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**DIOCESAN CODICES UNVEILING LOCAL HISTORY:
FIRST PRESENTATION OF THE 'CODEX OF GJIROKASTËR' (S. ALBANIA)**



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Historiography in Ottoman Europe

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**Diocesan Codices Unveiling Local History:
First Presentation of The “Codex of Gjirokastër” (S. Albania)**

The understanding of the structure and contents of archival units of a great administrative unit requires a precise knowledge of the latter’s structure and function. The Church has created and developed the necessary mechanisms for ends, beyond Her metaphysical dimension. It is, therefore, imperative to draw a brief introductory outline of the ecclesiastical structure in the Byzantine and the post-Byzantine periods, in the context of the region of Gjirokastër.

Writing in the last decades of the Byzantine Empire, the scholar-monk Joseph Vryennios (1350-1432) considers Constantinople to be the bulwark of Christianity, without which the faith would be shaken and perish¹: “so long as the City resists, the faith will remain unshakeable. Were she shaken or conquered, which, my Christ, may not happen! What soul would remain firm in faith?”. History has shown notwithstanding, that neither was the Byzantine control over Constantinople able to contain the process of Islamization in Asia Minor (a process that continued from the 11th to the 15th century²), nor did the Orthodox faith disintegrate after the City’s fall to the Ottomans.

As a medieval Empire, the Ottoman was both theocratic and highly pragmatic. It tolerated faiths other than its own and allowed them to live and function legally. The true origin of Ottoman toleration for Christianity and Judaism must be sought in Islam’s theocratic precepts: specifically, its theology and law as embodied in the Koran. According to the Islamic faith, this book holds the heavenly revelations received by Mohammed. It links all monotheists to a common fate on the Day of resurrection and beyond³ and it also maintains that *there is no compulsion in religion*.⁴ Mohammed’s contract with the Christians of Yemen

¹ Joseph Vryennios, *Τα ευρεθέντα*, ed. Eugenios Voulgaris, v. II, Leipzig 1768, p. 277.

² On this subject, I have relied on the excellent monograph of Speros Vryonis Jr., *The Decline of Medieval Hellenism in Asia Minor and the Process of Islamization from the Eleventh through the Fifteenth Century*, Berkeley – Los Angeles – London 1986.

³ Qu’an II: 62, cited in Machiel Kiel, *Art and Society of Bulgaria in the Turkish Period. A Sketch of the Economic, Juridical and Artistic Preconditions of Bulgarian Post-Byzantine Art and its Place in the Development of the Art of the Christian Balkans, 1360/70 – 1700. A New Interpretation*, Assen / Maastricht 1985, p. 144.

⁴ Qu’ran II: 256; cf. Kiel, *Art and Society*, p. 144.

became the basis of Muslim Ottoman toleration towards their Christians subjects⁵ — provided that the latter pay a fixed poll tax as a token of submission. It was, therefore, an element in Islamic legal practice⁶ that the Christian subjects of a Muslim state could preserve their own religious organisations and traditions. Simultaneously, the highly pragmatic character of the Ottoman state carried this toleration into the realm of political requirements and economic force. At the political level, the Patriarch was reinstated at the strong recommendation of Mehmed II. Moreover, the Orthodox Church gave the authority of the sultan a religious and ‘God-pleasing’ dimension. The Church considered the tribulations of the Christians as a divine retribution for their infidelity and in a way secured the western borders of the Empire through its anti-unionist attitude in the potential merger of the Orthodox with the Papist Church.⁷ With respect to economic forces, the Patriarch, the Patriarchate, and its officials became part of the Ottoman administration and were therefore bedecked with privileges because of the economic relations between the Porte and its Christian subjects.⁸ At the same time, the Church incorporated the public functions of the Ottoman state into its religious practice, declaring Ottoman authority as ordained by God.⁹ It also secured the “natural” acceptance of its lot by the Christian subjects of the Ottoman state¹⁰ and

⁵ W. Montgomery Watt, *Muhammad in Medina*, Oxford 1956, pp. 359-60.

⁶ In the context of the Ottoman Balkans it is worth mentioning that the Hanefite school of interpretation of Islamic Law prevailed, a school which left more room for human interpretation than the other three schools [Kiel, *Art and Society*, p. 145].

⁷ Dimitris K. Papaioannou, *Η πολιτική των επισκόπων στην Τουρκοκρατία. Ιστορικοκανονική προσέγγιση*, Athens 1991, pp. 20-33.

⁸ On this subject as seen from a Marxist point of view, see Papaioannou, *Η πολιτική των επισκόπων*, pp. 38-45.

⁹ There is a popular saying that the fall of Constantinople stemmed from God’s will: “Πάψετε τὸ χερουβικὸ κι ἄς χαμηλώσουν τ’ ἄγια, / παπάδες πάρτε τὰ γ’ιερὰ, καὶ σεῖς κεριὰ σβηστεῖτε / γιατί εἶναι θέλημα Θεοῦ ἢ Πόλη νὰ τουρκέψη...” [Nikolaos G. Politis, *Εκλογαί από τα τραγούδια του ελληνικού λαού*, Athens 1925, p. 4].

¹⁰ To secure and protect the link between the power of the Ottoman state and the Orthodox faith, Phanariotes produced appropriate texts. The translation into the language of the people of the Apostolic Constitutions as a Nomocanon by Georgios Trapezountios (17th-18th c.) is a typical example. Although it was probably never printed (because of the death of Nikolaos Mavrokordatos) [Charalampos K. Papastathis, “Νομοκάνων Γεωργίου Τραπεζούντιου. Η εις την νεοελληνικήν μεταγλώττισις των ‘Διαταγών των Αγίων Αποστόλων’ κατά το Ms. GR. 696 (297) της Ρουμανικής Ακαδημίας”, *Επετηρίς του Κέντρου Ερεύνης της Ιστορίας του Ελληνικού Δικαίου* 27-28 (1980-1981), p. 372], the Nomocanon shows how the association between the two was made. Old regulations about fulfilling one’s financial obligations towards the state authorities were re-written in a modern, intelligible form. Note the following parallel passages, the first from the original and the second, a translation:

1) “Πάση βασιλείᾳ καὶ ἀρχῇ ὑποτάγητε ἐν οἷς ἀρέσκει τῷ Θεῷ, ὡς Θεοῦ διακόνους, καὶ τῶν ἀσεβῶν τιμωροῖς πάντα φόβον τὸ ὀφειλόμενον αὐτοῖς ἀποπληρώσατε, πᾶσαν εἰσφορὰν, πᾶν τέλος, πᾶσαν τιμὴν, δόσιν κῆνον. Θεοῦ γὰρ τοῦτο διάταγμα, μηδενὶ τι χρεωστεῖν, εἰ μὴ τὸ τῆς φιλίας σύμβολον ὁ Θεὸς διετάξατο διὰ Χριστοῦ”, *Patrologia Graeca*, v. I, verse 825].

