate to Reichenau Monastery, where he himself had been raised, for the increase of its incomes. Mindful of this and many other benefactions of the ruler, he took counsel with the abbot and the chapter of monks as to how the commemoration of Charles could be celebrated in the monastery. They then decided that from the revenues of the Erchingen estate a great feast would be held for all the brothers, with joy and happiness, annually in the refectory for the soul of the emperor. All the priests were to celebrate masses, while the remaining brothers were each to pray 30 Psalms for the emperor. They designated the day of commemoration as the day of his anointing, “that is Epiphany” (6.1.). After Charles’ death this date would be shifted to the death day of the emperor, yet the service for the brothers and prayers for commemoration were to remain the same. Almost all of these regulations were also supposed to apply to the two brothers Chadolt and Liutward themselves. The abbot was responsible for the implementation of the festivities, while the entry of the agreements into the rule was expressly envisioned, so that there the young and the old, the living and the yet-to-come, could read and observe them. An unlikely indication allows one to trace the path by which the practice came from the royal court to Reichenau. Only in the aforementioned diploma for Fulda is the date of the

2061 Urkunden der deutschen Karolinger 2 (1936/37), nos. 129, 147 and 153.

2062 Ibid., no. 132 of 885 ix 23. The day of consecration of 6.1. is, according to the foreword of the editor (21), “dubious”.

2063 Mone, *Quellensammlung* (1848), 233; on which the undated charter of Chadolt in Novara: *Carte dell’archivio capitolare di Santa Maria di Novara* 1 (1913), 18–20, no. 14 (882–887); *Regesten des Regnum Italiae* 1 (1991), 310–1 no. 773, cf. *ibid.*, 310 no. 772. The designation “confraternal contract” (of the Carolingian with the island monastery) and “memorial foundation” (of Charles) in Zettler, *Frühe Klosterbauten* (1988), 106–7 and Schmid, *Brüderschaften* (1984), 185–8; in the *Regesten Regnum Italiae* 1, 310, Chadolt is addressed as the endower of an anniversary day for himself, his brother and Emperor Charles. This complex event allows no clear characterization.

anointing of Charles III, as well as the planned meal of commemoration, given as Epiphany; yet this day is enigmatic, as it is not at all compatible with the history of the ruler. The strange (false?) date must have been further transmitted by Liutward, who had demonstrably participated in the royal document in question.²⁰⁶⁴

A last witness from the east stems from Charles III's successor, King Arnulf. In 899 this late Carolingian donated Lobbes Abbey to the Cathedral of Tongern/Liège and, analogously to the prescriptions for Langres, stipulated that in both churches a *commemoratio* with alms and prayers would be held; one of them was slated for the death day of his father, the other for the start of his rule.²⁰⁶⁵ Given the sparsity of documentation in the eastern successor kingdom, one cannot speak of the establishment of a West Frankish practice.²⁰⁶⁶

In all cases after Charles the Bald the birthday as the date of commemoration is lacking, that is the special emphasis on a tumultuous start to life with its consequences for the history of Charles' reign. When King Odo, the first non-Carolingian among the Frankish kings and the successor of Charles III, did not at all reach back to the practices of Charles II,²⁰⁶⁷ this comprehensive tableau appears once again with Charles the Simple.²⁰⁶⁸ This posthumously-born son of Louis the Stammerer became the only true imitator of Charles the Bald in his "foundations for life and rule". The analogies between his own history and that of his grandfather are likewise astonishing, but the difficulties of his own rule far exceeded those of his predecessor, until his own life ended in catastrophe.²⁰⁶⁹ This son of a king, who was unwanted both by his brothers and by large parts of the West Frankish aristocracy, was twice passed over for the succession, in 879 and 888; he was only able to succeed first as the anti-king of Odo (893), and then after Odo's death (898). What this meant to him

2064 Urkunden der deutschen Karolinger 2 (1936/37), 212 no. 132: the archchancellor Liutward as a surveyor. Cf. the charter of King Arnulf of 888 for Chadolt, from which no indication of the implementation of the regulations of the "contract" emerges: Urkunden der deutschen Karolinger 3 (21956), no. 35, with reference to the Regesten Regnum Italiae 1 (1991), no. 772; in addition to Urkunden 3, nos. 65 and 180. In the more recent Necrology of Reichenau Charles is inscribed on 13.01: *Rappmann*, Totengedenken der Abteit (1998), 430–1.

2065 Urkunden der deutschen Karolinger 3 (21956), no. 64 v. 889 XI 15; *Ewig*, Gebetsdienst (1982), 78. On Arnulf's father, King Carloman (d. 880, here with the death day of 22.9.) see *Störmer*, Karlmann (1991); BM² 1547c (or rather: 22.3.880), thus also *Kasten*, Königssöhne (1997), 546.

2066 In this sense also *Ewig*, Gebetsdienst (1982), 76, and *Wagner*, Walahfrid Strabo (2008), 201.

2067 Cf. Recueil d'Eudes (1967); *Schneider*, Odo (1996).

2068 Cf. already *Ewig*, Gebetsdienst (1982), 64–6.

2069 On what follows cf. *Schneidmüller*, Karl III. (1996).

can be concluded from the fact that from then on the years of his reign were counted from the reacquisition of the common kingdom in January 898.²⁰⁷⁰ In foundation charters, however, he prescribed the day of the “Acquisition of the Royal Throne” and his anointing only from 912 onwards as a memorial date (28.1.) with a commemorative meal.²⁰⁷¹ Even this change in practice can be historically explained. To wit, early in that year he had achieved a decisive victory over the Northmen and concluded a lasting peace with their leader, Rollo. It was likewise important that the rule over the central kingdom was also transferred to Charles by the Lotharingian nobility after the death of the last East Frankish king. From December 911 Charles’ diplomas correspondingly contain an additional clause, “since the Acquisition of the Larger Inheritance”.²⁰⁷² If the first foundation with obligatory commemoration for the day of the start of his reign in Toul was drawn up in Lotharingia for the bishopric there,²⁰⁷³ then that is no coincidence. Charles the Simple had the breakthrough of his reign celebrated after the land with its palace in Aachen also fell to him; this was the apogee of his kingdom.

Charles the Simple only decreed a memorial meal on his birthday a single time.²⁰⁷⁴ From 917 a new style of founding can be observed, which apparently was caused by the death of his first consort Frederun (10.2.917).²⁰⁷⁵ A few days after this event he prescribed that the monks of Saint-Remi (Reims) hold a complete feast for his beloved deceased wife, as well as for their progeny.²⁰⁷⁶ For the salvation of the soul of the royal pair and that of their children he endowed the monastery in particular with four manses, from whose revenues the lights would be lit.²⁰⁷⁷ Though Frederun unfortunately bore her consort only six daughters and a successor to the throne was only brought about by

2070 Ibid., 30; first in *Recueil de Charles III* (1949), 17 no. 10 of 8.2.898.

2071 Ibid., no. 70 v. 912 I 20. The day of his anointing is correspondingly in *ibid.*, nos. 88, 89, 92, 93; only *memoria orationis* on the day of his anointing in no. 97 (224), correspondingly also in nos. 101 and 108.

2072 *Recueil des actes de Charles III le Simple* (1949), 154 no. 68, for the bishop of Cambrai.

2073 Ibid., 157–9 no. 70.

2074 Ibid., 200–2 no. 89 of 917 v 28 for Saint-Denis, at: 201. Charles also envisioned a memorial meal in his honor at Walburga Chapel, which he and his justiciar had founded in Compiègne on its feast day (May 1): *ibid.*, 261–264 no. 109 of 921 IV 25.

2075 Date of death according to *Hartmann, Königin* (2009), 137. On what follows cf. also the betrothal contract of Charles for Fredrun of 907: *Recueil de Charles III* (1949), 120–3 no. 56, on which *Hartmann, Königin* (2009), 160.

2076 *Recueil de Charles III* (1949), no. 88 v. 917 II 15.

2077 With the aid of St. Remigius the ruler hoped to encounter his consort once again in heaven, with candles in her hands, a moving expression of his love for her, s. *Recueil de Charles III* (1949), 199 no. 88.

a second marriage,²⁰⁷⁸ his foundations after 919 are noticeably concentrated on Frederun's commemoration.²⁰⁷⁹ This can be at least partially explained in that the deceased queen had herself made pains for her memoria.²⁰⁸⁰ In Compiègne she had even erected a chapel for the saintly Pope Clement (1), "so that strangers and poor might receive a burial at no cost."²⁰⁸¹ Her widower completed it and transferred a chapel which he had himself founded in his palace of Attigny with 12 canons;²⁰⁸² there inter alia Frederun's brother, bishop Bovo of Châlons, would be included in the commemoration.²⁰⁸³

Though the birth of Louis IV had solved the main dynastic problem of Charles, from 920 onwards he lost the support of his princes; after two royal usurpers emerged from 922, he probably fell into captivity at the end of the following year, from which he only temporarily escaped once until the end of his life (7.10.929). His son did "after all manner of upheavals secure the West Frankish royal throne for his family for three more generations",²⁰⁸⁴ but in any case the unsteady series of foundations for commemorative days of birth and anointing or ascending the throne ceased with Charles the Simple.²⁰⁸⁵

In the East Frankish Carolingian kingdom royal foundations, as in the west, were mostly restricted to the supplementary endowment of existing religious establishments. The establishment of bishoprics, which without crown land was hardly possible, went into the power of bishops or the church and were hardly free foundations.²⁰⁸⁶ The latter likewise applies for the ever rarer monastic establishments of the Carolingians there:²⁰⁸⁷ they were royal proprietary

2078 Marriage with the Anglo-Saxon Eadgifu/Otgyva in 917/919 and the birth of Louis IV in 920/921: *Schneidmüller*, Karl III. (1996), 24, 30.

2079 Apart from the aforementioned documents 88 and 89 there are also *Recueil de Charles III* (1949), nos. 91, 92, 94, 95, 97, 101 (all from 917–9), 108–9 (of 921). Cf. *Ewig*, *Gebetsdienst* (1982), 64.

2080 *Recueil de Charles III* (1949), no. 87 of 917 II 14: confirmation of the donations of Frederun to the refectory of Saint-Remi, in part to benefit Ernst, the nephew of the queen.

2081 *Ibid.*, 178–9 no. 80; 217–21 no. 95 (quotation at 218).

2082 *Ibid.*, no. 93, cf. no. 86.

2083 *Ibid.*, no. 95. Cf. in addition nos. 90–1, 96, 108.

2084 *Schneidmüller*, Karl III. (1996), 30.

2085 *Ewig*, *Gebetsdienst* (1982), 66.

2086 Essential in this respect is: *Schieffer*, *Entstehung* (1976).

2087 On the establishment of Ötting Monastery by King Carloman of Bavaria, the oldest son of Louis the German, cf. his endowment of Mattsee Abbey as well as the chapel in Ötting inter alia: *Urkunden der deutschen Karolinger* 1 (1934/34) 286–7 no. 2. In addition, there are *ibid.*, 302–3 no. 14 of 878 IX 9. It nevertheless concerned an independent abbey; this is clear from the function of the palace chapel, cf. *Zotz*, *Klerikergemeinschaft* (2005), 192–3; *Zielinski*, *Kloster- und Kirchengründungen* (1989), 119–20; *Hartmann*, *Ludwig der Deutsche* (2002), 188 n. 337; *Ewig*, *Gebetsdienst* (1982), 73. His son King Arnulf also gifted

monasteries or imperial monasteries. Of course, this does not mean that such houses of God and their communities of monks, clerics or nuns would not have had the task of praying for king and country, quite the opposite: they attained their special profile as memorial associations through their alignment with each founder and his close family members. It is noteworthy, nonetheless, how rarely the rival of Charles II, his brother Louis the German, had a prayer clause or even a memorial motive in his charters.²⁰⁸⁸ Instead, the documents give the impression that the king was mainly concerned with the worship of God, for which the benefactor (or others) could himself expect a heavenly reward.²⁰⁸⁹ “The composition of the imperial church hardly changed under the rule of Louis the German (...). A planned endeavor for the expansion of the East Frankish Church is not discernable under him.”²⁰⁹⁰ His most important establishments were the palace collegiate churches at the leading centers of his realm, in Frankfurt and Regensburg.²⁰⁹¹ Louis himself designated the Frankfurt church as a royal proprietary church and settled twelve clerics there, as well as an indeterminate number of priests.²⁰⁹² A memorial stipulation is not transmitted in this context, but the king apparently donated a book with a litany for All Saints’, including petitions for himself and his consort Hemma.²⁰⁹³ The establishment of a convent in Zurich was made possible for him by the transfer of properties by a “military leader” named Rupert.²⁰⁹⁴ The endowment, according to Ludwig’s charter of 853, was to exclusively support

the chapel in Ötting and in particular the brothers there by increasing their prebends after his father (d. 880) had been buried in this chapel; the religious purpose was the praise of God and of saints (relics) resting there as well as the memoria of his predecessors and of himself (here expressly mentioned for the first time): *Urkunden der deutschen Karolinger* 3 (21956), 266–7 no. 176.

2088 Cf. *Ewig*, *Gebetsdienst* (1982), 70–2.

2089 Cf. *Urkunden der deutschen Karolinger* 1 (1932/34), 2–3 no. 2 (confirmation of ownership), similarly nos. 3, 4 (donation), 5, 7 (donation), 8, 9 (donation), 11, 14 (donation), 18 (donation), 25 (donation), 28, 29 (donation), 31. *Ibid.*, no. 40: Louis the German endowed Kettenbach Monastery, founded by Count Gebhard, inter alia with a *villa*.

2090 *Bigott*, *Ludwig der Deutsche* (2002), 265; cf. *Hartmann*, *Ludwig der Deutsche* (2002), 172–212.

2091 *Zotz*, *Klerikergemeinschaft* (2005), 189–92; *Bigott*, *Ludwig der Deutsche* (2002), 266; cf. *Hartmann*, *Ludwig der Deutsche* (2002), 128, 189. On Regensburg: *Urkunden der deutschen Karolinger* 1 (1932/34), 224–5 no. 161 v. 875 v 13.

2092 *Urkunden der deutschen Karolinger* 1 (1932/34), 218–9 no. 155 of 874 (Louis the German); *ibid.* 357–59 no. 18 of 880 XI 17 (Louis the Younger); *Urkunden der deutschen Karolinger* 2 (1936/37), no. 65 of 882 XII 2.

2093 *Schalles-Fischer*, *Pfalz Frankfurt* (1969), 260. On the collegiate church in general (a “proprietary church” of Louis the German) *ibid.*, 253–264 (quote at 255); *Orth / Gockel / Schwind*, *Frankfurt* (1985 / 1996), esp. 164–5, 448.

2094 *Bigott*, *Ludwig der Deutsche* (2002), 271–2; *Steinmann*, *Zürich* (1986), 1977–8, 1994–1996.

the maintenance of the consecrated virgins, who, however, would receive no right to freely elect the abbess. The royal proprietary monastery was instead to be under his oldest daughter, Hildegard, who received it for her personal usufruct during her life.²⁰⁹⁵ Hildegard had already held office as a lay abbess in Münsterschwarzach am Main.²⁰⁹⁶ In Zurich she was followed in 856 by her sister Berta (until her death in 26.3.877).²⁰⁹⁷ Louis the German had repeatedly patronized and endowed other monasteries, without formulating noteworthy purposes or demanding particular liturgical actions in return.²⁰⁹⁸

A contemporary chronicler, however, demonstrated his religious solemnity with the following episode for the year 874: "He came around 1 February to Frankfurt, and there took counsel with his confidants on the harmony and state of his realm. But during Lent, since he set worldly affairs aside and prayer was his responsibility, at night in a dream he saw his father, Emperor Louis, in anguish and distress, who addressed him in the following way in Latin: 'I implore you by our Lord Jesus Christ and the threefold Majesty for you to snatch me from these pains in which I am trapped, so that I can finally have eternal life.' Now frightened by his face, he sent letters to all the monasteries of his realm and urgently demanded that they take his soul in its torments through their prayers to the Lord. It becomes evident from this, that although the aforementioned emperor [Louis the Pious] had done much that was praiseworthy and pleasing to God, still had allowed a great deal to occur in his realm that was against the law of God."²⁰⁹⁹ In fact, the petition for the aid of prayer even

2095 Urkunden der deutschen Karolinger 1 (1932/34), 92–4 no. 67 of 853 VII 21; cf. *ibid.*, 131–3 no. 91 of 858 IV 16.

2096 Hartmann, Königin (2009), 201, 204; Voigt, Karolingische Klosterpolitik (1917), 182–3. The assumption that Hildegard (and thereafter her sister Berta) also became abbess in Säckingen, has been criticized as "pure speculation" by Schnyder, Säckingen (1986), 335 n. 2.

2097 Urkunden der deutschen Karolinger 1 (1932/34), 158–9 no. 110 of 863 × 29; cf. *ibid.*, 180 no. 129. On Berta: Hartmann, Königin (2009), 201, 204; Steinmann, Zürich (1986), 1977–8, 1994–1996; Schnyder, Säckingen (1986), 335.

2098 Cf. Hartmann, Ludwig der Deutsche (2002), 188. Supplementary endowments for the *mensa* of the nuns of Herford and the monks of St. Emmeram in Regensburg in: Urkunden der deutschen Karolinger 1 (1932/34), 134–5 no. 93, 138–9 no. 96 (in both cases with memorial prescriptions); the grant of a chapel belonging the convent of Zurich inter alia to Berold, the priest of his deceased daughter Hildegard, for a lifetime, "so that he might be able to more securely and peacefully beseech more securely and peacefully the mercy of the Lord for Ourselves, Our Wife and Our progeny": Urkunden 1, 119–20 no. 82. A similar regulation for Deacon Liutbrand regarding the small monastery of Faurndau: *ibid.*, 227–8 no. 163. On Faurndau cf. Urkunden der deutschen Karolinger 3 (1956), no. 133.

2099 Annales Fuldenses (1891), 82 ad a. 874; trans.: Quellen zur karolingischen Reichsgeschichte 3 (1969), 95.

reached the western kingdom, where Archbishop Hincmar of Reims took it up.²¹⁰⁰ On the following festival of Easter, Louis the German sought out Fulda Monastery “in order to pray,”²¹⁰¹ and perhaps himself personally effected a change of the form of prayer that had been practiced there for a century.²¹⁰²

Louis the German is thus credited with participating in an undertaking that was to build a bridge between the East Frankish Carolingians and their successor dynasty in the kingdom, the Saxon Liudolfings (Ottonians). When the Saxon “duke” Liudolf and his consort Oda traveled to Rome to acquire relics for their family abbey, King Louis is said to have supported them before Pope Sergius II.²¹⁰³ From 852 the aristocratic pair established the convent of Gandersheim. The deaths of Liudolf (866) and of Louis the German (876)²¹⁰⁴ smoothed the way for a close biological and spiritual relationship between the two houses.²¹⁰⁵ First, the daughter of the Saxon, Liudgard, married the middle son of the king, Louis the Younger (869/74),²¹⁰⁶ then Liudgard’s brothers, the counts Brun and Otto, granted Gandersheim to their brother-in-law, as he succeeded his father (26.1.877).²¹⁰⁷ At the time the nuns were led by their other sister Gerberga, who had already replaced their sister Hathumod (d. 874) in this role.²¹⁰⁸ Brun, Otto and Louis the Younger were in agreement that Gerberga’s successors should also stem from the founding family, as long as they led the life of a nun and were distinguished both in their piety as well as in their

2100 Hincmar forwarded Louis’ letter to Charles the Bald (Flodoardi Historia [1881], 510 cap. III.18) and answered the East Frankish king with an opinion on the proper intercessory prayer, *ibid.*, 513 cap. III.19).

2101 *Annales Fuldenses* (1891), 82.

2102 According to *Schmid*, *Bemerkungen* (1977, repr. 83), 529–31: a reworking of the memorial annals in Fulda in 875, which had been recorded since 779, after the prayer undertaking of Louis the German and his visit to this monastery of 874; affirmative are *Wollasch*, *Mittelalterliche Lebensform* (1984), 220–1, and *Althoff*, *Amicitiae und Pacta* (1992), 49–50 n. 148; of a different opinion, however, is *Oexle*, *Memorialüberlieferung* (1978), 148–50.

2103 *Ehlers*, *Gandersheim* (2001), 259, cf. 291–4; on the previous history of the Liudolfings esp. *Becher*, *Rex* (1996), 66–109.

2104 *Althoff*, *Unerkannte Zeugnisse* (1976), 375, 401; *Hartmann*, *Ludwig der Deutsche* (2002), 61.

2105 *Fried*, *Ludwig der Jüngere* (1983, repr. 84), 12 f.; *Kasten*, *Königssöhne* (1997), esp. 498–546.

2106 *Hartmann*, *Königin* (2009), 132; *Becher*, *Rex* (1996), 68, 141; *Kasten*, *Königssöhne* (1997), 543. Marriage before the donation of Louis the Younger for Gandersheim of 877 I 26, *Urkunden der deutschen Karolinger* 1 (1932/34), 337–9 no. 4.

2107 *Urkunden der deutschen Karolinger* 1 (1932/34), 335–7 no. 3.

2108 *Ehlers*, *Gandersheim* (2001), 258–9, 293, 305–6. On Hathumod (852–874) und Gerberga I (874–96/97) cf. esp. *Goetting*, *Gandersheim* (1973), 289–91; *Glocker*, *Verwandte* (1989), 261–2.

knowledge of Holy Writ; only if there was no such person were the consecrated virgins to have a free choice of abbess.²¹⁰⁹

This regulation is reminiscent of Muslim family foundations, which were mainly to serve the maintenance of one's descendants and only secondarily to contribute towards a good work. The Latin Christian "apanage convent" of Gandersheim was in this respect not a foundation in a strict sense, but rather a proprietary monastery which mutated from an aristocratic establishment into an imperial abbey. In fact, first under the Ottonians, then also under Salian rulers, it was repeatedly transferred to daughters of the kings or relatives. After Gerberga I (d. 896/7), there first followed a further sister, Christina (d. 919), then Gerberga II (d. 1001), who stemmed from a minor branch of the Liudolfings.²¹¹⁰ The convent's founder, Oda, herself entered it as a widow and lived until her death at the age of 107 (!) in 913 as a nun in Gandersheim.²¹¹¹

Corresponding to its function, kings of the Early and High Middle Ages gifted and endowed Gandersheim Convent.²¹¹² As Louis the Younger began to do so even in 877,²¹¹³ the nuns thanked him for this with his commemoration; at the death day of Louis (20.1. of the year 882) they noted in their necrologium a *Memoria Ludowici pii regis*.²¹¹⁴ Still into the 15th or 16th century they celebrated this along with the *Festa sollemnissima* for the founding pair Liudolf and Oda, as well of their son Otto, in addition to the *Festa sollemnia* for the Carolingian kings Louis the Younger and Arnulf.²¹¹⁵

2109 Urkunden der deutschen Karolinger 1 (1932/34), 336–7 no. 3. Cf. Urkunden der deutschen Karolinger 3 (21956), no. 107a. On which cf. Ehlers, Gandersheim (2001), 265–6.

2110 On Christina and Gerberga II cf. Goetting, Gandersheim (1973), 291, 293–5; Glocker, Verwandte (1989), 262 and 285–86. On Sophia I (1001–39) and Adelheid I (1039–43), daughters of Ottos II, s. Goetting 295–8 and Glocker 206–9, 295. On Beatrice (1044–61) and Adelheid II (1061–96), daughters of Emperor Henry III, s. ibid. 298–301. On Agnes I, niece of Emperor Henry IV, ibid. 302–3. In addition Ehlers, Gandersheim (2001), passim; Althoff, Unerkannte Zeugnisse (1976), 401, 403; idem, Gandersheim und Quedlinburg (1991), 126–7, 131–2 (on Sophia I).

2111 Ehlers, Gandersheim (2001), 309; Althoff, Unerkannte Zeugnisse (1976), 402; cf. Urkunden der deutschen Karolinger 3 (21956), 157–9 no. 107; Urkunden der deutschen Könige und Kaiser 1 (21956), 262–4 no. 180, at 263.

2112 Cf. Ehlers, Gandersheim (2001), 315–23; Althoff, Adels- und Königsfamilien (1984), 175–6.

2113 Urkunden der deutschen Karolinger 1 (1932/34), 337–9 no. 4.

2114 Althoff, Unerkannte Zeugnisse (1976), 372–81. Althoff, with reference to a charter of 877, speaks of a "memorial foundation" of Louis the Younger (377). One must carefully keep in mind that the charter of Louis the Younger is a deed for a donation, not an endowment. As far as Louis' entry in the Early Modern necrology of Gandersheim, this unfortunately mentions only a "concluding memorial foundation", without producing the relevant source text.

2115 Goetting, Gandersheim (1973), 241–2.

Louis' brother, Charles III, and Arnulf, his nephew, who had overthrown Charles and succeeded him (until 899), had formulated provisions with unusual precision in a large number of their charters for foundations to existing churches and monasteries.²¹¹⁶ This especially applied to the conditions for memoria, though the two younger Carolingians, despite occasionally resorting to Charles II's particular type of memorial meals, did not themselves concentrate on them decidedly as he had.²¹¹⁷ Charles "the Fat", for whom his father had initially intended only Alemannia and Raetia Curiensis as the regions he would rule (from before the year 865 onwards),²¹¹⁸ endowed, for example, soon after the death of Louis the Younger, the Monastery of St. Gallen with a *villa* in the Thurgau *pro commemoratione parentum nostorum* (17.7.878).²¹¹⁹ In the following year he fostered the cult of the second patron of the monastery there by leaving it the royal seat of Stammheim. From its revenues St. Gallen was to maintain "daily eight men for the service of Saint Otmar, so that they might most excellently devote themselves to the service of the aforementioned saint without interruption and not tarry in beseeching God eternally on our behalf."²¹²⁰ When Charles also became the successor of his brother Carloman in Bavaria and Italy, and in addition attained the imperial throne, he endowed inter alia the Church of Bergamo with the small monastery in Cerretum "for the eternal reward of Ourselves and those of our relatives, and indeed, so that (...) at all times 12 monks might regularly live there, who might not cease from praying for Us, Our ancestors and Our relatives, for Our confidant Autprand (...), as well to beseech the mercy of Almighty God for his relatives in the liturgy and in the celebration of the mass."²¹²¹ The untimely death of his relatives, but also the choice of the nobility, made the perhaps overwhelmed and ailing, corpulent Carolingian the ruler in the West Frankish realm in 885. In the patronage or endowment of religious and communities he was able to repeatedly take up the specific instructions of his predecessors or also lay donors.²¹²²

2116 On Charles III and Arnulf s. Schieffer, *Karolinger* (⁵2014), 175–95; *idem*, *Karl III. und Arnolf* (1993).

2117 *Ewig*, *Gebetsdienst* (1982), 74–9.

2118 Cf. *Borgolte*, *Grafen Alemanniens* (1986), 160–4; *idem*, *Karl III. und Neudingen* (1977), 21–39.

2119 *Urkunden der deutschen Karolinger* 2 (1936/37), 16–7 no. 11, at 17.

2120 *Urkunden der deutschen Karolinger* 2 (1936/37), 20–1, no. 13 of 879 XI 23. Cf. *Schmid*, *Brüderschaften* (1984), 179 and elsewhere.

2121 *Urkunden der deutschen Karolinger* 2 (1936/37), 141–3 no. 88 of 883 VII 30, at 142–3. On which *ibid.* no. 87. Cf. *ibid.* no. 12 of 879 XI 15 for the Church of Arezzo; no. 48 of 882 II 14 for the Church of Belluno. For Bavaria cf. *ibid.*, no. 59 (for Metten Monastery).

2122 Cf. *ibid.*, nos. 139 (for the canons of St. Martin/Tours), 145 (for the Monastery of Saint-Germain d'Auxerre).

New variations in the specific regulations occurred with Arnulf. Thus, this king already shortly after the beginning of his reign endowed the Trier Monastery of St. Maximin with a *villa cum church* “for Our memoria as well as the remembrance of all those to whom we are indebted.” The leaders of the monastery were to have power over the properties for the use of the men devoted to the divine service there, as well of the guests and the poor, who “find accommodation through Our Alms”.²¹²³ Or the Marian Monastery of Strasbourg was to have eight acres in the Ortenau for the eternal maintenance of the brothers serving the Lord there, to wit under the strange condition, that each year “at the time of the forty-day fast” they were to have an (additional) benefice *in nostra elemosina*, with which they were to dine and relieve the poor.²¹²⁴ In 898 Arnulf confirmed that Bishop Solomon (III) of Constance, at the same time abbot of St. Gallen, with the permission and aid of the monastic community there, had used clearly-designated monastic properties to build a church of St. Magnus on the monastic grounds. The endowment was to enable the *procurator* of the Magnus cell to supply “three monks and as many clerics, as well servants, forevermore”. Furthermore, the revenues of the estates were slated for a service (a meal), which was to be put on annually at the Feast of Magnus in the refectory of the Gallus Monastery for all the monks, as well as for the provisioning of a horse with a man and bridle for the abbot of St. Gallen for the annual military expedition. Arnulf’s approval of Solomon’s foundation and of his agreements with the monastery were necessary because St. Gallen was an imperial monastery.²¹²⁵

Both rulers quite often reserved the endowed properties for certain persons or groups of persons for a lifetime, and especially if they did not belong to the religious communities in question. Though they thereby rewarded and bound certain confidants to their royal power, they also left it to them to realize the foundation’s goal. Those patronized, however, could also profit for the salvation of their own souls.²¹²⁶ King Arnulf, for example, endowed his chaplain Liutbrand with the small monastery of Faurndau and a chapel with the right of granting these either to St. Gallen or to Reichenau “for Our alms and the salvation of the soul of Our most pious grandfather Louis (the German) and

²¹²³ Urkunden der deutschen Karolinger 3 (21956), 18–9 no. 10 of 888 I 23, at 19. The purpose of *commemoratio*, of daily or anniversary commemoration, also in nos. 9, 18, 25, 53, 64, 70, 72, 90, 107a, 124, 166.

²¹²⁴ Ibid., 35–6 no. 24 of 888 v 26.

²¹²⁵ Ibid., 251–3 no. 165; on which *Borgolte*, Salomo III. und St. Mangen (1984).

²¹²⁶ Cf. Urkunden der deutschen Karolinger 2 (1936/37), nos. 7, 43, 88, 121, 127, 143; Urkunden der deutschen Karolinger 3 (21956), nos. 15, 16, 22, 24, 25, 70, 136, 147, 164, 176.



ILLUSTRATION 33

Andlau. Memorial stone for the founding of the monastery by Empress Richgard 880/1

(his consort) Hemma, as well as their sons and daughters, who (already) rest in Christ, and for Us and for his eternal retribution.”²¹²⁷

Similarly to Zurich and Gandersheim, monasteries were also used by Charles and Arnulf for the provisioning of a consort or mother.²¹²⁸ In the case of Richgard, the wife of Charles III, this was especially important, because the marriage of 861/2 remained childless, so that preparations had to be made for the death of the king and emperor.²¹²⁹ Already in 878 Charles granted his consort the monasteries of Säckingen on the High Rhine and St. Felix and Regula in Zurich, in 881 a convent in Pavia, as well as the Abbey of Zurzach in the Aargau, and before 884 the Monastery of Étival in the Vosges.²¹³⁰ In 880/1 the ruler herself erected her own convent “on her patrimony from the ground up”

²¹²⁷ Urkunden der deutschen Karolinger 3 (21956), 24–5 no. 15 of 888 II 11.

²¹²⁸ For Arnulf’s mother Liutswind: *ibid.*, no. 136; cf. regarding his consort Oda *ibid.* no. 176.

²¹²⁹ Cf. Maclean, *Kingship and Politics* (2003), 186–7. On the origin and age of Richgard s. *Borgolte*, *Karl III. und Neudingen* (1977), 36–8; *Hartmann, Königin* (2009), 133–4.

²¹³⁰ Urkunden der deutschen Karolinger 2 (1936/37), nos. 7, 42–3; Urkunde Richgards in *ibid.*, 326–8 no. 1. After Richgard’s death Zurzach was to fall to Charles’ funerary church and was to finance its illumination there. Cf. *Geuenich, Zurzach* (1982), esp. 37–8.

in Alsatian Andlau.²¹³¹ Andlau was not intended simply to serve as Richgard's abode of her widowhood, but was quite openly planned from the start in competition with a neighboring convent in Erstein. Erstein went back to Irmingard, the consort of Emperor Lothar I, a member of the Alsatian house of counts of the Etichons, with whom Richgard's own family, the "Erchangars", competed in the same territory.²¹³² Lothar had supported the establishment of his wife in 849 with an endowment of land,²¹³³ and now Charles emulated his uncle and aided Richgard in her undertaking.²¹³⁴ Irmingard had also turned to Rome and effected a papal privilege of confirmation from Leo IV,²¹³⁵ and likewise Richgard now sought the protection of the Apostolic See. As she stayed with Charles III in 881 on the Tiber for the imperial coronation, she personally turned over Andlau before the tomb of St. Peter to the Roman Church.²¹³⁶ In contrast to Erstein, which after Irmingard's death became an imperial abbey and still served the Ottonian rulers as a residence, Richgard removed her convent from the disposal of kings and reserved the position of abbess for nuns from her family.²¹³⁷ At first glance the planning for Andlau corresponded to that for Gandersheim, at least insofar as it remained an aristocratic convent. Yet the papal protection effected by Richgard, despite the primacy of the "Erchangars" in the election of the abbess, offered the convent a status closer to that of a foundation than to that of a proprietary monastery. The inclusion of Rome in the founding of the convent by Empress Richgard thus marked an important date in the history of Latin Christian foundations in the Middle Ages.²¹³⁸ Richgard already had to retire to Andlau before the death of Charles III, because the emperor had separated from her after apparently baseless accusations (June/July 887).²¹³⁹ At her

2131 Urkunden der deutschen Karolinger 2 (1936/37), 156–7 no. 96 of 884 II 19, at 156. Ibid. no. 24 of July 880 only mentions a church dedicated to the Redeemer in Andlau. Cf. ibid. nos. 4 and 95.

2132 *Borgolte*, *Geschichte der Grafengewalt* (1983), esp. 25–35. On Irmingard s. *Hartmann, Königin* (2009), esp. 113–4, 160–1, 174, 212–3.

2133 Urkunden der Karolinger 3 (1966), 251–3 no. 106.

2134 Urkunden der deutschen Karolinger 2 (1936/37), nos. 24, 95.

2135 *Brackmann*, *Regesta Pontificum Romanorum* 3.3 (1935), 31–2 no. 2.

2136 Urkunden der deutschen Karolinger 2 (1936/37), 156–7 no. 96; on which see the foreword of the editor, 156. Elaborately in the forged charter of Louis the Child of 900/909, Urkunden der deutschen Karolinger 4 (1963), 200–3 no. 68, at 202–3. In addition, *Recueil de Charles III* (1949), 294–6 no. 125, at 295–6. *Regesta Alsatie* I (1949), 369 no. 609.

2137 Cf. Urkunden der deutschen Karolinger 4 (1963), 203 no. 68. Similarly also (which is here declared a forgery) the charter of Charles the Simple: *Recueil de Charles III* (1949), no. 125.

2138 In a similar manner already *Büttner*, *Kaiserin Richgard* (1956, repr. 91), 299.

2139 *Reginonis Chronicon* (1890), 127; German translation: *Quellen zur karolingischen Reichsgeschichte* 3 (1969), 275, 277. Cf. BM² no. 1754a; *Regesta Alsatie* I (1949), no. 627.

death around 900 it does seem that a niece by the name of Rodtrud succeeded her and thereafter intended an additional relative to become abbess.²¹⁴⁰

As far as Andlau's distance from the king is concerned, Richgard's endeavor in the late Carolingian period thus resembled the planning of Radegunde of Poitiers three hundred years earlier, though the means employed in each case were different. At the same time, papal protection is attested for the Alsatian convent, which recalls Bobbio, the establishment in northern Italy on royal property by Irish monks, because king Arioald in 628 had acquired a papal privilege of exemption for it. The Lombard and, from the time of Charlemagne's conquest, still Frankish, rulers established so many monasteries in Italy from the 7th to the 9th century that they cannot even all be listed.²¹⁴¹ Analogously to the queens and daughters of kings north of the Alps, in this the female members of ruling families played a prominent role, both as usufructuaries as well as in the establishment of new houses.²¹⁴² Though conditioned by the slow and repeatedly delayed shift of the Lombards from Arian to Catholic Christianity,²¹⁴³ the establishment of monasteries got going long after Bobbio. The first to be famous in this regard were the kings Perctarit (661; 671–688) and his son Cunincpert (680/88–700), in particular on the occasion of a church gathering in Pavia in 698.²¹⁴⁴ According to a later historian, at the River Ticinio Perctarit had erected a monastery dedicated to the martyred St. Agatha, and Cunincpert one to St. George, in both cases as memorial sites to the important events of their reigns. Rodelinda, the consort of the elder of the two kings, was credited with the establishment of a Basilica of St. Mary "By the Poles" in Pavia, which was meant to cultivate the memory of those Lombards who had died far away from their homeland.²¹⁴⁵ King Liudprand (712–744) is said to have been especially generous, and he also fostered the endowment of churches and

2140 The election of the abbess is discussed less than that of the bailiff from the founding family in the monastic rule of Andlau attributed to Richgard: *Regesta Alsaciae* I (1949), 390–5 no. 656. On the state of criticism of this source s. the editor in: *Urkunden der deutschen Karolinger* 4 (²1963), 201–2.

2141 Cf. *Schmid*, *Ablösung* (1972, repr. 83), 277.

2142 *Hartmann*, *Königin* (2009), 159.

2143 Cf. *Borgolte*, *Langobardenreich* (2012), 98–102.

2144 *Erhart*, *Gens* (2005), 397; *Borgolte*, *Langobardenreich* (2012), 100; *Jarnut*, *Perctarit* (1993); *idem*, *Cunincpert* (1986).

2145 *Paulus Diaconus*, *Geschichte* (2009), 288–9 cap. 5.34; cf. *ibid.* 314–5 cap. 6.17. According to *Erhart*, *Gens* (2005), 307, Rodelinda's establishment was also a monastery. Cf., however, *Hartmann*, *Königin* (2009), 51, 159, 171, 207, 215; *Krüger*, *Königsgrabkirchen* (1971), 393–403, esp. 393.

xenodocheia (guesthouses) *pro anima* by his subjects.²¹⁴⁶ With his monastic establishments of Ciel d'Oro (Pavia) and Perceto he was clearly concerned not least of all with key way stations along travel routes;²¹⁴⁷ he himself and other Lombards secured the aid of Frankish pilgrims to Rome, monks and abbots.²¹⁴⁸

Finally, as a founder of monasteries, Desiderius, the last Lombard king (757–74), distinguished himself, yet his consort Ansa, however, became even more prominent in this arena.²¹⁴⁹ Both husband and wife probably stemmed from Brescia or its vicinity, where King Aistulf left royal property to Desiderius.²¹⁵⁰ Aistulf owed this to his position as a duke, the basis of his later rise to power. Already in 753 Desiderius and Ansa erected the Convent of S. Salvatore in the city of Brescia itself, which bore a double name after the translation of the relics of Julia (760s).²¹⁵¹ The founders intended their daughter Anselperga to be its head, while they engaged their other three daughters to the dukes of Benevento and Bavaria, as well as with the young king of the Franks, Charlemagne. In the early and unusually numerous royal documents for Brescia²¹⁵² it is Ansa who above all appears as founder. In 760 the royal pair, together with their son Adelchis, who had already been called forth as a co-ruler, guaranteed for the convent the protection of the ruler and the right to a free election of the abbess; at the same time, the number of nuns was restricted to 40, surely in order to emphasize the exclusivity of the abbey and to allow the pampered aristocratic virgins an appropriate lifestyle.²¹⁵³ Whether plans already existed for Anselperga's succession is unknown, yet the premature regulation of the succession in the kingdom and the prudent marriage policy of the king and his wife does not indicate that they intended to give S. Salvatore/S. Giulia out of hand in the event of Anselperga's death and actually have a new abbess freely elected, which would have corresponded to a monastic foundation, in contrast

²¹⁴⁶ Erhart, Gens (2005), 398, with reference to the praise of Liutprand by Paul the Deacon inter alia as *elemosinis largus* (Paulus Diaconus, Geschichte [2009], 342 cap. 6.58) and of the royal lawbook: *Leges Liutprandi regis* (1868), 137 § 73.

²¹⁴⁷ Paulus Diaconus, Geschichte (2009), 340–1 cap. 6.58.

²¹⁴⁸ Erhart, Gens (2005), 398–401; Schmid, Ablösung (1972, repr. 83), 277–9.

²¹⁴⁹ Esp. Sandmann, Herrscherverzeichnisse (1984), 208–41; in addition, Erhart, Gens (2005), 404–8; Hartmann, Königin (2009), esp. 55–8, 172–3; Schmid, Ablösung (1972, repr. 83), esp. 283–92, 297.

²¹⁵⁰ Sandmann, Herrscherverzeichnisse (1984), 209–11.

²¹⁵¹ On the complete history of the monastery s. Wemple, S. Salvatore/S. Giulia (1985); as well as Sandmann, Herrscherverzeichnisse (1984), 211–2, 232; Schmid, Codex als Zeugnis (2000), 3–4.

²¹⁵² Cf. Brühl, Studien (1970), 194.

²¹⁵³ Codice diplomatico longobardo 3.1 (1973), 203–8 no. 33; cf. Sandmann, Herrscherverzeichnisse (1984), 214–9; Erhart, Gens (2005), 406.

to a royal proprietary monastery.²¹⁵⁴ As Charlemagne overthrew the weakened kingdom in Italy in 774, King Desiderius was exiled with his wife and a daughter, while nothing is known of Anselperga's fate.²¹⁵⁵ Soon thereafter, the convent in Brescia appears as an appanage of the Carolingian house. Indicatively, it served to maintain or outfit queens and the daughters of queens.²¹⁵⁶ First, in 781 (?) a certain Rodoara, about whom nothing else is known, is named as the abbess, who was a Frank;²¹⁵⁷ then Louis the Pious left S. Salvatore/S. Giulia to his consort Judith as a fief.²¹⁵⁸ Under the emperors Lothar I and his son Louis II, who both exercised Carolingian authority over Italy, the empress Irmingard ("of Erstein") and her daughter Gisela (I),²¹⁵⁹ then Louis' daughter Gisela (II), were successively named as heads of the monastery with the right of usufruct of the monastic properties.²¹⁶⁰ This does not stand in contradiction to the fact that Lothar (again) granted the right of the free election of the abbess,²¹⁶¹ that both Giselas were nuns in Brescia²¹⁶² and that along with the Carolingians an Abbess Amalberga held office.²¹⁶³ Thus, the convent with its

²¹⁵⁴ In 762 the monastery had also supposedly received a papal grant of exemption, so that it could escape the reach of the diocesan bishop; s. *Erhart*, *Gens* (2005), 406 n. 145; *Becher*, *Königliches Frauenkloster* (1983), 328. The authenticity of the document is, however, debated, s. *Sandmann*, *Herrscherverzeichnisse* (1984), 216–7, with further literature.

²¹⁵⁵ *Schmid*, *Ablösung* (1972, repr. 83), 288, 297–8; *Erhart*, *Gens* (2005), 408; *Hartmann*, *Königin* (2009), 56–8.

²¹⁵⁶ Cf. already *Voigt*, *Karolingische Klosterpolitik* (1917), 42–3, 174–5, 181–2, 189–93, 235–9.

²¹⁵⁷ *Urkunden der Karolinger* 1 (21956), 185–6 no. 135; cf. *Erhart*, *Gens* (2005), 408.

²¹⁵⁸ *Urkunden der Karolinger* 2 (2016), 615–6 no. 246.

²¹⁵⁹ *Urkunden der Karolinger* 3 (1966), 240–2 no. 101 of 848 III 16; 265–6 no. 115 of 851 IX 8; in addition, *Urkunden der Karolinger* 4 (1994), 105–6 no. 21, of 856, 107–8 no. 22. Cf. also *ibid.*, 104–5 no. 20.

²¹⁶⁰ *Urkunden der Karolinger* 4 (1994), 135–7 no. 34 of 861 I 13; cf. *Urkunden der Karolinger* 3 (1966), 265 and *Urkunden*, 133–5 no. 33.

²¹⁶¹ After the death of the *deo sacrata monacha Amalberga*, who had held the leadership of the congregation up to this time, the election of the abbess was to be instituted; Amalberga is not called abbess, but rather expressly called only "leader". The right of election was also bound up with the consent of the king, who in his charter cited a unanimous act together with his consort Irmingard. Furthermore, the ruler in the context of the appointment of the abbess also expressly cited the Benedictine Rule, s.: *Urkunden der Karolinger* 3 (1966), 112–5 no. 35 of 837 XII 15, at 114. Amalberga was named "abbess" in the confirmation charter of Louis II of 856 v 19 (*Urkunden der Karolinger* 4 [1994], 107–8 no. 22), as well as in the forged imperial charter of 856 v 14 (*ibid.* 104–5 no. 20).

²¹⁶² *Memorial- und Liturgiecodex von Brescia* (2000), 182, cf. in addition *Urkunden der Karolinger* 4 (1994), 134 no. 33 (Louis II of 861); *Becher*, *Königliches Frauenkloster* (1983), 303–4, 308. On the oblation of Gisela (II): *Urkunden der Karolinger* 4 (1994), 135–7 no. 34 of 861 I 13; *Memorial- und Liturgiecodex* 183 on f. 42v2.

²¹⁶³ *Urkunden der Karolinger* 3 (1966), no. 35 (of 837); *Urkunden der Karolinger* 4 (1994), nos. 21 (of 856) and 32 (of 861 I 10). Cf. also *ibid.* no. 43.



ILLUSTRATION 34 San Salvatore in Brescia, cloister of the former monastery

right of election and its abbesses were superseded by Carolingian authority. If S. Salvatore originally had been conceived as a free foundation—which is doubtful—it was doubtless a royal proprietary or imperial monastery after the overthrow of the Lombards by the Franks.

In the sixties Louis II transferred Brescia to his consort Angilberga and their shared daughter Irmingarda.²¹⁶⁴ This act belonged within a series of benefactions by which the ambitious ruler, who stemmed from the “Supponids”, an office-holding family of counts in northern Italy, was richly endowed.²¹⁶⁵ Furthermore, Angilberga, in this regard similarly to the Lombard Ansa, acted expressly as a founder of monasteries. Her room for maneuver was limited in that she had only two daughters with Louis, and therefore no son capable of

²¹⁶⁴ In the usufruct document for Gisela (II) of 861, in the case of her death her mother Angilberga is already slated as her successor: *Urkunden der Karolinger* 4 (1994), 135–7 no. 34; on 28.04.868 Louis granted Angilberga the usufruct of the convent for her entire life, to which both of her daughters would succeed after her death: *ibid.*, 159–161 no. 48, at 160–1.

²¹⁶⁵ S. above all the betrothal contract of 5 October 860: *ibid.*, 125–7 no. 30; on which *Regesten Regnum Italiae* 1 (1991), no. 191. In addition: *Urkunden der Karolinger* 4 (1994), nos. 40, 45–6, 49, 51, 66, 67. On which and on Angilberga herself, controversial at the time due to her supposed covetousness, s. now *Hartmann, Königin* (2009), 122–7; *Neiske, Älteres Necrolog* (1979), 252–4.

ruling, and of the two Gisela (II) died already in 868.²¹⁶⁶ In contrast to the Liudolfings or Carolingians in Gandersheim or Erstein, but similarly to Queen Richgard's Andlau, there thus existed with Angilberga good preconditions for the planning of a monastic foundation.

With the support of Louis she prepared, at the latest from October 874, the erection of a monastery for the Holy Resurrection (S. Resurrezione, later S. Sisto) in the city of Piacenza.²¹⁶⁷ After Angilberga's consort died in the following year (12.8.875), she had inter alia the donations of the deceased emperor confirmed by Louis the German, and indeed with the right of transferring the properties "for the eternal commemoration of her lord [Louis] and herself" to holy places or wherever else (19.7.876).²¹⁶⁸ Later, Louis' son Carloman, who hoped to expand his rule from Bavaria to Italy, as well as his son King Arnulf, are said to have supported Angilberga.²¹⁶⁹ In March 877 the plans of the widowed empress, who only now had a single daughter from her family, had matured to the point that she had a long document composed, her so-called "testament".²¹⁷⁰ This is itself designated an *ordinatio*, *institutio* and *deliberatio*, that is a well-thought out statute with authoritative character.²¹⁷¹ At its center stood the erection of a convent with at most 40 nuns at the proprietary Church of the Redeemer she had erected within the city walls of Piacenza, as well as a hospice for the sick and strangers.²¹⁷² The abbess was to supply a religious male community of ten monks or clerics at the place of Masini, that is a proprietary monastery of S. Resurrezione.²¹⁷³ All of the individually-listed and precisely-ordered landed properties and tithes, and the establishments financed by them, were to serve the salvation of the soul of her deceased consort, herself as well as their shared descendants and relatives. For commemoration a mass

2166 Her death, "at the latest in the early part of 868", has been concluded from a prescription in Urkunden der Karolinger 4 (1994), 135–7 no. 34, s. ibid. 136; recently Hartmann, Königin (2009), 122, 200, 204.

2167 Urkunden der Karolinger 4 (1994), nos. 66–7 v. 874 x 13.

2168 Urkunden der deutschen Karolinger 1 (1932/34), 241–2 no. 171, at 242.

2169 Ibid., 291–2 no. 5, of 877 x 19, and 306–8 no. 16 of 878 x 6, 325–6 no. 27 of 879 VIII 4 (Carloman); Urkunden der deutschen Karolinger 3 (1956), 68–9 no. 49, v. 889 VI 12 (Arnulf). In addition Urkunden der deutschen Karolinger 2 (1936/37), nos. 22 (of 880), 56 (of 882) and 166 (of 887), as well as a charter of the West Frankish King Carloman II: Receuil de Carloman II (1978), 207–9 no. 78. On the context Hartmann, Königin (2009), 125–7.

2170 Carte cremonesi 1 (1979), 49–58 no. 20; on which Regesten Regnum Italiae 1 (1991), nos. 513, 735.

2171 Carte cremonesi 1 (1979), 55.

2172 Ibid., 51–2, 53.

2173 Ibid., 52.

was to be celebrated in the monastery every day, as well the communal singing of Psalms at the offices of prayer both day and night.²¹⁷⁴ On the death day of Louis and, in the future, that also of Angilberga herself, 300 poor were to be generously fed; on Maundy Thursday the same was to be offered to 24 poor, who in this instance were also to be clothed, twelve of whom for the benefit of the emperor, the other twelve of the empress. In the xenodochium each day 24 beds were to be kept ready for the poor as well as a further 24 to be prepared for ambulatory strangers “so that this might benefit us for eternal joy”. Angilberga also mentioned as a new source of income fees at the entrance of new “Maidservants of God” or of girls brought there by their parents, as well as donations of any sort of faithful, which were without restriction to benefit the church and the maintenance of the nuns as well as of the hospice for the poor.

Angilberga minutely regulated the governance of the monastery and the question of succession. One learns that she had already installed an abbess Cunigunda, yet she herself retained all power over the convent and hospice.²¹⁷⁵ Though the 40 nuns living according to the Benedictine Rule were accorded the right to a “harmonious” election of abbesses, after Angilberga’s death her only daughter Irmingard was to follow in her role as the mistress of the convent, but only on the precondition that she herself take the nun’s habit. Governing the monastery together with the abbess was therefore envisioned. Were Irmingard not to adopt the habit, she was not to take anything away from the monastery, but on the contrary was to defend and support it. A daughter of Irmingard raised in the monastery was to succeed the abbess in office at her death, assuming that she was suitable.²¹⁷⁶ The same applied thereafter to nuns from the line of her daughters, but were such additional women to be lacking, Angilberga envisioned nuns from her maternal, then her paternal progeny. Only when no one was available on both sides was the congregation to elect an abbess from their ranks, who was to be installed according to the holy rule.

As far as external power was concerned, Angilberga protested against interventions of every ecclesiastical and temporal authority, especially on the part of her relatives. The archbishop of Milan, or alternatively the bishop of Aquileia or another bishop that the nuns found appropriate, was to perform the consecration of the abbess and the nuns. The archbishop of Milan was to mediate conflicts, but besides this the convent was to be removed from all episcopal supervision. Angilberga had also secured papal support for her

²¹⁷⁴ Ibid., 55.

²¹⁷⁵ Ibid., 53.

²¹⁷⁶ Ibid., 54.

undertaking and envisioned that, if necessary, the convent could turn with its own legate to the Chair of St. Peter.²¹⁷⁷

The historically most-important regulation of the “testament” concerned the governance of the monastery. Angilberga planned for a duality of leadership figures, as also known *inter alia* from S. Salvatore/S. Giulia, yet placed particular value on a succession within her own line. Scholarship has racked its brains that she was to have slated her own daughter still in March 877 for the role of nun and leader, though according to the majority opinion of scholars Irmingard had already been betrothed to the count Boso of Vienne in the previous year.²¹⁷⁸ If, according to this view, the liaison did in fact occur after the “testament” came into existence, Angilberga’s plans for Irmingard would, nonetheless, not be inconceivable. Of greater importance, however, is that the imperial widow sought to exclude the concession of a free election of an abbess in favor of a “dynastic succession” over many generations. In this way she evidently did not think above all of Carolingian-born women, but rather of nuns from her own family. Should one therefore designate the convent she established as a proprietary monastery (of the Carolingians? of the Supponids?)? The retention of authority would speak in favor of this. Moreover, the relationship between Angilberga and the community of nuns, which was to be responsible for the liturgical prayer and philanthropic acts, appears to have been too meagerly developed to be a foundation. On the other hand, it was precisely a future leader (even Irmingard and other women of her family) of this community of nuns who would herself belong to the monastic community and protect the convent against church and temporal powers from without, including their relatives. These complicated relations would thus be oversimplified if one were to designate S. Resurrezione/S. Sisto as a “proprietary monastery”, yet it would also not be correct to speak of it as a “foundation”. As is so often the case, and this applies as well for Angilberga’s construction, “proprietary monastery” and “foundation” as ideal types offer only points of reference, which cannot fully do justice to historical “reality”.

With the fall and death of Emperor Charles III “the Fat” in 887/8, the time of the Carolingians drew to a close, and not merely from a retrospective vantage point.²¹⁷⁹ It ended in 911 in the Eastern, only in 987 also in the Western, Kingdom of the Franks, while in Italy during the 10th century there still reigned

²¹⁷⁷ *Ibid.*, 54–5.

²¹⁷⁸ Cf. *Dümmeler*, *Geschichte 2* (21887), 403 with n. 4; *Voigt*, *Karolingische Klosterpolitik* (1917), 192; *Regesten Regnum Italiae 1* (1991), no. 502; *Schieffer*, *Karolingische Töchter* (1993), 135; *Hartmann*, *Königin* (2009), 126.

²¹⁷⁹ *Schieffer*, *Karolinger* (2014), 187. On the following *ibid.*, 187–220, esp. 194–5, 200, 203–4, 220.

some of Charlemagne's descendants from the female line. Even in the Western Frankish Kingdom the royal succession had already been broken by upstart nobleman, first by the "Robertians (Capetians)" Odo (888–98) and Robert I (922–923) and then by the "Bosonidian" Rudolf I (923–36).²¹⁸⁰ Royal anniversary foundations continued in this context according to the Carolingian model, as one scholar has already stated,²¹⁸¹ including those with memorial meals.²¹⁸² Furthermore, it is noteworthy that King Rudolf in 925 acceded to the request of the canons of St. Symphorian of Autun and granted their properties to his confidant Albericus for his lifetime, who was to pay five *solidi* yearly to the rectors of the church on the day of their saintly patron. In this way an external layperson was bound to the obligation of memoria in favor of his father Richard, Rudolf himself and his consort Imma.²¹⁸³

1.3.5.6 The Time of Strong Founders

Donations to the church had God himself or his saints as addressees, and promised to the pious donor the salvation of his soul in the court of the hereafter as divine recompense. The houses of God, either gifted or established through the transfer of real estate, to which belonged not only parish churches and oratories, but also monasteries and hospices, from a legal perspective stood subject to the oversight and the control of economic resources by the bishops of the dioceses. The donor could also, however, attempt to himself govern the house of God over the long term or subject it to a particular purpose, which likewise restricted the privileges of the local religious authority. In the first instance there was the proprietary church, in the second a church foundation. With both types of church establishment the spiritual purpose, the increase of the liturgy and the spread of the Gospel, is to be understood as the foremost founding motive, to which personal striving towards salvation was added. The ordering of religious life in church and monastery followed certain ecclesiastical

2180 Cf. also *Schneider*, Odo (1996); *Felten*, Robert I. und Rudolf I. (1996). On King Louis IV "Transmarinus" (936–54) s. *Brühl*, Ludwig IV. (1996).

2181 *Ewig*, Gebetsdienst (1982), 66, esp. with n. 184; the author, however, concentrates on the so-called prayer formulas (that is the "prayer service") and has foundations *strictu sensu* less in mind. Notable is the grant of a dwelling by King Odo to the curator of the Abbey of Saint-Denis in 894 for the financing of the daily offering of a eucharistic host on the monastery's altar: *Receuil d'Eudes* (1967), no. 36.

2182 Odo, while still count of Paris, had also designated a gift of 40 cartloads of wine to the brothers of the Cathedral of Paris on the day of his death (that is a "commemorative drink"): *Receuil d'Eudes* (1967), no. 58. Cf. in addition: *Recueil de Robert 1^{er} et de Raoul* (1978), 100–1 no. 23; cf. on which *Lippert*, König Rudolf (1885), 119 no. 28; *Receuil de Louis IV* (1914), no. 26, at 65.

2183 *Recueil de Robert 1^{er} et de Raoul* (1978), no. 8.

laws and norms, which enabled proprietors and founders, respectively, different amendments and reworkings. With both types of patronage or establishing churches, influences from without on the religious operation in this sense served the goal of impelling the clerics, monks and nuns, as well as the patients of the hospice and poor, to pray for the salvation of the soul of the founder. In the case of the proprietary church, interventions were always possible, whereas with the foundation a directive formulated a single time at the start was to be implemented over the long term. Historically speaking, the original and never revised place of the constructor or founder in the divine service was the utterance of his name in the canon of the liturgy of the mass, and much the same applied for the prayer of the hours of monastics in the chapter house. Pious benefactors could realize additional liturgical acts. Characteristic for the Early Middle Ages in this respect was that donations were motivated only *pro remedio animae* (or variations thereof), without the parties fixing the actions in return in detail. It was left to the religious communities as to whether they said special prayers for the benefactors or celebrated masses, or whether they accumulated these actions with others of the same sort and anonymized them. In this regard the early, oft-stated assumption of scholars that a donation or foundation to or for the church automatically carried with it certain intercessions in favor of the benefactor misses the mark.²¹⁸⁴ Benefactions in which it was expressly noted that they were to benefit the “illumination”, that is the so-called “church workshop”, for the maintenance of the church building and the liturgy allowed clerics and monks considerable discretion by the implementation of memorial expectations. In this case, there even arose the “danger” that the benefactions would be subsumed within the larger endowment of the church, since with liturgy and philanthropy basic tasks of every church were addressed. On the other hand, one must keep in mind that with monasteries the original and never quite forgotten motive of monastic existence was self-sanctification, so that the individual monk first tended to penance and pray for himself, and then for the prayers of his “brothers”.²¹⁸⁵ Numerous prayer confraternities in the Early Middle Ages bear witness to this, in which communities exchanged lists of convents, as well as the registers of their departed brothers, for mutual memoria.²¹⁸⁶ When kings or other laypersons succeeded

²¹⁸⁴ Cf. e.g. *Althoff*, *Adels- und Königsfamilien* (1984), 16; contradictorily at *ibid.*, 133 and 172–3. Already of a different opinion was *Borgolte*, *Gedenkstiftungen* (1984, repr. 2012), esp. 114–5, 129. Cf. most recently *Angenendt*, *Offertorium* (³2014), 268–71.

²¹⁸⁵ Cf. *Nußbaum*, *Kloster* (1961), 16–7; *Tellenbach*, *Westliche Kirche* (1988), 90–106; *Angenendt*, *Offertorium* (³2014), 138.

²¹⁸⁶ *Schmid*, *Liturgisches Gebetsgedenken* (1979); *Wollasch*, *Mittelalterliche Lebensform* (1984); *Geuenich / Ludwig* (eds.), *Libri Vitae* (2015).

in contracting such a *fraternitas* with certain monasteries, they had a claim to religious (and material) supply of the same sort, but could agree upon these with individual monastic communities as well.²¹⁸⁷

In order to devote themselves without interruption to their religious tasks, monasteries in particular strove for freedom from the guardianship of the proprietor during the transition to the High Middle Ages.²¹⁸⁸ Elements of this self-determination, such as the free election of the abbot and the abbess, had already been known to them earlier. On the other hand, the founders or their heirs often functioned as the stewards of “their” monasteries; traditionally, the protection of monastic property and rights were their responsibility.²¹⁸⁹ The Burgundian Monastery of Cluny, which its lay founder granted freedom from all secular and religious authority, received an epochal, albeit still not yet generally implemented, privilege in 910.²¹⁹⁰ Furthermore, in the 12th century the canonical principle generally took hold that no layperson could own a house of God. Yet secular or also religious lords did not lose all influence over their establishments, because as patrons they could still secure considerable rights of participation in the granting of religious offices.²¹⁹¹ Doubtless with these reforms the monasteries’ self-confidence and ability to act with their surroundings increased.

Parallel to this the importance of individual ascetics and clerics rose. Already in the course of the Early Middle Ages monks had turned to ordination, so that their rank in the monastery was no longer primarily based on the duration of their belonging to the community, but rather according to the degree of ordination.²¹⁹² Another trend towards individualization is the high medieval phenomenon that benefices, understood as the entire revenue of a house for the maintenance of all of its inhabitants, were divided into individual prebends of

2187 Cf. among many others *Althoff*, *Amicitiae und Pacta* (1992); more recently *Wagner*, *Liturgische Gegenwart* (2010).

2188 Cf. *Tellenbach*, *Libertas Ecclesiae* (1936), 94–104; *Wollasch*, *Mönchtum* (1973), 10–1; *Tellenbach*, *Westliche Kirche* (1988), 96–106.

2189 Recently: *Willoweit*, *Römische und kirchenrechtliche Grundlagen* (2015), 9; in addition, *Schmidt*, *Vogt, Vogtei* (1997); *Borgolte*, *Mittelalterliche Kirche* (2004), passim; *Tellenbach*, *Passauische Eigenklöster* (1928).

2190 *Cluny im 10. und 11. Jahrhundert* (1967), 9–12 no. 1, at 10. On which *Wollasch*, *Cluny* (1996), 22–3.

2191 Cf. *Borgolte*, *Mittelalterliche Kirche* (2004), 36; cf. *ibid.*, 100, in contrast to *Landau*, *Jus Patronatus* (1975), *idem*, *Eigenkirchenwesen* (1982), 403, and *Sieglerschmidt*, *Territorialstaat* (1987).

2192 Cf. now *Angenendt*, *Offertorium* (2014), 139–42; *Nußbaum*, *Kloster, Priester und Mönch* (1961), esp. 65–95; *Häussling*, *Mönchskonvent* (1973), 156–59. Case studies: *Zettler*, *Mönchslisten* (1998), 257–8; *Borgolte*, *Klingenmünster* (1977); *Schmid*, *Mönchslisten* (1974), esp. 592–7.

equal value.²¹⁹³ Now the benefices could also be bound to certain offices and be endowed to different degrees. This economization of religious positions applied in particular to canons, since these members of “collegiate churches” in any case, and in contrast to monks, had always had their own property.²¹⁹⁴ Aside from communities, their individual members appeared increasingly as addressees of donors and founders in the search for collaborators in the attainment of salvation. At the same time, this meant that from then on the importance of religious foundations increased at the expense of proprietary churches and monasteries. Whereas pious foundations were earlier usually “overcome” in a proprietary manner after a short time, founders could now conclude more concretely defined agreements with members of self-confident and empowered communities.²¹⁹⁵ These tendencies were especially expressed in the supplementary endowment of additional prebends to already-existing churches and monasteries, which the pious benefactor bounds to specific conditions.²¹⁹⁶ If the Early Middle Ages had been an epoch of the preponderance of authority (*Herrschaft*) compared with foundations, without them being completely excluded, then the periods of the High and especially the Late Middle Ages were eras of strong founders. The latter were prepared to prescribe concrete actions for their religious addressees: clerics, monks and nuns, who were obligated to the founder’s directives, could at the same time defend their special status or “liberty” by relying on their economic resources. Yet this was generally only possible for them as members of religious communities. The largest portion of pious foundations therefore continued to find their place in existing churches and monasteries, and were therefore “supplementary endowments”.

For the period from the 10th to the 15th century it can and must suffice to illuminate the above-sketched processes of general historical change exemplarily, and thus to concentrate on the Holy Roman Empire.²¹⁹⁷ It was here

2193 Cf. *Borgolte*, *Mittelalterliche Kirche* (2004), s. v. “Pfründe”; *idem*, *Periodisierungen* (2014), 261; *Moraw*, *Frankfurter Bartolomäusstift* (1977); *Schwarz*, *Patronage* (1988).

2194 *Borgolte*, *Mittelalterliche Kirche* (2004), 47–51; 108–13. For the scholarship on collegiate churches: *Moraw*, *Hessische Stiftskirchen* (1977); *idem*, *Typologie* (1980, repr. 95); *Fouquet*, *St. Michael* (1983); *Marchal*, *Stadtstift* (1982); *Jaspert*, *Stift und Stadt* (1996); at times critical of these is *Borgolte*, *Stiftungen im Spannungsfeld* (1994, repr. 2012), 30–1. Now preferable is the interpretation by *Lohse*, *Dauer der Stiftung* (2011).

2195 On the relationship between reform and royal foundations s. already *Borgolte*, *Stiftungsurkunden Heinrichs II.* (1993, repr. 2012), 264.

2196 Cf. *Borgolte*, *Mittelalterliche Kirche* (2004), 44, on only 12 canonries at the See of Lübeck at the time of founding in 1160, which were raised to 40 through the supplementary endowments of nobles, clerics and Lübeck burghers.

2197 The start of the High Middle Ages within German historiography is normally situated in the middle or second half of the 11th century; if I here implicitly refer to the older

that the first post-Carolingian king, Conrad I (911–18), a Franconian, buried his father, who had fallen in battle with another noble family, at the seat of his family in Weilburg on the Lahn in 906, and soon thereafter erected a house of God in the same place.²¹⁹⁸ A community of canons, whom he patronized as king, was to cultivate the memoria of Conrad's father and of his other ancestors.²¹⁹⁹ Furthermore, Conrad restricted his foundations to the endowment of already-existing (imperial) monasteries and churches.²²⁰⁰ At St. Gallen on Lake Constance he took up the endeavor of the late Carolingian Charles III, who had founded the oratory of St. Otmar with properties in Stammheim for eight religious. Still in the year 911 Conrad, as Ekkehard, the chronicler of St. Gallen, would report around 115 years later, visited the monastery and, after a convivial meal, bound himself in fellowship with them:²²⁰¹ "After he had spent the evening and night in merriment, the king hurried early in the morning to the gathering of the brothers, and there he was chosen with all favor and votes as a registered fellow brother. He distributed a pound of silver to each of the brothers. He ordered for the boys at the time and in the future three days to play. And he entered the Gallus Basilica and clothed altars with fine coverings. He also stabilized and secured the monastery's privilege, which

periodization (900–1250 CE), this is only to avoid a further fragmentation of the material. On the problem in detail: *Borgolte*, *Einheit* (1996); *idem*, *Zwischen Erfindung und Kanon* (2004); its depiction: *idem*, *Europa entdeckt seine Vielfalt* (2002). The transition from the East Frankish to the Holy Roman Empire of the Middle Ages is now primarily not dated to the beginning of the Ottonian royal dynasty, but rather to the period of Pope Gregory VII (1073–85), s. *idem*, *Anfänge deutscher Geschichte?* (1996); *Ehlers*, *Entstehung des deutschen Reiches* (32010); *Müller-Mertens*, *Römisch—Deutsch* (2014). On the foundations of other European kings s. *Lohse*, *Typologisierung* (2014), 176–7, with references to *Budak*, *Foundations* (2007); *Witkowski*, *Forgotten Carthusian Foundation* (1998); *Kiss*, *Monasterium* (1996); *Hallam*, *Henry II* (1977); *Appleby*, *Ecclesiastical Foundations* (1962); an additional selection of scholarship: *Klein*, *Grenzscharfung* (in press); *Mühle* (ed.), *Monarchische Sakralstiftungen* (2013); *Dilba*, *Memoria Reginae* (2009); *Le Goff*, *Ludwig der Heilige* (2000), 576–8, 686; *Brooke*, *Princes and Kings* (1999).

2198 *Lohse*, Konrad I. (2006), 297–8; *Ehlers*, *Gründungen* (2005), 17. On the Conradines s. inter alia *Heidrich*, *Adelsgeschlecht* (2006); *Kommentiertes Parallelregister* (1978), 390 G 56.

2199 Conrad donated various landed properties, incomes and economically-advantageous privileges to the house of worship (a. 912), the church (a. 914), the small or regular monastery (a. 915) at Weilburg: *Urkunden der deutschen Könige und Kaiser I* (21956), 13–4 no. 13 of 912 XI 28; 18 no. 19 of 914 IV 24; 25 no. 26 of 915 VIII 9.

2200 Ansbach Monastery: *Urkunden der deutschen Könige und Kaiser I* (21956), no. 1; the See of Eichstätt (confirmation): *ibid.*, no. 3; Fulda Monastery: *ibid.*, no. 7, cf. nos. 8, 38; St. Emmeram Monastery in Regensburg: *ibid.*, nos. 22 and 29; Lorsch Monastery: *ibid.*, no. 25; *Lohse*, Konrad I. (2006), 298–302.

2201 Recently on which *Wagner*, *Liturgische Gegenwart* (2010), 69–83; *Lohse*, Konrad I. (2006), 302–3.

had been in force since [Abbot] Grimald, but still had not been not lasting, with the approval of the bishop with his sign and seal. Finally, he stepped into the house the prayer of the blessed Otmar, who by Rome's authorization had been raised to a saint—indeed, it was Conrad's ancestors who had persecuted him—, and at the altar he surrendered himself completely as guilty, as though he himself had participated in the wicked deeds; he also reconciled with the saint with fabrics, gold and silver. Furthermore, there stood close to the village of Stammheim, which had been donated to St. Otmar by Charles, still further properties under royal power. Now everything which there belonged to the royal treasury he transferred entirely upon Otmar's altar into the hand of the steward, and confirmed this grant with his seal. And, turning to [Archbishop] Solomon, he said: 'With this condition, that our inscribed brothers, as recompense for our meal yesterday, during the festival of this my lord Otmar, which Charles has already fixed, should more openly indulge themselves for my memory as well.' And smiling he added: 'Since I also, as an inscribed brother, desire to eat today with the brothers and to pepper our beans from my sack.' The brothers quickly offered a mass for the king over the holy altar. The meal began early; the hall filled up; the lector hardly uttered a single sentence. Love, which can commit no wrong, can justifiably spurn order. No one said this or that is in fact forbidden, though no had ever seen or heard it. They had never breathed, there in the monastery air, the spiced aroma of game and meat. Jesters danced and jumped, musicians played and sang. The hall of Gall had never experienced such a joyous commotion. The king, under the sound of songs, gazed at the seated brothers and laughed at some of them who, because this was all new to them, were expressionless."²²⁰²

What Ekkehard of St. Gallen describes here are therefore the foundations of a royal memorial meal in conjunction with the Feast of Otmar as well as three days of play for the monastery's pupils. Noteworthy (and probably anachronistic) is the supposed outfitting of each monk with a gift of silver. The gifts (to the altar of Otmar) and the foundations of (further) properties of the treasury by Stammheim were thus included in the brother-making of the king with the monks, which Conrad had performed at a personal visit to the abbey.²²⁰³

Conrad I was not buried in Weilburg, but rather in Fulda Monastery,²²⁰⁴ and it is in fact here, as well as in Lorsch and St. Gallen, that the cultivation of his memoria is evidenced for hundreds of years, without a directly causal relationship

²²⁰² Ekkehard IV., *St. Galler Kloster geschichten* (1980), 43, 45 cap. 16.

²²⁰³ Cf. on which *Urkunden der deutschen Könige und Kaiser 1* (1956), 5–6 no. 5 of 912 III.14; also *ibid.*, no. 2.

²²⁰⁴ BM² no. 2108b; (Adalberti) *Continuatio Reginonis* (1890), 156 ad a. 919; Mariani Scotti *chronicon* (1844), 553 ad a. 940/918. Cf. *Wehl*, *Reichsabtei* (1970), 237; *Heiler*, *Grab* (2006); *Kommentiertes Parallelregister* (1978), 317 K 39.

with his foundations being able to be determined.²²⁰⁵ The Liudolfings as well, as they attained the succession of Conrad to the kingdom, did not seek their first royal resting places in Gandersheim, the establishment of their noble house.²²⁰⁶ Instead, this role fell to the collegiate church of Quedlinburg, lying further within eastern Saxony, which King Henry I (919–36) himself planned and his widow Matilda realized.²²⁰⁷ Over the course of her life Matilda (d. 936) acted as its mistress, without being the abbess, and from her the leadership of the monastery was transferred to her granddaughter of the same name and then to further members of the Ottonian family.²²⁰⁸ The construction of its internal governance corresponded to that of Gandersheim and was similarly practiced in numerous further contemporaneous Saxon convents.²²⁰⁹

Important in this regard was the transfer of Quedlinburg (and other Saxon possessions) by Henry I in 929 as a widow's share to Matilda.²²¹⁰ As the Saxon chronicler Thietmar reports, Matilda then on the thirtieth day after the death of the king (31.7.936) there "instituted a community of consecrated virgins and granted it, with the permission of her sons, what was necessary for their maintenance and clothing from her own property, and also confirmed it in writing."²²¹¹ In Quedlinburg itself Matilda was seen as the founder,²²¹² and there are indications that she designated the convent as a memorial site also

2205 Cf. *Lohse*, Konrad I. (2006), 303–12.

2206 On the Ottonians see e.g.: *Althoff*, Ottonen (2005).

2207 Most recently *Moddelmog*, Königliche Stiftungen (2012), 19–64, with the older literature, esp. *Ehlers*, Heinrich I. und Quedlinburg (1998); *Schütte*, Untersuchungen (1994), 93–8; *Althoff*, Gandersheim und Quedlinburg (1991); *idem*, Beobachtungen (1984), 649–52.

2208 On Mathilde II (abbess from 966 to her death in 999) there is still *Glocker*, Verwandte (1989), 201–11. She was succeeded by Adelheid, the sister of Otto III (abbess from 999 to her death in 1043, from 1039 onwards also the abbess of Gandersheim): *Althoff*, Adels- und Königsfamilien (1984), 342–3 A 6; *Glocker* 295. On the year of Adelheid's death: *Vogtherr*, Salische Äbtissinnen (2002), 405–8.

2209 Most recently *Moddelmog*, Stiftung oder Eigenkirche? (2008), with the relevant literature referenced at 222 n. 22; *Streich*, Bistümer (2001). A glimpse into the negotiations regarding the appointment of the office of abbess and of the bailiff in such convents is provided by documents on the establishment of Heeslingen Monastery with the participation of Otto III (a submitted partisan draft as opposed to its final version): *Urkunden der deutschen Könige und Kaiser* 2.2 (21957), 422–4 no. 24 of 986 III 17, on which cf. *Chronik des Thietmar* (1935), 90–3 lib. II.42; *Althoff*, Beobachtungen (1984), 652. On the imitation of Gandersheim, Quedlinburg and Essen elsewhere (in this case Vilich) s. *ibid.* 431–2 no. 32 of 987 I 18; similar already was the situation of the convent in Alsleben: *Urkunden der deutschen Könige und Kaiser* 2.1 (21956), 216–7 no. 190 of 979 v 20.

2210 *Urkunden der deutschen Könige und Kaiser* 1 (21956), 55–6 no. 20.

2211 *Chronik des Thietmar* (1935), 27–8 lib. I.21.

2212 *Lebensbeschreibungen der Mathilde* (1994), 121–2. *Vita Antiquior*, cap. 4; *Annales Quedlinburgenses* (2004), 459 ad a. 937; cf. *Moddelmog*, Königliche Stiftungen (2012), 22–3.



ILLUSTRATION 35

Quedlinburg, former collegiate church for members of the Ottonian royal family

for herself and for the confidants of the royal family.²²¹³ Nonetheless, her son, King Otto I, himself acted as founder in the very first of his surviving charters (13.9.936). In the royal residence at Quedlinburg, where his predecessor was buried in the Church of Peter on the fortress-mountain, he had determined: “Out of love for God and all the saints, as well as the salvation of Our Soul, and that of our forefathers and successors, We have taken pains for the establishment of a community of nuns in Quedlinburg, so that there praise of God Almighty and his elect will be eternally cultivated from this point on, and Our commemoration and that of all Our [persons] will be effected. And so that the convent in that said place can perform this service, We have handed over for its maintenance and clothing the castle which is erected in Quedlinburg on the mountain, with its courtyards and all its buildings that have been built there, as well as that which We have previously transferred to the clerics serving the Lord in the same place, and have donated a ninth of all agricultural revenues

²²¹³ Lebensbeschreibungen der Mathilde (1994), 138 *Vita Antiquior*, cap. 13. On which besides *Schütte*, *ibid.*, 38–9, and *Moddelmog*, *Königliche Stiftungen* (2012), 28, esp. *Althoff*, *Beobachtungen* (1984), 649–52.

of this estate (...) in perpetuity.”²²¹⁴ In addition, according to the document the young king left to the new establishment the convent in Wendhausen with all its properties.

Otto I thus emerged as the founder of Quedlinburg Abbey,²²¹⁵ the latter was to cultivate the memoria of the royal family at the tomb of his father for all time, and was endowed with estates for the maintenance of the consecrated virgins, including the local castle itself. The foundation was circumscribed with the verbs “to donate” and the substantive “donation”, while the object is described as a thing (“convent” and “site”) and as a community of persons (“congregation of women dedicated to God”; “flock”). In later years as well the king repeatedly endowed the women of the convent, without, however, appearing again as the founder of their congregation.²²¹⁶ Instead, he acted multiple times at the request of his mother Matilda, and even partially had power over the property of the widowed queen in favor of Quedlinburg.²²¹⁷ Why then did Otto claim the foundation in the fall of 936 for himself, without mentioning Matilda at all?

The explanation emerges from the dispositions of the charter of Otto I himself. On the one hand, the transfer of the castle on the mountain, which probably belonged to the king alone, doubtless constituted a special benefaction for the convent. More important, however, was something else: The young ruler, who with his succession to the throne realized the formation of a dynasty in the Liudolfing family,²²¹⁸ namely used his new power to secure the convent in the case of another royal house coming to power: “When someone from Our progeny should powerfully hold the royal throne in Francia and Saxony, the aforesaid convent and the women gathered there serving God should stand in his power and under his protection; if, however, another king is chosen, he ought to exercise his royal power over them as over the other congregations, which in a corresponding manner serve the Holy Trinity. Yet whoever from among Our family is the most powerful should [then] be designated as steward of the aforementioned place and its flock.”²²¹⁹ On the other hand, the king conceded to the convent the free election of the abbess, so that it owed obedience only to him and his successors. In this case Otto alone claimed for Quedlinburg the role of the king as founder, because at the decisive moment of the rise of

2214 Urkunden der deutschen Könige und Kaiser 1 (21956), 89–90 no. 1.

2215 *Borgolte*, *Stifter—Interkulturelle Perspektiven* (2016), 356.

2216 Alongside the documents cited in the following footnote see Urkunden der deutschen Könige und Kaiser 1 (21956), 142 no. 61; 155 no. 75; 266–8 nos. 184–5.

2217 Cf. *ibid.*, 105–6 no. 18 of 937; correspondingly *ibid.*, 253–4 no. 172, at 254. Similarly *ibid.*, 268–9 no. 186; 312–3 no. 228.

2218 *Schmid*, *Thronfolge* (1964, repr. 71), 466–76.

2219 Urkunden der deutschen Könige und Kaiser 1 (21956), 90 no. 1.

his family he used the authority of his office for the memorial site of Henry I and of the Liudolfings, and wanted to acquire the favor of all future kings for the convent. At the same time, he retained the essentially private-property function of the steward for the most powerful male members of his family.

Ottonian memoria was to be secured in Quedlinburg both authoritatively and associatively. An outstanding feature was the role intended for the queens as mistresses of the convent, which manifested itself above all in the holding of the leadership function by members of the ruling family. The Salians also made use of this after the Ottonians. Royal rights, however, were restricted by the stewardship of the founding family, which was to remain especially effective after its ejection from the kingdom. Moreover, the economic properties were doubtless to remain permanently with the convent and under the power of the consecrated virgins.²²²⁰ The latter were also accorded the right of election, which they tended to exercise in their own interest in favor of women of royal blood. Above all, it was left to them how precisely they would fashion the memoria. It has been correctly pointed out that the royal dispositions contain no prescriptions for this, so that the canonesses of Quedlinburg were left considerable discretion in this regard.²²²¹

Though women of the family of the Salians entered the convent and were appointed to be abbesses, the convent did not expand upon its character as a royal memorial site to the deceased of the new dynasty. Thus, in Quedlinburg “even without the continuity of sovereign impulses and a lasting connection with the kingdom”, the original directive of the foundation continued to be fulfilled. As a consequence, however, the “horizon of commemoration” was notably narrowed: “While in the 14th century one still finds an indication that commemoration of most of the Ottonian rulers and their consorts was still cultivated or cultivated anew, only the commemoration of Henry I, his consort Matilda and the Ottonian abbesses Matilda and Adelheid survived the Late Middle Ages, yet with great tenacity. Though with the introduction of the Reformation in 1540 the foundational practices of liturgical commemoration were officially abolished, the women of the abbey continued to perform ‘commemorations’ that are not further described, and well into the 17th century ran foundations for alms, whose institution stemmed from the four aforementioned members of the Ottonian family.”²²²²

²²²⁰ *Modellmög*, Königliche Stiftungen (2012), 33, 64.

²²²¹ *Ibid.*, 31–3. This conclusion does not preclude the keeping of a calendar with entries for deaths by Matilda.

²²²² *Modellmög*, Königliche Stiftungen (2012), 64.

Beyond Quedlinburg, the Ottonians became models through their monastic establishments, which precipitated corresponding foundations of the Saxon nobility; at the close of the Ottonian era eastern Saxony even became distinguished by a mass of episcopal churches, monasteries and abbeys surpassing all other regions of the realm.²²²³ However, a nuanced examination of the four first kings of the dynasty (Henry I–Otto III) came to the conclusion that one cannot speak of intense foundation activity.²²²⁴ In this regard, the foundation of Magdeburg Monastery was of considerable importance for Otto I (936–73);²²²⁵ this was, like Quedlinburg, to be a royal tomb, yet historically this event is novel and interesting, because with it the foundation impulses of monastic reform, as well as motives of proselytization, were realized. Moreover, Otto the Great transferred the monastery to a see, which can neither be adequately encompassed with the idea of the proprietary church or of a foundation. Though the king was able to assert proprietary rights in bishoprics, the episcopal churches did in fact stand in “religious-universal relations”, and therefore worked towards the “spiritual unity of the Church” as a whole.²²²⁶

In the context of his “House Order” of 929, by which Henry I endowed his consort Matilda with Quedlinburg, his oldest legitimate son Otto I also left his Anglo-Saxon wife Edgith a “morning gift”, which principally consisted of the *urbs* of Magdeburg.²²²⁷ Shortly after his accession to the throne he gave Magdeburg “for the use and maintenance of the community serving there for the commemoration of Our father, as well as for the salvation of his soul and for Our own salvation of the soul and that of Our consort, which the said place shall serve as furnishment, moreover for the salvation of the souls of Our progeny and of all those to whom we are indebted, as well as of King Rudolf [II of Burgundy], who sent Us Saint Innocent [i.e. the relics of the saint], at the

2223 Streich, Bistümer (2001), 79, 87.

2224 Wagner, Gebetsgedenken (1994), 75: “Presumably two foundations for Henry I, 15 for Otto I, 14 for Otto II as well as 24 under Otto III.”

2225 On Otto I from the more recent period alone: Becher, Otto der Große (2012); Puhle / Köster (eds.), Otto der Große (2012); Puhle (ed.), Otto der Große (2001).

2226 Tellenbach, Westliche Kirche (1988), 58–9. On the Ottonian “imperial church” s. Borgolte, Mittelalterliche Kirche (2004), 72–3, 83 and elsewhere; Schieffer, Geschichtlicher Ort (1998).

2227 Annales Magdeburgenses (1859), 142 ad a. 929. From the wording of this source *placuit etiam nobis domum nostram deo opitulante ordinaliter disponere* (Urkunden der deutschen Könige und Kaiser I [21956], 56 no. 20) Schmid, Thronfolge Otto des Großen (1964, repr. 71), 439–65, derived the concept of “Henry I’s House Order”, and in addition identified a series of royal measures.

advice of Our (...) bishops” with possessions “from Our property (...)”.²²²⁸ The dependent and slave families of the transferred properties were to have no other secular court besides that of the steward of the religious community, and were to serve the congregation exclusively, being obligated to serve only God and the saints. As recognition for this protection granted by the king, the community was to be given annually a horse, a shield and a lance or two fur garments.²²²⁹ Within a month (21.9.937–11.10.937) Otto further gifted the congregation of Magdeburg, above all with various, precisely-defined groups of persons active in agriculture, and granted it the free election of the abbot and steward.²²³⁰ The ruler furnished the first monks with their Abbot Anno from the Monastery of St. Maximin in Trier,²²³¹ which only shortly before had “been returned to the regular way of life in conformance with rule” after the model of Lotharingian Gorze (934).²²³² The king himself led this reform from the time of his father Henry, and, in recognition of the intense zeal of its monks, accorded St. Maximin in 940 the free election of the abbot according to the Benedictine rule; the brothers would also be able to live undisturbed under royal protection.²²³³ The second East Frankish king of Saxon origin entrusted reform monks of this sort on 29 January 946 in Magdeburg not only with the commemoration of himself and his relatives, but also of those to whom he was somewhat indebted. He expressly regulated only the anniversary for his consort Edgith, who had died three days previously and was buried in the monastic church.²²³⁴

2228 Urkunden der deutschen Könige und Kaiser 1 (21956), 101–2 no. 14, at 101. On the document s. *Huschner*, *Diplom König Ottos* (2001); *Wagner*, *Gebetsgedenken* (1994), 36–7; On Magdeburg in the more recent period: *Althoff*, *Gründung* (2001).

