

EFI RAGIA

Social Group Profiles in Byzantium: Some Considerations on Byzantine Perceptions About Social Class Distinctions

The social history of Byzantium is a relatively recent research field. This estimation is formed not because there are no studies that can be qualified as par excellence “social”, or that concern particular aspects of the social evolution of Byzantium, but because most of them are not invested with a theoretical context that is necessary when it comes to sociological research approaches. With the exception of studies of G. Ostrogorsky, H.-G. Beck, and J. Haldon¹, which begin with theory to continue with data interpretation –with different information, and therefore different emphasis, methodology, and conclusions–, most studies are concerned either with the economic framework –especially when it comes to the lower social strata²–, or with

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¹ See mostly G. OSTROGORSKY, *History of the Byzantine State*, translated from German by J. HUSSEY, Cornwall 1989; IDEM, *Pour l’histoire de la féodalité byzantine, CBHB Subsidia I*, Bruxelles 1954; H.-G. BECK, Konstantinopel. Zur Sozialgeschichte einer früh-mittelalterlichen Hauptstadt, *BZ* 58, 1965, 11-45 (hereafter BECK, *Konstantinopel*); IDEM, *Η βυζαντινή χιλιετία*, transl. D. KOURTOVIK, Αθήνα 1990 (hereafter BECK, *Χιλιετία*); J. HALDON, *Byzantium in the Seventh Century*, Cambridge 1990 (hereafter HALDON, *Byzantium*); IDEM, *The State and the Tributary Mode of Production*, London – New York 1993. Theoretical, but not “byzantine” is J. HALDON’S work on Marxist historiography, see *Μαρξισμός και ιστοριογραφία: πρόσφατες εξελίξεις και σύγχρονες συζητήσεις στη Βρετανία*, transl. K. GAGANAKES, Μνήμων Θεωρία και Μελέτες Ιστορίας 12.

² A. LAIOU, *Peasant Society in the Late Byzantine Empire. A Social and Demographic Study*, Princeton 1977; É. PATLAGEAN, *Pauvreté économique et pauvreté sociale à Byzance, 4^e-7^e siècles, Civilisations et Sociétés* 48, Paris-La Haye 1977 (hereafter PATLAGEAN, *Pauvreté*); P. LEMERLE, *The Agrarian History of Byzantium from the Origins to the Twelfth Century. The Sources and Problems*, Galway 1979

pressure groups, political parties and alliances at the upper echelons of society³. This schematic classification of the bibliography obviously cannot be exhaustive, with reference to methodologies and analyses, of the number of studies that have been published for the byzantine society, and apologies are due for all those works that are not mentioned here⁴. It is, nevertheless, suitable to point out that for many of them, the influence of the views of G. Ostrogorsky and A. Kazhdan regarding methodology and research approach, has been huge⁵; as a result, there are today many studies on the upper and lower social strata, their composition and economic power, or its absence.

This paper will not follow the usual research path. Its subject is the investigation of social profiles, as they surface in the byzantine sources and puzzle us when it comes to their interpretation and significance for the evolution of byzantine society. Profiles compose the contour of social “position” of people or groups. In Byzantium profiles are either recognized and accepted or, on the other hand, are used to relegate people and groups to a different social, political, or even economic level,

(hereafter LEMERLE, *Agrarian history*); M. Kaplan, *Les hommes et la terre à Byzance du VIe au XIe siècle. Propriété et exploitation du sol*, Byzantina Sorbonensia 10, Paris 1992 (hereafter KAPLAN, *Les hommes et la terre*).

³ J.-Cl. CHEYNET, *Pouvoir et contestations à Byzance (963-1210)*, Byzantina Sorbonensia 9, Paris 1990 ((hereafter CHEYNET, *Pouvoir*); V. VLYSSIDOU, *Αριστοκρατικές οικογένειες και εξουσία (9^{ος}-10^{ος} αι.)*. *Ερευνες πάνω στα διαδοχικά στάδια αντιμετώπισης της αρμενο-παφλαγονικής και της καππαδοκικής αριστοκρατίας*, Θεσσαλονίκη 2001 (hereafter VLYSSIDOU, *Αριστοκρατικές οικογένειες*); T. LOUNGHIS, *Η κοινωνική εξέλιξη στη διάρκεια των λεγόμενων «σκοτεινών αιώνων» (602-867)*, Αθήνα 2013². An encompassing and thorough study of the enterprising groups of the empire, some of which were also in a position to exercise pressure on the governments, is still a desideratum.

⁴ A short report is found in the introduction of J. HALDON, (ed.), *The Social History of Byzantium*, Chichester 2009, 2-4 (hereafter *Social history*). Special reference should be made to P. Yannopoulos, *La société profane dans l'empire byzantine des VIIe, VIIIe et IXe siècles*, Recueil de Travaux d'Histoire et de Philologie 6e s., Fasc. 6, Louvain 1975 (hereafter YANNOPOULOS, *Société profane*), who chose the basic distinction between freeborn and slaves, valid also in Byzantium, as his main research methodology.

⁵ A. KAZHDAN - S. RONCHEY, *L'aristocrazia bizantina dal principio dell'XI alla fine del XII secolo*, Palermo 1997 (hereafter KAZHDAN-RONCHEY, *Aristocrazia*); G. OSTROGORSKY, Observations on the Aristocracy in Byzantium, *DOP* 25, 1971, 3-32 (hereafter OSTROGORSKY, *Aristocracy*); also see the studies of Ostrogorsky cited in note 1.

in which case we are dealing with the existence of “negative” profiles⁶. In my opinion this approach is much more fitting because in Byzantium there were no delineated social boundaries and no group or “class” appears circumscribed within a particular set of rules, even though all of them, especially the most powerful ones, no matter how small or extended, strove for their continuation, their protection and, finally, for the increase of their interests. Profiles display a multilevel function which in my opinion helps to understand the byzantine society and to appreciate different social groups within their particular contexts of action, as well as to elucidate even more complicated social conflicts observed in byzantine history⁷.

As expected, the study at hand marks not the end, but rather the beginning, of a research which is as meticulous as possible, as it strives to understand and explain the social terminology used by the Byzantines for the construction of those profiles. The groups that have been chosen here –the wealthy, the poor, the noble, the powerful and the dynasts– present profiles that clarify social phenomena that are visible in the 10th and 11th c. Unlike my previous studies that begun without any preconceptions, in this case these phenomena dictated which profiles needed to be investigated, because their manipulation by the Byzantines themselves is evident in the sources. Admittedly, no profile can be exhausted in this paper. Rather, each group is examined with regard to particular aspects of its image found in the sources and its profile constitutes a primary research result. It is expected that in the future the research on the social history of Byzantium with a particular view to social group profiles will become more detailed and will be complemented with much more evidence.

⁶ See for example I. ANAGNOSTAKIS, *Byzantium and Hellas. Some Lesser Known Aspects of the Helladic Connection (8th-12th Centuries)*, in: *Heaven and Earth. Cities and Countryside in Byzantine Greece*, ed. J. ALBANI, E. CHALKIA, Athens 2013, 15-29. The profiles of the *politikoi* and the *stratitikoï* are two profiles that definitely serve particular political ends, but they are not part of this paper.

⁷ If there is a theory that closely fits the examination attempted here, then it is the theory of G. SIMMEL. SIMMEL perceived society as a network of social relations that are understood as constant interaction among individuals or groups, a process in which beliefs/proclamations/behaviors (modes of expression and interaction) are either accepted by other individuals or groups, or adjust according to the content they attribute to their behavior. In this framework the formation of social groups is the outcome of the individuals’ interaction on a more permanent basis. See D. FRISBY, *Georg Simmel*, London – New York 2002²; also see the analysis of M. ANTONOPOULOU, *Οι κλασσικοί της κοινωνιολογίας. Κοινωνική θεωρία και νεότερη κοινωνία*, Athens 2008, 455-507.

I. Byzantine perceptions of “society”

It should be noted from the very beginning that the problem of “social class” in Byzantium is in reality nonexistent; the concept is modern and its definition even today depends on the circumstances to which it applies, therefore it may change from country to country (or even from region to region)⁸. The problem may appear to be one of semantics: *κοινωνία*, meaning “*societas*” in antiquity and in the Middle Ages, was used either as a specific legal term, or as a term that carried with it significant legal connotations⁹. In the course of time it provided the main terminology for sociology, a modern science that flourished after the 18th c. Similar considerations we can make about the term *τάξις*, which in modern Greek signifies (among other things) “class”. In Byzantium, however, the use of the word was twofold: it derived from the Latin equivalent *ordo*, which the Romans were using for the separate social, political and religious corps –not for the ensemble of the Roman society; it also derived, as we shall see below, from Aristotelian and neo-Platonic principles that defined the function of the “state”¹⁰. That said, it becomes apparent that when we are searching for “social” terms in byzantine sources, the obvious ones, “*koinonia*” and “*taxis*” are

⁸ D. DASKALAKES, *Εισαγωγή στη σύγχρονη κοινωνιολογία*, Athens 2009, 402-407.

⁹ Meaning relations of various types, the term *κοινωνία* was not rare in antiquity; its derivation from the verb “κοινωνῶ” meant the binding, responsible and accountable participation in something. However, *koinonia* was assigned a theological connotation particularly by St. Gregory of Nyssa and St. John Chrysostom (it is found more rarely in St. Basil and St. Athanasius); it was taken over by the neo-platonist Proclus and his student Pseudo-Dionysius, whereby it was combined with the notion of *taxis*. In the Novels of the emperor Justinian I “*koinonia*” is used to describe sharing in something –in a crime or in a procedure, see *Corpus Iuris Civilis* vol. III: *Novellae*, ed. R. SCHÖLL-G. KRÖLL, Berlin 1904, repr. Germany 1972, 101.29, 611.6 (hereafter *CIC* III). All through the early byzantine times it is used for those joining in a heresy, a meaning which is found again especially in Theodore Studites: *ὀρθόδοξος κοινωνία, κοινωνία αἰρετικῶν/εἰκονομάχων/ἑτεροδόξων*, see G. FATOUROS (ed.), *Theodori Studitae Epistulae*, CFHB 31, no 13.42, 48.247, 479.46, 539.27.

¹⁰ N. OIKONOMIDÈS, *Les listes de préséance byzantines des IXe et Xe siècles*, Paris 1972, 22-24 (hereafter OIKONOMIDÈS, *Listes*); R. RILINGER, *Ordo und Dignitas als soziale Kategorien der Römischen Republik*, in: IDEM, *Ordo und Dignitas: Beiträge zur römischen Verfassungs- und Sozialgeschichte*, Stuttgart 2007, 95-104, esp. 95-96 (hereafter *Ordo und Dignitas*); É. PATLAGEAN, *Ο ελληνικός Μεσαίωνας. Βυζάντιο, 9ος-15ος αι.*, transl. D. LAMBADA, Athens 2007, 248-249 (hereafter PATLAGEAN, *Ελληνικός μεσαίωνας*); G. BAMBINIOTES, *Λεξικό της Νέας Ελληνικής γλώσσας*, Athens 1998, 1759, s.v. *τάξις*.

not really those we are looking for; in reality their employment may be misleading, or even out of place.

Still, there was in Byzantium one term that described the ensemble of people within the state frame. The ancient term *πολιτεία* (polity) encompassed those groups of people involved in maintaining the harmony of the state, in helping it to function smoothly. The concept is initially inseparable from its constitutional context, which developed and flourished in the frame of the ancient *πόλις*. As a consequence, participation in the polity was in reality a legal position, with obligations, rights and privileges attached to it. However, considering a polity, meaning a state, as a group of people, meant that polity, society and “state” coincided, a basic political idea that was elaborated in Platonic and Aristotelian works¹¹. But if this was an ideal rather than a reality already in antiquity (not each and every inhabitant of a city was a *πολίτης*, a member of the *polity*), it was much more so for early Byzantium; those who did not belong to any of the constituent groups of a *politeia* lived throughout their lives outside the Greek medieval bounds of the byzantine “society”, or, to put it correctly, polity. Moreover, those who did belong to a specific group were assigned a particular position and had a particular role within the context of a polity; their defining characteristics were not those of a “class” but those of their role, and conversely, their common role made them one large group. Within each of these groups variation of position, wealth, education, duties or occupation, was very high, which meant that there was no real “social” unity, indeed, we may even speak of separate subgroups. The best example demonstrating this is probably the so-called “senatorial class”, which was a class with great disparity of status among its members¹². Nevertheless,

¹¹ See Aristotle, *Politica*, ed. A. WARMINGTON, transl. H. RACKHAM, London – Cambridge Mass. 19442, repr. 1972, vol. 21, 2, 1252a.1-8 (hereafter Aristotle, *Politica*), perceived the polity as an ensemble of social relations: Ἐπειδὴ πᾶσαν πόλιν ὀρθῶμεν κοινωνίαν τινὰ οὖσαν καὶ πᾶσαν κοινωνίαν ἀγαθοῦ τινος συνεστηκυῖαν (τοῦ γὰρ εἶναι δοκοῦντος ἀγαθοῦ χάριν πάντα πράττουσι πάντες), δηλον ὡς πᾶσαι μὲν ἀγαθοῦ τινος στοχάζονται, μάλιστα δὲ καὶ τοῦ κυριωτάτου πάντων ἢ πασῶν κυριωτάτη καὶ πάσας περιέχουσα τὰς ἄλλας. Αὕτη δ’ ἐστὶν ἡ καλουμένη πόλις καὶ ἡ κοινωνία ἢ πολιτική. See P. CARTLEDGE, Greek Political Thought: the Historical Context, in: *The Cambridge History of Greek and Roman Political Thought*, ed. C. ROWE, M. SCHOFIELD, S. HARRISON, M. LANE, Cambridge 2005, 11-22.

¹² G. DAGRON, *Η γέννηση μιας πρωτεύουσας. Η Κωνσταντινούπολη και οι θεσμοί της από το 330 ως το 451*, transl. M. LOUKAKI, Athens 2000, 195 f. (hereafter DAGRON, *Γέννηση*); BECK, *Konstantinopel*, 19-20; HALDON, *Byzantium*, 160-172; IDEM, The fate of the Late Roman Senatorial Elite: Extinction or

when the state employed the term *Ρωμαϊκή πολιτεία*, *Roman polity*, it appears to have comprised in it all its inhabitants notwithstanding social position, not only the groups that were constitutionally engaged in some administrative aspect of the polity¹³.

One might ask, if all these assertions are correct, what is it that describes social position in Byzantium, or what is it that describes its perception? The answer to this question cannot be simple. “Position” can only be defined by the state itself, since it corresponded to a role in the polity; roles, however, tended to adjust. The *perception* of “social class/position” on the other hand is an entirely different issue, as perceptions are influenced by qualities: those assumed by the groups in their effort to assert themselves, those assigned to them by other groups in a context of social, economic and political collaboration or opposition, or those adopted by the state in its effort to overpower social and political agitations. It becomes apparent that a “group” is by definition narrower than a “class” –indeed it can only be a small fraction of a class– and this explains why we observe so many rivalries among separate groups and why it is so hard to define a “class” in Byzantium¹⁴. For the profiles that are sketched

Transformation? in: *The Byzantine and Early Islamic Near East. Papers of the first (third, sixth) Workshop on Late Antiquity and Early Islam*, v. 6: *Elites old and new in the Byzantine and early Islamic Near East*, ed. J. HALDON AND L. CONRAD, Princeton, N.J. 1992/2004, 184-198 (hereafter HALDON, *Senatorial elite*); IDEM, Social Élites, Wealth, and Power, in: *Social History*, 175-178 (hereafter HALDON, *Social élites*); P. MAGDALINO, Court Society and Aristocracy, in: *Social History*, 217-218, 224-225 (hereafter MAGDALINO, *Court society*); G. ALFÖLDY, *Ιστορία της Ρωμαϊκής κοινωνίας*, transl. A. CHANIOTES, Athens 2009, 327-328 (hereafter ALFÖLDY, *Ιστορία*); A. JONES, *The Later Roman Empire, 284-602. A Social, Economic and Administrative Survey*, Oxford 1964, 388-390, 545-552 (hereafter JONES, *LRE*).

¹³ A. KALDELLIS, *The Byzantine Republic. People and Power in New Rome*, Cambridge Mass. – London 2015, 14-19 (hereafter KALDELLIS, *Byzantine republic*), argues that the byzantine *politeia* is in reality the continuation of the *res publica romana*. Also see BECK, *Χιλιετία*, 52 f.

¹⁴ Cf. BECK, *Konstantinopel*, 16-20; IDEM, *Χιλιετία*, 319-349; also see *ODB* 2, 1371, and A. KAZHDAN, Small Social Groupings (Microstructures) in Byzantine Society, in: *XVI Internationales Byzantinistenkongress, JÖB* 32.2, 1982, 3-11. The author speaks about “microstructures” as “small social groupings”. The difference between groups and microstructures appears in my understanding to be that while microstructures are subjected to, or regulated by, a set of rules (e.g. family, guilds etc), groups are larger and they may or may not obey to rules. Guilds themselves are functioning within a particular frame pertaining to each guild, but not to the “social class” of their members ad hoc, which explains the fact that social profiles of separate guild members differ from each other (cf. the profiles of the *βάσανσοι* and the *ἔμποροι*). On guilds see G. MANIATIS, *The Guild System in Byzantium and*

are mostly those of state dependent groups, not of classes, and their existence can be explained by the mere fact that there was no real social, political, or legal, consolidation of a “class” in Byzantium. But a group is weaker than a class, therefore groups are subject to change and they can even be formed and dissolved quite as easily as they appeared. It is commonly accepted that Byzantium was an empire in which vertical social mobility was feasible and sometimes even easy. “Social mobility” as defined today by sociology is not exclusively vertical, but horizontal or diagonal; it concerns mostly relations among people or groups of the same or slightly different standing and their position within a social context¹⁵. Nevertheless, it may be emphasized that what gives the impression of “vertical mobility” is not the fact that social ascend was easy –because on the contrary it was rather difficult to break away from the context found at the point of one’s birth– but that social role adaptation in Byzantium really permitted some social upgrading (or downgrading, which is easier found in the sources); the wide distribution of titles in the 11th c. is a good example of this type of social role changing, but it required the possession of substantial amounts of gold coin for those involved¹⁶. The suspension of this policy by Alexios I Komnenos meant that the titles died with their holders, and their descendants had no chance of being included in the aristocracy of the 12th c., unless, of course, they were married into it.

“Social” and political theories in Byzantium are strongly influenced by ancient philosophy. The groups that are initially recognized as “social groups” had acquired a constitutional character through age-long constitutional practice during the late Roman times, they were, in Beck’s interpretation, electoral corps, such as the senate,

Medieval Western Europe: a Comparative Analysis of Organizational Structures, Regulatory Mechanisms, and behavioral patterns, *Byzantion* 76, 2006, 528-529, 535-543. MANIATIS rightfully points out that a large number of professionals mentioned in the sources probably belonged to no guilds.

¹⁵ DASKALAKES, as above n. 8, 412-414.

¹⁶ See N. OIKONOMIDES, Title and income at the Byzantine Court, in: *Byzantine Court Culture from 829 to 1204*, ed. H. MAGUIRE, Washington DC 1997, 199-215 (hereafter *Byzantine court culture*); IDEM, The Role of the State in the Economy, in: *The Economic History of Byzantium from the Seventh through the Fifteenth Century*, ed. A. LAIOU et al., Washington, DC, 2002, v. 3, 1008-1010 (hereafter *EHB* 3); P. LEMERLE, Roga et rente d’état au Xe-XIe siècles, *REB* 25, 1967, 77-100; G. OSTROGORSKY, Löhne und Preise in Byzanz, *BZ* 32, 1932, 304-308.

the army and the *demoi* of Constantinople, and later on, the Church¹⁷. We only have two texts, both anonymous and coming from the 6th c., which reflect the beliefs of the Byzantines on the polity. The first is *De re strategica* (*Περὶ στρατηγίας*), which deals with the polity only in the first chapter, and the second is the treatise *De scientia politica dialogus*. The author of *De re strategica* attempted to describe the *πολιτείας μέρη* (constituencies of the polity) only in the introduction¹⁸. Each *μέρος* was assigned a role in the *polity* and was placed under the supervision of a “leader”¹⁹: these are the Church (*ἱερατικόν*), the council members (*συμβουλευτικόν*), the judges (*νομικόν*), and the people of commerce (*ἐμπορικόν*), those who provided products (*ὕλικόν*), and those who served (*ὕπηρετικόν*)²⁰. Given that the first part of the treatise is lost, there is no way of deciding on the hierarchical classification of these “parts of the polity”; in the second and third chapter, for example, the *νομικόν* and the *συμβουλευτικόν* are in a reversed order following the *ἱερατικόν*²¹. The author also speaks about the *χρηματικόν*

¹⁷ H.-G. BECK, *Senat und Volk von Konstantinopel*, in: Bayerische Akademie der Wissenschaften, Phil.-Hist. Kl., *Sitzungsberichte* 1966, 1-75 (: IDEM, *Ideen und Realitäten in Byzanz*, VR London 1972, no XII; hereafter *Ideen und Realitäten*); IDEM, *Χιλιετία*, 71-80; I. KARAYANNOPOULOS, *Η πολιτική θεωρία των Βυζαντινών*, Θεσσαλονίκη 1992, 19-20.

¹⁸ *De re strategica* has been recently attributed to Syrianus magister as part of his *Compedium*. This work is placed by the researchers in the period between the late 6th–late 9th c. Discussion is still inconclusive regarding this point, but concerning our subject it will suffice to note that the first part on the polity can hardly be dated beyond the 6th-7th c.; so far this part has not been taken into consideration for dating the text, nor have its sources been traced. See P. RANCE, *The Date of the Military Compedium of Syrianus Magister (Formerly the Sixth Century Anonymous Byzantinus)*, *BZ* 100, 2007, 701-737 with full bibliography. A general commentary on the first part on the polity is found in C. MANGO, *Byzantium. The Empire of New Rome*, London 1980, 33; KALDELLIS, *Byzantine republic*, 15-16.