Chapter 13, Book 4.

“Εἰς κάθε βασιλείαν καὶ ἐξουσίαν νὰ ὑποταχθῆτε εἰς ἐκεῖνα ὅπου ἀρέζουν τὸν Θεόν, ὡσὰν ὅπου εἶναι οἱ ἐξουσιασταί, ὑπηρεταὶ τοῦ Θεοῦ, καὶ παιδεύουν τοὺς κακοὺς. Νὰ πληρώσατε εἰς αὐτοὺς κάθε χρεωστούμενον φόρον. Κάθε εἰσόδημα, κάθε χαράτζι, κάθε τιμὴν, κάθε δόσιμον. Διότι ἔτσι προστάζει ὁ Θεός. Κανενὸς νὰ μὴν χρεωστᾶτε τίποτε, πᾶρεξ τὸ σημάδι τῆς φιλίας, ἐκεῖνο ὅπου ἐδιώρισεν ὁ Θεὸς διὰ μέσου τοῦ Χριστοῦ” [Papastathis, “Νομοκάνων Γεωργίου Τραπεζούντιου”, pp. 482-483].

condemned those who thought otherwise, this being contrary to the will of God.¹¹ Accordingly, the Orthodox patriarchs and the Jewish hahambasi became rulers of their people, where “people” meant, as in medieval times, a religious, not a national, group. It is precisely for this reason that the various Balkan peoples, Slavs, Albanians and Greeks, were joined together into one “millet”.

The Ottomans did not interfere in the internal organisation of the Church. Throughout the occupation, ecclesiastical differentiation of regions of Epiros and Southern Albania continued to exist, as before, at two, local, ecclesiastical jurisdictional levels under the Ecumenical Patriarchate: a) the Metropolis of Naupaktos and Arta, including the Dioceses of Rogon, Vonditses, Aetou and Achelou, and b) the Metropolis of Ioannina, incorporating the Dioceses of Vellas, Buthrotou (Butrint), Dryinoupolis and Cheimarra (Himarrë). An independent Archdiocese of Pogoniane existed for some time directly under the Ecumenical Patriarchate.¹²

Because of the importance of Ioannina as the administrative, financial and educational centre of Epiros, its Metropolis rose in the ecclesiastical “order of precedence”¹³ of the Ecumenical Patriarchate, as indicated in the relevant *Notitae*. After the elevation of the

2) “...Καὶ ὑμεῖς οἱ δοῦλοι ὑποτάγητε τοῖς κυρίοις ὑμῶν ὡς τύποις Θεοῦ ἐν προσοχῇ καὶ φόβῳ ὡς τῷ Κυρίῳ, καὶ οὐκ ἀνθρώποις.” [*Patrologia Græca*, v. I, verse 1008].

Chapter 13, Book 7.

“... Καὶ ἐσεῖς οἱ δοῦλοι νὰ ὑποταχθῆτε εἰς τοὺς ἀυθεντάδες σας μὲ μεγάλην προσοχὴν καὶ φόβον, ὡσὰν ὁποῦ εἶναι εἰς ἐσᾶς Θεοὶ καὶ νὰ στοχασθῆτε πῶς ὑποτάσσεσθε εἰς τὸν Θεόν, καὶ ὄχι εἰς τοὺς ἀνθρώπους.” [Papastathis, “Νομοκάνων Γεωργίου Τραπεζούντιου”, p. 553].

3) “Τὸν βασιλέα βοθηθήση, εἰδὼς ὅτι τοῦ Κυρίου ἐστὶν ἡ χειροτονία τοὺς ἄρχοντας αὐτοῦ τιμῆς, ὡς λειτουργοὺς Θεοῦ ἐκδικοὶ γὰρ εἰσὶν πάσης ἀδικίας οἷς ἀποτίσατε τέλος, φόρον, καὶ πᾶσαν εἰσφορὰν εὐγνωμόνως.” [*Patrologia Græca*, v. I, verse 1009].

Chapter 16, Book 7.

“Νὰ φοβηθῆς τὸν βασιλέα, ἡξεύροντας ὅτι ἡ χειροτονία του εἶναι ἀπὸ τὸν Θεόν. Τοὺς ἄρχοντάς του νὰ τοὺς τιμῆς ὡς ὑπηρέτας Θεοῦ, διότι εἶναι ἐκδικηταὶ πάσης ἀδικίας. Εἰς τοὺς ὁποίους νὰ πληρώσετε μὲ εὐχαριστίαν δόσιμον, χαράτζι, καὶ κάθε ἄλλο εἰσόδημα.” [Papastathis, “Νομοκάνων Γεωργίου Τραπεζούντιου”, p. 554].

¹¹ For those reasons anathemas were pronounced on Christians who failed in their duty to the state or to the ecclesiastical administration [Papaioannou, *Η πολιτική των επισκόπων*, pp. 58-62]. Recent research has shown that during the Ottoman domination, the use of excommunication was for far more complex functions than a simple punishment [Panagiotis D. Michailaris, *Αφορισμός: η προσαρμογή μιας ποινής στις αναγκαιότητες της Τουρκοκρατίας*, Athens 1997; Ariadni Gerouki, “Συλλογικές νοοτροπίες και ιστορία του δικαίου. Οι αφορισμοί στην Βενετοκρατούμενη Κέρκυρα (1675-1797). Μεθοδολογικές προσεγγίσεις”, in *Πρακτικά ΙΒ΄ Πανελληνίου Ιστορικού Συνεδρίου (Μάιος 1991)*, Thessaloniki 1992, pp. 167-175; Gerouki, “Ο φόβος του αφορισμού”, *Τα ιστορικά* 5/8 (1988) 53-68.