2229 Urkunden der deutschen Könige und Kaiser 1 (21956), 102 no. 14.

2230 *Ibid.*, 102–5 nos. 15–6, at 104 no. 16 of 11.10.937.

2231 *Annales Magdeburgenses* (1859), 143 ad a. 938.

2232 *Annales Sancti Maximini Trevirensis* (1841), 6 ad a. 934; *Geschichte vom Leben des Johannes* (2016), 375. On the reform of St. Maximin and its effect, particularly on the Ottonians s. *Hallinger*, *Gorze*—Kluny 1 (1950), 58–9, 96; *Wollasch*, *Mönchtum* (1973), 159–60. On monastic reform in general *Tellenbach*, *Westliche Kirche* (1988), 96–7.

2233 Urkunden der deutschen Könige und Kaiser 1 (21956), 117–8 no. 31, at 117. Cf. *Wagner*, *Gebetsgedenken* (1994), 37–8.

2234 Urkunden der deutschen Könige und Kaiser 1 (21956), 153–4 no. 74 of 946 I 29, at 154; cf. *Ehlers*, *Magdeburg* (1997), 51; *Wagner*, *Gebetsgedenken* (1994), 39; *Althoff*, *Beobachtungen* (1984), 652 n. 15; *idem*, *Adels- und Königsfamilien* (1984), 140 with n. 34. On Edgith's burial: *Sachsengeschichte des Widukind* (1935), 100 lib. 11.41; (Adalberti) *Continuatio Reginonis* (1890), 163 ad a. 947; Edgith's tomb has recently been discovered by archaeology (2008), s. the *Mitteldeutsche Zeitung* of 16.3.2011 (<http://www.mz-web.de/quedlinburg/quedlinburg-kirche-kunst-und-koenige-7530278>). In addition: Urkunden der deutschen Könige und Kaiser 1, no. 75.

From its founding Otto the Great emphatically patronized the Church of St. Maurice, as an unusually large number of surviving diplomas still attests to this day.²²³⁵ Occasionally, special endowment goals were formulated in the royal dispositions,²²³⁶ while a directive for the monks to proselytize, which must have referred to Slavs west of the Elbe and Saale, is not expressly attested.²²³⁷ This task was, however, transferred to the Archbishopric of Magdeburg, founded in 967/68, to which five suffragan bishoprics, inter alia for the Sorbs, were subordinated.²²³⁸ Drawing on the older reform relationships, Adalbert, a former monk of St. Maximin, was called to be its first archbishop.²²³⁹ He stood at the head of a congregation of canons, while the brothers of St. Mauritius had to find space in a new monastery before the gates of the city.²²⁴⁰ The lion's share of the material endowment remained, however, with the archiepiscopal church for its considerable tasks.²²⁴¹ Among these was to care for the tomb of the emperor, who had expressed the wish to be buried next to this consort Edgith.²²⁴² Even though Otto's second wife Adelheid, his son

²²³⁵ Urkunden der deutschen Könige und Kaiser 1 (21956): Apart from nos. 14–16 and 74, which have already been discussed, there are also nos. 21, 37–8, 41, 43, 46, 63, 79, 97, 159, 165, 181, 187, 205, 214, 216, 222, 230–2, 278, 281–2, 293, 295–6, 298–301, 303–6, 312, 329, 331–3, 345, 361–3, 365–6, 377, 385–8, 404. Cf. *Huschner*, *Diplom Kaiser Ottos I. für das Mauritius-Kloster* (2001), 338; *Ehlers*, *Königin aus England* (2000), 43.

²²³⁶ Urkunden der deutschen Könige und Kaiser 1 (21956), 127 no. 41 of 941 VIII 6; cf. *Wagner*, *Gebetsgedenken* (1994), 38. Urkunden 1, 411–2 no. 295 of 965 VI 27, on which *Wagner* 44. Cf. Urkunden 1, 179–81 no. 97 of 948 III 30, at 180: (...) *ad stipendia fratrum*.

²²³⁷ *Althoff*, *Gründung* (2001), 344–5.

²²³⁸ Papsturkunden 896–1046 1 (1984), 347–8 no. 177; on which *Huschner*, *Papst Johannes XII.* (2001); *Althoff*, *Gründung* (2001), 349–50; *Wolter*, *Synoden* (1988), 91–9. Urkunden der deutschen Könige und Kaiser 1 (21956), 502–3 no. 366 (undated), with the exhortation to bishops and counts to contribute to the endowment of the archbishopric (503); on which *Huschner*, *Kaiser Otto I.* (2001); *Althoff* 350–1. *Annales Magdeburgenses* (1859), 149 ad a. 969; in addition, *ibid.* 150–1.

²²³⁹ *Claude*, *Adalbert von Magdeburg* (1980), 98–9; *Althoff*, *Gründung* (2001), 350.

²²⁴⁰ *Annales Magdeburgenses* (1859), 150 ad a. 969. Immediately after the imperial crowning of Otto I, Pope John XII on 12.2.962 had already justified the establishment of an archbishopric in Magdeburg with the conversion of the Slavs and commanded that the Magdeburg monastery there be transferred to the possession of the archbishopric: Papsturkunden 896–1046 1 (1984), no. 154. On the newly-established Monastery of St. John in Berge by Magdeburg s. *Hallinger*, *Gorze—Kluny* 1 (1950), 96; *C. Borgolte*, *Studien* (1976), 157–65. The grant of the free election of the abbot and the privilege of immunity: Urkunden der deutschen Könige und Kaiser 1 (21956), 523–4 no. 382.

²²⁴¹ Cf. *Claude*, *Berge* (1980). Royal donation: Urkunden der deutschen Könige und Kaiser 1 (21956), 524–5 no. 383.

²²⁴² *Schubert / Lobbedey*, *Grab Ottos des Großen* (2001); *Ehlers*, *Magdeburg* (1997), 49–55, esp. 51–2. The wish of Otto I is first explicitly mentioned by Thietmar of Merseburg (d. 1018): *Chronik des Thietmar* (1935), 58–9 lib. II.17; 93 f. lib. II.43.

Otto II and his grandson Otto III took pains for his memoria in Magdeburg,²²⁴³ its praxis actually depended on the cathedral canons. In fact, both his own name and Edgith's are listed in the Magdeburg necrologium of the year 1009 on their respective death days,²²⁴⁴ and even from the 13th century to the eve of the Reformation the commemoration of the emperor was likewise laboriously and repeatedly performed during the year.²²⁴⁵ This is noteworthy, because the religious community, despite its primary duty of serving the episcopal church and diocese, apparently, at least in certain respects (namely with regard to Otto himself), conformed to the foundation's directive, which its imperial founder had already issued to the monks of St. Maurice as their predecessors.

Magdeburg Cathedral²²⁴⁶ was neither a church completely detached from the discretion of kings as the heads of the "imperial church" (i.e. the totality of the churches under imperial control) nor completely subjected to the will of the founder. Instead, it was a dwelling for lasting relations between the dead founder and "his" canons, that served at the same time as an institution for "official" tasks. A mixing of "public" and "private" functions of this sort had a medieval analogy in the role of the episcopal churches as sepulchers of bishops; as demonstrated by the history of episcopal tombs, such sepulchers could be designated within churches that they had themselves founded for exclusive memoria, or rather, lying in the main churches of their sees, could be endowed with supplementary endowments for the cathedral clergy.²²⁴⁷ Moreover, with such tombs there also existed a connection between the "office-holder", that is the bishop, with the burials of select relatives.²²⁴⁸

Adelheid, the widow of Otto the Great, was credited by a Saxon historian with having labored in an unparalleled fashion for the soul of her consort in both words and deed until the end of her life (999).²²⁴⁹ In fact, in this way she followed the example of Queen Matilda in Quedlinburg and represented the type of wife and mother, widespread not only in Saxony, that cared for the

2243 On Adelheid's concern (d. 999) "for the release of the soul of her consort": *Chronik des Thietmar* (1935), 92–3 lib. II.44; *Ehlers*, *Magdeburg* (1997), 53. On Otto II esp.: *Urkunden der deutschen Könige und Kaiser* 2.1 (21956), no. 29 of 973 VI 1, no. 198 of 979, no. 259 v. 981 IX 23; on Otto III: *Urkunden der deutschen Könige und Kaiser* 2.2 (21957), no. 71 of 991 V 1.

2244 *Totenbücher von Merseburg* (1983), 38, 40 und facsimilies 37, 46. Dating to 1009 *ibid.*, xxxi.

2245 *Ehlers*, *Magdeburg* (1997), 53–4.

2246 Cf. most recently *Schenkluhn / Waschbüsch* (eds.), *Magdeburger Dom* (2012).

2247 *Borgolte*, *Petrusnachfolge* (21995); *idem*, 'Bischofssitz' (1988); *Gierlich*, *Grabstätten* (1990); *Schieffer*, *Grab des Bischofs* (2001); *Päffgen*, *Speyerer Bischofsgräber* (2010), at esp. 207–8; *Schmitz-Esser*, *Leichnam im Mittelalter* (2014), 331–3.

2248 Cf. *Borgolte*, *Grablege* (1989).

2249 *Chronik des Thietmar* (1935), 92–3 lib. II.44.

memoria of her family members.²²⁵⁰ Adelheid herself, however, did not limit herself to Magdeburg, but also created in Alsatian Selz on her own property still another prominent place for this (991).²²⁵¹ According to the testimony of her grandson Otto III, she founded a monastery for the forgiveness of the sins of Otto I, Otto II and all their relatives. The king granted it the right of free election, while the abbot was tasked for his part with selecting the steward.²²⁵² Adelheid, however, did install the first abbot, Ecce magnus, who had been a monk in the reform monastery of Cluny.²²⁵³ In 995 she subordinated the monastery to the Holy See, thus attaining for it the "Roman Freedom", in the sense of the reformers of monasticism.²²⁵⁴ Some further donations and bestowals of privileges in Selz were taken by Otto III as an occasion to expressly point out the obligation of the monks in the canonical hours of prayer.²²⁵⁵ The empress herself, as well as the poor she supported, participated in memoria.²²⁵⁶ In conformity with her wishes, she was buried in the monastery,²²⁵⁷ itself quite distant from Saxony, and was soon venerated as a miracle-working saint. King Henry II was said to have experienced the alleviation of great suffering there in 1002 and to have promised to erect a chapel in gratitude.²²⁵⁸

At the place of death of Henry I and Otto I, in Saxon Memleben, Otto II also founded a monastery, which, however, was not granted a long existence.²²⁵⁹ The second Ottonian and his son of the same name, by contrast, emerged instead as patrons of already-existing monasteries and churches. From the perspective of foundation history, the stipulations in question are of particular importance because they contain unusually precise prescriptions. According

2250 Cf. *Althoff*, *Adels- und Königsfamilien* (1984), 163–6, 169, 171, 221–2, 239; already earlier *Borgolte*, *Über die persönlichen Aufzeichnungen* (1979), esp. 9–10.

2251 *Althoff*, *Adels- und Königsfamilien* (1984), 176, 396–7 G 43a; *Körntgen*, *Starke Frauen* (2001), 126; *Wollasch*, *Grabkloster* (1968).

2252 *Urkunden der deutschen Könige und Kaiser* 2.2 (²1957), 485–8 no. 79a, at 486–7 of 991 XII 29; *Chronik des Thietmar* (1935), 180–1 lib. IV.43. Cf. *Wagner*, *Gebetsgedenken* (1994), 58.

2253 *Lebensbeschreibungen der Adelheid* (1962), 27 *Epitaphium* cap. 10; cf. *Wollasch*, *Cluny* (1996), 78–9; *Glocker*, *Verwandte* (1989), 97.

2254 *Papsturkunden* 896–1046 I (1984), no. 324.

2255 *Urkunden der deutschen Könige und Kaiser* 2.2 (²1957), nos. 77–8, 80, 86–8; 541–2 no. 130 of 993 VII 2, at 542.

2256 *Lebensbeschreibungen der Adelheid* (1962), 37 cap. 10; 43 cap. 20.

2257 *Ibid.*, 42 cap. 18; 44 cap. 21.

2258 *Ibid.*, 49–50. Report of the miracle in cap. 5.

2259 *Urkunden der deutschen Könige und Kaiser* 2.1 (²1956), no. 191 of 979 V 20; *Chronik des Thietmar* (1935), 92–3 lib. II.43. In addition *Urkunden* 2.1 (²1956), nos. 194–6. On which *Huschner*, *Transalpine Kommunikation* 1 (2003), 323–4; *Wittmann* (ed.), *Memleben* (2001), in which esp. *Krüger*, *Sterben*, and *Vogtherr*, *Grablege*, at esp. 84–94; esp.: *Ehlers*, *Otto II. und Memleben* (1994), 55–60, 74–6.

to the exhaustive studies of specialists in diplomatics, that is experts in documents, a circle of persons responsible for this phenomenon can be precisely identified. One can even ask the question what part the scribes played in the tenor of the prescriptions, insofar as they were influenced by the interests of their religious communities, and how the royal will itself, in interplay with them, was expressed on vellum.

One can start with the observation that relationships between the Lotharingian and Saxon churches and monasteries had not been severed since the settling of the Monastery of St. Maurice and the founding of the Archbishopric of Magdeburg.²²⁶⁰ The court chapel of the kings Otto II (973–83) and Otto III (983/94–1002) became the basis and scene of these personal connections.²²⁶¹ It was there that monks and clerics were trained to compose and write documents in the service of the ruler. The central figure in our context was Hildibald, the chancellor for the empire north of the Alps, whom Otto II had appointed immediately after the death of his father. In 979 he also made him bishop of Worms, and Hildibald united both offices in his hands until his death (998).²²⁶² In Worms he was the successor of that same Anno who had come from St. Maximin / Trier to become the first abbot of the Monastery of St. Maurice (934), and in 950 rose to become the bishop of that middle Rhine episcopal city. Anno had established an impressive cathedral school in Worms, which Hildibald further developed. It was under him that the later Pope Gregory V and Heribert, the future archbishop of Cologne, had received their education; it is of course natural to assume, that Hildibald also took talented young scribe-monks with him to court and there made them notaries of the “chancellery”.²²⁶³ In fact, around one hundred royal documents can be identified, which are to be ascribed to perhaps two persons and, judging from their hand or from their writing style (their “dictation”), must have at least stemmed from the close vicinity of the chancellery.²²⁶⁴ Documentary experts designate the scribes in question as “Hildibald B” and “Hildibald F”; recently, it was even argued that

2260 On the Lotharingian-Saxon connection s. *Sickel*, Beiträge (1879), 732, cf. *Urkunden der deutschen Könige und Kaiser* 2.1 (21956), 2; *Fleckenstein*, Hofkapelle 2 (1966), 39; *Wagner*, Gebetsgedenken (1994), 32.

2261 *Fleckenstein*, Hofkapelle 2 (1966), 64–117. On Otto II cf. *Althoff*, Ottonen (2005), 137–52; *Alvermann*, Königsherrschaft (1998). On Otto III esp. *Althoff*, Otto III. (1996).

2262 *Urkunden der deutschen Könige und Kaiser* 2.1 (21956), 2; *Fleckenstein*, Hofkapelle 2 (1966), 69–71; *Huschner*, Transalpine Kommunikation 1 (2003), 170 and passim; *Hoffmann*, Notare (2005), 457–60.

2263 *Urkunden der deutschen Könige und Kaiser* 2.1 (21956), 2; *Fleckenstein*, Hofkapelle 2 (1966), 70–1.

2264 Thus *Hoffmann*, Notare (2005), 459, accounts for “Hildibald B” and “Hildibald F” alone.

all these texts stem from Hildibald himself.²²⁶⁵ Hildibald B (and F) apparently closely cooperated with another notary at court, who is designated "Liudolf 1". It is suspected that he was of Lotharingian origin and schooling. To an extent, this scribe is thought to be the teacher of the other. In any case, it is noteworthy that he was especially active for Magdeburg, so that he also may have himself stemmed from there.²²⁶⁶

Under the three Ottonians, Adalbert (968–81) and Gisilher (981–1004) succeeded on the archbishop's throne of Magdeburg, both of whom were influenced by the monastic reform movement. While Adalbert himself had a background as a monk of St. Maximin, the eastern Saxon Gisilher belonged to the Monastery of St. Maurice, which had been influenced by this monastery of Trier. Gisilher had also been in his younger years a court chaplain; he has been, not without controversy, equated with the notary Liudolf I.²²⁶⁷ Finally, it is also necessary to note that Heribert from the school of Worms, who had also studied for a time in the reform monastery of Gorze, even became the chancellor of Otto III (994–1002) and had the notary "Heribert C" at his side, who has been identified with himself by Wolfgang Huschner.²²⁶⁸

Under Otto II and especially under Otto III, the notaries Hildibald B, Hildibald F, Liudolf I and Heribert C emerge as scribes who put on record the performances of memoria in return for pious royal gifts with precision. They all stood, however one might circumscribe their identities, in contact with the reform movement, which had gone from Gorze through St. Maximin. Higher education was offered not only in Worms or Magdeburg, but also at the other cathedral schools of the period. This also applies, for example, to Hildesheim, where the Saxon noble Bernward received his first instruction. At that time a former monk of St. Mauritius was in office as bishop, who acquired manuscripts from Italy for the school of his cathedral.²²⁶⁹ Soon (probably in 975/6) Bernward became court chaplain and acquired for himself the famed epithet *aulicus scriba doctus* ("learned court scribe"). In scholarship he is equated with

2265 Huschner, *Transalpine Kommunikation* 1 (2003), esp. 41, 168–9, 172–7, 180 and elsewhere; rejecting this is Hoffmann, *Notare* (2005), 457–60.

2266 *Urkunden der deutschen Könige und Kaiser* 2.1 (21956), 1; idem. 2.2 (21957), 385–6; Fleckenstein, *Hofkapelle* 2 (1966), 72; Huschner, *Transalpine Kommunikation* 1 (2003), esp. 58–9, 175–8, 2 (2003), 758–81 and elsewhere.

2267 Fleckenstein, *Hofkapelle* 2 (1966), 51–3, 74–6 and elsewhere; Huschner, *Transalpine Kommunikation* 2 (2003), esp. 777–94; critical is Hoffmann, *Notare* (2005), 453–4.

2268 *Urkunden der deutschen Könige und Kaiser* 2.2 (21957), 386; Fleckenstein, *Hofkapelle* 2 (1966), 71, 84–5, 103–10 and elsewhere; Huschner, *Transalpine Kommunikation* 1 (2003), esp. 29, 141–2, 182–96, 273–90 and elsewhere; Hoffmann, *Notare* (2005), 455–7.

2269 Schuffels, Bernward (1993), at 29–30; Goetting, *Anfänge* (1993), 266–7; cf. Schieffer, *Domkapitel* (1993), 270.

the notary “Hildibald A”, who like the other aforementioned scribes at the chancellery gave the royal founding will its original expression.²²⁷⁰ Having become bishop in 993 in Hildesheim (until 1022), Bernward reformed the cathedral chapter and summoned as the first abbot at the Monastery of St. Michael, which he had founded, a monk from St. Pantaleon / Cologne, which itself was a daughter monastery of St. Maximin.²²⁷¹

The writers of the “Worms school”, Liudolf I, Bernward and still other notaries of Otto II and Otto III, expressed the foundation purpose as *pro memoria* or *commeratione nostri (mei) nominis* (or variations thereof) in royal benefactions for churches and monasteries.²²⁷² Hildibald F repeatedly varied the formulation.²²⁷³ In further diplomas this scribe cooperated with others in order to lay down specific regulations.

Once Otto III came of age and began his independent reign (994),²²⁷⁴ he gifted the Salvator Chapel at Frankfurt with fishing rights on the Main. Hildibald F had prescribed in the corresponding document that the royal fishermen were to deliver their catches every Friday to the abbot and brothers, and then another scribe added the liturgical actions to be performed in return.²²⁷⁵ According to the latter, the brothers of the Salvator Chapel every Friday of the year were likewise to celebrate a mass for the salvation of the souls of the three Ottonians, as well as the empress Theophanu, together with offering of a holy wafer, singing of the Psalms and other prayers, and in addition were to recite all the Psalms at the seven canonical hours. Some years later, a scribe with

2270 *Fleckenstein*, Hofkapelle 2 (1966), esp. 79–81; *Schuffels*, Bernward (1993), 30; *idem*, “Aulicus scriba doctus” (1993); *Huschner*, Transalpine Kommunikation 1 (2003), esp. 29–30, 168 and elsewhere.

2271 *Schieffer*, Domkapitel (1993); *idem*, Entstehung (1976), 255–7, 259; *Oexle*, Bernward (1993), 356.

2272 Regarding the School of Worms (Hildibald, Hildibald B and Hildibald F, Heribert C) *Wagner*, Gebetsgedenken (1994), 45–70, esp. 32, 52–3. Urkunden der deutschen Könige und Kaiser 2.1 (²1956), nos. 183, 201 (both scribes: Hildibald B); *idem* 2.2 (²1957), nos. 84, 135 (Hildibald F), 120 (Hildibald B or F), 344, 350, 359 (all of them Heribert C). In addition: Urkunden 2.1, no. 213; *idem* 2.2, nos. 20, 31, cf. also no. 32 (all of them Hildibald A = Bernward of Hildesheim); *ibid.*, no. 71 (the scribe Liudolf I). Other scribes: Urkunden 2.1, nos. 29–30, 61, 184, 189.

2273 Urkunden der deutschen Könige und Kaiser 2.2 (²1957), no. 135 of 993 VII 29; prayer of the canonical hours at Selz Monastery according to Urkunde 130. Cf. the personal touch in the charter of Otto III 312 of the year 999, drawn up by Heribert C: *in nostrae animae et carnis felicitate nobis divinitus remunerari procul dubio credimus* (*ibid.*, 739).

2274 Cf. *Althoff*, Otto III. (1996), 73–4.

2275 Urkunden der deutschen Könige und Kaiser 2.2 (²1957), no. 144 of 994 v 9; *Wagner*, Gebetsgedenken (1994), 64–5. Hildibald G, the scribe assisting Hildibald F, is likewise assigned to the “School of Worms”, s. Urkunden 2.2, 385.

Mainz origins apparently aided Hildibald F as Otto endowed the brothers of the Church of St. Stephan there with a landed estate; the specific conditions doubtless stem from surveys of the place.²²⁷⁶ The revenues, so it is stated in the charter, were to benefit “the maintenance of the brothers performing service there”, and to wit under the condition that they “were to sing the seven Psalms of repentance at the seven respective hours of the day at all times for the preservation of our realm and [every day celebrate] a mass for the salvation of Our soul.”²²⁷⁷ No archbishop of the city or any other person was to have power over the property, which was to belong to the brothers, including the right of exchange. The members of the Church of St. Stephan could also elect their steward themselves.

Scribes with local knowledge could thus influence the language of royal foundations,²²⁷⁸ and with favorable conditions of transmission one can even compare a draft agreement with the wording of the actual royal decree. Instructive for the degree of regulation for charters drawn up outside of the chancellery is, for example, a document of confirmation for royal protection and immunity, which Otto II in 973 issued in the diocese of Lüttich for the episcopal proprietary monastery of Lobbes under Abbot Folkuin.²²⁷⁹ Though the royal grace (not a foundation) made mention “for the eternal reward of Our soul as well as for the wages of Our father Otto of divine memory and out of love for Our dear mother Adelheid and Our consort Theophanu”, the diploma only further put down regulations as far as the bishop and his religious personnel were concerned. Within the walled monastic grounds the (agricultural) revenues were to belong to the abbey and the monks. They were also to have the right of choosing the steward, “so that it might please them to serve the Lord in peace and to beseech in prayer for Our life and Our preservation.” Otto also confirmed the right to the tithe of the brothers for lands of various rights. A further inner ecclesiastical order lay in the interest of the kingdom, yet the ruler was also to protect it with his authority: “Yet for the cathedral, which lies on the peak of this monastery and where the bodies of the aforementioned saints [Ursmar and Erminus] rest and where the cemetery of the faithful is located, twelve canons should always be stationed. They are also to possess

2276 On scribe Hildibald H s. *ibid.*, 385–6; *Huschnier*, *Transalpine Kommunikation* 1 (2003), 166–8; *Hoffmann*, *Notare* (2005), 478–9.

2277 *Urkunden der deutschen Könige und Kaiser* 2.2 (21957), 665–6 no. 249 of 997 VII 15, at 666; cf. *Wagner*, *Gebetsgedenken* (1994), 65–6.

2278 On which cf. also *Urkunden der deutschen Könige und Kaiser* 2.2 (21957), 674–5 no. 257, on the scribe Heribert B cf. *Huschnier*, *Transalpine Kommunikation* 1 (2003), 49, 142 and elsewhere.

2279 *Urkunden der deutschen Könige und Kaiser* 2.1 (21956), no. 53 of 973.

without restriction and forever the properties which are slated for their maintenance at the places of Resatio and Waldriacus, together with their churches in Tudinio and Lederna, but are subjected to the authority of the bishop or of the monks. But we confirm unconditionally that which the abbot at the instruction of the bishop of Lüttich lawfully prescribes.”

In a supplementary foundation of Otto III for the Monastery of Brogne, a concrete commemoration through prayer was apparently negotiated with the addressees. The diploma “composed outside of the chancellery”, that is a diploma to be viewed as drawn up by the recipients, decreed: “After Our death, on the days of Our anniversary, after the vigils and the masses celebrated with the participation of all, the table of the brothers is to be laid out with a rich feast by those serving in the said church.”²²⁸⁰ For the endowment of an estate the ruler had the hand of the local scribe pledge a yearly commemoration on his death day, that was to be celebrated not only liturgically, but also with a meal. Here in Lotharingia, that is in the borderland of the Ottonian Empire, with regard to the memorial meal, influences from the west may have been at work.²²⁸¹ Also noteworthy is that the monastery in question, Brogne, had been an important center of the monastic reform movement since the early 10th century;²²⁸² Abbot Folkuin of Lobbes also came from this circle.²²⁸³ Again, one can discern a connection between reform monasticism and individual formulation of conditions for the endowment.

The documentary scribes who asserted themselves at court could also, of course, effect or influence royal foundations to their own advantage. Otto II and Otto III especially appreciated their chancellor Hildibald, which was expressed not only through his raising to bishop of Worms.²²⁸⁴ In order to enable a pleasant stay at court in his double role—at least when it stopped in the palace at Frankfurt, only a little removed from him—the elder Otto already in 979 donated to him a hall by the palace building with surrounding land, precisely delineated, for the expansion of the building. At royal or imperial consultations or days of celebration at court Hildibald, “Our true chancellor, because he

2280 *Idem* 2.2 (21957), 429–30 no. 30 of 986 xII 27.

2281 In this regard, besides the editor of the document, see also *Wagner*, *Gebetsgedenken* (1994), 32, 56–7.

2282 Cf. *Misonne*, Brogne (1983); *Wollasch*, Cluny (1996), 21; *Hallinger*, Gorze—Kluny 2 (1951), 880–1 and elsewhere.

2283 *Hallinger*, Gorze—Kluny 1 (1950), 289; *Seibert*, Lobbes (1991); *Kupper*, Folcuin (1989).

2284 Cf. *Urkunden der deutschen Könige und Kaiser* 2.1 (21956), no. 199 of 979. *Idem* 2.2 (21957), no. 113 of 993 I 27. According to the comment of the editor (*ibid.*) “written by HB at the command of HF”, therefore perhaps by Hildibald himself. Cf. *Huschner*, *Transalpine Kommunikation* 1 (2003), 180.

has rendered service to us with great industry”, as well as his successors, were “to have an eternal residence for the commemoration of Our name.”²²⁸⁵ Even though from it a legal perspective it was a donation and there is no mention of a foundation’s revenues, the intended duration of the gift in connection with the *memoria nostri nominis* shifts the stipulation of Otto II to the vicinity of a foundation.²²⁸⁶ The scribe is understood to be Hildibald B, thus possibly Hildibald himself, but at the very least one of his students and closest collaborators. Almost one and a half decades later the third Otto gifted the episcopal church of Worms with Weilburg Monastery, which had once been founded by Conrad I and then went over into imperial possession. In a charter dictated by Hildibald B or Hildibald F, the (still underage) king named as his motivation the true service that Hildibald, a “famed leader of the clergy”, had rendered not only to his father and his mother Theophanu, but also to himself as well. The “Bishop Hildibald, renowned of name, and his successors for the use of the church of Worms” were to possess the gift for the souls of the Ottonians, for the preservation of the empire and salvation while alive. They were to have power over all the property belonging to Weilburg Monastery, as it seemed good and just to them, and indeed “for the memory of Us and of Our parents, as well as all those by whose vigilance the place for this abbey and monastery itself have been erected.”²²⁸⁷ It has been said that Bishop Hildibald here emerged as the “organizer of commemorative prayer for the Liudolfings”, into which the (unnamed) first founders of Weilburg were also to be included.²²⁸⁸

From the endowment charters of the king, which a chancellor or notary dictated or himself wrote in favor of his church or his monastery, it is only a small step to the forging of diplomas for his house. In fact, Hildibald B has already for a long time been seen as a “forger of an entire series of Merovingian, Carolingian and Ottonian royal charters in favor of the church of Worms, which he had produced over the course of the tenure of Hildibald as chancellor and bishop.” The chancellery at the royal court functioned as a workshop

²²⁸⁵ Urkunden der deutschen Könige und Kaiser 2.1 (²1956), 207–8 no. 183 of 979 II 8, at 208; on which *Huschner*, *Transalpine Kommunikation* 1 (2003), 173–4, 180; *Orth / Gockel / Schwind*, Frankfurt (1985 / 96), 159; *ibid.* 135–7 also with regard to Worms and how it was situated along travel routes.

²²⁸⁶ Cf. *Wagner*, *Gebetsgedenken* (1994), 52–3.

²²⁸⁷ Urkunden der deutschen Könige und Kaiser 2.2 (²1957), 532–3 no. 120 of 993 IV 24.

²²⁸⁸ *Wagner*, *Gebetsgedenken* (1994), 53, 62. On the structure of the Weilburg donation s. *Urkunden der deutschen Könige und Kaiser* 2.2 (²1957), no. 386 of 1000 XII 27.

for forgeries, whose initiator, however, was the bishop of Worms and royal chancellor, if not the hand of Hildibald himself.²²⁸⁹

Thanks to the older and more recent criticism of diplomatics, the considerable part of royal scribes thus certainly stands at the genesis of the foundations of Otto II and Otto III. If they asserted their local knowledge in the clarification of the royal will, they could help themselves and their churches as well as the ruler and the realm. Little attention has been paid to the fact that it was centers of monastic reforms in particular from which redactors of the documents in question sprang, who themselves were capable of nuanced written language. Yet whoever labored as a monk or cleric in clearly understanding normative church or monastic texts and in applying them to reality, would also have been sensitive to the formulation of royal intentions.²²⁹⁰ Therefore it could be asserted that the impetus for the foundations of the period in fact rested with the beneficiaries. Yet that would be a hasty conclusion. The monastic scribes could do nothing more than offer to formulate foundation regulations to the ruler, whose agreement, as an expression of intent, remained pivotal. Were the recipients of foundations to redirect or influence the intentions of the king even at the endowment's genesis, they also remained subject to the prescriptions, laid down for a single time, over the long term. Royal founders had been "strong" since the beginning of the High Middle Ages, for they sought to bind groups of persons dependent on continual renewal to increasingly nuanced conditions "forever" and found acceptance among them.

Still missing from this ensemble of indications of high medieval religious foundations is the individual benefice. According to a charter dated to 977, Emperor Otto II in fact transferred certain incomes of the treasury to the episcopal church of Minden, so that there a priest would receive a prebend forever for the salvation of the soul of the ruler, just like each of the regular brothers of the cathedral chapter.²²⁹¹ Yet this piece of evidence is a notable outlier when set against the rest of the sources, according to which individual prebends in churches can first be evidenced more than a century later. The document is therefore seen, probably correctly, as a forgery.²²⁹²

²²⁸⁹ *Huschner*, *Transalpine Kommunikation* 1 (2003), 169–73, quotation: 170; cf. *Hoffmann*, *Notare* (2005), 457–60.

²²⁹⁰ Cf. *Wollasch*, *Reformmönchtum* (1992), more generally *Schreiner*, *Verschriftlichung* (1992).

²²⁹¹ *Urkunden der deutschen Könige und Kaiser* 2.1 (²1956), no. 147 of 977 III 19.

²²⁹² *Groten*, *Verunechtung* (1979); *Wagner*, *Gebetsgedenken* (1994), 50–2. With a different perspective is *Hoffmann*, *Buchkunst* 1 (1986), 27 and 30. Cf. *Rasche*, in: *Necrologien des Mindener Domkapitels* (1989), 25–34.

Henry II, the successor of Otto III from the Bavarian line of the Liudolfings (1002–24),²²⁹³ occasionally acted with great personal dedication for his commemorative prayer with religious communities and engaged the aid of experienced chancery clerks for the formulation of his will as a founder. It is noteworthy that he allowed himself to be enrolled repeatedly in the brotherhoods of collegiate churches. Such confraternizations are related to foundations, yet also differ from them. Their hallmark consists of detailed mutual obligations, which were mainly negotiated through the personal visit of the new “brother” to the monastery or collegiate church in question, and in particular the decision of the monastery as an association on his entry.²²⁹⁴ The actions of the *frater conscriptus* consisted of material gifts in the form of foundations. The member of the confraternity had a lifelong claim to food, clothing and lodging, but above all the aid of prayer of the monks or clerics in both life and death. After one’s death the gifts of the chapter were reduced to intercessions and masses for the dead, but continuing charitable actions for the poor were also conceivable. That Henry II, as was reported in his “vita”, entered a personal confraternity during a visit to Cluny Monastery (in 1014 or 1022) and inter alia endowed properties in Alsace,²²⁹⁵ is, according to the most recent scholarship, hardly to be assumed any longer.²²⁹⁶ Well-attested, however, is that the king in November 1010 visited Magdeburg and there gifted the cathedral chapter with some estates. According to the wording of his charter, these were to be slated “for the use of the brothers who serve God there in future periods, as well as for the confraternity, by which we have been received into its prebend and everlasting prayer.”²²⁹⁷ Henry had partaken of the prebend of the chapter, which was still conceived as a shared entity and not individualized, and above all of the lasting prayer of the brothers.

When the emperor came in 1017 to Paderborn, at the same time he made a donation of land to the episcopal church, which was first to provide a share in the material and religious sustenance of the clerics; in this instance, Henry even included his wife Kunigunde. Both wanted to receive “clothing as well as

2293 *Weinfurter*, Heinrich II. (³2002); *Schneidmüller / Weinfurter* (eds.), Otto III.–Heinrich II. (1997).

2294 *Borgolte*, *Typologie* (1991, repr. 2012), 225, modified after *Wagner*, *Liturgische Gegenwart* (2010), 107.

2295 *Vita Heinrici* (1999), 294–6 cap. 13.

2296 *Wagner*, *Liturgische Gegenwart* (2010), 86–111. Rightly contradicting *Wollasch*, *Kaiser Heinrich II.* (1969), 334–5, is *Benz*, *Heinrich II. in Cluny?* (1974), 169–70, and *idem*, *Heinrich II. und Cluny* (1974), 325–6.

2297 *Urkunden der deutschen Könige und Kaiser 3* (²1957), 260–1 no. 224 of 1010 XI 2, at 261; *Borgolte*, *Typologie* (1991, repr. 2012), 225–6.

food as a stipend" from the respective bishop, and to wit "by the shared decision of the canons with eternal participation in the prayers to their full extent, like one of the brothers."²²⁹⁸ Henry himself had not instructed what the bishop or the religious community was to do, as would be fitting for a founder, but instead it was the consensus of the canons that had made him a brother, and it was on this measure that he and Kunigunde based their expectations. He endowed the Saxon episcopal church "for the salvation of Our soul and that of Our beloved consort Kunigunde" with a property in the *villa Ledi*. This occurred under the condition that the fellow brothers subjected to the divine service were to receive an improved gift in food and drink from its revenues at the next occurrence of Henry's coronation day. "But when the Lord calls Us from the imprisonment of this life, we desire that in the period to come, with the anniversary of the coronation coming to an end, the date of Our death shall annually be called out by the brothers with the same privilege of memory."²²⁹⁹ These prescriptions without a doubt had foundation-like traits: the ruler donated a property, yet only desired that its yields be consumed. The addressee was not an institution, but rather the clearly-delineated congregation of canons of the Cathedral of Hildesheim. The gift and gift in return were to be manifested in a memorial meal, which, as with the West and East Frankish Carolingians of the 9th century, was to be celebrated annually on the anniversary of his anointing while alive, then afterward on the day of his death. In this regard it is noteworthy that Henry spoke of (his) *confratres* at Hildesheim. To argue that it was a royal confraternity, one can also point to the fact that the ruler was entered in the book of the dead of the episcopal church and, with reference to the donation of the *curia in Letthe*, was designated as "our brother."²³⁰⁰ In Hildesheim itself the apparently clear foundation of Henry II was therefore understood as an act of confraternity. One could also say that the Hildesheim agreements of the king were a foundation in their legal form, but in everyday terms were seen as something resembling a prayer confraternity.

Spectacularly and unusually, Henry II concluded prayer associations with select bishops and secular nobles that envisaged liturgical services after the death of the parties involved. These instances also concerned confraternities, though they could probably have been supplemented from case to case with foundations. Lists of names in a sacramentary (missal) of Trento, instituted

²²⁹⁸ Urkunden der deutschen Könige und Kaiser 3 (²1957), 469–70 no. 368, at 470; *Borgolte*, *Stiftungsurkunden Heinrichs II.* (1993, repr. 2012), 262–3.

²²⁹⁹ Urkunden der deutschen Könige und Kaiser 3 (²1957), 310–1 no. 263 of 1013 III 26, at 311.

²³⁰⁰ Entry for 13 July, cited after *Klewitz*, *Königtum* (1939), 136 n. 1. On the manuscript (of 1191/4) s. *Necrologien des Mindener Domkapitels* (1998), 34 with n. 2, 223–4; *Overgaauw / Averkorn*, *Verbrüderungsliste* (1993).

by the ruler (and his wife Kunigunde), have been interpreted as associations of Italian and German bishops, who were involved in Henry's Italian campaigns of 1004, 1013 and 1021.²³⁰¹ We are much more precisely informed about a prayer association which Henry concluded in 1005 at a synod in Dortmund, primarily with Saxon bishops, in order to prepare a military campaign against Poland.²³⁰² Thietmar of Merseburg reports that its participants, along with the king and the duke of Saxony, became aware of abuses in the church, so that they made penance through fasting, but that they also desired to strengthen their unity through mutual obligations for prayer and charity.²³⁰³ The text of the agreements, which is transmitted by the historian, shows how detailed future planning, which was also suitable for foundations, could be fixed in written form: "In the year of the Incarnation of the Lord, in the 4th year of the reign of Lord Henry II, on 7 July at Dortmund, the following ordinance was enacted by the glorious king, his consort Queen Kunigunde, the archbishops Heribert of Cologne, Liawizo of Bremen and Tagino, the third archbishop of Magdeburg, the bishops Notger of Lüttich, Swidger of Münster, Ansfried of Utrecht, Dietrich of Minden, Thietmar of Osnabrück, Bernhar of Verden, Bernward of Hildesheim, Burkhard of Worms, Rather of Paderborn, Wigbert of Merseburg, Ekkehard of Schleswig and Odinkar [of Ripen]. At the death of each of the aforementioned [persons], the individual bishops are to celebrate a mass for the deceased within thirty days, if they are not prevented from doing so by sickness, and every canon ought to likewise do so. The parish priests should celebrate three masses. Deacons and other religious of lower orders should sing ten psalters. The king and queen should within thirty days distribute 1,500 pennies for the salvation of the soul and feed as many poor. The individual bishops should feed three hundred poor, spend 30 pennies and light thirty candles. Duke Bernhard [of Saxony] should feed five hundred poor and spend fifteen schillings."²³⁰⁴

Even as far as actual foundations were concerned, it was characteristic of Henry II that he tied personal projects of memoria with the goal of integrating the empire politically. Some scenes lay once again in Saxony. After he again erected the see of Merseburg (1004), which Otto II had abolished (981), he transferred to this church the commemorative prayer, especially practiced in Quedlinburg, of the Ottonian royal family, including a great number of bishops

²³⁰¹ *Althoff*, *Gebetsgedenken* (1981); *ibid.*, 48, with reference to vast donations of Henry for the bishopric of Trento in the year 1004, cf. *Urkunden der deutschen Könige und Kaiser* 4 (²1957), no. 101 of 1027 v 31; *Urkunden der deutschen Könige und Kaiser* 10.2 (1979), no. 340.

²³⁰² *Wollasch*, *Geschichtliche Hintergründe* (1980); *Wolter*, *Synoden* (1988), 220–30.

²³⁰³ *Chronik des Thietmar* (1935), 294–7 lib. VI.18.

²³⁰⁴ Transl.: Thietmar, *Chronik* (⁵1974), 263.

of the empire (1017/18).²³⁰⁵ This is demonstrated by a copy, apparently commissioned by Henry himself, of the calendar of the dead in the necrologium of Merseburg. The individual entries of the days of birth and coronation of Henry II (6.5. [973] and 7.6. [1002]) make reference to royal initiative, which is reminiscent of the praxis of Charles the Bald.²³⁰⁶ One can speak of a “refoundation” of Ottonian commemoration, especially as Henry at the time in question gifted the cathedral church with liturgical vessels, proprietary churches and their priests as well as a bondwoman.²³⁰⁷ The only surviving charter stemming from there is rather insignificant and by itself could not be seen as an endowment charter.²³⁰⁸ An entry-system in Merseburg similar to the book of the dead of Magdeburg indicates that Henry here likewise endowed a commemoration of himself. Again, his day of ordination for the kingdom is noted and a series of his Ottonian ancestors and relatives is included (1009).²³⁰⁹ A supplementary endowment charter is in this case lacking, unless one wants to designate the rather modest, conditional grant of certain rights of excommunication of the 9 June of the year in question.²³¹⁰ Personal days of commemoration of the archbishop of Magdeburg Tagino suggest that the original impetus for the new version of the calendar-necrologium lay with him.²³¹¹

Among the more than 500 diplomas of Henry II, there are only precious few documents which one can designate as an endowment charter in a strict sense.²³¹² In the case of the Nienburg Monastery on the Saale, it was likely not a planned measure; the political context is connected to that of the prayer associations of Dortmund and Trento. As Henry in 1004 found himself on the march against Duke Bolesław of Poland and Bohemia, he was invited to participate in the solemn dedication of the monastery, for which Abbot Ekkehard had just erected the buildings. The abbot, who was related by blood to the king, remonstrated with the ruler that his presence could be of use “for the

2305 The discovery of an addendum to the necrology of Merseburg: *Althoff*, *Adels- und Königsfamilien* (1984), esp. 156–66.

2306 *Ibid.*, esp. 146–7, 157, 194; 368 K 26.

2307 *Ibid.*, 195–6. Cf. *Chronik des Thietmar* (1935), 478–81 lib. VII.65–6.

2308 *Urkunden der deutschen Könige und Kaiser* 3 (²1957), no. 374 of 1017 XI 3. Cf. *Regesten Heinrich II.* (1971), nos. 191–3. On the foundation of Kaufungen Convent by Empress Kunigunde: *Urkunden* 3, nos. 375–6 of 1017 (XI 6); *Baumgärtner*, *Kunigunde* (1997), 27–35.

2309 *Totenbücher von Merseburg* (1983), XXXI–IV.

2310 *Urkunden der deutschen Könige und Kaiser* 3 (²1957), no. 199 of 1009 VI 9.

2311 *Totenbücher von Merseburg* (1983), XXXI–IV.

2312 *Borgolte*, *Stiftungsurkunden Heinrichs II.* (1993).

more lofty honor of this place in eternity".²³¹³ Henry then followed the request together with the bishops of Havelberg, Brandenburg, Zeitz, Merseburg and Speyer, as well as with Archbishop Tagino of Magdeburg.²³¹⁴ After the consecration of the church was performed, the king endowed Nienburg, according to the wording of the diploma, "for the perpetuation of Our name and the commemoration of Our beloved consort Kunigunde, as well as Our ancestors, especially Our most dear lord and predecessor, Emperor Otto III." The endowed properties in Lusatia were slated "for the enrichment of this place and for the maintenance of the brothers serving there under the Benedictine Rule."²³¹⁵ Abbot Ekkehard and his successors were to freely possess the donated properties "for the use of the monastery and the advantage of the monks forever." The monks of Nienburg could hope that the royal imperative would last especially long from the fact of Henry's presence at a seminal moment of its monastic history. Since the charter was apparently only composed after the successful military campaign and then back-dated, already the reference to the military *triumphus* may have seeped into their text as a further enhancement.²³¹⁶

Much clearer than in other cases is the imperial-political meaning of foundations and memorial conditions of Henry II in his measures at Aachen and Bamberg. Indeed, Aachen was the sepulcher of two emperors, of Charlemagne and Otto III,²³¹⁷ and Henry's immediate predecessor had repeatedly gifted its famous Marian chapel and especially its canons, as well as founded a convent.²³¹⁸ Otto's plan of erecting a monastery dedicated to his saintly contemporary and friend Adalbert, in addition to a further monastery of Saint Nicholas, was never realized.²³¹⁹ The last Liudolfing king here wanted to complete what had been started. It became apparent from a diploma of 6 July 1005 that Henry had erected both monasteries and now took care that both communities would

2313 Urkunden der deutschen Könige und Kaiser 3 (21957), 103–5 no. 83 of 1004 VIII 8, at 104 version 83a. On Ekkehard s. *Hlawitschka*, Untersuchungen (1984), 41 with n. 129; *Althoff*, Adels- und Königsfamilien (1984), 315 B 96; *Zielinski*, Reichsepiskopat 1 (1984), 46, 129. On the monastery s. Urkunden der deutschen Könige und Kaiser 2.1 (21956), nos. 114, 174, 185; idem 2.2 (21957), nos. 135, 244, 350, 359, 213a; *Claude*, Geschichte 2 (1975), 320–45.

2314 Urkunden der deutschen Könige und Kaiser 3 (21957), 104–5 version 83a. *Wolter*, Synoden (1988), 220–1; *Benz*, Untersuchungen (1975), 96.

2315 Urkunden der deutschen Könige und Kaiser 3 (21957), 104–5 version 83a.

2316 Cf. *Bresslau*, Erläuterungen (1895), 168–9.

2317 On Charles' tomb s. above, on Otto III's burial: *Görich*, Otto III. (1998); *Ehlers*, Magdeburg (1997), 58–64; *Althoff*, Otto III. (1996), 182–8.

2318 Urkunden der deutschen Könige und Kaiser 2.2 (21957), nos. 257–8, 262, 298, 347.

2319 Idem, 3 (21957), nos. 99 (on St. Adalbert) and 380 (on St. Nicholas). Cf. *Flach*, Untersuchungen (1976), 143–58; *Fleckenstein*, Hofkapelle (1966), 147, 153. On Otto's veneration of Adalbert s. *Fried*, Gnesen (2002).

respect the preeminence of the venerable Marian abbey.²³²⁰ This would be achieved by the canons of St. Mary annually receiving a meal as recognition from the brothers of the new congregations. The erection of the two monasteries themselves had taken place, as stated in the document, with the advice and approval of princes, dukes, bishops and counts. Henry minutely regulated their tasks. Both congregations were to “serve Him alone, from Whom we hope for the forgiveness of sins according to what has been decided here, for the commemoration of Charlemagne and especially my Lord Otto III, as well as my predecessors and ancestors, in addition to Ourselves and those who follow Us in the future.”²³²¹ The king had erected the monasteries for religious communities whose task consisted of extremely comprehensive commemorative prayer for men in the succession of generations and rule. By including his predecessors at all as well as his successors in the planned memoria, Henry aimed in Aachen at nothing less than a kind of foundation of empire.²³²² It is quite possible that this conception already went back to Otto III. Henry’s notary BA would be candidate for the impetus of this idea, who is thought to have composed a charter for St. Adalbert in the service of Otto III: in any case, he stemmed from northern Lotharingia and is identified with the later bishop Adelbold of Utrecht.²³²³ Furthermore, the prescriptions stood in the context of the aforementioned campaign against Poland, because Henry had already decreed them in Dortmund only a single day before the synod that had included the great prayer association.

Within the circle of imperial bishoprics, Henry II finally created his most important foundation, that of the See of Bamberg. In contrast to Magdeburg, in this case no monastic foundation preceded the erection of the bishopric, so that the admixture of the personal interests of the ruler with an intervention into the imperial church as a whole is especially striking.²³²⁴ The ruler had no children, nor indeed did he expect any progeny, as he explained at a synod in Frankfurt. Thus, he was in a position to make Christ his heir and to offer himself “together with the properties I have acquired or still will acquire, to the Father unborn”, that is to God.²³²⁵ He created the bishopric upon his

2320 Urkunden der deutschen Könige und Kaiser 3 (21957), no. 98, with no. 99 on the following day (donation of tithes inter alia to Adalbert Abbey). On this matter: *Flach*, *Untersuchungen* (1976), 143–158; *Falkenstein*, Karl (1981), 70–2.

2321 Urkunden der deutschen Könige und Kaiser 3 (21957), 122 no. 98.

2322 *Borgolte*, *Stiftungsurkunden Heinrichs II.* (1993, repr. 2012), 259.

2323 *Harry Bresslau* in: *Urkunden der deutschen Könige und Kaiser 3* (21957), XIX; *Fleckenstein*, *Hofkapelle 2* (1966), 101, 159, 178.

2324 Henry, however, had gifted the Bamberg Church shortly before the establishment of the see: *Urkunden der deutschen Könige und Kaiser 3* (21957), nos. 134–5 of 1007 v 6; *Borgolte*, *Stiftungsurkunden Heinrichs II.* (1993, repr. 2012), 261–2.

2325 *Chronik des Thietmar* (1935), 311–2 lib. VI.31.

patrimony on 1 November 1007, with the approval of his wife and his brother, and instituted God himself as his heir.²³²⁶ Bamberg was dedicated to Peter, Prince of the Apostles, and furthered the destruction of Slavic paganism and the lasting celebratory commemoration of the name of Christ.²³²⁷ The exceedingly numerous donations to Bamberg, which Henry undertook on the very same day and later, made clear, however, that the see had also been dedicated to the commemorative prayer of his person and his family.²³²⁸ Again, Otto III was often expressly included,²³²⁹ Kunigunde's name,²³³⁰ by contrast, only rarely. Occasionally, the ruler even demanded the "commemoration of all living and deceased faithful (or: followers)".²³³¹ Along with the two monasteries of Aachen, the See of Bamberg is the only church establishment of Henry II which was granted the emphatic character of a foundation in the diplomas of the ruler.²³³²

In the period of the Salians (1024–1125) royal endowment activity reached its high medieval apogee.²³³³ This can be discerned by the number of foundations themselves, the variation and geographic dispersion of the endowment recipients, the nuances in foundation conditions and, not least of all, the often quite individual flavoring of the documents in language, which are divided amongst various genres. Alongside the classic foundation documents, the charters, entries of anniversaries now appear increasingly in calendars of

2326 Urkunden der deutschen Könige und Kaiser 3 (²1957), 170 no. 143; cf. Regesten Heinrich II. (1971), nos. 1645a, 1646; Wolter, Synoden (1988), 237–41; on Bamberg: Schwarz / Wendehorst / Geldner, Bamberg (1980), and Ehlers, Magdeburg (1997), 64–71.

2327 Urkunden der deutschen Könige und Kaiser 3 (²1957), no. 143 of 1007 XI 1. On the missionary aspect: Fried, Otto III. und Boleslaw Chrobry (²2001), 121.

2328 The basic structure of the clause in Urkunden der deutschen Könige und Kaiser 3 (²1957), nos. 144–48, 156–58, 161, 204a; with variations in nos. 170 and 456–7. The simple salvation of the soul motive is found in nos. 283, 324, 332, 334, 365, 382–4, 417, 438, 453–4, 458 and 506. The motive the of salvation of the soul, prayer or foundations is lacking in the donations of nos. 195–6, 219–20, 239–41, 270, 315, 318, 364, 401, as well as 357.

2329 Ibid., nos. 149–55, 159–60, 162–69, 181, 200–3, 204 b, 233–4, see also 208.

2330 Ibid., no. 168. In documents 351 and 432 the episcopal church is gifted *pro remedio animae nostrae et dilectissimae coniugis nostrae Cunigundae atque omnium parentum, quorum commemorationi debitores existimus*.

2331 Ibid., nos. 197, 408 (in the documentary fragments only Otto III is mentioned).

2332 Borgolte, Stiftungsurkunden Heinrichs II. (1993, repr. 2012), 262 with n. 84. On Michelsberg Monastery in Bamberg, an establishment of Bishop Eberhard, in which Henry was nonetheless seen as the *fundator*, see Urkunden der deutschen Könige und Kaiser 3 (²1957), nos. 356 (passage on prayer) and 389 (the motive of the salvation of the soul), in addition nos. 332a, 366. On which Borgolte, Weltgeschichte (2016), 7; Schneidmüller, Kloster (2015), 26.

2333 Clauss, Salier (2010); Boshof, Salier (⁵2008); Weinfurter, Jahrhundert (2004); *idem* (ed.), Salier (1991). On commemoration: Schmid, Sorge (1984), for Henry III now Lohse, Dauer (2011), 56–9, on Heinrich V: Modelmög, Königliche Stiftungen (2012), 77.

the deceased, which include not only the names of the deceased, but also determine the endowed properties as the basis for his commemoration and, not infrequently, the liturgical and other services for the annual memoria. Now and then it can be shown that the religious adopted verbatim the documentary prescriptions of the foundation in their anniversary and thereby desired to render lasting validity to them.²³³⁴ At times, their gifts, which appear in the diplomas as single donations for the salvation of the soul, are even interpreted as foundations with the corresponding self-obligation,²³³⁵ though occasionally the documentary complement of an entry in the book of dead is missing, so that it could also be the direct imprint of a foundation.²³³⁶

The cathedral church of Worms could have developed into the focal point of Salian memoria and memorial foundations, where the count and ducal predecessors of the kings had been buried. In fact, Conrad II, the first of four rulers, established himself there in February 1026, when he endowed an annual commemoration of his anointing (8.9.1024) soon after his accession in the cathedral on the Middle Rhine with prayers and distributions of alms, and in the process also included his consort and only son.²³³⁷ A few years later he supplemented this gift with a further endowment, by which he emphatically laid down the memorial services for his nuclear family as well as for his own individually-named ancestors interred there. At the altar of the cross, where six older Salians had been laid to rest, a mass was to be celebrated daily and

2334 Cf. e.g. the entry for Henry III for 5.10. in Necrology II of the Collegiate Church of Speyer, in: *Grafen, Forschungen* (1996), 346, with *Urkunden der deutschen Könige* 5 (²1957), nos. 168, 173, 226, 171, 169, 170, 167, 172, 81, 174, 370. Cf. *Grafen* 123, 125 f.; *Ehlers*, *Metropolis Germaniae* (1996), 357–8. Cf. also the general memorial regulation in King Conrad II's donation of Jöhlingen to the Collegiate Church of Speyer (1034): *Urkunden der deutschen Könige* 4 (²1957), no. 4, in contrast to the addendum in Necrology II of Speyer for Conrad's day of death on 4 June: *Grafen* 318 with 124–5; *Ehlers* 354–5.

2335 Cf. the donation of Eppingen to the Collegiate Church of Speyer in 1057 by Henry IV (*Urkunden der deutschen Könige* 6.1 [1941], no. 12) with the entry for Henry's death day on 7.8.: in Necrology II of Speyer (*Grafen, Forschungen* [1996], 331; cf. *Grafen* 127; *Ehlers*, *Metropolis Germaniae* [1996], 358).

2336 Cf. the entry for Empress Bertha (d. 1087) on her day of death (27.12.) in Necrology II of Speyer (*Grafen, Forschungen* [1996], 367, cf. 129), for which a corresponding document is lacking in the tradition of Speyer cf. *Urkunden der deutschen Könige* 6.3 (1978), 695–7 no. 507. A foundation of Azela, the half-sister of Henry IV, on an *urbarium* for him and herself (*Lohse*, *Dauer* [2011], 251–2), is still attested by a charter of Frederick I of 1163: *Urkunden der deutschen Könige* 10.2 (1979), no. 397. On their familial relationship: *Lohse*, *Heinrich IV.* (2013), 220–2.

2337 *Urkunden der deutschen Könige* 4 (²1957), 58–9 no. 51; foundation including the Cyriacus Collegiate Church in Neuhausen. Cf. *Schmid*, *Sorge* (1984), 672; *Ehlers*, *Metropolis Germaniae* (1996), 75–80. On the royal coronation (anointing) on 8.9.1024 s. *Regesten Konrad II.* (1951), 10 no. n.

a light was to burn continually. In addition, Emperor Conrad prescribed that the death day of his father was to be celebrated annually with vigils, alms and celebratory masses, and the brothers doing service there, that is the celebrants from the cathedral chapter, were to receive an unspecified recompense "according to their custom".²³³⁸ Meanwhile, along with Worms Conrad even earlier had endowed²³³⁹ the neighboring city of Speyer and was even interred in its episcopal church (1039).²³⁴⁰ Perhaps he himself had expressed the wish of attaining his tomb there, in order to differentiate the new kingly dignity of his house from his noble forebears.²³⁴¹ In fact, it was in the Cathedral of Speyer, when Conrad was soon seen by chroniclers as its (re)founder,²³⁴² that the Salian kings who followed him were buried.²³⁴³

Amongst the gifts and foundations for the episcopal church of Speyer, which above all stem from Henry IV,²³⁴⁴ some were directed at the cathedral, that is the bishop, but exceedingly many at the cathedral chapter, the community conducting the commemoration.²³⁴⁵ Henry IV designated Maria, the patroness of the Church of Speyer, as the *refugium* ("refuge") of his ancestors, where he had himself sought protection in a dangerous military situation.²³⁴⁶ He expected that the bishop would spend the revenues of certain endowments of land for the feeding of all religious who came from all congregations or churches for the anniversary of his grandparents.²³⁴⁷ The bishop was therefore clearly obligated both to spread the commemoration of the Salians geographically as well as to concentrate it within his cathedral. In fact, Bishop John I of Speyer in the year 1101 obligated the brothers of the Speyer abbey of St. Guido with the endowment of two oxgangs of land to perform the memoria of the emperor on

2338 Urkunden der deutschen Könige 4 (21957), no. 204 of 1034 I 30: 276–7.

2339 Cf. *ibid.*, no. 4, in addition no. 180 of 1032 II 20; cf. Ehlers, *Metropolis Germaniae* (1996), 76, 84–5.

2340 Ehlers, *Metropolis Germaniae* (1996), 84–8.

2341 Cf. *ibid.*, 75–81, 84–8.

2342 Cf. *ibid.*, 337–8 no. 1; 85 with n. 56.

2343 *Ibid.*, 88–128, 341–2 No. 4, 346–9 nos. 9–10.

2344 With Henry V being more hesitant: *Moddelmog*, *Königliche Stiftungen* (2012), 77.

2345 Gifts to episcopal churches: Urkunden der deutschen Könige 6.1–2 (1941 and 1959), nos. 8, 100, 379–84, to the collegiate church: *idem* 5 (21957), no. 81, and documents 6.1–2, nos. 277 and 480.

2346 Urkunden der deutschen Könige 6.2 (1959, 1977), no. 325 of 1080 X 14. Meyer von Knonau, *Jahrbücher* 3 (1900), 335–41; Ehlers, *Metropolis Germaniae* (1996), 361; Schmid, *Sorge* (1984), 677. Cf. Urkunden 6.2, no. 277.

2347 Urkunden der deutschen Könige 6.1 (1941), no. 10 of 1057 IV 5. Cf. *idem* 6.2 (1959), no. 475 of 1102 II 15; Grafen, *Spuren* (1985), 396 ad 15.2., cf. *idem*, *Forschungen* (1996), 287, on which 123, 128; Ehlers, *Metropolis Germaniae* (1996), 355–6, 358, 364–5; Schmid, *Sorge* (1984), 674, 678, 690–1.

the anniversary of Henry IV, together with the brothers of the “Great Church” in the cathedral.²³⁴⁸ To be understood as a further development of this approach is that Henry V in the year 1111 obligated all the inhabitants of Speyer to assemble on the anniversary of his father, to hold candles in their hands and to give a loaf of bread from each house as alms for the poor.²³⁴⁹ This action can be interpreted as a foundation because the emperor ordered certain exactions for the inhabitants of Speyer in exchange. The corresponding charter, as a demonstration of its importance and unimpeachable applicability, was inscribed in stone with gold letters on the west side of the cathedral, which faced the city. Its historical importance for the more general history of foundations is that here “for the first time (...) a medieval king compelled laypersons to perform memoria.”²³⁵⁰

Henry III and his son of the same name had therefore in Speyer gifted above all the cathedral chapter with properties for the salvation of their souls or for the commemoration of their relatives and themselves. In the process the administration of the properties and revenues was to fall to the provost, with the permission of the brothers.²³⁵¹ In a large summary charter of confirmation of royal gifts since the time of his grandfather Conrad II, he indeed emphasized that his greatest wish was to support and honor clerics everywhere, but that this applied above all to “Our special religious in Our special holy church of Speyer.”²³⁵² Even more important than the construction and decoration of the cathedral were the daily stipends of the clerics, since he even designated them as “living stones” of the house of God, who were distinguished by their education and morals. What had been intended since Conrad II as the shared prebend of the chapter, the provost was now to distribute as shares among the individual brothers. They were also to have full power over the oblations (contributions) accruing to them. Properties that the bishop had unlawfully taken away from the brothers were to be returned. Every canon of Speyer, be he of noble or modest origin, be he healthy or bedridden, was to have power over his own property and servants in favor of the brothers (of the chapter) for the salvation of his soul, without the approval of his steward or heirs. But he was entitled to the right to donate the estate of his canonry to a brother of his

2348 Urkundenbuch Speyer (1852), 78–9 no. 73, at 78; Lohse, Heinrich IV. (2013), 221; *Moddelmog*, Königliche Stiftungen (2012), 72–4.

2349 No. 90; *Moddelmog*, Königliche Stiftungen (2012), 65–109.

2350 *Moddelmog*, Königliche Stiftungen (2012), 70.

2351 Urkunden der deutschen Könige 5 (²1957), nos. 167–74; Lohse, Dauer der Stiftung (2011), 56–7; Ehlers, Metropolis Germaniae (1996), 356; Grafen, Forschungen (1996), 125. Urkunden der deutschen Könige 6.1 (1941), nos. 11–2; on which Ehlers 358; Grafen 127.

2352 Urkunden der deutschen Könige 6.2 (1959), 629–32 no. 466.

choice (hereditarily), and the same was to retain the personal income from his sinecure in the year after his death. In his diploma of 1101 Henry IV, as the lord of the Church of the Empire, decisively supported the tendency of the canons of Speyer toward the erection of individual prebends.

Apart from Worms and Speyer, the Salian kings also endowed several other episcopal churches, yet none of them founded one themselves. Much the same applies for their patronage of collegiate churches and monasteries. Only Henry III emerges—apart from two smaller collegiate churches²³⁵³—as a builder of a great abbey, namely the one at the royal residence in Goslar. How closely he felt bound to this establishment is demonstrated by the dedication of the house of God to its two apostolic patrons, St. Simon and Judas Thaddaeus, since they were also the saints for his birthday (28 October),²³⁵⁴ as well as the declaration ascribed to Henry himself of the collegiate church as “a place of refuge for our own transience”.²³⁵⁵ Though the otherwise incredibly rich source material from Goslar offers no programmatic endowment charter, the planned expansion and its rich furnishing through supplementary endowments nonetheless emphasize that for Henry III St. Simon and Judas can “be understood as the most personal of all foundations.”²³⁵⁶ Nonetheless, in the end only his heart was interred there, while his body rests with his predecessor Conrad II in Speyer.

The gifts of Henry III, his father, his son and his royal grandson to cathedrals, collegiate chapters and other churches and monasteries were generally entwined with conditions for an anniversary commemoration, which was to apply to the kings themselves, their ancestors or other relatives.²³⁵⁷ Even though the same motives and expressions always reappear, the scribes of royal diplomas often took pains to make individual turns of phrase or variations. Though these may have corresponded to the wishes of the religious addressees, they must nonetheless have stemmed from the impulses of a founder. How

2353 Urkunden der deutschen Könige 5 (21957), no. 230 of 1049 I 7 (Ardagger); Urkunden der deutschen Könige 6.1 (1941), nos. 84 of 1062 III 13 and 132 of 1064 VII 19 (St. Peter's Collegiate Church in Goslar).

2354 *Lohse*, Dauer der Stiftung (2011), 59.

2355 Urkunden der deutschen Könige 5 (21957), 414–5 no. 305 of 1053 VI 3, at 415.

2356 *Lohse*, Goslarer Pfalzstift (2002/3), 89, and *idem*, Dauer (2011), 59 (quotation). *Ibid.*, 46–7, translation of the first (surviving) charter of Henry: Urkunden der deutschen Könige 5 (21957), no. 207 of 1047 IX 7. Henry III's prescriptions in favor of the Collegiate Church of Goslar *ibid.*, nos. 233, 256–7, 330; 285; 305; 340. Cf. Urkunden der deutschen Könige 6.1 (1941), nos. 27, 224.

2357 Amongst the commemorative dates Henry IV repeatedly envisioned the anniversary of ordination: Urkunden der deutschen Könige 6.2 (1959), nos. 465, 471, 490; 41. Cf. *Schmid*, Sorge (1984), 678–80, esp. 691; *Lohse*, Heinrich IV. (2013), 223.

concretely the goals were considered is shown, for example, by stipulations in which the revenue of the endowed properties was expressly envisaged for wine (for the mass).²³⁵⁸ Henry IV in 1063 gave a noteworthy prescription in favor of the archiepiscopal church of Cologne, all the more so since it was connected with the reclassification of a foundation of his father for St. Simon and Judas. Henry III had namely *inter alia* endowed the canonry in Goslar with no less than a ninth of the revenues of the treasury, yet his son now accused the canons of not using these exceedingly generous means for the royal honor. The fourth Henry thus reclaimed this ninth of the treasury revenues from them, though he compensated them with a landed property,²³⁵⁹ and transferred the aforementioned royal revenues to the Church of Cologne. The archbishop there was instructed to distribute the funds amongst the monasteries of Cologne for the salvation of the souls of his ancestors, among whom Henry mentioned his two predecessors by name.²³⁶⁰ Exactly as in Speyer, he harnessed the archbishop in Cologne for the dispersion of Salian commemorative sites.

Supplementary endowments for prebends correspond to the tendency of the period, which in the case of the cathedral chapter of Meissen could still be collectively conceived.²³⁶¹ The Salians had already come into personal contact with individual prebends. The nuns of the Convent of Obermünster in Regensburg, to wit in the context of a prayer confraternity, had transferred a prebend of this sort to each of Conrad II, his wife Gisela and his son Henry in 1029. Each was to be of the same amount as that of every sister, but was to be enjoyed by the ruling personage only over the course of their lifetimes.²³⁶² *Sensu stricto* this was not a foundation.²³⁶³ As Henry IV in 1064 had a charter drawn up for the cathedral chapter in Magdeburg, the regulations were so complicated, that clearly someone with local knowledge must have composed

2358 Urkunden der deutschen Könige 5 (21957), 47–8 no. 37 of 1040 III 2, at 48. Similarly *ibid.*, no. 45 of 1040 V 21 for the Cathedral Chapter of Utrecht.

2359 Urkunden der deutschen Könige 6.1 (1941), no. 117 of 1063 XII 30.

2360 *Ibid.* (1941), no. 104 of 1063 VII 14.

2361 *Ibid.* (1941), no. 118 of 1064 I 13. Cf. Urkunden der deutschen Könige 5 (21957), no. 340 as well as Urkunden der deutschen Könige 6.1 (1941), no. 247.

2362 Urkunden der deutschen Könige 4 (21957), no. 139. The donated (or, indeed, restored) property of the ruler had been endowed by Henry II in exchange for fraternity and a royal benefice *ad usum et stipendia sanctimonialium inibi deo famulantium* (Urkunden der deutschen Könige 3 [21957], no. 213); later Emperor Frederick II would possess Obermünster as an imperial monastery: Urkunden der deutschen Könige 14.2 (2007), nos. 340 and 365. Cf. Gruber, Geschichte (2008), 10–1; Märkl, Damenstifte (2000), 747–9.

2363 On the document s. Boockmann, Urkunde Konrads II. (1983); Groten, Gebetsverbrüderung (1983), 16–7.

them.²³⁶⁴ It emerges from the document that Henry's mother, the empress Agnes, had with his permission donated a *villa* whose revenues were supposed to suffice for two positions. The provost was to use over five oxgangs of this manor for the furnishing of a "complete prebend to the fullest extent, which a canon requires"; he was to be remunerated "not only as long as the pious mother (Agnes) lives, but in all future time." The brothers were to agree upon the prebendary, and indeed without having demanded a payment for this from the candidate. The ruler reckoned with the considerable attractiveness of the new canonry position and with the simoniac activity which the reforming spirit of the period opposed.²³⁶⁵ Whatever surplus the endowed properties produced beyond this, from the fields, pastures, the mills and so forth, Henry placed in the hands of the brothers, in order to maintain a further prebendary from it. He was to be obligated to prepare especially good meals for the remaining brothers twice a year, one of them on the death day of Henry III, the other on the day of Saint Caecilia. This meal was to be later moved to the death day of his mother Agnes. On both days the canons were to feed 300 poor with a loaf of bread each and supplement it with "what God mercifully grants".

It obviously corresponded to the style of the period to have laypersons participate in the memorial services of royal foundations, since Henry III and then above all Henry IV also took pains for memorial foundations in favor of their confidants or even desired to include them in their own commemoration.²³⁶⁶ One could, according to Ancient Egyptian analogy, speak of the almost pharaonic style of the Salian foundations. Commemorative foundations at places of burial come especially close to this type. Already in 1046 Henry III endowed the Abbey of St. Frediano in Lucca with two oxgangs for a new prebendary, for which the brothers would have to choose a priest. He was to perform services at the grave of a certain Diemar, for whom his son, the knight Sigiboto, had interceded with the ruler. Each day the new prebend was to celebrate a mass for Diemar, which was also to benefit all "loyal dead", and at night he was to take care at the Altar of Mary, where the father of the *miles* had been interred.²³⁶⁷ A similar situation prevailed with the commemorative foundations of Henry IV

²³⁶⁴ Urkunden der deutschen Könige 6.1 (1941), 180–1 no. 138. According to the editor the original charter "was probably clumsily and inelegantly written by a Magdeburger at his own initiative."

²³⁶⁵ Cf. *Borgolte*, *Mittelalterliche Kirche* (2004), 20–1.

²³⁶⁶ *Schmid*, *Salische Gedenkstiftungen* (1984).

²³⁶⁷ Urkunden der deutschen Könige 5 (1957), 218–9 no. 176. Cf. *Schmid*, *Salische Gedenkstiftungen* (1984), 245–7, 259.

for the tombs of a servant named Imma in the Monastery of St. Pölten, as well as a certain knightly retainer named Liupold in Hersfeld.²³⁶⁸

The political difficulties of the Salian kingdom accounted for the expansion of royal memorial foundations to lay retainers, especially under Henry IV.²³⁶⁹ Nonetheless, it should be noted that the scribes reshaped the unusual prescriptions in terms of their motivation and language. For this the so-called scribe Adalbero C, who has been identified as Gottschalk, the provost of Aachen, has been named for Henry IV.²³⁷⁰ His first written document that has been transmitted, from the year 1071, concerned the donation of eight oxgangs to the cathedral chapter of Meißen. Its future holder was to offer a *plenum servitium* (a sumptuous meal) to the brothers of the chapter on the anniversaries of the deceased margrave Ekkert, who was also a cousin of the king,²³⁷¹ and of his still-living son of the same name. By way of introduction Gottschalk had Henry IV say: "Through the witness of all scriptures of divine law, we have learned that the only and special ladder to heaven, without which one can never ascend to God, is namely love of God and of one's neighbor. Though [this love] seems to be dual, namely of God and of one's neighbor, in fact it can only be applied in both respects in the love of one's neighbor, because we demonstrate that we love God by loving our neighbor. John namely witnesses: 'For he who does not love his brother whom he has seen, how can he love God whom he has not seen?' [1 John 4:20]. Therefore, when are bound with everyone in love, love intertwines us all the more with those whom we love through the affection of kinship. Thus, We desire to announce from eternity to eternity that We have given eight royal oxgangs (...) to the Church of Meißen as its own for the salvation of the soul of the margrave Egbert, a neighbor not only according to the divine command, but also the law of the flesh."²³⁷² There also stems from Adalbero C an endowment deed for the Monastery of Saint Ulrich and Saint Afra at Augsburg with a similar, albeit less laboriously justified regulation. In this case as well Henry IV donated oxgangs to the church; the brothers performing the service were "at all times" on every Wednesday to celebrate a mass for all his deceased confidants and especially for his own forefathers, who are

2368 Urkunden der deutschen Könige 5 (²1957), nos. 41 of 1058, 243 of 1071; Schmid, Salische Gedenkstiftungen (1984), 247–9, 260.

2369 Althoff, Heinrich IV. (2006).

2370 Cf. Schmid, Sorge (1984), 675; *idem*, Salische Gedenkstiftungen (1984), 262; Struve, Gottschalk (1989).

2371 Karpf, Ekkert I. (1986).

2372 Urkunden der deutschen Könige 6.1 (1941), 311–3 no. 246, at 312.

thus not listed by name, and to celebrate no less festively the commemoration of Henry himself.²³⁷³

After Henry defeated the rebellious Saxons under Rudolf of Rheinfelden in a battle at Mellrichstadt in Lower Franconia (7.8.1078), at which above all many leading lords on one side fell,²³⁷⁴ he had the commemoration of the dead anchored through foundations in a series of important churches of the realm.²³⁷⁵ In part he thereby bound the planned memoria with commemoration for himself and other members of his house, and he repeatedly selected Tuesday, the day of the week of the military engagement, as a regular day of commemoration. At the episcopal church of Osnabrück, which regained its expropriated rights to tithes, he already ordered at the start of 1079 that commemorative prayers be performed daily on the anniversary of those who had fallen in the war against the Saxons. Among them, a special prayer was to be dedicated to a confidant named Siegfried, who is more often mentioned.²³⁷⁶ A daily votive mass was also envisaged for Siegfried, but on Tuesdays a mass of the monastery was to be held regularly for all the fallen and confidants, and in addition at the hour of prayer the first Psalm was to be sung. The priest charged with Siegfried's commemoration was to be allocated the prebend. It was agreed with the bishop, with the consent of the clergy, that each week thirty masses were to be celebrated for the bodily well-being and the salvation of the soul of the king, as well as for the living and the dead. The masses and as many psalters were to be dedicated after the death of Henry in the future to the salvation of his soul and that of his forefathers. Especially noteworthy is that in the royal diploma the active role of the episcopal church in the planning of the commemoration is emphasized. This is even more clearly expressed in a further, almost contemporaneous, charter of the Salian, which in his prescriptions was somewhat modified.²³⁷⁷ Henry IV sought to further the salvation of the soul of Siegfried and those who had fallen in the kingdom's war through foundations in the Marian Abbey in Aachen as well, in addition in the nearby Monastery of Burtscheid and in the episcopal church of Bamberg.²³⁷⁸

2373 Ibid., no. 274, cf. no. 308; *Schmid*, *Sorge* (1984), 675 with n. 48.

2374 Cf. *Meyer von Knonau*, *Jahrbücher* 3 (1900), 137–45.

2375 On which *Schmid*, *Salische Gedenkstiftungen* (1984), esp. 249–58.

2376 *Urkunden der deutschen Könige* 6.2 (1959), no. 309 of 107[9] I 27; *Schmid*, *Salische Gedenkstiftungen* (1984), 250–1.

2377 *Urkunden der deutschen Könige* 6.2 (1959), no. 310 of 1079 III 30. Cf. no. 313 and *Schmid*, *Salische Gedenkstiftungen* (1984), 251–2.

2378 Aachen (with regard to Siegfried): *Urkunden der deutschen Könige* 6.3 (1978), no. 501; Burtscheid (with regard to Siegfried and his fallen comrades): idem 6.2 (1959), no. 315, according to idem 9 (1969), 3–4 no. 2; Bamberg (with regard to those who had fallen in the

In the post-Salian period,²³⁷⁹ especially under the Hohenstaufens (1138–1250), the intensity and probably also the mass of cult and memorial foundations noticeably ebbed.²³⁸⁰ Instead, the rulers of this epoch turned in a new way to the patronage and foundation of hospitals.²³⁸¹ Though caritative works, apart from monasteries and bishops, had always been a foremost task of Christian kings,²³⁸² from the 12th century onwards they also began to support a new hospital movement in the cities. Already Henry V appears to have contributed to this trend. He namely allowed Bishop Ulrich I of Constance in 1125 to rebuild a hospital which his predecessor Conrad (d. 975) had already erected,²³⁸³ but had recently been transferred to the Convent of Münsterlingen. The emperor also confirmed the endowment of the hospital from episcopal rents and other possessions, which in part stemmed from donations of the high nobility,

imperial war): idem 6.2 (1959), no. 314. *Schmid*, *Salische Gedenkstiftungen* (1984), 252–6. In addition: *Urkunden der deutschen Könige* 6.2, no. 454, on which *Schmid* 257.

2379 For the immediate successor of Henry V, Lothar III of Süpplingenburg (1125–37), hardly any foundations are attested in the surviving documentation; cf. *Urkunden der deutschen Könige* 8 (1927), no. 83, on which *Regesten Lothar III.* (1994), 305–6 no. † 480; *Regesten* nos. 451; 374; *Urkunden der deutschen Könige* 9 (1969), no. 86. The Welf emperor Otto IV (1198–1218), who competed with the Hohenstaufens, endowed a church (or monastery?) that he had begun, which he later donated to St. Blasius in Braunschweig for the salvation of his soul: *Regesten Philipp I* (1881), nos. 497, 510, on which *Hucker*, *Kaiser Otto IV.* (1990), 255–9, 664 no. 8, cf. 663 no. 7b; he also favored St. Blasius, where he was buried, in his testament: *Constitutiones* 2 (1896), 51–3 no. 42, *Regesten* no. 511, on which *Hucker* 662–4 no. 7b, 331–4; cf. as well *Regesten*, nos. 261 and 270; *Hucker* 287–90. On the foundation of a Cistercian monastery “for the salvation of the soul of our consort Otto” by the widowed empress Maria, see *Hucker* 355–7.

2380 Frederick I: *Borgolte*, *König als Stifter* (2000, repr. 12), esp. 314, 327, 330; cf. *Görich*, *Friedrich Barbarossa* (2011), 637. Conrad III (1138–52): *Urkunden der deutschen Könige* 9 (1969), nos. 4, 31, 115, 118, 228, 246, see also nos. 152 and 156. Henry VI (1190–7) (with the exception of hospital foundations and the documents dealing with the collegiate church): *Regesten Heinrich VI.* (1972), nos. 394, on which 585, 396; 628, 804. Empress Constance (d. 1198): *Urkunden der deutschen Könige* 11.3 (1990), Dep. no. 71. Philip of Swabia (1198–1208): *Urkunden der deutschen Könige* 12 (2014), no. 188; Queen Irene/Maria, the widow of Philip (d. 1208): *Ibid.*, Irene/Maria no. 1. Frederick II (1212–50): *Urkunden der deutschen Könige* 14.1 (2002), nos. 17, 27, 34 and 140; 139, in addition 143, 146; 14.2 (2007), nos. 213, 295, 338; *ibid.* 14.4, *Texte* (2014), nos. 833 (according to *Urkunden der deutschen Könige* 17 [2013], 132), 847 (see also above on Henry VI, no. 804). Cf. also *Urkunden der deutschen Könige* 14.3 (2010), no. 611.

2381 *Borgolte*, *König als Stifter* (2000, repr. 12), 316–25. In addition: *Oppl*, *Amator ecclesiarum* (1980), 73–6; *Dirlmeier*, *Friedrich Barbarossa* (1992), 513; *Schwind*, *Friedrich Barbarossa* (1992), 495–6.

2382 *Oexle*, *Zwischen Armut und Arbeit* (2015), 60–2; *Borgolte*, *Mittelalterliche Kirche* (2004), 120; on the Carolingians: *Boshof*, *Untersuchungen* (1976); on Henry IV: *Schmid*, *Sorge* (1984), 706–12.

2383 *Maurer*, *Heiliger Konrad* (1988), 370.

“for the salvation of Our soul as well as that of Our predecessors and successors”. He forbade, however, the power of the bishop and other powerful or even lesser persons over the endowed properties;²³⁸⁴ this was instead to lie with the “local administrators”.²³⁸⁵ The original hospital of the cathedral chapter was thus loosed from direct episcopal authority. Whether the administrators were in fact or were supposed to be laypersons or clerics from Constance is not stated. It emerges from a papal document composed shortly thereafter that the bishop had installed an association of clerics for the hospital with a provost at its head, who were to live according to the Augustinian Rule.²³⁸⁶ As far as the purpose of the hospital was concerned, a contemporary of the city reports that “the poor and strangers continually” found comfort in it.²³⁸⁷

In a similar manner to the last Salian, the first Hohenstaufen supported the endowment of a hospital in Alsatian Strasbourg; the stake of the urban inhabitants, however, emerges even more clearly in this case.²³⁸⁸ At the time of Henry IV or Henry V, Bishop Kuno (1100–23) “at the common request of the citizens” had given a precisely-delineated piece of land between the city walls and ramparts “for the use of a hospital”.²³⁸⁹ The owner in question had to slate a certain annual payment in money and poultry for its erection from an estate outside of the city. Furthermore, a tenth portion of contributions to the Holy Cross was to be left to the hospital “with the agreement of the canons and burghers”. Since a further foundation, apparently of a burgher, envisaged payment in kind as well as earned interest “for the poor”, the circle of those relieved through this charity is quite clear. In the times of Kuno’s successor Bishop Gebhard (1131–41), further supplementary endowments from the lay and clerical side were added: the place (probably the bank) of the meat traders was now donated “with the agreement of all burghers, the rich and the poor”.²³⁹⁰ The bishop himself gave, again with the permission of the burghers of his city, to the hospital a piece of land by the Monastery of Saint Thomas for the erection of a mill. Gebhard’s successor Burchard of Strasbourg (1141–62) did not desire to fall short of the accomplishments of his predecessors and erected

2384 Urkunden der deutschen Könige und Kaiser 7 (checked online on 30.8.2016), no. 273; *Meyer von Knonau*, *Jahrbücher* 7 (1909), 315–6.

2385 *Reicke*, *Spital* 1 (1932, repr. 70), 73–4.

2386 Thurgauisches Urkundenbuch 2 (1917), no. 20, also from 1125; cf. *Maurer*, Konstanz (B) (1997), 277.

2387 *Translatio Counradi* (1841), 444 cap. 7; on which *Oexle*, *Konrad von Konstanz* (1975), 15–6.

2388 *Reicke*, *Spital* 1 (1932, repr. 70), 243.

2389 Urkundenbuch der Stadt Strassburg 1 (1879), 70–2 no. 90 of 1143, at 70. In what follows multiple *burghenses* are named as witnesses.

2390 Urkundenbuch der Stadt Strassburg 1 (1879), 71.

a chapel “at the request of the poor of Christ who live in the hospital”. Still in the same year (1143) Burchard, the clergy and the people of the city petitioned King Conrad III for protection for what already had been donated to the hospital and for future gifts to the “House of the Poor”.²³⁹¹ Conrad granted their wish and freed the establishment relieving the poor and strangers “from the authority of all persons”, yet subjected it all to Brother Udalrich, who performed service there, and his successors. No ecclesiastical or secular person was to have the right and power to interfere with that which belonged to the hospital, the public roads or the use of water and of pastures. Udalrich was probably a citizen of Strasbourg who had himself endowed the hospice “for the salvation of his soul and that of his forefathers.”²³⁹²

Frederick I (1152–90) likewise patronized hospitals,²³⁹³ and also himself erected such houses;²³⁹⁴ in the Christian tradition he viewed these measures as works of charity and as comfort for the poor, hungry and travelers,²³⁹⁵ in the process mentioning the motive of salvation of the soul²³⁹⁶ without particular emphasis and only rarely making liturgical commemoration a condition in return.²³⁹⁷ By contrast, it is noteworthy that he evidently placed philanthropic establishments at the center of complexes of royal power in a planned manner. Before Hagenau, the center of the familial estates of the Hohenstaufens in Alsace, where his father had founded a city, there already stood a hospital in 1164.²³⁹⁸ Frederick claimed the role of founder and outfitted it with a

2391 Urkunden der deutschen Könige 9 (1969), 163–4 no. 92, at esp. 164, lines 2–3 and 22–30.

2392 Cf. *Reicke*, Spital 1 (1932, repr. 70), 243 n. 7.

2393 Urkunden der deutschen Könige 10.1 (1975), no. 152 (Knights Hospitallers), idem 10.2 (1979), nos. 228 (Knights Hospitallers), 298 (leper hospital by Metz), 377 (Church of Borgo San Donnino and hospital patients), 505 (Fulda Monastery), 518 (Semmering Pass), idem 10.3 (1985), no. 706 (St. Leonhard on Esino), idem 10.4 (1990), no. 838 (the Hospital of the Holy Spirit outside of Erfurt), 1011 (the poor living on the streets outside of the city of Piacenza).

