

Aristocracy, Politics and Power in Byzantium, 1025-1081

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SHORT ABSTRACT

The purpose of this thesis is to further our understanding of the period between the death of Basil II in 1025 and the accession of Alexios I Komnenos in 1081. Modern scholarship has often portrayed these 56 years as an important, transformative period, viewing the empire as standing at the height of its power at its beginning, only to be brought to the brink of collapse by civil wars and foreign invasions following the battle of Manzikert in 1071. Based on three unique and underexploited sources of evidence, namely the letters of Michael Psellos, the judicial handbook commonly known as the *Peira* and the so-called *Consilia et Narrationes* of Kekaumenos, it argues that the Byzantine state to a large extent relied on private networks to carry out public administration throughout the empire. Public and private power were thus intimately intertwined and by conveying information, orders and requests, but also by reproducing and enforcing norms of acceptable political behaviour, these networks served to compensate to some extent for the institutional shortcomings of the premodern state. It also challenges the idea that the political dynamic of the eleventh century was centred around the power struggles of ‘great families’ or clans that effectively functioned as political parties, as well as the idea that the emperors and their officials were apathetic about governing the provinces beyond what was necessary to pacify and extract resources from them. Taken together, the evidence examined consequently appears to suggest that, by the standards of the pre-modern world, the Byzantine empire had a reasonably well-functioning state and a fairly coherent society during the period in question, suggesting that the focus of the scholarly debate on the eleventh-century Byzantine collapse should, to some extent, be shifted from internal to external factors.

LONG ABSTRACT

The purpose of this thesis is to further our understanding of the period between the death of Basil II in 1025 and the accession of Alexios I Komnenos in 1081. Modern scholarship has often portrayed these 56 years as an important, transformative period, viewing the empire as standing at the height of its power at its beginning, only to be brought to the brink of collapse by civil wars and foreign invasions following the battle of Manzikert in 1071. The main contribution of the thesis is not, however, centred on the series of dramatic, formative events that have already received considerable scholarly attention, but rather on the more resilient underlying power structures that the agents, and would-be agents, of historical change had to navigate. It is concerned with the nature of political power in Byzantium; from whence it was drawn, how it was distributed, by whom it could be acquired and in what ways it could be exercised.

It is based on three unique and underexploited sources of evidence: Firstly, the around 500 preserved letters of Michael Psellos, one of the period's most influential intellectuals who was deeply involved in the political life of the empire. Secondly, the judicial handbook commonly known as the *Peira*, compiled as a practical guide for jurists based on the preserved verdicts and legal opinions of the prominent judge Eustathios Rhomaios. Thirdly, the so-called *Consilia et Narrationes* of Kekaumenos, a book of advice addressed to the sons of the author, who appears to have been a retired provincial aristocrat. These sources are examined through a close, source-critical reading, with particular focus on extracting information about the norms and values through which Byzantine officials governed themselves and the empire.

The principal contribution of the thesis can be broken down into three separate but interrelated arguments, two of a revisionist nature and one more original. As for the latter, it argues that the Byzantine state to a large extent relied on private networks to carry out public administration throughout the empire. Public and private power were thus intimately intertwined, and by conveying information, orders and requests, but also by reproducing and enforcing norms of acceptable political behaviour, these networks served to compensate to some extent for the institutional shortcomings of the premodern state. The first revisionist argument challenges the idea that the political dynamic of the eleventh century was centred around the power struggles of ‘great families’ or clans that effectively functioned as political parties. Instead, it argues that Byzantine society appears to have offered broad and substantial opportunities for social advancement on largely meritocratic grounds, that imperial power does not appear to have been seriously threatened by aristocratic ambition and that there is little to suggest that extended families functioned as important sources of identity and allegiance. The second revisionist argument challenges the idea that the emperors and their officials were apathetic about governing the provinces beyond what was necessary to pacify and extract resources from them, arguing instead that upholding justice and maintaining the well-being of the people within their jurisdiction was a duty that was widely recognised and taken seriously, albeit approached with some flexibility.

The thesis is structured around the main sources. The letters of Psellos are given particular attention, with three chapters being devoted to them. Chapter 2 provides an introduction to the letters and is intended to carefully contextualise and structure this large, disparate and unwieldy source material. It begins by sketching a brief biography of Psellos and discussing the implications of what we know about the character and transmission of the preserved collection of letters, noting that there is nothing to suggest that the transmission process was characterised

by any intent to present either Psellos himself, the societal context of his letters or the political behaviour related by them in any particular way. This is followed by a consideration of the socio-political context of the letters, especially the circumstance that Psellos appears to have written many of them while being charged by Constantine X (r. 1059-67) with supervising the activities of provincial administrators, a position he refers to on one occasion as ‘governor of governors’. Finally, the chapter endeavours to survey and categorise the roughly 250 letters in which Psellos makes or discusses requests, which are identified as particularly important for the analysis of the following chapters.

Chapter 3 concerns itself with public and private power in the Byzantine civil administration, arguing that while there were distinctly public and private sources of power, its exercise was always personal, and the state relied to a considerable extent on the private networks of its officials to carry out public administration in the provinces. As ‘governor of governors’, Psellos’ influence was based, on one hand, on his *parrhesia* with the emperor and, on the other, on his network of friends in the provinces. When he was able to make good use of his intermediary position between them these two sources of power could work in tandem, with imperial favour bolstering his status among his friends and the reach of his network increasing his usefulness to the emperor. Ties of epistolary friendship, understood by the Byzantines as having strong instrumental connotations, were used to convey information, instructions and requests from Constantinople to the provinces and back, as well as between officials in different provincial locations. These networks did however also serve to reproduce and enforce norms of acceptable political behaviour by keeping the empire’s officials involved in a coherent social milieu with shared values where a good reputation, especially in the eyes of the emperor, was of paramount importance for the fortunes of each individual. Officials exercised power in a personal capacity with considerable room for discretion, but they constantly had to balance

servicing their network through favours to their friends with maintaining their reputation by governing in a just and compassionate way, while simultaneously ensuring that tax-revenues were kept at the expected level.

Chapter 4 employs Psellos' letters to argue that the opportunities for social advancement for Byzantine officials were dependent primarily on two principles: meritocratic ideals and reliance on private networks. There are a number of letters of recommendation for positions in the provincial administration, where intelligence, good education and diligence seem to be considered important qualities in the prospective candidates, whereas Psellos rarely makes references to *eugeneia* and does not appear to considerably favour his own relatives. There is nevertheless a tension between meritocracy and the demands of friendship, similar to that between friendship and justice, although it should be noted that patronage does not preclude social mobility, provided that it was not based on family connections. Moreover, on several occasions Psellos expresses meritocratic notions and seems to assume a high degree of social mobility. As for the so-called great families, the relatively scarce references to their members give no indications that they occupied a particularly dominant position in Byzantine political life, nor that they were expected to act as coherent and politically self-aware interest groups, united by strong bonds of solidarity and pursuing common agendas.

The chapters on Psellos' letters constitute the centre-piece of the thesis' argument, which is then strengthened and expanded by the auxiliary chapters analysing the other two main sources. Chapter 5 examines the so-called *Peira*, which is a collection of legal decisions and judicial arguments made by the *magistros* Eustathios Rhomaïos, who ended his brilliant career as *droungarios* of the *Vigla*, the highest ranking jurist in the empire, presiding over the court of the velum of the hippodrome. The text is the only one of its kind and, as such, an invaluable

source for how Byzantine law was applied in practice in the tenth and eleventh centuries. The chapter analysing it begins by engaging with the debate in secondary literature on how the jurisprudence reflected by the text should be understood by relating it to the interpretation of Psellos' letters made in the previous chapters. Eustathios' judgements must be understood in the same context as Psellos' requests, namely that power was always exercised in a personal capacity, allowing for great flexibility in the application of the law, but requiring concordance with the prevailing norms governing the administration of justice. The *Peira* also demonstrates that the Byzantine justice system was both willing and able to hold powerful aristocrats to account, but also implies that in doing so the judges were concerned with fairness for poor and powerful alike, as opposed to using the justice system as a way to curtail aristocratic influence. The chapter also challenges the idea of large and coherent extended families as a social force on the grounds that family ties other than those between parents and children do not appear to be considered especially strong or important in the cases dealt with by the *Peira*.

These inquiries into Psellos' letters and the *Peira* are however limited in the sense that they both approach eleventh-century Byzantium from a relatively narrow civil-service perspective, which may lead to conclusions that are not necessarily representative for Byzantine society as a whole. The analysis of the so-called *Consilia et Narrationes* of Kekaumenos in chapter 6 therefore offers the valuable complementary point of view of a provincial landowner with a military background and a large household, who wielded considerable influence in the local community and was attended by both servants and slaves. Nevertheless, the conclusions from this chapter prove to be well in line with those of the previous ones. The *Consilia et Narrationes* is a book of advice, ostensibly addressed to the author's sons, even though it has been proven to be significantly more literary than it may seem at first sight and in all likelihood intended for a wider audience. As the argument goes, Kekaumenos portrays his own social class as encompassing a wide socio-economic stratum, ranging from small landowners, soldiers and

provincial secretaries to great generals and close advisors to the emperor, and the advice he gives assumes a high degree of social mobility on meritocratic grounds within this group. Friendship stands out as a valued and all but ubiquitous relationship with a great deal of impact on daily life, making it necessary for aristocrats to carefully mind the company they kept, and the nuclear family was clearly cherished, but there is no sign that extended families were an important source of identity and allegiance. Large landowners could command some authority in provincial communities, but the risk of peasant uprisings and intervention from imperial officials provided them with strong incentives to use it sparingly and scrupulously. The advice also appears to reflect a strong faith in both the ability and willingness of Constantinopolitan public officials to curtail corruption and promote the administration of fair and impartial justice.

Taken together, the evidence examined consequently appears to suggest that, by the standards of the pre-modern world, the Byzantine empire had a reasonably well-functioning state and a fairly coherent society during the period in question, suggesting that the focus of the scholarly debate on the eleventh-century Byzantine collapse should, to some extent, be shifted from internal to external factors.

Till mamma och pappa.

Table of Contents

Acknowledgements	xii
Abbreviations	xiv
A note on transliteration	xv
 1. Introduction	 1
1.1 Aristocratic domination and state apathy from Ostrogorsky and onwards	3
1.2 Sources and principal arguments	23
1.3 Aristocracy and networks	28
 2. Reading the letters of Michael Psellos	 32
2.1 Michael Psellos and his letters	34
2.2 The ‘governor of governors’: Socio-political context	44
2.2.1 Favours, friendship and epistolary networks	44
2.2.2 The power of the kritai and the demilitarisation of the empire’s inner provinces	46
2.2.3 Psellos’ political position and the dating of the letters	48
2.3 Psellos’ epistolary requests: a survey	53
 3. Public and Private Power in Psellos’ Letters	 63
3.1 Friendship, official power and imperial favour	66
3.1.1 Chronological continuities	68
3.1.2. Governing the governors	74
3.1.3 Friendship as power	78
3.2 Strengthening justice through friendship and friendship through justice	82
3.2.1 Compassion, fiscal privileges and petitioning culture	84
3.2.2 Balancing the scales of justice	103
3.2.3 Friendship, trust and the middle way	115
3.3 Reputation as a safeguard against abuse of power	127

4. Meritocracy and family politics in Psellos' letters	147
4.1 Meritocracy and friendship in the civil administration	152
4.1.1 <i>Early-career officials</i>	158
4.1.2 <i>Officials in higher administrative positions</i>	170
4.1.3 <i>Intellectual snobbery and solidarity among the logioi</i>	179
4.2 Family, friendship and political loyalties	188
4.2.1 <i>Psellos and his own family</i>	191
4.2.2 <i>The 'great families'</i>	196
 5. The jurisprudence and politics of the <i>Peira</i>	 208
5.1 Law and justice	214
5.2 The powerful, the poor and the state	229
5.3 Family politics	248
 6. Aristocracy and power in Kekaumenos' <i>Consilia et Narrationes</i>	 254
6.1 Author and audience, text and context	256
6.2 Meritocracy and social mobility	266
6.3 Friends and family	277
6.4 Aristocracy and state	284
 Conclusions	 298
 Bibliography	 315

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Abbreviations

C 1	U. Criscuolo (ed.), <i>Michele Psello: Epistola a Giovanni Xifilino</i> (Naples, 1990).
C 2	U. Criscuolo (ed.), <i>Michele Psello: Epistola a Michele Cerulario</i> (Naples, 1990).
<i>Consilia et Narrationes</i>	M. D. Spadaro (ed.), <i>Raccomandazioni e consigli di un galantuomo (Στρατηγικόν)</i> (Alexandria, 1998).
<i>Consilium Principi</i>	B. Wassiliewsky & P. Jernstedt (eds.), <i>Cecaumeni Strategicon ; et incerti scriptoris De officiis regiis libellus</i> (St. Petersburg, 1896).
G	P. Gautier (ed.), ‘Quelques Lettres de Psellos inédites ou déjà éditées’, <i>Revue des études byzantines</i> 44 (1986), 111-97.
K	A. Karpozilos (ed.), ‘Δύο ανέκδοτες ἐπιστολές τοῦ Μιχαήλ Ψελλοῦ’, <i>Δωδώνη</i> 9 (1980), 299-310.
KD	E. Kurtz & F. Drexel (eds.), <i>Michaelis Pselli Scripta minora magnam partem adhuc inedita II: Epistulae</i> (Milan, 1941).
M	E. V. Maltese (ed.), ‘Epistole inedite di Michele Psello’, <i>Studi Italiani di Filologia Classica</i> , terza serie 5 (1987), 82-98 (letters 1-5); 5 (1987), 214-23 (letters 6-11); 6 (1988), 110-34 (letters 12-20).
P	E. N. Papaioannou (ed.), ‘Das Briefcorpus des Michael Psellos: Vorarbeiten zu einer kritischen Neuedition’, <i>Jahrbuch der österreichischen Byzantinistik</i> 48 (1998), 110.
<i>Peira</i>	I. D. Zepos & P. Zepos (eds.), <i>Ius Graecoromanum</i> IV (Athens 1931).
Sn	K. Snipes (ed.), ‘A Letter of Michael Psellos to Constantine the Nephew of Michael Cerularios’, <i>Greek, Roman and Byzantine Studies</i> 22 (1981), 99-100.
Sp	M. D. Spadaro (ed.), ‘Un epistola di incerta attribuzione (no. 202 Sathas) ed una semiedita (no. 203 Sathas)’, <i>Jahrbuch der österreichischen Byzantinistik</i> 30 (1981), 157-67.

A note on transliteration

I have generally endeavoured to transliterate the Greek names of individuals and places as closely as possible to the original (hence Psellos instead of Psellus and Keroularios rather than Cerularius), except when there are very well-established Anglicised versions (hence Constantine instead of Konstantinos and Basil rather than Basileios).

1. Introduction

The shadow of Manzikert falls heavy over the historiography of the Byzantine empire between 1025 and 1081. The famous battle of 1071, where Romanos IV (r. 1068-71) suffered defeat at the hands of the Seljuk sultan Alp Arslan, has long been regarded as a crucial turning point in Byzantine history.¹ When the emperor Romanos arrayed his forces for battle outside Manzikert, he ruled an empire that had enjoyed internal security for at least two centuries and had been expanding steadily since the conquest of Melitene in 934 up until the annexation of Ani in 1045, reaching its greatest extent since the seventh century and ostensibly standing at the height of its power. Only ten years later, when Alexios Komnenos (r. 1081-1118) seized power after a decade fraught with civil strife, the eastern provinces had collapsed before the Turkish onslaught, Normans and Pechenegs were threatening the west and north, and Byzantium soon found itself fighting for its very survival. As such, it is hardly surprising that this crisis has become such a dominant theme in the historiography of the eleventh century. The question of how such a drastic reversal of the empire's fortunes was possible is obviously one that requires an answer and generations of historians have consequently searched the sources for explanations, usually surmising that there must have been some structural weakness affecting the Byzantine state that made it vulnerable despite its apparent strength.

As we shall see below, the explanations offered have tended to focus heavily on the role played by the Byzantine aristocracy. According to the classical interpretation, the Byzantine state had been gradually enfeebled by the growing power and ambition of an increasingly independent aristocracy, a process that had been going on for centuries but reached a critical stage after

¹ For a detailed analysis of the battle itself, see J.-C. Cheynet, 'Manzikert: Une désastre militaire?', *Byzantion* 50 (1980), esp. pp. 431-4, arguing that it marked a turning point in the fortunes of the empire not because of the losses suffered, which were actually quite limited, but due to the calamitous civil war which it triggered.

1025, leaving the emperors without the resources and authority necessary to defend the empire against its external enemies. This argument has been refined and revised in a variety of ways by different scholars, but the fundamental idea that Byzantine political life in the eleventh century was dominated by aristocratic factions united by ties of kinship, whose power struggles were the predominant force shaping the empire's internal history, has remained remarkably persistent. This can also be related to another idea, arguably present as an undercurrent or even assumption in much previous scholarship on the subject, but only explicitly stated and argued for in more recent years, namely that the Byzantine state was apathetic about governing the provinces of the empire beyond pacifying and extracting resources from them, and thus content to leave local aristocrats to dominate provincial life.

This thesis is intended to challenge both of these ideas, but the argument will not be centred on the series of dramatic, formative events that have already received considerable scholarly attention, but rather on the more resilient underlying power structures that the agents, and would-be agents, of historical change had to navigate. It is concerned with the nature of political power in Byzantium; from whence it was drawn, how it was distributed, by whom it could be acquired and in what ways it could be exercised. The analysis is based on three unique and underexploited sources of evidence for how Byzantine political life functioned in the times between triumphs and crises, namely the letters of Michael Psellos, the judicial handbook commonly known as the *Peira* and the so-called *Consilia et Narrationes* of Kekaumenos. It emphasises the intersections of public and private power and the importance of personal relationships, social capital, norms, reputation and trust in the political economy, arguing that the Byzantine state to a large extent relied on private networks to carry out public administration throughout the empire. This did leave some room for officials to use their authority in pursuit of personal gain, but the networks also served to convey information, orders and requests, as

well as to reproduce and enforce norms of acceptable political behaviour. Given the institutional shortcomings of the premodern state, it appears to have been a rational and reasonably efficient system.

As for the idea of the apathetic state, a close examination of these norms of acceptable behaviour and the social mechanisms enforcing them suggests that the emperors and their officials were far from uninterested in governing the provinces, and that upholding justice and maintaining the well-being of the people were duties that were taken seriously, even if the Byzantines understood them in less absolute institutional terms than we might today. It is also argued that social mobility was higher and political power more diffused within the aristocracy than has traditionally been believed and that there is little to suggest either that extended families functioned as important sources of identity and allegiance, or that that imperial authority was significantly compromised by growing aristocratic power. Taken together, these arguments present Byzantine society as less structurally unstable and conflict-ridden than previous studies have generally done, suggesting that the focus of the scholarly debate on the eleventh-century collapse should, to some extent, be shifted from internal towards external factors.

1.1 Aristocratic domination and state apathy from Ostrogorsky and onwards

The genealogy of the ideas which this thesis is intended to challenge can be traced back to George Ostrogorsky's *The History of the Byzantine State*, whose first English edition was published in 1956.² For Ostrogorsky, the death of Basil II (r. 976-1025) marked a turning point

² G. Ostrogorsky, *History of the Byzantine State* (Oxford 1956), pp. 280-310; see also idem, 'Observations on the Aristocracy in Byzantium', *Dumbarton Oaks Papers* 25 (1971), pp. 1-32, for a more detailed version of the argument, as well as idem 'Agrarian Conditions in the Byzantine Empire in the Early Middle Ages', *Cambridge Economic History of Europe* (Cambridge, 1966), vol. I, pp. 215-234.

where a long period of military expansion and imperial power gave way to the disintegration of the political system, which in turn resulted in an acute military and political collapse, with relative stability only being achieved with the new order instituted by Alexios Komnenos (r. 1081-1118). He faulted Basil's imperial successors for failing to stem the tide, but ultimately saw the crisis as the result of 'vigorous and irresistible social and economic forces.' The most important aspect of this development was the growing importance of the landed aristocracy, resulting in what Ostrogorsky called the 'feudalisation of the empire', with private interest gaining at the expense of the state. The process was under way as early as the eighth and ninth centuries, with land ownership passing gradually into fewer hands, but escalated during the tenth century and reached a decisive stage during the eleventh, when the imperial authority 'not only ceased its struggle to keep the feudal nobility in check, but became itself a tool of this powerful class.'

The concentration of land and wealth in aristocratic hands at the expense of independent peasants and military smallholdings had, in Ostrogorsky's view, enfeebled the state by undermining both the system of taxation and the imperial army. He envisaged the ruling class as split into two distinct factions, a civil nobility in the capital and a military aristocracy in the provinces, and interpreted the political history of the period as characterised by an intense struggle over which of these factions was to dominate the state. The resulting political instability, imperial weakness and neglect of the armed forces consequently left Byzantium vulnerable to outside invaders. Due to the initial dominance of the civil aristocracy, the numbers of civil officials and cost of the administration grew continually, but as the supreme power was increasingly impaired by aristocratic ambitions, the once-ubiquitous civil service also started to lose its strong centralised character, with the central government curtailing itself more and more in the provinces, even when it came to its most vital functions, such as tax-collection. As such,

local magnates and tax-farmers were effectively left in charge of provincial government, a position they used to their profit by imposing new burdens on the general population.

Ostrogorsky's argument has, of course, been criticised, refined and revised by other scholars many times over since it was first published more than half a century ago, but, as we shall see, his ideas have retained their relevance due to the influence they have exerted on later scholarship and the persistence of some of their basic tenets. His historical narrative was based to a large extent on the five contemporary major works of history that have come down to us: John Skylitzes' *Synopsis Historion*,³ Michael Psellos' *Chronographia*,⁴ Michael Attaleiates' *Historia*,⁵ Nikephoros Bryennios' *Hyle Historion*⁶ and the so-called *Skylitzes Continuatus*.⁷ His idea that the aristocracy was split into a civil and military faction seems to be based on Psellos' rather vague references to conflicts between τὸ πολιτικὸν γένος and τὸ στρατιωτικόν, but none of these works of history do, in fact, offer any substantial evidence to support the theory that growing aristocratic wealth and influence undermined the state and threatened imperial authority.⁸ That assertion was mainly, albeit not exclusively, based on a series of laws promulgated by tenth-century emperors, usually referred to collectively as the Macedonian novels, following the sobriquet of the ruling dynasty.⁹ Several of these novels concern, and seek to regulate, the relationship between two groups of people in provincial life, termed the powerful (δυνατοί, ισχυρότεροι) and the poor (πτωχοί, πένητες) respectively, claiming to intervene in defence of the latter against the former.

³ J. Skylitzes, *Ioannis Skylitzae Synopsis Historiarum*, ed. I. Thurn, CFHB 5 (Berlin, 1973).

⁴ M. Psellos, *Michele Psello: Imperatori di Bisanzio (Cronografia)*, ed. S. Impellizzeri and trans. S. Ronchey., 2 vols. (Rome, 1984), henceforth: Psellos, *Chronographia*.

⁵ M. Attaleiates, *The History / Michael Attaleiates*, ed. I. Perez-Martin, trans. A. Kaldellis & D. Krallis (Cambridge, 2012).

⁶ N. Bryennios, *Nicéphore Bryennios Histoire*, ed. P. Gautier (Brussels, 1975).

⁷ *He synecheia tes chronographias tou Ioannou Skylitse: Ioannes Skylitzes Continuatus*, ed. E. Th. Tsolakes (Thessalonike, 1968).

⁸ Psellos, *Chronographia*, 6.1-2, 6.6-7, 6.134, 7.1, 7.3, 7.6, 7.32, vol. I, pp. 246-8, vol. II, pp. 158-60, 178, 180, 184, 216.

⁹ *Les Nouvelles des empereurs macédoniens concernant la terre et les stratiotes*, ed. N. Svoronos (Athens 1994).

The first of these was issued by Romanos Lekapenos (r. 920-44) in 934.¹⁰ After an unusually severe famine in 927-8, the powerful had exploited the misery of the less fortunate small landowners by taking the opportunity to acquire their properties at prices well below the ordinary market value and the legislation was intended to reverse this development and restore the status quo in the countryside prior to the famine. It therefore defined the powerful as a legal category and made it illegal for them to acquire property in village communes, but also nullified any such acquisitions made from the time of the famine and onwards. In these retroactive cases, the buyers would be entitled to reimbursement if they had acted in good faith, whereas those who had employed coercion would be evicted without compensation. The principles set out in this novel were then reinforced and clarified by further legislation issued by Constantine VII (r. 945-59) in 947, Romanos II (r. 959-63) in 961 and Nikephoros II Phokas (r. 963-9) in 966/7.¹¹ The final and most draconian of these novels was then issued in 996 by Basil II (r. 976-1025).¹² Basil affirmed the position taken by his predecessors and stated plainly that the poor would be entitled to reclaim any land that had passed into the hands of the powerful since 927, with no obligation to reimburse the buyers for the original purchase price, nor for subsequent improvements. He also declared that in cases where crown lands have been acquired by powerful individuals, the imperial treasury's right of eviction would now extend back to the time of Caesar Augustus; in practice, a limitless claim.

For Ostrogorsky, these novels reflected a dramatic struggle between the central authority and a powerful landed aristocracy over who would control the land and manpower of the empire. The novel of 996, following the successful quelling of the Skleros and Phokas rebellions against

¹⁰ Svoronos, *Novelles*, pp. 82-92; E. McGeer, *The Land Legislation of the Macedonian Emperors* (Toronto, 2000), pp. 49-60.

¹¹ Svoronos, *Novelles*, pp. 98-100, 136-41, 180-1; McGeer, *Land Legislation*, pp. 61-7, 77-81, 97-101. The document from 961 is, however, technically not a new piece of legislation, but rather an official response to inquiries and legal problems that have arisen from the existing laws.

¹² Svoronos, *Novelles*, pp. 200-217; McGeer, *Land Legislation*, pp. 111-132.

Basil II, thus represented a significant, but temporary, victory for the central authority and the emperor personally, who had both defeated his aristocratic challengers in battle and put an end to their attempts to drain the resources of the state. The absence of further legislative initiatives nevertheless led Ostrogorsky to conclude that Basil's successors abandoned the struggle against the ambitions of the resurgent aristocracy and so the decline of the state could continue unabated after his death in 1025. The same explanatory model for the misfortunes suffered by the empire during the eleventh century was adopted by Speros Vryonis, although he also argued that ethno-religious conflict was an important supplementary factor.¹³

Rosemary Morris has further emphasised the conflict between state and aristocracy reflected by the novels, albeit while refraining from drawing conclusions about the long-term implications for the fortunes of the empire.¹⁴ She argues that despite their strident rhetoric about the plight of the poor and the responsibility of the emperors to protect their humble subjects, it was not with the welfare of the majority of the rural population that the novels were concerned. Morris notes that the legislation does not even bother to clearly identify the poor and the measures proposed was probably not even particularly helpful for small landowners. As such, she suggests that the struggle between the powerful and the poor was a fabrication of imperial advisors and that the novels should be understood primarily as a weapon wielded by emperors who were trying to defend their power against the onslaught of the rural aristocracy. This reading of the Macedonian novels as an essentially power-political¹⁵ tool has proved influential,

¹³ S. Vryonis, 'Byzantium: The Social Basis of Decline in the Eleventh Century', *Greek, Roman, and Byzantine Studies* 2 (1959), pp. 158-75.

¹⁴ R. Morris, 'The Powerful and the Poor in Tenth-Century Byzantium: Law and Reality', *Past and Present* 73 (1976), esp. pp. 26-7.

¹⁵ My use of the term 'power-political' is intended to make a distinction between politics in a wider sense, where power can be exercised in order to affect or prevent any kind of societal change, and power-politics, more narrowly defined as the exercise of power for the specific purpose of acquiring more power or maintaining an existing position of power.

but interpretations as to their more specific purpose have varied.¹⁶ This is illustrated particularly clearly by Catherine Holmes' analysis of the 996 novel, which, she argues, does not primarily reflect conflict between Basil II and powerful aristocratic families, but rather the emperor's efforts to impose his authority over the court and administration.¹⁷

Paul Lemerle, and more recently Michel Kaplan, have also offered interpretations of the novels with less emphasis on the political struggle between the state and an increasingly independent magnate class, suggesting instead that their main purpose was to protect the fiscal integrity of the village communes that constituted the cornerstone of the imperial tax base.¹⁸ Lemerle argued that the 'powerful' whose excesses the novels are meant to check were not in the first instance great landlords, but rather imperial dignitaries and officials who exploited their influence to exert pressure on those of inferior social, but not necessarily economic, standing. He was also more optimistic than Ostrogorsky about the effectiveness of these measures. He recognises that the powerful posed a real threat to the integrity of the village communes and the status of the free peasants, but rejects the notion of a creeping 'feudalism' that weakened the state during the course of the tenth century. While retaining much of the analytical framework of an aristocracy split into military and a civilian, or senatorial, faction, Lemerle also challenged the idea that the 'golden age' of the empire reached its apex with the reign of Basil II and that the 'civilian' emperors who succeeded him squandered his legacy through their weakness and decadence.¹⁹ He presented the decades after 1025 as a period of economic and social expansion as well as cultural and intellectual flourishing; a time of progress and societal development that

¹⁶ In addition to the examples cited below, see J. Howard-Johnston, 'Crown Lands and the Defence of Imperial Authority in the Tenth and Eleventh Centuries', *Byzantinische Forschungen* 21 (1995), pp. 75-100.

¹⁷ C. Holmes, *Basil II and the Governance of Empire (976-1025)* (Oxford, 2005), pp. 468-71.

¹⁸ P. Lemerle, *The Agrarian History of Byzantium from the Origins to the Twelfth Century: The Sources and Problems* (Galway, 1979), pp. 94-115, 189-92; M. Kaplan, *Les Hommes et la terre à Byzance du VIe au XIe siècle* (Paris, 1992), pp. 414-43.

¹⁹ P. Lemerle, 'Byzance au tournant de son destin', in idem, *Cinq Études sur le XIe siècle byzantin* (Paris, 1977), pp. 251-312.

was unfortunately, and decisively, crushed by the conservative and narrow-minded regime of Alexios Komnenos.²⁰

The notion of economic hardship and imperial decline after the death of Basil II has also been questioned by Alexander Kazhdan and Ann Wharton Epstein, albeit without going quite as far as Lemerle.²¹ Even though they rejected the term ‘feudalism’ to describe Byzantine society, they recognised that certain social and economic features associated with it did develop, and they argued that governmental and aristocratic traditions to some extent stifled the development of innovative urban institutions.²² They also offered a more guarded interpretation of the Macedonian novels and noted that while some eleventh-century sources indicate that the land was predominantly in the hands of the powerful in some regions, there are also other sources that prove the existence of free peasants. On balance, they suggested that private estates increased in size and number throughout the tenth and eleventh century, but without becoming the dominant form of landowning, and that even though the real power of the great landowners was considerable, the traditional state apparatus endured and Byzantium remained a centralised monarchy governed from the capital.

The dramatic shift came with the accession of Alexios Komnenos, who replaced traditional Byzantine vertical mobility with family government and introduced bureaucratic reforms of a more radically patrimonial nature, but Kazhdan and Epstein also argued that some of the cultural and social changes associated with the new Komnenian regime can, in fact, be traced

²⁰ See also C. Morrisson, ‘La Devaluation de la monnaie byzantine au XI^e siècle : essai d’interprétation’, *Travaux et mémoires* 6 (1976), pp. 3-47, and, more recently, A. Harvey, ‘Competition for Economic Resources: The State, Landowners and Fiscal Privileges’, in V. N. Vlyssidou (ed.), *Empire in Crisis: Byzantium in the 11th century* (Athens, 2003), pp. 169-77, similarly arguing that the Byzantine state was on essentially sound economic footing before 1071.

²¹ A. P. Kazhdan & A. W. Epstein, *Change in Byzantine Culture in the Eleventh and Twelfth Centuries* (Berkeley, 1985), pp. 24-73, 99-119.

²² See also A. Kazhdan, ‘State, Feudal, and Private Economy in Byzantium’, *Dumbarton Oaks Papers* 47 (1993), 83-100.

back to nascent developments during the preceding decades, or even centuries.²³ The most important of these was what they called ‘the aristocratisation of culture’, which essentially refers to an increased emphasis on lineage and extended family, as well as the development of a more martial ideal for the elite.²⁴ The evidence presented for the latter is mainly of Komnenian provenance, but the growing interest in lineage is shown to have much earlier origins. This argument is based primarily on the increased use of family names, which start to appear occasionally in sources from the ninth century, but become commonplace only after the year 1000, as well as the growing prestige associated with illustrious ancestry, *eugeneia*. Kazhdan and Epstein interpreted this as signifying emerging ties between the individual and the extended family, constituting a gradual departure from the traditional Byzantine ideal of the nuclear family. Taken together with the increased focus on martial virtues, they saw this development as the cultural consequence of the emergence of the military aristocracy as a ruling elite.

Ties between individuals and extended families also loom large in the scholarship of Jean-Claude Cheynet, whose *Pouvoir et contestations à Byzance (963-1210)*, together with a series of subsequent articles, present a ground-breaking revision of Ostrogorsky’s portrayal of the Byzantine aristocracy. His work will serve as an important springboard for the arguments below, and so we shall consider it in some detail. One of Cheynet’s main themes is continuity. He rejects the notion of a golden age of the rural world in the seventh and eighth centuries, followed by a decline where the elites took the role of exploiters of peasants, leading the empire to impotence and destruction. Based on the testimony of a wide range of sources, he suggests instead a slow evolution of the uppermost segment of the empire’s population over a thousand

²³ For a more recent and nuanced analysis of the Komnenian system of government, see P. Frankopan, ‘Kinship and the Distribution of Power in Komnenian Byzantium’, *English Historical Review* 122 (2007), pp. 1-34; idem, ‘Re-interpreting the Role of Family in Komnenian Byzantium: Where Blood is not Thicker than Water’, in M. D. Lauxtermann & M. Whittow, *Byzantium in the Eleventh Century: Being in Between* (London, 2017), pp. 181-96.

²⁴ See also A. Kazhdan, ‘Aristocracy and the Imperial Ideal’, in M. Angold (ed.), *The Byzantine Aristocracy, IX to XIII Centuries* (Oxford, 1984), pp. 43-57.

years, concluding that the aristocracy of the ninth or even eighth century already had many of the characteristics it would have towards the end of the empire.²⁵ As for the great aristocratic estates, Cheynet concedes that they were considerably larger in the eleventh century than in the eighth and that the Byzantine peasantry thus gradually fell under the influence of great landowners, public as well as aristocratic, but he also argues that this neither meant that the economic conditions of the peasants deteriorated markedly, nor that the empire's military capability suffered, since the theme army was soon made obsolete anyway and the state was able to compensate through the fiscalisation of the *strateia*,²⁶ the increased fiscal base resulting from territorial expansion and economic growth as well as the expansion of and increased focus on direct exploitation of public estates. He also notes that there is no lack of evidence for large estates prior to the tenth century, again emphasising continuity.

Along the same lines, Cheynet also appears consistent in arguing that there was no fundamental shift in the balance of power between the state and the aristocracy, nor any devolution of imperial functions in or around the eleventh century.²⁷ While aristocratic landowning increased, he illustrates mathematically that official salaries, *rogai*, must have been a much greater source of the income for the highest officials of the state than the surplus from their estates, which kept the most powerful dependant on imperial favour. For lower officials, however, it may well have been the other way around. Indeed, he suggests that it might be possible to understand the

²⁵ J.-C. Cheynet, 'L'Aristocratie byzantine (VIIIe-XIIIe siècle)', *Journal des Savants* (2000), pp. 281, 284-90, 295-6, 298-301, 320; idem, 'Les Structures administratives de l'Empire byzantin aux Xe-XIIe siècles', in E. Kislinger, J. Koder & A. Kultzer (eds.), *Handels Güter und Verkehrswege. Aspekte der Warenversorgung im östlichen Mittelmeerraum (4. Bis 15. Jahrhundert)* (Vienna, 2010), pp. 59-60, 64-5; idem, 'Les Noms des fonctionnaires civils appartenant aux familles de Constantinople durant les 11^e et 12^e siècles d'après la sigillographie', *First International Sevgi Gönül Byzantine Studies Symposium* (Istanbul, 2010), p. 164.

²⁶ The commutation of the obligation to serve in the army or navy attached to military lands in exchange for a payment that could subsequently be used to maintain professional soldiers. It appears to have become commonplace during the tenth century. See J. Haldon, 'Military Service, Military Lands, and the Status of Soldiers: Current Problems and Interpretations', *Dumbarton Oaks Papers* 47 (1993), pp. 1-67.

²⁷ J.-C. Cheynet, 'Aristocratie et héritage (XIe-XIIIe siècle)', in G. Dagron & J. Beaucamp (eds.), *La transmission du patrimoine* (Paris, 1998), pp. 78-9; idem 'L'Aristocratie', pp. 302-7, 310-17; idem, 'Les Structures', pp. 60-61.

pressure from the powerful on the poor in the rural world as an attempt to secure a source of capital that was not liable to be revoked each generation. He also states that confiscations from the greatest landowners, from the reign of Basil II all the way to that of Alexios I, should be underlined as a significant transfer of wealth from private hands to the state. While much of it found its way back into private hands in the form of imperial donations of various kinds, especially by the emperors who were insecure in power and in need of ensuring support amongst the aristocracy, Cheynet argues that in most cases this did not entail a permanent loss for the state since such donations tended to be personal and conditional, meaning that they would revert back into imperial possession when the beneficiary died or fell in disfavour. Similarly, he suggests that even though tax-exemptions could give a considerable financial advantage, the efforts made by beneficiaries to have them confirmed indicate that such confirmation was necessary to prevent fiscal officials from questioning them, which naturally ensured a continued dependence on imperial favour.²⁸ Moreover, he underlines the lack of evidence for private armies and fortresses and questions the notion that the powerful were always able to sway the courts in their favour, irrespective of the law or merits of a case.

Like Ostrogorsky, Cheynet interprets Byzantine eleventh-century politics as characterised mainly by a struggle between large and powerful aristocratic factions, but denounces the dichotomous idea of a military and civilian aristocracy opposed to one another.²⁹ Through prosopographical analysis, he argues that such a neat division is untenable on the grounds that the most prominent aristocratic families in the eleventh century usually had members serving in both the military and in the civil administration and suggests instead a more complex model where prominent families intermarried to form extensive, rivalling clans, based loosely on

²⁸ This point has also been made in more detail by R. Morris, 'Monastic Exemptions in Tenth- and Eleventh-Century Byzantium', in W. Davies & P. Fouracre (eds.), *Property and Power in the Early Middle Ages* (Cambridge, 1995), esp. pp. 214-16.

²⁹ J.-C. Cheynet, *Pouvoir et contestations à Byzance (963-1210)* (Paris, 1990), pp. 191-8.

geographical origins and policy priorities. I have discerned three main threads of thought in Cheynet's scholarship on this subject. Firstly, there is the advantage conferred by *eugeneia* in itself, i.e. the prestige inherent in having illustrious ancestors, secondly, the extent to which aristocrats could transmit wealth and influence to their children and, finally, the importance of marriage politics and family networks. The first two can thus be viewed as focusing on the importance of family in a vertical sense, the extent to which the opportunities of an individual are dependent on whom he is descended from, whereas the third concerns the horizontal impact of familial ties, how individuals benefited from belonging to a clan where solidarity was ensured by ties of kinship and marriage.

Concerning *eugeneia*, Cheynet notes that the Byzantines recognised an aristocracy where the principal criterion for belonging was birth, while making the distinction that it was never a nobility since there was no legal distinction between those who belonged to it and those who did not.³⁰ This is of particular importance in distinguishing an upper layer within the wider aristocracy, the *mega dynamenoi*, *megistanes*, or simply 'the great families'. Cheynet suggests that these families were not defined primarily by their wealth, but rather by the prestige that came from belonging to an illustrious lineage. By way of criterion, he merely states that these were the families that could aspire to the imperial throne, based on the fact that all the emperors of the eleventh century, with the exceptions of Michael IV (r. 1034-41) and Michael V (r. 1041-2), came from some of the empire's most prestigious families.

As for the transmission of wealth and influence from one generation to another. Cheynet notes that aristocratic inheritance was diminished both by the equal division between heirs and by donations to pious establishments, from which he infers that the ability of the same families to

³⁰ Cheynet, *Pouvoir*, pp. 249-53, 258.

remain at the pinnacle of society over several generations, indeed centuries, indicates the existence of compensatory mechanisms.³¹ Regarding the division of property, he notes that all children seem to have equal right in principle, but that it appears possible to favour one child as long as the rights of the others to part of the inheritance are respected, although he underlines that the documentary evidence does not permit clear conclusions. More importantly, however, successful parents were able to transmit not only their property to their children, but also their network of relations which gave them an invaluable advantage in furthering their careers. Younger relatives could also accompany older ones when fulfilling the duties of their offices, thus getting an opportunity to learn the ropes, which, Cheynet suggests, is why we can find veritable dynasties of military officers, with the same surname appearing frequently in the same position. The example he uses is that of Alexios Komnenos, who cut his teeth at the side of his brother Isaac before taking over command when the latter was captured.

In addition to these mechanisms favouring aristocratic transmission, Cheynet also notes two factors that worked to the advantage of new men, namely the extinction of some families through sterility or casualties in war and the expansion of the imperial administration that left new openings without necessitating rivalry with the members of the established aristocratic families.³² Regarding the effectiveness of these social mechanisms and the degree of social mobility they resulted in, Cheynet's exact position is not entirely easy to pin down and may have evolved over time.³³ He has referred to the aristocracy's quasi-monopoly of powerful offices and written that in spite of some individual success stories, the upper echelons of Byzantine society remained a rather closed milieu, although the frequent changes of

³¹ Cheynet, 'Aristocratie et héritage', pp. 63-7, 71, 80; idem, 'L'Aristocratie', pp. 282-3.

³² Cheynet, 'L'Aristocratie', p. 297.

³³ Cheynet, *Pouvoir*, pp. 256-7, 261. idem, 'L'Aristocratie', pp. 288-90, 295-7, 320 ; idem, 'Le Rôle de la bourgeoisie constantino-politaine: XIe-XIIe siècle', *Zbornik radova Vizantološkog instituta* 46 (2009), p. 96. idem, 'Les Noms', p. 164.

government in some periods could give a false impression of social mobility. This seems to be based primarily on the fact that he has been able to demonstrate that the members of some prominent families tend to appear in our sources holding high offices over the course of several generations.³⁴ He has, however, also stated that it was not until Komnenian times that the aristocracy truly started closing its ranks to new men and has presented the civil administration in particular as offering rare opportunities for social advancement.³⁵

Finally, there is the importance of marriage policy and ties of kinship. Here, Cheynet seems to envisage a situation where extended families functioned as political entities and where the great families extended their influence by forming powerful clans through marriage alliances.³⁶ This is based partly on observations of matrimonial patterns, where he has noted that scions of illustrious and wealthy families tended to marry each other, particularly those whose estates were situated in the same region, on statements made in various sources concerning obligations to aid one's relatives and on the fact that emperors tended to appoint family members to important positions. The most important evidence, however, comes from a thorough prosopographical analysis of all the known revolts, conspiracies and other challenges to imperial power from 963 to 1210, where Cheynet has demonstrated that the key supporters of the pretenders to the throne are often related to them by blood or marriage.

As for the other influential idea that this thesis means to challenge, namely that the imperial government played a limited role in provincial life, Cheynet has also argued that the relatively

³⁴ See, for instance, J.-C. Cheynet, 'La Famille Bourtzès', in idem & J.-F. Vannier, *Études prosopographiques* (Paris, 1986), pp. 15-55; J.-C. Cheynet, 'Les Dalassénoi', in idem & J.-F. Vannier, *Études prosopographiques* (Byzantina Sorbonensia 5), (Paris, 1986), pp. 75-115; J.-C. Cheynet, 'Les Argyroi', *Zbornik Radova Vizantološkog Instituta* 40, (Belgrade, 2003), pp. 57-90; idem, 'Grandeur et décadence des Diogénai', in V. N. Vlyssidou (ed.), *The Empire in Crisis (?). Byzantium in the 11th Century (1025-1081)* (Athens, 2003), pp. 119-38.

³⁵ See also H. Ahrweiler, 'Recherches sur la société byzantine au XI^e siècle : nouvelles hiérarchies et nouvelles solidarités', *Travaux et Mémoires* 6 (1976), pp. 103-11.

³⁶ Cheynet, *Pouvoir*, pp. 20-156, 261-7, 272-9; idem, 'L'Aristocratie', p. 285.

small size of the central bureaucracy severely restricted its reach throughout the empire, which necessitated a pragmatic approach to working with local persons of influence, who were often simply granted confirmation of their authority in exchange for their loyalty to the emperor.³⁷ The most comprehensive work on the subject is, however, Leonora Neville's *Authority in Byzantine Provincial Society, 950-1100*. Based on a body of documentary as well as narrative evidence from provincial life, most notably the Theban cadaster, the Marcian treatise and a number of saint's lives, but also Kekaumenos' *Consilia et Narrationes*, she argues that while the emperors were keenly interested in collecting revenue and maintaining imperial sovereignty by quelling any threats against their rule, the central government was otherwise largely apathetic about governing the provinces.³⁸ As such, they were generally content to leave the regulation of provincial society in the hands of local aristocrats, whose households, *oikoi*, competed with each other for control over community decisions.³⁹ To the extent that the administration did intervene in the provinces, it was more often matters of favour and personal appeals rather than regular administrative process, which meant that connections at the imperial court were still an important asset for ambitious local aristocrats.

By contrast, Morris' study of provincial dispute settlement in the tenth century underlines the pervasiveness of imperial officials in the processes examined, even though she also points out that legal decisions were strengthened by the participation of those influential in local society.⁴⁰ Moreover, she notes that the parties involved clearly envisaged that there would be no firm end to their dispute until the settlement had been formally ratified by imperial officials. She also

³⁷ J.-C. Cheynet, 'Official Power and Non-Official Power', in A. Cameron (ed.), *Fifty Years of Prosopography. The Later Roman Empire, Byzantium and Beyond* (London, 2003), pp. 137-51.

³⁸ L. Neville, *Authority in Byzantine provincial society, 950-1100* (Cambridge, 2004), esp. pp. 99-135.

³⁹ See also P. Magdalino, 'The Byzantine Aristocratic Oikos', in M. Angold (ed.), *The Byzantine Aristocracy, IX to XIII Centuries* (Oxford, 1984).

⁴⁰ R. Morris, 'Dispute Settlement in the Byzantine Provinces in the Tenth Century', in W. Davies & P. Fouracre (eds.), *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986), esp. pp. 134-6, 142, 146-7.

reaches similar conclusions in her more recent study of travelling judges in Macedonia, emphasising both the reach of the imperial administration and its concern for the promulgation of justice in the provinces.⁴¹

The notion that the nature and societal role of the Byzantine aristocracy was a crucial factor behind the misfortunes suffered by the empire during the later eleventh century has also remained prominent in more recent scholarship. Michael Angold argues that instability was built into the political structure of the empire due to the expansion and diversification of the elite from the end of the tenth century and onwards.⁴² This left too many interests to satisfy, creating tensions that required occasional outlets in the form of conspiracies and revolts. He does not reject Ostrogorsky's model of an aristocracy split into one civil and one military faction in its entirety, but rather suggests that such divisions belonged to a previous age and had largely disappeared. In the eleventh century, he states, Byzantine political life was instead dominated by families that transcended these divisions and drew their support from the entirety of the political spectrum, which seems to be well in line with Cheynet's portrayal of the 'great families'.

The idea of clan politics developed by Cheynet is even more pointedly expressed in more recent work by John Haldon, who portrays the Middle Byzantine aristocracy as belonging to a series of families and extended clans that gradually came to monopolise key military and civilian posts in the state and were in constant and sometimes violent competition with one another for influence and resources.⁴³ This elite evolved over the course of several centuries, but at least by

⁴¹ R. Morris, 'Travelling Judges in Byzantine Macedonia (10th-11th c.)', *Zbornik Radova Vizantološkog Instituta* 50 (2013), pp. 335-45.

⁴² M. Angold, 'Belle Époque or Crisis (1025-1118)?', in J. Shepard (ed.), *The Cambridge History of the Byzantine Empire* (Cambridge 2008), esp. pp. 588-9.

⁴³ J. Haldon, 'Social élites, wealth, and power', in J. Haldon (ed.), *The Social History of Byzantium* (Chichester, 2009), esp. pp. 168-193.

1071 it had crystallised fully into a multi-factional aristocracy of birth, with a few very powerful families on top and large, subordinate clans dependent on them, from which we may surmise that the process must have been reasonably far advanced throughout the entire period with which we are concerned. This situation, Haldon suggests, led directly to the squabbles and civil wars that followed the battle of Manzikert, and thus to the failure of Byzantium to mount an effective defence against its external enemies.

Haldon also makes an analytical distinction between the elite in general, which he defines largely as those families whose members held or were ensured access to senior positions in state and church, and the power elite, which was the particular faction dominating the state at any given time. He notes, however, that before the Komnenian faction managed to ensconce itself firmly at the helm of state, the latter was never made up of the same set of families over a long time, partly because the perpetual competition for influence left different factions in a dominant position at different times, and partly because the internal composition of the factions themselves was constantly changing. He also introduces some complexity to this model by underlining that opportunities for social advancement on ‘pseudo-meritocratic’ grounds remained throughout the period in question, although he seems to view this as largely dependent on personal imperial patronage, i.e. that emperors were always able to promote members of new families to elite status. Moreover, he endorses Neville’s view of the Byzantine state as apathetic about governing the provinces beyond collecting taxes and upholding imperial sovereignty.

Ostrogorsky’s argument that the Byzantine state was enfeebled by the growth of private aristocratic wealth and power has also been vigorously revived by Paul Stephenson, who similarly argues that the Macedonian novels cannot have been particularly effective in reining

in the powerful, since there would have been no need for Basil II to issue stronger legislation if the previous laws were working.⁴⁴ He connects this more closely to the cultural changes identified by Kazhdan and Epstein, however, and further develops the idea of a gradually emerging aristocratic self-consciousness, which meant that the members of aristocratic families became increasingly committed to the promotion of the family and its interests at the expense of the state. This is based mainly on the increasing prevalence of surnames, particularly on the lead seals used for official correspondence.⁴⁵ Since the officials in question were identified by both their family name and their title and rank, Stephenson surmises that they were considered representatives both of the state and of their families, reflecting a conflict of interest where kinship almost always trumped public service. He also notes that some provincial officials drew their salaries directly from their localities and suggests that this blurring of the distinction between public authority and private power would lead to greater tension in the empire's periphery and exacerbate the phenomenon of aristocratic gains at the expense of the state.

As for this idea that extended families functioned as the primary sources of identity and allegiance, and that Byzantine politics should thus be understood as a struggle between such families for power and resources, it is a particularly influential one, which, as the review above demonstrates, enjoys broad support among scholars who have approached the issue from different perspectives using a wide variety of sources.⁴⁶ It is therefore important to note that many of the arguments underpinning it would appear to be based on conjecture and questionable assumptions. The main exception is Cheynet's survey of challenges to imperial authority, where

⁴⁴ P. Stephenson, 'The Rise of the Middle Byzantine Aristocracy and the Decline of the Imperial State' in idem (ed.) *The Byzantine World*, (London & New York, 2010), pp. 22-33.

⁴⁵ See also P. Stephenson, 'A Development in Nomenclature on the Seals of the Byzantine Provincial Aristocracy in the Late Tenth Century', *Revue des études byzantines* 52 (1994), pp. 187-211.

⁴⁶ See also L. Andriollo, *Constantinople et les provinces d'Asie mineure, IXe-XIe siècle. Administration impériale, sociétés locales et rôle de l'aristocratie* (Leuven, 2017), esp. pp. 317-410. This newly published study emphasises the role played by aristocratic networks in facilitating communication between Constantinople and the provinces while essentially retaining notion of family as the organising principle of Byzantine politics.

his observation that both incumbents and pretenders to the throne tend to be supported by their relatives by blood or marriage is apt and firmly supported by the available evidence, even though there are a few deviations from the general pattern as well. The fact that emperors and would-be emperors often looked for support amongst his relatives surely signifies that family counted for something, but since this analysis only examines Byzantine society at the point of political crisis, its conclusions provide a questionable base for generalisations in lieu of corroborative testimony, and this is where the evidence starts to wear thin.

As for the increased cultural importance of *eugeneia*, this is indeed well documented, but it is far from certain that a concern for the prestige conferred by an illustrious lineage would necessarily translate into strong feelings of solidarity with those who shared the same prestigious ancestors, which several of the studies referred to above simply appear to assume. Similarly, the fact that the scions of the most prominent families tended to marry each other proves very little since, after all, they had to marry someone and given the importance awarded to *eugeneia* as well as the circumstance, noted by Cheynet, that traditions concerning dowries and the corresponding contributions of grooms favoured marriages between economic equals, it could hardly be regarded as surprising that isogamy was the norm in both of these respects.⁴⁷ Cheynet does make some interesting observations regarding matrimonial patterns, especially in the tenth century, but he also notes that all the emperors between 1028 and 1081 were related to each other through marriage, which does not point in any conclusive way towards the formation of rivalling clans during this period.⁴⁸

Moreover, Cheynet's very thorough scholarship does not fail to mention some pieces of evidence that serve to weaken his case for clan politics rather than strengthen it, such as

⁴⁷ Cheynet, 'Aristocratie et héritage', p. 58.

⁴⁸ Cheynet, *Pouvoir*, pp. 272-9; Cheynet, 'L'Aristocratie', p. 285.

legislation regarding the obligations of relatives to each other, where the nuclear rather than extended family appears to be viewed as the natural family unit. The freedom from the obligation to testify against close relatives only applied to direct descendants or forebears, siblings and immediate in-laws.⁴⁹ When it came to inheritance, only the rights of children were protected, whereas couples who died childless could dispose of their worldly possessions freely.⁵⁰ Cheynet also notes himself that as opposed to the medieval West, marriages do not appear to have been considered as the collective actions of the entire extended family, from which he infers that the fundamental cell of the Byzantine family was the couple.⁵¹

As for the sigillographical evidence, there appears to be a significant issue with selection bias in the way that it has been used. As William Danny has pointed out, since seals without surnames may possess low informational value when considered individually, scholars have tended to overlook the significance of their sheer quantity.⁵² Even though seals that identify their owners by surnames became significantly more common in the eleventh century than they had been before, there are still vast numbers of seals that do not. Due to the limited information they provide, they are often left out of prosopographical studies, which means that those studies, for all their other qualities, cannot be relied on to support the notion that the identity and loyalty of Byzantine officials were primarily determined by their membership of certain families. While the increased use of surnames certainly must be regarded as significant and it is perfectly reasonable to hypothesise that it to some extent reflected a growing social focus on kinship, it is also important to note that this is by no means the only possible explanation for this development. In the context of the expanding bureaucracy of the eleventh century, which will

⁴⁹ Cheynet, *Pouvoir*, p. 261.

⁵⁰ Cheynet, 'Aristocratie et héritage', pp. 67-70.

⁵¹ Cheynet, *Pouvoir*, p. 266.

⁵² W. Danny, 'Society and the State in Byzantium 1025-1071' (University of Oxford D.Phil. thesis, 2007), p. 81.

be discussed in more detail below,⁵³ it is, for instance, also possible that the increased use of surnames was partially driven by a need to distinguish different officials with the same given names from each other as they grew more numerous.

We shall have reason to return to Danny's unpublished thesis below, as it has much in common with this one, not only in terms of the sources examined and the methods employed, but it also makes a very similar general argument, namely that far from being undermined by private formations of aristocratic power, the apparatus of public authority remained fundamentally sound throughout the mid-eleventh century.⁵⁴ A strikingly similar argument is also made by Anthony Kaldellis in his recently published historiographical account of the period from 955 to the First Crusade.⁵⁵ Based mainly on the traditional narrative sources, Kaldellis dismisses the Ostrogorskian model of socio-economic transformation in its entirety, arguing that the rebels challenging imperial authority should not be understood as representatives of a class of landed magnates, nor of any kind of aristocratic faction, but rather as individual army officers exploiting their influence over the troops under their command for personal gain.⁵⁶ He suggests that the only structural weakness that can be firmly attested by the evidence was that of weak imperial legitimacy, which was endemic to the Byzantine empire throughout its history, although it happened to come to a head in the eleventh century. As we shall see, Kaldellis interpretation appears to be quite consistent with the arguments made in this thesis, even though he approaches the issues at hand from a much more traditional historiographical perspective, relying mostly on an entirely different set of sources.

⁵³ See below, pp. 46-8.

⁵⁴ Danny, 'Society and the State', esp. pp. 1-8, 223-39.

⁵⁵ A. Kaldellis, *Streams of Gold, Rivers of Blood: The Rise and Fall of Byzantium, 955 A.D. to the First Crusade* (New York, 2017), pp. 13-18, 142-52, 224-8, 271-9.

⁵⁶ Cf. Holmes, *Basil II*, esp. pp. 461-8, arguing that the conflicts characterising the early years of the reign of Basil II were primarily about control of the army and that what made the rebellions of Bardas Skleros and Bardas Phokas dangerous was not the private resources of the rebels, but rather that they held high military office.

1.2 Sources and principal arguments

This thesis is primarily a detailed, critical analysis of three sources, all of which have arguably been underexploited as evidence for the political history of eleventh-century Byzantium: The letters of Michael Psellos, the *Peira* and Kekaumenos' *Consilia et Narrationes*. Particular focus is given to the roughly 500 preserved letters of Michael Psellos, the great polymath of the eleventh century who was deeply involved in the empire's political life. The letters have only recently begun to receive the scholarly attention they deserve, both for their remarkable literary qualities, where the work of Stratis Papaioannou has been especially important,⁵⁷ and for the wealth of information they can provide on Byzantine society, where the recent volume published by Michael Jeffreys and Marc Lauxtermann is bound to pave the way for further research.⁵⁸ While the political content of the letters has been explored in some studies, they have been very limited in scope and the inquiry below is, to the extent of my knowledge, consequently the most comprehensive and systematic of its kind to have been carried out so far. It is carried out as a close, systematic and source-critical reading of the relevant letters, with particular focus on extracting information about the norms and values through which Byzantine officials governed themselves and the empire.⁵⁹ It is thus essentially an examination of the elite political culture of eleventh century Byzantium. This inquiry is divided into three chapters.

⁵⁷ S. Papaioannou, 'Das Briefcorpus des Michael Psellos: Vorarbeiten zu einer kritischen Neuedition', *Jahrbuch des Österreichischen Byzantinistik* 48 (1998), pp. 67-117; idem, 'Michael Psellos' Rhetorical Gender', *Byzantine and Modern Greek Studies* 24 (2000), 113-46; idem, 'Letters Regarding Psellos' Family', in A. Kaldellis (ed.), *Mothers and Sons, Fathers and Daughters: The Byzantine Family of Michael Psellos* (Notre Dame, 2006), pp. 167-78; idem, 'Michael Psellos on Friendship and Love: Erotic Discourse in Eleventh-Century Constantinople', *Early Medieval Europe* 19 (2011), pp. 43-61; idem, 'Michael Psellos: Rhetoric and the Philosopher in Byzantium', in B. Bydén & K. Ierodiakonou (eds.), *The Many Faces of Byzantine Philosophy* (Athens, 2012), pp. 153-70; idem, 'Fragile Literature: Byzantine Letter-Collections and the Case of Michael Psellos', in P. Odorico (ed.), *La face cachée de la littérature byzantine; le texte en tant que message immédiat* (Paris, 2012), pp. 289-328; idem, *Michael Psellos: Rhetoric and Authorship in Byzantium* (Cambridge, 2013); C. Barber & S. Papaioannou, *Michael Psellos on Literature and Art: A Byzantine Perspective on Aesthetics* (Notre Dame, 2017).

⁵⁸ M. Jeffreys & M. Lauxtermann (eds.), *The Letters of Psellos: Cultural Networks and Historical Realities* (Oxford, 2017).

⁵⁹ The importance of norms, values and expectations for understanding political structures and changes has been increasingly recognised in scholarship on western medieval history. See especially G. Althoff, *Family, Friends and Followers: Political and Social Bonds in Early Medieval Europe* (Cambridge, 2004), esp. pp. 7-10, 162-4.

Chapter 2 will present the letters as an historical source and place them in their political context, while chapter 3 will examine what the letters can tell us about the exercise of power, both public and private, and chapter 4 will concern itself with the information they provide on the social mechanisms governing the acquisition of rank and influence.

This will be followed by an analysis of the *Peira* in chapter 5 and of Kekaumenos' *Consilia et Narrationes* in chapter 6. The former is a judicial handbook based on the verdicts of Eustathios Rhomaios, who ended his career as *droungarios* of the *Vigla*, the highest ranking judge in the empire, while the latter is a book of advice compiled by a retired late eleventh-century provincial aristocrat who most likely had a military background. Both of these sources, and in particular the latter, have been called upon with some frequency as evidence in scholarship about the political life of the empire during the eleventh century, albeit almost always in a rather limited way, where a few select passages are highlighted to reinforce an established idea or an argument based on other sources. These chapters will offer a more comprehensive analysis, again with particular focus on the norms and values governing political behaviour. Given the limited scope of a D.Phil thesis, however, that analysis will still be somewhat more selective than the appraisal of Psellos' letters, in the sense that it will be limited to themes already identified as important either in the chapters examining the letters or in previous scholarship. I will nevertheless endeavour to explore these themes as thoroughly as possible, taking all relevant evidence offered by the texts into account.

In contrast to the more widely read historiographical sources, such as the ones written by Psellos, Skylitzes and Attaleiates, that naturally tend to focus on the most dramatic historical events taking place during the period they cover, such as wars, coups and rebellions, these texts allow us to approach Byzantine society from a more quotidian perspective, see beyond the

politics of crisis and discern more deeply entrenched and subtle social mechanisms at play in its political life. It should also be noted that they were written in different parts of the period with which we are concerned. The *Peira* was probably compiled between 1034 and 1042, the lion's share of Psellos' epistolary oeuvre appears to have been authored between 1060 and 1067 and the composition of *Consilia et Narrationes* can most likely be dated to 1075-8, even though it seems to draw mainly on material and experiences from around the middle of the century. Moreover, they were written under very different circumstances, for different reasons, by authors from different parts of the Byzantine aristocracy. For instance, both Psellos' letters and the *Peira* concern themselves with judicial processes, but the former would typically have a proactive and practical purpose, seeking to intervene in an ongoing lawsuit or bring an issue to the attention of a judge, whereas the latter takes a retrospective and more theoretical approach, examining closed cases in order to elucidate the judicial principles and reasoning behind the judgments. Both of them are however written from a Constantinopolitan civil-service perspective, which contrasts sharply against Kekaumenos' provincial point of view and interest in military matters. This has the advantage of increasing the likelihood that the conclusions reached reflect broad and persistent societal structures, rather than being representative only for a small, exclusive group or a few exceptional years. Even so, these three sources alone cannot, of course, be claimed to present a complete picture of Byzantine society between 1025 and 1081 and the conclusions will consequently need to be related to and weighed against the results produced by previous scholarship.

The main contribution of this thesis to our understanding of Byzantium in the mid-eleventh century can be broken down into three separate but interrelated arguments; two of a revisionist nature and one more original. The most important and, I believe, original argument is that the Byzantine state to a large extent relied on private networks to carry out public administration

throughout the empire.⁶⁰ These networks served to compensate to some extent for the institutional shortcomings of the premodern state by conveying information, orders and requests, but also by reproducing and enforcing norms of acceptable political behaviour that served to keep the empire's officials involved in a coherent social milieu with shared values where a good reputation, especially in the eyes of the emperor, was of paramount importance for the fortunes of each individual. Public and private power were consequently intimately intertwined and there is no need to interpret this as a sign of weakness or apathy on the part of the state. This is based predominantly on the analysis of Psellos' correspondence with provincial *kritai* and other officials in chapter 3, but certain aspects of the public-private power dynamic can also be discerned in the other main sources.

The first revisionist argument challenges the idea that the political dynamic of eleventh century Byzantium was centred around the power struggles of a relatively small number of 'great families', organised by ties of marriage into large clans that effectively functioned as political parties. This argument can, in turn, be divided into three key elements. Firstly, Byzantine society appears to have offered broad and substantial opportunities for social advancement, largely on meritocratic grounds, with few structural restrictions beyond the cost of education, which undermines the idea that its upper echelons were a rather closed social milieu.⁶¹ Secondly, there seem to be nothing to suggest that extended families functioned as important sources of identity in allegiance in any of the sources.⁶² Family ties were far from politically irrelevant, but their importance can probably be better understood through the analytical framework of networks of friendship. Thirdly, imperial power does not appear to have been seriously threatened by aristocratic ambition.⁶³ In lawsuits involving prominent aristocrats, the

⁶⁰ See esp. chapters 3, 5.1, 6.3-4.

⁶¹ See esp. chapters 4.1, 6.2.

⁶² See esp. chapters 4.2, 5.3, 6.3.

⁶³ See esp. chapters 3.4, 4.1, 5.2, 6.4.

judges seem to take neither a hostile nor a deferential attitude towards them, which suggests that the *kritai*, as representatives of the state, were acting from a position of strength. As for the emperor's control over these representatives, the private networks on which the state relied for public administration also served to relay information on the conduct of officials throughout the empire back to the palace, which had a disciplining effect since it necessitated upholding a reputation that would meet with imperial approval.

The second revisionist argument challenges the idea that the eleventh-century emperors and their officials were apathetic about governing the provinces beyond what was necessary to pacify and extract resources from them, arguing instead that officials were charged with upholding justice and maintaining the well-being of the people in their jurisdiction and that this was a duty that was taken seriously, even though it was certainly approached with significantly more flexibility in eleventh-century Byzantium than we expect in modern democratic states.⁶⁴ Once again, the practice of relying on private networks for public administration takes a central role in the analysis, since these networks served to reproduce and enforce a normative framework of acceptable political behaviour where such values were heavily emphasised. Virtues like justice and compassion still had to be balanced against other duties and expectations, and officials were given considerable discretion to pursue personal gain, but failure to uphold them to the expected standard would attract censure and, by extension, risk imperial retribution. This is a recurring theme throughout all three main sources.

None of this is to deny that the so-called great families were there, that birth was an important factor in determining the success of individuals or that justice was more easily obtained by the powerful than it was by the poor. There is however reason to believe that previous scholarship

⁶⁴ See esp. chapters 3, 5.1, 6.4.

has tended to overstate these notions and assign too much explanatory value to them. Taken together, the evidence examined consequently appears to reflect a reasonably well-functioning state and a fairly coherent society, at least by the standards of the pre-modern world, suggesting that the focus of the scholarly debate on the late eleventh-century crisis in Byzantium should, to some extent, be shifted from internal to external factors.

1.3 Aristocracy and networks

Before commencing the examination of our sources, there are two terms in particular that, in the interest of analytical clarity, will need to be discussed in a little more detail, namely aristocracy and network. As has surely been made evident above, aristocracy is the word I will generally employ to designate the upper segment of Byzantine society, around which much of the inquiry below will revolve. It is a term that is well established in the scholarship which this thesis builds upon, making continuity a strong argument in favour of its continued use. As Paul Magdalino has noted, ‘aristocracy’ and its cognates also have the advantage of not being strongly associated with any other particular time and place, making them relatively free of misleading connotations, and of being very rare in Byzantine social terminology, which, he argues, is in itself a strong recommendation for applying them to Byzantium.⁶⁵ Given its importance for the analysis below, however, a more precise definition is also in order. In this respect, I am content to follow the example of both Ostrogorsky and Cheynet, who in turn have made use of the definitions of the ‘powerful’ as it is given in two novels by Romanos I, the

⁶⁵ P. Magdalino, ‘Court Society and Aristocracy’, in J. Haldon, (ed.), *The Social History of Byzantium* (Chichester, 2009), pp. 218-19.

famous one from 934, which has been discussed briefly above, as well as an earlier one from 922 or possibly 928.⁶⁶

The novel of 934 presents a list of those who are to be defined as powerful, mentioning *magistroi* and *patrikioi*, persons honoured with civil or military offices or dignities (τῶν ἀρχαῖς ἢ στρατηγίαις ἢ πολιτικοῖς ἢ στρατιωτικοῖς ἀξιώμασι τετιμημένων), those enumerated in the Senate (τῶν εἰς συγκλήτου βουλὴν ἀπηριθμημένων), officials and former officials of the themes (τῶν θεματικῶν ἀρχόντων ἢ ἀπαρχόντων), metropolitans, archbishops, bishops, superiors of monasteries (ἡγουμένων), ecclesiastical officials (ἐκκλησιαστικῶν ἀρχόντων) and supervisors or heads of pious or imperial houses (τῶν τὴν προστασίαν καὶ ἐπικράτειαν τῶν εὐαγῶν ἢ βασιλικῶν οἴκων ἐχόντων).⁶⁷ In the earlier novel, the definition is more succinct, stating simply that those should be considered powerful who either personally or through the influence of others (κἂν μὴ δι' ἑαυτῶν, ἀλλ' οὖν διὰ τῆς ἐτέρων δυναστείας) are capable of intimidating sellers or satisfying them with a promise of some benefaction (ἱκανοὶ εἰσιν ἐκφοβῆσαι τοὺς ἐκποιοῦντας ἢ πρὸς εὐεργεσίας ὑπόσχεσιν τὴν πληροφορίαν αὐτοῖς παρασχεῖν).⁶⁸

Combining these criteria, we consequently arrive at a definition of an aristocrat as someone who either holds or has held any civil, military or ecclesiastical office or dignity, or who is otherwise able to use coercion or bribes to exert considerable influence in provincial society. It can, and will, thus be used as synonymous with 'elite'. Since none of these criteria were hereditary in a formal sense, 'aristocratic birth' would consequently simply mean having at least one parent who met this definition, whereas 'aristocratic family' could be used to denote any family whose members included aristocrats from more than one generation. This is also

⁶⁶ Ostrogorsky, 'Observations', p. 6; Cheynet, *Pouvoir*, p. 249. On the inconclusive dating of the earlier novel, see McGeer, *Land Legislation*, pp. 37-8.

⁶⁷ Svoronos, *Novelles*, p. 84.

⁶⁸ Svoronos, *Novelles*, p. 70.

consistent with contemporary perceptions of *eugeneia*, which appears to have been derived primarily through descent from imperial dignitaries.⁶⁹

As for networks, this is an analytical term that previous scholarship has made use of predominantly in studies on Byzantine letter collections.⁷⁰ It will consequently be given a central role in the analysis of Psellos' letters, where it will also be discussed further,⁷¹ but based on the findings of those chapters, it will be argued that it is a useful concept not only for examining letter collections, but also for understanding how Byzantine political life functioned in a wider sense. Some general remarks on how it will be employed are therefore in order. The constituent parts of networks are social relations, defined as potential communication channels that may or may not be used to carry transactions, which in turn can be viewed as symmetric or asymmetric relations of exchange.⁷² Every individual is consequently seen as embedded in a network of unique and complex social relationships, some equal and some unequal, the nature of which determines the individual's different roles within the network.

In this thesis it will be used primarily as an alternative way of examining the social context of individuals' political activity, in contrast to the more widely used perspectives of, on one hand, the official state hierarchy, where each individual is viewed as performing a specific function within a formal chain of command, and, on the other, the family, where the societal role of each individual is determined by kinship ties within a patriarchal framework. Both of these

⁶⁹ P. Magdalino, 'Byzantine Snobbery', in M. Angold (ed.), *The Byzantine Aristocracy, IX to XIII Centuries* (Oxford, 1984), esp. p. 64.

⁷⁰ See especially M. Mullett, *Theophylact of Ochrid: Reading the Letters of a Byzantine Archbishop* (Aldershot, 1997); idem, 'The Detection of Relationship in Middle Byzantine Literary Texts: the Case of Letters and Letter Networks', in W. Hörander W. & M. Grünbart (eds.), *L'Épistolographie et la poésie épigrammatique: projets actuels et questions de méthodologie* (Paris, 2003), pp. 63-74; M. Grünbart, 'Tis Love That Has Warm'd Us – Reconstructing Networks in 12th Century Byzantium', *Revue belge de philologie et d'histoire* 83 (2005), pp. 301-14.

⁷¹ See below, pp. 44-6.

⁷² Mullett, *Theophylact*, pp. 163-5.

perspectives are, of course, perfectly valid and indeed quite useful, and the point of employing the concept of networks is not to render either of them irrelevant, but rather to incorporate them in a more complex social model. Relationships are viewed as the totality of factors connecting individuals to each other, where being related and occupying adjoining positions in the imperial hierarchy are but two possible such circumstances, albeit potentially important ones. The advantage of analysing Byzantine political life from the perspective of networks is thus that it enables us to examine how these different factors affect the formation of political allegiances and the ability of different individuals to influence and assist each other, as well as to evaluate their relative impact. Crucially, it allows us to investigate the political importance of the more informal features of relationships, most notably that of friendship.⁷³

⁷³ Regarding the Byzantine conception of friendship, see below, pp. 44-6.

2. Reading the letters of Michael Psellos

The letters of Michael Psellos contain a wealth of information on the political life of eleventh-century Byzantium, composed as they were by an author who moved in the upper echelons of Byzantine society for decades and counted emperors and patriarchs among his friends and correspondents. It is not, however, Psellos' links to supreme authority that will be our principal focus here, but rather his epistolary exchanges and relationships with other members of the wider Byzantine aristocracy. There are hundreds of letters written to civil administrators, especially provincial *kritai*, whom Psellos addresses affectionately as friends, advises on the fulfilment of their official duties as well as their personal ambitions and, crucially, asks for a wide variety of favours. Indeed, in nearly every other letter known to us Psellos is either asking his correspondents to do something for him, reporting on services he has performed for them or in other ways refers to requests made or carried out. In the words of Floris Bernard, reading them 'is like watching an enormous engine of social services at work.'⁷⁴ As such, they offer valuable insights into everyday political life in eleventh-century Byzantium; the functioning of the civil administration, the conduct of the officials charged with running it as well as the norms and institutional limitations governing their exercise of power.

The letters have attracted some scholarly attention in this capacity, resulting in different interpretations of Psellos' political activities. Günther Weiss, in his pioneering study of Byzantine officials as seen through the letters, views Psellos the letter-writer as participating in the machinations of an administrative elite concerned exclusively with self-enrichment and careerism.⁷⁵ While I do not intend to deny that such motivations can be discerned in the letters,

⁷⁴ F. Bernard, 'The Beats of the Pen: Social Contexts of Reading and Writing Poetry in Eleventh-Century Constantinople' (Ghent University Ph.D. thesis, 2010), p. 252.

⁷⁵ G. Weiss, *Oströmische Beamte im Spiegel der Schriften des Michael Psellos*, *Miscellanea Byzantina Monacensia* 16 (Munich 1973), p. 13. In a recently published article, Cheynet offers a more charitably phrased, but essentially

I will nevertheless question Weiss' characterisation of Psellos' epistolary activities as essentially self-serving, arguing that they reflect and must be understood in the context of a society where public and private power was closely intertwined and where it was considered necessary for good governance to accommodate some degree of personal gain. This relates closely to the observation, made by Zachary Chitwood in his study on Byzantine legal culture, that there is a tension in the letters between the demands of friendship and those of impartial justice, which is a theme that I will develop further below.⁷⁶ I will also distinguish a similar tension between meritocracy and friendship, which will touch upon Bernard's work on the importance of education and public displays of learning and eloquence for social success.⁷⁷

I will address these issues in the following two chapters through a comprehensive and close reading of Psellos' epistolary oeuvre. Chapter 3 will inquire into the exercise of power, both public and private, focusing especially on the normative framework surrounding it, while chapter 4 will concern itself with its acquisition, where meritocracy and social mobility will be central concepts. Particular attention will be given to the roughly 250 letters concerning requests, since they give us the unique opportunity to see Psellos exercising influence in practice, although I will also make use of other letters in the collection when they provide useful information. It should be recognised, however, that we are dealing with a large, disparate and unwieldy body of evidence that must be carefully contextualised and structured before being subjected to more detailed examination. Contextualisation is thus the purpose of the present chapter, which will be divided into three subchapters. The first subchapter will sketch a

similar interpretation of Psellos' epistolary activities, emphasising the self-serving nature of his requests and the arbitrariness of the provincial administration of justice. J.-C. Cheynet, 'L'Administration provinciale dans la correspondance de Michel Psellos', in M. D. Lauxtermann & M. Whittow, *Byzantium in the Eleventh Century: Being in Between* (London, 2017), pp. 49-56.

⁷⁶ Z. Chitwood, *Byzantine Legal Culture and the Roman Legal Tradition, 867-1056* (Cambridge, 2017), pp. 67-70.

⁷⁷ F. Bernard, *Writing and Reading Byzantine Secular Poetry, 1025-1081* (Oxford 2014), pp. 155-207.

biographical outline of Michael Psellos and consider the implications of what we know about the character and transmission of the preserved collection of letters. The second subchapter will endeavour to place them in their proper socio-political context, which will also entail a discussion on dating. Finally, the third subchapter surveys and categorises the letters in which Psellos makes requests, to the extent that such a large and varied body of literary material lends itself to schematic classification.

2.1 Michael Psellos and his letters

Michael Psellos is arguably the best known author from the Middle Byzantine period and certainly one of the most prolific. Apart from his *Chronographia*, the historical work for which he is most famous today, there survives an abundance of letters, orations, poems and treatises covering virtually all academic areas studied by his contemporaries.⁷⁸ He was born in 1018 to a Constantinopolitan family of moderate means and given the baptismal name Constantine, which he would subsequently change to Michael upon his tonsure in 1054.⁷⁹ He followed through the whole curriculum of Byzantine education, starting with grammar, orthography and Homeric poetry, moving on to rhetoric and then philosophy. During his studies he made several acquaintances that would prove important later in his life, among them his teacher John

⁷⁸ P. Moore, *Iter Psellianum: A Detailed Listing of Manuscript Sources for All Works Attributed to Michael Psellos, Including a Comprehensive Bibliography* (Toronto 2005) records a total of 1176 works attributed to Psellos, although many of them spuriously so. See p. 9 for an overview.

⁷⁹ The following biographical summary is based mainly on the accounts provided in Papaioannou, *Psellos: Rhetoric and Authorship*, pp. 4-13, and A. Kaldellis, *Mothers and Sons, Fathers and Daughters : the Byzantine Family of Michael Psellos* (Notre Dame 2006), p. 3-16, which in turn are compiled using biographical details provided by Psellos himself in his works. M. Jeffreys, 'Michael Psellos and the Eleventh-Century: a Double Helix of Reception' in M. D. Lauxtermann & M. Whittow, *Byzantium in the Eleventh Century: Being in Between* (London, 2017), pp. 27-9, notes that a convincing overall biography of Psellos has yet to be written and suggests that it is probably not possible to do so until we have made further progress in contextualising and deciphering the rhetorical layers of the abundance of fragmented, disorienting and sometimes contradictory biographical information found in his many works.

Maupous.⁸⁰ Thanks to his education, he was able find employment in the provincial administration, first in subordinate positions and then as *krites*, before advancing to become an imperial secretary under Michael IV (1034-41).⁸¹ His rhetorical abilities then earned him a prominent position in the court of Constantine IX Monomachos (1042-55), under whose reign he also took up a career as a teacher, in which he was sufficiently successful for the emperor to invent and award him the title of *proedros* of the philosophers in 1047, signifying his pre-eminence amongst the teachers of Constantinople.⁸² This title was later changed to *hypatos* of the philosophers, possibly because Psellos was awarded another *proedros*-title.

During this period he established contacts and friendships in the upper echelons of Byzantine political and intellectual society and many of his students would go on to hold positions in the imperial administration, where we tend to encounter them in his letters.⁸³ He also began to acquire significant property, including several monasteries given to him by the emperor through the institution of *charistike*.⁸⁴ Psellos' fortunes started to change for the worse in the 1050s,

⁸⁰ Influential advisor to Constantine IX before being appointed metropolitan of Euchaita in 1049. M. Jeffreys et al., *Prosopography of the Byzantine World* (2011) (henceforth PBW) available at <<http://pbw.kcl.ac.uk>> (consulted 11.ii.2016) Ioannes 289, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/109594>>. See also M. D. Lauxtermann, 'The Intertwined Lives of Michael Psellos and John Maupous', in M. Jeffreys & M. D. Lauxtermann (eds.), *The Letters of Michael Psellos: Cultural Networks and Historical Realities* (Oxford 2017), pp. 89-127.

⁸¹ J.-C. Cheynet, 'L'Asie mineure, selon la correspondance de Psellos', *Byzantinische Forschungen* 25 (1999), pp. 233-4; Weiss, *Oströmische Beamte*, pp. 21-23. The details of Psellos' early career are obscure, but some information can be gleaned from his letters. In KD 65 he states plainly that he had at some point held the position of *krites* of Boukellarion, while KD 136 and S 180 seem to imply the same for *krites* of Armeniakon and Thrakesion respectively. In S 180 he also mentions that he served as a subordinate to an official named Kataphloron in Mesopotamia when he was still in his teens. Weiss picks up another reference to an early posting in the western half of the empire, which he interprets as an apprenticeship with the *krites* of Thrace and Macedonia. S 122 also appears to show Psellos as a young provincial administrator, but yields no information on his office or location.

⁸² For further context, see P. Lemerle, 'Le Gouvernement des philosophes : Notes et remarques sur l'enseignement, les écoles, la culture', in idem, *Cinq Études sur le Xie siècle byzantin* (Paris, 1977), pp. 194-248.

⁸³ F. Bernard, 'Educational Networks in the Letters of Michael Psellos', in M. Jeffreys & M. D. Lauxtermann (eds.), *The Letters of Michael Psellos: Cultural Networks and Historical Realities* (Oxford 2017), pp. 24-36.