¹² Apostolos Glavinias, “Η Εκκλησία στην Ήπειρο την εποχή της Τουρκοκρατίας (1430-1913)”, *Ηπειρωτικό Ημερολόγιο* 19 (1998), p. 262.

¹³ On the ecclesiastical “order of precedence”, see Theodore H. Papadopoulos, *Studies and Documents relating to the History of the Greek Church and People under Turkish Domination*, Brussels 1952, p. 93.

Diocese of Ioannina to a Metropolis in 1318,¹⁴ the Diocese of Dryinoupolis was placed in its jurisdiction. In the 14th century the Metropolis was the 53rd in rank,¹⁵ whereas in a *Notitia* dated between 1453 and 1500 it had risen already to 33rd in rank. In 1590 it rises to 6th place, while in 1615 it falls back to 33rd. The Metropolis is also mentioned in the *Notitiae* of 1680 and 1690 but the known sources do not give its ordering. In 1710 it held 12th place; in 1715 and 1731 32nd, then back to 29th in 1759¹⁶. Finally in 1808, under the rule of Ali Pasha, Patriarch Gregory V raised it to 13th in rank.¹⁷

The Diocese of Dryinoupolis must have existed before the Third Ecumenical Synod (431), in whose proceedings its Bishop Eutychios took part.¹⁸ The seat of the Diocese of Dryinoupolis was initially located in the city of Adrianoupolis,¹⁹ which, according to Hierocles's *Synecdemus*, was one of the twelve cities of Epirus Vetus.²⁰ It is mentioned (ὁ Δρυϊνουπόλεως) in a *Notitia* dating from the 10th-11th century where it is said to hold the seventh bishopric rank of the Metropolis of Nikopolis.²¹ In the 11th century it is indicated as being eighth in the rank of Dioceses in the same Metropolis (ὁ Δρυϊνουπόλεως),²² but after its destruction the see of the diocese was transferred to the city Gjirokastër, firstly mentioned in 1338-9,²³ thereby assuming the title Δρυϊνουπόλεως καὶ Ἄργυροκάστρου. Finally, it is referred to in another *Notitia* dated between 1453 and the 16th century.²⁴ In the post-Byzantine period it is mentioned in the *Notitiae* of 1615, 1678, 1680, 1690, 1710, 1715 and 1759 as a Diocese of the Metropolis of Ioannina.²⁵ In 1832 the Diocese of Dryinoupolis merges with the Diocese of Cheimarras and Delvinou to form one Diocese under the name²⁶

¹⁴ Evangelos K. Chrysos, "Ἡ προαγωγή της Επισκοπῆς Ἰωαννίνων σε Μητρόπολη", *Δωδώνη* 5 (1976) 336-348, where the relevant literature cited.

¹⁵ Glavinas, "Ἡ Εκκλησία στην Ἠπειρο", p. 264.

¹⁶ The rankings of the Metropolis of Ioannina in the *Notitiae* for these years is given by Papadopoulos, *Studies and Documents*, p. 112 (see p. 103 for an explanation of the symbols).

¹⁷ Glavinas, "Ἡ Εκκλησία στην Ἠπειρο", p. 264.

¹⁸ Photios G. Oikonomou, *Ἡ ἐν Ἠπειρῷ Εκκλησία Δρυϊνουπόλεως, Πωγωνιανῆς καὶ Κονίτισης ἀπὸ τῆς πρώτης διαδόσεως τοῦ χριστιανισμοῦ μέχρι τῶν καθ' ἡμᾶς χρόνων*, Athens 1971, p. 20, notes 1-6.

¹⁹ Adrianoupolis (Adrianople) is believed to be close to Peshkopi (Gk. Ἐπισκοπή).

²⁰ Hierokles, *Synecdemus*, ed. Augustus Burckhardt, Leipzig 1893, p. 12 (651.8).

²¹ Jean Darrouzès, *Notitiae Episcopatum Ecclesiae Constantinopolitanae*, Paris 1981, pp. 327 (No. 539) and 95-117.

²² *Ibid.*, pp. 363 (No. 589) and pp. 136-153

²³ Peter Soustal / Johannes Koder, *Nicopolis und Kefallenia*, Vienna 1981 (Tabula Imperii Byzantini 3), pp. 111-112.

²⁴ Darrouzès, *Notitiae Episcopatum*, pp. 421 (No. 166) and 197-198.

²⁵ Papadopoulos, *Studies and Documents*, p. 112 (for an explanation of the symbols, see p. 103).

²⁶ Glavinas, "Ἡ Εκκλησία στην Ἠπειρο", p. 265.

“Δρυϊνουπόλεως καὶ Χειμάρρας.”²⁷ Finally, in 1835 the Diocese of Dryinoupolis and Delvinë becomes a Metropolis.²⁸