¹⁹ *Three Byzantine Military Treatises*, ed. G. DENNIS, CFHB 25, Washington, DC, 1985, 14.4-6 (hereafter DENNIS, *Three treatises*): *ἐπεὶ δὲ ἀνάγκη ἐκάστῳ τῶν εἰρημένων μερῶν ὑφ’ ἡγεμόνι τετάχθαι, ἀναγκαῖον καὶ περὶ ἀρχόντων εἰπεῖν πρότερον...*

²⁰ DENNIS, *Three treatises*, 10. 5-14. As it is mutilated, the assemblies are not mentioned in the remaining part of the first chapter, which has the title *Τί ἐστὶν πολιτεία καὶ πόσα μέρη αὐτῆς*.

²¹ DENNIS, *Three treatises*, 12.6-21, 14.18-37. Quite interestingly, the *συμβουλευτικόν*, which undoubtedly concerns the senate, is placed third in the second chapter, but first after the archons (: whom I understand to be the higher dignitaries of the state) in the third chapter. The *νομικόν*, on the other hand, is listed first after the priests in the second chapter and third in the third chapter, which analyses the qualities of the archons. This may be an indication of the increased significance of the

and the *τεχνικὸν* (construction workers)²²; the *χρηματικὸν* is analysed in the third part of the treatise, concerning the archons: it comprises the administrators of public finance (*τῶν περὶ τὰ χρήματα τεταγμένων*), the tax collectors (*τοὺς φορολόγους*), the financial inspectors (*τοὺς ἐπισκεπτομένους*) and the “distributors of money” (*τοὺς διανέμοντας τὰ χρήματα*)²³. Of these groups, only the merchants appear to be under the control of the “supervisors of trade”, meaning almost certainly the supervisors of professional corporations²⁴.

Of particular interest are the last categories, the *ὕλικόν* and the *ὕπηρετικόν*, but also the *ἄχρηστον* and the *ἀργόν*. The *ὕλικόν* appears to refer to people engaged in providing finished products or raw materials, and are specifically distinguished from tradesmen²⁵. The *ὕπηρετικόν* on the other hand concerns a group that either offers services to the archons on hire (*τοὺς δὲ ὑπηρετάς τῶν εἰρημένων ἀρχόντων*), or is responsible for the transport of materials to the city²⁶. The last two categories have to do with the lower social strata, but their economic situation is of no significance for their classification by the author. The difference between the two groups is their ability to participate in the function of the polity. The *ἄχρηστοι* are those, to whom philanthropy is extended; some natural cause, such as age or infirmity, makes them

main legislative authorities of the empire in the 6th c., meaning the prefect of the city and the *quaestor sacri palatii*.

²² DENNIS, *Three treatises*, 12.14-21. The *τεχνικὸν* does not appear again; in its place there seems to be comprised a group of those occupied in the sciences and technical services (ibid., 16.71-75, *τοὺς περὶ τὰς ἐπιστήμας καὶ τέχνας ἀπασχολημένους*).

²³ DENNIS, *Three treatises*, 14.37-16.70.

²⁴ DENNIS, *Three treatises*, 16.76-80.

²⁵ DENNIS, *Three treatises*, 10.11-12, 16.81-18.87.

²⁶ DENNIS, *Three treatises*, 10.13-14, 18.98-100. In any case there appears no personal clientele relation between the archons and the *ὕπηρετικόν*, unless we reject Dennis’ translation, “*those who hire out their services*”, and we consider them to be subaltern employees of the archons instead. In this case the anonymous author would consider that employees and transporters such as the *ζυλοφόροι*, *ἀχθοφόροι*, *λιθοφόροι*, belong to the same group. There is good evidence that the lower administrative staff was classified with the lower social strata, as indicated by *Theodosiani Libri XVI cum Constitutionibus Sirmondianis*, ed. Th. MOMMSEN, Dublin-Zurich 1904, repr. Germany 1971, 14.10.3, 16.5.54.7 (hereafter *C.Th.*) –see the translation in C. PHARR, *The Theodosian Code and Novels and the Sirmondian Constitutions*, Princeton 1952, 415, 460, were they suffer corporal punishments and exile “*since they have no respect to lose*”.

“useless” for the community (*μηδοτιοῦν συντελεῖν πρὸς τὴν τῶν κοινῶν χρείαν*)²⁷. But the author of *De re strategica* apparently feels uncomfortable with the existence of people who are “not engaged in any activity”; they constitute the *ἀργόν*, a “class of the unoccupied”. The author adds: *οὐ πάντως καὶ ἡμῖν ἀρμόσει μέρος πολιτείας τοιοῦτον* (in my perception such a class of citizens in no way becomes us), to conclude that those without a profession “should take their place in one of the orders” (*καθ’ ἕν τι τῶν εἰρημένων τετάξεται*), in other words, he suggests that they should be given a profession²⁸. Of note is the fact that the author is not concerned about the place of other professional groups, such as the *γραμματικοί, ἰατροί, γεωργοί*, who are mentioned only once in the beginning of the mutilated text²⁹. It is possible that some small contribution to the function of the polity was also acknowledged to them as well, or that they were included in the sphere of influence of the superior “classes”, exactly as other *μέρη* mentioned in the text. This particular organization of society portrayed in *De re strategica* reflects city structures, where the professional guilds were dominating civil life. Classification by profession was standard in Late Roman times³⁰.

The author of the second text, the *De scientia politica dialogus*³¹, attributes to the city groups the term *τάγματα* (*orders*). He distinguishes the people into the *sacred order* (*τὸ ἱερατικὸν*), the *optimates* (*ἄριστοι*), and the military and civil orders, which

²⁷ DENNIS, *Three treatises*, 10.14-16, 18.88-93.

²⁸ DENNIS, *Three treatises*, 10.17-25. I rejected DENNIS’ translation of this part, but I kept the translation of the phrase “class of citizens” for “μέρος πολιτείας”. Also “class of the unoccupied” I think reflects better the meaning of the text instead of “leisure class” of DENNIS.

²⁹ DENNIS, *Three treatises*, 10.4.

³⁰ E. PAPAGIANNI, Byzantine Legislation on Economic Activity Relative to Social Class, in: *EHB* 3, 1083-1085. The author remarks that this aspect of social categorization has been not yet adequately studied.

³¹ The work was attributed to Peter the *patrikios*, who served Justinian I as *magister officiorum* for 26 consecutive years, but this view has been convincingly contested. See P. BELL, *Three Political Voices from the Age of Justinian. Agapetus, Advice to the Emperor, Dialogue on Political Science, Paul the Silentary, Description of Hagia Sophia*, Translated texts for Historians 52, Liverpool 2009, 9-13 (hereafter BELL, *Three political voices*); F. DVORNIK, *Early Christian and Byzantine Political philosophy. Origins and Background*, vol. II Washington, DC, 1966, 706; A. CAMERON, *Procopius and the Sixth Century*, Berkeley – Los Angeles 1985, 248-252; H. HUNGER, *Βυζαντινή λογοτεχνία. Η λόγια κοσμική γραμματεία των Βυζαντινών*, v. 2, transl. T. KOLIAS, K. SYNELLE, G. MAKRES, I. VASSIS, Athens 1992, 91-94; *ODB* 3, 1629-1630, sv *Peri politikēs epistēmēs*.

are also called *συστήματα* –the term refers to professional corporations only in one instance. The authority structures spring directly from the “royal principles” (*ἐκ τῶν ἐνόνητων λόγων*) which reflect the order of God and result in the “well-being and stability of the state” (*εὐεξία τε καὶ εὐστάθεια*)³². As in *De re strategica*, the people are categorized by profession, and all professionals are a subject of control and supervision by the *optimates*, even the farmers and the most humble folk of the cities³³. The author avoids to reach the point where the power of the *optimates* replaces that of the emperor’s, nevertheless, the role of the emperor is pushed in the background; it appears as if his presence in the text serves solely the maintenance of the “order of authorities” (*ταξιαρχία*)³⁴, which alone can guarantee the maintenance of social structure. The emperor may represent on earth an authority “similar to that of God”³⁵, but this in no way requires his active involvement in the governance of the empire, which should be left to the *optimates*³⁶. Much more than *De re strategica*, the *Dialog* is a neo-platonic treatise, apparently with strong Pseudo-Dionysian influences, which are manifest in the particular structure of optimate power called *taxiarchia*³⁷. The model, however, is not used to strengthen imperial power, but to restrain it³⁸. The

³² *Menae patricii cum Thoma referendatio De scientia politica dialogus*, ed. C. M. MAZZUCHI, Milano 2002, 31-32 (hereafter *De scientia politica*); BELL, *Three political voices*, 158.

³³ *De scientia politica*, 34-37, and 34.13-17 for the unemployed and the beggars; BELL, *Three political voices*, 161-164.

³⁴ *De scientia politica*, 23.8-15; BELL, *Three political voices*, 149. The author translates *taxiarchia* as “political order”.

³⁵ *De scientia politica*, 44.10-11; BELL, *Three political voices*, 170.

³⁶ *De scientia politica*, 47.7-16; BELL, *Three political voices*, 173.

³⁷ In Pseudo-Dionysius *taxiarchia* is the supreme power and authority which commands the hierarchical procession. See G. HEIL AND A. M. RITTER, *Corpus Dionysiacum, II. Pseudo-Dionysius Areopagita, De coelesti hierarchia, De ecclesiastica hierarchia, De mystica theologia, Epistulae*, Patristische Texte und Studien 67, Berlin, 2012², 22.14-22 (hereafter *Pseudo Dionysius*).

³⁸ BELL, *Three political voices*, 73-76, 173 note 126, noted that the text contains “a secular equivalent of Ps. Dionysius’ similarly Neoplatonic vision”, but the imperial authority “is mediated through the levels of the secular hierarchies” and this puts “a general constraint on the imperial exercise of authority”. Also see IDEM, *Social conflict in the Age of Justinian. Its Nature, Management, and Mediation*, Oxford 2013, 275-277 (hereafter BELL, *Social conflict*); Ch. PAZDERNIK, Justinianic Ideology and the Power of the Past, in: *The Cambridge Companion to the Age of Justinian*, ed. M. MAAS, Cambridge 2005, 195 (hereafter *The age of Justinian*), sees the text as portraying a “bureaucratic notion of the Christian *oikoumene*”. Also see DVORNIK, as above n. 31, 707.

underlying critique reveals quite clearly the tensions between the upper classes of Byzantium and the emperor Justinian I. The anonymous author appears to be profoundly concerned with the preservation of the order of the *ἄριστοι*; under the conviction that it would contribute to the recognition of their own authority, he even claims that the *optimates* should protect the lower orders from ill-treatment by the powerful³⁹, a role that had been assumed by the state itself and was very strongly propagated in the legislation of Justinian I, as we shall see below.

Theoretical analyses of this type are modeled on the ideal Platonic *polis* as an institutional establishment, as a *politeia*, even if discussion is transferred to an empire-wide level. Thus the author of the *Dialog* speaks about the “leaders of all the city orders” (τῶν τῆς πόλεως πάντων ταγμάτων), who are responsible for electing the emperor from among the *optimates*⁴⁰, who, in their turn, are responsible for exercising control over the lower social strata. However, at the time of the writing of these texts, political and “social” considerations of this type were expressions of a reality that was dying. Considering a “polity”, meaning a “society”, exclusively within the bounds of a city –a *polis*–, was an integral part of the political and philosophical tradition of antiquity, but had little to do with real conditions. The claims of the authors lay in apparent contradiction with the existence of a central authority which overshadowed and suppressed all aspirations of persons and groups to autonomy and personal power and absorbed all peripheral competences for itself. “Aristocratic” self-existence was no longer maintainable, because the frame sustaining it through the superintendence of its activities, meaning the frame of the *polis*, was dissolving. The state had long appropriated the most important functions of the cities and had weakened the city as an institution⁴¹. Effectively all power derives from the center, and the emperor is no more a “primus inter pares”, no more the guarantor of the self-existing autonomous power centers of the *optimates* –as the anonymous author of *De scientia politica* would like–, but, as in the neo-platonic prototype, the emperor is the only source of

³⁹ *De scientia politica*, 37.13-18. On possible conflicts within the order of the *optimates* see R. DOSTALOVA, Soziale Spannungen des 5/6 Jh. in Byzanz im Spiegel des anonymen Dialogs Περὶ πολιτικῆς ἐπιστήμης. Eine Quellenanalyse, in: F. WINKELMANN (ed.), *Volk und Herrschaft im fruhen Byzanz. Methodische und quellenkritische Probleme*, BBA 58, Berlin 1991, 33-48.

⁴⁰ *De scientia politica*, 30.10-12.

⁴¹ The development is a result of decay of the autonomous administration of the cities. See A. JONES, *The Greek City from Alexander to Justinian*, Oxford 1940, 147-155; IDEM, *LRE*, 535-542.

power, which is granted and taken away for specific purposes. The system no longer favored the upper social strata of the empire, as it lifted the privileges attached to personal distinction in the provinces and confined them to those involved in active administration⁴². The Novels of Justinian I show that there was no way to impose the involvement of local magnates in city management and the archaeological material suggests that they were abandoning their civic residences in favor of their provincial villas⁴³. It appears that the upper social strata of the empire would soon be in need to modify the ways of their social self-projection.

II. Basic “social” distinctions found in the legislation

In her seminal work on poverty, Evelyne Patlagean maintains that the basic social distinction of the Roman empire into *honestiores* and *humiliores* developed with time into a general distinction between rich and poor in middle Byzantium. According to that theory, the distinction was maintained in the legislation of Justinian I and poverty, as portrayed in the punishments reserved for the poor in the Roman laws, reflects a real condition of social weakness next to the influence of the rich and powerful⁴⁴. This theory has deeply affected the scientific approach regarding social class divisions in Byzantium but needs to be revised for two reasons, firstly, because Roman legislation has been closely investigated recently regarding “social” distinctions found in the legislation, and secondly, because an unprejudiced inspection

⁴² JONES, *LRE*, 535-542; DAGRON, *Γέννηση*, 188-195. P. BROWN, *Power and Persuasion in Late Antiquity: Towards a Christian Empire*, Wisconsin 1992, 71-117, argued that bishops filled in the void created by the retreat of the civic upper social strata, a development facilitated by the function of the Church as a major benefactor of the poor. The transformation of civic *euergetism* into *euergetism* targeting the poor is an idea elaborated by the same author in *Poverty and Leadership in the Later Roman Empire*, Hanover – London 2002, 1-44 (hereafter BROWN, *Poverty*).

⁴³ H. SARADI, *Από την καθημερινότητα του πρωτοβυζαντινού αριστοκράτη, στο: Βυζαντινό κράτος και κοινωνία. Σύγχρονες κατευθύνσεις της έρευνας*, NHRF, Athens 2003, 72-85; see generally JONES, *LRE*, 757-763.

⁴⁴ PATLAGEAN, *Pauvreté*, 10-11. See, however, the critique of J. HALDON, *On the Structuralist Approach to the Social History of Byzantium*, *BSI* 42, 1981, 203-211. Also see ALFOLDY, *Ιστορία*, 190-196, 277, 302-308, 345-349, who argues for a leveling of distinctions among different groups of the lower social strata, which led to an assimilation of the *humiliores* with the *plebs* and the *coloni*. Also see BROWN, *Poverty*, 7-8, 52-54: “this view from the top gives way to a picture of the population... as built up by layer upon layer of humble persons”.

of the texts examined by Patlagean produces different results, especially when it comes to interpreting the laws.

In the second and third centuries the Roman empire used the *honestiores-humiliores* distinction in such vague contexts that required no further specification. The division therefore served no particular purposes and it is not easy to decide which person belonged to either category, unless this detail is included in a source⁴⁵. In judicial procedures this general social classification is not evoked as a direct cause of punishment, but rather, punishment is a secondary consequence, even though different sets of punishments are predicted for the categories of the *honestiores* and *humiliores*⁴⁶. A more detailed examination of the *condicio* of persons is part of any normal court procedure. “Social position” in Roman times was determined by one’s participation in overlapping circles of political, religious and economic character, which preconditioned particular rights and obligations for their members and established their *condicio*, in reality their social, and specifically for the court, their legal status, such as *senator/decurion*, free/freedman or slave, *patronus*, public servant (whereby one belonged to the Roman *militia*) or not⁴⁷. When it comes to legal responsibility, persons are equally examined for their liability independently of their status, e.g. in case of testifying, because moral standards are attached to each condition⁴⁸. In this context, some categories are excluded from bringing actions to

⁴⁵ R. RILINGER, *Zeugbeweiss und Sozialstruktur in der Römischen Kaiserzeit*, in: IDEM, *Ordo und Dignitas*, 239-243 (hereafter RILINGER, *Zeugbeweiss*), points out that the comparative of *honestus* is found only three times in Justinian’s *Codex*.

⁴⁶ R. RILINGER, *Humiliores – Honestiores. Zu einer sozialen Dichotomie im Strafrecht der römischen Kaiserzeit*, München 1988, 56-60, 63-64 (hereafter RILINGER, *Humiliores–honestiores*). In other words, it is nowhere mentioned that a punishment is inflicted *because* an individual is classified as *honestior* or *humilior*.

⁴⁷ RILINGER, *Humiliores-honestiores*, 51-56, 110-111. Other types of *condicio* may be found in the early sources, relating to wealth (defined by *census* in Rome), birth (patrician, plebeian or other), citizenship (coming from Rome, Italy or allied cities etc); in sum, these distinctions defined the political rights of a person and attainment of honors. JONES, *LRE*, 519, believed that the distinction was generally inconsequential, as even the professionals could claim the status of *honestior* at least in a court of law. When it came to conferring justice it was left to the judge to decide if one of the litigants belonged to the *humiliores* or not, in which case he would suffer the punishment predicted for his case.

⁴⁸ Cf. also *Corpus Iuris Civilis* vol. I: *Institutiones, Digesta*, rec. P. KRUEGER – TH. MOMMSEN, Berolini 1872, repr. Germany 1973, 22.5.2 (hereafter *Digesta*): *In testimoniis autem dignitas fides mores gravitas examinanda est: et ideo testes, qui adversus fidem suae testationis vacillant, audienti*

court, and others are not admitted as witnesses. These categories overlap only partly because of their *condicio*, not because of their social standing⁴⁹. It follows that confusing these groups and generalizing to the point of considering that all *humiliores* were poor is an oversimplification that perplexes any attempt to decipher the complex relations among separate social groups in Byzantium. The simpler example demonstrating this would be the assimilation of the *infames* with the *humiliores* and, for this reason, with the poor. But the *infames* were a clearly legal, not social, category; persons of any social “class” could be stigmatized with *infamia* (ignominy), therefore the *infames* cannot even be considered a “group”⁵⁰.

The perception of such socio-legal distinctions is best followed in the laws relating to penalties and witnesses. In a law dated to 414 the handling of the upper social strata is expanded: it is distinguished into private persons and dignitaries (*personis singulis et dignitatibus*), followed by *proconsulares*, *vicarii* and *comites primi ordinis*⁵¹; a separate category is composed of *honoratos reliquos*, which relates

non sunt (The rank, the integrity, the manners, and the gravity of witnesses should be taken into consideration, and therefore those who make contradictory statements, or who hesitate while giving their evidence, should not be heard). *Digesta* has been translated by A. WATSON, *The Digest of Justinian*, Philadelphia 1998². Here, however, the translation of S. SCOTT is preferred, which has been corrected and is available on line (http://droitromain.upmf-grenoble.fr/Anglica/codjust_Scott.htm). See RILINGER, *Humiliores-honestiores*, 133, 134-136; IDEM, *Zeugbeweiss*, 225-229, 232-243.

⁴⁹ C. HUMFRESS, *Civil Law and Social Life*, in: *The Cambridge Companion to the Age of Constantine*, ed. N. LENSKI, Cambridge 2006, 205-225 (hereafter HUMFRESS, *Civil law*). The author speaks about those who “fall between the legal cracks”, a qualification that concerns the categories that are never defined specifically in the legislation; more details are found about them when we have data on specific cases.

⁵⁰ The *infamia* was handled particularly in *Digesta*, 3.2: *De his qui notantur infamia*, and *Corpus Iuris Civilis*, vol. II: *Codex Justinianus*, ed. P. KRUEGER, Berolini 1877, repr. Germany 1967, 2.12 (hereafter *CJ*): *De causis ex quibus infamia alicui inrogatur*. SCOTT’s translation of the Codex is found in http://droitromain.upmf-grenoble.fr/Anglica/codjust_Scott.htm. *Infamia* referred to legal status resulting from an act, consequently also from the profession chosen; its imposition was pursued in the public interest; therefore it incurred the deprivation of a person’s right to exercise his public duties. An informative entry on *infamia* is found in *A Dictionary of Greek and Roman Antiquities*, ed. W. SMITH, W. WAYTE, F. MARINDIN, London 1890, 1006-1008 (also found online).

⁵¹ JONES, *LRE*, 526; DAGRON, *Γέννηση*, 217-218. The *comites* were a particular order of “imperial companions”, with specific duties, or simply holders of the corresponding honorary title who entered that order. This class was inflated in the 4th c., but the title still gave precedence in the *sacrum*

to *senatores* and *decemprimi curiales*. The last category is the city *decuriones*. By contrast, the lower social strata, generally marked as “kinds of people” are simply divided in slaves and *coloni* (*servos et colonos... generibus hominum*). In a similar law of 412, which distinguishes among *illustres*, *spectabiles* and *clarissimi*, the *plebs* are also mentioned⁵². A law comprised in the *Digesta* of Justinian I contains pairs of social opposites: decurions-plebeians, honorable-dishonorable, rich and poor. The legislator in this law was much more concerned with someone’s position and way of life –the *condicio*– rather than with a particular “social” standing⁵³. The general distinction between decurions and plebeians is often found in the Codex of Theodosius, but the distinction between rich and poor is not common –more often than not poverty appears in the sources as cause of unlawfulness or of lack of moral content in a person, not of social status⁵⁴.