2394 Frederick's second consort as well, Empress Beatrice, who came from Burgundy, participated in the Hospital Movement: Urkunden der deutschen Könige 10.4 (1990), 493 no. Beatrice *1.

2395 Urkunden der deutschen Könige 10.4 (1990), nos. 820; 995. Cf. idem 10.2 (1979), 110 no. 298.

2396 Idem 10.1 (1975), no. 152, idem 10.2 (1979), nos. 228, 298, 377, 505, 518, idem 10.4 (1990), nos. 820, 838, 1011.

2397 Only with the foundation of the chapel in Hagenau for the commemoration of the emperor and his ancestors, s. Urkunden der deutschen Könige 10.4 (1990), no. 995. Cf. *Opll*, Itinerar (1978), 96 and 133; but see also *Hiestand*, “precipua columpna” (1992), 52.

2398 Urkunden der deutschen Könige 10.2 (1979), no. 447. On Hagenau: *Borgolte*, König als Stifter (2000, repr. 12), esp. 316, 318, 320–1; *Görich*, Friedrich (2011), 52–3; *Weinfurter*, Regionale Kraft (2010), 14; *Ganz*, Friedrich Barbarossa (1992), 638, 644–5; *Vollmer*, Reichspolitik (1951), 33, 37–8, 41–5, 385; *Schrieder*, Verfassungsgeschichte (1909), 28.

chapel as well as posts for a provost, four Premonstratensian monks and an unspecified number of lay brothers (*conversi*).²³⁹⁹ In the fortified settlement (*burgus*) of Lautern, which the emperor had built up into a famed palace, as well as in Thuringian Altenburg, which he made into an outpost of the “imperial land” of Pleißenland, he likewise founded hospitals.²⁴⁰⁰ In Altenburg, at the founding act of 1181, there apparently already existed a free (lay) hospital association for the relief of the needy;²⁴⁰¹ two years later, during a stay there, the Hohenstaufen took the hospital under his protection and transferred properties to it, which like the other donations were to benefit the poor of the house without hindrance.²⁴⁰² Even in the Hospitaller commandry of Heimbach by Speyer, Frederick I was seen as a *fundator*.²⁴⁰³ His personal interest in the “Servants of the Poor of Christ”²⁴⁰⁴ was probably kindled by a visit of the “Mother House” in Jerusalem at Easter of 1148.²⁴⁰⁵ Soon thereafter he confirmed the possessions of the order and in 1158 placed all the hospitals in the empire under its control.²⁴⁰⁶

With these caritative motives and sovereign interests, Frederick I was reacting with his hospital policy to the economic and social changes of his time, and not merely to the urbanization of settlement patterns, but rather to increased mobility, which he himself tried to guide in his economic and transport policy.²⁴⁰⁷ The usufructuaries in Hagenau were supposed in particular to support “roamers”, that is travelers.²⁴⁰⁸ At Semmering Pass (Lower Austria) he

2399 Urkunden der deutschen Könige 10.4 (1990), no. 995 of 1189 IV 16. *Backmund*, Monasticon Praemonstratense 1 (1949), 99–100.

2400 On (Kaisers-)Lautern: *Borgolte*, König als Stifter (2000, repr. 12), 316, 318: Urkunden der deutschen Könige 14.2 (2007), no. 329; Urkundenbuch der Stadt Kaiserslautern 1 (1994), no. 65, cf. no. 12; Urkundenbuch der Stadt Kaiserlautern 1, 42–43 no. 11; *Rödel*, Lauterer Reichsgutkomplex (1996), 417; *Ganz*, Friedrich Barbarossa (1992), 644–5; *Stoob*, Kaiserslautern (1989); *Opll*, Itinerar (1978), 135; *Arens*, Staufische Königspfalzen (1977), 131–2; *Vollmer*, Reichs- und Territorialpolitik (1951), 212–3.

2401 Urkunden der deutschen Könige 10.4 (1990), no. 820.

2402 Ibid., no. 836; *Borgolte*, König als Stifter (2000, repr. 12), 318–322; *Gockel*, Altenburg (1984), 64 and elsewhere.; *Vollmer*, Reichspolitik (1951), 363.

2403 The Book of the Soul (*Seelbuch*) concerning Barbarossa: *Obiit Imperator Fridericus, fundator loci istius: Remling*, Urkundliche Geschichte (1836), 303 no. 2. Cf. on which the charter of protection of King Philip from 1207: Urkunden der deutschen Könige 12 (2014), no. 140.

2404 *Riley-Smith*, Johanniter (1991), 613; cf. *idem*, Kreuzzüge (2015), 143–4.

2405 Urkunden der deutschen Könige 10.1 (1975), no. 152 of 1156. Ibid. 10.2 (1979), no. 228; Regesten Friedrich I. 1 (1980), 8 no. 38; *Opll*, Friedrich Barbarossa (1990), 31–2.

2406 Cf. in addition Urkunden der deutschen Könige 12 (2014), no. *194, *idem*. 14.2 (2007), nos. 180 and 380; Regesten Heinrich VI. (1972), no. 639. Cf. *Ziegler*, Kreuz und Schwert (2003), 210, 213.

2407 Cf. *Fried*, Wirtschaftspolitik (1984); *Dirlmeier*, Friedrich Barbarossa (1992), 501–18.

2408 Urkunden der deutschen Könige 10.4 (1990), no. 995.

supported the foundation of his blood relative, the margrave Otakar of Steier and his consort Kunigunde.²⁴⁰⁹ During a stay in Venice in 1177, he took the Church of Saint Leonhard under his protection, which lay “at the River Esino on the seashore”, and included the local bridge and its hospital.²⁴¹⁰ In Reichardsroth in Würzburg he prompted the foundation of a hospital and church by the freeman Albert of Hohenlohe, “because of the mass of travelers” and “for the taking in of foreigners and poor”.²⁴¹¹

Even where it concerned foundations, rulers and nobles did not completely hand over control of their hospitals. Reichardsroth, for example, after the death of the emperor went to Hohenlohe and then to the Hospitallers.²⁴¹² In Altenburg the hospital brothers made completely independent transactions,²⁴¹³ and Frederick’s son Henry VI also further patronized and privileged the hospital.²⁴¹⁴ Nevertheless, Frederick’s grandson Frederick II transferred the hospital in 1214 to the Teutonic Order.²⁴¹⁵ Despite grants of privileges, the foundation thus was constrained by the urban authority of the Hohenstaufens, and continued to be shaped by rulership.²⁴¹⁶ With its surrender to one of the new orders, with their transregional organization, every further development in the direction of full independence was hindered.

Apart from the hospital foundations, Frederick I patronized already-existing churches and monasteries. Of these dependent foundations the historian Rahewin marveled that the emperor allocated a tenth of his incomes to the relief of the poor.²⁴¹⁷ Charters tended not to be drawn up for gifts of money, yet they often facilitated the acquisition of interest-bearing real estate, so that their traces are found in anniversary books of each respective community.²⁴¹⁸

2409 Idem 10.2 (1979), no. 518.

2410 Idem 10.3 (1985), no. 706.

2411 The document of Bishop Reginhard of Würzburg from 1182: *Hohenlohisches Urkundenbuch* 1 (1899), no. 17. *Fried*, Wirtschaftspolitik (1984), 231–2; *Vollmer*, Reichspolitik (1951), 179–80.

2412 *Hohenlohisches Urkundenbuch* 1 (1899), nos. 21 (Pope Celestine III; *Reicke*, Spital 1 [1932, repr. 70], 103–4, cf. *ibid.*, 97 and 101) and 387 (Gottfried of Hohenlohe).

2413 *Altenburger Urkundenbuch* (1955), nos. 33–4 of 1191.

2414 *Ibid.*, nos. 41 and 43; *Regesten Heinrich VI.* (1972), no. 265 and 268.

2415 *Urkunden der deutschen Könige* 14.2 (2007), no. 230.

2416 *Borgolte*, König als Stifter (2000, repr. 12), 320.

2417 *Borgolte*, König als Stifter (2000, repr. 12), 325–9. *Otonis Gesta Friderici* (1912), 344 lib. IV.86; *Chronik Petershausen* (1978), 246 lib. IV.4. *Oppl*, *Amator ecclesiarum* (1980), 70–1, 78–9; *Dirlmeier*, *Friedrich Barbarossa* (1992), 509–12.

2418 *Speyer: Grafen*, *Forschungen* (1996), 52 to 10.6. (the oldest necrology), 319 (the most recent necrology). *Bamberg: Schweitzer*, *Vollständiger Auszug* (1844), 192 ad 10.6. (register of oblations and papal ordination fees of the Bamberg cathedral chapter, 13th/14th cent.). *Necrologium Weingartense* (1888), 226 ad 10.6. (roughly contemporaneous). *Necrology of the Cathedral of Geneva: Sarasin*, *Obituaire* (1882), 134–5.

These endowed properties then fostered a lasting memoria of the emperor on the date in question, usually on the death day.²⁴¹⁹ The entries themselves, however, often permit no clear conclusions regarding the basis of memorial services. Apart from foundations, such services could also consist of a confraternity. Even when such contracts of sovereign material gifts as a new brother of the community tended to be written, the difference between confraternities and foundations are considerable. For with a confraternity the monastery and college chapter already existed at the start of the decision, the ruler was enrolled in their ranks and was to perform the same services as one of their own; by contrast, the initiative for a foundation lay with the king. The duration of the memoria could be decisively influenced depending on whether the collective had reacted to an offer or an outside request, or had acted at its own initiative. Foundations in the context of confraternities likely existed in the cases of the cathedral chapters of Speyer²⁴²⁰ and Bamberg,²⁴²¹ as well as the Augustinian monastery of Seckau.²⁴²²

How a fraternity supplemented and expanded a foundation can be especially well-observed in the instance of the St. Ulrich and Afra Monastery in Augsburg.²⁴²³ Barbarossa had already financed the abbey in 1177,²⁴²⁴ and he was adopted into the brotherhood of the monks during a visit to Augsburg in 1182. It was agreed that the brothers were to perform the same services of vigils, fasts, prayers and other spiritual works in the event of his death that

2419 *Necrologium Isnense* (1888), 178. It is questionable whether the notice can be connected to *Urkunden der deutschen Könige* 10.4 (1990), no. 999, in contrast to *Oppl, Amator ecclesiarum* (1980), 76. *Prüfening Monastery: Fragmenta necrologica Prufeningensia* (1905), 406; *Necrologium Prufeningense* (1905), 354. One can hardly reference these notices, as does *Oppl, Amator ecclesiarum* (1980), 76, to a charter of the emperor; in the latter Frederick puts into writing an exchange between Duke Otto of Bavaria and Abbot Erbo of Prüfening of 1181: *Urkunden der deutschen Könige* 10.4 (1990), no. 804.

2420 In the entry of the Book of the Dead of Speyer of 1273 Frederick I is designated as a brother from the canons' point of view; thus, in the case of a prayer confraternity, one assumes a foundation is a requirement and reflects, in fact, the actual context.

2421 In charters of 1163 and 1165 (*Urkunden der deutschen Könige* 10.2. [1979], nos. 420, 478) Frederick called the canons of the episcopal church his "most beloved and true brothers". When the act of confraternity is to be dated is not clear.

2422 *Necrologium Seccoviense* (1904) 415; *Liber confraternitatum Seccoviensis* (1904), 363; cf. *Oppl, Amator ecclesiarum* (1980), 76–7. In Goslar Frederick I and his consort Beatrice were included in a confraternity of lay and religious persons: *Urkunden der deutschen Könige* 10.4 (1990), no. 1013. On Besançon cf. *ibid.*, no. 994; *Güterbock, Zur Geschichte Burgunds* (1937), at 224 f. (no. 5); cf. *Urkunden der deutschen Könige* 12 (2014), no. 60. On the death of his little daughter Agnes: *Urkunden der deutschen Könige* 10.4 (1990), no. 882.

2423 On Barbarossa's relationship to Augsburg there is now *Oppl, Stadt* (1986), 33–9.

2424 According to a document of Pope Alexander III of 6 August 1177: *Urkunden St. Ulrich und Afra* (1956), no. 10.

they would do for one of their own or their abbot.²⁴²⁵ For this pious endeavor Frederick, so it is stated in his diploma, confirmed the property of the brothers and their successors and took it under his protection. Already a short time later the emperor acted with particular zeal for the confraternal association. After the monastic church had burned down in the summer of 1183, it was clearly he who financed its rapid reconstruction. He participated at the new consecration in 1187 with three of his sons and personally transferred the relics of Saint Ulrich to their new place of rest.²⁴²⁶ Shortly after his departure from Augsburg he gifted the Church of Ulrich with three estates. This happened when the abbot and brothers had promised to hold a yearly commemoration for him on the days of fasting (Ember Days) before Christmas with vigils, masses and prayers; after his death, however, his own anniversary, as well as that of his consort Beatrice were to be performed forever.²⁴²⁷ If the monks had thus granted a commemoration of the dead like that of the monks to their imperial brother in 1182—though it is not clear whether an anniversary was to be included or not—the prescriptions of 1187 were more clear and comprehensive. Annual commemorations of the dead were now expressly mentioned, which was also to include the already-deceased empress Beatrice. In addition, the founder fixed an annual commemoration of the living for himself during the winter Ember Days. Since these days of fasting varied from year to year,²⁴²⁸ the obligations had to be noted in the missal; it was only with the death of Barbarossa that a calendrical notice came into consideration. In fact, a necrologium has survived from St. Ulrich and Afra, which stems from 1514 and could have been used until the dissolution of the imperial abbey in 1802.²⁴²⁹ It contained entries for the deaths of Frederick and Beatrice, yet without reference to a foundation or confraternity. The dynamic of memoria can doubtless be traced back in Augsburg to an intense interrelation between the monastery and its external brother, without decisive importance having been able to be attached to the foundation of Barbarossa.²⁴³⁰

2425 Urkunden der deutschen Könige 10.4 (1990), no. 834.

2426 *Petersohn*, *Kaisertum* (1992), 110.

2427 Urkunden der deutschen Könige 10.4 (1990), no. 957.

2428 They fell upon Wednesday, Friday and Saturday in the week after 13 December. Cf. *Franz*, *Quatember* (1995); *Opll*, *Winterquatember* (1977).

2429 *Necrologium monasterii S. Udalrici* (1888), 124; *ibid.*, 127.

2430 On a supposed foundation of Frederick I (or for Frederick) according to *Wollasch*, *Überleben* (1983). Objections in *Borgolte*, *König als Stifter* (2000, repr. 12), 329 n. 89.

The later Hohenstaufens continued to finance hospitals.²⁴³¹ In 1192 Henry VI transferred a proprietary church to “his hospital” in Hagenau, which had to supply a priest for its pastoral care.²⁴³² This supplementary endowment is noteworthy in as far as it was to replace the tithe from the imperial treasury in Alsace. Real estate, even a church with its revenues, still seemed a more attractive investment for foundations than rents from the treasury. This conclusion is based on a still further example. As Henry desired to support the provost and the monastery of the hospital at the Great St. Bernhard Pass through a memorial foundation, he was able to appropriate a rent of 20 silver marks, which were to be due yearly at Christmas. Yet it happened that the king presented the prospect of their transformation into properties “from which you might derive secure incomes.”²⁴³³

Of the remaining foundations of Henry VI, the double canonry of 1195/1197 to the episcopal church of Lüttich is especially notable.²⁴³⁴ The endowed property was to support the erection of two altars, at which daily two masses were to be celebrated, one for the preservation of the realm and the other for the souls of his parents and predecessors as well as for his deceased confidants. Both priests were to also tend to the wax candles on the altars at night. While the emperor retained stewardship over the properties, the dean of the chapter and his successor at the death of the chaplains were to have the right of transferring their prebends to suitable persons. Henry VI had in this way erected a memorial foundation in St. Lambert, which was to include the integrity of the realm.²⁴³⁵

Canonries of the Lüttich sort are to be separated from benefices which belonged to the king personally, but only because of his office. These unique

²⁴³¹ There are numerous attestations for Henry VI: *Regesten Heinrich VI.* (1972), nos. 37, 38, 45, 56, 64, 142, 146 and 217, 214, 221a, 265, 268, 383, 558, 576, 593, 601, 639, 642, 653, 671, 695 (a hospital he himself established), 708, 709 and 727; for Henry's consort Constance: *Die Urkunden der deutschen Könige 11.3* (1990), nos. 17, 24, 42, cf. 21. For Philip of Swabia: *Urkunden der deutschen Könige 12* (2014), nos. 140, 171, 194. For Frederick II: *idem 14.1* (2002), nos. 9, 35, 46, 73, 77, 110, 111, 154, *idem 14.2* (2007), nos. 180, 228, 230, 240, 246, 288, 380, 411, 415, 576, *idem 14.3* (2010), no. 784, *idem 14.4* (2014), nos. 773, 783, 819, 824, 826, 844, 889 and elsewhere.

²⁴³² *Regesten Heinrich VI.* (1972), no. 214; confirmation charter of King Philip of 1208 (*Urkunden der deutschen Könige 12* [2014], no. 171), Frederick II of 1218 (*idem 14.3* [2010], no. 435) and Rudolf of 1274 (*Regesten Rudolf* [1898], no. 183).

²⁴³³ *Baaken*, *Ungedruckte Urkunden* (1975), 486–7, at 487; *Regesten Heinrich IV.* (1972), no. 38. Cf. no. 37, in addition *ibid.*, nos. 217, 146.

²⁴³⁴ *Cartulaire de Saint-Lambert* 1 (1893), 118 no. 73; *Regesten Heinrich VI.* (1972), no. 628.

²⁴³⁵ Confirmed by Frederick II: *Urkunden der deutschen Könige 14.2* (2007), no. 314; on the endowment property in Freeren (Vreeren) see already *Urkunden der deutschen Könige 10.3* (1985), no. 663.

connections of the ruler with important collegiate churches have been termed “royal canonries”.²⁴³⁶ The reception of the prebend allowed the king in question to take his place in the choir of the church and to enjoy the revenues of his benefice, just like a normal canon. While with confraternities or memorial foundations the ruler (or persons named by him) was made a “brother” or spiritual usufructuary, for whom, due to the services performed, prayers would be said after his death, in royal canonries the respective aid of prayer ended at the death of its holder. Since in his place his successor would once again be appointed for life, no resources were available for postmortal memoria. Parallels to the German royal canonry are known from France, Spain and England;²⁴³⁷ they are perhaps even more ancient, but as with the sources from Germany, they point to a genesis of the establishment in the 12th century.²⁴³⁸ Benefactions to kings by religious communities are plausible as the basis of royal positions; these then would have left one of their prebends to the potentates in order to benefit from special proximity to the king. Yet also possible are foundations by a king which did not aim at this personal memoria. The first witnesses from the Holy Roman Empire date from the reign of Henry VI or around 1200, but leave important questions unanswered.

Probably in 1196 the emperor addressed a letter to the provost, dean and chapter of the Cathedral of St. Martin in Utrecht.²⁴³⁹ From time immemorial, so it is stated in the document, the chapter of Utrecht, by their shared choice, had made the Roman kings and emperors into canons of the church and brothers. The accompanying prebends had always been transferred to two priests who had to pray unceasingly for the ruler and for peace in the realm. At the death of these religious, however, the ruler, occupied and far away, was often

²⁴³⁶ *Borgolte*, *Typologie* (1991, repr. 12), yet here on a broader source basis. *Groten*, *Königskanonikat* (1992), is unfamiliar with the difference between a confraternity and a royal canonry.

²⁴³⁷ On which in detail *Borgolte*, *Typologie* (1991, repr. 12), esp. 230–240.

²⁴³⁸ *Ibid.*, 241; with an unconfirmed dating to the time of Frederick I (1152/6): *Groten*, *Königskanonikat* (1992), 627–8.

²⁴³⁹ *Oorkondenboek Utrecht 1* (1920), 469–70 no. 530; *Regesten Heinrich VI.* (1972), no. 506; *Borgolte*, *Typologie* (1991, repr. 12), 229. In contrast to what *Groten*, *Königskanonikat* (1992), 628, asserts, it does not at all emerge from *Urkunden der deutschen Könige* 10.1 (1975), no. 137 of 1156 that Frederick I also possessed a canonry at the collegiate church of St. Marien of Utrecht, since the designation of the canons as “brothers” of the emperor could also result from a confraternity. According to a further charter of 1173 (?) (*Urkunden der deutschen Könige* 10.3 [1985], no. 609) Frederick I was in fact a member of the collegiate church of St. Marien, yet in contrast to the cathedral chapter of St. Martin there is no indication of a permanent, transpersonal royal canonry. Whether the “imperial prebend” regulated by William of Holland goes back to Frederick I is uncertain.

unable to appoint new prebendaries, even though that which was God's deserved particular sovereign attention and the Church of Utrecht ought not be deprived of its due. Henry VI therefore directed that now and in the future the dean of the Cathedral of St. Martin should always give the *stipendium prebende* allotted to him to two suitable priests, who were to beseech "the Lord for Our salvation and the peace of the realm". While the function of the royal canonry is clearly described and the transmission of the prebend is clearly regulated, the genesis of the institution in the supposedly distant past remains unclear.

Henry VI even belonged to the chapter of St. Peter's in Rome. Through a document of the same year (18.10.1196), the Hohenstaufen donated the annual taxes of their castle of Vallerano by Viterbo, which hitherto had gone to the imperial nuncios, to the canons there, "where we possess the brotherhood and a canonry".²⁴⁴⁰ Around the same time the so-called coronation ordinances for the emperor came into being, which envisaged the entry of the ruler into the chapter of St. Peter's.²⁴⁴¹ Still in 1312 they sought to rely on them as an imperial coronation, that is that of the Luxembourg Henry VII, was to take place for the first time in 92 years (namely since that of Frederick II in 1220).²⁴⁴² Pope Clement V, however, remained in his French homeland,²⁴⁴³ and the Eternal City along with St. Peter's was occupied by the Angevins. Before the cardinals were at least able to proceed in the "wrong place", the Lateran, they had to first research in the archives of the church how the coronation ritual should be performed, as reported by two participants.²⁴⁴⁴ Henry swore to protect and respect the life and body of the pope, as well as the rights of the Church and the city of Rome.²⁴⁴⁵ Yet there was not a single canon of St. Peter's present, "who would have been able to accept him as a brother".²⁴⁴⁶

There were additional royal canonries at the Marian Cathedral at Aachen as well as the cathedral chapter of Cologne.²⁴⁴⁷ Analogously to the imperial coronation in Rome, the canons in question admitted the German ruler to their chapter on the occasion of the royal crowning by the archbishop of Cologne in

²⁴⁴⁰ Scheffer-Boichorst, *Untersuchungen* (1893), 97–8; Regesten Heinrich VI. (1972), no. 556; Borgolte, *Typologie* (1991, repr. 2012), 227–8.

²⁴⁴¹ *Ordines für die Weihe* (1960), 63 capp. 6–7. For the fixing of the order of Cencius II, the pope had "to ordain as a cleric" the future emperor in the *secretarium* of St. Peter's (ibid., 40 cap. 19), cf. in this regard Fuhrmann, *Rex canonicus* (1984). On the tradition of St. Peter's: Eichmann, *Kaiserkrönung* 2 (1942), 5.

²⁴⁴² Schneidmüller, *Kaiser des Mittelalters* (2006), 90–2; Thorau, *Heinrich VII.* (2003), 390.

²⁴⁴³ Borgolte, *Petrusnachfolge* (1995), 234–8; Hausberger, *Päpste in Avignon* (1985), 259–62.

²⁴⁴⁴ *Constitutiones* 4.2 (1909–11), 797 no. 797.

²⁴⁴⁵ Ibid., 796 no. 796. On the oaths: Eichmann, *Kaiserkrönung* 2 (1942), 163.

²⁴⁴⁶ *Constitutiones* 4.2 (1909–11), 797 no. 797.

²⁴⁴⁷ Borgolte, *Typologie* (1991, repr. 2012), 227–9.

Aachen.²⁴⁴⁸ At the center of ceremony of entry was likewise an oath, by which the ruler swore special protection.²⁴⁴⁹ In Aachen and Cologne, like in the cathedral at Utrecht, royal vicars, that is spiritual representatives of the king, are attested.²⁴⁵⁰ In 1253 a “royal prebend” that was likewise occupied by two priests is also mentioned in a charter of King William of Holland for the collegiate church of St. Mary at Utrecht. Similar to St. Martin, the dean and the chapter were to occupy the positions, but were to inform the ruler at once as soon as he tarried north of the Alps, to receive his confirmation.²⁴⁵¹

With the end of the Hohenstaufens an almost two century-long series of imperial-royal dynasties was broken.²⁴⁵² Though in the Late Middle Ages the Hapsburgs from Rudolf (1273–91) and Albrecht I (1298–1308) and the Luxembourgs from Henry VII (1308–13) each repeatedly appointed kings, until Frederick III (1486/93) only Charles IV (1376/8) succeeded in securing direct succession for his son. The Electors even considered dukes or kings outside the empire as candidates; yet apart from insignificant episodes the Germans in the Late Middle Ages never lost their kingdom to outside rulers, and with the imperial dignity this was certainly not the case. By contrast, a Europeanizing tendency can be observed amongst the leading nobility itself. Like noble

2448 Aachen was from Otto I (936) until Ferdinand I (1531) the regular place of coronation, while the archbishop of Cologne had emerged as the officiating cleric in the Salian period (1052). Cf. *Erkens*, *Erzbischof von Köln* (1987), 135–7, cf. *ibid.*, 29. Admittance into the cathedral chapter of Cologne proceeded either in Aachen by canons who had accompanied their archbishop, see *Schulte*, *Kaiser- und Königskrönungen* (1924), 54, or by a procession of the newly-crowned king from Aachen to Cologne, esp.: *Urkunden Sigmunds* (1896/7), nos. 1278a, 1319a und 1323.

2449 For the oath of Aachen: *Werminghoff*, *Geschichte* 1 (1905), 172, n. 1, and *Hinschius*, *System* 2 (1878), 77 n. 1. For the oath of Cologne (formulary for Frederick III, 1486): *Hüffer*, *Forschungen* (1863), 268, as well as *Crombach*, *Primitiae gentium* 1 (1654), 809. Frederick III's oath in Aachen in 1442: *Chmel*, *Regesta Friderici IV. 1* (1838), no. 607.

2450 For royal vicars in Aachen: *Offergeld*, *Lebensnormen* (1985), 97 (2nd half of the 13th century). Division of the royal vicariate in 1318: *Constitutiones* 5 (1909–13), no. 500, cf. no. 501. For the duties of the royal vicars in St. Mary's Collegiate Church in Aachen according to the book of statutes of c. 1415/16: *Offergeld*, *Frühe Statutenbücher* (1983/4), 26–7. With respect to the *vicarii imperii* at Cologne Cathedral (1st half of the 13th century): *Grotten*, *Gebetsverbrüderung* (1983), 32–3; cf. *Hüffer*, *Forschungen* (1863), 266–7.

2451 *Urkunden der deutschen Könige* 18 (1989–2006), no. 274.

2452 *Borgolte*, *Christen, Juden, Muselmanen* (2006), 410–7. Concerning the late medieval German royal office (as well as the imperial office), see *Menzel*, *Zeit* (2012), at esp. 80–191; *Schneidmüller*, *Kaiser des Mittelalters* (2006), 87–117; *Rexroth*, *Geschichte* (2005), 82–119; *Krieger*, *König* (2005); *Schneidmüller / Weinfurter* (eds.), *Herrscher* (2003), 340–542; *Schneider* (ed.), *Königtum* (1987); *Moraw*, *Verfassung* (1985); *Thomas*, *Geschichte* (1983).

houses of other lands (Anjou, Valois, the Jagiellonians),²⁴⁵³ the Hapsburgs and Luxembourgs took pains to gather principalities and territories beyond the borders of their ancestral realms. In addition, they must have seen themselves as all the more under pressure, as the kingdom during the so-called “Interregnum” (1245/50–73)²⁴⁵⁴ had suffered the loss of its royal economic basis (*Reichsgut*).

The Hapsburgs were originally a noble family of counts of lesser importance in the southwest part of the empire (Aargau, Alsace).²⁴⁵⁵ King Rudolf already concentrated the majority of his house’s power to the east, when he succeeded in defeating the Bohemian king Ottokar II in a battle at Dürnkrut (on the Slovakian border), which also resulted in the Přemyslid’s death (1278). In 1282 he was able to outfit his sons with duchies in Austria, Steiermark, Krain and the Wendish March. After the extinction of the Hungarian Árpáds (1301) and Czech Přemyslids (1306),²⁴⁵⁶ there arose under Rudolf’s son and second successor, King Albrecht I, the perspective of rule over multiple realms, yet which the Hapsburgs were unable to take lasting advantage of this in competition with other ruling houses. Even more important was that Emperor Frederick III (1440–93) did not content himself with his Holy Roman kingdom to secure his house’s power in the southwest. This Hapsburg arranged in 1473 for the betrothal of his son Maximilian (1486–1519) with the daughter of the prodigiously wealthy duke of Burgundy, by which his dynasty some years later, against the considerable opposition of France to the succession, achieved a decisive geographic and economic advantage within “Old Europe”.

Like the Hapsburgs, the Luxembourgs also hailed from the empire’s west,²⁴⁵⁷ and at the turn of the 14th century they had already oriented themselves upon the French kingdom and French culture for a longer period of time. Count Henry of Luxembourg, who was supposed to become the Holy Roman king, was the vassal of Philip the Fair and had bound himself by oaths of fealty to defend the French kingdom “against everyone”. The western acculturation of Henry VII proceeded to such an extent that his native language was the Romansch common in Hennegau, and indeed he hardly spoke German. The

2453 Cf. *Schneidmüller*, *Grenzerfahrung* (2011); *North*, *Europa expandiert* (2007); *Ehlers*, *Geschichte Frankreichs* (2009), 206–390; *Engel*, *Realm* (2001), 124–94; *Jaworski / Lübke / Müller*, *Geschichte Polens* (2000), 126–41; *Manselli / Von Bogyay / Bautier*, *Anjou* (1980).

2454 *Kaufhold*, *Interregnum* (2000). The documents of King Alfonso of Castile, elected in 1257 in *Romanorum regem et imperatorem*, evidence no foundations, s. *Urkunden der deutschen Könige* 19.1 (2016), cf. at esp. XXIII–VIII.

2455 *Heimann*, *Habsburger* (2001); *Krieger*, *Habsburger* (2004). Most recently *Rauschert / Teuscher / Zotz* (eds.), *Habsburger Herrschaft vor Ort* (2013).

2456 *Engel*, *Realm* (2001), 101–23; *Lübke*, *Östliches Europa* (2004), 377–87.

2457 *Hoensch*, *Luxemburger* (2000).

rule of the Luxembourgs, like that of the Hapsburgs, was initially not very impressive, even though it encompassed double the area of the present-day Grand Duchy of Luxembourg. It could not be expanded because this would have come at the expense of powerful neighbors, above all the archbishops of Cologne, Trier and Mainz, but also other bishops (Verdun, Lüttich, Toul, Metz). Soon after his election as king, however, Henry succeeded in attaining rule in Bohemia for his son, over which he implemented his power after the extinction of the male line of the Přemyslids (1310). In February 1311 Johann with his consort was crowned in Prague Castle by the archbishop of Mainz as the King of Bohemia. Of the thirty-six years of his Bohemian reign Johann (d. 1346) spent only eight (almost) exclusively on the Vltava. He had his son Wenceslas brought up at the court of Charles of France, whose name he adopted at his confirmation. In 1335 (Wenceslas) Charles IV moved to Bohemia, laid down roots there and acquired the acceptance of the inhabitants. While still under his father he expanded Prague into an imperial residence, having been lastingly impressed by the French capital of Paris.

Long before his death (29.11.1378) Charles made his two-year-old son Wenceslas the king of Bohemia (1363), but he was still fortunate to have his oldest son elected as ruler of the Holy Roman Empire and crowned (June/July 1376). He had betrothed his second son, Sigismund, in 1375 to a daughter of King Louis of Hungary and Poland, which at the time opened the prospect of a succession in Hungary to the seven-year-old. At the division of the realm mandated by his testament in 1376, Sigismund was allotted the Margravate of Brandenburg. Wenceslas did not prove up to the task intended for him: the German electors dethroned him in the year 1400 due to his inactivity and excessive absence, and even in Bohemia, where he resided in Prague or in castles in the west of the land, he could only maintain himself with difficulty until his death in 1419. The Electors first offered the Roman royal crown to the English king Richard II before finally electing the count palatine Ruprecht III from the House of Wittelsbach in Wenceslas' place.²⁴⁵⁸

In contrast to Wenceslas, his brother Sigismund, multilingual like his father, prospered and succeeded with luck and skill as King of Hungary (1387/95). When Ruprecht died, he also obtained the election as Roman ruler, though he was successful in stages after the death of a rival relative (1410/11). After the death of his brother Wenceslas, the last Luxembourg also acquired rule over Bohemia (1420). Like his father Charles before him, he obtained in Italy the crowns of Lombardy and of the emperor (1431/1433) before dying in Moravia without a male successor (1437).

²⁴⁵⁸ Auge / Spieß, Ruprecht (1400–1410).

Under the political conditions of the period, royal foundations acquired a more instrumental character than they ever had had before. Though rulers continued to feel obligated to foster the divine service and, like their early and high medieval predecessors, took pains for the salvation of their souls and memorial prayer, with foundations they now commemorated battles won²⁴⁵⁹ or dynastic tragedies, strengthened their central locations and seized territory pervaded by other noble houses, cities and churches of privileged status by immunity. Universities emerged as a new type of foundation. These originally free associations of study, namely in Paris, Bologna and Oxford, could only attain their freedom in the Holy Roman Empire in the form of a royal or princely foundation.²⁴⁶⁰ Rulers relied on learned advice, which stemmed from these schools of higher education; they succeeded in mobilizing church prebends for doctors and magisters, yet also they themselves created such positions and,²⁴⁶¹ obligated to the norm of royal beneficence, supported students through legislation and stipends.

Rudolf of Hapsburg²⁴⁶² apparently only created a single independent foundation, namely the Dominican monastery in the city of Tulln on the Danube by Vienna. In addition, he appeared as the benefactor of the episcopal church of Basel at the Rhine knee, to which he left his *ius patronatus* for the financing of two new priestly prebends. The reason for his caution was that the count of Hapsburg west of Zurich could not compete with the greatest territorial lords of his time, even if he was not actually as poor as the sources would have it.²⁴⁶³ In addition, he probably had to obligate himself at his election to win back for the empire the possessions that had been lost in the post-Staufer crisis period and not to grant crownlands without the permission of the princes.²⁴⁶⁴ His

2459 On which recently *Hugener*, *Buchführung* (2014), 216–30; *Brachmann*, *Memoria* (2006); in addition: *Graf*, *Schlachtengedenken* (1991); *idem*, *Schlachtengedenken* (1989).

2460 *Borgolte*, *Stiftungen des Mittelalters* (1994, repr. 2012), 32–40; *idem*, *Stiftung und Wissenschaft* (2011); *Rexroth*, *Universitätsstiftungen* (1992); *Wagner*, *Universitätsstift* (1999); recently *Lohse*, *Wohltätigkeit* (2016); *Rexroth*, *Horte der Freiheit* (2013). In general, quite recent is also *Charle / Verger*, *Histoire des universités* (2012).

2461 Regarding the late medieval leadership of the church by kings and princes and their methods of control, including privileges arising from patronage, the right of the “first request”, etc., see *Borgolte*, *Mittelalterliche Kirche* (2004), 24–31, 84–7.

2462 For the following I was able to rely in part on a dossier of *Katrin Proetel* (now *Frische*) of April 2000, which came into being in the context of a German Research Foundation (DFG) project under my direction, “The Foundations of the Frankish and German Kings and their Realities” (“Die Stiftungen der fränkischen und deutschen Könige und ihre Wirklichkeiten”).

2463 Cf. *Krieger*, *Rudolf* (2003), 59–83, esp. 59–60 and 67; *Menzel*, *Zeit* (2012), 81.

2464 *Krieger*, *Rudolf* (2003), 108–9; *Erkens*, *Tradition* (1993), 65; *Colberg*, *Reichsreform* (1966), 77.



ILLUSTRATION 36 Grave monument of King Rudolf of Hapsburg (d. 1291) in the Cathedral of Speyer

most powerful opponent was Ottokar, king of Bohemia, who had succeeded in seizing inter alia the duchies of Austria, Steiermark, Carinthia and Carniola and forming a territory from the Erzgebirge to the Adriatic.²⁴⁶⁵ Especially because Ottokar delayed his recognition of the Hapsburg as king, the new ruler was forced to go to war against the Bohemian. His victory at the Morava north-east of Vienna on 26 August 1278 “not only enabled the rise of the Hapsburgs to a true royal and powerful dynasty, it also laid the foundation for the formation of a new Danubian realm in which not only Bohemia, but also the Austrian lands were to form its political center.”²⁴⁶⁶ The foundation in Tulln lay only a good day’s journey removed from Dürnkrut; with it Rudolf not only wanted to commemorate his victory over Ottokar, achieved with the aid of God, but also the fortuitous saving of his life during the battle (31.8.1280).²⁴⁶⁷ In one of two charters of 21.5.1281 he expressly designated himself as *fundator* and *dotator*, and used inter alia 60 marks from tolls collected from Austrian cities and localities for the financing of the nuns, as well as for the six Dominicans who were subordinated to the abbess and were to exercise spiritual supervision over them. His oldest son, Albrecht, he appointed as the steward of the convent, that is as “bailiff and curator of the objects and properties”.²⁴⁶⁸ As drawings from the 18th century attest, Rudolf and his consort, Queen Anna, as well as Albrecht and his wife Elizabeth, were depicted on the western columns of the church, in the choir, apparently in life-sized sculptures.²⁴⁶⁹ A young son of Rudolf and Anna, whose name is unknown, was interred there, probably in the second half of the year 1280.²⁴⁷⁰

Via Tulln Rudolf doubtless documented his claim to rule in Austria at the expense of the Přemyslids. In contrast to later sources, however, according to which as many as 17 descendants of the king were interred in the crypt of Tulln,²⁴⁷¹ there is no historical evidence for the planning of a Hapsburg family mausoleum with the Dominicans. As Queen Anna already passed away on 16.2.1281 in Vienna, Rudolf had her brought to Basel and, according to her own wish, buried there.²⁴⁷² There already rested in the cathedral a further son of

²⁴⁶⁵ Krieger, Rudolf (2003), 90–1.

²⁴⁶⁶ Ibid., 153.

²⁴⁶⁷ Kerschbaumer, Geschichte (1874), 320–1 no. 13, at 320; Regesten Rudolf (1898), no. 1220. Cf. Kerschbaumer 320–1 nos. 12 und 14; cf. Regesten nos. 1218, 1221 und 1243. On the battle: Krieger, Rudolf (2003), 148–50; Menzel, Zeit (2012), 97–8.

²⁴⁶⁸ Kerschbaumer, Geschichte (1874), 322–4 no. 21, at 322–3; Regesten Rudolf (1898), no. 1294.

²⁴⁶⁹ Sauerländer, Naumburger Stifterfiguren (1979), 218.

²⁴⁷⁰ Regesten Rudolf (1898), no. 1251*b; Englisch, Beitrag (1979), 51–61.

²⁴⁷¹ Meynert, Herz (1856); by contrast already Kerschbaumer, Kaiserliches Frauenstift (1873), 29–44.

²⁴⁷² Chronicon Colmariense (1861), 253–4; Regesten Rudolf (1898), no. 1260a.

the couple, Charles, who had died in 1276.²⁴⁷³ Though the Hapsburg had had major conflicts with the see until his royal elevation, to him as well as to Anna a settlement with the major episcopal city between the Hapsburg ancestral lands in Alsace and northwestern Switzerland was important.²⁴⁷⁴ When a few days before Christmas of the same year Hartmann, the eighteen-year-old son of Rudolf, drowned in a shipwreck between Breisach and Strasbourg, he was also buried in the cathedral of Basel.²⁴⁷⁵

Queen Anna was said to have already promised four prebends to the cathedral chapter in her testament.²⁴⁷⁶ The endowment of the two priestly prebends by her surviving spouse was controversial, because the *ius patronatus* employed in Augst and Zeiningen affected crown lands.²⁴⁷⁷ Rudolf thus took pains to acquire formal approval from the Electors. The first approval, by the archbishop of Cologne, was already dated to almost three years before the royal endowment charter itself (namely 1282),²⁴⁷⁸ while the last was drawn up by the archbishop of Trier only in 1298.²⁴⁷⁹ On 2.5.1288 the deacon and the cathedral chapter had already implemented the foundation directive of Rudolf: they contracted one Johann of Veseneck with a commission of 25 pounds of Basel coins annually of the revenues of the parish of Augst “for the eternal commemoration of the queen of the Romans, Anna, and her children” at the chaplain’s station at the newly-erected altar in the choir of the cathedral.²⁴⁸⁰ The tasks of

2473 *Annales Basileenses* (1861), 199; *Chronicon Colmariense* (1861), 244; *Regesten Rudolf* (1898), no. *520a. For an illustration of the tomb of Queen Anna and Charles see *Krieger, Rudolf* (2003), 101; *Zotz, Zentren* (2013), 23.

2474 *Krieger, Rudolf* (2003), 81–3; *Chronicon Colmariense* (1861), 253. Cf. *Derschka, Konstanz* (2010).

2475 *Regesten Rudolf* (1898), no. 1427a; cf. the entry in the anniversary book of the Basel cathedral chapter of 1334/1338: *Bloesch, Anniversarbuch. Text* (1975), 524; *Gut, Memorialorte* (1999), 100.

2476 *Chronicon Colmariense* (1861), 253.

2477 *Constitutiones* 3 (1904–6), no. 656. The foundation charter dates only from 18.10.1285, by which the process of foundation in this context must have begun immediately after the burial of Anna (20.3.1281, see *Regesten Rudolf* [1898], no. 1260a), at the latest after Hartmann’s death, see the first *Willebrief* (letter of acquiescence) of 21.12.1282, which is cited in the next footnote.

2478 *Constitutiones* 3 (1904–6), no. 657 of 21.12.1282. There followed (*Constitutiones* nos. 658–61) the *Willebriefe* of the archbishop of Mainz (of 1.1.1283), of the count palatine of the Rhine and the duke of Saxony (19.2.1285), the king of Bohemia (16.4.1285), all of which were before Rudolf’s foundation charter (see the previous footnote), so that at this time the majority of the Electors had agreed. On *Willebriefe: Fischer, Willebrief* (1998); *Ficker, Fürstliche Willebriefe* (1882); *Lamprecht, Entstehung* (1881).

2479 *Constitutiones* 3 (1904–6), 649–50 no. 663 of 20.11.1298; consent of the margrave of Brandenburg on 17.8.1297: *Ibid.*, 649 no. 662.

2480 *Urkundenbuch Basel* 2 (1893), 349 no. 621.

the chaplain and his successors were, incidentally, laid down according to the foundation charter. The prebendaries were prescribed to perform daily masses at their altar, to participate in the hourly prayers of the cathedral chapter and indeed to personally reside there. Similar considerations doubtless applied for the second priest, the "Chaplain of Count Hartmann".²⁴⁸¹

Anna's body was first interred within the Basel Cathedral within the tomb of her son Charles,²⁴⁸² before an elaborate monument was erected for her which stands to this day.²⁴⁸³ Rudolf, however, was also included in the memoria of the cathedral chapter;²⁴⁸⁴ still in the 15th century Emperor Frederick III strengthened the Hapsburg tradition by having the imperial crest with the double eagle depicted above Anna's tomb.²⁴⁸⁵ The occupancy of Anna's and Hartmann's prebends was first interrupted at the time of the Reformation (in Basel in 1529); the cathedral chapter in 1533 insisted in vain against the Hapsburg authorities that the incomes of the parish church of Augst could not be employed for any other purpose than that set down by the founder.²⁴⁸⁶ According to a *Compendium libri vite* of 1610, the anniversaries under the names of the Hapsburgs were no longer practiced.²⁴⁸⁷ In 1770 the prince-abbot Martin Gerbert of St. Blasien effected the transfer of the Hapsburgs, including the remains of Anna, from the Swiss Protestant memorial locations to his monastery, which lay in a Catholic land. From there, after the secularization of St. Blasien in 1806, the remains reached the Monastery of St. Paul in Lavanttal (Austria).²⁴⁸⁸

Rudolf of Hapsburg (d. 15.7.1291), the founder of the royal dynasty, was, however, not buried in Basel nor even in Tulln.²⁴⁸⁹ According to the chronicle tradition associated with him, it was his express wish to be interred at the cathedral in Speyer in the vicinity of the Salians and the Hohenstaufen Philip of Swabia, "where my ancestors are, who were also kings"; he is even said to have himself

2481 Thus *Hieronimus* (ed.), Hochstift Basel (1938), 433 (Liber capellanorum ecclesie Basiliensis), 453.

2482 That is to be concluded from the fact that when the queens' tomb was opened in 1510 there was also found "a disorderly pile of bones of the young lord [Carolo]": *Wackernagel* (ed.), Christian Wurstisen (1888), 431; cf. *Schmitz-Esser, Leichnam* (2014), 293 n. 561; *Gut, Memorialorte* (21999), 99–101.

2483 For illustrations: *Gut, Memorialorte* (21999), 100.

2484 Entries in the Anniversary Book of Basel: *Bloesch, Anniversarbuch. Text* (1975), 104, 299, 509.

2485 *Döbeli / Hye / Jordan et al., Habsburger* (1996), 122.

2486 *Aktensammlung* 6 (1950), 247–9 no. 257.

2487 Cf. *Bloesch, Anniversarbuch. Kommentar* (1975), 117–8, in addition *ibid. Text*, 180.

2488 *Gut, Memorialorte* (21999), 106–10; *Wörner, Schicksal der Klostergebäude* (1983), 116; *Münzer, St. Paul* (1983), 308; *Schmitz-Esser, Leichnam* (2014), 293 n. 561.

2489 *Regesten Rudolf* (1898), no. *2518b.

ridden to Speyer while terminally ill, in order to expire there.²⁴⁹⁰ According to another source Rudolf only hoped to enjoy the more salubrious air in Speyer.²⁴⁹¹

Tulln, Basel and Speyer—this trio of foundation and memorial sites certainly did not originate from any long-term plan of the king, but was rather the result of contextual decisions which one cannot deny a certain conceptional interpretation. The foundation in Tulln underlined the claim of the ruler to expand the power base of his family far to the east; the translation of Anna from Vienna to Basel, and not to the nearby Dominican convent, accentuated the roots of the Hapsburgs in southwest Germany, likewise with the selection of a cathedral but also the position of the king within the church of the Empire; the decision of Speyer as a place of burial (though not necessarily of dying) was an unmistakable indication for his personal listing in the line of kings with potential for dynastic succession, as was the case with the Salians. Rudolf used the decentralized nature of the three places to express the geographic expanse and chronological depth of the new Hapsburg kingdom.

Albrecht I (1298–1308), Rudolf's son, did not attain this level of power.²⁴⁹² He was a determined, even reckless expansionist, who hurried about under his father as duke of Hapsburg, that is in the west, and in addition from 1283 also received the duchies of Austria and Steiermark. When the Electors had to determine Rudolf's succession, they decided against the dynamic and unloved Albrecht in favor of the count Adolf of Nassau. In the meantime, the latter himself fell out of favor with the magnates over his legally dubious land acquisitions, was deposed in June 1298 and a few days later lost his life at a battle near Mannheim.²⁴⁹³ Adolf perhaps even fell by Albrecht's hand, who before the encounter already had been elected as the new king. The Hapsburg then lacked both the time and disposition for a determined foundation policy, when he also in 1306 had an altar erected in the Cathedral of Speyer with two priests, who were to eternally cultivate the commemoration of his father Rudolf and his other predecessors and successors as emperor (!).²⁴⁹⁴ Albrecht

2490 Ellenhardi chronicon (1861), 134; Ottokars Reimchronik (1890), 507. For the tradition of the Speyer mausoleum see Ehlers, *Metropolis Germaniae* (1996); in addition, on Philip's tomb: Rader, *Umgebetteter Onkel* (2010).

2491 Schaller, *Brief* (1998), 580–1. Cf. Krieger, *Rudolf* (2003), 227–8, at esp. n. 48. On the mausoleum of Rudolf: Meyer, *Königsbegräbnisse* (2000), 19–31; Rader, *Grablegen der Herrscher* (2006), 179; on the mausoleum see Körner, *Grabmonumente* (1997), 128–32.

2492 Menzel, *Zeit* (2012), 121–38; Krieger, *Habsburger* (2004), 75–109; Reinle, *Albrecht I.* (2003).

2493 Menzel, *Zeit* (2012), 112–21; Reinle, *Adolf* (2003). There is not much to say on the additional endowments of Adolf; cf., however, *Urkunden der deutschen Könige 18* (1989–2006), no. 358 of 16.3.1255; *Diplomataria Maguntina* (1788), no. 16, on which 33–35 nos. 17–8. Cf. *Regesten Rudolf, Adolf* (1948), nos. 110–1, 114.

2494 *Urkundenbuch Speyer* (1852), 454 no. 480.

not only brought minor nobles to oppose him, but after the acquisition of Bohemia cheated one of his nephews out of apparently justified claims to the inheritance. This Johann and three southwest German nobles seized the unsuspecting king on 15.1308 as he crossed the Reuß by Windisch on horse, in the middle of his Hapsburg ancestral lands. Johann "Parricida" thrust a knife into Albrecht's neck, while two others ran him through with their swords and cleaved his royal head.²⁴⁹⁵ The body was probably initially brought to the city of Brugg, and then into the Cistercian monastery of Wettingen.²⁴⁹⁶ His widow, Queen Elizabeth, and her two sons took pains to conduct his remains to Speyer, that is to be interred with Rudolf and his other royal predecessors.²⁴⁹⁷ The new king, the Luxembourg Henry VII, allowed this at his court council in August 1309, but also had his predecessor and rival king Adolf buried in a double burial alongside Albrecht.²⁴⁹⁸

Albrecht's family had already erected a chapel immediately after the bloody deed at the place of his murder, at which two Minorites were to serve.²⁴⁹⁹ After the translation it was above all Elizabeth who engaged in the construction of a monastery in the same place, which in memory of Albrecht was named "Königsfelden". It was a double monastery of Poor Clares and Franciscans, whose direction fell to the abbess. As new studies have impressively demonstrated, Elizabeth and her daughter Agnes, former queen of Hungary and also widowed, developed a focused foundation policy, that also served to demonstrate the claims to power of the Hapsburgs in the west.²⁵⁰⁰ Yet above all the two ladies expanded Königsfelden into a Hapsburg mausoleum, in which, besides Elizabeth and Agnes themselves, ten further members of Albrecht's family were interred. A marble cenotaph in the middle of the monastic church and a luxurious cycle of stained-glass windows indicates to the present day the

2495 Thus Chronik Mathias von Neuenburg (1924–40), 72. Meyer, Königsbegräbnisse (2000), 42 n. 15; Hodel, Mord (2012).

2496 Meyer, Königsbegräbnisse (2000), 43–5.

2497 Ibid., 45; Moddelmog, Königliche Stiftungen (2012), 112.

2498 Meyer, Königsbegräbnisse (2000), 45–7; Moddelmog, Königliche Stiftungen (2012), 112; Rader, Erinnern (2006), 179. King Adolf in 1298 was interred in the Cistercian monastery of Rosenthal, in the vicinity of the battle that resulted in his death, despite the resistance of his surviving family: Meyer 34–5.

2499 Moddelmog, Königliche Stiftungen (2012), 112; Hodel, Mord (2012), 18.

2500 Especially Moddelmog, Königliche Stiftungen (2012), 112–43. Ibid., 114, on the first foundation charter of Queen Elizabeth of 6.12.1309 (Codex Diplomaticus Alemanniae 2 [1795], no. 1073), 124–5 the detailed plan for memoria, 129–35 on the regulation of the monastic life by Agnes; Wehrli-Johns, Alltag (2012); Moddelmog, Stiftung als gute Herrschaft (2010).

Hapsburgs (formerly) buried there.²⁵⁰¹ Albrecht himself, who was only present via the memory of his murder, was not a founding actor in Königsfelden, but rather a usufructuary of the religious works of his family members.²⁵⁰² At the same time, the provincial character of the complex obscures the wide-ranging ambitions of the butchered king.

The foundations of his successor, Henry VII, had a still more private character compared with Albrecht I.²⁵⁰³ On the one hand, the king turned the house of his birth in Valenciennes into a monastery, something that was completely non-traditional. His grandparents Baldwin and Felicitas had acquired the property and, as the inheritance of his mother Beatrix, the countess of Luxembourg, it was transferred to him. Now the Dominican nuns dedicated themselves to the praise of God, as well as to the salvation of the souls of the aforementioned persons; they were to be maintained with incomes of 200 pounds of black Turons or equivalent money from Henry's forests at Raimés and Vicogne, an inheritance from his (other) grandmother, Margarete of Flanders and Hennegau.²⁵⁰⁴ On the other hand, he supported and endowed already as count, and then as king and emperor, a church and hospital establishment of his consort Margarete in Luxembourg itself.²⁵⁰⁵ For Margarete, who died in Genoa (14.12.1311), who was at once venerated as a saint and recognized with a grandiose funerary meal, her widower created an endowment in Baumgarten Monastery (in the diocese of Strasbourg), to wit from imperial property.²⁵⁰⁶ A mill in which he had founded a guesthouse during the (perhaps too long-long-lasting) siege of the Italian city of Brescia (1311) he ordered to be turned into a Cistercian monastery, and donated 30 florins of gold to it.²⁵⁰⁷ Meanwhile, he

2501 *Moddelmog*, Stiftung als gute Herrschaft (2010), 209–13; *Moddelmog* / Teuscher (eds.), Königs-mord (2012), passim; *Bihrer*, Wien und Königsfelden (2013), 124–35.

2502 Along the same path as the Hapsburgs interred in Basel, the remains of the family members buried in Königsfelden were brought to St. Blasien in the 18th century and to St. Paul / Lavanttal at the start of the 19th century. Cf. *Moddelmog*, Königliche Stiftungen (2012), as well as *eadem*, Stiftung als gute Herrschaft (2010); *Borgolte*, Stifter—Lateinische Christen (2016), 372–3.

2503 *Menzel*, Zeit (2012), 138–53; *Thorau*, Heinrich VII. (2003).

2504 *Wampach*, Urkundenbuch 7 (1949), no. 1358 of 5.3.1311.

2505 *Ibid.*, nos. 1222, 1267 and 1438; Margarete: *ibid.*, nos. 1236, 1266; their son Johann: *ibid.* no. 1319; Henry's brother Baldwin, archbishop of Trier: *ibid.*, no. 1223. On the endowment of the Monastery of the Holy Spirit in Luxembourg see *ibid.*, no. 1391, on that of Marienthal Monastery (Luxembourg) no. 1414.

2506 On the death of Queen Margarete s. *Wampach*, Urkundenbuch 7 (1949), no. 1389; *Fößel*, Königin (2000), 37, 120; on the saint-like veneration and mausoleum (of 1313/4): *Seidel*, Grabmal (1990), esp. 307–9; Baumgarten: *Böhmer*, Acta imperii selecta (1870), nos. 638, 648.

2507 Acta imperii Angliae (1911), 149 no. 225 of 25.1.1312.

does not appear to have supported his successful foray into Bohemia spiritually and politically with foundations.²⁵⁰⁸

By contrast, ambitiously conceived and in part original foundation undertakings can be discerned with the following two kings, namely with Louis IV, the former duke of Bavaria from the House of Wittelsbach (1314–1347), and Frederick “the Fair”, the oldest son of King Albrecht and heir of the Hapsburgs in the Duchy of Austria (1314–1330).²⁵⁰⁹ The Electors were unable to unanimously chose between them, who had grown up with each other as cousins, so that they elected both of them to be kings. After the decisive Battle of Mühldorf am Inn in 1322, at which Louis triumphed, Frederick was imprisoned for many years, but in March of 1325 the rivals agreed to preserve the dual monarchy. In 1328 Frederick even allowed the coronation of his cousin as emperor; from his death in 1330 Louis IV then reigned alone. In the meantime, the scion of House Wittelsbach was subjected to Italian questions and the problematic legitimacy of his royal election of 1314 with the pope, and had to endure excommunication (1324). The ruler was unable to rid himself of this excommunication until his death in 1347. Therefore all the more remarkable are his numerous religious foundations, yet which for the same reason tended towards bizarre solutions. For both kings their ancestral lands, less so the empire, were the showplace for their foundations;²⁵¹⁰ even if their plans differ in detail, they nonetheless are similar in their dimensions, and there is much evidence that Frederick and Louis measured up to one another in their extent and design.²⁵¹¹

Frederick the Fair while still duke had planned a Carthusian monastery for an abbot and twelve monks in Mauerbach (Lower Austria) with his four brothers, to which a hospital for 17 sick and poor persons as well as a house for

2508 Cf., however, Henry's foundation at the Church of Eichstätt: *Steinberger*, *Unbekanntes Schreiben* (1916), 429–31. The emperor (d. 24.8.1313) was interred in the Cathedral of Pisa, see *Meyer*, *Königsbegräbnisse* (2000), 53–66; on Henry's memoria *ibid.* and by his brother, Archbishop Baldwin, in Trier see *Schmid*, *Kaiser Heinrichs Memoria* (2008); *idem*, *Wallfahrt und Memoria* (2006), 155–67.

2509 By calling Louis “the Bavarian”, one adopts a delegitimizing designation of Pope John XXII, who was an enemy of the Wittelsbach. In general, Frederick is seen as a rival claimant to the throne and thus is not counted as the third king of his name; his epithet fostered the identification of his person with his unique position. On both cf. *Menzel*, *Zeit* (2012), 153–91; *idem*, *Ludwig* (2003). On Louis: *Thomas*, *Ludwig* (1993); *Seibert* (ed.), *Ludwig* (2014); *Wolf / Brockhoff / Handle-Schubert* et al. (eds.), *Ludwig* (2014); recently *Menzel*, *Ende des Reiches* (2015/6).

2510 On monastic foundations and the development of the countryside *Eugster*, *Adlige Territorialpolitik* (1991); *Schreiner*, *Klöster* (1973).

2511 The following was able to rely on the separate, non-comparative studies of *Menzel*, *Memoria* (2001), and *Proetel*, *Großes Werk* (2000).

the infirm would belong.²⁵¹² Soon after his coronation as king he composed a lengthy endowment charter, which bound the religious to anniversary celebrations of the Hapsburgs “as is customary for founders in the order.”²⁵¹³ Having become king, the Hapsburg created foundations, apart from the memorial site of his father in Königsfelden,²⁵¹⁴ for the Cistercian monastery in Salem²⁵¹⁵ and the Premonstratensian abbey in Geras.²⁵¹⁶ Yet the most noteworthy deed of his early years was the establishment of a *studium generale* in Treviso (1318).²⁵¹⁷ Even though this university never came into being, Frederick was the first German ruler to recognize the importance of the new schools of higher education, which would crystallize in the empire into a fitting form of establishment for royal or princely foundations.

Meanwhile, already before Mühldorf Frederick with his foundations concentrated on the eastern lands of the Hapsburgs; in this period he patronized six monasteries.²⁵¹⁸ The muster was always the same: the monastic community was gifted a certain sum of money for the purchase of estates, for which they were to celebrate the liturgical commemoration of Frederick and other Hapsburgs, especially his two royal predecessors, and as the case might be, to appoint their own priest. From the much-transmitted “Reverses”, it is clear how abbots and convents expressed local memorial practices to the king.²⁵¹⁹

2512 The first foundation charter of 1313 was transmitted in the 17th century, see *Proetel*, *Großes Werk* (2000), 61 with n. 12; *Borgolte*, *Grab* (2000, repr. 12), 297; *Hantschk*, *Geschichte* (1972), 16–7. The home for the infirm was a foundation of the parish priest Gerlach von Traiskirchen, who was Frederick’s court chaplain and confessor, and who undertook the establishment of the monastery at the king’s command; in the Hapsburg endowment charter Gerlach is designated a “founder and co-planter” (*fundator et complantator*): *Hantschk* 18–26, 141.

2513 *Hantschk*, *Geschichte* (1972), 139–43, of 18.4.1316, at 143. Later, Frederick was buried in the Carthusian house before Vienna, see *Meyer*, *Königsbegräbnisse* (2000), 67–75; *Borgolte*, *Grab* (2000, repr. 12), 297–8.

2514 *Regesta Habsburgica* 3 (1924), nos. 358 of 11.12.1315 and 401 of 13.3.1316, see *Proetel*, *Großes Werk* (2000), 62–3; *Moddelmog*, *Königliche Stiftungen* (2012), 118–9.

2515 Since the transfer of patronal privileges in Pfullingen to Salem, and thus permanent possession, involved the grant of crown property: *Codex Diplomaticus Salemitanus* 3 (1895), no. 1172 of 25.4.1315, on which nos. 1172a–1172d of 28.4.1315–5.1.1332. Cf. *Proetel*, *Großes Werk* (2000), 62.

2516 *Mayer*, *Urkunden Geras* (1849), 48–9 no. 35 of 23.7.1322.

2517 *Acta imperii inedita* 2 (1885), no. 434 of 15.12.1318; the document says nothing about the endowment, yet the king did not entrust the local bishop with the fate of the school. Cf. *Proetel*, *Großes Werk* (2000), 63. Furthermore, Louis the Bavarian is criticized for having not established a university by *Thomas*, *Ludwig* (1997), 147.

2518 *Proetel*, *Großes Werk* (2000), 63, of 1318–22.

2519 *Ibid.*, 63–5, cf. 72, 86–90.

From the early part of 1327 Frederick intensified his efforts as a founder. On the one hand, he took pains to expand Vienna as a Hapsburg residence, and indeed in parallel to the patronage of Munich by Louis "the Bavarian".²⁵²⁰ But his plans were also joined to initiatives of his father and went back to the time of his captivity. Already in 1324 he had acquired permission from the pope to relocate the Vienna Augustinian hermits outside the city at Albrecht's chapel to the Hofburg. Through his patronage the house of God now took on a "cathedral-like shape",²⁵²¹ while the Augustinians, outfitted with a new building (foundation charter of 13.3.1327),²⁵²² from now on would produce a series of royal and ducal advisors.

The dispersion of memorial sites through Frederick's testament of 24 June of the same year corresponded to Vienna's expansion into a center of power.²⁵²³ According to this document numerous churches, monasteries and hospices were to be endowed with differentiated and precisely-stated gifts of money and obligated to memoria. In systematic order those episcopal churches lying outside of the Hapsburg lands were mentioned, namely of Salzburg, Speyer, Strasbourg, Basel, Constance, Augsburg, Passau and Freising, as well as similarly dispersed monasteries. Next Frederick allocated special sums of money for the cathedral at Regensburg and the individually-named monasteries and hospitals of Regensburg, in order to compensate for the damage caused by the military confrontations with Louis. There followed 48 monasteries in Austria and Steiermark, which were to receive between 40 and 200 pounds of pennies. Frederick even bequeathed the hospital in Munich 40 pounds of Vienna pennies for an anniversary and a weekly requiem mass in return. The testator calculated with precision that he had spent a sum of 4,280 Vienna pennies and 1,636 silver marks, which would be levied from a toll in Enns. Another toll in Stein to the tune of 100 pounds was to go towards the erasure of his debts and, in addition, to annually support either a priestly benefice or two places for the infirm in a hospital in alternating years. Furthermore, Frederick determined that the hospital that he had founded in Vienna and also the Carthusian house that he had endowed in Mauerbach were to be completed; for Mauerbach the wagon toll for Vienna was to be used. "As a general guiding principle, Frederick prescribed that all communities that received at least 50 marks or 100 pounds had to celebrate an eternal anniversary and eternal mass for him. From the

2520 Ibid., 67–8; Hödl, Friedrich (1970); Rennhofer, Augustiner-Eremiten (1956).

2521 Sedlmayr, Epochen (1959), 195.

2522 Printed in: Rennhofer, Augustiner-Eremiten (1956), 263–4; Regesta Habsburgica 3 (1924), no. 1795.

2523 Edition now by Proetel, Großes Werk (2000), 78–86; on which ibid., 65–77.



ILLUSTRATION 37 Chartreuse Mauerbach near Vienna. Foundation of King Frederick the Fair, about 1313, abolished 1782
PHOTOGRAPH ABOUT 1970

communities that were allocated a smaller bequest, he essentially supported the celebration of a weekly mass, along with the holding of an anniversary. For the mendicant orders alone [who were sworn to poverty], whose monasteries were in total allocated only 40 pounds each, this maxim did not apply. Regardless of the size of the bequest, Frederick demanded that they celebrate a daily mass and anniversary. For the implementation of the provisions of the testament, the abbot of Heiligenkreuz, together with the prior of Mauerbach, were to provide for the lands on their side of the Lech; for the upper lands the abbots of Salem and Wettingen were entrusted with this task. His consort Elizabeth and his sister Agnes as well as [his sons], the dukes Albrecht and Otto, who at the conclusion declared themselves in agreement with the provisions, were thereby bound to support them.”²⁵²⁴

²⁵²⁴ Ibid., 66 (amendment of the compiler); *Borgolte*, Grab (2000, repr. 12), 298–300.

Already during his lifetime, the provisions of the testament were implemented and the distribution of the legacies begun. Still in the 17th century a chronicler in Mauerbach Monastery had access to 57 receipts of the recipients; 95 documents for “Reverses”, in which the beneficiaries obligated themselves to perform the liturgical services asked of them, date for the most part from the year 1327.²⁵²⁵ A series of anniversary books attest that the religious communities in fact celebrated the commemoration of the founder, or at least wanted to do so.²⁵²⁶ Since it is to be assumed that Frederick’s commemoration was not to be implemented only after his death, the broad distribution of the foundations doubtless worked in favor of the prestige of this Hapsburg, who had been marginalized by his cousin.²⁵²⁷ The spiritual purpose, namely the prayers of the monks, nuns and those in the hospital, was, however, more important. This can be concluded from the fact that Frederick’s consort Elizabeth of Aragón almost on the same day a year later composed her own testament, and thereby patronized no fewer than 120 monasteries, churches, including parishes, and hospices, in part with quite small gifts. The queen thus excessively multiplied the sites of the “consolation of the soul”.²⁵²⁸ This king’s daughter, who had come to Vienna from distant Spain, died only a few months after Frederick himself (12 July 1330) and was interred amongst the Vienna Minorites, in accordance with her wishes.²⁵²⁹

The foundations of Louis IV were also already set in motion before the decision at Mühldorf, before he introduced new variations of founding after the papal excommunication, the imperial coronation and then death of his adversary, Frederick. In 1319 he founded a hospital for the salvation of the soul of himself, his ancestors and heirs in his city of Ingolstadt.²⁵³⁰ Shortly thereafter (January 1321) he employed a very ancient instrument of securing commemoration by financing the anniversary of his daughter Agnes by the manumission

²⁵²⁵ *Proetel*, *Großes Werk* (2000), 71–3, cf. editions *ibid.*, 86–90.

²⁵²⁶ *Ibid.*, 76, 93–4; *Borgolte*, *Grab* (2000, repr. 12), 299–300; *Jahrzeitbücher des Konstanzer Domkapitels 1* (2009), 193 E 40, 279 E 427; in addition, 472–3, document of 19.6.1331. Additional commentary on these persons *ibid.* 2, 586 no. 208.

²⁵²⁷ Thus correctly *Proetel*, *Großes Werk* (2000), 70.

²⁵²⁸ *Urkundenbuch ob der Enns 5* (1868), 505–9 no. 511 of 24.4.1328. Elizabeth designated Frederick as the executor of the estate (508).

²⁵²⁹ *Ibid.*, 505; see the Wikipedia entry for Elisabeth von Aragón (checked on 17.9.2016).

²⁵³⁰ *Ingolstadt: Regesten Ludwigs des Bayern 7* (2003), no. 144 of 25.7.1319; cf. nos. 153, 163, 396. On the hospital in Amberg cf. *ibid.* nos. 125–6. *Menzel*, *Memoria* (2000), 257, cites a document for the Premonstratensian Monastery of Schäftlarn of 22.11.1319 as the “earliest evidence for the independent care of Louis for his own memoria”, yet in this case the obligation of commemoration is only addressed in general and he did not make concrete conditions with foundations, see *Regesten Ludwigs des Bayern 3* (1996), no. 97.

of three of his bondsmen. These men and their descendants were to annually pay a certain sum of money “to the brothers and the convent of Kastl Monastery”.²⁵³¹ In Munich, whose great patron he would become,²⁵³² he installed in the Frauenkirche in the same year a chaplain in memory of his parents and a deceased brother.²⁵³³ After his military victory over the Hapsburgs Louis instituted the first of many “eternal masses” in the Cistercian convent of Niederschönenfeld (in the diocese of Augsburg), which were to be held each Friday for him, his ancestors and descendants.²⁵³⁴ He expressly determined that requiem masses were to be celebrated, and only in the case of overwork would a simple office suffice. Every nun, but also the priests, brothers and prebendaries of the monastery were to daily receive a half-liter of wine from the revenue of the endowed properties in return.

From 1325 onwards he included the clergy of parishes, both systematically and in some cases comprehensively, in his foundation and memorial planning.²⁵³⁵ At so-called “Princely Anniversaries” (*Fürstenjahrstage*) the rural clergy was obliged to regularly gather at certain regional centers in order to hold a two-day anniversary of the Wittelsbach. The clerics of the Deaconry of Vilshofen, for example, had to make their way to Amberg, those of von Waal to Pfaffenhofen and those in the vicinity of Munich to the city of Munich.²⁵³⁶ Louis IV certainly had not invented this form of periodic and central commemoration: the landgrave of Thuringia had already experimented with it a century earlier, but more dear to him were the Wittelsbach anniversaries of the Lower Bavarian dukes,²⁵³⁷ who in 1320 had multiple prelates gather together in the vicinity of Seligenthal Monastery.²⁵³⁸ As Michael Menzel has demonstrated, Louis selected St. Blasius’ Day (3 February) as a date and pushed the commem-

2531 Regesten Ludwigs des Bayern 7 (2003), 70 no. 156. It cannot have been his daughter Anna, from Louis’ second marriage with Margarete of Holland, who was only born in 1326 and died in 1361, cf. *Thomas*, Ludwig (1993), 394.

2532 *Schmid*, München (1993), 897; *Meyer*, Königsbegräbnisse (2000), 83–4.

2533 *Proetel*, Großes Werk (2000), 68 n. 52; *Meyer*, Königsbegräbnisse (2000), 85.

2534 Regesten Ludwigs des Bayern 3 (1996), no. 128 of 4.12.1322; cf. *Menzel*, Memoria Ludwigs (2001), 257–60. Cf. in addition: Regesten 3, nos. 155–6, 190, 330, 440; Constitutiones 7.1 (2013), 110 no. 184 = Regesten Ludwigs des Bayern 5 (1998), no. 215.

2535 On which see already *Straub*, Hausstiftung (1978), 48–9; *Borgolte*, “Totale Geschichte” (1993, repr. 2012), 56; *Menzel*, Memoria (2001), 262–71.

2536 *Menzel*, Memoria (2001), 262 n. 50. Cf. now also Regesten Ludwigs des Bayern 7 (2003), no. 378 of 10.1.1334, on which *Menzel* 263, and nos. 433–4 of 8.11.1336.

2537 This was in fact a confraternity of the prince with his clergy; even when the reference to the sovereign territory had been established, the associative impulse was just as important, cf. *Petersohn*, Ludowinger (1993), 35–5.

2538 *Menzel*, Memoria Kaiser Ludwigs (2001), 262.

oration of his father to the forefront, who had died two or three calendrical days previously.²⁵³⁹ The Feast of St. Blasius was, for his part, celebrated on the day after the “Candlemass” (“Presentation of the Lord, 2 February”),²⁵⁴⁰ which was celebrated with a procession of candles and mobilized a great mass of the pious population. From 1333 onwards, after his imperial coronation, he more placed his own person at the center of commemoration. The recompense for the gathered clergy consisted of the concession of testamentary capacity and exemption from the exaction of court dress. The Hapsburg princely anniversary, in comparison with the dispersion of memorial sites by Frederick the Fair, represented a qualitative leap forward: this was no longer “a broad permeation of imperial authority,”²⁵⁴¹ but, by commanding for the gathering of the clergy at select places, represented instead the formation of a clerical national consciousness. When one also considers that parish priests as preachers were the most important disseminators of news in this period, then the instrument of the princely anniversary for political messages can hardly be overstated. For the completion of the concept only the exclusive orientation on a capital such as Munich or other centers of one of the duchies of Bavaria was lacking. Apparently, it was the Württembergs who first made the analogous step through the assembly of the rural clergy at the ducal family mausoleum in Stuttgart in the middle of the 14th century.²⁵⁴²

With the concession of the dual kingship to Frederick the Fair and his readiness to have himself crowned as emperor without the pope’s permission by mere Italian bishops in St. Peter’s, Louis IV demonstrated a notable ability to find unorthodox solutions for seemingly fundamental conflicts.²⁵⁴³ Also to be seen in this light is that he, as an excommunicant, found the courage for a highly original monastic foundation.²⁵⁴⁴ At Ettal in 1332 the western emperor prescribed, like the Greek Orthodox composer of a monastic *typikon*, a rule for a religious community he had created. Contemporaries appreciated that it

2539 Ibid., 262–3. The connection between the memoria for his father (not on his day of passing) and the Feast of St. Blasius is explicitly made in the charter of Louis of 10.1.1333: *Regesten Ludwigs des Bayern* 3 (1996), no. 307.

2540 *Maas-Ewerd*, Darstellung (1995); *Drobner*, Blasius (1994).

2541 *Menzel*, Memoria Ludwigs (2001), 264.

2542 *Stievermann*, Landesherrschaft (1989), 145; cf. *Straub*, Hausstiftung (1978), 49. On the “sovereign prince’s church regiment” (“landesherrliches Kirchenregiment”) in Germany from the time of the Great Schism from 1378 onwards and the reform councils of Constance and Basel (1414–8; 1431–49), see *Borgolte*, Mittelalterliche Kirche (2004), 28–9, 86–7.

2543 *Menzel*, Ludwig (2003), esp. 397, 399, 402, 407; *idem*, Zeit der Entwürfe (2012), esp. 167–8, 172, 176, 178. On Munich as an “intellectual center of Western Christianity” (1330–47) *Thomas*, Ludwig (1997), 147. Cf. *Leppin*, Wilhelm (2003), 190.

2544 *Iohannis Liber* 2 (1910), 140.

was a “monastery of a new type, hitherto unheard of”, where alongside “black monks”, that is Benedictines, “knights no longer in service” were to live together with their wives. A chronicler justified this construction by stating that, with this unusual abbey for knights and their wives, Louis was following the example of the Lord, who had instituted marriage in paradise, and thus was appealing to an order that required no recognition from the Holy See.²⁵⁴⁵ It is also said that a monk convinced the emperor to found it on an undeveloped tract of land, which bore the name *vallis legis*, the “Valley of the Vow”, that is: “Ettal”. The monk supposedly gave Louis a Marian statue of alabaster, which probably came from Pisa and is still shown in the monastery to the present day.²⁵⁴⁶

In the order itself Emperor Louis expressly designates himself as founder and names as its objectives the praise and honor of God and Holy Maria, as well as the salvation not only of himself, his forefathers and descendants, but of all Christianity: “In the name of the Holy Trinity and in honor of Our Lady [the Virgin Mary], We, Louis, Roman Emperor by the grace of God, at all times Augmentor of the Realm, have instituted this order for Ettal [Monastery] of Our Lady, in honor of the praise of Lord God and Our Lady [the Virgin Mary], so that Our Lord [Jesus Christ] might thereby be served in a praiseworthy and reverent fashion, so that We and all of Our Ancestors and Progeny and all of Christendom might be comforted in body and soul before God, may the Father and the Son and the Holy Spirit, the one true Godhood, aid us in this, amen.” (*In gotes heiliger drivalticheit und in unsere frawn ern haben wir Ludowig von gots genaden römischer keiser ze allen ziten merer des riches dise ordenung ze unserr frawn Etal gestiftet unserm herren got ze lob und unserr frawn ze ern, daz unserm herren als loblich und als andehtlich dar inne gedient werde, daz wir und alle unser vordern und nahkomen und alle kristenheit an sel und an leib gen got geröstet werden, das helf uns der vater und der sun und der heiligeist ein ware gotheit amen*).²⁵⁴⁷ Of the monks he only states that they should number twenty, including 14 priests, while almost the entire body of regulations concerns the prescribed twelve knights with their wives, as well as a thirteenth knight, who was to be their “master”; at his side would stand, as far as the women of the “Chivalric Order” were concerned, a “mistress”.²⁵⁴⁸

The ordinances of the founder as a whole constitute a program of social disciplining which, under the conditions of marriage, was oriented on monastic

²⁵⁴⁵ Thomas, Ludwig (1993), 237, with a quotation from Henry von Diessenhofen. There as well on the name “E-tal” and the history of the “Chivalric Order in Ettal Monastery” as a whole (236–40).

²⁵⁴⁶ Leidinger, Fundationes (1899), 677–9.

²⁵⁴⁷ 60 Urkunden Ludwigs (1863), 160–6 no. 16 of 17.8.1332, at 160. See also *ibid.*, 165.

²⁵⁴⁸ *Ibid.*, 160.

ideals. They were as demanding and pedantic as they were far removed from reality.²⁵⁴⁹ Each knight and his wife were to possess a manservant and a maidservant as well as a “stoker”. Widowed women were to be supplied together by two maidservants. The “mistress” was to have a second, special maid. The dress of the knights was to be blue or grey, that is not colorful, while the women were allowed only grey garments. “Whoever is enrolled there as knight and wife, they should be obedient to the master as well as to our Lady (the Virgin Mary) and steadfastly hold to this.” Should it happen that a knight without a wife desired to enter the religious life, he could do so, without his wife rendering the same obedience; but she was to live as virtuously as the others while the husband lived. At his death she was, however, “to exit” (that is, to leave Ettal). Nothing was owed to a wife who had not sworn obedience or wanted to practice the religious life, except her allowance from the kitchen and cellar. Were, however, a wife to predecease her husband, he could marry another woman to live with him at the farmstead. Yet if the wife of a knight had sworn obedience, then she was to remain in the monastery until her death. The knights were to hold no offices apart from those that the master ordered; nor were they to leave the farmstead mounted or on foot without the permission of the master. Likewise, the women were to obey the mistress. The knights and their wives were “to hold purely to marriage and in a continually virtuous life remain at the farmstead at all times. The knights and their wives were also to attend mass at all times of day, unless a bodily ailment prevented them from doing so.” They were to be humble in word and deed. The wives were not to speak to anyone in church, neither with religious nor with secular persons, unless they were giving their confessions. Knights and wives were to receive communion five times yearly, at Christmas, on Maundy Thursday, Easter, Pentecost and the Annunciation (25.3.; or on the Dormition of Mary on 15.8.).

The master was to have the order of Louis read once a month to the knights before mealtime, the mistress likewise to the wives. The women were to say two Our Fathers before sitting at the table, and thereafter the Lord’s Prayer three times in the church. All residents, including the manservants and maidservants, were to fast every Friday and every day of fasting, with the exception of the sick. The women were not to enter the house (of another person) at the farmstead, unless they were accompanied by the mistress, or alternatively by two knights’ wives. Should it happen, God forbid, that a knight was remiss and committed adultery outside of the monastery, the master was to reform him and force him to perform public penance in the church and at mealtimes: the

2549 In what follows I offer a paraphrase and partial translation of the Order of Ettal (abbreviated); systematically in: *Regesten Ludwigs des Bayern* 3 (1996), no. 299.

perpetrator had to endure sitting on the floor before the other knights with water and bread. Were he to commit an indiscretion with an outside woman at the farmstead, he was to be imprisoned in the tower with bread and water as long as it pleased the master and the other knights. If, however, he performed the deed with the wife of another knight at the farmstead, or if a wife of a knight was indiscrete with another knight, they were to leave the farmstead and thus be deprived of the benefice for all time.

The knights and wives were to dance neither in secret nor in public; the master and mistress were free to dispense fitting punishments in the case of infraction. The inhabitants of the farmstead were to preserve themselves from drunkenness and exuberance, were not to play dice nor other games for the winning of money, but could engage in pastimes among themselves or with worthy persons (from outside). For amusement the knights were allowed to shoot the crossbow and go hunting.

Whoever hesitated in rendering obedience to the master or mistress was not to receive any prebend; this penalty also affected their servants, as long as they persisted in their obstinance. Without the permission of both leaders the knights and wives were not to talk at the table. At mealtimes they were to be read aloud to in German. They were to eat together, and in such a way so that two knights and their wives were to take a place at the table. Whatever remained of their meals was to be laid out as alms (to feed the poor).

According to the unsystematic layout of the text, Louis again touched upon prescriptions for dress in the second part of the order. The knights were to wear trousers in the colors allowed for them, a plain hat, golden belts and spurs, finger rings and studded knives, if they so were so inclined. If the master or the knights had to ride out from the monastery, the wives were to hold out with the mistress or her representative until the return of the men, and eat and live there. The master, for his part, was not to accept anyone without the agreement of the knights. Applicants had to promise obedience and utility for the monastery. The newcomer, together with his wife, was to receive the body of the Lord before the knights (as a sign of religious orthodoxy). The mistress was to be appointed by the master and with the advice of the knights, while the wives had no role in this.

The master was to treat the monks honestly and well; if one of them became sick, he was to give him whatever he needed. Special agreements ("alliances") were not to be made between the master and individual knights, nor the knights amongst themselves. Whoever failed to keep this prohibition against the formation of factions was to be banished from the monastery forever. No children were to live at the farmstead, except if they had been born there; these children, however, were only to remain three years. The master was to be able

to appoint and depose all office-holders. He was to have four horses, in addition to a cook, two squires, a scribe, a huntsman with twelve hounds and a lead hound, a falconer and two errand boys. The knights, by contrast, were not to have any horses at the farmstead. Were the master to cause damage to the monastery, the knights were able to proceed against him and, if worse came to worst, report him to the sovereign prince. If his verdict fell against the master, the knights had the right to appoint a new master with the advice and aid of the sovereign prince.

In its essential features the Ettal Order resembled that of the burghers' hospitals that are attested in Germany from the beginning of the 13th century onwards. The indications for this include an associative union of laypersons and clergy, often with a tendency towards urban autocephaly, along with church authorities, but oriented on a monastic way of life and the strong role of the hospital master.²⁵⁵⁰ Louis' foundation²⁵⁵¹ differed from urban establishments in that in this case old, and probably also impoverished, knights were to be maintained and a numerically larger community of Benedictine monks was clearly to be subordinated to the instructions of the lay master. The imperial founder could thrust himself onto center stage before the planned community as an essential authority. In scholarship, however, it has been pointed out that Ettal also possessed a "background of *Realpolitik*" and was to help secure the important road connections from Austria to Tyrol, and control of the imperial estate in the hands of the monastery.²⁵⁵² The chivalric order only survived its founder by a few years, however, so that thereafter only Benedictines lived in Ettal.

Of course, Louis IV continued to create endowments in a traditional fashion for certain commemorative services²⁵⁵³ or required for this sometimes only the circumlocution of the "part for the soul".²⁵⁵⁴ Thus, he allocated an estate

²⁵⁵⁰ Cf. *Reicke*, Spital 1 (1932, repr. 70), 238–9; Ordnung des Heilig-Geist-Spitals von Lübeck (1263); Urkundenbuch Lübeck 1 (1843), 255–64. Below 608.

²⁵⁵¹ On its material endowment see *Regesten Ludwigs des Bayern* 7 (2003), no. 126.

²⁵⁵² *Thomas*, Ludwig (1993), 239–40; *Fried*, Ettal (1989), 60.

²⁵⁵³ Thus, the anniversary with a mass in the Monastery of St. Emmeram in Regensburg: *Constitutiones* 7.1 (2013), 403–4 no. 652. On further documented memorial foundations see *Menzel*, *Memoria* (2000), esp. 260–1, on attestations in anniversary books *ibid.*, 252–7, esp. 254–7.