⁸⁴ Concerning *charistike*, see R. Morris, 'The Byzantine Aristocracy and the Monasteries', in M. Angold (ed.), *The Byzantine Aristocracy, IX to XIII Centuries* (Oxford, 1984), pp. 126-8; idem, *Monks and Laymen in Byzantium, 843-1118* (Cambridge 1995), pp. 160-2, 263-5. There appears to be no comprehensive survey of Psellos' commitments as *charistikarios*, but the letters mention several monasteries held in this capacity: Acheiropoietos (KD 124, KD 250-1), Dobrosontos (KD 89), Kathara (KD 200, S 77), Medikion (KD 125, KD 140, KD 200, KD 202, S 29, S 77), Megala Kellia (KD 108, KD 200, KD 273, S 77), Ta Narsou (KD 126-7, S 135) and Trapeza (KD 38). There is also one letter concerning his attempts to acquire a monastery named Mountania (S 178). See

when he appears to have fallen out of favour at court and some of his academic pursuits started to attract censure from the church, which led him to take tonsure in 1054. He withdrew briefly in 1055 to a monastery on Mt. Olympos in Bithynia, only to return to court in the reign of Theodora (r. 1055-6). He emerged in the centre of political action once more in 1057 when he was appointed by Michael VI as one of three ambassadors to the newly victorious rebel Isaac Komnenos (r. 1057-9). In recognition of his role in negotiating the transfer of power, Psellos was promoted to *proedros* by the new emperor, which is what appears to have prompted the alteration of his previous title to *hypatos*, as mentioned above. He remained at court during the reigns of Constantine X Doukas (r. 1059-67), Romanos IV Diogenes (r. 1067-71) and Michael VII Doukas (r. 1071-8) and probably died in 1078, after the accession of Nikephoros III Botaneiates (1078-81).⁸⁵ During this time he continued to advance along the *cursus honorum*, receiving the titles of *hypertimos*, *protoproedros* and, shortly before his death, probably *kouropalates* or *nobelissimos*.⁸⁶

In his *Chronographia*, Psellos is keen to emphasise that this formal advancement through the ranks was accompanied by the actual influence denoted by the Greek word *παρρησία*, i.e. access to the emperor and licence to address him freely. To cite a few examples, he writes that Constantine IX:s ‘heart’s doors were thrown wide open’ (αἱ τῆς καρδίας αὐτῷ πύλαι ἀνεπεάννυντο) to him, and that the emperor shared everything with him (ξύμπαντα ἐπεδείκνυντο), whereas Isaac I is claimed to have told him his secret plans (ἀπορρήτων τέ μοι λόγων ἀπάρχεται) and asked him about the best way to govern (πυνθάνεται μου πῶς ἂν ἄριστα

M. Jeffreys, ‘Michael Psellos and the Monastery’, in M. Jeffreys & M. D. Lauxtermann (eds.), *The letters of Michael Psellos: Cultural Networks and Historical Realities* (Oxford, 2017), pp. 42-58.

⁸⁵ The date of Psellos’ death is disputed, see A. Karpozilos, ‘When Did Michael Psellos Die? The Evidence of the Dioptra’, *Byzantinische Zeitschrift* 96 (2003), pp. 671-7; A. Kaldellis, ‘The Date of Psellos’ Death, Once Again: Psellos Was Not the Michael of Nikomedeia Mentioned by Attaleiates’, *Byzantinische Zeitschrift* 104 (2011), pp. 651-64; M. Jeffreys, ‘Psellos in 1078’, *Byzantinische Zeitschrift* 107 (2014), pp. 283-290.

⁸⁶ Jeffreys, ‘Psellos in 1078’, especially pp. 87-8, 95.

βασιλεύσειε) and Constantine X is said to have loved him ‘so much more than all the rest’ (τῶν ἄλλων ὑπερηγάπα), and listened intently to every word he uttered, on temporal as well as spiritual matters (ἐξηρτησθαί μου καὶ τῆς γλώττης καὶ ψυχῆς).⁸⁷

This claim has however recently been questioned by Michael Jeffreys, using Psellos’ own orations and letters.⁸⁸ Jeffreys argues that while Psellos by all accounts enjoyed genuine *parrhesia* under Constantine IX, he rarely did so under his successors. Until his appointment as ambassador in 1057, he appears to have been unsuccessful in securing a prominent position under Theodora and Michael VI, and the intimacy with Isaac I portrayed in the *Chronographia* seems to be entirely fictitious. Psellos probably did have a close relationship with Constantine X and especially his brother, the Caesar John, in the early years of his reign, but it cooled significantly over time, first with Constantine and then with John. His position in the court of Romanos IV appears to have been peripheral at best and while he was certainly close to Michael VII as his teacher, there are no signs of him influencing decisions of government. Finally, in the beginning of the reign of Nikephoros III, we find the ageing Psellos lamenting his loneliness and isolation.⁸⁹ This is nevertheless only one way of evaluating Psellos’ political influence through his epistolary works. Even though his own letters certainly seem to undermine his claim to constant *parrhesia*, I will argue that they also illuminate other aspects of his political activities and, indeed, power. As we shall see below, proximity to imperial authority was not the only way to exercise political influence, even though its importance cannot be denied.

⁸⁷ Psellos, *Chronographia*, 6.46, 7.39, 7.86, vol. I, p. 292, vol II, pp. 228, 284-6.

⁸⁸ M. Jeffreys, ‘Psellos and ‘His Emperors’: Fact, Fiction and Genre’, in R. Macrides, (ed.), *History as Literature in Byzantium* (Farnham, 2010), pp. 73-91.

⁸⁹ Jeffreys, ‘Psellos in 1078’, especially pp. 94-6.

There are around 500 known and preserved letters written by Psellos, the exact number depending on questions of attribution.⁹⁰ Jeffreys' collection of summaries with commentary offers a comprehensive and authoritative presentation of Psellos' published epistolary works, drawing on ten collections of edited letters and a substantial body of secondary literature.⁹¹ It contains 515 entries, although Jeffreys notes that this includes four letters that have been falsely attributed to Psellos, three where the attribution should be regarded as uncertain, four that are not actually letters and another four written on behalf of others, leaving 500 letters that, as far as we can tell, were written by Psellos in his own name.⁹² Byzantine letters have in the past been characterised as rhetorical flourishes devoid of practical messages,⁹³ but in more recent years a consensus has developed that Byzantine letters, in terms of classical epistolography, were 'real letters', sent from one person to another with a real purpose in mind.⁹⁴ They can consequently offer crucial insights into the workings of Byzantine society and provide a valuable complement to sources more traditionally used by historians. As such, scholars have used them to shed light on a variety of societal phenomena throughout the history of the

⁹⁰ Moore, *Iter Psellianum*, pp. 17-148, which is intended to include all works attributed to Psellos, generally without attempting to verify their authenticity, has 542 entries for letters.

⁹¹ M. Jeffreys, 'Summaries of the Letters of Michael Psellos', in idem & M. D. Lauxtermann (eds.), *The Letters of Michael Psellos: Cultural Networks and Historical Realities* (Oxford, 2017), pp. 141-445. I am deeply grateful to Michael Jeffreys for making his summaries and comments available to me ahead of publication. They have been invaluable in my research. I have remained faithful to his structure of reference to the published letter collections, two of which – KD & S – contain the vast majority of the letters (274 & 206 letters respectively), the remaining collections being C1 (1 letter), C2 (1 letter), G (28 letters), K (2 letters), M (20 letters), P (1 letter), Sn (1 letter) and finally Sp (1 letter). There is some overlap between the collections, with some letters being published more than once. In such cases I have referenced the edition preferred by Jeffreys.

⁹² Jeffreys, 'Summaries', pp. 178-9, 258-60, 265-6, 319, 380, 385-6, 390, 412-13. S 14 is attributed to Leo of Synada and S 15 to Basil the Great. S 202 & KD 209 were not written by Psellos, but to him, apparently by John Mauropous and a student named Kyritses respectively. For KD 20-22 Jeffreys notes that there are both similarities and discrepancies between them and the rest of Psellos' letters, suggesting that another attribution should be discussed. KD 192-4 & 196 have no expressed or implied recipients. S 143-4 were written in the name of Michael VII, S 155 in the name of another emperor, most likely Constantine IX and S 162 in the name of the *maistor* of the school of *ta Diakonisses*.

⁹³ See for instance R. J. H. Jenkins, 'The Hellenistic Origins of Byzantine literature', *Dumbarton Oaks Papers* 17 (1963), p. 39-52.

⁹⁴ Mullett, 'Detection of Relationship', p. 64; Grünbart, "'Tis Love', pp. 302-3; G. T. Dennis, 'The Byzantines As Revealed in Their Letters', in J. Duffy & J. Peradotto (eds.), *Gonimos: Neoplatonic and Byzantine Studies Presented to Leendert G. Westerink at 75* (Buffalo, 1988), p. 160.

Byzantine Empire, such as literacy and education, communications, personal networks, patronage, kinship and autobiography.⁹⁵

Nevertheless, using letters as historical sources entails a number of difficulties of its own. Margaret Mullett has emphasised the difficulties involved in identifying the precise relationships between known individuals, the dangers of apparent synchronicity in letter-collections that span decades, the implications of accidents of survival and the effects of convention and proximity.⁹⁶ As Eva de Vries-van der Velden has remarked, letters manipulate the reality by which they are inspired no less than historiographical works.⁹⁷ She is particularly concerned with the distortions caused by letter-collections that were assembled by the authors themselves, viewing such epistolary self-representation as inherently fallacious, less a mirror than a construction of reality, although, as we shall see, she is probably mistaken in treating the letters of Psellos as such a collection. She is surely right, however, in her assessment that despite these difficulties and distortions, Byzantine letters are too valuable to dismiss as sources. The limitations must consequently be accepted and addressed by subjecting the letters to rigorous source criticism.

Attempting to unravel the nature and bias of our source material, we must first consider why the letters constituting it have survived and why others have not. Unfortunately, this is a question as difficult to answer as it is important. While epistolography by all accounts must have been an extremely prominent feature of Byzantine literary society, only a small fraction

⁹⁵ M. Mullett, 'Epistolography', in E. Jeffreys, J. Haldon & R. Cormack (eds.), *The Oxford Handbook of Byzantine Studies* (Oxford 2008), pp. 887-8. In addition to the other studies cited in this chapter, see also F. Bernard, 'Greet Me with Words'. Gifts and Intellectual Friendships in Eleventh-Century Byzantium', in M. Grünbart (ed.), *Geschenke erhalten die Freundschaft: Gabentausch und Netzwerkpflge im europäischen Mittelalter* (Berlin, 2011), pp. 1-11.

⁹⁶ Mullett, 'Detection of Relationship', pp. 66-7.

⁹⁷ E. De Vries-van der Velden, 'The Letters of Michael Psellos, Historical Knowledge and the Writing of History', in W. Hörander & M. Grünbart (eds.), *L'Épistolographie et la poésie épigrammatique: projets actuels et questions de méthodologie* (Paris, 2003), pp. 129-32.

of the letters written in Byzantium survive and Stratis Papaioannou has argued that it is precisely the aforementioned realness of the letters that make their survival so fragile.⁹⁸ Even though Byzantine letters could be written in a high literary style, they were produced primarily for the purposes of immediate, practical communication and were not usually considered to possess a wider cultural utility that would have facilitated transition from their original moments of writing and reading to the pages of manuscripts. He also emphasises certain characteristics of Byzantine book culture as important factors limiting the survival of letters, such as its orientation towards oral performance, which slanted the focus of rhetorical education in favour of the *logos politikos*, and a penchant for atavism, which induced a preference for the copying and possession of the perceived ‘classics’ rather than writings from the immediate past. As with his contemporaries, there is no reason to suppose that the preserved letters of Psellos represent more than a distinct minority of his epistolary production, but even so the size of the collection, comprising roughly one sixth of all extant Middle Byzantine epistolography, is remarkable and almost unique.⁹⁹ This requires some explanation.

Psellos’ letters have come down to us in 19 principal manuscripts and a further 25 with individual pieces.¹⁰⁰ Studying the history and contents of these manuscripts, Papaioannou has identified four principal phases of reception.¹⁰¹ At first there were the letters themselves, of course, preserved by Psellos’ friends and admirers, and quite possibly Psellos himself, in collections that we know very little about. In the period immediately following Psellos’ death, it appears to have been his more elementary instructive works on theology and philosophy that

⁹⁸ Papaioannou, ‘Fragile Literature’, pp. 289-99. Another version of this article can be found as an appendix in idem, *Psellos: Rhetoric and Authorship*, pp. 250-267. See also idem, ‘Letter-writing’, in P. Stephenson (ed.), *The Byzantine World* (London & New York, 2010), esp. pp. 189-90, 193-4.

⁹⁹ Papaioannou, ‘Fragile Literature’, pp. 291, 300-1. ‘Middle’ should here be read as ranging from the beginning of the ninth to the end of the twelfth century. There are virtually no preserved letters from the period c. 650 – c. 800.

¹⁰⁰ Papaioannou, ‘Fragile Literature’, p. 301.

¹⁰¹ Papaioannou, ‘Fragile Literature’, pp. 309-328.

enjoyed the most popularity and circulation, whereas his other writings, indeed the ones for which he is most famous today, such as the *Chronographia*, had a more fragile reception. An important shift in transmission is however visible in the mid-twelfth century, when Psellos acquired status as a model author among the intellectual elite of the Komnenian court and his letters seem to have been anthologised in manuscripts as illustrations of an epistolographical ideal. The next important phase of reception was the aftermath of the Fourth Crusade, when Psellos' works continued to be copied by Byzantine scholars seeking to revive the interrupted rhetorical culture of the recent past, but over the course of the thirteenth century gradually came to be regarded more as museum pieces than as living literature that inspired engagement. The letters subsequently spent centuries confined to the periphery of literary transmission, at least until interest in Psellos and his works started to re-emerge during the nineteenth century.

It would consequently appear that one of the key circumstances explaining why so many of Psellos' letters have survived is the prominent position they attained in the canon of Komnenian literary society. This suggests that the preferences of the twelfth-century intellectuals who sought to emulate Psellos served as an important selection mechanism in determining the survival of individual letters. Since they valued them primarily as rhetorical models we may surmise that this would have favoured the survival of letters written in high literary style, possibly resulting in an underrepresentation of letters characterised by conciseness, practicality or a focus on everyday concerns. Even so, we can find such letters in the collection. A particularly illustrative example is provided by a straightforward request to an unidentified provincial judge, where Psellos employs a mere 21 words to inform his correspondent that the letter-carrier is poor, a friend of his and has been wronged (ὁ πτωχὸς οὗτος καὶ ἐμὸς καὶ ἡδικοημένος) and calls upon him to make justice (δικαιώσης).¹⁰² The survival of this letter, and

¹⁰² KD 163, p. 190. See below, p. 112. I have taken ἐμὸς as indicating friendship, φιλία, as Psellos' contemporaries would have understood the word (see 2.2.1 below). Psellos frequently uses possessive pronouns and similar words

others similar to it, implies that if there was a de facto culling of Psellian letters in the twelfth century on the grounds of literary excellence, it was not an especially draconian one.¹⁰³ Psellos' name may well have been prestigious enough in Komnenian intellectual circles to merit the copying of virtually anything attached to it, even though the circumstances may still have favoured letters exhibiting more of his rhetorical expertise.

We must however also consider the original preservation of the letters, where entirely different selection mechanisms may be at work. Psellos' letters were evidently appreciated for their literary qualities by his contemporaries, but they may also have been considered valuable in other ways. A short letter asking for a favour, such as the one considered above, might perhaps have served as a symbol of social status, advertising the recipient's relationship with Psellos as well as his ability to call in the favour should the need arise. As we shall see below, such exchanges were of crucial importance to the public officials of the empire. This is of course quite speculative and unfortunately there is not much that can be said with reasonable certainty about these primary letter collections. Papaioannou notes that there is no trace of any original, single and comprehensive collection of Psellos' texts, letters or otherwise, meaning that available manuscripts were probably compiled using a series of smaller collections, gathered either by Psellos himself or by his students, friends or admirers, although no specific such collection can be conclusively identified.¹⁰⁴ He also points out that it seems impossible to discern the hand of Psellos himself anywhere in the compilation process, from which he very

in this sense. This includes οἰκεῖος, which in other writings is sometimes employed to denote the members of an aristocratic retinue, but Psellos does not appear to use it in this specific sense. See, for instance, KD 83 (below, p. 79-80), where he refers to the *dioiketes* of Ancyra, who was evidently not serving in his household, as both ἐμός and οἰκεῖος, for the purpose of requesting help for the sake of friendship (φιλικῶς ἀντιποιοῦ). Regarding the use of οἰκεῖος in the sense of *familiaris*, see Magdalino, 'Aristocratic *Oikos*', esp. p. 97.

¹⁰³ For more examples of concise and practical letters, see KD 106, KD 120-1, KD 168, KD 183, KD 218, pp. 136, 145-6, 193, 202-3, 260; S 18, S 76, S 121-2, S 193-5, pp. 257, 310, 370, 488-9.

¹⁰⁴ Papaioannou, 'Fragile Literature', pp. 301-7.

reasonably infers that the texts that survive do not necessarily represent the works by which the author might have wished to be remembered.¹⁰⁵

This certainly increases the likelihood of the surviving collection being representative of the different types of letters Psellos typically wrote and the way he tended to express himself in them, but it does not mean that the available collection can be treated like a randomly generated sample of his total epistolary production, since it is ultimately the result of a series of conscious selection processes which, unfortunately, we know very little about. As such, any conclusions based on quantitative observations must be drawn with caution, despite the large number of letters. Nevertheless, as there appears to be no reason to suspect that any of the selection processes were motivated by intent to present either Psellos himself, the societal context of his letters or the political behaviour related by them in any particular way, they are quite suitable as sources for a qualitative inquiry into such matters. This is not to say that they could be taken as faithfully reflecting the private thoughts of their author, indeed quite the opposite. Byzantine letters were not normally considered as a medium of private correspondence, but more as one of personal communication through public displays of rhetoric; in the words of Mullett, they were ‘intimate and confidential and intended for publication’¹⁰⁶ The letters must thus be viewed as written not only for the addressees but also, in some sense, for a wider audience, which carries the inference that Psellos would have taken care to present himself, his friends and their mutual conduct in ways that his contemporaries would have found acceptable, or preferably even virtuous. His letters are consequently especially valuable in their capacity to illuminate the prevailing norms of political behaviour in eleventh-century Byzantium.

¹⁰⁵ Papaioannou, ‘Fragile Literature’, pp. 305-7.

¹⁰⁶ Mullett, *Theophylact*, p. 16. See also Papaioannou ‘Letter-writing’, p. 192.

2.2 The ‘governor of governors’: Socio-political context

In a remarkable letter addressed to the *krites* of the Aegean Sea, Psellos indulges in an interesting discourse on his own political position.¹⁰⁷ ‘I have power everywhere, as much as each of you [*kritai*] have been assigned’ (δύναμαι δὲ παρὰ πᾶσιν, ὅποσα ὑμεῖς κατὰ μέρος), he writes, and proceeds to style himself ‘governor of governors’ (ἄρχων ἀρχόντων). He concedes that he is boasting a little (ἵνά τι σεμνολογήσωμαι), but assures the *krites* that he is not referring to pride, but to goodness of character (οὐκ εἰς ὀφρῦν δὲ ἀνάγω τὸν λόγον, ἀλλ’ εἰς ἡθους χρηστότητα). He also stresses that he did not exercise this power by issuing commands, but by asking for favours (οὐκ ἐπιτάττω, ἀλλ’ ἀξιῶ). Even if we leave some room for poetic hyperbole, this reads like a rather bold statement that might seem a bit puzzling at first sight, but upon closer inspection we shall see that the claims made are not particularly misleading. They are, in fact, quite enlightening as they very usefully delineate the most important elements of the socio-political context in which the letters were written. In this subchapter (2.2) we shall consequently consider three crucial contextual issues that this quotation crystallises, beginning with the cultural role played by the exchange of favours, proceeding to the power assigned to the *kritai* and their prominence among Psellos’ correspondents, and, finally, confronting the question of Psellos’ political position at the various times he was writing the letters, a question which will also require a discussion of dating.

2.2.1 Favours, friendship and epistolary networks

As for Psellos’ claim that he exercises influence by asking for favours, this is an accurate description of the content of his letters and it will prove significant in the analysis of the basis of Psellos’ power and the functioning of the Byzantine civil administration below. Generally,

¹⁰⁷ S 95, pp. 338-9.

however, it should be understood in the context of contemporary conventions of epistolary relationships. As has been noted above, the reconstruction and analysis of personal networks and their efficacy has been the subject of a number of studies on Byzantine letters.¹⁰⁸ Letter collections are naturally very useful in network analysis since letters by their very existence provide substantial evidence of active communication channels and their contents tend to yield information on the nature of the relationship between the correspondents as well as on any transactions carried. A full reconstruction of Psellos' personal network will not be attempted here, but we will nevertheless touch upon some of the concepts discussed in these studies, the most important of which is that of friendship (φιλία). As Mullett has pointed out, the letter had been linked with friendship from a very early stage in its history, and as Franz Tinnefeld has evinced, Psellos' epistolary works are certainly no exception.¹⁰⁹ Indeed, as we shall see, it is a virtually ubiquitous theme in the letters examined below.

Mullett writes that friendship was widely regarded as an instrumental relationship in Byzantium, something that should work to the benefit of the friends in more than a spiritual sense.¹¹⁰ She points out that the Byzantines did use emotions and emotional expressions of their friendships, indeed that emotional hold and shared ideals could provide stability and enduring reciprocity and thus serve to make the friendship work better, but maintains that it is the instrumentality that stands out when attitudes are compared for instance to those prevalent in the medieval west. Psellos' preference for framing the requests in his letters as favours between friends is consequently well in line with the contemporary conventions of epistolary relationships. Mullett also distinguishes between two kinds of instrumental friendships, on one

¹⁰⁸ See above, pp. 30-1.

¹⁰⁹ M. Mullett, 'The Classical Tradition in the Byzantine Letter', in M. Mullett & R. Scott (eds.), *Byzantium and the Classical Tradition* (Birmingham, 1981), p. 79; F. Tinnefeld, "'Freundschaft" in den Briefen des Michael Psellos: Theorie und Wirklichkeit', *Jahrbuch der österreichischen Byzantinistik* 22 (1973), esp. pp. 152-3, 163-5.

¹¹⁰ M. E. Mullett, 'Byzantium: A Friendly Society?', *Past & Present* 118 (1988), pp. 13, 16-19.

hand the symmetrical instrumental friendship, where goods and services were exchanged between social equals, and on the other ‘lop-sided’ friendship, or patronage, where the participants were clearly on unequal social footing.¹¹¹ She also notes, however, that this distinction is rarely clear in the sources, in which friendship can denote a wide variety of relationships, equal as well as unequal, and suggests that it is only when we manage to penetrate the language and ceremonial of friendship and patronage that we will reach the reality of Byzantine *philia*. While I will not be able to contribute much to this interesting field of study in this thesis, I will nevertheless continuously make note of the language, especially that of friendship, used by Psellos to describe relationships in the letters. As for my own vocabulary, it would be inexpedient to stray too far from Psellos and his contemporaries and I will consequently be using the English words ‘friend’ and ‘friendship’ in the vague Byzantine sense, as equivalents of φίλος and φιλία.

2.2.2 The power of the *kritai* and the demilitarisation of the empire’s inner provinces

The provincial *kritai* (θεματικοὶ κριταί) were the highest ranking civil officials in the provinces, in effect governors who wielded the judicial powers indicated by their title, but who were also responsible for overseeing all aspects of tax-collection.¹¹² They are sometimes identified by the equivalent title of *praitor* (πραΐτωρ) and *thema* (θέμα) is likewise used interchangeably with *eparchia* (ἐπαρχία) to denote the area of their jurisdiction. The concentration of both judicial and fiscal authority in the hands of a single magistrate, while perhaps foreign to a modern observer, was unremarkable to the Byzantines and an integral part of the Roman administrative

¹¹¹ Mullett, ‘Friendly Society?’, pp. 16-19, 20, 22.

¹¹² H. Glykatzi-Ahrweiler, ‘Recherches sur l’administration de l’empire byzantine aux IX-XIème siècles’, *Bulletin de correspondance hellénique* 84 (1960), pp. 70-1; Weiss, *Oströmische Beamte*, pp. 13-14; N. Oikonomides, ‘L’Évolution de l’organisation administrative de l’empire byzantine au XI^e siècle (1025-1118)’, *Travaux et mémoires* 6 (1976), p. 148.

tradition.¹¹³ The position of the *kritai* within the framework of provincial administration had, however, evolved considerably over the centuries, mainly due to changes in the empire's military organisation.¹¹⁴ In the heyday of the theme system in the eighth and ninth centuries, provincial *kritai* were subordinate to *strategoi* who held the supreme authority in both civil and military matters. Over the course of the tenth century when the empire went on the offensive and conquered large amounts of territory, especially in the east, its military forces came to be increasingly concentrated in the new, large frontier regions, each commanded by a *doux* or *katepano*. As the armies were drawn towards the frontiers, the core provinces of the empire were gradually demilitarised and the *kritai* were left as the sole proper provincial authority. Hélène Glykatzi-Ahrweiler noted that this process was well underway towards the end of the tenth century, with the civil administration gradually detaching itself from the military and *kritai* appearing on a more equal footing with *strategoi*, and she estimates that it reached completion, with complete administrative independence for civil officials, in the reign of Constantine IX Monomachos (r. 1042-55).¹¹⁵

The power and prestige of the provincial *kritai* and other non-military administrators had consequently been increasing steadily for decades and probably reached its pinnacle in the period when Psellos was writing to them. It is thus a fairly recently established senior administrative elite that we are encountering in the letters. It should also be noted that, insofar as the jurisdictions of the *kritai* Psellos writes to can be discerned, we find them in these relatively demilitarised inner provinces of the empire, with particularly high concentration in

¹¹³ P. Magdalino, 'Justice and Finance in the Byzantine State, Ninth to Twelfth Centuries', in D. Simon & A. Laiou (eds.), *Law and Society in Byzantium: Ninth-Twelfth Centuries* (Washington D.C. 1994), esp. pp. 93-7.

¹¹⁴ Glykatzi-Ahrweiler, 'Recherches sur l'administration', pp. 67-78; Oikonomides, 'L'Évolution', pp. 148-50.

¹¹⁵ Glykatzi-Ahrweiler, 'Recherches sur l'administration', pp. 68-9, 74.

the Balkans or western Asia Minor.¹¹⁶ The total number of letters written to *kritai* cannot, however, be determined with certainty since the recipients are often not definitively identified in the letters. More than 100 letters are clearly addressed, by name or office, and in many other cases internal evidence suggests, with varying degrees of uncertainty, that the correspondent in question was a provincial *krites*.¹¹⁷ All in all, we arrive at just under 200 letters where the recipient can be definitely, probably or possibly identified as a *krites*.¹¹⁸ Despite this wide margin of error we can still conclude that *kritai* are by far the most common category of correspondents, with the second most common being metropolitans, who are the recipients of somewhere between 35 and 42 letters. The exact number is however of little importance for our present purposes, since Psellos does not seem to have limited his activities as ‘governor of governors’ to provincial *kritai*. Instead, we find him asking favours from a wide range of officials, albeit only exceptionally from military commanders, a point to which we shall return below.¹¹⁹

2.2.3 Psellos’ political position and the dating of the letters

This brings us to the matter of Psellos’ position as ‘governor of governors’, which Jeffreys argues reflected an explicit and recognised role in organising the thematic *kritai* that Psellos held during the reign of Constantine X (1059-67), which is also when he believes that most of Psellos’ letters making requests were written.¹²⁰ He arrives at this conclusion in the course of his efforts to define useful dating criteria for the letters addressed to members of what he terms Psellos’ ‘network of non-military administrators’, which is a line of reasoning well worth

¹¹⁶ The Aegean Sea (16), Anatolikon (2), Armeniakon (2), Boleron (1), Boukellarion (4), Cappadocia (2), Charsianon (2), Drougoubiteia (2), Hellas and/or Peleponnesos/Katotika (17), Kibyrraioton (4), Thrace and/or Macedonia (13), Opsikion (27), Optimaton (6), Paphlagonia (3), Thrakesion (16).

¹¹⁷ Jeffreys, ‘Summaries’, pp. 435-6.

¹¹⁸ For the sake of readability, I will not usually distinguish the certain cases from the less certain ones. Whenever I find that there is good reason to believe that an unidentified official is a *krites*, I will refer to him as such.

¹¹⁹ See below, pp. 254-77.

¹²⁰ Jeffreys, ‘Summaries’, pp. 356, 435-45.

considering in more detail. It is important to recognise that Jeffreys is not using the term network in the same way as it is used in the network studies referred to above.¹²¹ Instead of denoting all the correspondents and other contacts of a given individual, he uses it to distinguish a specific subset of correspondents for the purpose of finding ways to date an otherwise undatable group of letters that are similar in certain respects. Jeffreys assigns around 200 letters to the ‘network’ in total, of which around 160 cannot be otherwise dated.

He characterises the ‘network’ as being used primarily to provide a range of semi-official services to provincial administrators, the majority of whom were *kritai*, but also included episcopal and secular office-holders from the capital, especially when they travelled in the provinces. He discusses mainly four kinds of such services, namely professional advice, recommendations for *notarioi* and other subordinates, judicial information on various cases and support with regard to tax-collection, the latter contrasting sharply with another group of mostly early letters that take a very negative view on taxation. As for the designation ‘non-military’, this is justified by the observation that there is only a single letter is addressed to a military *strategos* and merely three written to officials titled *doux*, who were more integrated into both civil and military administrations.

Jeffreys takes this virtually exclusive concentration on civilian administration as suggesting a set policy, almost a job-description, which together with recurring references to imperial power, ranging from oblique to aggressive, leads him to the conclusion that most of the letters to provincial *kritai* and other administrative officials were written under some sort of imperial commission, which naturally sits well with Psellos’ claim to be ‘governor of governors’. He does however note that Psellos most likely knew many of his correspondents personally, since

¹²¹ See above, pp. 30-1, 44-6. To avoid confusion, I will henceforth put the word ‘network’ in quotation marks when referring to Jeffreys’ ‘network of non-military administrators’.

his former students frequently pursued careers in the civil administration, especially as *kritai*, but points out that the categories of friend and relative seem to be stretched severely in the letters, sometimes to the point of becoming almost meaningless. This suggests to him a systematic provision of services, from which he infers that Psellos' previous acquaintanceship with many of his correspondents may simply explain why he was chosen by the emperor to write the letters.

Jeffreys argues that the reign of Constantine X is the most likely period for the 'network' to have flourished, mainly on two grounds. Firstly, because the minority of 'network' letters that can be dated by internal evidence cluster heavily in the period 1060-7 and, secondly, because that reign is the most plausible time in Psellos' career for him to have written letters of this kind. According to Jeffreys, Psellos would not have been prominent enough to be entrusted with a role overseeing provincial administration before 1047, whereas the rest of the reign of Constantine IX is dismissed as unlikely on account of the lack of references to the *nomophylax*, who in theory was responsible for overseeing judicial training and legal governance. This office was held by Psellos' friend John Xiphilinos until he resigned and became a monk some time between 1049 and 1052, at which point Psellos was starting to prepare for tonsure himself. Jeffreys argues that the complete silence on a supposedly important judicial official in a group of letters written primarily to judges suggests that Xiphilinos was not in office when they were written and, most likely, that some time had passed since his resignation. Between 1054 and 1057-8 Psellos was first on Olympos and then struggling to return to political life. He did hold a prominent office under Isaac I, but did not enjoy considerable *parrhesia* until the early years of the reign of Constantine X, which makes that emperor the most likely candidate to have entrusted Psellos with the position referred to as 'governor of governors'.

There are consequently two interrelated issues at stake here. The first one regards the dating of the around 160 otherwise undatable letters attributed to the ‘network of non-military administrators’. This is Jeffreys’ main concern and, for the reasons outlined above, he suggests that even though any one of them could have been written at any time between 1047 and 1069, for the majority of them the most likely period of composition would be 1060-7. This relies in part on the second issue, namely Psellos’ political position during the reign of Constantine X, where Jeffreys argues that he held some sort of imperial commission that involved overseeing the activities of provincial officials. I believe that Jeffreys generally makes his case on both counts, but my analysis of the letters’ political context in the next chapter will contribute some important nuances to his conclusions regarding the basis of Psellos’ influence, which in turn will add a further degree of uncertainty to his arguments about dating the letters in question.

To begin with, I would, however, like to draw attention to another piece of evidence in support of Jeffreys’ interpretation of Psellos’ political position, namely a letter addressed to the *epi ton kriseon* (ἐπὶ τῶν κρίσεων), where Psellos pledges to do his utmost to have his correspondent recalled from exile.¹²² The *epi ton kriseon* appears originally to have been an office created by Constantine IX and charged with exercising judicial oversight and aid provincial *kritai* in their official tasks.¹²³ It certainly outlasted the office of *nomophylax* and seems to have replaced it to some extent. Based on the characterisation of his temperament, the emperor referred to in the letter to the exiled *epi ton kriseon* is probably Constantine X, making involvement in the Mangana conspiracy of 1060 a plausible reason for the correspondent’s exile.¹²⁴ The fact that Psellos’ letter still refers to the exile by the title of his former office may even indicate that the emperor had not yet appointed an official replacement, although lack of information on the

¹²² KD 85, p. 114.

¹²³ Oikonomides, ‘L’Évolution’, p. 134.

¹²⁴ Jeffreys, ‘Summaries’, pp. 211, 433.

holders of the office in question during this period, as well as the possibility that the title was a later addition to the letter, does not allow for certainty.¹²⁵

If this was the case however, the absence of the *epi ton kriseon* during the early years of the reign of Constantine X would provide a suitable context for Psellos' activities in writing to *kritai* and attempting to influence them in the execution of their duties. The extent to which this was formally recognised is more difficult to determine. Psellos' tonsure would have prevented Constantine X from appointing him to a secular office, if he had been so inclined, but as Jeffreys has pointed out, the title of *hypertimos*, which seems to have been invented for Psellos around this time, went on to be awarded precisely to monks or clerics who gave the emperor unusual, non-clerical services.¹²⁶ As such, I would like to suggest that it may have been awarded to Psellos by Constantine X in recognition of services performed in taking up some or all of the duties of the exiled *epi ton kriseon*. This is of course quite speculative and it should be noted the Psellos is conspicuously silent on the matter in his *Chronographia*, where he presents himself solely as an acclaimed orator and intimate friend and advisor to the emperor during this period.¹²⁷

However Psellos' position was formally recognised, the occasional references to the emperor, either conveying direct instructions or reminding his correspondents in passing that he has the sovereign's ear, clearly implies that Psellos relied on imperial power to lend weight to his

¹²⁵ There are a few seals advertising the title from the mid-eleventh century, but none of them can be dated more precisely. PBW (consulted 11.ii.2016)
Boulloterion 488 <<http://db.pbw.kcl.ac.uk/pbw2011/entity/boulloterion/488>>,
Boulloterion 1054 <<http://db.pbw.kcl.ac.uk/pbw2011/entity/boulloterion/1054>>,
Boulloterion 2547 <<http://db.pbw.kcl.ac.uk/pbw2011/entity/boulloterion/2547>>,
Boulloterion 1418 <<http://db.pbw.kcl.ac.uk/pbw2011/entity/boulloterion/1418>>.
The heading of the letter reads 'To the *epi ton kriseon*' (τῷ ἐπὶ τῶν κρίσεων), but the title does not appear in the actual letter.

¹²⁶ Jeffreys, 'Psellos in 1078', pp. 88-90.

¹²⁷ Psellos, *Chronographia* 7.a1-29, vol. II, pp. 292-318.

requests. This does not, however, mean that it was the only source of his influence within the civil administration. As has been noted above, Psellos seems to have known many of his correspondents personally, especially in the 1060s when many of his former students held important administrative positions, and the vast majority of requests made in the letters are presented as favours between friends.¹²⁸ This could of course simply be a literary device, employing the rhetorical conventions of epistolary friendship as a more polite way of exercising his delegated imperial authority. To some extent it probably was, but I also believe that there is more to it. In the next chapter, I will argue at length in favour of a more complex interpretation of the basis of Psellos' power, assigning somewhat less importance to his role as an imperial functionary and more to his reliance on his network of friends than Jeffreys' analysis does.¹²⁹ This does not fundamentally undermine Jeffreys' arguments on the dating of the otherwise undatable 'network' letters, but it does suggest that they may have been a little less concentrated to the period 1060-7 than he seems to imagine. Understanding Psellos' epistolary activities as less dependent on holding a specific position at a particular time also increases the likelihood that the letters can be regarded as largely representative for the political culture of the mid-eleventh century.

2.3 Psellos' epistolary requests: a survey

In order to facilitate further inquiry into the sources of Psellos' power we shall first sketch an overview of the letters in which it is exercised. Out of the 500 letters written by Psellos in his own name, I have counted 246 that are in some way concerned with asking for or granting favours of various kinds. It should be recognised however that this number is far from

¹²⁸ Jeffreys, 'Summaries', pp. 422-3; Bernard, 'Educational Networks', pp. 24-36.

¹²⁹ See below, pp. 66-81.

indisputable, as it is difficult to determine exactly which letters are dealing with requests. Psellos is not always straightforward in his communication – one gets the sense that he was relying on the letter-carriers to clarify or elaborate when necessary – and it is sometimes difficult to discern if a request is implied.¹³⁰ Similarly, as will be made evident below, not all requests are clearly phrased, which in some cases makes it impossible to determine with certainty the exact nature of the favour asked. Any attempt to categorise the letters must consequently entail a degree of subjectivity. A single letter may also contain multiple requests, which makes some of them appear more than once in the survey below. Moreover, although the letters in which Psellos is attempting to influence his correspondence will be of particular importance since they allow us to view Psellos political activities in practice, there are numerous other letters that provide valuable information on the context of these activities, which I will also make use of.

Anticipating a more detailed analysis of the basis of Psellos' power, it will be useful to distinguish the letters that can be directly dated before and after the reign of Constantine X from the ones that cannot.¹³¹ As for the requests clearly made before 1059, they can be divided roughly into three groups of letters. The first comprises four very early letters (KD 16, KD 24, KD 265-6) concerning Psellos' activities as a teacher, which are of little interest for our present purposes. The second group of letters is of considerably more relevance to us, containing the only patently early requests made of *kritai* and dated around the time of Psellos' monastic sojourn on Olympos. Psellos was apparently concerned that the monasteries he held as *charistikarios* would not fare well while he was away, prompting him to write a series of letters (KD 108, KD 140, KD 200, S 29, S 77), asking at least two successive *kritai* of Opsikion to look after his properties, spare them from taxation and waive their rights to hospitality. In one

¹³⁰ Cf. Mullett, *Theophylact*, pp. 34-7, noting the same difficulty in analysing the letters of Theophylact of Ochrid.

¹³¹ Based on Jeffreys, 'Summaries', see esp. pp. 417-45.

of them (KD 140) he is also mildly rebuking the *krites* for his decision in a dispute with a neighbour over a source of water, urging him to change it and award complete ownership rights to the monastery. In return for these favours, presumably, we find two letters (KD 200, S 190) in which Psellos is shown lobbying Constantine IX to grant the *kritai* home leave and retirement respectively. In a similar vein, there is a letter (KD 95) addressed to an *aktouarios*, an official whose functions appear somewhat obscure,¹³² asking him for help to upgrade some estates. Related to this group of letters, there is also one (S 150) where Psellos declines an offer from a group of monks to become head of their monastery on the grounds that he no longer had sufficient influence at court to help them, but promises to aid them in whatever ways he can.

Finally, there are some early attempts to exercise influence that can be dated on the grounds that they involve some of Psellos' more well-known associates. There are three letters addressed to his friend and former teacher John Mauropous; a recommendation (M 12) for a *notarios* in his service and two letters (S 40, S 173) written on behalf of poor old men whom Psellos asked Mauropous to receive and treat kindly. A similar request (S 28) is made to Constantine Leichoudes¹³³, who also appears in another letter (S 73) to a *krites*, whom Psellos declares himself unable to help since only Leichoudes had any influence over the emperor. There are two letters to the patriarch Michael Keroularios,¹³⁴ one (KD 71) thanking him for performing an unspecified favour, the other (S 139), probably written in 1055,¹³⁵ complaining of being persecuted by the church and requesting the patriarch's protection. Keroularios' nephew

¹³² *Oxford Dictionary of Byzantium*, ed. A. P. Kazhdan (New York, 1991), p. 50.

¹³³ *Mesazon* and influential advisor to Constantine IX 1043-50, patriarch of Constantinople 1059-63. PBW (consulted 11.ii.2016) Konstantinos 13, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107529>>.

¹³⁴ Patriarch of Constantinople 1043-58. PBW (consulted 11.ii.2016) Michael 11, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107819>>.

¹³⁵ Jeffreys, 'Summaries', pp. 377-8, 427-8.

Constantine,¹³⁶ with whom Psellos would be close until the end of his life,¹³⁷ is the recipient of two early letters that are quite different in tone. In one of them (S 46) Psellos is asking him affectionately to shower a relative with favours, while the other (S 45) criticises him sharply for having made an unjust judgement, demanding that he reverses it. There is one letter (KD 87) to Leon Paraspondylos,¹³⁸ with whom Psellos appears to have had a rather complicated relationship,¹³⁹ requesting unspecified help for the letter-carrier, and he is also the subject of two other letters (S 198-9) to the otherwise unknown *magistros* Psephas, whom Psellos asks to intercede with Leon in the hopes of winning Psellos a position in his administration under the empress Theodora.

As for requests evidently made after the death of Constantine X in 1067, there are only six such letters. Five of them are attempting to reconcile two feuding bishops; four (KD 146-9) addressed to officials accompanying Romanos IV during his military campaigning in 1068 and one (S 131) to one of the bishops. The remaining letter (S 103) is written to Nikephoritzes,¹⁴⁰ *praitor* of Thrace and Macedonia, an office to which he was appointed in 1068, requesting that he intervene to protect the bishop of Besaina from excessive taxation.

Having thus separated the demonstrably early and late requests, we are left with the large majority of letters that can either be dated specifically to the reign of Constantine X or remain

¹³⁶ PBW (consulted 11.ii.2016) Konstantinos 120, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107553>>.

¹³⁷ M. Jeffreys, 'Constantine, Nephew of the Patriarch Keroularios, and His Good Friend Michael Psellos', in M. Jeffreys & M. D. Lauxtermann, *The Letters of Michael Psellos: Cultural Networks and Historical Realities* (Oxford 2017), pp. 59-88.

¹³⁸ Mesazon and influential advisor to Theodora (r. 1055-6) and Michael VI (r. 1056-7). PBW (consulted 11.ii.2016) Leon 62, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/113226>>.

¹³⁹ E. De Vries-van der Velden, 'Les Amitiés dangereuses: Psellos et Léon Paraspondylos', *Byzantinoslavica* 60 (1999), pp. 313-50; D. R. Reinsch, 'Venomous Praise: Some Remarks on Michael Psellos' Letters to Leon Paraspondylos', in M. Jeffreys & M. D. Lauxtermann, *The Letters of Michael Psellos: Cultural Networks and Historical Realities* (Oxford 2017), pp. 128-40.

¹⁴⁰ Future mesazon and influential advisor to Michael VII. The policies he pursued in that capacity made him a rather controversial figure at the time. PBW (consulted 2.viii.2016) Nikephoros 63, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107950>>; Kaldellis, *Rivers*, pp. 252-4, 262-3; D. Krallis, *Michael Attaleiates and the Politics of Imperial Decline in Eleventh-Century Byzantium* (Tempe, 2012), p. 22-4.

impossible to date directly. In order to provide some structure, I have divided the more clearly phrased requests into three, somewhat arbitrarily defined, categories. The first comprises open-ended requests to be spared from taxes and similar exactions, much like the early requests concerning Psellos' monasteries and the late intervention on behalf of the bishop of Besaina. To the second category I have allocated cases involving dispute settlement, including matters of tax-liability, and formal administration of justice, such as the handling of criminal charges. The third category is constituted by requests involving other officials, especially subordinates. Starting with the first of these groups of letters, it is evident that Psellos' concern for his monasteries continued after his return to political life, since we find a series of familiarly phrased letters (KD 38, KD 53, KD 89, KD 116, KD 124, KD 126-7, KD 250, S 135) asking *kritai* to look after his monasteries, spare them from taxation and waive their rights to hospitality. On a similar topic, there is a letter (S 178) addressed to a metropolitan, requesting help to acquire yet another monastery. We also find a number of cases (KD 76, KD 81-2, KD 94, KD 106, KD 121, KD 133, KD 227, S 75, S 79, S 116, S 138, S 180, S 200), written to a variety of officials, although most of them *kritai*, where Psellos is asking for tax-exemptions and similar fiscal aid on behalf of others. To these we can probably add another handful of letters (KD 117, KD 257, S 18, S 65), all of them to *kritai*, that are more obscurely phrased, but seem to be requesting protection against aggressive tax-collectors.

Moving on the second category, there are numerous letters where Psellos appeals to a *krites'* power of judgment, typically asking him to settle a dispute, investigate criminal charges or both. In some of these cases (KD 39, KD 42, KD 65, KD 246, S 19) there seems to be no sign that he is asking for anything but impartial arbitration, while in the majority of them (KD 51-2, KD 66, KD 76, KD 84, KD 118, KD 152, KD 166, KD 169, KD 172, KD 221, KD 258, S 20, S 55, S 130, S 134) he appears to favour one of the parties, although sometimes just to the point of

showing concern that they are not unfairly disadvantaged. In other letters he is leaving no doubt as to the kind of action he expects from the *krites*, mostly by informing his correspondent of a crime or an injustice and urging him to intervene (KD 50, KD 107, KD 120, KD 163, KD 171, KD 182, KD 243, KD 247, KD 251), sometimes by asking for a specific verdict in an ongoing case (KD 60, KD 132, S 99) and once (S 76) by simply requesting that the *krites* implements an imperial verdict in a prudent manner. Similarly, there are a few appeals for clemency (KD 92, KD 142, S 47) made to *kritai* on behalf of friends who have been convicted. This category is probably also the most suitable one to place a letter (KD 201) to the *protoasekretis* in Constantinople, asking him to renew an official document for a monastery, as well as two requests (KD 99, S 134) for more general judicial protection. Moreover, sitting somewhat awkwardly between this category and the next, there are a number of pleas (G 19, G 23, KD 113, KD 164, KD 204-5, S 61, S 140) on behalf of monks who had been excluded from their monasteries or congregations, requesting that they be accepted back into the fold.

This brings us to the third category, where, firstly, we find a series of references for prospective employees. Most of them (KD 91, KD 100, KD 128, KD 137, KD 153, KD 155, KD 248, KD 254) are written to *kritai*, but there are also a few (KD 111, KD 122) to senior officials in Constantinople, as well as a letter (S 151) to the Caesar John Doukas, encouraging him to promote a *kourator* to the position of thematic *krites*. Similarly, there is a letter (KD 130) requesting the support of a *krites* in the appointment of a bishop. Another group of letters concerns support for current employees. One of them (S 179) is addressed to a metropolitan in support of a deacon who feared that his service would be discontinued, while the rest are written to *kritai*, usually on behalf of *notarioi*. Most of them (KD 86, KD 90, KD 131, KD 160, KD 173-4, KD 262, S 66-7, S 127, S 136, S 194) ask for continued or increased generosity, either in terms of money or unspecified help. We also find three letters requesting sympathy for

notarioi who had been absent from their posts, two (S 39, S 98) on the grounds that they were visiting relatives who were ill and one (S 142) without giving a reason. There are also a few letters (KD 35, KD 61) that concern *notarioi* employed by the recipients, though not necessarily written in support of them. It is also worth noting that in two (KD 142, S 47) of the three cases mentioned above where Psellos is asking for clemency the convicted are *notarioi* who most likely were working for recipients of the letters prior to their conviction. Moreover, there is a series of letters where Psellos is asking his correspondents to aid tax-collectors in different ways, one (S 64) addressed to a metropolitan, the rest of them (KD 74, KD 83, KD 165, KD 252-3, S 21, S 33, S 43, S 100, S 172) to *kritai*.

There is also a number of letters requesting support for other officials, not unlike Psellos' efforts to reconcile two bishops in 1068, but with rather varied circumstances. Most similar to the later letters is one (KD 30) addressed to the retired and tonsured Katakalon Kekaumenos,¹⁴¹ attempting to reconcile him with a bishop and enlist his help in governing the bishop's flock. There is also a series of letters (KD 54, KD 57-8, S 35, S 80) to three metropolitans in Armeniakon, asking them to support and advise a young man recently appointed as *krites* of the theme. In contrast to such proactive requests, the rest of these letters concern more immediate problems. In one of them (KD 69), Psellos asks a *krites* to help a metropolitan recover his see and we also find appeals for help for two *basilikoi*, one of them (KD 1, KD 64, S 165) embroiled in a conflict with a local *tourmarch*, the other (KD 73) facing more vaguely phrased, albeit seemingly serious, problems of slander, persecution and unwarranted arrest.

¹⁴¹ PBW (consulted 16.iii.2017) Katakalon 101, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107511>>. Kekaumenos had a distinguished military career and appears to have been one of Isaac Komnenos' key supporters during the revolt of 1057. Regarding his role in Skylitzes' account of these events, see J. Shepard, 'A suspected source of Skylitzes' *Synopsis Historion*: the great Catacalon Cecaumenus', *Byzantine and Modern Greek Studies* 16 (1992), pp. 171-81. See Jeffreys, 'Summaries', pp. 197-9, regarding the date of his tonsure, which may have taken place at any time after 1057, but the early years of the reign of Constantine X are often suggested. As we shall see, he is most likely not to be identified with the Kekaumenos who authored the so-called *Strategikon*.

There are also two letters (KD 150-1) written on behalf of a relative who was being subjected to slander and intrigues to have him dismissed from office, prompting Psellos to first ask a *krites* to publicly support the beleaguered man, then to also fix a penalty to deter his enemies, thus making the line between collegial support and judicial sanctions rather blurred.

This leaves us with a fairly large number of letters that are even more difficult to categorise. In two cases, this is simply because they are unusual and not very interesting for our present purposes, one of them (S 171) concerning a mule, the other hospitality for a man involved in litigation (S 128). The others are more elusive. There are some letters (G 38, KD 159, KD 178, S 17, S 23) where the nature of the favours asked is completely obscure and some (KD 167, S 126, S 141, S 181, S 193) where Psellos asks his correspondents to go further in kindness to someone they have already aided, but giving no details. As for the rest, they can perhaps be best described as letters of introduction, presenting the letter-carrier to the recipient and generally implying that he should receive some sort of benefit on account of the letter.¹⁴² It is a diverse group of letters, often vaguely phrased. There are a number of borderline cases, some (KD 249, S 41, S 50) probably suggesting general judicial protection, others (KD 109-10, KD 144, KD 157, KD 175, S 34) possibly implying employment, but for most of these letters it is difficult to discern exactly what Psellos expects from his correspondents. Some may be intended to create new, enduring bonds of friendship between the letter-carrier and the recipient, either as equals (KD 10, KD 241, S 111, S 147) or in a relationship more resembling patronage (KD 78, KD 184, S 63, S 149, S 158), whereas others seem to suggest an accompanying specific verbal request, typically taking the form of asking the *krites* to give the letter carrier a warm welcome and a sympathetic hearing (KD 6, KD 103, KD 154, KD 161, KD 176, KD 180-1, KD 183, KD

¹⁴² Mullett, *Theophylact*, p. 34, notes that such a focus on the bearer is quite common in Byzantine letters. Apart from letters of recommendation that serve to validate the bearer, there are also letters that cue the bearer to expand or confirm the message of the letter, or indeed convey a message that is not articulated in the letter.

217-18, S 19, S 94-5, S 102, S 106, S 133). The verbal requests implied here could of course be of any kind mentioned above, but may also concern favours of a more immaterial nature, such as social recognition, which is explicitly requested in addition to more concrete favours in one of the letters mentioned above (KD 76). We may also distinguish a subset (KD 119, KD 143, KD 162, KD 179, KD 220, S 195, S 201) among these letters where the letter-carriers have fallen on hard times and Psellos tries to evoke pity in his correspondents. The requests implied may not be particularly different from other letters of introduction, but it is also conceivable that they are intended to result in smaller acts of charity. Such favours are explicitly requested in a few letters, one of them (S 31) asking for a few measures of grain, the other (S 163) for a small amount of coin.

Finally, there are the letters in which Psellos reports on the favours he has undertaken to do for his correspondents. In a few cases (KD 49, KD 55, KD 62, S 196) the favours in question are unspecified. Most of the others involves lobbying the emperor in different ways, such as trying to win his support for one of the parties in a conflict (KD 41), defending a friend against criminal charges (KD 31), requesting that a *krites* be granted relocation, leave or retirement (KD 37, KD 44, KD 56, KD 63, S 66, S 93, S 98) or asking for mercy for those whom the emperor has exiled (KD 48, KD 67, KD 85, S 97), including one letter (S 123) to an exile where Psellos expresses sympathy, but does not explicitly say that he is trying to help. There are also a few cases (KD 43, KD 255, S 110) where Psellos simply undertakes to praise his correspondent before the emperor and two letters (KD 59, KD 141) where he deflects a request from Katakalon Kekaumenos to convince Constantine X to pay him his salary as *kouropalates* even though he had retired to a monastery, as well as a series of letters where the purpose of influencing the emperor is not revealed (KD 46, KD 79, KD 123, KD 135, KD 158, KD 168, S 22, S 49, S 129 S 148). Moreover, we find a few letters where other influential individuals are identified as the

objects of Psellos' lobbying efforts. In one of them (KD 104) it is an unspecified patriarch, in another (S 62) it is the Caesar John Doukas, which appears to have resulted in one of the recommendations mentioned above (S 151). There are also two letters (M 8, S 96) where he undertakes to help his correspondents over matters of taxation.

3. Public and private power in Psellos' letters

The subject of this chapter is the nature of public power in eleventh-century Byzantium as well as the norms and institutional limitations that governed its exercise. This will to a large extent involve untangling the relationships between four central concepts, namely public power, private power, impartial justice and personal gain, as well as their applicability to the system of civil administration that we encounter in Psellos' letters. At first sight, these concepts appear to fall neatly into two interrelated dichotomies; power is either public or private, it can be exercised to promote either impartial justice or personal gain and if the former type of power is used for the latter type of purpose it is usually considered reprehensible and termed corruption, although it may be tolerated as inevitable as long as it is kept discreet and limited in scope.

If we are to understand the politics of Psellos' letters, however, I would argue that we must recognise them as false binaries. This is not to say that the concepts are useless for analysing the letters, quite the contrary. Psellos touches upon them all extensively, albeit often implicitly, and I believe that they are important for understanding how the civil administration worked during the period in question, but the dichotomous model is misleading and anachronistic. The way these four concepts fit together is somewhat more complex, as the following three subchapters shall make clear. The first will deal with the interplay between imperial power and personal networks of friendship, with particular focus on Psellos' role as 'governor of governors', which was introduced in the previous chapter.¹⁴³ The second subchapter will inquire into the norms and values governing Byzantine officials' exercise of power, examining the tensions between their official duties, the need to service their networks and the pursuit of

¹⁴³ See above, pp. 44-53.

personal gain. Finally, the third subchapter will address the paramount importance of reputation in the political economy of eleventh-century Byzantium.

This chapter will argue that we must make a distinction between where Byzantine officials drew their power from and the capacity in which they exercised it. While there were distinctly public and private sources of power, its exercise was always personal.¹⁴⁴ The delegation of authority from the emperor to his subordinates consequently seems to have possessed an ideological superstructure mirroring the justification of imperial authority as delegated from God. Combined with a pragmatic approach to the logistical challenges of governing a pre-modern empire, this meant that the Byzantine state essentially relied on private networks to carry out public administration in its provinces. As such, Byzantine officials were reliant on both sources of power. They were ultimately dependent on the emperor to grant them offices and titles, but they needed their personal networks to assist them in the fulfilment of their official responsibilities and to convey praise of their good work back to the palace. Conversely, although bonds of friendship could endure in the absence of an official position, the powers vested in public office were, in most cases, essential to meet the long-term obligations of reciprocity.

It might be tempting to interpret this reliance on private networks as limiting imperial power and control, but, again, the situation seems to be more complicated than that.¹⁴⁵ Firstly, we must avoid overestimating the degree of control that any pre-modern state was able to exercise over its provincial representatives. Given the large territory of the empire and the limited means of communication available, it seems inevitable that more informal power structures would take

¹⁴⁴ Cf. Cheynet, 'Official Power', pp. 137-151.

¹⁴⁵ M. Innes, *State and Society in the Early Middle Ages: the Middle Rhine Valley 400-1000* (Cambridge, 2000), esp. pp. 254-9, makes a very similar argument regarding the early medieval West, emphasising the futility of trying to understand pre-modern political power through a public-private dichotomy.

on some measure of importance. In the case of eleventh-century Byzantium we are simply fortunate enough to be able to discern them. Secondly, the informal power structures in question had, from the emperor's perspective, the advantage that they entailed norms that actually brought some transparency to the activities of provincial administration, namely the need to maintain a good reputation. Through their private networks, Byzantine officials remained part of a single, coherent social milieu where word of their conduct spread throughout the empire and, most importantly, back to Constantinople, where the emperor could take it into account in matters of promotion and dismissal.¹⁴⁶ What is striking about Byzantine politics during this period is consequently not the existence of a dynamic sphere of private power, but rather how intertwined it was with its public counterpart.

Reputation thus served as a control mechanism on corruption, even though the practice of viewing power as something that is always exercised in a personal capacity naturally also had implications for how that concept was understood.¹⁴⁷ Psellos and his contemporaries do not appear to have viewed using the authority of public office in pursuit of personal gain as suspect, but rather as one of the benefits inherent in holding such a position. It was nevertheless crucial that it could not be seen as interfering with their official responsibilities, including the administration of impartial justice, which appears to have been a duty that was taken seriously by emperors as well as their representatives in the provinces. It should be recognised, however, that there was a contradiction inherent in this system of social control, since the fellow officials

¹⁴⁶ J. Sabapathy, *Officers and Accountability in Medieval England 1170-1300* (Oxford, 2014), esp. pp. 70-82, 162-183, identifies similar mechanisms in medieval England, emphasising the limits of formal, institutionalised accountability to regulate the conduct of officials and arguing that, especially in the church, reputation (*infamia*, *scandalum*) served to make superiors aware of the misconduct of their subordinates and was regarded as a sufficient criterion for instituting an inquisition.

¹⁴⁷ Cf. A. Graham, 'Auditing Leviathan: Corruption and State Formation in Early Eighteenth-Century Britain', *English Historical Review* 78 (2013), esp. pp. 816-17, arguing that even in the significantly more developed bureaucracy of eighteenth-century Britain, the effective operation of certain state functions could in practice be dependent on financial services that technically were corrupt. Graham also underlines the importance of personal relationships in the efforts made by auditors to curtail corruption, as well as for the ability of officials to get away with it.

which for instance a *krites* relied on to carry word of his strict observance of justice back to the emperor generally also had an interest in having him subvert it for their benefit. In order to keep their hold on both of the primary sources of power, officials needed to strike a delicate balance, servicing both their private networks through favours to their friends and their reputations through good governance and impartial application of justice. Given the institutional limitations of a pre-modern society, this seems like a largely rational and efficient system. By employing private networks both as a vehicle for carrying out imperial policies and as a mechanism for social control, the Byzantine state kept its officials on a long leash, but still left the emperor ultimately in charge.

3.1 Friendship, official power and imperial favour

As foreshadowed in the previous chapter, the central issue with which we shall grapple in this subchapter is the relative importance of, on one hand, the explicitly delegated imperial authority that Psellos appears to have wielded under Constantine X (r. 1059-67) and, on the other, bonds of friendship and reciprocity within his epistolary network. Psellos does appear to have been charged with overseeing the activities of provincial administrators during Constantine's reign, but he rarely makes reference to this imperial commission in the preserved letters, preferring to phrase his requests as favours between friends. I will argue that this should not be read as a polite veneer masking the tacit use of delegated authority, but rather as reflecting the practice of using private networks to carry out public administration. Psellos was a trusted advisor to Constantine X, at least during the early part of his reign, he had personal experience of working as a thematic judge and he was well connected in the corps of civil administrators currently in service. This made him a natural choice for Constantine to rely on for information on

developments in the provincial administration, counsel on how to handle any issues requiring attention and help in dealing with matters that the emperor was too busy to take care of himself. Whether or not Psellos was granted the title of *hypertimos* as recognition for these services specifically, the influence he wielded under this period was not based on any office or title, but rather on his *parrhesia* with the emperor on one hand and his network of friends in the provincial administration on the other. When he was able to make good use of his intermediary position between them, these two sources of power could work in tandem; imperial favour bolstering his status among his friends and the reach of his network increasing his usefulness to the emperor.

My argument in favour of this interpretation is three-pronged and consequently divided into three subsections below. In the first one, we shall explore some illuminating continuities between letters that can be securely dated before and after the reign of Constantine X and those that may have been written during Psellos' tenure of the formal role he refers to as 'governor of governors' during that reign, indicating that holding an official position itself was not a prerequisite for intervening in other aristocrats' exercise of their official duties. Secondly, we will examine the few letters where Psellos makes reference to imperial commission when making his requests, demonstrating that even in several of these cases he appears keen to maintain an ambiguity around his position, emphasising his personal relationship with his correspondents and obscuring any distinction between public and private power. Thirdly, we shall consider a number of letters that seem to fit especially poorly with the hypothesis that the rhetoric of friendship and favours is merely a polite veneer for delegated imperial authority. Particularly interesting are a handful of letters where Psellos makes requests despite acknowledging that the emperor had already sent orders to the same effect, which surely would have been superfluous if his epistolary activities should be understood primarily as

administering public affairs on the emperor's behalf. I am consequently more inclined to interpret these efforts as betraying a concern to maintain his position in the network by staying involved and emphasising the value of his friendship. Imperial power was surely the wellspring of political capital in Byzantium and it was naturally desirable to be among the privileged few who could tap into it directly, but it flowed diffusely and could be diverted by those who understood its currents, leaving considerable opportunities for access further downstream.

3.1.1 Chronological continuities

Let us begin by making some observations based on the survey of Psellos' epistolary requests in the previous chapter.¹⁴⁸ Comparing the few letters that can be directly dated before or after the reign of Constantine X to the many that cannot, there are some continuities worth stressing.¹⁴⁹ Most strikingly, tax-avoidance and other kinds of fiscal benefits stand out as a consistent concern. Regarding Psellos' own monasteries, there are several letters that can be dated with some confidence both to the reign of Constantine X and the period before it, as well as some more uncertain cases.¹⁵⁰ There are also several similar requests on behalf of others, most of them impossible to date directly, with the exception of two letters, one written 1064-5, the other in 1068 or possibly somewhat later.¹⁵¹ Psellos consequently does not appear to have had significantly lower expectations of fiscal benefits from his friends in the provincial administration in the 1050s than in the 1060s, even though it seems reasonable to infer that he would have had more clout during his period as 'governor of governors', especially since it appears to have coincided with a high prevalence of former students in the provincial

¹⁴⁸ See above, pp. 53-62.

¹⁴⁹ As has been noted above, p. 53, this does not invalidate Jeffreys' argument on the dating of the otherwise undatable 'network' letters, but it does add an extra degree of uncertainty to it.

¹⁵⁰ Before 1059: KD 95, KD 108, KD 140, KD 200, S 29, S 77. 1059-67: KD 38, KD 53, KD 126-7, S 135. More uncertain: KD 89, KD 116, KD 124, KD 250. See Jeffreys, 'Summaries', pp. 185, 193-4, 213, 215-16, 221-2, 225, 228-30, 236, 261-2, 287, 325, 347, 375-6.

¹⁵¹ 1064-5: S 79. 1068: S 103. Impossible to date directly: KD 76, KD 94, KD 106, KD 121, KD 133, KD 227, S 75, S 99, S 116, S 138, S 180, S 200. See Jeffreys, 'Summaries', pp. 208, 215, 221, 227, 232-3, 274-5, 346, 348, 358, 360, 367, 377, 400-1, 412.

administration.¹⁵² The position may also have made others more likely to ask him to intervene on their behalf, as none of the requests made for others can be dated with confidence earlier than the 1060s. This seems plausible, but the evidence must be regarded as uncertain since most of these letters cannot be securely dated at all. In either case, the one such letter from 1068 proves that the death of Constantine X did not put a stop to such requests.

As we have seen, there are also early examples of letters of introduction, as well as a recommendation for a *notarios* in the service of Psellos' correspondent and a few entirely unspecified requests, all of which imply some continuity with his epistolary activities during the reign of Constantine X.¹⁵³ We also have the series of letters from 1068 attempting to reconcile two bishops, which in fact are quite illustrative of the efficacy of personal networks in the absence of imperial favour. Four of them are written to officials accompanying Romanos IV (r. 1068-71) during his first Anatolian campaign, asking them to aid the bishop of Gordiason, a friend of Psellos' under attack (ἐπικείται γὰρ αὐτῷ ἰσχυρῶς) from the bishop of Matiane, and effect a reconciliation (κατάλλαξον) between the two.¹⁵⁴ All four letters appeal to Psellos' friendship with his correspondents, but one of them, addressed to the *epi ton deeseon*, also gives us a little more information on the relationship between Psellos and the man on whose behalf he writes, stating that the bishop of Gordiason had invested many favours in his friendship with Psellos and now wanted to claim the dividends (πολλὰς ἡμῖν φιλίας προκαταβαλλόμενος χάριτας εἰσπράττεται νῦν τοὺς μισθοὺς).¹⁵⁵ In another of these letters, addressed to the *epi tou kanikleiou*, 'most beautiful and sweet soul' (καλλίστη καὶ γλυκεῖα ψυχῇ), Psellos also refers to himself as being out of favour, contrasting his correspondent, who is dwelling in the radiant

¹⁵² Jeffreys, 'Summaries', pp. 422-3; Bernard, 'Educational Networks', pp. 24-36.

¹⁵³ KD 71, KD 87, pp. 104, 115-6; M 12, pp. 119-20; S 28, S 40, S 46, S 173, pp. 262-3, 273, 278-9, 440-1.

¹⁵⁴ KD 146-9, pp. 171-4.

¹⁵⁵ KD 149, p. 174. On the office of the *epi ton deeseon*, see R. Morris, 'What Did the *Epi Tōn Deêseōn* Actually Do?' in D. Feissel & J. Gascou (eds.), *La Petition à Byzance* (Paris, 2004), 125-140, arguing that it was a rather powerful position.

imperial splendour (φαεινῶ τῆς βασιλείας φωστῆρι), with himself, who has been driven away from the sun (ἀπεληλάμεθα τοῦ ἡλίου).¹⁵⁶ The letter to the bishop of Matiane takes a conciliatory tone, assuring him that Psellos did not write to arraign him, but rather to bring him together in friendship with the other bishop (οὔτε ἐγὼ γέγραφα καταιτιώμενος, ἀλλὰ συμβιβάζων σε πρὸς τὴν ἐκεῖνου φιλίαν).¹⁵⁷ He also reminds his correspondent that it was he who originally introduced Psellos to the bishop of Gordiason (διὰ σοῦ ἐγνωκώς).

Psellos consequently appears to have kept servicing his network after the death of Constantine X. Even though he no longer enjoyed *parrhesia* and imperial sanction for his requests, the epistolary relationships he maintained during his tenure as ‘governor of governors’ appear intact, as do the expectations of reciprocity. The bishop of Gordiason evidently found it worthwhile to rely on Psellos to effect reconciliation with his counterpart in Matiane, and Psellos in turn expected the officials accompanying the emperor to aid him in this endeavour, even though his tone is certainly less self-assured than in many other letters. The persistence of Psellos’ political ambitions after the death of Constantine X is also evident in a letter to one Iasites,¹⁵⁸ whom he addresses as ‘most honoured *kouropalates*’ (ὕπερτιμε κουροπαλάτα), and encourages to tighten their bonds of friendship further (ἐπίσφιγγε οὖν τὴν φιλίαν ἡμῶν), suggesting that they could both benefit from their relationship with Constantine’s widow, the empress Eudokia (τῆς κοινῆς δεσπότιδος ἀπολαύομεν), whom he goes on to praise for being independent (αὐτάρκης).¹⁵⁹ There is some ambiguity here, as ἀπολαύομεν might simply refer to the enjoyment of Eudokia’s company, but taken together with the call to tighten the bonds of friendship and the praise of the empress’ independence it seems reasonable to infer that it should be read in a more political sense. Like Psellos, Iasites probably found himself out of

¹⁵⁶ KD 146, pp 171-3.

¹⁵⁷ S 131, pp. 376-7.

¹⁵⁸ PBW (consulted 11.ii.2016) Anonymus 2297, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/157734>>.

¹⁵⁹ KD 6, pp. 7-8.

favour at the end of Constantine's reign, but remained in Eudokia's good graces and thus in a position to cherish hopes of rehabilitation under her new regime. There is also evidence of the resilience of Psellos' epistolary network as a source of influence even in the absence of imperial favour in a letter to the *krites* of Opsikion, in effect a letter of introduction asking for kindness on behalf of an elderly man.¹⁶⁰ Psellos prefaces this request by complaining that the man had no benefit from him in the capital (ἐνταῦθα ὧν οὐ πάνυ με εὐεργέτην εὐτύχηκε) since he had lost favour with the palace (τοῦ συμβάντος μοι πάθους ἀπασχολήσαντός με τοῦ παλατίου), which made it necessary for him to turn to the *krites* instead. It is noteworthy that Psellos is not even trying to maintain the pretence of imperial favour to lend weight to his requests, but seems to trust fully in friendship as a motivating force.

Even more interesting, however, are the two early letters where Psellos' requests clearly pertain to the judicial capacities of his correspondents. The first one is dated by Jeffreys to 1052-4 on the grounds that it must have been written soon after S 29, where Psellos also writes about his plans for tonsure.¹⁶¹ It is addressed to Zomas, *krites* of Opsikion, and written on behalf of the monks of the Medikion monastery, which Psellos held as *charistikarios* and thus trusted the *krites*, as his friend, to care for (φίλω τοιούτῳ τὴν τῆς μονῆς ἐπέτρεψα ἐπιμέλειαν). Psellos complains about a legal decision that Zomas had made concerning a source of water (τὴν δὲ ἐπὶ τῷ ὕδατι δίκην ἐδίκασας), judging the monks as occupants without title (νομέας ἀντὶ δεσποτῶν ἀποφανθῆναι), even though they had proved that they were long-term owners (ἀποδείξαντας ἀρχαίαν αὐτοῖς εἶναι τὴν τοῦ ὕδατος δεσποτείαν). He is keen to emphasise the injustice of the decision and the complete knavery (τελεωτάτην τὴν πονηρίαν) of the other party in the lawsuit, suggesting that the *krites* had avoided going completely against the wishes of this opponent, who apparently was a minor, because he feared him (ἔδειςας γάρ, ὥς οἶμαι, τὸν ἀφήλικα καὶ

¹⁶⁰ KD 143, p. 170.

¹⁶¹ KD 140, pp. 167-8; Jeffreys, 'Summaries', p. 236. See below, p. 92-3.

διὰ ταῦτα μετρίαν αὐτῷ τὴν καταδίκην ἐπήνεγκας). He accuses the minor of having stolen the rights of the monastery (τὸ τῆς μονῆς κέκλοφε δίκαιον) and urges Zomas to change his verdict and award the monks full ownership (μεταποιήσόν σου τὸ τῆς πράξεως ἔγγραφον καὶ ἀπόδος τῇ μονῇ πληρέστατον τὸ δικαίωμα), because otherwise his favour to Psellos would be incomplete (ἀτελῇ τὴν χάριν). This is, as we shall see, quite representative of how Psellos tends to frame requests of this kind, simultaneously presenting the preferred action as the only righteous thing to do and imploring his correspondent to do it as a personal favour to a friend.

The second letter is written to Constantine Keroularios who at the time was *magistros* and *sakellarios*, based on which it can be dated to 1057.¹⁶² Psellos begins by praising his friend for not being susceptible to requests from friends and relatives (μὴ δυσωπεῖσθαι χάρισι φίλων, ἢ συγγενῶν, ἢ ἄλλως οἰκείων), but rather maintaining the strict and absolute force of justice for both parties in a conflict (ἀλλ' ὀρθὴν καὶ ἀπότομον ἔχειν ἐπ' ἀμφοτέροις τοῖς μέρεσι τὴν τοῦ δικαίου ἰσχύν). This is however only to set the stage for the actual purpose of the letter, allowing Psellos to criticise Constantine sharply while maintaining a friendly tone, expressing astonishment that he has failed to live up to this lofty ideal in a particular case. He claims that a recent ruling made by Constantine had resulted in brother being oppressed by brother (ἀδελφὸν ὑπ' ἀδελφοῦ καταδυναστευόμενον) because one had acquired more (πλείω κέκτηται) than the other. He implies that this discrimination may have been due to the fact that the favoured brother, Symeon, was a *notarios* of the *Eidikon*,¹⁶³ while the other held no office at all. He states plainly that Constantine should not make decisions in this manner (μὴ σύ γε οὕτω ψηφίῃσαι) and elaborately laments the misfortune of the injured party, who was a relative of

¹⁶² S 45, pp. 277-8; Jeffreys, 'Summaries', pp. 331-2. There is some disagreement concerning the progression of Constantine's career. See *ibid.*, p. 427; Jeffreys, 'Constantine, Nephew', pp. 62-4, 68-74; A. K. Wassilou-Seibt, 'Die Neffen des Patriarchen Michael I. Keroularios (1043-1058) und ihre Siegel. Ikonographie als Ausdrucksmittel der Verwandtschaft', *Bulgaria Mediaevalis* 2 (2011), pp. 107-13.

¹⁶³ One of the imperial treasuries.

his (συγγενῆς ἐμός). As such, he requests (ἄξιῶ) that Symeon is prevented from doing wrong (παυθῆναι τοῦ ἀδικεῖν) and that his brother is given his rightful due (τυχεῖν οὗ τυχεῖν ἐστὶ δίκαιον). The contrast drawn between fulfilling the requests of friends and upholding impartial justice is, as we shall see, atypical, but clearly not characteristic of early letters in general, since there appears to be no such tension in the even earlier letter to Zomas. Both of these letters are however unusual in the sense that they attempt to change decisions already made, rather than influencing the judge beforehand, which might indicate that Psellos was less well-informed in the 1050s than he was in the 1060s, although, again, the limited evidence does not allow for extrapolation of definitive conclusions.

We may however infer from these two letters that Psellos did not consider imperial commission a prerequisite for intervening in judicial processes and, keeping in mind the semi-public nature of Byzantine letters, he does not appear to have expected his peers to do so either. It consequently seems unreasonable to view Psellos' penchant for phrasing his requests as favours between friends simply as a polite veneer for delegated imperial authority, because if the same language was used for both implicit orders and actual friendly favours, then how would his correspondents know the difference? I am inclined to suggest that in many cases they would not and that this intentional ambiguity is, in fact, not obscuring the workings of the Byzantine civil service, but rather revealing its governing principle of relying on private networks to carry out public administration. As I interpret the letters, their recipients would probably have viewed any distinction between Psellos the 'governor of governors' and Psellos the private individual as artificial as well as trivial. They were, after all, the same person and the incentives for complying with requests from either one would have been the same. If they helped him, he could return the favour by intervening with the emperor or other officials in his network on their behalf. If they refused, he would refuse their requests in turn and could even complain to

the emperor or incite other officials against them. As such, enjoying *parrhesia* would increase the standing of a Byzantine official within his network and facilitate its maintenance and expansion, but the network could be a potent source of influence even when it was powered solely by friendship.

3.1.2 Governing the governors

The clear continuities in Psellos' epistolary activities before, during and after the reign of Constantine X which we have outlined above might seem to call into question the substance of Psellos' claim to being 'governor of governors', but there are in fact several other letters where some sort of imperial commission is implied or explicitly called upon in connection with his requests. Even in these cases, however, Psellos has a tendency to maintain an ambiguity around his own position and emphasise his role as a friend rather than as a superior in the imperial hierarchy, seemingly eager to portray the transactions as carried out through his personal network and not through an official chain of command. In a letter to the *krites* of Thrakesion he repeats a statement made in the letter claiming to be 'governor of governors', albeit with some slight but interesting adjustments.¹⁶⁴ He writes that he does not command his friends like a superior (ἐγὼ γὰρ οὐχ ὡς δυνάστης ἐπιτάττω τοῖς φίλοις), then interjects 'for nor am I (nor would it ever be so)' (οὔτε γάρ εἰμι (μὴ γένοιτό ποτε)), before completing the statement by claiming that he makes requests of them as equals (ἀλλ' ὡς ὁμότιμος καὶ ἰσοπολίτης ἀξιῶ τούτους). This rather desperate insistence on equality does not only serve as an indication of Psellos' eagerness to frame his relationship with his correspondent as such, but also implies that there were in fact good reasons to view it as anything but equal.

¹⁶⁴ KD 61, pp. 93-4. See below, pp. 163, 165.

Imperial commission is also implied in a letter to Basil Maleses, who was *krites* of Armeniakon and possibly Psellos' adoptive son-in-law.¹⁶⁵ Psellos mentions that the man on whose behalf he wrote had appealed (ἐδεήθη) to the emperor in the days of Maleses' predecessor and was now doing so again (οὐ νῦν μόνον, ἀλλὰ καὶ πρὸ τούτου). He then goes straight to the business at hand, asking the *krites* to free the man, a poor soldier, from a complex legal problem and allow him to go on campaign, calling upon his concern for past arrangements (σοι φροντὶς καὶ προφκονομημένων), the law (καὶ αὐτοῦ τοῦ δικαίου), the poor soldier (καὶ τοῦ πένητος) and Psellos' friendship (καὶ τῆς ἐμῆς φιλίας). The implication seems to be that appeals to the emperor were handled by Psellos, although the reference may not have been intended to make a point of this, but merely to note that the soldier had appealed to have his problem resolved once before. The request is certainly framed as a personal favour, appealing to friendship as well as justice and mercy.

There are also a few letters that show Psellos explicitly administering judicial matters on the emperor's behalf. He wrote to the *krites* of Opsikion, addressed as Pothos, son of the *droungarios*, and 'cousin most dear and wise' (ἀνεψιέ φίλτατε καὶ σοφώτατε), concerning a quarrel between two neighbouring villages who had appealed to the emperor for arbitration.¹⁶⁶ As the emperor was busy he had delegated the matter to Psellos, who in turn passed it on to Pothos with no other instructions than to solve it and stop the quarrelling, albeit conveyed through a mythical metaphor involving Herakles and the hydra. Another letter to the same addressee, here addressed as simply as 'most wise cousin' (σοφώτατε ἀνεψιέ), passes on a command from the emperor to measure out some disputed land (περιγραφὰς γηδίων τινῶν

¹⁶⁵ KD 132, pp. 154-5; Jeffreys, 'Summaries', p. 232; E. De Vries-Van der Velden, 'Psellos et son gendre', *Byzantinische Forschungen* no. 23 (1996), pp. 112-46; Kaldellis, *Mothers and Sons*, pp. 15-16. See also Krallis, *Attaleiates*, pp. 238-43. See below, p. 98.

¹⁶⁶ KD 39, pp. 63-5.

ἀμφοισβητουμένων) in a scientific manner.¹⁶⁷ Yet another is addressed to the *krites* of Optimaton with orders to enforce earlier imperial rulings on an ongoing conflict, reminding the *krites* that it is his duty to use both his wisdom and power to constrain the party who lost the case and make them submit to justice, despite their unwillingness to do so (τῆς δὲ σῆς ἐστὶ καὶ φρονήσεως καὶ δυνάμεως καταναγκᾶσαι τούτους στοιχῆσαι τῷ δικαίῳ καὶ ἄκοντας).¹⁶⁸ There is also a letter conveying instructions from the emperor to the *krites* of Thrakesion to re-examine a case, where it is assumed he would be motivated by his concern for imperial judgement (βασilikῆς κρίσεως), his friendship towards Psellos (φιλίας τῆς πρὸς ἡμᾶς) and above all the protection of justice (πρὸ τούτων τῆς τοῦ δικαίου φυλακῆς).¹⁶⁹

It may be worth considering why Psellos makes explicit references to the emperor in these particular letters and not in others. Did he believe it necessary to apply the force of imperial authority to ensure that his correspondents complied? This might be the case in the letter to the *krites* of Optimaton, which is concise and blunt in tone, but it seems highly unlikely in the letters to Pothos, who was one of Psellos' former students pursuing a career as a provincial *krites*, probably in the 1060s.¹⁷⁰ There are at least eight letters addressed to him, all but one affectionate in tone and colourful in rhetoric, conveying an impression of warmth and intimacy.¹⁷¹ As such, it is noteworthy that these letters are unusual in the sense that Psellos does not appeal overtly to friendship to motivate his requests, bringing to mind Mullett's 'cynical but operable' rule of thumb, that praise of friendship may well denote instrumentality, while relationships with a stronger emotional charge needed less verbal reinforcement to work.¹⁷² It

¹⁶⁷ KD 42, p. 69.

¹⁶⁸ S 76, p. 310.

¹⁶⁹ KD 66, pp. 99-100.

¹⁷⁰ Jeffreys, 'Summaries', p. 423; PBW (consulted 22.viii.2017) Pothos 102, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/109102>>.

¹⁷¹ KD 35, KD 38-9, KD 41-2, KD 53, KD 220, KD 250, pp. 56-8, 62-5, 67-9, 84-5, 261-2, 299. See above, p. 75-6, and below, pp. 88-9, 116-17, 134, 173.

¹⁷² Mullett, *Theophylact*, p. 177.

consequently seems unlikely that Psellos would believe Pothos reluctant to fulfill his requests unless he underlined that they had imperial sanction. These references may however have served other purposes, perhaps as a marker of particular urgency, signaling that the emperor had taken personal interest in the case and expected to see results. If so, the relative scarcity of such references seems to imply that Psellos was normally left to his own devices as ‘governor of governors’. This explanation would also appear to fit well with the letter to the *krites* of Thrakesion, which moreover offers a particularly clear illustration of Psellos’ penchant for ambiguity concerning the nature of the transactions carried by his letters. By appealing simultaneously to the emperor’s decision and his friendship with his correspondent, he is effectively presenting the request as an imperial order and a personal favour at the same time.

A similar equivocation can be observed in another letter to an unidentified *krites*, whose request to be relieved from an assignment to collect taxes in Macedonia had been denied (ἡ μὲν γὰρ τῶν ἐν Μακεδονίᾳ φόρων ἀπαίτησις, οὐκ ἀφήρηταί σου).¹⁷³ Psellos begins by defending himself, insisting that he has done all that he could (ὅσα μὲν ἔδει γενέσθαι παρ’ ἐμοῦ, πάντα σαφῶς ἐκτετέλεσται), having petitioned both the emperor and the relevant officials (βασιλέως τε γὰρ ἐδεήθημεν, καὶ τοὺς περὶ τὴν διοίκησιν ἡξιώσαμεν), but all he had managed to achieve on his correspondent’s behalf was that the *krites* of Macedonia had been assigned to assist him (δέδοται δέ σοι τὸν ἐν ταύτῃ κριτὴν πάντα σοι λυσιτελῆσαι). He explains that this, presumably extraordinary, arrangement was due to the fact that the *krites* of Macedonia was about to be replaced (μέλλειν παραλυθῆσεσθαι), which would place a special burden on the new *krites* and his staff (τὸ ἰδίους κακοῖς τοὺς διαδεχομένους πιέζεσθαι), leaving them unable to undertake anything more (μὴ δύνασθαι βάρος ὑπενεγκεῖν ἕτερον). This was the reason that his correspondent had not been granted all he wished for, and not, it is emphasised once more,

¹⁷³ S 129, pp. 375-6.

because of any negligence on Psellos' part (οὐ παρὰ τὴν ἡμετέραν ἀμέλειαν). As such, he recommends that the *krites* immediately sends an excellent man (σπουδαιότατον ἄνθρωπον) to Macedonia to collect the taxes. It seems reasonable to infer that this letter is showing Psellos administrating affairs in his capacity as 'governor of governors', discussing the details of imperial policy with the emperor and passing on instructions to officials in the provinces. Even so, he maintains an ambiguity around his own position, presenting himself as someone who is petitioning the emperor on behalf of the *krites* rather than as a superior in the administrative hierarchy, obscuring any distinction between public and private power. While there are no explicit references to friendship or favours, Psellos appears keen to absolve himself of blame for disappointing his correspondent, betraying a concern to maintain his personal relationship with the *krites*.