The concern about the liability of witnesses with intention to safeguard and reinforce the unobstructed dispensation of justice is particularly evident in Justinian’s *Novel 90 On witnesses*. In this Novel Justinian I explains that previous laws barring witnesses from testifying were abused and for this reason he intends to clarify which categories of people and under what circumstances should be excluded from placing their testimony⁵⁵. The emperor maintains that witnesses should be chosen among people “with a good reputation” (εὐπολήπτους δεῖν εἶναι τοὺς μάρτυρας), and explains that to this group belong the title holders, those who have a position in state service and those who are known for their wealth or for their profession (διὰ τὸ τῆς

consistorium and in the senate; its bestowal included senatorial rank for those who did not already have it.

⁵² *C.Th.*, 16.5.52, 16.5.54.3, 4, 7, 8; ALFOLDY, *Ιστορία*, 326; DAGRON, *Γέννηση*, 194. The lower staff of the dignitaries (*officiales*) also belonged to the lower social strata as mentioned above, n. 26; the priests were counted in the second category with the civic magistrates. On the prohibition to heretics to appear at court see D. SIMON, *Untersuchungen zum Justinianischen Zivilprozess*, München 1969, 239-240 (hereafter SIMON, *Zivilprozess*).

⁵³ *Digesta*, 22.5.3: *Testium fides... in persona eorum exploranda... in primis condicio cuiusque utrum quis decurio an plebeius sit... an honestae et inculpatae vitae ... an vero notatus quis et reprehensibilis... an locuples vel egens sit, ut lucri causa quid facile admittat*. Extensive commentary on this important law is found in RILINGER, *Zeugenbeweis*, 243-251.

⁵⁴ W. MAYER, Poverty and Generosity toward the poor in the time of John Chrysostom, in: *Wealth and Poverty in Early Church and Society*, ed. S. HOLMAN, Michigan 2008, 149-154.

⁵⁵ *CIC* III, no 445.16-446.2.

ἀξίας ἢ στρατείας ἢ εὐπορίας ἢ ἐπιτηδεύσεως ἀναμφισβήτητον). This part may be easily interpreted as projecting a social distinction generally based on wealth, but such an interpretation is an oversimplification, for the emperor continues with specifying the groups that are excluded from a judicial process: the circus people, the “lowly” and the unknown (μὴ τινὰς ἐπιδιφρούς μηδὲ χαμερπεῖς μηδὲ παντοίως ἀσήμους... Εἰ δὲ ἄγνωστοί τινες εἶεν καὶ πανταχόθεν ἀφανεῖς...). The circus/hippodrome people in the Roman empire were stigmatized with permanent *infamia*⁵⁶. The main consideration of the law of Justinian was the ability of the witnesses to prove, even through the testimony of others, that they were reliable persons, leading a respectable life, which was proof of honesty (ὕφ’ ἐτέρων γούν ὅτι καθεστᾶσιν ἀξιόπιστοι μαρτυρούμενοι)⁵⁷. The latter category, the “unknown”, is the *ἀφανεῖς* or *ἄγνωστοι* of the Greek sources⁵⁸. Even though an effort has been made to equate this category with the *infames* or the poor⁵⁹, the equation cannot stand. The Greek equivalent of the *infames* would be *ἄτιμοι* or *ἄσημοι*, as opposed to *ἐντιμοι*, *ἐντιμότεροι*, which is the Greek translation of *honestiores*. The criterion for being relegated to the *ἄγνωστοι* appears to be the lack of permanent residence, resulting from unemployment. Employment would have effected the registration of a person in a catalogue of professional workers or farmers, after which the person would be no longer “unknown”. One wonders if the “unknown” are a forerunning distinction for the

⁵⁶ HUMFRESS, *Civil law*, 210; SP. TROIANOS, Οι ποινές στο Βυζαντινό δίκαιο, in: *Ἐγκλημα και τιμωρία στο Βυζάντιο*, ed. SP. TROIANOS, Athens 2001, 47 (hereafter Troianos, *Οι ποινές*); SIMON, *Zivilprozess*, 237-239. SIMON does not comment on *infamia*.

⁵⁷ *CIC* III, no 90, 446.21-30.

⁵⁸ *CIC* III, no 90, 446.30-33. These are subjected to torture in case they are suspected for corrupting the process.

⁵⁹ PATLAGEAN, *Pauvreté*, 14-17, believes that the *infames* are assimilated to the *humiliores*, therefore they are excluded from a court procedure; EADEM, *La pauvreté à Byzance au temps de Justinien: les origines d’un modèle politique*, *Études sur l’histoire de la pauvreté (Moyen Âge – XVIe siècle)*, I, ed. M. MOLLAT, Paris 1974, 59-81, here 59-67 (hereafter PATLAGEAN, *La pauvreté*) [: EADEM, *Structure sociale, famille, chretienté à Byzance*, VR London 1981, no I; hereafter PATLAGEAN, *Structure sociale*]; H. KRUMPHOLZ, *Über Sozialstaatliche Aspekte in der Novellengesetzgebung Justinians*, Habelts Dissertationsdrucke, Reihe Alte Geschichte 34, Bonn 1992, 26-27 (hereafter KRUMPHOLZ, *Aspekte*); RILINGER, *Humiliores-honestiores*, 110-112, notes that there is no explicit prohibition for the *infames* to bring actions to court; however, I might add, as in the case of the poor which is discussed below, this would expose them to attacks on the part of the prosecuted that could effect the annulment of the trial altogether.

ἄγνωστοι καὶ ἀνεπίγνωστοι τῷ δημοσίῳ (completely unknown to the public fisc)⁶⁰, found in documents after the 10th c. In my opinion they are, and the Novel of Justinian I distinctly differentiates the *infames* from the “*unknown and those who are nowhere to be seen*”, we are therefore dealing with separate groups of Byzantine society, and not simply with “the poor”⁶¹.

In the 7th c., a text containing penalties imposed on heretics is most elucidating regarding the social divisions that the state recognized. It was included in the acts of the Lateran Council and dates from 649⁶². The change affected in the Byzantine perception of “society” since the early 5th c. is most obvious in this stipulation, even though anticipated already in the Novels of Justinian I. Four large groups are mentioned along with the penalties that are deemed fitting for their status. The first is, as expected, the clergy of all grades, followed by the monks, a group that is normally held outside the Byzantine *polity* because of its members’ deliberate retreat from the world⁶³. The second is the large group of state servants: *εἰ δὲ ἀξίαν ἢ ζώνην ἢ στρατείαν ἔχοιεν, γυμνωθήσονται τούτων* (if they hold/have title, office or service, they shall be deprived of it). The translation of the terms used in this sentence varies: *ἀξία* may be interpreted as “title” or “function”, *ζώνη* as “title/function” but also as military service⁶⁴, *στρατεία* as “military service” as well as “any state service”. In any case, these terms denote the state dependent groups of dignitaries of any rank and those who provided their services either in the military or in the political and civil sector. The last group is the private persons, *ιδιωταί*. In Byzantium the term *idiōtes* is conceived in a twofold manner: it may signify the person who leads a private life away from public affairs, but also (in the Novels of Justinian I and later) the person

⁶⁰ G. OSTROGORSKIJ, *Quelques problèmes d’histoire de la paysannerie byzantine*, CBHB, Subsidia II, Bruxelles 1956, 36.

⁶¹ Also SIMON, *Zivilprozess*, 239: “die Unbekannten, ...die ohne festen Wohnsitz sind”.

⁶² *Concilium Lateranense a. 649 Celebratum*, ed. R. RIEDINGER, Acta Conciliorum Oecumenicorum Series Secunda vol. I., Berolini 1984, 210.6-15. I sincerely thank the senior researcher of the IBR/NHRF, Dr. Maria Leontsini, for bringing this important text to my knowledge.

⁶³ C. RAPP, City and Citizenship as Christian Concepts of Community in Late Antiquity, in: *The City in the Classical and Post-Classical World. Changing Contexts of Power and Identity*, ed. C. RAPP – H. DRAKE, Cambridge 2014, 163-164 (hereafter *The city*).

⁶⁴ As indicated by Procopius regarding simple soldiers, see *Historia quae dicitur Arcana. Procopii Caesariensis Opera Omnia*, ed. J. HAURY – G. WIRTH, v. 3, Leipzig 1963, 146.3-6 (hereafter *Procopius, Hist. arc.*).

who serves in the political sector of the administration⁶⁵. Here the first is meant; the *ιδιωται* are therefore distinguished into *ἐπίσημοι* (notables) and *ἀφανεῖς* (unknown). We understand that the *episemoi* are persons with assets; their wealth is confiscated in case they are found heretics. The *aphaneis*, as explained above, are the exact opposite. They are not marked for their wealth because they have no assets in the form of movable or immovable possessions, therefore they remain “unknown”; if they are found heretics, they simply have to suffer corporal punishment and exile.

The testimonies examined so far suggest that a change occurred in the social perception of the Byzantines, which became clearer between the 6th and the 7th c. and is expressed in the abrogation of the limits among different groups of the byzantine society. This change is manifest mostly in the upper social strata that are no longer divided among the earlier *ordines* of *comites*, *decuriones*, *honorati*, etc. By the time of Justinian I, but more clearly in the 7th c., the real social section is found there, where a subject of the empire entered public service, or, to put it clearly, entered the state payroll or became eligible for some privilege in return for the provided service. This division is not new, it is of Roman provenance, but it is all that is maintained in middle Byzantium⁶⁶. State service is conceived as a condition to which a set of privileges is attached; the removal of *militia/strateia* causes the political, economic and ultimately the social debasement of the individual who serves. Of major significance is an important observation, that “nobility”, *εὐγένεια*, and poverty, *πενία*, are of no consequence for the distinctions that the state acknowledged. Poor people with moderate or small fortunes would be counted with the *ιδιωται*, not with the *ἀφανεῖς*. This simplified classification does not mean that separate social groups were reduced to nothingness. On the contrary, I suggest that byzantine “social” perception expanded to include everybody, notwithstanding wealth, position, nobility; persons of noble birth or not, rich or poor, large or medium landowners, dependent farmers or professionals without any land at all might be included in either category. The leveling of social distinctions among different social groups in the 6th-7th c. led to a

⁶⁵ See characteristically on the status of the civil governor of Lycaonia, *CIC* III, 197.8-10; Cf. *Michele Psello, Imperatori di Bisanzio (Cronografia)*, ed. D. DEL CORNO – S. IMPELLIZZERI – U. CRISCUOLO – S. RONCHEY, Milano 1984, v. 2, 212 ch. 29.1-2 (hereafter *Psellus, Chronographia*).

⁶⁶ RILINGER, *Humiliores-honestiores*, 59; for the *strateia* and its fiscal privileges in middle Byzantium see N. OIKONOMIDÈS, *Fiscalité et exemption fiscale à Byzance (IXe-XIe s.)*, EIE/IBE Μονογραφίες 2, Athènes 1996, 37-40.

restructuring of separate groups' role in, and self-projection to, society. However, the most important consequence of this development is in my appreciation the claim the state laid to the lower social strata, the protection of which was usurped from the aristocracy; this becomes amply clear in the prooimion of the *Ecloga*.

In this text the legislator brings two socially opposite groups into contrast in the same context, the *πένητες* (the poor) and the *δυνάσται* (the dynasts)⁶⁷. What follows is to a point word by word copy from St. Basil, who had used the substantive participles *πλεονεκτοῦντες* (the avaricious), *ὑπερέχοντες* (the superior) and *ἀδικούμενον* (the injured). St. Basil was proclaiming that the superior should not be deprived more than the amount of damage they had inflicted on the aggrieved (*ἐπανισοῦν αὐτοὺς ἴστασθαι καὶ τοσοῦτον ἀφαιρεῖν τοῦ ὑπερέχοντος ὅσον ἐλαττούμενον εὐρωσι τηνικαῦτα τὸν ἀδικούμενον*)⁶⁸. This formulation is in accordance with the late Roman idea of justice, which accommodated the existence of wealth, often immense, in a Christian context. In fact, it was St. Basil who exposed the desire for more possessions of the rich and elaborated on avarice; but, so long as the wealthy abstain from obtaining more riches, assets and means, provided that they care for the situation of their people and channel their financial aid to the poor –no more to society in general–, wealth is exonerated. In this idea the existence of wealth and the wealthy, and the continuation of social inequality were unexpectedly justified⁶⁹. However, the author of *Ecloga* was not absolutely pleased with St. Basil's notion of justice, he therefore framed it in a background of marked conflict of the socially powerful –the dynasts– with the socially weak –the poor: “*neither despise of the poor, nor allow the dynast to act unrestrained*” (μήτε πένητος καταφρονεῖν μήτε δυνάστην ἔαν ἀνεξέλεγκτον). The legislator expands the principle of justice by interweaving with it the idea that administering justice is not compatible with discrimination which derives from, or is founded on, money, partiality, enmity or fear of dynasty (ἢ χρήμασι διεφθαρμένοι ἢ φιλία χαριζόμενοι ἢ ἔχθραν ἀμυνόμενοι ἢ δυναστείαν δυσωπούμενοι). This suggestion is specifically directed to the judges, who in case they have committed such a mistake are unqualified to confer judgment (κρίμα

⁶⁷ *Ecloga. Das Gesetzbuch Leons III. Und Konstantinos' V.*, ed. L. BURGMANN, FbRG 10, Frankfurt 1983, 164.52-63 (hereafter *Ecloga*).

⁶⁸ PG 31, 405A-B (in his homilia *Εἰς τὴν ἀρχὴν τῶν παροιμιῶν* – in principium proverbiorum).

⁶⁹ S. HOLMAN, *The hungry are dying. Beggars and Bishops in Roman Cappadocia*, Oxford 2001, 104-109 (hereafter HOLMAN, *The hungry*); KRUMPHOLZ, *Aspekte*, 20-21.

κατευθύνειν οὐ δύνανται).

Ecloga, however, is not all that innovating. In spite of the fact that it is distanced from the Roman legislation with respect to dispensing justice as a fundamental principle of equity of the people before the law and not as a task that simply burdens the administration of the empire⁷⁰, the stipulation on witnesses is only a summary of Justinian's *Novel 90*. But a few years later in the same century, the related Novel of the empress Irene makes no reference to the category of the "unknown", the *ἀφανεῖς*⁷¹. With this development Byzantium leaves its Roman social past behind. The disappearance of the last social category from the legislation of the period represents the last step towards a uniform comprehension of society, one that makes the lower social strata a clear target of imperial protection against those who constantly expanded their own financial, political and social power. In some respect, this development reflects Byzantium's recognition of the weaker groups' subsistence

⁷⁰ The institution of state salary for employees of justice is of capital importance for the development of the judicial system, because Roman practice favored phenomena of bribery and therefore nourished class distinctions. TROIANOS believes specifically that the tendency to suppress class distinctions is particularly evident in the criminal law of the *Ecloga*, and SIMON concludes that the *Ecloga* institutes "eine ausführliche richterliche Standeseethik". See SP. TROIANOS, *Οι πηγές του Βυζαντινού Δικαίου*, Athens-Komotene 2011, 162-168 (hereafter TROIANOS, *Πηγές*); IDEM, *Οι ποινές*, 37; *Ecloga*, 9-10; D. SIMON, *Gesetzgebung als Weltordnung und Rechtsordnung. Die Auffassungen der byzantinischen Kaiser von Justinian I. bis zu Leon VI vom Zweck der Gesetze*, *EKEIEA* 31, 1995, 35-39 (hereafter SIMON, *Gesetzgebung*). See, however, PATLAGEAN, *Pauvreté*, 16-17: "la législation isaurienne affirme la correspondance entre la condition sociale et le statut juridique"; in her opinion the penalties of criminal law are calculated on a purely economic scale. HALDON, *Byzantium*, 276-280, speaks of "the breakdown of the traditional legalistic framework of the Roman state in the seventh century", in which status and wealth defined justice.

⁷¹ *Ecloga*, 14.1; L. BURGMANN, *Die Novellen der Kaiserin Eirene*, *FM* 4, 1981, 20.54-58: *...μαρτύρων αξιοπίστων, ιερέων, ἀρχόντων, στρατευομένων, πολιτευομένων, εὐπορίαν ἢ ἐπιτήδευμα ἔχόντων εὐσεβῶς δηλονότι καὶ ἐν εὐλαβείᾳ βιούντων...* It is a good question which sources did the legislator use here for the composition of the social spectrum included in the law of Irene, since the term *πολιτευόμενοι* refers to the city *decuriones*, who are mentioned in earlier laws of the 5th c. included in the *Digesta* (i.e. in 22.5.3). It is highly questionable, but not totally dismissible, that the city *curiae* or more probably some similar political corps with or without a constitutional role still existed in the cities in the late 8th c. See commentary of the stipulation of Irene in: A. KAZHDAN – M. MCCORMICK, *The Social World of the Byzantine Court*, in: *Byzantine Court Culture*, 170 (hereafter KAZHDAN-MCCORMICK, *Byzantine court*); KAZHDAN-RONCHEY, *Aristocrazia*, 67; HALDON, *Senatorial elite*, 228; PATLAGEAN, *Pauvreté*, 17.

right outside the social influence circles of the group that is called “the powerful” –in reality, as *Ecloga* indicates, it appears to be directly targeting at the patronage and clientele social organization of Roman times.

III. The “powerful” and the dynasts

It has already been pointed out that the difference between the Roman and the Byzantine perception of social distinctions is manifest in the terminology of the legislation. There is one more, actually major, distinction that needs to be elucidated, and that is the one that concerns the *δυνατοί* (the powerful) and the *δυνάσται* (the dynasts). The use of these terms reproduces conceptions of power and its exercise; it therefore concerns the awareness individuals had of their own role, as well as the perception of that role by other individuals or by the state. To make it clear from the beginning, the Greek language until the 10th c. attributed no specific social meaning to the term *δυνατός*. Its use in the Novels of Justinian is influenced by the Roman legislation, because *δυνατός* is the direct translation of *potens*. The *potentes*, *potentiores* or *potentissimi* are a dominant group in Roman legislation; their characteristic is not primarily one of social status, since they may well come from different classes of the Roman society, but the exercise of power –which can be delegated by the emperor–, or more accurately, of abuse and violence (*vis*), against the socially inferior (*inferiores*, *humiliores*)⁷². St. Basil the Great targets at their avarice and their rapacity, but the term in general is not frequent in the byzantine narrative sources, which use the term *δυνάστης* instead of *potens*.

The Novels of Justinian I follow the Roman legal tradition and sketch a complete profile of the *dynatoi*: they are distinctly differentiated from the *archons*, who represent state authority in the provinces; when their activity is centered in cities,

⁷² J. SCHLUMBERGER, *Potentes and Potentia in the Social Thought of Late Antiquity*, in: *Tradition and Innovation in Late Antiquity*, ed. F. CLOVER – R. HUMFREYS, Wisconsin 1989, 90-104; KAZHDAN-RONCHEY, *Aristocrazia*, 64, 68 (the author disagreed with that view); in a different spirit see PATLAGEAN, *Ελληνικός μεσαίωνας*, 254-255, and more schematically DAGRON, *Γέννηση*, 194, 208, 218. Also see M. REASONER, *The Strong and the Weak. Romans 14.1-15.13 in Context*, Society for New Testament Studies, Monograph Series 103, Cambridge 1999, 45-63. The *potentes* appear in the sources already under the Roman republic. According to Schlumberger, “*potentia*”, apart from *potentia Caesaris* or *summa potentia*, almost always carries “the stigma of abuse attached to it”. It becomes part of the Roman aristocratic ideal when the actual power that comes from the possession of riches is meant, but generally the *potentes* are not an “easily delineated social group”.

it is placed under the jurisdiction of the *ἔκδικοι* (*defensores*)⁷³. However, it was not the civic aspect that worried the government, but their activities in the provinces and indeed in those provinces in which civic civilization was not embedded in antiquity, such as Paphlagonia, Lycaonia, Cappadocia and others⁷⁴. The *δυνατοί* in Justinian's legislation are often very rich; their wealth allows them to maintain retinues of armed men (δορυφόροι, πλῆθος ἀνθρώπων οὐ φορητόν –bodyguards, a mob of awful people)⁷⁵ and to buy the silence of state authorities (τοῦ στόματος αὐτοῖς ἐμφοραπτομένου χρυσίῳ –their mouth is choked up with gold), that turned a blind eye to the appropriation of state and imperial properties⁷⁶. Quite often their activity is no different than that of bandits as they performed regular attacks on villages, to the detriment of peasant cultivators. The province of Lycaonia, after the official perception, “*belonged to powerful men*” (ἀνδρῶν γὰρ ἐστὶν ἰσχυρῶν); they were able “*riders and archers*”, disregarding the civil and military authorities, a phenomenon that the emperor attributed to the loose reinforcement of the rules, which made the law “*not equally menacing to the most insolent*” (φοβερὸν οὐχ ὁμοίως τοῖς θρασυτέροις)⁷⁷.

We owe this detailed profile of the powerful and their ways of operation in the 6th c. to the Novels of Justinian. The profile of the dynasts, on the other hand, is not that clear⁷⁸. The terms *δυνάστης* and *δυναστεία* are particularly frequent in the Scriptures; in Greek they carry with them specific connotations which, unlike the Latin term *potentes*, are of political and social content and include conceptions about

⁷³ *CIC* III, no 15, 111.36-39: ...ἀλλὰ καὶ πράττειν, ἅπερ ἂν τις βουληθείη, καὶ ἐκδιδόναι, κὰν εἰ τὸ πρατόμενον ἄπαιτο τοῦ τῆς ἐπαρχίας ἀρχοντος ἢ τινος τῶν δυνατῶν μηδὲ τοῦτο κωλύειν. Also very specific is the distinction between archons and *dynatoi* in the edict on Phoenice Libanensis, see edict no 4, 762.29-31.

⁷⁴ *CIC* III, no 25 (Lycaonia), 29 (Paphlagonia), 30 (Cappadocia). In the case of Arabia, *Novel 102*, 493.39 mentions the *οἴκοι δυνατοί*. Scattered references of the powerful are found in many novels of Justinian I.