²⁵⁵⁴ In 1336 Louis therefore gave the hospital in Kaufbeuren 30 marks of silver *ze selgeret* for himself and his ancestors from the exactions of the city and foreign bakers, but only for as long, *bis daz wir oder unser nachkomen an dem riche, kuenig oder kaiser, daz oftgenant selgeret von in umb die egenandt dreizzig mark silbers erledigen und erloesen*: *Constitutiones* 7.1 (2013), 112 no. 188. A *Seelgerät* also at *ibid.*, no. 184, and *Regesten Ludwigs des Bayern* 7 (2003), no. 602 (regarding the church in Trostberg). On the regulation (restriction) of

for an everlasting light at the tomb of his first wife Beatrice, who had passed away in 1322, in the Frauenkirche in Munich, from which contributions of 17 schillings of long Munich pennies, as well as chickens and flax, were due annually on St. Michael's Day (29 September).²⁵⁵⁵ For the cross altar of the church, where he himself was to be buried, he also endowed a daily mass.²⁵⁵⁶

From the last century and a half of the Middle Ages, from the end of Louis the Bavarian (1347) until the death of Maximilian I (1519), a great many royal foundations with manifold purposes and detailed regulations in clearly-defined political contexts can be evidenced. What relevance the known instances had within the whole of a reign can only be determined with difficulty. This is in part the case because in the period of time in question only seven kings reigned, thus a series of them for multiple decades,²⁵⁵⁷ as well as the amazing increase of the sources, which has only been partially evaluated.²⁵⁵⁸ One calculates over 10,000 documents for Charles IV,²⁵⁵⁹ for Frederick III around 50,000,²⁵⁶⁰ while for anniversaries (*libri anniversariorum*), as the most important sources for foundation praxis, in Switzerland alone there are more than 1,000.²⁵⁶¹ Only for Frederick III is there an attempt at a complete appraisal of his foundation activity on the basis, however, of a now-outdated collection of sources.²⁵⁶²

Seelgeräte to honorable persons by Louis see also: Constitutiones 7.1 (2013), no. 624 of 1345. Without reference to the legal device of foundations Becker, Seelgerät (1990), declares this to be only a "grant for the sake of the salvation of the soul for church or public purposes". According to Kluge / Götze, Etymologisches Wörterbuch (191963), 249, *Seelgerät* means the care and furnishing of the soul. The word then disappears from German vocabulary and is lacking in Kluge / Mitzka, Etymologisches Wörterbuch (201967), 697, as well as in the last Brockhaus Enzyklopädie 24 (212006), 749. Cf. in addition Zisler, Geistliche Stiftungen (1972), 7–8 (with literature).

2555 Constitutiones 7.1 (2013), no. 659 of 24.9.1339. On the burial of Beatrice (d. 24.8.1322) see Thomas, Ludwig (1993), 101. Cf. Meyer, Königsbegräbnisse (2000), 85, who refers to the endowment of an eternal mass and an anniversary in 1331.

2556 Regesten Ludwigs des Bayern 7 (2003), no. 707 (undated). On the Frauenkirche as Louis' place of burial (d. 11.10.1347) see Meyer, Königsbegräbnisse (2000), 76–87, esp. 85–6.

2557 See the short biographies in: Schneidmüller / Weinfurter (eds.), Herrscher (2003), 408–542.

2558 On the current state of scholarship cf. the Regesta Imperii Online (www.regesta-imperii.de/regesten), which presently contains over 174,000 administrative acts (*regestes* / *Regesten*) (viewed on 4.10.2016); see also: Weller, Regesta Imperii Online (2014).

2559 Müller-Mertens, Konzept (1994), 618; Constitutiones 12 (2013), XI.

2560 Weller, Regesta Imperii Online (2014), 235; a smaller estimate still by Holtz, Überlieferungsquoten (2001), 68.

2561 Hugener, Buchführung (2014), 39, who notes, however, that the tradition in Germany cannot be correspondingly reckoned to this considerable extent, due to losses in war.

2562 Zisler, Geistliche Stiftungen (1972), who was not able to base his study on the new evaluation of the administrative acts of Frederick III according to archival sources (from 1982, 31 volumes to date). Zisler's list is to be supplemented inter alia by Regesten Friedrichs III.

Moreover, Frederick III and Maximilian I continually were confronted with considerable economic difficulties, which stand in contrast to their ambitious foundation projects.²⁵⁶³ Without the justified or usurped power over religious benefices, that is access to church property, they would have hardly been able to tackle them at all. On the whole, royal foundations of the epoch as well as the sovereign claim predominated with regard to religious communities, for whom the room for maneuver of associative self-assertion was limited.

The foundations of the 14th and 15th centuries demonstrate some characteristic features. Unmistakable, and not only with Frederick III, is the prominence of personal piety. The multiplication of the divine service in churches, monasteries, oratories and hospitals was of general interest;²⁵⁶⁴ the veneration of Mary played a special role.²⁵⁶⁵ Charles IV, who was an ordained acolyte,²⁵⁶⁶ himself testified how he had prayed the hours of the blessed and glorious Virgin Mary from his youth.²⁵⁶⁷ Later, he insisted on reading the Gospel according to Luke (2:1) during Christmas mass, a continuous custom in Basel since 25.11.1347.²⁵⁶⁸ Though he followed French models in his eagerness to collect relics, he nonetheless struck his contemporaries as excessive and even "odd".²⁵⁶⁹ Kings with their foundations fostered the devotion of the Blessed Sacrament,

2 (1983), no. 21, *ibid.* 9 (1996), no. 295, see now *Modellmög, Königliche Stiftungen* (2012), 223–69, and *Regesten* 2 (1983), no. 226. According to *Heinig*, Friedrich III. (2003), 512, Frederick created "supposedly more than 30,000 prayer endowments". *Modellmög*, 205, designates the Hapsburg as a "ruler completely obsessed with endowments".

2563 On Frederick: *Heinig*, Friedrich III. (2003), 511–2, 514, 516; *Modellmög, Königliche Stiftungen* (2012), 209, 212; cf., however, *Schmidt*, Friedrich III. (1984), 308, according to whom the Hapsburg "according to the widespread opinion [of his contemporaries] was seen as rich." On Maximilian: *Schmid*, "Andacht und Stift" (1984), 771, and *Mertens*, *Bemerkungen* (1984), esp. 779–85; cf. *Lutter*, Maximilian I. (2003), 542.

2564 Cf. *Zisler*, *Geistliche Stiftungen* (1972), 172 no. 77: administrative act for 13.12.1487; *Seibt*, Karl IV. (1978), 382. From the testament of Maximilian I of 1514, cited after *Schmid*, "Andacht und Stift" (1984), 772. On the piety of this emperor see *Wiesflecker*, Maximilian I. 5 (1986), 151–9.

2565 On Charles IV: *Machilek*, *Privatfrömmigkeit* (21978), *passim*; *Fajt*, *Karlstein* (2009), 255–9. On Frederick III: *Zisler*, *Geistliche Stiftungen* (1972), 77–9.

2566 *Heimpel*, *Weihnachtsdienst* (1983), 134.

2567 *Machilek*, *Privatfrömmigkeit* (21978), 88, according to a comment in the autobiography of Charles IV.

2568 *Heimpel*, *Weihnachtsdienst* (1983), esp. 148–84, who, however, speaks of a "political liturgy" (152).

2569 *Machilek*, *Privatfrömmigkeit* (21978), esp. 92–3, with a quotation from Vita I of Pope Innocent VI; *Otavský*, *Reliquienschatze* (2009); *Fajt*, *Karlstein* (2009); *Le Goff*, *Ludwig der Heilige* (2000), esp. 119–27, 271–2. On the veneration of reliquaries as well as the passion for pilgrimages and processions of the French king Louis XI (1461–83), who was also a contemporary of Frederick III, see *Huizinga*, *Herbst* (11975), 261–2.

which through the introduction of the Feast of Corpus Christi by the pope in the year 1264 spectacularly bloomed.²⁵⁷⁰ Alongside liturgical vessels, vestments, stained glass and bells, singing and hymns were financed and students were outfitted as choristers.²⁵⁷¹ Of course, foundations continued to foster the memoria and places of burial of rulers, their ancestors, family members and descendants. Charles' development of Prague was modelled on Hapsburg Vienna, but vice versa the Austrian archduke Rudolf IV, with the indicative epithet of "the Founder" (r. 1358–65), had oriented himself on the Bohemian capital and for his part challenged the young Luxembourgs.²⁵⁷²

In the foundations of Charles IV are often reflected his life experiences, the recognition that he stood in the imperial as well as in the Přemyslid tradition, and the ambition of the highest royal self-promotion. When as the young man (born 15.5.1316) he took up an (in the end) unsuccessful governorship in northern Italy at the command of his father,²⁵⁷³ he experienced the depravity of sin in 1333 in the form of sexual temptation, yet he saw himself put back upon the "right path" through a disturbing dream.²⁵⁷⁴ He turned the house where an angelic appearance took place in Terenzo by Parma into a church in honor of Maria, Christ and the holy angels (1355), and appointed three religious with the obligation to reside there (1359).²⁵⁷⁵ Its material endowment stemmed from his own fortune,²⁵⁷⁶ and in order to preserve his personal connection to it he subordinated it to the Marian Abbey in Prague. Indicative of the intensity of regulation in this period are inter alia the liturgical ordinances of the royal founder. The canons, dressed in certain garments and miters, were to celebrate the daily masses and hours "without music" due to their small number, but on Saturdays *cum nota*, if possible.²⁵⁷⁷

The Luxembourg expressed veneration for his patron saint, Charles,²⁵⁷⁸ among other ways, in that he endowed the "Karlshof" chapter of canons in

2570 Zisler, *Geistliche Stiftungen* (1972), 58; Seibt, Karl IV. (1978), 29; Browe, *Eucharistie* (6201), 509–35.

2571 Cf. Zisler, *Geistliche Stiftungen* (1972), 55–61, Cf. *Stiftungsregesten* *ibid.* 105–85.

2572 Cf. Feuchtmüller, Rudolf IV. (1978); *idem*, 'Imitatio' (21978); Rexroth, *Universitätsstiftungen* (1992), esp. 139–146; Wagner, *Universitätsstift* (1999), esp. 91–2.

2573 On Charles' life and reign see Kintzinger, Karl IV. (2003), at 408–11.

2574 Seibt, Karl IV. (1978), 124–6; Machilek, *Privatfrömmigkeit* (21978), 88–9 *Regesten* Karl IV. (1877), no. 5 b.

2575 Cf. the individual source attestations in *Constitutiones* 12 (2013), 519 n. 1–4.

2576 *Ibid.*, 519–20 no. 532 of 13.7.1359, at 520–1.

2577 *Ibid.*, 520.

2578 On the application of the name Charles, which would displace his baptismal name of Wenceslas, at his confirmation as a seven-year-old by King Charles VI of France, see Seibt, Karl IV. (1978), 116–7.

Prague, which became the “cultural center” of the city (1350). The central construction of the church, which was dedicated in 1377, presumably followed the model of the palace chapel of Aachen.²⁵⁷⁹ The canons of the Marian Abbey in Aachen had sent three teeth of Charlemagne, himself venerated as a saint, of which he supposedly transferred one to the “Karlshof” of Prague.²⁵⁸⁰ Vice versa, the late medieval king as emperor in 1362 founded an altar in honor of Saint Wenceslas during a Christmas visit to Aachen. The position was to be held by a priest who could provide spiritual counsel to Bohemian pilgrims in their native language and whose appointment was granted to the reigning Bohemian king.²⁵⁸¹ Even the Aachen reliquary bust of Charlemagne with the crown of Charles IV was attributed to him.²⁵⁸² In the imperial residence of Ingelheim on the Rhine, the supposed birthplace of the Carolingian, Charles IV likewise erected an abbey with four canons (1354). He dedicated the oratory to the martyr Wenceslas, the “Duke and Patron of Bohemia”, and had Augustinians “of the Bohemian tongue” come from the Abbey of Karlstein to the Rhine. The endowed properties in this case stemmed from crown lands, especially from vineyards in the vicinity and taxes.²⁵⁸³

Charles, who through his mother was the grandson of the penultimate Přemyslid king,²⁵⁸⁴ not only fostered the cult of Wenceslas, but even the Slavonic liturgy. In Sázava, a little southeast of Prague, there had existed from the early 11th century the monastery of the hermit Prokopios, which, though it followed the Benedictine Rule, performed the rite in a Slavic language. In 1347 the Luxembourg on the Bohemian throne tasked the archbishop of Prague with building a Benedictine monastery in honor of the Mother of God and the national patrons Cyril, Methodios, Adalbert and Prokopios, in which the liturgy was likewise to be celebrated in Slavonic. He named the church after the Church Father Jerome as a further patron of the monastery, who had supposedly

2579 *Fajt*, Karl IV. (2000), 492; *Kavka*, Karl IV. (2000), 478; *Hemmerle*, Karl IV. (21978), 302–3; *Homolka*, Ikonographische Programme (1978), 609; *Líbal*, Praha (1978); *Machilek*, Privatfrömmigkeit (21978), 92; *Seibt*, Karl IV. (1978), 382.

2580 *Fajt*, Karl IV. (2000), 491.

2581 Regesten Karl IV. (1877), 315 no. 3895; *Kavka*, Karl IV. (2000), 482. Already in 1355 Charles endowed a Wenceslas altar for pilgrims to Rome in the Church of St. Peter, s. *Machilek*, Privatfrömmigkeit (21978), 91.

2582 *Kavka*, Karl IV. (2000), 479–81; *Fajt*, Karl IV. (2000), 496.

2583 Constitutiones 11 (1978–92), no. 40 of 14.1.1354; cf. *ibid.* no. 112 (*Willebriefe* of Electors for the erection of the abbey), no. 91 of 8.3.1354 and no. 806 of 12.10.1356 (further donations); see also Regesten Karl IV. (1877), nos. 1801–2. Cf. *Seibt*, Karl IV. (1978), 382; *Machilek*, Privatfrömmigkeit (21978), 92; *Hemmerle*, Karl IV. (21978), 302–3. In addition: Constitutiones 12 (2013), no. 528 of 3.7.1359.

2584 Cf. *Hoensch*, Luxemburger (2000), 37–40.

“first translated the Bible from Hebrew into Latin and [sic!] Slavonic.”²⁵⁸⁵ He had villages, properties, and interest from the butchers’ shops and vineyards of Prague given for the maintenance of the monks,²⁵⁸⁶ while he underlined the mission of the new monastery by transferring a Gospel Book from Sávaza in Slavonic script. The monastic community was recruited from Croat monks who wandered about in the land and knew no Latin. According to the wish of the Curia, they were to accept domestic Christians living outside of the Roman Church.²⁵⁸⁷

The German and Bohemian king, and also from 1355 onwards the successor of Charlemagne as emperor, was by his origin, rearing and career marked as a European to an unusual degree. It was therefore fitting that he, who had also been crowned as king in the Church of St. Ambrose in Milan with the iron crown of the Lombards (1355)—endowed a further Benedictine monastery in Prague that was to cultivate the Ambrosian liturgy.²⁵⁸⁸ For Prague itself, as the capital of his realm, he used Paris as a model, where he had spent the formative years of his youth.²⁵⁸⁹ Already during the governorship for his father he had embarked upon the renovation of Prague Castle “after the model of the house of the king of France”.²⁵⁹⁰ There he also established a collegiate chapter in honor of All Saints, with a provost, a dean, eleven canons and ten servants, which he endowed from his own estate (1339/43). He also entrusted them with a fragment of the Crown of Thorns of Christ, which he had acquired from the French king.²⁵⁹¹ Of general church and political importance was his establishment of Prague’s very own archbishopric, for which his Přemyslid predecessors had previously striven in vain (1344).²⁵⁹² The cornerstone for the new cathedral was laid in the same year, while the young Luxembourg endowed 24 canonries.²⁵⁹³ Along with two parish churches and a chapel, he can only be further credited with the erection of seven monasteries and abbeyes in Prague,

2585 Regesten Karl IV. (1877), 41 no. 442 of 21.11.1347; cf. *Hemmerle*, Karl IV. (21978), 301; in addition: *Seibt*, Karl IV. (1978), 382; *Machilek*, Privatfrömmigkeit (21978), 91–2.

2586 Apart from the source reference in the previous footnote: Regesten Karl IV. (1877), nos. 443, 1341–2, 1443, 1522, 1541 and 2242. The consecration of the church took place only in 1372: *ibid.*, no. 5030a.

2587 *Machilek*, Privatfrömmigkeit (21978), 91.

2588 *Hemmerle*, Karl IV. (21978), 301.

2589 Cf. *Seibt*, Karl IV. (1978), 115–20, 175–9, and elsewhere; *Fajt / Langer* (eds.), *Kunst* (2009), esp. 53–191.

2590 *Machilek*, Privatfrömmigkeit (21978), 89.

2591 *Wagner*, Universitätsstift (1999), 42–4.

2592 *Borgolte*, Mittelalterliche Kirche (2004), 17.

2593 *Machilek*, Privatfrömmigkeit (21978), 89; Regesten Karl IV. (1877), no. 184 of 7.10.1343.

so that his activity as a founder was described as “surprisingly modest”.²⁵⁹⁴ Yet perhaps a medieval chronicler hit on something more momentous when he opined: “he desired to have a monastery from all monastic orders and places in Prague.”²⁵⁹⁵

For another historian, his coronations as Roman and Bohemian king (1346 and 1347) are to be understood as a “decisive turning point” for Charles as a founder. Especially the title as Roman king, to which the German ruler was entitled, supposedly encouraged him, despite preparations stretching far into the past, to realize three great undertakings in the year 1348: that of a new urban settlement, the new town of Prague (“Prager Neustadt”, founding charter of 8 March), the University of Prague (7 April) and Karlstein Castle (10 June).²⁵⁹⁶ His grandfather Wenceslas II had already around 1294 entertained the plan of founding a university around 1294, but failed due to resistance from the Bohemian nobility, who were said to have feared an increase of clerical influence in the land.²⁵⁹⁷ Now the situation of the kingdom was favorable, although Charles nonetheless proceeded carefully. First, he requested and received a bull from Clement VI, that is a privilege, which one had tended to receive from the popes for the establishment of universities from the 13th century onwards.²⁵⁹⁸ In January 1347 the pontifex presented himself as the true founder in the document and decreed that in Prague “for all time to come a *studium generale* should flourish in every allowed faculty.”²⁵⁹⁹ Clement concentrated on the legal framework of the new school of higher education and expected Charles to provide the material endowment. Even prior to the official diploma of establishment of the king himself, he had conferred doctorates of theology to Dominicans and Franciscans in Prague, and thus fostered the inclusion of the monastery schools of Prague within the incipient university. His successor later excused these religious from the obligation to reside there and instructed the orders of Prague to make sure that competent theologians were to be found in their ranks. In his charter of 1348 Charles also styled himself as a founder; he had decided “to institute, erect and recreate a *studium generale*” in

2594 Attestations in *Machilek*, *Privatfrömmigkeit* (21978), 91, and *Seibt*, Karl IV. (1978), 382 (citation).

2595 *Machilek*, *Privatfrömmigkeit* (21978), 91 (citation of the Nuremberg chronicler Meisterlin, 1485/8).

2596 *Homolka*, *Ikongraphische Programme* (1978), 608–9.

2597 *Rexroth*, *Universitätsstiftungen* (1992), 83.

2598 On what follows *ibid.*, 56–107, at 60.

2599 *Ibid.*, 55 f., 60–74; *Constitutiones* 8 (1910–26), no. 161; (a modified) printing of the papal bull also in *Rexroth*, *Universitätsstiftungen* (1992), 64–6. On the pope as “founder” of universities north of the Alps see also *Borgolte*, *Rolle* (1985).

Prague.²⁶⁰⁰ That he did not devote a single word to the pope indicates that he attached to himself an importance equal in value to the pontiff as the emperor elect. This ruler also did not further elaborate upon the concrete purpose of the new school of higher education; it has been concluded, at least in part, that for Charles the spiritual goals were foremost in importance: "The center of the Prague curriculum, Charles' pride and joy, was the theological faculty, which the pope did not then grant to every school of higher education and was a competitor to the foremost school, that of Paris. The establishment depended on the monastery schools (...), judging by its early history, the University of Prague thus belongs more to the sphere of Charles' concern for the Church than the cultivation of humanism."²⁶⁰¹ Moreover, Charles' founding charter was so carefully formulated because he did not want to challenge the Bohemian nobility. The interests of the Bohemian citizenry as well, as was demonstrated, were taken account of in the drawing up of the privilege.²⁶⁰² Especially noteworthy is that he did use the celebratory act of foundation of April 1348 as an occasion to also regulate the economic side of things.²⁶⁰³ Like the pope, Charles believed that the foundation would be brought into being via the granting of rights. In the following year (1349) the king confirmed the foundation, and indeed quite emphatically, "by virtue of Our royal power, which is accorded to Us as Roman King by the Holy Roman Empire."²⁶⁰⁴ In order to attract professors and scholars, by further documents he guaranteed legal protection to those traveling to the university and turned to the church authorities, who were to delegate persons suitable for the study of theology to Prague. Aside from the members of the monasteries of Prague, he also made reference to professors from overseas. A tax laid upon the clergy would serve as a source of funding for the university.

A decisive measure was the foundation in 1366, that is some years later, of the "Collegium Carolinum", his eponymous college for twelve masters of the "Liberal Arts";²⁶⁰⁵ perhaps he was already reacting to the competing establishment of the University of Vienna in 1365, at which the Hapsburg Rudolf, for his part, had followed Charles' impulses.²⁶⁰⁶ With the college, which he endowed with a house and various properties, Charles desired to increase the number of

2600 *Rexroth*, Universitätsstiftungen (1992), 55–6, 74–83; Constitutiones 8 (1910–26), no. 568; (modified) printing of the document also in *Rexroth* 75–6.

2601 *Seibt*, Karl IV. (1978), 368.

2602 *Rexroth*, Universitätsstiftungen (1992), 83–105.

2603 *Ibid.*, 56–7, 69, 71–2, 106.

2604 *Ibid.*, 56.

2605 *Regesten Karl IV.* (1877), 354 nos. 4339–40.

2606 On which *Wagner*, Universitätsstift (1999), 37–89, at 37–8.

doctors of theology, in order to “support the spread of holy doctrine and to implant faith in hearts.”²⁶⁰⁷ At the same time, he determined that the canonries of the chapter of All Saints in Prague Castle were to be open to masters of arts of the college, thus encouraging study with the prospect of a spiritual career.²⁶⁰⁸ When the first members of the college drew up their own statutes, they clearly oriented them on the model of the “Sorbonne”, the most important college of the University of Paris, founded in 1250. Charles’ teacher in France, Pierre Roger, the later Clement VI, had once presided over them as *provisor*.²⁶⁰⁹ As its economic basis, Charles granted the “Collegium Carolinum” a house in the ghetto of Prague, five villages and annual interest on a sum of capital.²⁶¹⁰

He was innovative in that he allocated the collegiate chapters in their capacity as university instructors a regular fixed income from the prebendary’s property. In contrast to the scholarly sinecures of the French and English sort, “the paid masters [of Prague] were neither told to acquire their maintenance by creating a fund from paying students as ‘private businessmen’, nor were they obligated to the exercise of church tasks due to their prebendary. Their office consisted of study and above all of teaching.”²⁶¹¹ He also reendowed the chapter of All Saints with real estate. Studious members of the College of Charles were to be promoted to one of the 12 canonries of the royal Chapel of All Saints.²⁶¹² Teaching once again stood at the front and center of the obligations, while spiritual tasks were limited to participation in processions, masses and vespers’ services on Sunday and holidays. On workdays they were only to join the larger masses, in order to be able to devote themselves more intensively to their studies and course offerings.²⁶¹³

Charles understood his establishments as pious foundations, since in his mind the support of scholars was part and parcel of the sovereign’s relief of the poor. In this light, he justified them as deeds that would benefit him and his father for the salvation of their souls.²⁶¹⁴ Yet the founder of Prague did not connect his university endowments with explicit obligations to pray; this distinguished him from the roughly contemporaneous establishments in Vienna

2607 Ibid., 44–5.

2608 Ibid., 45–6, 66–70.

2609 Ibid., 47–53.

2610 Ibid., 56–7.

2611 Ibid., 58.

2612 Ibid., 61–70.

2613 Ibid., 86.

2614 In this context it is worth mentioning, at least in passing, Charles IV’s establishment and patronage of hospitals: Constitutiones 9 (1974–83), no. 406 of 1.7.1349; Regesten Karl IV. (1877), nos. 4345 of 11.8.1366; 6275 of 21.8.1370 and 5558 of 4.4.1376; 5812 of 11.10.1377, on which *Stoří*, *Spitäl*er Breslaus (2001), 185.



ILLUSTRATION 38 Emperor Charles IV and his consort Anna with reliquary cross (1357), wallpainting in the Castle of Karlstein by Prague

(1365) and Heidelberg (1386), yet he did not chose to have his tomb there among students and professors, but rather in St. Vitus Cathedral in Prague Castle.²⁶¹⁵ As Roman king and emperor Charles IV also privileged other universities which lay exclusively in northern Italy and southern France.²⁶¹⁶ Moreover, besides the archduke of Austria, the kings of Poland and Hungary followed his example in the early sixties of the fourteenth century in establishing their own national universities.²⁶¹⁷

The Castle of Karlstein by Prague, established by Charles IV, impressively intensified his personal piety as well as his prestige as emperor of the realm and king of Bohemia.²⁶¹⁸ As he occasionally expressly emphasized, “he had [the

²⁶¹⁵ *Wagner*, Universitätsstift (1999), 89, 205–6, 285–302, and elsewhere; cf. *Rexroth*, Universitätsstiftungen (1992), 139–42.

²⁶¹⁶ *Seibt*, Karl IV. (1978), 179–81; *Rexroth*, Universitätsstiftungen (1992), 90–2.

²⁶¹⁷ *Rexroth*, Universitätsstiftungen (1992), 6, 68 n. 50, 147, 284: Krakow and Péc (Fünfkirchen).

²⁶¹⁸ On Karlstein, see especially *Fajt*, Karlstein (2009); *idem*, Karl IV. (2000), 493–4.

castle] named by the addition of our Our own name for better remembrance, namely so that Karlstein is named after Charles.”²⁶¹⁹ It was at this place that the Luxembourg united the crown jewels of the empire, which had only been transferred to him in 1350 by the son of the Wittelsbach Louis IV, with the reliquaries of Christ’s Passion of the imperial treasury, along with relics of the same which he had himself acquired. He laid these with his own hand in 1357 in a golden reliquary cross as a treasure of the kings and kingdom of Bohemia.²⁶²⁰ Charles’ zeal in gathering relics of saints and of the Lord in particular bore fruit when he obtained thorns of the Martyr’s Crown of Christ from the dauphin of France in 1356, and a papal indulgence for participants of a public display of the cross, which was planned to take place once a year.²⁶²¹ It was thus important to the ruler to have his subjects as well benefit from the merciful aura of the sacred objects. In 1368 Charles was able to receive a further treasure of reliquaries from Rome, including the blood-soaked cloth of Christ on the cross, one of the veils of Veronica and a splinter from Jesus’ cradle. Charles entrusted these imperial relics and sacred objects to monks from the Cistercian Monastery of Stams in Tyrol, who were required to perform the daily office for the veneration of the relics.²⁶²²

Karlstein consisted of two towers with multiple chapels, which the king and emperor rebuilt and exceedingly richly endowed. According to an endowment charter of March 1357, there already existed one Chapel of St. Nicholas that he had established, which he supplemented with two additional oratories in honor of reliquaries of Christ’s Passion (Chapel of the Holy Cross) and Maria, the Mother of God.²⁶²³ In these sacred spaces an “eternal” service, and in particular masses, would henceforth be held. Five canons of priestly status, one of which was to be a dean, were endowed with prebends from tithe revenues for this, but the chapter was to be expanded to ten members. Every morning at sunrise the religious were to gather for the humble office in the Marian chapel; their liturgical duties and clothing were prescribed in detail.²⁶²⁴ The canons of Karlstein were obligated not to accept any further prebends and to be continually present in the castle; the deacon was to support a priest for another castle from special revenues. Special exclusivity was attached to the Chapel of the Passion: only archbishops and bishops were allowed to celebrate masses

2619 Constitutiones 12 (2013), 98–103 no. 80 of 27.3.1357, at 99.

2620 Cf. *Machilek*, *Privatfrömmigkeit* (2019), 92–3.

2621 *Ibid.*, 94.

2622 *Ibid.*, 93–4.

2623 Constitutiones 12 (2013), 98–103 no. 80, at esp. 99; trans.: *Gründungsurkunde Karlstein* (2009), at 284.

2624 Constitutiones 12 (2013), 100–1; *Gründungsurkunde Karlstein* (2009), 284–5.

there, while in its tower, in order to preserve the purity of the place, all sexual intercourse was forbidden.²⁶²⁵

Amongst the witnesses of the elaborate imperial document for the establishment of the chapter of Karlstein, besides the archbishop of Prague, some bishops were named, including John of Bisignano (Marignola). He was a Minorite, stemmed from Florence and had shortly beforehand undertaken a fourteen-year mission to the Great Khan of the Tatars (Mongols), the Indians and the "Vicinity of Paradise". In 1355 Charles had him made court chaplain and tasked him with writing a chronicle of Bohemia. That Charles placed the most widely-traveled man within his circle, whose education, however, should not be overestimated, demonstrates once again his wide-ranging, almost universal, interests. By contrast, John is ascribed influence on the artistic development of Karlstein, and in their zeal for the cross the Franciscan and his imperial patron appear to have been similar.²⁶²⁶

The Hapsburg Frederick III did not lag behind the Luxembourg Charles in his religious devotion. His contemporaries noted that, when possible, he attended masses day and night and kept the canonical hours of prayer; he also luxuriously outfitted churches and erected numerous "chapels".²⁶²⁷ Frederick himself spoke in a general way of his church foundations when he participated in 1487 in the establishment of the collegiate church of St. John in Zwettl. He did not doubt, so the emperor had determined, that he made himself receptive to divine mercy and that it was most salutary for his soul when he gathered up imperishable treasure from temporal properties in the hope for eternal life. For this reason he erected and endowed worthy abbeys, churches and other sites of devotion. Religious persons were to live in these foundations, who would take up the sweet yoke of Christ and beseech divine mercy for the emperor, his heirs and descendants. It would soothe the emperor's consolation and peace if the praise of God would support the priesthood through an orderly life.²⁶²⁸

According to a probably incomplete modern survey, Frederick established 13 monasteries, including four in Vienna's Neustadt alone;²⁶²⁹ there he already resided as duke of Steiermark, Carinthia and Carniola (from 1435) and systematically developed the city into a royal (from 1440) and imperial Hapsburg

²⁶²⁵ Ibid., 102, and 285.

²⁶²⁶ Cf. *Reichert*, *Begegnungen* (1992), 123–5; *Machilek*, *Privatfrömmigkeit* (²1978), 92.

²⁶²⁷ Grünpeck, *Historia Friderici* (1838), 74. Cf. *Zisler*, *Geistliche Stiftungen* (1972), 94–5.

²⁶²⁸ Cited after *Zisler*, *Geistliche Stiftungen* (1972), 172 no. 77; cf. *Regesten Friederichs III.* 11 (1998), no. 610.

²⁶²⁹ *Zisler*, *Geistliche Stiftungen* (1972), 19; cf. *Ausstellung Friedrich III.* [1966], 303–5.

residence.²⁶³⁰ Not all the local foundations, however, were successful.²⁶³¹ Around 1478 he also transferred the Chivalric Order of St. George to Vienna's Neustadt, which he had founded roughly ten years previously for the praise of God and Maria, the spread of the Catholic faith, for the salvation of his own soul and the reverend commemoration of the House of Austria in Millstatt (Carinthia).²⁶³² Presumably something of the effect of a pilgrimage to the Holy Land is discernible, which Frederick had undertaken in 1436 in order to be knighted at Christ's tomb.²⁶³³ The journey from Trieste over the Mediterranean was risky because at this time the Ottoman Turks had already conquered numerous Greek islands. Like other orders of St. George, Frederick's also had the goal of defending the Christian faith, and likely more against the Turks than against heretical Hussites in Bohemia. Originally, the emperor had endowed his order with other religious houses, in particular with the former monastery in Millstatt, for which he held the rights of stewardship.²⁶³⁴ These funds, however, did not come close to sufficing for combatting the Turks. With its transfer to Vienna's Neustadt, Frederick desired to better its situation and surrendered the abandoned Marian chapel in his castle to the members of the order. Although the pope also supported it, the endeavor suffered, especially since in the meantime the Hungarian king Matthias Corvinus had successfully confronted the Turkish menace.²⁶³⁵

Frederick III by no means conducted his foundation policy only with the resources of his house, but rather, like rulers before him and other potentates of his time, with the privileges of the Church. In scholarship he has even been viewed as a sovereign prince who employed "his royal opportunities for influence for the benefit of House Austria."²⁶³⁶ Already his role-model, his great uncle duke Rudolf IV of Austria, is said to have exemplarily announced his claim to dominion over the church in his territory with the words: "As for myself, I want to be pope, archbishop, bishop, archdeacon and dean in my own land."²⁶³⁷ Corresponding to the style of the period, princes sought to achieve correspondence between their dominions and ecclesiastical districts, and

2630 Gerhartl, Wiener Neustadt [1966].

2631 On the foundation and history of the collegiate church of 1444 cf. *Moddelmog*, Königliche Stiftungen (2012), 205–21.

2632 Zisler, Geistliche Stiftungen (1972), 30–1; 148–51 no. 55; Koller, St.-Georgs-Ritterorden (1980).

2633 Lhotsky, Friedrich III. [1966], 22–3.

2634 Zisler, Geistliche Stiftungen (1972), 149; Koller, St.-Georgs-Ritterorden (1980), 422–3.

2635 Gerhartl, Wiener Neustadt [1966], 126–7.

2636 Heimann, Habsburger (2001), 39.

2637 Borgolte, Mittelalterliche Kirche (²2004), 28–9; on Rudolf as a model for Frederick see Lhotsky, Friedrich III. [1966], 21–2, 29–30 and elsewhere.

thereby to have at least one regional bishop.²⁶³⁸ Rudolf himself failed at this in Vienna, while Charles IV had been successful in hiving off Prague and Olmütz from the Archdiocese of Mainz, and in Leitomischl he developed a further Bohemian episcopal see from a Premonstratensian abbey. This “state sovereignty over the church” (*landesherrliche Kirchenregiment*) was, however, not merely lordly presumption, but rather a reaction to the failed attempts at a reform of the church and empire, which ought to have come from the emperor (and from Rome). The German sovereign princes, especially in the sphere of monasticism, laid claim to the “right to reform and inspect”, that is to regulate the religious life of its communities.²⁶³⁹ The Curia, which had asserted the rights of the papacy in the conflict with the conciliarists, was, moreover, dependent on cooperation with the princes: by concluding a concordat with them, they gave sanction to their political position. The sovereign princes that strove to acquire leadership of the church in their territories took pains not only to control the bishops, but also to acquire authority over as many churchly benefices as possible. In Bavaria, for example, the Wittelsbachs appear to have possessed 46 parishes as well as 86 chaplaincies and masses; in Württemberg, according to count of 1555 (which can only be extrapolated into older periods with caution), of the 1,050 territorial benefices, 447 were subject to ducal patronage.²⁶⁴⁰

As Frederick III was crowned Roman-German king in Aachen in 1442, he did indeed issue a *Reformatio* at a court council, yet it proved to be no comprehensive change to the constitution of the Empire. Shortly thereafter he closed the distance in the conflict with the conciliar party of Pope Eugene IV, in order to acquire his permission for the imperial coronation as well as important privileges as sovereign prince of Austria.²⁶⁴¹ At the start of 1446 Eugene conceded to him the right to grant one hundred benefices (religious prebends) in his hereditary lands. Furthermore, the pontifex allowed him the lifelong right to name the bishops of Trent, Brixen, Chur, Gurk, Trieste and Piben in Istria, and to nominate those persons who were to inspect the monasteries in his lands. It had already been a more ancient legal custom that the king could grant the next available prebends at the individual imperial churches to maintain his retainers and confidants after his crowning. With Rome's aid, Frederick III succeeded in taking extensive advantage of this “First Request”, and apparently

²⁶³⁸ *Borgolte*, *Mittelalterliche Kirche* (2004), 16–7.

²⁶³⁹ *Ibid.*, 28–9.

²⁶⁴⁰ *Ibid.*, 30.

²⁶⁴¹ *Krieger*, *Habsburger* (2004), 178–80.

during his entire reign “asserted himself by means of very rigid and factious benefice policy.”²⁶⁴²

Only with the help of the papacy and by the “restructuring” of church benefices could the Hapsburg also found bishoprics in Vienna and Vienna Neustadt. They were preceded in 1461 by the establishment of the bishopric of Laibach (Slovenian: Ljubljana), the capital of the Hapsburg duchy of Carniola.²⁶⁴³ While Frederick here, as in the case of the collegiate church of Zwettl, allowed himself to be guided by the motive of liturgical commemoration for himself and his house, an indication of this is lacking in the founding documents of these two cathedrals.²⁶⁴⁴ According to the Bull of Establishment of Pope Paul II, the bishopric of Vienna was to serve the glorification of the divine name and the exaltation of the Catholic faith, the increase of the divine service and the salvation of the souls of those in the city.²⁶⁴⁵ Both new sees were geographically quite limited and hardly exceeded the city limits, and even the endowment of spiritual prebends, for which the emperor and thereafter his successors retained the *ius patronatus* and right of nomination, was insufficient. In addition, the bishops of Passau and Salzburg, who had been passed over and “injured” by the new foundations, offered resistance. Thus, aside from the prestige and indirect power over episcopal authorities, the emperor had created two “dwarf sees.”²⁶⁴⁶

Frederick manifested his personal piety above all in his foundations for the increase of the eucharist.²⁶⁴⁷ From 1441 onwards he repeatedly made available funds and interest for the financing of “visitations for anointing of the sick” (*Versehgänge*), in which the eucharist would be brought by four poor schoolboys to fortify the faithful as they lay dying. Exemplary is the foundation for a guild of tailors in Laibach in 1444. The emperor created it “in honor of our Lord Jesus, who instituted the Last Supper, in honor of his mother Mary and all the saints as well in honor of the salvation of his own soul, that of his ancestors and descendants”, with six Vienna pennies, which would be paid to the

2642 Ibid., 234; *Borgolte*, *Mittelalterliche Kirche* (2004), 27, 86; *Werkmüller*, *Erste Bitten* (2008).

2643 *Zisler*, *Geistliche Stiftungen* (1972), 9, 12, 143–4 no. 45 of 6.12.1461: As *Zisler* 144 states, there is no documentary evidence from the period before the establishment charter, which would be able to illuminate the history of its origins. Now: *Regesten Friedrichs III.* 29 (2014), no. 102.

2644 On Zwettl see above. Cf. *Moddelmog*, *Königliche Stiftungen* (2012), 208–9.

2645 *Zisler*, *Geistliche Stiftungen* (1972), 154–8 no. 61, at 155. On Wiener Neustadt *ibid.*, 158–60 no. 62.

2646 Cf. *Lhotsky*, *Friedrich III.* [1966], 33; *Gerhartl*, *Wiener Neustadt* [1966], 126; cf. *Schmidt*, *Friedrich III.* (1984), 319.

2647 On which esp. *Zisler*, *Geistliche Stiftungen* (1972), 58–60.

guildsmen annually on St. Michael's (29.9.) from the office of the vice steward in Carniola. From these four choir robes of linen, four *Gugeln* (cowls) of brown wool, two flags with crosses of silk and two glass lanterns with candles were to be purchased. Whenever a priest of the parish church at Laibach departed for a visitation for anointing of the sick to the city or the suburbs, four poor schoolboys who needed alms were to accompany him, "whereby they should wear the choir robes and cowls and carry the flags with crosses and lanterns. While doing this they should sing the responsory *Homo quidam fecit* or the hymn *Pange lingua* 'there and back again'. The guildsmen were to give the schoolboys for this each time four Vienna pennies, while the sexton was to receive six Vienna pennies for the keeping and maintenance of the aforementioned objects. Furthermore, the guildsmen was to see to it that daily in the principal masses two schoolboys were to start singing the hymn *Tantum ergo sacramentum* or the verse *Ecce panis angelorum*, which should then be sung by the schoolmaster and the entire choir to the end."²⁶⁴⁸

On profane and sacral buildings and endowed objects of diverse sorts Frederick had the letter sequence *aeiou* inscribed or even wrote it with his own hand.²⁶⁴⁹ What is certain is that this "mark" or "motto" already went back to his years as duke; uncertain, by contrast, is what meaning its inventor ascribed to it. Apparently, the logogram functioned as a mark of possession or a reference to its creator, donor and founder. Now and then it was accompanied by Frederick's own name and quite often supplemented by a date. Though the duke, king and emperor acted as though he wanted recognition through this alphabetic formula, he nonetheless dissimulated his own person when he hid his Christian name. He placed the logogram between himself and the viewer or reader. It was thus hardly suited for an endowment for the ruler's memoria, and not at all in a liturgical sense. How much Frederick was invested in the commemoration by prayer in the monasteries and communities he founded can be deduced from his tomb, which was originally planned for Vienna Neustadt²⁶⁵⁰ and was erected twenty years after his death in the Stephansdom

²⁶⁴⁸ Ibid., 113 no. 13.

²⁶⁴⁹ Schmidt, AEIOU (1980); *idem*, Friedrich III. (1984), 305–6, 308; cf. Zisler, Geistliche Stiftungen (1972), 47–8, entry in his "Book of Memoranda", 48. Cf. *ibid.* in administrative acts of endowment, nos. 2, 5–7, 11, 17–8, 23–5, 29, 31; in addition Gerhartl, Wiener Neustadt [1966], 109; Schmidt, Friedrich III. (1984), 316, cf. fig. 14, in: Ausstellung Friedrich III. [1966], with *ibid.* 312 no. 41; Dornik, Deckplatte [1966], 387, with fig. 37; Heinig, Friedrich III. (2003), 510; Lhotsky, Friedrich III. [1966], 40; Unterkircher, Bibliothek [1966], 220.

²⁶⁵⁰ Kislinger, Grabmal Friedrichs III. [1966], at esp. 193. In Wiener Neustadt were buried his consort Eleonore of Portugal (d. 1467), as well as three of this couple's children who had died young, see Gerhartl, Wiener Neustadt [1966], 121–2, 125.

of Vienna (1513).²⁶⁵¹ Frederick had already commissioned this in the 1460s; even though by 1493 only the memorial slab appears to have been completed, the conception of the tomb is ascribed to the emperor himself.²⁶⁵² On its walls “the congregations he had created by his endowments were to be depicted (...) in prayer. In addition, twelve statues in total depict individual representatives of these communities at the celebration of the office for the dead.”²⁶⁵³

Apparently, immediately after Frederick's death an office-holder whose name is not known told to his imperial son and heir Maximilian of oral instructions which he designated the “Last Will” of the deceased.²⁶⁵⁴ Inter alia, the thirty-four-year-old king was asked to return the church properties alienated from the bishoprics of Salzburg and Passau; for this the annual commemoration for Frederick, as well as for his ancestors and descendants, was to be cultivated for all time in these cathedrals. The See of Vienna was to be annulled in favor of Passau; for this the priesthood there was to gather annually to the extent of a diocesan synod, in order to celebrate his memoria with vigils and masses continuously over the course of two days. The warning to Maximilian was to serve the same purpose, of preserving the endowed properties of priests and monks everywhere in their churches.²⁶⁵⁵ Were the new monarch to keep the ordinances of his father, he would even realize, as the courtier urged, the greatest such work of royal commemoration since the days of Henry II.²⁶⁵⁶

In fact, Maximilian took the task of memoria very seriously, both in the sense of historic remembrance of the royal and ducal houses, especially of his ancestors, as well as with regard to liturgical commemoration.²⁶⁵⁷ In his German autobiography he himself determined this in a chapter entitled “How the Wise Young King Especially Treasured the Ancient Commemorations” (*Wie der jung weiß kunig die alten gedachtnus insonders lieb het*). He even revived forgotten foundations (or collegiate churches) of kings or dukes.²⁶⁵⁸

The degree to which he conscientiously cultivated the legacy of his father is demonstrated in particular by the Order of St. George.²⁶⁵⁹ Even after its transfer to Vienna Neustadt this foundation was not flourishing, though Frederick

2651 Cf. *Kislinger*, Grabmal Friedrichs III. [1966], 193; *Meyer*, Königsbegräbnisse (2000), 175–95, esp. 187–8; *Rader*, Erinnern (2006), 183–4.

2652 *Lhotsky*, Friedrich III. [1966], 37; *Meyer*, Königsbegräbnisse (2000), 193–4.

2653 *Moddelmog*, Königliche Stiftungen (2012), 209; *Klebel / Wimmer*, Grabmal (1924), 10.

2654 *Bachmann*, Aus den letzten Tagen (1886), 473.

2655 *Ibid.*, 475–6.

2656 *Ibid.*, 477.

2657 *Schmid*, “Andacht und Stift” (1984); *Müller*, Gedechnus (1982).

2658 *Quellen zur Geschichte Maximilians I.* (1996), 297–9 no. 84, at 297–8.

2659 *Zisler*, Geistliche Stiftungen (1972), 150; *Koller*, St.-Georgs-Ritterorden (1980), 425–6.

had still made the attempt to incorporate it into the new see itself. Already on 17 September 1493, four weeks after the death of Frederick III, Maximilian turned his attention to the order.²⁶⁶⁰ He made reference to an urgent request of the members of the order themselves, who had been forced to suffer grave reverses by the onslaughts of the Turks and of the Hungarian king Matthias Corvinus. Their villages and cities were devastated and burned; their churches, monasteries and convents destroyed; the farmsteads lay fallow, and the farmers themselves were so impoverished that they could no longer effectively oppose the Turks. As a remedy they desired “with the permission of our most holy lord, the pope, and with royal permission and approval, to undertake an expansion of their order and to create a free secular confraternity of both sexes, which would be bound to no observance and would be named after Saint George.” The purely male community, with its knights and priests, was thus to be supplemented by a lay association of both sexes. Pious donations and alms were to further enable the construction of “a reverend church with knights, priests and clerics of the Order of St. George and other men, at a place lying close to the Turks and well-suited as a fortress”, and to so secure it with fortifications that “2000 to 3000 armed men, knights as well as foot soldiers, will be maintained, who can fight back the daily attacks of the Turks and conduct a lasting war with them.” As far as the confraternity itself was concerned, all new members of both sexes were therefore to be registered in the book of matriculation and participate in all divine services, prayers, fasts, abstinences, pious exercises and good works. Many masses and other divine serves were to be celebrated for the salvation of fellow brothers and sisters. All individuals of the book of matriculation were to be mentioned aloud, day and night, without interruption, publicly and from the pulpit, by a cleric of the Order of St. George. Whoever desired to perform military service against the Turks at his own cost and fell in battle would be granted a special divine service with pious works (probably alms), according to the custom of the Church. Knights were allowed to hang their coats of arms for eternal glory in the church. If they came from a foreign land and were crippled or in some other way enfeebled, they were to be maintained their own whole lives honorably and at no expense by the grand master and the brotherhood. The grand master and the brothers, furthermore, requested that the king confirm their self-composed statutes and allow their possible renewal by the community. The pope was to be asked to grant an indulgence.

After long consideration and advising Maximilian accepted all of this and approved the Confraternity of St. George with its ordinances and statutes. He is

2660 Quellen zur Geschichte Maximilians I. (1996), 56–60 no. 14.

even said to have personally entered the confraternity. After this had been declared as the foundation of the order, he likewise adopted the role of founder envisaged for him: "For the establishment of the aforementioned church we designate the city of Rann in Our Duchy of Carniola, which lies close to the Turks and is suitable as a fortress. We earmark 500 marks of pure gold for the construction of this church, which we make as a gift by the power of the present document." In order to increase the attractiveness of the order, Maximilian in the end granted the grand master and the leading figures the right "to honor and adorn with knightly insignia" active defenders of the faith of knightly birth after a year of service.

As was earlier the case, the Order of St. George enjoyed little popularity after these actions as well.²⁶⁶¹ Maximilian again intervened and in 1494 himself changed the statutes: as emperor he even desired to personally adopt the dignity of the grand master and, according to his testament of 1514, allotted the order a central role in his memoria.²⁶⁶² Regulations of the testament required that the knights of the Order of St. George were to be richly endowed with properties, interest and tolls. 24 boys from 12 to 18 years of age were to sing the psalter day and night, in the manner of the *laus perennis*, at his planned imperial tomb within the Monastery of Mondsee.²⁶⁶³ The castle in Vienna Neustadt was envisaged for their schooling, while their clothing was to be adorned with the cross of St. George. Four priests were also to serve there with (daily) celebrations of the mass, as well as sixteen knights of St. George, for whom the taking of communion was prescribed three times a year.²⁶⁶⁴ With his testament Maximilian also founded multiple hospitals in his lands, but also in Antwerp and Ghent, which belonged to the Burgundian inheritance of his wife Mary.²⁶⁶⁵ *Sant Göring zu Wienn* was the foremost among them. Those in the hospitals or "oratories" were to "praise God Almighty everyday for his soul".²⁶⁶⁶ Yet shortly before his death Maximilian came to terms with the fact that the order, which his father had founded and which he had so emphatically supported, was a failed undertaking. A modern historian has explained this

2661 For an example of a lay foundation, which Maximilian expanded: *Ausgewählte Regesten* 1 (1990), no. 3443 of 23.5.1495.

2662 Edition of the excerpt of the testament in *Schmid*, "Andacht und Stift" (1984), 772–6; on which *Mertens*, *Bemerkungen* (1984).

2663 Cf. *Schmid*, "Andacht und Stift" (1984), 762.

2664 *Ibid.*, 774, lines 95–115.

2665 *Ibid.*, 772–3.

2666 *Ibid.*, 772, Z. 12–3, 15.

less due to its insufficient endowment than that its quasi-monastic form of life referred back to the High Middle Ages and was no longer in fashion.²⁶⁶⁷

Amongst the foundations of Maximilian himself, which still were dedicated to religious and caritative purposes,²⁶⁶⁸ the establishment of a college for poets and mathematicians at the University of Vienna is to be highlighted (31.10.1501). The Hapsburg, who desired to lead the empire to new heights, yet from 1499/1500 was isolated within Europe, found himself at the time in a reformist mood and surrounded himself with scholars and artists; he “opened possibilities for humanists as though he had been one of their own.”²⁶⁶⁹ In the endowment charter for the college, with the right of crowning poets, he abstains almost entirely from religious motives. As Roman king by the grace of God, he at the same time retained the title of his imperial majesty and desired, with divine will, to pay attention to details “of what We believe, that, on the one hand, they give advantage to our state for adornment and eternal ornament.” On the other hand, they could “make known our German nation and the House of Austria, from which we descend, along with the honors We already possess amongst all peoples and posterity.”²⁶⁷⁰ These matters lay principally in the “preservation of writing”, so that he found it necessary “to erect universities for Roman literature for Our peoples and cities according to tried and true order and Roman tradition.” Directors and leaders for the public arena had already proceeded by his efforts, who had acquired their discernment by the study of ancient history. While lectures on civil law had already been prescribed on the University of Vienna, to that point nothing had been done for poetry and rhetoric: “We have [thus] decided to establish, for the enlargement of Our university, a college of poets in the same place, in the manner of earlier emperors, Our predecessors in office, and to reintroduce the lapsed eloquence of earlier times. Therefore, for the support and beginning of this undertaking, we allocate to the college two scholars for rhetoric and poetics, in addition to two for mathematical matters.” Whoever wanted to study rhetoric and poetics in Vienna “and desired the laurel wreath” was to be tested conscientiously. If he were to be found suitable, then Konrad Celtis, the regular academic in-

2667 Cf. *Koller*, *St.-Georgs-Ritterorden* (1980), 424–5, 427, 429, cf. 418. After his death the establishment fell into disrepair and was finally abolished for good by Grand Duke Ferdinand II in 1598.

2668 Cf. *Ausgewählte Regesten* 2 (1993), nos. 4846, 5273; *Quellen Geschichte Wien* 1.2 (1896), no. 1297; *Liebhart*, *Stifte* (1985), 198. Worth mentioning is also an intervention of Maximilian against excessive foundations (Amortization Decree of 1496): *Ausgewählte Regesten* 2, no. 7937.

2669 *Wiesflecker*, *Maximilian I.* (1984), 347.

2670 *Quellen zur Geschichte Maximilians I.* (1996), 129–30 no. 35, at 129.



ILLUSTRATION 39 Grave monument for Emperor Maximilian I (d. 1519) in the Court Church in Innsbruck, 16th c.

structor for poetics and rhetoric, or his successors, were to grant him the laurel wreath. Celtis had himself been the first German to be crowned as a poet by Maximilian's father Frederick III. Maximilian remained silent on the economic basis of the four teaching positions in total, so that initially the royal-imperial conferral of privileges must have sufficed as an endowment.

In the style of the humanists, Maximilian had grandiose ideas regarding the planned furnishing of his tomb. He wanted to be surrounded in death (d. 12.1.1519) by the busts of 134 Roman emperors and statuettes of saints of the House of Austria and 28 metal statues of his predecessors and ancestors, including Charlemagne and Frederick III.²⁶⁷¹ The undertaking was

²⁶⁷¹ On which Schmid, "Andacht und Stift" (1984).

uncompleted to the same degree as his tomb in Mondsee, so that Maximilian was interred in Vienna Neustadt, while fragments of the monument are on display as a cenotaph to the present day in the palace church of Innsbruck. His second testament, drawn up a few days before his death (30.12.1518 or 11.1.1519),²⁶⁷² no longer foresaw any central role for the Order of St. George. True, his body was now buried in the Church of St. George in Vienna Neustadt, but the bishopric there, however, was reestablished (at the expense of the order).²⁶⁷³ Apart from the design of the tomb itself and naming of his grandsons Charles and Ferdinand as heirs, he concerned himself in detail with planned hospital foundations.²⁶⁷⁴ Seven were envisioned for his hereditary lands (Innsbruck / Tyrol, Vienna / Austria below the Enns, Linz / Austria above the Enns, Graz / Steiermark, St. Veit / Carinthia, Laibach / Carniola, Breisach / the Marchland), and an eighth in Augsburg; Antwerp also was mentioned, though none was mentioned for Ghent.²⁶⁷⁵ Each house was to receive annual revenues of one thousand guilders. The money was initially to be used for the construction and then for the endowment of those in the hospitals. Maximilian made precise prescriptions in this instance. Each hospital church was to offer a gallery for “poor persons”, but was further to also attract “fellow Christians” to daily masses.²⁶⁷⁶ For the night a large shared sleeping hall was envisaged, with each bed supplied with a straw sack. Mornings and evenings patients were to receive “a vegetable” (*ain gemuess*), “though always divided up, and a most necessary portion of bread” (*doch alltzeit abgetailt, und ain zimliche notdurft prot*). Water enriched with honey, juniper and sour thorn-bush berries was to be boiled, “so that it is more pleasant to drink”. Each year one had a claim to clothing (*Röcke*), in summer of more simple, in winter of double, thickness, in addition to a nightshirt every quarter of a year, a pair of shoes and for winter “a rough shawl for the breast” (*ain rauher prustfleckh*). The emperor commanded that every hospital should be “painted with a picture of our person and our face, with a candle in our hand, which is an eternal light” (*ain pild von unser person und unserm angesicht conterfet gegossen werd, mit ainer kertzen in der handt, die ain ewig liecht sey*).²⁶⁷⁷ After the daily service (main mass) the Gospel of John would be sung, “in addition, a light was to be lit in praise of God, in honor of the holy knight St. George and for Our blessed memory” (*darzue das liecht angezynnt werd Got zu lob, dem heiligen ritter sand Jörgen zu eeren und uns zu seliger gedechtnuß*).

²⁶⁷² Quellen zur Geschichte Maximilians I. (1996), 289–95 no. 82.

²⁶⁷³ Ibid., 289–91.

²⁶⁷⁴ Ibid., 290–3.

²⁶⁷⁵ Cf. supplementarily Schmid, “Andacht und Stift” (1984), 760–1.

²⁶⁷⁶ Quellen zur Geschichte Maximilians I. (1996), 292.

²⁶⁷⁷ Ibid., 293.

Whether and to what degree the new hospital foundations were actually realized is not known; certain, by contrast, is that Maximilian failed as much with his expansive funerary cult as with his revival of the Order of St. George. This was hardly due to the permanent insolvency of the Hapsburgs, as has been argued, but rather due to the fact that medieval forms of foundations for the salvation of the soul had become outdated in the age of the Reformation.²⁶⁷⁸

²⁶⁷⁸ Schmid, "Andacht und Stift" (1984), 771.

Societal Development and Philanthropic Motivations: Diversification of the Actors and Purposes

In Egypt the pharaoh was obligated to secure a fitting burial with an appropriate funerary cult for his officials; some officials derived from this the prerogative to create their own funerary foundations without reference to the king.¹ In other cultures and periods high dignitaries or nobles imitated the foundations of their overlords.² Yet it would be too simple to assume an automatic top-down process for the social spread of foundations. For the “Axial Age”, with its breakthrough of individualism, brought with it the claim of ethicizing living conditions which applied to every person.³ One certainly cannot speak here of a history without setbacks, since in Egypt, for example, these innovations initially lasted only around two hundred years,⁴ and it has been observed that the Axial Age failed in other cultures as well.⁵ Their achievements, however, were not forgotten and returned again, among other places in the great religions of the Near East, in Judaism, Christianity and Islam. There are many indications that the wide spread of foundations was based not only on the imitation of royal behavior, but above all on the self-discovery of the individual, which felt itself obligated to others.

Non-sovereign founders participated at their own initiative in the world history of foundations, and indeed both as far as the religious cult as well as charity are concerned. The patronage of education and learning was often also included in the canon of these works. Whoever desires to determine the worth of foundations for societies in general from a universal perspective,⁶ proceeds by means of bipolar intercultural comparisons along the road to a transcultural synthesis.

¹ Above 11–2 and 20–1.

² Above 36, 60, 72, 115, 239, 345 etc.

³ At 21–2, 39, 97, 160–1, 185.

⁴ Above 22.

⁵ *Jaspers*, *Ursprung* (2017), 42.

⁶ Cf. *Borgolte* (ed.), *Enzyklopädie des Stiftungswesens* 3 (2017).

2.1 China and India

In China and India monasteries and temples were the points of crystallization of broadly understood philanthropic foundations; Confucian ethics in China, by contrast, were in this respect apparently not as compatible to the same degree. It is above all Buddhism which must be understood as the vehicle of such endeavors, so that in the “Middle Kingdom” an originally foreign, to wit Indian, religion had an effect as the impetus for foundations.⁷

Within the sphere of education in China one must differentiate three sectors: state, private and monastic schools,⁸ and similar considerations apply for welfare.⁹ The educational system can be traced back hundreds, indeed thousands, of years. Probably from the time of the Shang dynasty (c. 1850–1100 BCE) formal education has been cultivated. It was, however, restricted to the aristocracy, who had their children taught by private tutors.¹⁰ A transformative change emerged when the traditional ideal of political unity materialized in the shape of an empire (221 BCE).¹¹ The founding dynasty of the Qin claimed the “Mandate of Heaven” for the ruler and implemented bureaucratic centralization for the first time, by which the empire was hierarchically divided into commands/prefectures and districts.¹² Their successors, the Han (206 BCE until 220 CE), expanded upon this system and gave civil servants a learned basis for their actions with the propagation of the “Classics”.¹³ This canon consisted of five “Books of Transformations” (respectively “of History”, “of Songs”, “of Documents”, “of Rites” and “of Spring and Fall Annals”).¹⁴ From the time of

7 There is no comprehensive treatment of this subject within Sinology. Olles, *Religiöse Stiftungen* (2016), is restricted to religious foundations in a narrower sense; his conclusion “that there is not an actual ‘scholarship on foundations’ in Sinology or other China-related disciplines” (682), also applies in this case.

8 For state education esp.: Lee, *Education* (2000); *idem*, *Government Education* (1985); *idem*, *Sung Schools* (1989); Davis, *Custodians* (1995); De Bary / Chaffee (eds.), *Neo-Confucian Education* (1989). For the monasteries: Gernet, *Buddhism* (1995); Ch'en, *Buddhism in China* (1964); Zürcher, *Buddhism and Education* (1989, repr. 2014); in this case less relevant is: Kohn, *Monastic Life* (2003). For the “private sector”, which is also often included in the aforementioned literature, see also Chaffee, Chu Hsi (1985).

9 For Buddhists and Daoists: Ch'en, *Buddhism in China* (1964); Gernet, *Buddhism* (1995); Kohn, *Monastic Life* (2003). For the state sector: Tietze, *Öffentliche Gesundheitsfürsorge* (1980); Linck, *Bürokratisierung* (1985).

10 Lee, *Government Education* (1985), 9, 15; *idem*, *Education* (2000), 41–2.

11 Schmidt-Glintzer, *Geschichte Chinas* (1999), 4.

12 Ibid., 8, 15–6; cf. Eichhorn, *Alte chinesische Religion* (1976), 37–42, 74–9.

13 Schmidt-Glintzer, *Geschichte Chinas* (1999), 11–2; Van Ess, *Konfuzianismus* (2009), 40; Shryock, *Origin and Development* (1966), 34, 65.

14 Lee, *Government Education* (1985), 9; *idem*, *Education* (2000), 198–204.

Han Wudi (141–87 BCE), and especially the period around 200 CE, the followers of Confucius acquired great influence over intellectual life, above all over ethics as well.¹⁵ Confucius had been the first thinker who had argued for a social order according to the principles of merit instead of birth. Accordingly, the regime was to care for the upbringing of everyone without regard to class or race; all people were born with the same aptitude for the good. Education was a path to moral perfection. In the civil service the morally superior should attain the leading positions and at the same time be recognized as the leaders of society.¹⁶ Confucius, who to some was seen as the author of the “Spring and Fall Annals”,¹⁷ did not, however, produce any schema for an educational system, whose basis was first created by the Han dynasty. On the one hand, a so-called “Imperial University” (*Tai-hsüeh*) was established, at which the sons of high officials were to receive their formal education. On the other hand, the Han ordered the creation of a network of “state” or “government schools” for the upbringing and education of gifted but impecunious youths.¹⁸ Their effectiveness was to be ensured by civil examinations. The regime also strove to subject private educational establishments, which continued to exist, to their control.¹⁹ While private schools were financed by wealthy families, the state supported public schools.²⁰ The room for maneuver for foundations in Chinese education was thus always constrained by the dynamic between these two powers, and above all by the thoroughly and hierarchically organized administration and oversight of the state.

Confucianism was for more than two thousand years in China the most important impetus for education and society,²¹ even though the veneration of heaven was even more ancient.²² Confucius himself had designated heaven as the “Highest Authority”, on which “life and death, wealth and the state’s condition depended. Without expressing it in (mortal) speech, heaven causes”, according to him, “the seasons to run their course and all living things to arise. Confucius himself, however, refused to comment on the ‘Way of Heaven’. He

15 Schmidt-Glintzer, *Geschichte Chinas* (1999), 22, 25–7, 38; Shryock, *Origin and Development* (1966), 4, 33–47.

16 Lee, *Government Education* (1985), 5–6.

17 Van Ess, *Konfuzianismus* (2009), 43.

18 Lee, *Government Education* (1985), 9, 11, 55, 62.

19 Ibid., 14.

20 Ibid., 15.

21 Ibid., 5; Shryock, *Origin and Development* (1966), 4. Critical of the concept of “Confucianism” is Van Ess, *Konfuzianismus* (2009), 8–9, who nonetheless speaks of 2,500 years of Confucian ideas. Cf. also *ibid.*, 102–19.

22 Eichhorn, *Alte chinesische Religion* (1976), 37–41, 96–8, 126.

viewed it as his duty to concern himself exclusively with the ‘Way of Persons.’”²³ Correspondingly, the Confucians pushed back against the cult of spirits and gods and also modified the ancestral cult; their preference for a humankind brought together in a community justified a state cult,²⁴ in which it was not the priest, but rather the official who was ascribed the key role.²⁵

Soon after the turn of our chronological reckoning Indian missionaries began to spread Buddhism to China.²⁶ This imported religion followed an impetus that was similarly expansive like the state cult of the Confucians, with which it competed. Buddhism was directed with varying intensity at different circles of society. Firstly, and above all, it was concerned with the core group of the *saṅgha*, the community of monks and nuns, novices and trainees, who had left “the household”, that is their family.²⁷ The prescriptions for correct behavior were regulated in detail in the writings of the *vinaya*. Along with social relations within the religious community, it was also concerned with the practice of rituals, of meditation and of a specific morality.

Outside this core of laypersons, the faithful were to keep five rules, namely, not to kill, to steal, to have illicit sex, to lie or to become intoxicated with alcoholic drink, and in addition regular fasting and good works were expected of them.²⁸ Yet the Mahāyāna Buddhism that was dominant in China demanded even more. While in the Buddhism of the “Small Vehicle” the functional roles between monks and laypersons were clearly separated and the latter exchanged material offerings for instruction by the former, the duties of both converged in the “Great Vehicle”. Not only those leading the monastic life, but even a layperson could become a “Bodhisattva” and himself attain salvation, especially by caring for others. Of their ten virtues, compassion had pride of place.²⁹ In the *Vows of the Bodhisattva*, which have been practiced from the 5th century to the present, one promises inter alia to seek instruction in Holy Writ, to nourish the sick, to obey one’s parents, to convert one’s own family, to free captive animals and to refrain from vengeance, even against someone who murders your relatives, to abstain from meat and to avoid strong-smelling vegetables such as onions and garlic.³⁰ The obligation of education and of works of charity applied to both estates.

23 Ibid., 64.

24 Ibid., 65, 100–3.

25 Ibid., 97; Zürcher, *Buddhism and Education* (1989, repr. 2014), 299.

26 Above 130–1 and now Sen, *Spread of Buddhism* (2015), 452–3.

27 Zürcher, *Buddhism and Education* (1989, repr. 2014), 295–7.

28 Above 111–2, 115, 132.

29 Above 110–5.

30 Zürcher, *Buddhism and Education* (1989, repr. 2014), 298.

The prospect of salvation, which Mahāyāna opened to every person, favored the erection of monasteries, temples and hermitages. In fact, however, it was not until the 5th century CE that major religious congregations and monasteries arose.³¹ Initially, Buddhists in China were foreigners or the descendants of immigrants from the West.³² They had primarily settled in the larger cities, where they could hope for alms for their maintenance. From the later Han Period, as the more ancient autochthonous cult communities collapsed and instead the religious formation of Daoism began to cohere more strongly, the need of the learned for inner perfection had evidently already increased.³³ Now, in a period of new state fragmentation (220–581), the construction of Buddhist monasteries also accelerated and encouraged Daoist imitation.³⁴ The houses of the 5th/6th century may already have had dozens of monastics, while in smaller village establishments or mountain hermitages only one or two monks lived.³⁵ Recognition as official cult sites was seen as desirable for non-imperial establishments.³⁶ The court would formally grant its name, then in addition donations of land, funds, slaves, parcels for peasant families and certain legal privileges. In addition, annual financial subventions were promised to them. The monks were formally chosen by the emperor and subordinated to the control of an officially-appointed cleric. With regard to the whole empire, three types of monks can be discerned: official monks, who were maintained by state means and in exchange were obligated to perform the imperial cult; private monks, who were nourished and clothed by the great families; and normal monks, who lived in the countryside in isolation from one another or in small groups. Already in a few short decades the number of monasteries increased enormously: in 509 CE it was stated in an administrative document that there was almost “no place without a monastery”, and in the middle of the 6th century there already numbered between 30,000 and 40,000 monasteries.³⁷ At the great forced secularization in the years 843/5 there were said to have been 360,000 monks and nuns, around one percent of the entire population.³⁸

For the history of foundations it is especially important that endowments with estates be distinguished from yearly subventions as well as tax

31 *Gernet, Buddhism* (1995), 3, 65–6.

32 *Sen, Spread of Buddhism* (2015), 452–3; *Schmidt-Glintzer, Geschichte Chinas* (1999), 46–7.

33 *Schmidt-Glintzer, Geschichte Chinas* (1999), 44–5; on Daoism above 124.

34 Above 134.

35 *Gernet, Buddhism* (1995), 3.

36 *Ibid.*, 4.

37 *Ibid.*, 7.

38 *Ibid.*, 6, 12.

exemptions, which in principle applied to all monks and nuns.³⁹ Grants of land to officials or other beneficiaries of the ruler had been customary in China since ancient times,⁴⁰ yet regarding monasteries this concerned not only the maintenance of a person over a lifetime, but rather the financing of a community of persons or an institution permanently, to wit, foundations. The recipient of the gift was not, however, understood to be the individual monastery, but rather the *saṅgha* as a whole.⁴¹ The endowed property was inviolable: whoever encroached upon it was threatened with the torments of hell and with rebirth as an animal or slave.⁴² Monks and nuns were exempted from manual labor and also, as a general rule, from taxes; the latter, however, applied only to those monastics who had received an imperial certificate.⁴³ These immensely coveted personal privileges must have contributed to the isolation of monastics. In contrast to the monks and nuns themselves, monastic properties were not tax-exempt.⁴⁴ It was the “Master of the Monastery” or abbot (*ssu-chu*, Sanskrit: *vihārasvāmin*), who was entrusted with the oversight of the monastic property and designated as a “permanently appointed” monk (*ch'ang-chu pi-ch'iu*, Pāli: *āvāsika-bhikkhu*).⁴⁵ Unlike (Western) Christianity, the transfer of endowed properties to a community of monks or nuns was not preferred, so that they could help to develop free associations on an economic basis of self-administration, but they rather stood under strong state oversight. Moreover, by land grants Buddhist monastics were not completely dependent on the shifting favor of sovereigns or other patrons.

The period between 500 and 850 CE has been called the Buddhist Age of Chinese history.⁴⁶ This should not, however, led one to the false conclusion that the monopoly of officials and courtiers over higher education was ever shaken: “The *saṅgha* was overshadowed by the existence of an established secular elite that was the focus of power, status, higher education, and literary culture (...). Individual devotion, and even imperial patronage, did not change that basic configuration of power.”⁴⁷ Nonetheless, Buddhist monasteries did play a role in education; they apparently were open to impecunious

39 Esp. *ibid.*, 30–1, 106, 113.

40 Cf. the example from the 9th century BCE in *Schmidt-Glintzer*, *Geschichte Chinas* (1999), 13.

41 *Gernet*, *Buddhism* (1995), 43, 68–73.

42 *Ibid.*, 43, 67.

43 *Ibid.*, 30–2.

44 Cf. *ibid.* 46; on the tax exemption for the landholdings of schools, including those run by Buddhists, see *Lee*, *Government Education* (1985), 132–3.

45 *Ibid.*, 67.

46 *Zürcher*, *Buddhism and Education* (1989, repr. 2014), 299.

47 *Ibid.*, 300.



ILLUSTRATION 40 School of the Buddhist Cave Monastery of Phuktal (Zaskar Region, Himalaya, India)

parents for the raising and education of their sons.⁴⁸ Thereby an increase in the spread of Confucian teachings within their walls can clearly be seen.⁴⁹ A limited transformation occurred, as the Sui (581–681) and Tang (618–907) succeeded in unifying the empire after centuries of state fragmentation. The Tang emperors introduced examinations in order to regulate the Buddhist community and entry into it. The “Board of Rites”, which was also responsible for secular tests, was tasked with the examinations.⁵⁰ Until the end of the Tang period, however, Buddhist schools spread like wildfire all over China; they were often erected upon alpine solitudes in order to foster meditation and concentration.⁵¹

The increasing wealth of Buddhist monasteries⁵² constrained their more extensive participation in political tasks. Above all, they were integrated within a system of land development, that is the colonization of fallow or naturally arid areas. The regime recognized that monasteries were especially well-suited

48 Lee, *Education* (2000), 77; *idem*, *Sung Schools* (1989), 106.

49 Lee, *Education* (2000), 16.

50 Zürcher, *Buddhism and Education* (1989, repr. 2014), 310–1.

51 Lee, *Government Education* (1985), 26–7.

52 Gernet, *Buddhism* (1995), 98; Twitchett, *Monastic Estates* (1955/6).

for controlling and encouraging settlers of their respective vicinities.⁵³ The *Shih-Lao chih*, a monograph of Wei shu from the late 6th century, gives information concerning the interplay of various levels of the administration that had contact with the monasteries during the rule of the Northern Wei (386–534).⁵⁴ The Buddhist *saṅgha* had with the aid of the state become so strongly institutionalized that one can almost speak of a Buddhist “Church.”⁵⁵ The tract mentions a central bureau in the imperial capital, which was called the “Bureau for the Supervision of Meritorious Works”. At its head stood a supervisor of the Buddhist clergy; to him were subordinated “Bureaus of Buddhist Clergy” in the provinces and garrisons, as well as in the districts. Offices of this sort had a half-secular, half-ecclesiastical character. The emperor entrusted them to leading monks, whom he also made into advisors for affairs of state. The tract of Wei shu cites a memorandum of T’an-yao (after 462), who was entrusted with the oversight of the commandery of P’ing-ch’i: “The controller of Buddhist clergy T’an-yao presented a memorial to the emperor in which he requested that the households of P’ing-ch’i and those of the people able to supply sixty *hu* of grain each year to the Office of Buddhist clergy (*seng-ts’ao*) be designated ‘saṅgha households’ (*seng-ch’i hu*), and [the grain] ‘saṅgha millet’ (*seng-ch’i su*). This grain was to be distributed to the starving in years of famine. He further requested that felons (*fan chung-tsui*) and state slaves be classed as Buddha households and charged with the maintenance (‘sprinkling and sweeping’) of the monasteries as well as working the fields and bringing in the harvests. Emperor Kao-tsu (Wen-ch’eng ti, r. 452–65) granted these two petitions, and the two institutions as well as that of the monastery households (*ssu-hu*) subsequently spread throughout the prefectures and garrisons.”⁵⁶ Via a further memorandum T’an-yao managed to redefine 200 military households in the east of modern Kansu as households of the Buddhist *saṅgha*, and they were to deliver a tax of millet for years of famine.⁵⁷

Buddhist monasteries were thus entrusted with the oversight of lay settlers and played a central role in state emergency relief with foodstuffs. Moreover, the settlers sought the protection of the monasteries from the encroachments of the great families and themselves participated in the works of pious foundations.⁵⁸ In the 6th/7th century Daoist monasticism also developed.⁵⁹

53 Gernet, *Buddhism* (1995), 98–116.

54 Ibid. 99–100; *ibid.*, 406, for the dating of the source to 506–72 CE.

55 Ibid., 343 n. 25. On the following *ibid.* n. 26–9.

56 Source cited at *ibid.*, 100.

57 Ibid.

58 Ibid., 113.

59 Kohn, *Monastic Life* (2003), 43.

Similar to its Buddhist model, it was integrated in the system of mutual aid and dependence with the lay settlers in the vicinity of its monasteries.⁶⁰

The prosperity of the monasteries allowed them to undertake economic endeavors. These included mills, oil presses, pawnshops, but also guesthouses and the “Inexhaustible Treasury.”⁶¹ In particular, monastic sites and temples increasingly served as accommodations for traveling monks and pilgrims, as well as for laypersons. In the middle of the 9th century a Buddhist teacher developed the ordinance that at all times the abbot and monks must be prepared to house an important patron or official and to supply him with everything he needed, including a bed and a light. The monk Ennin from Japan found accommodation during his travels in northern China at almost every temple which he passed. The pious guesthouses, which he termed “ordinary monasteries” (*p’u-t’ung-yüan*), which were to have been found at least every three to ten miles. There was no fixed quota for guests, so that sometimes even traveling monks or students en route to certain teachers had to be turned away because the house had been closed due to overcrowding with laypersons. The monasteries even offered their services in return for payment. Emperors twice had to forbid even their officials from seeking for these houses, since religious life in them was in danger of dying out (762 and 848 CE).

The “Inexhaustible Treasury” of the Buddhist temples also operated on a commercial basis.⁶² The origins of this establishment lay with the storage of donated objects such as manuscripts or materials for traveling monks and their guests by laypersons. In addition, there also came over the course of time the great estates. Vinayas from the early 5th century had already advised that properties not needed by the monks or nuns themselves be sold or rented out, in order to use the revenues above all for religious purposes; to these were counted not only the erection and repair of temples and stupas, but also institutes of public charity.

Instructive in this regard is testimony for certain monasteries of the “Inexhaustible Treasury”, which were operated by the Buddhist sect of the “three stations” (*San-chieh chiao*) in the 7th/8th century.⁶³ It is reported in the *Liang-ching hsin-chi* that the monk Hsin-hsing had established the monastery Hua-tu in the capital Ch’ang-an. By the “donations that he received at the capital, this treasury flourished steadily. After the Chen-kuan reign (627–650), it held incalculable quantities of money, cloth, gold, and golden

60 Ibid., 72, 76.

61 Ch’ên, *Buddhism in China* (1964), 261–84; Gernet, *Buddhism* (1995), 142–91.

62 Ch’ên, *Buddhism in China* (1964), 264–7; Gernet, *Buddhism* (1995), 169.

63 Gernet, *Buddhism* (1995), 169, but 210–7.

embroideries. Monks of repute were permanently assigned to oversee this treasury. Its assets were used for the restoration of monasteries (*saṃghārāma*) throughout the empire. Those intending to carry out such renovations came to the Inexhaustible Treasury from Yen (Hsü-chou, Szechwan), Liang (Wu-wei, Kansu), Shu (Ch'eng-tu, Szechwan), and Chao (Chao-chou, Hopeh) for supplies (*ch'ü-chi*). The volume of daily loans was beyond measure." Another source, which refers to the same instance, specifies the use of the funds. According to this document, only a third part was used for the construction of monasteries; the second third sought "to provide alms to relieve the suffering of all those in the realm who went hungry and for the field of compassion (*pei-t'ien*"); only the final third was assigned to religious services themselves: "Men and women of good society came to present their offerings to the treasury, repenting and groaning". The pious donors even quarreled as to who would be the first to offer his gifts, and "cartloads of money and silk were abandoned one after the other, without the (donor's) names being known."⁶⁴

Above all at the beginning of each year members of the "gentry" competed with one another with their donations. They explicitly demanded that their generosity contribute to supporting the poor and orphans. In the meantime, the court cast doubt upon these pious aspirations. In a decree of 713 it is stated: "But in fact there is nothing to it but excess and fraudulence. This business is not legitimate. Therefore We have decided to prohibit the practice. The money held in reserve by the Inexhaustible Treasuries shall be made over to the Censorate and to the superior prefectures of the capital territory and of Honan so that these administrations may take control of management and inspect the accounts of these treasuries. They shall prepare a report to clarify the facts until such time that they will be informed of the dispositions to be taken."⁶⁵ In 721 the property of the "Inexhaustible Treasuries" was confiscated and restructured. With regard to one monastery, for example, it was decreed: "We have determined to distribute the entire holdings of the Inexhaustible Treasury of the Hua-tu monastery among the Buddhist and Taoist monasteries in the capital: valuables and commodities, lands and houses, and domestic animals. These goods shall be employed, first, for the repair of statues, halls, and bridges; the remainder shall be allocated to the permanent assets (*ch'ang-chu*) [of the monasteries] and may not be divided among the private cells (*ssu-fang* [i.e., the monks]). The distribution shall benefit the poorest monasteries first."⁶⁶

64 Ibid., 210–1.

65 Ibid., 211.

66 Ibid., 212.

The “Inexhaustible Treasuries” were not at all only endowed by the rich and the members of the aristocracy (“gentry”), but also by regular believers. The support of the poor and suffering gave them the opportunity to become active in the sense of the teaching of the Bodhisattva and to acquire merit. A teaching tract distinguished no fewer than 16 types of good deeds: gifts to the Buddha, to the law, to the *saṅgha*, to all beings; works for the struggle against evil and the struggle for good; gifts of incense, lamps, for baths [of the monks], for bells and singing, for clothing, residences, beds and seats, for the storage of meals, for coal and fire, for food and drink. As can be seen, pious and philanthropic gifts and goals were handled in the same way and formed a closed system that did not aim at the accumulation, but rather the division, of property.⁶⁷

Many monks practiced charity on their own initiative, cared for the sick, made donations of medicine and distributed meals to the hungry. Examples of such pious men became widespread and increased the readiness to donate of others. Thus, it was reported by the monk Fa-hsiang that he met a spirit who demanded that he lift a stone weighing some tons. When he accomplished this without difficulty, he found a treasure which he completely spent on alms for the poor. At the end of the Sui Period the monk T'an-hsien so impressed the emperor Yang by his distribution of gruel to the hungry that he founded Tz'u-pei Monastery in his honor. And in 756 another monk, Ying-kan, by the gift of the same sort obtained from the emperor the sought-after conferral of the name of a monastery, that is Ta-scheng tz'u ssu, supplemented by multiple thousands of *mu* land.⁶⁸

A special phenomenon of Buddhist foundations had been the “Fields of Compassion” for the needy. They are attested from the end of the 6th century and were differentiated from “Fields of Veneration” (for monks); indeed, in Mahāyāna Buddhism the *saṅgha* itself was understood as the “Field of Compassion” (*pei-t' ein*). Conclusions regarding its extent are allowed in that the emperor Wu Tse-t'ien (625–705) appointed lay commissioners, who were to regulate all activities of the Buddhist Church in this sphere; mentioned are aid for the poor, for the infirm, the aged and sick. Around 750/3 the monk Chien-chen instituted a “Field of Compassion” at Yang-chou on the lower Yangtse, whose revenues were to contribute to supporting the needy and poor; in addition, he established a “Field of Veneration” in order to support the “Three Jewels”, that is the establishments of the Buddhist community itself.⁶⁹

67 Ibid., 215–7.

68 Ibid., 219.

69 Ibid., 221–2.

A Buddhist hospital is already attested at the start of the 7th century.⁷⁰ Elsewhere, the rooms for welfare were called “Places that Bring Happiness” (*zao-fu-chu*).⁷¹ In the opinion of Jacques Gernet, the sources indicate that monastic establishments of charity do not go back further than the period of the Sui dynasty. The designation of the funds suggest that cultivated agricultural properties served as the basis for their financing.⁷²

Parallel to the Buddhists, the Daoists recommended philanthropic engagement for the attainment of merit; they as well treated it as equal to religious services and gifts. The *Yingyuan jing* (the “Tract of Kharmic Repayment”) from the early 7th century promised the pious an ascent to monastic existence: “Whoever, over seven lives [in the seventh generation], rejoices in the Dao and honors the precepts, recites the scriptures and follows the divine law, gives freely in charity and aids the poor, supports the living and helps save the dead, always acts with compassion and empathy, and presents offerings to the Three Treasures without being slack or lazy, will be born in the body of an ordained recluse.”⁷³

Until the modern period the entire program of social welfare stood on the agenda in particular of the Buddhists. In part the monks also engaged in “public tasks” such as the construction of streets and bridges, the damming of great rivers and the planting of trees on the side of long-distance roads.⁷⁴ Although the sovereigns were themselves supposed to have felt responsible for the welfare of their subjects,⁷⁵ during the centuries until the end of the Tang (that is until around 900 CE) there are only a few indications that the state of its accord undertook social-philanthropic initiatives. Granted, the institution of orphanages (*ju-yang-yuan*; “Courtyards of Support”) is attested in the 6th century, without anything else being known about it, and the Tang themselves obligated local officials in a general way to accept abandoned children.⁷⁶ As the central authority took pains in the 8th and 9th century to attenuate the economic might of monasteries, Empress Wu tried to transfer Buddhist hospitals to state protection.⁷⁷ Emperor Hsüan-tsung (712–56) forbade begging within the circuit of walls of his capital and himself erected hospitals (*ping-fang*), where beggars were to be fed. Contemporaries were aware that he was thereby imi-

70 Ibid., 222.

71 Linck, Bürokratisierung (1985), 337.

72 Gernet, Buddhism (1995), 222.

73 Kohn, Monastic Life (2003), 56.

74 Gernet, Buddhism (1995), 224; Ch'en, Buddhism in China (1964), 295.

75 Above 514–5.

76 Linck, Bürokratisierung (1985), 338.

77 Linck, Bürokratisierung (1985), 337.

tating monastic establishments that were based on “the ‘field of compassion’ of Buddhist origin.”⁷⁸ During the secularization of monastic hospitals in the years 843–5 a scholar informed the court that in the major urban centers they had possessed ten *ch’ing* of land (around 54 hectares), in the large prefectures seven *ch’ing* and in the regular prefectures five *ch’ing*.⁷⁹ After the conclusion of the suppression of the Buddhists, however, the administration of the “Field of Compassion” was returned to the monasteries.

State welfare experienced a temporary revival under the Song dynasty (691–1279). This period is otherwise marked by the “construction of the civil state”, based on “bureaucratic absolutism”.⁸⁰ The Song once again united the empire and finally implemented a bureaucratic administration with a formalized recruitment of officials. This was accompanied by a reform of education and test-taking. An economic boom and a noteworthy upsurge of urban life coincided with these innovations. Not only are fire departments and unemployment agencies attested for this period, but also cemeteries and entertainment districts.

Nonetheless, only little concrete information on state welfare from what is in fact an abundance of sources can be discerned. In any case, two administrative handbooks from the 12th century give indications of planned establishments within the sector of public health. In the *Tsao-i tzu-chen*, the “Self-admonitions of the Local Administration”, which was written in 1117 and first printed in 1179, the village elders and bailiffs were instructed as follows: “If an untended sick person is found on the streets, he is immediately to be taken into the custody of the nearest guesthouse. The custodian of the guesthouse and a doctor should treat him according to the ordinances and cure him with the help of medicines. A comprehensive diagnosis is to be presented to the district authorities on the same day. Wait until the sickness has to some degree abated and accompany [the sick person] to the district prefecture to present him there. There also the custodian of the guesthouse and the doctor are to receive money for their outlays.”⁸¹ The handbook therefore assumes a general availability of commercially-operated guesthouses, doctors and medicinal supply, where the untended sick were to come for succor under the responsibility of state offices.