3.1.3 Friendship as power

There are also several letters where Psellos clearly represents personal relationships as the primary source of influence within the civil administration. In a letter to the *krites* of Boukellarion, he makes a point of emphasising his desire to help the man on whose behalf he writes, but states that while he could do nothing of his own, there was much he could do through his friends like the *krites* (δύναμαι δὲ οὐδὲν μὲν παρ' ἐμαυτῷ, πολλὰ δὲ παρὰ τοῖς φίλοις ὑμῖν), thus suggesting that his network of friends, rather than his official position or his relationship with the emperor, was the real source of his influence.¹⁷⁴ He conveys the same sentiment in a letter to the *krites* of the Aegean Sea, writing that his power depended on his friends whose offices enabled them to assist him (δύναμαι δὲ τοῖς φίλοις ὑμῖν πράττουσι τὰ πολιτικὰ πράγματα καὶ τὸ ὠφελεῖν ἐντεῦθεν ἔχουσιν).¹⁷⁵ By themselves, these statements could perhaps be dismissed as empty rhetoric, but there are also a number of letters where the representations of

¹⁷⁴ KD 84, p. 113. See below, p. 110-11.

¹⁷⁵ S 65, p. 297. See below, pp. 96-7.

friendship appear more difficult to reconcile with the theory that they are only meant to serve as a polite veneer for delegated imperial authority.

In another letter to the *krites* of the Aegean Sea, Psellos begins by apologising for making so many requests on behalf of so many people (τοῦτό σε πρὸ πάντων αἰτοῦμαι, συγγνώμην μοι παρέχειν, εἰ πολλάκις σοι γράφω περὶ πολλῶν), but then pointedly notes that if the *krites* wanted them to stop, that could be achieved, but only by turning friendship into enmity (μετάβαλε τὴν φιλίαν εἰς μῖσος).¹⁷⁶ Similarly, he wrote to an unidentified official announcing that he was testing his friendship for the first time (ταύτην δὴ πρώτην σοι πεῖραν τῆς πρὸς ἐμέ σου φιλίας καθίημι).¹⁷⁷ If he fulfilled the request, acting in accordance with the laws of friendship (κατὰ τὴν τῆς φιλίας ὁμολογίαν ποιεῖς), Psellos would require no other test (κἀγὼ οὐκέτι ἐτέρας πείρας δεήσομαι). If he failed to do so, however, he would be dismissed immediately (ἡθετημένος εὐθύς). Applying coercion, even in this rather mild manner, by threatening to strike his correspondents off his list of friends appears to make little sense if we imagine their relationship as defined primarily by their respective positions in an official administrative hierarchy.

The importance of maintaining a network and of guarding one's position in it is also evident in another letter where Psellos asks a *krites* for a favour on behalf of someone else, specifically urging the judge to fulfil all requests not for the sake of the original supplicant's gratitude, but because of Psellos', so that the supplicant is grateful (ἀπευχαριστέω) to Psellos, and Psellos to the *krites*.¹⁷⁸ He similarly calls upon the *krites* of Boukellarion to help (ἀντίληψις, ἀντιλαμβάνω, ἀντιποιέω) the *dioiketes* of Ankyra, who is described as both rich and just, over the payment of

¹⁷⁶ KD 137, pp. 163-4. See below, pp. 100, 162.

¹⁷⁷ KD 183, pp. 202-3.

¹⁷⁸ KD 167, p. 192. See below, p. 131.

taxes.¹⁷⁹ He notes that the *krites* had helped the *dioiketes* before, suggesting that if he had done so for reasons of justice (δικαστικῶς), oblivious that the man was Psellos' friend (μὴ γνούς, ὥς ἐμὸς οὗτος), then he should do it again, but this time for reasons of friendship (φιλικῶς). The *dioiketes* had apparently had no difficulty acquiring the *krites*' help on his own, but Psellos nevertheless seems eager to insert himself as a middleman so that the transaction is henceforth conveyed through his friendship.

This also seems like the proper context in which to view a few other letters, where Psellos makes requests despite the fact that the emperor has already sent an order to the same effect. In one of them, Psellos explains to a *krites* that he had been asked to send a letter to the *krites* long ago, but knowing that the judge would find it burdensome (φορτικός), he had put it off.¹⁸⁰ Psellos then learned that the supplicant had acquired an imperial letter instead, although he did not know how, which made him ashamed to write himself since he did not want to be seen as trying to be more noble than the emperor (φανήσομαι τοῦ βασιλέως ὑπερηφανέστερος). He explains however that he did decide to write anyway, playfully suggesting that the *krites* had consequently been given two honours (δύο σοι δοξῶν δοθεισῶν), one greater and one smaller, and that because of the greater one, i.e. the emperor's orders, he would value the smaller one, i.e. Psellos' request, as well (τῇ μείζονι πάντως τιμήσεις καὶ τὴν ἐλάττονα). This reads like a somewhat strained excuse to keep himself involved in the business at hand, even though he apparently viewed it as insignificant enough to postpone making the request to the judge when the supplicant first approached him. The most plausible explanation for this seems to be that Psellos had no hurry to help the supplicant because he believed that he was the man's only avenue to the *krites*, but once he learned, to his surprise, that the man had managed to reach the

¹⁷⁹ KD 83, p. 112. See above, p. 42, n. 102.

¹⁸⁰ KD 161, p. 180.

emperor without his help, he realised that his position in the network was threatened and wrote the letter in an attempt to protect it and minimise the risk of being circumvented again.

Similarly, there is a letter to the *krites* of Thrakesion written on behalf of a friend of Psellos' (ἐστι ἐμός) who had been wronged, appealed to the emperor and the courts and received an imperial letter, which, it would seem, was to be presented to the judge together with the letter from Psellos.¹⁸¹ The imperial letter would order the *krites* to uphold justice, while Psellos' letter asked him to receive the man kindly as a friend of his (ἵν' εὐμενῶς ἴδοις τὸν ἄνθρωπον ὡς ἐμὸν) so that he would know that his case was heard by a judge who was a friend of Psellos (ὡς ἂν γνοίῃ, ὅτι παρὰ φίλῳ ἐμῷ δικάζεται δικαστῇ). In contrast to the previous letter, Psellos seems to be involved and have some measure of control here, but the letter nevertheless betrays a concern to remain at the centre of the process, emphasising the value of Psellos' friendship and making sure that the supplicant would know to whom his gratitude was due. Furthermore, there is a letter to the *krites* of Opsikion written on behalf of a man who is described as poor, but close to Psellos and therefore both rich and fortunate to have the *krites* as his judge (πένης [...], ἀλλ' ἐμοὶ προσήκων καὶ διὰ ταῦτα παρὰ σοὶ κριτῇ πλουσιώτατος καὶ τρισόλβιος).¹⁸² The supplicant had been wronged by his neighbour, appealed to both the emperor and to Psellos and received an imperial letter as well as the present one. Psellos asked the *krites* to give the man a kind reception, punish the guilty man and stop him from reoffending. He notes that the imperial letter would order the judge to do all of this as well, but states that he counted on friendship (φιλία) rather than power (δύναμις). Again, assuming that the *krites* would not disobey a direct imperial order, it seems reasonable to infer that Psellos is mainly concerned to maintain his position in the network by staying involved and emphasising the value of his friendship in getting things done.

¹⁸¹ KD 152, p. 176.

¹⁸² KD 107, pp. 136-7. See below, p. 100.

3.2 Strengthening justice through friendship and friendship through justice

The absence of a clear distinction between power exercised in official and personal capacity within the civil administration raises questions about how efficiently and in whose interest the empire was governed. The opportunities for abuse have been highlighted by Günther Weiss in his study of Psellos' letters to provincial *kritai*, which he presents as serving four separate purposes. Firstly, to recommend pupils or relatives to his old students, secondly, to intervene shamelessly in ongoing judicial processes on behalf of his protégés, thirdly, to intercede with the emperor on behalf of a correspondent and, finally, to firmly reprimand judges who have caused him administrative harm, especially with regard to taxing his monasteries.¹⁸³ This rather cynical view of Psellos' exercise of power through his network as essentially self-serving is mirrored in his general view of the Byzantine state apparatus, which he characterises largely as a police state that concerned itself exclusively with foreign policy and increasing the glory and power of the state, while caring nothing for the well-being of its citizens or civil servants.¹⁸⁴ This sentiment is, as we have seen, largely echoed by Leonora Neville's more recent study of Byzantine provincial society, in which the imperial administration is described as committed to maintaining its sovereignty throughout the empire, but apathetic about governing the provinces and content to leave its subjects at the mercy of powerful local magnates and their friends in the central administration.¹⁸⁵

In this subchapter, we shall consequently address the issue of whether Psellos' requests should be seen as promoting effective governance and administration of justice or as exploiting his position and influence for personal gain. Chitwood has noted Psellos appears reluctant to

¹⁸³ Weiss, *Oströmische Beamte*, p. 13.

¹⁸⁴ Weiss, *Oströmische Beamte*, p. 2.

¹⁸⁵ Neville, *Authority*, pp. 136-7.

recognise a contradiction between these extremes and eager to relieve the tension between them, presenting the roles of friend and judge respectively as complementary rather than competing influences.¹⁸⁶ He offers a few examples of letters where such sentiments are expressed, interpreting Psellos' intentions as paying lip service to impartial justice, while simultaneously playing upon its mutability. We shall examine the matter in detail below, arguing that the expressed concern for justice is about more than just lip service and that it must be understood in the context of private networks being employed for the purposes of public administration. This practice was governed by a complex normative framework that allowed judges and other administrators to pursue personal gain, but only to the extent that it did not seriously impinge on the fulfilment of their official duties.

Weiss' rather critical assessment will however serve as a useful starting point for this endeavour and although his four-point model of Psellos' epistolary activities is clearly oversimplifying, as is demonstrated by the survey of the complex spectrum of letters making requests included in the previous chapter of this thesis, that does not in itself invalidate his claims about their essentially self-serving nature. Out of the four types of letters he has identified, two pertain directly to this claim, namely the interventions in judicial processes and the reprimands for judges who have caused him administrative harm, which we may widen somewhat to include all open-ended requests for fiscal benefits. We shall consequently examine them both categories of letters in more detail. This is an important part of my argument and it will draw on a large body of letters, making this a rather long subchapter. To facilitate reading it will therefore be split into three subsections, which should, however, be considered together as interconnected parts of the same argument. The first one (3.2.1) will examine requests for fiscal benefits, which will also lead to a discussion on petitioning culture, whereas the second (3.2.2) will concern

¹⁸⁶ Chitwood, *Legal Culture*, pp. 67-70.

itself with judicial interventions. The argument will then be brought to its completion in the third subsection (3.2.3), introducing some further, particularly illuminating, evidence and bringing together threads of thought from both the previous subsections.

3.2.1 *Compassion, fiscal privileges and petitioning culture*

There are in fact only a few direct requests for fiscal benefits where Psellos is content to rely solely on his friendship with the correspondent. There are three such cases concerning his monasteries, all phrased in fairly general terms. This may well be significant since it seems reasonable to infer that a vaguely phrased favour, which leaves the interpretation of its magnitude largely to the one asked to perform it, would require less in terms of justification. In a letter to the *krites* of Opsikion, addressed as ‘most learned judge’ (λογιώτατε δικαστά), he writes that if the judge cared for him, he should also care for his properties (εἰ δέ τί σοι ἐμοῦ μέλει, μελέτω καὶ τῶν ἐμῶν) and take nothing from them (μηδὲν ἐκεῖθεν λαβεῖν).¹⁸⁷ He similarly asks the *krites* of the Aegean Sea, addressed as ‘most learned brother’ (λογιώτατε ἀδελφέ) to care (μελέτω) especially for his monastery *ta Narsou*.¹⁸⁸ There is also the letter to *kyr* Georgios the *aktouarios*, whom Psellos tells about his estates, notes that he would like to have them improved (βουλοίμην ὥσπερ καὶ πλείω ταῦτα γενέσθαι μοι) and asks his correspondent to do what he could (συ δέ μοι, εἰ μὲν δύναιο, ἰῶ τὰ ἐμά).¹⁸⁹ In his letters on behalf of others there is a bit more variety. There is a letter to one Aristenos, thanking him profusely for a favour concerning tax-relief, where he had apparently given the man concerned many times more than had actually been asked for (μὴ τοσοῦτον [...], ὅσονπερ ἡτησάμεθα, ἀλλὰ δεκαπλασίως ἢ πολλαπλασίως), suggesting that the original request was fairly modest.¹⁹⁰

¹⁸⁷ KD 116, p. 143-4.

¹⁸⁸ S 135, pp. 378-9.

¹⁸⁹ KD 95, pp. 122-4.

¹⁹⁰ KD 94, p. 122.

Either way, Psellos hoped that his full observance of the obligations of friendship would continue (ἐν πᾶσι τῶν φιλικῶν καθηκόντων φροντίζων ἡμῖν).

Psellos also wrote to a *krites*, addressed as ‘dearest and wisest brother’ (φίλτατε ἀδελφὲ καὶ σοφώτατε), asking him to help a woman who had failed to pay her taxes, while at the same time making his own indifference about the matter quite plain.¹⁹¹ He presents the request as a mere pretext (ἀφορμὴ) for writing to the *krites* and states plainly that if it was not fulfilled, he would know that it was because of the circumstances and not because of his friend (εἰδὼς ὅτι παρὰ τὸν καιρὸν, οὐ παρὰ τὸν φίλον). Although the requests referred to above all seem to entail at least a theoretical transfer of wealth from the state to private individuals, none of them can be characterised as particularly rapacious. Moreover, there are also two letters where Psellos asks the *kritai* of Opsikion and Anatolikon to allow a *vestarches* and a metropolitan respectively to pay their taxes in the capital rather than to provincial authorities.¹⁹² This would be revenue neutral, which he also explicitly points out in one of the letters, even though the requests still appear to be couched as personal favours. In one of them he explicitly refers to aid for the metropolitan (ἐκείνῳ ὠφέλεια) as a favour to himself (ἐμοὶ χάρις), whereas in the second one he speaks more coyly about requests (ἄξιώσεις) made by those who have the power (δύναμις) to do so and those requests being granted (πληρόω) and help offered (θεραπεύω, ὠφελέω) by those who were able to do that. Here Psellos consequently seems to be mobilising the power of his friendships to simplify the bureaucratic procedure without compromising the interests of the state.

There are however also a few cases where Psellos is significantly more forceful, even blunt, in asking for fiscal favours. In a letter to Maleses, the *krites* of Katotika, on behalf of a certain

¹⁹¹ S 116, pp. 362-3. See below, p. 98.

¹⁹² KD 81-2, pp. 111-2.

Peloponnesian, he requests the *krites*' straight and unimpaired judgment (τῆς σῆς [...] ὀρθῆς καὶ ἀπαρεγκλίτου κρίσεως) to provide both a more sympathetic tax-assessment (φιλανθρωπότερον ἀπογράφεσθαι) and judicial aid in matters where the man was involved both as accuser and defendant (καὶ διώκων καὶ φεύγων), as well as social recognition (νεῦμα ἔχειν εὐμενὲς παρὰ σοῦ), promising that the man would remember him for the favours (σοι χαρίτων ἀπομνημονεύσει), and Psellos himself even more so (καὶ πρὸ ἐκείνου ἐγώ).¹⁹³ He also wrote to the *megas oikonomos* on behalf of a *logographos* who claimed that his new title of *koubouklesios* had only been presented to him in shadowy outline (ἐσκιογραφήθη), asking not only for a tax-exemption (τῆς ἱερᾶς ἀφήσεις φορολογίας), but also that it would be made permanent (καὶ ἐπιγράψεις ἀθανάτῳ ἐπιγραφῇ). By way of justification for the request, he only writes playfully that his correspondent would suffer another annoying letter about the same thing if he did not comply with the present one (ἥν δὲ μή, δευτέρα σε περὶ τούτου ἐπιτρίψει γραφή). There is also a brief and somewhat obscurely worded letter where Psellos simply informs the *krites* of Optimaton that he is depriving him of a *kathisma* (ἀπείργω γάρ σε καθίσματος), which is the term used for temporary administrative bases for travelling officials.¹⁹⁴ The provision of *kathisma* also involved accommodating and feeding the officials in question as well as their staff, generally at a standard that entailed considerable expense, making exemptions from the duty attractive for both individuals and monasteries. These letters clearly indicate that it was socially acceptable to ask friends in the civil administration for fiscal benefits in plain terms and that it was not unreasonable to expect them to simply comply, even though Psellos may have reserved bluntness for friends that he knew well.¹⁹⁵

¹⁹³ KD 76, pp. 107-8. See below, pp. 114-15. Regarding Maleses, see above, pp. 75, n. 165.

¹⁹⁴ KD 106, p. 136. Regarding *kathisma*, see N. Oikonomides, *Fiscalité et exemption fiscale à Byzance (IX-XI s.)* (Athens, 1996), pp. 94-6; Morris, 'Travelling Judges', pp. 340-3.

¹⁹⁵ See the discussion of Psellos' relationship to Pothos above, pp. 76-7.

These are nevertheless the exceptions and in most cases Psellos appears reluctant to rely only on his friendship when asking for fiscal favours of this kind, preferring to supplement it with moralising or legal justifications. In some letters he simply appears to insist that formal or traditional privileges are respected. This is certainly the case in three early letters to the *krites* of Opsikion, where Psellos is concerned that his monasteries Kathara, Medikion and especially Megala Kellia might suffer demands for tax-payments and hospitality during, and possibly after, his own monastic exile. In the first, Psellos notes he had acquired the latter monastery because of his friendship with the *krites* (διὰ σὲ [...] ἡμᾶς ἀγαπῶντα) and because he had heard that the income from its estates was tax-exempt (ἐλευθέρῃ), before proceeding to remind him that it had an imperial document to deter any hostile intention towards it (ἔστι γὰρ παρὰ τῇ λάβρᾳ βασιλικῶν ἔγγραφον, πᾶσαν πονηρὰν κατὰ τῆς μονῆς ἀναστέλλον ὑπόνοιαν).¹⁹⁶ In the second letter, Psellos similarly insists that Megala Kellia has been freed from the duty to provide a *kathisma* for the *krites*, as well as any form of hospitality (ἡ μὲν γὰρ δικαστοῦ καθίσματος ἡλευθέρωται καὶ πάσης ἀπλῶς ὑποδοχῆς).¹⁹⁷ He also emphasises that none of his predecessors as *charistikarios* had been bothered over hospitality (καὶ τῶν πρὸ ἐμοῦ δὲ χαριστικαρίων οὐδεὶς ἐπηρέασθη ποτὲ εἰς κριτοῦ ὑποδοχὴν) and complains that only his letter had stopped the *krites*' men from imposing exactions the year before (πέρυσι γοῦν σε μικροῦ δεῖν πέπεικα ἂν ἐκεῖθεν τι λαβεῖν, εἰ μὴ τὸ ἐμὸν προέλαβε γράμμα). Finally, he calls upon his correspondent to remember the exemption as well as his affection for Psellos (ἀναμνήσθητι γοῦν καὶ τοῦτο καὶ τὴν πρὸς ἡμᾶς σου ἀγάπην). In the third letter, he begins by discussing the virtues of epistolary friendship, goes on to inform the *krites* that the emperor might accept a request for home leave

¹⁹⁶ S 77, p. 311.

¹⁹⁷ KD 108, p. 137. Here Psellos appears to imply a wider definition of *kathisma* than the provision of food and lodging. The word γὰρ refers back to the previous sentence, where Psellos reminds his correspondent not to send tax-collectors (ταξεῶται) to the monastery, which suggests that at least some levies that were not immediately associated with the *krites*' visit could be considered as part of the duty to provide *kathisma*. The claim that the monastery is liable to provide neither *kathisma* nor hospitality (ὑποδοχή) also implies that the terms were not considered to be entirely synonymous.

and then complains of a current illness, before finally exhorting the *krites* to remember (μὴ ἐπιλάθῃ) his three monasteries, especially Megala Kellia, which Psellos had heard that his correspondent intended to tax, even though none of his predecessors had done so (ἀκούσας, ὅτι τῶν Κελλιῶν παραψαῦσαι διανενόηκας, ἔνθα μηδεὶς τις τῶν πρὸ σοῦ παρέξυσε δικαστής).¹⁹⁸

Moreover, he wrote to an unidentified *krites*, asking him to aid the monastery of his friend Moses, adding to its advantages (προστιθεὶς τῶν ἀγαθῶν) and protecting it from any problems (ἀφελὼν τῶν κακῶν).¹⁹⁹ He calls upon their friendship (δὲ ὑμῶν τῶν φιλούντων με), but also underlines that the monks asked for nothing new, but merely documentary confirmation of their regular rights (αἰτοῦσι δὲ οὐδὲν καινὸν οὐδ' ἔξω τῶν νενομισμένων τοῦ δικαίου ὅρων, ἀλλ' ἅπερ τὰ ἐγγραφα τούτοις χαρίζονται). He also wrote to the aforementioned Pothos, addressing him as 'most wise student' (σοφώτατε μαθητά) and congratulating him on escaping the awkward situation where he found himself in position to demand the *monoprosopon* tax from his old teacher, since the emperor had cancelled it (διάλλαξε γάρ [...] ὁ βασιλεύς), which appears to be what he would have expected Pothos to do himself otherwise.²⁰⁰ Psellos may well have been sincere in his claims to merely ensure that rights already granted were respected in these cases. As both Morris and Cheynet have noted, such efforts were necessary since fiscal officials constantly sought to revisit and challenge the privileges that diminished the tax that they were able to collect.²⁰¹ It was thus not enough to obtain a tax-exemption from the emperor, but it also needed to be defended from his provincial representatives. Requests for more favourable tax-assessments need consequently not be read simply as shameless attempts by the well-connected to line their pockets at the expense of the state, but could also be understood as

¹⁹⁸ KD 200, pp. 227-9. The use of the verbs παραψαύω and παραζύω obscures the meaning of the sentence somewhat, but it seems reasonable to interpret it as concerning tax or other exactions.

¹⁹⁹ KD 227, pp. 270-1.

²⁰⁰ KD 53, pp. 84-5.

²⁰¹ Morris, 'Monastic Exemptions', p. 216; Cheynet, 'L'Aristocratie', pp. 306-7.

part of the established process of perpetual negotiation over fiscal obligations that characterised provincial taxation. The dynastic uncertainty and frequent regime changes of the mid-eleventh century may also have served to intensify this practice.²⁰²

This process could take rather drastic rhetorical turns, as is evident in another letter to Pothos, who at the time was *krites* of Thrace and Macedonia, in which he introduces another element of justification by appealing to his correspondent's piety.²⁰³ The purpose of the letter is to protect another of Psellos' monasteries, the Acheiropoietos, from taxation, which Psellos appears to equate with attacking the Theotokos, exhorting his friend to spare the holy (φεῖσαι τῶν θείων) and refrain from taking that which is inviolate (μὴ κίνει τὰ ἀκίνητα). He is however careful to keep all his bases covered by also asking Pothos to consider chrysobulls, other privileges, long-standing custom and his predecessors' regard for the monastery (ἐπιστράφηθι χρυσοβούλλων, ἐτέρων δικαιωμάτων, συνθείας χρονίου, τῆς τῶν πρὸ σοῦ δικαστῶν αἰδοῦς περὶ τὴν μονήν), as well as their mutual friendship as teacher and student (ἡμῶν γε ἔνεκα τῶν φίλων καὶ διδασκάλων). The tone is rather aggressive and it is not entirely clear how this should be interpreted. This is the exception to the otherwise very affectionately phrased letters to Pothos, whom Psellos appears to have regarded as a genuinely close friend.²⁰⁴ It is possible that it should be read ironically, the joke being that the mere suggestion that the *krites* would try to impose taxes on his friend's monastery was ridiculous. If so, the letter would simply be a friendly reminder to make sure that the tax-collectors stayed away. The outrage may of course also be genuine. If Pothos did have designs on the wealth of the Acheiropoietos, his close relationship

²⁰² See M. Attaleiates, 'La Diataxis de Michel Attaleiate', ed. P. Gautier, *Revue des études byzantines* 39 (1981), p. 101-123, esp. p. 111, which includes copies of chrysobulls issued by both Michael VII (r. 1071-8) and Nikephoros III (r. 1078-81), the second one confirming the privileges granted by the first one. It also notes that Attaleiates had asked for such confirmation 'because he knew that an imperial decree that confirms a previous decree has even greater weight' (ἦδει γὰρ ὡς μέγα τι χαρίζεται πρὸς ἰσχυροτέραν ῥοπὴν ψήφος βασιλικὴ προσεπικυροῦσα τὸ γεγονός).

²⁰³ KD 250, p. 299.

²⁰⁴ See above, pp. 76-7.

with Psellos would likely only increase the latter's sense of betrayal. If so, the catalogue of reasons he gives for sparing the monastery would seem to underline the fluidity of the tax-assessment process; a single document did not always settle the case, so all available arguments had to be marshalled.

Similar sentiments, albeit more diplomatically expressed, can be found in another letter concerning the Acheiropoietos, but this time addressed to Nikolaos Skleros.²⁰⁵ Psellos writes about the virtues of devotion to the Theotokos, asking Skleros to use his office to show his commitment to the holy as well as to his friends (ἀρχὴν ποιήσον καὶ τῆς πρὸς τὸ θεῖον ἀκριβοῦς διαθέσεως καὶ πρὸς τοὺς ἀκριβεστέρους τῶν φίλων) by looking after the estates of the Acheiropoietos as if they were his own (τῆς γε Ἀχειροποιήτου ἐπιμελήθητι, τῶν κτημάτων αὐτῆς ὡς οἰκειοτάτων ἀντεχόμενος κτήσεων). Psellos made another appeal to Skleros' piety in a letter concerning the monastery of Ta Narsou, written during the latter's tenure as *krites* of the Aegean Sea.²⁰⁶ Psellos asked him to offer the monastery extensive aid, both caring for its estates himself and ordering his subordinates to do so (τὴν δυνατὴν δίδου βοήθειαν, τὰ μὲν αὐτόθεν ἐπιμελόμενος τῶν τῆς μονῆς κτήσεων, τὰ δὲ καὶ ἐπαγγελλόμενος), pointing out that in doing so he would not only help his friend, but also show his devotion to the Theotokos and the martyrs revered at the monastery (καὶ τὸ μὲν φαινόμενον ἡμῶν τε ἀκούεις καὶ τὴν μονὴν

²⁰⁵ KD 124, pp. 148-9. See below, p. 201. It is not clear exactly what office Psellos refers to here. Skleros was definitely *krites* of the Aegean Sea in the early 1060s, but the Acheiropoietos was located in Thrace, just outside the Golden Gate, and the other letters concerning it (KD 77, KD 250, KD 251) are addressed to the *krites* of Thrace and Macedonia. The most plausible explanation seems to be that the Acheiropoietos simply owned estates in the Aegean Sea, but it is also possible that Skleros served as *krites* of Thrace and Macedonia before being relocated to the Aegean Sea, or that he would be able to help in an entirely different capacity. Jeffreys, 'Psellos and the Monastery', p. 53; W. Seibt, *Die Skleroi: eine prosopographisch-sigillographische Studie* (Vienna, 1976), pp. 93-97; PBW (consulted 11.ii.2016) Nikolaos 2104, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/158208>>.

²⁰⁶ KD 126, p. 150. See below, p. 201. The monastery in question is certainly the Ta Narsou in Constantinople where Psellos received elementary education, so we may infer that it had estates in the Aegean Sea. See S 135, pp. 378-9 (and above, p. 84); Bernard, 'Educational networks', pp. 17-18; Jeffreys, 'Psellos and the Monastery', p. 55.

ὠφελεῖς, τὸ δέ γε ἀληθές καὶ νοούμενον πρὸς τὴν θεοτόκον τὴν χάριν διαβιβάζεις καὶ τοὺς ἐν τῇ μονῇ τιμωμένους μάρτυρας).

In another letter to the *krites* of the Aegean Sea, this time unnamed but quite possibly Skleros again, Psellos introduces the metropolitan of Kyzikos.²⁰⁷ After praising the metropolitan's virtues, he calls upon the *krites* to not only honour the man, but also offer him substantial aid (οὐ τιμῆσαι μόνον τὸν ἄνδρα, ἀλλὰ καὶ ὠφελῆσαι τὸν δυνατὸν τρόπον), since the metropolitan church had been damaged badly during a recent earthquake and was in dire need of repairs. He did not ask his correspondent to contribute with anything, only to refrain from taking anything away (οὐκ ἀξιοῦμεν προσθεῖναι τι ταύτῃ, ἀλλὰ μὴ ἀφελεῖν τι τῶν αὐτοῦ), pointing out that while the *krites* did have an obligation to care for the public treasury (δεῖ μὲν γὰρ καὶ τῶν δημοσίων θησαυρῶν φροντίζειν σέ), he had an even greater duty towards the most precious spiritual treasury and, above all, to God and the holy churches (δεῖ δὲ μᾶλλον τοῦ τιμαλφεστάτου θησαυροῦ τῆς ψυχῆς, καὶ πρὸ ταύτης, τοῦ θεοῦ, καὶ τῶν θείων ναῶν).

This looks like an unusually clear expression of the dilemma facing the provincial *kritai*. It was an essential part of their job to make sure the expected amount of taxes was collected and dispatched to Constantinople, but they could not extract it by any means available, since they were also responsible for the well-being of those they were appointed to govern. This responsibility was not limited to spiritual well-being, as is evident in a number of other letters asking for favours of a fiscal nature. In fact, nearly half of the letters making such requests contain some variety of an appeal to compassion on the grounds that the people concerned were too poor to fulfill their fiscal obligations. Byzantine law had a formal provision for temporarily lightening the tax burden called *συμπάθεια*, 'compassion', to be employed when a piece of land

²⁰⁷ S 79, pp. 312-3.

had become unproductive or abandoned, particularly as a result of barbarian raids or natural disasters.²⁰⁸ Lemerle underlined the pragmatic motives behind its use, namely to prevent the flight of taxpayers and the desertion of village communes in difficult times, but its name also points towards an ideological superstructure with emphasis on the responsibility of those in power to care for the unfortunate, which seems to be what Psellos taps into rhetorically when justifying his requests for fiscal relief. The principle Psellos calls upon in these letters, that it was the responsibility of the *kritai* to ensure that taxpayers were not subjected to exactions that exceeded their ability to pay, consequently had a legal basis, even though the requests examined here do not appear to have been intended to result in the application of *sympatheia* in its formal sense.

In another letter to Nikolaos Skleros concerning Ta Narsou, Psellos writes that although the monastery had many estates, they were unprofitable and even made losses (πολλῶν μὲν ὄντων, ἀσυντελῶν δέ, ἵνα μὴ λέγω ἐπιβλαβῶν).²⁰⁹ In order to reduce these losses, he asked the *krites* to show the monks and their estates every concern (πᾶσαν θέσθαι πρόνοιαν), to treat them as his own and care for them (τοὺς μὲν οἰκειωσάμενον, ἐκείνων δὲ ἐπιμελησάμενον). He also praises the virtue of the monastery's *hegoumenos*, calling him its best and greatest asset (τὸ κάλλιστον τε καὶ μέγιστον), and complains that he has to write letters like the present one while he is mourning their mutual friend Anastasios Lizix,²¹⁰ but notes laconically that the petitioners did not let him grieve in peace (οὐ γὰρ ἔῴσι με ἀκορέστως πενθεῖν οἱ δεόμενοι). The inference appears to be that he is writing reluctantly, not to promote his own financial interests as *charistikarios*, but only because it is his duty to succor the poor but virtuous monks. There are also a few other cases where Psellos writes to *kritai*, calling on their friendship and asking them

²⁰⁸ Lemerle, *Agrarian History*, p. 81; Kaplan, *Les Hommes*, pp. 399-408.

²⁰⁹ KD 127, pp. 150-1. See below, p. 201.

²¹⁰ PBW (consulted 22.iii.2016) Anastasios 2101, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/157462>>.

to waive their rights to hospitality at his monasteries on the grounds that they were simply too poor to afford it.²¹¹

These repeated requests for fiscal benefits in recognition of the poverty of the monasteries concerned can be contrasted against the accounts of monastic wealth presented in the land legislation of Nikephoros II Phokas (r. 963-9) and Basil II (r. 976-1025), promulgated in 964 and 996 respectively and intended to check the growth of monastic property. The former contrasts the asceticism of the desert fathers with the immoderation of contemporary monasteries that strive endlessly towards the acquisition of thousands of acres of land, lavish buildings and innumerable animals, declaring such behaviour to be not only in violation of the monastic vows, but verging on blasphemy.²¹² The latter takes a somewhat less moralising tone, but notes severely that word has come from nearly all themes ‘that many of the village communes find themselves suffering harm and injustices, with some on the verge of extinction, because of the spread of the monasteries’ (ὅτι πολλὰ τῶν χωρίων εὐρίσκεται βλαπτόμενὰ τε καὶ ἀδικούμενα, τινὰ δὲ καὶ ἀφανιζόμενα παρ’ ὀλίγον ἀπὸ τῆς τῶν μοναστηρίων ἀφορμῆς).²¹³ It also defines all heads of monasteries as δυνατοί, i.e. powerful as opposed to the πτωχοί and πένητες, by confirming their designation as such in one of the novels of Romanos I Lekapenos (r. 920-44).²¹⁴ As Rosemary Morris has argued, however, this appears to have been regarded as a reflection of their potential rather than actual power and she notes that even though some monasteries were undoubtedly able to act like *dynatoi* in this period, many others were in fact very poor.²¹⁵ The considerable differentiation of monastic wealth implied here is in fact evident in the novel of Nikephoros II as well, which encourages donations for monastic purposes, but

²¹¹ KD 89, KD 140, pp. 118, 167-8; S 29, pp. 263-5. See above, p. 71, and below, p. 141, 219.

²¹² Svoronos, *Novelles*, pp. 157-8.

²¹³ Svoronos, *Novelles*, p. 208; trans. McGeer, *Land Legislation*, p. 122.

²¹⁴ Svoronos, *Novelles*, pp. 84, 204.

²¹⁵ Morris, ‘The Powerful’, pp. 14, 23-4; idem, *Monks and Laymen*, pp. 166-99, 247-55.

demands that they should be directed to existing foundations that have gone to ruin due to neglect and lack of funds, rather than to the establishment of new monasteries or acquisition of additional monastic land.²¹⁶

Psellos did not however limit his concern for the poor to monasteries alone.²¹⁷ After a visit to the town of Philadelphia, which he had once governed himself as *krites*, Psellos passed on a petition from its villagers to his present successor (κατεδεήθησαν δι' ἐμοῦ μεσίτου), asking him to be more kind and humane towards them (χρηστοτέρου σου καὶ φιλανθρωποτέρου τυχεῖν), especially regarding a matter of taxation (ὕποτελεσμός).²¹⁸ He calls upon the *krites* to balance friendship and strict justice (ζυγιστάτησον τὴν ἐμὴν φιλίαν καὶ τὸ ἀκριβὲς δίκαιον), hoping that some benefit could be found for the townspeople because of him (ἵνα τι δι' ἐμὲ ἀγαθὸν τοῖς χωρίταις ἐπινοήσης). Similarly, in a letter to the *krites* of Optimaton, Psellos asks for help for one Basil Melissenos,²¹⁹ whom he describes as most well-born (εὐγενέστατος), intelligent (συνετώτατος) and courageous (ἀνδρειότατος).²²⁰ A recent unbearable imposition (συνωνή, ἣν ἀχθηφορεῖν μὴ δυνάμενος)²²¹ had however left him without the means to meet the bare necessities (οὐκ ἀρκοῦσαν ἔχει τὴν χορηγίαν τῶν ἀναγκαίων). Psellos thus requested that his burden be lightened (ἐπελαφρῦναι αὐτῷ τὸ ἄχθος τοῦ φορτίου). He knew how eloquently the *krites* would resist (εἰδὼς δὲ ὅσα μέλλεις ἐρεῖν εὐλόγα πρὸς τὴν τῆς ἀξιώσεως παραίτησιν), but still expected him to offer help in proportion to Psellos' friendship (ἐν μέτρῳ τῆς φιλίας ἡμῶν). The anticipation of his correspondent's reluctance to fulfill the request once again draws our attention to the balancing act required of a *krites* to simultaneously keep his friends happy, the

²¹⁶ Svoronos, *Novelles*, pp. 159-60. For a detailed account of Nikephoros' somewhat ambiguous attitude towards monasteries, see R. Morris, 'The Two Faces of Nikephoros Phokas', in *Byzantine and Modern Greek Studies* 12 (1988), pp. 100-11.

²¹⁷ In addition to the cases cited below, see KD 133, pp. 155-6; S 103, S 138, S 200, pp. 344-6, 381, 494.

²¹⁸ S 180, pp. 459-61. See below, p. 98.

²¹⁹ PBW (consulted 11.ii.2016) Basileios 2102, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/158061>>.

²²⁰ S 75, pp. 309-10. See below, p. 206.

²²¹ For this reading of συγγομή as συνωνή, see Oikonomides, *Fiscalité*, p. 71, n. 92.

people of his province thriving and the emperor satisfied with the proceeds from taxation. Psellos also appears to address this dilemma in a letter offering some professional advice to the *krites* of Macedonia, whom he encourages to steer a middle course (τὴν μέσσην ὁδὸν χῶρει) between yielding to everything (πᾶσιν ὑπεύκων) and opposing everything (πρὸς ἅπαντας ἀνθιστάμενος).²²²

Moreover, there are several cases where Psellos appeals to *kritai* for protection against menaces, which upon closer inspection appear to be their own tax-collectors. In one of these letters, Psellos writes on behalf of a poor man (πτωχός) who was made poorer still by wrong-doers who attacked whatever little he had left (προσσυνεπιτρίβουσιν αὐτῷ τὴν πτωχείαν καὶ τινες ἀδικοῦντες εἰς ἃ γλίσχρων αὐτὸς ἠυπόρηκεν).²²³ The word ἀδικέω is quite vague, but by itself the sentence would appear to conjure the image of a marauding band of outlaws or at least a group of greedy and ruthless neighbours. If there had been criminal activity involved, however, the obvious course of action for the *krites* would have been to arrest and convict the perpetrators, but this is not what Psellos is requesting. Instead, he asks him to aid the poor man by offering gifts and rebates (ἴασαι [...] τὸ μὲν δίδους τι, τὸ δὲ ἀποδιδούς), clarifying that no lavish treatment was required, just the *krites*' usual help (οὔτε γὰρ φιλοτίμου δεῖται χειρός, ἀλλ' ὅποια ἢ σή), since the debts in question (ἃ κεχρεώσθηται) were small. The problem consequently seems to be that the man was unable to bear the exactions of the tax-collectors and the proposed solution that the judge should forgive his debts to the fisc. The *krites* is nevertheless called upon to help in his capacity as protector of those who lived under his jurisdiction, even though it was his own tax-officials, seemingly acting within the boundaries of the law, who were the cause of the man's suffering.

²²² KD 7, pp. 8-9. See below, pp. 95, 117.

²²³ KD 257, p. 304. See below, p. 98.

There are parallels here to a comment made in the military treatise commonly referred to as ‘On Skirmishing’, written in the second half of the tenth century and associated with the Phokas family.²²⁴ When discussing the need to care for the well-being of the soldiers under one’s command, the anonymous author complains that they are despised (καταφρονεῖσθαι), dishonoured (ἀτιμοῦσθαι) and even beaten (τύπτεσθαι) by tax-collectors, whom he calls ‘tribute-levying manikins who contribute absolutely nothing to the common good, but whose sole intent is to wear down and squeeze dry the poor’ (φορολόγων ἀνθρωπαρίων, καὶ μηδεμίαν τῷ κοινῷ προξενούντων ὠφέλειαν, ἀλλ’ ἢ μόνον ἐκπιεζόντων καὶ ἐκτριβόντων τοὺς πένητας). This is obviously not the carefully weighed judgment of a neutral observer, but the general thrust of it seems quite consistent with the picture emerging from Psellos’ letters. Overzealous tax-collectors appear to have been a potential source of misery for the rural population, and although it is difficult to estimate how common it was for them to resort to physical violence, the reference to beatings of soldiers in ‘On Skirmishing’ suggests that they could at least be expected to have significant means of coercion at their disposal.²²⁵

This is probably also the context in which to view a request made to the *krites* of the Aegean Sea on behalf of an unnamed monastery, the estates of which were in danger of being lost due to many instances of abuse (ἃ κινδυνεύει ταῖς πολλαῖς ἐπηρείαις ἀπολωλέναι).²²⁶ As in the previous case, the meaning of ἐπήρεια is somewhat open to interpretation, but Psellos does not appear to imply that any laws had been broken. He merely states that in order to save the estates, the *krites* had to take up their cause strongly (τον δυνατον τρόπον ἀντιποιήσαιο τούτων), give them sufficient aid (ἐπικουρίαν τὴν ἀποχρῶσαν δούς), and maintain his support for them (τὴν

²²⁴ ‘Skirmishing’, ed. & trans. G. T. Dennis, *Three Byzantine Military Treatises* (Washington D. C., 1985), 19, p. 217.

²²⁵ This is also confirmed by an entry in the *Peira* where a tax-collector is convicted of torturing a tax-payer’s son as a means of extortion. See below, pp. 244, 250-1.

²²⁶ S 65, p. 297. See above, p. 78.

σύστασιν αυτοῖς περιποιήσαιο). As such, the most plausible interpretation seems to be that the threat to the estates came from overzealous tax-collectors. In another letter, Psellos asks the *krites* of Opsikion to help a man from Nicaea, who had inherited a small piece of land which was barely enough to support him (τρέφον γλίσχρως αὐτόν) and feared the men sent forth by *kritai*, by which we should probably understand tax-collectors, more than anything (πεφóβηται δὲ οὐ τοσοῦτον [...] ὅσον οὖς ὑμεῖς οἱ κριταὶ προελευσίμους φατέ).²²⁷ As such, Psellos wanted the *krites* to give the man a sign that he would keep the beasts away (δὸς αὐτῷ σύνθημά τι τῆς τῶν θηρίων ἀποτροπῆς). The almost identical term προελευσιμαῖοι, again probably denoting tax-collectors, also appears in another letter, in which Psellos supports a complaint made against them by a bishop.²²⁸

These letters certainly paint a rather brutal picture of the ruthlessness with which provincial taxation could be carried out, although the exact degree of poetic hyperbole is difficult to determine. They do however also appear convey the expectation that *kritai* would intervene against excessive demands if they were made aware of them, suggesting that the protection of the people under their jurisdiction would, at least in theory, take precedence over their fiscal duties.²²⁹ The sincerity of the sentiments thus expressed may of course be called into question, but it is surely significant that this appears to have been the way that Byzantine officials talked to each other about such matters. These were the values and norms that they reproduced through their correspondence, not only bilaterally from letter-writer to addressee, but in wider social

²²⁷ KD 117, p. 144. See below, p. 98.

²²⁸ S 18, p. 257. Oikonomides, *Fiscalité*, pp. 280-1, n. 72-3, 75, interprets προελευσιμαῖοι as referring to armed guards in the service of *kritai*, which is certainly a possibility worthy of consideration.

²²⁹ Magdalino, 'Justice and Finance', esp. p. 100, suggests that when there was no separation of fiscal and judicial administration, the natural tendency of the system would be to pursue finance at the expense of justice, which could only be counteracted by the personal intervention of the emperor. He certainly has a point, but I believe that one further variable should be added to the equation, namely the importance of reputation in the Byzantine political economy. As we shall see below, pp. 127-46, this could be seen as an informal institutionalisation of the imperial interventions which Magdalino identifies as crucial for tipping the balance in favour of justice over finance.

circles due to the public nature of Byzantine epistolography.²³⁰ This ideal may not always have been honoured in practice, but in a society where the fortunes of public officials were intimately connected with their reputation, as we shall see was the case here, there would have been strong material incentives for them to ensure that their actions were at least perceived as being well in line with it.²³¹

There is also another circumstance that fits poorly with the hypothesis that Psellos' interventions were motivated primarily by a desire for personal gain, namely that he, on numerous occasions, appears to make requests on behalf of people whom he did not know and who seem unlikely to be in a position to return the favour. Of the cases already examined, I would cite as examples the ones involving the impoverished man from Nicaea who had inherited a small piece of land and feared the *krites*' men, the poor man (πτωχός) who was made poorer still by rapacious tax-collectors, the townspeople of Philadelphia and the woman who had been unable to pay her taxes, even though this final appeal was particularly lacklustre.²³² There is also the case of the poor (πένης) soldier whom Psellos requested should be freed from the legal problem preventing him from going on campaign.²³³ As we have seen above, the request may have originated with the emperor in this case, but it would then reflect an imperial concern for the unfortunate that officials surely would have been expected to emulate.

By way of further examples, there is a letter to the *megas oikonomos* where Psellos requests a few measures of grain for a poor nun (πτωχή μὲν, μονάζουσα δέ), expecting success on account of friendship (περὶ τῆς φιλίας), as well as one to an unspecified *krites*, asking him to help a poor man (πτωχός), should he face unforeseen problems (ἐπ' ἀδήλοις τοῖς ἐπισυμβησομένοις αὐτῷ

²³⁰ See above, p. 43.

²³¹ See below, pp. 127-46.

²³² KD 117, KD 257, pp. 144, 304; S 116, S 180, pp. 362-3, 459-61. See above, pp. 85, 94-5, 97.

²³³ KD 132, pp. 154-5. See above, p. 75.

κακοῖς).²³⁴ Similarly, he wrote to an unspecified official concerning another poor man (πτωχοῦ), relating that he had previously petitioned others on his behalf, finally succeeding in freeing him from problems that he would otherwise have been unable to endure (ἡλευθέρωται ὁ ἄνθρωπος ὧν μὴ ἐλευθερούμενος ἐδυσχέραινε), and requested that the official took care to prevent things from turning from better to worse for him (ἵνα μὴ ἀπὸ τοῦ βελτίονος πρὸς τὸ χεῖρον ἀνακάμψειε).²³⁵ Psellos also wrote to an archbishop, praising him for having treated a poor man (πτωχός) and his family well, noting that he had already made their misfortune happier (εὐτυχεστέραν αὐτοῖς τὴν ἀτυχίαν ἀπέδειξας), and urging him to maintain the same disposition (σώζοις οὖν μοι τὴν αὐτὴν [...] διάθεσιν).²³⁶ Moreover, the pleas made on behalf of monks who had been excluded from their monasteries and congregations and wanted to be accepted back into the fold would also seem to fit this description.²³⁷

It cannot, of course, be definitively proven *ex silentio* that Psellos was not personally acquainted with these people, but in support of such an interpretation it should be noted that there are a number of cases where Psellos explicitly refers his ties of friendship or family with those on whose behalf he writes and that he appears to do so as a way of lending a little additional weight to his requests.²³⁸ There is, for instance, a letter of reference addressed to the *krites* of Katotika, in which Psellos introduces the letter-carrier as a friend of his and therefore also of the *krites* (οὗτος ἐμός [...] καὶ διὰ τοῦτο σός).²³⁹ He wrote to Constantine Keroularios, taking an apologetic tone over bothering him with another request, but explaining that he had no choice

²³⁴ S 31, S 195, pp. 266-7, 489. See below, p. 125.

²³⁵ S 201, pp. 494-5. See below, p. 125.

²³⁶ S 126, pp. 373-4.

²³⁷ G 19, G 23, pp. 164-5, 172-3; KD 113, KD 164, KD 204-5, pp. 141-2, 190-1, 232-5; S 61, S 140, pp. 292-4, 383.

²³⁸ Apart from the cases cited below, see for instance KD 54, KD 57-8, KD 90, KD 144, KD 150-1, KD 160, KD 166-7, KD 171, KD 174-5, KD 253, KD 262, pp. 85-7, 89-91, 118-19, 170-1, 175, 187-8, 191-2, 194-8, 301, 307-8; S 17, S 20, S 35, S 80, S 102, S 106, S 141, S 163, S 193-4, pp. 256-8, 269-70, 313-14, 344, 350, 383-4, 421-2, 488-9. The impact of family ties nevertheless appears to have been quite limited, as will be discussed at length below, pp. 188-96.

²³⁹ S 34, pp. 268-9.

since the man on whose behalf he wrote was a relative, which inevitably tilted the scales in his favour (ἔχει γὰρ πᾶσιν ἀντίρριπον τὴν συγγένειαν).²⁴⁰ We also have the case cited above in which the letter-carrier is described as poor (πένης), but close to Psellos (ἐμοὶ προσήκων) and therefore both rich and fortunate in having the addressee as *krites*.²⁴¹ Since Psellos appears to regard pointing out his personal relationships with those on whose behalf he wrote as a way of making his correspondents more favourably inclined towards his requests, we could expect him to do so whenever there was a close relationship to be pointed out and at least not consciously present such relationships as less close than they actually were.

In fact, Psellos intimates on several occasions that he was being constantly petitioned on a scale that clearly surpasses that of asking favours for close friends and family. In a letter to the *krites* of Thrakesion, he notes that he was being followed by a large number of petitioners (ἐμὲ[...] ἐπισύρονται πολλοὶ εἰς τὰς ἀξιώσεις), explaining that it was either because he loved everyone, or because so many loved him (ἢ ὡς πάντας ἀγαπῶντα, ἢ ὡς παρὰ πολλῶν ἀγαπώμενον), but not because of his official power (οὐ γὰρ εἵπομι δι' ἀρχικὴν δύναμιν).²⁴² The use of ἀρχική as a qualifier for δύναμις may well be significant here, implying that it might have been his unofficial power that had earned him the love of the masses. There are also three other letters to *kritai* in which he explains the high frequency of his requests by referring to petitioners (οἱ ἀναγκάζοντες / τοῖς ἀξιοῦσί με / τῶν ἀξιούντων).²⁴³ This appears consistent with a remark made in passing, which reveals that he employed the expressions of friendship (τὸν τῆς φιλίας ἀπαραποίητον χαρακτῆρα φυλάττομεν) even towards chance acquaintances and people whom he had only met once (πρὸς τοὺς τυχόντας τῶν ἀνθρώπων καὶ τοὺς ἄπαξ ἡμῖν ὁμιλήσαντας).²⁴⁴

²⁴⁰ S 46, pp. 278-9. See below, pp. 101, 194.

²⁴¹ KD 107, pp. 136-7. See above, p. 81.

²⁴² KD 130, p. 153.

²⁴³ KD 137, pp. 163-4; S 94, S 133, pp. 338, 377-8. See above, p. 79 and below, p. 162, 179-80.

²⁴⁴ S 146, pp. 394-5. See below, pp. 139-40, 195.

The most emphatic reference to this multitude of petitioners is however found in the letter to Constantine Keroularios cited in the previous paragraph, where Psellos describes how a great crowd converged on his doorstep, banging on the gates as well as on his ears and soul (μοι συρρεῖ πρὸς ταῖς θύραις ὄχλος ἀμύθητος, θυροκοποῦντες καὶ τὴν ψυχὴν καὶ τὰ ὄτα ἡμῶν).²⁴⁵

It should be noted that this letter seems to predate Psellos' period of influence under Constantine X, from which we may infer that it was not his position as 'governor of governors' alone that attracted these throngs of petitioners.²⁴⁶ This is confirmed by a letter to Constantine Leichoudes,²⁴⁷ written no later than 1059 since he does not appear to have been appointed patriarch yet, where Psellos relates that the man on whose behalf he wrote had approached him by lying outside his door, weeping and wailing loudly (πρὸς τῷ πυλῶνί μου κείμενον, καὶ μέγα στενάζοντα καὶ ἀπολοφυρόμενον).²⁴⁸ There are also two letters to John Mauroπους, most likely written in the 1050s, where Psellos asks for favours for elderly men whom he does not appear to know personally.²⁴⁹ This appears to suggest that petitioning was an integral part of the Byzantine political system, serving as a communication channel between the Byzantine civil administration and those who were governed by it. It was evidently employed not only by aristocrats exchanging favours with their peers, but also by poor farmers who were unable to afford the taxes demanded of them and, as we shall see, by common people seeking protection from criminals or legal redress for injustices committed against them.

The importance of petitioning in Byzantine politics has also been touched upon briefly by Catherine Holmes, who notes that it seems to have been widespread and suggests that it may

²⁴⁵ S 46, pp. 278-9. See above, p. 100, and below, p. 194.

²⁴⁶ Jeffreys, 'Summaries', pp. 332, 427.

²⁴⁷ PBW (consulted 11.xii.2016) Konstantinos 13, < <http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107529>>.

²⁴⁸ S 28, p. 262-3.

²⁴⁹ S 40, S 173, pp. 273, 440-1; Jeffreys, 'Summaries', pp. 329, 396.

have played a part in driving the expansion of the Byzantine bureaucracy in the tenth and eleventh centuries.²⁵⁰ She also makes reference in passing to an episode the Life of St. Luke of Steiris, which is well worth considering in a little more detail.²⁵¹ The anonymous hagiographer recounts that the saint's family was driven from their lands by jealous neighbours and that this prompted his grandfather to go to Constantinople, where he was given an audience before the emperor. He explained his business point by point (τὰ καθ' ἑαυτὸν ἕκαστα διασαφήσας), received a sympathetic hearing (εὐμενοῦς τε ἀκοῆς καὶ φιλανθρώπων ἔτυχεν ὀφθαλμῶν) and was immediately granted imperial letters (παραχρῆμα γὰρ αὐτῷ γράμματα βασιλικά παρασχὼν). He was also put in contact with an official who is only referred to as the one tending to imperial orders (τῷ τοῖς βασιλικοῖς ἐντάλμασιν ὑπηρετούμένῳ), who came to the village, divided its lands and arranged for both parties to live there in security.

The story, which supposedly took place in the late ninth century and was probably written down almost a century later,²⁵² bears a definitive resemblance to Psellos' epistolary activities, especially the judicial interventions that will be considered below. The difference being, of course, that Psellos did not provide his petitioners with imperial edicts conveying orders to the appropriate officials, but rather friendly letters asking them for favours, as we have seen him make a point of himself. The procedure and expected effects, however, appear to be largely the same. Petitions could evidently be made not only directly to the emperor, or even to the officials under whose jurisdiction the matters in questions fell, but also to their friends, like Psellos, who were able and, it would seem, often willing to intervene with them. As such, the reliance on private networks may have served to increase the efficiency of public administration, at least in

²⁵⁰ C. Holmes, 'Political Literacy', in P. Stephenson (ed.), *The Byzantine World* (London & New York 2010), p. 146.

²⁵¹ *The Life and Miracles of Saint Luke of Steiris: Text, Translation and Commentary*, ed. & trans. C. Connor & W. R. Connor (Brookline 1994), p. 6.

²⁵² *The Life and Miracles of Saint Luke*, p. ix, 148. The dating must, however, be regarded as uncertain.

terms of facilitating communication and increasing the available avenues of access to officials, even for those who were not part of the aristocratic networks of friendship themselves.

3.2.2 *Balancing the scales of justice*

The role played by the combination of aristocratic networks and petitioning culture in enabling access to officials even for those who were not part of the networks themselves is, I believe, also important for understanding the way in which Psellos phrased his interventions concerning legal disputes or criminal activities. This will be the subject of the present subsection and, to a large extent, the next. To begin with, it is worth noting that we find a few more cases here where Psellos appears to be writing on behalf of petitioners with whom he had no personal relationship. Two particularly clear examples are provided by letters to unidentified *kritai* where Psellos himself appears to doubt the veracity of the accounts given by those on whose behalf he writes, indicating that he did not regard them as trusted friends. The first concerns a man who claimed that his neighbour was preventing him from rebuilding his ruined house (ἔφησε γάρ, ὅτι βουλόμενον ἀνεγεῖραι καταλυθεῖσαν τὴν οἰκίαν αὐτοῦ ἐν γειτόνων τις οἰκῶν οὐκ ἔῤ).²⁵³ Psellos seems to doubt the story, confessing that he laughed when he first heard it (ἀκούσας εὐθὺς ἐγέλασα), and tells the *krites* that he should not blame the messenger (ἀφείς τοὺς κήρυκας) if things turned out to be otherwise (εἰ δ' ἄλλως ἔχει τὸ πρᾶγμα). If it was true, however, the perpetrator should be punished with the appropriate fines (τοῖς προσήκουσιν ἐτιμιαῖς σωφρονισθήσεται).

The other letter was written on behalf of a poor (πτωχότατον, πένης) monk who claimed that he had been wronged (ὅτι ἀδικεῖσθαι φησι).²⁵⁴ The *krites* should investigate the possibility that it was all a lie (εἰ [...] οὐδὲν ἀληθές), but if it was not, he should intervene on the side of truth

²⁵³ KD 246, pp. 296-7.

²⁵⁴ S 119, pp. 367-8.

and help the wronged old man (γενοῦ μετὰ τῆς ἀληθείας, καὶ βοήθησον τῷ ἀδικουμένῳ γέροντι). There is also a letter to the *krites* of Boukellarion, in which Psellos related that he had been approached by a man who claimed that he had first received a verdict from Psellos when he was *krites* of the theme (λέγων, ὡς δεδικαίωται μὲν πάλαι παρ' ἐμοῦ), but then an opposite decision on the same case from his successor (καταδεδίκασται δὲ ὕστερον ἐπ' αὐτῇ τῇ ὑποθέσει, ἐφ' ἣ τὴν δικαίωσιν εἴληχε, παρὰ τοῦ μετ' ἐμὲ δικάσαντος ἐν τῷ θέματι).²⁵⁵ As such, he encouraged the present *krites* to investigate the matter again (δοκιμασάτω τὴν ὑπόθεσιν) without considering any of the previous verdicts, but only the truth (μηδενὸς τῶν δικασάντων ἐπιστραφεῖς, ἀλλὰ τῆς ἀληθείας μόνης γένομενος). Although the details of the case are obscured, there are clearly parallels here to the process of perpetual negotiation over fiscal obligations examined above, suggesting that previously settled cases could be reopened if a *krites* was replaced or if the political circumstances shifted in other ways.²⁵⁶

Moreover, Psellos wrote to a *krites* on behalf of a poor nun (πένης μοναχή) who had built a small monastery and taken a loan to ensure that the nuns did not starve, but found herself in difficulties since one of those contributing to the loan had broken the agreement and refused to pay (εἷς τῶν συνενεγκόντων αὐταῖς ἐρανιστῶν [...] ἀρνεῖται τὸν ἔρανον, καὶ ἀνατίθεται τὴν ὁμολογίαν).²⁵⁷ Psellos suggested that the *krites* should first see the man on equal terms and attempt to conciliate him (ἴδε οὖν τὸν ἄνθρωπον ὁμαλῶς, καὶ ἐξομίλησον δεξιῶς), but if that failed he should set up a fair and equal court against the inequalities of fortune (στήσον ταῖς ἀνίσοις τύχαις ἴσον καὶ εὐθὺ δικαστήριον), which he hoped would result in a just and lawful decision (καὶ ἔστω σοι μετὰ τοῦ δικαιουμένου κατὰ τὸν νόμον ἡ δικαιοῦσα ἀπόφασις). Psellos also appears to display a strong concern for justice when writing to a *krites* concerning the

²⁵⁵ KD 65, p. 99.

²⁵⁶ See above, pp. 87-9

²⁵⁷ S 130, p. 376.

disputed estate of a recently deceased man, where greedy neighbours have exploited the son and heir's absence and used legal excuses to take over all their property. He asks the judge to await the return of the son before making any ruling, however reasonable the neighbours' justifications may seem, and apologises for telling the *krites* to do what he surely would have done anyway, but explains that his involvement is prompted by the concerns of the aggrieved family, who are worried that the matter will not be well handled.²⁵⁸ In these cases Psellos does not appear to have any other interest than promoting the even-handed administration of justice. Even though he clearly sympathises with the plight of the poor nun and the bereaved family, his primary concern seems to be that the cases are handled properly within the boundaries of the law and, in the former case, he is even advocating a settlement that would leave both parties satisfied.

This commitment to impartial justice does however appear somewhat more ambiguous in the majority of Psellos' judicial interventions, albeit sometimes only slightly so. There are a few cases where Psellos is only asking for justice, but also identifies one of the parties involved as a friend, which in practice could imply a degree of partiality. He wrote to the *krites* of Optimaton on behalf of a friend (ὁ ἡμεδαπὸς φίλος) who had lost everything but one small estate, only to be troubled by villagers who behaved with their usual effrontery (οἳ γε χωρῖται τὰ εἰωθότα καὶ ἐπὶ τούτῳ τολμῶσιν), asking the judge to become the champion of the law and ally of the wronged (γενοῦ σὺ τοῦ νόμου μὲν ὑπέρμαχος, τῷ δὲ ἀδικουμένῳ σύμμαχος), freeing the man from his grievous neighbours (ἀπάλλαξον τὸν ἄνθρωπον γειτόνων πονηρῶν).²⁵⁹ He is ostensibly only calling upon the *krites* to uphold the law, but makes no effort to hide the fact that the request is intended to benefit one of his friends, although we cannot know how wide a definition of friendship he adopts here. He evidently did not expect his personal relationship

²⁵⁸ KD 182, pp. 201-202.

²⁵⁹ KD 51, p. 83.

with the man in question to undermine the credibility of his call for justice, nor for it to cast doubt on his version of the events. If anything, he seems to consider it to lend weight to his request, since he actively mentions it even though he could simply have neglected to do so.

A similar situation can be found in another letter to a *krites*, in which Psellos introduces a friend (ὁ παρὼν οὗτος ἡμέτερος ἐστὶ φίλος) and asks his correspondent to assist the man in collecting some unpaid debts (τὴν σὴν ἐνδοξότητα συνεργίαν δοῦναι αὐτῷ ὥστε ἀπαιτῆσαι ἃ κατέλιπε λωπαδάρια).²⁶⁰ The men who owed him the money had apparently been caught misappropriating public funds, so presumably Psellos' friend was worried that once the fisc had had its due there would be nothing left to cover other debts, which Psellos argues would be unfair. He exhorts the *krites* to offer his friend major assistance (μεγάλην βοήθειαν) and put his judicial powers (τὸ δικαστικὸν ἀξίωμα) at his disposal, pointing out nothing was more fitting for a judge than to help the wronged and prosecute wrongdoers (δικαστοῦ δὲ οὐδὲν οὕτως ὥς τὸ βοηθεῖν τοῖς ἀδικουμένοις καὶ τοῖς ἀδικοῦσιν ἐπεξιέναι). He also wrote to the *krites* of Macedonia about a friend (φίλος) who had died, requesting help (ἐπικουρία) for the widow.²⁶¹ There appears to have been some difficulty in determining the inheritance, since the deceased was a tax-collector and may have been in possession of money that was not his own. As such, Psellos asked the *krites* to make a detailed survey (διερευνήσης), distinguishing his friend's personal wealth (ὧν τε οἰκοθεν εἶχεν) from that which he had collected on behalf of the fisc (καὶ ὧν ἀπὸ τῶν τοῦ δημοσίου ἀπαιτήσεων προσεκτήσατο). He states that the purpose of this is to protect the interests of the fisc as well as the man's estate (οὔθ' ὁ δημόσιος στερηθήσεται τῶν ἰδίων οὔτε ὁ ἐκείνου βίος εἰς παντελὲς ἀφανισθήσεται), but the request is still phrased as a favour to the widow.

²⁶⁰ KD 247, p. 297.

²⁶¹ KD 172, pp. 195-6.

A similar combination of a strong moral argument and manifest personal interest can be found in the three letters where Psellos appeals for clemency on behalf of his friends. One of them is addressed to Xeros, *praitor* of Thrakesion, who had arrested a *notarios* and brought him from Constantinople to the theme (νοτάριον ἀγώγιμον ἐκ τῆς πόλεως εἰς τὸ θέμα πεποίηκας) in order to have him return money which he had extracted illegally (ἀποδώσοντα ἃ μὴ δέον λαβεῖν, εἰσεπράξατο).²⁶² Psellos does not question the guilt of the *notarios*, nor Xeros' adherence to justice, but still criticises his treatment of the culprit as harsh and severe (σκληρὸν καὶ ἀπότομον). He argues that neither the apostles and prophets, nor ancient judges, were unwavering in their adherence to the dictates of justice (οὐδὲ τὴν τοῦ δικαίου στάθμην φυλάττοντες ἀρρεπῇ), points out that Xeros himself had often complained about the kind of measures he was now taking (οὐ πολλάκις ἐπὶ τούτοις ἐβόησας;), asks him to consider not only the *notarios*, but also his mourning wife and the lamentations of his children (τὴν δὲ γυναῖκα στερνοκτυποῦσαν, τῶν δὲ παίδων τοὺς ὀδυρμοὺς) and exhorts him to judge the man in the way that he often prayed God would judge him in turn (οὕτω γενοῦ τῷ ἀνθρώπῳ, καθάπερ πολλάκις τὸν θεὸν ἠϋξω γενέσθαι σοι ἐπὶ τῆς κρίσεως). Then he finishes the letter by explaining that most of the money that the *notarios* was bringing back had in fact been borrowed by Psellos (τάληθές, ὡς τὰ πλείω ὧν ἔχων ἐξῆλθεν, ἀφ' ἡμῶν εἴληφεν) and requesting that Xeros discharges him so that he can pay back the loan (οὕτως οὖν ἡμῖν αὐτὸν ἀποκατάστησον, ὡς αὐτίκα δώσοντά μοι τὸ δάνειον). This is in no way presented as standing in contrast to the passionate plea for mercy, but simply follows as an additional argument in favour of clemency.

It is also noteworthy that Psellos is explicitly asking Xeros for a decision against strict justice, which surely is a testament to the ideological importance ascribed to mercy. Psellos seems to be advocating, on one hand, the impartial administration of justice and, on the other, the need

²⁶² S 47, pp. 279-80. See below, p. 219.

to temper its application with mercy, which suggests a balancing act similar to the one discussed above, where the obligation to collect the appropriate amount of taxes owed to the fisc needed to be weighed against the duty to care for the wellbeing of the taxpayers under one's jurisdiction.²⁶³ This is also evident in another letter to a *krites*, where he writes that neither Psellos himself (μήτε ἐμέ) nor anyone else trying to influence him (μήτε ἐτέρους παρακινοῦντάς) should be allowed to subvert justice (προσδέξασθαι [...] ὥστε ἀδίκων τυχεῖν [...] ὥστε μὴ δικαίων τούτους τεύξασθαι), but also that his correspondent should strive to emulate the son of God rather than the son of Alcmene and Zeus in his role as a judge (τοῦτο ποιῶν οὐχ εἷς ἂν δόξης τῶν ἐξ Ἀλκμήνης παίδων τῷ Δίῃ, ἀλλὰ θεῖος ἀνὴρ καὶ ἀγχίσπορος ὄντως τοῦ μόνου θεοῦ).²⁶⁴ The son of Alcmene and Zeus is of course Herakles, but Psellos appears confused over the genealogy and may have intended to refer to Rhadamanthus,²⁶⁵ whose portrayal by Plato as a supremely strict and just judge would strike a suitable contrast to the merciful Christ.²⁶⁶ It should also be pointed out that Psellos condemns lobbying *kritai* specifically for the purpose of undermining the even-handed administration of justice, which is not the same as denouncing all external influence as malicious. In fact, Chitwood has suggested that the importance of mercy in Byzantine jurisprudence, constantly prodding officials to soften the application of the law, was the reason why feelings of friendship towards litigants were not discouraged, whereas enmity, though equally partial, certainly was.²⁶⁷

Judging from the way Psellos phrases his requests, the same principle seems to apply to his own friendships with the *kritai*, even when he was not directly involved in the cases in question.

²⁶³ See above, pp. 91-9.

²⁶⁴ KD 244, pp. 294-5. See below, p. 219.

²⁶⁵ Son of Zeus and Europa, but husband to Alcmene. Psellos refers to 'one of the children of Alcmene and Zeus', from which we may infer that he believed, incorrectly, that Herakles had at least one full sibling. It is also noteworthy that in S 47, discussed in the previous paragraph, Psellos calls upon the example set by Rhadamanthus in support of his appeal for mercy.

²⁶⁶ Plato, *Gorgias* 523e-524a, ed. J. Burnet, *Platonis Opera* (5 vols., Oxford, 1899-1907), iii.

²⁶⁷ Chitwood, *Legal Culture*, pp. 62-3.

This is expressed quite clearly in another appeal for clemency, addressed to the *krites* of Boukellarion, who apparently had criticised Psellos for trying to help an accused man. He responds that he simply acted out of pity for his fellow man (ἐλεεῖν ἄνθρωπον) and that if the judge would do the same and consider his plea he would stand to gain Psellos as a friend, which no one, as far as he knew, regretted (οὐδεὶς γὰρ ἡμῖν φίλοις χρησάμενος, ἐφ’ οἷς ἔγνω, μεταβεβούλενται).²⁶⁸ Similarly, he wrote to the *krites* of Opsikion about a *notarios*, who apparently was a friend of Psellos sent to work for his correspondent, since he writes that he had not sent the man to encumber him, but rather to lighten his burdens (οὐ γὰρ ἄχθος σοι ἐπεφορτίσαμεν, ἀλλ’ αὐτὸ δὴ μᾶλλον ἐπελαφρίσαμεν).²⁶⁹ The *krites* had however punished the *notarios* severely for some transgression, the details of which are obscured by a lacuna, and this was the cause of the present letter. Psellos writes that the condemnation of the innocent infringed both on laws (ἀδικεῖς μὲν νόμους) and on friendship (ἀδικεῖς δὲ φιλίαν), which he expected the judge to hold even above laws (ἦν καὶ νόμων ὑπερτέραν τίθης). If the *notarios* remained in disfavour, however, he would assume that it was a just punishment (δικαίας κολάσεως θήσομεν), but that an appropriate measure of clemency would be granted on account of his request (τὸ δὲ γενησόμενον δι’ ἡμετέραν ἀξίωσιν ἐπιεικοῦς προαιρέσεως).

There are at least two important points to be made here. Firstly, we must consider the meaning of Psellos’ claim that condemning the innocent did not only infringe on justice, but also on friendship. The most plausible interpretation seems to be that since Psellos had vouched for the man, he should be regarded as trustworthy unless there was incontrovertible proof to the contrary. If he had been punished unjustly, the *krites* would not only have erred, but also implied a severe lack of confidence in Psellos’ judgment, thus harming their friendship. Secondly, it is clear that Psellos set out to defend his protégé without knowing whether or not the accusations

²⁶⁸ KD 92, p. 120. See below, p. 128.

²⁶⁹ KD 142, p. 169.

against him were true. This is evident from the double lines of defence, where he begins by reprimanding the *krites* for having condemned an innocent man, only to immediately fall back on an appeal for clemency, apparently allowing for the possibility that the *notarios* was actually guilty. These two points illustrate one of the key challenges faced by Byzantine officials, namely the difficulties involved in verifying information, but also the role played by private networks in addressing it. Many of the decisions made by provincial *kritai* would have to be based primarily, if not solely, on verbal accounts, often by people whom they had never met before. Having trusted friends vouch for the character of an individual or the accuracy of a report would in all likelihood have been the most rational method at their disposal for determining the credibility of the information presented to them. This is an important point to which we shall have reason to return.

The constructive role that Psellos reserves, at least rhetorically, for friendship in his judicial interventions is, I believe, of crucial importance for understanding his political activities. As Chitwood has noted, he often appeals simultaneously to friendship and justice, presenting them as complementary factors and trying to extenuate any tension between them.²⁷⁰ One such letter is addressed to the *krites* of Boukellarion and written on behalf of the *magistros* Gregory.²⁷¹ The *krites* had received orders from the emperor to mark out definitively the boundaries between imperial estates and those belonging to Gregory and Psellos asked him to carry out the survey of disputed areas in a just and humane way (ἵνα δικαίως καὶ φιλανθρώπως τὴν διαίρεσιν τῶν ἀμφισβητουμένων ποιήσης), giving no preference to the interests of the fisc, but acting in accordance with justice (μὴ προσθῆς τῷ σεκρετικῷ μέρει, ἀλλὰ τῷ δικαίῳ λόγῳ στοιχήσης). He also asked the *krites* to order another man not to seize anything or encroach (μὴ ὑφελεῖν τι, ἢ παρασπάσαι) on the lands controlled by Gregory, but to await the official demarcation (ἀλλὰ

²⁷⁰ Chitwood, *Legal Culture*, pp. 68-9.

²⁷¹ KD 84, p. 113. See above, p. 78.

ἀναμεῖναι τὴν σὴν ἐξέτασιν καὶ διαίρεσιν). Once again, Psellos seems to be asking for nothing more than an impartial survey and insistence that it should be respected by all parties, but he nevertheless describes the fulfillment of these requests as a service to both justice (δικαιοσύνη) and pure friendship (φιλία πρὸς ἡμᾶς καθαρὰ).

We similarly find Psellos forcefully employing friendship to simply ask for a fair judgement in another letter to a *krites*, this time on behalf of John Mauroπους concerning a land dispute where, apparently, he had appearances against him.²⁷² Psellos notes that the *krites* had asked him to send any request his way and that it would be fulfilled unquestioned (ὑποσχόμενος πᾶσάν μοι πληροῦν ἀδιστακτως ἀξίωσιν). If he, for Psellos' and Mauroπους' sake (δι' ἡμᾶς καὶ δι' ἐκεῖνον), measured fairly, neither exaggerating nor underestimating (κατὰ τὸν ἀκριβῆ τοῦ δικαίου λόγον, μήτε ὑπερβάλλον μήτε ἐλλείπων πρὸς τὸ μέτρον τῆς γῆς), he would give himself all good things through one action (σαυτῷ χάριση πάντα τὰ κάλλιστα διὰ μιᾶς πράξεως): praise (διὰ γλώττης εὐφημία) from them both and divine recompense (παρὰ θεῶ ἀντίδοσις) for his reverence for both friendship and wisdom (τῆς εἰς τὴν φιλίαν καὶ τὸν λόγον αἰδοῦς). Moreover, in a letter to the *krites* of Optimaton, he writes that he has been informed by a friend (φίλος τίς μοι) of the plight of a man from a village in the *krites*' theme, who had been wronged in a land dispute against the people of another village (ἀδικουμένου ἐπὶ τόποις τισὶ παρὰ τῶν οἰκητόρων χωρίου δεῖνος).²⁷³ Psellos consequently asks the *krites* to investigate and establish justice (ἵνα ἴδῃς, εἰ ἔχει δικαιώματα ὁ ἄνθρωπος, καὶ δικαιοσύνης αὐτὸν κατὰ τὴν τούτων περιοχὴν), for the sake of friendship (φίλου λόγος), justice (δικαιοσύνη) and the divine recompense for a fair judgment (μισθός δικαιοκρισίας παρὰ τῷ θεῷ).

²⁷² KD 221, pp. 262-3. See below, p. 179.

²⁷³ KD 52, pp. 83-4.

In some cases Psellos not only asks for a fair trial, but also seems to imply a preferred outcome. He writes to one *krites* about a man who had been severely injured by a violent neighbour, asking him to launch a full judicial investigation (ἐρευνῆσαι τὸ πᾶργμα (*sic*) μετὰ ἀκριβείας) and bring the perpetrator to justice (δικαιοτάτην κατὰ τοῦ ὑβρικότος τὴν ἀπόφασιν ἐπενεγκεῖν).²⁷⁴ This would be prompted both by his zeal for justice (ὕπὲρ τοῦ δικαίου ζῆλος) and his disposition towards Psellos (ἢ πρὸς ἡμᾶς σου διάθεσις). As for his own relationship with the man on whose behalf he is writing, he somewhat ambiguously refers to him as being someone with whom he had sympathised for some time and whom he felt strongly for (ἐλεεῖται παρ' ἡμῶν ἄνωθεν καὶ προσπαθεῖται). When asking the *krites* of Opsikion to intervene with justice against creditors who were unwilling to pay (ἀγνωμοῦντας περὶ τὴν τοῦ χρέους ἀπόδοσιν), he expects the judge to heed his request both for the sake of justice itself (δι' αὐτὸ τοῦτο τὸ δίκαιον) and then (ἔπειτα) because Psellos requested it (δι' ἐμὲ τὸν ἀξιούντᾱ σε ὑπὲρ αὐτοῦ).²⁷⁵ There is also the letter referred to in the previous chapter where he briefly informs a *krites* that the letter-carrier is poor, a friend of his and has been wronged (ὁ πτωχὸς οὗτος καὶ ἐμὸς καὶ ἡδικοημένος), and calls upon him to make justice (δικαιώσης).²⁷⁶ He also wrote a letter to console Constantine Keroularios, who at the time was on trial for a capital charge, stating that the court seemed just and merciful and that the innocence of his soul was plain to see.²⁷⁷ Yet he also admitted to having done nothing worthy of their friendship (ἐμοὶ δὲ οὐπω φιλίας ἔργον ἄξιον πέπρακται) to bring about a good conclusion and promised that he would now do so with 'tongue, hand, foot, wailing and tears' (γλώσση καὶ χειρὶ καὶ ποδὶ καὶ θρήνοις καὶ δάκρυσι) and even lists a number of other influential people who would do the same, thus indicating that an impartial court did not preclude the influence of friends.

²⁷⁴ KD 171, pp. 194-5.

²⁷⁵ KD 120, pp. 145-6.

²⁷⁶ KD 163, p. 190. See above, p. 41.

²⁷⁷ KD 31, pp. 46-9. See Jeffreys, 'Constantine, Nephew', pp. 71-4.

Occasionally, Psellos goes even further and explicitly requests a specific verdict, while remaining faithful to the rhetorical model of a symbiotic relationship between friendship and justice by presenting the favour as the only possible just outcome. He wrote to the *krites* of Thrace and Macedonia, once more on behalf of the Acheiropoietos monastery, which he held as *charistikarios*.²⁷⁸ The monastery owned three water-mills near the village of Mamytze, but the insolent villagers had diverted the water to their own mill (ἐτόλμησαν τὸ τοὺς τρεῖς μύλους κινεῖν ὕδωρ μετοχετεῦσαι καὶ πρὸς τὸν ἴδιον μεταγαγεῖν μύλωνα), inventing empty excuses as justification (προφάσεις ἀναπλασάμενοι καὶ αἰτίας κενάς). Psellos asked the *krites* to restore the stream to its original course and punish the villagers, calling upon of their friendship (δι' ἡμᾶς) and justice itself (δι' αὐτὸ τὸ δίκαιον), as well as his faith and reverence for the Theotokos (διὰ τὴν πρὸς τὴν θεοτόκον πίστιν σου καὶ εὐλάβειαν).

There is also a request on behalf of the former *vestes* Michael, who was now dwelling in the monastery of Morocharzanes.²⁷⁹ Psellos writes that on the excuse of some *klasmatic* land,²⁸⁰ possessions long held by the monastery had been confiscated (προφάσει κλασματικῆς τιнос γῆς τὰ παρὰ τῆς μονῆς ἀνέκαθεν δεσποζόμενα, ὑφαιρεῖται καὶ ὑποσπᾷ). He asks his correspondent, presumably a *krites*, to declare the monastery inviolate (ἀνενόχλητον καὶ ἀζήμιον), in part for justice (τὸ μὲν τι, καὶ διὰ τὴν τοῦ δικαίου ῥοπήν), in part for Psellos' sake (τὸ δέ, καὶ δι' ἡμᾶς), and assures him that God would reward him for it (μισθός σοι περὶ τούτου πολλὸς παρὰ τῷ θεῷ ἀποκείσεται). Furthermore, he wrote to the *krites* of Kibbyrrhaioton about the estate of his deceased friend Theodore Alopas,²⁸¹ who had entrusted Psellos to care for his children and their

²⁷⁸ KD 251, pp. 299-300.

²⁷⁹ S 99, pp. 342-3.

²⁸⁰ Land that had been abandoned or unproductive for 30 years would be subjected to *klasma*, whereby it would be formally detached from the village commune and become state property. Psellos consequently seems to suggest that the *krites*, or another official, had unjustly declared productive land currently farmed by the monastery *klasmatic* as an excuse to confiscate it. See Lemerle, *Agrarian History*, pp. 81-2; Kaplan, *Les Hommes*, pp. 399-408.

²⁸¹ PBW (consulted 15.iii.2017) Theodoros 106, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/108370>>.

property.²⁸² As such, he asked the *krites* to protect their estates on Rhodes as if they were his own (ἵνα ὡς οἰκείας ἀντέχῃ καὶ περιθάλλῃς καὶ περιποιῇ), but also called upon him to restore land (χωρία) and animals (θρέμματα) stolen by some neighbouring villagers (χωρῖται γὰρ τινες τῶν γειτόνων αὐτοῖς ὄντων [...] ἀφείλοντο). He hoped that the *krites* would judge fairly and show that a philosopher had entered the legal profession (εὐθυδικήσας καὶ δείξας, ὅποῖος ἀνὴρ ἀπὸ τῶν τῆς φιλοσοφίας ἀδύτων ἐπὶ τὰς δικαστικὰς πύλας ἀφίκετο).

There are however also a few more bluntly phrased judicial interventions. He wrote to the *krites* of the Aegean Sea regarding the monastery of Homonoia, which belonged to the *patrikia zoste* Anna Rhadene (ἡ δὲ μονὴ δεσπότιν ἔλαχε τὴν ζωστήν τὴν κυρὰν Ἄνναν).²⁸³ Psellos relates that another man had laid claim to the property based on transparent pretexts (τοῖς δηλωθεῖσιν προσχήμασιν) and consequently asked the *krites* to reject this claim, since this small favour would earn Psellos much credit with the *patrikia zoste* (ἐλαφρᾶς ἀξιώσεως μεγάλην τιμὴν ἀντικαταλλαττόμενος). Even though he mentions in passing that the rival claim was unsubstantiated, thus technically asking for nothing more than justice, and downplays the impact of his request by referring to it as a small favour, the emphasis is clearly on the advantages that Psellos personally stood to gain from the *krites*' decision. There is also the request from Maleses, referred to above, where Psellos asks for judicial aid as well as a more

²⁸² KD 50, pp. 82-3.

²⁸³ KD 60, pp. 92-3.

PBW (consulted 15.iii.2017) Anna 2101, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/157470>>.

The Rhadenoi were a prominent family with many members holding high office during the eleventh century, particularly in the civil administration, where we find, for instance, a logothete of the *stratitikon*, an eparch, an *ephoros* and many *kritai*. There is also at least one strategos and one metropolitan surnamed Rhadenos in this period. Cheynet, *Pouvoir*, pp. 269-71, notes marriage connections with the Argyroi and Lekapenoi.

PBW (consulted 29.x.2017) Michael 20288, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/154693>>.