⁷⁵ *CIC* III, no 30, 228.9-13.

⁷⁶ *CIC* III, no 30. 228.19-25.

⁷⁷ *CIC* III, no 25, 196.42-197.13.

⁷⁸ Generally on dynasts see M. ANGOLD, Archons and Dynasts: Local Aristocracies and the cities of the Later Byzantine Empire, in: *The byzantine aristocracy, IX to XIII Centuries*, ed. M. ANGOLD, BAR Int. Ser. 221, Oxford 1984, 236-253 (hereafter *The byzantine aristocracy*).

authority and power⁷⁹. Thus, a dynast in Greek notion is almost without exception one whose authority is officially recognized either by the state or by his own people or subjects, therefore a dynast can even be a king –in this respect it is important that the kings of the Hellenistic period are quite often dynasts⁸⁰, and their authority is perceived as absolute and sometimes oppressive. In this context a dynast may very well be someone with a state function or title, or simply a rich person who possesses the means to implement his goals. The sources contrast the dynasts with the poor (πένητες, πτωχοί), by charging the first with avarice and exercise of violence against the latter⁸¹. Thus the *δυνάσται* of the Greek sources are distinguished for their wide social influence and for their social and political status, but their power is often oppressive and injurious to the socially weak. In the Life of St. Symeon the Salos we find: “*patrons, whom you need against the dynasts, are good*” (καλοὶ οἱ προστάται, οὓς ἔχετε ἐν ἀνάγκῃ πρὸς τοὺς δυνάστας)⁸²; and in the Life of Philaretos, the neighbors who appropriated the saint’s land are recognized as dynasts, but also Philaretos himself is a dynast for the people of the king, because his residence gives the impression that he is a man of considerable means⁸³.

The use of these terms by the writers of Byzantium is a matter of perception. Dynasts are incriminated when they operate outside the frame of the law. “*A man who possesses dynasty but is not without means is unjustified when sinning by doing*

⁷⁹ *Hesychii Alexandrini Lexicon*, ed. K. LATTE, vol. I, Copenhagen 1953, 482.89: *δυναστεία· δύναμις; Suidae Lexicon*, ed. E. BEKKER, Berlin 1854, 321: *δυναστεῖω· τὸ ἄρχω* (hereafter *Suda*).

⁸⁰ *Hesychii Alexandrini Lexicon*, ed. K. LATTE, vol. II, Copenhagen 1966, 634.20: *Μαύσωλος· ὄνομα δυνάστων*.

⁸¹ H. DELEHAYE, *Les saints stylites*, Brussels, 1923, 165.10-12, 166.20-21 (Life of St. Alypius) 210.37-211.2 (Life of St. Luke the Stylite).

⁸² A.-J. FESTUGIÈRE - L. RYDÉN (eds), *Léontios de Néapolis, Vie de Syméon le Fou et Vie de Jean de Chypre*, Bibliothèque archéologique et historique 95, Paris 1974, 61.12-14: *καλοὶ οἱ προστάται, οὓς ἔχετε ἐν ἀνάγκῃ πρὸς τοὺς δυνάστας, ἀλλ’ οὐκ εἰσὶν οὕτως, ὡς τὸ ἔχειν τοὺς ἀγίους ἀγγέλους ὑπὲρ ἡμῶν ἰκετεύοντας*. The same text calls the emperor *δεσπότης*.

⁸³ L. RYDÉN, *The Life of St. Philaretos the Merciful written by his grandson Niketas. A Critical Edition with Introduction, Notes, and Commentary*, Uppsala 2002, 62.50-51, 84.394 (hereafter *Life of St. Philaretos*).

injustice”, wrote the patriarch Photios⁸⁴. In the same direction the *Eisagoge aucta*, a legislative compilation dated to between the 10th and the 11th c., contains a stipulation that possession of dynasty does not adjudicate evasion of legal consequences, which can be lifted only by imperial decree⁸⁵. The 10th c. legislation is indeed innovative with respect to exercise of dynasty, because it acknowledges that it can be exerted by those who are not dynasts by themselves, but are simply friends of dynasts and have the right “*to speak freely*” to them (κἂν μὴ δι’ ἑαυτῶν, ἀλλ’ οὖν διὰ τῆς ἐτέρων δυναστείας πρὸς οὓς πεπαρρησιασμένως ᾠκεῖονται)⁸⁶. Finally, the emperor Basil II put down in this Novel of 996 that dynasty is bequeathed from generation to generation (τὴν δυναστείαν διαδεχομένων); this means that the state acknowledged that dynasty is basically a family affair⁸⁷.

It is rather difficult to distinguish in the sources the power of individuals or families that existed independently of the emperor. For Byzantium we maintain the impression mostly of a centralized state, in which all developments evolved around the court and the emperor, with his tolerance at least, if not at his will and not with his own involvement. And it was really such a state; the competition for the possession of titles, offices and the corresponding remunerations has been well described in modern research⁸⁸. But I need to draw attention to some details relating clearly how this type

⁸⁴ Photius, *Epistulae et Amphilochia*, ed. B. LAOURDAS – L.G. WESTERINK, Leipzig 1983, vol. 1, no 1.779-780: ἀνήρ δὲ δυναστείαν ἔχων καὶ ἀπορίαν οὐκ ἔχων ἀναπολόγητον ἔχει τὴν ἀπὸ τοῦ ἀδικεῖν ἁμαρτίαν (hereafter Photius, *Epistulae*).

⁸⁵ *Epanagoge aucta*, ed. C. E. ZACHARIAE VON LINGENTHAL, *Jus Graecoromanum* vol. VI, Athens 1931, repr. Darmstadt 1962, 5.21, 66: Τὸν ἀδικοῦντα οὐ προνόμιον, οὐ τύπος, οὐ δυναστεία τῆς τοῦ ἄρχοντος ἐξαιρεῖται χειρός, εἰ μὴ θεῖος πραγματικὸς τύπος.

⁸⁶ N. SVORONOS, *Les nouvelles des empereurs Macédoniennes concernant la terre et les stratiotes*, ed. posthume P. GOUNARIDIS, Athènes 1994, no 2.I.83-84 (hereafter SVORONOS, *Novelles*). Also see below. On the *parrhesia*, the right to speak freely to a superior (a privilege that concerns par excellence the right to speak to the emperor), see C. RAPP, Ritual brotherhood in Byzantium, *Traditio* 52, 1997, 307 (hereafter RAPP, *Ritual brotherhood*); L. NEVILLE, *Authority in Byzantine Provincial Society*, 950-1100, Cambridge 2004, 85-86 (hereafter NEVILLE, *Authority*).

⁸⁷ SVORONOS, *Novelles*, 14.I.30-31: ...τῶν αὐτοῦ διαδόχων μετὰ τῆς περιουσίας καὶ τὴν δυναστείαν διαδεχομένων... Cf. *ibid.*, 14.II.22-23: ...τὴν δυναστείαν αὐτοῦ καὶ εὐημερίαν εἰς τοὺς διαδόχους αὐτοῦ παραπέμψει...

⁸⁸ HALDON, *Social élites*, 168-211, 178-179, 182, 186, 193-194; P. FRANKOPAN, Land and power in the middle and later period, in: *Social history*, 116-119, 126-127, 128-129 (hereafter FRANKOPAN, *Land and power*); J.-CL. CHEYNET, L’aristocratie byzantine (VIIIe-XIIIe s.), *Journal des Savants*, 2000, 303-

of authority was exercised by the *δυνάσται* of Byzantium. Philaretos' family apparently had no connections with Constantinople –at least this is what his *Life's* author would have us believe, and here I accept this convention for the sake of argument⁸⁹. The peasants in his village, and also others, e.g. the soldier Mousoulis⁹⁰, run to him with their problems, and he was always willing to help with whatever was needed⁹¹. When the people of the emperor took the decision to stay at his house, the villagers again appeared with gifts that allowed Philaretos to extend a splendid hospitality to them⁹². This is, perhaps, the good side of dynasty; the text only reveals before us some aspects of the real social influence of people with means on the practical level of daily life. Many more details are included in the *Strategikon* of Kekaumenos, a text in which the author never uses the terms *δυνάστης-δυναστεία* to denote the authority of the powerful. On the contrary, the term is employed to describe the person who pursues those activities that the Novels of the 10th c. denounce: it is so, for example, in the case of Noah, “*who happened to be a dynast in Demetrias*” and appropriated the land of the locals⁹³.

Still, for Kekaumenos, autonomous authority of local archons in the provinces is non-negotiable and independent; the emperor, who is pushed in the background of the narrative, is but a distant figure even when his authority is advocated in the provinces by his officers⁹⁴. But in this case, the archons are not characterized as

308 (hereafter CHEYNET, *Aristocratie*); MAGDALINO, *Court society*, 215, 216-217, 225-226, 227-228; KAZHDAN-MCCORMICK, *Byzantine court, 187-189*; F. WINKELMANN, *Quellenstudien zur herrschenden Klasse von Byzanz im 8. und 9. Jahrhundert*, BBA 54, Berlin 1987, 25-31; OIKONOMIDES, as above n. 16, 199-210.

⁸⁹ See *Life of St. Philaretos*, 26-28 for discussion.

⁹⁰ *Life of St. Philaretos*, 72.223-74.247.

⁹¹ Philaretos' philanthropy is already mentioned in the beginning of the text, to prejudice numerous episodes that follow. See *Life of St. Philaretos*, 62.26-33; C. LUDWIG, *Sonderformen byzantinischer Hagiographie und ihr literarisches Vorbild. Untersuchungen zu den Viten des Äsop, des Philaretos, des Symeon Salos und des Andreas Salos*, BBS 3, Frankfurt a. M. 1995, 89 f. (hereafter LUDWIG, *Sonderformen*); KAPLAN, *Les hommes et la terre*, 363-364.

⁹² *Life of St. Philaretos*, 84.411-415.

⁹³ M. SPADARO, *Raccomandazioni e consigli di un galantuomo*, Alessandria (Italia), 1998, ch. 2, 84.25-26 (Hereafter SPADARO, *Raccomandazioni*).

⁹⁴ See P. MAGDALINO, Honour among the Romaioli: the framework of social values in the world of Digenes Akrites and Kekaumenos, *BMGS* 13, 1989, 190-192, 216-217 (hereafter MAGDALINO, *Honour*).

dynasts. They are those to whom “*the people of the country obey*”⁹⁵, even if they “*stay at home*”, with no official relation to the central authorities (εἰ καὶ ἐν οἰκίᾳ ἰδιάζεις, ὑποτάσσεται δέ σοι ὁ λαὸς τῆς χώρας)⁹⁶, meaning that they hold no title or office⁹⁷. Social influence is manifest in the fact that the people of the country invoke the authority of a local archon in their dealings with officers of the civil or military administration. These may relate to any affair, but in particular they concern the assessment of taxes. They claim to the local archon that “*you are our master*” (ἡμεῖς σὲ ἔχομεν αὐθέντην)⁹⁸. But in the text of Kekaumenos, the most important aspect of that influence is their intervention ability in cases of dispute among peasants; their authority to pass judgment is accepted and recognized. A local archon may intimidate somebody (ἐκφοβῶν), provide advice (νουθέτει), impose fines (διὰ ζημίας) or even corporal punishments (διὰ δαρμοῦ) and humiliate (μετὰ ὕβρεως καὶ ὄνειδισμοῦ) the disobedient⁹⁹. Still, Kekaumenos advises that one must be very careful when settling disputes in his region, because he might in the process alienate the *friends* (φίλους), *comrades* (συντρόφους) and *like-minded* (ὁμόφρονας) of those that he finds on the wrong side, his decisions might therefore turn against him and this might cause him the loss of his recognition, reputation, and in the end, his power or even his life¹⁰⁰. In

⁹⁵ It is not clear in the text whether these people were dependent or independent farmers of the region. The fact that it is not specified indicates that those who sought the protection of local people with influence might have belonged to either category.

⁹⁶ SPADARO, *Raccomandazioni*, ch. 3, 133.1-2.

⁹⁷ KAZHDAN-RONCHEY, *Aristocrazia*, 133.

⁹⁸ SPADARO, *Raccomandazioni*, ch. 3, 98.1. It is quite characteristic that it is specifically mentioned in the previous section (3, 97), that there is a “supreme captain in the region” (ὕπερέχουσα κεφαλὴ εἰς τὸν τόπον), towards whom Kekaumenos advises caution.

⁹⁹ SPADARO, *Raccomandazioni*, ch. 3, 134.1-3, 15-19: *χρὴ οὖν εἶναι σε δίκαιον εἰς ἄκρον καὶ ἀληθῆ, πλὴν τοὺς ἀμαρτάνοντας τοιοῦτω τρόπῳ κόλαζε· τοὺς μὲν σὺ κόλαζε καὶ τιμῶρει... τοὺς δὲ λοιποὺς λόγοις ἀμυντηρίοις ἐκφοβῶν διορθοῦ, ἄλλους δὲ μετὰ καλοηθείας καὶ ἡμερότητος νουθέτει ὡς πατὴρ παῖδας ἰδίου, καὶ οὕτως καὶ τὴν ἀδικίαν δυνήσῃ ἀναστεῖλαι καὶ σεαυτὸν ἀνώτερον διατηρῆσαι πάσης ἐπιβουλῆς Θεοῦ χάριτι. Also Ibid., ch. 3, 137.11-15: ...ἔπελθε αὐτοῖς σοφῶς καὶ μετὰ τρόπου σωφρόνισον αὐτούς, οὓς μὲν διὰ ζημίας οὓς δὲ διὰ δαρμοῦ, ἄλλους δὲ μετὰ ὕβρεως καὶ ὄνειδισμοῦ, τοὺς δὲ λοιποὺς μετὰ τρόπου χρηστοῦ, ἐπεὶ ἀδύνατόν σοί ἐστι πρὸς κέντρα λακτίζειν.*

¹⁰⁰ SPADARO, *Raccomandazioni*, ch. 3, 133.5-11: *δίκαιος γὰρ ὢν, ἄδικον ἢ αἰσχρὸν οὐ φέρεις βλέπειν πραττόμενον, νυσσομένοις δὲ ὑπὸ τῆς ἀγαθῆς ταύτης ἀρετῆς, ὀργίζῃ μετὰ δικαίου θυμοῦ καὶ ἀμύνη ἀζίως τοὺς ἀμαρτάνοντας. ποιήσας δὲ τοῦτο εἰς πάντας τοὺς ἀμαρτήσαντας ἤχθρανας αὐτούς καὶ τοὺς ὁμόφρονας αὐτῶν καὶ μελετήσαντες κατὰ σοῦ ἐπανάστησάν σοι.*

this context a local dispute might in fact be settled without the intervention of central administration officers. The texts of Philaretos and Kekaumenos suggest that the dynasty of local archons is a reciprocal relation of the dynast with his “subjects”, a de facto exercise of authority which is accepted by the people and entails mutual concessions and obligations. A dynast might in fact be alienated from his power base; there is no dynast without his people.

Imperial service enhances dynastic authority on a local level and opens the way to its expansion empire-wide. Bardas Skleros is a well-known archon marked in the sources for his dynasty¹⁰¹. A long digression interpolated in the Novel of the emperor Basil II of 996 and dated most probably to the end of the 11th c. reveals how the civil wars under that emperor were explained by the Byzantines themselves a century later. According to the text, the Phocas family “*possessed dynasty without interruption for generations*” (ἀδιάδοχον... εἶχον τὴν δυναστείαν)¹⁰². But a letter of that same emperor, written probably in late summer or early autumn 987 and preserved by Michael Psellos in the end of his *Chronography* is astonishingly revealing in that respect. Its content relates not only to the enhancement of influence that comes with service, but also to its management by the imperial circles, to the expectations attached to it and to the imperial assertion of absolute power and supremacy facing dynastic sway and status. The epistle was addressed to Bardas Phokas immediately after news of his revolution had reached Constantinople, and probably holds some of the personal style of the emperor Basil II; it appeals to emotion, yet it is authoritative, aggressive and arrogant¹⁰³.

The first part of the epistle is summarized by Psellos himself, who qualified the privileges granted to Phokas after his return from exile as “*satrapical benefactions*” (σατραπικὰς ὡς εἶπεῖν εὐεργεσίας), and suggested that the emperor had

¹⁰¹ Psellos, *Chronographia* I, 14.4-5; on Bardas Skleros see generally W. SEIBT, *Die Skleroi. Eine prosopographisch-sigillographische Studie*, Byzantina Vindobonensia 9, Wien 1976, 29-58.

¹⁰² SVORONOS, *Novelles*, 14.II.38-45. The Maleinoi are also mentioned with the Phocas.

¹⁰³ The epistle is contained in Psellos, *Chronographia* II, 384-390. See D. REINSCH, Theophylaktos Simokattes in der Kanzlei Kaiser Basileios II. Zur γραφή τοῦ βασιλέως πρὸς τὸν Φωκᾶν am Ende der *Chronographia* des Michael Psellos, *JÖB* 58, 2008, 147-152. The authenticity of the epistle has been questioned, but REINSCH believes that it is authentic and contains the style of Basil II and his secretariat.

awarded to him a fortune befitting his office¹⁰⁴. Then his narrative turns to direct speech as it copies the epistle: the emperor points out to Bardas Phokas that he had been “*friend and ears and eyes of the king*”, as he was placed in the hierarchy (τάξι) higher than anybody else¹⁰⁵. These, said Basil, resulted in the expansion of his dynasty: “*from these you became celebrated and your dynasty enlarged*” (ἐξ ὧν σὺ καὶ ἤκουες τοσοῦτον καὶ ἡ δυναστεία ἠϋξήτα). But the emperor vigorously underlines his own part: “*who is now he, who dismisses and appoints men to the supreme offices?*” (Τίς δὲ ὁ παύων νῦν καὶ καθιστῶν τὰς μεγίστας ἀρχάς;)¹⁰⁶. The emperor also reminds Phokas that he had been generous to his father, his brother and other relatives for his sake (σὴν χάριν, σοῦ δὲ ἔνεκα πάντων ἀνεχόμενος)¹⁰⁷, and that a number of people also benefitted from his rise to power, as they were appointed to military and civil posts, even though they were “*not distinguished for their ancestors*” (ἐξ ἀπορίας προγονικῆς); from their position they were able to come to the acquisition of immense wealth, also by “*committing injustices, secretly and openly*” (ἀδικούντων λάθρα τε καὶ προδήλως). Basil II noted that he kept silent and that none of them was charged, in the hope that Phokas’ alliance would effect the pacification of the unrest¹⁰⁸. Cheynet has noted that it is very difficult to estimate the number of Phokas’ relatives and supporters who entered or re-entered imperial service in 978, but it is clear that it caused the war against Skleros to finally take a turn in favor of the emperor¹⁰⁹. The emperor’s allegation about the ancestral obscurity of his relatives

¹⁰⁴ Psellos, *Chronographia* II, 386.5-13. Phocas had been tonsured, a fact that is conveniently not mentioned in the epistle and is indicative of the distrust of the government to Phokas. The properties of Bardas Phokas and his father Leon were probably confiscated in 970/1; Bardas’ reinstatement in 978 probably meant that their wealth was returned to them, and maybe to some extent increased, as Psellos suggests here.

¹⁰⁵ Psellos, *Chronographia* II, 386.13-15.

¹⁰⁶ Psellos, *Chronographia* II, 386.18-19.

¹⁰⁷ Leon revolted against John Tzimiskes in 970/971 and was blinded along with his other son, Bardas’ brother, the patrikios Nikephoros. See J.-Cl. CHEYNET, Les Phocas, in: IDEM, *La société byzantine. L’apport des sceaux*, v. 2: *Recherches prosopographiques*, Bilans de recherche 3, Paris 2008, 484-485, 488-489 (hereafter CHEYNET, *Les Phocas*).

¹⁰⁸ Psellos, *Chronographia* II, 386.20-388.33.

¹⁰⁹ The time frame suggested is confined between the years 978 and 987. At that time we find Leon Melissenos and Diogenes Adralestos, relatives of Bardas Phokas, having high commands in the army. Concerning the supporters of Phokas, it is interesting to compare the list of Skleros’ supporting and

may seem an exaggeration, and might even have sounded offensive to Phokas. But the epistle emphasizes on their previous absence of status and ties with the central administration (ἐξ ἰδιωτικῆς ταπεινότητος –from the humility of private life), and on their sudden elevation to higher authority (εἰς ὕψος ἀξιωμαίων –to the heights of offices). It is quite plausible that here not only relatives who belonged to noble lineages are meant, but also others from the wider social influence circles of the Phokas family. The last part of the epistle rather emphatically reveals that it was expected of Phokas to use those people for supporting the imperial claims to power. Here we should understand that not only those who held military command are meant, but also those who would be in a position to diffuse imperial power in the provinces from an administrative post. These people turning against him was certainly not part of Basil's plans.

The case of Bardas Phokas demonstrates the reciprocity in the relations of the government with the dynasts of the East; much as they were feared, they were also exploited for specific purposes and this was to the full knowledge of both¹¹⁰. Service undoubtedly multiplied the exercise of real social influence, but it would be oversimplifying to sustain that dynastic influence depended solely on, or grew exclusively from, service and income from the rewards of the imperial treasury¹¹¹. Authority on a local level is not advocated just by the representatives of the king;

opposition members in 976-978 and 987, see CHEYNET, *Pouvoir*, 27-29, 31-32, 330; IDEM, *Les Phocas*, 494, 495.

¹¹⁰ Note how Digenis Akritis refuses to receive anything from the emperor, but still places himself at his disposal and promises to fight the enemy: “*I, quite worthless as I am, grant to your Highness that the tribute you once paid to Ikonion will, against their will, come to you in equivalent amounts, and I shall free you from this care, emperor*”. The emperor, contented with Digenis' attitude, bestows to him the title of *patrikos* and grants him an estate and many valuable items. See *Digenis Akritis. The Grottaferrata and Escorial Versions*, ed. E. JEFFREYS, Cambridge Medieval Classics 7, Cambridge 1998, 128.1028-1053 (hereafter *Digenis Akritis*).