In the present paper I shall communicate the first conclusions drawn from the complete study of the “Codex of Dositheos”. Compiled upon the accession of Bishop Dositheos of Dryinoupolis and Gjirokastër,²⁹ the codex extends from 1760 to 1858, namely well beyond the end of his prelacy in the Diocese of Dryinoupolis and Gjirokastër (1760-1799).³⁰ Despite of it being used as a source by many amateur historians of the late 19th century, among which N. Mystakidis and I. Lambrides, who, lacking scientific methodology, never quoted their sources, the first synoptic record of the codex was compiled by Panagiotis Poulitsas. In 1915, whilst dispatched to Gjirokastër as a judge by the Greek Ministry of Justice, Poulitsas was presented the codex by Metropolitan Basil (Papachristou) of Gjirokastër to study and copy it. The publication of Poulitsas’s summary of the codex in 1930³¹ has hitherto become a standard reference work for the 18th-century history of Southern Albania and beyond. In 1940-1941, Nikolaos Veis, an envoy of the Greek state to serve as a head of the “spiritual mobilization” at Southern Albania was engaged into historical and palaeographical research in Gjirokastër for three months. The product of his studies was published in 1952 in the Bulletin of Medieval Archive in the form of a check list of codices kept in the Metropolis of Gjirokastër,³² in which the Codex of Dositheos was given the classification number 20. Kept in the Metropolis of Gjirokastër until shortly before the Italian bombardment of the city, the codex was transferred to Tirana and kept in the Archives of the State (founded in 1954). In May 2003, with the blessing of His Beatitude the Archbishop Anastasios of Tirana and All Albania to engage myself into archival research and the kind assistance of the Archives General Director, Prof. Dr. Shaban Sinani, who granted me access to the related materials, I came across this very codex, which had been previously thought to be lost, under the classification number F. 139, D. 2 and I started the transcription of the codex. The codex is currently prepared for publication in the original and in translation.

²⁷ For all issues hereto mentioned, see Konstantinos Giakoumis, *The Monasteries of Jorgucat and Vanishtë in Dropull and of Spelajo in Lunxhëri as Monuments and Institutions during the Ottoman Period in Albania (16th-19th Centuries)* [PhD thesis submitted in the C.B.O.M.G.S., The University of Birmingham], Birmingham 2002, pp. 68-70.

²⁸ See Codex of Patriarchal Correspondence Nr. 18, f. 63.

²⁹ Diocese of Dryinoupolis and Gjirokastër (Gk. Ἐπισκοπή Δρυϊνουπόλεως καὶ Ἀργυροκάστρου).

³⁰ For a short biography of Bishop Dositheos, see Michalis G. Tritos, *Η πατριαρχική εξουσία Μετσόθου (1659-1924). Η θρησκευτική, εθνική και κοινωνική της προσφορά*, Ioannina 1991, pp. 85-86. Dositheos died in 5 November 1818 [Nikolaos A. Veis, “Κατάλογος των χειρογράφων κωδίκων της αγιωτάτης Μητροπόλεως Ἀργυροκάστρου”, *Επετηρίς του Μεσαιωνικού Αρχείου* 4 (1951-52), p. 163].

³¹ Panagiotis I. Poulitsas, “Σύνοψις του Κώδικος της Ἐπισκοπῆς Δρυϊνουπόλεως και Ἀργυροκάστρου”, *Ἡπειρωτικά Χρονικά* 5/1-2 (1930) 76-113.

³² Veis, “Κατάλογος”, pp. 129-206.

The Codex of Dositheos³³ is preserved in good condition. It is bound with a thick watercress paper and a leather cover bearing simple decorative patterns, while its dimensions are 0.196 x 0.285 m. It has 114 numbered folios; yet, numbering is not regular, as many of the blank pages were not numbered, while another containing documents was left without number (see note 29). The codex, however, bears an old, but complete numbering system of 388 pages. The following pages have been left blank: 1-2 (f. 1r-v), 11-13 (f. 6r), 18 (f. 8v), 19-20 (not numbered in folios), 24 (f. 10v), 25-30 (not numbered in folios), 116 (f. 53v), 216 (f. 92v), 217-220 (not numbered in folios), 154 (f. 72v), 155-156 (not numbered in folios), 158 (f. 73v), 159-178 (not numbered in folios), 188 (f. 78v), 199 (f. 84r), 216 (f. 92v), 217-220 (not numbered in folios), 238-239 (f. 101v-102r), 241 (f. 102av)³⁴, 244 (f. 103v), 254 (f. 108v), 255-258 (not numbered in folios), 259 (f. 109r), 261-262 (not numbered in folios), 366 (f. 112v), and 367-384 (not numbered in folios). A total of 28 folios were detached before the numbering of the pages with either system (1 between pp. 158-159; 1 between pp. 162-163; 1 between pp. 168-169; 1 between pp. 178-179; 1 between pp. 316-317; 2 between pp. 318-319; 1 between pp. 326-327; 3 between pp. 340-341; 1 between pp. 362-363; 1 between pp. 380-381; 13 between pp. 384-385). The first written folio (f. 2r) contains a note mentioning that the codex was compiled 'in the days' of Bishop Dositheos, in which various notes, ecclesiastical affairs, and duplicate copies of original documents were inserted.

Written in Greek, the official language of the Church at that period, the acts recorded in the codex reflect the competences and privileges that Christian prelates enjoyed at least in issues of ecclesiastical administration and civil law. These competences were granted directly by the sultan through *bêrats*. To that end, the Codex of Dositheos is not dissimilar to other bishopric codices, in whose pages marriage permits and divorces, marriage contracts, testaments, resolutions of legacy disputes, acts of arbitration, acts confirming the repayment of debts, guild agreements, and copies of Patriarchal letters related to administrative matters of the dioceses (i.e. limits of jurisdiction, pastoral or administrative circulars, etc.) were copied.³⁵ According to Chryssochoides, the designation of a universal typology of such codices is still impossible, as the thematic variety of their contents is related to the degree of expansion of a bishop to the whole width of civil law on the assumption of competences, and to local customary persistence of a bishop's rights and competences.³⁶ It is, therefore, self-

³³ F. 139, D. 2 (Codex Nr. 20 in Veis's classification); paper; 0.196 x 0.285 m; 1760-1851; ff. 114.

³⁴ There is a folio without numbering between ff. 102 and 103, which was conventionally cited as 102a.