A close reading of both handbooks in their entirety, however, shows that they largely referred to metropolitan regions and only occasionally imply that these ordinances and practices were to apply to the rest of the empire. For the

78 Gernet, *Buddhism* (1995), 222.

79 Ibid. 222–3; *Ch’en*, *Buddhism in China* (1964), 295.

80 Schmidt-Glintzer, *Geschichte Chinas* (1999), 78–82; Schottenhammer, *Song-Dynastie* (2011).

81 Cited after Tietze, *Öffentliche Gesundheitsfürsorge* (1980), 98–9.

capital itself there existed an emergency plan. If an epidemic should break out, then doctors, who were allocated certain urban quarters, were to seek out the sick and treat them; they would be paid in the case of successful treatment. The distribution of free medicine was envisaged not only to the poor, but to the rest of the households affected. This allocation was subordinated to a department of the Bureau of Medicine, the court pharmacy. Finally, there also should be a hospital, but in this instance only for the needy. According to numerous imperial decrees there were to be corresponding establishments in the other prefectures and districts.⁸² In any case, already after 1112 the ordinances assumed that there were three or four hospitals in each district city, in which a civil doctor was responsible for diagnosis and recovery and a monk for general daily care. In the hospital the Song under their strengthened state also availed themselves of the experience and aid of (Buddhist) monks.⁸³

As far as healthcare is concerned, the intensity with which the administrative handbooks looked after prisoners is conspicuous. A lengthy quotation from the "Guide for the Authorities of the Prefectures and Districts" (*Chou-hsien t'i kang*) shall be given here, because one can deduce from it the impulse of reform extending to the lowest level of society, as well as the mechanisms of the bureaucratic apparatus; this source is undated, yet probably came into existence around 1150: "There have always existed laws for criminal misconduct. If [a prisoner] is unjustly condemned to death, then the officials in charge must accept this guilt for themselves. The sustenance for the poorest [amongst the prisoners] is often entrusted to the bailiffs. Yet the bailiffs for their part offer them no care and frequently give them nothing throughout the whole day, and even when they do, it is then only so little as to not even alleviate their hunger. They fall ill, and often this illness ends in their death. Moreover, their cells are not cleaned; the crate bed and the chains are dirty, and filth and stench abound. It is during the transition from spring to summer that epidemics break out. As a result, the prison statistics are full of those carried feet-first out of prison. How can they [the prison officials] evade this guilt? The authorities are therefore to offer those without means [amongst the prisoners] two *sheng* of rice daily. For the serious offenders let someone be commissioned to oversee it [the distribution of sustenance], so that they are [not cheated by the bailiffs]. The others are to be brought out and their sustenance personally handed over to them. In this way one avoids having some receive less than their due. At the start of the year deepen the prison enclosure on all sides and remove garbage from the graves, so that the water can flow and no moist places form. From time to time scrub and sweep [the prison] so that it remains clean. In the depths of

82 Ibid., 99–100.

83 Linck, Bürokratisierung (1985), 341.

winter seal up the barred windows and distribute jackets and leggings [to the prisoners], so that they stay warm. In summer leave open the barred windows and during the day gave [the prisoners] the opportunity to wash themselves with water. In this way there is no breeding ground for sickness. If only from time to time one turns one's attention to inspection, this already approaches the compassion of men of old."⁸⁴

During serious bouts of illness amongst the prisoners similar measures for sustenance were envisaged, as with sick strangers who were traveling. Yet in this instance the responsibility of family members was also considered: "If the nightly prison warden is making his rounds and hears groaning, he must on the next day immediately call in a doctor for an examination. If [the prisoner] is in fact sick and not incarcerated due to a capital crime or banditry, then he is to be provisionally freed and a guarantor or close relative [with the doctor] is to provide treatment. If there are no guarantors or close relatives, then the responsibility is to be imposed on a prison bailiff, who should bring him to a guesthouse. Yet since the guesthouse proprietors often have [the sick] sleep on the floor and do not offer them nourishment at the correct time, their condition often deteriorates. They are therefore to be obligated to have them sleep on beds and to select a good doctor for treatment. The daily improvement or worsening of their condition should be recorded daily. The managers in charge of examination are to be held responsible for the timely inspection of care. Should [the sick] be beyond help, then we need not be ashamed nor fear any reproaches."⁸⁵

As indicated in these decisions, the officials of the Song period hardly placed any hope in the succor of relatives for persons in need or protection or care; for this reason as well the administrative apparatus was constructed.⁸⁶ This clearly pursued network of state welfare establishments, whose density cannot, however, be verified, consisted not only of hospitals but also of general philanthropic establishments, as well as special institutions for children or orphans and the old. The houses for "all those who cannot provide for themselves" were termed "Courtyards for Reception and Care", "Places of Security and Succor" or—with a noteworthy recourse to the monastic establishments—"Courtyards of Fields Bringing Happiness".⁸⁷ The already-known institution of orphanages was to have been expanded. The Northern Song dynasty created an "Office of Charity to Children"; after the retreat of the

84 Tietze, *Öffentliche Gesundheitsfürsorge* (1980), 102.

85 *Ibid.*, 103.

86 Linck, *Bürokratisierung* (1985), 339.

87 *Ibid.*, 342.

Song to the south of China (1127) local officials there took over the supervision of children's homes in their jurisdictions. The magistrates were instructed "to pay the mistresses of the establishments (*mu*, mothers) and wet-nurses, to supply the daily rations of rice and beans, summer and winter clothing, dishes and furniture, to distribute medicine for sickness and to prepare a child's coffin when one died."⁸⁸ These children's homes were maintained by so-called "children's warehouses" (*ju-zi-cang*) or from the revenues of "children's estates" (*ju-zi-tien*), that is clearly from endowments. At times the authorities could also induce wealthy families to give alms.⁸⁹ Every rural district was to possess at least one, but if possible four or five, philanthropic establishments of this sort. They were slated for children who had been left without relations or had secretly been abandoned.⁹⁰ These measures were supplemented in 1110 by a law which forbade infanticide: expectant mothers were supported as needed. As soon as they had registered themselves in the fifth month of pregnancy, they were to receive allocations in the form of rice and copper coins. In extreme cases even so-called "child support" was envisaged for soon-to-be fathers in the form of a temporary exemption from public corvees.⁹¹

The elderly—those in their sixties, for a time even those in their fifties—who were singles were housed and fed in "Courtyards of Security and Cheerfulness" (*an-le-yuan*) or "Gardens of Pervasive Blessings" (*lou-ze-yuan*). Critics polemicized against the supposedly excessive state expenditures for these purposes, and therefore in exaggerated tones, that in wintertime the rooms for the elderly were heated and richly outfitted with blankets of felt or wool, while in summertime they enjoyed a pleasant cool. The charge that the most elderly of the populace wore clothing made of silk and received additional hors d'œuvres and snack money even managed to bear fruit, since these privileges were restricted over the course of time to those between eighty and one hundred years old. Corresponding to the traditional ancestor cult, yet also attesting to the degree to which familial support had become precarious, is the fact that the state offered financial assistance for burial.⁹²

This system of welfare stations of the Song dynasty appears to have been much simplified in the late Chinese Imperial Period (1271–1911). The elderly, infirm and sick no longer received care in special establishments for each group, but together in shared lodgings, which were not maintained by the state itself,

88 Ibid., 339.

89 Ibid.

90 Ibid., 338.

91 Linck, Bürokratisierung (1985), 338.

92 Ibid., 340, 342.

but rather by private persons or clan and village communities. Some indications suggest that stations for the elderly were affiliated with Buddhist temples. "Manors of the Sense of Duty" could provide for seniors who no longer had any close relatives under the direction of their clans.⁹³ The Mongol rulers, that is the Yuan emperors (1279–1369) are meanwhile known for their patronage of medicine, which affected both erudition as well as practice. Throughout the land "Pharmacies of Welfare" (*huimin yaoju*) were erected, after a certain Tian Kuokuo had requested them of the court for the benefit of the poor.⁹⁴ For Muslim medicine advancing from the west, in 1292 two special "Pharmaceutical Bureaus" (*Huihui yaowu yuan*) were established for the sale of corresponding medicines, which were subordinated to an "Office for Comprehensive Charity" (*Guanghui si*).⁹⁵ Last but not least, the Venetian Marco Polo observed between 1271 and 1295 at the court of the Great Khan Khubilai that "the emperor took care that everyone can be stocked with grain." Supposedly more than 30,000 needy were fed each day at the court of Khanbaliq.⁹⁶

In the Chinese Middle Ages as a whole, however, it was the monasteries, or at least the Buddhist monks, who took up social welfare. The principle that these actions be financed on the basis of endowed estates, especially the "Fields of Compassion", was imitated by the state. The same can be observed for education.

At the end of the Tang Period, and especially in the 10th century, the system of state-run elementary schools had fallen into disrepair. Young men desiring to prepare for state exams increasingly took advantage of monastery schools or devoted themselves to study in places of retreat, which analogously to many monasteries lay in mountainous regions ("*shan-lin* areas").⁹⁷ Families able to do so built their own schools, which then educated far more than their own children. One fitting example is that of the clan of the Ch'en in the vicinity of Mt. Lu, where its members had already lived more than two hundred years. The school consisted of dozens of rooms and halls and offered adepts study a tradition consisting of many thousands of scrolls. In addition, it was outfitted with twenty *ch'ing* of land. In the year 939 700 young persons lived there, so that the Ch'en decided "build (yet another?) school in one of its villas, inviting scholars from outside to study in the school".⁹⁸ Here one is tempted, from the prospective of its material outfitting, to speak of a private foundation, yet the

93 Ibid. 339–40.

94 Schottenhammer, 'Westasiatisch-muslimische' Medizin (2012), 42, 34.

95 Ibid., 39–40.

96 Polo, Wunder der Welt (2003), 150 cap. 105.

97 Lee, Sung Schools (1989), 129; *idem*, Government Education (1985), 16.

98 Lee, Sung Schools (1989), 106.

power of the clan and the expansion of (educational) care to neighbors also quite resembles the construction and praxis of a lordly proprietary church in contemporaneous Western Christendom, which had not been a free foundation, but rather an establishment of (noble) authority.

After the imperial unification under the Song the demand for school instruction sharply increased, especially in the cities, yet initially the regime was unable to offer sufficient funds and had to rely on traditional providers.⁹⁹ Things only started to change from the third decade of the 11th century. Some local officials began to construct and finance local schools. These were provided with sets of printed classic editions, a pair of rooms for instruction, a Confucian temple and above all a tract of land, normally measuring between five and ten *ch'ing* (between 70 and 149 hectares). Preferably uncultivated or confiscated properties were taken.¹⁰⁰ According to a contemporary source the revenues from five *ch'ing* sufficed to support one hundred students. Scholarship has emphasized how important precisely this form of financing was, because it became the predominant practice within Chinese education more generally.¹⁰¹ According to these scholars, the development of state schools based on permanently endowed properties by the Chinese must be viewed as a pioneering act of world historical significance.¹⁰² An impetus for this may have been the endowment of Buddhist monasteries.¹⁰³ Other researchers derive the endowment of schools with endowed properties from the payment of civil servants. The classical scholar Sun Shih became famous by endowing his personal income from state estates in 1022 to the temple school in Yen-chou. Already in 1024 the government had ostensibly financed each of its schools with a landed property. Via a decree of 1071 the endowment in question of state schools of the lower level was declared to be generally binding.¹⁰⁴ Under Minister Wang Anshi (1021–86) all school estates were exempted from taxes, and in addition the students were freed from corvees for the state.¹⁰⁵ The latter had a claim to food and lodging.¹⁰⁶

Of course, access to the necessary funds was not always assured. The magnitude of difficulties which imperial officials could have in financing their schools is demonstrated by the following petition to the emperor. It stems from

99 Ibid., 107; *idem*, Government Education (1985), 22–3.

100 Lee, Education (2000), 80–1; *idem*, Government Education (1985), 133.

101 Lee, Government Education (1985), 23.

102 Davis, Custodians of Education (1995), 95.

103 Ibid., 99.

104 Lee, Sung Schools (1989), 112–3, 116, 129–30.

105 Ibid., 116.

106 Lee, Government Education (1985), 23.

a prefecture: "After the wars in Hupei [of the early 1120s], there was no more fertile land left and the supply of manpower declined (...). Schools have been revived in these recent years, and local governments were instructed to appropriate confiscated lands for them. Most of these lands did not have tenants, so officials quickly ordered local farmers to assume the responsibility of cultivating them. They are asked to pay rent in kind for their designated lots (...). [However], most of the lands are not adjacent to the tenants' own lands and it is extremely inconvenient for them to take care of their designated lots. The result is that school lands are often left uncultivated, while tenants continue to have to pay for the rents.—I have looked into the records of Ch'ang-lin County and found that, in An-hsi Village alone, out of the 123 households paying for renting the school land, only one actually has privately owned land. (Others presumably were tenant-households.) In total, in the nine villages of Ch'ang-lin County, there are 223 households required to pay the crop-rents for the school lands, and of them only 35 actually possess privately owned land. If I decide to consider the hardship of these landless households and release them from assuming the payment for school land rental, then there will be no more income to support students. If I choose to follow the established practice and demand that they continue paying the rents, then there will be no end to the hardship of the poor farmers.—There is no file or record kept in this military prefectural office, and I have no way to find out how previous governors financed the schools. Moreover, there are no heirless temples or lands which could be used to generate revenue for schools.—My humble opinion is as follows: the total rent collected to meet the needs of the Ch'ang-lin schools is slightly more than 200 *tan* of rice or wheat. Now the public granary (*ch'ang-ping ts'ang*) of the county could collect [yearly?] about 800 *tan* of crops; in addition, over the years, there has accumulated more than 12,000 strings of cash which now still is in the possession of the granary. Also, the crop revenue now controlled by the granary, excluding the payments made each year at the turn between summer and autumn [just before harvest time], amounts to more than 11,000 *tan* of rice. These do not even include what is still being controlled by the relief granary. Now that this military prefecture is sparsely populated, the expenses for drought and flood relief do not use up a large sum. There are not too many old, sick, poor, or blind people to take care of. I therefore request that your majesty permit this office to allocate [each year] 100 *tan* of wheat from the regular land rents (taxes) to finance the schools so as to release those landless households from paying rents for school land [which they anyway do not till] (...)."107 As

107 Cited after *ibid.*, 134.

the memorandum also shows, caritative tasks were apparently conceded a certain priority over educational ones.

The financing measures of the Song dynasty led to a considerable expansion of state schools that stretched beyond local establishments to the level of prefectures and subprefectures. The regime strove for a comprehensive system of prefectural schools, which were likewise to be maintained through endowments of land.¹⁰⁸ In addition, private schools continued to exist at a local level, which were called “academies”; they also did not stay above water without supplementary endowments on the part of the state.¹⁰⁹ All state innovations were ideologically propagated by adherents of so-called Neo-Confucianism.¹¹⁰

The reformers likewise financed higher education. The “Directory for Education”, to which all higher schools were subordinated, was to be better supplied with resources, but in exchange was to lose its supervision over the “Imperial University”. This intervention was, however, quickly reversed.¹¹¹ Associative alliances between students and teachers, as in the “West”, did not exist.¹¹² The regime had to pay for the costs of the “Directory Schools”, including salaries for the teachers and other personnel. The most important budgetary item, which made up some two thirds of the costs, again concerned the maintenance of students. For this the Directory likewise relied on rent incomes from estates which the regime had transferred to it. Yet it also had the right to collect examination fees from the candidates.¹¹³ In all probability the system of school estates did not wholly survive the end of the Middle Ages. The Yuan dynasty appears to have given it up for establishments of higher learning, but continued “local government schools” and encouraged private persons to continue to establish “academies” at the local level.¹¹⁴

In summary, it can be established that caritative and educational foundations in China also developed beyond monasticism, albeit with disparate and varying intensity. A paradigmatic indication is endowment with landed properties. The remuneration of officials, which applied only *ad personam*, is less likely as a model than institutions with a view to permanence, of which monasteries are an excellent example. Yet in view of the predominance of state control and opportunities to intervene, with regard to the welfare and school

108 Lee, *Sung Schools* (1989), 111, 134.

109 *Ibid.*, 112 f.; Lee, *Government Education* (1985), 27; Chaffee, Chu Hsi (1985).

110 Mittag, *Mittleres und östliches Asien* (2010), 261, 264; De Bary / Chaffee (eds.), *Neo-Confucian Education* (1989).

111 Lee, *Sung Schools* (1989), 113–4; *ibid.*, *Government Education* (1985), 55–6, 58; 62–3.

112 *Ibid.*, 87.

113 *Ibid.*, 88–9.

114 Lee, *Education* (2000), 81, 91.

systems one can hardly speak of free foundations, and not at all of associations, which would have kept an endowment going; they were instead part of the state system.

In India an officialdom and state as in China were lacking for the care of welfare and education as public tasks. In this regard the king, according to the *Kauṭīlīya-Arthaśāstra*, was absolutely obligated, after the maintenance of the gods and the support of ascetics and Brahmins, to care for needy minors, the aged, sick, unfortunate, defenseless, orphans and (childless) women.¹¹⁵ Hindu canons also counted the patronage of learning and education amongst the foremost duties of a ruler.¹¹⁶ Sources from different genres and provenances also demonstrate that some in fact fulfilled this, but that “foundations conceived for perpetuity and outfitted with endowments apparently did not constitute the core of these activities.”¹¹⁷ Only occasionally did there appear as endowment goals: public watering places and wells, which in the climatic conditions of India were key to survival for many people; fireplaces at which the poor could shake off the cold; and soup kitchens.¹¹⁸ A spectacular instance in this tradition was the plan of the “emperor” Aśoka in the 3rd century BCE to permeate his realm with stations for the medical treatment of persons and animals. Wherever medicinal herbs, roots and fruits were needed, they were to be introduced and cultivated, and along the roads wells were to be dug and trees planted.¹¹⁹ Aśoka was influenced by Buddhist thinking, which in his era was otherwise above all applicable for merchants. For it was apparently at the intersections of the trade routes where monks settled to be patronized by sojourners.¹²⁰ Medicine belonged to the initial repertoire of Buddhist monks; as recompense for the good deeds of merchants they could thus provide travelers not only with lodging, but also with healing care.¹²¹ Perhaps Aśoka had already used the monasteries to realize his intentions; even after him there are but few indications of special “public” welfare. Unless the sources are utterly misleading, then Indian kings and princes almost always resorted to “clerics” and monks or religious communities to fulfil the expectations directed at them. Correspondingly, in the documentary sources caritative and educational ends mainly figure as secondary goals, when there was intended the “consolidation

115 Above 184.

116 Altekar, Education (*1992), 98–9; Deeg, Gaoseng-Faxian-Zhuan (2005), 135.

117 Schmiedchen, Wohltätigkeit (2016), 259.

118 Ibid., 259–62.

119 Schneider, Große Felsen-Edikte (1978), 105 nos. I and II. Zysk, Asceticism and Healing (1991), 44; Schmiedchen, Wohltätigkeit (2016), 262.

120 Sen, Spread of Buddhism (2015), 450–1.

121 Zysk, Asceticism and Healing (1991), 39–40, 44.

of the cult of a religious community” through a foundation.¹²² In this regard, it was noted that a certain King Dhruvasena around 345 CE connected his cultic foundation for a Hindu temple of the sun god with the obligation for philanthropic meals,¹²³ while almost a thousand years later a princess endowed Brahmins with estates, along with the cult of the gods and ancestors, also for the instruction of young boys and a soup kitchen.¹²⁴ The members of the warrior or free estates acted no differently, as the instance of a high official for the ruler Huviṣka around 150 CE proves.¹²⁵

With regard to the social composition of the circle of founders, according to A. Schmiedchen private founders predominated in antiquity until around 300 CE, kings and princes in the Middle Ages, yet this requires qualification. In South India from the 8th century onwards and in the rest of the land from the early 11th century members of the regional and local elites also again emerge. Alongside craftsmen and merchants this now also involved rural landowners. Schmiedchen connects these periods with ancient maritime trade with the Roman Empire and the new revival of transregional trade in the High Middle Ages.¹²⁶ Amongst the wealthy city dwellers were ministers and high officials, scribes, doctors, architects, sculptors, jewelers, goldsmiths, ivory craftsmen, tailors and carpenters; women as founders were usually identified with the trade or status of their husbands or fathers.¹²⁷

A particular indication of the non-royal and non-princely benefactors and patrons are their oft-evidenced connections to associations, that is to foundations by guilds and communities, and, as far as the endowed asset was

122 Schmiedchen, *Wohltätigkeit* (2016), 257; Majumdar, *Medical Practitioners* (2013), 12.

123 Above 194.

124 Above 195.

125 Above 191. Mathura Brahmi Inscription (1931/2), esp. 58, translation 61: “Success. In the year 28, on the first day of Gorpaios, this eastern hall of merit was given a perpetual endowment by Kanasarukamāna-scion, the lord of Kharāsālēra, the lord of Vakana. From what is cleared off month for month from the interest therefrom hundred Brāhmaṇas should be served in the open hall, and day for day, having kept it at the entrance to the hall, on the same day three *āḍhaka* groats, one *prastha* salt, one *prastha śaku*, three *ghaṭaka* and five *mallaka* of green-vegetable bundles, this should be given for the sake of destitute people, hungry and thirsty. And what merit is herein, may that accrue to the Dēvaputra Shāhi Huvishka, and also to those to whom Dēvaputra is dear, and may the merit accrue to the whole earth. The perpetual endowment was given to the *rāka*-guild, 550 *purāṇa*, and to the flourmaker-guild, 550 *purāṇa*.”

126 Schmiedchen, *Periodisierungen* (2014), esp. 317–8, 320–1, 323; *eadem*, *Soziale Positionen* (2017), 99, 102. On the history of trade see Borgolte, *Kommunikation* (2010, repr. 14), 494–502.

127 Schmiedchen, *Periodisierungen* (2014), 317–9.

concerned, endowment with deposits of gold.¹²⁸ In the Andhra region, for example, in the 3rd century CE multiple persons deposited one hundred *dīnāri* gold coins with four guilds, from whose yields the cult of a Hindu god was to be financed.¹²⁹ An especially impressive piece of evidence for the activity of guilds in welfare stems from the reign of Candragupta II (375–413/15 CE), who led the Gupta Empire to its apogee on both sides of the Ganges. Guilds consisting of bankers, traders and craftsmen, and inter alia even engraving their own seal, were often entrusted with the administration of whole cities or urban districts in his realm.¹³⁰ When the Chinese monk-pilgrim Faxian traveled through the land in this period seeking the authentic tradition of Buddhism, he also passed the city of Pāṭaliputra, where Aśoka had once reigned. In his travelogue he wrote: “The most lofty and guild-masters of these realms erect hospitals and pharmacies within their cities for their good works (*fude*). All the sick in realm, the poor, single persons, handicapped [and] lame go to these places and each receive support. The doctors examine [their] sicknesses and have [them] enjoy suitable nourishment and medicine. When they are healed, [they] simply return.”¹³¹ Had not six hundred years passed in the meantime, then one could here conceive of an echo of Aśoka’s measures. In Pāṭaliputra a Buddhist monastery from Faxian’s time has been excavated, in which in fact inscriptions allow one to conclude that there was a “House of Health” and probably also a doctor.¹³² Elsewhere, Faxian observed that Brahmins erected “Houses of Healing” in competition with Buddhists on army roads, on which passing travelers were supplied with beds, food and drink.¹³³

The additional instance of a guild is evidenced by an inscription in Shedbal (Kolhapur), which speaks of two foundations of the years 1142 and 1143 CE for the benefit of the temple complex of the Śiva cult for Mādhaveśvara. A lord named Seḍaṃbāḷa had endowed the temple, but the inscription concerns endowments of excise taxes. Schmiedchen has summarized the text in the following way:¹³⁴ the Vīra-Baṇaṇḍas, traders from North Karnataka of transregional importance, declared in the form of a self-imposed obligation “on a Friday, the

128 *Schmiedchen*, *Periodisierungen* (2014), 315–6. On monied endowments see in addition especially *eadem*, *Stiftungsvermögen* (2016), 342–6.

129 *Ibid.*, 317.

130 *Kulke / Rothmund*, *Geschichte Indiens* (2010), 113–7, at esp. 115.

131 *Deeg*, *Gaoseng-Faxian-Zhuan* (2005), 550, on which 547, and 135.

132 *Zysk*, *Asceticism and Healing* (1991), 45.

133 *Deeg*, *Gaoseng-Faxian-Zhuan* (2005), 540.

134 *Schmiedchen*, *Herrschergenealogie* (2014), 303–5. I have simplified her text in the following quotation.

market day and the 6th *tithi* of the luminous half of the month Bhādrapada in the current Śaka year 1065 (i.e. on 28.8.1142 CE), that in the future regular payments are to be exacted in favor of Mādhaveśvara. This concerns in the main sales taxes, whose value depended on the amount of goods sold. They were then apparently to always be paid in kind, if the wares were used for cultic purposes. Thus, areca nuts, areca nut palms, oil, clarified butter and grain are consecutively named. Wool traders had to render wicks for the lamps of the god, while other merchants had to deliver bowls for aromatics. In some cases the purchaser apparently also had to pay a sort of sales tax in kind, whose amount was based on the corresponding value of the sale. For craftsmen the assessment of the exactions made reference to a certain time of completion. For example, every six months cobblers were to deliver a pair of sandals, leatherworkers a belt. Similar considerations appear to have applied for potters and basket-weavers. Yet not all the taxes mentioned were to be paid in kind. Money examiners and goldsmiths were to render their sales taxes in coin. A certain coin was to be paid by the couples of the city for the Festival of Caitra and by guild members for oil lamps at Dīpāvali.—Two officials of the tax authorities or the regional government of Śilā-hāra Vijayāditya added a further stipulation to the comprehensive self-imposed obligation of the Vīra-Baṇaṇjas for the current Śaka year 1066. Bhāyipayyanāyaka, the minister responsible for tolls, and Mālapayyanāyaka, the official responsible for questions of trade in the district of Miriṇṇe, on the occasion of Śivarātri namely endowed certain portions of tax and toll revenues for the cult of Mādhaveśvara and for the feeding of ascetics. Sovarā[ś]i Siddhāntideva probably accepted the foundation in substitution for the god Mādhaveśvara and the ascetics of the *maṭha*, among whom he numbered, by having a foot-washing ceremony performed for himself.”

The trade corporation of the Vīra-Baṇaṇjas was active for a religious foundation in the form of a self-imposed obligation another time, yet in this instance for a Jaina temple which stood in the locality of Kavaḍegolḷa.¹³⁵ The individually-named members stemmed either from here or at least six further places and cities. Amongst their services for the Mādhaveśvara cult were not only payments in kind (which here included 18 types of grain), but also spices, green, to wit fresh, and dried ginger, yellow spice (turmeric) and garlic, caraway, black pepper and mustard seeds as well as salt. In addition, from each shipment of fresh or dried fruits a certain amount was always to be rendered to the Jaina Pārśvanātha temple. Moreover, for cultic observance a garland of flowers per flower basket was to be paid. Participating craftsmen had to deliver

135 Ibid., 323–4 (quotation in what follows: 324).

certain components, each carpentry a chair every six months, and a bed once a year. Cloth merchants and goldsmiths again had to pay their prescribed taxes in money.

It is especially in the later Middle Ages that rural landowners and cattle breeders also appear.¹³⁶ The American Indologist Cynthia Talbot has presented important research on this concerning the area of present-day Andhra Pradesh for the period from the late 12th to the early 14th century.¹³⁷ According to her work under the dynasty of the Kākatīyas 12 to 13% of the documented religious foundations stem from landholding farmers and 7 to 8% from cattle breeders. The endowed property of cattle breeders, in contrast to that of kings, the nobility, military leaders and also farmers, who above all alienated villages and estates, consisted in the first instance of cows, sheep and goats (66%); the cow as an important component of capital was to be found elsewhere only among the merchants (47%). Dairy cattle were important because butter was used in the small lamps in temples. In 1241 an endowment contract in favor of a Śiva shrine was agreed upon, whose decisive provision ran as follows: "In the year 1163 of the Śaka era, on the occasion of *uttarāyaṇa saṅkrānti*, Jakki Raḍḍi gave 25 cows to the illustrious great lord Mallēśvara of Vijayavāḍa for a perpetual lamp as a meritorious deed for (the benefit of) his mother and father. Having taken (charge of) these, Male Bōyumuḍu's son Sūre Bōyumuḍu and Nannaya Bōya's son Kommana Bōyumuḍu, and their descendants after them, are to supply a *māna* of butter daily as long as the moon and the sun (endure)".¹³⁸ The founder, Jakki Raḍḍi, personally handed over the herd of cows to the aforementioned foundation administrators, who were obligated to continually deliver the butter rent to the shrine. Since the mass of animals promised to produce offspring over the long term and thus a reliable yield, he could in fact assume that he had made a gift worthy of a foundation.

Despite their fundamental division of tasks with the laity, in India monks and nuns were also counted amongst founders.¹³⁹ The same applies to Brahmins, among whom, however, those living celibately or as heads of households are

136 *Schmiedchen*, Soziale Positionen (2017), 102.

137 Talbot, Gifts to gods (1988), at esp. 200, 223. Summarized by *Schmiedchen*, Soziale Positionen (2017), 102–3.

138 English translation of Talbot, Gifts to gods (1988), 145; cf. *Schmiedchen*, Soziale Positionen (2017), 102 with 114 n. 35.

139 *Schmiedchen*, Periodisierungen (2014), 318, 321; *eadem*, Wohltätigkeit (2016), 265–6.

to be differentiated according to their age groups.¹⁴⁰ The Brahmins, who had at one time immigrated from Central Asia to India, had developed a social order consisting of four castes (*varṇa*), at whose pinnacle stood their own priesthood (*brāhmaṇavarṇa*). Along with them the *Kṣatriyas* (warriors) and the *Vaiśyas* (fully-free persons in agriculture, cattle breeding and trade) formed the three upper estates of birth; they were collectively designated as “Twice-Born” (*dvija*), since an initiation ritual consisting of binding with the holy rope was performed on them for their first phase of life.¹⁴¹ By this “Second Birth” a male member of the three upper estates became an abstinent student of the Vedas (*brahmacārin*), who was to live by begging. After four years of study the student was to devote himself to life as a married head of household (*grhastha*). As the head of household, the husband was called to earn his living, to obtain wealth and produce progeny. After the birth of a grandson the period of a hermit followed this phase of life (*āśrama*), whereby he retreated with his wife into the forest, as well as, as a last phase, an existence as a penniless wandering and begging ascetic. The married head of household amongst the Brahmins was in particular responsible for those members of his own caste who lived by begging, so that a great number of endowments to Brahmins can occasionally be explained as largesse to one’s own family. An important factor was also that it was alone the members of the *brāhmaṇavarṇa* who possessed the right to receive gifts.

By no means were all Brahmins themselves priests. By a pillar inscription of Salotgi in Karnataka of the year 945 CE a Brahmin named Nārāyaṇa is known, who founded a Brahmanical college with three “chief gods”. He was not only celebrated as the generous son of a learned and capable “chief minister”, but was also awarded the epithet “elephant thorn”.¹⁴² From the 11th century onwards, however, Brahmin priests became increasingly prominent as founders, in part by redirecting gifts they had received in favor of Hindu temples.¹⁴³ From a stone inscription from Mardi (South Maharashtra), for example, five foundations from the period between roughly 1180 and 1212 have been determined; two of them stemmed from the son and grandson of a *caturvedin*, who had distinguished himself through the highest performance of knowledge of the four Vedas. The elder of the two had apparently endowed a Śiva statue

140 What follows is drawn at times verbatim from *Schmiedchen*, *Soziale Positionen* (2017), esp. 97 and 105; also *eadem*, *Periodisierungen* (2014), 319.

141 Cf. also *Scharfe*, *Education* (2002), 87–114.

142 *Schmiedchen*, *Herrschergenealogie* (2014), 188–90.

143 *Schmiedchen*, *Soziale Positionen* (2017), 98.

named after him with two tracts of land with two buildings, while the younger one had already added patrimonial land for the repair of an idol of the gods.¹⁴⁴

The Indian religious and ethical traditions released varying, even contradictory impulses for philanthropy. From the Upanishads onwards good deeds were emphasized as behavioral norms for the correct performance of cultic rituals;¹⁴⁵ yet the Brahmins, as well as the Buddhists and Jains, succeeded in referring to the merit of good works on the part of laypersons to the patronage of themselves and their establishments. Thus the “non-clerical” needy disappeared from the field of vision behind the priests, monks and nuns; the fourth estate of the *Śūdras* remained in principle left to their own fate, because according to the teaching of merit and rebirth their unfortunate situation was due to their bad behavior in an earlier life, and they had to free themselves through their own actions.¹⁴⁶ A secondary phenomenon in Indian Buddhism was the assumption that one could transfer the merit for religious works to third persons.¹⁴⁷ Moreover, from the start sympathy for living things, including animals, was embedded—a motive which would be powerfully developed in the Mahāyāna.¹⁴⁸ With the formation of the caste system the right and duty to higher education was restricted to the three upper estates.¹⁴⁹ For centuries, even millennia, the tradition of the Vedas, even its exclusively oral transmission, was excluded from the ears of the lower castes.¹⁵⁰ The exclusive teacher-disciple relationships resulting from this tradition curbed the formation of groups within the educational system.¹⁵¹

Schools in India were and remained decentralized;¹⁵² organized higher education first arose with the emergence of Buddhism and Jainism and probably stimulated Brahmins to imitation.¹⁵³ Apart from the paternal instruction in

144 *Schmiedchen*, *Herrschergenealogie* (2014), 381–2.

145 Above 97.

146 Above 98; *Schmiedchen*, *Soziale Positionen* (2017), 105.

147 Above 114–5.

148 Above 114.

149 *Schmiedchen*, *Soziale Positionen* (2017), 97; *eadem*, *Wohltätigkeit* (2016), 268; *Scharfe*, *Education* (2002), 2.

150 *Scharfe*, *Education* (2002), 8, 34–5.

151 Cf. *ibid.*, 72–3, 115–30.

152 *Ibid.*, 144: “Education was decentralized and it saw modest centralization only much later when large institutions developed administrative structures. But neither Buddhism nor Jainism (or Hinduism for that matter) developed a central religious or educational authority that could have enforced uniformity (though the Buddha and Jina during their life time were the ultimate authority on dogma and conduct).” Cf. *Ghosh*, *History of Education in Ancient India* (2001); *eadem*, *History of Education in Medieval India* (2001).

153 Cf. *ibid.* 131. Qualified by *Schmiedchen*, *Wohltätigkeit* (2016), 371, who draws attention to the influence of Hindu sects on traditional Vedic Brahmanism from the 10th/11th century.

one's home,¹⁵⁴ there were elementary schools ("Halls of Writing"), which typically possessed only a single teacher. Instruction was provided only to boys, while girls had at least since the late Vedic period been drawn into domestic tasks and learned in this household milieu at most some music and dance.¹⁵⁵ According to the names for their cells, *paḷli-khūṭam*, in which monks instructed their disciples, students were even designated with the noun for "room". The Brahmins taught at their house verandas, so that they later spoke of "Veranda Schools" (*tiṇṇai-ppaḷli-khūṭam*). Instructors often lived from temple properties, yet as in China the well-to-do in India also established schools for the education of their children, which were also made accessible to other families. In the cities some teachers sought to make themselves independent and to provide their maintenance by teaching fees.¹⁵⁶ In villages Brahmins, as local priests, often performed the tasks of the instructor. Otherwise, this was done by members of the *kāyasthas*, that is of the caste of the merchants' assistants and scribes, or even by the lowest castes. Even lepers are attested in this function. Amongst the pupils of these elementary schools, moreover, could be the members of the socially-discredited.¹⁵⁷

A male child progressed to the study of the Vedas through his initiation; he had now to leave the house of his parents and join the house of his instructor.¹⁵⁸ Since only Brahmins were permitted to teach the Vedas, this meant for members of the other higher estates that they had to be socialized in their youth by clerics. These ethics demanded that the pupil protect the teacher and his house, but that the instructor extend the same care to his disciple. However, disciples were called upon for work within the household economy, such as the herding of cattle or sweeping rooms, and in many cases to an extent that was technically forbidden.¹⁵⁹ Also attested are fathers paying for the instruction of their sons in Brahmin families.¹⁶⁰ The way of this education was the acquisition of religious and social duties, not preparation for service as an official.¹⁶¹

Cf. Ghosh, *History of Education in Ancient India* (2001), esp. 50–70.

154 Scharfe, *Education* (2002), 79.

155 Ibid., 56, 76–7.

156 Ibid., 77–8.

157 Thus ibid., 78, albeit according to the report of a Briton from the 1830s (cf. ibid. 128–30); conclusions with regard to more ancient periods, despite the assumed stability of circumstances in "Ancient India", is, of course, risky.

158 Ibid. 87–114; 115–30.

159 Ibid., 121.

160 Ibid., 138. That it was in fact forbidden to ask for money in exchange for education and instruction is demonstrated by Altekār, *Education* (1992), 80–3.

161 Scharfe, *Education* (2002), 127.

From monastic schools, on the one hand, and the temple schools of Brahmins, on the other, according to the Indological perspective, “universities” are thought to have developed.¹⁶² In fact, these were not *universitates* in the Western sense, but rather schools of higher education with a great number of teachers and instruments for teaching.¹⁶³ Early signs of such establishments are sought in the city of Taxila (Greek; Sanskrit: Takṣaśilā) in Gandhāra. Archaeological research has demonstrated that instruction was conducted in many monasteries (*vihāra*), but the results also show that no great halls were provided, but rather only the traditional monks’ cells. Written sources suggest that, alongside the traditions of the various Buddhist schools, also the Vedas, that is the texts of the Brahmins, as well as practical arts like medicine, were taught.¹⁶⁴ In narrative sources from Ceylon from c. 500 CE, which refer to many earlier centuries, the lasting fame of Taxila is still echoed. In one of these *Jātakas* the story of a widely-traveled, leading student is offered: “Once on a time, Brahmadatta, the King of Benares, had a son named Prince Brahmadatta. Now kings of former times, though there might be a famous teacher living in their own city, often used to send their sons to foreign countries afar off to complete their education, that by this means they might learn to quell their pride and high-mindedness, and endure heat or cold, and be made acquainted with the ways of the world. So did this king. Calling his boy to him—now the lad was sixteen years old—he gave him one-soled sandals, a sunshade of leaves, and a thousand pieces of money, with these words: ‘My son, get you to Takkaśilā, and study there.’ The boy obeyed. He bade his parents farewell, and in due course arrived at Takkaśilā. There he inquired for the teacher’s dwelling, and reached it at the time when the teacher had finished his lecture and was walking up and down at the door of the house. When the lad set eyes upon the teacher, he loosed his shoes, closed his sunshade, and with a respectful greeting stood still where he was. The teacher saw that he was weary, and welcomed the new-comer. The lad ate, and rested a little. Then he returned to the teacher, and stood respectfully by him. ‘Where have you come from?’ he asked. ‘From Benares.’ ‘Whose son are you?’ ‘I am the son of the King of Benares.’ ‘What brings you here?’ ‘I come to learn,’ replied the lad. ‘Well, have you brought a teacher’s fee? or do you wish to attend on me in return for teaching you?’ ‘I have brought a fee with me’: and with this he laid at the teacher’s feet his purse

162 See already *Mookerji*, *Ancient Indian Education* (4th 1969), esp. 557–610; *Altekar*, *Education* (8th 1992), 116–33.

163 *Scharfe*, *Education* (2002), 131–165; 166–193, esp. 132, 139–40, 172–3.

164 *Ibid.*, 140–2.

of a thousand pieces.”¹⁶⁵ The narrator adds by way of commentary, what sort of favor solvent students like the son of the king from Benares were to expect. While the poorer students during the day had to work in the house of the instructor in order to be taught by him at night, those who paid enjoyed instruction (above all) by light of day.¹⁶⁶

Chinese pilgrim-monks, who traveled through India between the late 4th and close of the 7th century in search of authentic religious (*vinaya*) texts, observed large monasteries or monastic complexes. One of them, I-tsing, who entered the land in 673 and stayed for fourteen years, attests that laypersons there could also acquire worldly knowledge; he maintains that it was forbidden to give them a share of the material properties of a monastery: “Those white-robed (laymen) who come to the residence of a priest, and read chiefly Buddhist scriptures with the intention that they may one day become tonsured and black-robed, are called ‘children’ (*Mānava*). Those who (coming to a priest) want to learn secular literature only, without having any intention of quitting the world, are called ‘students’ (*Brahmakârin*). These two groups of persons (though residing in a monastery) have to subsist at their own expense.—(Note by I-tsing): In the monasteries of India there are many ‘students’ who are entrusted to the Bhikshus and instructed by them in secular literature.—On one hand the ‘students’ serve under the priests as pages, on the other the instruction will lead to pious aspirations. It is therefore very good to keep them, inasmuch as both sides are benefitted in this way. (...). These ‘students’ must not be fed from the permanent property of the Saṅgha, for this is prohibited in the teaching of the Buddha; but if they have done some laborious work for the Saṅgha, they are to be fed by the monastery according to their merit.—Food made for ordinary purposes or presented by the giver to be used by the ‘students’ can be given to them without wrong-doing.”¹⁶⁷

165 Translation by *Mookerji*, *Ancient Indian Education* (1969), 477–8. The value of the Jātakas as a source is qualified by *Scharfe*, *Education* (2002), 141–2, who nonetheless himself draws upon these sources.

166 So I understand the text according to the translation of *Mookerji*, *Ancient Indian Education* (1969), 478: “The resident pupils attend on their teacher by day and at night they learn of him: but they who bring a fee are treated like the eldest sons in his house, and thus they learn. And this teacher, like the rest, gave schooling to the prince on every light and lucky day. Thus the young prince was taught.” Cf. *Scharfe*, *Education* (2002), 142, and in particular on the nocturnal instruction of poor pupils *ibid.*, 231; *Altekar*, *Education* (1992), 87; *Mookerji* 484–5.

167 I-tsing, *Record* (1982), 105–6; cf. *Scharfe*, *Education* (2002), 147.



ILLUSTRATION 41 Nālanda: Buddhist 'Monastic academy' in Bihar (India), founded 5th c. CE

The most famed “monastic university”—or better yet: “monastic academy”¹⁶⁸—was the Buddhist complex of Nālanda in Bihar.¹⁶⁹ The oldest building phases, to the extent they are discernable, go back to the late Gupta Period or into the 6th century CE; they were supplemented and expanded until at least into the 9th century.¹⁷⁰ To date up to eleven monasteries have been uncovered or evidenced, four Buddhist temples, some small shrines and diverse *stūpa* structures (that is relic graves). The multi-storey monastery building contained around 70 chambers on each floor with surrounding verandas, which each opened onto a large (shared) courtyard. In Nālanda, as elsewhere, the history of foundations can be reconstructed by inscriptions, but also occasionally by a narrative source. According to a stone fragment of the early 8th century a King Bālāditya had once built a marvelous temple of Śauddhodani (“Son of Śuddhodana”, Buddha). Whether this was the first construction in general is, however, ques-

168 Thus Schmiedchen, *Wohltätigkeit* (2016), 264, 273.

169 Scharfe, *Education* (2002), 148–53.

170 Schmiedchen, *Sachzeugnisse* (2014), 534–6.

tionable. Namely the Chinese pilgrim Xuanzang (Hsuan-Tsang), who visited Nālanda in the fourth year after his journey to India (c. 632), thought to have learned more precise information on its origins.¹⁷¹ His biographer refers back to the time of Buddha, but also extends his narrative to the first centuries CE. "In the Nālanda convent the abbot entertains myriad priests after his fashion, for besides the Master of the Law there were men from every quarter; and where in all their wanderings have they met with such courteous treatment as this? The Nālanda monastery is the same as the '*charity without intermission*' monastery. The tradition of the old people is this: To the south of the convent, in the middle of an Âmra garden, is a pool. In this pool is a Nāga called Nālanda, and the convent built by the side of the pool is therefore called his name. Again there is a saying that Tathâgata whilst a Bôdhisattva was the king of a great country and built his capital in this place. He was deeply affected towards the orphans and destitute, and, ever moved by this principle, gave away all he had for their good. In memory of this goodness they named the place '*doing charitable acts without intermission*.' The place was originally the garden of the land (*Shreshṭin*) Âmra (or, *Amara*). Five hundred merchants bought it for ten lacs of gold pieces, and presented it to Buddha. Here Buddha preached the law for three months, and most of the merchants obtained the fruit of Arhatship, in consequence. After the Nirvâṇa of Buddha an old king of this country called Śakrâditya, from a principle of loving obedience to Buddha, built this convent. After his decease his son Buddhagupta-râja seized the throne, and continued the vast undertaking; he built, towards the south, another Saṅghârâma. Then his son (*successor*) Tathâgata-râja built a Saṅghârâma to the eastward. Next, his son (or, *direct descendant*) Bâlâditya built a Saṅghârâma to the north-east. (...). His son Vajra succeeded and built another Saṅghârâma to the north. After him a king of Mid-India built by the side of this another Saṅghârâma. Thus six kings in connected succession added to these structures. Moreover, the whole establishment is surrounded by a brick wall, which encloses the entire convent from without. One gate opens into the great college, from which are separated eight other halls, standing in the middle (*of the Saṅghârâma*) (...)." ¹⁷²

According to this source, Nālanda had already been a sacred place in the Vedic period, which traders had donated to the Buddha in order to attain salvation. Moreover, it was to have originally been a site of compassion following the doctrine of Mahāyāna Buddhism. A series of kings had distinguished

171 Life of Hiuen-Tsiang (21973), 109: as to the question as to how long he had been traveling from China to Nālanda, Xuanzang answered: three years. A journey lasting in total 629–645 according to Scharfe, Education (2002), 144.

172 Life of Hiuen-Tsiang (21973), 110–1.

themselves as the founders of many monasteries. In the *Life of Xuanzang* the tremendous power of attraction of Nālanda as a place of study is described: “The Saṅghârâmas of India are counted by myriads, but this is the most remarkable for grandeur and height. The priests, belonging to the convent, or strangers (*residing therein*) always reach to the number of 10,000, who all study the Great Vehicle, and also (*the works belonging to*) the eighteen sects, and not only so, but even ordinary works, such as the Vêdas and other books, the Hetuvidyâ, Śabdauidyâ, the Chikitsâvidyâ, the works on Magic (*Âtharvavêda*), the Saṅkhyâ; besides these they thoroughly investigate the ‘miscellaneous’ works. There are 1000 men who can explain twenty collections of Sûtrâs and Śâstras; 500 who can explain thirty collections, and perhaps ten men, including the Master of the Law, who can explain fifty collections. Śilabhadra alone has studied and understood the whole number. His eminent virtue and advanced age have caused him to be regarded as the chief member of the community. Within the Temple they arrange every day about 100 pulpits for preaching, and the students attend these discourses without any fail, even for a minute (an *inch shadow on the dial*). The priests dwelling here, are, as a body, naturally (or, *spontaneously*) dignified and grave, so that during the 700 years since the foundation of the establishment, there has been no single case of guilty rebellion against the rules.”¹⁷³ Finally, the rich material endowment of the monastery is depicted: “The king of the country respects and honours the priests, and has remitted the revenues of about 100 villages for the endowment of the convent. Two hundred householders in these villages, day by day, contribute several hundred piculs of ordinary rice, and several hundred catties in weight of butter and milk. Hence the students here, being so abundantly supplied, do not require to ask for the four requisites. This is the source of the perfection of their studies, to which they have arrived.”¹⁷⁴ The administrator of the monastery appears to have been appointed at the behest of the king by the monks.¹⁷⁵

Apart from Nālanda, which was above all focused on “Small Vehicle”-Buddhism and later in particular on the teaching of Tantrism, the monasteries of Valabhī in West India and Vikramaśilā, also in Bihar, still are understood to be Buddhist “universities”.¹⁷⁶ The first of these was established in the middle of the 6th century by the local Maitraka dynasty and patronized by wealthy merchants; it was based on the teaching of Hīnayāna, without, however, being restricted to it. The Chinese pilgrim I-tsing would have it that the

¹⁷³ Ibid., 112.

¹⁷⁴ Ibid., 112–3.

¹⁷⁵ Scharfe, Education (2002), 152, 156.

¹⁷⁶ Ibid., 153–7.

students there gained the “sharp weapon” of learning, “seeking to be appointed in the practical government.”¹⁷⁷ Vikramaśilā, with its initial emphasis on the Mahāyāna doctrine, was a royal establishment foremost of the 8th century, in which at times 160 teachers and over one thousand monks are said to have resided. Again, the king appears to have engaged its leading functions at least a few times. He also was apparently entitled to bestow the title *paṇḍita* (teacher) on its graduates; at least for Tibetan students a red cap is attested as a sign of honor for this. According to Tibetan sources Vikramaśilā appears to have outdone Nālanda even in the king’s graces. Both monasteries fell victim to Muslim advances and conquests in the early 13th century, while Valabhī is only attested as an important site of instruction into the 11th/12th century.

Brahmins distinguished themselves as teachers through the “gift of knowledge” (*vidyādāna*) to their students; yet local benefactors also disposed of it. Thus, the Middle Indian King Govinda IV in a document credited himself with “gifts of land”, “gifts of knowledge”, “gifts of meals”, “gifts of wishing-trees” and “gifts of medicines”.¹⁷⁸ In another documentary inscription of the year 1008 CE the Śilāhāra prince Rāṭṭarāja gifted a Śiva teacher (*guru*) known as Ātreya three villages and other properties as a “gift of knowledge”. The endowment was used “for the fivefold cult of the noble god Avvésvāra and for repairs of defects [on buildings] as well as for the feeding and clothing of good ascetics and for its use for pupils, teachers, visitors, etc.”¹⁷⁹ Without it being explicitly said, it seems that in this case multiple teachers and students were attached to a temple and were maintained by an endowment. Apart from real estate, the endowment properties were said to have consisted of monied incomes of unfree persons. It is noted: “A *gadiyāna* of gold from [each] ship coming from distant lands and a *dharāṇa* of gold from [each] ship coming from Kandalamūliya—with the exception of Cemūlya and Candrapura; and families [for the recruitment] of young girls, a family of oil millers, a family of wreath binders, a family of potters [and] a family of washers.”¹⁸⁰ As assumed, the trades of the bestowed families stood in close connection with the temple cult; the family of flower wreathers, who certainly worked on the grounds of flower garden that had been endowed along with them, was surely to plait garlands of flowers and the family of oil millers to provide lamps, while other families had to offer their daughters as temple dancers to the shrine.¹⁸¹

177 I-tsing, Record (21982), 177.

178 Schmiedchen, Wohltätigkeit (2016), 267; *eadem*, Herrschergenealogie (2014), 209.

179 Schmiedchen, Wohltätigkeit (2016), 267; *eadem*, Herrschergenealogie (2014), 297.

180 Schmiedchen, Herrschergenealogie (2014), 298.

181 *Ibid.*, 299.

From endowments of Brahmins, which in a traditional manner were to strengthen direct lines of teachers and students, there easily developed foundations for Brahmanical schools with more than a single adept. With the aforementioned inscription from Salotgi of 945 the endowed property was destined for a congregation of students (“the Congregation of Those Seeking After Knowledge”) and the teacher.¹⁸² The village headman Budha Cakrāyudha supplemented the gift of the minister Nārāyaṇa in favor of the students with 500 *nivartana* [land], 27 houses or pieces of land, four *nivartana* for a flower garden and twelve pieces of land for the maintenance of lamps. For the instructor alone there were 50 *nivartana* and a large housing plot. The “Twice-born”, however, were themselves to render exactions to the student congregation, and indeed at important rites of passage: on the occasion of the shearing of hair, and at the putting on of the holy cord, and at weddings. The inscription was supplemented by newer inscription notices of princes on the same pillar which extend into the 11th/12th century.

That even at Brahmanical educational sites various learning content could be offered is demonstrated by an endowment charter of the king of the East Cālukyas in South India. By amalgamating three villages he had established a settlement where exactly 536 Brahmins could live. Some portions of these were reserved for special lectures or “trades”: one “for the maintenance of he who explains grammar, two for exegetes of Mīmāṃsā [philosophy]”, one “for he who elucidates Vedānta [philosophy]”, one each for the teachers of the Ṛgveda, of the Yajurveda and the hymns of Sāmaveda, as well as an additional one each for he who explained prosody or taught the “Purāṇa” recitation as well as one each for the doctor, the barber, an expert on poisons and an astrologer.¹⁸³ In other temple inscriptions the foundation purposes are precisely specified. Amongst the students, expenses for food and sleeping mats are separated from those of oil for lamps and for the care of the body; thereby a measure of oil for bathing on 51 Saturdays could be prescribed. The teachers received according to their specialization a certain measure of rice as well as some money, while costs for cooks and servants were estimated with lump sums.¹⁸⁴

Brahmanical establishments of higher education, which some scholars designate, analogously to Buddhist establishments, as “universities”, others as “temple colleges”,¹⁸⁵ are termed *ghaṭikā* oder *maṭha* in the sources.

182 Above 533. Schmiedchen, Wohltätigkeit (2016), 269; eadem, Herrschergenealogie (2014), 190–1; Scharfe, Education (2002), 180.

183 Schmiedchen, Wohltätigkeit (2016), 270.

184 Ibid., 270.

185 See Scharfe, Education (2002), 166–93, or Schmiedchen, Wohltätigkeit (2016), 271–3. Already Altekar, Education (1992), 33–141, had spoken of “Hindu Temple Colleges”.

The first designation is already attested in the 4th century CE, the other appears from 7th century above all (but not only) in connection with Hindu temples.¹⁸⁶ In the opinion of A. Schmiedchen, this is the most important marker of *maṭha* or also of *maṭhikā*; the establishment therefore arose as traditional Vedic Brahmanism, especially from the 10th/11th century onwards, became connected with various Hindu confessions, that is of the cult of the gods. Brahmanical teachers, the temple cult and educational establishments in this way entered into the symbiosis of an ideal-type with the *maṭha*.¹⁸⁷ Very often rulers or other wealthy persons can be evidenced as founders of such *maṭhas*.¹⁸⁸ An early epigraphic piece of evidence for a *maṭha* can be found, for instance, in the inscription of a Śiva temple from the time of the Pallava king Dantivarman I around 800.¹⁸⁹ In 866 King Karunantaḍakkan of the Āy dynasty founded a Viṣṇu temple with a college for the study of the Vedas in a village called Pārthivaśekharapuram; the college offered 95 places for students of various schools.¹⁹⁰

The specializations of some *maṭhas* are noteworthy. Thus, an inscription of 1121 from Thanjavur (Tamilnadu) mentions a college for students of medicine (of various schools) and for grammar.¹⁹¹ Moreover, colleges with differentiated schools of study are attested as being outfitted with a hospital. A “Hall of the Sick” (*āturaśāla*) with 15 beds even belonged to the small house of the Veṅkaṭeś Perumāl temple at Tirumūkkūḍal (again in Tamilnadu), which was limited to 60 students. A doctor was to receive 90 *kalam* of rice per year and a piece of land. 30 *kalam* each were destined for a surgeon with two apothecary helpers, while two nurses, a barber and a water-carrier each had to content themselves with half of that amount. Exceptional items were revenues for the burning of a lamp and for a stock of medicine.¹⁹² Even more complex were the history and regulations of a foundation from Andhra Pradesh of 1261. According to a pillar inscription the ruler Gaṇapati endowed his guru named Viśveśvara, who venerated the god Pinākin (Śiva), with two villages. The latter, for his part, dedicated these to three purposes in equal mass: first the cult of Śiva, second the students of the Śaiva college that he had established, and third a birth station, a hospital and a soup kitchen for Brahmins. Especially remarkable is that not only Brahmins, but in fact all guests were fed in it, even

186 Scharfe, Education (2002), 169–70, 172.

187 Schmiedchen, Wohltätigkeit (2016), 271.

188 A series of examples in Scharfe, Education (2002), 166–93.

189 Ibid., 173.

190 Ibid., 175–6.

191 Ibid., 173.

192 Ibid., 182; Schmiedchen, Wohltätigkeit (2016), 263; Zysk, Asceticism and Healing (1991), 46.

the unclean, according to the Brahmanical understanding, Caṇḍāla. Here too occupational groups were envisioned for service at the house, including a doctor.¹⁹³ In Ablur in Karnataka there was a *maṭha* dedicated to Śiva, which inter alia offered teaching in the four Vedas, various courses of grammar and philosophy, including Buddhist teaching. Similar to the *maṭha* of Andhra Pradesh, besides the students, persons from the local vicinity were to be cared for here, to boot with medicine.¹⁹⁴

Sometimes libraries with scribes who were to copy old manuscripts are evidenced as belonging to temples or colleges.¹⁹⁵ By a stone inscription from Northwest Maharashtras (early 13th century) is shown that some founders were especially interested in the perpetuation of his preferred or even his own doctrines. This inscription originates from the court astrologer of the reigning Yādava king, Caṅgadeva, who was a grandson of the famed Indian astrologer and mathematician Bhāskara. The *maṭha* in question was to further the fame of his grandfather: “Caṅgadeva”, as can be deduced from the wording of the inscription, “the preferred astrologer of King Siṅghana, founded a college with the goal of spreading the teachings of Śrī-Bhāskarācārya: “The texts composed by Bhāskara, such as the *Siddhāntaśiromaṇi*, and other works of his house, are absolutely to be treated in my college.” The necessary funds for the *maṭha* did not at all come from Caṅgadeva himself, but rather from a vassal prince of the Vādavas, who designated Caṅgadeva as his own instructor.¹⁹⁶

2.2 Greece and Rome in Antiquity

Not far from the city of Athens in the early 4th century BCE there was a temple district, which supposedly had been named “Academy” (Ἀκαδημία) after the local hero, Hekademos.¹⁹⁷ It included a gymnasium, at which the philosopher Plato acquired a plot of land for the establishment of his own school around 387 BCE. The name of the entire grove went over to this school. This real estate remained the property of the Platonic “Academy”, even after it was moved to the Athens city center (start of the 1st century BCE?). It has been convincingly asserted by Ulrich von Wilamowitz-Moellendorf that this was a school foundation of Plato in the form of a religious foundation,¹⁹⁸ with his personal fortune

193 *Schmiedchen*, Wohltätigkeit (2016), 263; *Zysk*, Asceticism and Healing (1991), 45.

194 *Scharfe*, Education (2002), 183.

195 *Ibid.*, 183–4.

196 *Schmiedchen*, Wohltätigkeit (2016), 272.

197 *Dörrie*, Akademie (1975, repr. 79); *Meinhardt*, Akademie (1971); *Baltes*, Plato's School (1993, repr. 99); the Wikipedia entry “Platonische Akademie”, viewed on 16.1.2017.

198 *Wilamowitz-Moellendorf*, Antigonos (1965), 279–88.



ILLUSTRATION 42 School of Plato, established c. 387 BCE. Roman mosaic around 100 BCE in Pompei

Plato desired to ensure that the “Academy” would continue to cultivate the special form of dialectical philosophizing even after his death.¹⁹⁹ Furthermore, the executors of the foundation were a cultic association, which was to venerate the god Apollo and the muses. The model for the establishment was the school led by the Pythagorean Archytas in Tarento, which Plato himself had visited around 390. In Athens “the head of the school and the pupils were united in a community. The accompanying privations (little sleep, sexual abstinence, no meat) were to effect a cleansing of the soul and therefore raise their sense of perception.”²⁰⁰ Its instruction was normally free. As was common for many founders, Plato (d. 347) was interred in his establishment, the Academy, and in his memory his birthday was celebrated with sacrifices, a feast and open

199 Münkler, *Anstifter* (2006), 27; Lorentz, *Geben ohne Gegengabe?* (2012), 84.

200 Dörrie, *Akademie* (1975, repr. 79), 211–2. On the motive of an ascetic way of life for scholars from Greek antiquity onwards (with reference inter alia to Socrates, but not to Plato), see *Algazi, Habitus* (2010), esp. 186, 202–3, 206.

disputation. At Plato's death his nephew Speusippos became his successor as head of the school; probably he himself and the following schoolmasters were elected by members of the school for life. The Platonic Academy lasted more than nine hundred years, obstinately resisted Christian influences and was only finally dissolved by Emperor Justinian.

Still other Greek philosophers sought to maintain their schools over the long term in a similar fashion through foundations.²⁰¹ The historian of philosophy Diogenes Laertios transmitted the text of the testament of Epicurus (341–270 BCE), albeit long after it was drawn up, with precise prescriptions.²⁰² According to the testament, Epicurus, a resident of Athens, left his entire estate, above all his garden (*kēpos*) and house in Melite, to his pupil Hermarchos from Mytilene “and to those who practice philosophy with him”, in addition to all others interested in philosophy and their heirs. Yet the incomes of the properties were to also be used for the funerary offerings in favor of Epicurus' father, mother and brother, as well as for himself. His students were to celebrate his birthday on the 10th of Gamelion, but also on the 20th day of that month they were to hold a festive gathering in memory of Epicurus and his friend Metrodoros (of Lampsakos). The patronage of philosophy, as both the foundations of Plato and Epicurus evidence, was bound up with that of the cult of the gods and ancestors or the dead.

The same combination of motives is also encountered with gymnasiums in the Hellenistic kingdoms, in which not only kings,²⁰³ but also private persons distinguished themselves.²⁰⁴ Especially instructive are the regulations which one Polythrus prescribed for his gymnasium in Teos (Ionia, Asia Minor) in the 3rd century BCE.²⁰⁵ The school was intended for all free-born children, yet the gift of his sum of 34,000 drachmas was also to further the “most beautiful remembrance of his own vainglory”.²⁰⁶ For its administration a gymnasiarch and rector were appointed by vote, and the latter was not to be younger than forty years. The foundation revenues were envisioned for specialized teachers, who were to receive varying salaries. The elementary teachers, three in

201 *Laum*, Stiftungen 1 (1914, repr. 64), 15; cf. in addition the testaments stemming from the Platonic Academy and later from Theophrastos of Eresos (d. 288/6), a disciple of Aristotle, in *Laum* 2 (1914, repr. 64), 17 no. 15, the Peripatetic Lykon (d. 226/4), *ibid.*, 17 no. 16.

202 *Laum*, Stiftungen 2 (1914, repr. 64), 16–7 no. 14; cf. *Hands*, Charities (1968), 127.

203 Above 159, 162, 173.

204 *Laum*, Stiftungen 1 (1914, repr. 64), 105–7. On foundations in Hellenistic cities most recently *Harter-Uibopuu*, *Stadt und Stifter* (2015), and *Von Reden*, *Stiftungen* (2015).

205 *Laum*, Stiftungen 2 (1914, repr. 64), 93–6 no. 90. A similar, roughly contemporaneous school foundation from Miletus *ibid.*, 118–21 no. 129. Cf. *Hands*, Charities (1968), 121–2.

206 *Ibid.*, 94.

number, were each year to be elected (by the people's assembly) and according to the school level receive 600 and 500 drachmas. Two gymnastics teachers had a claim to 500 drachmas each, while an instructor for the zither or other stringed instruments even 700 drachmas. Particular care was devoted to the physical fitness of the male students: "The rector and the gymnasiarch are to employ a fencing master and an instructor in archery and spear-throwing; the choice requires, however, the confirmation of the people's assembly. They should teach the ephebes [young men who had reached puberty] and those boys who are prescribed to participate in musical instruction. As a salary the instructor in archery and spear-throwing was to be paid 250 drachmas and the fencing master 300 drachmas. The fencing course was to last at least two months. That the boys as well as the ephebes were to be carefully instructed in the subjects was to be the concern of the rector and gymnasiarch, as both were legally commissioned with this." Apparently, differences of opinion could even arise regarding the number of matriculating students; the rector had the last word on this. For examinations it was expressly envisaged that (apparently with the exception of sports) they would be carried out not in the gymnasium itself, but rather in the town hall, and indeed by the elementary and music teacher. Polythrus was greatly concerned that the revenues of his endowment could be alienated or be eroded through poor investment by the treasurer of the city; he sought to avoid this through strict penal clauses and curses.²⁰⁷

The gymnasium as an institution was originally and remained permanently a site of sports.²⁰⁸ Its name is derived from γυμνός ("naked") and referred to contests performed on foot (in contrast to equestrian competitions): boxing, wrestling, racing, racing with weapons, discus, archery and spear-throwing. According to a description in the *Iliad* (Book 23) the sporting contests appear to have originally been connected with commemorative festivals. They were held in local or panhellenic games, and to wit in honor of the gods (especially Zeus). Until the end of aristocratic rule in Athens (6th century) the games had an air of nobility, from then on the gymnasiums belonged to the usual complexes and buildings of Greek cities. Nonetheless, one should not imagine that the impecunious could have participated in sporting events, since they had to earn a living and could hardly train.²⁰⁹ In the period of Hellenism

207 *Hands, Charities* (1968), 116–8, discusses similar stipulations to those of Polythrus in the context of the institution of the Ephebia. According to the tenor of the inscription from c. 100 BCE (from Sestos, the Dardanelles, and Eretria, Euboea) (ibid. 199–200 DD 55–6), it may have involved foundations.

208 On this and what follows: *Schuller, Erstes Europa* (2004), 24, 62–5, 228–31.

209 Cf., however, *Hands, Charities* (1968), 116–8. The financing of a gymnasium in Sestos by Menas (130–100 BCE), motivated by vainglory (*philodoxia*), included *philanthrōpia* for

the gymnasium spread across the newly-acquired territories and were so profoundly perceived as a mark of the Greeks that the Egyptians even called them “those of the gymnasium”.

The financing of a gymnasium thus did not aim at social levelling, but rather cult, sports and education. Typical is the connection with an oil foundation.²¹⁰ On the one hand, oil was used to designate the victors, and indeed as an olive branch from the grove of Olympia for the panhellenic games there (as opposed to *inter alia* laurel in Delphi) or in liquid form and in magnificent amphora at the Great Panathenaia in Athens. On the other hand, one oiled oneself up for the contests with it (protection from the sun) and needed it in this context as well as everywhere for the bodily care in the bath.²¹¹ Of course, olives and olive oil were also one of the most important sources of food.

How closely the patronage of the entire “people” is connected with the gymnasium in oil foundations is shown by an inscription of the island of Euboea of around 100 BCE.²¹² Theopompos, the son of Archedemos was “of the intention, by his noble disposition and his goodwill which he had toward the people, to erect an immortal memorial for all times, [dedicated] 40,000 drachmas of silver for the provision of oil from his own fortune.” The capital was to be invested in the purchase of a mortgage, while the interest was designated for the purchase of oil for the gymnasium. The proboulen and the gymnasiarch were to be responsible for the investment, while a certain official was responsible for its expenditures. Accounts were to be provided annually to the assembly.

The motivation for Theopompos’ foundation was his striving for his own fame; elsewhere gifts of oil in the same sense were bound annually to the birthday of the founder.²¹³ Especially concerned about her oil foundation in Gytheion (Laconia in the Peloponnese) was the benefactress Phaenia

non-citizens or foreigners who desired to participate in the activities of the establishment, *ibid.* 199–200 D 55.

210 *Groß, Öl* (1975, repr. 79), 245: “The endowment of oil for the needs of the gymnasium always remained one of the most popular forms of foundation in Greece.” At 245–6, and also for the following. On oil foundations of Hellenistic rulers, see already above 159, 173.

211 An inscription from Magnesia (Caria, Asia Minor) from the period of Emperor Hadrian (117–38 CE) emphasizes that oil will be used in particular for the personal hygiene of the aged: *Laum, Stiftungen* 2 (1914, repr. 64), 115–6 no. 125.

212 *Laum, Stiftungen* 2 (1914, repr. 64), 70–1 no. 61. On oil foundations more generally *ibid.* 1, 88–90.

213 *Laum, Stiftungen* 2 (1914, repr. 64), 80–1 no. 72 (from the Imperial Period), cf. *ibid.*, 80 no. 71 (2nd century CE).

Aromation, a Roman (43 CE).²¹⁴ Once again, the gift was to benefit the entire city, in particular the gymnasium, but also strangers there as well. She had bequeathed the aforementioned sum, so it is stated there, “that every year the archontes who are in charge at that time, whenever they franchise out the other public works, starting from the year of the stratēgos Aristopolis in accordance with the decrees of the synedroi of the polis and of the dēmos, farm out the supplying of oil too. In doing so they should make every effort in order that immortal benefit is derived from my gift and the donation of the capital that is being lent and that those who receive the capital should give real security commensurate with the loan, so that oil may always be provided from the interest paid to the citizens of Gytheion and the foreigners. The archontes and the synedroi must contribute all good faith and industry every year, in order that the supply of oil to the gymnasium and the polis remains everlasting.” Even the slaves were to participate in the eternal oil foundation “every year for six days, of which three (should be) festival days of the Augusti and three festival days of the goddess”, and “no archon of synedros or gymnasiarchos shall prevent them from anointing themselves”. The officials were to “take care to remain within the terms of my donation of the capital and to avoid that the polis receives the reputation of negligence”; in the case of negligence or alienation a lawsuit was to be set in motion, and in the case of persistent disregard the money was to be transferred to Dea Augusta. In order to secure her commemoration all her slaves were to be freed²¹⁵ and his will now implemented: “I wish that three stone stelai shall be inscribed with my donation and the terms on which it has been granted to the gymnasium and the polis, so that one will lean against the wall in the agora in front of my house, while one will be set up in the Kaisareion at the (...) gates, and one at the gymnasium, so that the generosity of my donation (φιλανθρωπία) shall be well-known and evident to everyone, both citizens and foreigners, forever.”

Alongside athletic competitions, musical contests were also financed or enabled by foundations in Ancient Greece and still in the Hellenistic kingdoms after the Roman conquest.²¹⁶ The capital yields served as a prize money, for example for flute-players, actors of tragedies and comedies, and

214 Harter-Uibopuu, *Trust Fund* (2004), 4–7; cf. *eadem*, *Stadt und Stifter* (2015), 187–8. German translation and different dating in *Laum*, *Stiftungen* 2 (1914, repr. 64), 11–14 no. 9.

215 On this passage cf. Harter-Uibopuu, *Trust Fund* (2004), 13–15, who, however, does not include the traditional role of freedmen at the tomb or for the preservation of the memory of their master in her discussion.

216 *Laum*, *Stiftungen* 1 (1914, repr. 64), 90–3.

feeding them during the competition.²¹⁷ These could be dedicated to reigning emperors.²¹⁸ All activities of Euergetism served to raise the personal reputation of well-to-do founders and to increase their political influence.²¹⁹ Alongside games members of the elite also took pains for ensuring public tasks. Though citizens of the Greek *poleis* were not subject to any regular taxes, in contrast to (transient) strangers and *metoikoi* (foreign citizens who had settled there for a long time), they still had to render “services for the people” (λειτουργίαι).²²⁰ Especially as the wars of conquest and the tributes exacted in the imperial period led to increased poverty, the exercise of these public duties was questioned.²²¹ It was in this context that some who were able to do so intervened by securing the financing of offices over the long term.²²² Yet distributions of money to certain colleges or the whole people are also known.²²³

For example, in combination with other foundation objectives a citizen of Tenos in Asia Minor during the 1st/2nd century CE distinguished himself, as is clear from a decree dedicated to him: “The assembly and people honor Satyros, the son of Philinos, because he has managed every office and sort of public duty well and has led the festive delegation four times. Moreover, he donated a baths to the city and gave 5,000 denarii, so that from the interest the baths should be heated; 5,000 denarii for the gods in Heriston, so that from the interest annually at the festival of the cattle sacrifice, after the feast, a denarius might be given to all the free inhabitants of Tenos, to each man; and a further 10,000 denarii to the same gods, so that from the interest at the shrine annually on the days of wreathing and on the 18th, a gift might be distributed to each free Tenian, which corresponds to the number of the crowd which is gathered; and a further 6,000 denarii, so that from the interest a sum might be divided to the men as well as the women of Tenos annually on the prescribed days of the funerary festivals, which corresponds to the number of the crowd gathered

217 Ibid. 2 (1914, repr. 64), 3–8 no. 1, esp. 3–4, from the 3rd/2nd century BCE. Cf. *ibid.*, 107–8 no. 103, of 180–90 CE.

218 Ibid., 101–3 no. 101, from the second half of the 2nd century CE. On which *ibid.* 1 (1914, repr. 64), 91–2.

219 Cf. *Gehrke*, *Hellenismus* (2006), 230–1.

220 *Funke*, *Griechische Staatenwelt* (2006), 166–70, esp. 168.

221 Cf. *Gauthier*, *Cités grecques* (1985); *Von Reden*, *Stiftungen* (2015), 218.

222 Cf. *Laum*, *Stiftungen* 1 (1914, repr. 64), 96–114; esp. *ibid.* 2, 57 no. 49, from the Aegean island of Cos from the year 15 BCE; 103–7 no. 102 from Aphrodisias (Caria), during the period of Emperor Hadrian; 129–30 no. 162 aus Kibyra (Asia Minor) from the year 73 CE. On the problem of charity in this context s. *Zuiderhoek*, *Politics of Munificence* (2009).

223 *Laum*, *Stiftungen* 1 (1914, repr. 64), 103–4. Cf. esp. 2, 18 no. 18 from Athens from the time of Emperor Hadrian.

there; and finally, he endowed 18,500 denarii to the city, so that the poll tax might be given annually for the free men, women and children of Tenos."²²⁴

Apart from baths and gymnasiums, occasionally foundations of other public buildings are attested from the Greek cultural sphere;²²⁵ there is a singular foundation for the maintenance of a road,²²⁶ another for a library and the purchase of books.²²⁷ Although in many Greek cities (but not, however, in Athens) public funds for dealing with general emergencies were created, complementary private foundations are also found for this purpose.²²⁸ Thus, at the end of the first century CE the city of Mantinea honored its citizen Euphrosynus, because he "directed by statute that the income from the land [of his endowment] should be used for the support of the corn purchase fund, providing for the unfailing supply of food in perpetuity."²²⁹ As regards the composition of founders, alongside kings and noblemen officeholders, especially priests, are evidenced.²³⁰ Sometimes families or other kinship groups were active, particularly in the commemoration of the dead. Collective foundations are outside of this almost never attested.²³¹ Between the sexes men predominated: according to the statistics of Bernhard Laum 244 male founders, as opposed to 28 female ones, can be found in Greek documents.²³²

The material edited by Laum is based almost entirely on inscriptions;²³³ his collection of the year 1914 remains unmatched,²³⁴ but classicists certainly

²²⁴ Ibid. 2 (1914, repr. 64), 69–70 no. 60.

²²⁵ Ibid. 1, 105: For references to baths, fortress walls, and a foyer inter alia cf. also *Schmidt-Dounas*, *Geschenke* (2000), 52–78, at esp. 72–3: "The categories of buildings preferred by rulers favored the public (...). It is noteworthy that guesthouses, *hestiatoria* [dining halls], baths, wells or administrative buildings such as *bouleteria* [the meeting rooms of the city assembly], *prytaneia* [assembly sites for the leading representatives of the city] are not found among rulers' foundations. The guesthouses, *hestiatoria* and baths were reserved for privileged parts of the population and were not intended for the use of the common people. Wells satisfied the needs of broad social groups, as well as their doubtless impressive baths."

²²⁶ *Laum*, *Stiftungen* 1 (1914, repr. 64), 105, with reference to 2, 109 no. 108, from Aphrodisias, Imperial Period. A comprehensive translation of this honorary decree in *Zuiderhoek*, *Politics of Munificence* (2009), 3–4.

²²⁷ *Laum*, *Stiftungen* 1 (1914, repr. 64), 107, with reference to 2, 89 no. 77, from Ephesus, 2nd cent. CE.

²²⁸ *Hands*, *Charities* (1968), bes. 95–7.

²²⁹ Ibid., 183 D 13; only briefly mentioned in *Laum*, *Stiftungen* 2 (1914, repr. 64), 10 no. 5.

²³⁰ *Laum*, *Stiftungen* 1 (1914, repr. 64), 12–20.

²³¹ Ibid., 24–5.

²³² Ibid., 23.

²³³ Ibid., 2–8.

²³⁴ Cf. the verdicts of *Harter-Uibopuu*, *Stadt und Stifter* (2015), 178 n. 1, and *Von Reden*, *Glanz der Stadt* (2012), 21 n. 1.

need once more to work through the relevant discursive and narrative texts on foundations, as has already proven fruitful with Plato's Academy. Thereby they could focus, as far as social-caritative goals are concerned, on attestations of "philanthropy", which only rarely appears in the listing of motives of the endowment charters themselves.²³⁵ According to the attestations collected to this point it seems certain that the word first appears in the 5th/4th century BCE.²³⁶ The dramatist Aeschylus (d. 456) had Prometheus, who had stolen fire for mortals and become known for his "philanthropy", suffer for his "philanthropic character" (φιλόανθρωπος τρόπος). What the poet here said about the titan applied amongst the philosophers for the gods in general. According to Plato "philanthropy" meant the love of the divinity for people; Plutarch qualified that the love of god for animals was not comparable to that for humankind. According to Xenophon (d. 354) the gods demonstrated their compassion by allotting what was necessary for them to live: the seasons, the moon and stars, water, fire and other benefactions or "philanthropies". Meanwhile, "philanthropy" was spoken of for Socrates, since he spread his wisdom to anyone free of charge. Plato likewise understood the love of one person for another or of humankind as a whole as "philanthropy". The historian Xenophon praised the Persian king Cyrus I as a philanthropist because of his treatment of those he conquered. The prize of classical civic virtues came close to the sphere of philanthropic foundations. Already in Homer and Hesiod it is clear that the individual and his city were obligated to care for the poor, beggars and strangers. Orphans merited support and sympathy. Plato advised that they should be given over to public guardianship; according to Aristotle, the welfare state was to provide for the orphans of citizens who had fallen in battle. Thucydides also reflects this maxim, when he had Pericles speak about the orphans of the Athenians during his funeral oration. Reverence for the elderly is not only repeatedly complained about in the Homeric epics, but Demosthenes (d. 326 BCE) in an oration against Aristogiton also praised youths who respected their parents and elders. Certain poor were likewise aided in various ways in Athens; Peisistratos had, according to Aristotle, loaned them money so that they might earn a living.

There even existed philanthropic establishments in Ancient Greece, most of which were apparently of an "open character": "Strangers and needy foreigners

235 See, however, the quotation above 547 n. 209. Cf., however, *Hunger*, *Φιλανθρωπία* (1963), 5–6.

236 Foundational is *Hunger*, *Φιλανθρωπία* (1963); cf. in brief *Bremner*, *Giving* (1994), 3–10, and *Von Reden*, *Glanz der Stadt* (2012), 26–7. In what follows I draw to a considerable degree from *Constantelos*, *Byzantine Philanthropy* (2001), 3–9.

received shelter and food in public guest-chambers or *xenones* maintained for them. To look after the needs of strangers there were brotherhoods of hospitality known as *xenoi* or guest-friends. For example, in the city of Hierapolis the brotherhood of hospitality had a common fund chest and Apollo was their patron. In addition to the *xenones*, the Greeks had hospices or *katagogia* attached to various temples or near them to serve as resting places or even as clinics. The sanctuary of Hera, north of Argos, included such an institution, two hundred feet square, with rooms on two floors. A similar two-storied establishment (*katagogion*) has been discovered at the temple of Asclepios in Epidauros. It included a section of four colonnaded courts with 160 rooms for the sick and for visitors to the temple. Such institutions existed adjacent to the temples because of belief in the healing power of the gods resident in them. Priests of Asclepios attended the poor and sick without receiving any pay. Another Asclepion at Gortyn in Dorian Crete could shelter at least two hundred patients.”²³⁷ A large portion of the temple treasury, the so-called “sacred treasures”, was used for good deeds. Apparently they were so full that the state occasionally took loans from them as short-term financing in times of need. Even normal medical care in the Greek cities was shaped by philanthropy. According to the rules of Hippocrates a doctor was to render his services free of charge in an emergency. The same applied to the needy and during stays in another city.

In Athens there was a system of public relief for those who could not themselves earn a living due to sickness or infirmity. The obligation of philanthropy extended far beyond political dignitaries and officials, to all citizens. “Demosthenes gave the advice that philanthropia alone must govern the relations between citizens, while their enemies deserved their wrath and hatred.”²³⁸ An example of personal deeds of charity is Epaminondas, a great general of Thebes, who ransomed those of his fellow citizens who had fallen into captivity and organized funding-drives for the dowries of impoverished girls. Cimon, the son of Miltiades, from his personal fortune fed the hungry and clothed the naked. Similar deeds were narrated of Bias, one of the seven Wise Men of Ancient Greece (around 570 BCE, according to Diogenes Laertius).

“*Euergēsia*” as the practical implementation of philanthropic convictions is, judging by linguistic usage, older than “philanthropy” itself and dates already from the 8th century BCE.²³⁹ Charitable deeds and philanthropic thinking,

²³⁷ Trans. of *Constantelos*, *Byzantine Philanthropy* (2001), 5.

²³⁸ *Ibid.*, 6.

²³⁹ Above 157–8; *Von Reden*, *Glanz der Stadt* (2012), 27. Here it is also pointed out that *euergēsia* was used interchangeably with *philanthrōpia* from the 3rd century BCE onwards.

which could be manifested in “state” and civic establishments, private gifts, foundations and good works or other types, thus remained in pre-Christian antiquity, despite some exceptional instances, restricted to the citizens of one’s own city or the members of one’s own estate. Love of one’s neighbor or enemy, which stemmed from the notion that the divine presence was nurtured in every person and thereby an obligation of charity towards everyone, without qualification, was derived, remained, by contrast, foreign to the Greeks of antiquity—and similar considerations apply in antiquity for the Romans.

Foundations are attested in pre-Christian Rome, as we have seen, in the period between the late Republic and the waning 3rd century CE. In contrast to the Greek world, foundations were hardly used for the elevation and spread of religious worship, whose agenda in this case lay largely in state hands, but for the veneration of the dead, on the one hand, and the maintenance of particular beneficiaries among children, on the other.²⁴⁰ Since alimentary foundations as well were less concerned with the material maintenance (of the needy) than the spread of the founder’s name, the binding motive was in fact the cultivation of *memoria* in the sense of temporal remembrance.²⁴¹ Roman foundations evidently developed roughly in the century between Cicero and Seneca the Elder (d. 40 CE). Both authors expressed opinions on the theory of giving. In the *De officiis* Cicero explains that *liberalitas* (liberality) and *beneficentia* (charity) are to be laid out as recompense for *benevolentia* (benevolence).²⁴² A *homo novus* or social climber like Cicero could oblige those he supported to thankfulness with charity, and in the best case beyond his own death. He counseled winning people’s hearts and connecting them with one’s own interests. Though this could certainly occur by one-time gifts, donations for feasts, meat, gladiatorial games, theatrical performances or hunts were actually a waste, because with consumption and momentary enjoyment remembrance of them also faded. Investing in public structures and “leisure complexes” were, as far as cultivating fame went, more effective. Lucius Aenaues Seneca, who was a Ciceronian, followed this with his tract *De beneficiis*. In the sense of Euergetism he recommended the careful selection of potential beneficiaries; Seneca expected maximum publicity for gifts to prominent members of society. Nonetheless, he did not exclude expanding patronage to the truly poor, sick and dishonorable; this, however, was to occur “in stillness”, so that the gifts would “only be known to the recipients”.²⁴³

240 Above 15–6, 203–10.

241 Above 205–6.

242 Pickert, *Römische Stiftungen* (2005), 25–7.

243 Seneca, *De officiis* 11.9, cited after Pickert, *Römische Stiftungen* (2005), 27.

Greek founders may have served as models for the Romans above all in the subjugated regions of Asia Minor,²⁴⁴ but the forms of action were quite different in both places. In the typical Roman alimentary foundations the officials and wealthy citizens seem to have preceded emperors, yet this was in order to encourage gifts of the same sort from the latter.²⁴⁵ Already an honorary inscription for the proconsul T. Helvius Bassila in Atina has been dated to the time of Augustus or the first half of the first century CE. He bequeathed 400,000 sesterces to the inhabitants of the city, “so that from the revenue children [might receive as a donation] grain during the period of maintenance (*dum in aetate[m] pervenirent*), and 1,000 sesterces thereafter”.²⁴⁶ Every one of a hundred boys and girls, according to the intent of the foundress Fabia of senatorial class in Hispalis (Spain), was to receive money “for the increase of their maintenance”. This gift was emphatically tied to commemoration, since the sums were to be paid out on the birthdays of her husband and Fabia herself. In this case the girls were to receive more than the boys, namely 40 as opposed to 30 sesterces. Were the number of beneficiaries to exceed the envisaged number, then the girls as well would only be given 30 sesterces, yet were the yields of the endowed property to be greater, than the surplus was to be evenly distributed.²⁴⁷ From Terracina a foundation *ex testamento* of a certain Caelia has come down to us, by which a payment of money was envisaged for each of a hundred sons and daughters of the city in memory of her son Marcus. In this instance the *pueri coloni* were to receive five denarii per month, the *puellae coloni* only four. The age limit for the boys was 16, while it was 14 for the girls.²⁴⁸ A similar stipulation stems from Sicca Veneria in Africa. A procurator Augustorum there at the time of Emperor Marcus Aurelius and after his triumph over the Germans and Sarmatians (176 CE) made consideration of 300 boys and 200 (or even 300) girls between the ages of three and 15 and 13 respectively, who were expressly to come from middle-class families of the colony. The *duoviri* entrusted with

244 The question of its dependency, discussed without urgency in the scholarship on ancient history, is undecided: *Von Reden*, *Glanz der Stadt* (2012), 29; *Zuiderhoek*, *Politics of Munificence* (2009), 12–4; *Laum*, *Stiftungen* 1 (1914, repr. 64), 251.

245 *Seelentag*, *Kaiser als Fürsorger* (2008), 221; *Woolf*, *Food* (1999), 208; *Bruck*, *Stiftungen für die Toten* (1954), 48–9 with n. 6.

246 *Laum*, *Stiftungen* 2 (1914, repr. 64), 170 no. 18a, cf. *ibid.* 1, 112 f.; *Seelentag*, *Kaiser als Fürsorger* (2008), 223 with n. 55.

247 *Laum*, *Stiftungen* 2 (1914, repr. 64), 190 no. 107, from the period of the Antonines; *ibid.*, 1, 112–3.

248 *Ibid.* 2 (1914, repr. 64), 171 no. 27. Cf. on which the inscription from Florentia, *ibid.* 177 no. 50.