¹¹¹ See for example C. HOLMES, Political Elites in the Reign of Basil II, in: *Byzantium in the Year 1000*, ed. P. MAGDALINO, The Medieval Mediterranean. Peoples, Economies and Cultures, 400-1500, 45, Leiden-Boston 2003, 35-69, here 37, 46-50; HALDON, *Social élites*, 186; FRANCO PAN, *Land and power*, 126, 129; J. HALDON, Social transformation in the 6th-9th C. East, in: *Social and Political Life in Late antiquity*, ed. W. BOWDEN, A. CUTLERIDGE, C. MACHADO, Late Antique Archaeology 3.1, Leiden-Boston 2006, 603-647, 629-631 (hereafter *LAA* 3.1); J.-CL. CHEYNET ET AL., *Ο βυζαντινός κόσμος*, v. 2: *Η Βυζαντινή αυτοκρατορία (641-1204)*, trans. A. KARASTATHE, Athens 2011, 300-303 (hereafter CHEYNET, *Βυζαντινός κόσμος*).

exercising authority on a local level is a de facto privilege of those who, in a medieval context, stand out in the place where they live for any reason, be it their wealth, their descent, their valor against the enemy, their philanthropy¹¹². The people of the country recognize in them their protector from raiding enemies, their mediator with the central authorities, those who will help in their hour of need, as Philaretos was doing with the peasants of his village. This type of authority exists parallel to the imperial authority, it does not owe its subsistence to Constantinople, it is recognized and respected by the locals and depends on, and is nourished by, reciprocity among those partaking in it as its agents or as its supporters. The texts examined above suggest that also of importance was a delicate equilibrium of interests, pursuits and targets of its members; its maintenance was a difficult task and explains much of the fluidity of alliances observed in the 9th and especially in the 10th c. In its turn, this conclusion says a lot about the liberty of individuals to decide freely and in favor of their own interests who would they give their allegiance to and about its significance, but this is a subject that will not be discussed here¹¹³.

IV. The poor, the wealthy, and the noble

The testimonies clearly attribute to the dynasts the type of illegal exercise of authority that the Novels of the 10th c. on land ownership attack. The governments of the 10th c. consciously targeted at the expansion of social and political power resulting from the economic growth of leading figures in the provinces. The large mass of people of the lower social strata that the legislation of the 10th c. calls “the poor” (*πένητες*), is a group already promoted to the center of imperial propaganda in the 8th c. with the promission of *Ecloga*. In the 10th c. they were juxtaposed with “the

¹¹² CHEYNET, *Aristocratie*, 318, 320; IDEM, Le rôle de l’aristocratie locale dans l’état (Xe-XIIe siècle), *BF* 19, 1993, 105-112, with interesting remarks also on the dependence of local archons on state archons. Also see the analysis of KAPLAN, *Les hommes et la terre*, 364-365, on the case of Kekaumenos.

¹¹³ Generally on patronage-clientele relations see CHEYNET, *Βυζαντινός κόσμος*, 303-307; par excellence H.-G. BECK, *Byzantinische Gefolgschaftswesen*, Bayerische Akademie der Wissenschaften, Philologisch-Historische Klasse, Sitzungsberichte, 1965, 3-32 (: Idem, *Ideen und Realitäten*, no XI; hereafter Beck, *Gefolgschaftswesen*); also see KAPLAN, *Les hommes et la terre*, 365-367. The problem of private retinues in Byzantium is an aspect that partly overlaps that of relations between patron and client. None of them has been thoroughly investigated so far, therefore I am not convinced that studying these two issues together is the right research approach.

powerful”. But “the poor” remain, in spite of all the efforts, a group largely undefined; it was so in Byzantium as well. “The poor” are not that category of people towards whom philanthropy aims –they are not the “useless” (ἄχρηστοι), not the sick, not the aged, who are normally easily detectable in the sources, either because of the terminology used, or because of the description; rather, the poor are those who are able to survive on their own¹¹⁴. The general definition of the 2nd c. included in the *Digesta* reflects the total worth of assets below which somebody was considered “poor”; it is duly included in Greek in the *Basilica* without further specification¹¹⁵. The chapter in which this definition is comprised relates to those who are excluded from bringing a lawsuit to court¹¹⁶. Byzantine legislation did not introduce any improvement regarding this point. However, unlike what has been sustained so far, there is no explicit prohibition for “the poor” to testify at court before the 9th c. The exclusion from the judicial process of the most susceptible to intimidation and bribery is not found in the *Basilica*, but, rather surprisingly, in the *Eisagoge* of patriarch Photios. There it is stated that “*the poor do not testify*” (οἱ πένητες οὐ μαρτυροῦσιν)¹¹⁷. Title 12.1 and 12.2 of the *Eisagoge* summarize from the *Digesta* 22.5.2 and 22.5.3, as well as from Justinian’s *Novel 90*, analyzed above. The stipulations are repeated in the *Procheiros Nomos*, a compilation dated to 907 or

¹¹⁴ R. MORRIS, *The Powerful and the Poor in Tenth-Century Byzantium: Law and Reality, Past and Present* 73, 1976, 17-22 (hereafter MORRIS, *The powerful and the poor*); KAPLAN, *Les hommes et la terre*, 368-371; PATLAGEAN, *Ελληνικός μεσαίωνας*, 272; PATLAGEAN, *Pauvreté*, 17-35; BROWN, *Poverty*, 15. The image of the poor has been well sketched in the works of the Cappadocian fathers, and byzantine authors often reproduce these patterns. See HOLMAN, *The hungry*; EADEM, *Constructed and Consumed: the Everyday Life of the Poor in 4th C. Cappadocia*, in: LAA 3.1, 441-461; W. MAYER, *Poverty and Society in the World of John Chrysostom*, *ibid.*, 465-482.

¹¹⁵ *Digesta*, 48.2.10: *nonuli propter paupertatem, ut sunt qui minus quam quinquaginta aureos habent*. Cf. *Basilicorum Libri LX*, ed. H. SCHELTEMA – N. VAN DER WAL, Groningen – Djakarta – The Hague 1955, 60.34.10 (hereafter *Basilica*) and see KAZHDAN-RONCHEY, *Aristocrazia*, 67-68; PATLAGEAN, *Pauvreté*, 16, 380; KRUMPHOLZ, *Aspekte*, 28; and BROWN, *Poverty*, 8-14, on the “construct of the Fathers”, i.e. the image of the poor in the sources.

¹¹⁶ *Digesta*, 48.2: *De accusationibus et inscriptionibus*. Cf. *Basilica*, 60: *Περὶ κατηγοριῶν καὶ ἐπιτιμήσεως*.

¹¹⁷ *Epanagoge Legis Basilii er Leonis er Alexandri*, ed. C. E. ZACHARIAE A LINGENTHAL, *Jus Graecoromanum* v. II, Athenae 1931, repr. Darmstadt 1962, 12.8, 262 (hereafter *Epanagoge*).

shortly after¹¹⁸. The reason for prohibiting the poor to testify at court is already found in the *Digesta* 22.5.3, and it is repeated both in the *Eisagoge* and *Procheiros Nomos*: it should be examined whether the witness is “rich or poor, lest he [: the witness] may readily swear falsely for the purpose of gain” (εὔπορος ἢ ἐνδεής, ὅστε διὰ κέρδος τι πλημμελῆσαι). The middle byzantine version of Justinian’s laws completely omits the *condicio*, apparently because by the early 10th c. any such distinction had become obsolete; it does, however, maintain the distinction between witnesses, honest-dishonest, rich or poor (τίμιος καὶ ἄμεμπτος ἢ ἄτιμος καὶ ἐπίσογος, εὔπορος ἢ ἐνδεής)¹¹⁹.

Photios, who in all probability is responsible for introducing this novelty in the late 9th c., has appeared already in this treatise. The influence his beliefs had on the spirit of the law has not been adequately studied so far. The patriarch explicitly states in the introduction of the *Eisagoge* that “equality of the law” (ἰσότητι νόμου) is for God a fundamental constituent of “order” (κόσμος), which is thus made “with harmony” (ἁρμονικῶς)¹²⁰. The idea of “equality of the law”, then, is dominant in the

¹¹⁸ *Prochiron Basilii, Constantini et Leonis*, ed. C. E. ZACHARIAE A LINGENTHAL, *Jus Graecoromanum* v. II, Athenae 1931, repr. Darmstadt 1962, 27.22, 181 (hereafter *Procheiros nomos*). See PATLAGEAN, *Pauvreté*, 17 and n. 30; EADEM, *La pauvreté à Byzance*, 66-67. Based on the *Procheiros Nomos*, PATLAGEAN maintained the opinion that the stipulation depended on the *Digesta*, apparently because it was thought that the *Procheiros Nomos* preceded the *Basilica*, she therefore confused the chapter *de accusationibus* found in the *Digesta* with that *περὶ μαρτύρων* found both in the *Eisagoge* and *Procheiros Nomos*. But recently the *Procheiros Nomos* has been re-dated to the reign of Leon VI, and specifically to 907. This means that the text repeats the stipulation of Photios, which is not found in the *Basilica* (because it is not found in the *Digesta* either). On the *Procheiros Nomos* see the analysis of A. SCHMINK, *Studien zu mittelbyzantinischen Rechtsbüchern*, FbRg 13, Frankfurt a. M. 1986, 62 f. (hereafter SCHMINK, *Studien*); TROIANOS, *Πηγές*, 246-249 with further bibliography. The prohibitions to individuals to bring an action at court has been examined by RILINGER, *Humiliores-honestiores*, 101 f., esp. 110-112, 127-136, who did not comment on the criterion of poverty apart from noting that it is a general provision within a set of general principles.

¹¹⁹ *Epanagoge*, 12.2, 262; *Procheiros nomos*, 27.8, 178-179. The law of the *Digesta* distinguished the *condicio* between decurions and plebeians, see above note 53.

¹²⁰ SCHMINK, *Studien*, 8.66-71: ...ὅτι πάντα τὰ ἔργα αὐτοῦ ἐν δικαιοσύνῃ εἶτ’ οὖν ἰσότητι νόμου τῇ ἐκάστη πρεπούση ἐωράκαμεν· πάντα γὰρ ἀρχῆθεν πραγματικῶς ὑπὸ τοῦ νόμου περαίνεται καὶ μορφοῦται καί, τῆς προσηκούσης εὐταξίας εὐμοιρήσαντα, ... εἰς ἐνὸς κόσμου σύστασιν ἁρμονικῶς συνάγεται καὶ συναθροίζεται (: *Epanagoge*, 238). See commentary in J. SCHARF, *Quellenstudien zum Prooimion der Epanagoge*, BZ 52, 1959, 68-81, here 74-77. The text at this point is strongly influenced by Aristotile

Eisagoge. In Title 12 specifically it is clear that the legislator aimed at the protection of the judicial process from a possible corruption of administering justice, and not at the establishment of a social distinction between the poor and the wealthy. The laws on witnesses in Byzantium prove that contesting the competence of a person to appear before a court of law either as an accuser, litigant or as a simple witness by accusing them of being *poor* (πένης), *infames* (ἄτιμος), or *unknown* (ἄγνωστος), was above all a legal argument produced by that party that pursued delaying tactics or had some other vested interest in the case. It is possible to decipher how this general principle worked in reality by combining our information about the rich with evidence on the poor.

We have seen that the role of wealth in the perception of social position distinctions is insignificant. Thus it is defined already in the *Digesta* that “*he is considered solvent who has sufficient property to satisfy any claim which may be brought against him by a creditor*”. The stipulation is, as expected, repeated in the *Basilica*¹²¹. In the *Ecloga Basilicorum*, a collection of scholia dated to the 12th c. (probably in 1142), we find an elucidating comment on the significance of financial position. According to the commentator, “*the poor who own no landed property should stand trial when they are given a guarantor*” (τοὺς δὲ πένητας καὶ μὴ ἀκίνητον ἔχοντας κτῆσιν μετὰ δόσεως ἐγγυητοῦ δικάζεσθαι). But the judge should examine if the defendant owned sufficient property to reimburse the plaintiff, in which case he should “*consider him wealthy and do not ask of him to produce a guarantor*” (πλούσιον τοῦτον εἰπέ)¹²². The example given by the commentator appears to expand on stipulations of the *Digesta* and *Basilica*, which grant to the judge freedom of decision and to the litigants latitude for defending their own case. In this context, it appears that the possession of landed property is normally not connected with

and Plato. Also see the analysis of J. LOKIN, The significance of Law and Legislation in the the Law Books of the Ninth to Eleventh Centuries, in: *Law and Society in Byzantium, Ninth-Twelfth Centuries*, ed. A. LAIOU, D. SIMON, Washington, DC, 1994, 71-91, here 78-80 (hereafter LOKIN, *The significance of Law*); SIMON, *Gesetzgebung*, 40-43; BECK, *Χιλιετία*, 61-62.

¹²¹ *Digesta*, 50.16.234.1; *Basilica*, 2.2.225.

¹²² *Ecloga Basilicorum*, ed. L. BURGMANN, FbRg 15, Frankfurt a. M. 1988, 76.22-31.

perceptions of poverty¹²³, and that poor people had the option of taking a guarantor to appear at court¹²⁴. Therefore, wealth and poverty are debatable in a legal context and the limit for crossing from the first to the second condition is not fixed, it rather adjusts to the actual circumstances of the trial, even if, in a real social context, neither situation can be concealed¹²⁵. The ambiguity of these conceptions explains very well why so many laws of the 10th c. focused on the *πένητες* (the poor) and the *δυνατοί* (the powerful). While the exercise of power against the economically, politically and, in the end, socially weak was easily perceived, the absence of real distinctions among the “classes” produced the effect that social position was not consolidated for the dominant groups, which remained thus open to potential attack, and that to the people at the lower end of the ladder some space was given for claiming their own rights.

The long epistle no 187 of patriarch Photios is elucidating when it comes to the poor in relation to the wealthy. Photios answers to a question of the *protospatharios* and *protasekretis* Christophoros concerning the alienation of landed property with the purpose of withdrawing from the world (meaning, to be tonsured a monk). Christophoros had asked “*which house is honorable*” (ποῖος οἶκος ἔντιμος

¹²³ Tenth century novels on landownership also do not connect poverty with the possession of land; the stipulation of Hermogenes is included in order to clarify who is considered poor. See SVORONOS, *Novelles*, no 4.47-50.

¹²⁴ *Digesta*, 2.8.2., 2.8.2.1; *Basilica*, 7.14.2: Ἐπὶ τῆς παραστάσεως εὐπορος νοεῖται ἐγγυητῆς οὐ μόνον ἐκ τῆς οὐσίας, ἀλλὰ καὶ ἐκ τῆς εὐχερείας τοῦ ἐνάγεσθαι. Ἀνισχύρως δίδεται ἐγγυητῆς τοῖς μὴ δυναμένοις ἐνάγειν. It is not clear whether the provision of providing a guarantor applied also in case of prosecutions of the poor, since there is an explicit prohibition regarding this point. The *Basilica*, following the *Digesta*, are full of stipulations concerning guarantors, as in the example given here, but none of them –to my knowledge– refers specifically to bringing actions. *Digesta*, 2.8 specifies that “‘to give security’ has reference to our adversary when he provides for what is desired by us”; in simpler words we might say that the prosecutor does not appear at court to be judged, therefore he needn’t prove that he is solvent, because no reimbursement will be asked of him. On the contrary, the accused needs to prove that he owns sufficient property, but he might as well contest the legal sufficiency of his opponent to stand in court; in case his claim was accepted by the judge, the argument would annul the trial altogether. Also see above, n. 59. *Basilica*, 7.14.1 translate the terms *satisfacere/satsidare* very loosely in τὸ ἰκανὸν-τὸ ἀσφαλές.

¹²⁵ This is also displayed in the instance recalled by the commentator, according to whom the defendant claimed *κἂν πένης εἰμί ὅσον πρὸς τοὺς πολλὰ κεκτημένους, ἀλλὰ γε ἐπὶ τῇ παρουσίᾳ ὑποθέσει πλούσιος λογίζομαι καὶ εἰμί* (even if I am poor in comparison to those with many assets, I am still considered, and I am, rich regarding the present case). See *Ecloga Basilicorum*, 77.3-5.

εἶναι δύναται;) if everything is sold¹²⁶. Photios with indignation compared Christophoros to the emperor Julian, who allegedly posed the problem “*how, if everything is sold, an honourable house is capable of doing anything?*” (πῶς γὰρ πραθέντων ἀπάντων οἶκος ἔντιμος δύναται τι ἢ οἰκία;)¹²⁷. The emperor Julian was supposedly referring to the ancient idea about the support the rich, –in the question specifically the οἶκος ἔντιμος– were able to offer their dependents; the wealth of the wealthy was distributed to the people depending from the houses¹²⁸. Christophoros, however, reversed the main idea by pointing out that the possession of wealth is essential for the preservation of honour, implying that its alienation leads to irreparable loss of nobility¹²⁹. The argument effected the long answer of patriarch Photios, whose literary inspiration was not enough to conceal his fury. The patriarch’s arguments often contradict each other; the terminology and prototypes used are Roman

¹²⁶ Photios, *Epistulae* II, no 187.84, 248.

¹²⁷ Photios, *Epistulae* II, no 187.11. In reality Photios is drawing his material from works of Theodore of Mopsuestia against the emperor Julian, see A. GUIDA, *Replica a Giuliano Imperatore: adversus criminationes in Christianos Iuliani imperatoris*, Biblioteca Patristica 24, Firenze 1994, no 6. The quotation of Theodore of Mopsuestia appears to be drawing from Clement of Alexandria, “τίς γὰρ ἀν κοινωνία καταλείποτο παρὰ ἀνθρώποις, εἰ μηδεὶς ἔχοι μηδέν;... πῶς ἂν τις πεινῶντα καὶ διψῶντα ποτίζοι καὶ γυμνὸν σκεπάζει καὶ ἄστεγον συνάγοι... εἰ πάντων αὐτὸς ἕκαστος φθάνοι τούτων ὑστερῶν;” See L. FRUCHTEL – O. STAHLIN – U. TREU (eds), *Clemens Alexandrinus, Die Griechischen Schriftsteller* 17, Berlin 1970², vol. 3, ch. 13.1. Unfortunately there is no telling which of the two texts Christophorus read that would have incited him to write to Photios the letter that infuriated the patriarch so much. H.-G. BECK, *Kirche und theologische Literatur im byzantinischen Reich*, München 1959, 527, thought that Photios had written a polemic essay against the emperor Julian. Also see A. KAZHDAN, *A History of Byzantine Literature (850-1000)*, ed. CHR. ANGELIDI, NHRF/IBR Research Series 4, Athens 2006, 16, who thought that Photios in epistle 187 questions the “principle of the divine origin of political power”.

¹²⁸ The οἶκοι have been defined as holding a highly important social role in Byzantium as nuclei of social, economical and political life. See P. MAGDALINO, *The Byzantine Aristocratic Oikos*, in: *The byzantine aristocracy*, 92-111; IDEM, *Honour*, 185, 193-194, 196-200, 213; NEVILLE, *Authority*, 66-68.

¹²⁹ The difference is very subtle but perceivable because of the syntax: ἔντιμος in the text of “Julian” is an epithet of οἶκος, which means that honour is an inherent characteristic of οἶκος, and because of that nobility noble houses diffuse their wealth to the people, in other words, it is their duty to do so; nobility exists in a house anyway and philanthropy springs from it. In Christophoros’ question, ἔντιμος is predicative to οἶκος, which means that it is acquired, not inherent; in this case it is the existence of wealth that leads to nobility, because with wealth the houses may proceed to donations and thus prove their nobility, in other words, wealth equals nobility.

(e.g. ἔντιμος-*honestior*, κτήτορες-*possessores*). Still, the epistle on the whole is an excellent example of rhetoric, as the patriarch strives to answer the problem from all possible sides. Photios devoted many lines to prove to Christophoros that the virtue of abstaining from one's own possessions but also “*from the possessions of neighbours*” (τοῖς πλησίον ἐξιστάμενος τῆς ἰδίας ὠφελείας) brings with it more virtues of the same sort and contributes to personal accomplishment; on the contrary, to follow Julian's advice, which makes “*the hands of his citizens collect their fortune with the labour of others*”, leads to avarice, deceit, and cruelty¹³⁰. Photios asks Christophoros “*avarice and tyranny are honorable to you?*” (ἀλλ' ἢ πλεονεξία, ἢ τυραννίς σοι τὰ ἔντιμα;) ¹³¹, to declare that “*the possessores were selling, not everybody, not the penetes*” (ὅσοι κτήτορες, οὗτοι ἐπώλουν, οὐχὶ ἅπαντες, οὐδ' οἱ πένητες) ¹³².

It appears clear that in the epistle two fundamental ideas are colliding: Christophoros appears to make of wealth an essential characteristic of nobility; it is that element, through which nobility is socially recognized, therefore insufficiency of means alienates nobility from the source of its projection and manifestation to society. Even though the argument of Christophoros appears to be an ingenious sophistry, we might recognize in it the grasp of the upper social strata to/of their resources; in this manner, wealth is inseparable from nobility and nobility becomes the cause of wealth, in other words, a nobleman must be rich, and, consequently, he must safeguard his assets from alienation. It is to this idea that Photios reacted so strongly. The patriarch implies that the *penetes* need their own piece of land to make a living, therefore rich neighbors should not seek to buy out their properties. Photios characterizes the one who buys the land of the poor as “*lover of profit and riches*” (φιλοκερδῆ καὶ φιλόπλουτον) ¹³³, and in the end wonders, “*is everybody rich and nobody is poor, is there nobody living only on one's own possessions?*” (πάντες πλούσιοι καὶ πένης οὐδεὶς, οὐδεὶς δὲ οὐδὲ τῶν ἐν αὐταρκείᾳ μόνῃ βιούντων;) ¹³⁴. This idea is not at all

¹³⁰ Photios, *Epistulae* II, 187.78-79.

¹³¹ Photios, *Epistulae* II, no 187.251.