PBW (consulted 29.x.2017) Anonymus 688, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/161168>>.

PBW (consulted 29.x.2017) Konstantinos 20354, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/153986>>.

PBW (consulted 29.x.2017) Christophoros 20131, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/152583>>.

PBW (consulted 29.x.2017) Ioannes 20489, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/153493>>.

PBW (consulted 29.x.2017) Ioannes 20715, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/159698>>.

PBW (consulted 29.x.2017) Michael 106, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107829>>.

generous tax-assessment and social recognition, promising gratitude from himself as well as the intended beneficiary.²⁸⁴ The request for help in judicial matters is of course very generally phrased and Psellos does note that it is the *krites*' straight and unimpaired judgment (τῆς σῆς [...] ὀρθῆς καὶ ἀπαρεγκλίτου κρίσεως) that he is asking for, this does seem to read a lot like paying lip service to impartial justice while simultaneously playing upon its mutability, to speak with Chitwood.²⁸⁵

This is even more pronounced in another letter, where Psellos is asking another *krites* to aid a relative of his in some trials where she was bringing charges against unidentified defendants (τὰς δίκας αὐτῇ διαλύσεις, ἅς κατ' ἐνίων προβάλλεται), protect her estates (τῶν πρόσόντων αὐτῇ κτημάτων ἀντιλήψη) and apply the appropriate penalty in full (ὅλως τὴν προσήκουσαν προσοίσεις τιμὴν).²⁸⁶ By way of justification, he states that if true friends had an obligation to show affection for the friends of their friends (εἰ γὰρ οἱ ἀληθεῖς φίλοι τοὺς τῶν φίλων φίλους ἀγαπᾶν νενομοθέτηνται) this applied even more for their blood relations (πόσῳ γε μᾶλλον τοὺς ἀφ' αἵματος συγγενεῖς). While he makes no mention of disregarding the law or the dictates of fairness, the only hint that his request is intended to actively serve impartial justice is the suggestion that the penalty applied should be appropriate, which hardly even qualifies as paying lip service to it.

3.2.3 Friendship, trust and the middle way

In light of the few bluntly phrased judicial interventions we have just considered, it might be tempting to consistently dismiss Psellos' references to justice and impartiality as a rhetorical fig leaf intended to mask the blatantly self-serving nature of his requests, but I believe that this

²⁸⁴ KD 76, pp. 107-8. See above, p. 85-6, and, regarding Maleses, p. 75, n. 165.

²⁸⁵ Chitwood, *Legal Culture*, p. 67.

²⁸⁶ KD 169, p. 193. See below, p. 191.

would be to oversimplify the ideological dynamic of the letters. If the entire spectrum of these numerous and diverse requests concerning fiscal and judicial matters are taken into consideration, they appear to convey the impression that Psellos was taking both impartial justice and personal gain quite seriously. On one hand, we have the letters that seem to be written on behalf of people whom Psellos did not know or who would be unable to return the favours, which seem to display a sincere commitment to ensuring that justice is done. On the other, there are the letters where he appears completely unapologetic about his desire to benefit himself and those close to him, using the potential for personal gain as an argument in favour of his request rather than trying to mask it behind his references to justice. As for the majority of letters that fall between these extremes, compromises between the two would sometimes be necessary, but there appears to be no reason to suppose that one would always trump the other.

There is another letter to Pothos in which Psellos employs a variety of metaphors, biblical as well as classical, to essentially commend his friend for successfully combining what he regards as the two roles of the provincial *krites*, namely filling (πληροῖ) the measure of justice (τὸν τοῦ δικαίου [...] λόγον) as well as his own purse (τὸ βαλάντιον).²⁸⁷ He explains that the maxim about being unable to serve two masters did not apply to public officials or judges, nor, indeed to emperors (τὸ μὲν γὰρ μὴ δύνασθαι δυσὶ κυρίοις δουλεύειν [...] οὐ πολιτικὸν δὲ οὐδὲ δικαστικόν, ἵνα εἴπω, οὐδὲ βασίλειον) and encourages Pothos not to emulate Teucer, who only fired his arrows at the Trojans (οὐχ ὥς ὁ Τεῦκρος εἰς τοὺς Τρῶας μόνον ἀποτοξεύων), but rather Palamedes, who divided his attacks between the opposing sides (ἀλλ' ὥς Παλαμίδης ἀμφοῖν τοῖς μέρεσι μεριζόμενος), if indeed the accusations Odysseus brought against him were true (εἴ

²⁸⁷ KD 35, p. 56-8. See below, pp. 134, 173. In his *Diataxis*, Attaleiates claims that he never became very wealthy because he was never appointed to any governorship or fiscal position (μηδεμίαν ἀρχὴν ἢ δημοσίαν δουλείαν ἐγχειρισθείς). The terminology used is rather vague, but by ἀρχή he most likely means the office of provincial *krites*, suggesting that this position tended to be particularly lucrative. See Attaleiates, 'Diataxis', p. 27; Krallis, *Attaleiates*, pp. 14, 18; P. Lemerle, 'La Diataxis de Michel Attaliate (Mars 1077)', in idem, *Cinq Études sur le XIe siècle byzantin* (Paris, 1977), pp. 78, 100.

γε δὴ τὰ παρὰ τοῦ Ὀδυσσέως κατηγορημένα αὐτῷ ἀληθῆ).²⁸⁸ This also seems to be well in line with the advice, considered above, to steer a middle course between yielding to everything and opposing everything.²⁸⁹

The ideal was consequently for an official to find a balance, not just between justice and personal gain, but also, as we have seen, between them and the moral demands of virtues like mercy and compassion as well as more prosaic professional duties, such as ensuring that the expected quotas for tax collection were met. It would be a mistake, however, to simply equate friendship with personal gain in this model. While the demands of friendship certainly did involve efforts to benefit one's friends and family, sometimes, we may surmise, at the expense of strict justice, we should not be so quick to dismiss Psellos' portrayal of justice and friendship working in tandem as empty rhetoric. Instead, we should understand it in the context of private networks being employed for public administration.

A few other letters appear to offer a little more insight into this interplay. A particularly illuminating one is addressed to a *krites* who was about to judge a case involving the man on whose behalf Psellos was writing.²⁹⁰ He states that the man had been wronged (ἡδίκηται), the extent of which he would explain himself in court (ὅποσα αὐτὸς ἐπὶ τοῦ σοῦ δικαστηρίου συνείρων ἐρεῖ), since the story was too long for a letter (νόμον ὑπερβαίνειν ἐπιστολῶν). He proceeds by praising the good luck of his associate who would come before a most just (δικαιοτάτος) and impartial (ἀδάκαστος) judge who neither solicited bribes (μήτε πρὸς δῶρα προτείνων τὴν δεξιάν) nor took any account of personalities in his judgments (μήτε λαμβάνων ἐν κρίσει πρόσωπον) and claiming that he did not write to ask for justice (εὐθυδικία), since the

²⁸⁸ Hyginus, *Hygini Fabulae* 105, ed. H. J. Rose (Jena, 1872), p. 96. According to Hyginus, Odysseus successfully framed Palamedes for betraying the Achaeans and conspiring with king Priam of Troy.

²⁸⁹ KD 7, p. 8-9. See above, p. 95, and below, pp. 133-4.

²⁹⁰ KD 166, p. 191-2.

krites would give that anyway, but merely to add the weight of friendship (ἡ τῆς φιλίας ῥοπή) as well. By itself, Psellos points out, it would not affect the scales of justice (μόνη μὲν γὰρ ἴσως οὐκ ἂν πρὸς ἑαυτὴν ἐκτείνειε τὴν τρυτάνην), but when placed in the same scale as righteousness it could be heavy indeed (συγκειμένη δὲ τῷ δικαίῳ ὅλαις ὅλκαϊς ἑκατὸν καθελκύσει τὴν πλάστιγγα). He encourages his correspondent to do what friendship prescribed as long as the law did not forbid it (ποιήσον οὖν, ὃ μὴ κωλύει νόμος, προστάττει δὲ φιλία), explaining that if friendship would make the *krites* see the man more favourably (εἰ γὰρ ἴδοις δι' αὐτὴν τὸν ἄνθρωπον εὐμενῶς), he would sharpen his tongue on both sides (ἔθηξας αὐτῷ τὴν φλωτταν καὶ ἀμφήκη πεποίηκας), by which he probably means that the man would be able to present his case better.

This brings us back to another point made above, namely that *kritai* would often need to make decisions based on verbal information that could be difficult to verify. What Psellos appears to be doing here is using his relationship with the judge to confirm the veracity of the man's version of events, thus helping him make a more informed, and consequently more just, decision. This is not to say that such letters did not confer unfair advantages on those who had friends in high places – surely they must have – but that does not mean that their purpose was to subvert justice. Given the institutional limitations of a pre-modern state, it is difficult to see what more reliable ways of separating truth from falsehood the *kritai* would have had at their disposal. Chris Wickham has argued that in twelfth-century Tuscany, judges often took *publica fama*, common knowledge, into account when making legal decisions when there was insufficient documentary evidence in a case.²⁹¹ This sort of witnessing, which in modern legal vocabulary might be referred to denigratorily as hearsay, was in practice considered useful enough to be granted semi-formal judicial force, even though Wickham stresses that this was

²⁹¹ C. Wickham, 'Fama and the Law in Twelfth-Century Tuscany', in T. Fenster, and D. L. Smail (eds.), *Fama; The Politics of Talk and Reputation in Medieval Europe* (Ithaca & London 2003), esp. pp. 21-2.

not the same as saying that it was a legally acceptable mode of proof. Perhaps the influence of friendship in Byzantine jurisprudence should be considered along similar lines; not as proper evidence, thus making it necessary to distinguish it from strict justice, but nevertheless as a constructive, and sometimes necessary, contribution to the process of reaching the right judgment.

Using the terminology of the Macedonian legislation,²⁹² the powerful would certainly have been better placed to acquire letters of support than the poor, but they would also have had the advantage of using their local influence to suppress testimonies, coerce witnesses or even manipulate public officials, if the *kritai* had not been able to count on outside information and support. By taking references from trusted friends in their network into account to supplement their own impressions of the available information, they were at least opening up alternative ways to obtain justice for those who found themselves at a disadvantage or had appearances against them, not least through the apparently widespread petitioning culture. In other words, keeping provincial officials engaged in and oriented towards the wider social milieu of imperial civil servants through their epistolary networks probably enabled them to better withstand undue influence from local magnates. In his letters, Psellos seems to presume, in all likelihood correctly so, that the judicial administration simply lacked the institutional rigour to independently guarantee just outcomes and that it therefore needed to be reinforced by the positive influence of fair and trustworthy men such as himself. This is, I believe, the context in which his many references to friendship and justice working in tandem for the greater good should be read, even though it cannot, of course, be presupposed that they were always made sincerely.

²⁹² See above, pp. 5-6.

This is also illustrated by a letter written to a *krites* on behalf of a friend's friend (ἐγνώρισται ὁ ἄνθρωπος παρά τινος τῶν φιλοῦντων ἡμᾶς), who was about to stand trial for some crime (ἀδικίας δέ τινα γραψάμενος ἀφίκετο πρὸς σὲ δικασόμενος).²⁹³ The letter, he wrote, was intended to smooth the man's entry to court (ἐξομαλίζων δὲ ἑαυτῷ τὴν πρὸς τὸ σὸν δικαστικὸν βῆμα εἴσοδον) and asked the *krites* to promote fairness (τούτῳ ὁμαλιεῖς), which would hopefully lead to his acquittal (ἐξέλῳ νενικηκώς). He is well aware, however, that this might not be sufficient and consequently adds that if the man's case proved inadequate (εἴ τι ἐλλείπει τούτῳ πρὸς τὴν τοῦ δικαίου ἰσχύν), the *krites* should help him find a means to support himself (ἐφευπίσκειν αὐτῷ πόρον ἐν τοῖς ἀπόροις), which, he claims, also falls within his responsibilities as a judge (δικαστικὸν δὲ καὶ τοῦτο). It is worth noting that Psellos clarifies that the man on whose behalf he writes is not one of his personal friends, but that another friend is willing to vouch for him, which may be useful for the *krites* to know when determining the extent to which he could rely on the reference. This serves to further underline the recognition that while friendship could provide help and perspective in evaluating evidence, it could not by itself determine innocence or guilt, which is implied by Psellos' willingness to fall back on an appeal for compassion if the man should be convicted. Similarly, he wrote to another *krites* on behalf of a friend of his father, stating that he did not ask for justice (δικαιοσύνη), since his correspondent would offer that unbidden (ποιήσεις γὰρ κἂν μὴ τις παρακινή), but for mercy and gentleness in its application (τὸ δὲ ἐλεεῖν καὶ προσηνῶς ὀρεῖν).²⁹⁴

The potential of epistolary friendship to check the malicious influence of the powerful is also made manifest in another two letters to *kritai*. The first one is written on behalf of a man who had endured severe evils and suffered great misfortunes (ὄϊων μὲν ἐπειράθη κακῶν [...] καὶ ὅϊαις περιπέτωκε συμφοραῖς), mainly because he had been slandered (ἀπὸ συκοφαντίας

²⁹³ KD 258, p. 305.

²⁹⁴ S 20, p. 258.

ἀνθρώπων τὸ πλεῖστον).²⁹⁵ The *krites* had probably heard about it himself (ἴσως οὐδὲ αὐτὸς ἄγνοεῖς). Psellos had been present when he had been tried and had been amazed at the power of the evil men responsible (ἐθαύμασα τὴν τῶν πονηροτάτων ἀνθρώπων ἰσχύν). Thanks to a small intervention from Psellos, he had not been completely destroyed and had now returned to his native land, trusting in the power of the *krites* to save him (πρὸς σὲ τὸν σώζειν δυνάμενον εὐθὺς ἐξέδραμεν). He proceeds to ask the *krites* to use his usual fairness to make a just inquiry into the allegations against the man and reach an equally just verdict (τῇ συνήθει δικαιοσύνη χρησάμενος, δικαίαν αὐτῷ ποιήσον περὶ ὧν κατηγορήθη τὴν τε διαίρεσιν καὶ ἀπόφασιν).

The second one is addressed to the *krites* of Opsikion and concerns a *protonotarios* who had been slandered before the emperor (τινες τοῦτον πρὸς τὸν φιλάνθρωπον ἡμῶν βασιλέα διαβεβλήκασι).²⁹⁶ As such, Psellos asked the *krites* not to trust the word of the slanderers, but thoroughly examine their actions (μὴ τοῖς λέγουσι πίστευε, ἀλλὰ τὰς τῶν διαβαλλομένων πράξεις ἀκρίβου). In both of these cases it would appear that the men on whose behalf Psellos writes found themselves at a disadvantage because more powerful men had slandered them, which would risk prejudicing the *kritai* who were about to judge the cases against them. His interventions consequently seem intended to promote fairness in these trials by ensuring that the *kritai* would not be deceived by defamatory rumours. In a similar case, Psellos writes to inform the *krites* of Katotika that a *notarios* had forged a report against the bishop of Korone and given it to his enemies (ὑπόμνημα κατὰ τοῦ ἐπισκόπου πλάσας, ἀντιδίκους δὴ τισιν αὐτοῦ ἐνεχείρισε), warning him not to be deceived by the falsification (μὴ ἐντεῦθεν ἐξαπατηθεῖς).²⁹⁷

²⁹⁵ S 55, p. 287. See below, p. 137.

²⁹⁶ KD 118, pp. 144-5.

²⁹⁷ S 134, p. 378.

Friendship did not however only serve to provide information pertinent to ongoing cases, but could also be employed to make sure that a case was heard. It is not hard to imagine why this might be useful. If Psellos was beset by petitioners who came knocking at his door, trying to persuade him to intervene with his friends in the civil service on their behalf, it seems reasonable to assume that the *kritai* themselves were facing a similar situation. As such, they might have welcomed assistance from their friends in separating justified complaints from spurious ones, as well as the more pressing cases from the ones that could wait. In a letter to the *krites* of Opsikion, he introduced the son of Michael Choirosphaktes,²⁹⁸ who was being troubled by a violent neighbour.²⁹⁹ This man had physically abused two of Choirosphaktes' men (τῶν οἰκετῶν αὐτοῦ), one of whom had died from his wounds. Psellos wrote that his correspondent was both a friend and a judge (σὺ δὲ καὶ φίλος καὶ δικαστὴς ὢν). As a judge he should provide the succor of the laws for those who had been wronged (ὥς μὲν δικαστὴς τοὺς νόμους τοῖς ἀδικηθεῖσι περισώσῃς) and as a friend he should not delay the matter, but deliver a swift verdict (ὥς δὲ φίλος οὐκ εἰς ἀναβολὴν θήσῃς τὸ πρᾶγμα, ἀλλὰ ταχεῖαν ἐνέγκῃς ἀπόφασιν). The letter to the *krites* of Katotika referred to in the previous paragraph also calls upon him to help the bishop by ensuring that no neighbours or other avaricious persons would be able to plunder his estates while he was away from his see (ἵνα μήτε τοῖς γείτοσι, μήτε τοῖς ἄλλοις πλεονεκτικοῖς τὸν τρόπον εἰς διαρπαγὴν τὰ ταύτης γένοιτο κτήματα).³⁰⁰ He wrote that one friendly word from the *krites* would suffice to repulse all attacks (ἀρκεῖ δέ σοι πρὸς τοῦτο λόγος φιλάνθρωπος, πᾶσαν ἀναστεῖλαι), as well as a tongue ready to speak and a hand ready to act against any perpetrator (καὶ γλῶσσαν καὶ χεῖρά κατ' αὐτοῦ προθυμουμένην ἢ πράττειν, ἢ λέγειν).

²⁹⁸ PBW (consulted 10.iii.2016) Michael 2108 <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/158190>>.

²⁹⁹ KD 243, pp. 293-4. See below, p. 179, 206-7.

³⁰⁰ S 134, p. 378.

This seems to illustrate the inability of the Byzantine provincial legal system to guarantee that every complaint was given appropriate attention, since the bishop's absence is presented as an important factor, implying that his estate managers might have difficulty in obtaining judicial redress without immediate access to his network. The mere suspicion that greedy neighbours would try to take advantage of this was apparently enough to prompt him to ask Psellos for a preemptive intervention. In another letter to a *krites*, Psellos expressed his gratitude and willingness to reciprocate (εὐχαριστῶ καὶ χάριτάς σοι ὁμολογῶ καὶ πρὸς ἀντιδόσεις τῆς τοιαύτης διαθέσεως εὐτρεπίζομαι) after his correspondent had fulfilled a request to save a man from those who wished to harm him (περιεφύλαξας καὶ περιέσωσας ἀπὸ τῶν ἐπηρεάζειν αὐτῷ βουλομένων).³⁰¹ He also asked the *krites* to go further in kindness to the man and take up his cause more warmly (πρόσθεες οὖν ἐν τῇ πρὸς τὸν ἄνθρωπον διαθέσει σου καὶ μᾶλλον ἐπαύξησον τὴν εἰς αὐτόν σου εὐνοίαν καὶ θερμότερα ἀντιλαβοῦ τῶν κατ' αὐτὸν πραγμάτων). We are not told what kind of πράγματα that he is referring to and ἐπηρεάζειν could denote many different forms of abuse, including slander, or perhaps even the exactions of overzealous tax-collectors, as we have seen Psellos discuss in similar terms above.³⁰² Nevertheless, even though the *krites* had already solved whatever problem that was troubling the man, Psellos apparently found it worthwhile to explicitly ask him to keep offering his protection. This seems particularly relevant given the somewhat preliminary, negotiable nature of fiscal obligations, and possibly even judicial decisions, that we have discerned above.³⁰³

Similarly, at least some of Psellos' letters of introduction appear to have been written at least partly in order to ensure access to judicial protection. One of them is addressed to the *krites* of Anatolikon, celebrating their mutual friendship and declaring that even though there were many

³⁰¹ KD 249, p. 298.

³⁰² See above, pp. 95-7.

³⁰³ See above, pp. 87-9, 104.

who tried to use Psellos to gain access to the *krites*' favour (με καὶ πρὸς τὴν σὴν εὐμένειαν ὑπὲρ ἑαυτῶν προβαλλόμενοι), no one praised them louder than the bishop of Sozopolis.³⁰⁴ He writes that he would feel ashamed if the bishop's attitude towards them would not yield a corresponding reward (ὑπὲρ οὗ αἰσχυνθεὶς ἐγώ, εἰ τοιοῦτος τυγχάνων περὶ ἡμᾶς, μὴ ἀναλόγου τῆς ἀντιδόσεως τεύξεται) and so asked the *krites* to reflect the full warmth of their friendship on him (πᾶν εἴ τί σοι πρὸς ἡμᾶς φιλίας ἐμπύρευμα, ἐπὶ τοῦτον τὸν ἄνδρα ἀναλόγως τῆς πρὸς ἡμᾶς διαθέσεως ἀναμέτρησον). He never specifies exactly what this would entail, but among the vaguely phrased exhortations there are some that indicate that access to the *krites*' judicial powers was an important part of it. For instance, Psellos calls upon his correspondent to uphold the boundaries of the law in the affairs of the bishop's diocese (τὸν τῆς δικαιοσύνης ὅρον ἐπὶ τοῖς τῆς αὐτοῦ ἐπισκοπῆς δεῖξον πράγμασι) and asks him to brandish the sword of justice, in the form of his tongue, against those whom he says would do him wrong (στίλβωσον τὴν ῥομφαίαν ἐπὶ τοὺς αὐτὸν ὥς φησιν ἀδικήσαντας· ῥομφαία δὲ τοῦ δικαίου ἢ διὰ γλώττης τομῆ). Moving on to agricultural metaphors, he writes that if the *krites* kept watering the furrow of the bishop's mind with the rain of justice (τὸν τῆς δικαιοσύνης ὑετόν), he would make the soil more fertile for both praise (εὐφημία) and gratitude (εὐχαριστία), the growth of which would in turn increase the yield of justice (τὸν τῆς δικαιοσύνης [...] καρπόν).

This also appears to be the gist of another letter to the *krites* of Macedonia on behalf of the bishop of Panion.³⁰⁵ He extols the bishop's virtues and calls upon his correspondent to offer him not only his goodness (τὴν σὴν [...] καλακάγαθίαν) and friendship (τὸ οἰκείως πρὸς τὸν ἄνθρωπον ἔχειν), but also a privileged position (καὶ τὸ μὴ ἐν ἴσῳ τῶν ἄλλων λογίζεσθαι) with better access to his judicial power and precise mind (ἀλλὰ νέμειν τι πλεον αὐτῷ τῆς σῆς δικαστικῆς ἰσχύος καὶ τοῦ ἀκριβοῦς σου φρονήματος). He also asks the *krites* to tell the bishop

³⁰⁴ S 41, pp. 273-5.

³⁰⁵ S 50, pp. 281-2. See below, p. 180.

that his respect for him had increased due to Psellos' request (εἰπέ, ὅτι διὰ τὸν ἀξιώσαντα, τὸ πλέον νέμω σοι τῆς αἰδοῦς). Such pre-emptive requests were not, however, made only on behalf of other officials. We also find Psellos writing on behalf of a poor (πτωχός) acquaintance, who was involved in no disputes and had done nothing wrong, but simply wanted to have the *krites*' goodwill and support because he lived in his province (ἀλλὰ δι' αὐτὸ τοῦτο τὸ εἶναι σὸν ἐπαρχεώτην βούλεται τὴν σὴν ἔχειν εὐμένιαν καὶ ἀντίληψιν).³⁰⁶ Psellos describes the request as effortless (ἐλαφρότατον), but asks his correspondent to remember it (ἀπομνημονεῦσαι), if the man should ever appear before his court, either as accuser or defender (εἰ δ' ἴσως ποτὲ καὶ ἐπὶ τοῦ σοῦ δικαστηρίου στήσεται φεύγων ἢ διώκων). This is very similar to the two requests referred to above, where *kritai* are asked to look after and aid poor men if they should face unforeseen problems, even though those letters make no explicit mention of a judicial dimension.³⁰⁷ In fact, it seems plausible that many of the vaguely phrased letters of introduction could be used to obtain legal aid, since they in various ways all convey the message that Psellos regarded their carriers as trustworthy men who should be welcomed and heard out, even though this may not have been their explicit purpose.³⁰⁸

Finally, there is a letter to the *krites* of Opsikion, in which Psellos announces that he had come to an agreement with the people of the village of Atzikome, who would be exchanging their services as farmers (ὕπηρεσίαν χωρικὴν) for his influence with the *krites* and other officials (ἄλλα τε καὶ τὴν παρὰ τοῦ δικαστοῦ τοῦ Ὀψικίου ροπήν).³⁰⁹ The present letter was thus intended to make him more favourably inclined towards them (ἐπικλινῇ σε ποιῶν τούτοις) and to let him know that any judicial problems they encountered would be referred to him (εἰ τισι

³⁰⁶ KD 162, pp. 180-1.

³⁰⁷ S 195, S 201, pp. 489, 494-5. See above, p. 98-9, .

³⁰⁸ See KD 10, KD 78, KD 119, KD 143, KD 154, KD 176, KD 179, KD 180-1, KD 183-4, KD 217-18, KD 220, KD 241; pp. 12, 109, 145, 170, 177, 198, 200-3, 260-2, 291; S 19, S 28, S 40, S 94-5, S 102, S 106, S 133, S 147, S 149, S 158, pp. 257-8, 262-3, 273, 338-9, 344, 350, 377-8, 395-8, 412.

³⁰⁹ KD 99, pp. 127-8.

δίκας ἐπανατείνονται ἢ ἄλλο τι διαφέρον αὐτοῖς, εἰς σε τὴν ἀναφορὰν ἔχει). To aid those who had been wronged, Psellos wrote, was part of the *krites*' duties (τὸ μὲν οὖν ἀδικουμένοις αὐτοῖς βοηθεῖν δικαστικὸν πάντως καὶ ἀναγκαῖον τῷ σῶ ἀξιώματι), as was applying this aid swiftly (τὸ δὲ τάχος ἐπιτιθέναι τῇ βοηθείᾳ ἔστι μὲν καὶ τοῦτο τοῦ δικαίου μερίς), but even so, friendship had greater sway over such matters (ἀλλ' ἢ γε φιλία μᾶλλον ἐπ' αὐτῷ δύναται). As such, he asked the *krites* to be both a true friend and a just judge (φίλος ἀληθῆς καὶ δικαστὴς ἀκριβῆς γενοῦ), strengthening friendship with justice and justice with friendship (ἐπιρρῶννὸς τῇ δικαιοσύνῃ μὲν τὴν φιλίαν, τῇ φιλίᾳ δὲ τὴν δικαιοσύνην).

This letter seems to effectively encapsulate the dynamic of the Byzantine judicial system, as it has been reflected by the numerous letters we have examined above. The *Atzikomitai* were clearly worried that they would not be able to obtain judicial redress if they should need it, or else they would have had little incentive to trade their labour for access to the *krites*. It is also worth noting that Psellos had no qualms about taking advantage of this concern and using his influence with the *krites* to turn a profit by providing the villagers with something that he himself agrees they were already entitled to. From his openness about it we may also infer that exploiting asymmetrical power relations for personal gain was to some extent considered as acceptable behaviour in eleventh-century Byzantium. While virtues like compassion and concern for the unfortunate were evidently cherished as societal ideals, equality was not. The villagers' difficulties in securing appropriate aid from the legal system was not, however, caused by indifference on the part of the officials responsible, but rather by the institutional limitations of the pre-modern state. The *krites* of Opsikion was well aware of his duty to uphold the law throughout the entire province and protect all the inhabitants under his jurisdiction, but he simply lacked the bureaucratic infrastructure to guarantee judicial intervention against every crime and injustice. When Psellos notes that friendship held more sway he is consequently not

disparaging the official duties of the *kritai*, but merely recognising that they had to rely on their networks of friends to execute them efficiently. This reliance on personal relationships naturally left considerable room for abuse, but when employed by conscientious officials friendship could indeed strengthen justice, and vice versa. Psellos' letters thus seem to reflect a society where the emperor and those close to him in Constantinople took care to involve themselves in the workings of the provincial judicial system and strove to promote their own interests as well as values such as justice and philanthropy, even though they understood it in less absolute institutional terms than a modern observer might.

3.3 Reputation as a safeguard against abuse of power

Judging from the letters examined above, it would appear that Byzantine officials, in their communication with each other, reproduced a normative framework for exercising power that was centred on the values of good governance, impartial justice and compassion for the unfortunate. It did however also leave room for the pursuit of personal gain, to the extent deemed reasonable by social convention, and given the Byzantine understanding of power as exercised in a personal rather than impersonal capacity, the act of balancing selfish motives and lofty ideals was largely a matter of individual discretion. What incentives were there then for officials to curtail their desire for personal gain and make a sincere effort to execute this balancing act in adherence to the prevailing norms of political behaviour? As foreshadowed above, I believe that this is where reputation comes in.

In a letter to the *krites* of Katotika, Psellos reassures his correspondent of his friendship by insisting he is the first to promote him with praiseful tongue (δι' εὐφήμου γλώττης ἄγω τὰ σά),

and claiming that everyone is in agreement with him, hanging on his words, thus emphasising the value of his praise.³¹⁰ He thus notes that the *krites* enjoys a good reputation (ἡ κρείττων φήμης), which he lets ring nobly around himself (φήμας περὶ σαντοῦ γενναίως περηχεῖς), and that he would deserve congratulations if he managed to fill his purse besides, but also warns him that his deeds would cast shadows in the form of words (ὥς λόγος ἔργου σκιή). He similarly advises the *krites* of Drougoubiteia to give priority to maintaining a good name (ἀγαθὸν ὄνομα) rather than making a lot of money (πλοῦτον πολύν).³¹¹ Psellos consequently recognised that pursuing personal profit and maintaining a good reputation stood at least in partial opposition to one another and recommended his friends to prioritise the latter over the former. Considering his strong endorsement for the efforts of *kritai* to fill their purses in other letters, this must be regarded as emphatic statements on the importance of reputation.

This appears to be a consistent concern throughout his correspondence with officials of all kinds. In one of the letters considered above where Psellos defends his efforts to obtain clemency for a convicted man against criticism from the *krites* of Boukellarion, he writes that if he, in his efforts to help the unfortunate man, had opposed the *krites*' own plans (εἰ μὴν γὰρ ἐκείνῳ βοηθῶν τῷ σῶ ἡναντιούμην σκοπῶ) or had made accusations that compromised his reputation (ἢ περὶ ἐκείνου τοὺς λόγους ποιούμενος κατήγορος εἰστήκειν σου καὶ τῆς σῆς ὑπολήψεως), then his correspondent would have been right to censure him (ἔχοις ἂν τί μοι καὶ μέμψασθαι), thus indicating that reputation was a sensitive matter that one could justifiably be defensive about and that judicial interventions had to be made with this in mind.³¹² One could expect one's friends to help, but not to the extent that their reputations were compromised. He also wrote to the *krites* of Macedonia to request help for another official against his enemies,

³¹⁰ KD 55, p. 87-8. See below, p. 154.

³¹¹ KD 90, p. 118-19. See below, p. 163.

³¹² KD 92, p. 120. See above, p. 109.

appealing to both his sense of justice and his concern for his reputation.³¹³ Psellos begins by praising the *krites* for his dignity (ἡ σὴ σεμνότης), which is widely famous and settles immovably on the good (ἀμετακινήτως ἐπὶ τοῦ καλοῦ ἥδρασται) and then proceeds to relate that the man on whose behalf he wrote praised (ἐπῆγει) and extolled (ἀνεκηρύττε) the *krites*, having first listened to Psellos' praise and then seen for himself, while his accusers had changed the praise for the *krites*' propriety into a different tune (τὸ τῆς σῆς κοσμιότητος ἐγκώμιον εἰς ἑτέραν φωνὴν μετεποίησαν), that is, slandered him.

Similarly, in a letter to the metropolitan of Amaseia, written on behalf of the *krites* of Armeniakon, Psellos relates that a certain Sabbaites had heaped abuse not only on the *krites* (ὁ γὰρ Σαββαΐτης πολλαῖς αὐτὸν ταῖς ὕβρεσι καταπλύνει συμπεριλαμβάνων), but also on the metropolitan himself as well as Psellos, the emperor and God (καὶ σε, οὐδὲν δὲ ἤττον καμέ [...], καὶ τὸν βασιλέα, καὶ τὸν θεόν).³¹⁴ To counteract this, the *krites* wished fervently that the metropolitan would praise him at the opportune time and to the right audience (εἰ δὲ καὶ τῶν παρὰ σοῦ ἐπαίνων τύχη, καὶ ἐν καιρῷ, καὶ πρὸς ὃν δεῖ, τοῦτο τὸ εὐκταιότατον). We may have to allow for some poetic licence when considering the list of victims of Sabbaites' abuse, but the metropolitan's inclusion on it still reads like an implied argument in favour of siding with the *krites*, thus implying a concern for reputation which is also evident both in the presentation of the *krites*' problems and the proposed remedy.

There is, in fact, a recurring notion in the letters that public praise was so valuable that Psellos' correspondents should reward those who spoke well of them. It is particularly common in letters urging *kritai* increase their generosity towards one of their subordinates.³¹⁵ Two such letters are

³¹³ KD 73, pp. 105-6.

³¹⁴ S 35, pp. 269-70. Regarding Psellos' relationship to Sabbaites, see Bernard, *Writing and Reading*, pp. 280-90.

³¹⁵ Apart from the cases cited below, see KD 86, KD 173, pp. 114-5, 196; S 98, S 127, pp. 341-2, 374-5. See below, p. 164.

addressed to the *krites* of Kibbyraioton on behalf of the *notarios* John. The first one states that John should be treated well and allowed to make some money precisely because he had praised the *krites* far and wide, having become a herald of his virtue (κῆρυξ τῶν σῶν ἀρετῶν ἐγένετο) and speaking well of his deeds (τὰς σὰς εὐφημῶν πράξεις).³¹⁶ In the second one, Psellos also emphasises his own contribution, stating that his correspondent was a most intelligent man (αὐτὸς συνετώτατος ἄνθρωπος εἶ), very competent and well suited for any undertaking (πρὸς πᾶσαν πράξιν ἐπιτηδειότατος τε καὶ προσφύεστατος), as Psellos informed anyone who was not already aware of it (τοὺς ἄλλους διδάσκω ὅσοι τυγχάνουσιν ἀγνοοῦντες).³¹⁷ He then proceeds to relate that the *notarios* John had proclaimed the *krites* with eloquence and liberality (σε κηρύττει μετ' εὐφραδοῦς γλώττης καὶ πεπαρρησιασμένης) and expresses a wish that as the *krites* benefits from his tongue, so would John benefit from the *krites*' disposition (ἀλλὰ σὺ μὲν ὄναιο τῆς γλώττης αὐτοῦ, αὐτὸς δὲ τῆς σῆς διαθέσεως ὄναιτο). A similar sentiment is expressed in a letter to the *krites* of Thrakesion, where Psellos writes that the help (εὐεργετέω) the judge had given a *notarios* was probably less than the thanks given in return, so either the beneficence (ἀγαθοεργία) had to be increased to match the encomia (ἐγκώμια), or the praise (εὐφημία) had to be decreased.³¹⁸ He makes the same argument to another *krites*, whom he calls upon to increase his generosity (εὐμένεια) to match the courtesy (εὐγνώμοσύνη) of the man on whose behalf he is writing.³¹⁹

In a letter of introduction on behalf of the bishop of Parnassos, whom he refers to as his friend (φίλος), Psellos notes that the bishop is neither an orator or a thinker, but strong in gratitude and loud in praise (μεγάλας ἀμοιβὰς ἀποδίδωσιν, οὐ τῇ χειρὶ διδούς, ἀλλὰ τῇ γλώττῃ βοῶν),

³¹⁶ S 66, pp. 297-8. See below, p. 164.

³¹⁷ S 67, p. 299. See below, pp. 164, 172.

³¹⁸ KD 131, pp. 153-4. See below, p. 164.

³¹⁹ KD 174, pp. 196-7. See below, pp. 161-2, 164.

which he evidently regards important enough to make up for his lack of other qualities.³²⁰ The same principle appears to be at work in a letter addressed to the same bishop, possibly part of the exchange that prompted the letter of introduction, where Psellos offers thanks for the large quantities of cheese, fish and butter sent by his correspondent and states his wish that the bishop keeps sending him food, just as he will keep offering praise in return (καὶ μήτε σὺ λήγῃς ποτὲ τῆς τοιαύτης προθέσεως οὔτε ἐγὼ σε τῶν ἐγκωμίων στερῆσαιμι).³²¹ Psellos also wrote a letter asking an unknown official to assist a relative with an unspecified request in which he assured his correspondent that he should not fear ingratitude (μὴ νόμιζε δὲ ὅτι ἀχαρίστῳ χαρίσῃ χάριτα), because the grateful man would trumpet his name loudly as far as Gibraltar (μέχρι γὰρ αὐτῶν Γαδεΐρων δραμεῖται τὸ σὸν ὄνομα, ὥς περ ὑπὸ σάλπιγγός τινος κοσμοφθόγγου τῆς τούτου γλώττης εἰς πάντα διερχόμενον).³²² He goes on to state that if his correspondent wanted to please his friends (εἰ τοίνυν εὐφραῖναι καὶ φίλους θέλεις) and promote himself far and wide (καὶ σεαυτὸν κηρῦξαι ἀριδηλότατα), he should grant the man the requested favour. Moreover, in a letter conveying the thanks of an associate, he also asks rhetorically what would happen if more help was forthcoming when one small favour (βραχεία ἢ σῇ προνοίᾳ) could result in such gratitude (οὕτως εὐγνωμονεῖ).³²³ There are several other letters where those who praise Psellos' correspondents are presented as worthy of reward, or at least favourable treatment.³²⁴

Another recurring theme is Psellos' efforts to praise his friends before the emperor. In a letter to Basil, *krites* of Cappadocia, he promises that when the contest begins (ἐπεὶ δὲ γυμνικὸς ἀγὼν,

³²⁰ S 63, pp. 295-6.

³²¹ KD 75, p. 107. It appears to have been common that letters were accompanied by a variety of different gifts, including food. See M. Mullett, 'Writing in Early Mediaeval Byzantium', in R. McKitterick (ed.), *The Uses of Literacy in Early Medieval Europe* (Cambridge, 1990), pp. 182-3; D. Chernoglazov, 'Was bedeuten drei Fische? Betrachtungen zu Geschenken in byzantinischen Briefen (IV.-XII Jh.)' in M. Grünbart (ed.), *Geschenke erhalten die Freundschaft: Gabentausch und Netzwerkpflege im europäischen Mittelalter* (Berlin, 2011), pp. 55-69.

³²² S 106, p. 350.

³²³ KD 167, p. 192. See above, p. 79.

³²⁴ See KD 9, pp. 10-11; M 2-4, M 11, pp. 90-6, 222-3; S 41, S 126, S 180-1, S 183, pp. 273-5, 373-4, 459-62, 465-7.

ἢ διφρηλασία τις τὸ καθ' ἡμᾶς πρᾶγμα γέγονε), he would fill the emperor's ears with praise of his correspondent's virtues (τὴν τοῦ βασιλέως ἀκοὴν τῶν ἀρετῶν σου καταπληρώσω), with so sharp a tongue that he would not only be able to conquer hearts (τὴν φλῶτταν θήξω τοσοῦτον, ὥς μὴ μόνον καρδίας διαιρεῖν δύνασθαι), but also cut through iron (ἀλλὰ καὶ σίδηρον τέμνειν).³²⁵ He should not worry about base talk since the emperor's ears were not receptive to those who wanted to slander him (γλωσσῶν δὲ πονηρῶν μὴ πάνυ φροντίζειν, οὐ γὰρ εὐκόλα τὰ βασιλέως ὦτα πρὸς τοὺς διαβάλλειν ἐθέλοντας), because, as he surely knew, Psellos stood ready to oppose all such foul and idle prattle (τὴν δὲ ἡμετέραν ἀγαθὰ μελετήσασαν, πόσοις οἶει ἀντιβήσεσθαι ἀτόποις τε καὶ φλυαροῖς;). Instead, he should devote himself solely to becoming even more just (μόνον τὸν ἐμὸν Βασίλειον ἐπὶ τὸ δικαιότερον μεταποιήσον, μᾶλλον ἐπαύξησον) thus providing Psellos with material for his encomia (δίδου μοι ὑποθέσεις τῶν ἐγκωμίων). This letter seems to conjure images of the imperial court as a cacophony of gossip, boasting and slander where Psellos fought a constant battle to defend the honour of his friends.³²⁶ While this image may well be exaggerated, there appears to be no reason to believe that it is fundamentally misleading and it is clear that Psellos expected Basil to value his efforts to promote his reputation. It is also significant that he points out that as a *krites*, Basil should not only rely on his friends at court to sing his praises, but also needed to make himself fit for praise by carrying out his official duties in an appropriate manner. As we have seen, this entailed upholding justice, maintaining the well-being of the people under his jurisdiction and ensuring that the expected amount of taxes was collected.

³²⁵ S 110, pp. 354-6. See below, pp. 171, 173.

³²⁶ Cf. A. P. Kazhdan & M. McCormick, 'The Social World of the Byzantine Court', in H. Maguire (ed.), *Byzantine Court Culture from 829 to 1204* (Washington D. C., 1997), esp. pp. 196-7, suggesting that the insecurity and competitiveness of court life may have exacerbated the desire for unchanging stability reflected by the strict ceremonial order, while also noting that in the hands of an emperor skilled at playing the game of precedence, the ceremonial apparatus of the court 'looks like a magnificent tool for the social and political control of an ambitious and changing ruling class.'

We seem to find the same sentiment expressed in a letter to an unidentified Dalassenos on behalf of Anastasios Lizix, where Psellos begins by relating that his friend had filled not only his own ears with encomia for his correspondent (οὐ τὰς ἐμὰς μόνον ἀκοὰς τῶν σῶν ἐγκωμίων ἐνέπλησεν), but through him they had been spread everywhere and even to the emperor himself (ἀλλὰ δι' ἐμοῦ τὰς τῶν ἀπάντων, καὶ τὰς τοῦ βασιλέως αὐτοῦ).³²⁷ Having thus underlined the contribution made by Lizix and himself to Dalassenos' own reputation, Psellos proceeds to call upon the goodness for which they had praised him (εἰ μὲν σὺ τοιοῦτος καλός), and asks him for a corresponding favour. If he found Lizix to be an inferior *krites*, unworthy to be called judge (ὁ δὲ κριτὴς ἐλάττων, ἢ τοῦ δικαστικοῦ ἀνάξιος πράγματος καὶ ὀνόματος), he should say nothing about it to the emperor, neither in letter nor in person (μηδὲν περὶ αὐτοῦ, πρὸς τὰς βασιλικὰς ἀκοὰς μήτε γράψης νῦν, μήτε εἴπης εἰσελθόν). If on the other hand he considered him good, wise and just (εἰ δὲ καλὸς καὶ σοφός, καὶ δίκαιος), he should inform the emperor in both ways (ποιήσον ἀμφοτέρω). It is noteworthy that Psellos is not asking Dalassenos to lie for Lizix, but merely keep any criticism to himself and praise him to the extent that he found him worthy of it, which once again underlines that the reputation of a *krites* was dependent both on the praise of his friends and on his virtuous conduct in administering justice.

Conveying a similar subtext, Psellos' also advertises his ability to protect his friends from any slanderous tongue (γλῶσσα βάσκανος) in the letter examined above, where he advises the *krites* of Macedonia to steer a middle course between yielding to everything and opposing everything.³²⁸ This recommendation is immediately preceded by a promise to drown out the voice of anyone who would dare attack the *krites* (εἰ δὲ κατὰ μυριάδας αἱ γλῶσσαι προσβαλεῖν σοι τολμήσαιεν, ἀλλ' ἐγὼ ὑπερφωνήσω ταύτας εὐηχέστερον ἐκείνων φθεγγόμενος), which

³²⁷ S 78, pp. 311-12. See below, pp. 173, 204. The letter is unaddressed in Sathas' edition, but in one of the manuscripts where it appears the addressee is identified as Dalassenos. See P. Gautier, 'Monodies inédites de Michel Psellos', *Revue des études byzantines* 36 (1978), p. 87.

³²⁸ KD 7, pp. 8-9. See above pp. 95, 117.

again seems to imply that the ideal way to maintain a good reputation was to combine the well-balanced execution of one's official duties with the protection of eloquent and influential friends like Psellos at court.

Moreover, he wrote to Pothos, stressing the strong bonds of friendship between them by stating that he held out his judgment and sentences (τῶν σῶν ἀντεχόμενον καὶ κρίσεων καὶ ἀποφάσεων), boasted about him in letters to the emperor (μεγαλορρήμονοῦντα σου τὰς πρὸς βασιλέα γραφάς) and attached an encomium to him with every word (ἐφ' ἐκάστῳ ῥήματι προσπλέκοντα σοι ἐγκώμιον).³²⁹ He similarly assured the *krites* of Paphlagonia of his friendship, but admitted that he had not yet spoken to the emperor properly about his virtues (οὐπω ἀκριβῶς περὶ τῶν σῶν ἀρετῶν διείλεγμα πρὸς τὸν αὐτοκράτορα), preferring to skirmish from afar before committing to the struggle on his behalf (ἀκροβολίζομαι δὲ πόρρωθεν, ἵνα κατὰ βραχὺ τὸν ὑπὲρ σοῦ ἀγῶνα ποιήσωμαι), once again employing the language of athletic competition, as well as that of warfare, to describe the exchanges of praise and censure at the imperial court.³³⁰

In a letter to John Mauropous, Psellos emphasises that he praised him before every audience, large or small, educated or uneducated (πληρῶ πᾶσαν ἀκοήν, ἐλλόγιμόν τε δῆμον καὶ ἄσοφον, θέατρά τε καὶ πανηγύρεις τῶν σῶν ἐγκωμίων), speaking with an eloquence no less than that of Gorgias (μὴ δὲ τῆς τοῦ Γοργίου μεγαλοφωνίας φθεγγόμενος ἔλαττον) and making sure that these encomia did not escape the emperor's notice (μὴ δὲ τὰ βασιλέως ὧτα ἀνήκοα τῶν σῶν ἐπαίνων ποιούμενος).³³¹ He also congratulated the *doux* of Antioch on quickly having achieved the success that had long eluded professional soldiers, despite being inexperienced in warfare

³²⁹ KD 35, p. 56-8. See above, pp. 116-17, and below, p. 173.

³³⁰ S 49, pp. 280-1. See below, p. 174.

³³¹ S 182, pp. 462-465.

(ὧν γὰρ οἱ χαλκάσπιδες ἐκεῖνοι [...] ἐν πολλοῖς χρόνοις οὐ τετυχήκασι, ταῦτα δὴ σὺ ὁ ἀπειροπόλεμος κατώρθωκας ἐν βραχεῖ), stating that he made sure that the emperor did not forget it, boasting loudly and proudly about the *doux* (τῆς ἐμῆς ἀνέμνησα μαρτυρίας τὸν αὐτοκράτορα καὶ ἐκόμπασα [...] μέγα καὶ σοβαρὸν).³³² In another letter, he assures the same recipient that he, as usual, had sung his praises to the emperor (εἰπεῖν δὲ καὶ τὴν συνήθη αἰδῶ πολλὰ δὴ καὶ μεγάλα περὶ σοῦ τὴν βασιλείον περιήχησα ἀκοήν).³³³ These letters clearly suggest that having friends and other grateful people speak well of one, preferably in public and in particular to the emperor, was regarded as being of considerable value by the officials of the empire.

That the opposite of praise, namely slander, was something to be feared has already been touched upon above, but it is also evident in several other letters, such as another one to Mauropous, where Psellos once again uses rather drastic metaphors to describe the social milieu of the imperial court.³³⁴ He describes men who had come from Euchaita, where Mauropous was metropolitan, to make accusations against him as rabid wolves (λύκοι γὰρ τυγχάνοντες γεγόνασιν. ἐλύττησαν μὲν γάρ [...]), but relates that he managed to change the emperor's opinion (τὴν τοῦ κρατοῦντος δόξαν μετεποίησά σοι) so that he praised Mauropous instead of believing the accusers and joining in their accusations (ἀντὶ τοῦ πείθεσθαι τοῖς κατηγοροῖς, καὶ κατηγορεῖν ἀναγκάζεσθαι, εὐφημίας ἀφῆκε περὶ σοῦ ῥήματα μεστά). Making another excursion into the metaphorical realm of lethal fauna, he wrote to the *krites* of Kibbyrraioton that he lived among his scorpions (ἐν μέσῳ δὲ τῶν σῶν σκορπίων [...] ἐγὼ οἰκῶ), silencing some (τοῖς μὲν, ἐμφράττων τὸ στόμα), killing some (τοὺς δ' ἀναιρῶν) and persuading others not to sting (τοὺς δὲ, πείθων μὴ δάκνειν).³³⁵ The possessive pronoun seems to indicate that the scorpions in

³³² KD 62, pp. 94-5. See below, p. 172.

³³³ KD 43, pp. 70-3.

³³⁴ S 80, pp. 313-14.

³³⁵ S 107, p. 351.

question were enemies of the *krites* who took advantage of his absence from the capital (σὲ τὸν ἀπόδημον) to slander him.

The implied viciousness of Constantinopolitan high society probably provides the proper context in which to place another of Psellos' letters, namely one to the *protoasekretis* Epiphаний Philaretos, who was new to the court and whom Psellos had previously counselled.³³⁶ Here, Psellos advises him not to be hasty in taking sides (μὴ ταχείας λάμβανε τὰς ῥοπὰς), nor to make himself susceptible to every influence (πεφύλαξο [...] μὴ πᾶσιν εἶναι ἐνδόσιμον), suggesting instead that he should be like a rock by the sea (ὥς πέρ τις πέτρα παράλιος), dissolving the attacks of the waves into foam (εἰς ἄφρον τὰς προσβολὰς τῶν κυμάτων παράλυε), in other words, to avoid intrigue and remain beyond reproach, giving potential detractors nothing that could be used against him. There are also parallels here to Mullett's study on the letters of Theophylact of Ochrid, where she notes a general atmosphere of mistrust where calumny was a constant worry.³³⁷

Moreover, the severity of slander is underlined in the will of Eustathios Boilas, an aristocratic landowner with large estates somewhere in the eastern provinces.³³⁸ In the will, written in 1059, Boilas takes the opportunity to criticise the *doux* Michael Apokapes and his sons, the *magistros* Basil and the *vestarches* Pharesmanes, all of whom were prominent military commanders.³³⁹ Boilas refers to them repeatedly as his masters (αὐθέντου, κυρίων, αὐθεντοπούλων) and mentions that he had served under Michael for fifteen years. Even so, they appear to have had

³³⁶ S 169, pp. 430-1.

³³⁷ Mullett, *Theophylact*, pp. 17-18.

³³⁸ 'Le Testament d'Eustathios Boilas (Avril 1059)', ed. P. Lemerle, in idem, *Cinq Études sur le XI^e siècle byzantin* (Paris, 1977), pp. 21-2, 49-53; S. Vryonis, 'The Will of a Provincial Magnate, Eustathios Boilas (1059)', *Dumbarton Oaks Papers* 11 (1957), pp. 274-5.

³³⁹ PBW (consulted 12.x.2017) Michael 140, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107863>>; PBW (consulted 12.x.2017) Basileios 101, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/106751>>; PBW (consulted 12.x.2017) Pharasmanes 101, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/108165>>.

a rather complicated relationship. Boilas avers that he had never contrived or written anything slanderous about the Apokapai (οὐδὲν [...] συκοφαντίαν τινὰ ἐπινοήσας ἢ γράψας), but had nevertheless been harshly and terribly slandered by them and through them (καίπερ πολλὰ καὶ δυσχερῇ καὶ δεινὰ παρ' αὐτῶν καὶ δι' αὐτῶν διεβλήθην), which had even resulted in plots against his life (καὶ μέχρι τῆς ζωῆς ἐπιβουλευθεὶς). Despite this, he claims to have accomplished great and unexpected things (μεγάλα καὶ δυσέλπιστα διορθωσάμενος πράγματα). Slander is thus presented not only as damaging to the pride of those subjected to it, but as something that could drastically affect their material fortunes in life and even put them in physical danger.

The dangers of slander are also expressed in an unaddressed letter, where Psellos writes to excuse his failure to convince the emperor to grant the request his correspondent had made, even though he had initially been quite favourably inclined (φιλανθρωπευόμενος εἰς ὑμᾶς).³⁴⁰ He emphasises the friendship (φιλία) between himself and his correspondent and assures him that he is not to be blamed for having failed, explaining that clever men had made charges against him (κατηγόρησαν ὑμῶν), which were untrue (ψευδῆ) but fabricated in a plausible manner (πιθανῶς πεπλασμένα), and thus had managed to change the emperor's good will (μετηλλοίωσαν τὴν τοῦ βασιλέως ἡμῶν φιλάνθρωπον γνώμην) and turned him against him (παρωξύνθη καθ' ὑμῶν). We should also keep in mind the letter examined above, where Psellos asks a *krites* to help a man who has endured severe evils and suffered great misfortunes because he had been slandered.³⁴¹ Moreover, when writing Constantine Leichoudes, probably just after his appointment as patriarch by Isaac I, Psellos complains of being out of favour, a misfortune which he ascribes to poisonous lies (πάλιν οὖν ὄφεις καὶ πάλιν πλάσματα καὶ πολλὸς ὁ ἰός), violent accusations (ἢ κατήγορος γλῶσσα σφοδρά) and beasts attacking him in secret (κρύβδην

³⁴⁰ KD 79, pp. 109-10.

³⁴¹ S 55, p. 287. See above p. 120-1.

οἱ θῆρες διασπαράττουσι).³⁴² In an ambivalent reply to a wedding invitation from Constantine Keroularios, he also worries about the propriety of being seen to participate in the festivities, particularly noting the quibblers (τοῖς λεπτολόγοις) who had no other interest than denigrating others (μηδὲν ἕτερον εἰδóσιν, ἢ οὗ ἂν ταῖν χεροῖν ἄψαιντο).³⁴³ Whether or not this was his real reason for hesitating about attending, fear of being slandered must have been a sufficiently relevant concern to make a plausible excuse.

There are also two letters, addressed to the *krites* of Thrakesion, requesting help for a relative who was under attack from some *kouratores* (παρὰ τῶν κουρατόρων ὑφίσταται).³⁴⁴ The first letter complains of wicked men who are harming and slandering him (πονηροὺς ἀνθρώπους βλάπτοντάς τε ὁμοῦ τοῦτον καὶ συκοφαντοῦντας) and suggests that they would be brought to heel (ὑποταγήσονται αὐτῷ) if they saw the *krites* supporting the unfortunate man (ἐὰν γάρ σε ἴδωσι προσκείμενον αὐτῷ καὶ βοηθοῦντα). In the second letter, things appear to have taken a turn for the worse. Psellos renews his appeal for help for the man, who was still being abused and suffered severe harm (βοήθησον οὖν αὐτῷ ἐπηρεαζομένῳ καὶ ζημιουμένῳ πολλὰ), and even asks the *krites* to set a suitable punishment (ποιήσον προσήκουσαν τὴν ἐκδίκησιν), since this would make his favour for Psellos' relative clear to the evil men and deter them from their activities (ἵνα γνόντες οἱ πονηροὶ τὴν σὴν πρὸς αὐτὸν εὐμένιαν ἀπόσχωνται τῶν ἐπιτηδευμάτων αὐτῶν). In this letter we are however also told exactly what the *kouratores* aimed to achieve with their slander, namely to have the man dismissed from his office (σπουδάξουσι πάντα τρόπον ἀπελαθῆναι τὸν ἄνθρωπον τῆς δουλείας αὐτοῦ).

³⁴² KD 245, pp. 295-6.

³⁴³ S 1, pp. 219-22.

³⁴⁴ KD 150-1, p. 175. *Kouratores* were officials charged with managing imperial estates, under the purview of a specific bureau for that purpose in Constantinople. They were consequently not subordinates of the *kritai*. See N. Oikonomides, *Les Listes de préséance byzantines des IXe et Xe siècles : introduction, texte, traduction, commentaire* (Paris, 1972), p. 318; idem, 'L'Évolution', p. 138.

This points towards what appears to be at the core of the preoccupation with praise and slander in Psellos' letters, namely that a good reputation was essential for a successful career in imperial service. All officials were dependent on the favour of the emperor, who handled promotion and dismissal as matters of personal discretion,³⁴⁵ but since it would be impossible to keep a detailed record of the activities of all their subordinates, he, or she as it sometimes was in the period with which we are concerned, would to a large extent have to rely on what was being said about each official by his peers. Indeed, this difficulty was also noted by Basil II in his novel from 996, stating that the emperor has neither the power nor the capability to supervise and monitor everything himself (τὸ μὴ δύνασθαι ἢ ἐξαρκεῖν τὸν [...] βασιλέα πάντα αὐτὸν ἐκεῖνον ἐπισκέπτεσθαι καὶ ἐπιτηρεῖν) 'because of his many occupations and concerns with the public affairs and because he is beset on all sides by a multitude of cares' (διὰ τὸ πολυάσχολον καὶ πολυφρόντιστον τοῦ κοινοῦ καὶ τὸ μυρίαὶς πανταχόθεν περιστοιχίζεσθαι φροντίσιν).³⁴⁶

This link between reputation and career opportunities is evident in a few of Psellos' other letters. In one letter, he appears to mock Leon Paraspondylos for not holding an official position by ironically congratulating him on escaping employment, before magnanimously offering to help him by trying to find a suitable time to praise him before the emperor (ταμειυσόμεθα σοι καὶ καιρὸν εὐθετον πρὸς τὸν μέγιστον ἡμῶν αὐτοκράτορα [...], ἵνα σὺ μὲν τὸ κατάλληλον ἔχῃς ἐγκώμιον).³⁴⁷ He also wrote to a *magistros* and *krites*, who seems to have been his son-in-law, that his wife had been ill and in pain, but hurt even more by a false rumour about her husband (τρωθεῖσα δεινότερον ἐπὶ τῇ πλασθείσῃ περὶ σοῦ φήμῃ).³⁴⁸ If Psellos had not been there, both encouraging and telling her stories (τὰ μὲν, παραμυθούμενος, τὰ δὲ πλαττόμενος), her soul would have gone to Hades. He proceeds to offer some professional advice, encouraging his

³⁴⁵ Weiss, *Oströmische Beamte*, pp. 38-40.

³⁴⁶ Svoronos, *Novelles*, p. 212.

³⁴⁷ S 8, pp. 234-8. See above, p. 56, nn. 138-9.

³⁴⁸ S 146, pp. 394-5. See above, p. 100, and below, p. 195.

correspondent to be neither too strict nor too lax (μήτ' ἀφειδέστερον ἐμβίβαζε σαυτὸν ταῖς κρίσεσι, μήτε τοὺς ἐγκαλοῦντας παντάπασι παραιτοῦ), the former being troublesome and the latter beneath the dignity of a judge (τὸ μὲν γάρ, ὀχληρόν, τὸ δέ, παρὰ τὸ δικαστικὸν ἀξίωμα), and also to take up cases that would benefit the villagers (τῶν δὲ ὑποθέσεων ἐκείνας ἐλοῦ δικάζειν ὅσαι λυσιτελεῖς τοῖς χωρίταις γενήσονται).

This recommendation thus underlines not only the familiar theme about finding the right balance in the execution of one's duties, but also the duty to care for the people under one's jurisdiction and the practical institutional limits which necessitated disregarding some cases in favour of others.³⁴⁹ Psellos also reassured the *krites* that he was filling the imperial ears with tales about him (ἐγὼ δὲ τοιούτων διηγημάτων περὶ σοῦ τὰς βασιλικὰς καταπληρῶ ἀκοάς), by which he presumably meant that he showered him with praise, thus counteracting the malicious rumours. He then turns immediately to the subject of the *krites*' career (περὶ διαδοχῆς), relating that the emperor was in the process of making plans regarding the provincial judges (τὸν βασιλέα πρὸς τὸ πρᾶγμα ἐτοιμαζόμενον ἐπὶ πάντων ὁμοίως θεματικῶν δικαστῶν). This letter consequently seems to illustrate in turn the severity of being slandered, the proper way to maintain a good reputation through virtuous and professional conduct, the importance of having such conduct praised by one's friends at court and the career opportunities associated with such praise.

In a letter to another *krites*, Psellos writes that although he praised his correspondent before the emperor (εὐφήμεους φωνὰς ὑπὲρ σου συνεισάγειν εἰς τὸ τοῦ μεγάλου βασιλέως συνέδριον), this had not yet achieved any useful result (οὐδὲν ἔτι σοι παρ' ἡμῶν ἐπωφελὲς προσεγένετο).³⁵⁰ He also outlines the intended benefits of this praise by stating that because of it the emperor now

³⁴⁹ See above, pp. 115-27.

³⁵⁰ KD 255, p. 302-3.

remembered the *krites*' name (σὺν ἐπαίνῳ γὰρ ὁ βασιλεὺς τοῦ σοῦ μνημονεύει ὀνόματος), was more favourably disposed regarding the problems he faced (χρηστότερον πρὸς τὰς ἐπελθούσας σοι συμφορὰς διατίθεται) and seemed ready to promote him (οἷον ἔτοιμός ἐστιν ἀντεπενεγκεῖν τοῖς χείροσι τὰ βελτίονα). He also wrote to the *kourator* of Cyprus that he often boasted about him before Constantine X (ἐγὼ γὰρ πολλάκις μεγαληγορῶν περὶ σοῦ πρὸς τὸν κράτιστον ἡμῶν βασιλέα) and loudly praised his deeds (μεγαλοφρονότατος ἐπαινέτης τῶν σῶν γίνομαι πράξεων).³⁵¹ The *kourator* also had a strong supporter in the Caesar John, who praised him and extolled his achievements (καὶ ὁ καῖσαρ δὲ καὶ ἐπαινεῖ καὶ μεγαλύνει τὰ σὰ καὶ ὅλος προστάτης σου μέγας ἐστίν). He should not worry if he was not immediately rewarded for his efforts (εἰ δὲ καὶ μὴ παραυτίκα ἀμοιβαί τῶν πόνων σου γίνονται, μὴ μικροψυχίῃς), but rest assured that recompense would be forthcoming (ἐλεύσεται γὰρ [...] καὶ ἡ ἀντίδοσις), as long as he continued to be successful (μόνον σὺ προσθήκας ἐπινόει τοῖς κατορθώμασι). The formula for obtaining imperial favour and reward is thus once again presented as combining concrete professional achievements with praise at court.

The same principle seems to be operating in a letter to Zomas, *krites* of Opsikion, albeit under somewhat different circumstances.³⁵² The *krites* wanted to retire, due to a prolonged illness (τὸ νοσεῖν ἐκ πολλοῦ) and decreasing motivation (μὴ δὲ πρὸς τὰ πράγματα αὐτὰ δύνασθαι ἐγγεῖρθαι) and had asked Psellos to approach Constantine IX (r. 1042-55) about replacing him (περὶ τοῦ διαδεχθῆναι σε). The emperor had however refused to do so, citing Zomas' honesty (τῆς σῆς ψυχῆς τὸ εὐθές) and competence in governing the theme (τὸ μὴ δεῖσθαι πολλῶν, καὶ τὸ πρὸς τὰ συμπίπτοντα δραστικόν, καὶ τὸ περὶ τὰς πράξεις δεξιόν). Based on what he had heard from others (τὰ μὲν, παρ' ἄλλων ἀκούων) as well as his own experience (τὰ δέ, καὶ παρ'

³⁵¹ KD 80, pp. 110-11. See below, pp. 171-2.

³⁵² S 190, pp. 483-5. See below, p. 172. The name of the *krites* appears as Zomes (Ζωμής) in this letter, but is spelled Zomas (Ζωμάς) in S 29 (above, p. 92-3). To avoid confusion I refer to him consistently by the latter.

ἐαυτοῦ συνειδώς), he had formed this opinion of Zomas, which Psellos noted was quite accurate (ἄνδρα σε ἥγεται [...] οἷος εἶ καὶ τυγχάνεις ὄν), and consequently wanted him to remain at his post. Psellos notes laconically that this would have been good for Zomas, if not for the fact that he wanted another life (ἢ μὲν οὖν ἀρχή, τοιαύτη, καὶ οὐδ' αὐτὸς ἐρεῖς ὥς οὐκ ἀγαθή, τὸ δὲ τέλος, ἐπειδὴ σοι ὁ σκοπὸς πρὸς ἄλλον βίον ὀρᾷ, πάντως ἀσυντελής, ἢ ἐναντίον παντάπασιν). Even though the emperor had also experienced Zomas' qualities in person, he apparently relied on what others said about him to form an opinion of his qualifications and, again, the link between, on one hand, enjoying a reputation for honesty and competence and, on the other, being appointed to and remaining in high public office is made quite clear.

This connection with career opportunities appears to have been the driving force behind the establishment of reputation at the heart of the Byzantine political economy, but once established as such its importance would plausibly have spread far beyond matters of promotion and dismissal. By signaling expectations of future advancement, we can expect it to have served as a mark of status, in all likelihood bolstering immediate influence and quite possibly permeating aristocratic society to the point of being regarded as of intrinsic and not just instrumental value. Such distinctions are, admittedly, difficult to make with certainty in the letters, but there is at least one illustrative example. Psellos wrote to Katakalon Kekaumenos in an attempt to reconcile him with the metropolitan of Koloneia and obtain the help of the former in dealing with the difficult flock of the latter.³⁵³ He asked why Kekaumenos, who had formerly praised the metropolitan, had now changed his opinion of him to the opposite (εἴτα τί νεώτερον γέγονεν, ὅτι σὺ τὰς τοιαύτας ὁμολογίας καταλίπων ἐπὶ τὰς ἐναντίας ὑπολήψεις μετέστης [...]);), urging him not to listen to slanderous tongues (μηδὲ δίδου τὰς ἀκοὰς γλώσσαις βασκάνοις), which he likens to snake poison (ὥς ἰὸν ὄφεως). At the time when Psellos was writing, Kekaumenos had

³⁵³ KD 30, pp. 43-6. See above, p. 59, n. 141.

taken tonsure and retired from public life, but Psellos still expects him to be sensitive enough to the changes in the metropolitan's reputation to assume that slander must have been the cause of his sudden refusal to help him.

It might also be worth considering the possible effects of reputation on the ability of an official to make judicial interventions of the kind we have seen in the letters examined above. In an article on jurisprudence in Visigothic Spain, where judges appear to have been even more dependent on oral testimony than their Byzantine counterparts, Jeffrey Bowman has noted that the idea of infamy was one of the legal tools commonly used for sorting good proof from bad.³⁵⁴ The *infames* were subject to certain legal and social disabilities, such as being prohibited from testifying. As we have seen, many of Psellos' judicial interventions, straddling the divide between the social and legal, seem to be intended as testimony on behalf of one of the parties in a dispute, albeit speaking to their character rather than directly to the facts of the case. As we shall see in the next chapter, there is a letter of recommendation for a *notarios* seeking employment where Psellos first praises the letter-carrier's virtues and then goes on to express his confidence that as someone who had loved and honoured him from the beginning (ὁ ἐξ ἀρχῆς με καὶ ἡγαπηκῶς καὶ τετιμηκῶς), as well as having provided proof of his truest friendship (καὶ τεκμήρια μοι φιλίας ἀλεθεστάτης παρεσχηκῶς), the *krites* would not disregard Psellos' advice or suspect him of dishonesty (οὐκ ἂν με παραγράψαιο καὶ ἔνοχον ψευδομαρτυριῶν ἡγήσαιο)³⁵⁵

I have not found any instances in the letters where Psellos explicitly refers to his own reputation for being trustworthy in support of one of his judicial recommendations, but there appears to be

³⁵⁴ J. A. Bowman, 'Infamy and Proof in Medieval Spain', in T. Fenster & D. L. Smail (eds.), *Fama: The Politics of Talk and Reputation in Medieval Europe* (Ithaca & London 2003), esp. p. 96.

³⁵⁵ KD 153, p. 176. See below, pp. 159, 167.

no reason to doubt that trust would have been an essential factor in determining the success of his requests. Since the *kritai*, as we have seen, needed to maintain their own reputations as virtuous and just, they would have every incentive to be on their guard against friendly requests that dishonestly tried to subvert justice. If, for instance, a judge acquitted a guilty man because someone in his network had vouched for his honesty, he would run the risk of falling in disrepute himself. In cases such as the letter of recommendation we have just considered, where Psellos' correspondent was someone who knew him well, this would be sufficient to establish the required trust, but in the cases where the *kritai* were more distant acquaintances, or perhaps approached for the very first time, it seems reasonable to infer that he would have had to rely on his reputation for trustworthiness to assure them that granting his requests would not get them into trouble later on. As such, the social importance of reputation would consequently not have been limited to the relationship between the emperor and his officials, even though it is surely significant that the link between reputation and career opportunities stands out as particularly clearly attested in the letters.

In conclusion, we have seen that networks of friends appear to have compensated for the formal institutional shortcomings of the Byzantine state in two ways. Firstly, by serving to deliver and uphold imperial policies throughout the provinces of the empire and, secondly, by maintaining and enforcing the norms for acceptable behaviour for imperial officials. The letters referred to above make it clear that provincial magistrates were allowed, indeed expected, to use their judicial and fiscal discretion to the benefit of themselves, their relatives and their friends, but only to the extent that they were still able to uphold the ideals of loyal, competent and virtuous exercise of power to the expected standard. Epistolary networks served to keep Byzantine aristocrats involved in a coherent social milieu where a stable set of values could be reproduced, but also spread word of their deeds and misdeeds throughout the empire and ultimately to the

emperor. Given their dependence on imperial favour and the ideological importance assigned to good governance, impartial justice and compassion for the unfortunate within the shared normative framework, the function of administrative oversight would effectively have been exercised by the officials themselves, albeit in this rather informal manner.

To maintain a good reputation, however, it was not sufficient for a Byzantine official to uphold these ideals to the expected standard, but, as we have seen, he also needed to service his friendships with other officials on whose praise his reputation was dependent, through the exchange of letters and the granting of favours. This brings to light the inherent contradiction in this system of social control, namely that it simultaneously provided incentives to uphold impartial justice and to subvert it for the benefit of one's friends. Virtuous conduct was not very useful if one did not have grateful friends who could spread word of it and even if one had a choir of supporters at court, their praise would need substance to be truly effective. For a Byzantine official to be successful, he needed to manage this tension and skillfully balance the different demands and expectations made of him. In other words, 'strengthening friendship with justice and justice with friendship' where he could, steering 'a middle course between yielding to everything and opposing everything' where he could not and ensure that he had friends who were in a position to protect him from every 'slandorous tongue'. From this perspective, it seems quite reasonable that friendship was considered so distinctly instrumental a relationship in Byzantium, in comparison with the more idealistic approach prevalent in the medieval west.³⁵⁶ For a Byzantine official, friendship was not a luxury that he could indulge in at his leisure, but rather a basic necessity for his career opportunities and the basis of his social and economic status. This also seems very much in line with Mullett's view that friendship filled a

³⁵⁶ See above, pp. 45-6.

gap and gave a tolerable emotional casing to functional relationships spun from necessity, competition and insecurity.³⁵⁷

³⁵⁷ Mullett, 'Friendly Society?', p. 24.

4. Meritocracy and family politics in Psellos' letters

Previous scholarship has tended to present a somewhat ambiguous picture of social mobility in eleventh-century Byzantium, leaving the impression of a society dominated by powerful, politically self-aware clans, united by strong family ties and firmly rooted in their provincial power bases, with the notable exceptions of the spheres of the court and the civil administration which simultaneously experienced a period of increased meritocracy and opportunities for *homines novi*.³⁵⁸ The court and civil administration are, of course, precisely the parts of Byzantine society that Psellos' letters allow us to observe in some detail and this chapter will consequently endeavour to discern the norms and practices that made social mobility possible there and establish the extent to which they can be regarded as meritocratic.³⁵⁹

Bernard's recent study of the societal context of Byzantine poetry in the eleventh century is of particular importance here. Building on the concept of a *gouvernement des philosophes* advanced by Lemerle, Bernard argues that education was the key factor in social success during the period 1025-1081, with particular importance being awarded to skills in rhetoric and poetry.³⁶⁰ Noting Psellos' reference to τὸ πολιτικὸν γένος in his *Chronographia* and endorsing Weiss' use of the term *Beamtenliteraten*, he delineates a segment of Byzantine society which he refers to as the 'civil elite', a class comprised of well-educated men, often from relatively modest backgrounds, who by virtue of their learning (οἱ λόγοι) and eloquence made careers at

³⁵⁸ Ahrweiler, 'Recherches sur la société', pp. 103-11; Angold, 'Belle Époque', pp. 588-9; Bernard, *Writing and Reading*, pp. 164-5; Cheynet, *Pouvoir*, pp. 256-7, 261; idem, 'Le rôle', p. 96; idem, 'Les Noms', p. 164; Haldon, 'Social élites', pp. 182-4.

³⁵⁹ The question of whether the military offered similar opportunities for social mobility on meritocratic grounds will then be addressed by chapter 6, arguing that there is little to suggest that it was very different from the court and civil administration in this respect. See below, pp. 266-77.

³⁶⁰ Bernard, *Writing and Reading*, pp. 14, 155-75, 256-8; Lemerle, 'Le Gouvernement', pp. 195-248.

court, in educational institutions and in the civil administration as well as the ecclesiastical hierarchy.³⁶¹

It is not unreasonable to distinguish such a social group.³⁶² The empire's civil and ecclesiastical officials, as well as the orators and poets at court, were to a large extent products of the same system of education and the schools appear to have been places where common identities and strong bonds of friendship were forged.³⁶³ However, Bernard's study focuses on a rather small clique of individuals, mostly represented by Psellos, John Mauroπους and Christopher Mitylenaios,³⁶⁴ who dominated the educational establishment and successfully courted imperial favour through public displays of their poetic and rhetorical prowess. The question of whether the values, political behaviour and routes for social advancement characterising this group, an intellectual elite within the elite, can be regarded as largely representative for the wider civil class is not directly addressed, but Bernard seems to implicitly advance the hypothesis that this is the case.³⁶⁵ Psellos' letters to provincial *kritai* and other civil officials offer an excellent opportunity for testing it, which we shall consequently proceed to do in the first subchapter below. While I see no reason to question Bernard's conclusions regarding the intellectual elite that he studies in detail, I will argue that their applicability to the civil class as a whole is limited in some respects. The ideology of the intellectual elite certainly spread beyond the spheres of the court and schools, but when it did so it appears to have collided with other value systems,

³⁶¹ Bernard, *Writing and Reading*, pp. 12-3, 160-4, 175-92; Psellos, *Chronographia*, 7.1, vol. II, p. 178; Weiss, *Oströmische Beamte*, p. 7.

³⁶² While I shall continue to use the terms 'civil elite' and 'civil class', this is merely intended as a convenient way of denoting all holders of non-military offices and positions of power, with no Ostrogorskian connotations of a hereditary civil aristocracy opposed to its military counterpart.

³⁶³ Bernard, *Writing and Reading*, pp. 210-13; idem, 'Educational networks'. See also R. Browning, 'The Correspondence of a Tenth-Century Byzantine Scholar', *Byzantion* 24 (1954), pp. 397-452; idem, 'Enlightenment and Repression in Byzantium in the Eleventh and Twelfth Centuries', *Past and Present* 69 (1975), esp. pp. 7-10; idem, 'Literacy in the Byzantine World', *Byzantine and Modern Greek Studies* 4 (1978), pp. 39-54.

³⁶⁴ PBW (consulted 8.v.2016) Christophoros 13102, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/158998>>.

³⁶⁵ Bernard, *Writing and Reading*, pp. 155-6, 175-92, 256-7, 299.

most notably a civil service *ethos*, closely related to the norms of political behaviour outlined in the previous chapter, emphasising administrative competence, fairness and loyalty.

Based on Psellos' letters, I would suggest a model for understanding social advancement within the civil elite built on two main principles: meritocratic ideals and reliance on private networks of friendship. As for the former, this should not be interpreted as a monolithic meritocratic ideology centred on particular qualities, such as learning and eloquence, but rather as a common meritocratic framework, the contents of which would vary in accordance with the perceived requirements for each kind of position.³⁶⁶ For the Constantinopolitan teachers and court orators studied by Bernard, proficiency in *hoi logoi* would indeed be paramount, whereas for provincial *kritai* we encounter in the letters, the ability to organise tax-collection efficiently and administer justice even-handedly would have been more important. As for friendship, it is clear that the obligations it entailed carried much weight in the process of appointment and promotion within the civil administration, which naturally could lead to conflict with meritocratic principles. Much like the judicial interventions analysed in the previous chapter, I believe that this should be understood in the context of private networks being used for public administration. The ideal was for friendship and meritocracy to work in tandem, with the former serving to ensure the reliability of recommendations in lieu of formal institutional arrangements, such as civil service exams, to confirm the qualifications of the candidates. Even so, reality did, of course, at times fall short of the ideal, although we may surmise once again that the need for the officials of the empire to maintain a good reputation would have provided a disincentive to straying too far from it.³⁶⁷

³⁶⁶ Krallis, *Attaleiates*, esp. pp. 115-20, argues that Attaleiates' *Historia* was intended to be didactic, promoting an ideal of 'honest, patriotic warriors' and 'discerning, hyper-educated advisors' as the kinds of men needed to save the empire. Krallis is concerned with different matters, but this would appear quite consistent with the meritocratic ideology that can be discerned in Psellos' letters. Regarding Attaleiates' attitude to Psellos, see *ibid.*, pp. 71-114.

³⁶⁷ See above, pp. 127-46.

Anyone who wanted to make a career in the civil administration was consequently in need of mainly two things: practical qualifications and an efficacious private network, both of which could, in fact, be obtained through the education system. The schools did not only provide basic education needed to qualify for lower administrative positions, where further merits could be gained through practical experience, but also the opportunity to forge bonds of friendship, both with fellow students and with their teachers, who would then recommend their protégés for employment under their friends and former students in the administration. Indeed, this is where *hoi logoi* appear to have had the most tangible impact on the career opportunities of educated men in the civil service, namely in its capacity as the source of a common identity and solidarity among intellectuals, strengthening existing bonds of friendship and facilitating the creation of new ones. As we have seen, Cheynet identifies the ability of powerful individuals to transmit not only wealth but more importantly personal networks and crucial skills to their children as the principal factor enabling certain aristocratic families to dominate Byzantine society in the vertical sense, i.e. transferring positions of power from one generation to the next.³⁶⁸ This illustrates the important institutional role played by the schools in levelling the playing field for new men by counterbalancing precisely these two principal advantages of the existing aristocracy, albeit only for those who already had sufficient wealth to pay for the privilege. The price of education consequently appears to have been the main obstacle to upward social mobility through the civil service, rather than humble birth *per se*.³⁶⁹

³⁶⁸ Cheynet, 'Aristocratie et héritage', p. 71; idem, 'L'Aristocratie', pp. 282-3. See above, p. 14.

³⁶⁹ It is difficult to estimate how expensive education was in Byzantium. Browning, 'Correspondence', esp. p. 436, examining the letters of a teacher in the early tenth century, notes that the fee for each student appears to have been fixed by private contract, and there is even one letter where the teacher offers to waive the fee completely for a particular student, suggesting a certain flexibility. The parents or fee-paying relatives of the students generally appear to have held imperial or ecclesiastical titles, implying that a salary from the state or church was necessary to afford the cost of education, but it cannot be taken for granted that the preserved letters accurately reflect the social composition of the body of students, much less the situation more than a century later. See also idem, 'Literacy', pointing to the existence of more accessible but less prestigious elementary schools, in Constantinople as well as in the provinces, where at least functional literacy could be acquired. On Byzantine schools, see also idem. 'The Patriarchal School at Constantinople in the Twelfth Century', *Byzantion* 32 (1962), pp. 167-202 &

This is, however, only a partial argument against the idea that Byzantine society was dominated by certain families in the vertical sense, since it leaves out an important part of the state apparatus, namely the military. The empire's armed forces cannot be assumed to have offered similar opportunities for social advancement, especially since there appears to have been no institutional compensation for the advantages of the existing aristocracy equivalent to the role played by the schools *vis-à-vis* the civil administration, nor do Psellos' epistolary works allow us to investigate the matter further due to the scarcity of letters addressed to military officials or discussing military matters.³⁷⁰ We shall consequently have to leave this question open for the time being, although we shall have reason to return to it in subsequent chapters. The letters do however allow us to examine the idea that powerful aristocratic families dominated Byzantine society in the horizontal sense, i.e. creating power nexuses based on kinship ties outside the formal state hierarchy, which will be the subject of the second subchapter below.³⁷¹ The argument here is centred on the role of family in Byzantine society, questioning the idea that extended families or intermarried clans were functioning as political factions; organisations that served as the principal source of identity and allegiance, collectivising the power of each individual family member in the pursuit of a common objectives.

While the letters clearly reflect a society where family ties were considered to entail certain obligations, these obligations do not appear to be tied to the collective, abstract entity of the family. Kinship appears to be consistently treated as a bilateral relationship between two individuals, as one of several possible reasons for contact and sources of solidarity, but not necessarily the most important one. As such, its political impact can be better understood within

Byzantion 33 (1963), pp. 11-40; P. Lemerle, *Byzantine Humanism: The First Phase* (Canberra, 1986), pp. 281-308.

³⁷⁰ On education and military careers, see below, pp. 275-7.

³⁷¹ Cheynet, *Pouvoir*, pp. 261-7, 272. See above, p. 15.

the analytical framework of personal networks than in the context of clan politics. By virtue of their family ties, relatives were considered to be part of each other's networks, but the parts which they would play in them would be determined by the nature of each particular relationship, just like any other type of friendship. Some individuals would rise to positions of power, but the extent to which their relatives would be able to benefit from this would, in turn, be dependent on the part they played in each other's networks. Again, much like their other friends. Aristocratic birth certainly gave a head start in the competition for positions of power and we can consequently expect the scions of old aristocratic families to be overrepresented in the upper echelons of Byzantine society. If, however, a new man managed to make use of the institutions that served to level the playing field and successfully reached a position of influence equivalent to that of a member of such a family, both in terms of formal power through offices of the state and informal power through an efficacious network of friends, it would appear that the only social and political inequality between them would be the prestige conferred by the latter's illustrious name.