ILLUSTRATION 43 Testament of Aulus Quinctilius Priscus in Ferentino, 2nd c. CE

the execution of the foundation were immediately to fill places which became free by death or the attainment of the age of majority.²⁴⁹

Pliny the Younger, a contemporary of Nerva and Trajan, can exemplarily represent Euergetism or *liberalitas*.²⁵⁰ He himself reported of his involvement in favor of his native city of Comum and for Tifernum Tiberinum, “where his family possessed estates and he himself had already been named a patron of the community in his youth. There he endowed quite different buildings both during his lifetime as well as *ex testamento*, such as a temple and a library, and provided for the initial financing of operating costs. In addition, he distributed gifts of money to those around him, by increasing the fortune of his friends, so that they could fulfill the conditions required for equestrian status, or by deferring the payment of debt owed to him. Inter alia he also put on games, organized public feasts, partially overtook the compensation of a teacher for the children of this community and, not least of all, also created alimenta. His letters reported all these acts of his charity to the public.” Pliny styled himself a benefactor of the imperial mold: “Whatever the emperor does on a large scale for all of Italy or the entire state, Pliny performs on a smaller scale in the cities

249 Laum, *Stiftungen* 2 (1914, repr. 64), 196–7 no. 131, on which *ibid.*, 1, 112–3, esp. 113 n. 1. Cf. Hanslik, Marcus (1975, repr. 79), 1012.

250 Hanslik, Plinius 2. (1975, repr. 79).

entrusted to him. Correspondingly, Pliny at the same time portrayed himself as a son and father of his *patria* Comum and emphasized that he himself knew better what was good for the inhabitants of his city than they themselves did. Therefore he also, despite the differing requests of the citizens, did not endow gladiatorial games, but instead a school and *alimenta*.²⁵¹ As an inscription from Comum attests, Pliny not only bequeathed substantial sums of money for boys and girls (500,000 sesterces) and the library (100,000), but also precisely 1,866.666 sesterces which the local *res publica* was to spend on the maintenance of one hundred freedmen as well as a banquet for the urban *plebs*. Additionally, he had baths erected, whose adornment alone cost him 300,000 sesterces, as well as a further 200,000 for their maintenance.²⁵²

Baths (or thermal springs)²⁵³ proved to be an especially beloved form of public charity in the period of Roman foundations (from c. 200 BCE to c. 200 CE).²⁵⁴ It is quite possible that Greek models played a role in this,²⁵⁵ but public baths of both provenances differed substantially from one another. Among the Greeks they were in part athletic competitions and thus found their customary place in the gymnasium, while amongst the Romans it was initially hygiene and health care and then good company and pleasure which played the decisive role.²⁵⁶ As in Rome itself the public baths emerged, around the middle of the 1st century BCE, they above all served the daily use of the population living in tenant housing.²⁵⁷ These were primarily commercial ventures of wealthy citizens, while at the time of the republic indications of bathing facilities from the state are completely lacking.²⁵⁸ From the Age of Augustus the wealthy and aristocracy likewise sought increasingly luxurious and multifunctionally-outfitted complexes.²⁵⁹ One could use basins of varying water temperatures and during longer visits meet for everyday conversations or political consultations in an informal setting.²⁶⁰ Apparently, all residents of the cities were granted access,

251 *Seelentag*, Kaiser als Fürsorger (2008), 221–2. Ibid. 49 the remark that Pliny did not implement foundations he had promised over many years. Thus, he reported to the emperor Trajan in the year 99 that he had been prevented from erecting the temple in Tifernum Tiberinum already vowed during the lifetime of Nerva, but now wanted to make up for it. In fact, Pliny was only able to dedicate the temple in the year 104.

252 *Fagan*, Bathing in Public (1999), 290 no. 171.

253 On the problem of differentiating between them *ibid.*, 14–9.

254 *Ibid.*, 7, 75. Cf. 314–5 no. 249.

255 *Ibid.*, 43–4.

256 *Ibid.*, 50, 75–6, 82., 85–103.

257 *Ibid.*, 77–8.

258 *Ibid.*, 78, 104–7, 123–7.

259 *Ibid.*, 105–23.

260 *Ibid.*, 10–39.

regardless of their class or sex; this especially applied to travelers, who were willingly led by their hosts to the bath for washing and relaxation.

Emperors, magistrates and other magnates now erected or renovated complexes at their own cost, and not infrequently provided for their long-running or permanent upkeep with foundations. Thus, according to a undated inscription two emperors (Augustus and Gaius Caligula?) built and rebuilt a baths in Bononia, while a certain T. Aviasius Servandus Senior left 400,000 sesterces in the name of his son, in order to provide men and minors of both sexes with their use free of charge *in perpetuum* from the interest.²⁶¹ In the city of Murgi in (Spanish) Baetica the *sevir* L. Aemilius Daphnus gifted the citizens the *thermae*, and donated in addition one denarius to each person participating in their consecration and put on a feast. As long as he lived, he desired on the same day (that is the anniversary of their opening) to again give each citizen a denarius and annually for the same period of time give 150 denarii for the upkeep of the complex.²⁶² Susanne Pickert has convincingly demonstrated that even these foundations of baths were above all concerned with the (post-humous) fame of their founders.²⁶³ Especially by having founders permanently cover the (rather modest) entrance fees, their names must have become imprinted on their users, to whom the same was also proclaimed by inscriptions or honorary statues before the *thermae* or at other public places.²⁶⁴ The same expectation also became effective with foundations of baths from the vicinity of the emperor.²⁶⁵ An impressive example is Marcus Agrippa, who as a *homo novus* rose, in Pliny's words, to become "the most magnificent and best citizen" of Rome and numbered among Augustus' friends (d. 12 BCE).²⁶⁶ According to his bequest he had inter alia a large complex of thermal springs built for the Roman people, to which all inhabitants were to have free access; he had transferred the endowment to Augustus, who was to forward it as fiduciary to the state treasury. The reason behind this "detour" was supposedly because the princeps could "bestow considerable emphasis on the testator's endeavor by his extraordinary *auctoritas*."²⁶⁷ Agrippa even stipulated that he be buried

261 Ibid., 233 nos. 1/2. Cf. *ibid.*, 266–7 no. 106.

262 Ibid., 253–4 no. 72, cf. 253 no. 71. Similar is *ibid.*, 258–9 no. 87.

263 Pickert, *Sehnsucht nach Ewigkeit* (2008), 57–92; followed by *Von Reden*, *Glanz der Stadt* (2012), 32–3. Cf. on which inter alia Fagan, *Bathing in Public* (1999), 263–4 no. 99, 271–2 no. 118, 289–90 nos. 168–9.

264 Cf. Fagan, *Bathing in Public* (1999), 261 no. 95, 300 no. 197, 301 no. 202, 302 nos. 205–6, 303–4 nos. 209–10, 313 no. 243, 314 no. 247.

265 Pickert, *Sehnsucht nach Ewigkeit* (2008), 57–92.

266 Ibid., 71–88, at esp. 71, 85–6.

267 Ibid., 85, 88.

in the vicinity of the *thermae*, in order to bind patronal beneficence especially closely with the securing of his *memoria*.²⁶⁸

2.3 Judaism and Muslim Lands

It was through *Euergetism* and patronage in Ancient Greece and Rome that wealthy citizens, officials and rulers served the public good with their own personal fortune. Their support of community and “state” manifested itself when they invested in permanent services, in foundations; this was supposed to bring them renown and honor, yet it was not induced by sympathy for the needy and had no transcendental meaning. Both the Jewish and Islamic faiths compelled their adherents to charitable deeds in general, so that foundations, as occasional deeds, did less to supplement the obligatory contributions of all.²⁶⁹ With Jews, who generally had no state of their own, the communal institutions survived on the contributions of the former sort or the latter; the situation was similar in Muslim realms, even though the state in this case possessed the incomes of the land taxes of Muslims themselves, alongside the tribute of subjugated peoples and the contributions of the “unbelievers”.²⁷⁰ Public tasks, such as irrigation projects, markets, fortresses and (communal) mosques were often run by foundations.²⁷¹ There applied the general principle that all land conquered by the caliphs and his generals belonged to the *umma*, the entire Muslim community, and was to be offered as a foundation (*waqf*); in other words Allah received back through the foundations of individuals in favor of the community what belonged to him anyway.²⁷² Therefore, in Muslim states tendencies towards a monoculture of finances through foundations are discernible. The state sector for seemingly secular tasks reached its limits in the area of religious foundations. Similar to ancient Near Eastern empires, the caliph was correspondingly also intended to lead religious rituals. As a founder, he and other benefactors of his kind could count on posthumous recompense. Jews did not always ascribe the same effect to gifts in favor of third parties.²⁷³

In Judaism one cannot differentiate the “foundation” (*qodesh* / *heqdes*) from obligatory contributions and singular alms (donations) to the community

²⁶⁸ Ibid., 82.

²⁶⁹ Above esp. 84, 70–1, 257–8.

²⁷⁰ Above 268.

²⁷¹ Cf. above 70, 260, 265, 271, 274, 287, 294–5, etc.

²⁷² Cf. above 257–8.

²⁷³ Above 82–3, 91.

funds without qualification.²⁷⁴ A basic principle to keep in mind is that in this instance—in contrast to Christians—the faithful did not at all have to belong to a parish or congregation.²⁷⁵ Yet if this was the case, then they had to participate in the construction and maintenance of synagogues, as well as the other costs of the community.²⁷⁶ Originally, every gift to the temple of Jerusalem was designated as *heqdes*, which was thus understood as “sanctified, dedicated”.²⁷⁷ Similarly to Islam with regard to the *umma*, gifts to the individual community were later interpreted as *heqdes* for all Jews.²⁷⁸ In the Middle Ages the most common organization of *heqdes* “was that of charitable, public fund of the community (*qedilah*), which was financed by obligatory contributions, gifts and endowed properties as well as by the revenues of his endowment.”²⁷⁹ Even though the community fund as a whole could be conceived as an endowed property,²⁸⁰ which had been dedicated to God, Jewish foundations were primarily supplementary endowments for the fund; this even applied for the expansive foundations of entire synagogues by the very wealthy.²⁸¹ Amongst them private and semi-private foundations must be differentiated: “With private foundations the endowment was separated from the community fund and subordinated to special administrators; semi-private foundations were either separately managed by administrators of the community funds or supplemented the community fund, yet was placed under its own managers.”²⁸²

The various Jewish cultures in their respectively different contexts amongst adherents of other faiths developed various individual practices of contributions and foundations. Generalizations about Jewish foundations, for instance in the sense of a general periodization, can thus hardly be made.²⁸³ According to Talmudic writings the contributions of community members could be calculated in two ways: either one was obligated to a certain portion of the total costs based on one’s fortune, or one half of the community contributions was financed by a unitarily-fixed per capita exaction, while the other half was to be raised through the donations and foundations of the wealthy community

274 On what follows cf. above 83–95; Baumgarten, *Practicing Piety* (2014).

275 Kozma, *Wohltätigkeit und Bildung* (2016), 224.

276 Koch, *Sachzeugnisse* (2014), 497.

277 Koch, *Stiftung* (2014), esp. 46–50.

278 Koch, *Forschungsgeschichten* (2014), 126, with reference to Galinsky, *Jewish Charitable Bequests* (2005).

279 Koch, *Typologisierungen* (2014), 206.

280 *Ibid.*, 207.

281 Koch, *Sachzeugnisse* (2014), 498–500.

282 Kozma, *Stiftungsorganisation* (2016), 542.

283 Koch, *Periodisierungen* (2014), 295.



ILLUSTRATION 44 Córdoba, Synagogue of 1351, with Hebrew inscriptions

members.²⁸⁴ A continual revenue stream was important for the obligation to relieve the poor, both local as well as foreign. Talmudic and Rabbinic literature constantly emphasized that charity (*ṣedaqah*) was more important than all other religious laws (*mišwot*). Community funds thus consisted of *quppah* and *tamḥui*, which were slated for weekly relief for local needy and daily support for foreign needy.²⁸⁵ Beneficiaries of the funds (*heqdeshot*) were potentially all community members “and in a broader perspective the entire Jewish people”.²⁸⁶ In this regard the general community tasks, alongside the construction and decoration of the synagogue, such as the cemetery (*bet-’olamin*), the ritual bath (*miqweh*) or a house of teaching (*Talmud Thora*), as well as the cultivation of the public good, can be deduced from *ṣedaqah* or attributed to it.

In Ashkenaz (above all northern France and Germany) regular collections for the community fund are attested from the 12th century onwards.²⁸⁷ Soon thereafter an obligatory tithe was established in Germany (the Rhineland), while this practice in Austria during the 14th and 15th centuries was not adopted

284 Koch, *Sachzeugnisse* (2014), 497.

285 Kozma, *Religiöses Verdienst* (2016), 49–50.

286 Kozma, *Stiftungsbegünstigte* (2016), 476.

287 Kozma, *Stiftungsorganisation* (2016), 545.

with the same strictness.²⁸⁸ In Sepharad (Spain) there was probably no regular tithe before the 13th century, where it was only introduced from Ashkenaz.²⁸⁹ On the other hand, private and semi-private foundations appear in the Jewish communities of Islamic lands in the 10th century; this is certainly to be traced to the model of the Islamic *waqf*. Foundations of this sort are attested both in Muslim as well as Christian Spain.²⁹⁰ In the High and Late Middle Ages they are also found in Ashkenaz: “Scholars are uncertain whether they arose in France, Germany and the area of what later became Austria under Christian influence or had come to Ashkenaz from Judaeo-Hispanic communities.”²⁹¹

Though Jewish founders came forth from every level of society, it was the wealthy members of the upper social strata who predominated amongst them.²⁹² In the documents of the Geniza of Old Cairo community among the founders are officials (*parnas*, *nagid*), officials (*amīn ad-dawla*), doctors, merchants, but also craftsmen; many foundations stemmed from women.²⁹³ In Sepharad, alongside influential tradesmen it is especially the so-called “Court Jews”, high dignitaries among Christian or Muslim rulers, who were especially prominent;²⁹⁴ the scholars Ribash and Ribaş also attest benefactors from the middle and lower classes.²⁹⁵ In the second half of the 14th and in the 15th century the *hevrot* (*havurot*) became widespread there. They were associations of less prosperous community members and confraternities that were to be devoted to charity (the visitation of the sick, clothing the poor, but also the acquisition of books and Torah rolls inter alia). The capital of these confraternities stemmed only to a degree from foundations, otherwise from membership fees, so that the *hevrot* only partly belong to the history of foundations.²⁹⁶

Amongst the founders were found scholars, and the construction or patronage of schools, as well as peripatetic students, belonged everywhere to Jewish foundation objectives.²⁹⁷ The teachers of elementary schools (*melammed*) received a salary from the community and or were paid directly by the fathers of the children. The expenses were not, however, to exceed the compensation in another profession, since the spread of (religious) knowledge for profit was not

288 Kozma, Schriftzeugnisse (2014), 383.

289 Kozma, Religiöses Verdienst (2016), 51–2; eadem, Wohltätigkeit und Bildung (2016), 226.

290 Kozma, Stiftungsorganisation (2016), 542. Cf. Assis, Welfare and Mutual Aid (1992), 318–23.

291 Ibid.

292 Kozma, Soziale Positionen der Akteure (2017), 64–5; cf. 66–7.

293 Koch, Typologisierungen (2014), 209.

294 Kozma, Soziale Positionen der Akteure (2017), 66.

295 Ibid.

296 Ibid.; Kozma, Stiftungsorganisation (2016), 548–9; Koch, Typologisierungen (2014), 207–8.

297 Kozma, Soziale Positionen der Akteure (2017), 67–70; Härtel, Gesellschaftlicher Wandel (2017), 310. In schools more generally: Schmitz, Schule (1995).

allowed.²⁹⁸ Correspondingly, teachers of the higher school (*yeshivah*) taught without compensation.²⁹⁹ According to the documents of the Geniza, 75% of the funds were spent for the financing of the teachers and other community personnel, and only 10% for poor relief, which was continually emphasized.³⁰⁰ In Old Cairo, as well as presumably in the Near East more generally, the community administrators (*parnasim*) were also paid for their work; otherwise, this also applied everywhere for the cantors and occasionally also for synagogue servants, judges and preachers.³⁰¹

A highly-esteemed task of Jewish charity was the ransom of captives. Special collections could be organized for this, but it was controversial to use the tithe for the poor, that is *heqdesh* funds, for this purpose.³⁰² Jewish hospitals, which were mostly financed by private voluntary gifts, are attested in Ashkenaz from the 13th century onwards. They are—analogously to Christian establishments—to be seen at least partially as almshouses, which housed foreigners (*bait le'anīyyim*, *bet-oshipisaniyah*). A *domus hospitalis Iudeorum* in Regensburg is documentarily attested in 1210, and there followed in 1247/1253 Cologne, 1290 Augsburg, 1322 Würzburg, 1349 Koblenz and 1280/1384 Nuremberg: “One can assume that already in the 13th century every larger urban Jewish community possessed a hospital (...). For the 14th and 15th century there are even more Jewish hospitals attested in the cities of Ashkenaz. In addition, numerous leprosaria are known.”³⁰³ Similarly, early attestations for hospitals are known from Italy and England, while in Spain (Sepharad) they only date from the last two centuries of the Middle Ages. In this instance, scholars differentiate between community hospitals, hospitals and philanthropic confraternities as well as private foundations; hospices were even called *heqdesh*.³⁰⁴ In the documents of the Cairo Geniza no attestations for Jewish hospitals were found, even though Jewish doctors were employed in the hospitals of Muslim rulers. Yet at least Jewish charitable funds paid for the

298 Kozma, Wohltätigkeit und Bildung (2016), 231; Kanarfogel, Jewish Education (1992), 15–32, 43.

299 Kozma, Soziale Positionen (2017), 68; cf. Kanarfogel, Jewish Education (1992), 42–54.

300 Koch, Typologisierung (2014), 204.

301 Kozma, Gedenken und Kultus (2016), 137–9; on the cantor: Kanarfogel, Jewish Education (1992), 48–9.

302 Koch, Typologisierung (2014), 204–5 with 211 n. 36; Kozma, Wohltätigkeit und Bildung (2016), 229–30. Cf. Hezser, Loskauf (2015); Frenkel Liberty (2015).

303 Kozma, Wohltätigkeit und Bildung (2016), 229.

304 Ibid., 228; Koch, Forschungsgeschichte (2014), 126; cf. Marcus, Communal sick-care (1978), 160–97.

medicine of the needy sick. Jewish doctors were often exhorted to treat poor Jews free of charge.³⁰⁵

As far as the divine service is concerned, in Cairo incomes of urban real estate for the acquisition of oil for the synagogue are attested.³⁰⁶ Otherwise, its outfitting with lamps, Torah mantles and rolls, books etc. was readily provided by private patrons.³⁰⁷ A rich source for the considerable variety of religious object endowments is the Nuremberg Memorial Book. Emese Kozma divided these into three categories: “Endowed were (...) fees for the purchase of Torah rolls, also for portions of the same, for copies of the Book of Esther, of the Pentateuch for the instruction of the youth or of the *haftaroth* [Bible readings], for the commissioning of a Mahzor (a prayer book for holidays), for further *siddurim* (prayer books for the other days and sabbaths of the year), for *slīhot* (collections of prayers for days of repentance), *yošrot* (collections of prayer for Saturday morning), for the Targum to the Pentateuch, a Pentateuch commentary, for *midrashim*, a ‘Sefer Refu’ot’ (“Book of Healings”, that is a medicinal book for doctors or on remedies) and for other books.—In the second category pots, silver vessels and carpets were endowed.—In the third instance lights, money for oil for the illumination of synagogues, a wax candle, which was to burn day and night before the Torah shrine, and wax for the New Year’s Festival.”³⁰⁸

Following the example of the ancient contribution of a half-shekel to the Temple of Jerusalem, the Jews of the Diaspora during the Middle Ages supported the Holy Land via a regular payment of money (*haluqah*). Most communities developed until the Late Middle Ages proper special funds for this. In Fustat at the end of the 12th century a “House of the *qodesh* for the Jerusalemites” is attested, and the contributions of *heqdes* also reached the important city of Ramla. In the Holy City itself the financial means of their distant coreligionists were primarily used for the maintenance of schools, houses of teaching and synagogues.³⁰⁹

No other premodern society was so deeply shaped by foundations as that of Islam.³¹⁰ Although rulers and other members of the leading circle were especially prominent in this respect, persons of all classes are attested.³¹¹ There had

305 Kozma, Wohltätigkeit und Bildung (2016), 228.

306 Koch, Typologisierung (2014), 204.

307 Ibid.; Kozma, Religiöses Verdienst (2016), 51.

308 Kozma, Gedenken und Kultus (2016), 135. On *haftarot* see Sweeney, Haftarah (1997). *Targum* is the translation of the Bible into Aramaic, see Sperber, Targum (1997).

309 Koch, Typologisierung (2014), 205–6.

310 On what follows esp. Sánchez, Stiftung (2014), 36–8.

311 Sánchez, Typologisierung (2014), 194–6.

already existed foundations amongst the Arabs before Muhammad,³¹² whose tradition may have continued in the early community. Yet it was jurists who from the early 9th century onwards succeeded in creating a law of foundations which has influenced all Islamic societies to the present day and has permeated and reshaped its particular cultures and political formations. Within this framework foundations for the public good (*waqf ḥairī*) and for the family (*waqf ahlī*) are to be differentiated.³¹³ While according to the prescriptions of the Quran all believers are obligated to alms (*zakāt*), both types of foundations represent a variant of voluntary charity (*ṣadaqa*).³¹⁴ Even when they fulfilled public affairs or advanced the interests of kinship groups, they were always understood as deeds of charity and poor relief. This did not at all exclude the fulfillment of individual, egoistical interests. Dynasties could use their position to transform public land into endowments, or to empower themselves as the administrators or (hereditary) usufructuaries of the same.³¹⁵

Furthermore, foundations were a tool to circumvent the strict prescriptions of Quranic inheritance law. By declaring an inheritance to be a foundation, it was removed from confiscation by the respective authorities, as well as from being siphoned off to other families by the marriage of the female relatives of the testator.³¹⁶ The spread of *waqf* was also furthered by allowing both Jews and Christians to use it under Muslim rule: the members of other Religions of the Book (*ḍimmī*) could come to the aid of their coreligionists, provided that their benefactions at the same time benefited Muslims themselves.³¹⁷

Despite the strong tendency towards uniformity,³¹⁸ Islamic foundations evade attempts at a general historical periodization. Though the emergence and spread of certain types of philanthropic foundations can be easily dated and further traced, the history of Muslim empires and principalities between the Atlantic and Indian Ocean brought forth as a whole quite different profiles and periods of the intensification or the retreat of foundations.³¹⁹ Similar to the concept of philanthropy and its development in Greek and Roman Euergetism,³²⁰ yet upon an entirely different religious basis³²¹ in Islam charita-

312 Above 33, 257; *Sánchez*, *Periodisierungen* (2014), 280: an Arabic Christian monastic foundation of the 5th century in Palestine.

313 Above 258; *Sánchez*, *Typologisierungen* (2014), 183.

314 Above 259.

315 On the Mamlūks in this regard: *Sánchez*, *Typologisierungen* (2014), 195.

316 *Sánchez*, *Typologisierungen* (2014), 192; esp. *idem*, *Religiöses Verdienst* (2016), 43–4.

317 *Sánchez*, *Typologisierungen* (2014), 196; *Knost*, *Stifter* (2016), 381.

318 Cf. *Sánchez*, *Stiftungen* (2014), 37; *idem*, *Typologisierungen* (2014), 183.

319 Cf. *Sánchez*, *Periodisierungen* (2014), esp. 277.

320 Above 157–8.

321 Above 64.

ble establishments with the support of public tasks formed an ensemble of motives, which included a certain interchangeability of deeds and beneficiaries.³²²

Establishments for health care and the sick were counted among the typical philanthropic institutions, thus there were hospitals (*māristān*, *bimāristānāt*) which could also take on the function of a medical school, in addition to leprosaria, soup kitchens, shelters for divorced women and widows as well as orphanages.³²³ The latter, however, primarily took the form of Quran schools (*kuttāb*). Public establishments, which were maintained by *awqāf*, were public baths (*ḥammāms*), watering places, cisterns, fountains for drinking and washing as well as public ovens, as well as elements of infrastructure for agriculture and transportation, that is bridges, irrigation canals, waterwheels, dams and mills, and finally complexes for military defense such as towers and fortresses. Some of the aforementioned establishments, such as, for example, mills, could themselves produce a surplus, which could then finance other foundations or the poor directly with money. Alongside multi-functionary foundation works, which were grouped and oriented around a founder's tomb,³²⁴ there also existed systems of foundations for the needs of an entire urban quarter.³²⁵ An example of this sort was the Timurid emir Nizām ad-Dīn Čaqmaq with his consort Bibi Fāṭima Ḥatūn and their endeavor of Yazd around 1453 CE: "Their foundation complex encompassed (...) before the walls of the city a mosque with a congregational hall (*ḡamā'at ḥānah*) and twelve shops, a *ḥānqāh* [hostel], a fountain, a caravanserai with an arcade and ten further shops, a public baths with an arcade, a sugar manufactory and a water mill; within the city walls were a further hammam and an administrative building (*dīvān-ḥānah*)."³²⁶

Religious and educational foundations cannot always be clearly distinguished from philanthropic and "public establishments". Mosques stood at the center of the former,³²⁷ but hostels and caravanserais for pilgrims (*funduqs*, *khanqāhs*), which were opened for the holy sites of Islam or for the shrines of

322 What follows closely follows Sánchez, *Typologisierung* (2014), 187–90.

323 On the problem of evidence for orphanages or for soup kitchens see Sánchez, *Wohltätigkeit und Bildung* (2016), 208–9; but also above 75 and below 567.

324 Cf. *inter alia* above 71.

325 On which cf. now the monograph of Miura, *Dynamism* (2016).

326 Sánchez, *Typologisierung* (2014), 187.

327 On the endowment of religious objects see Sánchez, *Sachzeugnisse* (2014), 483–4, *idem*, *Stiftungsvermögen* (2016), 306, *idem*, *Stiftungsbegünstigte* (2016), 468: *minbar* (pulpit), censer, lamps, lampstands, *anza* (wooden which indicate the direction of prayer), *kursī* (pulpit, chair of a religious scholar, chair), prayer mats to cover the mosque floor.

martyrs and saints, were also founded.³²⁸ These could be themselves foundations or run as commercial ventures, and were thus often supported by the incomes from family foundations. Financial funds from *awqāf* served to compensate various religious dignitaries (imams, muezzins, Quran readers and preachers), whether these occupied permanent positions in mosques, madrasas, cemeteries or mausolea or paying them on special occasions for their services. Foundations “in addition were employed to enable poor Muslims to perform the rites of pilgrimage (*ḥaǧǧ*), to supply poor brides with a dowry (*taǧwiz al-banāt ilā azwāǧihinna*) or to bear the costs for the burial of the needy, such as for the washing of the corpse or for the acquisition of funerary shrouds.”³²⁹ As far as education and learning were concerned, knowledge could thus be passed on via teachers of religion in circles of teaching (*ḥalqa, maǧlis*) or in mosques and monastic-like institutions. They as well as their students then received a stipend from foundations. An exceptional establishment for higher learning was the *madrasa* which is known from the 10th century onwards from Chorasān and was spread by the Seljuks.³³⁰ Madrasas especially served to implement the Sunni interpretation of Islam; within them the schools of jurisprudence of the Ḥanafīs, Šāfiīs and Mālikīs, less often the Ḥanbalīs, who competed with one another, formed the basis of its spread. The Quran school (*kuttāb*), which was dedicated to elementary instruction, was often established for orphans and at the same time served as the housing and financing of students, along with their teacher. As is otherwise typical of Muslim foundations, it could also be bound to other establishments, for instance a mausoleum or a Sufi convent. Library foundations not only furthered the preservation and acquisition of books, but also the payment of personnel.³³¹

Religious foundations in Islam from the beginning aided the “Matter of God”, in particular the support of warriors in the *ǧihād*.³³² Correspondingly, fortified complexes (*ribāt*, pl. *rubut*) were founded, which were usually connected with the tomb of the founder.³³³ Muslim founders also envisaged apportioning a part of the *waqf* revenues for the ransom of captives, if they were not already creating special foundations for ransom money. Already in the Quran the ransom of captive warriors was prescribed as a religious duty, as was

328 Cf. Sánchez, Sachzeugnisse (2014), 479, 481–2.; cf. Constable, Housing the Stranger (2003), 68–106.

329 Sánchez, Typologisierungen (2014), 188.

330 Above 276.

331 Sánchez, Sachzeugnisse (2014), 485–7; cf. *idem*, Wohltätigkeit und Bildung (2016), 205.

332 Above 268.

333 Sánchez, Typologisierungen (2014), 190; La Martire, Geschlecht (2017), 138.

also the case in Judaism.³³⁴ Sufi brotherhoods (*ṭarīqas*) were endowed with their own convent buildings (*khanqāhs*, *rubut*), whether in cities or the countryside. Other religious special communities likewise needed such lodging; the first *khanqāhs* are attested for the Karrāmīya sect (10th–13th century, especially in Chorasān).³³⁵

Among the founders themselves women were active—at least from the caliph's circle or at court.³³⁶ Ignacio Sánchez has theorized that there existed a certain division of labor under the Abbasids, according to which the first rulers financed the construction of *waqf* mosques, while the establishment of other religious establishments was delegated to the women of their family, as well as to viziers.³³⁷ In fact, the mothers and women of caliphs founded mosques already around 800, and somewhat later the erection of a mausoleum is attested.³³⁸ All in all, there hardly existed specifically female types of foundations; Randi Deguilhem has for this reason even described *waqf* as a “gender-blind” institution.³³⁹ An exception to this were the convent-like *rubut* for divorced women and widows, which were apparently created by women. It has been hypothesized that a relatively high rate of divorce in Mamlūk Egypt encouraged the spread of such foundations (2nd half of the 13th century). A string of *rubut* for aged widows and pious women, who were to devote themselves to a life of asceticism and seclusion, was established by wives and concubines of the Fatimid caliphs at the Qarāra cemetery, according to the testimony of the historian al-Maqrīzī (d. 1442 CE).³⁴⁰ In Damascus twenty similar establishments were attested at the start of the 14th century, and in 1346 a certain Fāṭima b. Muḥammad in Jerusalem endowed a part of her house for poor elderly women from the Maghreb.³⁴¹ Other constructions as well are connected to female patrons. In the Yemen of the Rasulids (1228–1454), women purportedly commissioned almost a third of 150 documented endowments of buildings. In Zabid, the capital, there were even three female slaves of the queen,

334 Sánchez, *Typologisierungen* (2014), 190; above 563. On the ransom of debtors as a variation of poor relief see Sánchez, *Wohltätigkeit und Bildung* (2016), 209. In addition: Nassery, *Sklaverei* (2015), 72–5; Frenkel, *Ransom* (2015).

335 Sánchez, *Typologisierungen* (2014), 192, 195; *La Martire*, *Soziale Positionen* (2017), 49.

336 Above 268, etc.; further evidence in *La Martire*, *Geschlecht* (2017), 137.

337 Sánchez, *Periodisierungen* (2014), 283.

338 Above 268–270; cf. Index: female founders.

339 Deguilhem, *Waqf* (2008); *eadem*, *Gender Blindness* (2003). She makes her case with *waqf* documents from Damascus as well as normative legal sources from the 18th and 19th centuries.

340 Sánchez, *Typologisierungen* (2014), 196.

341 *La Martire*, *Geschlecht* (2017), 138.

Jihad Ṣalāḥ (d. 1361), who each erected a mosque.³⁴² Only a member of the ruling house could dream of founding an expensive hospital;³⁴³ this is attested in early 10th-century Baghdad for Ṣaġab, a former slave and mother of the later caliph al-Muqtadir.³⁴⁴

A special group of Muslim founders were eunuchs.³⁴⁵ In Sunni literature they were highlighted as benefactors of the poor and pious, who in particular distributed alms to widows and orphans, ransomed imprisoned debtors as well as female and male slaves, who occasionally raised and manumitted them. As founders, they especially looked after the welfare of their own freedmen by last wills and testaments, but also supported scholars and even erected schools of higher learning. Thus, an emir named Ṣābiq ad-Dīn Miṭqāl al-Anūkī al-Ḥabaṣī (d. 1365) of the sultan al-Aṣraf Ṣaʿban acquired land for a school northeast of Cairo, which was to be situated near the royal establishments of this sort.³⁴⁶

The customary foundations of scholars, merchants, soldiers or doctors were closely connected with their professions. Theologians, for example, readily founded Quran schools or libraries that were often bound up with the intent or imperative of preserving or spreading their own works.³⁴⁷ Merchants readily endowed trading centers (*qaisariya*, *wakāla*), a *funduq* (guesthouse) or a caravanserai. The support of port facilities also often fostered the development of trade routes.³⁴⁸ Egyptian Karīmī traders of the High Middle Ages were also interested in culture and created *awqāf* for the support of libraries, scholars, mystics and poets. As good Muslims, merchants also erected mosques, public fountains and baths, as well as orphanages and hospitals.³⁴⁹

Among the most important groups of founders were members of the military. For example, of 152 madrasas which are attested for the Syrian city of Damascus between 1009 and 1516 CE, 84 (or 62.9%) were endowed by soldiers; of the rest 29 (21.6%) stemmed from teachers of religion, nine (6.7%) from officials and only eight (6.0%) from merchants. Apart from religious motives, the oft-stated reason is that the military elite, especially when they attained the office of ruler (e.g. the Zengids, Ayyubids, Mamlūks), required scholars for the

342 *La Martire*, *Geschlecht* (2017), at 137, with reference to *Sadek*, Queen of Sheba (1993), 21.

343 Cf. above 267.

344 *La Martire*, *Geschlecht* (2017), 138.

345 On a eunuch as founder in China cf. above 115; the endowed property of a eunuch in Aṣṣur 144.

346 *La Martire*, *Geschlecht* (2017), 139.

347 *Sánchez*, *Typologisierung* (2014), 195. On Quran endowments see *idem.*, *Sachzeugnisse* (2014), 474.

348 *Sánchez*, *Typologisierung* (2014), 195–6; *idem.*, *Religiöses Verdienst* (2016), 45; *La Martire*, *Soziale Positionen* (2017), 49.

349 *La Martire*, *Soziale Positionen* (2017), 49.



ILLUSTRATION 45 Caravanserai in Mahyar (Isfahan, Iran), time of the Safavids

legitimation of their position. The benefactors also allowed their descendants the usufruct of the foundation revenues or named them as administrators, and thereby could keep family fortunes intact. In addition, the wish to be buried within the madrasa, with its potential commemorative communities, should not be underestimated.³⁵⁰

Alongside the elite from the administration and military, doctors could also accumulate considerable wealth and therefore were active as generous founders.³⁵¹ Thus the doctor ‘Abd ar-Raḥmān ibn ‘Alī ad-Dahwār turned his house in 1225 CE into a medical school and endowed it with landed property with which its tasks were to be covered, including a salary for the teacher and stipends for the students. He named one of his colleagues as (the first) instructors. In Cairo the famed doctor Ibn an-Nafīs (d. 1288 CE) also endowed his residence with its library to the hospital al-Manṣūri, where he himself had been active.

However, not all members of the societal elite were wealthy. Muslim scholars already from the 8th century CE onwards separated the class of the “common people” (*‘amma*) from the elite (*ḥāṣṣa*), yet the former conversely must

350 Miura, *Dynamism* (2016), 22–4; cf. *La Martire*, *Soziale Positionen* (2017), 50.

351 The following is based on *Sánchez*, *Stiftungsbegünstigte* (2016), 466.

not have been without wealth.³⁵² Therefore it is narrated of a servant of Sultan Saladin named Masrūr, that he had created a *waqf* that included 99 guesthouse rooms and a Friday mosque for the sake of war captives and poor in Cairo.³⁵³

As already stated, Muslim family foundations were integrated into the system of charity, since they were only to temporarily benefit the founder himself and his family or descendants.³⁵⁴ An instructive example from the holdings of the Cairo national archive has recently been described by Lucian Reinfandt.³⁵⁵ The document stems from the high-ranking officer and mamlūk as-Sayfī Asad ad-Dīn Tānībak b. ‘Abd Allāh al-Ilyāsī and his wife ‘Ā’iṣa bint as-Sayfī Barğak b. ‘Allāh al-Aqbuğāwī, and is dated to 4 April 1460 CE. Tānībak al-Ilyāsī (c. 1418–24.3.1486) arrived in Egypt as a young man, became a mamlūk of the sultan and finally rose to become the second court chamberlain. He had already created a foundation before his marriage, whose archival documentation has, however, been lost. The family foundation (*waqf durrī*) he drew up with ‘Ā’iṣa was based on farmland and his own property (*milk*), which was distributed over three localities in the provinces of the Egyptian Delta, and was rented out to peasants. The yearly revenue can be calculated to have been 21,280 silver dirhams. Among its functions, besides the maintenance of the founding family, regular payments for a small mosque (*masğid*) were envisaged, which lay in the Cairo district of Ġawdatiyya, directly besides the residence of the founding pair. Each month 800 dirhams in copper currency were allocated for a prayer leader (*imām*) and a muezzin (250 dirhams each), as well as two Quran readers (150 dirhams each). The recitations were restricted to Suras 1, 2 and excerpts from Suras 112–114, yet were to include intercessions for the founders and their families. A further 1,150 dirhams³⁵⁶ in copper currency were appropriated for additional functions in the mosque, 800 for snacks, 200 for alms in favor of needy visitors and 150 for fresh drinking water. The monthly outlays of 1,950 dirhams stood in relation to 21,280 dirhams in yearly incomes. Measured against the total expenses of the foundation, the direct expenditures for religious cult and charity cost around a tenth.³⁵⁷

352 Cf. *La Martire*, Soziale Positionen (2017), at 44.

353 *La Martire*, Raum (2017), 219.

354 Above 258.

355 *Reinfandt*, Beurkundung (2009).

356 In adding together these tasks *Reinfandt*, Beurkundung (2009), 121–2, comes up with 1,250 dirhams, with the complete sum for the monthly expenses of the mosque, mentioned in what follows, with 2,250 dirhams. In both cases he appears to have miscalculated.

357 *Reinfandt*, Beurkundung (2009), 122–3, differentiates here between expenditures for low-value simple dirham (for expenses) and the pure silver currency assumed to have been used for its income.

The lion's share of around 20,000 dirhams a year was to be retained for personal use by the founding family. The founder's power was to remain unrestricted and even included later changes to the financial planning. Moreover, Tānībak had himself compensated over his lifetime at a rate of 300 dirhams a month; after his death it was to be transferred to a male descendant. Only at the extinction of his line were specifically-named trustees instead determined, who probably stemmed from the inner circle and military comrades of Tānībak. Only then could all incomes, apart from the costs of the administrators, flow to *ṣadaqa* without restriction.

After the death of the founder it was initially his widow ʿĀ'īša who superseded him, yet shortly thereafter she appointed their not yet thirteen-year-old son Šihāb ad-Dīn Aḥmad as the successor of her husband, with full authority. Yet ʿĀ'īša did not at all completely withdraw from the foundation, indeed quite the opposite. Together with members of her family of origin, she instead brought the greater portion of the endowment into her private possession, yet left the foundation other personal properties in exchange (until 1506). At least at the first of these transactions two experts determined the equal worth of the properties; as a supplement, compensatory payments were made. The noticeably active ʿĀ'īša is still attested as acquiring landed properties of foundations, which other women in Cairo had created. With this profile, however, she only demonstrated a tendency which had already been apparent under the Ayyubids and further developed in the Mamlūk period: "Of special importance in this context is not only that the women of the Mamluk period could endow and administer their own property for pious objectives, but that they were often appointed by their husbands or fathers as the administrators of a family foundation and thus enmeshed in the financial transactions of male family members."³⁵⁸

2.4 Greek Orthodox and Latin Christianity

Christian foundations were rooted in the premises of Greek and Roman "pagan" Antiquity, on the one hand, and in the religious-ethical norms of compassion, on the other, which had been especially influential in the ancient cultures of the Near East.³⁵⁹ Constantine the Great and Justinian could be understood as innovators regarding the foundation of churches and

³⁵⁸ Jacobi, *Frauen* (2009), 154.

³⁵⁹ Cf. Chitwood, *Periodisierungen* (2014), 302.

monasteries,³⁶⁰ but philanthropic Christian foundations had their societal origins, at least their early emphasis, in the rural milieu of Asia Minor. It was there that the Cappadocian Church Fathers called for a “Portion for the Poor,”³⁶¹ which was equivalent to the portion for biological offspring and designated a “Portion for Christ.”³⁶² In this context the Christian hospice was invented. Even before he became bishop (370), as a monk Basil erected a *ptōchotropheion*, that is an “almshouse”, on his familial estate in Caesarea, which later itself acquired the name “Basileias” after his initiator.³⁶³ Already before this the Greek term *philanthrōpia* had been Christianized and replaced ἀγάπη (*agape*, “love”) in the vocabulary of the church.³⁶⁴ What was meant by this was, as in the Modern period, philanthropic charity including the support of the public good.³⁶⁵

Basil of Caesarea in his charity was perhaps encouraged by Eustathios of Sebaste (Armenia), whose followers around 340 were accused of calling for the abolition of private property and supporting escaped slaves.³⁶⁶ Furthermore, the historian Peter Brown has named the patriarch Nerses in Armenia (d. 372/3) as the person who created a network of philanthropic establishments. In contrast to Basil, who had his house led by monks, the *xenodocheia* of Nerses were led by deacons, and thus ultimately by the bishops.³⁶⁷ In Persian contexts the designation “Protector of All the Poor” (Armenian: *jatagov amenajn zrkelots*'), attested in the 5th century for Nerses, can be ascertained, which is also evidenced for Sassanid officials (*driyōšān jādaggōw*).³⁶⁸ The instance of Mar Qardagh could suggest the derivation of Christian, in this case East-Syrian, foundations from Sassanid prototypes, something that Zachary Chitwood has investigated.³⁶⁹ The man who became venerated as a saint had been an Iranian nobleman who converted to Christianity, and before his mar-

360 Above 223, 227–8.

361 Above 49.

362 Above 57. According to *Schönfeld*, *Xenodochien* (1922), 6–7, already in the first half of the fourth century a wealthy soldier named Marcellus had established five *hospitia* to house the poor and strangers on the road from Mesopotamia to Persia.

363 *Chitwood*, *Wohltätigkeit und Bildung* (2016), 248; *idem*, *Typologisierungen* (2014), 218 mit 227 Anm. 37; *Kannengiesser*, *Basilius v. Caesarea* (31994); *Volk*, *Gesundheitswesen* (1983), 39–42.

364 *Chitwood*, *Wohltätigkeit und Bildung* (2016), 242–3.

365 Below 633.

366 *Brown*, *Poverty and Leadership* (2002), 36–8; *Chitwood*, *Periodisierungen* (2014), 304–5; *Brennecke*, *Eustathios von Sebaste* (31995).

367 *Brown*, *Poverty and Leadership* (2002), 43; cf. *Garsoïan*, *Nersēs le Grand* (1983, repr. 85), 160–1; *Chitwood*, *Periodisierungen* (2014), 305; *Schmidt*, *Nerses (I.) Parthēw* (31998).

368 *Garsoïan*, *Titre de Protecteur des pauvres* (1981, repr. 85); *Chitwood*, *Periodisierungen* (2014), 305; *Macuch*, *Pious Foundations* (2004), 193.

369 *Chitwood*, *Periodisierungen* (2014), 305, with reference to *Walker*, *Legend* (2006).

tyr's death had turned the fire temple of his family, which perhaps itself was a foundation, into a monastery. There was, however, an important difference between the Zoroastrian "church" and the Christian world: in Persia no endowed charitable establishments of the older religion are attested, even if there were philanthropic foundations.³⁷⁰

Constantine I was so often connected by his biographer Eusebius (d. 339/40) with charity that since then *philanthrōpia* has entered "into the normative stock of the imperial ideal".³⁷¹ As a founder of churches since Late Antiquity he had been a model for "aristocrats" in the East.³⁷² Yet both at that time and in the Early Middle Ages proprietary churches and monasteries, once seen as an exclusively Western, predominated in Byzantium (as well as in Armenia); it has recently been clearly demonstrated that these existed in Greek Orthodox Christianity throughout the entire Middle Ages and remained a constant current, compared to the wave-like fluctuations of foundations. In the first centuries after Constantine it was above all Egyptian papyri which attest to the erecting of proprietary churches and other Christian establishments on the basis of private property.³⁷³ Through documents from Oxyrhynchus, for example, it has been shown that the members of the Apion family in the 6th/7th century established a network of 47 churches, eleven monasteries, three guesthouses (*xenodocheia*), two chapels for the veneration of martyrs and a hospice (*nosokomeion*) and kept them under hereditary administration.³⁷⁴ In contrast to proprietary churches, endowed ecclesiastical establishments are poorly attested in documents in this period.³⁷⁵ An exception is the Monastery of St. Phoibammon, which Bishop Hermonthis founded at the start of the 7th century in Upper Egypt.³⁷⁶ After the drying up of papyrus sources from the land on the Nile, the documents of the Athonite monasteries appear between 800 and 1200 CE in the documentary evidence, yet these once again appear to primarily evidence proprietary churches and monasteries.³⁷⁷

In the period of the Macedonian dynasty (867–1056) high-ranking state and church officials are attested as founders in the provinces of the Byzantine

370 *Macuch*, Pious Foundations (2004), 193.

371 *Chitwood*, Wohltätigkeit und Bildung (2016), 244, cf. *idem*, Stiftung (2014), 59; *Stathakopoulos*, 'Philoptochos basileus' (2008).

372 On the (problematic) term "aristocracy" in Byzantium see *Chitwood*, Typologisierungen (2014), 223; *idem*, Soziale Positionen (2017), 87.

373 *Chitwood*, Proprietary Church (2016), at esp. 34, 36–8, 46. cf. above 211–2.

374 *Chitwood*, Proprietary Church (2016), 36–7; *idem*, Typologisierungen (2014), 218–9; *Thomas*, Private Religious Foundations (1987), esp. 83–7, 98–102.

375 *Chitwood*, Proprietary Church (2016), 38–9; *idem*, Soziale Positionen (2017), 87.

376 *Chitwood*, Proprietary Church (2016), 38.

377 *Ibid.*, 39; cf. *Chitwood*, Schriftzeugnisse (2014).



ILLUSTRATION 46

Founder Georgios Mazizanis, consort and daughter, wallpainting in the Panagia Kera in Kritsa (Crete), middle of 14th c.

MYSTIS EDITIONS, HERAKLION / CRETE

Empire. Thus Christophoros, the governor of Longobardia (southeast Italy), in 1028 founded a funerary church for himself, his wife and his children in Thessaloniki, which lay around 500 kilometers distant from the province he governed.³⁷⁸ From the beginning of the 10th century onwards the emperors themselves appear to have followed the model of memorial foundations practiced by the aristocracy. After earlier rulers succeeding Constantine I (306–37) had been interred in the Church of Holy Apostles in Constantinople, Romanos I Lekapenos (920–944), a usurper of Armenian descent, for the first time broke with this tradition. He founded the Myrelaion, which still stands today (now the Bodrum Camii, “Basement Mosque”), as a mausoleum for himself and his family; presumably this was a convent, later a male monastery, which according to some sources also contained an almshouse. Furthermore, Romanos here endowed a daily distribution of 3,000 loaves of bread. He also evidently singled

³⁷⁸ Chitwood, *Soziale Positionen* (2017), 87.

out his birthplace of Lekapene with a foundation; in any case, an “imperial monastery” is later attested there.³⁷⁹

An incontestable document of a non-imperial church foundation stems from the provincial magnate Eustathios Boilas of April 1059.³⁸⁰ Though he bequeathed the majority of his estate to his heirs, he nonetheless created a foundation in honor of the Mother of God. The latter was endowed with one half of his landed estate in Bouzina as well as 26 gold pieces for the salaries of the priests and deacons and twelve *nomismata* for the maintenance of the oil lamps. In the church itself his commemoration was to be cultivated. If his heirs were to neglect or hinder it, then the entire income of the estate would be allocated to the church. He entrusted the administration of the foundation to his two sons-in-law, the local bishop as well as the leading priests at the church itself. Many of the priests performing service at the house of God appear to have been the freed slaves of Eustathios himself, and thus to have belonged to a group of persons traditionally entrusted with the memoria of the founder.³⁸¹

The church foundation of Eustathios Boilas belongs, together with the foundation of a monastery and poorhouse by Michael Attaleiates of 1077, to the context of free foundations, which within scholarship have been interpreted to a degree as a part of a Byzantine reform movement.³⁸² Another outstanding example of this group stems from the *sebastos* and *megas domestikos* Gregorios Pakourianos with his aforementioned foundation by Bulgarian Plovdiv.³⁸³ Pakourianos laid down his regulations on the rights, duties and life of the monks in December 1083 in a lengthy *typikon*, that is a founder's statute which was customary in Byzantium.³⁸⁴ The founder of this monastery hailed from Georgia and had diligently served his emperors in both the east and west of the empire from his youth. Time and time again he had waged war on their behalf, suffered wounds and captivity, but had also received the gratitude of the Komnenoi through generous compensation.³⁸⁵ At the time of the

379 Ibid., 80, 83.

380 Testament d'Eustathios Boilas (1977); English translation: *Vryonis Jr.*, Will of a Provincial Magnate (1957); *Chitwood*, Proprietary Church (2016), 40; *idem*, Stiftungsorganisation (2016), 557; *idem*, Typologisierungen (2014), 219.

381 Cf. above 16, 53 and elsewhere.

382 Above 58–9, 238–45. In addition *Volk*, Gesundheitswesen (1983), 85–91.

383 Above 239–40.

384 *Gautier*, Typikon du sébaste (1984; with a French translation); Byzantine Monastic Foundation Documents 2 (2000), 507–63, no. 23 (English translation); *Garsoian*, Pakourianos (1991). The following is borrowed verbatim from *Borgolte*, Von der Geschichte des Stiftungsrechts (2002, repr. 12), 350–3.

385 *Gautier*, Typikon du sébaste (1984), 32–3; Byzantine Monastic Foundation Documents 2 (2000), 523–4.

establishment of the monastery he had opposed the three principal opponents in the Balkans, namely the Pečenegs, Cumans and Normans, and a short time later—in 1086—he is said to have fallen in battle against the Pečenegs. Having reached old age after a life full of sin, Pakourianos, as he maintained in his document, desired to ransom his soul and save it from eternal damnation with his pious monastic foundation.³⁸⁶ Nonetheless, he was also able to take pride in having remained true to the Orthodox faith, in the tradition of his people, and to have longed from his youth to erect a splendid church with a monastery for monks, where his corpse also was to be interred. His deceased brother as well, the *magistros* Apasios, had desired to be buried here, and he—Gregory—had already fulfilled his wish through the translation of his mortal remains to Petritzos.³⁸⁷ Pakourianos impressed upon the monks that the true objective of the foundation was the commemoration of the dead, of himself, his brother and his father and other relatives, through prayers, masses and even memorial meals. He connected this imperative with the relief of the poor. During periods of fasting “brothers in Christ, that is the poor”, as he instructed, were to receive daily food rations at the gates of the monastery, for “they are the means of our salvation and secure the good things which are to come.”³⁸⁸ At another point in the *typikon* the founder emphatically addressed the monks: “In our commemoration you should remind yourselves, brothers, as you look at this our delightful house of God which is the holy church, of the annual income and the other revenues, bearing in mind that after God we have been responsible for these. On whatever day, with the approval of God, death comes to me, Gregory, on that day perform my commemoration and distribute to the brothers in Christ 72 *nomismata* and the brothers should be refreshed with a very abundant table laden with food and drink and after the dismissal from matins and the sacred liturgy, 24 gold *nomismata* should be distributed to all those who have come to our aforesaid commemoration. If any of the decreed *nomismata* be left over or any other of the requirements, then these should be distributed to the poor on another occasion. Furthermore, if anything is left over from all the income of this holy monastery, half of all this should be distributed in the same way on the day of our commemoration, for the salvation of my soul, to the pious brothers in Christ, both the poor and those who serve this monastery as hired laborers and dependent peasants (...). I wish all these things to be maintained without change steadfastly and securely and that none of these things that I have said should be omitted for any reason (...). Each year on each day the

386 Ibid., 30–1, and 522–3.

387 Ibid., 38–9, and 525.

388 Ibid., 68–71, and 535.

offerings of the divine mysteries should be made for the salvation of my soul and the bread baked in the bakery, i.e., the three offerings, should be given out—two of them outside the monastery to the sick and other poor people, one will be for my soul and the other for that of my brother. The other offering should be given to the brothers.”³⁸⁹

Gregorios Pakourianos unequivocally underlined that the monastery—having been favored by an imperial chrysobull³⁹⁰—was exempt from taxes and exactions of service, that it should in fact be its own master.³⁹¹ No temporal or ecclesiastical person, whether great or small, could lay claim to it; neither the emperor, nor the patriarch nor a metropolitan, and in particular not the metropolitan of Plovdiv, but also no bishop, and the same applied to Gregory’s relatives, be they close or distant. So that this freedom could also become reality, the founder minutely regulated the communal life and leadership of the monastic community as well as the administration of the monastery. On the one hand, he commanded that only his countrymen, that is Georgians, were to enter into Petritzos; Greek monks, so he feared, would act as masters of the place, seek to gain the hegoumenate (abbacy) or to bring the monastery under their power by other means.³⁹² As long as he lived he desired to appoint the abbot himself, yet this privilege was not to be passed on to his heirs or relatives, as had hitherto been customary in Byzantium. Instead, a *hēgoumenos* was to designate his successor, whereby he was, however, to take heed of the agreement and right of election of the monastery.³⁹³ The founder vigorously protested against nepotism by the abbot. As the leader of the monastic community was to be chosen someone who did not have numerous relatives; the person elected was forbidden from transferring an office within the monastery itself, as well as in its dependencies, (dependent) monasteries and other establishments to a blood relative or one of his servants.³⁹⁴ The abbot was under no circumstances to place the administration of monastic properties into the hands of laypersons or ecclesiastics from outside the monastery. Instead, he was to entrust two monks with the administration precisely-designated local and regional properties.³⁹⁵ The monastery itself, however, was to be protected from anything that could afflict it, as well as outside persons, but also from both living and future blood relatives: “For I have this holy church and the

389 Ibid., 98–101, and 545.

390 Ibid., 126–7, and 555.

391 Ibid., 44–5, and 527.

392 Ibid., 20–1, 104–5, and 519, 547.

393 Ibid., 50–1, and 529.

394 Ibid., 56–7, and 531.

395 Ibid., 58–9, 84–87, and 531, 540–1.

most holy monastery around it as my appointed and substitute heir (...),” so the founder affirmed, for “I have offered this most holy monastery with all in it as a gift to God, the maker and sustainer of all things, for my life and my very sinful soul, to be self-governing and free from all force of every kind both from our relatives and from strangers (...).”³⁹⁶ Yet Pakourianos conceded that a relative belonging to the monastic estate, who had demonstrated considerable experience and intelligence and could be useful to the monastery with his influence, was to enter the monastery instead of a stranger.³⁹⁷ The founder was of course aware of the peril of this concession to the familial ties: he thus emphasized in the same context that the monastery was autonomous and was to remain free from subjugation of any sort.³⁹⁸

A similar bundling of sepulcher, monastic community and poor-relief, as in this case, was found to a considerable degree amongst the foundations of the Komnenoi, who for their part were imitated by monarchs and princes in the Balkans and Georgia.³⁹⁹ Monasteries remained in Greek Orthodox Christianity among sovereigns and “aristocrats” the most cherished form of foundation in general.⁴⁰⁰ Presumably this conclusion is not merely conditioned by the sources, but rather probably is based on the “elective affinity” (*Wahlverwandschaft*) of foundations and monasteries. Since foundations are concerned with the fulfillment of a lasting imperative, for whose realization a community of persons is required, they have to continually renew themselves, so that monastic communities allow the greatest possible freedom in supplementing themselves to fulfill their religious duties.⁴⁰¹ After the model of the magnates, farmers also banded together from the Middle Byzantine Period onwards (c. 800 bis c. 1200 CE) to found monasteries in their villages. Emperor Basil II (d. 1025) sought to regulate such collective foundations, since apparently many monks sought a secure life in a monastery, yet thereby tied up the productivity of the agricultural economy and diminished the treasury’s incomes.⁴⁰² He expressly objected to metropolitans or bishops who seized the properties of such monasteries. Under certain circumstances local nobility or priests were included in the collective foundation of churches in

396 Ibid., 88–9, and 541.

397 Ibid., 104–5, and 547.

398 Ibid., 106–7, and 547.

399 Chitwood, *Soziale Positionen* (2017), 87–8.

400 Chitwood, *Forschungsgeschichten* (2014), 131–2, 136–8, 140–1; *idem*, *Typologisierungen* (2014), 216–8; *idem*, *Periodisierungen* (2014), 300–1.

401 Cf. Borgolte / Chitwood, *Herrscherliche Klosterstiftungen* (2018); Borgolte, Sigismund, Radegunde (2018).

402 Chitwood, *Soziale Positionen* (2017), 87–8.

the countryside: “The Church of the Holy Anargyroi on the Mani Peninsula (Peloponnese), for example, was collectively founded and decorated by eleven persons. 14.5 pieces of gold were spent for a church measuring 3.95×2.43 meters. While the notary and lector Elias payed the lion’s share of eight gold coins, four other patrons each gave only one gold coin, and five less than a gold coin; a priest even participated without contributing. Otherwise, the endowments of collective foundations are often not transmitted, yet the supplementary endowment of fields or olive trees by small farmers is attested.”⁴⁰³ The peasants in the Black Sea region, who were apparently wealthier than their colleagues in Greece or on Crete, trod a different path. There the archive of the Monastery of Bazelon preserves more than a hundred small foundations, which clearly involved the bequeathing of family properties for liturgical commemoration.⁴⁰⁴ In contrast to farmers, urban burghers, at least after the seventh century, were “exceptionally seldom involved in foundations”.⁴⁰⁵

The appearance and spread of institutionalized welfare, which was occasionally based on foundations, was closely connected with the history of monasticism. In and of itself, it had already had its roots and its place in the care of the first Christian communities for the poor, widows and orphans,⁴⁰⁶ while it contradicted the monastic way of life, which was based on separation from community and the search for God in ascetic renouncement and solitary contemplation. In fact, charity did not belong to the functions which the first monks assigned to themselves, before Basil adopted them for the monk. Initially, philanthropic institutions seem to have been more widespread in Syria than in the imperial capital. In this context a supposed conciliar decision, “On the Guesthouse”, is transmitted from the 5th century, whereby every bishop in each city was to erect a *xenodocheion*, yet was to be subordinated the administration of a monk; not only was he to have a good reputation, but was also, if possible, not to be a local, so that he wouldn’t be entangled in the interests of his biological family.⁴⁰⁷ If the available funds did not suffice for its foundation, then the Christian community as a whole was to help.⁴⁰⁸ Syrian influence may then have also promoted monastic philanthropy in Constantinople, since Theodora, the consort of Justinian I, supported two Miaphysite (Syrian)

403 Chitwood, *Soziale Positionen* (2017), 85. On monks and simple priests as founders also *ibid.*, 87.

404 *Ibid.*, 85.

405 *Ibid.*, 84.

406 Above 210–1.

407 Chitwood, *Periodisierungen* (2014), 304.

408 Vööbus, *History of Asceticism* (1960), 361–71.

monastic communities.⁴⁰⁹ The imperial couple also themselves founded two hospitals.⁴¹⁰ The remarkable characteristic of the legislation of Emperor Justinian was, however, that he granted legal independence to the *venerabiles domus*, which were to be dedicated *ad pias causas*.⁴¹¹

Already in the second half of the fourth century the institutions of charity had clearly differentiated. Alongside the Ancient Greek “guesthouse” (*xenodochion*) and the *ptōchotropheion* (almshouse; also *ptōcheion*) of Basil the Great, there appears at around the same time the hospital (*xenōn* or *nosokomeion*) as well as the *lōbotropheion* (leprosarium). The orphanage (*orphanotropheion*) and the foundling house (*brephotropheion*) are also attested.⁴¹² In a novel of Justinian there appears as an object of foundation alongside a guesthouse, hospital and orphanage inter alia the old-age home (*gerokomeion*).⁴¹³ Yet after the year 900 there appear to have hardly still existed independent philanthropic foundations; one then encounters philanthropic foundations almost exclusively in a monastic context.⁴¹⁴

A counterexample is the almshouse, or more fittingly: the settlement for the poor that Emperor Alexios I Komnenos (1081–1118) erected for several thousand war wounded and orphans on the acropolis of ancient Byzantium; this was the restoration of an ancient orphanage by the Church of the Apostle Paul, which went back to at least Emperor Justin II (565–78) and his consort Sophia.⁴¹⁵ Anna Komnene vividly, albeit panegyrically, describes the undertaking of her father in her famed *Alexiad*.⁴¹⁶ According to her the foundation was based on the acquisition or division of real estate. The poor, she writes, “had no plots of ground, no vineyards, nor any other such possession on which we see men earning their livelihood, but like Job, each of them, man or woman, dwelt in the house built for them and everything, so far as food or clothing are concerned, was provided for them through the emperor’s generosity. The most extraordinary thing was that these poor people had as their guardians and administrators of their means of subsistence the emperor himself and his hard-working servants, just as if they were lords with property and all kinds of

409 Chitwood, *Periodisierungen* (2014), 304; *idem*, *Wohltätigkeit* (2016), 245–6.

410 Above 227.

411 Above 58.

412 Chitwood, *Typologisierungen* (2014), 218.

413 Chitwood, *Stiftung* (2014), 61, 65.

414 Chitwood, *Periodisierungen* (2014), 303; *idem*, *Typologisierungen* (2014), 215; *idem*, *Wohltätigkeit und Bildung* (2016), 245–6.

415 On its history see *Constantelos*, *Byzantine Philanthropy* (2009), 178–80.

416 Anna Komnene, *Alexiad* (1969, repr. 2003), 452–3 lib. xv.7; Anna Komnene, *Alexias* (1996), 535–8.

revenue. For wherever there was an estate lying in a good situation and provided it was easily accessible, he allotted it to these comrades, thus ensuring them wine in abundance and bread and all the other products men eat with bread. The number of persons catered for in this way war incalculable.” The caritative benefactions of the emperor from the “revenues from land and sea”, as Anna emphasizes in a fashion befitting a foundation, extended beyond the death of emperor. Some *sekreta*, that is bureaus, were to watch over the “possessions of the poor”, while the property of those residing there was legally guaranteed with chrysobulls. Due to its care for the poor and defenseless, whom Alexios especially treasured, the house was named a “Dwelling for Orphans”. Georgian nuns, who had previously gone through Constantinople begging from house to house, also were among the beneficiaries. Alexios I had built them “an enormous abbey” and supplied them with food and proper clothing. Numerous clergy and sumptuous illumination of the Church of St. Paul were also maintained from the foundation revenues.

After the Fourth Crusade (1204) and the erection of Latin principalities most hospitals, outside of as part of a monastery, apparently disappear.⁴¹⁷ We know more about the hospice for the poor, strangers and sick of a certain Sampson in Constantinople, which the emperor Justinian had already restored for the first time; soon it apparently specialized as a hospital.⁴¹⁸ With the capture of the city by the Crusaders the church of the hospital was destroyed, but a Latin congregation took over the hospital itself.⁴¹⁹ In 1218 the archbishop of Thessaloniki, who hailed from Douai in Flanders, donated a house in his native city to the hospice and spoke of “works of charity and of humility, which are daily evidenced to the poor of Christ, or rather Christ himself in his limbs, in the Hospice of St. Sampson at Constantinople.” In 1244 Pope Innocent IV placed the congregation of brothers under the direct jurisdiction of the Holy See. In this context its possessions were also inventoried. They included numerous churches, a village, several cemeteries, hospices, farmsteads and over fourteen buildings with land; properties partially in the city, but partially also outside of it, including in Bithynia, Mysia and Hungary, can be localized. When in 1261 the Greek emperor Michael VIII Palaiologos reconquered Constantinople, the Latins were expelled to Corinth, where a new hospice was erected. Pope Clement V combined it in 1309 with the Hospitaliers. Apparently, the brothers settled by an old Byzantine monastery from the 11th/12th century,

417 In Rus’ endowed charitable establishments were completely lacking.

418 *Stathakopoulos*, *Stiftungen* (2005), 149; *Constantelos*, *Byzantine Philanthropy* (21991), 144–7; *Miller*, *Sampson Hospital* (1990).

419 On this and what follows *Stathakopoulos*, *Stiftungen* (2005), 147–9, 153–4.

but did not take over or restore the baths there. By contrast baths, as normative texts demonstrate, belonged to the most important therapeutic institutions of Byzantine hospices.

The first Palaiologan emperors and their successors, alongside churches and monasteries, also restored guesthouses and hospices or supported new foundations by others.⁴²⁰ The widow of Michael, Theodora Doukaina Komnene Palaiologina, herself founded between 1294 and 1303 a hospice for women on the remains of the Lips Monastery, which was to be supervised by a community of fifty nuns.⁴²¹ According to the *typikon*, the convent was to be independent and not bound to anything other than the hospital;⁴²² it was thus conceptualized according to the model of the free monastic foundations of the High Middle Ages. Theodora endowed it with estates from the properties of her ancestors and her son Andronikos, as well as from her own acquisitions.⁴²³ It contained staff consisting of three doctors, a physician's assistant, a nurse, an pharmacist with six assistants, two chief druggists, a blood-letter, three servants, a cook and a laundress.⁴²⁴ With regard to the twelve beds envisaged for sick women,⁴²⁵ the medical treatment here must have been particularly intensive; yet amongst the doctors themselves, in contrast to Pantokrator, there were no female doctors.⁴²⁶ The Lips Monastery was also designed by Theodora to become an imperial mausoleum.⁴²⁷ When the *typikon* was read aloud, which was to take place three times a year, the nuns were to pray: "Eternal be the memory of the founders".⁴²⁸ At the mass celebrated four times a week, eight loaves of bread were to be consecrated. One of these was dedicated to Christ himself, another to the Mother of God, the third to the saint commemorated on that day; the order continued with the commemoration of the deceased nuns, of the deceased ancestors of Theodora, her beloved son and emperor as well as her daughter-in-law, the empress, all the children of the founder and finally Theodora herself and her mother. Every Saturday liturgical wafers with a stamped cross (*stauria*) were to be offered for the me-

420 Ibid., 150, 154–5.

421 On the following *ibid.*, 150–3.

422 Delehay, *Deux typica* (1921), 106–7; Byzantine Monastic Foundation Documents 3 (2000), 1265.

423 Ibid., 130–4, and 1279–80.

424 Ibid., 134 and 1281.

425 Ibid., 134, and 1281.

426 Stathakopoulos, *Stiftungen* (2005), 152.

427 Delehay, *Deux typica* (1921), 128, 130; Byzantine Monastic Foundation Documents 3 (2000), 1277–8; cf. Stathakopoulos, *Stiftungen* (2005), 152–3.

428 Delehay, *Deux typica* (1921), 111; Byzantine Monastic Foundation Documents 3 (2000), 1268.

moria of the deceased ancestors and children as well as those who would die in the future.⁴²⁹ In addition, on certain feast days the poor would receive coins and bread.⁴³⁰

Following the example of the imperial family, members of the elite also embarked on (new) foundations of hospitals. Among them were the general Michael Glabas Tarchaneiotes with his consort and the court official Georgios Goudeles (13th/14th century).⁴³¹ The confessor of Emperor John v Palaiologos (r. 1341–1391) restored the Panteleemon Hospital, which had been destroyed by the Latins, in the center of the imperial capital, and included it in his endowment to the Great Laura on Mount Athos.⁴³² Its capacity was raised to seventy beds; the expanded cultivation of vineyards and olive groves was to satisfy the needs of the six monks, while bandages and other materials required for the care of the sick were to be had from the revenues of shops and houses which Niphon had transferred to the Laura. In order to emphasize their rank, the kings of Serbia also copied the emperors in founding hospitals.⁴³³

In every nuanced listing of philanthropic institutions in Byzantium establishments of learning are lacking; in fact, schools in the Byzantine Empire did not belong to the canon of the founder's good works.⁴³⁴ This sets the Eastern Christian empire of the Middle Ages clearly apart from endowed charitable establishments in Judaism and Islam. The conclusion of meagre engagement in this area is even more remarkable since there was no state system of schools in Byzantium, and no institutional continuity whatsoever of public teaching establishments.⁴³⁵ On the whole, three sorts of gradated schools can be distinguished,⁴³⁶ which only from time to time were supported on a permanent basis. Elementary schools for boys, and sometimes for girls, formed the lowest level; they may have existed in most cities of the empire and even in the larger villages or marketplaces. The schoolmaster taught reading and writing often in his own house in exchange for fees. Monasteries could attract their young

429 Ibid., 122–3, and 1274.

430 Ibid., 127, and 1277.

431 *Stathakopoulos*, *Stiftungen* (2005), 153.

432 Ibid., 154–5.

433 Ibid., 155–6.

434 *Chitwood*, *Typologisierung* (2014), 219–20; cf. *idem*, *Wohltätigkeit und Bildung* (2016), 251–3.

435 The following borrows closely from *Borgolte*, *Europa entdeckt seine Vielfalt* (2002), 288–90; *idem*, *Christen, Juden, Muselmanen* (2006), 523–36. See especially: *Maltese*, *École et enseignement* (1997); *Wilson*, *Scholars* (1996); *Browning*, *Schule* (1995); *idem*, *Enlightenment* (1975); *idem*, *Byzantine Scholarship* (1964); *Hunger*, *Hochsprachliche Literatur* (1978); *Speck*, *Kaiserliche Universität* (1974).

436 *Constantinides*, *Higher Education* (1982), 1–2.

to their own schools, which, however, remained closed to laypersons. Ascetic communities, moreover, often avoided the presence of children in monasteries, in order to avert sexual temptation; from time to time they also displayed a marked aversion to secular learning. Therefore Athanasios, the founder of the most important monastery in Meteora (14th century), prescribed in his rule (*typikon*), that “[c]hildren [there] should not learn worldly letters.”⁴³⁷

The “secondary level” for nine to fifteen-year-olds concentrated on Classical Greek. These grammar schools were sometimes maintained by the emperor or the church authorities, yet remained in essence private. After the incursions of the Arabs and Slavs in the 7th century many of these schools disappeared, and only in the High Middle Ages did they again spread from Constantinople to the other cities. We know from more than one hundred letters of a teacher (*didaskalos*) in Constantinople from the early 10th century that he taught students in exchange for fees.⁴³⁸ In the countryside and in the vicinity of his foundation in Petritzos, the Georgian Gregory Pakourianos established a school in a dependent monastery. Here boys were to be raised and taught by an aged, irreproachable and learned priest. Yet the curriculum was apparently restricted to the “holy books”: “This man should receive his allowance and all that he needs unfailingly just as the brothers of his rank in the great monastery (...). Six of the boys mentioned above should (...) [receive] from the great monastery their food and all their clothes as is fitting, and they should remain there until they have completed their learning and attained the proper age for the rank of the priesthood. Then, when they grow their beards, those who are suitable to enter the order of the priesthood should according to the law be appointed to celebrate the sacraments with the other priests in the monastery, even if the prescribed group of priests is not deficient in number. They should also receive without fail all the things that the first priests receive. Those who are not worthy of the priesthood should be completely expelled as being responsible for this to themselves, but the number of six boys under instruction in the church of St. Nicholas should in no way fall short.”⁴³⁹ Since the establishment of Pakourianos was an exclusively Georgian institution with a Greek

437 Chitwood, *Wohltätigkeit und Bildung* (2016), 251; Bees, *Symbole* (1909), 251; Byzantine Monastic Foundation Documents 4 (2000), 1460 Nr. 6. Cf. Talbot / Cutler, *Meteora* (1991); Talbot, *Athanasios of Meteora* (1991).

438 Chitwood, *Wohltätigkeit und Bildung* (2016), 251; Lemerle, *Byzantine Humanism* (1986), 286–98.

439 Gautier, *Typikon du sébaste* (1984), 114–7; Byzantine Monastic Foundation Documents 2 (2000), 551.

hinterland, much was made of the in-house training of young clerics.⁴⁴⁰ In Armenian monasticism as well there developed a special tradition of schools with theological and secular teaching.

A school foundation was also planned for the “Orphanotropheion” of Constantinople. This had apparently developed from the concern of Emperor Alexios I for war captives, strangers and orphans; according to Anna Komnene her father had absolutely viewed monasteries as sites of education for pupils: “All children who had lost their parents and were afflicted by the grievous ills of orphanhood were committed to the care of relatives and to others who, he knew, were respectable people, as well as to the abbots of the holy monasteries, with instructions to treat them not as slaves but as free children, to see that they had a thorough education and to teach them the Sacred Scriptures. Some he introduced into the orphanage which he had personally founded, making it a school rather for those who wanted to learn; they were handed over to the directors there to receive a good general education.” Nor were only Greeks raised and taught in the orphanage of Alexios I, as is evident from the description of the running of the school: “On the right of the great church of St. Paul stands the grammar school for orphan children drawn from all races, presided over by a master. Boys stand round him, some anxiously puzzling over grammatical questions, others writing out grammatical exercises. You might see a Latin being trained over there; or a Scythian learning Greek discovering how to speak his own language correctly—such was Alexios’ profound interests in furthering the study of our culture.”⁴⁴¹

The third tier of higher education was financed by the state (the emperors), the church, but above all by private honoraria for the teachers. The sparseness of the sources does not allow penetrating gazes into the organization and methods of instruction. But it is certain that at this level of education rhetoric was taught in a practical fashion: only those who mastered Greek as the language of culture and rhetorical techniques gained entry to positions in the church and state bureaucracy.

As in the sphere of Islam, only a single man taught at most schools.⁴⁴² Yet as Nicholas Mesarites described the Church of Holy Apostles around 1200, he observed a more complex institution.⁴⁴³ According to him the youngest stu-

440 *Chitwood*, *Wohltätigkeit und Bildung* (2016), 253; *Garsoïan*, David 11/IV the Restorer (1991); on the monastery: *Taylor*, *Gelat’i* (1991).

441 Anna Komnene, *Alexiad* (1969, repr. 2003), 452 and 454 lib. xv.7; Anna Komnene, *Alexias* (1996), 535, 538.

442 This and what follows after *Borgolte*, *Christen, Juden, Muselmanen* (2006), 524–36; *idem*, *Europa entdeckt seine Vielfalt* (2002), 289–90.

443 *Downey*, *Nikolaos Mesarites* (1957), bes. 899–900, 916–7; *Constantinides*, *Higher Education* (1982), 54.

dents were instructed in grammar, simple arithmetic and singing beneath the colonnades outside the church; other children had to recite texts learned by rote and practice riddles. In another part of the building older students were taught medicine, arithmetic, geometry and music theory, and there was evidently also a place for the discussion of rhetoric and dialectic. Schools run by individual teachers could become quite successful: the polymath Michael Psellos (1017/18–around 1078) boasted that he opened the doors of all the sciences to his students.⁴⁴⁴ Supposedly among his students were Arabs, Persians, Egyptians, Ethiopians and even Celts (from the West). His letters allow the conclusion that the schools formed a system, within which intellectuals moved about and could even receive a good salary from the emperor. There also appear to have been prizes for special tasks. The private school of Eustathios, who from c. 1178 was archbishop of Thessalonike, was so prestigious that it even attracted students from the capital.⁴⁴⁵

Future jurists were trained in a school of the guild of notaries in Constantinople (and perhaps also in other cities); medicine was learned in apprenticeship to older doctors. According to its typikon, the Pantokrator Monastery of the Komnenoi was to maintain its own instructor of medicine. An annual salary of eight gold coins, 50 *modioi* of grain, 60 *modioi* of barley and 1,000 haystacks was envisioned. His task consisted of passing along medical learning to the “children of the doctors of the hospice”.⁴⁴⁶

There never existed in Byzantium a university along Western lines, which apart from an initial, purely associative phase tended to be based on foundations.⁴⁴⁷ Yet institutions of higher education of the non-associative sort reach back to Late Antiquity. While the venerable schools of Ephesus, Pergamon and Smyrna disappeared or lost their importance, Antioch was afflicted by the sack of the Persians (540) and the law school of Beirut was razed by an earthquake (551), the schools of Athens, Alexandria and Constantinople initially endured. The Platonic Academy even underwent a revival (Neoplatonism; rhetoric).⁴⁴⁸ The instructors continued to live from endowed properties, and thus were (largely) independent of school fees and public funds. While in the 4th century with Basil the Great, Gregory of Nazianzus and Julian the Apostate Christians and pagans could still be taught alongside one another, the Academy of Athens acquired a predominately pagan character in the subsequent period. Only in

444 Cf. *Kazhdan*, Psellos, Michael (1991).

445 Cf. *Browning*, Patriarchal School (1962), 186–93; *Kazhdan*, Eustathios of Thessalonike (1991).

446 *Gautier*, Typikon du Christ Sauveur (1974), 106–7; Byzantine Monastic Foundation Documents 2 (2000), 765.

447 This was not grasped by *Speck*, Kaiserliche Universität (1974).

448 *Kazhdan* / *Browning*, Academy of Athens (1991).

529 did Justinian forbid by edict the further teaching of pagans and heretics and any support with public funds, perhaps he was even expressly opposing Neoplatonists. Thereafter, it seems that some of the philosophers emigrated to Persia; after being disappointed by the Great King Khosrow I, however, the Greeks soon returned, though not all of them to Athens itself. At least some generations continued the study of philosophy. Yet the sack of Athens by the Slavs in 579/80 likely represented a caesura.

Egyptian Alexandria during the Byzantine period already showed signs of a great intellectual tradition, that initially was far more pagan than Christian.⁴⁴⁹ How long the famed library of the museum lasted, and whether it had already fallen victim to Caesar's military campaigns of 48/47 BCE, is unclear. In any case, it was here in the 2nd century CE that the astronomer, astrologer and mathematician Ptolemy flourished, who was seen as the foremost authority on the interpretation of the stars in Byzantium into the time of the Palaiologoi. The school itself developed its influence until the Arab conquest of the city in 641.

Initially of lesser importance were the sites of higher education in Constantinople. Here in the year 425 the emperor Theodosius II established thirty-one professorships for Greek and Latin grammar, for rhetoric, philosophy and law, which he himself sought to shield from the competition of private schools.⁴⁵⁰ Emperor Justinian financed the study of Latin, a precise knowledge of which was indispensable for the codification of his lawbook. In the same period Priscian (d. after 530) wrote fundamental works on grammar in Latin in the capital; the emperor created a professorship for Latin rhetoric for his high administrative official John the Lydian (490–c. 565). But over the course of the 6th century a dramatic retreat of knowledge of Latin is discernable. Nothing is known beyond this period on the further fate of the schools of the capital.

The sources are silent regarding intellectual life in the two "Dark Centuries" after the conquest of Egypt and other imperial provinces by the Arabs, but the basic structure of Byzantine education might have remained intact. As the caliphate became open to Greek influence, Caliph al-Ma'mūn (d. 833) sought to entice Leo "the Mathematician" (or "the Philosopher") from Constantinople.⁴⁵¹ Leo, who ran a small school, showed the "enemy" correspondence to the court; thereafter the emperor himself provided him with a stipend, appointed him a public teacher and gave him a room for instruction in the Church of the Forty Martyrs (829/33). Later, under sovereign protection Leo probably led a school

449 Gregory, *Alexandrian School* (1991).

450 Lemerle, *Byzantine Humanism* (1986), 66–8; Speck, *Kaiserliche Universität* (1974).

451 Kazhdan, *Leo the Mathematician* (1991).

by the Magnaura Palace in Constantinople until his death (869). Two further teachers of mathematics or geometry and a grammarian were active after him, but hardly anything beyond their names is known of them.

The 11th century showed that the “dark” periods had prepared the way for a new blossoming of studies. Emperor Constantine IX (1042–55) sought to establish schools of higher learning, which alongside law were also perhaps dedicated to philosophy.⁴⁵² The law school was established in or by the Church of Saint George of Mangana, was subordinated to a permanent scholarly director and possessed its own library. Its head, the *nomophylax*, received a yearly salary of 288 *solidi*, a sum which corresponded to a small estate with two servants, in addition to a silk robe and other gifts each year. The instruction was free, but was fixed in its length and curriculum. At its conclusion there were examinations with certificates. Whether Constantine in an institutional sense also desired to establish a second school of higher learning for philosophy is debated, yet there are grounds for this. Michael Psellos, who had already been successful as a “private teacher”, was now called by the emperor to become the *hypatos*, that is the “consul”, of the philosophers. From that time onwards a permanent teaching institution with its own constitution, special program of instruction and library could have existed: “The school as an institution replaces the school depending on a teacher.”⁴⁵³

The great scholar Michael Psellos was at the same time attuned to politics, and his relationship to the secular elite shimmered. When his friend John Xiphilinos, the head of the law school, was accused of being a “free thinker” in the 1040s,⁴⁵⁴ he passionately defended him and sang of his love for scholarship. Constantine IX, however, in 1054 forced both of them to retreat to monasteries. From this point onwards John devoted himself entirely to spiritual life and later advanced to the patriarchate, while Michael soon returned to the capital city and employed his learning for his own ambitions. His student and successor as head of the School of Philosophy, John Italos, fared less well.⁴⁵⁵ He promoted an independent philosophy, which allegedly encroached upon the sphere of theology. He was repeatedly imprisoned and condemned, and in the end his teacher Michael was not able to help him. A tribunal under Emperor Alexios I Komnenos forced him to retire to a monastery. The tradition of

452 Wolska-Conus, *Écoles de Psellos et Xiphilin* (1976); *eadem*, *École de droit* (1979); Fögen, *Modell und Mythos* (1996), esp. 182–6; Chitwood, *Byzantine Legal Culture* (2017), 150–83, with an English translation of the imperial novel that established the school at 193–203.

453 Browning, *Enlightenment* (1974), 8.

454 Kazhdan, Xiphilinos (1991).

455 Kazhdan, John Italos (1991).

schools of philosophy stopped towards the end of the 12th century: there were no longer any publicly-funded professorships.

Nonetheless, impulses for scholarship continued to emanate from the court. Alexios I patronized a course of study under the supervision of the church and established three professorships for the Gospels, for the teaching of the apostles, and especially for the Pauline epistles, as well as for the psalter. Yet the three *didaskaloi* were also instructed to inform the patriarch of heretical tendencies and treasonable ideas that were publicly voiced. Through an edict of 1107 Alexios created a patriarchal school in Constantinople and made the clergy of Hagia Sophia into an instrument of preaching against heresy;⁴⁵⁶ the professionalization of the clergy under the patriarch now ensured the canonization of church teaching in the sense of Orthodoxy. The school continued to also provide “secular” training, whose teachers appear to have been at least partially paid through the imperial purse.⁴⁵⁷ For scholars from the West, Constantinople, as the repository of ancient tradition, remained a highly-prized and oft-visited destination. In the year 1173 a “Greek school” was mentioned in the sources, apparently for Latins who desired to learn the language of their host land. The conquest of the capital by the crusaders in 1204 proved to be a particularly grievous caesura for intellectual life. Evidently many books were stolen and even more Greek texts were lost for all time through the deprivations of the Latins.⁴⁵⁸ In the rump-state of Nicaea, especially under John III Doukas Vatatzes (1222–54) and his son Theodore II Laskaris (1254–8), the emperor took the lead from the patriarchate as the patron of higher education. Scholars lived on an imperial stipend or by running private schools, yet hardly at all from the revenues of foundations.⁴⁵⁹ John III in particular supported the education of young men of noble birth, to whom he promised many honors and incomes.⁴⁶⁰ Only the cleverest thinker, Nikephoros Blemmydes

456 *Constantinides*, Higher Education (1982), 50–1; *Browning*, Patriarchal School (1962, 1963); *Kazhdan / Browning*, Patriarchal School (1991).

457 *Constantinides*, Higher Education (1982), 54.

458 Cf. *Constantinides*, Higher Education (1982), 5–27; 134.

459 *Ibid.*, 9, 12–3, 20, 23–4, 27, 54, 159–61, and elsewhere.

460 When the emperor entrusted George Akropolites, who had been sent by his parents for an education from Constantinople to the court of Nicaea, with Theodore Hexaptergygos and four other pupils, he wrote to them: “I send these pupils to the school taking them from Nicaea but I send you [Akropolites] to be taught with them taking you from my palace; prove that you really come from my house and exert yourself in your lessons. Had you become a soldier you would have received a salary from me, so much or a little more you will receive [for studying] since you come from a noble family; and if you become master of philosophy you will receive great honours and rewards because only the Emperor

(1197–c. 1269),⁴⁶¹ desired to put his school on a permanent basis, at least within the context of the independent monastery he founded near Ephesus. The teaching of boys from the age of ten was envisaged, who in the case of their suitability were to enter the ranks of the monks.⁴⁶² The emperor had supported the establishment of the monastery with a large sum of gold. At a visit of Patriarch Joseph I in 1268 Blemmydes pressured the churchman to secure the survival of his endeavor through an imperial chrysobull. Shortly after his death Joseph disregarded his legacy, appropriated the imperial donation of money and subordinated the monastery to the neighboring Galesion Monastery, which he had once directed.⁴⁶³ From the turn of the 14th century onwards, the state became so impoverished that imperial patronage sharply receded.⁴⁶⁴ Scholars often lived in precarious circumstances. A well-documented case is that of Theodore Hyrtakenos, who earned a living in part from his students, as well as from the emperor Andronikos II Palaiologos (1282–1328).⁴⁶⁵ Though the latter promised him a landed estate, he was apparently unable to keep this promise. In many of his surviving letters Hyrtakenos asks for financial support from his students and wealthy officials of the capital, thus he did not succeed in attaining secure employment. He argued before the Grand Logothete Theodore Metochites that, were every imperial secretary who had once been his student to give him a silver coin, his financial problems would be solved. A particular appeal to Emperor Andronikos had no effect, as did an intervention with Patriarch John Glykys, who may have allocated a monastic property to him in the vicinity of his native Hyrtakos. What we do know, in any case, is that his student Loukites sent him clothing and twelve gold coins, but demanded from Hyrtakenos a copy of Homer's *Odyssey* in return. Finally, he entered a monastery, and lived until at least 1327.