³⁵ For the structure of bishopric archives, see Kriton Chryssochoidis, "Σχεδιάσμα των εν Ελλάδι εκκλησιαστικών αρχείων", in *Συμπόσιο Αρχαιονομίας. Αρχεία και αρχειακοί: ένας ιστός. Κέρκυρα, 11-13 Οκτωβρίου 1991*, Athens 1992, pp. 98-99. For a basic literature of published bishopric archives, see *ibid.*, p. 99, note 30. The sole bishopric codex that has hitherto been published in Albania is that of the Diocese of Korçë and Selasphoros [Petraq Pepo, "Kodiku i madh i Korçës si burim historik", in *Konferenca e parë e studimeve albanologjike*, v. II, Tirana 1965, pp. 530-536, ill. 1-2; and, primarily, Pepo, *Materiale dokumentare për Shqipërinë juglindore të shekullit XVII – fillimi i shekullit XX (kodiku i Korçës dhe i Selasforit)*, v. I-III, Tirana 1981]. The partial and fragmentary character of this publication makes, however, its critical re-publication imperative.

³⁶ Chryssochoidis, "Σχεδιάσμα", p. 99.

evident that the complete publication of the Codex of Dositheos shall cast light to various religious, cultural, social, economic, educational, administrative and juridical aspects of Southern Albania, the region of Gjirokastër in specific, and beyond.

At the present paper I shall limit myself to a couple of issues. The first is related to the ecclesiastical history of the jurisdiction of Dryinoupolis and Gjirokastër, in general, and the role of laymen in the accession of Bishop Dositheos in the Diocese of Dryinoupolis, in particular. The second deals with a sensitive matter of social history, an overview of the issue of divorces in the regions of Gjirokastër between 1786 and 1858, on the basis of the data recorded into the Codex.

In 1760 Bishop Metrophanes of Dryinoupolis and Gjirokastër resigned under the pressure of the excess debts he had contracted.³⁷ In 20 April 1760 the elders of Gjirokastër appeal to Metropolitan Gregorios of Ioannina requesting that he ordains Dositheos, an archdeacon by then, in the Episcopal throne.³⁸ In their letter the elders address in an extortive fashion to Metropolitan Gregorios threatening him that they would neither support nor accept anybody else, while they bind themselves to prop up Dositheos. They further ask him to reduce his claims by Dositheos for the latter's ordination to an absolute minimum.³⁹ Despite the extortive tone of the letter, Metropolitan Gregorios responds rapidly. On May 21st he ordains Dositheos in the seat of the Diocese of Dryinoupolis and Gjirokastër compelling local Christians to pay 500 grosh by way of neon philotimon, a one-off tax paid by Christians of an ecclesiastical jurisdiction upon the election of a new prelate in their Diocese. This amount was intended only for the retired Bishop Metrophanes⁴⁰. Three days later the inhabitants address a warm thanking letter to Metropolitan Gregorios⁴¹. Dositheos did not disappoint the elders of Gjirokastër. Up to his promotion to the throne of the Metropolis of Ioannina in 1799, Dositheos had one among the longest tenures at office ever realized by a Bishop of this jurisdiction. As an indication of capable ecclesiastical leadership and a result of increased donations by rich lay benefactors, as many as seventy churches were built during his prelatey, many old churches were repaired⁴², and a school functioned in the city of Gjirokastër.

The evidence of the codex related to the role of the noblemen of Gjirokastër into the accession of Dositheos into the throne of their Diocese constitute an interesting example of

³⁷ Codex of Gjirokastër, kept in the Central Archives of the State, Tirana, F. 139, D. 2, f. 2r.

³⁸ *Ibid.*

³⁹ For the various taxes that a prelate new had to pay upon his enthronement, see Elisabet A. Zachariadou, *Δέκα τουρκικά έγγραφα για τη Μεγάλη Εκκλησία (1483-1567)*, Athens 1996, pp. 82-89; Paraskevas Konortas, *Οθωμανικές θεωρήσεις για το Οικουμενικό Πατριαρχείο (17ος – αρχές 20ού αιώνα)*, Athens 1998, pp. 165-208; for these taxes at a local context, see Giakoumis, *The Monasteries of Jorgucat and Vanishtë*, pp. 435-437.

⁴⁰ Codex of Gjirokastër, kept in the Central Archives of the State, Tirana, F. 139, D. 2, f. 3r-v.

⁴¹ *Ibid.*, f. 2v.

⁴² Nikolaos K. Papadopoulos, *Η Δρόπολις της Βορείου Ηπείρου κατά την Τουρκοκρατία (1430-1913)*, Athens 1976, p. 72 and note 2.

the role of laymen in decision-making on ecclesiastical matters, well before the official concession of certain rights by the Patriarchate in the 19th century.⁴³ The coupling of an influential middle class in Gjirokastër with powerful members in the capital can be evidenced by their achievement to reduce the amount of their *zitomiriye* from 300 to 200 *gros* (thanks to the intermediation of a certain Chatzi-Polyzos Chatzi-Kyritze to the brother of the patriarch Samuel II).⁴⁴

The codex is an indispensable source for deep insights of social history in the region of Gjirokastër, as evidenced, for example, by 40 recorded instances of divorces dated to between 1786 and 1858⁴⁵ and one instance of annulment of an engagement contract⁴⁶. Their analysis indicates that the issuing of divorces for the Christian subjects of the Ottoman Empire was within the competences of the ecclesiastical courts, while divorces of Christians could also be issued by local Ottoman, juridical authorities⁴⁷. The court in most of the cases consisted only of the local metropolitan, however, in one instance in 1839⁴⁸ and in seven in 1850⁴⁹, it consisted of the local metropolitan, as well as lay members of the Gjirokastër's nobility, while in 13 instances⁵⁰ the composition of the ecclesiastical court is unobvious due to the synoptic form of the documents in the codex. It is evident, therefore, that by 1850s lay representation in ecclesiastical courts was much stronger than before.

The resolutions of the ecclesiastical courts on occasions of divorce were based chiefly upon the testimonies of witnesses. Testimonies were taken from both parties, a procedure which was carefully checked by the Patriarchate: in a patriarchal letter addressed to the Metropolitan of Ioannina and dated 14 March 1839, the Patriarch commands that a divorce should not be issued before the testimony of the husband, a certain Krokidas, is taken into consideration.⁵¹ On the grounds of serious medical reasons, witnesses were cross-examined in conjunction with the expertise of specialists, such as doctors⁵², or a midwife⁵³. Evidence

⁴³ For the interference of laymen in Church affairs, see Zachariadou, *Δέκα τουρκικά έγγραφα*, pp. 63-77 (for the 15th and 16th c.); Konortas, *Οθωμανικές θεωρήσεις*, pp. 134-164 (for the 18th and 19th c.); and Dimitrios Stamatopoulos, *Μεταρρύθμιση και εκκοσμίκευση. Προς μια ανασύνθεση της ιστορίας του Οικουμενικού Πατριαρχείου τον 19ο αιώνα*, Athens 2003, pp. 52-352 *passim* (for the 19th c.).