¹³² Photios, *Epistulae* II, no 187.288-289. The affirmation refers to a citation from the Acts of the Apostles, 4.34-35.

¹³³ Photios, *Epistulae* II, no 187.215.

¹³⁴ Photios, *Epistulae* II, no 187.225-227. I prefer the translation “*living on one's own possessions*” for “*ἐν αὐταρκείᾳ μόνῃ βιούντων*” because I think it transfers the meaning better than “*living on self-sufficiency*” in the context described here.

new; sufficing to one's own possessions had already been a desideratum of St. Basil in connection with avarice. But *autarkeia* in this context concerns the rich, not the poor¹³⁵; it does not relate to subsistence means after the platonic prototype, but to the exploitation of resources of wealth. In the epistle of Photios, however, the concept is applied both to the wealthy and to the poor: their assets should be enough for them, so there would be no need for buying and selling land. The argument appears to be in favor of the poor; with his ideas Photios underlines the right of the poor to maintain an autonomous existence and to keep their property against the expansionist policies of their neighbors.

If wealth is essential for the social projection of nobility, nobility itself is a rather elusive notion¹³⁶. In a number of hagiographic texts it appears to be founded on

¹³⁵ P. TREVISAN, *San Basilio. Commento al profeta Isaia*, Corona Patrum Salesianum S. Graeca 5, Turin 1939, 37-41. ch. 150-151. Also see above the commentary on the proemium of *Ecloga*. On the idea of *autarchy* see A. LAIOU, *Economic Thought and Ideology*, *EHB* 3, 1125-1126; KAPLAN, *Les hommes et la terre*, 493-496.

¹³⁶ MAGDALINO, *Court society*, 218-219, contemplates on the most appropriate term to use for describing the upper social strata of Byzantium, to conclude that the term 'aristocracy' "is certainly less inappropriate than 'nobility'". I tend to disagree with this opinion; literally *ἀριστοκρατία* means "the rule of the ἄριστοι" and refers to an ideal philosophical desideratum, since the notion of ἄριστοι includes moral qualities, therefore the term *ἀριστοκρατία* is of political content and refers to the *polity*, *πολιτεία*, or *πολίτευμα*. The Byzantines were familiar with the content of the term –so was Attaleiates, the example of Magdalino. In my appreciation its significance is apparently the reason why it is generally not used in the byzantine sources –as opposed to the term ἄριστοι, which describes a particular group of people that possess specific qualities– but I reserve my judgement until I investigate the subject closer. Here I prefer the term "nobility", because it refers to the most important characteristic that the Byzantine upper class claimed, meaning descent from an ancient, notable family. The corresponding terms, often found in the sources, are *εὖ γεγονότες*, *εὐγενεῖς*, *εὐγένεια*. Nevertheless I have already used the term "aristocracy" more schematically. On the term aristocracy see I. ANTONOPOULOU, *La question de l' "aristocratie" Byzantine. Remarques sur l'ambivalence du terme "aristocratie" dans la recherche historique contempotaine*, *Symmeikta* 15, 2002, 257-264; EADEM, *The issue of "Aristocracy" in Byzantium. A Novel Approach*, in: *Antecessor. Festschrift für Sp. Troianos zum 80. Geburtstag*, V. LEONTARITOU, K. BOURDARA, E. PAPAGIANNI (Hrg), Athen 2013, 67-70. Also see OSTROGORSKY, *Aristocracy*, 3-5; HALDON, *Social élites*, 170-174, who prefers the more general term "élite" for the nobility of service, wealth, etc.; and also P. MAGDALINO, *Byzantine Snobbery*, in: *The byzantine aristocracy*, 63-64; IDEM, *Honour*, 194-196, 201-204; KAZHDAN-RONCHEY, *Aristocrazia*, 61-66; KAZHDAN-MCCORMICK, *Byzantine court*, 167, 168; A. KAZHDAN – G. CONSTABLE, *People and power in Byzantium. An Introduction to Modern Byzantine Studies*,

indigenous descent of generations. The prototype is ancient Greek; the rare term *εὐπατρίδαι* for the nobility is bound to the rights and privileges of citizenship, which normally include the possession of land, but not necessarily the possession of riches¹³⁷. Thus in the Life of George of Amastris it is stated that his parents were “*locals and notables*” (εὐπάτριδες καὶ ἐπίσημοι); they were known “*not for their immense wealth, not for their famous dynasty*”, but for their piety¹³⁸. In the Miracles of St. Nicholas it is explained regarding an *eupatrides* that “*he was reduced to absolute poverty and because of this he appeared to have lost his nobility*” (εἰς ἐσχάτην πενίαν ἐλάσαντος καὶ ταύτη τὸ εὐγενὲς ἀπολωλεκέναι δόξαντος)¹³⁹. The concept of citizenship is specifically mentioned in the case of St. Nikephoros of Medikion, who was “*an indigenous citizen of the all blessed Constantinople*” (τῆς πανευδαίμονος Κωνσταντινουπόλεως αὐτόχθων πολίτης)¹⁴⁰. The Life of Euthymios the Younger, who is recognized as coming from “*noble parents*” (γεννήτορες εὐπάτριδες), underlines the possession of the family’s landed property through their obligation to pay the taxes¹⁴¹. As in the case of dynasty, it may be concluded that nobility is recognized locally by the social environment of the nobles. But the majority of texts emphasize on state service and dependence, which enhances the nobility of the family and contributes to the prosperity of the relatives. Kallistos, for example, one of the martyrs of Amorion, is said to have enlisted in the imperial

Washington, DC, 1982, 142-144 (hereafter KAZHDAN-CONSTABLE, *People and power*); CHEYNET, *Aristocratie*, 282-298; IDEM, *Pouvoir*, 249-259.

¹³⁷ *Photii Patriarchae Lexicon*, ed. CHR. THEODORIDIS, v. II, Berlin – New York 1998, 217.2279: *εὐπατρίδαι· αὐτόχθονες καὶ μὴ ἐπήλυδες*; *ibid.* 217.2283: *εὐπατρίδαι· εὐγενεῖς* (: Suda, 451). Citizenship also includes the right to sit at the *boule* of the city, therefore indigenous descent is a privilege par excellence. See *The Ecclesiastical History of Evagrius with the Scholia*, ed. J. Bidez – L. Parmentier, London 1898 repr. Amsterdam 1964, 144.29-32: *Ἐν τοῖς λευκώμασι γὰρ τῶν πόλεων οἱ εὐπατρίδαι πρόσθεν ἀνεγράφοντο, ἐκάστης πόλεως τοὺς ἐν τοῖς βουλευτηρίοις ἀντὶ συγκλήτου τινὸς ἐχούσης τε καὶ ὀριζομένης*.

¹³⁸ V. VASILIEVSKII, *Russko-vizantijskie issledovaniija*, 2, St. Petersburg 1893, repr. in *Trudy* 3, 1915, 4-6 (cited after the Hagiography database of Dumbarton Oaks).

¹³⁹ G. ANRICH, *Hagios Nikolaos. Der Heilige Nikolaos in die griechischen Kirche. Texte und Untersuchungen*, Bd. 1, Leipzig-Berlin 1913, 221.24-25.

¹⁴⁰ F. HALKIN, La Vie de Saint Nicéphore fondateur de Médikion en Bithynie (+813), *AB* 78, 1960, 396-430, here 405, ch. 5.8-13.

¹⁴¹ L. PETIT, Vie et office de saint Euthyme le Jeune, Paris 1904, 16.20-21, 27-28.

service “for the prosperity of the relatives” (διὰ τὴν συγγενῶν εὐδοκίμησιν)¹⁴², and the patriarch Tarasios came from “patricians from a line of patricians” (ἐκ πατρικίων σειρᾶς πατρικιοί)¹⁴³. For the second half of the 11th c., the writers use the ancient term *eupatridai* to describe certain persons: those surrounding Isaakios I Komnenos in 1057¹⁴⁴, Romanos IV Diogenes¹⁴⁵, Nikephoros III Botaneiates¹⁴⁶, and, as expected, Alexios I Komnenos¹⁴⁷. However, the use of the word in these instances betrays the classicizing trend of the time, since it is deprived of its ancient context.

Emphasis on wealth in this framework often serves the narrative as the negative prototype from which the hero disassociates himself in order to reach sanctity; it is indeed a first proof of purity of soul and holiness. The texts that elaborate on the riches of the families are quite well known: the Life of Philaretos the Merciful, the Life of Theophanes the Confessor and the Life of Michael Maleinos. Enumerating the sources of wealth, size of the land owned, number of flocks etc., appears to be an Aristotelian prototype¹⁴⁸, which, in Byzantium, is set in a Christian frame. It is quite characteristic that, while the author of the Life of Philaretos models the description of wealth on the Book of Job, thus profiling in reality a stock farmer, he adds the possession of forty-eight *proasteia* of good land by his hero; the implication is that Philaretos was not just a stock-breeding farmer, but a local archon, an *εὐγενής* –a nobleman– according to the text, with family roots of many generations in

¹⁴² V. VASILIEVSKIJ – P. NIKITIN SKAZANIJA, O 42 amorijskich mucenikach, St. Petersburg 1905, 23 (cited after the Hagiography database of Dumbarton Oaks; hereafter *Life of Forty-two martyrs of Amorion*).

¹⁴³ St. EUTHYMIADES, *The Life of the Patriarch Tarasios by Ignatios the Deacon*, BBOM 4, Aldershot-Brookfield-Singapore-Sydney 1998, 4.3-5.

¹⁴⁴ *Ioannis Scylitzae Synopsis Historiarum*, ed. I. THURN, CFHB V, Berlin-New York 1973, 500.87.

¹⁴⁵ *Michaelis Attaliatae Historia*, ed. E. TSOLAKIS, CFHB 50, Athens 2011, 77.6-7.

¹⁴⁶ *Ioannis Zonarae Epitomae Historiarum Libri XIII-XVIII*, ed. T. Büttner-Wobst, CSHB, Bonn 1897, v. 3, 715.10 (hereafter *Zonaras* 3).

¹⁴⁷ E. TSOLAKES, *Η Συνέχεια της Χρονογραφίας του Ιωάννου Σκυλίτση (Ioannes Skylitzes Continuatus)*, Εταιρεία Μακεδονικών Σπουδών, Ίδρυμα Μελετών Χερσονήσου του Αίμου 105, Thessalonike 1968, 180.9-10.

¹⁴⁸ Aristotle, *The “Art” of Rhetoric*, ed. E. Warmington, transl. J. Freese, London – Cambridge Mass. 1926, repr. 1967, 50, 1361a.7: πλούτου δὲ μέρη νομίσματος πλῆθος καὶ γῆς, χωρίων κτήσις πλήθει καὶ μεγέθει καὶ κάλλει διαφερόντων, ἔτι δὲ ἐπίπλων κτήσις καὶ ἀνδραπόδων καὶ βοσκημάτων πλήθει καὶ κάλλει διαφερόντων, ταῦτα δὲ πάντα οἰκεῖα καὶ ἀσφαλή καὶ ἐλευθέρια καὶ χρήσιμα.

Paphlagonia¹⁴⁹. In the Life of Theophanes the hero of the story disregarded the ideals of an aristocratic living altogether, fortune (*πλοῦτος παφλάζων* –splashing riches), physical appearance, life style¹⁵⁰, but in the Life of Michael Maleinos family riches are inseparable from the notion of nobility and state service and they complete the noble profile of the Maleinoi¹⁵¹. The possession of land is used to add to the nobility of a person¹⁵². We find it in many saints' lives; in a different source, the historical Life of Basil, the benefaction of Danelis explains a decisive stage in the ennoblement and social elevation of Basil, that of becoming a land owner, of becoming rich (*καὶ γέγονε πλούσιος καὶ αὐτός*), a development that allowed Basil to buy land and to aid his own people¹⁵³.

¹⁴⁹ *Life of St. Philaretos*, 60.5-15, 28-32 (commentary). See LUDWIG, *Sonderformen*, 79-88; KAPLAN, *Les hommes et la terre*, 332-333; M. LEONTSINI, Ποιμένες και ποιμνία: αντιλήψεις σχετικά με την κτηνοτροφία και τα προϊόντα της στο Βυζάντιο, in: *Η ιστορία του ελληνικού γάλακτος και των προϊόντων του*, Ι' τριήμερο εργασίας (Ξάνθη 2005), ΠΙΟΠ, Athens 2008, 176, 177.

¹⁵⁰ V. V. LATYŠEV, *Mefodija patriarcha Konstantinopol'skogo Žitie* prep. Feofana Ispovednika (t. Petersburg 1918), 4 ch. 6 (cited after the Hagiography database of Dumbarton Oaks; hereafter *Life of Theophanes*). The prototype of physical beauty, apart from the unique description in the *Life of Theophanes*, is also found in the *Life of Forty-two martyrs of Amorion*, 24-25, and in *Digenis Akritis*, 4.30-38, 78.196-199, 106.688-690 and elsewhere in the epic. So far the best commentary on the significance of physical appearance for the aristocracy is found in SARADI, as above n. 43, 57-61, but it concerns only the early byzantine period. Also see the recent work of M. HATZAKI, Experiencing physical beauty in Byzantium: the body and the ideal, in: *Experiencing Byzantium*, ed. C. NESBITT – M. JACKSON, Society for the Promotion of Byzantine Studies Publications, 18, Farnham-Burlington 2013, 233-250, on the ideal of beauty in the 11th-12th c.

¹⁵¹ L. PETIT, *Vie de saint Michel Maleinos*, *ROC* 7, 1902, 550.25-27: *πρόγονοι δὲ πλούτω καὶ τιμῇ καὶ δόξῃ περίβλεπτοι καὶ τῷ καλλίστῳ πάντων καὶ τιμιωτάτῳ, τῇ εὐσεβείᾳ, τὸ ἐξάαιρετον ἔχοντες*. See FRANCOPIAN, *Land and power*, 124; VLYSSIDOU, *Αριστοκρατικές οικογένειες*, 83-84.

¹⁵² In the *Life of St. Philaretos*, 60.3, 26 (commentary), land possession is enhanced with an exquisite wordplay: *υἱὸς ὑπάρχων Γεωργίου του φερωνόμου –γεωργός, γεωργία* are both contextualized in the name Georgios, which appears thus to be an aristocratic name, and indeed one that was current in Paphlagonia. The expression introduces elements of indigenous descent and therefore underlines the nobility of the saint. Also see LUDWIG, *Sonderformen*, 79 n. 20. The best treatise on the relation of the aristocracy to land ownership specifically is found in CHEYNET, *Aristocratie*, 298-303; also see FRANCOPIAN, *Land and power*, 112-136.

¹⁵³ *Theophanis Continuati Liber V. Vita Basilii Imperatoris*, ed. I. ŠEVČENKO, CFHB 42, Berlin – Boston 2011, 44.59-46.64 (: *Theophanes Continuatus, Ioannes Cameniata, Symeon magister, Georgius Monachus*, ed. I. BEKKER, CSHB, Bonnae 1836, 228.17-21). See BECK, *Gefolgschaftswesen*, 11-12;

From what we have seen so far it becomes clear that we are dealing with two separate profiles for the possession of wealth: the first is connected with avarice and dynasty, whereby it refers to phenomena targeted in the legislation; the second is attached to nobility as its necessary component. The state did not generally disregard nobility or wealth, but, as we have seen above, attributed more significance to service. The emperor Leon VI, in an abstract much discussed of his *Taktika*¹⁵⁴, binds nobility with active service in a manner that is immediately recognizable in the 9th-10th c. through the use of its terminology, even if the abstract deviates only slightly from the *Strategicus* of Onasander¹⁵⁵. Almost all the terms come from the ancient text: descent from a celebrated family “*should be admired*” (ἀγαπᾶν μὲν δεῖ τοῦτο); it gives someone fame (λαμπρύνεται), solemnity (σεμνύνεσθαι, in the sense of receiving office or title) and glory (δοξαζόμενοι)¹⁵⁶. Harmonic combination of glorious ancestry and valor is proof of *εὐτυχία*, good fortune, meaning the concentration of admirable merits in one person. The crosswise schema included develops the ancient text with specific byzantine connotations: *λιτοί* in Byzantium –a term inserted by the byzantine author– were those who offered their services without any further distinction, such as simple soldiers; they, says Leon, will be rewarded for their deeds, but someone who is only known for his descent will remain *ἄπρακτος*, meaning without function or any other distinction, if he does not possess the virtues needed to serve¹⁵⁷. Leon allowed the characterization *ἄχρηστοι* (useless) of Onasander for the generals who show no

KAZHDAN-MCCORMICK, *Byzantine court*, 187; KAPLAN, *Les hommes et la terre*, 333-334; H. ANAGNOSTAKIS, Το επεισόδιο της Δανηλίδας. Πληροφορίες καθημερινού βίου ή μυθοπλαστικά στοιχεία; in: *Η καθημερινή ζωή στο Βυζάντιο. Τομές και συνέχειες στην ελληνιστική και ρωμαϊκή παράδοση, Πρακτικά του Α' Διεθνούς Συνεδρίου* (Σεπτ. 1988), Athens 1989, 381-385; IDEM, with A. KALDELLIS, The Textual Sources for the Peloponnese, AD 582-959: Their Creative Engagement with Ancient Literature, *GRBS* 54, 2014, 115-123;

¹⁵⁴ *The Tactica of Leo the VI*, ed. G. DENNIS, CFHB 49, Washington, DC, 2010, 22.77-26.116 (hereafter *Leonis Tactica*).

¹⁵⁵ *Ονάσανδρος, Άπαντα. Στρατηγικός*, ed. Kaktos Philological Group, Athens 1992, ch. 1.19-25 (hereafter *Ονάσανδρος, Στρατηγικός*). See J. HALDON, *A Critical Commentary on the Taktika of Leo VI*, Washington DC 2014, 131 (hereafter HALDON, *Commentary*).

¹⁵⁶ *Leonis Tactica*, 24.93-94, 102-106.

¹⁵⁷ ΟΙΚΟΝΟΜΙΔΗΣ, *Listes*, 290. The term used in the *Taktikon* of Philotheos is *ἄπρατος*. *Λιτός* means “simple”. It is characteristic that the author of *Leonis Tactica* completes the scheme of the ancient prototype, which contains only the first term, by inserting the term *λιτός* to emphasize the contrast.

virtue, and *ἀριστεία* (excellence) for the performance of simple soldiers. With this the emperor equates noblemen without virtues with that category of people who offer nothing to the polity, while on the other hand attributes a par excellence moral quality of the aristocracy to simple soldiers with the purpose to highlight their bravery¹⁵⁸. A single phrase totally original betrays the emperor's thoughts about nobility: “*this is how we should evaluate the nobility of men, not from descend from [a noble] lineage, but from their own deeds and accomplishments*” (οὕτω χρὴ σκοπεῖν καὶ τὴν τῶν ἀνθρώπων εὐγένειαν, οὐκ ἀπὸ τῶν προγόνων, ἀλλ’ ἀπὸ τῶν ἰδίων πράξεων καὶ κατορθωμάτων)¹⁵⁹.

So, for the emperor, valor only proves, and is worthy of, nobility. Nobility may very well exist outside the circles of those under *strateia* and noblemen could indeed be private persons, *ἰδιῶται*. In this case nothing restricted its theoretical justification, its beliefs and the modes of its self-projection to society. But if it lay at the disposition of the emperor and came under the *strateia* obligation, the interest that its extraordinary accomplishments be used for the common good is explicit. Leon VI is also rather apologetic towards wealth: “*we do not repudiate the rich because he is rich*” (οὐ μὴν οὐδὲ τὸν πλούσιον ἀποδοκιμάζομεν ὅτι πλούσιος), but a rich person should not be appointed to a high military command on account of his riches, but only on account of his merits¹⁶⁰. The originality of the emperor¹⁶¹ sharply contrasts with the conclusions of another writer of the 10th c., who also copied the text of Onasander,

¹⁵⁸ *Leonis Tactica*, 24.93-104.

¹⁵⁹ *Leonis Tactica*, 24.97-98. My translation differs from that of DENNIS. This phrase is original, not a copy of the ancient text; *Ονάσανδρος, Στρατηγικός*, ch. I.22, framed the merits of the generals in the democratic environment of the ancient cities. HALDON, *Commentary*, 132, believes that Leon VI attributed importance to descent even if the text is “ambiguous”. Cf. IDEM, *Social élites*, 181, where there is some distance from this view. Also see OSTROGORSKY, *Aristocracy*, 4-5; MAGDALINO, *Court society*, 230; KAZHDAN-MCCORMICK, *Byzantine court*, 172 (the authors consider the text as proof of “vertical mobility”); CHEYNET, *Aristocratie*, 296-297; KAZHDAN-RONCHEY, *Aristocrazia*, 68-69; VLYSSIDOU, *Αριστοκρατικές οικογένειες*, 82-83.

¹⁶⁰ *Leonis Tactica*, 22.77-80. Elsewhere the emperor calls *πλούσιοι καὶ ἄνανδροι* those who chose not to fight but rather prefer to buy out the obligation of their military service. See *Leonis Tactica*, 610.1059.

¹⁶¹ On the ideas of Leon VI about justice, which is basically characterized by a humanitarian spirit, see Sp. TROIANOS, *Λέων Στ' ο Σοφός: νομική σκέψη και κοινωνική συνείδηση*, in: *Οι Νεαρές Λέοντος Στ' του Σοφοῦ*, ed. Sp. TROIANOS, Athens 2007, 418-419, 423.

but reached the exact opposite decision by choosing decisively the wealthy over the “poor” general (πλούσιον μᾶλλον ἢ πένητα –rather the rich than the poor)¹⁶². This judgment on nobility, virtue and wealth, is in line with similar views written by Photios in the *Vassilikos andrias* in honor of Leon VI, allegedly on behalf of his father, Basil I. In that text the patriarch discredits nobility and wealth before virtue, and descent before friendship¹⁶³.