As in Judaism and Islam, in Byzantium as well the ransom of prisoners was esteemed as a good work,⁴⁶⁶ inasmuch as not only bequests were envisaged for this purpose, but also foundations.⁴⁶⁷ Included with religiously-motivated foundation works, as in Muslim lands,⁴⁶⁸ was also the construction of fortifica-

and the Philosopher are the most famous of all men." Quotation *ibid.*, 10. Cf. *Macrides*, Akropolites, George (1991); *Constantinides*, Hexapterygos (1991).

461 *Constantinides*, Higher Education (1982), 6–27; *Macrides*, Blemmydes, Nikephoros (1991).

462 Byzantine Monastic Foundation Documents 3 (2000), 1196–206, at 1202–3.

463 *Ibid.*, 1197; *Constantinides*, Higher Education (1982), 16–7, 24–5.

464 *Constantinides*, Higher Education (1982), 95.

465 *Constantinides*, Higher Education (1982), 93–5; *Talbot / Karpozilos*, Hyrtakenos, Theodore (1991).

466 Above 237 (Byzantium); 563 (Judaism) and 567 (Muslims).

467 *Chitwood*, Typologisierung (2014), 214; cf. *Pahlitzsch*, Loskauf (2015).

468 Above 265, 269, 551 n. 225.

tions. The plan of Gregory Pakourianos can once again be invoked here as an example.⁴⁶⁹

A comparison between the foundations in Greek Orthodox and Latin Christianity is simple, insofar as both shared the heritage of Antiquity.⁴⁷⁰ Indeed, the connections in this bipolar world remained so close that mutual stimulations were quite possible.⁴⁷¹ The roots lay in the early Christian communities. Long before these had been patronized by kings or other sovereigns, they had supplied the needy with sacrifices, contributions and alms, while they were reliant upon the donations of their wealthier members for their places of congregation.⁴⁷² Whether a Christian would ascend from being a mere donor to a founder was thus not a question of class or social rank, but rather simply of his wealth and good will. His commitment as a founder of churches and monasteries, on the one hand, or as a benefactor in the sphere of charity, on the other, was influenced by the trust that he placed in priests, monks or the poor in exchange for commemorative prayer, or distracted by his readiness to react to acute needs within his immediate circle.⁴⁷³

The hospital as a Christian institution did have certain pagan models. Over almost a millennium (c. 500 BCE to c. 400 CE) shrines were dedicated to Asclepios, the master of healing, and amongst the Romans *valetudinaria* served as a field hospitals for sick slaves on the *latifundia* and in particular for suffering soldiers on the empire's borders.⁴⁷⁴ Presumably the poor register (*matricula pauperum*) was already known in the pre-Constantinian church;⁴⁷⁵ the needy of every sort were entered into these lists, with names running into the many thousands, who were then cared for by deacons. The originally Greek designation for hospice, *xenodocheion*, not only referred to its eastern origin, but also to its initial concentration on the housing of impecunious strangers.

469 Chitwood, *Typologisierungen* (2014), 215; Gautier, *Typikon du sébaste* (1984), 36–46, 116–7; *Byzantine Monastic Foundation Documents 2* (2000), 524–7, 551.

470 Exemplary for the comparative approach with neighboring countries (or lands of common cultural origin): Bloch, *Rois thaumaturges* (1924); *idem*, *Pour une histoire comparée* (1928); *idem*, *Société féodale* (1939/40). On which: Borgolte, *Erfindung der europäischen Gesellschaft* (1999); *idem*, *Mediävistik* (2003). Differently than Bloch's approach is e.g. Borgolte, *Otto Hintzes Lehre* (2002, repr. 14); *idem*, *Europa entdeckt seine Vielfalt* (2002), 357–78.

471 On his comparative approach to the history of interactions, see Borgolte, *Europa entdeckt seine Vielfalt* (2002), 378–92.

472 Above 210, 212.

473 On what follows cf. now the excellent analysis of Lohse, *Stiftungen im Okzident* (2016/7); in contrast to the treatment offered here, Lohse's work is systematically organized.

474 Jetter, *Hospitalgeschichte* (1973), 1–5; Riethmüller, *Asklepios* (2005).

475 Rouche, *Matricule des pauvres* (1974).

A principal reason for the spread of hospices was without a doubt the increasing number of the poor and destitute, who from the time of the church historical transformation under Constantine the Great were to be cared for, particularly in cities.⁴⁷⁶ The Christian historian Sozomenos (d. after 443) transmits a forged letter of the emperor Julian (361–3), according to which Julian desired to react to the spread of Christian charity (and Jewish welfare) with “pagan” *xenodocheia* in every city.⁴⁷⁷ In any case, according to the testimony of Gregory of Nazianzus the hospice that was actually founded by Basil the Great in Caesarea served as a paradigm not only in the city, but in the countryside as well.⁴⁷⁸

The hospital spread from the Orient to the Christian West.⁴⁷⁹ Initially, the keywords in this context remained the Greek designations *xenodocheion* or *nosokomeion* (hospital), which only later were replaced by *hospitium* and *hospitale*. The first establishments of such charitable institutions in the “West” can be dated to the start of the 5th century: “[The church father] Jerome relates of the Roman noblewoman Fabiola, who died in the year 400, that she ‘was the first’ to have founded a hospital, in which she gathered and nurtured the sick from their places”, and around the same time he wrote to the wealthy and pious Pammachius: “I hear that you have erected a *xenodochium* in the harbor of Rome.”⁴⁸⁰ When Melania the Younger left the Eternal City in the year 409, the year before the sack of Rome by the Goth Alaric, in order to make her way to the convent of her eponymous grandmother in Jerusalem, she is said to have showered churches, monasteries and *xenodochia* in the West with presents. Evidently it was a circle of supporters and friends of Jerome, with his contexts in the East, who patronized the first hospitals in the West.⁴⁸¹ In this context it is important that the same people also supported the monastic movement in the West, as the example of Paulinus of Nola demonstrates (353–431). This wealthy man had first had a distinguished career in state service, before he decided, under the influence of the Gallic monastic father Martin of Tours as well as the bishop Ambrose of Milan, to himself become a monk. He built a monastery in

476 Uhlhorn, *Christliche Liebestätigkeit* (21895), 194–5.

477 Weis, Julian (1973), 104–9 no. 39; cf. Rosen, Julian (2006), 496 n. 76; Baldwin, Sozomenos (1991).

478 Jetter, *Hospitalgeschichte* (1973), 6; Uhlhorn, *Christliche Liebestätigkeit* (21895), 195.

479 Cf. now with a good overview Pauy, *Hospitler* (2007).

480 Schnfeld, *Xenodochien* (1922), 10.

481 Ibid., 10–1.

Nola and distributed there his entire fortune to the poor and strangers, as well as for the ransom of captives.⁴⁸²

Philanthropic institutions (*piae causae*) had in the beginning been financed with the funds of the church; it is reported of John Chrysostom, the bishop of Constantinople, as stated in his vita, that he constrained the spending of his church in order to build hospitals from what had been saved.⁴⁸³ In the same period private persons began to establish hospitals, which were loosed from the property of the dioceses and became independent foundations.⁴⁸⁴ They were, however, directed by clergy. An imperial law of 472 regulated the equal position of hospitals and churches, including a favorable tax status.⁴⁸⁵ Despite their legal independence and private administration the relevant bishop retained the privilege of oversight, in order to ensure the endowment was employed for its intended purpose. Justinian quite clearly regulated the law on foundations in 530: "We decree that if a dying person makes a pious disposition, whether by the institution of the heir, by legacy, by trust, by gift in anticipation of death, or by another legal means, and whether he provides for the fulfillment of his wishes by placing this charge upon the current bishop or is silent in regard thereto, or on the contrary he forbids him, it will be incumbent on the heirs to carry out his injunction and fulfill it in every way. If they do not do this willingly, then the most reverend local bishops shall investigate this matter and demand that they perform everything according to the wish of the deceased. If the testator orders the construction of a church, they [sc. the bishops] shall see to it that it is completed entirely within three years; if the building of a hospice, they [sc. the heirs] shall be compelled to this within one year alone (...). But if the aforementioned time elapses, and neither the church or hospice has been built, nor he who was charged with the housing of strangers does so, then the most reverend bishops themselves shall claim the funds left behind and accordingly required for this purpose and shall effect the construction of the most holy churches and the erection of the hospices for the elderly, or orphanages, the building of poorhouses or infirmaries, the ransom of captives, or whatever other pious purpose chosen by the deceased. And they shall nominate administrators for these projects: superintendents of hospices, orphanages, founding-hospitals, or hospitals for the elderly, or simply stewards

482 Prinz, *Frühes Mönchtum* (1965), 20, 457, and elsewhere.; Lienhard, Paulinus von Nola (1993).

483 Hagemann, *Stellung* (1953), 42.

484 Schönfeld, *Xenodochien* (1922), 24–5; Reicke, *Stiftungsbegriff* (1933), 250–3.

485 Codex of Justinian (2016), 96–7 no. I.3.32, 7; Codex Iustinianus (¹¹1954), 23; cf. Hagemann, *Stellung* (1953), 35.



ILLUSTRATION 47 Grave monument of Cardinal Francesco Carbone (d. 1405 CE) with sculpture of Caritas, Cathedral of Naples / Italy

and *curatores* for these pious undertakings (...).⁴⁸⁶ Yet alongside philanthropic establishments that had become legally independent, both this period and thereafter continued to see ones which were subsumed within the endowment of an episcopal church or of a monastery.

In contrast to the East, the charitable institutions in the West should not be imagined as being so finely differentiated. In the West the *hospitium* functioned as a catchall term for multi-functional charitable establishments.⁴⁸⁷ Due to the quite frequent connection of a hospital with an *oratorium* or a *monasterium*, that is an oratory or a monastery, these two terms were often interchangeably used along with *xenodochium*. Occasionally, one also finds special forms, especially the leprosarium. Often one cannot determine whether a guesthouse was subordinate to a monastery or itself represented an independent establishment.

The philanthropic institutions, as they were created in the context of the imperial church and under the rule of Roman law, survived the collapse of the empire in the West. Important indications of this are transmitted by the epistolary corpus of Gregory I, which primarily refers to Italy: in them the pope repeatedly takes care for the construction or the maintenance of *xenodocheia*, according to the will of pious testators.⁴⁸⁸ The subjugation of Italy by the Lombards apparently led to the collapse of traditional hospitals, though King Liudprand (712–44) and other members of his people also patronized them.⁴⁸⁹ In the sources of the 8th and 9th centuries it is often mentioned that destroyed *xenodochia* were rebuilt. Thus, in the biography of pope Stephan II (753–7) it is narrated that he had reestablished both materially as well as with legal privileges four old, but deserted and plundered, *xenodochia* in the city and erected three new ones, in which inter alia one hundred poor of Christ were to receive daily nourishment.⁴⁹⁰

North of the Alps already from the 6th and 7th century onwards very many *xenodochia* seem to have been established. Alongside Merovingian and Carolingian kings, bishops and monasteries are prominent as founders, whose duties included care for the poor.⁴⁹¹ Perhaps the oldest hospital foundation

486 Codex of Justinian (2016), 119, 121 no. 1.3.45; Codex Iustinianus (11954), 31.

487 Above 314.

488 Gregorii I Papae Registrum II (1899), 65 no. IX.35; 86 no. IX.66a, 97–8 no. IX.82; 129–30 no. IX.130; 420–2 no. XIV.2; I (1887–91), 239–40 no. IV.8; in addition *ibid.*, 10–1 no. I.9; 68 no. I.42; 284–5 no. V.4; II (1899), 167–8 no. IX.170; 371–3 no. XIII.7, 376–8 no. XIII.11.

489 Above 410.

490 Liber Pontificalis 1 (21955), 440–1. Correspondingly on Hadrian I (772–95), Leo III (795–816) and Sergios II (844–7) see *Schönfeld, Xenodochien* (1922), 14 n. 4.

491 Cf. *Jetter, Erste Einrichtungen* (1971).

in Gaul is attested for bishop Caesarius of Arles (470–542). Apparently the lodging was connected with a church in such a way so that the bedridden sick could follow the liturgy.⁴⁹² Of another bishop, Praejectus of Clermont, who was murdered in 676, similar matters are related: “He erected a *xenodochium* on his estates at the place called Columbarius, thereby following eastern models (*orientalium more secutus*). He appointed doctors and potent men who could provide care, and indeed in such a way that there always twenty sick would be healed and receive food rations; yet as soon as they recovered, they were to be given to another place for care.” According to this source there were doctors stationed at Columbarius.⁴⁹³ Towards the end of the 7th century a differentiated situation for *xenodochia* is transmitted for the Monastery of Fontenelle. It had been established by Abbot Ansebert (from c. 677, from 684 also bishop of Rouen).⁴⁹⁴ The house was to accept twelve poor and infirm poor (continually); in addition, two additional guesthouses were to come about for (ambulatory) poor. In return, the patients were obligated to prayer and offerings of thanks both day and night, and to wit not for the founder or certain other persons, but for the entire people of God and the church. By contrast, the later bishop Theodulf of Orléans, who belonged to the circle of Charlemagne, designated a *xenodochium* he had established for his *memoria*.⁴⁹⁵

In this period the *xenodochia* acquired special importance.⁴⁹⁶ As the Carolingians incorporated Italy into the Frankish Empire, the Alpine passes had to be outfitted with guesthouses for strangers. As an example, only the hospice on Mont Cenis need here be mentioned, which goes back to Emperor Louis the Pious.⁴⁹⁷ Along with secular and church grandees, simple clergy, as long as they possessed adequate property, founded hospitals. In his testament of 634 the deacon Adalgisel-Grimo of Verdun named the Monastery of

492 Vitae Caesarii episcopi Arelatensis libri duo (1896), 464 cap. 20; cf. Schönfeld, *Xenodochien* (1922), 52; Jetter, *Erste Einrichtungen* (1971), 234–5. Cf. Nürnberg, *Caesarius v. Arles* (1994); Langgärtner, *Caesarius*, hl. (1983).

493 Passio Praeiectionis episcopi (1910), 235 cap. 16; Jetter, *Erste Einrichtungen* (1971), 232–3; Poulin, *Praeiectionis* (1995).

494 Vita Anseberti episcopi Rotomagensis (1910), 628 cap. 14; Poulin, *Ansebertus* (1980).

495 Theodulfi carmina (1881), 534–5 no. LIX; cf. Brunhölzl, *Geschichte* 1 (1975), 288–99, 549–50.

496 Schönfeld, *Xenodochien* (1922), 15 n. 4.

497 Urkunden der Karolinger 3 (1966), 60–2 no. 4; cf. Urkunden Ludwigs des Frommen 1 (2016), 52–5 no. †21. For further instances cf. *Epistolae variorum* (21974), 309–11 no. 7. On Berthram of Le Mans (616) above 312, 314, also on Mont-Joux-Pass (Great St. Bernhard) already in pre-Christian antiquity, where the Monastery of Saint-Maurice then arose, 320.

St. Agatha in Longuyon as his heir.⁴⁹⁸ In other parts of the document are found the terms *xenodochium* or *congregatio*, *clerici* or *pauperes*; the community of “clergy” could not be separated from the charitable establishment. Adalgisel had already established these during his lifetime and, like Berthram of Le Mans, established them for 16 needy. The head of the monastery was to always replace one of the sick cared for when one of the 16 died. Adalgisel performed further works of charity through bequests. To wit, he gifted the *matricularii* of Trier, Tours and Huy, the lepers of St. Vanne, the episcopal tomb of Verdun, the lepers in Metz and in Maastricht as well as the poor of Mercy. And while Adalgisel established the *xenodochium* in Longuyon as a foundation, he also built a monastery on his proprietary estates near Tholey, which he gave to the episcopal church of Verdun. Therefore in his testament a proprietary monastery stood alongside a foundation.⁴⁹⁹

Just as ancient traditions and medieval innovations overlap in this testament, so also is a form transmitted in the *Formulae Marculfi*, a collection of formulaic documents from around 700 CE, which once more bundles ancient Roman legal and Christian ideas with regard to the *xenodochium*. Not only public notaries, but also clerics and monks in the episcopal churches and monasteries tended to orient themselves on models of this sort, so that one can assume it was meant to be implemented in practice.⁵⁰⁰ The model document is intended, according to its heading, for “he who desires to establish a *xenodochium* or a monastery”.⁵⁰¹ The guesthouse was evidently to be erected alongside a chapel and to accept “according to the number of apostles immediately twelve poor for the remission” of sins.⁵⁰² The properties which the presumed founder was to place at its disposal were to serve toward the illumination of the oratory, as well as the nourishment and clothing of the poor and the clergy doing service there. Renouncing authority was key for the legal status of the oratory or *xenodochium* as an independent foundation. Marculf even formulated it as such: “Yet I have kept no title of property for myself.”⁵⁰³ As important was the securing of the foundation in the face of ecclesiastical and secular authorities: “The power of the bishops and of all church or public officials is to be kept distant. No services or exactions, no requested or praised feasts, no pleasing or deceitful gifts, no meadow for the horses, no post horse and no transport

498 Levison, Testament des Adalgisel-Grimo (1932, repr. [48]). On the document *Nonn*, Merowingische Testamente (1972), 30–1.

499 Cf. Heinemeyer, Erzbistum Mainz (1979), 120–34; Ebling, Prosopographie (1974), 31.

500 Cf. *Nonn*, Formel (1989).

501 Marculfi Formulae (1886), 70–4 lib. II.1, at 70.

502 Ibid., 71.

503 Ibid., 74.

service with wagons, or whatever services might otherwise be mentioned, are to be demanded from the endowment. Instead, the property should remain under complete immunity, as I have owned it hitherto, in the privilege of the Oratory of St. Mary [sic] and the aforementioned poor, through God's protection and succor (...); everything should forever remain in the power of the oratory or the poor there." The bishops, however, were conceded the election of new abbots and clergy, yet the kings and their officials had to remain watchful regarding the preservation of the founder's will.⁵⁰⁴

Yet in contrast to a foundation such as that of Marculf, there were already attested in the 7th, then more so in the 8th century, charitable institutions over which their founders and heirs retained authority or invoked usufruct. Therefore in this context the conception of proprietary church law exerted influence, not only on the status of churches and monasteries, but also those of other church establishments.⁵⁰⁵ Perhaps claims to authority of this sort also led to a temporary retreat of hospital establishments north of the Alps.⁵⁰⁶ Meanwhile, already Charlemagne is said to have had guesthouses again erected throughout his realm out of his love for strangers and for "fame of liberality".⁵⁰⁷ His son Louis the Pious even obligated every community of canons to run a hospice under its own director, which was to be maintained from a tenth of all incomes. The canons, who were allowed to have private property, were to contribute the same portion of their harvest yields and alms and house the poor within their enclosure, in order to provide them with consolation and perform the charitable act of foot washing.⁵⁰⁸ The emperor demanded a corresponding tithe for the poor also of monastic communities.⁵⁰⁹

At the beginning of the 9th century hospitals were subject either to the power of lay lords or they were subordinate to churches and monasteries. Meanwhile, independent hospitals along the lines of Late Roman law around this period appear to have largely or entirely disappeared. But the attestations for hospitals at cathedrals or other abbeys are in fact not very numerous. On East Frankish, later German, territory a *hospitale pauperum* at the episcopal church of Bremen as well as a corresponding hospital for the poor at the Church

504 Ibid., 72–3.

505 Schönfeld, *Xenodochien* (1922), 34–49. Cf. above 311, 358–70, and elsewhere.

506 Schönfeld, *Xenodochien* (1922), 40–2; Reicke, *Deutsches Spital* 1 (1932, repr. 70), 5–6.

507 Einhardi *Vita Karoli Magni* (61911), 26 cap. 21. Einhard, who followed the model of Roman imperial biographies (Suetonius), with the *laus libertatis* and the *bonae famae merces* he insinuates that Charlemagne had pagan motives.

508 *Concilia Aevi Carolini* 1,1 (1906), 416–7 cap. 116.

509 *Capitularia* 1 (1883), 347 cap. 49.

of St. Pantaleon in Cologne (both around 860) are known.⁵¹⁰ Presumably the early dissolution of the common life of canons contributed to the merely limited spread of abbey hospitals, since instead of a common sinecure, from which all clergy lived, from the 10th century onwards individual prebends appeared.⁵¹¹

Education and learning, as in the Byzantine Empire, were originally not understood in the Latin West to be works of charity and for a longer period of time were also not thought to be the proper agenda of pious founders.⁵¹² Yet in contrast to the Greek Orthodox world there were also no private schools in the Early Middle Ages.⁵¹³ The last urban schools, which in Antiquity were paid and overseen by the public authorities, are attested in Gaul at the end of the 5th century, in Italy and Spain at the end of the 6th century.⁵¹⁴ Tutors were still for some time active in the families of the senatorial aristocracy, otherwise churches and monasteries attained a monopoly over the educational system. Episcopal schools are first attested in Spain (Council of Toledo, 527), parish schools in Provence (Council of Vaison, 529).⁵¹⁵ It is not known how widespread cathedral schools were in Merovingian France.⁵¹⁶ Since early medieval monasteries had to train their own recruits (oblates, novices), they also had to provide for their education; older monks served as teachers. Though the Synod of Aachen of 817 decreed that monastic schools were only to be dedicated to those who “had been offered” to the monasteries as children, they were still nonetheless also attended by outside pupils.⁵¹⁷ Like the monasteries, the collegiate churches as well were to preserve the right of residence for adepts marked for a religious vocation (*canonici scholares*).⁵¹⁸ Charlemagne, who brought famed scholars from the most important lands of Western Europe to his court,⁵¹⁹ had to resort to establishments of the Church, the schools of monasteries and cathedrals or even of parishes to spread learning and education widely. In his

510 *Reicke*, Deutsches Spital 1 (1932, repr. 70), 29–32; *Vita Anskarii* (1884), 69 cap. 35; *Urkunden der Karolinger* 3 (1966), 423–6 no. 25 of 866 (St. Pantaleon).

511 Above by n. 1975, 2038, 2207, 2305, 2375.

512 On this and what follows see *Borgolte*, *Stiftung und Wissenschaft* (2011, repr. 12), 410–3.

513 On schools in general *Müller*, *Klosterschulen* (2013); *idem*, *Domschulen* (2013); *idem*, *Stadtschulen* (2013); *Kintzinger*, *Wissen* (2003); *Ders. / Lorenz / Walter* (eds.), *Schule und Schüler* (1996); *Verger*, *Schule* (1995); *Fried* (ed.), *Schulen und Studium* (1986).

514 *Verger*, *Schule* (1995), 1582, cf. *Browning*, *Schule* (1995), 1586.

515 *Verger*, *Schule* (1995), 1582; *Ehlers*, *Domschulen* (1986), 1227.

516 *Ehlers*, *Domschulen* (1986), 1227.

517 *Kottje*, *Klosterschulen* (1991), 1227.

518 *Ehlers*, *Domschulen* (1986), 1227.

519 Cf. *Fried*, *Karl der Große* (2013), 284–342; *idem*, *Netze der Wissensgesellschaft* (2003); *idem*, *Aktualität des Mittelalters* (2002); *Brunhölzl*, *Geschichte* 1 (1975), 241–315.

programmatic “Admonitio generalis” of 789, he called for the *sacerdotes* (bishops and priests) to gather the sons of the free and the unfree around them and to teach at schools.⁵²⁰ And in the roughly contemporaneous circular on the cultivation of the sciences (“Epistola de litteris colendis”), he demanded that “the episcopal sees and monasteries that Christ has entrusted us to rule, apart from the order of the regular life and a change of life corresponding to the holy religion, are to concern themselves with the education of those able to learn, by the gift of God, according to their individual capacities.”⁵²¹ Traces of these impulses are found in multiple local synodal decisions. The church gathering of Reisbach in Bavaria in 798 therefore decreed: “Every bishop ought to erect schools in his city and appoint a wise scholar able to teach after the model of the Romans and dedicate himself to lectures.”⁵²² The curriculum, however, was to be restricted to the shaping of liturgy. The bishops of a Parisian synod pressured Emperor Louis the Pious in 829, according to the plan of his father Charlemagne, to establish at least three such schools (*scole publice*) in his realm.⁵²³ Charlemagne’s grandson, Emperor Lothar I, wanted to see schools erected in multiple bishop cities of Italy for a respectively larger radius (825).⁵²⁴ The Frankish rulers were aware that they had to especially improve the educational opportunities of poorer students; yet they did not yet create a system of stipends with foundations. Nonetheless, a Council of Attigny worked towards having two or three schools in every diocese to shorten the ways to school.⁵²⁵ Still in 853 there was talk in Rome of a widespread lack of teachers in the parishes.⁵²⁶ Into the 10th century monastic schools dominated Latin Christian education, until the cathedral schools experienced their blossoming until the end of the 12th century.⁵²⁷ Nonetheless, Pope Gregory VII prescribed a school for every cathedral church (1079),⁵²⁸ while two councils of 1179 and 1215 called for the comprehensive establishment of elementary schools even in canon and parish churches.⁵²⁹

520 Admonitio generalis (2012), 222–5 cap. 70.

521 Capitularia I (1883), 79.

522 Concilia Aevi Karolini 1,1 (1906), 199. Further evidence cited in *Borgolte*, *Stiftung und Wissenschaft* (2011, repr. 12), 412 n. 20.

523 Concilia Aevi Karolini 1,2 (1908), 675 cap. (79.) 12.

524 Capitularia I (1883), 327 cap. 6.

525 Concilia Aevi Karolini 1, 2 (1908), 471 cap. 3.

526 Konzilien der karolingischen Teilreiche 843–859 (1984), 328 cap. 34.

527 *Verger*, *Schule* (1995), 1583–4; *Kottje*, *Klosterschulen* (1991), 1227; *Ehlers*, *Domschulen* (1986), 1226–7.

528 *Ehlers*, *Domschulen* (1986), 1228; *Kintzinger*, *Bildungswesen* (1990), 81.

529 Conciliorum oecumenicorum decreta (³1973), 220 can. 18; 240 can. 11; *Verger*, *Schule* (1995), 1584; *Kintzinger*, *Bildungswesen* (1990), 81; *Ehlers*, *Domschulen* (1986), 1228; *Lohse*, *Stiftungen im Okzident* (2016/7), by n. 287.

Schools only had something to do with foundations in the Early Latin Middle Ages insofar as the monasteries and abbeys, at which teaching and learning took place, were themselves endowed or could have been. This changed in the High Middle Ages, which in an earlier period, and not without reason, was seen as the quintessential period of foundations.⁵³⁰ Special positions for schoolmasters (*scholastici*) from the ranks of clerics and monks now belonged to individual benefices which became available, which were soon also financed through supplementary endowments.⁵³¹ A fine example of a school endowment with compensation for the teacher from England along these lines has been pointed out by Tillmann Lohse.⁵³² A layperson by the name of Walkelin, together with his consort Goda, bequeathed to the canons in Derby “the mesuage in which we live (...) with all the buildings in it”; this was to occur on the condition “that the hall shall be for a school of clerks, and the chambers shall be to house the master and clerks for ever, so that neither the abbot nor the master nor anyone may take anything for leasing the house, and that the proceeds of the oven may be for the canons’ hospital to maintain the poor.”⁵³³ Special foundations were also created for the students, which often yielded small gifts of rolls or coins. From around 1200 onwards one can speak of proper student endowments. Thus, the archdeacon Simon of Durham surrendered a certain piece of land “for the maintenance of three scholars”. In this case the master was to daily select the recipients of the foundation from the mass of students and send them to the almoner, who had to supply them with food and drink as well as proper beds for staying the night in the almshouse.⁵³⁴ In general, however, the nomination of permanent recipients was implemented instead of the rotation of qualified beneficiaries.

Yet the changes in the school system constitute only a single aspect of a much more comprehensive transformations during the transition to the High Middle Ages, some of which have even been ascribed revolutionary qualities.⁵³⁵ A far-reaching social and economic transformation encompassed all spheres of church life, including welfare.⁵³⁶ From the 11th century onwards the population in Latin Europe starkly increased and caused inter alia tremendous activity in land clearance, as well as widespread movements in settlement

530 Cf. *Liermann*, Handbuch 1 (1963), 78.

531 *Verger*, Scholasticus (1995).

532 On this and what follows *Lohse*, Stiftungen im Okzident (2016/7), by n. 288–292.

533 Educational Charters (1911), 112–3; cf. *Orme*, English Schools (1973), 178.

534 Educational Charters (1911), 124–5; cf. *Orme*, English Schools (1973), 181.

535 Cf. *Borgolte*, Einheit (1996).

536 In summary *Oexle*, Armut und Armenfürsorge (1981, repr. 2011), 425–31.

and migration; long-distance trade revived and along with markets cities multiplied and grew. The increased mobility of merchants, but also of scholars, teachers and pilgrims, caused a new need for guesthouses, in addition to hostels, to accommodate the poor and strangers: "The flipside of population increase and improved mobility was a hardly imaginable multiplication of poverty. By no means could all men who sought opportunities for clearance and new settlement find new security and a better livelihood. The rapidly developing small and large cities could become points of attraction for the poor: 'Urban poverty is fed by its rural counterpart', and in the end exceeded it. From the High Middle Ages onwards there arose a new society organized into rich and poor, *potentes* and *pauperes*. The city *pauperes* were recruited from the economically most vulnerable segments of the urban populace, the dependent, who at the same time were the least esteemed: wage laborers, craft journeymen and apprentices, day laborers, maidservants."⁵³⁷

The traditional institutions of poor relief—kings, bishops and Benedictine monasticism—proved themselves unequal to the challenge of rapid growth in the number of the poor. It is insufficient that a reform monastery like Cluny in Burgundy feed up to 50 ambulatory poor a day.⁵³⁸ The new orders, the Cistercians and the Premonstratensians, were also less important for the history of foundations, though they did develop "rich and comprehensive hospice care", which, however, once again concentrated more on the open poor relief of the mobile needy and travelers.⁵³⁹ The Franciscans and Dominicans as well, appearing in the 13th century, who established themselves in the cities and with their choice of voluntary poverty, desired to personally share the lot of the oppressed, concentrated on the free care of the sick and in particular on visiting the sick.⁵⁴⁰ The reform canons of the Augustinians certainly maintained hospitals in cities.⁵⁴¹ Yet if a wave of establishing hospitals, poorhouses and leprosaria can be observed for the period after around 1200, its protagonists were less monks, nuns and clerics than laypersons, in particular urban burghers. Over the middle term they proved to be most important response of organized relief based on foundations to the concentration of urban poverty.

537 Ibid., 427 (with a quotation of *Michel Mollat*).

538 *Wollasch, Gemeinschaftsbewußtsein* (1975), 280–2.

539 *Reicke, Spital 1* (1932, repr. 70), 17; cf. *Schott, Armenfürsorge* (1978), 13–5; *Eberl, Zisterzienser* (2002), 137–8; *Horstkötter, Prämonstratenser* (1999), 505; *idem, Prämonstratenser* (1995), 149.

540 *Reicke, Spital 1* (1932, repr. 70), 24–5; *Wollasch, Gemeinschaftsbewußtsein* (1975), 284. *Drossbach, Hospitäler im Mittelalter* (2010), 57–8, refers to the *domus Dei* of the Dominicans of Viterbo in the first half of the 14th century.

541 *Reicke, Spital 1* (1932, repr. 70), 45 n. 6, 37 n. 4.

From the 12th/13th century laypersons formed hospital confraternities; they renounced the temporal life and devoted themselves entirely to the poor and sick of the hospital as attendants and servants. Though they were not monks, they took monastic vows.⁵⁴² Over the course of the crusading movement there arose at the same time in the Near East the military hospital orders (the Hospitallers, the Teutonic Knights, the Order of Saint Lazarus),⁵⁴³ who often bound their branches with the hospital establishments. In contrast to these hospital orders, which were adapted to the overall organization of the new orders, the confraternal hospital governed its own affairs. It was, however, an association, not a foundation, even if it may have formed on the basis of generous donation of wealthy burgher. These monk-like associations for nursing the sick then disappeared over the course of 14th century; either too few clerics joined them, so that they could further develop into monasteries or communities of priests, or the urban authorities took the hospitals under their own authority. Yet the lay confraternities also influenced the city hospitals.⁵⁴⁴ Alongside the motive of charity, for the care of urban inhabitants of no means, there now appeared the wish of wealthy burghers to secure their own maintenance in the case of infirmity, sickness or old age in a hospital.⁵⁴⁵

Recently poor relief and caritative foundations from the High Middle Ages onwards has been astutely assessed in the English metropolis of London.⁵⁴⁶ Hospitals for the sick, especially for lepers, were founded here from the beginning of the 12th century by members of the royal family, the high nobility or the clergy. Yet from the beginning of the next century onwards the establishments of wealthy burghers came to the fore; of 13 clearly new establishments of the years from 1331 to 1544, only three stemmed from clerics or rulers. The testaments of burghers provided, after the maintenance of married partners and children, in the third instance for pious works. These could consist of mass or altar foundations, support the renovation of a church or a donation to monasteries, collegiate churches and the poor. Yet above all foundations of almshouses now appeared instead of noble or clerical hospital foundations: "Almshouses differed in numerous respects from traditional hospitals. They were intended for a small number of continuous inhabitants: whoever was allocated a place by them had a solid roof over his head."⁵⁴⁷ The almshouse

542 Ibid., 48–53.

543 Ibid., 93–155; cf. *Sarnowsky, Johanniter* (2011); *Legras, Lazariten* (1991); *Ziegler, Kreuz und Schwert* (2003). Cf. also *Drossbach, Christliche caritas* (2005).

544 *Reicke, Spital 1* (1932, repr. 70), 85–6.

545 Ibid., 196–292.

546 The following after *Rexroth, Armut und Memoria* (1994), 342–3, 346.

547 Ibid., 343; *Rexroth, Armenhäuser* (2005).



ILLUSTRATION 48 Ford's Hospital, Coventry (Grey Friars Hospital), United Kingdom, founded 1509

represented a new type of building. They were “terraced houses”, as a rule two-storied, but on a small piece of land, that were arranged around a courtyard. Each inhabitant or resident couple possessed one or two rooms within it. In addition, many of these houses also had communal rooms, such as a hall and a kitchen. The lockable chambers themselves were often each equipped with a fireplace and a privy. “In this way the inhabitants were to be allowed to live in a community, but also enjoy a high degree of privacy.”⁵⁴⁸

The poorhouses of London were institutionally strongly tied above all to the donor's gild, company or fraternity. These associations of persons, for instance the brewers' or the tailors' guild, originally tended to support their impoverished or aged members in their private domicile, until the most prosperous among them established a shared site of care in poorhouses. It was guilds, not

⁵⁴⁸ Rexroth, *Deviance and Power* (2007), 231.

the descendants of testators or a church or communal institution, which were then generally entrusted with the administration of poorhouses. For example, in an impressive fashion the cloth merchant, alderman and repeated mayor Richard Whittington, “the most famous late medieval Londoner”, already in his own lifetime and then in particular through his testament worked for the poor of his city and also provided for philanthropic foundations, including an almshouse.⁵⁴⁹ Whittington (d. 1423) instructed the executors of his last will and testament *inter alia* to erect, besides a collegiate church, a house by the Church of St. Michael Paternoster for impoverished cloth merchants in his memory and that of his wife, where he also desired to be buried. In this he placed much importance on the need of its inhabitants, and excluded the members of the so-called *Livree*, the elite within the guild, as well as cloth merchants with an annual income of five marks or more.⁵⁵⁰ His philanthropic works, which were also of public benefit, also included the tearing down and reconstruction of Newgate Prison, a new gate for the St. Bartholomew’s Hospital, the construction of a library by the Guildhall, the digging of several new wells in the city as well as the expansion of a chapel over the charnel house of St. Paul’s churchyard. The founder also mentioned dowries of girls wanting to marry, the support of captives and the repair of the streets.⁵⁵¹ Furthermore, monks, clerics, ambulatory poor and the inhabitants of hospitals were, as was usually the case, obligated to liturgical *memoria* in exchange for money from the endowment.

Other founders tended less to reserve a place for the needy in the “almshouse” than for themselves or others of equal standing. Allowances on the basis of special petitions or as a personal favor were quite common; even the executors of Whittington’s testament enshrined in the statutes of his almshouse that a certain Robert Chesterton was to be the first tutor, that is the internal head of the college of the poor.⁵⁵² The company of the girdle makers, to which their member Andrew Hunt around 1431 made a bequest for the almshouse, soon interpreted the founder’s intent in such a way that even members of the *Livree* could be accepted.⁵⁵³ Meanwhile, the most import task of inhabitants of the almshouse was *memoria* for the deceased. The founder, Henry Barton, had correspondingly argued that, with regard to the living quarters that he placed at the disposal of the inhabitants, that they were to piously and humbly pray as long as they lived for King Henry VI, his heirs, himself, his predecessors and

549 Ibid., 232–3.

550 *Rexroth*, *Armut und Memoria* (1994), 347; *idem*, *Deviance and Power* (2007), 240.

551 *Rexroth*, *Deviance and Power* (2007), 235; *idem*, *Armut und Memoria* (1994), 347.

552 *Idem*, *Deviance and Power* (2007), 241.

553 Ibid., 236, 240.

benefactors, all the pious dead and peace in Christendom.⁵⁵⁴ According to Frank Rexroth, it was Whittington's memoria which was given the most consideration: "In the statutes of his foundation, the beneficiaries were virtually defined by this task. Each of them was to live in *una cella sive domuncula* [a cell or small dwelling], not just in order to keep watch and sleep there, but also in order to be free to contemplate God alone. Quiet was to be maintained in the house itself so that the poor could engage in prayer, reading and handicrafts. After rising in the morning and before going to bed they had to kneel and say the Lord's Prayer and one Hail Mary, and commend the souls of Richard and Alice Whittington to their creator and the Virgin Mary. During the rest of the day they were expected to say two or three rosaries, that is, three times fifty Hail Marys, fifteen Our Fathers and three Creeds. They should attend church daily for Matins, High Mass, Evensong and Compline, participate in the service and pray for the founder and his wife. At least after the Mass and Compline they must gather round the founders' grave and recite the *De Profundis* together with the *versiculis* customary in prayers for the dead. Those unfamiliar with these should reverently say three Our Father, one Hail Mary and the Creed for the souls of Richard and Alice. Afterwards, the tutor or one of the older inmates should say out loud: *God have mercy on our founders' souls, and all Christen*, to which the rest of the *pauperes circumstantes* [the poor standing there] were to respond *Amen*."⁵⁵⁵

Almshouses in the London style could also be found on the continent. The Augsburg merchant Jacob Fugger the Rich (d. 1525), in a fashion similar to the London mayor Richard Whittington, created a series of endowments, of which the poor settlement in the Jakobervorstadt quarter remain the most famous, and even survived the Reformation. According to his charter of 1521 he had acquired plots of land for 48 houses for this purpose. Though he and his heirs retained tax liability for the properties, the endowment for the maintenance of the complex was to be free from exactions.⁵⁵⁶ The houses were to be rented out to the "pious, poor day laborers and craftsmen, burghers and inhabitants of this city" for a minimal yearly payment of one Rhenish guilder; they could not be beggars.⁵⁵⁷ Apparently, moreover, even independent master craftsmen in Augsburg in his time could not afford a dwelling "on the open market"; affordable housing was to be offered to them in order to prevent their descent into

554 Ibid., 246.

555 Ibid., 246–7.

556 Scheller, *Memoria an der Zeitenwende* (2004), 128. Cf. thereafter also Oexle, *Grab und Memoria* (2013/4).

557 Scheller, *Memoria an der Zeitenwende* (2004), 129.

mendicancy. Thus, in this case relief had a preventative character.⁵⁵⁸ In contrast to other almshouses, along with the prototypical private sphere in one's one dwelling, no place of communal living was foreseen in the "Fuggerei". In the settlement, which has lasted to the present day, there is no central place where one can meet and converse. Even the gardens were walled off from the street, so that not even talking over the fence was encouraged.⁵⁵⁹ Prayers for the memoria of the founders were also only to be performed in the domestic sphere; it was only in 1581 that Fugger's poor settlement received its own chapel.⁵⁶⁰

Along with almshouses, hospitals continued to be founded by burghers for burghers; caritative motives and selfish relief interests, associative self-help and the authoritative claims of church and city influenced the conception and development of these establishments. In the Late Middle Ages there also arose extensive hospital rules, which resembled the monastic *typika* in Byzantium. A particularly early text is transmitted from Lübeck. It was here that the citizenry at the beginning of the 13th century erected a hospital for needy burghers, without consulting the bishop. When the council requested that the bishop appoint a priest for the pastoral care of its occupants, he refused by stating that the house had not been erected for the care of the frail, but for the relatives and friends of the burghers.⁵⁶¹ He also objected to the defective confraternal organization. Finally, they agreed to compromise: the hospital received its own altar with its own priest, but was subordinated to the religious authority of the bishop and the cathedral chapter. In 1263 it received the aforementioned rule by Bishop John III of Lübeck, comprehensive and composed in both Latin as well as German to better inform all parties, which emphasized fraternal and sororal order.⁵⁶²

Whoever sought acceptance in the Hospital of the Holy Spirit, according to the rule, was to surrender all his money and retain no possessions; for this he was to be supplied sufficiently with food, clothing and footwear.⁵⁶³ Beginners had to pass a one-year trial period; were he to stick to his plan afterwards, he had to make a profession like a monk and was thereafter no longer allowed to leave the house.⁵⁶⁴ The hospital master (*magister*) could refuse candidates if their change of life displeased him. With him lay all disciplinary authority

558 Ibid., 144.

559 Ibid., 145, 147–51.

560 Ibid., 154.

561 Reicke, Spital 1 (1932, repr. 70), 238.

562 Urkundenbuch Stadt Lübeck 1 (1843), 255–64 no. 275.

563 Ibid., 255; 260.

564 Ibid., 256; 260.

within the house. This even extended to behavior at the table; whoever talked at meals was to ask the master and the “brothers” for forgiveness.⁵⁶⁵ The “brothers” and “sisters” had to treat each other with reverence. Whoever insulted another or mistreated a sick person was to consume only bread and water for four days in presence of the brothers as they ate. Someone who struck another was to be whipped as well, a man in the presence of men, a woman in the presence of women.⁵⁶⁶ An especially grave problem was posed by men and women living together: they often shared the same sleeping space, so that both sexes were only separated by a central corridor. In addition, since not only old, but also younger, persons were accepted, the founders of the hospital or the directors sought to prevent sexual infringements. This was also so in the Lübeck Hospital of the Holy Spirit. The order prescribed: “When one of the brothers or sisters is blemished by carnal union and is convicted of this, he is to be beaten every week for seven weeks on three days, namely on Monday, Wednesday and Friday; moreover, a man is to be stripped to the waist and be vigorously (*bene*) whipped while on his knees before the master, but a woman with bare shoulders is to be birched before the sisters.”⁵⁶⁷ It often happened that married couples joined the hospital; they then had to live sexually abstinently from one another, like the other occupants of the hospital. The monastic rule which was to prevail in the hospital was also recognizable from without. The brothers and sisters namely had to wear uniform—white and grey—clothing as well as shoes of cow’s leather.⁵⁶⁸ A privileged place was afforded only to the wealthy canons. When a wealthy man or woman desired to join the community and brotherhood, alongside the common living room of the brothers, a private dwelling could also be instituted. The “male canon” could even live together with his wife. He was only to give part of his estate for the maintenance of the house, but could keep the other portion and live according to his wishes, and even receive friends and relatives. After the death of the spouse the widower or widow, however, was to then live celibately.⁵⁶⁹

The foundation character of the hospital is once again expressed in the precise regulations for the commemoration of the benefactors (*pro benefactoribus domus; vor de genen, de deme godeshuse gut dot*).⁵⁷⁰ As important in this respect was the command that the order be read aloud once a month to the

565 Ibid., 256–7; 261–2.

566 Ibid., 257; 262.

567 Ibid., 257; 262.

568 Ibid., 258; 262.

569 Ibid., 258; 262–3.

570 Ibid., 255; 265.

occupants.⁵⁷¹ Yet the hospital community was not autonomous in the selection of the master. At the death of the master the brothers, in consultation with parish priests of St. Marien and St. Peter of Lübeck, as well as with the council members, were to elect a successor, which the bishop had to appoint. The master had to promise obedience to the bishop, which the occupants of the hospital in turn owed to him.⁵⁷²

As one can see, in 1263 the bishop had achieved dominance in spiritual and temporal matters within the Hospital of the Holy Spirit. After a fire a reconstruction of the hospital was already necessary, which was tied with a transfer of its location. The building, only finished in 1286, still stands today and represents an extraordinarily impressive example of medieval hospital architecture.⁵⁷³ In the same historical context the council of the city was apparently able to increase its influence. In 1285, after the master and convent of the hospital occupants, *provisores* or trustees are mentioned who acted for the hospital.⁵⁷⁴ According to a contemporary document there were two burgher trustees who apparently had been appointed by the council; the city influence thus now extended far beyond privileges of collaboration.⁵⁷⁵ Later the curators, as represents of the politically-organized confraternity, were even to achieve dominance in the direction of the hospital.

Hospitals and almshouses were expensive, so that in general only wealthy benefactors or associations could found them. Yet in the Late Middle Ages the less prosperous also sought and found ways to invest in good works on the "Market of Piety".⁵⁷⁶ It has been demonstrated on the basis of testaments from Stralsund that in the 15th century, in place of expensive priestly sinecures, simple memoria was becoming widespread. This was permanent commemorative prayer in the context of already-existing liturgical services, without the endowment of special "eternal masses".⁵⁷⁷ Thus, one Heinrich Mersmann endowed the Monastery of St. John with a bedsheet and otherwise set aside only one additional bequest for pious purposes.⁵⁷⁸ Yet contrary to expectations, wealthy burghers of Stralsund also created votive endowments. They often

571 Ibid., 258; 265.

572 Ibid., 258–9; 263.

573 *Reicke*, Spital 1 (1932, repr. 70), 240; see the Wikipedia article "Heiligen-Geist-Hospital (Lübeck)", viewed on 24.3.2017.

574 Urkundenbuch Stadt Lübeck I (1843), 429–30 no. 473.

575 Ibid., 468 no. 515 of the year 1287. Cf. *Reicke*, Spital 1 (1932, repr. 70), 241.

576 On the relationship between foundation behavior and the Market of Piety see *Lusiardi*, *Stiftung und städtische Gesellschaft* (1999), 189–222.

577 Ibid., 171.

578 Ibid., 187.

preferred the dispersal of eternal prayers in various churches and monasteries to a single large foundation; with this dispersion of foundations and the expectations concerning memoria bound up with it, their practices did not differ from those of the ruler.⁵⁷⁹

Only around c. 1300, probably later than in Byzantium,⁵⁸⁰ are peasants discernable as founders in Western Christianity.⁵⁸¹ Attestations are found in French Lyonnais;⁵⁸² in the countryside around Basel even hundreds of peasant foundations are attested for the period from c. 1430 to 1500.⁵⁸³ As elsewhere, farmers also banded together for collective foundations.⁵⁸⁴ One can differentiate between “shared anniversaries”,⁵⁸⁵ in which supplementary endowments were meant to provide the capital for a summary commemoration of the donors, and shared actions for the erection of “eternal benefices”. “Lesser benefices” were chapels which village communities created for their pastoral care beneath the level of the parish.⁵⁸⁶

The proportion of women in the upkeep of foundations can hardly be seriously calculated for the Latin Christian Middle Ages: some researchers dare even to speak of 10 to 25%. To keep in mind is the methodological consideration that in any case the sources often have a perspective centered on men, while women often appear in shared foundations with their husbands.⁵⁸⁷

The last great foundation type of the Latin Christian Middle Ages was the university. This was in the beginning an association of teachers and students (Paris) or only scholars (Bologna), and had to remain so in order to maintain

579 Cf. on which the study of *Dormeier*, *Laikales Stiftungswesen* (2013), esp. 279–84, who demonstrates via the example of a testament of a citizen of Lübeck of 1459 (edition *ibid.*, 317–322) how a merchant endowed churches, monasteries and hospitals in Lübeck and its vicinity as well as in Bruges in Flanders, where he had been elected councilman of the Hanseatic *kontor*.

580 S. above 580.

581 *Lohse*, *Soziale Positionen* (2017), 87.

582 *Lorcin*, *Vivre et mourir* (1981), 35, 145.

583 *Othenin-Girard*, *Ländliche Lebensweise* (1994), 39–49, 55–66.

584 Foundations with multiple parties are, however, not well-researched for Latin Christendom; cf., however, an example in *Büttner*, *Stiftungspraxis* (2008), 255–7.

585 *Othenin-Girard*, *Ländliche Lebensweise* (1994), 31, 39.

586 *Fuhrmann*, *Kirche und Dorf* (1995), 75, 161–3. The question as to what people who cannot afford costly foundations are able to do for the salvation of their soul is still largely open, according to *Bünz*, *Pfarrei* (2013), esp. 424.

587 Cf. *Lohse*, *Geschlecht* (2017), 121–4. *Jordan*, *Female Founders* (2008); *Herder*, *Women as Benefactors* (2008); *Crusius*, *Im Dienst* (2008); *Jordan*, *Nahrung und Kleidung* (2007), 113–22; *Schmuki*, *Frühmittelalterliche Stifterinnen* (2006); *Schlütter-Schindler*, *Frauen der Herzöge* (1999); *Hellmuth*, *Frau und Besitz* (1998). Cf. also *Rasmussen*, *Monastic Benefactors* (2006).



ILLUSTRATION 49 King William II of Sicily (d. 1189) with church model of Monreale of 1174

its identity.⁵⁸⁸ With the establishments of the Late Middle Ages, however, especially in the Holy Roman Empire, there developed out of this the endowed university of the sovereign prince, in which its members, though obligated to the founder's intent, were able to otherwise maintain their freedoms because of having been outfitted with endowed properties.⁵⁸⁹ The outstanding role of kings and princes and founders of universities led in certain cases to the ahistorical development of myths.⁵⁹⁰ Thus, it was in Paris that a myth of Charlemagne as the founder of the university was invented, in Bologna Emperor Theodosius II was "discovered" with his supposed endowment charter of 433 CE, in Cambridge one went back to King Arthur (531 CE) or even to a man named Cantaber (1187 BCE), or at least to 693 BCE. At Oxford the Trojan King Brutus competed with Alfred the Great, who prevailed in the historical tradition: still in 1882 the educational establishment there celebrated its thousand-year anniversary with reference to the Anglo-Saxon monarch.

Critical historical scholarship has been able not only to expose these clear fictions, but also to qualify the tradition of "genuine" monarchical founders.⁵⁹¹ According to a study on the first establishments of this sort in the Holy Roman Empire, five parties already modified the founder's intent at the start: the high nobility of the territorial state, the urban burghers, the "foundation representative" of the sovereign prince, the local clergy and the pope in office.⁵⁹² The interference of the Bishop of Rome, which extended far beyond simple cooperation, even became a leitmotif of the early history of the university; from the 14th century onwards the papal letter of privileges even was understood as essential.⁵⁹³ By the pope calling a general course of study in a particular city at the request of the actual founder *apostolica auctoritate*, he appeared again in this context as the founder. This is to be traced back to the basic idea of the philosophical teaching of the "realists"; according to this notion, the conferral of a name bound the establishment to the thing itself.⁵⁹⁴ The remaining privilege was the endowment, without which the pope, for instance through the transfer of certain prebends, also would have had to appear as the material benefactor.⁵⁹⁵

588 Above 467.

589 *Borgolte*, *Stiftungen im Spannungsfeld* (1994, repr. 2012), 32–40.

590 The following after *Rexroth*, *König Artus* (1998), esp. 13–5, 48; cf. already *Borgolte*, *Stifter—Lateinische Christen* (2016), 374.

591 The following follows *ibid.*, 362. On royal or sovereign university foundations, see already above 476 (planning of Treviso), and elsewhere.

592 *Rexroth*, *Deutsche Universitätsstiftungen* (1992), 4.

593 *Ibid.*, 25–6, 69.

594 *Ibid.*, 69.

595 On Prague (1347 CE) above 491 and *Rexroth*, *Deutsche Universitätsstiftungen* (1992), 68–74; on Vienna (1365) above 492 and *Rexroth* 112–6, 275; on Heidelberg (1385) *ibid.*, 174.

While in Prague one must keep in mind the opposition of the high nobility to the establishment of the royal university, the first, unsuccessful foundation in Vienna in 1365 provoked the urban citizenry through the erection of a university quarter directly alongside the Hofburg.⁵⁹⁶ For Heidelberg, the three Counts Palatine Rupert I, his nephew Rupert II and his great-nephew Rupert III in 1385 came to Pope Urban VI with the request to found a university. Among the jurists, however, later Rupert II and Rupert III were primarily understood to have been the founders, while the artists venerated Rupert I as the *fundator studij Heidelbergensis*, but also commemorated Marsilius of Inghen, a learned counselor and the first rector, as the “founder and initiator of this curriculum, the outstanding doctor in holy theology, and first trained here.”⁵⁹⁷ In fact, as a learned expert Marsilius had already influenced the formulations of the basic founder’s intent.⁵⁹⁸

There were, however, also universities established by persons other than sovereign princes, which likewise would have been inconceivable without endowed properties. The *studium* of Cologne in 1388/9 was based on a decision of the urban council; the first magisters were provided numerous canonries at the collegiate churches of Cologne, in close interaction with the local clergy.⁵⁹⁹

The provision of magisters and doctors with benefices was supplemented by foundations for study for the students. The university was, according to its “self-understanding”, a site of teaching that was to be open to all who were filled with *amor scientiae* (“love of learning”).⁶⁰⁰ In contrast to, for example, the monastic and cathedral schools of the Early and High Middle Ages, which essentially were open to the members of the monastic and clerical estate, the idea of a restriction of entrance to certain social groups or classes no longer held water. Even when the largest portion of the scholars came from the middle class, there were also many sons of modest peasants and minor craftsmen

On Freiburg (1455/6): *Borgolte*, *Rolle des Stifterns* (1985, repr. 2012), 179–86; on Basel (1459), where pope Pius II participated in the material endowment and nonetheless is still seen today as the *studii Basiliensis auctor* (the founder of the course of study at Basel), see *ibid.*, 177–8, 186–95.

596 *Rexroth*, *Deutsche Universitätsstiftungen* (1992), 132–9; 276; *idem*, *Städtisches Bürgertum* (1993); cf. also *Wagner*, *Landesfürsten* (2002).

597 *Rexroth*, *Deutsche Universitätsstiftungen* (1992), 173–9, 222–4.

598 *Ibid.*, esp. 189–96, 207–18. An analogous example: *Rexroth*, *Karriere bei Hof* (1993); more generally on the topic of “experts for the establishment and organization of schools of higher learning” see *idem*, *Weisheit* (2006), 430–1.

599 *Rexroth*, *Deutsche Universitätsstiftungen* (1992), 251–65, 276–7.

600 Cf. *Grundmann*, *Ursprung der Universität* (21960); *Classen*, *Studium und Gesellschaft* (1983). Cf. on the history of scholarship for it: *Borgolte*, *Sozialgeschichte* (1996), 373–84. A more recent summary by *Müller*, *Universitäten* (2013).

who strove to study.⁶⁰¹ Their goal was usually entry into the clerical estate, that is support from a lucrative prebend. If they were not to earn a living as the *famulus* of a magister or a wealthy classmate, by accepting a position as a house tutor, copying books or mendicancy, they were dependent on the aid of others. In this context foundation activity adopted an extraordinarily important role for university life.

Educational foundations were exclusively concerned with securing maintenance and housing.⁶⁰² The fees for registration and doctorates, as well as honoraria for teachers, were generally remitted by the university for poor students. To differentiate between the paying and needy students they were marked as *pauper* (poor) or *solvens* (able to pay) in the *Matrikeln*, the lists of registered students.⁶⁰³

The most important type of educational foundation was the erection of dormitories for poor students, which were also endowed with the necessary funds to feed them.⁶⁰⁴ As far as the question of the stipendiaries who went there is concerned, one must keep in mind that they could be both very young as well as older scholars. The faculty of arts, which in fact offered only preparation for the actual scholarly programs of study of theology, jurisprudence or medicine, began already in boyhood. Thus, at the Ave Maria College in Paris an age of entrance of eight or nine years old was prescribed.⁶⁰⁵ For the youths of this age life in a sternly-run house, as dormitories of the type in question tended to have, was indispensable from a pedagogical perspective as well. Alongside them lived the advanced students, the magisters, if they did not inhabit their own houses. The Paris canon Robert of Sorbon therefore instituted around 1257 a college for 16 poor magisters studying theology. By comparison, John of Hubant, the founder of the aforementioned Ave Maria College, restricted his house to boys under the age of 16 years; the sixteen-year-olds were to leave the house on the Feast of John the Baptist, because, as it is stated in the ordinances, since “at this age they tend towards the bad, while my most important task with the foundation was that the youths serve the Holy Virgin Maria.”⁶⁰⁶

601 Cf. the continuing work of the “Repertorium Academicum Germanicum”, which to date encompasses 60,000 graduates from the entire German Middle Ages, thus *Schwinges*, *Doctores so in den püchern lesen* (2017); cf. *idem*, *Deutsche Universitätsbesucher* (1986); *idem*, *Universität* (2010).

602 Cf. recently *Lohse*, *Stiftungen im Okzident* (2016/7), at n. 302–313.

603 *Weisbrod*, *Freiburger Sapienz* (1966), 18–9.

604 Cf. *Sohn / Verger* (eds.), *Kollegien* (2011); *Schwinges*, *University Colleges* (1993, repr. 2008); *Gabriel*, *College System* (1961). Case studies are listed in *Lohse*, *Stiftungen im Okzident* (2016/7), n. 304.

605 *Gabriel*, *Student Life* (1955), 323.

606 *Ibid.*

Whoever attained the rank of magister could himself hold lectures at the university, while he studied in a still higher faculty. If the magisters lived together with the younger “semesters”, then they often adopted the teaching of the arts.

The student dormitories were thus not only residencies, but also sites of teaching. Dwellings for poor students of this sort were erected from the end of the 12th century onwards; they are almost as old the university itself. The hospitals, as the oldest form of Christian philanthropic institution, as well as the colleges of the Mendicants, for instance those of the Dominicans in Paris, Bologna or Oxford, served as models for them.⁶⁰⁷ Like the hospitals or the houses for the orders’ students, the dormitories arising through foundations gave themselves statutes. In the sources the educational institutions were designated as “hostel” or “college”: a more precise differentiation between the two concepts is not possible. With “hostel”, however, one apparently primarily designated houses in which young scholars found an abode and lived and learned under supervision.⁶⁰⁸ Colleges were, by comparison, originally associations of magisters; they lived in a house that usually belonged to the university or one of the faculties.

The homeland of the college system was the University of Paris. Its example set the tone for all later Western schools of higher education. Its history began when the Englishman Josse de Londres in 1180 reserved a space in the Hospital of the Blessed Mary of Paris to house 18 cleric-scholars.⁶⁰⁹ The most well-known of the foundations that followed was doubtless that of the royal court chaplain Robert, who carried the epithet of his home village of Sorbon. Later this name was transferred to the college of theology he had established. The way of life which developed here was described as *vivere socialiter et collegiater et moraliter et scholariter* (“to live for the community, as befits a companion, morally correct and suitably for a student”).⁶¹⁰ The graduates of the college attained such an outstanding reputation under the theologians that the name was transferred first to the theological faculty as such and then to the entire university.

Between 1200 and 1500 68 colleges of this sort were founded in Paris; in total some 700 students may have been accepted in these houses.⁶¹¹ In England the Parisian model was adopted in the 13th century. In contrast to Paris, where the colleges disappeared over the course of time, at the latest during the

607 Cf. *Rexroth*, Oxford (1999).

608 *Weisbrod*, Freiburger Sapienz (1966), 21.

609 *Chartularium universitatis Parisiensis* 1 (1889), 49–50 n. 50, at 49.

610 *Glorieux*, *Origines du Collège* (1959), 17. Cf. *idem*, *Aux Origines* (1965/66).

611 *Weisbrod*, Freiburger Sapienz (1966), 23.



ILLUSTRATION 50 Oxford (UK), Christ Church College (16th c.) with cathedral

Revolution, here they remained centers of academic life. In Germany, at least among the hostels, initially the purpose of providing the school with teachers predominated. Later, the motive of social relief for poor students came more to the fore. The Collegium Carolinum (1366) created by Charles IV was supplemented in 1379 by the complex of a *domus pauperum*, which was erected by a private founder.⁶¹² Around the same time in Freiburg the suffragan bishop John Kerer established a *Collegium Sapientiae* and himself authored statutes for the house intended for 12 poor scholars; its illuminated manuscript is, from the perspective of art history, one of the most noteworthy foundation documents from the Late Middle Ages.⁶¹³ At the University of Cologne the first educational stipend in the Holy Roman Empire was endowed in 1420, which only consisted of a payment of money and did not include either room or board.⁶¹⁴

⁶¹² Ibid., 25.

⁶¹³ Kerer, *Statuta Collegii Sapientiae* (1957); cf. *Weisbrod*, *Freiburger Sapienz* (1966).

⁶¹⁴ *Asche*, *Studienförderung* (2012), 41–3.

An impressive series of such private educational stipends is transmitted from the university of the Wittelsbachs in Ingolstadt.⁶¹⁵

How to classify university endowments within the entire history of foundations remains to be clarified.⁶¹⁶ As endowed associations of study, according to their type universities belong to a category along with monastic and clerical communities of the Early and High Middle Ages. Were they like the latter, however, to a large degree and with a considerable influence on the daily routine bound to the commemoration of the founder? If one thereupon scrutinizes the founding documents of all German universities of the Middle Ages, a quite clear picture emerges: on the one hand, the descriptions of motives by the founders fit within the tradition of other pious foundations. The school of higher education, so one reads, ought to foster the praise of God Almighty, strengthen Christendom, benefit all believers, foster the commonweal and the law, and, finally, also bring good to the salvation of the soul of the founder and his family.⁶¹⁷ On the other hand, the establishment of the university hardly appears in even a single instance, as is otherwise the case with foundations, as a pious work.⁶¹⁸ Correspondingly, in none of the founding charters are the members of the university expressly called to commemorate the founder. Yet since universities were usually endowed with church prebends at collegiate chapters, the memorial motive still had an effect, at least for a certain period of time.

This can be examined, for example, in the case of the university which was founded in Ingolstadt in 1472.⁶¹⁹ The initial endowment of the first Bavarian university was based on a particularly elaborate funerary foundation of Duke Louis VII “the Bearded”. The prince had selected the Church of Our Lady in Ingolstadt as his final place of rest, and created multiple groups of persons who were to perform commemorative prayers. This included clerics who were to celebrate a series of masses at various altars between 5 and 11 o’clock in the

615 *Real*, Private Stipendienstiftungen (1972); cf. also *Schäfer*, Bürgerliche Studienstiftungen (1977). Further references to the scholarship in *Lohse*, Stiftungen im Okzident (2016/7), n. 307; *ibid.*, by n. 306, the oldest known example in Dornick in the 1260s is mentioned, see *Trío*, University Studies (1984), 6–8.

616 The following is for most part verbatim after *Borgolte*, Stiftungen im Spannungsfeld (1994, repr. 2012), 37–40.

617 E.g.: *Prantl*, Geschichte 2 (1872), no. 3 (charter of the University of Ingolstadt of 1472).

618 Only Archduke Albrecht VI designated the university in the charter of the University of Freiburg of 1457 as a “good work”, by which he would attain *sellich heil* for himself, his ancestors and progeny: *Gerber*, Wandel der Rechtsgestalt 2 (1957), 28; cf. *Borgolte*, Rolle des Stiftern (1985, repr. 2012), 184–5.

619 Cf. *Straub*, Hausstiftung (1978); *Vavra*, Pro remedio animae (1990), 127–31. The cartulary is edited in: *Archivinventare* (1918), 655–836.

morning. In addition, a group of 16 persons were to pray the Psalter without ceasing day and night, in the style of the *laus perennis* in groups of four, each performing a shift of six hours. Finally, this lord of Ingolstadt also had a new hospital built for 15 poor alongside the Church of Our Lady. The daily routine of these hospital occupants was exclusively oriented on their prayer duties. They had to participate in services in the church, and to say within the seven daily offices 206 Lord's Prayers and Hail Marys, and also to commemorate the founder in prayer during meals. At the anniversaries of the founder the prebendaries were ordered to stand in black dress with a lit candle at the tomb and carrying a heraldic shield of Bavaria. The *Foundation and Order* instituted by the duke, as he repeatedly emphasized, was to last as long "as the world existed" (*die weil die welt steht*).⁶²⁰ When the death of Louis VII led a change of the (Wittelsbach) ruling house, the meticulously-planned endeavor, however, collapsed within a short period of time. The new ruler, Duke Louis the Rich of Landshut, had little interest in the undertaking of his deceased uncle. Quite soon two singers of the Psalter had even left Ingolstadt to instead study in Vienna.⁶²¹ Even the ecclesiastic responsible for it, the bishop of Eichstätt, entered into consultations with the foundation's administrator as to whether the funds could be employed for a more useful purpose.⁶²² Thus, the idea was pitched to Louis the Rich of using the endowment for a commemorative foundation to establish a university.

When the university was born, in its statutes the question of the commemoration of the deceased also had to be regulated. For this not only Louis the Bearded, but also the university's own founder, Louis the Rich, came into question. In the various drafts of the first statutes it was initially stated that the rector would call together all the members of the university for a mass *pro memoria principis fundatoris*, for the commemoration of the founding duke, at the end of his term of office.⁶²³ Eventually, however, according to the final version of 1472, the university was to devote commemorative prayer to all of its deceased members. At the requiem masses of the priests and the prayers of the other students and teachers the sovereign prince was surely also included, but he was no longer explicitly mentioned alongside the members of the university.⁶²⁴ The University of Ingolstadt therefore now was concentrated entirely

620 Ibid., 677–9, 684–6, 689 and elsewhere.

621 Seifert, Statuten- und Verfassungsgeschichte (1971), 321 n. 11.

622 Ibid., 320; Mederer, Annales Ingolstadiensis 4 (1782), 15.

623 Seifert, Statuten- und Verfassungsgeschichte (1971), 461 n. 78.

624 Ibid., 461.

on itself and no longer understood itself to be a memorial community of the founder and his family.

While the University of Ingolstadt remained Catholic, in Basel the Reformation had an effect on a testamentary stipulation of a famed scholar. This was Erasmus of Rotterdam, who had lived for many years in the city at the Rhine's Knee and died there in July 1536. Erasmus had designated as his heir (and trustee) the professor of law Bonifacius Amerbach, who, in contrast to Erasmus, was an adherent of the new faith.⁶²⁵ Amerbach invested the capital in lands in the Duchy of Württemberg and collected 250 guilders at a rate of interest of 5%. Erasmus himself had named three groups of beneficiaries, while Amerbach regulated the distribution in detail through a statute. According to this 20 guilders were to be given as dowries to a poor daughter, 30 guilders for the shamefaced poor, but 200 guilders for student stipendiaries. Of the latter 40 guilders for a theologian, a jurist and a doctor were slated (this remuneration lay only 12–20 guilders below the income of a professor of the faculty of philosophy at that time). A further 20 guilders each would go to two philosophers, and 12 each to two schoolboys. The rest was to be kept above all for traveling scholars and students. Amerbach himself retained the decision on the recipients: "The stipendiaries had to swear to live honorably and to study diligently, and to wit in Basel—though some semesters abroad were conceded. They had to pass their exams within certain deadlines and had to make themselves available to the city, if a fitting salary was offered to them (...). Were a stipendiary to attain manifest wealth, an evident gesture was expected from him."⁶²⁶

Amerbach composed a register of the tasks financed by the foundation, which he meticulously recorded for a quarter century. Thousands of payments are thus noted with the date, the recipient and the reason for the request. The editor of the endowment register has impressively sketched his conclusions regarding the passing students financed by Amerbach: "Almost daily students called in, who were moving to their homeland or changing universities: Parisians from Rome, Spaniards from Holland, Austrians from Strasbourg, Frisians from Bologna, French from Wittenberg and naturally Germans of all possible extractions who were seeking Italy or had visited it. Some expressed their concern or thanks in metrical form" or composed a long letter of thanks in Latin.⁶²⁷ Besides students, passing parish priests, jurists, doctors, teachers, scribes, printers and quite often also those who had been persecuted for their Protestant faith contacted Amerbach. They traveled to Geneva, Bern, Zurich,

625 *Hartmann*, Bonifacius Amerbach (1957), 9.

626 *Ibid.*, 13–4.

627 *Ibid.*, 18–9.

Strasbourg, Frankfurt, to the Palatinate, to England, or hoped for employment with a printer or school in Basel.⁶²⁸ Loans that Amerbach had provided to local persons from the Erasmus Foundation formed a special chapter. Among those taking loans were religious with insufficient prebends or even professors, namely those from the traditionally poorly-aided faculty of philosophy.⁶²⁹

As far as the student stipendiaries are concerned, who would have been supported by revenues from the Erasmus Foundation until their exams, the results are not very impressive: of around 30 students who could have completed their studies during the lifetime of Amerbach, only around eight achieved the hoped-for goal, while the rest died or dropped out.⁶³⁰

As a Protestant, Amerbach may hardly have still believed in the power of good works and prayer to offset sin; nonetheless, he presumably viewed the good works he performed at Erasmus' order as an expression of thanks for the salvific deed of Christ, and saw works of charity in general as a Christian duty.⁶³¹ It must also be taken into account, however, that Amerbach expected the vow from each stipendiary that he would "be well-disposed and true to the name of doctor Erasmus, who had endowed the foundation, and as much as he is able, to protect and defend it" (*doctoris Erasmi nammen, dannen har die stiftung reichet, triuw [treu] und hold sin und den, sovil sich gebürt, schützen und schirmen*).⁶³² This was thus not merely commemoration for the salvation of the soul, but also the pre- and trans-Christian fame of the founder. Amerbach also served this purpose by paying the costs for the epitaph of Erasmus of Rotterdam in the Basel Cathedral from the inheritance, and in 1542 commissioned a portrait of the master by the painter Holbein. And some years later he made use of Sebastian Münster for the commemoration of Erasmus. As the latter was preparing a Latin edition of his already famous *Cosmography*, Amerbach paid him two and a half pounds from the Erasmus Fund, "to draw and cut two images of Erasmus in the Chronicle of Munster" (*imagines Erasmi in die chronick Munsteri contrafactur zu molen und zu schniden*): "These two woodcuts—which show the writing and the aged Erasmus [in the *Cosmography*]—were likely to serve 'the honor and memory of doctor Erasmus' (*der ere und em gedohnis doctor Erasmi*)."⁶³³

628 Ibid., 19.

629 Ibid., 24–5.

630 Ibid., 26.

631 Cf. *ibid.*, 12.

632 Ibid., 12.

633 Ibid., 16–7.

A Transcultural Synthesis

Foundations presupposed the Agricultural Revolution and a settled way of life, since without the accumulation of a supply no surplus can be formed and no foundation capital can be obtained.¹ In fact, they cannot be traced back further than the formation of large empires, in which kings were responsible for the cult of the gods and people venerated their ancestors at fixed places.² Foundations thus originally supported others—gods and ancestors—, before they also benefited the founders themselves. Such works, which are foundations of a more recent vintage, did not allow a basic self-referentiality to be separated from care for others, as the process of individualization went hand in hand with ethicization of human behavior. Both were features of the so-called “Axial Age”. In Egypt a benefactor could expect the reward of a good postmortem existence before a divine court in the hereafter; yet endowment praxis still did not correspond to this, since good works begun while living were not prolonged beyond death. If foundations were here to benefit normal persons, they served their postmortem commemoration and fame (the funerary or memory cult).

A variation of this type of foundation, the foundation for the cult of the soul, is known from Persia and was to allow the further existence of the soul of the deceased in the hereafter. From this there developed “foundations for the salvation of the soul”, in which the eternal life of the deceased was hoped for as an improved existence, through the mercy and according to the judgment of God. In contrast to the Egyptian funerary foundations, in this context foundations allowed the continuing good works of the founder through his foundation, which was supposed to correspond to an enduring happiness postmortem.

“Foundations for the salvation of the soul” were influenced by teachings that are to be traced back to the priest and thinker Zoroaster, but which first appear from the 3rd century CE. This later was developed to the greatest degree in Christianity. The close relationship of Zoroastrian and Christian teachings

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- 1 Cf. recently: *Mears*, *Agriculture* (2011), esp. 143–5; *Bellwood*, *Neolithic migrations* (2013); *Weniger*, *Entstehung des Neandertalers* (2009), esp. 79–80; *Zimmermann*, *Neolithisierung* (2009); *Bentley / Ziegler*, *Traditions and Encounters* (⁴2008), 17–26; *Bellwood*, *Erste reiche Ernte* (2008), esp. 178–81, 193–97.
 - 2 Cf. *Tilly*, *States* (2011); *Allsen*, *Pre-Modern Empires* (2011); *Jockenhövel* (ed.), *Grundlagen der globalen Welt* (2009), 147–226; *Bentley / Ziegler*, *Traditions and Encounters* (⁴2008), 32–52, 63–80; *Buß*, *Ahnenverehrung* (2006).

on death, resurrection, judgment and eternal life, as well as the proximity of believers of both religions in the Near East, suggest the imitation of Persian models by the Christians. Even if direct cultural contact in this respect cannot be proven,³ there are no grounds at all for assuming a simultaneous genesis of the phenomenon in two cultural-religious contexts.⁴

Jewish intermediaries are unlikely, because conceptions of the hereafter and especially of eternal life for each individual were for a long time extraordinarily controversial in Judaism; for the same reason Muslims hardly would have been able to adopt “foundations for the foundation of the soul” from Jews, but rather from Christians or Zoroastrians.⁵ Upon closer examination, the much richer source material speaks in favor of Muslim emulation of Christians. In Islam a slight shift of motivation occurred from the particularly decisive emphasis on monotheism, so that the salvation of the soul of the person was less accentuated than the nearness to God of those who had reached paradise.

The world-historical breakthrough of the Axial Age had raised the question of the responsible behavior of the individual in the affected “cultures” and problematized one’s continuing life in the hereafter. The religions of the Eurasian belt between the Mediterranean and the China Sea found in part related, in part divergent, answers and solutions. In particular the Near Eastern-European zone, in which the foundations of the Zoroastrians in Persia, as well as of the Christians, Muslims and Jews, were dependent on one another, can be separated from the world of South and East Asia. With all the justifiable caution against a facile juxtaposition of “East” and “West”, in the Orient religious and foundation-praxis affinities can be discerned which allow them to be distinguished from those of the Occident. From roughly the same period as in the West, here as well the attainments of one land began to especially influence another, which likewise strongly influenced foundations (Indian Buddhism in China from the 2nd/4th cent. CE).

3 Extremely regrettable is the lack of studies on foundations in the “Church of the East” (scil.: “Nestorian”, “East Syrian”, “Chaldean” Church); a valuable reference to this now in *Pahlitzsch*, *Christliche Stiftungen* (2009), 50–1. On Syrian (and also Armenian) monasteries see: *Vööbus*, *History of Ascetism* 2 (1960), esp. 143–4, 157–8, 159–63, 168, 173–6 and elsewhere. Cf. *Hamilton*, *Christliche Welt* (2003), esp. 235–7; *Hage*, *Nestorianische Kirche* (1994), esp. 264–6; *idem*, *Christentum im frühen Mittelalter* (1993), 35–8; *Pietri / Marksches*, *Orient* (1996), esp. 79–82; *Chaumont*, *Christianisation* (1988); *Labourt*, *Christianisme* (1904), 18–31.

4 But look now at *Borgolte*, *Stiftungen in universalhistorischer Sicht* (2018), by n. 11.

5 The discussion on the dependence of Muslim models on Christian or Zoroastrian, less so on Jewish or pre-Islamic models, which has been primarily legal historical in character, has led to no clear conclusions; recently on this: *Pahlitzsch*, *Christliche Stiftungen* (2009).

In a fashion similar to Ancient Egypt, in China the axiom of the Axial Age of care for the others as well as commemoration of one's own person was implanted onto the traditional ancestor cult of the pre-Axial Age. While "the West" concentrated on the continuing life of the "soul" or of the "person himself" after death, "the East" assigned to the individual the desirable goal of overcoming love of self and returning to oneness and wholeness. In the Orient endowments for pious men and women, which saw the salvation of the individual in the obliteration and overcoming of the particular, stood in contrast to the "foundations for the salvation of the soul", especially in the monotheistic religions of the Western ecumene. If the idea of an exchange of gifts was fundamental to foundations for the salvation of the soul, despite the intermediation or participation of religious and the needy, in which the founder is rewarded by God or determines this reward for a third party, this mechanism was lacking in China. God or the gods were not thought of as personal counterpart, so that a person had to save himself through the acquisition of merit and other religious efforts. The link between "foundation and memoria", which was seen particularly in the Latin West as a constitutive element by regular services for intercessions for the deceased, was only of secondary importance in the Orient.

Due to these divergent religious histories and despite shared origins, one cannot speak of a unitary, and indeed not even of a linear, world history of foundations. Nonetheless, via comparison the histories of foundations over four and a half thousand years can be mutually referenced and commonalities ascertained. Both from a synchronic as well as a diachronic perspective, in particular the founders themselves, as important actors, are suitable for study.⁶

Though the general state of knowledge still has many gaps, from the viewpoint of universal history one can propose the hypothesis that monarchical government brought forth rulers as founders.⁷ Even in Judaism, which from the destruction of the Second Temple (70 BCE)⁸ into the 20th century had hardly even a single time had its own state once again, there was a royal founder: Monobaz, the king of the small kingdom of Adiabene in northern Mesopotamia. Around 45 CE he converted along with his mother and brother

6 *Borgolte* (ed.), *Enzyklopädie des Stiftungswesens* 2: "Das soziale System Stiftung" (2016); in this regard see the broader approach in *Lohse*, *Stiftungen im Okzident* (2016/7).

7 I speak in what follows of "monarchs" and "kings", but I also include princes and members of the ruling families.

8 On the organization and financing of the First (?) and Second Temple (inter alia according to 1 Chronicles 23–26) see s. *Tadmor*, *Zeit des Ersten Tempels* (31995), 132, and *Stern*, *Zeit des Zweiten Tempels* (31995), 241–2.

and is said to have endowed his fortune for caritative purposes.⁹ For China, where the state of scholarship still leaves much to be desired, it is nonetheless already known that emperors often founded Buddhist monasteries and Daoist temples and endowed the sepulcher of the scholar Confucius so richly that his descendants were able to live from the revenues of the endowment until 1947.¹⁰

The activities of endowments could become so closely linked with reign that they practically became a personal attribute. In Hellenism the successful founder Ptolemy III of Egypt, after a war against the Seleucids, bestowed upon himself the epithet of *Euergetēs* ("Benefactor"), and thereby legitimated his rule on the Nile.¹¹ In Byzantium the designation *ktistēs* was an honorary sobriquet which one strove after,¹² and the Austrian Duke Rudolf IV, who aspired to royal status, for his effect on Vienna, the royal capital, claimed for himself the epithet of *fundator* ("the Founder"), by which he remains known to this day.¹³

On the other hand, even well-documented foundation landscapes are not equally endowed with evidence. In India in antiquity "private" foundations predominated over their royal counterparts.¹⁴ The religious system in the Roman Empire allowed the emperors little room for maneuver for foundations,¹⁵ in Christian France Charlemagne hardly appeared as a founder amidst the successful development of churches and monasteries under his predecessors,¹⁶ while in the Holy Roman Empire the Hohenstaufen family clearly traced back their activity as founders to the older dynasty of the Salians;¹⁷ among the Muslims the Zengids and Ayyubids, rulers in the Near East, were seen as exceptionally eager founders.¹⁸

To what degree a monarch was active as a founder was of course dependent upon whether he found the requisite leisure and possessed enough capital. Already King David of Israel (1004–965 BCE) was unable to himself erect the

9 Above 82. On the kingdom see *Bohak*, Adiabene (1997); *Borgolte*, Christen, Juden, Muselmanen (2006), 74: Adiabene was conquered by the Romans initially in 116, then permanently in 195 CE. On the empire of the Khazars, which was headed by Jews, nothing of foundations is known, cf. *Borgolte* 247–9.

10 Above 121. In addition, see the Wikipedia entry for Qufu (viewed on 2.11.2016).

11 *Hölbl*, Geschichte (1994), 48; cf. above 168–9.

12 Above 232.

13 Above 488. Cf. *Feuchtmüller*, Herzog Rudolf IV. (1978), 415, 417; *Krieger*, Habsburger (2004), 131–7.

14 Above 183.

15 Above 206.

16 Above 384.

17 Above 454–5.

18 Above 284.

temple in Jerusalem, “because of the wars which were fought against him on every side.” (1 Kings 5:3).¹⁹ Alexander the Great, who only reached the age of 33 (20.7.356–10.6.323 BCE), was only financially solvent after plundering the Persian treasury, yet then had to concentrate above all on the financing of his wars.²⁰ One and a half millennia years later Rudolf of Hapsburg, whom contemporaries viewed as poor, managed only a single monastic foundation.²¹ Other founders could have complained about hardly less drastic financial circumstances, yet they still found ways that led to patronage and the founder’s glory.

Everywhere monarchs sought, provided the chance to do so, to multiply their foundations and to distribute them to a great extent; geographic dispersion fostered the reverence of the gods, as well as the spread of one’s own name and concern for salvation in the hereafter, but also served as a medium for the political integration. In Egypt the pharaohs and their statue foundations were spread about for the cult,²² and Hellenic kings did the same with “vases” for ritual celebrations at existing shrines.²³ In India it was namely Brahmins, but also Buddhist monasteries, which were systematically fostered by kings to incorporate undeveloped land or regions distant from authority and to develop them politically.²⁴ Zubaida, the wife of the caliph Hārūn ar-Rašīd, was said to have herself created numerous endowments of various sorts, including in the capitals of Baghdad and Raqqa, on the Oxus and in Persian Tabriz, but above all on the pilgrimage road from Kufa to Mecca and the Holy Sites of Islam, including convents and fortresses, wells and canals.²⁵ The western emperor Frederick I erected multiple hospitals, doubtless out of caritative motives, but also instituted measures for transport and trade policy.²⁶ In the German Late Middle Ages religious foundations served to orient the rural clergy on sites of princely or royal memoria and to connect networks for this purpose.²⁷

Rulers also stretched beyond their own territories with their foundations, be it for religious reasons or to underline their political ambitions. When King Philetairos of Pergamon acquired the treasury of Thrace by a stroke of good

19 *Tadmor*, *Zeit des Ersten Tempels* (31995), 119–28.

20 Above 626.

21 Above 467.

22 Above 7–13.

23 Above 160 and elsewhere. For a case from the history of the Roman Church see *Angenendt*, *Mensa Pippini regis* (1977).

24 Above 182–203; *Schmiedchen*, *Raum* (2017).

25 Above 268–70.

26 Above 456.

27 Above 480–1, 498.

fortune, he was able to spend funds that would have proven impossible for his small city by itself. He was well-advised to also gift his more powerful neighbors and to foster the respective local as well as panhellenic cults of the gods via foundations.²⁸ His actions, however, were typical of the Diadochoi:²⁹ they financed Greek cities and shrines even beyond their own borders.³⁰ In the Greek Christian Orthodoxy the holy monastic mountain of Athos was the site of “foreign” monastic foundations, including from Bulgarian, Slavic and Wallachian kings and princes, as well as from the Latins.³¹ Especially prominent were the Serbian Nemanjids: King Stefan Uroš II Milutin is said to have erected 15 churches and monasteries between his realm and Jerusalem around 1300, and, for example, to have endowed a hospital in Constantinople with landed estates.³²

In the sphere of the Roman Church, Irish and Anglo-Saxon wandering monks, by contrast, were able to win the favor of foreign kings in the lands bordering their native land or in the Kingdom of the Franks for their monastic foundations; here the monarchs contributed to veritable monastic networks, which crossed political boundaries, but also evaded the episcopal church order.³³ Charlemagne used monks and even consecrated virgins to endow monastic communities in Jerusalem; thereby it was the royal obligation to defend Christianity, the wish for efficacious intercession through prayer, but also a quasi-imperial self-awareness that guided him.³⁴

In the religious systems of the Indians and Chinese it was possible for rulers, regardless of their personal preferences, to endow multiple or all cults and “religions”.³⁵ An example of this is the “emperor” Aśoka from India in the 3rd century BCE.³⁶ All the same, Christian emperors, kings and princes distinguished themselves occasionally as founders of churches and monasteries of other observances. It is known of Theodora, the consort of Emperor Justinian I (d. 548), that she supported heretical Miaphysites from Syria and founded a monastery for them in the Hormisdas Palace;³⁷ and in the borderland with Armenia in the Caucasus, which was in part annexed by the empire,

28 Above 158.

29 Above 160.

30 See also regarding Antiochos of Commagene 177.

31 Cf. Index: Athos; *Chitwood*, *Inventionen* (2017), 473.

32 Above 254–5.

33 Above 345–8, 354–7, etc.

34 Above 386.

35 Above 141.

36 Above 186–8.

37 *Chitwood*, *Inventionen* (2017), 474; *Pratsch*, *Theodora* (2011).