⁴⁴ Codex of Gjirokastër, kept in the Central Archives of the State, Tirana, F. 139, D. 2, f. 4v.

⁴⁵ Konstantinos Giakoumis, *Kodiku kishtar i Drinopojës dhe Gjirokastrës (1760-1858) / Ο εκκλησιαστικός κώδικας Δρυϊνουπόλεως και Αργυροκάστρου (1760-1858)*, Tirana 2020, pp. 99-104, divorce documents No. 1-38 and 40-41.

⁴⁶ *Ibid.*, p. 104, No. 39.

⁴⁷ *Ibid.*, pp. 101 and 299-300, No. 17 and 135.

⁴⁸ *Ibid.*, p. 101, No. 19.

⁴⁹ *Ibid.*, pp. 102-03, No. 24-30.

⁵⁰ *Ibid.*, pp. 99, 101, 103-04, No. 2, 6, 16, 31-32, 34-41.

⁵¹ Codex of Patriarchal Correspondence, Nr. 19, f. 81, held in the Ecumenical Patriarchate, Constantinople.

⁵² Giakoumis, *Kodiku*, pp. 99 and 103, No. 2, 26, 30.

⁵³ *Ibid.*, p. 100, No. 11.

from the ecclesiastical centre in the Ottoman capital convinces that this was a standard practice.⁵⁴ In only a few cases the testimony of the interested parties or their representatives was enough for a divorce to be issued⁵⁵. In most of the cases the testimony of the interested parties was reinforced by that of the relatives and a few others⁵⁶, the archons of the village⁵⁷, or even the entire village⁵⁸. In two occasions the testimony of an abbot was a catalyst for the issuing of a divorce [Abbot Anthimos in Document 31 and the abbot Cyril of Zonarion in Document 36]⁵⁹. All of these procedures resulted in the prolongation of time needed for the issuing of a divorce issued.

This prolongation, however, was not solely a resultant of the bureaucratic procedures of cross-examination of witnesses. It also reflected a policy of the church administration at least at a local level to gain time, in an effort to save the marriage and avoid the social consequences of a divorce, as evidenced in a number of documents⁶⁰. The course of divorce issuing in the Codex of Dositheos presents noteworthy vacuums in the years 1787-1805, 1807-1816, 1818-1830, 1832-1834, 1841-1849, 1851-1854, 1856-1857. There are some indications that three of these vacuums might have emerged as a result of individual policies of local prelates.⁶¹ At two occasions the prolongation of time was necessary until an expertise is made, as in documents 2 and 11; in the latter case, the husband was accused of impotence and was given a two-month notice “in case he manages to have sexual intercourse with her,” after which period a midwife was hired to check whether she remained a maiden. In another case a longer period of notice was given: in document 12 a certain Haido was blamed for slandering her husband in public in the village of Haskovë and in other surrounding villages; before issuing the divorce, the Metropolitan of Dryinoupolis and Gjirokastër gave them an

⁵⁴ Codex of Patriarchal Correspondence, Nr. 20, f. 116, in which, along with the letter of divorce dated between May and September 1840, two testimonies are copied: first, a testimony by the inhabitants of Trikala (Thessaly, central Greece) that according to the medical report Andreas Chatzegeorgiou was congenitally impotent and was, therefore, unable to copulate with his wife, Helen Krike; and second, a testimony of the ecclesiastical exarch of Metsovon confirming the grounds on which the divorce was to be issued.

⁵⁵ Giakoumis, *Kodiku*, pp. 99-100, No. 4-5, 7- 8.

⁵⁶ *Ibid.*, pp. 99 and 101, No. 2 and 19.

⁵⁷ *Ibid.*, pp. 102 and 103, No. 22 and 27.

⁵⁸ *Ibid.*, pp. 102-04, No. 24-25, 28-29, 33, 35, 39, 41.

⁵⁹ *Ibid.*, pp. 103-04.

⁶⁰ *Ibid.*, pp. 99, 100-103, No. 2, 5, 10, 11, 12, 18-19, 22, 30.

⁶¹ I can cite two remarkable instances: first, the vacuum between 1818-1830 extends almost in the entire prelacy period of Bishop Gabriel of Dryinoupolis and Gjirokastër [for the time frame of his prelacy (1817-1828), see Codex of Patriarchal Correspondence, Nr. 13, f. 58, in which Bishop Gabriel appears already at the see of Dryinoupolis and Gjirokastër in 8 May 1817; and Nr. 16, f. 107, in which it is stated that Bishop Gabriel was already dead in 25 January 1828, both held in the Ecumenical Patriarchate, Constantinople]; and second, the interruption of recorded divorces in the Codex between 1841-1849 coincides with the whole prelacy of Bishop Nikodemos (November 1841 – 17 December 1847) [for the date of his accession, see Codex of Patriarchal Correspondence, Nr. 22, f. 30, while for that of his removal, *ibid.*, f. 156].

eight-month notice in hope that they conciliate. In the most remarkable instance⁶², in which the continuous wrangles of a couple eventually led to hatred, the local prelate gave an entire three-year notice before issuing a divorce!