4.1. Meritocracy and friendship in the civil administration

Bernard argues that the civil elite espoused an ideology that may be described as meritocratic, opposed to what he sees as the hereditary and aristocratic model propagated by other sectors of society.³⁷² He also notes the self-interested incentives for this group of mostly new men to advocate the idea that social promotion should depend solely on the merits of the individual, rather than birth, wealth or any other asset. By 'merits' we should here understand literary and rhetorical skill. Bernard points out that education in ancient Greek language and literature was

³⁷² Bernard, *Writing and Reading*, pp. 155-6, 164-5.

a prerequisite for an administrative career, but that the ideology of the civil elite went beyond this, advocating that *hoi logoi* should function as the main criterion for social advancement within this class.³⁷³ The virtues they associated with such success and cherished in their writings were primarily talent (εὐφυΐα) and diligence (σπουδή, μελέτη, πόνοι), but Bernard also identifies what he refers to as an ethic of disinterestedness, a wariness of naked ambition which necessitated the concealment of such motives behind a veneer of humility and selfless devotion to one's intellectual pursuits, as well as an anxious elitism centered on the ideal of sophisticated urbanity (ἀστειότης) and disdain for boorishness (ἀγροικία).³⁷⁴

Moreover, he emphasises the importance for those aspiring to a civil career to display their intellectual abilities, demonstrating their credibility as members of the guild of *literati*, establishing and promoting their reputations as *logioi*, constantly attempting to attract the attention of the emperor and other powerful potential patrons.³⁷⁵ This meant circulating their writings, performing orations and participating in organised public contests (λογικὸς ἀγών) before specialised judges, which Bernard considers an integral part of the selection procedure for official positions. He makes a persuasive case, but as has been noted above the concrete evidence cited mainly seems to concern either teaching positions or patronage and renown for orators and poets at court.³⁷⁶ Looking at the civil administration through the lens of Psellos' letters, a somewhat more complex picture emerges.

We shall in turn consider what the letters can tell us about lower administrative officials, such as *notarioi*, their superiors in the higher echelons of provincial government, such as *kritai*, and,

³⁷³ Bernard, *Writing and Reading*, pp. 160-6.

³⁷⁴ Bernard, *Writing and Reading*, pp. 166-7, 175-81, 187-207. Cf. Mullett, *Theophylact*, pp. 98-102, 256-7, 274-6.

³⁷⁵ Bernard, *Writing and Reading*, pp. 167-73, 253-66.

³⁷⁶ See above, p. 148.

finally, the extent and impact of intellectual snobbery within the civil class. First, however, we will take note of a few letters where Psellos touches more generally on matters of meritocracy and social mobility. In a letter advising a certain Pentaktenos on the workings of providence, he suggests that there was no contradiction between trusting in God and taking matters into one's own hands.³⁷⁷ His correspondent appears to have fallen out of favour at court, prompting Psellos to claim that while the timing of God's gifts is given, the manner in which they are given depended on their own actions (ὁ δέ γε τρόπος ἔστι καὶ τῶν ἐφ' ἡμῖν). The implication seems to be that Pentaktenos should take some initiative of his own to improve his fortune. Similarly, Psellos seems to underline the opportunities for advancement in the civil administration in a letter to the *krites* of Katotika, where he remarks on the judge's recent promotion by stating: 'You would know yourself, that which you would accomplish yourself' (σὺ δέ, ὅ τι μὲν αὐτόθεν δρόφης, εἰδείης ἂν αὐτός).³⁷⁸ The turn of phrase is somewhat cryptic, but given the context the most plausible interpretation appears to be that the *krites*' career depended on himself.

Furthermore, Psellos takes a favourable view towards social climbing in a letter to the *krites* of Thrace, written on behalf of a man who had bought the dignity of *protokentarchos* some time ago.³⁷⁹ He had also gained Psellos' friendship (πρὸς με οἰκεῖωσιν) and the letter also mentions some kind of service (δουλεία), although a lacuna in the text obscures the details. Psellos asks the judge to make the man one of his friends (ἐν τοῖς οἰκείοις) and offer him his favour (εὐμενεία), goodness (χρηστότης) and aid (ὠφελεία). He expects the *krites* to comply partly

³⁷⁷ KD 115, pp. 142-3.

³⁷⁸ KD 55, pp. 87-8. See above, pp. 127-8.

³⁷⁹ KD 78, p. 109. The exact meaning of the title *protokentarchos* is difficult to ascertain. The *Kletorologion* of Philotheos from 899 mentions *kentarchoi*, associated either with military units, where they presumably were officers in command of one hundred men, or with the *vestiarion*, where their function is more obscure. The mention of the high price paid for it by the man on whose behalf Psellos is writing seems to suggest that it was an honorary title rather than an office, and it is possible that it had evolved from the latter to the former by the time the letter was written. See Oikonomides, *Listes*, pp. 111, 115, 117, 119, 121, 157, 159, 161, 173, 175, 179, 183, 199, 209.

because of himself (δι' ἑμᾶς), but also because the *protokentarchos*' new dignity is worthy of recognition and the great toil (πλείων κόπος) and high payment (πολὺ τίμημα) required to obtain it entitled him to some benefit. The notion that hard work should result in reward certainly rings familiar, but in this case the labour does not appear to have been of an intellectual nature. Indeed, Psellos' seems to express the opinion that those who successfully acquired enough wealth to purchase admittance into the social sphere of dignitaries should be accepted on equal terms by those who had reached the same status through education and public service, thus implying a wider understanding of meritocracy than the one suggested by Bernard. Moreover, he appears to have expected the *krites* of Thrace to share said opinion.

It should be noted that Psellos takes seemingly contradictory positions on social mobility in different writings. There is, for instance, a glaring contrast between the *Chronographia*, where he criticises Constantine IX (r. 1042-55) for throwing open the doors of the senate to the people of the market, and his funeral oration for John Xiphilinos, where he notes that it would have been absurd to prevent those who did not belong to the old families from entering the senate if they had the right qualifications to do so.³⁸⁰ Cheynet has suggested that it may be possible to reconcile these opinions by noting that there is a difference between awarding honours to the people of the market and recruiting civil servants on a meritocratic basis.³⁸¹ While this is certainly a reasonable point, it still seems to be somewhat at odds with Psellos' positive attitude to the *protokentarchos*, who is explicitly said to have bought his title. This is not the place to attempt to get to the heart of Psellos' true feeling on the matter, but I suspect that the apparent inconsistencies may, at least partly, be due to his ability to adapt his message to his audience.³⁸²

³⁸⁰ Psellos, *Chronographia* 6.29-30, vol I, pp. 276-8; Psellos, M., *Ἐπιτάφιος εἰς τὸν μακαριώτατον πατριάρχην κῆρ Ἰωάννην τὸν Ξιφιλῖνον*, ed. Sathas, K., *Μεσαιωνικὴ Βιβλιοθήκη* (Venice, 1874), vol. IV, pp. 430-1.

³⁸¹ Cheynet, 'Le Rôle', p. 91.

³⁸² Cf. below, p. 185-6.

If so, the consistently positive attitude taken to social climbing in his letters to *kritai* would appear to imply that such sentiments were widespread within the civil administration.

Psellos also has a tendency to discuss his own career in meritocratic terms. In a letter to the *krites* of Opsikion, he states that the man on whose behalf he wrote was not only his relative, but that he had also used Psellos as a role-model for his manner (μεμίμηται γὰρ μου τὸν τρόπον).³⁸³ He then supposes that the judge would be surprised that the relative has not been as successful as him and proceeds to launch into a metaphor about the founts of fortune (αἱ τῆς εὐτυχίας πηγαί), which, he explains, did not spring up everywhere for him (οὐ πολλαχόθεν ἡμῖν ἀνεώχθησαν), nor flow naturally in his direction (οὐδ' ἐκεῖναι πρὸς ἡμᾶς ἐπωχετεύθησαν ἐπικλύζουσαι). Instead, he had to run towards them (πρὸς ἐκείνας ἀναδεδραμήκαμεν), search under rocks and open one of them up on his own (μόλις που μίαν αὐτῶν ὑπὸ πέτρην κεκρυμμένην εὐρηκότες ἀνεστομώσαμεν). This clearly indicates that family was an important factor in determining an individual's prospects for social advancement, but also that humble beginnings were an obstacle that could be surmounted through personal initiative and hard work.

There is also a letter addressed to Constantine Keroularios where Psellos seems to link promotion to proficiency in *hoi logoi*.³⁸⁴ Constantine had, apparently, reacted with jealousy to being overtaken in rank by Psellos, who wrote to offer his friend forgiveness for having stumbled in friendship. The letter is quite condescending, with Psellos promising to defend Constantine's status as a rhetor and philosopher (ἐγὼ σε [...] ἀποδείξω [...] καὶ ῥήτορα καὶ φιλόσοφον) if it would ever be called into question (εἴ τις περὶ τούτων λόγος), while simultaneously boasting about his own unparalleled intellectual achievements, stating that there

³⁸³ KD 144, p. 170-1. See below, pp. 162-3, 192.

³⁸⁴ G 21, p. 168-70.

was no ancient Roman who could question his legal expertise (οὔτε με Ἰταλὸς ἀνὴρ περὶ τῆς νομικῆς μέμψαιτο), nor any ancient Greek his knowledge of philosophy (οὔθ' Ἑλλήν περὶ φιλοσοφίας αὐτῆς), thus implying that his elevation above his friend was justified by virtue of his superior learning.

Psellos also wrote two letters to the otherwise unknown *magistros* Psephas during the reign of Theodora (r. 1055-6), lamenting the fact that he had not been offered a suitable position in the administration upon his return from monastic exile and asking his correspondent to intervene with Leon Paraspondylos³⁸⁵ to improve his fortunes. In the first one, he expresses his frustration at being judged unworthy of all positions (πᾶσι γὰρ ἡμεῖς ἀκατάλληλοι), mentioning by way of example management of the public finances (οἰκονομείους), the imperial poorhouses (πτωχοτροφείους), the treasury (τοῖς ἐκ τοῦ ταμείου) and the courts of law (τοῖς ἐκ τοῦ πρυτανείου), despite having left the highest offices of the state (οἱ τὰς πρώτας ἀρχὰς πάλαι παραιτησάμενοι) in order to take tonsure.³⁸⁶ He proceeds to stress his qualifications, stating that he had adorned the city with his words (οἱ τὴν Πόλιν τοῖς λόγοις κοσμήσαντες) and achieved fame as a teacher throughout the empire (οἱ τὴν τῆς παιδεύσεως φήμην τοῖς τῆς οἰκουμένης πέρασι παραπέμπαντες). He had neglected no discipline (οἱ μὴ δ' ὅτι οὖν εἶδος παραλελοιπότες ἀσκήσεως), having taken the natural order as his sole teacher in every field of study (οἱ τῇ φύσει μόνῃ διδασκάλῳ πρὸς πᾶσαν χρῆσάμενοι μάθησιν) and being the only one to master every kind of philosophy (οἱ τὰ γένη τῶν φιλοσοφιῶν μόνοι τῶν πάντων [...] ἀκριβώσαντες).

The list of achievements continues in the same vein and he also returns to the subject in the second, somewhat more desperate letter, insisting that there was no one like him in Constantinople (πόσους ἴσους ἐμοὶ τὸ μέγα τοῦ Βύζαντος χωρίον ἐκτήσατο; ἴσως εὐρεθεὶς εἶποι

³⁸⁵ See above, p. 56, nn. 138-9.

³⁸⁶ S 198, pp. 490-2.

τις, ὥς οὐδένα), boasting that he combined political skill with possession of every kind of knowledge (τίς δὲ τῶν πάντων εἰς μίαν τὴν ἑαυτοῦ ψυχὴν πάντα συνέλεξε τὰ μαθήματα μετὰ τῆς πολιτικῆς ἐπιστήμης [...]);).³⁸⁷ Again, Psellos seems to assume that meritocratic principles would carry weight when important positions were being filled. Moreover, judging from the list of positions he claims to have been unfairly denied, the letters were intended to result in his appointment to some sort of administrative office and when accounting for his merits he clearly chooses to emphasise his superior erudition and scholarly prowess. This seems to be well in line with Bernard's suggestion that proficiency in *hoi logoi* was considered to be the main criterion for appointment even to positions in the civil administration. As we shall see, however, this is a line of reasoning that Psellos seems to employ only when he is attempting to further his own career. In the letters discussing the appointment or promotion of other civil officials, purely intellectual achievements tend to be overshadowed by more practical considerations.

4.1.1 Early-career officials

Let us begin with the officials in the early stages of their career. Here the letters of recommendation for prospective subordinates, usually addressed to *kritai* concerning *notarioi*, are particularly useful, since they allow us to discern what kind of qualities Psellos believed that his correspondents were looking for in the officials hired to assist them. One man, recommended to the *krites* of Drougoubiteia, is described as a potentially excellent subordinate (τῶν κάλλιστα ὑπηρετεῖν δυναμένων), most gentle in ambition (ἥκιστα πλεονεκτεῖν βουλομένων), with a keen mind (τὴν γνώμην ὀξύς), modest (τὸ φρόνημα μέτριος), sometimes philosophical (φιλοσοφεῖν εἰδῶς ἐν καιροῖς) and satisfied with little (ὀλίγοις ἀρκούμενος).³⁸⁸ He had partaken of Psellos' education (τῆς ἐμῆς παιδείας μετεσχηκῶς), although not so much in the literal sense (οὐχ ὅση λόγοις κοσμεῖ τὴν ψυχὴν) as in the formation of his character (ἀλλ'

³⁸⁷ S 199, p. 493.

³⁸⁸ KD 91, pp. 119-20. See below, pp. 165, 183-4, 186.

ὅση ρύθμιζει τὸ ἥθος), which he claims was better in the present case and for the *krites*' purposes (ὁ μάλιστα τῷ παρόντι καιρῷ καὶ τῇ σῇ γνώμῃ λυσιτελεῖ). Psellos frames the recommendation as a request (ἄξιωσις) and also notes that the man has confidence in them both, since he has been made a friend (ὠκείωται)³⁸⁹ and is now being sent from one friend to another (πρὸς φίλον καὶ παρὰ φίλου).

Another enthusiastic recommendation, addressed to the *krites* of Opsikion, concerns a judicial official who is said to be good (ἀγαθὸς τὸν τρόπον), humble (ταπεινός) and simple (ἀπερίεργος), as well as precise in his judgments (περὶ τὰς κρίσεις ἡκριβωμένος) and fit to assist the *krites* to the utmost (ἐξυπηρετεῖσθαι ἀρμόζων σοι).³⁹⁰ Psellos requests and entreats (ἄξιῶ καὶ παρακαλῶ) the *krites* to make the man his friend (ἔχω οἰκεῖον) and consort with him (ὀμιλέω), both because of his virtue (διὰ τὴν ἀρετὴν τοῦ ἀνδρός) and because of Psellos (δι' ἐμέ). He also praises a *notarios* seeking employment with the *krites* of Thrakesion for being clever (εὐφύης), resourceful in any job (πρὸς πᾶσαν δουλείαν εὐεπιχείρητος), concise (σύντομος)³⁹¹ and faithful to his superiors (εἰς τοὺς δεσπότας πιστός).³⁹² He then proceeds to express his confidence that as someone who had loved and honoured him from the beginning (ὁ ἐξ ἀρχῆς με καὶ ἡγαπηκῶς καὶ τετιμηκῶς), as well as having provided proof of his truest friendship (καὶ τεκμήρια μοι φιλίας ἀλεθεστάτης παρεσχικῶς), the *krites* would not disregard Psellos' advice or suspect him of dishonesty (οὐκ ἂν με παραγράψαιο καὶ ἔνοχον ψευδομαρτυριῶν ἡγήσαιο), thus stressing the role of friendship in establishing trust between officials in the civil administration, which has been discussed in the previous chapter.³⁹³

³⁸⁹ For this interpretation of οἰκειόω and its cognates, see above, pp. 41-2, n. 102.

³⁹⁰ KD 100, pp. 128-9.

³⁹¹ Regarding concision as a contemporary rhetorical ideal in literature, see C. Holmes, 'The Rhetorical Structures of John Skylitzes' *Synopsis Historion*', in E. Jeffreys (ed.), *Rhetoric in Byzantium* (Aldershot 2003), p. 194.

³⁹² KD 153, p. 176. See above, p. 143, and below, p. 167.

³⁹³ See above, pp. 115-27.

There are some interesting parallels to the meritocratic model sketched by Bernard here. The qualities praised in these letters seem to fall roughly into one of two categories. The first one concerns ability, such as being clever, resourceful, in possession of a keen mind or precise in one's judgments. This appears to correspond quite well to the appreciation for talent (εὐφυΐα) identified by Bernard. The other category concerns the character of the potential subordinates.³⁹⁴ The virtue of diligence (σπουδή, μελέτη, πόνοι) is not explicitly referred to here, although, as we shall see, it is commended in other letters and may well be implicit in the vaguer praise for *ethos* and *tropos*. On the other hand, the accolades for modesty, humbleness, lack of ambition and faithfulness to one's superiors bring to mind Bernard's 'ethic of disinterestedness', with its antipathy towards naked ambition. What is conspicuously absent in these letters of recommendation, however, is praise for the candidates' learning and eloquence, which of course are the centrepieces of Bernard's model. In the letter to the *krites* of Drougoubiteia, Psellos even goes so far as to state that his influence in the formation of the character of the prospective *notarios* was more important than the man's formal education. As has been noted above, education appear to have been a prerequisite for any position in the civil administration and any recommendation can probably be considered to carry the inference that the candidate was suitable for the position in all respects, which likely included the possession of a certain degree of learning and eloquence. Psellos' tendency to emphasise sheer intelligence and virtuous character at the expense of formal education does, however, seem to suggest a discrepancy between the preoccupation with *hoi logoi* characterising the discourse of the court intellectuals and a considerably more pragmatic approach to ability and character among the officials of the civil administration.

³⁹⁴ For the importance of *ethos* in Psellos' *Chronographia*, see A. Kaldellis, *The Argument of Psellos' Chronographia* (Leiden, 1999), pp. 23-28, esp. p. 24, arguing that its entire narrative is based on the premise that the actions of any individual should be understood as caused by his or her innate character.

This is a consistent feature in the letters. I have only found a single, rather oblique, reference to the value of a subordinate's learning and eloquence in a professional context. It is in one of the letters asking for increased generosity towards an employee, who in this case was one of Psellos' relatives.³⁹⁵ The letter begins by lamenting the absence of the addressee, who was probably a provincial *krites*, from the capital and praising him for his wisdom and eloquence, before turning to the subject of the request. Psellos writes that he had sent his relative to the *krites* for two reasons. Firstly, so that his soul would be inspired by the Muses (τοῦ τε τὴν ψυχὴν κάτοχον ταῖς Μούσαις γενέσθαι) and, secondly, so that his hand would be filled with gold (καὶ τὴν χεῖρα πλήρη χρυσοῦ). The first part was proceeding well, as the man demonstrated by writing his letters in precise Attic style (δηλοῖ δὲ τοῖς γράμμασιν ὑπεραττικίζων) and reporting to Psellos with a very lucid tongue (καὶ γλῶττι περιτράνω τὰ καθ' ἑαυτὸν ἡμῖν ἀπαγγέλλον), but as for the second part, the members of his household claimed that they were not prospering (οὐ φασιν οἱ περὶ τὴν οἰκίαν ἐκείνου εὐδαιμονεῖν), which was the reason for the present request. Psellos may well be trying to intimate that a man as eloquent and receptive to the *krites'* intellectual example as his relative surely deserved a more substantial material reward, but the connection is never made clear and in either case it is the only example of its kind.

There are however several other letters where Psellos underlines the value of a subordinate's ability or virtuous character. Both are referred to in another letter requesting further help for *notarios* in the service of a *krites*, where Psellos describes the man's γνώμη as being both ἐντρεχεστάτη and πρὸς τὰ πράγματα ἀμφιδέξιος.³⁹⁶ Since *gnome* can refer to mental faculties as well as disposition, this may be translated either as praise for the *notarios'* cleverness and wide range of expertise or for his industrious and flexible attitude. It is also possible that the ambiguity was intended to capture both meanings, since Psellos goes on to assure his

³⁹⁵ KD 160, pp. 187-8. See below, 181-2.

³⁹⁶ KD 174, pp. 196-7, See above, p. 130, and below, p. 164.

correspondent that his subordinate would serve him well (θεραπεύσει), not only because of his knowledge (ἀφ' ὧν ἐπίσταται), but also because of his innate character (ἀπὸ τῶν ἐμφύτων καὶ ψυχικῶν διαθέσεων). He also expresses his confidence that the friendship of his correspondent (ἡ πρὸς ἐμέ σου φιλία) would ensure compliance with the request. There is, moreover, another letter of recommendation touching on the subject of ability. It is addressed to the *krites* of the Aegean Sea and seems to be written on behalf of a petitioner whom Psellos did not know personally.³⁹⁷ It begins with a discourse on the necessity of granting favours to friends and then refers to the judge's friendship towards him (σὴ πρὸς ἡμᾶς φιλία), before proceeding to request help for the letter-carrier. Psellos explains that the man was too poor (τοσοῦτον γὰρ αὐτῷ τὴν περιὸν τῆς πενίας) to need help over any kind of tax, but recommends him for employment (ἔστω καὶ οὗτος τῶν ἐπιταχθησομένων) if the *krites* ever wanted to make requisitions (προστάξεις) in his theme, since he was a *grammatikos* and claimed to be experienced in such matters (γραμματικός τε ὢν, ὡς λέγει, καὶ ἔμπειρος περὶ τὰ τοιαῦτα). It is a significantly less enthusiastic recommendation than the ones we have considered above and Psellos seems to expect his correspondent to grant the request mainly out of pity for the poor man, but the fact that he appears to be qualified for the job in question is evidently still a point worth raising.

As for recommendations on account of character, Psellos advises the *megas oikonomos* to hire a man if he found him to be good in his way of life (ἀγαθὸς τὸν βίον), suitable in manners (τὸν τρόπον ἐπιεικής) and with some measure of the addressee's own virtue (οἶον σκιάς τινος τῆς σῆς κεκτημένος ἀρετῆς).³⁹⁸ A similarly vague character reference is found in a letter addressed to the *krites* of Opsikion, where Psellos states that the *notarios* on whose behalf he writes is not only his relative, but that he had also used Psellos as a role-model for his manner (μεμίμηται

³⁹⁷ KD 137, pp. 163-4. See above, pp. 79, 100.

³⁹⁸ KD 122, pp. 146-7.

γὰρ μου τὸν τρόπον).³⁹⁹ Another letter which also reads like an enthusiastic recommendation for a job, even though this purpose is never made explicit, is written on behalf of a neighbour who had gained Psellos' friendship (φιλία). The man is described as truthful (φιλαλήθης), not troublesome (ἀπράγμων), knowing no knavery (πανουργίαν οὐδ' ἠγντισταὶν εἰδώς) and living in frankness of mind (ἀπλότητι γνώμης συζῶν), as well as being very well-disposed towards his superiors (εὐνούστατος δεσπότη) and very swift in carrying out whatever tasks would be entrusted to him (ὀξύτατος, ὃ ἐμπιστευθήσεται, ἐνεργεῖν).⁴⁰⁰ For these reasons Psellos had great affection (ἀγαπάω) for him, praised him (ἐπαινέω) and became a constant resource of sorts for him in life (ἀφορμή τις αὐτῷ τοῦ βίου διηγεκῶς γίνομαι). The *krites* is therefore obliged (ὀφειλέω) to offer him a kindly welcome (τὸ εὐμενῶς ὀρᾶν), his friendship (τὸ οἰκτιροῦν σεαυτῷ) and every kind of help (τὸ πᾶσαν ἐπικουρίαν).

The praise for the man's swiftness in carrying out his orders seems to correspond well to the appreciation for diligence identified by Bernard and it is also worth noting that the quality of being faithful to one's superiors appears here once again. Both virtues are also pronounced in a letter to the *krites* of Drougoubiteia, where Psellos writes that he had advised the letter-carrier, a relative who had left the capital to serve the *krites*, to subordinate himself to the *krites* in everything (ὑποτάσσεσθαι σοι ἐν πᾶσι), work hard (σπουδάζειν) and win his favour (κτᾶσθαι τὴν εὐμένειάν σου) through humility (ταπεινότης) and helpfulness (ὠφελεία).⁴⁰¹ The importance of the latter is moreover underlined in another letter to a *krites*, whom Psellos encourages to ensure that his *notarios* is loyal to superiors (πρὸς τὸν δεσπότην πιστός) and undemanding (πρὸς ὠφέλειαν ὀλιγαρκής).⁴⁰² Bernard interprets the 'ethic of disinterestedness' exhibited by the court intellectuals as a pre-emptive defence against slanderers who resented social

³⁹⁹ KD 144, pp. 170-1. See above, p. 156, and below, p. 192.

⁴⁰⁰ KD 175, pp. 197-8.

⁴⁰¹ KD 90, pp. 118-19. See above, p. 128.

⁴⁰² KD 61, pp. 93-4. See above, p. 74, and below, pp. 165.

climbers.⁴⁰³ It seems reasonable to infer an analogous connection between the apparent concern for the loyalty of their subordinates among the officials in Psellos' correspondence and the central role played by reputation in the Byzantine political economy. As we have seen, officials in lower positions appear to have had considerable opportunities to affect the reputation of their superiors, as is evident from Psellos' expectation that *kritai* would be inclined to reward *notarioi* who spoke well of them in public.⁴⁰⁴ This influence could presumably work both ways. We may also surmise that the misconduct of a subordinate would reflect poorly on the official he served, which would have provided incentives to ensure not only the faithfulness, but also the virtuous character of potential employees. In conclusion, Psellos seems to assume that his correspondents valued subordinates who not only had a strong aptitude for the tasks they would be required to carry out, but who could also be relied on to aid, or at least not hinder, the efforts of their superiors to strengthen their positions within the networks of friendship that tied the officials of the civil administration together.

This brings us to the subject of friendship, which continues to loom large in the letters of recommendation examined above. It plays an even greater part, however, in a few other letters where Psellos gives no information at all on the qualities of the candidate, but is content to rely on the friendship of his correspondents to ensure that the men he recommended were hired. There is a pair of letters addressed to two consecutive *kritai* of Thrakesion, written on behalf of the aptly named *notarios* Thrakesios. In the first one, Psellos relates that he had sent the man to the theme to perform some service for him (ἐφ' ᾧ τινα προσήκουσαν ἐμοὶ δουλείαν ἀνύσαι) and that, having completed the task, Thrakesios had asked to enter into the *krites*' service (ὕπὸ τὴν σὴν γενέσθαι ἀντίληψιν) and make some small profit (βραχείας τινὸς ὠφελείας τυχεῖν).⁴⁰⁵

⁴⁰³ Bernard, *Writing and Reading*, pp. 156-60, 192-207.

⁴⁰⁴ KD 86, KD 131, KD 173-4, pp. 114-15, 153-4, 196-7; S 66-7, S 98, S 127, pp. 297-9, 341-2, 374-5; see above pp. 129-31, 161-2.

⁴⁰⁵ KD 248, pp. 297-8.

He asks his correspondent to consider what a true and steadfast friend he was (οἷος ἐγὼ σὸς φίλος, ὅτι βέβαιος, ὅτι ἀληθής), how easy and effortless the favour was to perform (ἡ ἀξίωσις ὅποιον, ὅτι εὐπετές καὶ καταπραχθῆναι ῥάδιον) and then do it for the sake of their friendship (πρὸς τὴν φιλίαν ἡμῶν ἀνεκδοιάτως κατάπραξον). He also points out that since Thrakesios did not have expectations of large profits, he would only be a small charge on the theme, and even that would disappear (οὐδὲ τό ἐλάχιστον τοῦτο φανεῖται) if the *krites* looked at him graciously through their mutual friendship (εἰ δὲ σὺ διὰ τὴν ἡμετέραν φιλίαν εὐμενῶς αὐτὸν ἴδοις). There is a vague inference here that Psellos considered Thrakesios to be an able and trustworthy subordinate, since he had previously employed him himself, but it is noteworthy that he sees no need to make a point of it, preferring to focus on his appeal to the *krites'* friendship. The reference to the small expectations of profit is also interesting and it seems likely that something similar is intended in the letters commending prospective employees for being undemanding (πρὸς ὠφέλειαν ὀλιγαρκῆς) and satisfied with little (ὀλίγοις ἀρκούμενος).⁴⁰⁶ Praise for modesty and humility may also have been intended to carry such connotations, at least partly so.

The other letter requesting employment for Thrakesios is addressed to the *krites'* successor, who also appears to have been his brother, in the literal sense (ὁ σὸς μὲν ἀπὸ φύσεως ἀδελφός) as opposed to his spiritual kinship to Psellos (ἐμὸς δὲ ἀπὸ πνεύματος).⁴⁰⁷ He explains to the *krites* that following the previous request, his brother and predecessor had come to count Thrakesios among his closest associates (μετὰ τῶν γνησιωτάτων αὐτοῦ ἀνθρώπων ἡρίθμησεν) and had kept him in his service when he was assigned to another theme (ἐφεύλκετο δὲ τοῦτον καὶ εἰς ὃ μετετέθη θέμα), but that the *notarios* loved his home (σφόδρα φιλόπατρις ὢν) and

⁴⁰⁶ KD 61, KD 91, pp. 93-4, 119-20. See above, pp. 74, 158-9, 163 and below, pp. 183-4, 186. Regarding expectations of profit in provincial government, see above, p. 116, n. 287.

⁴⁰⁷ KD 254, pp. 301-2.

wanted to stay in Thrakesion. Again, the former *krites*' apparent satisfaction with Thrakesios' service seems to imply that he possessed at least some of the qualities generally appreciated by *kritai* in their subordinates, but Psellos makes no explicit reference to these qualifications. Instead, he frames the recommendation solely as a favour between friends, exhorting the *krites* to follow his brother's example of true friendship (παράδειγμά σοι ἔστω τῆς πρὸς ἐμέ σου καθαρωτάτης φιλίας). The reliance on friendship alone is even more pronounced in a letter to the *krites* of Opsikion, where Psellos begins by ironically anticipating his correspondent's surprise at being sent a *notarios*, implying that it was a far from uncommon event.⁴⁰⁸ He then proceeds to claim that he was ashamed to write such recommendations to others (κἀγὼ δὲ αἰσχυντηλότητος ὄν πρὸς τοὺς ἄλλους εἰς τὰς τοιαύτας συστάσεις), but not to the *krites*, since he was completely committed to their friendship (ὅτι με μὴ πάρεργον φιλίας πεποίησαι). After musing on their mutual affection, he concludes by stating that there was no need to ask for a good reception for the *notarios*, since it was enough that he had been sent by Psellos (ἄρκεϊ γὰρ αὐτῷ, ὅτι ἔσταλται παρ' ἐμοῦ).

The absence of praise for the candidate's qualifications does not, of course, mean that Psellos or his correspondents considered it to be insignificant. The message that Psellos considered the candidates he recommended to be qualified and well suited for the jobs in question was likely implied by the fact that he had decided to write in support of their applications. This certainly seems to be the case in the letters concerning Thrakesios, where a favourable account of the *notarios*' abilities can be read between the lines, but where Psellos apparently saw no need to state it plainly. Explicit praise for the candidates' qualifications was evidently useful in some cases, but could be dispensed with in others, possibly when Psellos' knew his correspondents well or where he had a history of supplying them with competent and loyal subordinates. Both

⁴⁰⁸ KD 155, pp. 177-8.

of these circumstances appear to apply to the last letter considered above, where nothing at all is said or implied about the qualities of the man recommended, but where Psellos jokes about frequently sending *notarioi* to his correspondent and the playful tone seems to imply a certain intimacy. As for the references to friendship, we have seen in the previous chapter that it played a crucial role in facilitating public administration by establishing trust between officials, ideally enabling them to better distinguish good information from bad and thus make more informed decisions. Psellos even states it plainly in one of the letters of recommendation considered above, expressing his confidence that because of their friendship, his correspondent would not suspect him of dishonesty (οὐκ [...] ἔνοχον ψευδομαρτυριῶν ἡγήσαιο) when extolling the qualities of his candidate.⁴⁰⁹ There is consequently no need to presuppose a contradiction between friendship and meritocracy, which seem to have been intended to work in tandem in the same way as friendship and justice.

This does not, however, mean that tensions could not arise between them, just as appears to have been the case in some of the judicial interventions. There is only one clear example of this in the preserved letters, but it is quite illuminating.⁴¹⁰ It is addressed to the *krites* Nikolaos Skleros, one of Psellos' recurring correspondents. In this particular letter, we learn that the *krites* had been in need of a new *notarios*, which had prompted Psellos to send him a candidate, but an interview with the man had left Skleros unimpressed by his qualifications and he had consequently decided to hire another applicant (ἕτερος ἀντὶ τοῦ ἐμοῦ σοι προκέκριται). Psellos writes at length about his bitter disappointment with the *krites*' decision, but is perfectly willing to agree that his candidate was inferior, calling him burdensome (φορτικός), a half-baked writer (ἡμίτομος γραφεύς) and a shadow of a secretary (σκία τις ὑπογραμματεύοντος).⁴¹¹ Even so, he

⁴⁰⁹ KD 153, pp. 176. See above, pp. 143, 159.

⁴¹⁰ KD 128, pp. 151-2. See below, p. 201.

⁴¹¹ Psellos is not entirely clear here and it is possible to interpret this part of the letter as offering a hypothetical scenario, saying that even if Psellos' candidate had been incompetent, Skleros should have hired him anyway,

insists that Skleros should have hired the man he sent him anyway, since Psellos had always been willing to assume any burden for his sake (σοι κἀγὼ ἔτοιμος πάντα συνεπικουφίζειν τὰ ἐπαχθέστατα καὶ συνεπεκούφισά γε καὶ πρόην), and has consequently sent his candidate to the *krites* once more, exhorting him to change his decision for the sake of their friendship (ὁπότε δὴ τοῦτον ὀρώης, μνημονεύοις ἐμοῦ).

It should be noted that while Psellos clearly expected Skleros to hire his candidate despite his incompetence, the *krites* evidently felt no such obligation when he rejected him the first time. His reasons for doing so are unknown to us, but Psellos clearly assumed that his candidate had been unsuccessful because he lacked the necessary qualifications. This seems to suggest that meritocratic principles and obligations between friends carried roughly equal weight in the selection process for subordinates, since when they were placed in opposition to one another, the scales could tilt either way. Meritocracy had evidently weighed heavier in Skleros' response to the initial recommendation, but Psellos clearly entertained hopes that his second, more forceful intervention would have a decisive impact.

What we appear to see here is a meritocratic ideology that is very much put into practice, but nevertheless operating within an institutional framework where private networks were employed to facilitate public administration, much like the principle of impartial administration of justice in the previous chapter. Ideally, this relationship would be symbiotic, with friendship serving to establish trust and connect potential employers to the most qualified prospective employees, who through their exemplary service would affirm the bonds of affection and instrumentality, thus strengthening the network further. Reality did not, however, always conform to the ideal, as the letter to Skleros demonstrates. When such tensions arose a delicate

rather than actually admitting that he did lack the proper qualifications. The distinction makes little difference to my argument, however. Cf. Jeffreys, 'Summaries', p. 230.

balancing act was required, again quite similar to the necessity for *kritai* to accommodate the competing influences of values like compassion and justice, duty towards the emperor, obligations between friends as well as desire for personal profit, which has been discussed in the previous chapter. If an official disregarded the recommendations sent by his friends, he would risk alienating them and diminishing the power of his network, on which he was not only depending to assist in the execution of official duties and pursuit of personal ambitions, but also to protect his reputation at court.

On the other hand, his reputation might also be endangered by hiring candidates who were unsuitable in some respect. If a subordinate was disloyal, he could slander his master or reveal his secrets. If he was immoral, his conduct might reflect poorly on his superior. If he was simply incompetent, he would diminish the *krites'* ability to successfully carry out the duties of his office, leaving him open to criticism by his enemies. From the perspective of prospective subordinates, the key to securing employment seems to have been twofold; possession of the desired set of qualities and friends in position to tell potential superiors about it. In other words, largely the same combination of factors that we have seen Psellos' correspondents rely on to protect and promote their reputations in the previous chapter. This would naturally benefit those with family connections, but since schools appear to have supplied their students with opportunities to develop both their intellectual abilities and their network of friends, it does not seem to imply any particular restrictions on the prospects for advancement for new men, provided, of course, that they had the means to pay for an education in the first place.

4.1.2 Officials in higher administrative positions

This brings us to the officials in more advanced stages of their careers, such as *kritai*, where we shall find similar social mechanisms affecting their prospects for advancement. There is only one letter of recommendation for a senior administrative position among the letters. It is addressed to the Caesar John Doukas, whom Psellos asked to promote a current or former *kourator* to the position of thematic *krites* (μνήστευσον αὐτῷ ἐπαρχίαν θεματικήν).⁴¹² As opposed to the recommendations for *notarioi*, this letter does offer strong and explicit praise for the formal education and learning of the candidate in question, who is described as a first-rate intellectual with a wide range of knowledge (ἄνθρωπος [...] καὶ τὰ πρῶτα λογίων, καὶ εἰδήμων πολλῶν, καὶ τοῖς νῦν πρώτοις ἐπὶ τοῖς πρώτοις ἐφάμιλλος). Interestingly, however, this praise appears in the somewhat parenthetical context of an attempt to evoke John's compassion for the unfortunate man, where Psellos notes that it would have been bearable for him to go hungry himself (ἦν ἂν ἀνεκτὸν αὐτῷ τὸ λιμώττειν), but now his wife and children were also forced to share this misfortune (νῦν δὲ μετὰ γυναικὸς καὶ παίδων ὑφίσταται τὸ δεινόν).

The primary sense seems to be that it was a tragedy that such a well-educated man was unable to support his family. When discussing the actual job, Psellos chooses to emphasise qualities pertaining to the more specific duties of *kritai*, a distinction which I believe is significant and to which we shall have reason to return below. He writes that the man had the character of a judge (δικαστικὴν ἔχων ψυχὴν ὁ ἀνὴρ) and had discharged his duties as *kourator* with strict observance of justice (τοῖς περὶ τὴν κουρατωρείαν πράγμασι μετὰ τῆς ἀκριβοῦς δικαιοσύνης ἐχρήσατο). He also claims that his candidate was not only eminently suited to administer the theme justly (οὐ γὰρ μόνον δικαίως τῷ λαχόντι τοῦτον θέματι διαπρέψειεν), but that he would

⁴¹² S 151, pp. 399-400. See below, pp. 181-2.

also seize any opportunity to increase imperial revenues (ἀλλὰ καὶ εἴ τις πρόφασις δι' ἣν ἂν αὐξηθεῖθι θησαυρὸς βασιλείῳ, ταύτην τε ἐπαυξήσεις καὶ προσποριεῖται τῷ ταμείῳ).

As we have seen in the previous chapter, the officials with whom Psellos corresponded appear to have considered having their qualities and achievements praised in public and particularly before the emperor as a crucial part of their efforts to further their careers. This required having eloquent and influential friends at court, but also providing these friends with ‘material for the encomia’ (ὑποθέσεις τῶν ἐγκωμίων) by making themselves and their conduct as officials fit for praise, which, of course, in itself illustrates the prevalence of meritocratic principles in the mechanisms for social advancement.⁴¹³ At this point, however, it is also worth returning to some of the letters examined in the course of the discussion of reputation in order to consider what kind of qualities and achievements that would provide suitable material for Psellos’ career-making encomia. One of them is addressed to the *kourator* of Cyprus, who may well be the same man that Psellos tries to persuade John Doukas to promote to thematic *krites*, since the letter refers to the Caesar as a ‘strong supporter who praised him and extolled his achievements’ (καὶ ὁ καῖσαρ δὲ καὶ ἐπαινεῖ καὶ μεγαλύνει τὰ σὰ καὶ ὅλος προστάτης σου μέγας ἐστίν).⁴¹⁴ My translation of τὰ σὰ as ‘achievements’ is, of course, an approximation based on context and the Greek does not allow for a more detailed interpretation. The letter also mentions rewards for the recipient’s efforts (ἀμοιβαὶ τῶν πόνων σου γίνονται), as long as he continued to be successful (μόνον σὺ προσθήκας ἐπινόει τοῖς κατορθώμασι). This is also quite vague and the appreciation for πόνοι is familiar from Bernard’s analysis of the virtues cherished by the civil class, but the use of κατόρθωμα, with its connotation of success in the sense of setting things right, brings to mind practical administrative achievements rather than intellectual

⁴¹³ S 110, pp. 354-6. See above, pp. 131-2, and below, p. 173.

⁴¹⁴ KD 80, pp. 110-11. See above, p. 141.

triumphs. The wording of these sentences certainly seems to convey the image of governing as hard work that required both skill and determination.⁴¹⁵

The same word appears in a letter to the *doux* of Antioch, who at the time was probably Nikephoritzes,⁴¹⁶ where Psellos assures his correspondent that he would not let the emperor forget his success, which in this case clearly refers to military accomplishments, since he describes them as being all the more remarkable because the *doux* had succeeded where professional soldiers had failed, even though he lacked military experience himself (ὧν γὰρ οἱ χαλκάσπιδες ἐκεῖνοι [...] ἐν πολλοῖς χρόνοις οὐ τετυχήκασι, ταῦτα δὴ σὺ ὁ ἀπειροπόλεμος κατώρθωκας ἐν βραχεῖ).⁴¹⁷ Similarly, there are letters that speak in general terms of the competence of the recipients as the main focus of Psellos' praise, such as the one where he claims that he was informing everyone who did not already know that the *krites* of Kibyrraioton was a most intelligent man (αὐτὸς συνετώτατος ἄνθρωπος εἶ), very competent and well suited for any undertaking (πρὸς πᾶσαν πρᾶξιν ἐπιτηδειότατος τε καὶ προσφύεστατος).⁴¹⁸

There is also the case of Zomas, *krites* of Opsikion, who was refused retirement by the emperor because of his honesty (τῆς σῆς ψυχῆς τὸ εὐθές) and the efficient and skilful way in which he governed the theme (τὸ μὴ δεῖσθαι πολλῶν, καὶ τὸ πρὸς τὰ συμπίπτοντα δραστικόν, καὶ τὸ περὶ τὰς πράξεις δεξιόν).⁴¹⁹ Zomas' difficulties were in fact shared by another *krites*, to whom

⁴¹⁵ Cf. Psellos, *Chronographia* 1.22, vol. I, pp. 32-4, where he relates that after the revolts of Bardas Skleros and Bardas Phokas, Basil II (r. 976-1025) came to the realisation that it was not easy matter to govern his vast empire and that it would require his complete abstention from all self-indulgence.

⁴¹⁶ Jeffreys, 'Summaries', p. 200. On Nikephoritzes, see above, pp. 56, n. 140.

⁴¹⁷ KD 62, pp. 94-5. See above, p. 134-5. Cf. Leo of Synada, *The Correspondence of Leo, Metropolitan of Synada and Syncellus* 13, ed. & trans. Vinson, M. P. (Washington D.C., 1985), pp. 22-3, 102-3, where Leo writes to Nikephoros Ouranos, an erstwhile civilian bureaucrat, to congratulate him on a recent military victory, probably the one over the Bulgarian tsar Samuel in 997, noting that his correspondent had made it clear that 'the wise man is also a general and everything that is desirable' (ὁ σοφὸς καὶ στρατηγὸς ἐστὶ καὶ πᾶν ἐστὶν ὅπερ ἐστὶ καλόν). See also Holmes, *Basil II*, pp. 382-88; E. McGeer, 'Tradition and Reality in the "Taktika" of Nikephoros Ouranos', *Dumbarton Oaks Papers* 45 (1991), pp. 129-140.

⁴¹⁸ S 67, p. 299. See above, p. 130, 164.

⁴¹⁹ S 190, pp. 483-5. See above, p. 141-2.

Psellos reported on his efforts to convince the emperor to let him return home (συγχωρηθῆναι σοι τὴν εἰς τὴν ἐνεγκοῦσαν ἐπάνοδον).⁴²⁰ He wrote that the emperor had been dismissive at first, complaining of the difficulties in finding an appropriate replacement (παγχάλεπον εἶναι φάσκων ἀνθρώπου τυχεῖν καταλλήλου τοῖς πράγμασιν), someone as precise and competent in all respects as his correspondent (ὁποῖος, περὶ σοῦ δὴ λέγων, ἀκριβῆς ἐν πᾶσι καὶ δόκιμος εὔρηται). He had however softened a little after a while and was now trying all intelligent men (παντὸς γὰρ ἀποπειρᾶται ἀνδρὸς συνετοῦ) in order to find someone whom he could entrust with the collection of taxes (εἴ που εὔρη τινά, ᾧ τὴν τῶν δημοσίων ἀναθήσει ἀπαίτησιν).

In other cases Psellos chose to focus more specifically on the judicial competences of the *kritai*, such as one of the letters to Pothos, where he claims to have held out his friend's judgments and sentences (τῶν σῶν ἀντεχόμενον καὶ κρίσεων καὶ ἀποφάσεων) when boasting about him to the emperor.⁴²¹ When assuring Basil, the *krites* of Cappadocia, of his support, he begins by speaking generally about praising his virtues (τῶν ἀρετῶν σου), but then becomes a little more specific when encouraging his correspondent to make himself even more just (μόνον τὸν ἐμὸν Βασίλειον ἐπὶ τὸ δικαιότερον μεταποιήσον, μᾶλλον ἐπαύξησον).⁴²² Similarly, in the letter to Dalassenos on behalf of Anastasios Lizix, the addressee is asked to keep his opinion to himself if he found Lizix to be an inferior and unworthy judge (ὁ δὲ κριτὴς ἐλάττων, ἢ τοῦ δικαστικοῦ ἀνάξιος πράγματος καὶ ὀνόματος), but share it with the emperor if he found him to be good, wise and just (εἰ δὲ καλὸς καὶ σοφός, καὶ δίκαιος), which seems to imply that those were the characteristics of a superior and worthy judge.⁴²³

⁴²⁰ S 93, pp. 337-8.

⁴²¹ KD 35, p. 56-8. See above, pp. 116-17, 173.

⁴²² S 110, pp. 354-6. See above, pp. 131-2, 171.

⁴²³ S 78, pp. 311-12. See above, p. 133, and below, p. 204.

Both of these letters give the impression that the quality that emperors appreciated most in *kritai* was the ability to apply the law in a just manner and that this to a large extent was a question of moral fibre, which is probably also the context in which to view Psellos' promise to the *krites* of Paphlagonia to speak to the emperor about his virtues (περὶ τῶν σῶν ἀρετῶν).⁴²⁴ The letter concerning Lizix also emphasises the importance of being wise. The Greek word used here, σοφός, is worth making note of, as is the use of συνετός in two of the other letters considered above, where I have translated it as 'intelligent', since neither necessarily denotes the kind of wisdom or intelligence that comes from a good education, as opposed to λόγιος, which is the adjective Bernard has found to be most commonly used by Byzantine intellectuals to distinguish themselves and their peers.⁴²⁵ This preoccupation with the competence of the judges seems to mirror the sentiments expressed by Constantine IX (r. 1042-55) in the novel instituting the office of *nomophylax*, where he praises his predecessors for their legislative efforts, but notes that they had neglected the issue of training the jurists who would be tasked with applying it.⁴²⁶ The point seems to be that the law was insufficient in itself and had to be supplemented by human capital in order to be properly enforced.

We may conclude that there are some striking similarities between the assumptions made regarding the qualities desired by emperors in the civil officials immediately answerable to them and the ones sought after by those officials in the subordinates they hired to assist them. There is still an expectation that positions would be filled based on the merits of the candidates and the qualities requested once again appear to fall broadly into the two categories of ability and virtue. Concerning the former, we also find a persisting discrepancy between, on one hand,

⁴²⁴ S 49, pp. 280-1. See above, p. 134.

⁴²⁵ Bernard, *Writing and Reading*, p. 43.

⁴²⁶ *Novella constitutio saec. XI medii: quae est de schola iuris Constantinopoli constituenda et legum custodie creando*, ed. A. Salač (Prague, 1954), 3-4, pp. 18-19; see also Wolska-Conus, W., 'Les Écoles de Psellos et de Xiphilin sous Constantin IX Monomaque', *Travaux et Mémoires* 6 (1976), p. 234.

Bernard's model where formal education and skills in rhetoric and poetry are paramount and, on the other, the letters' considerably more pragmatic emphasis on practical tasks, such as administering tax-collection and making legal decisions in the case of the *kritai*. Again, this is not to say that education was considered irrelevant. We may safely assume that all the individuals concerned were at least moderately well educated and it seems reasonable to infer that the Byzantines would have associated qualities such as being intelligent (συνετός) and wise (σοφός), and probably also the ones pertaining more generally to competence (ἐπιτήδειος, προσφυής, δραστικός, δεξιός, ἀκριβής, δόκιμος), with having partaken of a good education, but the importance ascribed to these attributes is nevertheless something different than praise for excellence in *hoi logoi*.

There are furthermore no references to λογικοὶ ἀγῶνες as part of the selection procedure for administrative positions, nor is there any other sign that proficiency in rhetoric or poetry served as distinguishing criteria for prospective civil officials. From a narrow civil service-perspective, those parts of the educational curriculum appear to have been considered useful simply as exercises intended to sharpen the intellect, which could then be employed to deal with the practical challenges of public administration.⁴²⁷ This pragmatic approach is, of course, perfectly consistent with Bernard's findings that public display of learning and eloquence was essential for having a successful career as a court orator or teacher, since the skills thus demonstrated would also be precisely the skills actually put to use in the desired positions. It is also worth noting that the intellectual elite that he studies may have been more representative for the wider civil class during previous centuries, but that expansion of the bureaucracy during the eleventh century allowed for greater differentiation between the learned court orators and teachers on one hand and professional administrators on the other.

⁴²⁷ Cf. *Consilia et Narrationes* 54, p. 88, advising military commanders to read not only military manuals, but also histories and books of the church. See below, pp. 175-7.

As for qualities pertaining to a virtuous character, the most conspicuous difference between lower and higher administrative officials appears to be that we find no evidence of a particular concern for loyalty in the letters concerning the latter. This would seem to imply that *kritai* generally had more to fear from faithless *notarioi* than emperors from disloyal *kritai*, even though conclusions drawn *ex silentio* from such a limited evidence base must be regarded as uncertain. Even so, it should be noted that this seems to be well in line with the proposition that, at least until 1071, the emperors of the eleventh century generally had confidence in their positions of authority and the institutional framework upholding it, which has been discussed in the previous chapter and a point to which we will return in the next. If there had been a general atmosphere of political instability at the highest level, where imperial power was steadily undermined and emperors were in constant danger of being deposed, we certainly would have expected the letters examined above to reflect their struggle to keep the levers of government in the hands of loyal subjects. The relatively high turnover of emperors during the eleventh century does not, then, appear to reflect a fracturing of administration and government. As far as can be told from Psellos' letters, confidence in the imperial system remained intact and imperial orders could be expected to be carried out in a routine manner.

Somewhat ironically, this relative stability at a systemic level appears to have been derived to considerable extent from the personal instability experienced by those charged with upholding the system. As we have seen, the *kritai* appear to have stood in constant danger of losing their positions, tied as they were to the volatile social milieu of the court and civil administration, where calumny was a consistent concern with potentially disastrous implications, which in itself was part of the institutional framework that bolstered imperial authority by requiring officials to be persistently concerned about remaining in favour.⁴²⁸ This is the context in which we have

⁴²⁸ See above, pp. 127-46.

placed Psellos' tendency to assure his correspondents of the faithfulness of the candidates he recommended for employment, which in turn illustrates that hiring a subordinate was not only about providing a means of living in exchange for certain services, but also an act of friendship that, given the close physical proximity and participation in official business, awarded the employee an important position in the employer's network, and vice versa.

The importance of ensuring that those admitted to central positions in one's network could be trusted to honour the obligations of friendship is also underlined by three letters aimed at securing the friendship and support of the metropolitans of Euchaita, Amaseia and Neokaisarea respectively for the new *krites* of Armeniakon, who was probably Psellos' son-in-law.⁴²⁹ All three makes a point of his likeness to Psellos (ὅλον με ἀπομαζάμενος / τὸ ἔμψυχον τῆς ἐμῆς φύσεως ἄγαλμα / οὐ γὰρ ἄλλος [...] παρ' ἐμέ), although this may well be intended more as a reference to their close relationship than a statement about personal qualities. The letter to the metropolitan of Euchaita, John Mauropous, is rich in nautical metaphors, the gist of it being that the metropolitan should seize the rudder of the *krites*' ship and steer him straight through his wisdom and skill (καὶ σοι τῶν πηδαλίων ἡδέως παραχωρήσει, μόνον ἰθύνειτό γε παρὰ σοῦ δεξιῶς τοῦ σοφοῦ), but also the poorest of the three in terms of details about the man on whose behalf it was written, probably because Psellos did not expect his close friend and former teacher to require much persuasion in order to help.⁴³⁰ It merely states that the *krites* possessed some skill, partly natural and partly a product of Psellos' teaching (τέχνην τινά, τὴν μὲν ἐκ φύσεως, τὴν δὲ μεμάθηκε παρ' ἐμοῦ) and that he understood the importance of relying on his betters (οἶδε πεπεῖσθαι τῷ κρείττονι), indicating that Mauropous could trust him to follow his lead.

⁴²⁹ De Vries-Van der Velden, 'Psellos et son gendre', pp. 112-18; Jeffreys, 'Summaries', pp. 194-6.

⁴³⁰ KD 54, pp. 85-7.

In the other two letters, Psellos is somewhat more explicit about why his correspondents should offer the young *krites* their friendship. The one addressed to the metropolitan of Neokaisarea describes him as steady in his character (βεβηκῶς τὸ ἦθος), of firm intellect (στερρὸς τὸν λογισμόν), trained in gentleness (κατηρτυμένος πραότητι), with knowledge of justice (δικαιοσύνης ἐπιστήμην εἰδώς), honouring friends (φίλους σεβόμενος) and knowing well how to assist the clergy (ιερέας θεραπεύειν ἐξεπιστάμενος), in fact, such a man as the metropolitan has wished for (τοιιοῦτος, οἷος βεβούλησαι).⁴³¹ Similarly, the one sent to the metropolitan of Amaseia states that the *krites* had been improved by Psellos' counsel (ταῖς ἐμαῖς ὑποθήκαις) and that he had been taught to honour virtue and stand in awe of friendship (δεδίδακται τιμᾶν μὲν ἀρετὴν, σέβεσθαι δὲ φιλίαν), and especially to reckon the metropolitan as the foremost of friends (τὰ πρῶτα τῶν φίλων λογίζεσθαι). Given the importance of private networks in Byzantine public life, it is hardly surprising that Psellos assumed that his correspondents would value loyal and helpful friends, but it is noteworthy that he also appears eager to emphasise the *krites*' competence, presenting his suitability for the office as an argument in favour of the metropolitans offering him their friendship and support. In other words, they were expected to want a *krites* on whom they could rely for favours and praise, but who would also manage the fiscal and judicial affairs of the theme in an able and even-handed manner. This seems to illustrate once more the effects of a meritocratic ideology operating in an institutional framework where public administration relied heavily on private networks; in the absence of a network, merits alone would be insufficient for social advancement, but without the appropriate merits it would be considerably more difficult to build an efficacious network.

⁴³¹ KD 57, pp. 89-91.

4.1.3 Intellectual snobbery and solidarity among the *logioi*

While the connection between *hoi logoi* and career opportunities in the civil administration appears tenuous in the letters we have considered so far, Psellos' personal appreciation for intellectual qualities is nevertheless a prominent feature. He praises the learning of his correspondents on many occasions and addresses some of them affectionately as *λογιώτατε*.⁴³² There are also a number of letters where he emphasises such qualities in the individuals on whose behalf he is writing. In a letter of introduction, addressed to the metropolitan of Patras and seemingly intended merely to bring together two friends who might enjoy each other's company, the man in question is recommended for his excellent education (*τὴν ψυχὴν εὐπαιδευσίας μεστός*), among other things.⁴³³ Similarly, he wrote to the nephew of Isaac I (r. 1057-9),⁴³⁴ asking him to befriend (*ἐν μερίδι σοι τῶν οἰκειοτάτων ἔστω*) a certain Joseph, whom he describes as most learned and intelligent (*ἄνδρα λογιώτατον καὶ συνετώτατον*).⁴³⁵ This also appears in letters where Psellos is explicitly asking for favours, such as two of the judicial interventions we have considered above where he uses the word *λογιώτατος* to describe the son of Michael Choirosphaktes, who wanted a violent criminal punished, as well as John Mauroπους, who was asking for an accurate and fair measurement of land.⁴³⁶

In another letter he requests unspecified help for a man who had been recommended to him by one of the emperor's most influential advisors (*εἷς τις τῶν περὶ τὸ βασιλικὸν βῆμα καὶ τῶν πλεῖστα πρὸς τὸν βασιλέα δυναμένων*), noting that he seemed to be educated and intelligent

⁴³² See, for instance, G 8, pp. 137-9; KD 3, KD 12, KD 35, KD 38, KD 91, KD 99-100, KD 116-17, KD 132, KD 148, KD 160, KD 220, KD 244, pp. 2-4, 13-14, 56-8, 62-3, 119-20, 127-9, 143-4, 154-5, 173-4, 187-8, 261-2, 294-5; S 35, S 41, S 99, S 200, pp. 269-70, 273-5, 342-3, 494. See also Bernard, 'Educational networks', esp. pp. 34-36; M. Grünbart, *Formen der Anrede im byzantinischen Brief vom 6. Bis zum 12. Jahrhundert* (Vienna 2005), pp. 174-5, 179, 192-5, 198.

⁴³³ S 111, p. 356.

⁴³⁴ PBW (consulted 7.vi.2016) Anonymus 2294, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/157731>>.

⁴³⁵ S 170, pp. 432-4.

⁴³⁶ KD 221, KD 243, pp. 262-3, 293-4. See above, pp. 111 and 122, and below, pp. 206-7.

(πεπαιδευμένος καὶ συνετός).⁴³⁷ The use of words like λογιώτατος and πεπαιδευμένος in letters such as these certainly makes their absence in recommendations for particular offices in the civil administration all the more remarkable. This suggests to me that while Bernard may have been mistaken in viewing learning and eloquence as the primary criteria employed in the appointment of civil servants, he is right to underline their importance as qualities used by the well-educated individuals who comprised a significant part of the civil class to establish a common identity and strengthen the bonds of solidarity within the group. In the letters we have just considered, Psellos seems to assume that educated men were the kind of people that his correspondents would want to associate with and help with their problems.

Since Bernard identifies urbanity as another central aspect of the self-image of this elite, we should also make note of two letters of introduction, written on behalf of bishops who are both praised for possessing this quality.⁴³⁸ The first one is addressed to the *krites* of Macedonia, recommending the bishop of Panion as a man of sweet character and an urbane mindset (τῷ τε γλυκεῖ τοῦ ἡθους καὶ τῷ πολιτικῷ τοῦ φρονήματος), who was not only able to serve God as his priest (οὐ γὰρ ἱερᾶσθαι θεῷ μόνον δεδύνηται), but also to engage in polite conversation with men (ἀλλὰ καὶ ἀνθρώποις προσομιλεῖν δεξιῶς), gracefully dividing his attention equally between the two (καὶ πρὸς ἅμφω κατὰ τὸ ἴσον μέτρον μερίζεσθαι εὐφυῶς).⁴³⁹ In the other one, the bishop is unidentified, but described as having the solemnity befitting an archbishop (ἔχει μὲν καὶ σεμνότητα ἀρχιερεῖ πρέπουσαν), as well as an urbane and sweet character (ἔχει δὲ καὶ ἥθος πολιτικὸν καὶ γλυκύ).⁴⁴⁰ It may not be a coincidence that the only two letters where Psellos recommends someone on account of their urbanity are written on behalf of bishops. Both of

⁴³⁷ S 133, pp. 377-8. See above, p. 100.

⁴³⁸ See also Magdalino, 'Snobbery', pp. 70-1, identifying ἀστεϊότης as 'the Byzantine social grace par excellence' as well as an important aspect of contemporary snobbery.

⁴³⁹ S 50, pp. 281-2. See above, pp. 124-5.

⁴⁴⁰ KD 241, pp. 291.

them appear to imply a tension between the solemnity required to properly serve God and the urbane character and sweet manner that facilitates pleasant and polite conversation, suggesting that the ability to combine them was remarkable. It is possible that a certain degree of urbanity, like a reasonable level of education, could be taken for granted in recommendations for secular officials, whereas it needed to be made explicit in those concerning bishops. These two cases do not, of course, provide a secure basis for generalisations, but the tendency is worth noting, especially since we shall have reason to return to the strained relationship between religious solemnity and intellectual urbanity below.⁴⁴¹

An increased propensity for men of learning to aid one another is also implied in a letter to Nikolaos Skleros, where Psellos, in the course of assuring his correspondent of his willingness to help, makes a point of their shared education (τῆς αὐτῆς σοι παιδεύσεως κεκοινωνηκώς), in addition to his usual professions of brotherhood (ἀδελφὸς ἦν) and friendship (φίλος ἀληθής).⁴⁴² Something similar appears to be intimated by another letter to a *krites*, where Psellos expresses his confidence that it would be sufficient for him to express concern for the letter-carrier and say that he was in need of the *krites*' justice (πρὸς σέ δὲ τοῦτο δεῖ εἰπεῖν, ὅτι ἐν φροντίδι μοί ἐστιν ὁ παρών, δεῖται δὲ τῶν σῶν δικαίων), since no more was needed between true, educated friends (ἄρκεῖ ταῦτα πρὸς φίλον ἀληθῆ τε καὶ λόγιον).⁴⁴³ This is, I believe, the context in which to view the letter to John Doukas, asking for a *kourator* to be appointed *krites*, where Psellos laments the man's inability to support his family despite his fine education, but then shifts the focus to more practical qualifications when discussing the actual job.⁴⁴⁴ He expected Doukas to be more inclined to help a fellow intellectual and since the man in question would be a just judge and seize any change to increase imperial revenues, the ideal way of doing so would be

⁴⁴¹ See below, pp. 186-7.

⁴⁴² KD 63, pp. 96-7. See below, pp. 202-3.

⁴⁴³ KD 181, p. 201.

⁴⁴⁴ S 151, pp. 399-400. See above, p. 170.

to find him a theme to run as *krites*. It may also be worth pointing out the similar circumstances in the letter where Psellos asks a *krites* to be more generous towards a *notarios*, noting the precise Attic style of the latter's letters as well as claims from his family that they were struggling economically.⁴⁴⁵

So far we have, however, only considered the beneficiaries of solidarity within the intellectual elite, but the creation of group identity does not only involve keeping some people in, but also keeping others out. Bernard notes that the poets in his study actively propagated the idea that all people of standing should be educated men like themselves, equating boorishness with not only intellectual but also social inferiority.⁴⁴⁶ This tendency is particularly strong in the work of Christopher Mitylenaios,⁴⁴⁷ whose elitist ire was roused time and again by the failures of the empire's officials to live up to his educated ideal. He also mentions a text by Psellos, directed at an innkeeper who strove to be a philosopher, as an example of such snobbery, which certainly seems to indicate that Psellos took a similarly disparaging view towards the intellectually inferior, at least when philosophy was concerned.⁴⁴⁸

It is especially interesting then, that he expresses little such disdain for the uneducated in his letters. Indeed, he appears to take the exact opposite view in a letter addressed to a monk on Olympus, stating his preference for straightforward old men like his correspondent (τοὺς ἀπλοικοὺς γέροντας, ὅποῖος εἶ σύ) over the clever and crafty (τοὺς δεινοὺς καὶ περivenoημένους).⁴⁴⁹ He praised the monk's simple but spiritual writing (ἡ γραφή, ιδιωτικὴ μὲν, ἀλλὰ πνευματικὴ) and claimed that although he had heard many wise words (πολλοῖς μὲν

⁴⁴⁵ KD 160, pp. 187-8. See above, p. 161.

⁴⁴⁶ Bernard, *Writing and reading*, pp. 177-81, 189-90. See also M. Lauxtermann, *Byzantine Poetry from Pisides to Geometres. Texts and Contexts*, vol. I (Vienna, 2003), pp. 46-7.

⁴⁴⁷ See above, pp. 148, n. 364.

⁴⁴⁸ Regarding Psellos' views on social climbing, see above, p. 154-6.

⁴⁴⁹ S 27, p. 262.

λόγοις σοφοῖς ὠμίλησα) and read many books (πολλὰ βιβλία ἀνελεξάμην), he never enjoyed any of them as much as plain and simple discourse, spiritual and pure (οὐκ ἐτέρφθην δὲ τοσοῦτον ἐπ' οὐδενὶ τούτων, ὅσον ἐπὶ λόγῳ, ἰδιωτικῷ μὲν καὶ ἀφελεῖ, πνευματικῷ δὲ καὶ καθαρῷ). This letter is a rather extreme case and since Psellos concludes it by expressing a desire to join his correspondent on Olympus (μὴ ἀποβιώην πρότερον πρὶν ἢ βιώσαιμι μεθ' ὑμῶν), it seems to be written in the particular circumstances of Psellos' own preparations for monastic life. We can thus expect Psellos to have adapted his message to comply with the attitude generally expected of someone who is preparing for tonsure.⁴⁵⁰ The somewhat hyperbolic tone also has a suspicious ring to it and may be hiding duplicity or a subtle irony. It can consequently not be taken as representative of Psellos' views by itself.

What makes it interesting, however, is, firstly, the juxtaposition of religious virtues and intellectual eloquence, which is familiar from the letters praising bishops for their urbanity and, secondly, the fact that Psellos expresses similar, albeit less drastic, sentiments in letters to other officials, civil as well as military and ecclesiastical. He wrote to the *krites* of Drougoubiteia, addressed as 'most learned of all men and dearest to me' (λογιώτατε πάντων ἀνδρῶν καὶ ἐμοὶ φίλτατε), complaining that he neither communicated by letter or in person (μὴ διὰ γραμμάτων ἡμῖν ὁμιλεῖς, οὐδὲ τῇν διὰ γλώττης ὁμιλίαν ἡδέως προσήνεγκας) and urging him to send him more letters, written in whatever register he preferred (ἐπίστελλε οὖν, ὅποια βούλει, τῇ γλώττῃ), either in Attic or in the common tongue (εἴτε τῇ Ἀττικῇ, εἴτε τῇ κοινῇ), promising to reply in the same style (τῶν συντρόφων καὶ ἡμεῖς ῥημάτων ἐξόμεθα).⁴⁵¹ He assured the *krites* that he

⁴⁵⁰ For a similar case, see KD 36, pp. 58-60.

⁴⁵¹ KD 91, pp. 119-20. See above, pp. 158-9, 165, and below, p. 186. It might be worth noting that one of the arguments that has been raised against attributing the *Historia Syntomos* to Psellos is that it is written in a lower register than the *Chronographia*. Letters such as this one certainly display Psellos' sensitivity to different registers, but also his willingness to employ the lower ones under certain circumstances. This lends further support to what appears to be a growing consensus that Psellos was the author of both works of history. See W. J. Aerts, *Michaelis Pselli Historia Syntomos* (Berlin, 1990), pp. IX-XV, esp. p. XIV; J. Duffy & E. Papaioannou, 'Michael Psellos and the Authorship of the *Historia Syntomos*: Final Considerations', in A. Avramea, A. Laiou & E. Chrysos (eds.), *Byzantium, State and Society: In Memory of Nikos Oikonomides* (Athens, 2003), pp. 219-29.

should not fear an overbearing response to a simple letter (βροντῶσιν ἐντύχης ἡμῖν αὐτὸς ἡρέμα προσπνέων), since Psellos' winds could blow strongly from the east as well as gently from the west (ἴσμεν γὰρ καὶ ὡς ἐλλησποντίαι καταβαίνειν λαμπρῶς καὶ ὡς ζέφυροι περιπνεῖν ὁμαλῶς).

In a letter to an unidentified Dalassenos, whose illustrious family name surely implies access to education, Psellos encourages his correspondent to write in simple and soldierly language (γράφε ιδιωτικῶς καὶ ἀμελῶς καὶ (τὸ ὅλον εἰπεῖν) στρατιωτικῶς), professing his preference for such letters from his friends over those written in a more sophisticated style (μάλιστα γὰρ τοῖς ἀπλοῖς τῶν φίλων γράμμασιν ἐφηδόμεθα ἢ τοῖς δεινοῖς καὶ σοφιστικοῖς).⁴⁵² He also encouraged the patriarch of Antioch to write like he spoke; plainly, purely, spiritually and entirely like a churchman (ὥσπερ οὖν ἀφελῶς ὁμίλεις καὶ τὸ ὅλον πνευματικῶς, οὕτω δὲ καὶ καθαρῶς γράφοις καὶ τὸ σύμπαν ἱερατικῶς), once again implying a tension between clerical virtues and rhetorical excellence.⁴⁵³ There are several other letters, addressed to laymen as well as priests, where Psellos urges his correspondents to forsake eloquence in favour of simplicity.⁴⁵⁴

This does not, however, mean that Psellos really did prefer simple letters to rhetorically sophisticated ones, nor does it indicate that epistolographical simplicity was a widespread ideal. Indeed, the fact that he occasionally felt the need to assure his correspondents of his appreciation of plain letters clearly implies that they had reason to expect otherwise. There are also a number of cases where Psellos emphatically praises his correspondents for their eloquent letters, with nothing to suggest that he would have preferred them to write in a more simple style.⁴⁵⁵ It should also be noted that his occasional penchant for the plain and unadorned does

⁴⁵² KD 264, pp. 309-10; Cheynet, 'Les Dalassénoi'. See below, pp. 186-7, 204-5.

⁴⁵³ KD 88, pp. 116-17. See below, p. 186.

⁴⁵⁴ KD 1, KD 135-6, KD 139, KD 147, KD 158, pp. 1, 158-63, 166-7, 173, 183-5; S 179, pp. 458-9.

⁴⁵⁵ G 12, G 18, G 22, G 24, pp. 146-7, 162-4, 170-1, 174-5; KD 4, KD 19, KD 34, KD 190, pp. 4-5, 25, 53-6, 212-15; M 2-4, pp. 90-6; S 109, p. 353.

not appear to have been a consequence of his tonsure and subsequent adaption of opinions deemed fitting for a monk. This is evident from a letter to an unidentified supplicant where Psellos reports on his progress in lobbying the emperor, but also encourages his correspondent to write more letters to him.⁴⁵⁶ A reference to the *logothetes* John, who was appointed by Constantine IX to replace Constantine Leichoudes around 1050, places it in the reign of that emperor, and Psellos' confident tone and claim to exercise considerable influence at court suggests that he was not yet preparing for monastic exile.⁴⁵⁷ Even so, Psellos notes that his correspondent avoided writing letters to him (ἀναβάλλη τὴν ἐν γράμμασι προσαγόρευσιν) because he was busy (ὅτι παραστοιχίζει τοῖς πράγμασιν) and because he lacked skill in philosophy and rhetoric (ὅτι μὴ φιλοσοφεῖν οἶδας ἐν ταῖς γραφαῖς ἢ ῥητορεύειν ἐν λόγοις), only to declare that he accepted none of these excuses (ἀλλ' ἐγὼ οὐδετέραν δέξομαι τῶν ἀπολογιῶν). He states that being a philosopher, he was not swayed by beautiful words (φιλόσοφοι δὲ ὄντες τὸ ἐν ταῖς λέξεσι κάλλος οὐκ ἠγαπήκαμεν) and assures his correspondent that whatever kind of letters he would write (ὅποῖα ποτ' ἂν ᾤ τὰ σὰ γράμματα), Psellos would consider them as more artful than Sibylline prophecies (τεχνικώτερα ἡμῖν φαίνεται τῶν Σιβυλλείων χρησμῶν).

Psellos thus appears to have consistently adapted his letters to suit the intended audience, changing his attitude to epistolary eloquence in accordance with what would make each correspondent most likely to keep sending him letters. He did not hesitate to evoke expectations of solidarity between his learned peers if it would make them more inclined to fulfil his requests, but equally he would not risk alienating the less erudite members of his network by criticising their rhetorical shortcomings, even though the tone of generous condescension in the letters condoning less eloquent writing might suggest that he still wanted them to remember their relative place in the intellectual hierarchy. In other words, friendship generally trumped

⁴⁵⁶ KD 158, pp. 183-5.

⁴⁵⁷ Jeffreys, 'Summaries', p. 244.

intellectual snobbery. As we have seen, however, intellectual prowess appears to have been a source of fellowship and solidarity, serving to maintain existing bonds of friendship and facilitate the creation of new ones between those who considered themselves and each other as *logioi*. Given the importance of networks in promoting careers, this suggests that learning and eloquence may have conferred a considerable, albeit indirect, advantage in the competition for positions in the civil administration. It should nevertheless be noted that the criteria for being counted among the *logioi* may have allowed for some flexibility, as is implied by the letter to the *krites* of Drougoubiteia considered above, where Psellos addresses his correspondent as ‘most learned of all men and dearest to me’ (λογιώτατε πάντων ἀνδρῶν καὶ ἐμοὶ φίλτατε) before assuring him that he would not mind receiving plain letters if that would make the *krites* more inclined to write, thus implying that writing in Attic had been an obstacle that his correspondent had struggled to overcome.⁴⁵⁸ This could be an indication that just as intellectual excellence could facilitate friendship, friendship could also lower the bar for recognition as *logios*.

Finally, the recurring implication that religious solemnity and spirituality stood in partial opposition to urbanity and eloquence merits some further consideration. The letter to the patriarch of Antioch considered above, as well as others like it, possibly to the same addressee, indicates that, in the eyes of Psellos and his contemporaries, expressing oneself ‘entirely like a churchman’ meant speaking or writing without rhetorical finesse.⁴⁵⁹ In this respect, the church appears to be more akin to the army, as represented by the letter urging Dalassenos to ‘write in simple and soldierly language’,⁴⁶⁰ than the civil administration, where we have seen that rhetorical skill and practical ability to perform one’s duties were associated with the same basic qualities, such as intelligence, talent and diligence. This may imply that the *logioi* were more

⁴⁵⁸ KD 91, pp. 119-20. See above, pp. 158-9, 165, 183-4.

⁴⁵⁹ KD 88, KD 135, KD 139. See above, pp. 184.

⁴⁶⁰ KD 264. See above, p. 184, and below, pp. 204-5.

closely associated with the civil administration than they were with the church, but even so, many of the letters where Psellos praises his correspondents for their learning or their eloquent letters are addressed to churchmen, such as patriarch Aimilianos of Antioch and, naturally, metropolitan John Mauropous of Euchaita.⁴⁶¹

In conclusion, all of this suggests to me that the civil elite was more culturally and ideologically complex than Bernard's study seems to imply. I see no reason to question his characterisation of the self-defining ideology of the *logioi*, focused on intellectual distinction, competition and anxious snobbery, with its epicentre in the social milieu of Constantinopolitan teachers and court orators, but spread throughout the administration and church by the educated men who found employment there. Rather than understanding it as the defining ideology of the civil elite, however, I am inclined to view it as constantly colliding with other influential value systems. In the civil administration, it seems to have intermingled relatively harmoniously with a civil service *ethos* that emphasised administrative competence, fairness and loyalty, whereas its coexistence with the religious ideal of solemnity, simplicity and humbleness in the church was fraught with more tension. Psellos may have seen and presented himself as foremost among the *logioi*, but if we look for the lowest common denominator for the social norms of the civil elite in his letters, they seem to point us, once again, to the paramount importance of friendship and reputation.

⁴⁶¹ G 12, G 18, G 22, pp. 146-7, 162-4, 170-1; KD 12, KD 34, KD 190, pp. 13-14, 53-6, 212-15; M 2-4, pp. 90-6; S 35, pp. 269-70.

4.2 Family, friendship and political loyalties

There is no denying that those who had the benefit of inheriting great wealth, useful contacts and important skills would have been better equipped to make successful careers and compete for positions of power than those who did not, even though we have seen above that the schools of Constantinople appear to have compensated for such advantages to a significant extent. This brings us to the question of whether these were the only decisive advantages conferred by having the good fortune of being born into a prominent aristocratic family, or whether belonging to such a family in itself brought a sort of influence that would be unattainable to new men, save perhaps by marrying into one of them. The latter seems to be implied by scholarship that presents families, by which we should understand extended families or even vast clans united by ties of marriage, as the principal source of political loyalty and identity in eleventh-century Byzantium, operating as political parties both within and outside of the official hierarchy of the state. This would suggest that the networks of friendship which we have identified both as crucial to the practical workings of the civil administration and as relatively accessible to new men were, in fact, of secondary importance to the bonds of family allegiance that were the primary source of private power.

I would question this notion and argue instead that Psellos' letters seem to reflect a society where kinship ties were certainly valued and considered to entail certain obligations, but where the practical implications of this would be dependent on the specific nature of the relationship between the individual relatives, rather than on a general duty towards the family as a collective. The political impact of the extended family can consequently be understood within the framework of networks of friendship, as one of the possible factors that could connect individuals to each other, create a sense of fellowship and motivate contact as well as the

exchange of favours, rather than as a separate, and precedent, system of loyalty and identity. Relatives could be expected to be part of each other's networks, but would not automatically occupy the most important positions in them, nor necessarily see themselves as having common interests or sharing a political agenda. Family allegiance could have political implications, but it was not a general principle around which Byzantine political life was organised during this period.

This argument will be divided into two parts. Firstly, we shall consider Psellos' treatment of his own relatives in the letters, arguing that while he recognised that kinship entailed obligations, appeals to family solidarity was only one of the many components of his rhetorical repertoire, which he constantly adapted to suit his purposes and audience. It features prominently in some letters, but is downplayed in others and occasionally disparaged as an undesirable burden, depending on the circumstances and the relative concerned.⁴⁶² Kinship is however consistently treated as a bilateral feature of a relationship, rather than as a shared membership of a larger group, and not always the most important one in terms of motivating correspondence and help.

Recognising that Psellos and his relatives cannot be assumed to be representative for Byzantine society in general, we shall then proceed, in the second part of this argument, to examine his letters concerning members of more prominent families, which, in fact, do not appear to have functioned very differently, neither in their internal dynamics nor in their interaction with the rest of Byzantine society. The evidence is limited, but in some letters we find individuals with illustrious names in difficult economic or political situations, seemingly without recourse to any other forms of assistance than the limited help Psellos was able to offer, thus suggesting

⁴⁶² Cf. Cheynet, 'L'Administration', p. 51, suggesting that Psellos had a clear hierarchy of priorities, with himself as the highest one, followed by his relatives, his old students and, finally, the rest of his friends.

that membership of a prominent family guaranteed neither wealth nor political influence. Moreover, Psellos does not seem to have recognised any inequality between himself and his non-imperial correspondents that can be attributed to membership of any particular family, employing his customary language of friendship irrespective of the recipients' surnames. That this is not merely a matter of epistolary convention is demonstrated by the few exceptions to this general rule. There is one letter in particular, addressed to Romanos Skleros, where Psellos adopts a distinctly deferential and subservient attitude, which also seems to appear, albeit somewhat less pronounced, in a letter to an unidentified Dalassenos.

If this attitude should be taken as evidence that Skleros and Dalassenos were unusually powerful people, which I believe it should, it cannot however also be used to argue that this power was a direct consequence of family membership, since there are other letters addressed to members of the same families that consistently treats the recipients as friends and equals. Again, this is not to dismiss family circumstances as irrelevant. Indeed, it is unlikely to be a coincidence that these particular letters were addressed to members of two of the most prominent families of the period. The question posed here, however, is not whether individuals like Romanos Skleros and the unidentified Dalassenos would be disproportionately likely to rise to positions of power due to the wealth, skills and contacts their parents would have been able to pass on to them, but whether we should define the extended families of the Skleroi, Dalassenoi and other like them as powerful due to the aggregated influence of their members. In other words, were there other social mechanisms able to collectivise the power of individual family members beyond the limited obligations of kinship and expectations of reciprocity inherent in the normative framework governing networks of friendship? The admittedly patchy evidence yielded by Psellos' letters appears to give us no reason to believe that there were.

4.2.1 Psellos and his own family

In the letters, Psellos seems to treat the notion that family ties generally entailed certain obligations as widely accepted and uncontroversial. In one of the letters requesting help for a relative, Psellos reminds his correspondent that true friends are required to show affection for the friends of their friends (οἱ ἀληθεῖς φίλοι τοὺς τῶν φίλων φίλους ἀγαπᾶν νενομοθέτηνται) and even more for their relatives (πόσῳ γε μᾶλλον τοὺς ἀφ' αἵματος συγγενεῖς), seemingly suggesting that ties of kinship could be even stronger than bonds of friendship.⁴⁶³ He also wrote to the *krites* of Charsianon, offering advice on influencing the emperor and promising to support his efforts, which he refers to as his duty to a relative (ἐμοὶ γὰρ τοῦτό ἐστι χρέος πρὸς σὲ συγγενικόν).⁴⁶⁴ By emphasising the obligations of family rather than those of friendship, he seems to imply that the former carried more weight, at least in this particular case.

In a letter to the *krites* of Opsikion, Psellos notes that because they were relatives, he could write with complete freedom concerning whatever he wanted (ἔδει μὲν διὰ τὴν συγγένειαν πεπαρρησιασμένως ἐπιστέλλειν πρὸς τὴν σὴν ἐνδοξότητα περὶ ὧν βούλομαι), and even claims that this made him reluctant to make requests (πρὸς τὰς ἀξιώσεις ὑπεσταλμένος εἰμί), since he did not want to abuse their ties of kinship (ἵνα μὴ καταχρᾶσθαι δόξῳ τῷ γένει).⁴⁶⁵ There is, of course, a strong rhetorical element to these appeals and the sentiments expressed should probably not be interpreted too literally, but the *topos* would have been incomprehensible to the intended readers if it did not resonate with shared values or perceptions, from which we may infer that relatives were generally expected to help one another, if necessary for no other reason than honouring the obligations of kinship.

⁴⁶³ KD 169, p. 193. See above, p. 115.

⁴⁶⁴ S 73, pp. 308-9.

⁴⁶⁵ S 43, p. 276.

It is, however, more difficult to determine exactly how extensive these obligations were in practice, but a few other letters offer some hints. When asking a *krites* to assist one of his relatives who was working as a tax-collector, Psellos states that true friends should consider each other both friends and relatives (δεῖ γὰρ τοὺς ἀληθεῖς φίλους [...] τοὺς αὐτοὺς ἡγεῖσθαι καὶ φίλους καὶ συγγενεῖς), with regard to friendly help as well as family obligations (περὶ τὰς τῶν φίλων ὠφελείας καὶ τὰς συγγενικὰς ἀναγκαιότητας).⁴⁶⁶ As such, he makes it clear that the former was distinct from the latter, but also claims that a truly close friendship made the distinction irrelevant. He also appears keen to stress that he did not love the man on whose behalf he wrote primarily because they were related (ἀγαπᾶται δὲ παρ' ἡμῶν οὐ τοσοῦτον διὰ τὴν συγγένειαν), but rather because of the goodness of his character (ὅσον διὰ τὴν τῶν τρόπων καλοκάγαθίαν). This seems to imply that even though Psellos felt an obligation to help anyone related to him, he also recognised that the extent to which he, and by extension his friends, could be expected to do so in practice would be dependent on his opinion of each individual. There is also the recommendation considered above, where Psellos points out that the man in question was not only one of his relatives, but also used him as a role-model for his manner (μεμίμηται γὰρ μου τὸν τρόπον), which evidently made him more deserving of help than the relatives who were less like Psellos himself.⁴⁶⁷

Similarly, upon receiving a letter from a metropolitan seeking to establish an epistolary friendship, he wrote an enthusiastic reply, noting that his correspondent had mentioned that they were related by blood (τοῦ συγγενοῦς ἐμνημόνευσας αἵματος), but through his letter had added even more to their spiritual kinship (ταῖς ἐκ τῶν ψυχῶν συγγενείας μᾶλλον προστέθεικας).⁴⁶⁸ He goes on to explain that kindred ideas sparked mutual recognition

⁴⁶⁶ KD 165, p. 191.