Byzantine rulers of the early 11th century supported churches and monasteries.³⁸ Monastic foundations for Greek monks are also ascribed to the Catholic king Stephan of Hungary in his realm.³⁹ Charles IV of Luxembourg, who had a cardinal crown him emperor, founded a monastery in his capital of Prague for the Slavonic liturgy, which was inhabited by monks from Croatia, yet also had the liturgy celebrated according to rite of Milan in a Benedictine monastery.⁴⁰

The financial expense for royal foundations can most of the time hardly or not at all be calculated and brought into comparison with other wealthy persons.⁴¹ Nonetheless, it must have involved immense sums of capital, as certain examples prove. The member of an Indian princely house around 100 CE endowed the Buddhist cave monasteries of Nasik with a gift that included 8,800 coconut palms; according to inscriptions he is also said to have transferred 300,000 cows and 16 villages, from which 100,000 Brahmins were to be fed yearly.⁴² It is reported of the central Indian king Govinda IV that he gave 600 villages to the Brahmins and 800 to the temples or the gods, whose entire revenues were estimated to be 700,000 gold pieces and 3,200,000 silver coins.⁴³ The incomes from the estates with which Constantine the Great endowed his church foundations in Rome are said to be 25,000 gold *solidi*, yet this represented, as modern researchers object, only around a tenth of the fortune of the great families.⁴⁴ In the middle of the 9th century Pope Leo IV, who protected his city with a wall named after him against the “Saracens”, also gifted and endowed churches, monasteries and even laypersons with 6,000 pounds of silver, 300 pounds of gold as well as valuables, and had his name and likeness inscribed on the objects for commemoration.⁴⁵ In Byzantium monasteries offered up to a 1,000 monks a place to live and pray;⁴⁶ in the latter period of the empire five dependent peasants and a revenue of 500 silver coins were necessary for the upkeep of a monk on the Black Sea.⁴⁷ Exceptional among Muslim rulers is the founder Nūr ad-Dīn, conqueror of Damascus in 1154, who spent possessions worth 200,000 dinars for pious works; this corresponded to a revenue

38 Chitwood, *Inventionen* (2017), 475.

39 *Diplomata Hungariae* 1 (1992), 81–6 no. 13; on which Sutt, *Slavery* (2015), 73, and Bagi, *Christianisierung Ungarns* (2013), 377.

40 Above 489–90.

41 Cf. Borgolte / Lohse / Sánchez et al., *Stiftungsvermögen* (2016).

42 Above 190.

43 Borgolte, *Stiftungsvermögen* (2016), 282; qualifications in Schmiedchen, *Herrschergenealogie* (2014), 209–12. See also 193.

44 Above 214.

45 Herbers, *Leo IV.* (1996), 168–98.

46 Above 230.

47 Borgolte, *Stiftungsvermögen* (2016), 282.

of 30,000 dinars. He was exceeded by his successor Saladin, who provided an annual income of the same amount for the maintenance of 600 jurists.⁴⁸

Hospitals were particularly expensive, and were once a domain of Muslim rulers.⁴⁹ The Buyid “King of Kings” ‘Aḍud ad-Daula erected several of these in Persia at the same time, and in Baghdad, where he was the protector of the caliph, had a house named after him which cost 100,000 dinars.⁵⁰ Byzantine and Muslim rulers often did not simply found a monastery, a hospital, a mosque or a school, but multi-faceted complexes, which in this form were unknown in Western Christianity. The various houses and establishments were then often grouped around the founder’s tomb. The “Pantokrator” complex in Constantinople in this sense was to integrate multiple religious communities and various circles of needy.⁵¹ In Persian Tabriz the Ilkhan Gāzān Hān, who had just converted to Islam, surrounded his Sufi convent inter alia with a dwelling for relatives of the Prophet, an observatory, a library, a hospital and a soup kitchen.⁵² Even more complex was the endeavor of a Mamlūk sultan at the start of the 16th century in Cairo; here 273 persons of varying function and dignity were to be maintained annually with over 5,600 dinars.⁵³ The Ottomans even endowed entire city quarters with a covered central market and public soup kitchen, where, along with the mausoleum, students of theology and medicine could come.⁵⁴

In exchange for their foundations, rulers of the post-Axial Age could expect the prayers they had financed or the recitation of the Quran or of a sutra in their favor.⁵⁵ For the adherents of Indian religions this did not really apply, since the principle of exchange was not followed in this context.⁵⁶ There were, however, exceptions, as the case from the history of the Kādamba dynasty of the year 1245 CE proves.⁵⁷ A particularity among memorial dates were the birthdays of monarchs; they extend back already to the time of the Roman imperial *dies natales*.⁵⁸ For their foundations in favor of the Lydian city of Sardis, the local people’s assembly decided to honor the Seleucid

48 Above 285.

49 Sánchez, *Wohltätigkeit und Bildung* (2016), 212–4.

50 Above 272–3.

51 Above 242.

52 Above 292.

53 Above 304.

54 Above 306.

55 Cf. above 116–7, 304 etc. Whoever in China recited the Dadejing only 9,733 times instead of 10,000 failed to attain immortality, cf. 135.

56 Above 97, 100–1.

57 Above 195.

58 Cf. Index: birthday.

queen Laodike with processions on this day in the month of Aphrodision.⁵⁹ In Carolingian France this planning of festivals is again encountered amongst rulers with problems of legitimation; on the birthday or in its place for analogous reasons a special day in the history of the ruler, such as that of the coronation, could appear.⁶⁰ That commemorative foundations were created for victories in martial encounters was already known in Roman antiquity and is evidenced in the German Middle Ages.⁶¹

As founders the wives of rulers or other female members of the ruling family did not act significantly different from their husbands, sons and brothers.⁶² They often acted together with them,⁶³ yet also often alone, not infrequently as widows.⁶⁴ If they were no (longer) married, then they readily concentrated on taking care of the commemoration of their family. Monastic foundations served within the context of the Christian church to remove princesses from the marriage market, but in exchange they were entrusted with the governance of monastic communities. Especially with English minsters, but also with Byzantine and Latin monasteries on the continent, foundations hardly concealed their goal of care.⁶⁵

Seen from the perspective of universal history, royal foundations reach back to the deepest layer of foundations; in the empires of the ancient Near East they served to maintain gods and ancestors so that they remained well-disposed towards the living and maintained order in the world. If foundations had already existed at shrines in the countryside in Egypt and Mesopotamia,⁶⁶ they certainly did not play any great role, since one should assume considerable social stability and traditional ritual praxis for local cultic communities. The beginnings or at the very least a decisive impetus for foundations are thus to be found in early city foundings. Increasing human mobility and new political tension between center and periphery threatened the regular performance of traditional cults or called for reshaping them; foundations could secure the one or the other. Evidence has survived from the third millennium BCE for

59 Above 173–4.

60 Above 440.

61 Above 207, 209, 473.

62 Cf. Index: female founders.

63 Cf. Index: couple founders.

64 Cf. Index: widow.

65 Above 240, 362, 423, etc.

66 Above 145, 23–4.

Sumerian city-states,⁶⁷ on the one hand, and the empires of the Babylonians and the Egyptians, on the other.⁶⁸

Significant for these periods were centralized cult sites on the basis of state revenues. In Egypt special funds for burial places and care for the dead of the pharaohs and their servants developed from the taxes that were to be rendered to court. They multiplied so rapidly until around 2200 BCE, that the state economy itself collapsed and a restorative reform became unavoidable.⁶⁹ In India taxes, with which state functions could be performed, appear to have developed from kingdom-wide sacrifices, which the king was to offer to the gods.⁷⁰

There were also of course foundations of rulers based on “private” landed wealth,⁷¹ but amongst founders monarchs occupied a special role, as they could resort to the material resources of their realms, namely taxes, tolls and exactions of other sorts. In contrast to the revenues from landed endowments such influxes could be more easily challenged, rerouted or emptied. Moreover, kings were able to practice a foundation policy, that is accompanying activities to help or, by contrast, to hinder, others;⁷² more so than other powerful persons, they could even dissolve foundations and confiscate their endowments. Especially in the Byzantine Empire emperors repeatedly felt themselves compelled to take action against lay foundation activity that was getting out of hand;⁷³ Western Christianity also knew “laws of amortization”, by which the flow of capital to the “dead hand” was to be stopped or stemmed. The last emperor of the Middle Ages, Maximilian I, had still attempted this.⁷⁴ The considerable endowments of churches and monasteries in property or money likewise tempted the rulers to impose “forced loans” or uncompensated expropriations in their own interests from these houses.⁷⁵ The “Reformation” as well of the early 16th century was also accompanied by such violent infringements of church property.⁷⁶

Though in more ancient times there were certainly foundations devoted exclusively to religious worship, yet one can hardly separate foundations for philanthropic purposes and for the fostering of schools and learning from religious

67 Above 4–6, 138–9.

68 Above 8, 144 and elsewhere.

69 Above 11, 23.

70 Above 185.

71 Cf. above 6.

72 Cf. Index: foundation policy; confiscation.

73 Above 232, 235.

74 Cf. Index: amortization. cf. in addition *Kamp*, *Amortisation* (1995).

75 Above 229, 372–3, cf. India: 194.

76 Cf. *Lohse*, *Kritik, Reform, Aufhebung* (2017), 358; *Scheller*, *Memoria an der Zeitenwende* (2004).

motives. One can subsume them beneath the idea of the “philanthropic foundation.” In the United States of America “philanthropic foundations” became especially pronounced,⁷⁷ though in this context it has recently also been determined by scholarship that “philanthropy” is a considerably broader concept than charity and includes public purposes; thus, foundations with scientific and cultural goals (universities and museums) belong to this category, as do foundations for the fostering of the “public good” (e.g. environmental protection, the establishment of parks).⁷⁸ In the premodern era philanthropic foundations did not necessarily presuppose the separation of private and public spheres, which first took hold from the 17th century or the Age of Revolutions.⁷⁹ Along with rulers, persons of every origin, sex and estate were part of the circle of founders and together shaped their societies as pious benefactors.

In China, “in the earliest state utopias”, an imperative for the ruler was formulated, “to care for the well-being of his subjects, but in particular to provide his support to orphans and widows, the childless elderly, the poor and sick, whether for reasons of state (...) or according to the model of old kings.”⁸⁰ When concrete measures are discussed in the early texts, they make reference “to the construction of dams and canals, in order to avoid catastrophes of drought and flood, as well as the erection of granaries to provide relief in times of need.” The dominance of the state in public life was in fact so strong that foundations, outside of the ancestor cult, could only develop to a degree. Impulses did not come from Confucianism but from the originally foreign religion of Buddhism. As in India, Buddhist monasteries were founded by rulers and great families—a practice that also spread to Daoists. Grants of land adequate for foundations functioned as a source of capital alongside donations and subventions of greater or lesser frequency, yet everything remained subjected to state control. In the same sense monasteries were also employed for tasks of colonization and themselves developed into profit-oriented enterprises. Nonetheless, monks also ran guesthouses and other forms of poor and sick relief out of caritative conviction. Where the state itself wanted to be the bearer of relief, it often oriented itself on the endowment of establishments by endowed estates, and indeed expressly on the model of monasteries. In the

77 *Hammack / Anheier*, Versatile American Institution (2013); *Anheier / Hammack*, American Foundations (2010); *Prewitt*, Legitimität (2011); *Anheier / Leat*, Zu einer neuen Philanthropie (2011); *Anheier / Leat*, Creative Philanthropy (2006).

78 *Ostrower*, Philanthropische Aktivitäten (2009), 136; cf. *Hands*, Charities (1968), esp. 11–6.

79 *Hall*, Philanthropie (2009), 97. Cf. also *Adam*, Interreligious und Intercultural Transfers (in press). On the concept of “philanthropy” in Greek Antiquity and in Byzantium, see above 552, 573–4.

80 *Linck*, Bürokratisierung (1985), 335.

sphere of education private schools were widespread from the beginning and remained so over the long term, and alongside them were monastic schools and, for a time, a centrally-directed, highly-differentiated state system. The basis of endowed properties was so well-preserved in monasticism that this form of endowment was also in this context largely adopted; thereby not only the teachers, but also the students, were supported and financed.

As elsewhere, also in India it was seen as the duty of the ruler to care for the well-being of his “subjects”. As Annette Schmiedchen has claimed, “charity in the sense of care for the general public as well as for the especially needy—the old, sick, widows, orphans etc.—played quite a large role in normative texts of Indian Antiquity and Middle Ages”; from the perspective of Brahmins this was a royal duty.⁸¹ Caritative tasks and infrastructure measures were thus placed in the agenda of rulers below care for religious worship, as emerges from a catalog of norms of an important mirror of princes from c. 300 BCE: “Thus, may he [the king] look after the gods, hermits, ascetics, learned Brahmins, the cow and the holy places, [needy] minors, old, sick, those affected by misfortune and the helpless as well as [impoverished] women—in this order or according to the gravity of the matter or in accordance with its urgency.”⁸² Much the same applied to the royal support of learning and education, which is here not explicitly mentioned. According to the Upanishads care for others extended by kings to all people, yet Brahmins, Buddhists and Jains convinced laypersons that merit in good works was mainly to be sought through the support of themselves and their institutions. The caste system further contributed to essentially excluding the fourth estate as addressees of charitable and educational support. Along with rulers and princes, above all merchants, but also craftsmen, peasant landholders and even Brahmins, as well as monks and nuns themselves, are named amongst the founders. Banding together for shared foundation works was noticeably widespread. Besides household instruction, in particular by the father, and private schools, Brahmins were responsible for the instruction of their own progeny, while monks in their monasteries also dedicated themselves to education and learning. Some monasteries or temples even developed into schools of higher education (so-called monastic universities; temple colleges). Along with foundations by rulers, great families

81 *Schmiedchen*, *Wohltätigkeit* (2016), 258.

82 Quotation from the Kauṭīliya-Arthaśāstra in *Schmiedchen*, *Wohltätigkeit* (2016), 258; here, the final recension of the work is dated to the first centuries CE. According to *Rothermund*, *Politics and Economy* (2011), 139, the original genesis of the text around 300 BCE is generally accepted.

and merchants also contributed school fees or services by the adepts to their functioning.

Ancient Greek and Roman foundations were shaped by the Euergetism of the pre-Axial Age: this was not unconditional care for persons in need, but the fulfillment of class obligations and the acquisition of reputation and fame. No survival or even salvation of the soul in the hereafter was expected as recompense from any god for the cult, which in Rome was in any case a state matter; the persons and groups supported were only obligated to thanksgiving and the funerary cult. The philanthropic foundations of kings, magistrates and normal citizens fostered public tasks, including the schools of philosophy in Athens. Typical for Greece was the foundation of gymnasiums, which as sporting sites with their games were also run in honor of the gods and for the commemoration of the dead. They also included baths. These were in particular a prominent foundation goal in Rome, yet here served to a greater degree health, personal hygiene and social interaction. Imperial alimentary foundations as well were part of public welfare. Only rarely were there exceptions. Yet there were indeed guesthouses in Greece for the truly needy, and Seneca the Elder in any case conceded that the truly poor and needy could be supported: notably, this was supposed to take place in secret.

Community institutions amongst the Jews and public tasks were largely borne by foundations. Where wealthy Greeks and Romans helped the public according to ethnic norms through patronage, Jewish and Muslim communities lived on the basis of a corresponding, but much larger, religious foundation. Specialized foundations supplemented in this context the obligatory contributions of all believers for the functioning of religious worship and for charity, and in the case of Muslims forced a special state sector based on taxes and other exactions to recede into the background. Not only were the typical establishments of care such as hospices and hospitals, of education such as schools or of divine worship such as mosques financed by foundations, but also public establishments of every sort (baths, watering places, dams, mills, centers of trade, the construction of roads, port facilities, etc.), including even military complexes, as well as warriors in *ġihād*. It was befitting the exceptional importance of foundations that in Arab lands already in the 9th century a special body of law for them had developed—an achievement that no other premodern culture attained. The great spread of foundations was, however, stimulated by the opportunities to protect private estates against unfavorable testamentary rules and to retain the usufruct of the properties as an administrator or beneficiary for oneself or for a third party. The precept that charity be practiced through foundations did not, at least in theory, stand at odds with this practice, since the ultimate heir of the properties was supposed to be the

umma or the poor. Among the initiators of foundations in Islam the considerable number of women, but also references to eunuchs, is noteworthy.

In Judaism the addressee of foundations in general was the community fund, to which, however, mandatory payments also went. Elementary teachers and other community personnel *inter alia* were also paid from its revenue; caritative tasks often took second place in the activity of the funds. Especially well-attested in Judaism are the founders of modest means, who endowed their synagogues with object foundations.

In Christian lands foundations developed within the context of and under the rules of the church. Bishops, with their claim to administer all church property, continually competed with the authority of founders and the autonomy of their endeavors, while, moreover, the Western Latin as well as the Greek church hierarchy was undermined by (lay) proprietary churches and monasteries. Nevertheless, in both contexts there existed free religious and caritative foundations, above all from the High Middle Ages onwards; whether the reforms in the Latin Church with its *ius patronatus* also influenced foundations in the East has not been definitively explained by scholars.

Church foundations date from the time of Constantine the Great onwards, yet correspondingly erected charitable establishments only arose a little time later. Their origins lay not in the imperial capital, but in the province of Cappadocia; presumably impulses from Armenia and indirectly from Persia, that is from Zoroastrianism, had an effect. Hospitals spread from the East still in the Late Antique church to the West. Schools and other educational establishments did not originally belong to the canon of good works by which Christian foundations were created. The practice of private tutors died out early on, yet private schools remained important for Byzantium over the long term, while in both hemispheres no state system of education arose. Monasteries played an important role in education, in which concentrated on their own monastic young, yet in the West they also cared for foreigners more than in Byzantium.

Everywhere the monastery can be seen as the most important type of foundation, which appeared in the West alongside the collegiate church. Decisive for their success was that the communities themselves struggled for self-preservation, which was also the *raison d'être* for foundations; moreover, a founder's will could only be preserved and executed when it was entrusted not to individuals, but to self-perpetuating communities of persons. The model of endowed associations of pious persons also served as the godfather of the endowed universities of the Middle Ages, which, however, only existed in the West; after individual prebends for monks (in this case especially for schoolmasters) and monks had already developed in monasteries and cathedral

chapters, these could be provided, for example, as canonries in the schools of higher education for the maintenance of their masters and doctors. Similar considerations apply to student stipends, which were often created by older professors, who thereby expressed their affinity with the alma mater and their thanks for social ascent through their course of study.

Alongside rulers and aristocrats, in both churches peasants appeared as founders, not infrequently as part of an association. Urban burghers, who are almost entirely absent in Byzantium as founders, in Latin Christianity influenced welfare to a significant degree during the High and Late Middle Ages through the establishment of their own hospitals. Apart from poor relief, the hospitals of burghers were also designated as sites of care for the founders themselves, above all in old age. They thus also created benefices whose revenues they themselves consumed; in its egocentrism this establishment resembled the family foundation in Islam. Religious, caritative and educational foundations in the Christian world were everywhere bound up in the motive of *memoria*, which was expected as recompense from clerics, monks, poor and scholars; the buildings of foundations were also often designated as the tomb of the founder. The introduction of the Latin anniversary book in the High Middle Ages enabled, alongside slating one's birthday and death day for commemoration, that one's endowed properties as well as specific liturgical services be listed; it emerges from the entries that even founders of modest means could expect intercessions for small "remembrances", such as the gifting of candles or textiles. In Byzantium foundation charters are bound up with often comprehensive ordinances for living for the established communities, so that the genre of *typika* belongs to the most important foundation documents of the period.

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In this monograph it has been shown that foundations in a universal perspective cannot adequately be depicted as a limited catalog of facts; rather, according to the potential ascribed to them as a "total social phenomenon", historically they had an impact on all spheres of social life. Thus, in this book a "World History as the History of Foundations" had to be told instead of a "World History of Foundations". Certainly, foundations rarely moved whole societies, and they are usually only found in their "pure" form for a short period. Through the wish of those who had the means to have an effect beyond their own death, they asserted themselves alongside other social and behavioral forms, such as "authority" and "association". Although many other approaches to the history of foundations are possible and perhaps even necessary, for this reason founders are focused upon as actors in this book.

Bibliography

Abbreviations and Acronyms

BM ²	s.: J. F. Böhmer, <i>Regesta Imperii</i> I. (1966)
LMA	Lexikon des Mittelalters, 9 vols. and index. München / Zürich / Stuttgart et al. 1980–1991.
LThK	Lexikon für Theologie und Kirche. 11 vols. Freiburg / Basel / Rom et al. ³ 1993–2001.
MGH	Monumenta Germaniae Historica
AA	Auctores Antiquissimi
Epp.	Epistolae
Epp. Sel.	Epistolae Selectae
Capit.	Capitularia
Conc.	Concilia
SS	Scriptores
SS rer. Germ.	Scriptores rerum Germanicarum in usum scholarum separatim editi
SS rer. Merov.	Scriptores rerum Merovingicarum
Migne PL	J. P. Migne, <i>Patrologia Cursus Completus seu Bibliotheca Universalis, Integra, Uniformis, Commoda, Oeconomica, Omnium SS. Patrum, Doctorum, Scriptorumque Ecclesiasticorum, sive Latinorum, sive Graecorum.</i> Qui ab Aevo Apostolico ad Tempora Innocentii III (Anno 1216) Pro Latinis et Concilii Florentini (Ann. 1439) Pro Graecis Floruerunt. <i>Recursio Chronologica, Series I Latina.</i> 221 vols. Paris 1844–1864.
Migne PG	J. P. Migne, <i>Patrologia Cursus Completus seu Bibliotheca Universalis, Integra, Uniformis, Commoda, Oeconomica, Omnium SS. Patrum, Doctorum, Scriptorumque Ecclesiasticorum, sive Latinorum, sive Graecorum.</i> Qui ab Aevo Apostolico ad Tempora Innocentii III (Anno 1216) Pro Latinis et Concilii Florentini (Ann. 1439) Pro Graecis Floruerunt. <i>Recursio Chronologica, Series Graeco-latina.</i> 161 vols. Paris 1857–1866.
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NS	Nova Series
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repr.	reprint
T., t.	Tomus, tome
TRE	Theologische Realenzyklopädie. 36 vols. Berlin / New York 1977–2004, repr. Berlin / New York 1993–2006.
vol. / vols.	volume / volumes

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Index

- Aachen 385–6, 390, 443–5, 452–3, 463–4, 489
‘Abd ar-Rahmān I 270
‘Abd ar-Rahmān III 270
‘Abd ar-Rahmān ibn ‘Alī ad-Dahwār 570
Ablur 544
Abraham 42–3, 86–7, 213
Achaemenids 30, 35, 146, 150, 152, 156, 172, 176
Adad-nirari III 4, 144
Adalbero C 452
Adalgiso-Grimo 597
Adda 368
Adelchis 411
Adelheid 429–35
Adiabene 82, 624–5
Adolf of Nassau 472–3
‘Aḏud ad-Daula 272–3, 629
Æbbe 365
Aeschylus 552
Æthelberht 358–61
Æthelberht of Sussex 366
Æthelburga 367
Æthelred of Mercia 366
Agilulf 357
Agnes, empress 451
Agnes, queen of Hungary 473, 478
Agrippa 204
Ahmad ibn Tulun 271
Ahura Mazd(h)ā 27–30, 35, 150, 153, 179
Aidan 348–52
Aigiai 159
‘Ā’iṣa bint as-Sayfī Barğak b. ‘Allāh
al-Aqbuğāwī 571–2
Aistulf 411
Ājīvikas 189
Akkad 139, 144, 146
al-Aṣraf Ṣa’ban 569
al-Atīr 286
Albrecht I 465, 469, 472–8
Albrecht VI 618
Alcuin 379
Alexander the Great 31–2, 145, 151–9, 163, 166, 172–6, 183, 625
Alexandria 155, 166, 216, 219, 289, 386, 587–8
Alexios I Komnenos 220, 237–45, 580–1, 586, 589–90
Alexios III of Trebizond 246
Alexios Stoudites 220
Alfred the Great 613
al-Ḥākim 280–1
Alhfrith of Northumbria 370
‘Alī b. abī Tālib 261, 274, 279
alimentary institution / a. foundation
205–6, 554–5, 634
al-Manṣūri 570
alms, almsgiving 39, 45–7, 49, 52, 68, 70, 73, 77, 87, 90, 106, 118, 129, 132, 249, 258, 268, 273, 323, 326, 373, 381, 399, 407, 426, 446–8, 484, 500, 502, 512, 517–8, 523, 559, 565, 569, 571, 592, 599
almshouse 59–60, 64, 92, 222, 228, 563, 573, 575, 581, 602, 604–10
al-Muntaṣir 270
al-Muqtadir 270, 569
al-Nāṣir Nāṣir al-Dīn Ḥasan 299
Altenburg 457–8
al-Walid I 266
Alypius von Thagaste 226
Amasis 147, 149
Amenophis III 25, 155
Amitābha / Amitāyus / Amituo Fo 112, 118–9
amortization 504, 631
Amun 147, 150, 155
Anadolu Hisarı 306
Anāhitā 150
Anatolia 57–8, 157–8, 173, 237, 282, 291, 293, 305, 307
Andlau 408–10, 414
Andronikos I 245
Andronikos II Palaiologos 591
Angilberga 413–6
Angkor Wat 196
Anglo-Saxon 334, 341, 349–51, 358–72, 375–9
An-hsi 526
Anna, consort of Charles IV 494
Anna, consort of Rudolf of Hapsburg 469–72

- Anna Komnene 581–6
 Annegray 355
 anniversary / anniversary book 49, 56, 60,
 86–7, 324, 340, 368, 390, 393–5, 397–8,
 407, 417, 428, 436, 440, 445–9, 452–3,
 458, 460, 470–1, 476–81, 485–6, 558, 611,
 613, 619, 636
 Ansa 411
 Ansbach 421
 Ansebert of Fontenelle 597
 Anselperga 411–2
 Antigonids 146, 160, 163
 Antigonos Gonatas 160, 188
 Antioch 213, 223, 228
 Antiochos I (Seleucid) 162, 175
 Antiochos II Theos 188
 Antiochos III the Great 172–4
 Antiochos IV Epiphanes 80, 179
 Antiochos VIII 174
 Antiochos I Theos of Commagene 176–81,
 185, 188, 627
 Antonides 204, 555
 Antónij 249–50
 Antoninus Pius 205
 Antwerp 503, 506
 Apame 162
 Apion 574
 Apis 155, 168
 Apollo 159–61, 164, 179, 545, 553
 Aqueducts 204, 269, 274, 306
 Arabia 33–4, 65, 268, 282
 Aramaeans 33–4, 177, 257
 Archelaos 153, 164
 Areobindus 224–5
 Arezzo 406
 Arioald 357, 410
 Aristotle 552
 Arkakīrti 198
 Arkesimas 150
 Armenia 35, 172, 176–7, 217, 234, 282, 290,
 573–5, 586, 623, 627, 635
 Arnulf 399, 401, 405–8, 414
 Arsacids 182
 Arsameia 177–8, 181
 Arsinoe I and II 162, 168, 170
 Artaxerxes II 150, 153 (?)
 Artaxerxes IV 150
 Artemis 15, 153–4, 160, 164, 177
 Arthur 613
 Asarhaddon 144
 Asclepios 553, 592
 Ashkenaz 87–8, 94, 561–3
 Ásoka 185–90, 528–30, 627
 Aş-Şālih Ayyūb 297
 as-Sayfi Asad ad-Dīn Tānibak b. ‘Abd Allāh
 al-Ilyāsī 571–2
 Assmann, Jan 7, 19, 21–2, 26, 41
 Aššur (god) 4, 6, 139, 142–4
 Assurbanipal 140–2
 Assyria 4, 6, 139–44, 176, 246
 Athanasios 232–6
 Athena 150, 152, 156–7
 Athens 544–53, 587–8, 634
 Athonites 235
 Athos 232–8, 246–55, 574, 584, 627
 Atina 555
 Ātreya 541
 Attaleiates, Michael 58–60, 576
 Attaleiates, Theodore 60
 Attalids 158, 161
 Attalos I Soter 161–3
 Attalos II Philadelphos 163–4
 Attigny 401
 Augsburg 452, 459–60, 477, 506, 563
 Augustine 44, 46, 49–50, 226, 359–61, 394,
 455, 459, 477, 489, 603
 Augustine of Canterbury 359–61
 Augustus 17, 154, 203–4, 206, 210, 213, 215,
 555–8
 Aulus Quinctilius Priscus 556
 Aurelius of Carthage 226
 Autun 417
 Avalokiteśvara (Guanshiyin / Guanyin)
 112–3, 118
 Ave Maria College 615
 Avvésvāra 541
 Ayuwang 115–6
 Ayyubids 259, 283–301, 569, 572, 625
 Azela 446
 Babylon 5–8, 31–4, 81–3, 140–2, 144–146,
 150–1, 156, 158, 172–3, 175–6, 182, 630–1
 Badr ben Ḥasanūya 273, 275
 Baghdad 267, 269, 272–3, 276, 301, 569, 626,
 629
 Baitokaike 174

- Bâlâditya 539
 Baldwin of Trier 474–5
 Balthild 338–41, 351
 Bamberg 443–5, 453, 458–9
 Bangor 343, 354
 Barābār 189
 Barcelona 92–3
 Barqūq 302
 Barton, Henry 606
 Basel 467, 469–77, 611, 614
 Basil I 231, 234
 Basil II 234, 236–7, 579
 Basil of Caesarea 49, 56, 347, 573
 bath 57, 86, 158, 182, 214, 269, 284, 288–9,
 295, 356, 518, 542, 548, 550–51, 557–8,
 561, 566, 569, 582, 634
 Bavaria 498
 Baybars 297–8, 301–2
 Bayezid I 306
 Bayezid II 306–7
 Bazelon 580
 Beatrice, consort of Frederick I 456, 459–60
 Beatrice, consort of Louis IV 486
 bell 117, 119–20, 488, 518
 Belluno 406
 benefactor 22, 36, 57, 62, 64, 70, 82, 87–90,
 116–7, 162, 164–7, 171, 205, 221, 232, 238,
 251–6, 270, 315, 337, 355, 402, 418, 420,
 467, 530, 541, 556, 559, 562, 569–70, 592,
 604, 609–13, 622, 625, 632
 Beornrad 379
 Berenike 168–9
 Bergamo 406
 Bernward (notary) 434
 Bertha, empress 446
 Berthram of Le Mans 53, 312, 314, 326, 340,
 394, 598
 Bertrada (the Elder) 381–3
 Bertrada (the Younger) 339, 382–3
 Besançon 459
 Bethlehem 212–3
 Bhāyipayyanāyaka 531
 Bias 553
 Bibi Faṭīma Ḥatūn 566
 Bimbisara 183
 birthday 174, 181, 393–400, 449, 545–555,
 629–30, 636
 blind 314, 526
 Bobbio 357–8, 410
 Bodhisattva 110–5, 134, 511, 518, 539
 Bohemia 470, 475, 492
 Bokenkamp, Stephen R. 134
 Bonifatius 372–5
 Bonifatius Amerbach 620–1
 Bononia 558
 Boris Vasil'evič 151
 Bozina 576
 Boyce, Mary 27, 29–30, 32–3
 boys 48, 195, 205, 303, 421, 499–503, 528,
 535–6, 547, 555, 557, 584–6, 591, 615,
 620
 Brahmadata 536–7
 Brahmanism 96, 101, 104, 109, 535, 543
 Brahmins 36, 96–106, 183–203, 528–543,
 625, 628, 633
 Brandenburg 470
 Braunschweig, St. Blasius 454
 Breisach 506
 Brescia 411–3
 bridge / b. endowments 36, 39, 94, 128,
 158, 260, 273–4, 290, 306, 458, 517, 519,
 566
 Brogne 466
 brotherhood 28, 299, 439, 459, 463, 502, 553,
 568, cf. also: confraternity
 Brown, Peter 573
 Bruck, Eberhard F. 16, 49
 Bruges 611
 Bruide mac Máelchon 345
 Brun 404
 Brutus 613
 Buddha (Siddhārtha Gautama) 18, 95–6,
 109–16, 118, 184, 515, 518, 534, 537–9
 Buddhagupta-rāja 539
 Buddhism 96, 104–36, 175, 183, 186, 188–99,
 292, 317, 509–44, 623–33
 Budha Cakrāyudha 542
 Bulgaria 61, 239, 246, 248–55, 576, 627
 Bulliet, Richard W. 276
 Burchard of Strasbourg 455–6
 burgher 53, 332, 420, 455, 485, 580, 603–4,
 607–10, 613, 636
 Bursa 305–6
 Burtscheid 453
 Buyids 272–274, 279, 282
 Byzantium 40, 56–8, 61–3, 67, 72, 212–56,
 268–71, 279, 282, 305, 307, 318, 321,
 574–92, 600, 608, 611, 618, 625, 627–636

- Caelia 555
 Caesar, Gaius Iulius 203, 588
 Caesarea 49, 573
 Caesarius of Arles 597
 Cairo 74, 84, 88, 95, 271, 279–86, 290,
 297–304, 562–4, 569–72, 629
 Calixtus 43, 211
 Cālukyās 542
 Cambridge 613
 Cambyses 32, 35, 145, 147, 149
 canal 6, 22, 39, 70–1, 139, 268–9, 272, 274,
 288, 295, 297, 566, 626, 632
 Candra 193
 Candradeva 193
 Candragupta II 530
 Candragupta Maurya 172, 184
 Caṅgadeva 544
 canonesses 426
 canons / canonici 53, 228–9, 309, 380–1,
 384–6, 390, 448–9
 Canterbury 54, 359–61, 364, 369
 Cappadocia 573, 635
 Capua 213
 caravanserai 566, 569–70
caritas, charity 22, 38, 47–9, 52, 57, 61, 63–4,
 68–9, 83–7, 90–4, 105, 115, 117, 131, 139,
 158, 195, 226–9, 232, 258–9, 267, 278,
 315, 332, 368, 391, 395, 439, 441, 456,
 506, 512, 516, 518–9, 523–4, 539, 553–74,
 581–4, 592–600, 604, 621, 632–5
 Carloman II 397, 414
 Carloman of Bavaria 399, 401, 406, 414
 Carolingians 53, 312, 334, 336, 339–41,
 370–417, 421, 437, 440, 454, 489, 596–7,
 630
 cathedral chapter 434, 438–9, 447–55,
 458–64, 470–1, 607, 635
 Ceadda 350
 Çelebi Mehmed 306
 cemetery 11, 69, 86, 435, 561, 568
 Ceylon 536
 Chadolt 398–9
 Chalons-sur-Saône 335
 Chandoga 194
 Ch'ang-an 516
 Ch'ang-lin 526
 Charanis, Peter 247
 Charibert (Merovingian) 358
 Charibert (nobleman) 381
 charistikē 235–7
 Chariton 255–6
 Charlemagne 339–41, 370, 379, 384–92,
 410–2, 417, 443–4, 489–90, 505, 597,
 599–601, 613, 625, 627
 Charles Martell 339, 372–4, 379
 Charles the Bald 385, 388–99, 402, 442
 Charles III (the Fad) 385, 397–9, 406,
 408–9, 416, 421
 Charles III (the Simple) 381, 384, 390,
 399–401, 409
 Charles IV 486–98, 617, 628
 Chelles 340–1, 351
 Ch'en 524–5
 Chiffolleau, Jacques 55
 child / children 11, 14, 20, 24, 28, 31, 39,
 49–51, 69, 71, 75, 88, 90, 93, 102, 114, 120,
 123, 144, 163, 167, 173, 181, 192, 205–6,
 241–2, 247, 271, 301, 304, 329, 344, 349,
 393, 400, 408, 444, 470, 484, 500, 509,
 519, 522–4, 528, 535, 537, 546, 551,
 554–6, 562, 574, 583, 585–7, 600, 604,
 632
 Childebert I 324–7, 395
 Childebert II 355–6
 China 14–5, 18, 95–6, 111–6, 119–36, 274, 282,
 291, 293, 509–28, 530, 535, 537, 539–40,
 569, 623–4, 627, 629, 632
 Chitwood, Zachary 573
 Chlothar I 324–32
 Chlothar II 336, 357
 Christ Church College 617
 Christophoros 575
 Chrodechilde 323–4, 340, 359
 Church of Holy Apostles 586
 Cicero 204, 554
 Ciel d'Oro 411
 Cimon 553
 Clark, Peter 27–30
 Clock 292
 Clonard 343
 Clonfertmulloe 345
 Clonmacnois 343
 college 142, 209, 212, 218, 274–6, 288–9, 309,
 459, 492–3, 504, 533, 539, 542–4, 550,
 606, 615–7, 633
 collegiate church 323, 380, 388–92, 402, 420,
 423, 439, 446–9, 454, 462, 464, 496–501,
 600, 604, 606, 614, 635

- Collegium Carolinum 492–3, 617
 Collegium Sapientiae 617
 Cologne 441, 450, 463–6, 563, 600, 613, 616
 colonization 514, 632
 Columba (Colum Cille) 343, 346–7
 Columban (the Younger) 336, 354–8, 370
 Commagene 176–182
 commemorative meals 394–6, 400, 451
 common benefit 39, 72, 173
 Compiègne 390, 400–1
 Comum 556–7
 Conall mac Comgaill 346
 confiscation 102, 104, 143, 192, 237–8, 363,
 372, 375, 512, 565
 confraternity 439–40, 450, 459–62, 480,
 502–3
 Confucius, Confucianism 18, 96, 119–23, 125,
 509–14, 525, 527, 625, 632
 congregational mosque 271, 287, cf. also:
 Friday mosque
 Conrad I 421–3, 427
 Conrad II 446, 448–50
 Conrad III 454, 456
 Constance, empress 454, 461
 Constance, town 407, 455, 477
 Constantina 212
 Constantine the Great 40, 52, 210, 212–6,
 220, 223, 227–8, 307, 314, 331, 572–5,
 593, 628, 635
 Constantine V 229
 Constantine VII 231, 234
 Constantine VIII 234
 Constantine IX 589
 Constantinople 55, 57–61, 212–3, 215,
 218–20, 223–57, 266, 305–7, 321, 329–30,
 333, 374, 379, 381, 384–9, 393, 627, 629
 Constantius 228
 Corbie 341
 Cornuta 309–10
 couple founders 113–4, 119–20, 160, 162,
 168–9, 173, 226–7, 242, 307, 325, 378,
 381–2, 404–5, 411, 423, 439, 459, 494,
 566, 571, 581, 602, 607
 Croatia 628
 Croesus 154
 Cugnon-sur-Semois 342
 Cunincpert 410
 Cupra Montana 205
 Cyprian of Carthage 48–9, 211
 Cyrus I (the Great) 30–33, 35, 40, 145–6, 552
 Dagobert I 336–40, 395
 Damascus 265–70, 282–98, 304, 568–9, 628
 damming of rivers 519, 566, 632, 634
damnatio memoriae 24
 Dantivarman I 543
 Daoism 96, 119–36, 509, 512, 515, 519, 625,
 632
 Darius I 33, 145–50, 176
 Darius II 150, 171
 Darius III 154–6, 171
 Daśaratha 190
 Daśāvai Padmaladevī 195
 David of Israel 625
 David IV the Builder 246
 Dečani 254
 Deguilhem, Randi 568
 Delhi 198
 Delos 158–64
 Delphi 158, 163, 548
 Demetrios II 160
 Demosthenes 552–3
 Derry 347
 Desiderius 441–2
 Devapāla 193
 Dēvaputra Shāhi Huvishka 529
 Dhruvasena I 194, 529
 Didyma 161–2
 Dionysios 246
 diptych 57, 59–61, 222, 241
 division of property 392, 396, cf. also:
 mensa sharing
 Djoser, cf. Zoser
 doctor (medical d.) 72–3, 220, 243, 267, 272,
 277, 279, 282, 289, 301, 520–2, 529–30,
 543–4, 553, 562–4, 569–70, 583, 587,
 597, 620
 dormitories 60, 615–6
 Dornik 618
 Dortmund 441–4
 Droṇasimha 102
 drought 168, 526, 632
 Drythelm 46–7
 Dunhuang 113, 116
 Dunna 366
 Durrow 347

- Eanatum 6, 143
 Eberhard of Bamberg 445
 Echternach 375–81
 Edfu 171
 Egypt 4, 7–10, 13–4, 19–25, 30, 36, 41, 52,
 89–90, 138, 145–51, 154–5, 160, 162,
 166–71, 183–5, 189, 211, 258–9, 271,
 279–81, 284, 289–91, 293, 297–300, 302,
 304, 307, 316–7, 386, 451, 508, 548,
 568–9, 571, 574, 587–8, 622–6, 631
 Eichstätt 421, 475, 619
 Elephantine 172
 Elias 580
 Elizabeth, consort of king Albrecht 473, 478
 Elizabeth of Aragón, consort of Frederick
 “the Fair” 479
 Enanatum 6
 endowment charters 195, 208, 437, 552
 England 563
 Enlil 6, 143
 Enmetena 6, 143
 Ennin 516
 Epaminondas 553
 Ephebia 547
 Ephesus 15, 153–4, 157, 177, 551, 587, 591
 ephor(eia) 239–40
 Epicurus 546
 Epidauros 553
 epidōsis 235–6, 240
 Erasmus of Rotterdam 620–1
 Ermina 377–9
 Ermintrude 389, 393–6
 Erstein 409, 412
 ethics 19–22, 29–30, 36, 39, 47, 97–8, 119–37,
 174, 184–5, 189, 263, 507–10, 534–5, 572,
 622
 Étival 408
 Ettal 481–5
 Euboea 548
 euergeṣia / Euergetism 36, 52, 157–176, 205,
 550–1, 553, 556, 559, 565, 634
 Eumenes II Soter 162–6
 eunuchs 115, 144, 302–3, 569, 535, 635
 Euphrosynus 551
 Eustathios Boilas 239, 576
 Eustatios of Sebaste 573
 Eustatios of Thessalonike 587
 Evergetis 239–40, 253
 Fabiola 593
 Fáelán mac Dímma 345
 Fa-hsiang 518
 Fāṭima b. Muḥammad 568
 Fatimids 279–84, 290, 568
 Faurndau 403, 407
 Faxian 530
 Feld, Helmut 78–9, 95
 Felix 40, 408
 female founders 174, 190, 224–9, 268–70,
 278, 307, 351, 411, 413, 548–9, 555,
 568–9, 572, 593, 611, 630, cf. also:
 couple founders
Fideicommissum 17
 First Request 498
 Flavius Valila 309–10
 flood 23, 526, 632
 Fontaines 355–6
 Ford's Hospital 605
 foreigner 314, 458, 549, 552–3, 564, 635
 fortresses 265, 268–9, 286, 301, 305–6, 355,
 551, 559, 566, 626
 foundation inscription 5–6, 11–25, 32–6, 43,
 61, 102–16, 119, 125, 130, 140, 142–7,
 154–82, 185–208, 212, 224, 255, 257, 269,
 283, 287–8, 300–1, 305, 530–8, 541–4,
 547–8, 551, 555–8, 561, 628
 foundation organ 30, 32, 51, 144
 foundation policy 259, 286, 294, 315, 472–3,
 497, 631
 founder's right 221–2, 245
 foundling-house 58
 fountain 268, 271, 288, 300, 304, 566, 569
 Francesco Carbone 595
 Frankfurt 402–3, 421, 434
 Frederick I 450, 454, 456–62, 626
 Frederick II 450, 454, 458, 461, 463
 Frederick III 464–5, 471, 486–7, 496–8, 502,
 505
 Frederick “the Fair” 475–81
 Frederun 400–1
 freed(wo)men 16–7, 38, 53, 62, 268, 300, 314,
 348, 557, 569, 576
 Freeren 461
 Freiburg 614, 618
 Freising 477
 Friday mosque 270–1, 277, 280, 287, 299,
 306, 571

- Fugger, Jacob 607–8
 Fulda 398, 404, 421–2, 456
 funerary / f. cult / f. endowment 10–7, 22–5,
 32–3, 41, 43, 53, 86, 119–22, 138, 142, 147,
 149, 155, 213, 280, 319, 327, 334, 349, 387,
 394, 396, 408, 474, 507, 546, 550, 567,
 574, 618, 622, 634
 Fursa 353–4
 Fustat (Old Cairo) 88–91, 271, 279, 562–4

 Galesion Monastery 591
 Galinsky, Judah D. 91, 94
 Gaṇapati 543
 Gandersheim 404–9, 414, 423
 Gautamī Balaśri 190
 Gautamīputra Shātakarni 190
 Gāzān Hān 71, 292–3, 629
 Gebhard, count 402
 Gebhard of Strasbourg 455
 Geniza 89, 562–3
 Georgia 58, 61, 239–46, 257, 561, 576–85
 Georgios Goudeles 584
 Gerberga 404–5
 Germany 617
 Gernet, Jacques 519
 Ghent 503, 506
 Gierke, Otto 371
 ḡihād 268, 567, 634
 girls 48, 93, 174, 198, 205, 415, 535, 541, 553,
 555, 557, 584, 606
 Gisela (consort of Conrad II) 450
 Gisela (daughter of Charlemagne) 341
 Gisela (I, daughter of Lothar I) 412
 Gisela (II, daughter of Louis II) 412–4
 Glykas, Michael 56
 Goda 602
 Gortyn 553
 Goslar 449–50, 459
 Gottschalk 452
 Govinda III 198
 Govinda IV 193, 541, 628
 grave / g. monuments 7, 15–6, 31, 42, 44,
 66–71, 115, 126, 149, 295, 341, 389, 394,
 451, 468, 502, 505, 522, 538, 540, 595,
 607, cf. also: tomb, mausoleum
 Graz 506
 Greece / Greek 15–6, 18, 32–6, 40–2, 49, 53,
 55, 61, 79, 95, 98, 145–6, 151–2, 154–60,
 162, 164, 166, 169, 172, 174–9, 223, 246–9,
 252–4, 318–9, 347, 386, 481, 544–55, 557,
 559, 565, 572–96, 627, 634–5
 Gregory of Nazianzus 49, 587, 593
 Gregory of Nyssa 49
 Gregory of Sinai 253
 Gregory of Tours 308, 318, 323, 325, 331, 333
 Gregory (Georgios) Pakourianos 58,
 239–40, 576–9, 585
 Gregory the Great 46, 54, 271, 324, 359,
 361–2, 596
 Gregory III 53
 Gregory VII 601
 guesthouse 58, 136, 269, 273, 411, 474, 516,
 520–22, 551, 569, 571, 574, 580–81, 583,
 596–9, 632, 634
 guilds 191, 224, 500, 529–30, 587, 605
 Gunthram 334–6, 355
 Gupta 191, 193, 198, 201, 530, 538
 gymnasium 159, 161–3, 173, 544–55, 634
 Gytheion 549

 Hadrian 548, 550
 Hagenau 456–7, 461
 Hagia Sophia 218, 220, 228–9, 246, 306, 590
 Ḥaizurān 268
 Han 121, 124, 509, 512
 Han Gaozu 121
 Han Wudi 510
 Ḥanafī 72, 257, 277, 303, 567
 Hapsburg 464–81, 487–8, 492, 496–507
 Haribert (of Laon) 382
 Hartepool 351
 Hārūn ar-Rašīd 72, 267–8, 279, 386, 626
 Hathumod 404
 Heidelberg 614
 Heidemann, Stephan 286
 Heiu 351
 Helck, Wolfgang 9, 22
 Helena 212, 223, 331
 Heliopolis 213
 Hellenism 16, 77, 122, 138, 146, 151, 157–76,
 184, 188–9, 546–50, 625
 Hemma 402, 408
 Henry I 423, 426–7, 431
 Henry II 431, 439–45
 Henry III 445–51
 Henry IV 447–55

- Henry V 447–8, 454–5
 Henry VI (Hohenstaufen) 454, 458, 461–3, 605
 Henry VI (of England) 606–7
 Henry VII 464–5, 473–4
 heqdesb 84, 559–64
 Hera 553
 Herakleios 229
 Herāt 293–6
 Herford 403
 Heribert C 434
 Heriston 550
 Hermarchos from Mytilene 546
 Hermonthis 575
 Hesiod 552
 Hexham 367–9
 Hierapolis 553
 Hilandar 253–5
 Hildegard 387–8, 403
 Hildesheim 440
 Hildibald (B, F) 434–7
 Hīnayāna 110, 511, 540
 Hinduism 95–119, 182–203, 528–43
 Hippocrates 553
 Hohenstaufens 454–464, 471, 625
 Holy Land 212, 254, 387, 497, 564
 Homer 18, 552, 591
 Honorius I 313, 357
 honorary canonry 231
 Hopeh 517
 Horus 8, 155, 171
 Hospice 58, 72, 92, 117, 228, 232, 243, 255, 267, 286, 302, 314, 329, 414–8, 456, 477, 479, 553, 563, 573–4, 582–3, 587, 592–4, 597, 599, 603, 634
 Hospital 57–8, 72, 86, 219, 222, 226, 228, 234, 242–4, 260, 267, 271–3, 277, 280, 286–7, 289–90, 292, 301, 306, 454–61, 474–9, 485–7, 493, 503, 506–7, 519–22, 530, 543, 553, 563–4, 569–70, 580–4, 592–611, 614, 619, 626–9, 634–6
 Hospitallers 606
 Hospital of the Blessed Mary 616
 Hospital of the Holy Spirit, Lübeck 608–10
 Hostel 72, 132, 229, 232, 289, 304, 306–7, 326, 566, 603, 616–7
 Hrothware 366
 Hsin-hsing 516
 Hsüan-tsung 519
 Hua-tu 516
 Hungary 494, 582, 628
 hungry 20, 49, 456, 517–8, 521, 553
 Hunt, Andrew 606
 Hurrem Sultan (Roxelana) 307
 Huschner, Wolfgang 433
 Huviška 529
 Huy 598
 Iasos 173–4
 Ibn an-Nafis 570
 Ibrahim ibn Nasr 277
 Ikṣvākus 190
 Illtud 344
 Imām 303, 567, 571
 imperial monastery 116, 229–30, 402, 407, 413, 450, 575
 India 18, 27, 90, 95–119, 131, 134, 136, 145, 172, 182–203, 258, 264, 274, 293, 496, 509, 511, 528–44, 623, 625–9, 631–3
 Ingolstadt 479, 618–20
 Inheritance 6, 11, 24, 38, 40, 47, 49–50, 60, 92–3, 101–2, 139, 144, 157, 180, 185, 192, 221, 257, 259, 271, 286, 294, 298, 312, 343–4, 362–5, 370, 377, 379, 382, 388, 400, 473–4, 503, 565, 621
 Innsbruck 505–6
 Iona 343, 347–51
 Iosif Sanin 250–1
 Iran 18, 25–39, 65, 145–56, 172, 182, 263, 270–4, 286, 292–3, 301, 570, 573, 622, 635
 Irene 229
 Irene Doukaina Komnene 239
 Irene of Hungary 242
 Irish 342–358, 362, 367–70, 379, 410, 627
 Irmingard (consort of Lothar I) 409, 412
 Irmingard (daughter of Louis II) 413, 415–6
 irrigation / i. endowments 22, 25, 39, 70, 138–9, 260, 265, 274, 294–5, 566
 Isaac of Meiningen 85–6
 Isis 155, 166, 169, 172, 209, 211
 Israel 19, 41, 78, 80–1, 625, cf. also Holy Land; Palestine
 Istanbul 306–7
 Italy 563

- I-tsing 540
 Ivan Alexander 253
 Izjasláv 249–50
- Jainism 96, 104–10, 186, 198, 531–4
 Jakki Raḍḍi 532
 Jaspers, Karl 18–9
 Jerome 49–50, 489, 593
 Jerusalem 31, 46, 60, 64, 79–80, 82, 90,
 212–3, 219, 224, 228, 246, 254, 282–5,
 290–2, 298, 303, 306, 386–7, 457, 459,
 564, 568, 593, 625, 627
 Jesus Christ 41–4, 49, 72, 240–1, 246, 351, 381,
 403, 482, 495, 499
 Jews, Judaism 31, 33, 40–2, 46, 65, 77–96,
 100, 118, 211, 257, 259, 268, 279, 281, 289,
 308, 495, 559–68, 584, 591, 593, 623–4,
 634–5
 Jihad Ṣalāḥ 569
 John, apostle 42–4, 429, 452, 496, 610
 John Baptist 59, 247, 266, 615
 John Chrysostom 49, 57, 594
 John Glykys 591
 John I of Speyer 447
 John I Tzimiskes 217, 233–4
 John II Komnenos 58, 242
 John III Doukas Vatatzes 590
 John VII 53
 John III of Lübeck 608
 John Italos 589
 John Kerer 617
 John of Hubant 615–6
 John the Lydian 588
 John Vladislav 255–6
 John Xiphilinos 589
 Jones, William R. 64
 Joseph I 591
 Josse de Londres 616
 Judas Maccabeus 46, 82
 Judith 334, 393, 396, 412
 Juliana Anicia 224–5
 Julian the Apostate 587, 593
 Juno Lacinia 209
 Jupiter 206–8
 Justin II 581
 Justinian I 58, 216–7, 221–3, 226–8, 237, 307,
 319, 325, 546, 572, 580–2, 587–8, 594,
 627
- judgment, individual 29–30, 33, 41–2, 55,
 65, 79, 81–2, 90, 119, 136, cf. also: Last
 Judgment
- Kādambas 195, 629
 Kākatīyas 532
 Kambha 198
 Kanasarukamāna-scion 529
 Kanopos 167–9
 Kansu 517
 Kao-tsu (Wen-ch'eng ti) 515
 Karahātaka 193
 Karaites 91
 Karbala / Kerbelā' 71, 261
 Karīmī 569
 Karlstein 491, 494–6
 Karunantaḍakkan 543
 Kastl 480
 Kaufbeuren 485
 Kaunios 150
 Kecharitōmenē 239
 Kent 54, 351, 358–61, 364–5
 Kettenbach 402
 Khanqāh 71, 74, 268, 278, 285, 290, 301–4,
 566, 568
 Khazars 625
 Khosrow I 26, 588
 Khubilai 524
 Khwāja 'Abdullāh Anṣārī 295–6
 Khwāja Naṣīr al-Dīn Ṭūsī 292
 Kiev 61, 248–9
 Koblenz 563
 Kočo 113–4
 Königsfelden 473–6
 Kommana Böyümçü 532
 Komnenoi 240–7, 576, 579, 587
 Kongs 121
 Koutloumousiou 255–6
 Kozma, Emese 564
 Krakow 494
 Kṣatrapas 190
 Ktētoría 222
 Kuğuḡi 74–6
 Kukkūṭagrāma 194
 Kulke, Hermann 200–2
 Kunigunde, consort of Otakar of Steier 458
 Kunigunde, empress 439–45, 448
 Kuno of Strasbourg 455

- Kuṣāṇa 191
 Kyzikos 158

 Labaḥ 257
 L. Aemilius Daphnus 558
 Lagids 146, 166, cf. also: Ptolemies
 Laibach 499–500, 506
 Langres 15, 17, 397, 399
 Laodike 173–4, 630
 Laodike (mother of Antiochos I of Commagene) 179
 Laotse 18, 96, 122, 128, 130
 Last Judgment, Final Judgment 3, 21, 29–30, 42–5, 52, 54–7, 61, 63, 65–7, 70, 76, 81, 244, 335, 622, cf. also: judgment, individual
 Lastingham 350
 Lateran (Rome) 213
 Laum, Bernhard 551
 Lautern 457
 law of foundation 565
 Lekapene 576
 Leo IV 628
 Leo VI 221, 231, 234
 lepers / leprosarium 58, 117, 242–3, 535, 563, 566, 581, 596, 598, 604
 Lérins 51, 316
 Lev, Yaacov 64, 277
 Library 72, 272–3, 277, 279, 281–2, 292, 551, 556–7, 567, 570, 588–9, 606, 629
 Licinia Eudoxia 224
 Lights 86, 195, 310, 314, 384, 387–91, 400, 441, 447, 486, 506, 516, 518, 542, 564, 635
 Lindisfarne 347–52
 Linz 506
 Lips 583
 Liudbrand, king of the Lombards 410, 596
 Liudgard 404
 Liudolf 404–5
 Liudolf I (notary) 434
 Liudolfings 404, 414, 423, 439, cf. also: Ottonians
 Liudprand 410, 596
 Liutbrand (deacon) 403, 407
 Lobbes 399, 435–6
 Lohse, Tillmann 602
 London 605–7
 Longuyon 598

 Lorsch 421–2
 Lothar I 384, 409, 412, 601
 Lothar II 389
 Lothar III 454
 Louis II 389, 397, 412–3
 Louis III 397
 Louis IV (the Bavarian) 475, 479–81, 485, 495
 Louis “the Bearded” 618–9
 Louis the German 374, 385, 389, 393–4, 402–4, 407, 414
 Louis the Pious 334, 371, 384–93, 403, 412, 597–601
 Louis the Rich of Landshut 619
 Louis the Stammerer 390, 399
 Louis the Younger 402, 404–6
 Loukites 591
 Lucca 451
 Lübeck 420, 485, 608–11
 Lüttich 435–6, 461
 Lugalurub 143
 Lugalzagesi 143
 Lusiardi, Ralf 55
 Luxembourg 463–6, 473–4, 488–90, 495–6, 628
 Luxueil 336, 339, 355–8
 Lydians 30, 145, 153–4, 173, 588, 629
 Lykon 546
 Lyons 319–20, 325–7

 Maastricht 598
 Maccabees 46, 80, 82, 88
 Macedonia 32, 63, 145–58, 166–7, 169, 172, 176, 178, 181, 188, 254, 574
 Macuch, Maria 39
 Mādhavēśvara 530–1
 Madrasa 71–6, 274–92, 299–306, 567–70
 Magadha 184
 Magdeburg 427–33, 439, 441–5
 Magians 31–5, 152
 Magnesia 548
 Mahāvīra 96, 104, 107, 198
 Mahāyāna 110–9, 130, 136, 511–2, 518, 534, 539, 541
 Maḥmūd of Ghazna 274
 Mahmud Paşa 306
 Maimonides, Moses 81, 84, 90
 Mainz 88, 435, 466, 470, 498

- Maitraka 104, 194, 200, 540
 Maitreya 112–4
 Makdisi, Georges 275
 Mālapayyanāyaka 531
 Māliki law / school 257, 267, 276, 288, 567
 Mallēśvara of Vijayavāḍa 532
 Mamlūk 71, 278, 291–2, 297–304, 307, 565,
 568–72, 629
 Mani / Manichaeans / Manichaeism 26, 35,
 114
 Mantinea 551
 Manuel I Komnenos 244
 Manumission 17, 52–3, 62, 298, 314, 479, 569
 Mānyakheta 193
 Marāgha 292
 Marco Polo 524
 Marculf 598–9
 Marcus Agrippa 558
 Mardi 533
 Marduk 5–7, 140, 145–6, 156
 Margarete, consort of Henry VII 474
 Maria 40, 53, 57, 59, 239, 249, 254, 334, 341,
 367, 396, 407, 444, 447, 453, 463, 482,
 488–9, 495, 497, 615
 Maria, empress 454
 Marinids 291
 market 57, 115, 174, 193, 265, 273, 286–7, 306,
 367, 531, 559, 584, 602, 607, 610, 629–30
 Mar Qardagh 573
 Marsilius of Inghen 614
 martyrology 85
 masġid 275
 Masini 414
 Masrūr 571
 mass / endowments of masses 46–8, 51, 55,
 57, 59–64, 71, 211, 238, 240–1, 339, 344,
 354, 357, 368, 388, 397–8, 406, 414, 418,
 422, 435–6, 439, 441, 446–7, 450–4, 458,
 460–1, 471, 477–8, 480–1, 486–8, 493,
 495–6, 498, 501–7, 577, 583, 604, 607,
 610, 619
 maṭha 543–4
 Mathilde II 423
 Matilda 423–30
 matricularii 337, 598
 Matthew 43–4
 Mattsee 401
 Mauerbach 475–9
 Maurya 172, 184–5, 187, 189
 Mausoleum 71–4, 214, 270, 277, 290, 292,
 294, 296, 299, 301, 306, 336, 352, 469,
 472–4, 481, 567–8, 575, 583, 629
 Maximilian I 486–7, 501–7, 631
 Mecca 65, 266–70, 280, 288, 297, 303, 306–7,
 626
 Medes 30, 32–3
 medicine 106, 110, 129, 191, 195, 271, 306, 518,
 520–44, 564, 587, 615, 629
 Megistis Lávras 235
 Mehmed II 305–7
 Meißen 450
 Melania the Younger 226, 593
 Melite 546
 Melrose 47, 352
 Memleben 431
 memorial book 85–8, 564
 Memphis 8, 21, 24–5, 149, 155
 Menas 547
 mensa sharing 392, cf. also: division of
 property
 Menzel, Michael 480
 Merchant 89, 91, 272, 304, 307, 528–40, 562,
 569, 603, 606–7, 611, 633–4
 merit monastery 116
 Merovingians 52, 323–41, 354–8, 370, 375,
 395, 437, 596, 600
 Merseburg 441–3
 Mercy 598
 Mersmann, Heinrich 610
 Mesopotamia 4–18, 33–4, 41, 138–45, 147,
 154, 184, 188, 278, 283–4, 291, 573, 624,
 630
 Meter Aspordene 159
 Metrodoros 546
 Metten 406
 Metz 387–9, 391, 456, 598
 Michael Glabas Tarchaneiotes 584
 Michael I 230
 Michael Maleinos 232
 Michael Psellos 587–9
 Michelsberg 445
 Mīhrēn 37–8
 Mīhrimah Sultan 307
 Mīhr-Narseh 36
 Mileševa 254
 Milet 164–5, 546

- mill 220, 272, 286, 288, 295, 304, 451, 455,
 474, 516, 566, 634
 Minden 438
 Ming Taizu 121
 minster 358–370, 630
 Mithradates I Kallinikos 178–9
 Mithras 150, 179, 211
 Moldavia 247, 255
 Mo Lua moccu Óche 345
 Mondsee 503, 506
 Mongolian 71–2, 292, 297
 monied endowments 530
 Monobaz I of Adiabene 82, 624
 Monreale 612
 Mont Cenis 597
 Moses, son of R. Joseph 86
 mosque-inn colleges of law 274–5
 Münster, Sebastian 620
 muezzin 567, 571
 Muhammad 64–7, 70–7, 257–68, 279, 288,
 291–2, 295, 303, 306, 328, 565, 568
 Munich 477, 480–1, 486
 Murad I Hüdavendigâr 306
 Murgi 558
 muses 159, 162, 545
 Muslims 64–77, 88, 91, 93–4, 109, 118, 237,
 247–8, 257–308, 386, 405, 524, 541,
 559–71, 591, 623, 625, 628–9, 634
 Mykerinus 10, 12
 Myreleion 575

 Nabonid 30, 33, 146
 Nāgārjuni 190
 Nālanda 538–41
 Nanda 184
 Naples 213, 595
 Nārāyaṇa 533, 542
 Nasik 190, 628
 Nasir Khusraw 280
 Nebuchadnezzar II 142, 145
 Necrology 85–7, 399, 405, 430, 442, 446,
 458–60
 Neith 147, 149
 Nektanebos II 171
 Nemrud Dağı 177–8, 181
 Nerses 573
 Nerva 204–6, 556–7
 Nerval 145

 Neuhausen 446
 Nicholas Alexander 256
 Nicholas Mesarites 586
 Nicomedia 213
 Niederschönenfeld 480
 Nienburg 442–3
 Nikephoros Blemmydes 590–1
 Nikephoros Chrysoberges 236
 Nikephoros I 229–30
 Nikephoros II Phokas 231–4, 238
 Niphon 584
 Nishapur 274–6
 Nizām ad-Dīn Čačmaq 566
 Nizām al-Mulk 274–6, 278–82
 Nothelm of Sussex 364
 Numa Pompilius 206–7
 nuns 57, 104–10, 130, 135, 191, 197, 240–2, 317,
 331–4, 340, 354, 362, 384–7, 402–5,
 409–24, 450, 469, 474, 479, 511, 513, 516,
 533–4, 582–3, 603, 633
 Nūr ad-Dīn Maḥmūd 284, 286, 628
 Nuremberg 85–95, 563–4

 oblation 48, 140, 412, 448, 458, 600
 observatory 72, 130, 292, 629
 Ochrid 254
 Oda 404
 Odo 390, 399, 417
 Oethelwald 350
 Ötting 401–2
 oil foundation 548–9, 564
 old-age home 58–9, 229, 232, 523–4, 581
 Old Cairo, cf. Fustat
 Olles, Volker 115–6, 119, 509
 Order of St. George 501–7
 Order of St. Lazarus 604
 Orhan Gazi 306
 Orontides 176
 orphan, orphanage 48, 57, 75, 82, 131, 134,
 139, 210, 229, 260, 288, 304, 329, 367,
 517, 519, 522–3, 528, 539, 552, 566–7,
 569, 580–82, 586, 594, 632–3
 Oshere of the Hwicce 366
 Osiris 147–8
 Osnabrück 453
 Ostia 205, 213
 Oswald of Bernicia 348
 Oswiu 348–52

- Otakar of Steier 458
 Otto I 424–9
 Otto II 430–8
 Otto III 427, 430–8, 443–5
 Otto IV 454
 Otto (son of Liudolf of Saxony) 404
 Ottomans 68, 247–8, 255, 265, 291, 297,
 305–8, 497, 629
 Ottonians 383, 404–45
 Oxford 613, 617

 Paderborn 439, 441
 Pahlitzsch, Johannes 64
 Pala 193
 Palestine 18, 31, 82, 172, 246, 271, 282, 288,
 293, 565
 Pāṇḍ[u]rājyā 102
 Panteleemon Hospital 584
 Pantokrator 242–4, 583, 587, 629
 Paris 396–7, 417, 492, 613, 615–6
 Paroria 253
 Pārśvanātha 531
 Parthians 35, 176, 182
 Pārthivaśekharaṣuram 543
 part (quota) for the soul 49, 61, 227, 485
 Pasargadae 31–2
 Passau 477, 499, 501
 Pāṭaliputra 530
 Patronatsrecht 221
 Paul 42, 44–5, 53, 213, 314, 361, 471, 474,
 581–2, 586, 606
 Paulinus of Nola 593–4
 Pavia 408, 411
 Peasants 229, 231, 236, 271, 512, 571, 577, 580,
 611, 614, 628, 633, 636
 Peć 254, 494
 Peisistratos 552
 Pepi I 10, 12
 Pepi II 12
 Pepin, dux 375
 Pepin of Aquitaine 334
 Pepin II of Aquitaine 389, 393
 Pepin (II) of Herstal 372, 375–6, 378–9, 387
 Pepin the Younger (king) 339, 373, 379–82,
 626
 Perceto 411
 Perctarit 410
 Pericles 552
 Persepolis 35, 156

 Persia, cf. Iran
 Peter IV of Aragón 93
 Petosiris 21
 Petra 255
 Petrizzos-Bačkovo 239, 578
 Petrus 376, 409, 416
 Phaenia Aromation 548–9
 pharmacy 521, 530
 Philadelphos I Soter 160
 Philae 172
 Philanthropy 21, 52, 57–60, 63–4, 72, 76, 88,
 92, 158, 167, 223, 229, 231, 258, 260,
 271–3, 280, 292–3, 299, 301, 312, 314,
 326, 363, 391, 416, 418, 456, 508–616,
 631–4
 Philetairos of Pergamon 158–61, 626
 Philip of Swabia 454, 461, 471
 Philipp v (Antigonid) 160
 Piacenza 414, 456
 piae causae 58, 72, 227, 581, 594
 Pickert, Susanne 17, 558
 Pilgrims 60, 65, 71, 90, 94, 224, 266–9, 280,
 282, 286, 288, 290, 295, 303–4, 306–7,
 319–20, 340, 345–6, 353, 356, 377, 411,
 487, 489, 497, 516, 530, 537, 539–40,
 566–7, 603, 626
 Pinianus 226
 Pisa 53, 332, 475, 482
 Placidia 224
 Plato 79, 544–6, 552, 587
 Plektrud 378–9, 387
 Pliny the Younger 556–7
 Plöger, Otto 79
 Plutarch 15, 150, 152, 552
 Poland 494
 Polythrus 546–7
 Poor 2, 21, 39, 45, 47–53, 57–9, 61–3, 71–5,
 82–3, 86, 89–90, 93–4, 117–8, 131, 147,
 173, 204–5, 210, 215, 228, 232, 236, 242,
 249, 258, 260, 271, 277, 281, 299, 308–9,
 314, 317, 325–6, 329, 335–40, 348, 352,
 367, 373–4, 377, 384, 387–8, 391–5, 401,
 407, 415, 418, 431, 439, 441, 448, 451,
 455–8, 467, 473, 475, 484, 493, 499–500,
 506, 517–21, 524, 526–30, 537, 547,
 552–4, 561–73, 577–84, 592–4, 596–604,
 606–8, 615–20, 626, 632, 634, 636
 Poorhouse 58–9, 576, 594, 603–6
 Praejectus of Clermont 597

- Prague 488–98, 613–4, 628
 prebend(ary) 6, 142, 309, 340, 380–1, 390–1,
 402, 419–20, 438–9, 448–53, 461–71,
 480, 484, 493, 495, 498–9, 600, 613, 615,
 618–9, 621, 635
 Priene 157
 prisoner 48, 521–2, 591
 private property 11, 23, 40, 139–40, 175, 199,
 286, 294, 298, 351, 380, 573–4
 Prizren 254
 proprietary church / p. monastery 221–2,
 311–4, 343–9, 352, 358–75, 378, 380–3,
 402–20, 427, 435, 442, 461, 525, 574, 576,
 598–9, 635
 Prüfening 459
 Prum 375, 381–4
 Ptolemies 22, 146, 158, 160–72, 176, 188, 588,
 625
 Ptolemy I Soter 166, 170
 Ptolemy II Philadelphos 160, 162, 167–8, 170,
 172
 Ptolemy III Euergetes 162, 168–9, 188, 625
 Ptolemy V 167
 Ptolemy VII 167
 Ptolemy X Alexander 171
 Ptolemy (Orontid) 176
 public welfare 204, 289, 292, 634
 Puigcerdá 92
 Pulcheria 224–6
 Pumbedita 83
 purgatory 41, 54–5, 118, 127

 qadi 74, 271
 Qalāwūn 301
 Qānsūh al-Ghūrī 304
 Qarāra 568
 Qayrawān 279
 Quedlinburg 334, 423–30, 441
 Qufu 121, 625
 quota for Christ, cf.: part of the soul
 quota for the poor, cf.: part of the soul
 Quran endowment 569
 Quran readers 567, 571
 Quran school 73, 566–9

 Radegunde of Poitiers 327–34, 341, 387, 410
 Rājarāja 203
 Ramses 21, 24
 Ramses II 23

 ransom of captives / r. of debtors 237, 348,
 563, 567–9, 594
 Rašīduddīn 72–4
 Rāṣṭrakūta 193, 197–8, 203
 Rasulids 568–9
 Ratbod of Trier 380
 Rāṭṭarāja 541
 Re' 147
 Regensburg 384, 402, 450, 477, 485, 563
 Regīnar 381
 Reichardsroth 458
 Reichenau 398, 407
 Reinfandt, Lucian 571
 Rexroth, Frank 607
 Rhaidestos 59–60
 Ribaş 562
 Ribash 562
 ribāṭ 268, 301–2, 567–8
 Richild 393–6
 Rila 252
 Ripon 367–70, 375
 road / r. endowments / street 36, 39, 128,
 204, 265, 269, 289, 456, 485, 519, 530,
 551, 626, 634
 Robert I 417
 Robert of Sorbonne 615
 Rodelinda 410
 Romanos Diogenes 237
 Romanos I Lekapenos 231, 236, 575
 Rome 15–6, 40, 53, 122, 176, 182, 204–14, 223,
 248–9, 259, 271, 308, 312–3, 319, 340,
 342, 359, 361, 367, 369, 375, 389, 404,
 409, 411, 422, 463, 489, 495, 498, 544,
 554–9, 593, 601, 613, 620, 628, 634
 Rudolf I of Westfrancia 417
 Rudolf IV “the Founder” 497–8, 625
 Rudolf of Hapsburg 461, 467–73, 626
 Rüstem Paşa 307
 Rumeli Hisarı 306
 Rupert I 614
 Rupert II 614
 Rupert III 614
 Rus', Russia 60–64, 218, 248–53

 Sābiq ad-Dīn Miṭqāl al-Anūkī al-Ḥabaş 569
 Šābuhr I 25, 35–6
 Säckingen 403, 408
 Şağab 569
 Saint-Denis 337–40, 373–4, 390–400, 417

- Saint-Germain d'Auxerre 324, 406
 Saint-Germain-des-Prés 395
 Saint-Martin of Tours 340, 359, 392, 397, 406
 Saint-Maurice d'Agaune 320–9, 340, 387
 Saint Medardus 397
 Saint-Remi 400–1
 Saladin 268, 283–291, 297, 301, 571, 629
 Salians 426, 445–55, 464, 471–2, 625
 Salotgi 533, 542
 Salzburg 477, 499, 501
 Śakrāditya 539
 Samarkand 277, 293
 Šamaš 145
 Sampson 228, 582
 Samson 344, 355
 Sánchez, Ignacio 568
 Śaṇḍilyagotra 194
 Saṅghārāma 539–40
 Sanherib 144
 Saqqara 10
 Sardis 84, 145, 153, 173, 629
 Sargon II of Aššur 4
 Sargon of Akkad 144
 Šarrat-nipḥa 143
 Sassanids 25–6, 35, 38–40, 146, 263, 272, 573
 Sātavāhanas 190
 Satyros 550
 Śauddhodani 538
 Sava 253–4
 Saxony 470
 Sázava 489–90
 Schmiedchen, Annette 101, 103, 197, 183, 192, 199, 529, 543, 633
 scholar 75, 89–90, 94, 121–2, 130, 147, 185, 272, 280–1, 285–6, 288, 299, 303, 320, 371, 493, 504, 525, 562, 566, 569–70, 589–91, 600–2, 611, 614–20, 624–5, 636
 Scholasticism 54
 School 18, 71–3, 86, 89, 92–3, 99–100, 102, 107, 110, 114, 121, 123, 127–8, 162–3, 191–4, 200, 202, 257–8, 267, 275–6, 278, 281, 285, 288, 299, 301, 303–6, 432–4, 467, 476, 491–2, 499–500, 503, 509–10, 513–4, 524–8, 534–7, 542–7, 557, 562–3, 566–70, 584–91, 600–1, 614, 616–21, 629, 631, 633–5
 scriptorium 73
 S. Croce in Gerusalemme 213
 Seckau 459
 ṣedaqah 561
 Seleucids 46, 80, 146, 158–60, 172–6, 182, 625, 629
 Seleukos I 158, 162, 172, 175, 184
 Seleukos III 175
 Seljuks 274–5, 278, 281–6, 292, 298, 305, 567
 Selz 431, 434
 Semmering 456–8
 Seneca the Elder 554, 634
 Sepharad 562–3
 Serbia 61–3, 218, 249, 253–6, 583, 627
 Sestos 547
 Shāfi 72, 290, 301, 567
 Shāhrukh 295
 Shams al-Dīn Juvaynī 292
 Shang 509
 Sharma, Ram Sharan 199
 Shedbal 530
 Shiit 65, 71, 261, 279, 282–7
 Sicca Veneria 555
 sick 2, 48, 58, 98, 129, 131, 195, 242, 289, 326, 329, 354, 414, 441, 475, 483–4, 499–500, 511, 518–30, 543, 553–4, 562–6, 578, 582–4, 592–8, 603–4, 609, 632–3
 Sigibert I 355
 Sigibert III 341–2
 Sigibert of Essex 350, 354
 Sigismund 319–328, 343, 387
 Šihāb ad-Dīn Aḥmad 572
 Śilāhāras 197–8, 541
 Simon of Durham 602
 Sinai 246, 298
 Śiva 101, 194, 201, 203, 293, 530–4, 541–4
 Slave 8, 11, 17, 29, 39, 52, 118, 131, 144, 163, 161, 181, 188, 232, 273, 278–9, 292, 297–8, 314, 377, 428, 512–5, 549, 568–9, 573, 576, 586, 592, 627
 Snofru 9–10, 13
 Sobk 170
 Socrates 552
 Soissons 327, 375, 396
 Solomon (III) of Constance 407, 422
 Sophia (consort of Justin II) 581
 Sopoćani 254
 Sorbonne 493, 615
 soup kitchen 72, 76, 306, 528–9, 543, 566, 629
 Sovarā[ś]i Siddhāntideva 531

- Spain 52, 91, 94–5, 264, 266, 270, 276, 279,
288, 315, 386, 462, 479, 555, 563–4, 600
- Speyer 446–50, 458–9, 468, 471–3, 477
- S. Pietro di Monteverdi 54, 332
- Śricandra 193
- Stablo 342
- state economy 22, 631
- state building 198–203, 315
- state monastery 116
- St. Bernhard Pass 461
- St. Blasien 471, 474
- Stefan Nemanja 253–4
- Stefan Uroš I 254
- Stefan Uroš II Milutin 254–5, 627
- Stein, Burton 200–3
- Steindorff, Ludwig 250
- Stephan II 596
- Stephan of Hungary 628
- St. Gall / St. Gallen 52, 406–7, 421–2
- St. George of Mangana 589
- St. Magnus 407
- St. Maximin / Trier 407, 428–9, 432–4
- Stoudios 230, 250, 321
- St. Paul in Lavanttal 471, 474
- St. Paul's, Rome 213
- St. Peter's, Rome 53, 213, 223, 361, 416, 463,
481, 489
- St. Phoibammon 574
- Stralsund 55, 610
- Stranger 2, 18, 48, 60, 90, 266–7, 288–90,
326, 339, 401, 414–5, 455–6, 522, 540,
549–553, 573, 579, 582, 586, 592, 594,
597, 599, 603
- Strasbourg 407, 455, 477
- Stratonike 160
- Studenica 253–4
- Students 73, 75, 90, 93, 198, 266–7, 273, 275,
277, 289, 299, 301–3, 437, 467, 488,
493–4, 516, 525–48, 562, 567, 570,
585–621, 629, 633, 635
- St. Veit 506
- Sufi 71–2, 76, 88, 276, 278, 285–6, 290–306,
568, 629
- Sui 514
- Sulaimān the Magnificent 307
- Šullat 145
- Sulṭān-Ḥusain 293–7
- Sumer 4, 6, 139–40, 143, 146, 631
- sun god 101, 145, 194–5, 529
- Sunni 65–6, 70, 262–3, 274, 278–9, 282,
287–91, 295, 301, 567, 569
- Sun Shih 525
- supplementary endowment 318, 381, 401,
403, 420, 430, 442, 449–50, 455, 461,
527, 560, 580, 602, 611
- Süre Böyümdu 532
- Susa 30, 145, 147, 150–1, 156
- Swæfheard of Kent 365
- Symeon 251
- Syria 31, 33–4, 65, 67, 168, 172, 174, 211, 261,
269, 271, 278, 282, 284–6, 297, 300, 304,
386, 573, 580, 623, 627
- Szechwan 517
- S²hr Gyl 257
- Tabriz 71, 74, 269, 292, 626, 629
- Tagino 441–3
- T'ai-tsung 121
- Talbot, Cynthia 532
- Tamar of Georgia 245–6
- Tang 129, 514, 519, 524
- T'an-hsien 518
- Tanjore 203
- Tantrism 540
- T'an-yao 515
- Tarquin the Elder 207
- Tarquin the Proud 207
- Ta-scheng tz'u ssu 518
- T. Aviasius Servandus Senior 558
- Tatberht 368–9
- Tathāgata-rāja 539
- Tax 5, 8, 13, 23, 35, 87, 116, 121, 128, 139–40,
168–73, 184–5, 190, 195–247, 257, 263,
267–78, 287–98, 308, 374, 463, 489, 492,
513, 525, 527, 531–2, 540–51, 559, 578,
594, 607, 631, 637
- Taxila 536
- Tayma' 33–4, 257
- Tenos 550–1
- Teos 174, 546
- Terracina 555
- Tertullian 3, 43, 48
- Teutonic Order 458, 604
- Thanet 364–5
- Thanjavur 543
- Thebes 24, 155, 553

- T. Helvius Bassila 555
 Theodardus 378
 Theodora (consort of Justinian I) 227–8,
 580, 627
 Theodora Doukaina Komnene
 Palaiologina 583
 Theodore Balsamon 245
 Theodore Hyrtakenos 591
 Theodore Metochites 591
 Theodore Studites 230
 Theodore II Laskaris 590
 Theodosius I 225, 307
 Theodosius II 57, 228, 588, 613
 Theodulf of Orléans 597
 Theophanu 434–7
 Theophrastos of Eresos 546
 Theopompos 548
 Theotharius 378
 thermae 557–9
 Theuderic II 356
 Thespiiai 159, 162
 Thessaloniki 254, 575, 587
 Tholey 598
 Thrace 158, 172, 626
 Thucydides 18, 552
 Thuringia 480
 Thutmosis (III) 24, 155
 Tian Kuokuo 524
 Tibet 541
 Tigranes the Great 176–7
 Tirthaṅkara Pārśvanātha 198
 Tirumūkkūḍal 543
 Tomb 2, 8–8, 11–2, 16–7, 20–1, 25, 31–3, 53,
 71–3, 126, 149, 177–8, 181–2, 219, 228,
 238, 242–3, 246, 255, 258, 288, 294–5,
 300–1, 304, 306, 311–2, 314, 336–7,
 373–4, 384, 385–7, 390, 409, 425,
 427–30, 443, 447, 452, 470–2, 486, 494,
 497, 500–1, 503, 505–6, 549, 566–7, 598,
 619, 629, 636, cf. also: grave
 Tours 329, 598, cf. also: Saint-Martin of
 Tours
 Trajan 205–6, 556–7
 Traveler 71, 73, 266–7, 277, 280, 287, 292,
 307, 320, 330, 456–8, 529–30, 558, 603
 Treasury 32, 84, 115, 151, 158, 164, 184, 207,
 212, 234, 237, 244, 247, 259, 265–6,
 280–1, 286, 292, 297, 310, 318, 325, 327,
 329, 350, 362, 372, 376, 390, 422, 438,
 450, 461, 495, 516–7, 553, 555, 579,
 625–6
 tree (planting of trees) 32, 67, 70, 187, 190,
 294, 519, 528, 580
 Trento 440, 442
 Treviso 476, 613
 Trier 380, 407, 438, 432–3, 470, 474–5, 598
 Trostberg 485
 Troy 150
 Tukluti-Ninurta I 143
 Tulln 467–72
typikon 58–60, 233, 239–45, 253, 481, 576–7,
 583, 585, 587, 592, 608, 635–6
 Tz'u-pei 518
 Udjahorresnet 147–9
 Uhlhorn, Gerhard 49
 Ulrich I of Constance 454
 Ultrogotho 324–7
 'Umar ibn al-Ḥaṭṭāb 259, 287
 United States of America 632
 University 137, 275, 467, 476, 488, 491–4,
 504, 510, 527, 536, 538, 540, 542, 584,
 587–8, 611–20, 632–5
 university colleges 275, 615
 Uṣavadāta 190
 Usufruct 38, 62, 93, 191, 238, 403, 410, 412–3,
 467, 462, 474, 565, 570, 599, 634
 Utrecht 376–9, 441, 450, 462–4
 Vallerano 463
 Vājikaṇva 194
 Vajra 539
 Valabhī 104, 194, 540–1
 Valenciennes 474
 Van Ess, Hans 122
 Vedic school 102, 191–2
 Venerable Bede 46–7, 346–54, 359, 361, 367,
 376
 Veṅkaṭeś Perumāl 543
 Venus 33–4
 Verdun 597–8
 Verina 225
 Vienna 469, 472, 476–9, 492–4, 504, 506,
 613–4, 619, 625
 Vihekarātaṁśra 193
 Vijayāditya 198

- Vikramaśilā 541
 Vīra-Baṇaṇjas 530–1
 Visigoths 52, 315, 324–5, 329
 visitations for anointing of the sick
 499–500
 Viṣṇu 101, 192, 194–6, 203, 543
 Viśveśvara 543
 Vlad IV Kalogeros 256–7
 Volokolamsk 62–3, 250–2

 Wahrām 35–6
 Walfred (from Pisa) 53–4, 332
 Walkelin 602
 Wallachia 247, 255–6, 627
 Wang-Anshi 525
 water-carriers 270
 Weber, Max 2, 96, 98, 101, 107, 137, 273
 Wei 116, 515
 Weilburg on the Lahn 421, 437
 Wei shu 515
 wells 187, 269, 273, 528, 551, 606, 626
 Wenceslas II 491
 Whittington, Alice 607
 Whittington, Richard 606–7
 widow 7, 46, 48, 50, 58–9, 92, 139, 210,
 302, 334, 340, 352, 362, 401, 405, 409,
 414, 416, 423, 425, 430, 454, 473–4, 483,
 566, 568–9, 572, 580, 583, 609, 630,
 632–3
 Wilfrid of York 367–70, 375, 379
 Wilgis 379
 William II of Sicily 612
 William of Holland 462, 464
 Willamowitz-Moellendorf, Ulrich von 544
 Willibrord 371, 375–80
 Wittelsbach 466, 475–6, 480, 495, 498,
 618–9
 Wood, Susan 364
 Worchester 366

 Worms 437–8, 446–9
 Württemberg 481, 498, 620
 Würzburg 563
 Wu, empress 519
 Wu Tse-t'ei 518

 xenodochion, xenodochium 58, 314, 325–7,
 410, 415, 573–4, 580–81, 592–9
 Xenophon 15, 552
 Xerxes I 145, 150–2

 Yādava 544
 Yang 518
 Yang-chou 518
 Ya'qūb ben Killis 279–80
 Yaroslav 249
 Yemen 65, 257, 268, 300, 568–9
 Yen-chou 525
 Ying-kan 518
 Yuan 524

 Zabid 568
 Zarathustra, cf. Zoroaster
 Zāwiya 288, 302
 Zengi / Zengids 259, 284–6, 569, 625
 Zeno 226
 Zeus 15, 153, 155, 173–4, 177, 179, 547
 Zhishman, Joseph von 221–2, 245
 Zhou 14, 18, 120, 123, 125–6, 135
 Zhuang Zhou 18, 123–4
 Zoroaster 18, 25–30, 39, 622
 Zoroastrianism / Zoroastrism 25–40, 95–6,
 635
 Zoser (Djoser) 9–10, 172
 Zubaida 268–70, 272, 626
 Zurich 402–3, 408
 Zurzach 408
 Zwentibold 380–1
 Zwettl 499