It is clear that the profiles that have been sketched so far do not coincide. The official views maintained about the “aristocracy” in Byzantium demanded the delivering of active services to the emperor and the empire, while on the other hand rendered at least suspect the possession of wealth and the inclination of rich and noble families to increase their economic basis. At about the same time Leon VI produced the *Taktika*, another text confirms this approach. The *Taktikon* of Philotheos is dated to 899 and his statement has been taken as proof that hierarchy in Byzantium was centred at the royal court. But Philotheos says more than that, as he proclaims that “nobility” (περιφάνεια βίου) in the sense of “celebrated honour of titles” (ἔνδοξος ἀξιωματῶν ἀξία) is perceptible and meaningful only when someone is invited to dine with the emperor¹⁶⁴. According to this proclamation, service and the duties attached to it attribute to those who undertake them *περιφάνεια*, the nobility in life. The right to dine with the emperor was awarded, according to the *Taktikon*, to all those who served, from the highest dignitaries, to the people of the palace, down to the simple soldiers that were duly included in the list, who were also under obligation of *strateia*. Philotheos then, in reality stated that all nobility, all wealth, that anybody might possess is of no importance to the imperial power, unless it lies at its service.

One might wonder if these texts, when they reached the public, raised any questions or objections, especially from the families that were represented at the

¹⁶² A. DAIN (ed.), *Sylloge Tacticorum*, Paris 1938, 1.3.8, 1.37.16. On the interdependence of the texts see G. DAGRON, *Traité sur la Guérilla (De velitatione) de l'empereur Nicéphore Phocas (963-969)*, Paris 1986, 153-160.

¹⁶³ K. PAIDAS, *Δύο παραινετικά κείμενα προς τον αυτοκράτορα Λέοντα Στ' τον Σοφό*, Κείμενα Βυζαντινής Λογοτεχνίας 5, Athens 2009, ch. 8, 120: ἡ δὲ κτήσις τῆς ἀρετῆς, οἷς ἂν προσγένηται, καὶ πλούτου καὶ εὐγενείας χρησιμωτέρα ἐστὶ...; ch. 12, 128: Χαῖρε τοῖς σπουδάζουσι περὶ σὲ τῶν φίλων μᾶλλον ὡς ἀληθέσιν ἢ τοῖς τῷ γένει προσήκουσιν. ἡ μὲν γὰρ τοῦ γένους φιλία οὐκ ἐξ ἀρετῆς, ἀλλ' ἐκ φύσεως περιγένονεν... The texts, however, have not been examined for their prototypes, their provenance and their contextualization by the editor.

¹⁶⁴ ΟΙΚΟΝΟΜΙΔΗΣ, *Listes*, 83.18-21.

hierarchy of the palace. Reaction is very hard to trace, but we could perhaps deduce that the aristocracy in middle Byzantium was found in a position to have to assert its nobility in the frame of a state that did not officially recognize it and did not formally consolidate it under the law. However, the system may have worked both ways: while it attracted those who possessed the means to real power, who were thus obliged to use their charismas, such as their good reputation, their training and wealth, for the benefit of the state, it was also a way for people of the upper social strata to enhance their nobility, if they already had it, to advertise their line of birth and to benefit from the generous rewards. No source is more characteristic for the declaration of nobility, founded on the services provided to the state, than the *Life of Michael Maleinos*¹⁶⁵. For families that were wealthy, but did not technically count for aristocratic, it was possible to acquire nobility. We learn for example that a *keroullarios* at the beginning of the 9th c. gave up almost his entire fortune for the privilege of dining with the king. The note of the chronographer –no other than Theophanes the Confessor, of an old Constantinopolitan family–, *συναρίστησόν μοι* (dine with me), already anticipates the *Taktikon* of Philotheos almost a century earlier. It is not very clear what the objection of Theophanes was, and whether it concerned the large amount of money paid by the man in exchange for a title, or his humble origin, since he was but a Constantinopolitan entrepreneur¹⁶⁶. But the event clearly indicates that the practice of

¹⁶⁵ *Life of Michael Maleinos*, 550.25-551.21.

¹⁶⁶ *Theophanis Chronographia* vol. I, ed. C. DE BOOR, Lipsiae 1883, 487.29-488.6; *Leonis Grammatici Chronographia*, ed. I. BEKKER, CSHB, Bonn 1842, 205.4-6; *Zonaras* 3, 307.9-308.2; See YANNOPOULOS, *Société profane*, 32. It is quite probable that this is the first member of the family of Keroullarioi, mostly known from the 11th c. According to the narrative the purchase –probably of a higher title– costed the *keroullarios* ninety pounds of gold, in the narrative of Zonaras, or more, in the version of Theophanes, who adds that the emperor ordered the *keroullarios*: *ἄρον νομίσματα ρ', καὶ πορεύου ἀρκούμενος* (take one hundred nomismata and leave, sufficing to it). The chronographers agree on the systematic policy pursued by Nikephoros I regarding the commercial classes of Constantinople, and allude either to the purchasing of a title (Zonaras), or to the *roga* of the *keroullarios*, which apparently amounted to 100 gold nomismata (Theophanes). *The Chronicle of Theophanes Confessor. Byzantine and Near Eastern History, AD 284-813*, ed. C. MANGO – R. SCOTT with the assistance of G. GREATREX, Oxford 1997, 670, correct the text of Theophanes to 10 litres, but I am not sure that their suggestion can stand (if it refers to a *roga*, it would depend on the title bought). Also see *Prosopographie der mittelbyzantinischen Zeit*, ed. R.-J. LILIE ET AL., Bd. 5, Berlin – N. York 2001, no 11334; *ODB* 2, 1124-1125, s.v. *Keroullarios*. An epigram signalled by KAZHDAN makes specific reference to the origins of the Keroullarioi: *καὶ σὺ στρατηγὸς κηροπόλων παιδίον... κατεῖδον*

title and/or function purchase by the wealthy businessmen of Constantinople, was not confined only to the 11th c., even though it might have costed them more than the normal purchasing prices.

V. *The state and the powerful*

The government was, as we have seen, willing to turn a blind eye to the misdemeanors of the nobles, especially in the provinces, where imperial power was harder to reach. The contour was flexible and not very austere, provided that the nobles supported the emperor's authority in the country. But in the 10th c. the social influence of the nobles became a source of concern on occasion of an increase of small properties alienation by the lower middle class landowners that followed the heavy winter of 927/8. To deal with this problem the government promulgated a series of Novels of unprecedented austerity and complexity for their social ramifications¹⁶⁷. The traditionalist approach chosen by the legislator is rather disorienting¹⁶⁸; indeed, the departing point of the legislation is the ancient Roman term *δυνατοί*, *potentes*, and the phrasing of the texts, loaded with references to St. Basil and St. Chrysostom, obscures the real novelties included in them. But these laws in effect merged the profiles of the powerful and the dynasts into one, by attributing to the first the qualities that normally belonged to the latter, meaning the exercise of real and often repressive power on the part of the politically and socially distinguished. Moreover, the Novel of 934 confined this group to the representatives of the upper social strata and specifically to the so-called "nobility of service"¹⁶⁹. As a consequence, this stratum in Byzantium was officially incriminated for its social influence, its authority and wealth.

δαίμονα στρατηγέτην καὶ κηροπόλην... καὶ Χαβδᾶν αὐτὸν ἐν μέσῃ Βυζαντίδι... See SP. LAMPROS, *Τα ὑπ' ἀριθμὸν ΠΖ' καὶ ΠΓ' κατάλοιπα*, *NE* 16, 1922, 30-59, here 45.13-19. While we do not have enough evidence to identify the Keroullarios of the poem, *Χαβδᾶς* is probably not the emir of Halep, but his cousin, the Arab poet Abu Firaz, who was captured at the fall of Halep to the Byzantines and was taken to Constantinople. This gives us a fairly accurate chronology of the poem to around 962.

¹⁶⁷ Commentary on the Novels: MORRIS, *The Powerful and the Poor*, 3-27; LEMERLE, *Agrarian history*, 85 f.; KAPLAN, *Les hommes et la terre*, 415 f.

¹⁶⁸ SVORONOS, *Novelles*, no 3. For a definition of the *dynatoi* see OSTROGORSKY, *Aristocracy*, 6; LEMERLE, *Agrarian history*, 95-96, 98; MORRIS, *The powerful and the poor*, 13-17; KAPLAN, *Les hommes et la terre*, 360-363; CHEYNET, *Pouvoir*, 249.

¹⁶⁹ SVORONOS, *Novelles*, no 3.50-58.

The Novels expose the networks of the powerful, which included not only relatives by blood or marriage, but also those belonging to their houses, the *οἰκεῖοι* –persons with close ties with the families–, as well as persons employed for carrying out their transactions¹⁷⁰. They also explain the methods for expanding their resources and their access to manpower; these concerned direct exercise of authority, violence and deceit¹⁷¹, a series of legal contracts resulting in ownership alienation (such as donation, bequest, endowment and others)¹⁷², and known methods of social promotion such as adoption and marriage¹⁷³. Because of promise of *προστασία* (protection), *συνδρομή* (assistance) and *εὐεργεσία* (benefaction)¹⁷⁴, the persuasive methods of the “powerful” could be extremely successful. Social activity and influence that was, as we have seen, normal for dynasts such as Philaretos and Kekaumenos, was targeted, if not condemned, by the legislation of the 10th c. This gave the opportunity to litigants of different social provenance to question the motives and the sincerity of their opponents, to stigmatize them as “powerful” and to overturn decisions and annul contracts, independently of the truthfulness of their allegations. How successful this

¹⁷⁰ SVORONOS, *Novelles*, no 2.I.83-88, 3.56-57.

¹⁷¹ SVORONOS, *Novelles*, no 2.I.55-56.

¹⁷² SVORONOS, *Novelles*, no 2.I.61-65, 3.59-60, 102-103. The Novel of 928 which reinstates the *protimesis* initially allows transactions such as endowment and bequest under specific conditions (oath taking was meant to confirm the honesty of the deals among relatives), but in the Novel of 934 on the powerful such transactions are called *σεσοφισμένως ἐπικτήσεις* (artfully concealed purchases) and are altogether declared illegal.

¹⁷³ SVORONOS, *Novelles*, no 2.I.77-78. See E. PATLAGEAN, *Christianisation et parentés rituelles: le domain de Byzance*, in: *Annales, Economies, Sociétés, Civilisations*, 33 no 3, 1978, 625-636 [ÉADEM, *Structure sociale*, no XII]; R. MACRIDES, Kinship by Arrangement: the Case of Adoption, *DOP* 44, 1990, 109-118; R. MACRIDES, The Byzantine Godfather, *BMGS* 11, 1987, 139-162; RAPP, *Ritual brotherhood*, 300-304. Adoption is specifically mentioned, marriage is implied with endowment. *Συντεκνία*, god-parenthood, and ritual brotherhood are not mentioned in the law, but MACRIDES rightfully points out the similarity of terms concerning adoption and baptismal sponsorship. The author maintains that adoption was “non-social” since, unlike brotherhood, it was not used to build up social solidarities outside the family; she also acknowledges that it was used to absorb the land of the *penetes*. Nevertheless it should be emphasized that the context, in which all these methods and contracts are mentioned by Romanos I, is of manifestly social character. Clearly then these transactions entailed benefit for the *penetes* and created social solidarities; by enlarging the families with a view to social advancement, they actually bound poor people to the wealthy god-parents of their children.

¹⁷⁴ SVORONOS, *Novelles*, no 2.I.79, 85.

legislation was in the 10th c. is demonstrated simply by the number of the Novels promulgated for this purpose, which dealt with specifications regarding the details of the transactions that had been taking place. The particular concern of the legislators to define the “powerful” in comparison to others in the same social context, e.g. in the village communities or in the army¹⁷⁵, is indicative, once again, of the absence of real social boundaries in Byzantium. But in my opinion there can be no doubt that the legislation of the 10th c. on landownership was detrimental to the financial interests of the “nobility of service”. The servants of the empire were found with their back against the wall, as they were indiscriminately branded with avarice, deceit and arrogance, a negative prototype that was thus formalized and was reproduced even in the 11th c.

With the reservation that the legal sources transmit the official perception about the byzantine “nobility of service”, and do not reproduce the general public opinion about its members, we must admit that their profile is not at all flattering. The Novels relating to the protection of small and medium landowners have been mostly explained against the background of an increasing competition for the control of manpower and resources. But it appears to me that the protection of the *πένητες*, the poor, is only a vehicle for checking the social influence of the “powerful”¹⁷⁶. The legislators of the 10th c. recognized that social power was mainly not a product of “nobility”, but of that particular position created by state dependence, and as such the field of its application could expand to include those social contexts in which no nobility existed; a good example showing this is that simple soldiers were considered as socially superior compared to other farmers in a village¹⁷⁷. The problem is partly interwoven with the profile of the so-called “military aristocracy”, which I intend to examine closely in the near future, but from which I will here bring forward two pieces of information. The Novels regarding the *dynatoi* provide clear definitions about who exactly could be considered *dynatos* and in which context. This alone proves that there was a real interest in the provinces to exploit the opportunity provided by the new laws against those who could be included in the category of the powerful. A series of particular cases was examined, and among them those that

¹⁷⁵ SVORONOS, *Novelles*, no 4.80-84, 5.25-26, 38-40, 102.

¹⁷⁶ MORRIS, *The powerful and the poor*, 23, 26-27.

¹⁷⁷ SVORONOS, *Novelles*, no 4.80-84. On the soldiers in particular see MORRIS, *The powerful and the poor*, 11-12, 24-26; LEMERLE, *Agrarian history*, 115 f.; KAPLAN, *Les hommes et la terre*, 238-241;

concerned the military. In *Novel 5* of 947 the emperor Constantine VII without any reservations called the military “*corrupt, remiss in their duty, without any war experience, less noble than ants, more rapacious than wolves, who ripped off the money of the empire’s subjects because they could not tax the enemy*”¹⁷⁸. A few years later, in a letter addressed to Michael Maleinos but written allegedly on behalf of the emperor Romanos II, Theodore of Cyzicus¹⁷⁹ expressed his admiration to Michael, because he had forsaken the way of living of his closest relatives, “*who all concern themselves with thriving on, and prospering through, their own sword in life, and who might hurry to appropriate all that belongs to their neighbours*”¹⁸⁰.

We might object that these prototypes are not new, they are simply conventions

¹⁷⁸ SVORONOS, *Novelles*, no 5.125-128. The idea appears to come from Chrysostom, see PG 50, 447 (Sermo in Ascensionem Domini Nostri Jesu Christi): *Ποίαν οὖν ἔτι ζητεῖς ὑπερβολὴν κακίας, ὅταν καὶ ὄνων ἀναισθητότεροι, καὶ βοῶν ἀλογώτεροι, καὶ χελιδόνος καὶ τρυγόνος ἀγνωμονέστεροι, καὶ μυρμηκῶν ἀσυνετώτεροι, καὶ λίθων ἀναισθητότεροι, καὶ ὄφρων ἴσοι φαινώμεθα*; See MORRIS, *The powerful and the poor*, 11.

¹⁷⁹ Theodore, metropolitan of Cyzicus, was a close friend and advisor of Constantine VII. Nothing much is known about him, except that his brother was a *magistros*, which places him in the inner power circle around the emperor at this time. He was an enemy of patriarch Polyeuktos and he was exiled, to be reinstated shortly after, probably early in the reign of Romanos II. See ODB, 2043-2044; KAZHDAN, as above n. 127, 170-171. The letter to Maleinos suggests an early date for the metropolitan’s reinstatement, not only because Maleinos died in 961, but because his letter apparently contained advice on the exercise of authority that were not met with enthusiasm by the emperor. Therefore this exchange of epistles took place shortly after Romanos II ascended the throne. Maleinos urged the emperor to follow his example (τὴν αὐτὴν ὁδὸν βαδίζειν με ἀξιῶς). It would be unheard of if Maleinos really advised Romanos II to be tonsured –it would equal to urging him to resign from office; the emperor replied that he was brought up by his tutor (Theodore himself, perhaps?) for royal life instead of a monastic one, and for caring for his subjects. The two collections of letters of Theodore have been reedited recently, see *Theodori Metropolitae Cyzici Epistulae*, ed. M. TZANTZI-PAPAGIANNI, CFHB 48, Berlin 2012, no 7, here 21-22 (hereafter *Theodori Cyzici epistulae*). On the circumstances of Maleinos’ flight that ended with his tonsure see V. VLYSSIDOU, Quelques remarques concernant les activités de Saint Michel Maléïnos, *BSI* 59, 1998, 46-51; EADEM, *Αριστοκρατικές οικογένειες*, 78-79, 84-87. Also see A. LAIOU, The general and the saint: Michael Maleinos and Nikephoros Phokas, in: *Ευψυχία. Melanges offerts a Hélène Ahrweiler*, Byz. Sorb. 16, Paris 1998, t. II, 399-412.

¹⁸⁰ *Theodori Cyzici epistulae*, no 7.40-44: *Ὁ δὲ λέγων μὴ σπεύδειν ἐμὲ ἐπὶ τῇ μαχαίρᾳ μου εὐλογηθῆναι, θαυμάζω πῶς ὑπερεῖδες τοὺς ἐγγυτάτω σοι γένει προσήκοντας, ἅπαντας ἀπὸ τῆς οἰκείας μαχαίρας σπουδάζοντας λαβεῖν τὸ εὐδόκιμον καὶ ἀπὸ ταύτης κατὰ τὸν βίον προκόπτοντας, ἴσως δὲ καὶ πάντων τῶν γειτόνων ἴδια ποιεῖσθαι τιθεμένους σπουδῆν.*

applied to the military section of the aristocracy of Byzantium. In reality, as I will argue elsewhere, these profiles are very ancient. But there is no other time in Byzantium that they are detected more clearly, than in the 10th and 11th c. In his letter, Theodore of Cyzicus could have chosen an expression more neutral rather than openly accusing Maleinos' relatives with bellicosity and greed that is only satisfied with the use of the sword. On the whole the epistle contains unprecedented aggressiveness and poisonous irony that sends a clear message to Michael Maleinos: “*even if the treasures coming from just sources would diminish, I wish I could make sure that the worthy would become rich in one day and that goods would spring forth for my subjects as if from a perpetual river and that nobody, whose misery I would not be able to crush quickly, would be miserable*”¹⁸¹. I remind to the reader that Romanos II is the emperor who annulled altogether and without reimbursement all property alienations to the powerful that had taken place after 945, independently of motives and circumstances in which they had taken place¹⁸².

VI. An expression of imperial omnipotence: taxis

The enhancement of the profiles discussed above in the 10th c. proves that their use by the central authorities intensified, therefore the tension between the government and the byzantine aristocracy suddenly becomes more visible in the same period –to culminate, in my opinion, in the 11th c. The phenomenon may be interpreted as a direct consequence of the strengthening of central authority observed under the Macedonian emperors. The state nourished the idea that exercise of power is arranged around a central source, which is represented on earth only by the imperial

¹⁸¹ *Theodori Cyzici epistulae*, no 7.52-56. This passage immediately follows the one cited above. It appears that Michael Maleinos in his own epistle reminded to the emperor the heroic deeds of his relatives, and perhaps asked for something in their or in his own favor, because the author shows no hesitation in reproaching the monks with “*nourishing many fat mules capable of carrying for you the freshness which alone can satisfy your blessed hunger*” (ibid, no 7.36-37). The emperor implied in his answer that Maleinos should restrict himself to his own spiritual domain; by evoking the deeds of previous emperors down to the time of Alexander the Great and Constantine I, he apparently claimed that he was their immediate successor, which was in line with the legend about the descent of Basil I, and concluded that “*as you said, I wish that I were not for this reason* (: because all these emperors had succumbed all the nations) *the poorest of all those that live in my kingdom*” (καὶ διὰ τοῦτο οὐδὲ πτωχότερος εἶναι πάντων, ὡς ἔφης, ἐβουλόμην τῶν ἐν τῇ βασιλείᾳ μου).

¹⁸² SVORONOS, *Novelles*, no 6.72-80.

authority. The ultimate power, the “*power of authority*” (ἐξουσίας δυναστεία) in the words of the emperor Leon VI¹⁸³, only belongs to the emperor. Political and social influence and power is asserted at the emperor’s command or with his permission; other power poles are organized around him hierarchically, with absolute discipline and without objections. This conception of authority is strongly evocative of the ideas expressed in the *Dialog De scientia politica*; nevertheless, the fact that in middle Byzantium the emperor’s role in the hierarchy as a central source of power is enhanced, is fundamentally different from the idea expressed in the *Dialog*, where, as we have seen, the emperor appears only to confirm the role of the *optimates*, who trusted in their own position. In the 10th c. the nobles, the ἄριστοι, only derive their existence, their significance and social and political position from the center. This perception on the whole reflects a different application of the notion of τάξις, which is excellently propagated in the prooimion of *De Cerimoniis*¹⁸⁴. In the prooimion of that text, the whole idea is reversed and turned to the benefit of imperial power.

The idea of τάξις as an inherent and indispensable component of a harmonious polity was developed by Aristotle¹⁸⁵. Pseudo-Dionysius, who elaborated on ideas of Proclus¹⁸⁶, believed that τάξις is an inherent characteristic of ἱεραρχία (hierarchy); hierarchy is a method of return towards God¹⁸⁷. This theory seems to underlie Constantine Porphyrogenetus’ theory on imperial authority, which is contained in the prooimion of *De Cerimoniis*. The emperor Constantine VII states that imperial authority is governed by *taxis* (διὰ τῆς ἐπαινετῆς τάξεως) because thus it is ordered

¹⁸³ *Leonis Tactica*, 2.7-8.

¹⁸⁴ See commentary of this abstract in: MAGDALINO, *Court society*, 212-213; KAZHDAN-CONSTABLE, *People and power*, 146.

¹⁸⁵ *Aristotle Politica*, 200, 1278b.9-12: ἔστι δὲ πολιτεία πόλεως τάξις τῶν τε ἄλλων ἀρχῶν καὶ μάλιστα τῆς κυρίας πάντων. Κύριον μὲν γὰρ πανταχοῦ τὸ πολίτευμα τῆς πόλεως, πολίτευμα δ’ ἐστὶν ἡ πολιτεία.