⁴⁶⁷ KD 144, pp. 170-1. See above, pp. 156, 162-3.

⁴⁶⁸ KD 225, pp. 268-9.

(ἐπιγινώσκουσιν ἑαυτοὺς οἱ συγγενεῖς λόγοι) and quickly intermingled with one another (ταχὺ πρὸς ἀλλήλους ἀνακινάμενοι). This demonstrates that family ties were of significance in the process of creating and maintaining a network, since otherwise there would have been no reason for the metropolitan to bring it up, especially since they do not appear to have been closely related. Psellos seems to recognise this, but also appears keen to downplay its significance by exalting their intellectual affinity, which he portrays as a more desirable and fruitful basis of a flourishing friendship. In other words, when given the choice between defining a relationship by family ties or shared identity as *logioi*, he prefers the latter in this case, as opposed to the letters to the *kritai* of Charsianon and Opsikion considered above. This seems to give the impression, once again, of Psellos adapting his letters to suit the individual recipients and appealing to whatever aspects of each particular relationship that he considers most appropriate or most likely to make his correspondent accede to his requests.

There is also a letter addressed to the *epi ton oikeiakon* asking for money (περὶ νομίματος ἄξιῳ) for a relative, where Psellos excuses the pettiness of the request and his insistent attitude by exclaiming: ‘Who could resist the demands of relatives?’ (συγγενῶν δὲ τίς ἂν ἀποκρούσαιτο τυραννίδα;).⁴⁶⁹ This seems to depict family obligations as a necessary evil, especially given the despotic connotations of the word τυραννίς, rather than as a source of genuine affection and solidarity. He continues in a philosophical vein, suggesting that family, when examined in the abstract sense (τὸ γὰρ γένος τοῦτο [...] ὅταν μὲν πρὸς τὴν νοητὴν ἰδέαν ἐπιστραφῇ) is a source of inexhaustible riches (ὅλην ἔλκει τὴν οὐσίαν τοῦ ὄντος, καὶ οὐ κορέννεται κορεννόμενον), but when reduced to the world of senses (ὅταν δὲ καταχθῇ πρὸς τὴν αἴσθησιν), its assets are converted into simple money (τὸν πλοῦτον μεταποιεῖ τῆς ὀρέξεως, ὀβολοῖς καὶ στατήρσι

⁴⁶⁹ S 163, pp. 421-2. The exact function of the *epi ton oikeiakon* is difficult to determine with certainty, but it appears to have been a senior position. Oikonomides, ‘L’Évolution’, p. 136, suggests that he was responsible for administering land belonging to the fisc.

περιορίζον τὴν ἔφεσιν). Psellos appears to suggest that while he felt obliged to help his relatives out of an appreciation of the ideal of family solidarity, in practice he mostly considered them an economic burden.

This brings to mind the letter examined in the previous chapter, where Psellos apologises for bothering Constantine Keroularios with another request and complains of the throngs of petitioners banging on his door.⁴⁷⁰ He explains that he could get the better of the others and persuade them to go away (τῶν μὲν οὖν ἄλλων περίειμι, πείσας ἀφίστασθαι), but that his charms were useless on the man on whose behalf he wrote (πρὸς δὲ τοῦτον εἰς οὐδέν μοι τὰ θέλγητρα), since he was a relative, which inevitably tipped the scales in his favour (ἔχει γὰρ πᾶσιν ἀντίρριπον τὴν συγγένειαν). He describes himself as caught between the necessities of kinship and extraordinary friendship (μέσος οὖν ἐστηκὼς συγγενικῆς τε ἀναγκαιότητος καὶ φιλίας ὑπερφυοῦς), hoping for Constantine's help to escape those two despots (πῶς ἂν δύο τυραννίδων ἀπαλλαγῇσωμαι;). In both of these letters, the references to the burdensome but binding obligations of kinship appear in the context of an excuse for pestering his correspondent with requests and, again, we should be careful not to interpret these rhetorical flourishes too literally, while recognising that the *topos* must have tied into shared values and perceptions in order to make sense. The ideal of cherishing one's family certainly seems to have been honoured, and the obligations it entailed taken seriously, but Psellos does not appear to have operated in a social milieu where kinship ties were naturally expected to be the foundation of every personal network or the main source of identity and solidarity, but rather as one of many possible circumstances that could motivate contact and help.

⁴⁷⁰ S 46, pp. 278-9. See above, pp. 100-1.

Moreover, kinship seems to be consistently treated as a bilateral phenomenon, as an element of the relationship between Psellos and the individual relative rather than as a common membership of a larger collective. I have counted 22 letters that are clearly written on behalf of relatives,⁴⁷¹ and six where the addressees are identified as such.⁴⁷² The closest Psellos comes to speaking of family in a collective sense is in a letter to an unidentified *magistros* and *krites*, with whom he appears to have had some sort of conflict, which had prompted the *magistros* to express surprise that Psellos still honoured him (Θαυμάζεις [...] ὅτι διὰ τιμῆς ἄγω τὰ σά).⁴⁷³ Psellos dismisses his correspondent's doubts about his affection, pointing out that he had not only made him one of his closest friends ([σὲ] τὰ μὲν πρῶτα ἐν τοῖς πρώτοις τῶν φίλων ἐτίθεμεν), but also adopted him through spiritual communion (εἴτα δὴ καὶ κατὰ πνευματικὴν κοινωνίαν εἰσεποίησαμεν ἑαυτοῖς), honouring him with inclusion in his family (μετοχῇ γένους ἐτιμήσαμεν). De Vries-Van der Velden has identified the addressee as Psellos' son-in-law and although Jeffreys questions this on the reasonable grounds that he is not known to have held the title of *magistros*, it is difficult to see another identification that is compatible both with the description of his relationship to Psellos above and the latter's apparent closeness to his correspondent's wife, which is made evident elsewhere in the letter.⁴⁷⁴ If De Vries-van der Velden is correct, it should be noted that the family unit referenced in the letter is not an extended clan, but rather of the nuclear variety, the cohesion and social significance of which is not in question.⁴⁷⁵ More importantly, especially given the uncertainty of this identification, the point to which these musings on the nature of their relationship lead up is that the *magistros* could rely on Psellos to treat him like a friend and relative (ἔδειξα ἄν σοι ὅποῖος ἐγώ, καὶ φίλος

⁴⁷¹ KD 54, KD 57-58, KD 90, KD 107, KD 144, KD 150-1, KD 160, KD 165, KD 169, KD 253, KD 262, pp. 85-7, 89-91, 118-19, 136-7, 170-1, 175, 187-8, 191, 193, 301, 307-8; S 35, S 45-6, S 80, S 106, S 141, S 163, S 193-4, pp. 269-70, 277-9, 313-14, 350, 383-4, 421-2, 488-9.

⁴⁷² KD 178, pp. 199-200; S 43, S 66-7, S 73, S 146, pp. 276, 297-9, 308-9, 394-5.

⁴⁷³ S 146, pp. 394-5. See above, pp. 100, 139-40.

⁴⁷⁴ De Vries-Van der Velden, 'Psellos et son gendre', pp. 120-2; Jeffreys, 'Summaries', p. 381.

⁴⁷⁵ See above, p. 20-1.

καὶ συγγενής), thus returning to the usual bilateral conceptualisation of the relationship for practical purposes. There is no reference, in this letter nor in any of the others, to any shared family interests or agenda.

4.2.2 The ‘great families’

Even though Psellos apparently did not view his family as his principal source of identity and solidarity, nor expected his correspondents to consider this as remarkable, we cannot take for granted that the attitudes assumed and social expectations faced by someone born into a family of obscure origins and moderate wealth would be representative of Byzantine society as a whole. If the illustrious families that allegedly dominated the empire operated by entirely different social mechanisms, however, there appears to be no hint of it in Psellos’ letters. The evidence is limited and this argument will largely have to be made *ex silentio*, focusing on the absence of indications that members of prominent families by definition were representatives of powerful political factions, on which they could rely for support when they were in need of it. This does not allow for definitive conclusions, but serves to establish a theme that we shall have reason to return to in subsequent chapters. There is, of course, no exact definition of a ‘great family’, but we may begin by noting that when writing to anyone outside of the imperial family, Psellos rarely seems to imply any inferiority of his own status in relation to his correspondents, even in the cases where they are members of prominent families.⁴⁷⁶ For instance, he wrote to the *vestarches* Bourtzes to console him for the death of his brother, claiming the deceased as a brother in all but family (εἰ γὰρ κατὰ ἡλλοτριώμεθα, ἀλλ’ ἀδελφοὶ

⁴⁷⁶ In addition to the letters referenced below, see G 27, pp. 179-81; K 2, pp. 307-10; S 87, S 108, pp. 330-1, 352-3.

τὴν ψυχὴν ἐτυγχάνομεν ὄντως).⁴⁷⁷ He also adopted a friendly and intimate tone with one Iasites,⁴⁷⁸ one Choiosphaktes⁴⁷⁹ and at least two Aristenoi,⁴⁸⁰ father and son.⁴⁸¹

The sense of social equality in these letters is further emphasised by the contrast with one particularly clear exception, namely a letter addressed to Romanos Skleros,⁴⁸² a member of one of the most prominent families of the period.⁴⁸³ Psellos immediately takes a deferential tone, referring to Skleros as his ‘master, old and new’ (ὁ ἐμὸς καὶ ἀρχαῖος καὶ νέος αὐθέντης), and immediately proceeds to flatter him at length, praising the goodness of his soul (τῆς ψυχῆς), body (τοῦ σώματος), character (τοῦ ἥθους) and mind (τῆς γνώμης), as well as his magnificent nature (τῆς μεγαλοπρεποῦς φύσεως) and well-born conduct (εὐγενοῦς προαιρέσεως). He also makes sure to wish his correspondent a happy life free from pain and sorrow (διάγοις οὖν ἀλύπως, ζῶης εὐδαιμόνως) as well as productive estates (ὄναιο τῶν παμφόρων σοι χωρίων) and good fortune in hunting (θηρεύοις, ὅποσα τῶν ζῶων βούλει, τοξεύοις ἐπιδεξιῶς), before getting to the point of the letter, which is to congratulate Romanos on the birth of ‘the new Skleros, your grandson’ (τὸν νέον Σκληρόν, τὸ τοῦ σπλάγγχνου σπλάγγχνον). This is then used as an

⁴⁷⁷ S 105, pp. 347-50. Regarding the prominence of the Bourtzai, see Cheynet, ‘La Famille Bourtzès’.

⁴⁷⁸ Prominent family with at least four members holding high military command (*strategos*, *katepano*, *doux*) during the eleventh-century.

PBW (consulted 29.x.2017) Nikephoros 20264, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/160257>>.

PBW (consulted 29.x.2017) Niketas 20241, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/155158>>.

PBW (consulted 29.x.2017) Michael 111, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107834>>.

PBW (consulted 29.x.2017) Leon 20226, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/154246>>.

⁴⁷⁹ Also a prominent family with members who served both as military commanders and *kritai* during the eleventh century. PBW (consulted 29.x.2017) Leon 104, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107659>>.

PBW (consulted 29.x.2017) Niketas 20172, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/155090>>.

PBW (consulted 29.x.2017) Gregorios 20153, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/153044>>.

PBW (consulted 29.x.2017) Michael 10101, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/158541>>.

PBW (consulted 29.x.2017) Anonymus 20102, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/151978>>.

⁴⁸⁰ Another seemingly prominent family whose name appears on the eleventh-century seals of a *strategos*, a *katepano*, a logothete of the *dromos* and a high judicial official.

PBW (consulted 29.x.2017) Ioannes 20513, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/153517>>.

PBW (consulted 29.x.2017) Ioannes 20514, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/153518>>.

PBW (consulted 29.x.2017) Michael 20286, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/154691>>.

PBW (consulted 29.x.2017) Anonymus 20117, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/151993>>.

⁴⁸¹ G 24-5, pp. 174-8; KD 6, KD 67, KD 94, KD 111, KD 147-8, KD 224, pp. 7-8, 100-1, 122, 139-40, 173-4, 266-7; S 124, S 171, S 176, pp. 372, 434-8, 451-5.

⁴⁸² PBW (consulted 15.vii.2016) Romanos 104, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/108221>>.

⁴⁸³ KD 68, pp. 101-2. Cheynet, *Pouvoir*, pp. 267-78.

occasion for further praise, with Psellos expressing his hopes that the newborn would grow up to emulate his grandfather (εἰ δὲ καὶ τῷ πάππῳ ἀπείκασται καὶ ἡκριβώκε σοῦ [...] τοῦτο δὴ δῶρον θεοῦ καὶ κρεῖττον εὐχῆς).

Along the same lines, he proceeds to state that even though he did not know his correspondent's father and grandfather (ἀλλ' ἐγὼ σοι οὔτε τὸν πάππον εἶδον οὔτε τὸν πατέρα τεθέαμαι), he would hold these noble and well-born men up as role models by virtue of their reputation (ἡ φήμη δὲ τούτους γενναίους ἄνδρας καὶ εὐγενείας ἔχει ἀγάλματα).⁴⁸⁴ Psellos also writes that he had observed Skleros well (σὲ δὲ ἰδὼν καὶ ἀκριβῶς εἰδὼς καὶ πολλάκις παρακύψας εἰς τὴν ψυχὴν σου) and praised him before (τὸν πρὸ τοῦ χρόνον τὰ κατὰ πάντων σοι σχεδὸν ἐχαριζόμενν πρωτεῖα), which he would do no less now (καὶ νῦν οὐδὲν ἔλαττον) when he could do so free from the suspicion of flattery (ὅποτε καὶ τῆς τοῦ κολακεύειν ὑποψίας ἡλευθέρωμαι), likening him to the demigods (τοῖς ἡμιθέοις ἐκείνοις ἀπεικάζω σαφῶς).

If read on its own, this letter seems to be well in line with the theory that Byzantine society was dominated by powerful clans, political interest groups defined in terms of kinship, given its deferential tone and strong focus on family, heredity and *eugeneia*. If we subject it to more detailed consideration and contextualisation, however, a more nuanced picture emerges. Firstly, there is no denying that the letter is intensely preoccupied with the prestige conferred by being well-born. When tailoring his flattery to emphasise Skleros' family, Psellos clearly assumed that his correspondent would take a great deal of pride in his heritage, cherishing the idea of virtue and *eugeneia* passing not only from himself to his grandson, but also further back from his own forebears.⁴⁸⁵ This is likely to have reflected a wider societal recognition and respect for the scions of illustrious lineages and such prestige must have conferred some measure of

⁴⁸⁴ Cf. Holmes, *Basil II*, pp. 255-98.

⁴⁸⁵ On *eugeneia*, see Magdalino, 'Snobbery'.

authority, although it is not evident that it would translate into much power in the absence of the more material advantages associated with aristocracy. It is also worth noting that the concept of *eugeneia* is presented in strictly vertical terms here, as something passing from fathers to sons through the ages and not as a bond between the contemporaneous members of an extended family or clan.

As such, let us consider the features of this letter that makes the Skleroi appear powerful in a horizontal, collective sense. I see three interdependent factors at work here. Firstly, there is the deferential tone more typical of Psellos' letters to emperors combined with the profuse flattery offered without any hint of intimacy.⁴⁸⁶ As we have seen, Psellos occasionally praises his friends in strong terms, but in this letter he explicitly refers to Skleros as his master (αὐθέντης), but never as his friend, and there appears to be nothing in the letter implying that they knew each other particularly well. When explaining how he had come to form the favourable opinion of his correspondent, Psellos literally writes that he had often glanced sideways at his soul (πολλάκις παρακύψας εἰς τὴν ψυχὴν σου), which seems to suggest discreet admiration from afar rather than intimate association. This reinforces the sense that this is a letter written by a social inferior to a superior.

Secondly, Skleros does not appear to have held office at the time when the letter was written, which means that his status and power must have been of an informal nature. He first appears to have risen to prominence during the reign of Constantine IX (r. 1042-55), who had taken his sister Maria as his mistress, was granted high honours and held several military commands before being dismissed by the empress Theodora (r. 1055-6).⁴⁸⁷ He reappears briefly in our

⁴⁸⁶ The letters addressed to emperors are KD 5, KD 29, KD 156, KD 188, KD 202, KD 215, pp. 5-6, 41-3, 178-83, 207-9, 230-1, 257-8; S 3, S 6, S 48, S 52, S 69, S 74, S 81-2, S 104, S 115, S 137, S 161, pp. 224-7, 230-2, 280, 283, 300-4, 309, 315-18, 346-7, 359-62, 380, 416-19.

⁴⁸⁷ Seibt, *Die Skleroi*, pp. 76-85.

sources during the rebellion of Isaac Komnenos (r. 1057-9), leading the right flank of the rebel army at the battle of Nicaea, after which his fate is unknown. Jeffreys thus makes the plausible suggestion that Psellos' mention of being free from the suspicion of flattery (τῆς τοῦ κολακεύειν ὑποψίας ἡλευθέρωμαι) is a reference to Skleros' dismissal by Theodora, meaning that the letter should be dated soon thereafter.⁴⁸⁸ It is possible, of course, that Psellos is sincere when claiming that he had no reason to flatter his correspondent and merely wanted to express his heartfelt admiration and congratulations on the birth of his grandson, but it is hard to avoid the suspicion that this is mainly a pretext for ingratiating himself with a man who still wielded considerable influence and who could probably be expected to return to high office in the near future. Finally, it seems reasonable to infer that it is not a coincidence that the only letter in the collection expressing such obeisance towards someone outside of the imperial family is addressed to a member of one of the most illustrious families of the period.

It is, however, precisely the uniqueness of the letter that makes it problematic to use in support of the idea that Byzantine society was dominated by powerful clans. The complete absence of similar signs of inequality in the letters to members of other prominent families cited above is suspicious, but could by itself perhaps be explained by the fact that none of these families, save perhaps the Bourtzai,⁴⁸⁹ were quite as prominent as the Skleroi. Such an argument cannot, however, be applied in regard to the letters addressed to Nikolaos Skleros.⁴⁹⁰ He probably belonged to a later generation than Romanos, since he still appears to have been active after the accession of Alexios Komnenos (r. 1081-1118), but it cannot be determined with certainty how these two Skleroi were related.⁴⁹¹ As has been noted above, Nikolaos seems to have been a frequent correspondent of Psellos', being the recipient of at least eight of the letters in the

⁴⁸⁸ Jeffreys, 'Summaries', p. 204.

⁴⁸⁹ Cheynet, 'La Famille Bourtzès', pp. 15-55.

⁴⁹⁰ PBW (consulted 11.ii.2016) Nikolaos 2104, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/158208>>.

⁴⁹¹ Seibt, *Die Skleroi*, pp. 93-7.

collection, none of which are written with any hint of the deferential tone used in the letter to Romanos.⁴⁹² We have already examined three letters requesting help for monasteries, where Psellos seems to employ the same language of friendship as he customarily does in such letters.⁴⁹³ We have also seen that Psellos evidently had no qualms about chastising Skleros harshly for refusing to hire his preferred candidate for the position of *notarios*.⁴⁹⁴ He even emphasises the lengths to which he would have expected his friend to go in order to help him by stating his belief that even if he had burdened Skleros with the mountains of Olympos and Athos (ἐγὼ δὲ ὄμην, ὥς εἰ καὶ τὰ μέγα ὄρος τὸν Ὀλυμπον, πρὸς δὲ καὶ τὸν Ἄθων συμπεφορτίσομαί σοι), he would have carried them more willingly and spoken more nobly than Atlas assuming the burden of the sky (ἡδέως ἂν ὑποδέξασθαι καὶ προθυμότερον ἂν ὑπελθεῖν τὸν φόρτον, εἰπεῖν δὲ καὶ γενναιότερον ἢ ὁ Ἄτλας τὸν οὐρανόν). Surely these are not words addressed to a social superior.

The remaining four letters to Nikolaos Skleros all concern Psellos' efforts to secure Skleros' dismissal from the position of *krites* of the Aegean Sea. They are well worth considering in this context. The first one, addressing the recipient as 'wisest and much-beloved brother' (σοφώτατε καὶ περιπόθητε ἀδελφέ), announces failure, claiming that the time was not propitious (ὁ καιρὸς ἀντιπράττει) and encouraging Skleros to be high-minded and not try to realise his hopes immediately (δεῖ δέ σοι μεγαλοψυχίας καὶ μὴ αὐτίκα ζητεῖν τὴν τῶν ἐλπισμένων συναγωγὴν).⁴⁹⁵ The second congratulates Skleros, addressed as 'most learned brother' (λογιώτατε ἀδελφέ), on the beautiful letter he had sent (τὸ μὲν γράμμα σου), likening it to the

⁴⁹² KD 37, KD 44, KD 56, KD 63, KD 124, KD 126-8, pp. 60-2, 73-5, 88-9, 96-7, 148-52. Additionally, he may well have been the recipient of KD 123, S 25 and S 65, all of them addressed to the *krites* of the Aegean Sea, but this cannot be said with certainty. See Jeffreys, 'Summaries', pp. 227-8, 323, 341. See also above, pp. 78, 90, 92, 96-7, 167, 181.

⁴⁹³ KD 124, KD 126-7, pp. 148-51. See above, p. 90, 92.

⁴⁹⁴ KD 128, pp. 151-2. See above, p. 167.

⁴⁹⁵ KD 44, pp. 73-5.

girdle of Aphrodite (ὅποῖον ὁ παρὰ τῷ ποιητῇ κεστὸς παρὰ τῆς Ἀφροδίτης τῇ Ἥρᾳ δοθείς) and the music of Orpheus (ἢ μᾶλλον τὰ τοῦ Θρακὸς Ὀρφέως ἐμμελῆ κρούματα), but announces once more that the timing was disadvantageous (τοιούτος οὖν ὁ παρὼν καιρὸς, ἀντίθετος τοῖς σοῖς μέλεσιν ὦν) and notes by way of consolation that not even Orpheus was always successful in charming the trees and the wild beasts (οἶμαι δὲ καὶ τὸν Ὀρφέα μὴ πάνποτε πρὸς τὴν δρῶν καὶ τὴν πίτυν δύνασθαι μηδ' ὑφέλκειν τοὺς θῆρας τῇ τῆς ᾠδῆς ἀρμονίᾳ).⁴⁹⁶ The emperor, most likely Constantine X (r. 1059-67), was currently preoccupied with military matters (ἀλλ' ὁ βάρβαρος, ἀλλ' ὁ πόλεμος), but Psellos promised to hold the letter in reserve and present it to him at the opportune time (ταμιεύομαι σε τὸν ἐμὸν Ὀρφέα τῷ βασιλεύοντι ἐν καιρῷ).

In the third letter, Psellos begins by assuring Skleros of his devotion to his cause, as a brother (ἀδελφός), a true friend (φίλος ἀληθής) and someone who had taken part of the same education (τῆς αὐτῆς σοι παιδεύσεως κεκοινωνηκώς), claiming that he would be willing to suffer anything as long as it would result in some gain for his friend (πᾶν ὅτιοῦν παθεῖν ὥστε τι ἐντεῦθεν τῶν συνοισόντων περιγενέσθαι σοι, οὐκ ἂν παρητησάμην).⁴⁹⁷ He then proceeds to announce some preliminary success (τό γοῦν βραχὺ τοῦτο περὶ σοῦ δέξει ἀγώνισμα), a prelude for better things still to come (προοίμιον ἴσως μειζόνων ἐσόμενον ἀγαθῶν), describing how he had passionately explained Skleros' situation to the emperor (περιπαθέστερον τὰς σὰς τύχας διηγησάμην), carefully arranging his arguments (τὸν περὶ σοῦ λόγον εὐμεθόδως καταβαλὼν), crying and wailing aloud in pity (τέγξας τοὺς ὀφθαλμοὺς δάκρυσιν ἀνώμωξά τε ἐλεεινὸν), and reading out his letter (αὐτήν σου τὴν ἐπιστολὴν ὑπανέγων αὐτῷ), which is described elsewhere as full of groaning (σου τὴν πολυστένακτον [...] γραφήν). As was his custom (ὅσπερ δὲ ὁ ἐκείνου τρόπος), the emperor had not agreed to immediately free Skleros from all his problems (οὐκ

⁴⁹⁶ KD 37, pp. 60-2.

⁴⁹⁷ KD 63, pp. 96-7. See above, p. 181. This letter and the next also concern the matter of a confiscated estate, which, for the sake of simplicity, I have left out of my account of them.

εὐθύς σε τοῦ πελάγους ἀφήρπασε τῶν δεινῶν οὐδὲ εἰς ἀκλύστους λιμένας ἀπήγαγεν), but he gave him permission to refrain from returning to his theme (ἀλλὰ καὶ τῆς ἀνάγκης τοῦ ἀφικέσθαι σε εἰς τὸ Αἰγαῖον ἀπήλλαξε) and go to his estate of Mitza Kathara⁴⁹⁸ instead (καὶ εἰς τὸ σὸν κτῆμα τὰ Μιτζὰ Καθαρὰ ἀπεληλυθέναι παρακελεύσατο). Psellos thus advised his correspondent to send the emperor a letter abounding with gratitude (γράψον πρὸς τὸν αὐτοκράτορα γράμμα [...] πάσης δὲ γέμον εὐχαριστίας). Finally, in the fourth letter, Psellos is able to comfort Skleros (εἰ μὲν ἀποχρῶσά σοί ἐστι παρηγορία), addressed as ‘wisest and highly honoured brother’ (σοφώτατε ἀδελφὲ καὶ ὑπέρτιμε), by announcing that he had been released from his post as *krites* of the Aegean Sea (τὸ ἀφαιρεῖσθαί σε τὴν τοῦ Αἰγαίου ἀρχήν).⁴⁹⁹ Psellos had read out Skleros’ wise letter to the emperor, moving him to pity (τὴν γὰρ πρὸς ἐμέ σου ὑπαναγνοὺς τῷ φιλανθρώπῳ ἡμῶν βασιλεῖ σοφωτάτην ἐπιστολὴν καὶ τὴν φωνὴν ἐπικλάσας), after which he had immediately granted the request (καὶ αὐτίκα σοὶ τὴν δέησιν ἀπελύσατο).

There are two points that should be made about these letters. The first one concerns the apparent equality and friendship between Psellos and Nikolaos Skleros, which stands in sharp contrast to the former’s deferential attitude towards Romanos Skleros. Psellos refers to Nikolaos as brother (ἀδελφός) in all four letters and in two of them he underlines their common status as *logioi*, which we have found to be an important source of identity and solidarity. It is surely significant that these are the terms in which Psellos finds it appropriate to frame their relationship, firmly within the framework of friendship between learned equals, just as we have seen him do in his correspondence with individuals who, as far as we can tell, belonged to less illustrious families. There are, of course, several possible reasons why Psellos might treat Romanos, but not Nikolaos, with such obeisance, but it is evident that the name of Skleros is

⁴⁹⁸ Cheynet, *Pouvoir*, pp. 215, 246, suggests that the Skleroi mainly had estates in the theme of *Anatolikon* in south-central Asia Minor.

⁴⁹⁹ KD 56, pp. 88-9.

not among them, since that is the one thing we know that they had in common. Membership of a prominent family, while certainly advantageous in many ways, did consequently not guarantee recognition as a social superior by those of more humble origins.

There is a similar, if somewhat less pronounced, discrepancy between the two letters addressed to otherwise unidentified individuals bearing the name Dalassenos, another very prominent family during this period.⁵⁰⁰ In the one where Psellos is asking Dalassenos to convey his opinion of Anastasios Lizix to the emperor if it was favourable, but stay silent if it was not, there is a distinct servility in the way he expresses his gratitude for the favour yet to be performed.⁵⁰¹ He uses very strong language to proclaim himself entirely at his correspondent's disposal (ἐμὲ δὲ οὕτως ἐδούλωσας, καὶ οὕτως ὑποχείρον ἔσχες), with δουλεία being a concept normally used to describe the relationship between the emperor and his subjects, and promises to happily fulfil any request Dalassenos might make of him (ὥς ἥδιστ' ἂν καὶ παρασταίην σοι καὶ λούσαιμι, καὶ ἄλλό τι τῶν ἐν ὑπηρεσίαις ποιήσαιμι). It is worth remembering that Psellos is no stranger to poetic hyperbole, that he is writing with the express purpose of persuading Dalassenos to perform a favour and that he still expects his correspondent to value the prospect of being praised by Psellos before the emperor. Even so, the wording is exceptionally submissive.

This stands in contrast to the playful and friendly tone of the second letter, where Psellos encourages Dalassenos to write in simple and soldierly language, which, if anything, hints at a slight condescension.⁵⁰² He addresses his correspondent both as 'my greatly-admired lord' and as 'dearest brother' (περίβλεπτε κύριέ μου καὶ ἀδελφὲ ἡγαπημένε), perhaps implying a current difference in formal rank but a fundamental equality, refers to Dalassenos' great affection for

⁵⁰⁰ Cheynet, 'Les Dalassènoi', pp. 75-115.

⁵⁰¹ S 78, pp. 311-12. See above, pp. 133, 173.

⁵⁰² KD 264, pp. 309-10. See above, pp. 184, 186-7.

him (ή πρὸς ἡμᾶς σου ἀγάπη πολλή) and seems perfectly comfortable criticising him for his disinclination to match the length of his letters to the strength of their mutual friendship (τὸ δὲ γράμμα βραχύ· ὁ μᾶλλον ἔδει μακρότερον εἶναι καὶ τῷ μέτρῳ τῆς ἀγάπης ἀναλογοῦν). Given the divergent tenor of these letters I am inclined to imagine them as addressed to two different members of the same family, but it is also entirely possible that they were sent to the same person, albeit presumably under different circumstances. Either way, the second letter makes it clear that it was not the name of Dalassenos that guaranteed the subservience of the first.

The second point regarding the retirement of Nikolaos Skleros concerns his relative powerlessness in his efforts to be released from his office. In the letters, he appears to be completely dependent on the emperor's compassion and Psellos' powers of persuasion, writing emotional epistolary pleas for pity, which the emperor then seems to have no qualms about ignoring if he happened to be preoccupied with other matters, if indeed Psellos even bothered to convey them. If Byzantine society really was dominated by powerful clans, we could have expected emperors to take requests from the scions of families like the Skleroi considerably more seriously, and the latter to have other ways of making them to do so than waiting patiently for the opportune time. Despite his illustrious family name, Skleros' best, and quite possibly only, way of influencing imperial policy seems to have been his friendship with Psellos. If he was a member of a powerful and politically self-aware clan on which he could rely on for support, there appears to be no trace of it in these letters.

This also brings to mind some of the interventions with *kritai* examined in the previous chapter. Most importantly, there is the letter to the *krites* of Optimaton where Psellos asks for help for one Basil Melissenos, a member of another prominent family,⁵⁰³ which Psellos underlines by

⁵⁰³ Nikephoros Melissenos, whose exact relationship to Basil is unknown, rebelled against Nikephoros III in 1080 and was successful enough for Alexios Komnenos to offer him the title of Caesar in exchange for abandoning his

describing him not only as intelligent (συνετώτατος) and courageous (ἀνδρειότατος), but also most well-born (εὐγενέστατος).⁵⁰⁴ Even so, a recent unbearable imposition (συνωνή, ἣν ἀχθηφορεῖν μὴ δυνάμενος) had left him without the means to meet the bare necessities (οὐκ ἀρκοῦσαν ἔχει τὴν χορηγίαν τῶν ἀναγκαίων), which is the reason for Psellos' intervention with the *krites*. Basil's prestigious name and family connections may well have played a part in securing Psellos' help, but being a Melissenos had apparently not prevented him from being brought to the brink of bankruptcy, which could now only be averted by an urgent appeal for a tax-exemption.

Similarly, but somewhat less clear, Psellos wrote a letter of introduction to the *krites* of Opsikion on behalf of rich man who had become poor (εὐπορήσαντα μὲν, πτωχεύσαντα δέ), described as being of respectable birth (σεμνὸς τὸ γένος) and efficacious in the army (τὰ στρατιωτικὰ δραστήριος), who had been tried by a miserable reversal in life (πειραθεὶς δὲ ἔκ τινος περιπετείας τῆς τοῦ βίου κακότητος).⁵⁰⁵ Psellos also states that the man is serving under his hand (ὑπὸ τὴν ἐμὴν χεῖρα τελῶν), which probably indicates that he had sought patronage as a response to his misfortune. This is certainly an excellent illustration of downward social mobility, even though it is uncertain exactly which family circumstances we should read into the reference to respectable birth.

There is, however, also the letter written to the *krites* of Opsikion on behalf of the son of Michael Choirosphaktes (τῷ Χοιροσφάκτῃ ἐκείνῳ Μιχαήλ [...] υἱὸς ἐστὶν ἐνταῦθα), asking for judicial action against a violent neighbour.⁵⁰⁶ Psellos writes that the younger Choirosphaktes

imperial claims and joining the Komnenian cause, which would make the Melissenoi fit Cheynet's definition of the *megistanes* as the families able to credibly aspire to the imperial throne. PBW (consulted 27.vii.2016) Nikephoros 115, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107966>>; Cheynet, *Pouvoir*, pp. 249-53.

⁵⁰⁴ S 75, pp. 309-10. See above p. 94.

⁵⁰⁵ KD 119, p. 145.

⁵⁰⁶ KD 243, pp. 293-4. See above, pp. 122, 179.

was well-mannered and most learned (κοσμιώτατος μὲν καὶ λογιώτατος), but that he had not yet made a good career (οὐπω δὲ βίου δραξάμενος εὐκλεοῦς) and, recognising his adverse fortune (ὅθεν τὴν τύχην ἰδὼν ἀντικειμένην αὐτῷ), had reduced his expenses (συνέστειλέ τε τὸν ἑαυτοῦ βίον) and lived in poverty on the very small income from his estate at Pythia (ζῆν γλίσχρως καὶ ἐνδεῶς ἀπὸ βραχυτάτης εισόδου τοῦ ἐν τοῖς Πυθίοις αὐτοῦ κτήματος). This obviously concerns a member of a less prominent family than the Skleroi and Melissenoi who moreover appears to be in somewhat less dire straits and, again, it is possible that family connections played a part in obtaining the help from Psellos, who appears to have been a good friend of Eustratios Choirosphaktes.⁵⁰⁷ If so, however, those connections had still been insufficient to secure an attractive job, despite his otherwise promising qualifications. It is also worth noting that through his use of the particles μὲν and δέ, Psellos presents this failure to make a good career as something that stands in opposition primarily to Choirosphaktes' good manners and education, rather than his parentage. Taken together, these examples give us little reason to suspect that the notion of family solidarity was any stronger or more devoutly adhered to in prominent families than it appears to have been in Psellos' own.

⁵⁰⁷ See G 25, pp. 176-8; KD 147, p. 173; S 124, p. 372. The exact relationship between the two Choirosphaktai in question is, once again, obscure.

5. The jurisprudence and politics of the *Peira*

The so-called *Peira* is a collection of legal decisions and judicial arguments made by the *magistros* Eustathios Rhomaios, who ended his brilliant career as *droungarios* of the *Vigla*, the highest ranking jurist in the empire, presiding over the court of the *velum* of the Hippodrome.⁵⁰⁸

The name of the author has been lost, as has the original title of the text. The commonly used designation, *Peira*, to which we shall remain faithful, is deduced from the single manuscript in which the text survives under the heading: ‘The book which some call experience (πειρα), others call teachings (διδασκαλία) from the deeds of the great lord Eustathios Rhomaios.’⁵⁰⁹

The author was a pupil or assistant of some sort to Eustathios and makes occasional appearances in the text, asking the judge to further explain his reasoning or clarify a point of law. The *Peira* is thus to some extent based on the personal reminiscences of the author, but its main source appears to be a dossier of substantiated legal opinions (ὑπομνήματα) written by Eustathios, collected and officially numbered.⁵¹⁰ The collection consisted of at least 183 opinions that were probably arranged chronologically. The *Peira* is thematically organised in 75 numbered chapters, each containing a varying number of paragraphs, ranging from one to 91. It appears to have been composed as a practical aid for jurists, distinguished by the normative force ascribed to Eustathios’ judicial reasoning and interpretations of the law.⁵¹¹ Its use as a legal

⁵⁰⁸ N. Oikonomides, ‘The ‘Peira’ of Eustathios Rhomaios: an Abortive Attempt to Innovate in Byzantine Law’, *Fontes Minores* 7 (1986), pp. 171-6, 187; J. Howard-Johnston, ‘The *Peira* and Legal Practices in Eleventh-Century Byzantium’, in M. D. Lauxtermann & M. Whittow, *Byzantium in the Eleventh Century: Being in Between* (London, 2017), pp. 66-7, 69-70; PBW (consulted 24.ii.2017) Eustathios 61, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/157024>>.

⁵⁰⁹ *Peira*, p. 11.

⁵¹⁰ Oikonomides, ‘The ‘Peira’’, p. 177.

⁵¹¹ Oikonomides, ‘The ‘Peira’’, pp. 183-5. There appear to be parallels to the encyclopedism of the tenth century here, in the sense that it is an effort to collect knowledge and make it more accessible and useful, especially for reasons of state. See Lemerle, *Byzantine Humanism*, pp. 309-46; A. Németh, ‘The Imperial Systematisation of the Past in Constantinople: Constantine VII and his *Historical Excerpts*’, in J. König & G. Woolf (eds.), *Encyclopaedism from Antiquity to the Renaissance* (Cambridge, 2013), pp. 232-58.

textbook is testified in a school text from the end of the eleventh century or the first half of the twelfth.⁵¹² It is the only text of its kind known to us.

Each individual case is summarised briefly, usually from a legal perspective only, which unfortunately tends to obscure the events and individuals behind the lawsuit, something which left both Nikolaos Oikonomides and James Howard-Johnston with the impression that the author suppressed the details concerning the persons involved, unless they affected high society or could serve as elements of reference.⁵¹³ This also has implications for dating. A *terminus post quem* of 1034 can be safely established, since Romanos III (r. 1028-34) is referred to as deceased in the text, but finding a *terminus ante quem* is a more complicated matter. Oikonomides suggests a date of compilation before 1042, noting the appearance of Maria Skleraina without mention of the title *sebaste*, which she would be commonly known by from that year on.⁵¹⁴ I am inclined to agree with this, but the argument could also be expanded somewhat.⁵¹⁵ It will be argued below that the references to members of three particularly illustrious families, the Skleroi, Bourtzai and Komnenoi, were intended to illustrate the point that impartial justice should be served even in cases where one of the parties belonged to one of the empire's most prominent families.⁵¹⁶ Since these references often portray the aristocrats involved in an unflattering light, we could expect the author to select cases involving members

⁵¹² M. Treu, 'Ein byzantinisches Schulgespräch', *Byzantinische Zeitschrift* 2 (1893), p. 99; A. Schminck, 'Vier eherechtliche Entscheidungen aus dem 11. Jahrhundert', *Fontes Minores* 3 (1979), p. 221, n. 2.

⁵¹³ Oikonomides, 'The *Peira*', p. 180; Howard-Johnston, 'The *Peira*', p. 66.

⁵¹⁴ Oikonomides, 'The *Peira*', p. 175.

⁵¹⁵ My thanks to Michael Jeffreys for pointing out to me that the Skleroi would have been an unlikely choice as examples of aristocratic criminals after 1042. Reasoning along similar lines, but reaching the opposite conclusion, Howard-Johnston, 'The *Peira*', pp. 70-1, suggests that the text may have been written during the reign of Constantine IX, as part of the apparently widespread opposition to his legal reforms, in which case the inclusion of the cases involving members of the Skleros family would have been motivated by the author's hostility to the emperor. I am personally disinclined to view the *Peira* as quite so subversive, but there is no way of knowing for sure.

⁵¹⁶ See below, pp. 246-7. It is interesting to note that Skleros and Bourtzes are also the two most prominent non-imperial family names to figure among Psellos' known correspondents. This is probably largely coincidental, but it is at least consistent with the idea that members of these families played an active and visible role in society during the mid-eleventh century, which made them suitable elements of reference. See above, pp. 196-204.

of families that were illustrious enough to ensure that the message would get across, but not so intimately connected to the reigning emperor that offending them would risk attracting imperial retribution. The three families concerned would all appear to fit this description perfectly before 1042, when Maria Skleraina rose to prominence through her liaison with Constantine IX, whose accession, like that of Isaac Komnenos 15 years later, appears to have been sudden and unexpected.⁵¹⁷

While the author's admiration for Eustathios is evident, and occasionally explicit, the *Peira* does not read like a panegyric, but rather relies on the *droungarios*' status as a model judge to lend weight to its demonstrations of how judicial dilemmas should be approached and solved. The authorial intent consequently seems to be instructive and the cases selected from the larger collection of opinions in order to illustrate particular judicial points rather than to give an exhaustive account of Eustathios' life and deeds. As such, the judgments referenced in the text were not necessarily representative for his judicial service as a whole, nor for the actual conduct of Byzantine judges in general during this period. On the other hand, since the text was based on actual cases and intended to be practically useful, we can expect its recommendations to be realistic and the justifications well in line with contemporary norms of political behaviour, much like Psellos' epistolary requests for favours. Indeed, the conclusions drawn in the previous chapters suggest that Eustathios and his colleagues at the court of the hippodrome essentially belonged to the same social group as the provincial judges appearing in Psellos' correspondence, espousing the same civil service ethos and sharing the same concern to maintain a good reputation, which would have provided significant incentives to adhere to the ideals set out in the *Peira*.⁵¹⁸ We will return to this issue below.

⁵¹⁷ According to Psellos, *Chronographia*, 6.10-14, vol. I, pp. 254-60, Constantine Monomachos was the empress Zoe's second choice in 1042, and, of course, only the fourth man she chose to elevate to imperial dignity (after Romanos III, Michael IV and Michael V).

⁵¹⁸ See above, esp. pp. 127-46, 152-87.

The *Peira* consequently offers valuable complementary evidence to our analysis of Psellos' letters and the first subchapter below will explore its conception of justice, law and the professional duties of judges. This is not intended to be an exhaustive study of the jurisprudence of the *Peira*, since a systematic analysis of all our three main sources would extend far beyond the appropriate scope of a doctoral thesis, as has been discussed above.⁵¹⁹ As such, the inquiry will be limited to the themes identified in the analysis of Psellos' letters, meaning that we will only consider entries that I have identified, through a selective survey of the text, to offer information relevant to evaluating the conclusions of the previous chapters.⁵²⁰ Methodologically, this is not an ideal way to approach a text as relatively unexplored as the *Peira*, with the risk of confirmation bias being particularly problematic. I have tried to mitigate it in two ways: firstly, by considering not only how the text can be used to support my previous arguments, but also where it cannot, and secondly, by grounding my analysis firmly in the, admittedly patchy, previous scholarship on the *Peira*, with particular focus on its political implications, and build on our existing knowledge of the text.

We will thus begin by discussing one of the issues that have attracted the most scholarly attention, namely the considerable latitude that Eustathios gives himself in interpreting and applying the law. This practice of allowing extensive room for personal discretion in the exercise of official power does, in fact, seem to mirror Psellos' expectations of how the officials he corresponded with would discharge their duties. As we have seen, this was not only helpful in their ventures to exchange favours with their friends, but also necessary for their ability to balance the sometimes conflicting moral demands of virtues like mercy and compassion with

⁵¹⁹ See above, p. 24.

⁵²⁰ I am very grateful to James Howard-Johnston for providing invaluable assistance in the process of identifying, reading and making sense of the most relevant entries.

their more prosaic official responsibilities. The same principle can be observed in the *Peira*, where we find Eustathios making use of this discretion to balance strict adherence to the law with compassion, much along the lines advocated by Psellos in some of his letters. The networks of friendship that have been identified as crucial to the operation of the provincial administration in the previous chapters do, however, appear to be invisible in the *Peira*, although it would be premature to ascribe this to fundamental disparities between centre and periphery, since it may simply reflect the differing nature of our respective sources. The text simply provides no evidence either way. It does, however, appear to confirm that lack of verifiable information was a recurring problem for Byzantine judges, which supports the argument made in chapter 3 that this was an important context in which to view Psellos' judicial interventions. Finally, the subchapter aims to challenge Oikonomides' interpretation that the *Peira* represented an attempt to undermine imperial authority over the justice system, arguing instead that it seems to reflect an institutional order where judges recognised that the personal discretion with which they were able to discharge their duties was entirely dependent on imperial approval, which, of course, is also consistent with the conclusions of the previous chapters.

The following two subchapters (5.2 and 5.3) concern themselves with the Byzantine aristocracy as it appears in the *Peira*. As there is scant biographical information in the text, I have for our present purposes considered as aristocrats all those identified by either a surname or an official title, or otherwise referred to as powerful (δυνατός). Out of the cases I have found where at least one of the parties involved meets this criterion, I have made use of the ones offering information pertinent to the themes of the respective subchapters, where I have also taken into account that not all of these individuals were necessarily especially influential in practice. Chapter 5.2 deals with the capacity of the state apparatus and willingness of its officials to hold

powerful private individuals to account, which, of course, would have been essential for upholding imperial sovereignty as well as providing justice for all the emperor's subjects. Particular attention is given to the enforcement of the land legislation of the Macedonian emperors, intended to protect the poor (πένητες / πτωχοί) from the encroachments of the powerful (δυνατοί). It is argued that, contrary to more traditional views, the *Peira* indicates neither that the powerful were able to flout these laws with impunity, nor that imperial officials employed the legislation as a weapon against aristocratic ambition, using the interests of the poor as a mere pretext for persecuting wealthy landowners. Instead, Eustathios appears to enforce the land legislation scrupulously while at the same time protecting the property rights of the powerful from excessive claims from the poor. This commitment to justice for poor and powerful alike is not limited to land disputes, but seems to be a consistent feature throughout the text, which suggests that the representatives of the state are generally acting from a position of strength, neither subservient nor hostile to the aristocrats appearing before them.

Chapter 5.3 then returns to the question of whether extended families functioned as political parties, collectivising the influence of its individual members and serving as the primary source of identity and allegiance. As in Psellos' letters, there appears to be no positive evidence that Eustathios or his contemporaries expected families to operate in this manner and the only ties of blood portrayed as conspicuously strong are those between parents and their children. This seems to be well in line with the suggestion made above that even though kinship surely was valued and considered to entail certain obligations, its political importance might be better understood through the network model,⁵²¹ where its practical implications would be dependent on the specific nature of the relationship between the individual relatives, rather than on a general, and preeminent, duty towards the family as a collective.

⁵²¹ See above, pp. 30-1, 188-9.

5.1 Law and justice

Given the unique character of the *Peira*, it is naturally an invaluable source for how Byzantine law was applied in practice in the tenth and eleventh centuries, which has led to some debate amongst scholars. In a lecture delivered to a gathering of German legal historians in 1972 and published the following year, Dieter Simon presented a damning and rather colourful critique of Byzantine jurisprudence based on the *Peira*, describing it as arbitrary and irrational; a justice system of complete casuistry and an assault on the tradition of Roman law, which is both painful and depressing for the legal historian.⁵²² At the centre of his criticism was the language of the *Peira*, which he viewed as completely bound by the rules of contemporary rhetoric and lacking a conceptually oriented technical terminology necessary to uphold a consistent system of legal thought. The administration of justice, Simon argued, was thus reduced to a matter of rhetorical persuasion. He conceded that the letter of the law was still considered the strongest argument at the jurist's disposal, but that it was merely one source of arguments amongst many and could be easily circumvented or misinterpreted to suit any preconceptions.⁵²³ In his recent study on Byzantine legal culture, Chitwood argues that while Simon is correct in noting that paradigms outside of the Roman legal tradition exerted a powerful influence on Byzantine concepts of law and justice, there was nevertheless a discernible system of jurisprudence, characterised mainly by the tension between the impartiality and objectivity of Roman law and the values of Orthodox Christianity, which emphasised the societal need to ameliorate and soften the application of the law.⁵²⁴ He also points out that Eustathios' skill in interpreting Byzantine law has been vindicated by more recent legal scholarship.

⁵²² D. Simon, *Rechtsfindung am byzantinischen Reichsgericht* (Frankfurt am Main 1973), especially pp. 17, 25, 28.

⁵²³ Simon, *Rechtsfindung*, pp. 13-21.

⁵²⁴ Chitwood, *Legal Culture*, pp. 76-102.

Simon's assessment also differs from that of Günter Weiss, who in the same year and seemingly unaware of Simon's lecture published a considerably more appreciative interpretation of the *Peira*. He argued that the text provided an opposing account to the image of the Byzantine civil servant as greedy, corrupt, incompetent and underhanded, the outlines of which, as we have seen, Weiss himself drew with some conviction in his contemporaneous study of Psellos' letters to provincial judges.⁵²⁵ He argued that while the judgments related by the *Peira* might not conform strictly to the exact letter of the law, the reasoning behind them displayed a considerable legal knowledge and a keen sense of justice.⁵²⁶ In his opinion, the professionalism of the judges of the hippodrome distinguished them as the 'true predecessors of the modern European civil service.'⁵²⁷ The more recent analysis by William Danny adopts a similar line of reasoning, albeit with somewhat more carefully phrased conclusions. Danny argues convincingly that it would be a misrepresentation to characterise the justice of the *Peira* as arbitrary.⁵²⁸ He points out that since the law was often unclear and ambiguous it was necessary to allow the judges considerable discretion in interpreting it and, like Weiss, emphasises the fairly high standard of legal debate visible in the *Peira*.

The principal difference between the diametrically opposed assessments by Simon on one hand and Weiss and Danny on the other does, in fact, appear to be one of perspective. The issue at hand is the considerable latitude which Eustathios gives himself in interpreting, adapting and sometimes even ignoring the unwieldy and to some extent outdated and arcane body of

⁵²⁵ G. Weiss, 'Hohe Richter in Konstantinopel: Eustathios Rhomaïos und seine Kollegen', *Jahrbuch der österreichischen Byzantinistik* no. 22 (1973), p. 143; Weiss, *Oströmische Beamte*, pp. 13-14. Weiss is not necessarily inconsistent, if we interpret him as arguing that the judges of the Velum were exemplary public servants in contrast to their corrupt provincial counterparts. He does not appear to have made any attempts to reconcile these views himself, however, and it is of little consequence for our present purposes since it has been argued in the previous chapters that he is mistaken in his assessment of the thematic *kritai*.

⁵²⁶ Weiss, 'Hohe Richter', pp. 122-3. This appreciative interpretation of Eustathios' skills and conduct as a judge has also found support in more recent work by legal historians. See, for instance, B. Sirks, 'The *Peira*: Roman Law in Greek Setting', in *Studi in onore di Remo Martini* (2009), vol. III, pp. 583-91.

⁵²⁷ Weiss, 'Hohe Richter', p. 143.

⁵²⁸ Danny, 'Society and the State', pp. 105-10.

Byzantine law. This is not a point of contention, but while Simon maintains that such an approach is incompatible with principles of rational and unbiased administration of justice, Weiss and Danny are focusing on the practical results achieved by Eustathios and his colleagues through this judicial process, which leads to rather different conclusions.

A particularly illustrative example can be found in a case where the *protospatharios* Himerios⁵²⁹ was prosecuted for having seduced (ἐμίγη καὶ διεπαρθένευσεν) and impregnated (ἐγκύου γενομένης τῆς κόρης) the daughter of a *protospatharios* and *teicheiotes*.⁵³⁰ The matter had originally been settled by having the couple engaged, but Himerios had put off the wedding (τὸν γάμον ὑπερετίθετο) until his father had died and then reneged on it completely (ἀπαρνεῖται), which had led to the case being brought before the court of the hippodrome, from which Eustathios happened to be absent at the time. The other judges agreed that the law clearly fixed the compensation for the crime at one pound of gold if the perpetrator was well off (εἰ εὖπορός ἐστιν ὁ φθορεὺς, διδότη τῇ φθαρείῃ κόρῃ λίτραν μίαν), which was the case here, half his estate if he was less well off (εἰ δὲ ἐνδεέστερος εἴη, τὸ ἥμισυ τῆς ὑποστάσεως αὐτοῦ) and beating, flogging and exile if he was destitute (εἰ δὲ παντελῶς εἴη ἄπορος, τυπτόμενος καὶ κουρευόμενος ἐξοριζέσθω). The judges were unable to come to an agreement, with at least one of them insisting that Himerios should be subject to both the financial and corporal penalty (καὶ σωματικῶς τὸν Ἱμέριον τιμωρηθῆναι [...] καὶ χρηματικῶς), while the others were inclined to settle for the monetary compensation (εἰς μίαν λίτραν τὴν ποινὴν συνεκεφαλαιώσαν). At this point Eustathios returned and solved the problem. He agreed with the first judge that a pound of gold was insufficient as compensation (εὐτελῆ καὶ μικρολόγον), but conceded to the others that corporal punishment would be too harsh (σκληρὰν καὶ ἀπηνῆ). Instead, he cleverly redefined the crime as an affront (ὕβρις) to the girl's father, which allowed him to fix the

⁵²⁹ PBW (consulted 24.ii.2017) Himerios 12101, < <http://db.pbw.kcl.ac.uk/pbw2011/entity/person/157033>>.

⁵³⁰ *Peira* 49.4, pp. 197-200. See below, pp. 226-7, 250.

monetary compensation at five pounds of gold instead of one, and referred the sentence to the emperor, who accepted it (ἀνήγαγε τὴν ἀπόφασιν τῷ βασιλεῖ καὶ ἐδέχθη).

It would appear that the problem here was that the penalty ordained by the law was widely considered disproportionate to the crime committed, which left the judges faced with the dilemma of either defying the law or making a judgment that would be unjust to the injured party. They were evidently reluctant to do either, which displays the high regard in which they held both the letter of the law and the societal norms concerning justice.⁵³¹ Eustathios' solution was obviously lacking in judicial stringency, but, more importantly, it allowed them to honour both. The balancing act performed here, idealised by the author of the *Peira* as 'a sentence most remarkable and fitting for such a man' (πάνυ θαυμασίαν καὶ τοιούτῳ ἀνδρὶ πρέπουσαν ἀπόφασιν), displays a striking similarity to the way that Psellos expected his correspondents to exercise their official duties. This suggests that the civil service *ethos* which we have identified among the provincial *kritai* was shared by their judicial colleagues in the capital.

Indeed, Simon's observation that rhetoric and persuasion were important elements of the judicial process displayed in the *Peira* would, as we have seen, be equally applicable to Psellos' letters. Officials were not expected to simply expedite matters brought before them in an impersonal manner and in accordance with a clearly defined and rigid set of rules, but rather to exercise the power vested in them by using their personal judgement, intelligence and creativity to achieve results that conformed as far as possible to a more loosely defined set of shared

⁵³¹ Regarding the relative complexity of the Byzantine societal norms surrounding consensual sex outside of marriage, see A. E. Laiou, 'Sex, Consent, and Coercion in Byzantium', in idem (ed.), *Consent and Coercion to Sex and Marriage in Ancient and Medieval Societies* (Washington D. C., 1993), esp. pp. 133-55, where pp. 149-54 also offer a detailed analysis of the present case. On the judicial attitudes to women in the *Peira*, see J. Beaucamp, 'La Situation juridique de la femme à Byzance', *Cahiers de civilisation médiévale* 20 (1977), pp. 145-76.

values. As such, judges should adhere generally to the paradigm of Roman law, but were also expected to make room for the influence of other paradigms, such as the obligations of friendship or Christian virtues such as clemency and compassion. Such influences were, at least rhetorically, portrayed as complementary rather than conflicting and the *kritai* were in either case given considerable personal discretion in resolving any tension between them.

The importance of compassion is particularly evident in a case involving a certain Diatimorites, who had specified in his daughter's dowry agreement that if she should die childless before her husband, the dowry should be returned to him (ἵνα ἀτέκνου προτελευτησάσης ταύτης τοῦ ἀνδρὸς ἀναδοθῇ πρὸς αὐτὸν ἢ προῖξ).⁵³² As it happened, the daughter died after her husband, childless (ἄτεκνος) but with a will (ἐποίησε διαθήκην), which caused her father to sue for the dowry in accordance with the agreement (ἐκίνησεν ὁ πατήρ, ἵνα ἀναλάβηται τὴν προῖκα αὐτῆς κατὰ τὸ σύμφωνον). He had no right to it, however, since the wife had not died before the husband, which was the condition specified for the return of the dowry (ἐξ ἧς αἰτίας ἡ ἀνάδοσις τῆς προικὸς ἐπερωτήθη τῷ πατρί), but Eustathios nevertheless ruled that Diatimorites should receive a third of his daughter's estate (ἵνα λάβῃ ὁ πατήρ τὸ τρίτον οὐ τῆς προικὸς, ἀλλὰ τῆς πάσης περιουσίας τῆς θυγατρὸς) out of sympathy (διὰ συμπαθές) and due to the goodness of his disposition (φιλαγάθῳ γνώμῃ). We are not told who the beneficiary of the daughter's will was, but Eustathios presumably judged her father's need to be greater. The fact that flawed provisions of the dowry agreement are given such a prominent place in the entry also seems to imply that Diatimorites' intention in writing it should count for something, even though he had failed to foresee that his son-in-law might not be the only other claimant to his daughter's inheritance.

⁵³² Peira 25.65, pp. 109-10.

This clearly goes beyond a flexible interpretation of the law and seems to be better described as a compromise between the letter of the law on one hand and compassion on the other, both of them being part of the set of essential values that public officials were entrusted to uphold and, if necessary, balance against each other. Parallels can be drawn to Psellos' requests for fiscal benefits on compassionate grounds, where he argues that the tax-payers in question were too poor to meet their liabilities,⁵³³ as well as his appeals for mercy in criminal cases, where he points out to one *krites* that good judges should not be unwavering in their adherence to the dictates of justice (οὐδὲ τὴν τοῦ δικαίου στάθμην φυλάττοντες ἀρρεπῇ) and encourages another to emulate Christ rather than Rhadamanthus in the execution of his duties.⁵³⁴ The entry regarding Diatimorites also demonstrates that judges were not only expected to take compassion into consideration when making judgement in cases regarding the relationship between the state and its citizens, such as matters of taxation and criminal punishment, but also in disputes between private individuals.⁵³⁵

There is a similar entry concerning the inheritance of David the Iberian, who left his property to his son, but included a provision in his will saying that if the son should die intestate and without children, the inheritance should return to his uncles (γράφαντος, εἰ τελευτήσῃ ὁ παῖς ἄτεκνος καὶ ἀδιάθετος, ἀποκαθίστασθαι τὸν κλῆρον πρὸς τοὺς θεῖους αὐτοῦ).⁵³⁶ In this case the son died under the conditions specified and his uncles took charge of the inheritance accordingly. It was nevertheless contested in court (κινήσεως τῆς δίκης) and in the ensuing trial Eustathios decided (ἔκρινεν) that a third of the property should come to the son's mother (τὸ τρίτον τῆς ὑποστάσεως ἵνα λάβῃ ἡ μήτηρ) and the rest to his uncles (τὸ δὲ λοιπὸν οἱ θεῖοι),

⁵³³ KD 89, KD 127, KD 117, KD 140, KD 257, pp. 118, 144, 150-1, 167-8, 304; S 29, S 65, S 75, pp. 263-5, 297, 309-10. See above, pp. 92-7.

⁵³⁴ KD 244, p. 294-5; S 47, p. 279-80. See above, pp. 107-8.

⁵³⁵ Cf. Chitwood, *Legal Culture*, pp. 86-96.

⁵³⁶ *Peira* 54.6, p. 224.

thus effectively overruling David's will. This intervention was justified by the fact that the son had reached the age of twenty at the time of his death (εἴκοσι χρόνων ἐτελεύτησε), meaning that the provision made by David to secure the inheritance for the uncles had lost its legal force when the son came of age (ἡ ὑποκατάστασις [...] τῇ ἡβῇ παύεται). As such, the text explains, the son had in his rights to dispose of the inheritance in whatever way he chose (ὁ υἱὸς ἐδύνατο διατίθεσθαι καὶ εἰς ὅλον τὸν κλῆρον, ἐπεὶ ὑπερέβη τὴν ἡβην).

This seems like a rather curious point to underline since it is clearly stated that the son died intestate, which appears to imply that Eustathios is basing his ruling on the assumption, possibly substantiated by witnesses during the trial, that the son would have wanted his mother to inherit from him and that this wish should be respected to some extent even though he had not enshrined it in a will. As for his reasons for failing to do so, we are only told that Eustathios made this use of *oikonomia* (τοῦτο ὠκονόμηται) on account of the son being a foreigner (διὰ δὲ τὸ εἶναι τὸν υἱὸν ἐθνικόν). This might suggest something along the lines of cultural discrepancies that left him unaware of his testamentary rights, or logistical difficulties that prevented him from exercising them, but there is no way of knowing for sure. Since there is no hint of any coercion on the part of the uncles, who remained unquestioned as the main beneficiaries in accordance with David's will, or indeed any other kind of foul play, it seems plausible to infer that Eustathios' intervention was largely motivated by concern for the mother, who should not be left with nothing due to her son's inability or disinclination to make use of the proper legal provisions to provide for her.

As for friendship, its contribution to the judicial process does not appear to be made explicit in the *Peira*, as opposed to the heavy emphasis placed on it Psellos' letters. It cannot be determined with certainty, however, whether this reflects fundamental differences between the workings of

the Constantinopolitan courts and the provincial administration, or if it is simply a consequence of the differing nature of our sources. As we have concluded in chapter 3, the principal roles played by networks of friendship in the judicial process appears to have been ensuring that certain cases were heard that might otherwise have been overlooked, providing character references and bringing pertinent circumstances to light, as well as incentivising judges to stay honest by carrying word of their actions throughout the empire and back to the emperor in Constantinople. We shall have reason to return to the question of imperial control over the courts,⁵³⁷ but as for the other roles of friendship, even if Eustathios relied heavily on input from his network when deciding which cases to hear, forming an opinion on the people involved and determining the relevant facts of the matter, this process would not necessarily be visible in the *Peira*, which is written in order to explain the judicial reasoning in cases actually heard, based on factual premises that are generally taken as given, by an author who may not even have been privy to Eustathios' correspondence and other contacts with friends. It is consequently impossible to know, for instance, whether the two cases we have just considered were influenced by friendly appeals for compassion by or on behalf of Diatimorites and David the Iberian's widow respectively. It is certainly conceivable that they were. Indeed, it is difficult to ascertain whether there even was a formal process by which provincial cases were appealed to the court of the Velum, or whether it was simply part of the informal petitioning culture we have discussed above.⁵³⁸ The text appears to provide no conclusive evidence either way.

What is evident in the *Peira*, however, is the problem which some of Psellos' judicial interventions seem intended to address, namely the difficulties in separating truth from falsehood in cases where decisions had to be made based on verbal information that could be

⁵³⁷ See below, pp. 226-9.

⁵³⁸ See above, pp. 100-3.

difficult to verify.⁵³⁹ This is particularly clearly addressed in two entries regarding the *magistros* Skleros,⁵⁴⁰ against whom many lawsuits were brought (δίκαι πολλὰ ἐκινήθησαν), accusing him of theft, imprisonment and assault (λεγόντων τινῶν ἀφαίρεσιν πραγμάτων αὐτῶν ὑποστῆναι καὶ εἰς φυλακὰς ἐμβληθῆναι καὶ τυφθῆναι).⁵⁴¹ In these cases Eustathios found (εὕρισκεν) that if the accuser could only prove that he had been imprisoned or beaten (ἐκεῖνον μόνον τοῦτο ἐβάρυνε δεικνύνειν, ὅτι ἀπεκλείσθη τύχον [ἢ] ὅτι ἐτύφθη), there would be a presumption (πρόληψις) that Skleros was also guilty of the alleged theft and the victim would consequently be granted the privilege of establishing what had been stolen by taking an oath. (ὅτι καὶ ἂ ἐπεφέρετο ἀφείλου, καὶ διὰ τοῦτο προτιμῶ αὐτὸν εἰς τὸν ὄρκον). If no violence or wrongdoing could be proved, however (ὅπου δὲ μὴ ἐδείκνυτο βία ἢ κάκωσις), and the *magistros* denied the charges (τότε ἐξ ὀρθοῦ ἀρνούμενου τοῦ μαγίστρου), the burden of proof would be on the accuser (ἀποδείξει ἐβάρυνε τὸν ἐνάγοντα). If he failed to produce evidence, Skleros would be allowed to establish his innocence by taking an oath (ἐξ ἀπορίας ὄρκον ἐπέφερε τῷ μαγίστρῳ).

The use of oaths to settle cases where there was no other evidence appears to have been a common practice and another entry makes it clear that it was only admissible in such cases (ἐπὶ ἀπορία πασῶν ἀποδείξεων ὄρκος ἐπάγεται).⁵⁴² In the cases regarding the alleged crimes of the *magistros* Skleros, Eustathios seems to apply a simple principle: Presumption of innocence is the basic rule, but if the defendant is charged with several crimes, presumably committed at the same occasion, and can be proven guilty on some counts, this reverses the burden of proof for any remaining charges. There are other cases, however, where the use of oaths is presented as

⁵³⁹ See above, pp. 118-27.

⁵⁴⁰ PBW (consulted 5.xii.2016) Anonymus 12129, < <http://db.pbw.kcl.ac.uk/pbw2011/entity/person/156873>>; Seibt, *Die Skleroi*, pp. 65-9, argues that he should be identified, with ‘a probability verging on certainty’, as Basil Skleros, uncle of Psellos’ correspondent Romanos Skleros (see above, pp. 197-8).

⁵⁴¹ *Peira* 23.7, 69.5, pp. 88, 256-7. The Greek cited is from 23.7, but both entries say essentially the same thing. Cf. Chitwood, *Legal Culture*, pp. 95-6, for a slightly different interpretation of these entries, suggesting that it was Skleros’ repeated bad behavior that justified reversing the burden of proof. I think that he is mistaken, but it is of little consequence for our present purposes, since his interpretation would also be consistent with my argument.

⁵⁴² *Peira* 69.2, p. 256. See also Chitwood, *Legal Culture*, p. 96; *Oxford Dictionary of Byzantium*, p. 1509.

a considerably more arbitrary matter. One of them concerns a *protospatharios* who had brought charges against the *primikerios* Michael, providing false witnesses whom he had bribed (κατασκευάζων οὐκ ἀγαθὰς μαρτυρίας [...] συνεσκεύαζε χρημάτων δόσει καὶ ὑποσχέσει) and contradicting himself in his statement before the court (περὶ τὰς διηγήσεις τῆς δίκης ἡναντιώθη αὐτὸς ἑαυτῷ).⁵⁴³ Eustathios' reasoning is difficult to follow in this case, but it would appear that he first found against the *protospatharios* for the reasons stated (κατεδίκασε διὰ τὰς εἰρημένας αἰτίας), but then gave him the opportunity (ἀφείλ τῷ προτοσπαθαρίῳ χώραν) 'to drop the last anchor' (τὴν τελευταίαν ἄγκυραν καθιέναι) and 'request the final aid through oaths' (καὶ τὴν ἐκ τῶν ὀρκῶν ὑστάτην αἰτεῖν βοήθειαν). At this point he appears to have stood by the dishonest prosecution (τῆς συκοφαντίας ὑπέχειν), which necessitated recourse to the emperor, who rejected the oaths (τοὺς ὀρκούς ἐννομωτάτως βασιλεὺς ἀποδικιμάσειε) because of the trustworthy countenance of the accused and the deviousness of the accuser (διὰ τε τὴν ἀξιοπιστίαν τοῦ ἐναγομένου προσώπου καὶ τὴν κακίαν τοῦ ἐνάγοντος).

The stated purpose of the entry is to demonstrate that whenever there was a conflict between the law (τὸ νόμιμον), which in this case seems to have upheld the version of events confirmed by oath (ὑποσχεῖν τὸν ὄρκον), and justice (τὸ δίκαιον), it could only be resolved by the emperor (μόνος ὁ βασιλεὺς τὴν περὶ τούτου τέμνει ζήτησιν), which is probably the reason why the decisions leading up to this conflict were considered to be of secondary importance and thus inadequately described. It nevertheless provides an illustration of the challenges facing Byzantine judges when they were presiding over cases where there was no documentary or material evidence. It is remarkable that Eustathios decides to give the accuser precedence with regard to taking oaths, especially since the *protospatharios* had already exposed his dubious character through his attempt to subvert justice by bribing witnesses. It appears to have been an

⁵⁴³ *Peira* 74.1, p. 259. See below, p. 227.

honest mistake, hence his subsequent appeal for imperial intervention, and its uncommented inclusion in the *Peira*, by an author who clearly admired Eustathios and used him as an example of an ideal judge, implies that such lapses were quite understandable and reasonably commonplace.

Although we can only speculate as to his reasons for making this misguided decision, we may at least infer from the episode that the process of determining which of the parties in a conflict should be given the privilege of having their side of the story confirmed by oath was not always very straightforward. In cases such as this, where the whole matter turns entirely on the trustworthiness of the parties and witnesses, with the honest demeanour of the defendant being recorded as a crucial asset, it is easy to imagine how character references of the kind we have seen in Psellos' correspondence could be welcomed by the judges and viewed as constructive contributions to the judicial process rather than as attempts to subvert it. Again, this does not prove that judges of the hippodrome relied on their private networks in the execution of their official duties, nor, if they did, that they did so to the same extent as their provincial counterparts seem to have done. They may well have had other resources at their disposal and employed different strategies in order to achieve similar ends. It does, however, appear to confirm that dearth of independently verifiable information was a recurring problem that Byzantine judges struggled to resolve, thus strengthening the argument made in chapter 3 that this is an important context in which to view Psellos' judicial interventions.

This brings us back to the question of imperial control over the judicial system. Oikonomides has suggested reading the *Peira* against the background of the traditional model in which the eleventh century is characterised by powerful private interests gradually undermining the

sovereignty of the emperor.⁵⁴⁴ He argues that it should be seen as an innovative attempt to introduce new concepts of law and justice, mainly by assigning paramount importance to the normative force of precedents, thus challenging central authority by emphasising the extensive discretion of individual judges, but that it was ultimately unsuccessful due to the judicial reforms of Constantine IX, which firmly returned Byzantium to her position as the main guardian of the Roman legal tradition and made it clear that the interpretation of the law was the prerogative of the emperor and his closest representatives. While Oikonomides makes a number of relevant observations, his line of reasoning is problematic in several respects. Firstly, his argument is contingent on the uniqueness of the *Peira*, invoking the traditional view of declining imperial authority after the death of Basil II and the reforms of Constantine IX respectively to explain why no other book of its kind was written either earlier or later. The inference that the *Peira* is the only text of its kind ever produced because it is the only one to survive is, however, tenuous at best. If similar legal handbooks were indeed in existence, they would surely have been useful to contemporary jurists, but not crucial for the operation of the judicial system in the way that, for instance, the actual corpus of law was, which would likely have made ensuring that they were copied and preserved less of a priority.⁵⁴⁵ The fact that the *Peira* itself so narrowly escaped oblivion underlines this point. In other words, it is not a genre for which we can assume a high rate of survival and the possibility that the *Peira* may only be the tip of a once larger iceberg can consequently not be dismissed out of hand.

Secondly, the premise that the *Peira* represented a drastic break with traditional Byzantine jurisprudence is highly questionable. The text was, as we have seen, based on *hypomnemata* that were not only archived but also numbered, presumably to make them accessible to other

⁵⁴⁴ Oikonomides, 'The *Peira*', pp. 190-2.

⁵⁴⁵ Cf. Howard-Johnston, 'The *Peira*', p. 64, noting the survival of the *Nomos Georgikos* in 70 manuscripts, the *Nomos Rhodikos* in 60 manuscripts and the *Synopsis Major of the Basilica* in well over 40 manuscripts.

jurists, such as the author of the *Peira*. This suggests to me that precedent already had a strong standing in Byzantine jurisprudence. Even if the *Peira* was innovative in its attempt to simplify the access to these precedents, it does not mean that it represented an entirely new way of thinking about the judicial process. Similarly, the role assigned to the reforms of Constantine IX as an effective restoration of the threatened traditional order seems to overestimate their potential impact. Previous scholarship has raised serious doubts over the practicality and success of this program of judicial renewal, mainly on the grounds that it has left very little trace in the available sources.⁵⁴⁶ Indeed, Jeffreys has pointed out that there is no hint in any of Psellos' numerous letters to provincial *kritai* that any of them ever attended a law school or were taught by a *nomophylax*, which is remarkable since most of them can be dated around the early 1060s, when results should be apparent from a law school founded in 1047, and they frequently make reference to the education and legal knowledge of the recipients.⁵⁴⁷ Moreover, given the similarities noted above between the norms of judicial conduct conveyed by the *Peira* and those can be gleaned through analysis of Psellos' letters, it seems more reasonable to emphasise the continuity of Byzantine jurisprudence throughout the eleventh century, rather than viewing the *Peira* as a historical anomaly.

Finally, the internal evidence provided by the *Peira* does not seem indicative of an ideological impetus to deprive the emperor of influence over the judiciary. On the contrary, the text emphasises imperial superiority in judicial matters on several occasions. In the case of the seducer Himerios considered above, where Eustathios appears to have been particularly creative in his efforts to find a punishment both legal and palatable to the judges' sense of justice, it is

⁵⁴⁶ Wolska-Conus, 'Les Écoles'; idem, 'L'École de droit et l'enseignement du droit à Byzance au XI^e siècle: Xiphilin et Psellos', *Travaux et mémoires* 7 (1979), pp. 1-106; M.-T. Fögen, 'Modell und Mythos. Die Rechtsfakultäten von Konstantinopel, Neapel und Bologna im Mittelalter', *Rechtshistorisches Journal* 15 (1996), pp. 182-6.

⁵⁴⁷ Jeffreys, 'Summaries', pp. 443-4.

explicitly stated that he referred the decision to the emperor for approval, clearly implying that the considerable latitude he granted himself was dependent on imperial consent.⁵⁴⁸ We have also seen him rely on imperial intervention to correct his mistakes after having given the wrong party the privilege of taking an oath, because the emperor alone could judge in defiance of the law.⁵⁴⁹ In this case, imperial involvement in the judicial process is not only presented as possible, but also desirable, even necessary, to ensure that justice would be served. The emperor's power to overrule not only his judges but also the law itself is further underlined in another case, where we are told that Romanos III had issued a proclamation (γράφαντος) that the property of some rapists would be confiscated by the state (ἵνα τῶν συναρπαζόμενων πράγματα δημευθῶσιν).⁵⁵⁰ The judges felt compelled to inform him that the law declared that the property of rapists should be given to their victims (τὸν νόμον διοριζόμενον τὰ πράγματα τῶν ἀρπασάντων [...] τῆς δεσποτείας γίνεσθαι τῶν βιασθεισῶν γυναικῶν), while confirming that if his decision to confiscate it instead was made through imperial decree (ἀπὸ ἐξουσίας ἢ ἀποφάσεως γέγραπται) this would be perfectly in order (διορθώσεως οὐ δεῖται). This entry can hardly be said to portray the emperor's meddling as explicitly beneficial, but it is difficult to see any other rationale behind its inclusion in the text than to reaffirm that such interventions were appropriate and not to be questioned by mere judges. If the author of the *Peira* had been critical of imperial involvement in the judicial process, we could have expected him to simply omit cases such as this.

The practices idealised in the text consequently appear to be well in line with Simon's characterisation of the Byzantine administration of justice as based on the idea of imperial, delegated jurisdiction, meaning that the most important duty of the judge was to ensure that the

⁵⁴⁸ *Peira* 49.4, pp. 197-200. See above, pp. 216-17, and below, p. 250.

⁵⁴⁹ *Peira* 74.1, p. 259. See above, pp. 222-4.

⁵⁵⁰ *Peira* 63.1, p. 235.

judgments he rendered were in harmony with the will of the highest judge, or at least his imperial representative on earth.⁵⁵¹ This echoes the conclusions drawn from the analysis of Psellos' letters in chapter 3, where the delegation of authority from the emperor to his subordinate officials has been described as possessing an ideological superstructure mirroring the justification of imperial authority as delegated from God, thus affirming, once again, the idea of a shared civil service *ethos* espoused by Constantinopolitan and provincial officials alike.⁵⁵²

In the case of the thematic *kritai* we have seen that the potential of abuse inherent in this system was tempered by the crucial value placed on reputation in the Byzantine political economy. All officials were dependent on the favour of the emperor and those who gained a reputation for failing to uphold the relevant paradigms of justice to the expected standard seem to have run the risk of losing it. There appears to be no reason to doubt that similar social mechanisms served as safeguards against corruption and incentives for judicial excellence in the case of the judges of the hippodrome. Indeed, since it was situated in Constantinople, the emperor would not have to rely solely on the reputation of the judges, but would be able to supervise their work in person. It should be noted that gaining the personal trust of Romanos III appears to have been a deciding factor in Eustathios' professional success.⁵⁵³ Chitwood also points out that while provincial judges traditionally relied on taking legal fees, or *ektagiatika*, from litigants for their maintenance, the legislation of Constantine VII explicitly referred to the city judges as salaried and banned them from accepting such fees, thus removing an incentive for corruption and emphasising their dependence on the emperor.⁵⁵⁴ It is not inconceivable that this legislation was

⁵⁵¹ Simon, *Rechtsfindung*, p. 29.

⁵⁵² See above, p. 64, 152-87.

⁵⁵³ Oikonomides, 'The 'Peira'', pp. 172-5.

⁵⁵⁴ Chitwood, *Legal Culture*, pp. 53-61. The payment of these fees appears to have been a custom that was regulated, but thereby also granted force of law, by Constantine VII. There are consequently two possibilities here. The first is that the city judges had customarily accepted *ektagiatika* and that this was perceived to cause problems,

still enforced in the period with which we are concerned, although it cannot be said with certainty.

5.2 The powerful, the poor and the state

Let us then proceed to see what the *Peira* can tell us about the Byzantine aristocracy's relationship with the state and the rest of society. Again, previous scholarship offers widely divergent assessments. Speros Vryonis interpreted the *Peira* as showing an aggressive aristocracy that continuously violated the law and could do so with impunity due to the weakness of the state.⁵⁵⁵ Simon came to similar conclusions, stating that even though the court was open to all in theory, the poor were excluded in practice, appearing only as defendants or as victims of serious crimes where the perpetrators belonged to the upper class.⁵⁵⁶ He conceded that they do appear in some disputes over land, but dismisses these cases as blatant attempts by the emperors at the time to employ the judicial administration in service of their political program of repression against the aristocracy. One might object that Simon's own examples hardly show the poor as excluded from the court, an objection that would find further support in Danny's study, which aims to question the image of the Byzantine administration as impotent in the face of the power of provincial magnates.

which prompted the emperor to ban them from doing so. The second is that the legislation simply enshrined in law already existing expectations that they were to be content with their salaries.

⁵⁵⁵ Vryonis, S. 'The *Peira* as a Source for the History of Byzantine Aristocratic Society in the First Half of the Eleventh Century', *Near Eastern Numismatics, Iconography and History. Studies in Honor of G. C. Miles* (Beirut 1974), pp. 279-83.

⁵⁵⁶ Simon, *Rechtsfindung*, pp. 9-10.

Danny's argument is threefold.⁵⁵⁷ Firstly, that there are numerous examples in the *Peira* where the poor are able to bring the powerful to court and in many cases even obtain a favourable verdict, meaning that justice was evidently not the preserve of those with wealth and influence. Secondly, that Eustathios Rhomaïos actively took measures to level the playing field in disputes between the poor and the powerful, such as allowing the former to retain contested land while the case was in progress or forbidding monks to press home their advantage by submitting unwritten evidence. Thirdly, that there are cases where the city judges overturn the rulings of their provincial counterparts, demonstrating that incompetence and corruption could be corrected and punished. I find this to be generally convincing, although Danny does not directly address Simon's interpretation that the poor were merely used as pawns of the imperial power in land disputes against the powerful, rather than judicial subjects in their own right.

Danny's analysis echoes traditional arguments made about the land legislation of the Macedonian emperors, on which Eustathios and other judges would have had to rely, in particular the last and most draconian novel, issued by Basil II (r. 976-1025) in 996, which, as we have seen, has been interpreted less as a policy than as a weapon created for selective use to punish or keep certain families in submission.⁵⁵⁸ This law confirmed the provisions set out in the corresponding legislation issued in 934 by Romanos I (r. 919-44), which made it illegal for the powerful to acquire land in village communes, but also tightened it by abolishing the statute of limitations of 40 years for this crime, declaring that henceforth it was not to have 'any effect at all against the poor in their dealings with the powerful' (μήτε τινὰ τὸ καθόλου κατὰ τῶν πενήτων ἐνέργειαν ἔχειν ὅπου μετὰ δυνατῶν ἔχουσιν).⁵⁵⁹ As such, any such properties acquired from the poor since 934 were 'to be restored to them without the powerful having a

⁵⁵⁷ Danny, 'Society and the State', pp. 110-15.

⁵⁵⁸ See above, pp. 7-8, as well as McGeer, *Land Legislation*, pp. 112-13.

⁵⁵⁹ Svoronos, *Novelles*, p. 204; McGeer, *Land Legislation*, pp. 118-20.

legal claim to reimbursement for the prices or the improvements’ (ἀντιστρέφεσθαι τοῖς πένησι τὰ ἑαυτῶν, μηδὲ περὶ τὴν ἀνάληψιν τῶν τιμημάτων ἢ τῶν βελτιώσεων δικαιουμένων τῶν δυνατῶν), stating imperiously that transgressors ‘deserve instead to be punished’ (μᾶλλον εὐθύνεσθαι εἰσὶν ἄξιοι) because when the emperor Romanos forbade such acquisitions he did so ‘in perpetuity and for eternity and did not grant them a time limit in support’ (δι’ αἰῶνος καὶ εἰς ἀπέραντον τούτους ἐκώλυσε καὶ χρόνον οὐ δέδωκεν αὐτοῖς βοηθείας). The powerful were allowed to keep any properties acquired before the issuing of Romanos’ legislation, but only if they ‘have the surety of legal documents and confirmative attestations’ (δι’ ἐγγράφων δικαιωμάτων καὶ συστατικῶν μαρτυριῶν τὸ βέβαιον ἔχοντα), thus placing the burden of proof on the powerful to prevent them from ‘fraudulently alleging that properties acquired by them of late have belonged to them for a long time without a written contract’ (ὅπως μὴ κατὰ περίνοιαν οἱ δυνατοὶ τὰ νεωστὶ αὐτοῖς ἐπικτηθέντα προφασίσωνται διαφέρειν αὐτοῖς ἀγράφως ἔκπαλαι τῶν χρόνων).