Even though such delays could partly be attributed to the choices of local ecclesiastical authorities, evidence from similar instances from the regions of Epiros and Albania, examined in the supreme ecclesiastical court in Constantinople, indicates that these delays were the result of a conscious effort of the Orthodox Church authorities to save the marriage. In the first, a patriarchal letter dated 10 December 1823 orders the Bishop of Dryinoupolis and Gjirokastër to persuade the wife of a certain Telios, Maria, an inhabitant of the village Qestorat (Gjirokastër region), to go to Constantinople and live together with her husband who held a governmental post there.⁶³ In the second, dated 5 June 1824, the patriarch informs the Bishop of the same region that Staures Chrestou comes to Stegopul to meet his wife, the daughter of Liondos Karas and, therefore, the former ought not to issue a divorce.⁶⁴ Upon occasion, the desire of the Ecumenical Patriarchate to save a marriage prevailed upon the strict application of ecclesiastical canons dealing with marriage prerequisites: in 8 January 1826 the patriarch responded to a letter of the Metropolitan of Ioannina directing him not to issue a divorce for a fifth-grade kin marriage, but rather reproach Anastasios Zoes and Stamato Tole from Zagoriani (Ioannina region) and oblige them to undertake benevolent action and have their names commemorated in services.⁶⁵ However, in cases that a certain marriage resulted in an outright incest, the patriarchate did not hesitate not only to dissolve an unlawful marriage, but also to excommunicate the married first cousins, Basil Spyrou and Georgoula from Pontzikon (Ioannina region), and inflict a suspension against the priest who conducted the marriage ceremony.⁶⁶ Finally, a similar disposition of avoiding separations can also be evidenced in the case of engagements, as shown in another patriarchal letter dated 5 November 1840, in which the patriarch mediates to the Metropolitan of Ioannina directing him to compromise the contravening sides in the case of the niece of a certain priest-monk Chrysanthos from Vella-Pogoniani (Ioannina region).⁶⁷

It is, therefore, evident that divorces were issued upon very serious reasons. The two least frequent reasons for a divorce are, first, uninterrupted wrangles within the couple, appearing in seven instances⁶⁸, and second occasions of slander and unfaithfulness⁶⁹.

⁶² Giakoumis, *Kodiku*, p. 102, No. 22.

⁶³ Codex of Patriarchal Correspondence, Nr. 15, f. 83

⁶⁴ *Ibid.*, f. 176

⁶⁵ *Ibid.*, f. 327

⁶⁶ This letter is addressed to the Metropolitan of Ioannina and is dated June, 1846 [Codex of Patriarchal Correspondence, Nr. 23, f. 152].

⁶⁷ Codex of Patriarchal Correspondence, Nr. 20, f. 145.

⁶⁸ Giakoumis, *Kodiku*, pp. 99-103, No. 5-6, 13, 15, 18, 22, 27.

⁶⁹ *Ibid.*, pp. 100 and 102, No. 12 and 25.

The most important reason for issuing a divorce, on the other hand, appears to be the immigration of the husband, especially when followed by negligence in sending back alimonies⁷⁰. With the exception of the 18th century instance, in which the target immigration place was Iași, Romania⁷¹, the 19th c. cases, with the exception of documents in which a target place is not indicated⁷², show other destinations, mostly Greece after the recognition of an independent Greek state in 1830⁷³ and Constantinople⁷⁴, and to a lesser extent Macedonia⁷⁵ and Bulgaria⁷⁶. In the most striking instances⁷⁷, a certain Kalograia was given a divorce in 20 May 1858, while her husband had migrated in Greece without returning for no less than 30 years; her name (Kalograia, Gk. “nun”) is perhaps denoting a soubriquet given to her because, her being married notwithstanding, she had to conduct a nun’s life for a long period; in another case⁷⁸ an engagement was dissolved for the groom being absent for ten years. According to the formulation of the documents, it seems that no grounds of divorce were substantiated if alimony was sent during the husband’s immigration abroad, while the long distance and the young age of the wife are brought forward as additional reasons for issuing a divorce⁷⁹. The separation of the couple due to long-term husband immigration also appears to be a reason for a divorce in the correspondence of the centre with the provinces: in the local setting, the aforementioned case of Telios from Qestorat and his wife⁸⁰ is a good indicator of the relevant ecclesiastical laws and practices. These instances show unequivocally the painful cost of the immigration, a phenomenon that more often than not emerges in regions like Gjirokaštër, whose natural resources cannot suffice for maintaining a large population.

In contrast, the issuing of a divorce on medical grounds must have been a common place throughout the Ottoman Empire. In the region of Gjirokaštër we have eleven instances of medical problems that made the continuation of a marriage impossible⁸¹. In the majority of the cases⁸² it is impossible to determine what the actual illnesses that led to a divorce. In

⁷⁰ *Ibid.*, pp. 99-104, No. 1, 6, 9, 16-17, 19-21, 23, 25, 28-29, 33, 35, 38-39.

⁷¹ *Ibid.*, p. 99, No. 1.

⁷² *Ibid.*, pp. 99, 103-04, No. 6, 33, 35, 39.

⁷³ *Ibid.*, pp. 101-04, No. 19, 21, 23, 28, 38.

⁷⁴ *Ibid.*, pp. 100-02, No. 9, 17, 20, 25.

⁷⁵ *Ibid.*, p. 101, No. 16.

⁷⁶ *Ibid.*, p. 103, No. 29.

⁷⁷ *Ibid.*, p. 104, No. 38.

⁷⁸ *Ibid.*, p. 104, No. 39.

⁷⁹ *Ibid.*, p. 102, No. 21.

⁸⁰ Codex of Patriarchal Correspondence, Nr. 15, f. 83.

⁸¹ Giakoumis, *Kodiku*, pp. 99-104, No. 2-4, 7, 11, 14, 24, 26, 30, 41.

⁸² *Ibid.*, pp. 99-102 and 104, No. 2, 7, 10, 14, 24, 26, 41.

other cases⁸³, however, illnesses that are no longer a threat for human health became the determinant for a divorce, such as leprosy⁸⁴ and sight problems that prevented the husband from working⁸⁵ and thyroid⁸⁶, that made the wife non-attractive. The most “spicey” medical reason was impotence⁸⁷, reason on whose grounds the Patriarchate also issued divorces, as evidenced in the instance of Andreas Chatzegeorgiou from Metsovo;⁸⁸ formulations in such documents refer to it as “incapability to perform conjugal obligations.” Last but not least, some of these illnesses are said to have been hidden before marriage⁸⁹, thereby allowing for a divorce to be issued.