¹⁸⁶ Proclus applied the idea of *taxis* to the heavenly world and claimed that the earthly world is unable to preserve the order. See W. KROLL, *Procli Diadochi in Platonis rem publicam commentarii*, Leipzig 1891, repr. Amsterdam 1965, v. I, 146.23-147.1.

¹⁸⁷ *Pseudo-Dionysius, De caelesti hierarchia*, 17.3-11: ἔστι μὲν ἱεραρχία... τάξις ἱερὰ καὶ ἐπιστήμη καὶ ἐνέργεια πρὸς τὸ θεοειδὲς... ἀφομοιουμένη καὶ πρὸς τὰς... αὐτῇ θεόθεν ἐλλάμψεις ἀναλόγως ἐπὶ τὸ θεομίμητον ἀναγομένη... Σκοπὸς οὖν ἱεραρχίας ἐστὶν ἡ πρὸς θεὸν ὡς ἐφικτὸν ἀφομοίωσις τε καὶ ἔνωσις... Pseudo-Dionysius in reality invented the term ἱεραρχία. On his importance for the 6th c. and later see BELL, *Social conflict*, 252-258; A. CAMERON, *Christianity and the Rhetoric of Empire*, Sather Classical Lectures 55, Berkeley – Los angeles – Oxford 1991, 214-221.

(δεικνυμένης κοσμιωτέρας) and for this it is admired¹⁸⁸. The emperor then makes an interesting remark, as he compares a “royal polity” (βασιλικού πολιτεύματος) without *taxis*, with “private and unfree life” (ιδιωτικῆς καὶ ἀνελευθέρου διαγωγῆς)¹⁸⁹, to conclude that when the imperial power (βασιλείου κράτους) is ruled by rhythm and *taxis* in reality it replicates “the harmony and motion of the Creator” (τοῦ δημιουργοῦ τὴν ἁρμονίαν καὶ κίνησιν)¹⁹⁰. Constantine VII here frames a basic Aristotelian idea, *taxis*, within a Neo-Platonic context but takes it even further: freedom is the principle that underlies sharing in authority, and the polity is a community of free people¹⁹¹, therefore for someone not participating in the polity means not only that one chooses private life, as Aristotle said¹⁹², but that his life is not free. The *ιδιωῶται* (private persons) are in reality “unfree”, and for them there is no reason of distinction. Once again, true merit is acknowledged only to those who choose to serve in the context of imperial *taxis*.

It is impossible not to bring the proemium of *De Cerimoniis* into association with a well known extract of Symeon the New Theologian, in which, however, there is no mention of *taxis*. But the writer, like Constantine VII, contrasts the persons who choose a private life away from public affairs, “who stay at their own houses”, or “live in their *proasteia*”, or “show cowardice and waste their time at home enjoying the luxury” with those who “pay a service to the earthly king”, who follow him everywhere, serve in the army and show their bravery in the battlefield. Symeon rather sees a pyramid below the emperor, who is found at its top. Through the archons the emperor is able to reach each and every subject of his empire: “the generals and all the archons, of which some are acquaintances and servants, some are even friends, and through each and every one of them also the people that obey to them, all

¹⁸⁸ *Constantini Porphyrogeniti Imperatoris, De Cerimoniis Aulae Byzantinae*, ed. J.-J. REISKE, CSHB, Bonn 1830, v. 2, 3.4-4.2 (hereafter *De Cerimoniis*).

¹⁸⁹ *De Cerimoniis*, 4.10-12.

¹⁹⁰ *De Cerimoniis*, 5.6-8. The “Creator” (Δημιουργός) is par excellence an idea that was elaborated by Proclus.

¹⁹¹ The *polis* is a community of free people, but the fact that slavery was a part of everyday life conduced to the fact that the philosophers did not equate private life with lack of freedom. By definition, for slaves, Greeks from other cities and for foreigners it was impossible to participate in the polity, which leads to the conclusion that the idea conferred by Constantine VII is a byzantine novelty.

¹⁹² Aristotle, *Politica*, 164, 1273b.28-30: ...ἔνιοι μὲν οὐκ ἐκοινώνησαν πράξεων πολιτικῶν οὐδ’ ὄντινωνοῦν, ἀλλὰ διετέλεσαν ἰδιωτεύοντες τὸν βίον...

are subjected to the emperor”. Thus the emperor’s authority spreads from the top to the bottom of the empire’s social structure; dependents of the notables, the generals and archons that are specifically mentioned, those who are affiliated with the grand houses notwithstanding their status, all the people belong to the king, just like all people are servants of God¹⁹³.

In the context described by Symeon the particular relations of the people with the archons are of no interest, because in reality it is the authority of the emperor that governs all relations. According to this perception, the archons acquire their importance because they are the vehicle through which imperial rule is diffused to the lower social strata; the dependence of the latter from the archons, if it exists, only serves imperial omnipotence. In reality, this model brings the relations that, as we have seen, could develop between archons, dynasts or “powerful”, with people at the other end of the social ladder, under a state cover. The possibility, or rather the fact, that these relations existed well outside the frame described by Symeon is not examined in this theoretical model. On the contrary, the social dominance of the emperor in Symeon’s text is encompassing and is founded on the belief that “*all people belong to the king*”. It is not surprising that Symeon the New Theologian described the expansion of imperial authority in such a manner, since in his youth he

¹⁹³ *Chapitres théologiques, gnostiques et pratiques*, ed. J. DARROUZÈS, Sources Chrétiennes 51, Paris 1957, 166-168, here 166.133-139, 152-155: *Τίνας δὲ λέγομεν εἶναι τοὺς δουλεύοντας βασιλεῖ; Τοὺς ἀναστρεφόμενους ἐν τοῖς ἑαυτῶν οἴκοις, ἢ τοὺς συνακολουθοῦντας αὐτῷ πανταχοῦ; Τοὺς διάγοντας ἐν τοῖς ἑαυτῶν προαστείοις, ἢ τοὺς κατειλεγμένους ἐν τοῖς στρατεύμασι; Τοὺς ἀναπεπτωκότας καὶ τρυφῶντας καὶ οἴκαδε σπαταλῶντας, ἢ τοὺς ἐν πολέμοις ἀνδραγαθοῦντας καὶ πληττομένους...; οἱ δὲ στρατηγοὶ καὶ οἱ ἄρχοντες πάντες γνωστοὶ καὶ δοῦλοι, οἱ δὲ καὶ φίλοι, τοῦ βασιλέως εἰσὶ καὶ δι’ αὐτῶν ὁ ὕφ’ ἐνὶ ἐκάστῳ αὐτῶν ὑπάρχων λαός.* The editor translates the key phrase *τοῦ βασιλέως εἰσὶ* with “...sont... certains même des amis de l’empereur” because the author mentions that private persons are not in a position to know the emperor and speak to him (a direct allusion to *parrhesia*). In this translation the phrase would depend on *φίλοι*; in the Greek language, however, *εἰμι* also means “to belong”, in which case it governs predicative genitive, as here, *τοῦ βασιλέως εἰσί*. Accordingly it is more correctly translated as “all are subjected to the emperor” or “all belong to the emperor” (which is exactly the reason why Symeon inserted a comma after *φίλοι*). Both MAGDALINO, *Court society*, 223, who uses DARROUZÈS’ translation in English, and KAZHDAN-MCCORMICK, *Byzantine court*, 167-168, believe that this passage refers to the court. Also see KAZHDAN-CONSTABLE, *People and power*, 34-36.

was a member of the court¹⁹⁴. The possibility that he was influenced by the proemium of *De Cerimoniis* cannot be excluded, but in any case the interdependence of the texts should be further investigated.

VII. Conclusions

There are many more observations that one can make about social distinctions in the middle byzantine times and many more groups whose social profile needs to be investigated. But the fact remains, and this is of capital importance for understanding byzantine society, that there were no clear social barriers between the “classes” of Byzantium. This created a particular social fluidity, a mobility that is manifest in the rise of certain persons to power, of which the most notable cases are those of Justin I and Basil I. The estimate, however, is somewhat superficial. Justin would not have ascended the throne had he not been enrolled in the only guards regiment that did not require a large sum of money for enlisting¹⁹⁵, and Basil would not have had the chance to claim supreme power had he not sought to enter the clientele circles of powerful people such as Theophilos the *droungarios* of the *Vigla*¹⁹⁶, which allowed for his social elevation and the improvement of his economic situation. Social developments and the legislation of the late Roman empire reinforced the imperial authority and in the process contributed to the loosening of social barriers. The class that was damaged the most from this process was the aristocracy, and this created tensions already in the 6th c., which are detected, as we have seen, in the Dialog *De*

¹⁹⁴ On Symeon see *ODB* 3, 1987; H.-G. BECK, *Kirche und theologische Literatur im byzantinischen Reich*, München 1959, 585-587; CH. MESSIS, *Les eunuques à Byzance. Entre réalité et imaginaire*, Dossiers Byzantis 14, Paris 2014, 144-148.

¹⁹⁵ On the circumstances of Justin’s ascent to power see B. CROKE, Justinian under Justin: Reconfiguring a Reign, *BZ* 100/1, 2007, 13-56, especially 16-22; JONES, *LRE*, 267-268, 658. Still, it may be questioned that Justin was enlisted in the *Excubitores* because of his good luck; when he left his village, he headed straight to Constantinople, and it is quite possible that he bought a position in the *Scholae*, from which he was transferred to the *Excubitores*. This would mean that he possessed enough wealth for such a purchase in the first place.

¹⁹⁶ On Theophilos or Theophilites, who was a relative of the emperor and held the office of *droungarios of the Vigla*, or, according to another testimony, *comes of the Walls*, see M. HERLONG, *Kinship and Social Mobility in Byzantium*, The Catholic University of America Dissertation, UMI, Michigan 1986, 70, 73-74; BECK, *Gefolgschaftswesen*, 10; KAZHDAN-MCCORMICK, *Byzantine court*, 192; *PmbZ* IV, no 8221.

scientia politica and –what is mostly known– in the *Anecdotes* of Prokopios. Under the influence of Justinian, the emperor Justin I probably abolished the last obstacle that forbade social upgrading to people belonging to the *infames* by proclaiming with a famous law that their social improvement was possible under conditions¹⁹⁷. The rights of the aristocracy were generally interwoven with the power and the social delimitation of the senate. But Justin under the influence of Justinian produced a law that transferred the decision about men admitted into the *Scholae* to the emperor. The measure, apart from its economic consequences¹⁹⁸, in time apparently contributed to the transformation of the aristocratic senatorial hierarchy into a hierarchy centred at the palace, in which the opinion of the emperor about the people surrounding him mattered the most; it further increased the authority of the emperor about deciding who, under what circumstances and for what purpose would a person, independently of descent or economic influence, be accepted at the inner power circles of the palace¹⁹⁹. This development is evident in seal inscriptions by the early 8th c.²⁰⁰ and in

¹⁹⁷ *CJ*, 5.4.23. The law refers specifically to women with a view to the possibility of conducting lawful marriage, but its impact should not be underestimated. The emperor proclaims in the prooimion that people should have a second chance in life, just as God forgives the sins of men. He then compares slaves to women condemned to have no rights on account of their occupation: as slaves were upgraded to high positions by imperial privilege, so should women be given the hope of social upgrading. The *condicio* is mentioned many times in the law by emphasizing on the possibility, or, in the context of the law, the “human right” to change it and thus obtain the hope for social improvement. See J. BEAUCAMP, *Le statut de la femme a Byzance (4e-7e siècle)*, I. *Le droit imperial*, TM Monographies 5, Paris 1990, 202-210, esp. 206-208. The author maintains that the law is exceptional and is not exclusive of previous laws which forbid marriage to noblemen. Also see KRUMPHOLZ, *Aspekte*, 167-168. Both analyses, however, confuse the *εὐτελεῖς* (*inferiores*, *humiliores*), or *πένητες* (poor), with the *infames*. But see HUMFRESS, *Civil law*, 205-218, who comments extensively on this type of confusion in the sources and their modern interpretation.

¹⁹⁸ *CJ*, 1.31.5. The law probably involved –but not actually stated it– the transfer of the income from the sale of *Scholae* positions from the *sacrae largitiones* to the *sakelle*. For this reason apparently Justinian was in a position to enlist a large number of *Scholarioi* while preparing his own ascent to the throne. Prokopios, *Hist. arc.*, 149.20-150.4, accuses Justinian for taking the money but dismissing the new soldiers without refund after his ascent to the throne. The law is dated to May, 523, therefore it is not directly linked to his ascent but rather points to a reform of the enlistment system in the *Scholae*. Also see JONES, *LRE*, 657; MAGDALINO, *Court society*, 222; HALDON, *Praetorians*, 119-120; on the *sakelle* see W. BRANDES, *Finanzverwaltung in Krisenzeiten. Untersuchungen zur byzantinischen Administration im 6.-9. Jahrhundert*, FbRG 25, Frankfurt a. M. 2002, 430-442, esp. 436-438.

¹⁹⁹ HALDON, *Social élites*, 176-177, 178-180.

the long run undermined the senate, its aristocratic composition, prestige and power.

And yet no convincing argument can be articulated that would prove that there was no real aristocracy in Byzantium. What we see in the sources and is puzzling concerning the existence or not of a delimited upper stratum is only the absence of its legal consolidation. No law ever secured special handling for any member of the great families. On the one hand, this resulted in the renovation and mobility of the aristocracy, which was additionally augmented by the emperor's right to appoint men of his own choosing to higher positions in the hierarchy. But most importantly, it created insecurity among those found at the top of the social ladder, since their position, their prosperity and its maintenance was only conditional, to the point that consolidation of position remained a desideratum until the late 11th c. Conversely, noble families were under no restriction whatsoever to project to their environment their nobility, by taking pride in their lineages, their noble parents, or by displaying their wealth, but their standing was not enshrined in a systemic social frame. Without legal or political investment, "nobility", therefore "aristocratic" identity, remained until the late 11th c. a subject of ideological proclamation and of self-projection. The governments of the 9th-10th c., asserted very strongly their role in the creation and maintenance of that nobility. They did not really deserve such an assertion; as we have seen, there are specific conditions –of economic, political, social and military nature– that favour the rise of the aristocracy. Indeed, the aristocracy exists based on its exceptional gifts that it claims for itself and that are recognized by others, and these concern, as has been noted above, par excellence descent –including locality– and wealth, as well as its claim to virtues –philanthropy, bravery etc– and physical appearance. In my opinion it cannot be doubted that some kind of antagonism of the upper social strata with the emperors of the Macedonian dynasty existed and led to the fabrication of the myth about the descent of its founder, the emperor Basil I, to match the myths of other families²⁰¹. But it is not just about descent.

The evidence examined here suggests that this competition was fully

²⁰⁰ M. NICHANIAN, *La distinction à Byzance: société de cour et hiérarchie des dignités à Constantinople (VIe-IXe s.)*, *T.M.* 17, 2013, 579-636, esp. 581-590; HALDON, *Senatorial elite*, 190-191, 221-228.

²⁰¹ PATLAGEAN, *Ελληνικός μεσαιώνας*, 142, 145; CHEYNET, *Les Phocas*, 475-476. On the myth of Basil's origin see G. MORAVCSIK, *Sagen und Legenden über Kaiser Basileios I*, *DOP* 15, 1961, 59-126. Also see A. Markopoulos, *Zu den Biographien des Nikephoros Phokas*, *JÖB* 38, 1988, 225-233, on the family traditions of the Phocas family.

developed in the 10th c. The rulers of the Macedonian dynasty were always conscious that at least some part of the aristocracy was at times, or even constantly, on the lookout for an opportunity to claim the throne. The system worked for the benefit of the state by pulling the nobles and their resources towards it. Thus it can also be seen as an element of unification, of the rallying of the upper social strata around the emperor and of minimizing the danger posed by centrifugal forces in the provinces. In this context, the question why Romanos I Lakapenos suddenly allowed for the nobility of service to be targeted in the legislation of the 10th c. may remain forever without a convincing answer –at this point I have to underline again that, delimiting the group of the “powerful” to the nobility of service, is a true novelty of the byzantine legislation. We could interpret this development in terms of political sympathies; it is well known, for example, that certain families, notably the Phokas and the Maleinoi, were rivals of Romanos I²⁰², so the possibility cannot be excluded that the emperor was seeking to restrain opposition to his regime. Another option for explaining the law of 934 would be to acknowledge that it was all about resources of wealth, meaning the possession of land and manpower, which is specifically recorded in the Novel²⁰³. But 10th c. laws on landownership in reality channelled underlying political and social dissension against the nobility and the modes of its social and economic operation under the pretext of the care for the poor. In fact, they created a potentially dangerous political environment, since the people that were called to provide their services to state and government were attacked at the foundations of their position, meaning their wealth and their social influence. This contradiction created a potentially explosive political mixture that was found at the centre of politics in the 10th c.: the emperors of the Macedonian dynasty incriminated their own

²⁰² VLYSSIDOU, *Αριστοκρατικές οικογένειες*, 90-94; CHEYNET, *Les Phocas*, 480-481; IDEM, *Pouvoir*, 321; LAIOU, as above n. 179, 405-406. Also see HOLMES, as above n. 111, 56-61, who believes that the Novel of 996 targeted at the influence of Basil Lakapenos and served as “a declaration of intent and terror”.

²⁰³ SVORONOS, *Novelles*, no 3.63-74; OSTROGORSKY, as above n. 60, 16-19; IDEM, *Aristocracy*, 6-7; LEMERLE, *Agrarian history*, 105-108; KAPLAN, *Les hommes et la terre*, 424-426; HALDON, *Social élites*, 183-184; MAGDALINO, *Court society*, 228; PATLAGEAN, *Ελληνικός μεσαίωνας*, 271-273; MORRIS, *The Powerful and the poor*, 23-27. Generally on the importance of land possession with references to the problem of *dynatoi* see FRANCOPIAN, *Land and power*, 112-136, esp. 126-128.

civil and military servants²⁰⁴.

The proclamation that nobility exists only around the emperor was meant to reinforce the emperor's role against the nobility's deep social entrenchment and vindication of its rights. In effect it was declared in the most clear and official manner that there existed in Byzantium only one source of power, only one creator of social distinction. It was the outcome of a process, which, as we have seen, liberated the lower social strata from their Roman bondage and gave them space for social and economic growth under the law. But at the same time this development effected the disappearance of separate groups of the upper social strata. Distinction bound exclusively to state hierarchy for the noble, and abrogation of social limits, for people at the other end of the ladder –and, we should add, for those in between–, as these are portrayed in the legislation of the 6th c. and later, are the two sides of one and the same evolution, which was made possible only under the protection of an almost almighty emperor. The absence of real and institutionalized social barriers favored this particular fluidity of society in Byzantium. As we have seen, this involved the containment of the nobility to the ungracious role of state servant. Indeed, Byzantium used the theory of Pseudo-Dionysius the Areopagite not for securing the position of the upper social stratum, or for confining the other classes to an inferior and unchanging situation, but for strengthening the central authority with the aid of the law. The law sprang only from imperial autocracy and demanded this particular type of “social equality” with the purpose that justice be served better. This principle, which is already detected in Justinian I's legislation²⁰⁵, could only be implemented

²⁰⁴ Traces of this attitude towards the civil and military aristocracy are found earlier, but it appears to me that the conflict culminates in the 10th c. See the characteristic comment of J. DILLON, *The Justice of Constantine. Law, Communication, and Control*, Michigan 2012, 90: “The edicts of Constantine portray an emperor locked in contest... with the very administration that serves in his name”. The phenomenon appears to be an aspect of the increasing state centralization but it needs to be investigated further.

²⁰⁵ See primarily TROIANOS, *Πηγές*, 102-104, 119-121; SIMON, *Gesetzgebung*, 28-35; J. LOKIN, The significance of Law, 71-76, 82, 89-90; C. HUMFRESS, Law and Legal Practice in the Age of Justinian, in: *The age of Justinian*, 167-170; C. HUMFRESS, Laws' Empire: Roman Universalism and Legal Practice, in: *The City*, 81-108; BELL, *Social conflict*, 291-297; JONES, *LRE*, 470-471, 516-522. We tend to take access to law for granted in the Byzantine period, but until the codification of Justinian I there was no exclusive source of law; knowing it, using it, evoking the law when in need was much more a process connected to the actual social status of a litigant than a simple bureaucratic procedure that led

with –in reality it would not have worked without– the levelling of social distinctions, that placed the state at the centre of social organization and order. The result is very clear: the “aristocracy” in the end only had the ephemeral certainty of being awarded the privilege to “dine with the emperor”, that could be taken away at any given moment. In effect, the byzantine nobility was unable to secure its position against infringement of its rights by the imperial authority; on the contrary, “the poor”, meaning the socially “weak”, were awarded latitude to claim their own rights. In a sense then, Byzantium was much more a “modern” state than any of its western contemporary states. This was the inheritance of middle Byzantium, one that the Komnenoi appropriated, in spite of the fact that, under Alexios I, for the first time the aristocracy consolidated its position in the new hierarchical system. But the parallel existence of a nobility that based its excellence on its relation to the imperial family, of a powerful central authority and of a still fluid society, in the long run created problems that became obvious in the period that followed, especially after 1261 under the Palaeologan dynasty.

to the administration of justice. Justinian I made the three parts of the Codex the only source of law, thus unifying its application and reinforcement throughout the empire; he forbade its corruption through the addition of comments, and ordered the clarification of obscure points and elimination of all contradictions; he finally ordered that copies should be sent to each province of the empire. The effort taken for the unification of the law, its expansion and uniform application, which would facilitate, in the eyes of the legislator, that all subjects be equally received and judged in a court of law, was unprecedented and was complemented with administrative measures designed to strengthen the authority of local judges. To borrow the words of a reference quoted above, Justinian I in reality created a “laws’ empire”. LOKIN further explains that Justinian’s idea of the law was a secular one (a Roman idea, if I may add), but it led to the formulation that the law springs only from God and that the emperor is His instrument for establishing justice on earth, which is clearly found in the *Eisagoge* of Photios.