The continued validity of this legislation is emphasised by a number of entries in the *Peira* that simply summarise the provisions set out without applying them to any specific case. One of them notes in passing that the novel of the emperor Basil stated that every villager who sells his own property to a powerful person may recover it without payment (πάντα χωρίτην πωλοῦντα πρὸς δυνατὸν τὸ ἴδιον ἀναργύρως τοῦτο λαμβάνειν).⁵⁶⁰ Another entry, referring explicitly to the novel of Basil II, declares simply that if a poor man sells his land to a powerful (εἰ μὲν πτωχὸς ἐξεποιήσατο τὸ αὐτοῦ γήδιον πρὸς πρόσωπον δυνατὸν), the sale would not be valid (μὴ ἄλλως ἰσχύειν τὴν πράσιν) unless it predated the great famine during the reign of Romanos I and the legislation of the same emperor (εἰ μὴ τὸν μέγαν λιμὸν τὸν ἐπὶ ῥωμανοῦ τοῦ πρεσβύτου καὶ τὴν νεαρὰν νομοθεσίαν ὑπερβαίνει), referring to the fact that the novel of 934

⁵⁶⁰ *Peira* 51.9, pp. 213-14. See also *Peira* 9.3, p. 38.

states that it is to be applied retroactively from the year of said famine, and this could be proved through proper legal documentation (ἐξ ἐγγράφων καὶ σωματικῶν δικαιωμάτων).⁵⁶¹ There is also an entry that recounts the abolition of the statute of limitations in a similar way, stating, with reference to the legislation of both Romanos I and Basil II, that a poor man is considered the legal proprietor of any property acquired from either rich or poor if he has held it for more than 30 years (διὰ τριακονταετίαν δεσπόζει ὁ πέννης ἀφελόμενός τινα ἐκ πένετος ἢ καὶ τὰ τοῦ πλουσίου), whereas the powerful are not so considered (ὁ δὲ δυνατὸς καὶ ἀγοράσας οὐκ ἄλλως δεσπόζει), unless, of course, the purchase could be proven to have been made before the great famine.⁵⁶² Another entry notes briefly that the powerful are not permitted to submit unwritten testimony against the poor (δυνατοῖς κατὰ πενήτων ἐξ ἀγράφου μαρτυρίας δεικνύειν οὐ συγχωρεῖται).⁵⁶³

This tendency to use separate entries merely to repeat or summarise specific points of law is clearly a deviation from the general authorial method of the *Peira* and can be plausibly interpreted as reflecting an intent to underline their importance, but there are also entries where we can see the Macedonian novels and the principles on which they are based applied in practice. In one case Eustathios dissolved a previous decision by another judge (ἀνέλυσε τὴν διάλυσιν), seemingly because he had not taken into account that one of the parties was poor and the other a dignitary (λέγων, ὅτι τὸ διαλυσάμενον πρόσωπον τῶν πενήτων, ὁ δὲ λαβὼν τὴν διάλυσιν τῶν ἀξιωματικῶν).⁵⁶⁴ There is also a land dispute between the villagers of Gordion and the monastery of Neaston, which had held land in the village for 122 years (κατεχόντων

⁵⁶¹ *Peira* 9.1, p. 38; Svoronos, *Novelles*, p. 85.

⁵⁶² *Peira* 8.1, p. 32.

⁵⁶³ *Peira* 9.6, p. 39.

⁵⁶⁴ *Peira* 7.2, p. 29. The juxtaposition of a poor man (πέννης) and a dignitary (ἀξιωματικός) here brings to mind Lemerle's argument that the 'powerful' of the novels were not in the first instance great landowners, but rather dignitaries, and especially officials, who used their authority and influence to exert pressure on 'the poor', who in turn were rural proprietors of inferior social, but not necessarily economic, standing. See Lemerle, *Agrarian History*, pp. 95-6.

τόπον ἐν τῷ χωρίῳ [...] ἐπὶ χρόνοις ρκβ).⁵⁶⁵ It appears that this alone would have been sufficient to establish ownership of the land, but since the monks could only provide a bill of sale for the land outside the actual village (πρᾶσιν ὑποδειζάντων, περιέχουσιν πωλεῖν τὸ κτῆμα ἄνευ τῶν λειβάδων καὶ τῶν χωραφίων τῆς γορδίου κόμης), they had to rely on unwritten testimony to prove that they had also held the land inside its borders for as long as they claimed (ἀγράφους ἀποδείξεις εἴτουν μαρτυρίας, ἵνα δείξωσιν, ὅτι ἐπὶ πολλοὺς χρόνους κατεῖχον τοὺς τοιοῦτους τόπους). Since the law did not allow the powerful to submit unwritten evidence in conflicts against the poor (οὐ προσίεται αὐτοὺς ἢ νεαρὰ νομοθεσία δυνατοὺς ὄντας δεικνύειν κατὰ πενήτων ἀγράφως), Eustathios had the village remeasured and gave all the land inside it to the villagers (περιορισθῇ τὸ χωρίον, καὶ τὰ μὲν ἐνεπειλημμένα τούτῳ ἔχωσιν οἱ χωρῖται). As for the right to reclaim land, there is one case where we are told that Eustathios found that a powerful person had been making acquisitions in a village (εὐρὼν δυνατόν ἐν χωρίῳ ποιησάμενον ἐπίκτησιν) after the time of the great famine and corresponding legislation (μετὰ τὸν χρόνον τῆς νεαρᾶς νομοθεσίας ἦτοι τοῦ μεγάλου λιμοῦ) and promptly dissolved the sale with no compensation for the buyer (κατεδίκασεν ἐκπεσεῖν τῶν ἡγορασμένων ἀναργύρως).⁵⁶⁶ The circumstances of the transaction in question remain obscure, however, as does the identity of the buyer.

These cases clearly show the Macedonian land legislation being conscientiously applied in actual lawsuits, even though it is impossible to discern how powerful those designated as such really were. This brings us to an incident involving Romanos Skleros, who may have been identical to Psellos' correspondent of that name and most definitely was a scion of one of the empire's most illustrious families.⁵⁶⁷ In this particular case, which Vryonis relies on in his

⁵⁶⁵ *Peira*, 23.3, pp. 85-6.

⁵⁶⁶ *Peira*, 9.2, p. 38. See below, p. 235.

⁵⁶⁷ Seibt, *Die Skleroi*, p. 76; PBW (consulted 26.i.2017) Romanos 12101, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/157079>>, see above, p. 197-8.

attempt to prove that the justice system did little to check the rapaciousness of the aristocracy, we are told that Skleros had attacked some villagers (ἐβιάσατο τινὰς χωρίτας) and stolen some property (τὰ ἀφαιρεθέντα).⁵⁶⁸ The text does not specify the nature of the property taken, but Vryonis appears to assume that Skleros had simply seized their land, which does seem like the most likely interpretation. He then reached an agreement with them (εἶτα συνεβιβάσθη μετ' αὐτῶν), undertook to give them money (ἡσφαλίσατο, ἵνα παράσχη αὐτοῖς χρυσίον) and made an exchange (μεταβολὴν ἐποίησατο), by which we should probably understand that he agreed to pay for what he had stolen. Some time later the villagers brought a suit (μετὰ ταῦτα ἐκίνουν), claiming that the settlement had been made under duress (τὴν διάλυσιν κατὰ βίαν ποιήσαντες) since the provincial judge, presumably at Skleros' instigation, had forced them to agree to it (τοῦ κριτοῦ βιασαμένου αὐτούς). Eustathios ruled that if the villagers could prove that they had made the settlement involuntarily (ἄκοντες καὶ παρὰ τοῦ κριτοῦ συνωθούμενοι), it would be dissolved (καταλυθῇ), but if they could not, they would have to return the money Skleros had given them with interest (ἀπαιτηθῇ ὁ σκληρὸς τὸ χρυσίον μετὰ τόκου).

He then proceeds to set out how the amount of property to be returned should be established, seemingly in order to ensure that the villagers would be unable to claim more than they originally owned. Vryonis interprets this as a trial rigged to Skleros' advantage, where the burden of proof is placed solely on the villagers, who in addition to this would risk losing both their property and the money received from the settlement, with interest. This reading can however be questioned. I am inclined to suggest that a more plausible interpretation would be that the villagers were, in accordance with the Macedonian legislation, allowed to reclaim their land under any circumstances, but if they could not prove that they had sold it under duress, Skleros would be entitled to restitution, whereas if coercion could be attested, he would get

⁵⁶⁸ *Peira* 42.18, pp. 177-8; Vryonis, 'The *Peira*', p. 280.

nothing. It should be noted, however, that even if this reading is correct, the decision would still deviate somewhat from the provisions set out in the novel of Basil II, which, as we have seen, stipulates that all land should be returned to the poor without any compensation to the powerful, as well as from the case considered above, where the law appears to have been applied to the exact letter.⁵⁶⁹ It is possible, of course, that there is a very simple explanation for this, namely that the property referred to was not land after all, making the Macedonian legislation inapplicable, but this cannot be said with certainty.

If, on the other hand, Vryonis is correct in surmising that Skleros had seized the villagers' land, it must be taken into account that the question of compensation appears to have been considered controversial ever since the first legislative efforts by Romanos I. The novel of 934 states that for any 'apparently fair acquisition by purchase' (περὶ τῆς ὡς εἰκὸς δοκούσης δικαίας ὡς ἐξ ἀγορασίας κτήσεως) to which the law is applied retroactively, the powerful buyers would be entitled to 'recover the price they paid either from the original owners or their heirs or relatives' (ἀπολαμβάνοντας τὸ παρ' αὐτῶν καταβληθὲν τίμημα ἐκεῖθεν ἐξεοῦσθαι, ἢ παρὰ τῶν πρωτοτύπων δεσποτῶν ἢ παρὰ τῶν κληρονόμων αὐτῶν ἢ συγγενῶν), whereas in future cases there would be no compensation.⁵⁷⁰ Further caveats are then introduced by Constantine VII (r. 945-59) in 947, establishing that only those with assets of less than 50 *nomismata* would be exempt from the obligation to reimburse the buyers when reclaiming property.⁵⁷¹ Anyone richer than that, as well as village communes in the case of collective actions, would have to repay the price, albeit at a sustainable rate determined by the judge, unless, of course, 'coercion or duplicity' (βίαν ἢ δόλον) had affected the sale. He also made exceptions for buyers if they were 'monasteries of modest means' (τὰ δὲ εὐτελέστερα τῶν μοναστηρίων), *'protospatharioi*

⁵⁶⁹ Peira, 9.2, p. 38. See above, p. 233.

⁵⁷⁰ Svoronos, *Novelles*, p. 86; McGeer, *Land Legislation*, p. 56.

⁵⁷¹ Svoronos, *Novelles*, p. 100-1; McGeer, *Land Legislation*, p. 64-5.

resident in the capital’ (ὅσοι ἀπὸ πρωτοσπαθάρων τῶν ἐν τῇ θεοφυλάκτῳ πόλει διατριβόντων) or belonged to the ‘lower ranks of officialdom’ (κατωτέρων ἀρχόντων ἔτυχον). If they had bought ‘without coercion or injustice of any kind’ (χωρὶς οἰασδὴποτε βίας καὶ ἀδικίας), and were ‘not backed by the patronage of powerful persons’ (προστασίαις δυνατωτέρων δεφενδευόμενοι), they would be entitled to restitution not only for the original purchase price, but also for any improvements made to the land.

The matter of compensation continued to cause confusion in the ranks of the civil administration, however, as is evident from a decree issued by Romanos II (r. 959-63), evidently in response to a question from a provincial judge who had trouble determining the cases to which the rules of reimbursement applied. The decree seems to interpret the legislation of Constantine VII rather dubiously, claiming that the late emperor had decided that even those with property worth less than 50 *nomismata* would be liable to reimburse the buyers when reclaiming property, since ‘he considered it excessive and unfair’ (σφοδρὸν γάρ ἡγήσατο καὶ ἄδικον) that ‘the buyer who had done nothing wrong’ (τὸν μηδὲν ἐπταικότα ἀγοραστήν) should lose both the property and the price he had paid.⁵⁷² The decree does however go on to state that these rules for compensation should only be applied to transactions predating the accession of Constantine VII as sole emperor, but that no repayment would be required in cases postdating 945. We may infer from these novels that the issue of whether, and, if so, under which circumstances, the powerful should be entitled to restitution when the properties they had bought from the poor were reclaimed remained controversial throughout the tenth century. As such, it seems likely that the justice of depriving the powerful of both the properties and the price they had paid for them was still considered debatable among jurists even after Basil II had abolished all legal obligations of reimbursement from the issuing of the first legislation and

⁵⁷² Svoronos, *Novelles*, p. 136; McGeer, *Land Legislation*, p. 79.

onwards. Moreover, what is never in question in any of these novels, nor, it seems, in the *Peira*, is the incontrovertible right of the poor to reclaim any properties acquired by the powerful and the fact that coercion or duplicity would render any claims to compensation that the latter might otherwise have had null and void.

The point of this is that even if the entry regarding Romanos Skleros' theft from the villagers reflects a situation where pressures from the powerful have shifted judicial praxis in their favour, and, as we have seen, this is far from certain since the nature of the property stolen is not specified, the only change that they can be proved to have successfully effected would have regarded the already controversial issue of compensation, leaving the fundamental provisions of the Macedonian legislation in force. This hardly seems indicative of the triumph of private over public interest that Vryonis saw reflected by the *Peira*. Nor, however, does the entry appear to support Simon's argument that civil officials only allowed such prosecutions of the powerful to curtail their growing power by depriving them of assets, since Eustathios also acts decisively to protect Skleros' property rights by demanding proof of coercion before denying him compensation. Eustathios consequently seems to be neither subservient nor hostile to the powerful, but rather scrupulous in his efforts to treat both Skleros and his accusers fairly. This suggests that the point the entry is intended to convey is that it is important for judges to adhere strictly to the dictates of justice, even when one of the parties in a conflict is powerful and the other is poor.

The same concern to ensure that the compensation for a crime is determined with precision and fairness can be discerned in another case with a connection to Romanos Skleros, whose estate manager (ἐπισκεπτήτης), acting of his own accord (αὐτονόμως), had seized plots of land, cattle and moveable property belonging to some villagers and given it to others (παραδέδωκε τόπια

τινων χωριτῶν καὶ ζῶα καὶ κινητὰ πράγματα πρὸς ἐτέρους).⁵⁷³ Eustathios upholds the rights of the original owners and although we are given no further information on the recipients of these ill-gotten gifts, the entry gives a detailed account of Eustathios efforts to determine the proper compensation, intended to achieve not only the return of the stolen property, but also that of the net calculated profits resulting from the transmission (μετὰ καθαρῶν καρπῶν ψηφιζομένων ἀπὸ τοῦ καιροῦ τῆς παραδόσεως), while making sure, for instance, that reimbursement for items that had been diminished through use or entirely destroyed (πάντων δὲ τῇ χρήσει ἀπομειωθέντων ἢ καὶ τελείως ἀφανισθέντων) would not be excessive by taking into account their condition at the time of the theft (ἢ ἀξία τιμὴ δοθῇ τῆς πρώτης ὀψεως). There is also a similar case concerning the son of the *patrikios* Baasakios,⁵⁷⁴ who had raided the island of Gazoura with a retinue and robbed the people who were living there (εἰσελθεῖν [...] μετὰ λαοῦ καὶ ἀφελέσθαι πράγματα διάφορα καὶ ἀρπάσαι).⁵⁷⁵ Since there were eyewitnesses to the crime, the perpetrators were convicted and condemned to pay damages, but Eustathios carefully sets out the procedure for determining the level of damage suffered in order to make sure that it is not exaggerated.

In a case involving land belonging to the village of Rhyakia,⁵⁷⁶ Eustathios ruled that powerful claimants had a right only to the estates that they could prove they were paying taxes for (ἐκεῖνοις τὰ οἰκεῖα διαιρεθῶσι δημόσια καὶ λάβωσι ταῦτα).⁵⁷⁷ They would consequently be completely expelled from all other land, which would be forfeited to the poor villagers or their heirs. Even if there was only a single small child left (εἴπερ καὶ νήπιον μόνον περιέλειπται ἐν

⁵⁷³ *Peira* 42.19, pp. 178.

⁵⁷⁴ PBW (consulted 24.viii.2017) Baasakios 12101, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/157008>>. He only appears to be known from the *Peira*.

⁵⁷⁵ *Peira* 42.17, pp. 176-7.

⁵⁷⁶ K. Belke, *Paphlagonien und Honorias: Tabula Imperii Byzantini* 9 (Vienna, 1996), p. 267, places it in the region of Honorias in north-western Asia Minor.

⁵⁷⁷ *Peira* 15.10, pp. 51-3. *Peira* 9.9, p. 39, provides a more concise account of the same case, which is also referred to in *Peira* 19.16, p. 78.

τῷ χωρίῳ ἐκ τῶν πολιτῶν κληρονομοῦν), he would still have prior claim to all other taxable property in the village ahead of the powerful (προτιμᾶται γάρ τοῦτο ὑπὲρ πάντας τοὺς δυνατοὺς ἔχειν τὰ τῶν ἐξαλειφθέντων χωριτῶν δημοσία). We are also told that one of the parties, the metropolitan of Claudiopolis on behalf of the monastery of Blachna, attempted to claim all the tax-entries registered in the name of Daniel, since that was the name of the monastery's abbot, but that Eustathios only allowed him to do so for the entries where the title of abbot was written out, on the grounds that there may have been other taxpayers named Daniel in the village. He defended this decision by stating that those who drew up the tax-registers took care to be accurate (οἱ τὰ ἰσοκώδικα γράψαντες ἀκρίβειαν εἶχον) and that they surely would have added the abbot's title to any entry where they had found him to be the Daniel referred to (εἰ εὗρον καὶ τὸν δεῦτερον δανιὴλ ἡγούμενον ὄντα, πάντως ἂν προσεγράψαντο καὶ τὸ «ἡγούμενος»). He also rejected a *praktikon* submitted as evidence by the metropolitan (οὐ γὰρ ἐδέξατο τὸ προκομιζόμενον πρακτικὸν) because it had not been properly authenticated by a judge (μὴ ἔχον δὲ ὑπογραφὰς ἢ βοῦλλαν τοῦ κριτοῦ).⁵⁷⁸

There appears to be nothing in this particular case to contradict Simon's conclusions, but matters become more complicated if we consider a similar one, where a villager brought a suit against the monastery of Nesia, accusing it of holding more land in the village than it paid tax for (ὥς ἐχούσης πλείονα τόπια παρὰ τὸ τελούμενον δημόσιον ἐν τῷ χωρίῳ).⁵⁷⁹ Again, Eustathios performed a thorough evaluation of the tax register and other documents, but found that the evidence produced supported the claim of the monastery and thus found against the villager who had brought the accusation (οὐχ εὐρέθη ἡ μονὴ πλεόν τοῦ τρίτου μέρους τοῦ χωρίου κατέχουσα, καὶ κατεδικάσθη ὁ ἐνάγων). It would consequently appear that the common

⁵⁷⁸ The apparent importance of both signature and seal has also been pointed out by Danny, 'Society and the State', p. 72.

⁵⁷⁹ *Peira* 9.10, pp. 39-40.

denominator in these cases is not a determined effort by the judge to deprive the powerful of land, but rather a careful survey of the written evidence in order to ensure that the land was assigned to the party with the strongest legal claim. Once more, the *Peira* portrays fairness and precision as the guiding principles of the ideal judge, irrespective of the wealth, power and social status of the parties involved. Moreover, in both cases, the trust placed in the competence and reliability of the officials responsible for the upkeep of tax registers is remarkable in itself.

This contrasts sharply against Neville's analysis of the Theban cadaster⁵⁸⁰ and the Marcian Treatise,⁵⁸¹ both of which, she concludes, rather reflect the unreliability of official documents and bureaucratic practice.⁵⁸² She argues that the manner of recording taxation in the Theban cadaster was so inconsistent and imprecise that tax-collectors would have had to rely on the context of surrounding entries and information from local people in order to determine beyond doubt the identity and liability of each taxpayer. As such, she infers that the official land register would have been of little practical use, and suggests instead that its primary function may have been performative, as a symbolic manifestation of a pervasive imperial government that

⁵⁸⁰ 'Recherches sur le cadastre byzantine et la fiscalité aux XIe et XIIe siècles : le cadastre de Thèbes', ed. N. Svoronos, *Bulletin de Correspondance Hellenique* 83 (1959), pp. 11-19. The Theban cadaster appears to be a fragment from the central land register used to determine the land-tax owed by each taxpayer, most likely composed in the eleventh century. Svoronos and Ostrogorsky have both interpreted the text as reflecting an increase in aristocratic landowning, but Neville has argued that those conclusions were based on too cursory a reading of the text, noting that even people with official titles seem to have gained and lost land in roughly equal numbers. See *ibid.*, pp. 19-20, 141-4; G. Ostrogorsky, 'La Commune rurale byzantine. Loi agraire – Traité fiscal – Cadastre de Thèbes', *Byzantion* 32 (1962), pp. 158-66; Neville, *Authority*, pp. 55-6, 171-2.

⁵⁸¹ *Beiträge zur Geschichte der byzantinischen Finanzverwaltung*, ed. F. Dölger (Munich, 1927), 113-23; trans. C. M. Brand, 'Two Byzantine Treatises on Taxation', *Traditio* 25 (1969), 48-57. The Marcian treatise is essentially a manual for tax-collectors. Dölger cautiously dated it to the period between 913 and 1139, but the first half of the tenth century has generally been regarded as the most likely time of composition, even though Neville has recently suggested that it would fit well in the eleventh century, noting that the creators of the Theban cadaster appear to have employed the system of registration described in it. The name is derived from its library, but has also been variously referred to as the 'Ashburner tract', after its first publisher, the 'Dölger treatise', after its editor, and the 'fiscal treatise', after its subject matter. See Dölger, *Beiträge*, pp. 3-8; Brand, 'Two Byzantine Treatises', pp. 35-6; Ostrogorsky, 'La Commune rurale', p. 148, n. 1; Lemerle, *Agrarian History*, pp. 74-5; Neville, *Authority*, pp. 176-7.

⁵⁸² L. Neville, 'The Marcian Treatise on Taxation and the Nature of Bureaucracy in Byzantium', *Byzantinische Forschungen* 26 (2000), 47-62; *idem*, 'Information, Ceremony and Power in Byzantine Fiscal Registers: Varieties of Function in the Cadaster of Thebes', *Byzantine and Modern Greek Studies* 25 (2001), 20-43; *idem*, *Authority*, pp. 47-65.

bestowed authority on the officials responsible for the collection of taxes. This is confirmed by her reading of the Marcian treatise, where she underlines the many irregularities which appear to have afflicted the fiscal administration. It instructs tax collectors on how to recognise and deal with the erratic terminology and inconsistent assessment practices of other officials, as well as on how to correct inaccurate or corrupt work. Neville notes that tax inspectors appear to have had licence for personal discretion in the assessment process, leaving considerable room for corruption, and that the inspectors, for their part, seem to have been dependent on the cooperation of the people they were assessing.

While Neville is surely right to conclude that the Byzantine fiscal administration fell short of modern bureaucratic standards, I would suggest that her observations on these sources can be better understood in the context of the Byzantine state's reliance on private networks for public administration, where personal relationships to some extent compensated for the shortcomings of the formal institutions. With this in mind, it is hardly surprising that tax inspectors and tax collectors were expected to carry out their business in cooperation with the communities of taxpayers and adapt their application of the official regulations to local circumstances. Even though this latitude certainly could be abused, the importance of reputation in the Byzantine political economy at least provided incentives for officials to stay honest,⁵⁸³ and when that failed the Marcian treatise seems to reflect both the efforts of the central authorities to address such abuses and their confidence that provincial tax officials generally could be trusted to rectify inaccurate or corrupt work of their colleagues, as long as they were properly instructed on how to do so.

⁵⁸³ See above, pp. 127-46.

As for the reliability of written records, I believe that it is significant that the Theban cadaster, by Neville's own estimate, could indeed be used to determine beyond doubt the identity and liabilities of the taxpayers concerned, as long as that the information it provided was carefully scrutinised and supplemented by oral testimony, since that is precisely what would happen in case of a dispute, as demonstrated by the entries from the *Peira* examined above. What we appear to be dealing with is consequently a system where official documents were considered reliable and therefore the most highly valued category of evidence in judicial proceedings. In cases where there was no written evidence available, or where the documentation was patchy or imprecise, judges recognised these limitations and employed oral testimony to contextualise, fill in the gaps or, when no other evidence was available, to reconstruct the most plausible version of events from the ground up. Since oral testimony was regarded as significantly more unreliable than written records, especially in cases where all available witnesses were involved in the dispute in some way, judges could also rely on trusted friends in their networks to verify certain pieces of information or provide character references, as we have seen in Psellos' letters.⁵⁸⁴

Moreover, the cases we have considered above do not appear to sit well with Vryonis' claim that the justice system was impotent or apathetic in defending the poor against the powerful, nor with Simon's theory that the legislation protecting the rights of the poor was only employed when it could be used to strengthen the state in its struggle against the aristocracy. The *Peira* is, of course, primarily a normative text, intended to demonstrate how judges should act in certain situations, but it does not tell us how representative this ideal was for how judicial officials actually carried out their duties. It was nevertheless based on actual cases and clearly written as a practical guide, which means that it can be expected to provide an accurate

⁵⁸⁴ See above, pp. 118-27.

reflection of what judges realistically could be expected to do. It is therefore significant that there seems to be an underlying assumption in the entries considered above that public officials were neither apathetic about checking the abuses of powerful private interests, nor practically powerless to do so. On the contrary, the insistence on protecting not only the poor against the powerful, but also the property rights of the powerful against excessive claims by the poor, conveys the impression of a confident civil service that was neither cowed by the influence of magnates nor engaged in a desperate struggle for supremacy with them, but rather secure in its position of authority. As for the propensity of individual judges to live up to the ideal set out in the *Peira*, it should be noted, once again, that the analysis of Psellos' letters above indicates that there were probably strong incentives in place for them to do so.⁵⁸⁵

Even so, this does not mean that the courts provided a complete safeguard against all abuse of power. In the cases we have considered where the powerful have in some way seized the property of the poor by force, we have seen that Eustathios unambiguously ruled that the exact loss they have suffered should be restored in full, but he does not appear to propose any additional penalties for the perpetrators. It consequently seems that the rapacious aristocrats merely stood to lose what they had stolen and the profit they had derived from it if they were condemned, while they obviously had everything to gain if not. If so, this cannot have provided much disincentive. We should also consider a case involving the *patrikios* Triakontaphyllos, who had annexed land belonging to a poor man (κτημα ἔχων [...] ἐπισυνῆψε τοῦτο καὶ ἐτέρῳ πένητος) without paying him the proper price for it (μὴ δοῦς τὴν ὑπὲρ τούτου τιμήματος).⁵⁸⁶ The poor man was evidently able to appeal to the emperor and sue for the money he was owed, but did not do so until Triakontaphyllos⁵⁸⁷ had died (εἶθα ἔθανε καὶ ὁ πένης προσῆλθε τῷ

⁵⁸⁵ See above, pp. 127-46.

⁵⁸⁶ *Peira* 36.18, pp. 146-7.

⁵⁸⁷ PBW (consulted 24.viii.2017) Anonymus 12168, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/156911>>. He only appears to be known from the *Peira*.

βασιλεῖ ὑπὲρ τοῦ τιμήματος), from which we may infer that the *patrikios* was able to prevent him from doing so during his lifetime. Situations like this, where the powerful use coercion to stop the poor from taking judicial action against them, sometimes for several generations, are in fact mentioned in the novel of Basil II from 996 to justify the abolition of the statute of limitations.⁵⁸⁸ The case also underlines a point made by Simon, that while the courts were open to everyone in principle, the poor would have to overcome both economic and socio-psychological obstacles in order to access them in practice.⁵⁸⁹ Even with a justice system willing to protect their rights, the poor were still at a considerable disadvantage in any conflict against the powerful.

As for direct disputes between the aristocracy and the state, there are two cases that merit particular consideration. We can note, as Danny has, that a tax collector who had made excessive demands (πλείονα τῶν τετελεσμάτων [ἀπήτησε]) and resorted to torturing the taxpayer's son (οὕτω παραρρίφθῃναι, ὡς ἐμπρησμῷ καὶ μεγάλῃ περιπεσεῖν συμφορᾷ), who carried the title of *pantheotes*, was convicted and condemned to pay compensation to both father and son for the torture, as well as to the father alone for the excessive demand.⁵⁹⁰ This does not appear to be the actions of a judiciary that views the law mainly as an instrument to protect its tax revenues. There is also a single entry to be found under the heading: 'Concerning *lèse-majesté* and confiscations' (περὶ καθοσίωσεως καὶ δημεύσεως), involving the son of Bourtzès, who had been found guilty of treason (παραπесόντος εἰς καθοσίωσιν) and condemned to have his property confiscated (ἐτύπωσε γενέσθαι τὴν ἀφαίρεσιν τῶν πραγμάτων αὐτοῦ).⁵⁹¹ What Eustathios seems to be concerned with here is to demarcate the inheritance due to the rebel so

⁵⁸⁸ Svoronos, *Novelles*, pp. 200-2.

⁵⁸⁹ Simon, *Rechtsfindung*, p. 10.

⁵⁹⁰ *Peira* 61.4, pp. 232-3; Danny, 'Society and the State', p. 112. Cf. above, pp. 95-7, and see below, pp. 250-1.

⁵⁹¹ *Peira* 60.1, p. 231; Cheynet, 'La Famille Bourtzès', p. 350. See below, p. 248. The conspiracy in question may well have been the one led by Constantine Diogenes in 1029. See Cheynet, *Pouvoir*, pp. 42-3.

that it could be claimed by the fisc without infringing on the inheritance of his brothers. Vryonis notes that confiscation of the property was an absolute minimum, which he interprets as a sign of weakness on part of the central government, who had been unable to check the growth of the large landowners and now finally had been passed by entirely.⁵⁹²

There is however a detail in the account of Eustathios' reasoning that appears to fit poorly with this interpretation. The judge notes that the rebel's mother, as part of a marriage agreement, had promised him certain properties of which she retained the usufruct (ὕπέσχετο κτήματα ὧν τὴν χρῆσιν ἑαυτῇ παρακατέσχευε). He concludes that the properties are to be confiscated by the fisc (τούτων τὸ μὲν δίμοιρον ὥρισεν ἀπορισθῆναι τῷ δημοσίῳ), but makes a provision whereby he allows the mother to keep a third of them for the duration of her life, after which they would be reclaimed by the state (τὸ δὲ τρίτον καταλειφθῆναι τῇ μητρὶ [...] περὶ τελευτῆς αὐτῆς περισσεωσμένον εὐρεθήσεται τῷ δημοσίῳ). In a manner similar to the land disputes considered above, this use of *oikonomia* seems to reflect the confidence of unthreatened authority, suggesting that the judiciary is in fact acting from a position of strength and that the factor limiting the confiscations was not the power of the Bourtzai, but rather Eustathios' concern to avoid punishing those who were innocent of wrongdoing and show mercy to a mother who had lost her son. Such a course of action would, of course, be perfectly in line with what we have identified above as the duty of judges to find a balance between the different virtues they were charged with upholding, in this case compassion and adherence to the strict letter of the law, when they came into conflict with each other.⁵⁹³

Again, it is important to underline the normative nature of the text. Even though the raw material for the *Peira* was constituted by actual cases, they were selected because the author considered

⁵⁹² Vryonis, 'The *Peira*', p. 283.

⁵⁹³ See above, pp. 115-17, 215-18.

them to be instructive examples of how justice ideally should be served. We do not know if Eustathios' decision was affected by outside influence and it is certainly not inconceivable that the Bourtzai or a friend of someone in the family had attempted an intervention in the process, perhaps by submitting a plea for compassion, much like we have seen Psellos do on numerous occasions, perhaps even by making threats or offering bribes. If they intended to subvert justice through such means, however, they cannot have been particularly successful, since the case still merited inclusion in the *Peira* as an illustration of ideal administration of justice. The point of the entry is, as far as I can see, to instruct judges on how to best handle the confiscation of a rebel's property, especially in cases when such measures would risk having a negative impact on those close to the perpetrator who themselves had not been convicted of any crime. Had the Bourtzai managed to secure special treatment through machinations behind the scenes, thus generating an outcome that deviated from what contemporary norms of jurisprudence would dictate given the facts of the matter as they are presented to us, the entry would have lost its didactic value and likely have been omitted. Of course, this also underlines the point that the *Peira* is not necessarily representative for how justice was generally administered, but if it was meant to be useful the expectations conveyed cannot have been entirely unrealistic and, as we have seen, there were strong incentives in place for officials to adhere to the prevailing norms governing the exercise of their duties.⁵⁹⁴

In fact, the appearance of members of certain prominent families may have been intended to emphasise the principle of justice for poor and powerful alike, demonstrating Eustathios' unwavering commitment to it, even in the face of potential pressure from very influential aristocrats. Out of the family names mentioned in the *Peira*, three stand out as particularly

⁵⁹⁴ See above, pp. 127-46.

illustrious, namely Skleros, Bourtzes and Komnenos.⁵⁹⁵ As illustrated by some of the cases considered above, members of all three families make appearances as accused, or even convicted, of wrongdoing, which could hardly have contributed to the prestige of their lineages. At first sight, it might seem odd that the author of the *Peira* would risk the displeasure of these aristocrats by deviating from his general working principle of anonymising the parties involved in the cases, but given the intention to advocate fairness irrespective of social status, it simply appears to have been the most unequivocal way to demonstrate that Eustathios applied this principle even in cases where one of the parties belonged to one of the most prominent families in the empire. As we have seen, the choice of cases involving Skleroi, Bourtzai and Komnenoi to illustrate this point seems particularly apt, since the individuals concerned would have been well-known and influential enough to ensure the clarity of the message, but until 1042 none of them was sufficiently intimate with the reigning emperor to incur imperial censure.⁵⁹⁶ It should also be noted, however, that the fact that the author of the *Peira* deemed it necessary to emphasise equality before the law in this manner suggests that it was not a principle that could be taken for granted in eleventh-century Byzantium.

⁵⁹⁵ Skleroi: *Peira* 15.14, 15.16, 23.7, 42.11, 42.18, 42.19, 50.4, 65.15, 69.5, pp. 53-4, 88, 176-8, 211, 242, 256-7; Bourtzai: *Peira* 60.1, p. 231; Komnenoi: *Peira* 17.5, 17.14, 44.1, pp. 61-5, 184. See above, pp. 222, 233-8, 244-5, and below, p. 248. The Komnenos cases are not of particular relevance to my principal arguments and thus not referred to elsewhere, but they are consistent with the hypothesis advanced here. All three concern the sons of Manuel Erotikos Komnenos, i.e. the future Isaac I and his brother John, father of the future Alexios I. In 44.1 Eustathios insists that they honour the financial commitments of their late father, which they had tried to renege on, whereas in 17.5 and 17.14 one of them is fined for breaking off an engagement. Regarding their father, see PBW (consulted 19.x.2017) Manuel 119, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/111712>>.

⁵⁹⁶ See above, pp. 209-10

5.3 Family politics

If the interpretation of the case regarding the Bourtzes rebel above is correct, it also appears to tell us something about the aristocratic family of the eleventh century.⁵⁹⁷ The Bourtzai were evidently not regarded as a coherent political unit acting in concert, since the treachery of one family member does not appear to have reflected poorly on the others.⁵⁹⁸ Eustathios appears determined to ensure that the rebel's brothers are not adversely affected by his punishment and even goes so far as to extend compassion on behalf of the state to his mother by allowing her to keep some estates that legally should have been confiscated, which he had no reason to do if he had regarded her as complicit in the treachery of her son. This appears to challenge the idea, most persuasively presented by Cheynet, of eleventh-century politics as dominated by aristocratic networks, where extended families functioned as important political entities and the great families extended their influence by forming powerful clans through marriage alliances.⁵⁹⁹ The argument made here is largely the same as the one in chapter 4.2 and suffers from the same weakness of having to be made largely *ex silentio*. Even so, if extended families or intermarried clans had been the primary source of identity and allegiance in Byzantine society, we could have expected to see it reflected in the *Peira*, either in the behaviour and expectations of the litigants or in Eustathios' reasoning and assumptions. Indeed, there are cases where strong horizontal family ties can be discerned, but only within the nuclear family, which, once again, makes evidence of such ties within extended families conspicuous by their absence.⁶⁰⁰

⁵⁹⁷ *Peira* 60.1, p. 231. See above, pp. 244-5.

⁵⁹⁸ See, however, Holmes, *Basil II*, pp. 287-8, arguing that there was a rehabilitation culture at play in the reign of Basil II, whereby the emperor would pardon some supporters of defeated rebels because he was in desperate need of their services as generals.

⁵⁹⁹ Cheynet, *Pouvoir*, pp. 261-7, 272.

⁶⁰⁰ This is, of course, also well in line with Cheynet's observations that only parents, children, siblings and immediate in-laws enjoyed freedom from the obligation to testify against one another, and only the rights of children were legally protected when it came to matters of inheritance. See Cheynet, *Pouvoir*, p. 261, *idem*, 'Aristocratic et héritage', pp. 67-70, and above, pp. 20-1.

More specifically, there are a few entries that hint of strong ties between fathers and sons, such as a lawsuit by a certain Arotas, who sued to have his son's marriage dissolved since it had taken place without his consent (παρὰ γνώμην τοῦ πατρὸς ἔλαβε γυναῖκα).⁶⁰¹ Eustathios and the emperor, who seems to have been present, ruled that since the wedding had already taken place and the son was 22 years old (διὰ τὸ ἤδη γενέσθαι συνάφειαν καὶ ἱερολογίαν καὶ χρόνων εἶναι κβ' τὸν υἱόν), the union could not be dissolved (ὁ μὲν γάμος μὴ ἀνατραπῇ). Eustathios did however sentence the father of the bride to flogging (προσέταξε μαγκλαβίοις), since he had known about the marriage beforehand, but had withheld the information from Arotas because he was eager for it to take place (ὥς μὴ γνωρίσαντα τῷ πατρὶ τὸν γάμον, ἀλλὰ κατασπουδάσαντα τοῦτον). The fact that the eloping couple was held blameless while the father of the bride was quite severely punished seems to delineate both the extent and the limits of a father's power over his children. Fathers had the authority to influence whom their children married. The children themselves could evidently deny them that authority with impunity, but third parties could not.

At this point we should also consider another entry, which relates that the *patrikia* Maria Kastorissa had made a marriage agreement on behalf of her grandson (σύμφωνον ἐποίησεν ὑπὲρ τοῦ ἐγγόνου αὐτῆς), who thus became engaged to the daughter of the *protospatharios* and *strategos* Basil.⁶⁰² They introduced a provision by which whatever party did not honour their obligations of the agreement would be liable to pay a fine, and various gifts and favours were exchanged. Some time later the groom-to-be decided to break of the engagement and was sued for the fine stipulated in the marriage agreement. Eustathios ruled that while the gifts exchanged should be returned and the favours compensated, but that neither he nor his grandmother would be liable to pay the fine since it was not he who had signed the agreement (ἐπεὶ οὐχ εὐρέθη

⁶⁰¹ *Peira* 49.10, pp. 200-1.

⁶⁰² *Peira* 17.19, p. 67.

οὗτος ὅλως ἐν τῷ προικῷ συμφώνῳ ὑπογράφας) and not she who had broken off the engagement (οὐ γὰρ αὕτη ἀνέλυε τὸν γάμον). Again, regardless of being family, they could consequently not be held responsible for the actions of one another, or even for the joint effect of their respective actions. Also, the intended groom's right to break off the engagement, presumably in defiance of his grandmother, never seems to be in question.

That did not mean that parents were without means to exert authority over their children. The entry concerning Arotras also mentions that his wife disciplined their children by threatening to reduce the inheritance of any child who disobeyed their father (διετάξατο τοὺς παῖδας αὐτῆς ὑποτάττεσθαι τῷ πατρὶ καὶ ὡς ἂν εἴη ἐκείνῳ βουλομένῳ τούτους κληροδοτεῖσθαι), a method which Eustathios deemed reasonable as long as it was not applied in an unduly harsh manner (εἰ μήγε λίαν σκληρὸς ᾗ). It seems reasonable to assume that the Arotrai were not alone in ensuring the obedience of their children in this manner. As Cheynet has concluded, all children did in principle have equal rights to inherit from their parents, and judges generally divided inheritances as such in the absence of a will, but it would appear that in practice it was possible to favour one child as long as the rights of the others to a part of the estate was respected.⁶⁰³ We might also call to mind the case of the seducer Himerios, who waited until his father died before breaking off the engagement he had agreed to in the settlement.⁶⁰⁴ As this deception did not save him from the legal consequences of his actions, it seems reasonable to assume that it was paternal retribution that he feared and sought to avoid. Ties between fathers and sons are moreover emphasised in the case of the tax collector who extorted a man by torturing his son.⁶⁰⁵ As we noted above, Eustathios sentenced the overzealous official to pay compensation for the torture not only to the victim, but also to his father, stating that when a son suffers injury the

⁶⁰³ Cheynet, 'Aristocratie et héritage', pp. 63-7.

⁶⁰⁴ *Peira* 49.4, pp. 197-200. See above, pp. 216-17, 226-7.

⁶⁰⁵ *Peira* 61.4, pp. 232-3. See above, p. 244.

father may bring two actions (παιδὸς ὑβρισθέντος δύναται ὁ πατήρ δύο κινεῖν δικαστήρια), both on his own behalf and that of his son (καὶ ὑπὲρ αὐτοῦ καὶ ὑπὲρ τοῦ παιδός). The law he cites is an ancient one from the Lex Cornelia, issued during the dictatorship of Sulla 82-81 B. C., but his decision to employ it implies that he found it to be well in agreement with contemporary norms and jurisprudence. It can consequently be concluded that there are several cases where Eustathios recognised the strong ties holding the nuclear family together and upheld their importance in his judgements, but there appears to be no corresponding examples when it comes to extended families.

We can however find a few examples of familial solidarity reaching beyond the confines of the nuclear family. An anonymous member of the Keroularios family agreed to stand as guarantor (ἐγγυήσατο) for his brother in the matter of a dowry and Katagnakes supported his brother when he was accused of rape (ἄρπαγα), even promising to pay the compensation to the victim if he should be found guilty (ἀσφαλισαμένου [...] ἵνα ὑποσχῇ αὐτὸς πρὸς τὸ μέρος αὐτῆς ὅλην τὴν ποινὴν τοῦ ἐγκλήματος).⁶⁰⁶ Ophrydas, on the other hand, sued his nephew in a rather vindictive manner to reclaim a loan he had given him, with no hint of a possibility to settle the matter amicably within the family.⁶⁰⁷ Other than this, however, we rarely find Byzantine aristocrats relying on family members to protect their interests or support them in times of crisis. Paulos *stratiotikos* is a partial exception.⁶⁰⁸ In his will, he named his wife and adult children as his heirs and executors (κληρονόμον καὶ ἐπίτροπον), but also appointed two additional executors to assist his wife (ἵνα συνεργῇ τῇ γυναικί), namely his nephew John and a man named Michael, to whom he appears to be unrelated. When the *manglabites* Kakateros married, the dowry of

⁶⁰⁶ *Peira* 51.25, 65.2, pp. 217, 239-40. While it is difficult to determine with certainty, the anonymous Keroularios may have been Michael, the future patriarch of Constantinople, as is suggested in PBW (consulted 28.x.2017) Michael 11, <<http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107819>>.

⁶⁰⁷ *Peira* 19.5, p. 70.

⁶⁰⁸ *Peira* 16.9, pp. 56-7.

his wife was provided by the daughter of Romanos III, the *despoina* Theophano, who, as external to the family (ἐξωτικός), protected her financial interests by including a provision that the dowry should return to her upon the death of the wife (τὴν ἀνάδοσιν τῶν προικιζομένων).⁶⁰⁹

Another entry relates that Atzokometes, Dermokaites ‘and others’ (καὶ λοιπούς) served as guarantors (ἐγγυητάς) for the inheritance of the children from an unnamed woman’s first marriage when she entered into her second.⁶¹⁰ They were appointed by the new husband, but there is no indication of family ties between them and any of the other concerned individuals. The *primikerios* Anthimos appointed the *sakellarios* as his executor of his will (ἐπίτροπος), which is included in the *Peira* on account of the commendable way the latter protected the legacy left to Anthimos’ nephew.⁶¹¹ The *protospatharios* Leo served as the financial guardian (ἐπίτροπος) of an unidentified minor.⁶¹² In these cases we could have expected the author of the *Peira* to mention any family ties between the individuals involved, as he did in the case of Paulos *stratiotikos*, but there are no such references to be found in the text. There is also a case concerning a slave of a *manglabites* who was found to have committed murder without the knowledge of his master (ἐδείχθη ὁ φόνος ὅτι γέγονε παρὰ δούλου ἀγνοοῦντον τοῦ μαγκλαβίτου).⁶¹³ Eustathios ruled that the slave should be given to the relatives of the murdered man, specifically his brother-in-law and nephews (δοθῆναι τὸν δοῦλον τὸν φονέα τῷ γαμβρῷ τοῦ ἀνηρημένου καὶ τοῖς υἱοῖς ἡγουν τοῖς ἀνεψιοῖς τοῦ πεφονευμένου), since his brother was deemed unworthy of his inheritance (ἀνάξιος οὗτος ἐκλήθη τῆς ἐκείνου κληρονομίας) on account of being in league with his enemies (ὥς τῷ μέρει τῶν ἀντιδίκων συμπνέων καὶ συμπαίων).

⁶⁰⁹ *Peira* 25.28, p. 100.

⁶¹⁰ *Peira* 65.5, pp. 240-1.

⁶¹¹ *Peira* 16.20, p. 60.

⁶¹² *Peira* 26.23, p. 119.

⁶¹³ *Peira* 66.28, pp. 250-1.

A few separate instances where family members were in conflict with each other or chose to rely on non-relatives to help or support them at critical junctures does not, of course, conclusively disprove the notion that kinship was the principal source of identity and allegiance. It is possible that we are seeing the exceptions to the general rule here, but if Byzantine society really was dominated by united and self-aware extended families or clans, we could have expected them to be more visible in the *Peira*. As such, our findings in this chapter appear to be well in line with the conclusions of chapter 4.2, lending weight to the suggestion that the political impact of kinship ties beyond those of the nuclear family can be better understood through the analytical framework of networks of friendship, as one of the possible factors that could connect individuals to each other, create a sense of fellowship and motivate contact as well as aid and support, rather than as a separate, and precedent, system of loyalty and identity.

6. Aristocracy and power in Kekaumenos' *Consilia et Narrationes*

As has been noted above, the letters of Psellos and the *Peira*, for all the wealth of the information they provide, allow us to view Byzantine society only through a primarily Constantinopolitan civil-service perspective, leaving questions about the applicability of the conclusions drawn to Byzantine political society as a whole, with the military being a particularly problematic blind spot. This chapter aims to amend that lacuna by exploring the same issues, meritocracy and social mobility, the importance of family, friends and networks, as well as the impact of norms and institutions regulating political behaviour, from a rather different perspective. The text commonly referred to as *Consilia et Narrationes* is a book of advice written by an author, Kekaumenos, who appears to have been a provincial landowner with a military background. As we shall see, the book was probably intended to be read by members of the same social class as Kekaumenos himself. Due to differences in literary genre, however, the *Consilia et Narrationes* approaches Byzantine society in a more abstract and moralising way than Psellos' very concrete epistolary interventions, which themselves were part of the political processes we are interested in. As such, this chapter cannot supplement the previous ones by simply offering a corresponding analysis of the social mechanisms governing the military. What it does offer is a bigger picture, arguing, firstly, that the portrayal of Byzantine society that emerges in Kekaumenos' advice seems to be consistent with the conclusions of the previous chapters and, secondly, that there appears to be nothing to suggest that he viewed the military as a separate and exceptional societal sphere where different principles would apply.

The social class that Kekaumenos appears to view as his own, and to which he directed his advice, is the segment of Byzantine society traditionally defined as the aristocracy,

encompassing military commanders as well as civil servants and stretching from the emperor's closest advisors to landowners who held no offices but still commanded some authority due to their position in local communities. Viewed through the lens of the *Consilia et Narrationes*, this aristocracy appears diverse in the sense that the differences in wealth and influence of its members were substantial at any given time, but still remarkably coherent on account of its shared identity, ideology and literary culture, as well as the expectations of social mobility on meritocratic grounds within it. It also seems to have been quite open to the empire's neighbours, with its networks and culture extending beyond political borders, making it capable of assimilating foreigners from those regions with relative ease. Friendship stands out as a valued and all but ubiquitous relationship with a great deal of impact on daily life, making it crucial for aristocrats to mind carefully the company they kept. The nuclear family was clearly cherished, but there is no sign that extended families were an important source of identity and allegiance, nor anything to suggest that the political impact of kinship could not be adequately understood within the analytical framework of networks of friendship.

As for the relationship between the aristocracy and the state, the *Consilia et Narrationes* does indicate that the reach of the civil administration had its limits, but that the emperor and his representatives were by no means apathetic about governing the provinces. The Byzantine state appears to have been content to leave the settlement of some disputes and regulation of some kinds of unacceptable behaviour in the hands of local communities. In the case of aristocratic estates, that responsibility fell primarily on the landowner, but there appear to have been strong societal norms surrounding the exercise of this authority and, as such, they would do best to do so both scrupulously and sparingly. Even the appearance of undue harshness could provoke an uprising and blatant injustice would risk drawing the attention of the theme judge, or someone with his ear willing to intervene on behalf of the victims. On account of their networks and the

limited capacity of the justice system, there is no doubt that this still left large landowners in an advantaged position *vis-à-vis* regular villagers, but local magnates could not expect to dominate provincial life undisturbed, nor hope to challenge successfully the agents of the state directly. As for indirect means of influence, there seem to have been no lack of opportunities for *kritai* to subvert justice in exchange for bribes or other favours, but such behaviour also entailed serious risks and Kekaumenos advises against it not only for moral reasons, but also because unjust judgments would be overturned and censured by the superior judges in Constantinople. The text also indicates that public officials had to carefully maintain their reputations, and especially be on their guard against slander, in order to avoid falling from favour.

6.1 Author and audience, text and context

The text survives in a single manuscript, a fifteenth-century codex most likely originating in the area of Trebizond, and has come down to us in an incomplete state.⁶¹⁴ The part available to us is substantial, but material throughout the body of the text has been lost, most notably an unknown amount in the beginning, and there appears to be confusion in the ordering of what remains.⁶¹⁵ Moreover, the scribal work leaves a lot to be desired and has been characterised by

⁶¹⁴ Regarding the manuscript, see C. Roueché, ‘The Place of Kekaumenos in the Admonitory Tradition’, in P. Odorico (ed.), *L'Éducation au gouvernement et à la vie: La tradition des “règles de vie” de l'Antiquité au Moyen-Âge* (Paris, 2009), pp. 134-44. The text has been published in several editions, originally as *Cecaumeni Strategicon ; et incerti scriptoris De officiis regiis libellus*, ed. B. Wassiliewsky & P. Jernstedt (St. Petersburg, 1896), followed by *Sovety i rasskazy Kekavmena : Sočinenie vizantijskogo polkovodca XI veka*, ed. G. G. Litavrin (Moscow, 1972), revised in 2003, and *Raccomandazioni e consigli di un galantuomo (Στρατηγικόν)*, ed. M. D. Spadaro (Alexandria, 1998), as well as an online edition, *Consilia et Narrationes*, ed. C. Roueché (Sharing Ancient Wisdoms / SAWS, 2013), available at <<http://www.ancientwisdoms.ac.uk/folioscope/greekLit:tlg3017.Syno298.sawsGrc01>>. The latter is in several respects the most useful, but due to its lack of pagination and numbered paragraphs, I will make reference to Spadaro's edition for increased precision, except for the final part of the text, *Consilium Principi*, which Spadaro omits, where I will make use of Wassiliewsky & Jernstedt's edition.

⁶¹⁵ C. Roueché, ‘The Literary Background of Kekaumenos’, in C. Holmes & J. Waring (eds), *Literacy, Education and Manuscript Transmission in Byzantium and Beyond* (Leiden, 2002), p. 112; idem, ‘Admonitory Tradition’, p. 130.

modern scholars in terms such as ‘obvious ignorance’ and ‘outstanding ineptitude’.⁶¹⁶ There is a remarkable quantity of errors, leaving the editors of the text facing a daunting task of correcting them, and the numbering of the paragraphs is frequently at odds with the natural structure of the text. The title used by the first editors, *Strategikon*, was taken from a comment by a scribe, but it is more aptly, and commonly, referred to by the title assigned to it by Lemerle, namely *Consilia et Narrationes*.⁶¹⁷ The name of the author has likewise been lost in transmission and has consequently been deduced from the name of his father and grandfather.⁶¹⁸ The text can be described largely as a diverse collection of advice, maxims and anecdotes on various subjects and while, as we shall see, it is written in an established traditions of admonitory literature and military manuals, its particular composition must be considered unique in Byzantine literature as we know it. Before examining it in more detail, a brief survey of its contents is in order.⁶¹⁹

The first section of the surviving text, which has lost an unknown amount of preceding material, begins with a few paragraphs on the responsibilities of influential individuals (1-2), before proceeding to offer advice specifically for advisors to the emperor (3-10, 12), theme judges (15-22), subordinate officials such as *notarioi* (11, 13-14, 22) and, finally, scholars (γραμματικοί, φιλόσοφοι) (23). Kekaumenos then turns to military commanders in a long section (24-87) which also includes some advice for lieutenants (τοποτηρηταί)⁶²⁰ and lower-ranking soldiers

⁶¹⁶ G. Buckler, ‘Authorship of the Strategikon of Cecaumenus’, *Byzantinische Zeitschrift* 36 (1936), p. 7; Roueché, ‘Admonitory Tradition’, p. 137.

⁶¹⁷ P. Lemerle, *Prolégomenes à une édition critique et commentée des « Conseils et Récits » de Kékauménos* (Brussels, 1960).

⁶¹⁸ *Consilia et Narrationes* 169, 182, pp. 202, 220. In the latter case, Spadaro has amended πάππον to πάππαν, which seems reasonable given the chronological distance between the episodes in question. In the first one, Kekaumenos’ πάππος defends the city of Larissa against a Bulgarian attack sometime 976-86, whereas in the second one, his πάππας appears briefly in an account of the involuntary revolt of another relative, Nikoulitzas Delphinas, which took place around 1064-67. Regarding Kekaumenos’ male forebears, see C. Roueché, ‘Defining the Foreign in Kekaumenos’, in D. C. Smythe (ed.), *Strangers to Themselves: The Byzantine Outsider* (Aldershot, 2000), pp. 204-9.

⁶¹⁹ The numbering of the paragraphs below follows the editions used for references (Wassiliewsky & Jernstedt’s for the *Consilium Principi*; Spadaro’s for the rest).

⁶²⁰ See Oikonomides, *Listes*, p. 110, n. 69, pp. 329, 345.

(στρατιῶται) (86-7), as well as on the proper conduct for commanders released from active service (51-60). This is followed by another long section largely dealing with private life as a provincial landowner (88-167) and a somewhat shorter one concerning itself with rebellions and loyalty (168-92), before we reach perhaps the most remarkable part of the text, offering advice to what Kekaumenos refers to as toparchs (τόπαρχαι, τόπαρχοι), independent border princes within the empire's sphere of influence (218-26). Then we find a section, seemingly out of place, on various scientific issues,⁶²¹ followed, finally, by the *Consilium Principi*, advice for an emperor (1-25). There has been some uncertainty regarding whether this final section should be considered as part of the same text as the preceding material, but more recent scholarship has argued persuasively that it should and it will consequently be treated as such here.⁶²²

Some scholarly effort has been made to discern the identity of its author, in particular whether or not he should be identified with the famous general Katakalon Kekaumenos,⁶²³ which it would appear that he should not.⁶²⁴ It would appear that our author was born around 1020 and was a provincial landowner as well as a military commander, whose active service can be dated approximately to the reign of Constantine IX (r. 1042-55).⁶²⁵ It is worth noting, however, that there are only two references to Kekaumenos' own career in the text and none of them do, in fact, say unequivocally that he served in the military.⁶²⁶ In the first one, he notes in passing that he once held authority in the region of Hellas (ἐξουσιάζοντός μου τότε εἰς τὰ μέρη τῆς Ἑλλάδος), but ἐξουσιάζω gives us no hint as to whether this authority was civil or military.

⁶²¹ Roueché, 'Literary Background', p. 130-6, analyses this section and its place in Kekaumenos' oeuvre, but its contents are of no interest for our present purposes and will not be discussed further.

⁶²² G. Prinzing, 'Beobachtungen zu "integrierten" Fürstenspiegeln der Byzantiner', *Jahrbuch der österreichischen Byzantinistik* 38 (1988), pp. 19-22; Roueché, 'The place of Kekaumenos', p. 131-3. As noted above (p. 256, n. 614), I make reference to the *Consilium Principi* separately from the rest of the *Consilia et Narrationes* for purely practical reasons, since it is not included in Spadaro's edition.

⁶²³ See above, p. 59, n. 141.

⁶²⁴ A. G. C. Savvides, 'The Byzantine Family of Kekaumenos', *Diptycha* 4 (1986), pp. 15-21, offers a persuasive argument and a detailed bibliography on the topic.

⁶²⁵ Savvides, 'Byzantine family', pp. 15-16.

⁶²⁶ *Consilia et Narrationes* 142, p. 190; *Consilium Principi* 12, p. 97.

The second one appears in a story about Harald Hardrada,⁶²⁷ where he recounts that Harald returned with the emperor after having subdued a revolt in Bulgaria and then suddenly mentions that he himself was also in imperial service at this time (ἤμην δὲ καὶ τότε ἀγωνιζόμενος ὑπὲρ τοῦ βασιλέως κατὰ τὸ δυνατόν). The most plausible interpretation, especially given the use of ἀγωνίζομαι, implying struggle, seems to be that he had also participated in the Bulgarian campaign, but he does not say so explicitly and even if he did it is not certain that he served in a military capacity. Even so, combined with the particular interest in, and knowledge of, military matters he appears to display in the section of the text addressed to generals, which stands in contrast to his somewhat less detailed advice to theme judges, it seems more likely than not that he did have a military background. There is, however, nothing to say that he did not also serve in the civil administration at some point in his career.

The text was probably written during the reign of Michael VII (r. 1071-8), since he is the latest reigning emperor to be mentioned and the only one not called μακαρίτης, as is customary for deceased emperors.⁶²⁸ Kekaumenos' flattery of that emperor's first minister, Nikephoritzes,⁶²⁹ in the same paragraph seems to point in the same direction. This, combined with a reference to the patriarch John Xiphilinos (d. 1075) as deceased (μακαρίτην), provides us with 1075-1078 as the most likely period of composition.⁶³⁰ It is of course possible that Kekaumenos was simply echoing his sources regarding Michael VII and Nikephoritzes, in which case a slightly later date may also be plausible, but either way it is clear that the *Consilia et Narrationes* was written in a time of great turmoil.⁶³¹ The Turks were raiding freely across Asia Minor in the wake of the

⁶²⁷ Future king of Norway and the most notable Norseman to have entered imperial service as a Varangian. See S. Blöndal, *The Varangians of Byzantium* (Cambridge, 1978), pp. 54-102.

⁶²⁸ *Consilia et Narrationes* 184, p. 222.

⁶²⁹ See above, p. 56, n. 140.

⁶³⁰ *Consilia et Narrationes* 182, pp. 218-20.

⁶³¹ Kekaumenos' apparent disregard for recent events makes it difficult to establish a definitive *terminus ante quem*, but since he would have been around 60 in 1080, it seems highly unlikely that he survived the reign of Alexios I (r. 1081-1118).

battle of Manzikert in 1071, conditions in the Balkans were deteriorating rapidly and the empire was plagued by civil strife.⁶³² Yet there appears to be no trace of this in the text. As Lemerle has pointed out, most of the historical events related date from the period 1034-1054 and the only mention of later events is the story of Kekaumenos' relative Nikoulitzas Delphinas, who was coerced into leading a local revolt against Constantine X (r. 1059-67) in the latter half of that emperor's reign.⁶³³ The *Consilia et Narrationes* may of course have been composed gradually over a long period of time, but the fact that Kekaumenos sees no need to comment on recent events or revise his advice in light of changing circumstances implies that he expected the advice he gave based on his experiences decades earlier to be equally valid in decades to come and that he consequently neither viewed Byzantine society as having changed much during his lifetime, nor believed that it would on account of the turmoil at the time when he was writing the final paragraphs.

This brings us to a crucial question: for whom did he write? The answer that he gives us himself is that the advice was for the benefit of his own children. He addresses the reader directly as his son (τέκνον) on several occasions and in one paragraph he apologises for his lack of rhetorical skill by claiming that he is merely writing for the sake of his children and not to satisfy the literary tastes of a wider public (οὐχ ὡς ποιητικὸν τοῦτο συνέταξα πρὸς ἄλλους τινάς, ἀλλὰ πρὸς σὲ καὶ τοὺς ἀδελφούς, τοὺς ἐμοὺς παῖδας).⁶³⁴ He also uses the vocative plural (τέκνα) twice, which Lemerle has suggested may be the result of him carelessly copying his own source, although it is also possible, of course, that he is simply stylistically inconsistent.⁶³⁵

⁶³² M. Angold, *The Byzantine Empire 1025-1204* (New York 1997), pp. 115-135.

⁶³³ Lemerle, *Prolégomenes*, pp. 56-77.

⁶³⁴ *Consilia et Narrationes* 6, 107-8, 126, 171, pp. 50, 156, 176, 204, and esp. 191, p. 228.

⁶³⁵ *Consilia et Narrationes* 140, 185-7, pp. 188, 224-6; Lemerle, *Prolégomenes*, p. 19.

There is however reason not to take him quite at his word here. The particularities of the *Consilia et Narrationes* may be unique amongst the sources that have come down to us, but as Charlotte Roueché has demonstrated, the text is significantly more literary than it seems at first sight and written in a very specific context.⁶³⁶ She notes that the composition of an admonitory text addressed to a real person, but intended for a wider audience, was a well-established tradition in Greek literature and beyond, and several themes associated with it appear in the *Consilia et Narrationes*. Kekaumenos also presents his advice using a consistent structure and literary models reflecting formal rhetorical training within the Byzantine school curriculum. While he clearly employed a wide variety of sources, he modelled his writings on the gnostic, paraenetic tradition of the *florilegium*, a collection of wise and useful sayings, and must himself have had access to at least one such work.⁶³⁷ In his advice on military matters he similarly draws on the existing tradition of military treatises.⁶³⁸ We may also infer that he had a wider readership in mind from his inclusion of advice for toparchs, as well as for the emperor himself, in which he draws on the traditional genre of princes' mirrors.⁶³⁹ In these sections there are naturally no references to the reader as his son either.

Nevertheless, despite Kekaumenos' apparent literary ambitions, the text is not merely a rhetorical exercise intended to elucidate the eternal virtues that should ideally be displayed by emperors and ordinary men respectively, nor to criticise implicitly the vices that the author found and deplored amongst his contemporaries. In fact, Kekaumenos appears to be sincerely concerned with the practical usefulness of his advice. As Roueché has noted, he has no qualms

⁶³⁶ C. Roueché, 'The Rhetoric of Kekaumenos', in E. Jeffreys (ed.), *Rhetoric in Byzantium* (Aldershot, 2003), pp. 23-37.

⁶³⁷ Roueché, 'Literary Background', pp. 114-17.

⁶³⁸ Roueché, 'Literary Background', pp. 117-23.

⁶³⁹ Hunger, H., *Die hochsprachliche profane Literatur der Byzantiner* (Munich 1978), vol. I, pp.162-3. A useful overview of the genre is also presented in D. Angelov, *Imperial Ideology and Political Thought in Byzantium, 1204-1330* (Cambridge, 2007), pp. 184-97, emphasising the mirrors' ability to combine a conservatism in preserving certain common ideas about the nature of imperial power over time with a flexibility in accommodating new ideas imposed by the demands of reality.

about changing the *gnomai* of his sources if he does not agree with them.⁶⁴⁰ At times he also takes a pragmatic, rather than moralising, approach to the matters he discusses. Indeed, Lemerle's characterisation of the passages addressed to Kekaumenos' sons as 'advice for an honest man', while largely appropriate, sometimes seems slightly too narrow.⁶⁴¹ When dissuading his readers from engaging in potentially profitable trades (τέχνην πολυκερδῆ) such as counterfeiting coins, documents and seals he does so by pointing out that it is not only degrading, but also dangerous (προξενούσαν σοι ἀχρειωσύνη εἴτε κίνδυνον), presumably referring to the risk of getting caught.⁶⁴² Similarly, he advises his readers against taking bribes (πλανηθῆς διὰ δῶρα) in exchange for issuing imperial ordinances without permission solely on the self-interested grounds that this will cause them to fall from glory and have their property confiscated (οὐ μόνον ἐκπέσεις τῆς δόξης σου, ἀλλὰ καὶ δημευθήσῃ).⁶⁴³ The same goes for gossiping about the imperial couple, because one would risk being held to account for simply being present (εὐθυσθήσῃ διότι ἐκεῖσε παρευρέθῃς).⁶⁴⁴

Moreover, he advises his readers that if an imperial levy should come, presumably referring to a visit by tax-collectors, they should avoid taking an official role in the assessment (εἰ ἐπήρειά τις ἔλθῃ βασιλική [...] μὴ τυπώσης), because in this way, he writes, they will be able to secure tax-benefits for friends, dependents and others who come asking for favours (δυνήσῃ καὶ φίλον σου ἐξκουσεῖν καὶ ἄνθρωπον σου, καὶ τὸν αἰτησάμενον σε ἐλαφρῶσαι) without attracting censure, since any complaints will be directed at those who were officially responsible for the assessment (μέμψις ἐπέλθῃ παρὰ τοῦ κοινοῦ, πρὸς τοὺς τυπώσαντας ἀναδράμη καὶ σὺ μενεῖς

⁶⁴⁰ Roueché, 'Literary Background', pp. 115-16.

⁶⁴¹ Lemerle, *Prolégomenes*, p. 19.

⁶⁴² *Consilia et Narrationes* 122, p. 170.

⁶⁴³ *Consilia et Narrationes* 5, p. 50.

⁶⁴⁴ *Consilia et Narrationes* 6, p. 50.

ἄμειπτος).⁶⁴⁵ In his advice for subordinate officials he writes that if a superior makes a mistake to the detriment of the fisc (ἐάν ποιήσει σφάλμα τι ἀνήκον εἰς τὸ δημόσιον), they should make every effort to keep it a secret (φύλαξον αὐτοῦ τὸ μυστήριον φυλακῇ πάσῃ), because if they make it public everyone will recoil from them as they would from a snake (εἰ δὲ δημοσιεύσεις αὐτό, ἔκτοτε πάντες φεύξονται ἀπὸ σοῦ ὡς ἀπὸ ὄφεως).⁶⁴⁶ He also returns several times to the proper ways to guard one's own secrets, which of course presupposes that the reader would have something that he was eager to hide.⁶⁴⁷

This pragmatic approach implies that Kekaumenos had a specific readership in mind when writing his advice, meaning that he was writing for an audience who would be familiar with the concrete situations he describes and able to make practical use of his advice. His literary ambitions and choice of topics, on the other hand, indicate that this intended readership was wider than he explicitly states. That said, his choice of literary model for presenting his advice, that of a father educating his son, is hardly irrelevant, but presumably chosen because it would make sense to his intended readers. The most probable explanation consequently seems to be that Kekaumenos wrote for readers whom he imagined to be like his sons and so able to identify with them. In other words, for those whom he regarded as his own social class.

If this is the case, the text should provide valuable insight into the nature of this segment of Byzantine society. Judging from the nature and emphasis of the advice given, it consisted of provincial landowners with large households, who wielded considerable influence in the local community and were attended by both servants and slaves.⁶⁴⁸ They could be expected to pursue

⁶⁴⁵ *Consilia et Narrationes* 100, p. 148. There are obvious parallels to Psellos' letters here, which we will have reason to consider further below. See pp. 288-9.

⁶⁴⁶ *Consilia et Narrationes* 13, pp. 54-6. See below p. 295.

⁶⁴⁷ *Consilia et Narrationes* 103-4, 127, pp. 152-4, 176.

⁶⁴⁸ *Consilia et Narrationes* 88-9, 101, 104, 116, 119, 131, 133-7, pp. 130-2, 148-50, 152-4, 164-6, 168, 178-80, 182-6.

careers either as military officers or civil servants.⁶⁴⁹ What is especially striking is that the group for which Kekaumenos considered it relevant to offer advice comprised a rather large social stratum. We find advice for judges as well as mere administrative assistants,⁶⁵⁰ commanders of large field armies as well as lower-ranking soldiers,⁶⁵¹ and landowners of all levels of wealth.⁶⁵² Scholars are allotted only a single paragraph throughout the text and there is also one addressing bishops appearing abruptly in the section that concerns itself primarily with private life as a provincial landowner.⁶⁵³ Moreover, if this line of reasoning is correct, it follows that he also considered toparchs as part of his own social class. This is clearly significant and a point that will be developed further below.⁶⁵⁴ As for the advice for emperors, this could be practically useful not only for the rulers themselves, but also for their advisers, who, as we have seen, are included among the officials singled out for specific admonitions earlier in the text. This is also underlined by the opening paragraph of the *Consilium Principi*, where Kekaumenos' words are still directed to the earlier addressee, advising him on the limits of the allegiance he owes to his imperial master.⁶⁵⁵ He concludes that even the emperor is bound by the laws of piety and that it is therefore appropriate to commit to writing some advice for the emperors of the future, thus providing an elegant transition from one addressee to another.

Kekaumenos seems to delimit the social horizons of his intended readership by interjecting his own wishes into the text, which he does only twice in this context. When considering the possibility that his son would end up as a landowner whose wealth would be well below average (εἰ δὲ τῶν κάτω παντελῶς εἶ) he exclaims 'which I pray that you do not' (ὅπερ ἀπεύχομαι),⁶⁵⁶

⁶⁴⁹ *Consilia et Narrationes* 11, 13-22, 24-87, pp. 54-62, 64-128.

⁶⁵⁰ *Consilia et Narrationes* 11, 15, 22, pp. 54, 56, 62.

⁶⁵¹ *Consilia et Narrationes* 24, 86-7, pp. 64, 128.

⁶⁵² *Consilia et Narrationes* 2, 88, 119, 122, pp. 48, 130-2, 168, 170.

⁶⁵³ *Consilia et Narrationes* 23, 123, pp. 62, 170.

⁶⁵⁴ *Consilia et Narrationes* 218-26, pp. 232-42. See below, pp. 272-5.

⁶⁵⁵ *Consilium Principi* 1, p. 93; Roueché, 'Rhetoric', p. 25.

⁶⁵⁶ *Consilia et Narrationes* 2, p. 48. The phrase ὅπερ ἀπεύχομαι appears once more in the text, but then in the context of suffering military defeat (*Consilia et Narrationes* 42, p. 78).

whereas when he gives appropriate advice in the event that his son would rise high in the emperor's service (εἰ ἐξ ἄκρας ἀρετῆς [...] φθάσης) he remarks 'which I pray that you will' (ὅπερ ἐπεύχομαι).⁶⁵⁷ He devotes several paragraphs to the latter scenario, suggesting that the addressee might become the emperor's closest advisor (εἰ μὲν πρῶτος ἄνθρωπος εἴ τοῦ βασιλέως) and even be entrusted to wield absolute power in his stead (εἰ δὲ καὶ ὁ βασιλεὺς τὰ πάντα εἷς σε ἀναθήσει καὶ διὰ στόματός σου διοικεῖται τὰ τῆς ἐξουσίας αὐτοῦ), which indicates that he regarded it as a relevant possibility to consider.⁶⁵⁸ To summarise, the social group that is encompassed by Kekaumenos' advice seems to correspond very closely to the definition of Byzantine aristocracy broadly adopted by modern scholarship. As we have seen, Cheynet characterises the powerful as those who either held high offices of state, civil, military or ecclesiastical, or were able to exercise considerable influence in local communities through coercion or promises of certain benefits.⁶⁵⁹ In other words, precisely the social categories that Kekaumenos appears to have expected his sons to belong to, at least if they did well in life. The definition deduced from the *Consilia et Narrationes* does seem somewhat wider at the lower end, including even lower-ranking secretaries (νοταρίοι) and soldiers (στρατιῶται) as well as landowners who appear to have been too poor to be able to intimidate or buy influence in provincial society, but, as shall be argued in the next chapter, this is probably because Kekaumenos takes into account a fairly high degree of social mobility.

⁶⁵⁷ *Consilia et Narrationes* 7-8, p. 52. Spadaro has amended ἀπεύχομαι to ἐπεύχομαι here, which is not unreasonable given Kekaumenos' generally positive attitude to professional success, even though the paragraph in question is primarily concerned with the dangers of falling that those who rise high expose themselves to, which would make ἀπεύχομαι a plausible reading as well. Both alternatives would, however, serve to delimit the social horizons of the intended reader in similar ways.

⁶⁵⁸ *Consilia et Narrationes*, 3, 7, p. 48, 52.

⁶⁵⁹ Cheynet, *Pouvoir*, p. 249.

6.2 Meritocracy and social mobility

Having thus established that Kekaumenos' advice was intended to be practically useful primarily for individuals who in different ways, but consistent with traditional definitions, can be considered as members of the Byzantine aristocracy, we can proceed to inquire into what the *Consilia et Narrationes* can tell us about the social structure of this aristocracy and the opportunities for advancement within it. As we have seen, Cheynet identifies an upper layer within the aristocracy, the μέγα δυνάμενοι or μεγιστᾶνες, to which he usually refers simply as the great families. He argues that they represented the highest social category of Byzantine society, distinguished primarily on account of the prestige conferred by their longevity as powerful families, and their members were the only ones who could realistically aspire to the imperial throne.⁶⁶⁰ He devotes little attention to the remainder of the aristocracy, to which Kekaumenos must be regarded as having belonged, but notes that although they were intimately connected to the great families through vertical ties of dependence, they were subordinate and separate from them since the upper echelons of Middle Byzantine society was a rather closed milieu, even though the frequent changes of government in the eleventh century can give a false impression of social mobility.⁶⁶¹ Indeed, in Michael Angold's interpretation, Cheynet's conclusions offer a key explanation for the political instability that, in his interpretation, plagued the empire during the eleventh century.⁶⁶² Angold surmises that a changing and expanding elite left too many interests to satisfy and that the pressure thus created found its natural outlets in conspiracies and revolts. If such an interpretation is correct we could expect the middle and lower parts of the aristocracy to be rather frustrated by their limited opportunities

⁶⁶⁰ Cheynet, *Pouvoir*, p. 253.

⁶⁶¹ Cheynet, *Pouvoir*, pp. 249-59.

⁶⁶² Angold, 'Belle Époque', pp. 588-9. Cf. above, pp. 176-7, regarding how the insecurity experienced by individual officials may actually have contributed to systemic political stability.

and, if so, it would be remarkable indeed that Kekaumenos, as a member of that social stratum, neither voices nor implies any such frustration.

In fact, as we have seen, he appears to take quite the opposite attitude, presenting the possibility of his son attaining a position at the pinnacle of the imperial administration as perfectly plausible. In itself, this would of course be a rather tenuous basis on which to argue with certainty that such a scenario represented Kekaumenos' sober expectations of the career opportunities available to his sons and their peers, but there are also other paragraphs that appear to imply that this segment of Byzantine society was characterised by a relatively high degree of social mobility on meritocratic grounds. When discussing the possibility that the reader might rise high in the emperor's service, Kekaumenos assumes that he would do so on account of his excellence (ἐξ ἄκρας ἀρετῆς), his diligence (εἴτε ἀπὸ σπουδῆς), or by God's permission (εἴτε κατὰ συγχώρησιν Θεοῦ).⁶⁶³ As we have seen, σπουδή has been identified by Bernard as one of the key terms in the meritocratic ideology of the *logioi*.⁶⁶⁴ Echoes of Bernard's 'ethic of disinterestedness' might also be discerned in Kekaumenos' advocacy of humility as a professional strategy.⁶⁶⁵ He advises readers in the lower rungs of the imperial hierarchy (εἰ δὲ δουλεύεις βασιλεῖ καὶ εἰ τῶν κάτω) to submit to their superiors (ὑποτάγηθι τοῖς μείζοσι) and choose to be last of all (γίνου τῇ προαιρέσει ἔσχατος πάντων), promising that this will result in God raising them up (καὶ ὑψώσῃ σε ὁ Θεός).⁶⁶⁶

Parallels may also be drawn to Psellos' expectation that the *kritai* to whom he wrote to would regard loyalty as one of the most desirable qualities in potential subordinates, which is a point

⁶⁶³ *Consilia et Narrationes* 7-8, p. 52.

⁶⁶⁴ Bernard, *Writing and Reading*, p. 167. See above, p. 153.

⁶⁶⁵ Bernard, *Writing and Reading*, pp. 192-207. See above, p. 153.

⁶⁶⁶ *Consilia et Narrationes* 12, p. 54.

to which we shall have reason to return below.⁶⁶⁷ Kekaumenos admittedly does not specify whether ὑπόω refers to spiritual or material benefits here, but there is no reason to see them as mutually exclusive. The importance of divine favour for professional success is, of course, also underlined by the mention of God's permission alongside excellence and diligence as a decisive factor for rising high in imperial service. Similarly, another paragraph advises the readers against buying their way into public office (μὴ ὀνήσησθέ ποτε ἀρχὴν διὰ ξενίων), stating that they should ask God for it instead (ἀλλ' ἀπὸ τοῦ Θεοῦ ταύτην ἀεὶ αἰτεῖσθε).⁶⁶⁸ Going beyond the pious, moralising language in which these admonitions are phrased, they seem to imply that Kekaumenos viewed the society in which he lived as one where those who were truly worthy of advancement would stand at least a reasonable chance to achieve it.

The mention of buying offices as a realistic opportunity indicates that there were also ways for the unworthy to get ahead, of course, but it should be noted that this nevertheless presents social mobility through corruption, rather than hereditary privileges, as the natural alternative, and hence most substantial obstacle, to social mobility on purely meritocratic grounds. Similarly, he introduces luck as a factor that might foil the worthy, defined as those who have made marvellous plans (τινὲς θαυμαστὰ βουλευσάμενοι ἡστόχησαν), and reward the unworthy, that is those who act aimlessly and without understanding (ἕτεροι δὲ ἀσκοπῶς καὶ ἀσυνέτως μεγάλων ἐπέτυχον).⁶⁶⁹ Therefore, he argues, one should not praise their good fortune or blame their bad luck (ὅθεν οὐ χρὴ τὴν εὐτυχίαν αὐτῶν ἐπαινεῖν ἢ ψέγειν τὴν ἀτυχίαν), but rather their intentions and actions (ἀλλὰ τὸν σκοπὸν καὶ τὴν πράξιν). Kekaumenos is certainly underlining the limits of meritocracy here, but a society where it is relevant to point out that even the worthy can fail due to bad luck, or that even the unworthy can reach success through unfair methods

⁶⁶⁷ See above pp. 164, 176, and below pp. 295-7.

⁶⁶⁸ *Consilia et Narrationes* 140, p. 188.

⁶⁶⁹ *Consilia et Narrationes* 125, p. 176.

and pure chance, still seems to be one where individuals routinely moved beyond the social position of their birth and the baseline expectations of meritocracy were reasonably high. It hardly seems indicative of a rigid social structure where the uppermost echelons of society were accessible almost exclusively to the members of certain families.

Furthermore, when considering the event that his reader would like to change his profession (εἰ δ' ἄλλην τινὰ ἐπιστήμην μετέρχη), Kekaumenos recommends that he makes an effort to learn the new one thoroughly (σπούδασον ὅπως εἰς ἄκρον ταύτην ἐκμάθῃς), but also that he does not abandon the original one (μὴ ἐάσῃς τὴν ἐπιστήμην ἣν ἐξ ἀρχῆς εἶχες), claiming that it is rare for anyone who does so to reach distinction (εἰ δὲ καὶ τις οὕτως μεταπεσὼν ἠὲδοκίμησεν, ἀλλὰ σπανίως).⁶⁷⁰ By way of example, he states plainly that a sailor cannot become a soldier (ὁ γὰρ ναύτης οὐ δύναται γενέσθαι στρατιώτης), nor a *notarios* become a smith (οὐδὲ ὁ νοτάριος χαλκεύς), but given the heavy emphasis on the army and civil service throughout the text, it seems reasonable to infer that this piece of advice was intended primarily for those contemplating moving from a career in one of these hierarchies to the other, or possibly between different positions within one of them. Kekaumenos evidently regarded such transitions as easy enough to find it worthwhile to advise his readers against undertaking them lightly, and common enough to conclude that they rarely turn out well, which suggests that there was no lack of career opportunities for men of aspiration. It is also worth noting that σπουδάζω, the verbal cognate of σπουδή, is the word used in the exhortation to become highly skilled in any new profession and that εὐδοκιμέω, translated as being distinguished above, also carries the more specific meaning of having a good reputation, which is a point to which we shall return below.⁶⁷¹

⁶⁷⁰ *Consilia et Narrationes* 123-4, p. 172. On civil officials assuming military command, see above, p. 172, esp. n. 417.

⁶⁷¹ See above, pp. 153, 267, and below, pp. 293-7.

Kekaumenos also recommends treating subordinates well, noting that just as they might need help now (ἴσως ὡς χρήζει νῦν ὁ ὑποχείριός σου ἀντιλήψεως σῆς), so too may the reader one day require aid from them (φέρει σε τὸ φέρον ἵνα σὺ δεηθῇς αὐτοῦ χεῖρα ὀρέξαι σοι).⁶⁷² He claims to have seen this, marvelling at the instability of life (εἶδον γὰρ τοῦτο ἐγὼ καὶ ἐθαύμασα τοῦ βίου τὸ ἄστατον). If such a reversal of fortunes was an eventuality plausible enough to plan ahead for, this surely suggests a fairly high degree of social mobility. The reference to the instability of life, as well as the cautionary statement that those who climb high always risk falling mentioned above, also appears consistent with the image of the civil service as a highly volatile social milieu where one constantly had to be on one's guard which we have deduced from Psellos' letters.⁶⁷³ Similar sentiments can be surmised from Kekaumenos' advice to office holders to take care of their estates and embellish them (πράττων δὲ τῆς οἰκίας σου ἐπιμελοῦ καὶ λάμπρυνον αὐτήν), since they will return there after they leave office (παυσάμενον γὰρ σε τοῦ πράττειν ἡ οἰκία σου ὑποδέξεται), implying that a career in the military or civil service could not be regarded as a secure source of income, hinting at the possibility of downward social mobility.⁶⁷⁴

This would also explain why the social segment we have identified as Kekaumenos' intended readership extends beyond traditional definitions of the Byzantine aristocracy to include landowners with comparably poor estates, mere secretaries and lower-ranking soldiers. He is concerned with future prospects and consequently seems to have taken into account scenarios of downward social mobility as well as situations where the reader might have to start his career in a relatively low-ranking position and work his way up. As for soldiers (τὰ αὐτὰ δὲ παραγγέλω καὶ τοῖς στρατιώταις), his advice can hardly be said to surpass the level of cliché, stating simply

⁶⁷² *Consilia et Narrationes* 19, p. 60.