Divorce settlements were decided on the basis of a combination of responsibility and local customary law. In all cases⁹⁰, with the exception of adultery⁹¹, the husband was obliged by the ecclesiastical courts to return the bride’s dowry. The Patriarchate was closely interested in the application of this obligation. In two instances in which the husband was reluctant to return the wife’s dowry, the Church centre took specific measures. First, in a patriarchal letter following two other letters on the same issue, all dated January 1793 and addressed to the Metropolitan of Ioannina, George Sougdoures was excommunicated, because he had neither returned his ex wife’s dowry nor paid a divorce penalty.⁹² In the latter instance, Patriarch Anthimos IV in his first patriarchal prelacy wrote to the Metropolitan of Dryinoupolis and Gjirokastër in 18 November 1840 asking him to oblige a certain Anastasios Tzane from Doxates (Gjirokastër region) return his wife’s dowry and pay the divorce penalty adjudicated to her by the local Metropolitan ecclesiastical court.⁹³ It is therefore evident that, in case that the husband’s part was found guilty, he was not only obliged to return his wife’s dowry, but also pay a penalty for the divorce, as can be shown in a number of documents⁹⁴. In other cases, however, in which the wife’s part was judged guilty, compensation was not levied from the husband⁹⁵. The relevant formulations in the documents do not allow drawing safe and uniform conclusions on the nature of this penalty. It is likely that there is no uniformity in the reasoning of the levy of such a penalty, something which may partly explain

⁸³ *Ibid.*, pp. 99-100, No. 3-4, 10.

⁸⁴ *Ibid.*, p. 99, No. 3.

⁸⁵ *Ibid.*, p. 99, No. 4.

⁸⁶ *Ibid.*, p. 100, No. 10.

⁸⁷ *Ibid.*, pp. 100 and 103, No. 11, 30.

⁸⁸ See note 46.

⁸⁹ Giakoumis, *Kodikou*, pp. 99-101, No. 2, 10, 14.

⁹⁰ *Ibid.*, pp. 99-103, No. 1, 2, 5, 7-15, 17-18, 20-23, 26-27, 30.

⁹¹ *Ibid.*, p. 102, No. 25.

⁹² Codex of Patriarchal Correspondence, Nr. 8, ff. 175-178.

⁹³ See doc. 22 and Codex of Patriarchal Correspondence, Nr. 20, f. 156.

⁹⁴ Giakoumis, *Kodikou*, pp. 99-102, No. 1, 2, 5, 7-10, 12-15, 17-18, 21-23, 26.

⁹⁵ *Ibid.*, p. 103, No. 27 and 30.

the remarkable differences in its rate from instance to instance. In some of these documents the penalty was justified as a compensation for the missing or consumed items of the wife's dowry⁹⁶, while in others it was intended to pay back her family for various expenditures made for her, such as in doc. 14⁹⁷, where expenses were made for medical reasons. In other cases the penalty was imposed, in order to compensate expenses of the wife made while her husband was abroad in immigration⁹⁸. In one interesting case⁹⁹ 50-grosh alimony for eleven months was provisioned as a contribution of the husband for expenses probably for the wife's medical treatment. No document, however, makes any mention of children in the family: it is highly likely, though, that the rate of the penalty was decided taking in silent condition the existence of children. It is possible that because of the penalties some prelates attempted to intervene in favour of one or the other side, in which cases the Patriarchate addressed letters commanding them to abstain from favouritism.¹⁰⁰

Be this as it may, there are clear indications that the levy of a divorce penalty was a local custom. This can be evidenced locally in the case of the divorce of a certain Anastasios Tzolakes from Nagopul (Saraqinishtë) from his wife Helen, daughter of Telios Notou from Qestorat¹⁰¹, in which the divorce penalty is called "money [levied] on the grounds of the divorce, according to the local custom." The Patriarchate seemed not to ignore this custom as evidenced in three cases selected from the local Epirote-Albanian provinces. Yet, in a letter of Patriarch Anthimos VI addressed to the Metropolitan Averkios of Arta and dated 10 June 1846, the supreme ecclesiastical court requires more details on this local custom, in order to judge the case of the divorce of a certain Demetrios Despotopoulos from the daughter of George Poros.¹⁰² This indicates not only the geographical extent of this custom, which covers all regions of Epiros and Albania, but also that local customary law was taken into consideration even in courts outside the region of that law's force. Lastly, in two other instances the Patriarchate mentions the locality of the custom: the first is the case of Constantine Athanasiou's divorce from the daughter of Tzitzo Bita in the region of Gjirokastër¹⁰³ and the second, the divorce of Anastasios Tzane from Doxates (Gjirokastër region) from his wife Helen Gjika.¹⁰⁴

⁹⁶ *Ibid.*, pp. 99 and 100, No. 5 and 9.

⁹⁷ *Ibid.*, p. 101.

⁹⁸ *Ibid.*, p. 101, No. 17.

⁹⁹ *Ibid.*, p. 99, No. 2.

¹⁰⁰ Codex of Patriarchal Correspondence, Nr. 18, f. 364.

¹⁰¹ Giakoumis, *Kodiku*, p. 101, No. 17.

¹⁰² Codex of Patriarchal Correspondence, Nr. 24, f. 336.

¹⁰³ Codex of Patriarchal Correspondence, Nr. 18, f. 363.

¹⁰⁴ See note 56.

To conclude, it seems that a divorce was more of an issue in the province of Gjirokastër than the city itself, while there is no discrimination on the grounds of gender, 22 divorce suits were brought forward by men, while 16 by women.

In the present paper I attempted to present the “Codex of Dositheos” in the framework of the contents of diocesan codices and their importance as documents of religious, cultural, social, economic, educational, administrative and juridical history, in general, and in particular, to provide a hint of its specific values in a local context and beyond, bringing forward two case studies: the first related to the involvement of laymen in local Church politics, and the second associated with the instances of divorce at the level of the ecclesiastical province and centre.

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