⁶⁷³ See above, pp. 127-46, 176-7.

⁶⁷⁴ *Consilia et Narrationes* 111, p. 158.

that he had never seen an eager and vigilant man who did not achieve the height of success (οὐκ εἶδον πώποτε σπουδαῖον καὶ ἄγρυπνον μὴ εἰς ἄκρον εὐημερήσαντα).⁶⁷⁵ While such platitudes cannot be taken as a literal and trustworthy description of the social reality to which they pertain, they can at least be regarded as indicative of a public discourse where social mobility was considered possible and meritocracy an ideal, all the more so since the vocabulary used echoes the meritocratic ideology of the intellectual elite with such precision. Not only is the virtue of σπουδή extolled once more, but it is done so paired with that of ἀγρυπνία, which is another important ideal among the *logioi* identified by Bernard, but now appearing in the writings of a former military commander regarding the prospects of soldiers.⁶⁷⁶ This clearly points in the direction of a common ideological discourse throughout the Byzantine aristocracy, where meritocratic sentiments were widely shared.⁶⁷⁷

Taken together, the points made above appear to draw the outline of a social group, stretching from not especially wealthy provincial estate owners who lived solely off their land and were not on the government payroll, through both the army and the civil service, possibly including the church and the institutions of education, all the way up to the emperor's closest advisors. It was diverse on account of the differences in wealth, status and influence between its members, but coherent on account of the widely shared ideological precepts as well as the expectations of social mobility on meritocratic grounds within it. Again, this is not to say that the prestige conferred by an ancient lineage did not confer real political capital, or that a family tradition of service in the highest offices of state was not an advantage when pursuing such a career, but simply that there were also other important social factors at work that to a considerable extent compensated for the advantages of the most illustrious families and facilitated the rise of new

⁶⁷⁵ *Consilia et Narrationes* 87, p. 128.

⁶⁷⁶ Bernard, *Writing and Reading*, p. 181.

⁶⁷⁷ Cf. above, pp. 152-87.

men. Unfortunately, the nature of these factors remains largely obscure throughout the *Consilia et Narrationes*, which only presents Byzantine society, civil administration as well as armed forces, as largely meritocratic in rather general terms. It neither confirms explicitly the importance of the schools in providing qualifications, networks and hence career paths in the civil administration for new men, which has been deduced from the analysis of Psellos' letters above, nor answers in any detail the question of whether there were similar institutional mechanisms enabling social mobility within the military.

Some hints may however be gleaned from Kekaumenos' treatment of the themes of foreignness and literacy, which we shall consider now. As for foreignness, this brings us back to the curious inclusion of toparchs among the intended recipients of Kekaumenos' advice.⁶⁷⁸ If, as has been noted above, the premise that Kekaumenos was writing for his own social class is correct, it follows that he considered toparchs part of that class, suggesting that he did not see the aristocracy to which he belonged as defined in terms of ethnicity nor limited by the political borders of the empire. He certainly appears to have had a personal stake in presenting it so, since two of the men he calls grandfathers appear to have been such border princes, who even fought against the empire at times, but it is striking that he seems to view this as an entirely unspectacular circumstance and is perfectly content to simply mention it in passing with no further explanation. When recounting a story of how the toparch of Dvin used guile to seize a

⁶⁷⁸ J.-C. Cheynet, 'Toparque et topotèrètès à la fin du 11^e siècle', *Revue des études byzantines* 42 (1984), pp. 215-24, examines the uses of this term, which was not an official title. Kekaumenos employs it consistently to designate independent border princes within the empire's sphere of influence, but in other Byzantine sources it can also denote foreign rulers of territories that used to be part of the empire and which the Byzantines still considered rightfully theirs, as well as Byzantine officials who recognised the authority of the emperor, but found themselves in a more autonomous position than usual, such as military lieutenants (τοποτηρηταί) who were defending territories cut off from Constantinople by rebels or Turks after 1071. See also J. Shepard, 'Mingling with Northern Barbarians: Advantages and Perils' in F. Curta & B.-P. Maleon, *The Steppe Lands and the World beyond them: Studies in Honour of Victor Spinei on his 70th Birthday* (Iași, 2013), pp. 219-33, on the substantial political potential, for emperors and ambitious commanders alike, of forging ties of friendship across the borders of the empire.

fortress from a Roman commander, he notes briefly that the toparch was also his grandfather (ὁ τοῦ Τιβίου τοπάρχης καὶ πάππος μου), but never comments further on it.⁶⁷⁹

A few paragraphs later, Kekaumenos' maternal grandfather, whom he refers to as Demetrios Polemarchios, is introduced in a similarly casual manner as a prominent chief on the border between the empire and Bulgaria (ὁ δὲ πρὸς μητρὸς πάππος μου Δημήτριος Πολεμάρχιος οὕτω καλούμενος ἦν ὑπερέχουσα κεφαλὴ εἰς τὸ μέρος ἐκεῖνο εἰς τὴν ἄκρην).⁶⁸⁰ Like the story involving the toparch of Dvin, it is a cautionary tale where a Byzantine commander and the fortress he held were captured after falling for a ruse orchestrated by Polemarchios. Kekaumenos does make a point of mentioning that Basil II, after having annexed Bulgaria, granted his grandfather the titles of *patrikios* and *mystikos* (ἀνεβίβασεν [...] εἰς τὸ τῶν πατρικίων ἀξίωμα, πεποιηκὼς αὐτὸν καὶ μυστικόν), but offers no other comment on his family history.⁶⁸¹ As Roueché has argued, this vagueness on the subject of his origins tells us that he was genuinely unconcerned to present himself in terms of ethnicity and did not see his foreign forebears as any threat to his Romanness, nor did he expect that his readers would.⁶⁸² The *Consilia et Narrationes* consequently seems to indicate that Kekaumenos' own family history of successful integration into the Byzantine aristocracy was sufficiently commonplace not to merit any comment.⁶⁸³ As such, the recruitment of foreign soldiers could perhaps be regarded as a social mechanism offering opportunity for new men corresponding to the role played by the schools in preparing their students for careers in the civil administration.

⁶⁷⁹ *Consilia et Narrationes* 73, p. 106-8. The episode does not offer any substantial dating clues, but Roueché, 'Defining the Foreign', pp. 206-7, suggests that it should be placed in the tenth century.

⁶⁸⁰ *Consilia et Narrationes* 76, p. 112-14.

⁶⁸¹ On Byzantine-Bulgarian relations along the frontier at this time, see Holmes, *Basil II*, pp. 417-24; P. Stephenson, *Byzantium's Balkan Frontier: A Political Study of the Northern Balkans, 900-1204* (Cambridge, 2000), pp. 62-79.

⁶⁸² Roueché, 'Defining the Foreign', pp. 205-9.

⁶⁸³ Cheynet, *Pouvoir*, pp. 257-8; idem, 'L'Aristocratie', pp. 291-2, makes reference to integration of this sort.

There is, however, a contrast between the relaxed attitude to ethnicity displayed in Kekaumenos' references to his forefathers and the considerably more critical position in his advice to the emperor, where he warns against raising foreigners who are not of royal birth to great honours (τοὺς ἐθνικούς εἴπερ οὐκ εἰσὶν ἀπὸ βασιλικοῦ γένους τῆς χώρας αὐτῶν μὴ ἀναβίβαζε εἰς μεγάλας ἀξίας) as well as entrusting them with important offices (μήτε ἐμπίστευε αὐτοῖς μεγάλας ἀρχάς).⁶⁸⁴ He does so on three grounds. Firstly, that it will evoke the enmity of Roman commanders who are passed over for promotion in favour of the newcomers (τί ἀξίαν ἔχεις δοῦναι τῷ Ῥωμαίῳ στρατηγίαν; πάντως ποιήσεις αὐτὸν ἐχθρόν). Secondly, that other foreigners will come to disdain the empire, taking the promotion of their countryman as a sign that there were no capable men among the Romans (γελάσωσι πάντες καὶ εἴπωσιν· [...] εἰς Ῥωμανίαν ἄνθρωπος οὐκ ἐνὶ ἱκανός καὶ διὰ τοῦτο ὑψώθη ὁ ἡμέτερος). Thirdly, that a foreigner raised above the rank of *spatharokandidatos* will become contemptuous and not serve properly (εἰ δὲ τιμήσεις ἐθνικὸν ἐπέκεινα σπαθαροκανδιδάτων, ἔκτοτε γίνεται καταφρονητὴς καὶ οὐ μὴ σοι δουλεύσῃ ὀρθῶς). Kekaumenos is not against recruiting foreign soldiers, but simply suggests that they should serve for 'clothing and bread', because then they will serve faithfully and wholeheartedly (εἰ γὰρ πρὸς ἱμάτιον καὶ ἄρτον δουλεύσωσιν, πληροφορήθητι, πιστῶς σοι δουλεύσουσιν καὶ ὀλοψύχως).

As Roueché has noted, this advice does not appear to stem from any general hostility to foreigners, but merely from the recognition that they are not the emperor's own subjects.⁶⁸⁵ She also points out the inconsistency between this advice and Kekaumenos' proud declaration that Basil II raised his Bulgarian grandfather to the status of *patrikios*, from which she infers that he was able to define foreigners as it suited him. While this is a valid point, I would like to suggest that these seemingly contradictory statements might not simply reflect a general sense of

⁶⁸⁴ *Consilium Principi* 8-9, p. 95.

⁶⁸⁵ Roueché, 'Defining the Foreign', p. 210.

foreignness as a vague and mutable concept, but rather a fairly clearly defined distinction between two different kinds of foreigners. In his advice to the emperor, Kekaumenos ends the section about the dangers of promoting foreigners by declaring that no emperor, up until and including Romanos III, ever raised a Frank or a Varangian to the honour of *patrikios* (ἀνεβίβασεν Φράγγον ἢ Βράγγον εἰς τὴν τοῦ πατρικίου ἀξίαν).⁶⁸⁶ The absence of any attempt to explain how this relates to the granting of that exact title to Demetrios Polemarchios implies that Kekaumenos did not see a contradiction here, but rather expected his readers to take for granted that there was a difference between mercenaries from northern and western Europe, who were unlikely to ever become true subjects of the emperor, and the local lords of the empire's border regions, who could be assimilated with relative ease into the formal Byzantine aristocracy and thus benefit from the opportunities for advancement on meritocratic grounds offered there. While this cannot be regarded as upward social mobility in the traditional sense, since the 'new men' in question would likely have been the 'old men' of their native lands, it may still provide some additional context for Kekaumenos' characterisation of Byzantine society as one where even the uppermost echelons were accessible to any man of talent.

In practice, however, talent would clearly not have been the sole determinant of an individual's fortunes. This brings us to the subject of literacy, which may have served as barrier to advancement not only in the civil administration, but also to some extent in the military. It is remarkable how well read the aristocracy we encounter in the *Consilia et Narrationes* appears to have been. Kekaumenos returns repeatedly to the virtues of reading, encouraging his readers to devote as much as possible of the time they spend alone to books (ὅποταν δὲ κατὰ μόνας εἴ, εἰ δυνατόν, ἔστω ἡ μελέτη σου αἱ βίβλοι), assuring them that if they read much, they will learn much (ἀναγίνωσκε πολλά καὶ μαθήσῃ πολλά) and emphasising the importance of reading whole

⁶⁸⁶ *Consilium Principi* 9, p. 95.

books and not just parts of them (ἀπὸ τῆς μιᾶς σανίδος [...] ἀναγίνωσκε ταύτην ἕως οὐχ ὑπολειφθῇ ἐν αὐτῇ γράμμα, καὶ πάνυ ὠφεληθήσῃ).⁶⁸⁷ In the section on advice for military commanders, he notes that he had considered writing about the proper way to draw up troops on the day of battle (ἥθελόν σοι δὲ δηλῶσαι καὶ πῶς ὀφείλεις παρατάξασθαι ἐν ἡμέρᾳ πολέμου), but concludes that older authors had set this out adequately and that this will suffice for his readers' needs (ἀλλ' ἱκανῶς οἱ ἀρχαιότεροι ἐξέθεντο καὶ τούτοις ἀρκεσθήσῃ).⁶⁸⁸ He continues to make reference to military handbooks throughout the text, either to recommend the advice given in them, or to disagree with it and propose an alternative.⁶⁸⁹ He also advises military commanders to read such handbooks, as well as histories and books of the church, whenever they are at leisure (ὅταν δὲ σχολάσεις καὶ οὐκ ἀσχολῇ εἰς στρατηγικὰς δουλείας, ἀναγίνωσκε καὶ βίβλους καὶ ἱστορίας καὶ τὰς τῆς ἐκκλησίας βίβλους).⁶⁹⁰ The *Consilia et Narrationes* is clearly written in dialogue with older military manuals, with which Kekaumenos assumed that his readers would be familiar.⁶⁹¹

We must be wary of selection bias here, of course. By choosing to communicate in writing, Kekaumenos was by definition directing his advice to an audience that read books. It is nevertheless significant that he assumed that his readers, even those of provincial provenance and particularly those pursuing military careers, had access to a rather wide range of literature. There consequently appears to have existed a literary milieu of some vitality even in the provinces, far from the learned circles of Constantinopolitan high society. Even more importantly, Kekaumenos portrays the study of military handbooks as the principal way in which an aspiring commander would learn the fundamentals of strategy and tactics, while being

⁶⁸⁷ *Consilia et Narrationes* 113, 142, 160, pp. 158, 190, 198.

⁶⁸⁸ *Consilia et Narrationes* 28, p. 68.

⁶⁸⁹ *Consilia et Narrationes* 29, 34, 37, 41-4, 54, pp. 70, 72-4, 78-80, 88.

⁶⁹⁰ *Consilia et Narrationes* 54, p. 88.

⁶⁹¹ Roueché, 'Literary Background', pp. 117-123.

silent on other ways of doing so. There is, for instance, no hint in the admittedly incomplete text of apprenticeship arrangements whereby younger relatives accompanied older ones on campaign to learn the ropes, which Cheynet proposes as an important practice that gave established families crucial advantages in the competition for military positions.⁶⁹² This does not, of course, prove that such arrangements were non-existent or unimportant, nor does it indicate that education would have been as significant a factor for enabling careers in the army as we have found it to be in the civil administration. It does however emphasise the centrality of literacy as an aristocratic quality in Byzantium, standing out practically as an entry-level requirement for aspiring new men.⁶⁹³ It also suggests that once acquired, it could, at least to some extent, be used to provide crucial further qualifications that enabled social climbing, not only in the civil administration, but also in the military.

6.3 Friends and family

Kekaumenos' attitude towards friendship has been the subject of some scholarly discussion. Kazhdan emphasised his suspicious nature and characterised his views on as something best avoided, or that friends at least should be kept at arm's length.⁶⁹⁴ Mullett has, on the other hand, suggested a somewhat more optimistic reading, arguing that Kekaumenos is not hostile to friendship in general, but simply afraid of the various ways in which one can be hurt by a bad friend.⁶⁹⁵ She notes that Kekaumenos appears to take it absolutely for granted that one would

⁶⁹² Cheynet, 'Aristocratie et héritage', p. 71.

⁶⁹³ See also Holmes, 'Political Literacy'; M. Grünbart, *Inszenierung und Repräsentation der byzantinischen Aristokratie vom 10. bis zum 13. Jahrhundert* (Paderborn, 2015), pp. 171-89.

⁶⁹⁴ A. Kazhdan, *People and Power in Byzantium: An Introduction to Modern Byzantine Studies* (Washington, 1982), pp. 26, 28-9. See also A. P. Kazhdan & A. W. Epstein, *Change in Byzantine Culture in the Eleventh and Twelfth Centuries* (Berkeley, 1985), pp. 132, 208. Kekaumenos' suspiciousness has also been underlined in C. Galatariotou, 'Open Space / Closed Space: the Perceived Worlds of Kekaumenos and Digenes Akrites', in M. Mullett & D. Smythe (eds.), *Alexios I Komnenos* (Belfast 1996), pp. 303-28.

⁶⁹⁵ Mullett, 'Byzantium: A Friendly Society?', pp. 11-14, 18.

have friends and that friendship entailed obligations to help and support one another, even though he clearly regarded them as far from unlimited. This interpretation is much in line with my own, but I believe that this line of reasoning can be taken even further. For the purpose of expanding the argument somewhat, I would therefore like to add a few more illustrative examples to the ones cited by Mullett.⁶⁹⁶

Perhaps most strikingly, Kekaumenos calls upon his readers to love their friends and help them in all things (τὸν φίλον σου ἀγάπα καὶ εἰς πάντα ὀρεγε αὐτῷ χεῖρα), but also warns against the danger of leading them astray or even to their deaths (φύλαξον δὲ μὴ σκανδαλίσαι αὐτὸν ἕως θανάτου) as well as following their advice if it is corruptive (ἐάν σοι συμβουλευέσῃται κακὸν τι ποιῆσαι, μὴ συναπαχθῇς τῇ βουλῇ αὐτοῦ), which he likens to drinking poison (δηλητήριον πιεῖν).⁶⁹⁷ He writes that most people who are destroyed are so through the love of their friends (οἱ πλείονες διὰ φίλων ἀγάπην ἀπώλοντο), losing not only their property and their bodies, but also their very souls (οὐ μόνον χρήματα καὶ σώματα ἀπώλεσαν, ἀλλὰ καὶ αὐτὰς τὰς ψυχάς).

This is certainly a very drastic way of underlining the dangers of picking the wrong kind of friend, but it hardly reflects a disparaging view of friendship. I am, in fact, more inclined to characterise it as the opposite: Kekaumenos was deadly serious about friendship. If he had viewed friendship as something best avoided, these warnings would have given him the perfect opportunity to simply say so. Instead, he begins by encouraging his readers to love and aid their friends, but then reminds them that this mutual affection is a powerful force that must be handled with care, both for their own sake and for the sake of their friends. Indeed, the frequency with which Kekaumenos returns to the subject of friendship and the kinds of person

⁶⁹⁶ Cited by Mullett: *Consilia et Narrationes* 5, 74, 96, 101, 143, 145, 168, pp. 50, 108-10, 142-4, 148-50, 190-2, 200-2.

⁶⁹⁷ *Consilia et Narrationes* 118, p. 168.

one should and should not choose for a friend seems to imply that friendship was a very central part of his life, and that he assumed that the same would apply to his readers.⁶⁹⁸ That was why it was so important to only have friends that could be trusted, and to avoid situations that could jeopardise one's friendships. This is also the context in which I am inclined to place the well-known paragraph where Kekaumenos advises against letting visiting friends stay in the same house as one's wife for fear of adultery, interpreting it as saying more about his attitudes towards sexuality than towards friendship.⁶⁹⁹

The latter point is made clear in an earlier section of the paragraph just examined, where Kekaumenos advises his readers never to stand as surety for anyone, not even for a dear friend (τινὰ μὴ ἐγγυήσῃ ποτέ [...] μηδὲ εἰ καὶ σφόδρα φίλος σοῦ), since this would lead to them losing not only the money, but also the friend (καὶ τὸν φίλον σου προσαπολέσεις).⁷⁰⁰ If they have the money the friend needs, Kekaumenos suggests that they should simply give it to him instead and thus perfect their friendship (ἐάν ἔχῃς, δὸς αὐτῷ ἐξ ὧν χρήζει καὶ τελειοῖς τὴν ἀγάπην), from which we may infer that it was not the danger of losing the money that he was most concerned about, but rather the danger of losing a friend. The preciousness of friendship is also clearly expressed in another paragraph, where Kekaumenos notes that while a man who loses valuable gemstones can find and buy better ones, whereas a man who loses a person, such as a slave, a freedman or a good and loyal friend, cannot find another to replace him (ἀπολέσας δὲ ἄνθρωπον δοῦλον τυχὸν ἢ ἐλεύθερον ἢ φίλον πιστὸν καὶ ἀγαθόν, οὐκ ἔστιν εὐρεῖν).⁷⁰¹ The fact that he mentions servants along with good friends as examples of irreplaceable people brings

⁶⁹⁸ In addition to the paragraphs examined in detail here and the ones cited by Mullett, see *Consilia et Narrationes* 15, 100, 104, 106, 108, 110, 114, 116, pp. 50, 146-8, 152-60, 164-6.

⁶⁹⁹ *Consilia et Narrationes* 101, pp. 148-50; Mullett, 'Byzantium: A Friendly Society?', pp. 11-12). Cf. *Consilia et Narrationes* 121, p. 168, and below, pp. 282-3.

⁷⁰⁰ *Consilia et Narrationes* 118, p. 168.

⁷⁰¹ *Consilia et Narrationes* 144, p. 192.

to mind Mullett's observation that instrumentality was unusually emphasised in the Byzantine understanding of friendship.⁷⁰²

As for family, Kekaumenos' treatment of this subject seems to follow the same pattern as have been discerned in Psellos' letters and the *Peira*.⁷⁰³ Arguments *ex silentio* are, of course, particularly tenuous since the text is incomplete, but it is undoubtedly worth pointing out that even though the subject appears in a number of the paragraphs available to us, there is nothing in them to suggest that extended families served as a significant source of identity and allegiance. Roueché has noted that Kekaumenos seems eager to present his forebears in the best possible light, which clearly betrays a concern for the prestige of his lineage, thus emphasising the importance of family ties in the vertical sense, from one generation to another.⁷⁰⁴ There appears to be no evidence, however, of anything similar in the horizontal sense. Kekaumenos does appear deeply committed to what could be described as family values, but this always seem to pertain to the nuclear family, or at least not stretching beyond the confines of the *oikos*, to speak with Magdalino.⁷⁰⁵ The idea of a mutual honour, bordering on identity, shared by parents and children is particularly strongly put. He encourages his readers to represent their parents as venerable and distinguished through their own virtuous actions (σπούδαζε διὰ τῶν ἔργων τῆς ἀρετῆς σου αἰδεσίμους καὶ περιφανεῖς ἀποδεῖξαι τοὺς γονεῖς σου), noting that a man who claims to admire them while criticising their fathers is really dishonouring them as well (ὁ

⁷⁰² See above, pp. 45-6.

⁷⁰³ Cf. above, pp. 188-207, 248-53.

⁷⁰⁴ Roueché, 'Defining the Foreign', p. 204.

⁷⁰⁵ P. Magdalino, 'Honour Among Rhomaioi: the Framework of Social Values in the World of Digenes Akrites and Kekaumenos', *Byzantine and Modern Greek Studies* 13 (1989), p. 201-13. The concept of *oikos*, or household, is somewhat wider than modern conceptions of the nuclear family, mainly because it could also include the families of adult children, but it is still something significantly smaller than a clan. See also, P. Magdalino, 'The Byzantine Aristocratic *Oikos*', in M. Angold (ed.), *The Byzantine Aristocracy, IX to XIII Centuries* (Oxford, 1984), pp. 92-111. In addition to the examples cited below, see *Consilia et Narrationes* 120, 148, pp. 168, 196-4.

ὑποκρινόμενος ἐκθειάζειν σε, ψέγων δὲ τὸν πατέρα σου, σὲ αὐτὸν ἀτιμάζει), ‘for a lion begets a lion and a fox begets a fox’ (ὁ γὰρ λέων λέοντα γεννᾷ καὶ ἡ ἀλώπηξ ἀλώπεκα).⁷⁰⁶

This point is underlined again a few paragraphs later, where Kekaumenos admonishes his readers not to dishonour their parents through shameful actions (μὴ ἀτιμάσης τοὺς γεγεννηκότας σε δι’ αἰσχρῶν πράξεων), because the parents will be thought to be just like their children (πάντως γὰρ καὶ οἱ σε γεννήσαντες τοιοῦτοι νομισθήσονται).⁷⁰⁷ He also encourages his readers not to let insults against a brother stand (ὕβριζομένου δὲ τοῦ ἀνταδελφου σου, μὴ καταδέξῃ), since the insult runs back to their parents (εἰς γὰρ τὸν πατέρα καὶ τὴν μητέρα σου ἡ ὕβρις ἀνατρέχει).⁷⁰⁸ Defending the brother’s honour for his own sake is consequently presented as less important than the auxiliary damage done to the parents, but the same paragraph also advises against quarrels between brothers, even if one believed oneself to have been injured by one’s sibling (μὴ μάχου μετὰ ἀδελφοῦ σου, εἰ καὶ δοκεῖς σὺ βλαβῆναι παρ’ αὐτοῦ), on the grounds that they would both risk being publicly branded as brother-haters (ἐπεὶ σύ τε καὶ αὐτοῦ μισάδελφοι τοῖς πολλοῖς λοφισθήσεσθε), which, we may surmise, was shameful enough to merit forgiving any real or imagined slight. It should be noted that in all three of these paragraphs, actions are evaluated primarily based on their effect on how someone is perceived by others (ἀποδεῖξαι, νομισθήσονται, λοφισθήσεσθε), which implies a concern for reputation which we shall consider in more detail below.⁷⁰⁹

Regarding the forging of new, horizontal kinship ties through marriage and adoption, which Cheynet appears to view as crucial for the social prospects of an aristocratic family, Kekaumenos appears content to warn against those who would try to secure a loan (οἱ

⁷⁰⁶ *Consilia et Narrationes* 128, p. 176.

⁷⁰⁷ *Consilia et Narrationes* 130, p. 178.

⁷⁰⁸ *Consilia et Narrationes* 146, p. 194.

⁷⁰⁹ See below, pp. 293-7.

δανεισταί) by making such offers (ἀδελφοποιήσεις καὶ συντεκνίας ἐπιτηδεύονται, προξενούσιν τε γαμβροὺς καὶ νόμφας).⁷¹⁰ This confirms that family ties did entail some expectations of mutual helpfulness, but seemingly in a far more pedestrian manner than we could have expected if extended families had indeed functioned as something akin to political parties, bringing to mind Psellos' sometimes reluctant and unenthusiastic requests for favours on behalf of his relatives.⁷¹¹ Similarly, Kekaumenos calls upon his readers to remember their kinsmen and do good to them if they should enjoy good fortune themselves (μνήσθητι συγγενοῦς σου ἐν εὐπραγίᾳ σου, καὶ εὐεργέτησον αὐτούς), but the same goes for those who have suffered on their behalf (ἀνθρώπου διὰ σὲ παθόντος), those who have guided and struggled for them in a time of trial (τοῦ χειραγωγήσαντός σε καὶ ἀγωνιασαμένου σοι ἐν καιρῷ πειρασμοῦ), as well as old family friends (ἀρχαίου φίλου πατρώου σου).⁷¹² Again, we are reminded that kinship did entail some obligations, but this looks more like a list of people whom the readers would be liable to forget unless they were encouraged to remember them than one of those whom they could be expected to feel connected to by close bonds of affinity and solidarity. Notably absent are references to close personal friends, as well as parents, siblings and children, probably because Kekaumenos regarded it as superfluous to remind his readers in general terms that they had obligations towards them.

There are a few other instances where Kekaumenos makes reference to the implications of ties between members of the same extended family. In one paragraph, he states plainly that a shameless daughter hurts not only herself (θυγάτηρ δὲ ἀναίσχυντος οὐκ αὐτὴν μόνον ἠδίκησεν), but also her parents and those related to her (ἀλλὰ καὶ γονεῖς καὶ τοὺς κατὰ γένος αὐτῇ διαφέροντας).⁷¹³ The reference to the extended family nevertheless seems to serve primarily to

⁷¹⁰ *Consilia et Narrationes* 115, p. 164; Cheynet, *Pouvoir*, pp. 261-86.

⁷¹¹ See above, pp. 191-6.

⁷¹² *Consilia et Narrationes* 107, p. 156.

⁷¹³ *Consilia et Narrationes* 121, p. 168.

emphasise the severity of what he calls shameless behaviour, which serves as justification for his advice to simply lock one's daughters up like prisoners (τὰς θυγατέρας σου ὡς καταδίκους ἔχε ἐγκεκλεισμένας καὶ ἀπροόπτους). More information on the importance of such kinship ties can however be found in another paragraph concerned with ways of controlling female sexuality. Kekaumenos recounts a cautionary tale about a man who deceived (ὑπουλεύεται) a judge in order to have an affair with his wife (συγγίνεται μετ' αὐτῆς).⁷¹⁴ He accomplished this by claiming to be a relative of the wife (ἐγώ, φησί, συγγενῆς εἰμι τῆς κυρᾶς ἐκεῖ τῆς κριταίνης), and 'after saying much more to him' became the judge's friend (καὶ ἄλλα πολλὰ αὐτῷ εἰπὼν συμφιλάζεται αὐτῷ). It would consequently appear that while the purported kinship served an important purpose by enabling the aspiring adulterer to make contact with the *krites*, the latter did not allow him sufficient unsupervised access to his wife to make the affair possible until they had spent much time together and become rather close friends. This appears to fit quite well into the model proposed in chapter 4, whereby the impact of kinship beyond the extended family is understood primarily through the framework of networks of friendship, as one of many possible factors that could connect individuals to each other and motivate contact and help, but where the closeness of the relationship would be more dependent on other circumstances, just like any other friendship.⁷¹⁵

⁷¹⁴ *Consilia et Narrationes* 102, pp. 150-2. Neville, *Authority*, pp. 86-7, interprets this paragraph differently, arguing that the man was a perfect stranger trusted on the basis of being a relative, which, I believe, fails to take into account the crucial circumstance that the man only became the judge's friend and was admitted to his house 'after saying much more to him'.

⁷¹⁵ Cf. Magdalino, 'Honour', p. 212, noting that solidarity of the *genos* is less in evidence in the *Consilia et Narrationes* than in *Digenes Akrites*, but that it is sometimes difficult to determine, since there is a tendency in both texts to treat relatives as the equivalent of friends.

6.4 Aristocracy and state

In her study on authority in provincial society, Neville cites Kekaumenos on several occasions in support of her argument that beyond upholding imperial sovereignty, the Byzantine state was apathetic about governing the provinces and content to let the most powerful landed aristocrats dominate local communities.⁷¹⁶ The passages she relies on do serve to illustrate the limits of the state's reach in the provinces, but, as we shall see, there are also signs of state interventionism in the *Consilia et Narrationes*. When the evidence is taken together and considered in light of the findings of the earlier chapters, a more complex picture of the relationship between state and aristocracy in provincial society emerges.

The partial absence of the Byzantine state apparatus in the provinces is, I believe, most keenly perceived in a few paragraphs where Kekaumenos addresses readers who are living privately on their estates (εἰ καὶ ἐν οἰκίᾳ ἰδιάζεις) and to whom the local people are subject (ὑποτάσσεται δέ σοι ὁ λαὸς τῆς χώρας).⁷¹⁷ He warns against provoking them through 'extreme justice' (ἀπ' ἄκρας δικαιοσύνης), since that may cause them to rise up against their master (κατὰ σοῦ ἐπανεστησάν), and goes on to offer advice on the best way to punish wrongdoers (τοὺς ἀμαρτάνοντας τοιούτῳ τρόπῳ κόλαζε). This clearly implies some sort of seigniorial power to administer justice, whether or not it was recognised in official law. It is, however, difficult to discern how far-reaching this power was in practice. The nature of the crimes to which it could be applied is never specified beyond 'unjust and shameful actions' (ἄδικον ἢ αἰσχρὸν [...] πραττόμενον), nor do we know what kind of punishments it could entail. Kekaumenos' fear of provoking a violent uprising, not by behaving unjustly, but simply by being too strict and

⁷¹⁶ Neville, *Authority*, see esp. pp. 104-5, 115-17.

⁷¹⁷ *Consilia et Narrationes* 133-6, pp. 182-4.

zealous in punishing wrongdoers, also implies that contemporary norms imposed rather strict limits on the acceptable exercise of such seigniorial justice.

Neville's use of another passage to illustrate the power of local magnates is, however, somewhat more questionable.⁷¹⁸ Here Kekaumenos considers a scenario in which a local *ὑπερέχουσα κεφαλή*, a somewhat problematic term that Neville translates quite reasonably as 'a prominent man' and interprets as a powerful neighbour, starts to behave unjustly (*ἄρξεται ἀδικεῖν*), prompting the men of the community (*οἱ τοῦ κοινοῦ*) to approach the reader, calling him master (*αὐθέντην*) and using flattery to persuade him to lead them and challenge the prominent man publicly (*λέγοντες· [...] ἀπέλθωμεν μετὰ σοῦ πάντες καὶ λάλησον αὐτῷ παρρησίᾳ*).⁷¹⁹ Kekaumenos strongly recommends refusing such requests, on the grounds that the prominent man will feel threatened by it and retaliate, in which case the people who had urged the reader to speak for them would quickly desert him. This does not mean that one should let injustice stand unchallenged, but instead of seeking a public confrontation and creating a disturbance, Kekaumenos suggests approaching him in private and speaking 'with good manners and understanding' (*λάλησον οὖν καὶ σύ, ἀλλὰ μὴ μετὰ ταραχῆς, ἀλλὰ μετὰ συνέσεως καὶ ἥθους χρηστοῦ καὶ κατὰ μόνας*). This, he writes, will make the wrongdoer more inclined to listen than if the reader came with the people (*ὁ ἀδικῶν ἐντραπήσεταιί σε μᾶλλον μόνον ἢ μετὰ τοῦ λαοῦ*).

If Neville is right in identifying the *ὑπερέχουσα κεφαλή* as a powerful neighbour, this would appear to lend some support her argument that provincial society was dominated by local magnates who were largely free to do as they pleased as long as they did not challenge imperial sovereignty, but I believe that it is more likely than not that the prominent man referred to is actually the theme judge. Neville is right in pointing out that the term itself seems to carry the

⁷¹⁸ Neville, *Authority*, pp. 148, 159-60.

⁷¹⁹ *Consilia et Narrationes* 97-100, pp. 144-8

connotation of a powerful neighbour more than that of an imperial official and this is further underlined by the one other occasion where it appears in the text, namely to denote Kekaumenos forefather Demetrios Polemarchios when he was still an independent lord fighting for the Bulgarians against the Byzantines.⁷²⁰ There are, however, other circumstances that speak in favour of another interpretation, namely the means by which Kekaumenos envisaged that the prominent man would retaliate if the reader agreed to lead the local people in a public confrontation. He presents two options.⁷²¹ In the first one, he would take flight and write to the emperor to denounce the reader as a rabble-rouser and rebel, which would lead to his unjust destruction (γράψει τῷ βασιλεῖ κατὰ σοῦ ὡς λαοσυνάκτου καὶ στασιαστοῦ, καὶ ἐξαλειφήσῃ ἀδίκως). If, on the other hand, the prominent man was fearless (εἰ δέ ἐστιν ἀτρέμας), he would allow the reader to come to the *praitorion* with the people, whereupon he would seize him and bring him to his senses by beating him and shaving his head (ἐάσει σε ἐπιβῆναι τοῦ πραιτωρίου μετὰ τοῦ λαοῦ καὶ χειρωσάμενος σε διὰ δαρμοῦ καὶ κουρᾶς σωφρονίσει).

Firstly, the risk of being branded not only as a rabble-rouser (λαοσυνάκτος), but also as a rebel (στασιαστής), indicates that the actions in question would be interpreted as a challenge to imperial authority, which would make more sense if they were directed at an official, presumably the *krites*, than at a powerful landowner. Secondly, and more importantly, if the prominent man had been a local magnate, we could have expected Kekaumenos to situate the hypothetical confrontation, and the physical abuse following it, at his estate. Instead, he assumes that the reader would lead the people to seek him out at the *praitorion*, which must refer to the seat of the theme judge, who was sometimes referred to by the title of *praitor*. If this interpretation is correct, these paragraphs would rather seem to emphasise the presence

⁷²⁰ Neville, *Authority*, p. 148, n. 42; *Consilia et Narrationes* 76, p. 112-14. The word κεφαλή is also used by itself to denote a person of authority in two other passages, one of them referring to a theme judge, the other to the leader of a rebellion. See *Consilia et Narrationes* 20, 176-7, pp. 60, 212-14.

⁷²¹ *Consilia et Narrationes* 99, p. 146

power of the state in the provinces, with the *krites* being portrayed as a man whose position was so strong, both due to his ability to call on imperial aid if he felt threatened and due to the direct powers of coercion at his disposal, that it was no use challenging him openly. Moreover, it is noteworthy that Kekaumenos' recommended course of action could have been copied straight out of Psellos' playbook: an influential and well-connected man is approached by a crowd of petitioners, who bring certain injustices they have suffered to his attention, whereupon he intervenes with the local *krites* on their behalf through his network, albeit in person rather than by letter due to the proximity of the addressee.

This also appears to be the proper context in which to view an initial remark in the same passage, where Kekaumenos advises his readers to visit the *ὑπερέχουσα κεφαλή*, but only infrequently (*ἀπέρχου πρὸς αὐτόν, ἀλλὰ μὴ πυκνά, ἀλλὰ ἀραιὰ ἀπερχόμενος*), to speak with understanding when asked and otherwise stay silent (*λέγε μετὰ συνέσεως τὰ δέοντα, μὴ ἐρωτώμενος δὲ σιώπα*).⁷²² There is certainly a distinct discrepancy between the deferential approach suggested here and the confident rhetorical flourishes employed by Psellos in his attempts to establish new friendships, but the purpose appears to be the same, namely to make an important official part of one's network and preferably impress him, so that he can be easily approached should the need arise. Similar advice is given in another paragraph, where Kekaumenos writes that if a good man (*ἄριστος*) is unjustly accused (*ἀδικῶς ὑπήχθη*), the reader should not stay silent, but defend him and hold out a helping hand (*μὴ παρασιωπήσης, ἀλλὰ πρόστηθι τούτου καὶ χεῖρα ὄρεξον βοηθόν*).⁷²³ As in the previous case, he should do this by first entreating the judge and then the accuser (*πρῶτον μὲν δυσωπῶν τὸν δικάζοντα, εἶτα τὸν ἔλκοντα*) and only as a last resort, if they prove to be incurably corrupt and rigid in the face of frequent requests (*καὶ πολλάκις τούτους ἀντιβολῶν εἰ ἀνιάτως ἴδης νοσοῦντας καὶ ἀκαμπεῖς πρὸς τὴν αἴτησιν*), should

⁷²² *Consilia et Narrationes* 97, p. 144.

⁷²³ *Consilia et Narrationes* 1, p. 44.

he make an outcry and expose them publicly (κραύγασον, ἔλεγχον ἐπὶ πάντων). Again, the tone is quite different from Psellos' friendly interventions, but the social mechanisms at work appear to be very similar.

As we have seen in the analysis of Psellos' letters, however, networks could be used not only to advance the cause of justice, but also to promote personal gain. Kekaumenos also appears to offer an example of this in the paragraph considered above where he advises his readers to avoid taking an official role in the assessment if an imperial levy should come, since they would be better placed to secure tax-benefits for friends, dependents and others who come asking for favours (δυνήση καὶ φίλον σου ἐξκουσεῖσαι καὶ ἄνθρωπον σου, καὶ τὸν αἰτησάμενον σε ἐλαφρῶσαι), while any complaints would be directed at those who were officially responsible.⁷²⁴ Once more Kekaumenos appears to envisage his readers in a situation quite similar to the one in which we find Psellos in many of his letters, at the centre of their network asking one contact, in this case the one responsible for the assessment, for a favour as a favour to another contact, who could be a friend, a relative or a more distant acquaintance who had reached out for help. The conventions surrounding the exchange of favours is also made visible in a paragraph directed to *kritai*, where Kekaumenos advises against accepting gifts even if they are given independently of any lawsuit (εἰ δὲ προσέλθοι σοί τις χωρὶς δίκης χαριζόμενος σοι δῶρα [...], μὴ λάβῃς ταῦτα), since even if the one giving them asks nothing in return at the time, he will eventually come and ask for a favour, such as drawing up an illegal document.⁷²⁵ If the reader failed to comply, he would be shamed into returning what had previously been given (εἰ δ' οὐ ποιήσεις αὐτό, ἀντιστρέψεις τὰ δοθέντα σοι μετ' αἰσχύνῃς, ἐκκληθεὶς παρ' αὐτοῦ), which suggests that the notion that accepting help created an obligation to return the

⁷²⁴ *Consilia et Narrationes* 100, p. 148. See above, pp. 262-3.

⁷²⁵ *Consilia et Narrationes* 16, p. 58. See below, pp. 290.

favour was so strong and widely accepted that even if the original gift was unsolicited and the favour asked in return illegal, it would still be considered shameful to refuse.

In chapter 3 I have suggested that the practice of relying on private networks to carry out public administration could to some extent compensate for the institutional shortcomings of the premodern state by alerting officials to cases that required their attention and helping them determine the reliability of information that would otherwise be difficult to verify. I have also argued that, in practice, officials were allowed to use their positions for personal gain as long as it did not interfere significantly with the proper execution of their duties, but that abuses were taken seriously by the authorities in Constantinople and that the need to maintain a good reputation served as a palpable deterrent against corruption. This would appear to be at odds with Neville's reading of *Kekaumenos*, which infers from his recurring exhortations to justice that corruption was a widespread problem and that there were no substantial incentives to abstain from it beyond the conscience of each individual official.⁷²⁶ Again, her observations are not without merit, although they appear somewhat one-sided. It is true that *Kekaumenos* makes several forceful attempts to dissuade his readers from taking bribes on purely moral grounds, which seems to take for granted that making money through corruption was a realistic opportunity that he believed his readers would at least find tempting.⁷²⁷ That it was a real phenomenon is also indicated by a paragraph advising the emperor to make sure that the *kritai* judged with justice and fear of God (τοὺς κριτὰς ἐξασφάλισαι ἵνα κρίνωσι μετὰ φόβου Θεοῦ καὶ δικαιοσύνης), complaining that there were those who charged fees larger than the sums actually disputed in the lawsuits (ἐκταγὴν μείζονα τοῦ κεφαλαίου καὶ οὐ μόνον εἰς τὰ ἀπαιτούμενα χρέη, ἀλλὰ καὶ ἐν ταῖς ματαίαις ἀγωγαῖς).⁷²⁸

⁷²⁶ Neville, *Authority*, pp. 104-5.

⁷²⁷ *Consilia et Narrationes* 15-17, 39, pp. 56-8, 76.

⁷²⁸ *Consilium Principi* 14, p. 98. On such legal fees, see Chitwood, *Legal Culture*, pp. 53-61, and above, pp. 228-9.

While these paragraphs certainly indicate that corruption was an existing problem, they do not provide a solid basis for arguments regarding its extent. As we have seen, Kekaumenos is writing largely in the moralising tradition of admonitory literature, where exhortations to justice and condemnations of corruption could largely be considered part of the genre. Indeed, as Neville herself notes, his use of a quotation from the prophet Habakkuk serves as a reminder of the perennial corruption of judicial systems.⁷²⁹ Even more importantly, Kekaumenos also advises against corruption with explicit reference to institutional arrangements designed to prevent it, most importantly ‘the city judges’ (οἱ πολιτικοί δικασταί), by which we should probably understand the successors of Eustathios Rhomaïos and his colleagues at the court of the hippodrome. In the paragraph considered above, where Kekaumenos advises thematic judges not to accept gifts because sooner or later the giver will want something in return, such as an illegal document, he also considers the possibility that the reader would want to comply with the request, but warns that this will make him liable to be condemned by God, the emperor and the city judges (ἔχεις καὶ ἀπὸ τοῦ Θεοῦ καταδικασθῆναι καὶ ἀπὸ τοῦ βασιλέως καὶ ἀπὸ τῶν πολιτικῶν δικαστῶν).⁷³⁰

This certainly seems to suggest that both the emperor and the judges in Constantinople took an interest in the actions of provincial *kritai* and were willing to intervene if they were made aware of any misconduct. It is difficult to determine how efficiently the city judges were able to supervise the work of their provincial counterparts, but the other paragraphs of the *Consilia et Narrationes* in which they appear imply that the threat they posed to corrupt officials was far from negligible. Kekaumenos advises judges to recuse themselves from cases involving their friends (εἰ ἔστι σοι πάνυ φίλος τις καὶ μέλλη καταδικασθῆναι, παραίτησαι τὴν τοιαύτην ὑπόθεσιν καὶ μὴ κρίνης ἀδίκως), because even if they acquit them unjustly, all that will come

⁷²⁹ *Consilia et Narrationes* 16, p. 58; Neville, *Authority*, p. 104.

⁷³⁰ *Consilia et Narrationes* 16, p. 58. See above, pp. 288-9.

of it is that they themselves will be put to shame and their friends condemned by the city judges (ἔσχατος μὲν γὰρ σὺ αἰσχυνθήσῃ, ὁ δὲ φίλος σου παρὰ τῶν πολιτικῶν δικαστῶν καταδικασθήσεται).⁷³¹ He also encourages judges to exert themselves to make their judgements well-reasoned and their decisions lawful and intelligent (ἀγωνίζου δὲ μᾶλλον ἵνα καὶ ἡ κρίσις σου λελογισμένη ἐστὶ καὶ ἡ ἀπόφασις σου νόμιμος καὶ μετὰ συνέσεως), assuring them that even if they are challenged abusively, the city judges will read their daily drafts as a religious work (καὶ εἰ κατ' ἐπήρειαν ἐκκληθήσῃ, ἀναγινωσκομένων τῶν ἡμερησίων σου σχεδარიῶν παρὰ τῶν πολιτικῶν δικαστῶν, ὡς θεολογίαν ταῦτα ἐπα[...]).⁷³² In other words, the city judges could not only be expected to annul the decisions of corrupt provincial *kritai*, but also support those of honest ones if they were challenged.

Neville notes two of these references to the city judges and does not dismiss them entirely, but seems to argue that their practical impact on provincial jurisprudence must have been very limited, since Kekaumenos' main objection to accepting bribes still appears to be that it is morally wrong.⁷³³ This seems to me like a questionable weighing of the available evidence, mainly because it assigns so much importance to the moralising exhortations, which, as has been argued above, are very much part of the genre in which Kekaumenos is writing, and so little to the claims about the influence of the city judges, which he would have had far less reason to mention, let alone repeat at least three times, if he had believed that it was close to negligible in practice. I would suggest that a more balanced interpretation of these paragraphs would be to see them as reflecting a society where the authorities in Constantinople worked actively to prevent abuses in provincial government and that their efforts were sufficiently

⁷³¹ *Consilia et Narrationes* 15, p. 56.

⁷³² *Consilia et Narrationes* 21, p. 60-2. A lacuna in the text adds some uncertainty to the reading of this, but Kekaumenos' point seems to come across with sufficient clarity.

⁷³³ Neville, *Authority*, p. 105.

efficacious to serve as a palpable deterrent against unacceptable behaviour, but not nearly potent enough to eradicate all temptation to engage in it.

As for military commanders, we find similar moralising exhortations, but at one point Kekaumenos also indicates that there may have been strong practical incentives for them to adhere to the prevailing norms for acceptable behaviour. He writes that when a general who prevents his men from acting unjustly is discharged from active service, everyone will escort him on his way (πάντες καὶ προπέμψουσὶ σε), be grieved that he is being replaced (καὶ λυπηθήσονται ἐπὶ τῇ διαδοχῇ σου) and have his virtue ringing in their ears for a long time (καὶ εἰς πολλοὺς χρόνους ἔναυλον ἔξουσιν τὴν ἀρετὴν σου).⁷³⁴ If, by contrast, he looks to sordid profits (εἰ δὲ εἰς αἰσχροὶς κέρδη ἀποβλέπῃς), he will not even receive his legal income (οὐδὲ τὰ ἀπὸ δικαίων πόρων κερδήσεις), but rather be accused and ruined (ἐγκληθεὶς ἀχρειωθήσῃ). He will have to leave in secret and the provincials will make the day of his replacement a special yearly feast day (οἱ θεματικοὶ ἑορτὴν ἐξαίσιον ἐτησίως ποιοῦσι τὴν ἡμέραν τῆς διαδοχῆς σου καὶ σὺ λαθραίως ὑποχωρήσεις).

This suggests that military commanders who subjected the provincial population to injustices, or failed to prevent the men under their command from doing so, could be held accountable and suffer dire consequences, although it is not entirely clear how this would work in practice. The use of ἐγκαλέω, with its connotations of formal judicial process, implies that they would be tried in court, possibly by the same city judges as their counterparts in the civil administration. It is also possible that Kekaumenos simply expected the emperor to remove *strategoï* from their commands if word reached him of their misconduct, hence the danger of losing even their ‘legal income’, presumably referring to their salaries. This would be consistent with the argument

⁷³⁴ *Consilia et Narrationes* 51, p. 86-8.

made above that career opportunities were dependent on maintaining a good reputation, and would also explain the emphasis placed on whether the people would celebrate the general's dismissal or keep praising his virtue long after he was gone.⁷³⁵

Indeed, Kekaumenos' treatment of the subject of reputation appears to be quite consistent with the central role in the Byzantine political economy ascribed to it in chapter 3. Magdalino has pointed out that Kekaumenos uses the word ἀχρειωσύνη, ruin, and its cognates to describe falling from rank or office, but also in reference to personal humiliation in the eyes of one's community, and he has connected the latter to Kekaumenos' concern to maintain a respectable public image.⁷³⁶ This seems quite reasonable, and it also provides a plausible context for the paragraphs concerning obligations to parents and siblings considered above, where Kekaumenos focuses primarily on the importance of not bringing them into ill repute.⁷³⁷ I would however argue that his concern for reputation appears to go beyond this and that it is, in fact, intimately connected to both forms of *achreiosyne*. When addressing those who serve the emperor (εἰ δὲ δουλεύεις βασιλεῖ), the first piece of advice he offers is that his readers should be particularly careful of slander against them (πρόσεχε καὶ τὴν διαβολὴν σου ἀκριβῶς) and be ever wary of the risk of falling (καὶ τὴν πρῶσιν σου πρὸ ὀφθαλμῶν σου καθ' ἐκάστην ἔχε).⁷³⁸ The inference seems to be that slander was the greatest threat to maintaining a high position in imperial service.

In the event that someone should prattle against the reader (ἀλλ' ἐάν τις λαλῇ κατὰ σου), Kekaumenos goes on to advocate attempting to reason politely with the slanderer (κατ' ἰδίαν αὐτὸν προσκαλεσάμενος, εἶπε αὐτῷ μετὰ ἡθους χρηστοῦ) and advises against threatening him

⁷³⁵ See above, pp. 227-46.

⁷³⁶ Magdalino, 'Honour', pp. 204-8.

⁷³⁷ See above, pp. 280-1.

⁷³⁸ *Consilia et Narrationes* 3, p. 48.

with authority (μετ' ἐξουσίας ἀπειλήσασθαι).⁷³⁹ He claims that this would be self-defeating since the slanderer would only find other, unexpected ways of harming him (ὥς οὐ προσδοκεῖς βλάψει σε), which serves to further underline the danger posed by calumny. Moreover, he advises his readers against attending parties (τὰ συμπόσια παραιτοῦ), mainly because someone might slander them before the emperor, leading him to believe that the party was directed against him (εἰς βασιλέα διαβληθῆναι σε ὡς τὸ συμπόσιον κατ' αὐτοῦ γέγονεν).⁷⁴⁰ He also warns that avoiding such gatherings would come at the price of being mocked as unsocial and mean (καταμωκήσονται σου ἀκοινωνήτου καὶ φειδωλοῦ), but that he considered it well worth paying (καὶ συμφέρει σοι τοῦτο), which indicates that if one was in imperial service, protecting one's reputation in the eyes of the emperor should be the first priority. It would also seem to imply that Byzantine aristocrats were generally much more sociable and interested in networking than Kekaumenos appears to have been, since he expected his guarded approach to stand out and draw criticism.

He also assumes that his readers would have networks that could be employed to aid their friends in another paragraph, where he states that such interventions should be conducted wisely, skilfully and discreetly (εἰ δὲ θέλῃς μεσιτεῦσαι ὑπὲρ φίλου σου, σοφῶς καὶ μετ' ἐπιστήμης τοῦτο ποιήσον, φανερῶς δὲ σπανίως), in order to avoid the suspicion of being motivated by bribes (ἵνα μὴ σου καταγνώσῃται καὶ ὑπολάβῃ διὰ δῶρά σε τοῦτο ποιεῖν), since this would harm both the reader himself and the friend he was trying to help (βλάψεις καὶ σεαυτὸν καὶ τὸν μεσιτευόμενον).⁷⁴¹ It was apparently dangerous even to be rumoured to have accepted bribes.

⁷³⁹ *Consilia et Narrationes* 4, p. 50.

⁷⁴⁰ *Consilia et Narrationes* 9, p. 52.

⁷⁴¹ *Consilia et Narrationes* 5, p. 50.

In his advice to provincial judges, Kekaumenos writes that if they behave unjustly, they will give themselves reason to fear their own subordinates, who would be able to account for their actions (εἰ μὴ γὰρ ἦς ἀδίκητης καὶ εἶχον κατὰ σοῦ ἀπογραφὰς οἱ ἄνθρωποι σου, οὐκ ἂν ἐφοβοῦ αὐτούς).⁷⁴² Those who live justly, on the other hand, will be secure on all sides (οἱ γὰρ μετὰ δικαιοσύνης βιοῦντες πάντοθεν κατωχύρωνται). The use of ἀπογραφαί would seem to imply formal judicial depositions rather than gossip, but the point here is that subordinate officials were in a position to hurt their superiors by displaying their actions for public scrutiny, whether those actions were actually illegal or simply portrayed the official responsible in an unflattering light. An example of the latter is provided by another paragraph, considered briefly above, where Kekaumenos advises *notarioi* to cover up the financial mistakes of their superiors (ἐὰν ποιήσει σφάλμα τι ἀνήκον εἰς τὸ δημόσιον, μὴ ἐκφασίσης αὐτό), even if it is disadvantageous to themselves in the short term (μηδὲ ἐὰν λυπήσει σε), because if they would make it public, everyone would flee from them as if from a snake (εἰ δὲ δημοσιεύσεις αὐτό, ἔκτοτε πάντες φεύξονται ἀπὸ σοῦ ὡς ἀπὸ ὄφεως).⁷⁴³ It was, in other words, better to take the blame for the mistakes of one's master than to be shunned by potential employers for being disloyal. This brings to mind Psellos' letters of recommendation for prospective *notarioi*, where loyalty stands out as one of the most important qualities sought by *kritai* looking to hire, who also appear to have been particularly keen to have their subordinates praise them in public.⁷⁴⁴

This concern for how the actions of subordinates might affect the reputation of their superiors is perhaps even more clearly expressed in another paragraph, where Kekaumenos calls upon *notarioi* not to let their masters be ruined by their greed (μὴ διὰ τῆς λειζούρας σου ἀχρειωθῇ ὁ κύριός σου), but rather praised on account of their actions (διὰ τῆς πράξεώς σου καὶ τῆς

⁷⁴² *Consilia et Narrationes* 18, p. 58.

⁷⁴³ *Consilia et Narrationes* 13, pp. 54-6. See above, p. 263.

⁷⁴⁴ See above, pp. 129-31, 163-4.

ἐνεργείας σου ἐπαινεθῇ).⁷⁴⁵ He explains that they were hired to bring their superiors honour and lighten their workload (πρὸς γὰρ τὴν τιμὴν αὐτοῦ καὶ ἀνάπαυσιν προσελάβετό σε), not to inflict cursing and shame (οὐ πρὸς ἄρὰν καὶ αἰσχύνην). Again, the focus on public perception, praise, honour and shame, is striking. It is also worth considering the context in which these comments appear, following and seemingly referring to a few paragraphs where Kekaumenos warns provincial *kritai* to be wary of accusations brought against inhabitants of the theme by their own *notarioi* (οἱ νοτάριοί σου ὅποτεν κατὰ τινος τῶν θεματικῶν λέγωσι, μὴ αὐτίκα συναπαχθῇς τοῖς λόγοις αὐτῶν καὶ θυμωθεῖς ἀμύνης αὐτόν).⁷⁴⁶ He writes that subordinates are prone to taking bribes in exchange for praising someone before their master (εἰ μὲν λάβωσί τι παρὰ τινος, ἐπαινῶσιν αὐτὸν πρὸς τὸν κύριον αὐτῶν καὶ μεγαλύνωσιν αὐτόν), whereas they are roused to anger against those who refuse to pay them (εἰ δ' οὐ λάβωσί τι ἀπὸ τινος [...] ὀργίζονται) and respond by provoking their superior against them (ἀπελθόντες πρὸς τὸν κύριον αὐτῶν παροξύνουσιν αὐτὸν κατ' αὐτοῦ). A *krites* led astray by their subordinates in this way would consequently risk mistreating innocent men, or even incite uprisings against the injustices committed. In either case, the story will become known to his superiors and everyone will criticise him (διαγινωσκομένου δὲ τοῦ δράματος παρὰ τῶν μειζόνων καταγνώσονται σου πάντες).

Several interesting observations can be made here. Firstly, these paragraphs underline the value of hiring subordinates who are not only loyal, but also of good character in a more general sense, which, as we have seen, is also presented as a key quality in Psellos' letters of recommendation.⁷⁴⁷ Secondly, the end result that Kekaumenos' advice aims to prevent is that the *krites'* superiors would criticise him for failing to uphold justice to the expected standard,

⁷⁴⁵ *Consilia et Narrationes* 22, p. 62.

⁷⁴⁶ *Consilia et Narrationes* 19-22, pp. 60-62.

⁷⁴⁷ See above, pp. 161-3.

which, once again, seems to indicate that high judicial officials in Constantinople took an interest in provincial government and were both willing and able to provide compelling incentives for thematic *kritai* to discharge their duties in a fair, honest and discerning manner. Thirdly, this passage also illustrates the difficulties involved in verifying information crucial to the cases brought before provincial judges, as well as the role played by private networks in addressing it. If a *notarios*' praise or slander could be expected to have a decisive impact, this implies that cases often turned principally on the question of which litigant was deemed most trustworthy when the *krites* weighed the testimony of one against that of the other. As argued in chapter 3, this would appear to provide a plausible context for Psellos' assertion that his judicial interventions were intended to promote justice.⁷⁴⁸ If judges had to make decisions based solely on verbal accounts provided by people whom they did not know, and if they should take to heart Kekaumenos' advice about not relying blindly on the recommendations of their subordinates, having trusted friends vouch for the character of an individual or the accuracy of a report may well have been the most rational method at their disposal for determining the credibility of the information provided.

⁷⁴⁸ See above, pp. 115-27.

Conclusions

This thesis has sought to shed some light on the Byzantium behind and in between the grand narratives of the eleventh century; of Basil II, the great soldier-emperor who crushed all opposition, foreign and domestic, to become the embodiment of supreme imperial authority; of Manzikert, the disastrous battle that caused half of the empire to collapse like a house of cards and the rest to erupt in civil war; of Alexios Komnenos, the young usurper who thanks to his ingenuity, grit and loyal relatives managed to restore stability, prosperity and prestige, but only at the cost of turning the ancient Roman *politeia* into a family business. It is not the first study to have done so and surely it will not be the last. Its contribution to our evolving understanding of the period 1025-1081 consists of a close reading of three sources whose potential to provide insights into Byzantine political life has, I believe, been inadequately utilised by previous scholarship: The letters of Michael Psellos, the *Peira* and Kekaumenos' *Consilia et Narrationes*. By subjecting each of these sources, especially the letters, to a more comprehensive analysis than previous studies have attempted, and by reading them against each other to provide additional depth and context, I have suggested several novel interpretations of the information they provide. These findings contribute to previous scholarship by empirically bolstering some of the existing ideas on how Byzantine politics worked in this period, by adding nuance to others and by posing counterarguments to still others.

The first major theme explored in the thesis, and one that remains at the heart of it throughout, is the nature of public and private power. Previous scholarship has remarked on how distinctions between them tend to become blurred, especially in provincial government, and this has generally been interpreted as a sign of weakness or indifference on the part of the state, i.e. that the prerogatives of government were either being usurped by private interests or

surrendered willingly to them. In chapter 3, I have argued that these interpretations miss a crucial point by assuming a strictly dichotomous relationship between public and private power that would likely have made little sense to the Byzantines themselves. Instead, I suggest that the letters of Psellos appear to reflect a political situation where exercise of power was always considered to be personal, whether it was delegated from higher authority or derived from other sources, and where the Byzantine government to a large extent relied on private networks of friendship to carry out public administration.

Psellos appears to have been charged with overseeing the activities of provincial administrators by Constantine X, which in one letter caused him to style himself ‘governor of governors’, but there are strong continuities in the way he exercised influence between the letters written during that reign and those that can be dated before and after it, suggesting that holding an official position was not a prerequisite for intervening in the way public officials carried out their duties. He maintained an ambiguity around his own position even when he was explicitly conveying imperial orders, consistently framing his letters as requests for personal favours, and sometimes intervened in cases where the emperor had already sent orders to the same effect, which suggests that he was not in the first instance concerned with administering public affairs on the emperor’s behalf, but rather with nurturing his own personal network and maintaining his position in the networks of others. In the periods when Psellos enjoyed imperial favour, his influence appears to have been based both on his *parrhesia* with the emperor and on his network of friends in the provincial administration. When he was able to make full use of this dynamic, these two sources of power could work in tandem; imperial favour boosting his status among his friends and the reach of his network increasing his usefulness to the emperor.

It may be tempting to interpret this reliance on private networks as limiting imperial power and breeding unchecked corruption, but that would be to underestimate the complexity of the system. These networks of friendship kept Byzantine officials in a single, coherent social milieu and served to reproduce and enforce norms of acceptable political behaviour. It is true that using the authority of public office in pursuit of personal gain or to perform favours for friends appears to have been tolerated, indeed expected, but only to the extent that it did not interfere with official duties such as upholding justice, ensuring the well-being of the people under one's jurisdiction and making certain that the appropriate amount of taxes was being collected. Officials were consequently required to perform a delicate balancing act between their official, and sometimes conflicting, duties, their desire to turn a personal profit and their need to service their network by doing favours for friends. This also seems to be the proper context in which to view the judicial philosophy propagated by the *Peira*, where Eustathios Rhomaïos frequently gives himself considerable latitude in interpreting and applying the relevant legislation, balancing the letter of the law with compassion and mercy for the parties involved as well as a more general sense of justice.

Networks also served to convey orders from the emperor or his representatives in Constantinople to the provinces, as well as information relevant to the activities of thematic officials. There are many letters written by Psellos to provincial *kritai* for the purpose of either making them aware of an incident that requires their attention or offering information about an ongoing case, such as verifying an account of the events it concerns or vouching for the character and trustworthiness of someone involved in it. The *Peira* provides a plausible context for such interventions by confirming that lack of independently verifiable information appears to have been a common problem that judges struggled to resolve. In such situations, where judges would often be forced to make decisions based entirely on the testimony of the parties

involved, judicial interventions of the kind we find in Psellos' letters could be regarded as constructive contributions to the legal process, compensating for the lack of investigative resources at the judge's disposal. That is certainly how Psellos presents them himself.

There is, however, no denying that this system left considerable room for abuse, and in the case of disputes between aristocrats and small-holding peasants, we may safely assume that the former would have had better access to the networks through which judicial proceedings could be influenced. Even so, the aristocrats would also have had the advantage of using their local influence to suppress testimonies, coerce witnesses or even manipulate public officials, if the *kritai* had not been able to count on outside information and support. By relying on friends in their networks to supplement their own impressions of the available information, they were at least opening up alternative ways to obtain justice for those who found themselves at a disadvantage or had appearances against them. This is particularly relevant in light of what appears to have been a widespread petitioning culture, where appeals could not only be made to the emperor or to the officials under who were directly responsible for the matters in question, but also to their friends, who were able and, it would seem, often willing to intervene with them. Psellos occasionally makes references to petitioners approaching him, even crowding his doorstep, and there are several judicial interventions among his letters where he does not appear to know those on whose behalf he writes and where he would seem to have very little to gain himself from helping them. Kekaumenos also gives advice on the best way to approach and influence imperial officials on behalf of local petitioners, which bears some striking similarities to Psellos' apparent working methods. It would consequently appear that private networks, when utilised in this way, could have served to increase the efficiency of public administration, at least in terms of facilitating communication and increasing the available avenues of access

to officials, even for those who were not part of the aristocratic networks of friendship themselves.

The system was not, however, reliant entirely on the conscientiousness of the officials to prevent abuse of power. Most importantly, reputation has been identified as playing a central role in the Byzantine political economy of the mid-eleventh century, which provided strong incentives for officials to behave in accordance with the prevalent norms of political behaviour. Word of officials' deeds and misdeeds would spread throughout their networks and ultimately back to the palace, where the emperor was expected to base his decisions in matters of promotion and dismissal heavily on what he thus heard. This concern for reputation is a recurring theme throughout Psellos' letters, in which he consistently assumes that his correspondents would greatly value being praised in public, and preferably before the emperor, and conversely that they were constantly afraid of being slandered. The dangers of calumny are likewise emphasised repeatedly in the *Consilia et Narrationes*, with several paragraphs offering advice on how to minimise the risk of being subjected to it, and a similar link between reputation and career opportunities can also be discerned. Moreover, Kekaumenos repeatedly advises provincial *kritai* against judging unfairly to benefit themselves or their friends on the grounds that they will surely be put to shame and their judgments overturned by the 'city judges', in other words, the successors of Eustathios Rhomaios and his colleagues. He consequently appears to place a lot of faith, not only in the integrity of the Constantinopolitan courts, but also in the flow of information from the provinces to the capital that would be necessary to keep the city judges informed of potential abuses by their thematic counterparts. Kekaumenos provides no details on how the latter would work in practice, but taken together with the evidence provided by Psellos' letters, the most plausible answer would seem to be: reputation and petitioning culture.

Networks of friendship consequently appears to have partially compensated for the formal institutional shortcomings of the Byzantine state by delivering and upholding imperial policies throughout the provinces of the empire, by aiding officials in the fulfilment of their duties and by reproducing and enforcing norms of acceptable political behaviour. Given their dependence on imperial favour and the importance assigned to the ideals of loyal, competent and virtuous exercise of power, the function of administrative oversight would effectively have been exercised by the officials themselves, albeit in an informal manner through reputation. Maintaining a good reputation, however, required more than upholding these ideals to the expected standard. Officials also had to service their friendships with their peers, on whose praise their reputation was dependent, for instance by exchanging letters with them and, crucially, granting them favours. This underlines the limits of the capacity of this informal system of social control to curtail abuse of power, since it simultaneously provided incentives to uphold justice and subvert it for the benefit of one's friends. By the standards of a pre-modern society, it nevertheless appears to have been both rational and reasonably efficient.

These findings constitute a strong counterargument to the idea that the Byzantine state was apathetic about governing the provinces apart from maintaining imperial sovereignty and collecting taxes, which has been championed most lucidly and comprehensively by Neville. The three sources analysed above, and most clearly the letters of Psellos, rather appear to reflect a society where the emperor and those close to him in Constantinople took care to involve themselves in the workings of the provincial judicial system in a way that went far beyond quelling rebellions and ensuring the flow of revenue back to the capital. In doing so they strove to promote their own interests, but also values like justice, compassion and care for the unfortunate, even though they certainly understood them in less absolute institutional terms

than we would today. Chapter 6 also challenges directly Neville's use of the *Consilia et Narrationes* in support of her argument, proposing different readings of the available evidence and arguing that even though Kekaumenos does present aristocrats with large estates as powerful figures in the local communities, he also implies that they could not have expected to dominate provincial life undisturbed, nor hoped to challenge the authority of imperial officials directly. As Neville notes, they might on the other hand have been able to bribe them, and there do appear to have been ample opportunities for corruption to tempt provincial *kritai*, but, again, Kekaumenos also places a lot of faith in the ability and willingness of the 'city judges' to curtail it. Moreover, my interpretation of Psellos' letters also suggests that while Neville is correct in observing that interventions from Constantinopolitan officials in provincial administration frequently took the form of matters of favour or personal appeals, she is mistaken in assuming that this would stand in contrast to regular administrative process. As I have emphasised above, personal requests for favours appears to have been not only an integral part of the regular administrative process, but also something that served to increase its efficiency and transparency, not least from an imperial perspective.

The idea that power was always considered to be exercised in a personal capacity, governed by social pressure to adhere to a somewhat vaguely defined but widely shared normative framework, as opposed to the strict and impersonal application of laws or official directives, can also be used to question Morris' argument that the Macedonian novels were principally power-political tools intended to be used as legal weapons against the powerful, rather than to protect the wellbeing of the poor. It is, of course, important to recognise that this legislation was written significantly earlier than the sources on which this thesis are based and the risk of anachronism does not allow for certainty. Even so, it is worth noting that the central assumption of Morris' argument, that if the purpose of the novels had been to protect the poor, they would

have provided a legal definition of that category, as indeed they do for the powerful, would be highly questionable in the context of our eleventh century sources. Given the considerable latitude given to judges to interpret the letter of the law and balance it against other virtues, as they understood them, it is difficult to imagine that the lack of a clear definition of the poor would have been any obstacle to using the Macedonian novels to safeguard their rights and wellbeing. Officials might not have been able to define precisely what being one of the poor entailed, but they would probably have recognised them when they saw them. By contrast, the powerful would have had every reason to challenge attempts to characterise them as such, which is why a clear definition of that category might have been motivated both to support judges in resisting such aristocratic pressure, and to protect landowners of intermediate status from arbitrary exercise of power by corrupt officials. This does not, of course, disprove that the Macedonian novels were written with a primarily power-political purpose, but it does suggest that we should be careful about dismissing their strident rhetoric about the plight of the poor as nothing more than empty words.

This brings us to the other influential idea that this thesis is intended to challenge, namely that Byzantine political life in the eleventh century was dominated by a relatively small number of powerful aristocratic clans, united by ties of kinship and effectively functioning as rival political parties. To begin with, it might be worth noting that the inquiry into the nature of public and private power accounted for above does appear to suggest that Lemerle had a point in presenting struggle between state and aristocracy primarily as a matter of the state trying to control the officials who effectively constituted it. In Psellos' letters, we have seen this dynamic expressed particularly clearly in the sometimes conflicting incentives imposed by the need to maintain a good reputation, where each official needed to please the friends on whose praise he was dependent by using his authority to their personal benefit, but also provide them with substance

for their accolades by governing well and justly. My analysis of the letters does, however, also suggest that this system of social control was, by the standards of the premodern state, successful in curbing the worst excesses and protecting the interest of the emperor as well as those of his more humble subjects. From the perspective of the individual official, this made the court and civil administration a rather volatile social milieu where the right or wrong words in the right or wrong ears could make or break a career. This insecurity on an individual level does however appear to have contributed to stability on a systemic level by making personal imperial favour the only reliable safeguard against this constant uncertainty, thus strengthening the authority of the emperor over the state apparatus.

As for the more traditional Ostrogorskian notion, most recently championed by Stephenson, that aristocratic greed and ambition undermined the fiscal foundations of the state, the primary counterargument is offered by the analysis of the *Peira* in chapter 5. It argues that the entries dealing with conflicts over land between poor and powerful show Eustathios Rhomaïos applying the Macedonian legislation rather scrupulously, defending the poor against encroachments by the powerful, but also protecting the property rights of the powerful against excessive claims by the poor. Moreover, this commitment to justice for poor and powerful alike is not only characteristic of land disputes, but appears to be a consistent feature throughout the text, which does not fit well with the assertion that public officials were impotent in the face of aristocratic power, nor with the idea that the novels were purely intended as legal weapons to check aristocratic ambition. Instead, the representatives of the state seem to have been acting from a position of strength, neither subservient nor hostile to the aristocrats appearing before them. This is also confirmed by Kekaumenos' portrayal of the relationship between local, landed aristocrats and provincial *kritai*, with the balance of power leaning decisively in favour of the latter. Aristocratic landowning may well have increased during the period with which we

are concerned, but it does not appear to have been perceived as a threat to the interests of the state, fiscal or otherwise.

This appears to be consistent with Cheynet's views on the relationship between aristocracy and state, whereas chapters 4 and 6 challenge his characterisation of the upper echelons of Byzantine society as a rather closed milieu, which appears to be largely shared, and even expanded upon, by Angold, Stephenson and Haldon. The analysis of Psellos' letters in chapter 4 focuses heavily, and by necessity, on the spheres of the court and civil administration, which these previous studies have tended to regard at least partially as exceptions to the general rule that family connections were the main determinant of social position. The chapter's primary contribution to scholarship on the subject is consequently not intended to be found in its conclusion that these sections of Byzantine society offered considerable opportunities for social mobility, but rather in its elucidation of the social mechanisms that made this possible. It presents a model for social advancement based on two principles, meritocratic ideals and reliance on private networks of friendship, where the latter served to convey recommendations and information about candidates for official positions.

As can be expected, the consequences of this arrangement mirror those observed in the administration of justice: The use of informal networks appear to have brought increased efficiency and reliability to the process of recruitment, with the personal friendship and trust between the officials involved serving to compensate for the lack of formal institutional arrangements to verify the candidates' qualifications and suitability, thus strengthening the meritocratic element, but at the same time it favoured those who could call on large and efficacious networks to support them, irrespective of their abilities. This probably bestowed an advantage on the children of aristocrats, who could expect to make use of their parents'

networks, but it appears to have been balanced out to a large extent by the education system. The schools provided not only the knowledge and practical qualifications required for employment in the civil administration, but also excellent opportunities for striking up friendships with their teachers as well as fellow students. The former were often well connected themselves thanks to their former students who had pursued careers as officials, while many of the latter would proceed to do the same and eventually become useful to each other. Access to education consequently stands out as the main obstacle to social advancement for those from more modest backgrounds.

As for the meritocratic element, I have proposed some important revisions to Bernard's groundbreaking study on the intellectual elite of the empire in the eleventh century, which argues that public displays of learning and eloquence were the key requirement for a career at court or in the civil administration. While I do not question his conclusions regarding the rather small clique of court intellectuals, teachers and poets that he actually studies, I argue that their applicability to the rest of the aristocracy appears to be quite limited. Instead, I suggest that they can be better understood as part of a wider meritocratic ideological framework, which entailed a universal appreciation of some more general virtues and abilities, such as intelligence and hard work, but where the desirability of the more specific manifestations of these qualities would be deemed highly dependent on the functional requirements for each position. For this intellectual elite, learning and eloquence would indeed be paramount, and due to the elevated status they enjoyed, their ideological preferences would certainly spread beyond the spheres of the schools and imperial court. There they would, however, also collide with other influential value systems, most importantly a civil service *ethos* closely related to the norms of political behaviour outlined chapter 3, emphasising administrative competence, fairness and loyalty.

These are consequently the qualities we find most in demand by Psellos' correspondents in the provincial administration.

As has been noted above, previous scholarship has tended to maintain that the upper echelons of eleventh-century Byzantine society remained dominated by old, illustrious families and left few opportunities for social mobility on meritocratic grounds, despite evidence like this to the contrary, arguing that the court and civil administration were exceptional and should not be regarded as representative for the rest of society. A problematic aspect of this argument is that its proponents never appear to explain clearly what they mean by the rest of society. In a society where power and status were so intimately connected to public office and imperial titles, it seems to me that once the court and civil administration have been excluded, the only substantial part of its upper echelons that remains is the military, in which case it would be more reasonable to simply discuss it as such. Even so, the substance of the argument remains relevant. The Byzantine armed forces clearly played an important political role, as testified by the relatively frequent military coups, successful or attempted, and it cannot be assumed that social advancement was governed by the same mechanisms in the military as in the civil administration.

This is, however, where the analysis of the *Consilia et Narrationes* in chapter 6 comes in, offering a supplementary perspective. Kekaumenos appears quite familiar with the conditions of civil officials as well as military commanders and presents career opportunities in both hierarchies as governed primarily by meritocratic principles, with no hint of any substantial differences between them. Unfortunately, the text does not allow us to analyse the relevant social mechanisms in the level of detail that Psellos' letters do, meaning that the conclusions drawn must be regarded as more uncertain, but what it lacks in detail, it makes up for in scope.

Through his advice and its underlying assumptions, Kekaumenos seems to offer a portrayal of the Byzantine aristocracy in its entirety, which is remarkably consistent with the conclusions drawn from Psellos' letters. As a social class, it appears diverse in the sense that the differences in wealth and influence of its members were substantial at any given time, but still remarkably coherent on account of its shared identity, ideology and literary culture, all of which extended even beyond the empire's political borders, as well as the expectations of social mobility on meritocratic grounds within it.

This shared literary culture should not be confused with the snobbery of the intellectual elite identified by Bernard, even though their idealisation of learning and eloquence does appear to have had some cultural impact even beyond the spheres of the court and Constantinopolitan schools. Instead, the aristocratic culture encountered in the *Consilia et Narrationes* is characterised by functional literacy, limited rhetorical training, a general interest in literature and, crucially, reasonably good access to books. Most importantly, literacy stands out as a defining attribute for Byzantine aristocrats, civil officials as well as military commanders, which further emphasises the similarities and close ties between the administration and the armed forces, as well as the importance of education as a gateway to aristocratic status. This is also perfectly consistent with the impressions given by our other two main sources. The letters of Psellos underline by their very existence the central role played by written communication in maintaining and utilising the personal networks through which the empire was to a considerable extent governed. As for the *Peira*, the significance assigned to written evidence is conspicuous, as is the trust placed in the competence and reliability of the officials tasked with producing official documents. The eleventh-century Byzantine aristocracy appears to have been a remarkably literate elite.

As for the widespread idea that extended families or clans were important sources of identity and allegiance, functioning like something akin to political parties, there appears to be nothing to support it in any of our three main sources. Family features prominently as a theme in all of them and they also appear to present the societal importance of kinship ties in the same way. The nuclear family is consistently portrayed as the central family unit, characterised by strong bonds of affection, loyalty and mutual identity, where the actions of each member could have a significant impact on the reputation of the rest. As for more distant relatives, such kinship ties appear to have been valued and considered to entail some obligations, but the practical implications of this were primarily dependent on the personal relationship between the relatives in question, rather than on a general duty towards the family as a collective. Extended family ties certainly appear to have had some political significance, but I have suggested that their impact can be better understood within the analytical framework of networks of friendship, as one of several factors that could connect individuals to each other, potentially create a sense of fellowship and motivate contact as well as the exchange of favours, rather than as a separate and precedent system of loyalty and identity. Relatives could be expected to be part of each other's networks, but would not automatically occupy the most important positions in them, nor necessarily see themselves as having common interests or sharing a political agenda.

This argument is to a large extent made *ex silentio*, based on the conspicuous absence of evidence for the existence of large, politically self-aware clans, and the uncertainty inherent in such an approach should, of course, be recognised. Given the impossibility of proving a negative, however, more conclusive results could hardly be expected. It should also be emphasised that if extended families had functioned as important sources of identity and allegiance in eleventh century Byzantium, it seems highly unlikely that it would have left no trace in any of our three main sources, which all concern themselves with the implications of

kinship from different perspectives. Moreover, this must be considered in the context of the general scarcity of strong evidence to support this idea. As has been noted in chapter 1, while many of the arguments in favour of it offer some relevant points for consideration, they also tend to rely heavily on conjecture and assumptions that are far from certain.

The main exception is, of course, Cheynet's meticulously well-founded conclusion that during serious challenges to imperial authority, we tend to find both rebels and reigning emperors supported by their own relatives. Even though there are several exceptions to this general pattern, they are far from numerous enough to merit a dismissal of the argument and its implications will consequently need to be addressed directly. It is, first of all, important to note that while Cheynet's findings certainly go against the grain of the argument made in this thesis, they are not irreconcilable with its conclusions. Again, the difference in perspective should be stressed: Cheynet's analysis of rebellions examines Byzantine politics at the point of crisis, whereas I have endeavoured to study how it worked on a more everyday basis. I have argued that family allegiance was not the general principle around which Byzantine political life was organised, because kinship appears to have been only one of several circumstances that could motivate friendship and hence, given the strong instrumental connotations of *φιλία*, political cooperation. I have, however, also recognised that family ties did have some political implications, both in the sense that they were considered to entail a vaguely defined obligation to offer help in times of need, and, perhaps more importantly, because, all else equal, relatives would be more likely to occupy important positions in each other's networks. Under the more peaceful circumstances reflected by the sources examined in this thesis, where political actors were afforded considerable room for nuance and ambiguity, these factors do not appear to have been important enough to have a decisive impact on the political landscape, but in the extreme circumstances studied by Cheynet, where clear battle-lines were drawn and everyone involved

were forced to pick a side, it is not inconceivable that they were often sufficient to tip the binary scales of allegiance one way or the other. More research is plainly needed to get to the heart of the political importance of kinship in eleventh-century Byzantium, but it is clear that the traditional model of family politics is in need of revision, and the conclusions reached here should at least constitute a viable hypothesis for future studies to test.

By way of returning to the great narratives of the eleventh century and the relevance of these conclusions for them, it may be worth dwelling a little longer on a point made in the analysis of the *Consilia et Narrationes*. Despite writing in the chaotic times after the battle of Manzikert, most likely 1075-8, Kekaumenos does not appear to be particularly concerned about current events, nor indeed particularly interested in them. It may be possible to interpret his suspiciousness towards foreigners from beyond the empire's border regions as reflecting the severity of the external threats facing the empire, which he could hardly be unaware of, but as for the internal constitution of the Byzantine state and society, he appears to confidently assume that the relevance of his advice, based on decades-old experiences and even older literature, was unchanged by the ongoing crisis and would continue to be so in the times to come. The military situation may have been severe at the time when Kekaumenos was writing, but he appears to have regarded it as a separate, external and hopefully temporary problem, rather than as a symptom of a systemic, internal and escalating weakness.

Taken together, this is also what the results produced by this thesis indicate. From a structural perspective, the Byzantine empire appears to have been quite healthy in the mid-eleventh century. Imperial authority over the state apparatus was unthreatened, as was the state's supremacy in matters of coercion, tax-collection and dispensation of justice. By pre-modern standards, the civil administration operated in an efficient and scrupulous manner throughout

the empire. Aspiring new men were offered decent opportunities for social mobility on meritocratic grounds, at least as long as they were able to acquire functional literacy, ensuring that important posts could be filled with qualified candidates and counteracting concentration of power along hereditary lines. There were certainly times of political instability, but in between the momentary dramatic events on which both Byzantine and modern historiography have tended to focus, quotidian stability and routine appears to have been the general rule, notwithstanding the inherent competitiveness of court life. This is not to deny the severity of the crisis shaking Byzantium in the aftermath of the battle of Manzikert, but it does suggest that the focus of the models for explaining it should be shifted somewhat from internal to external factors.

Indeed, this appears to be an idea that is gaining traction in scholarship. Both Holmes and, more recently, Kaldellis have suggested that the principal cause of the eleventh-century collapse was most likely the unprecedented circumstance that the empire was confronted with formidable foes on three fronts simultaneously: the Turks in the east, the Pechenegs in the north and the Normans in the west.⁷⁴⁹ As a grand narrative, it is perhaps not as attractive as that of aristocratic ascendancy and imperial decline, but it does appear to be more consistent with the evidence of the sources examined here. Scholars have long tried to answer the question of what internal weaknesses may have caused the crisis of the eleventh century, but given the severity of the external threats Byzantium faced during this period, it may be time to also start asking what internal strengths made it survive at all.

⁷⁴⁹ Holmes, *Basil II*, pp. 525-39; Kaldellis, *Rivers*, pp. 271-9.

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