

## The *Dēmosia*, the Emperor and the Common Good: Byzantine Ideas on Taxation and Public Wealth, Eleventh–Twelfth Century

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How the Byzantines conceived of taxation, confiscation and the administration of public resources reflects the way they imagined the constitution of their polity and, in particular, the positions of the emperor and the people within it. In less abstract terms, these ideas also help explain imperial choices that shaped the society and the economy. The question of the emperor's relation to public wealth has usually been treated in the context of examining the ruler's position within the polity, notably by Hans-Georg Beck, Paul Magdalino and Anthony Kaldellis.<sup>1</sup> This scholarship and the present chapter show that there existed among the Byzantines, including the emperor and his panegyrists, a consensus that the public resources, *ta dēmosia* or *ta koina*, while under the ruler's control, were not his property but, as their name indicated, that of all the people.<sup>2</sup> The emperor was expected to administrate this wealth in the interests of the commonwealth (*to koinon*). Numerous texts can be invoked in support of this schema. One of the clearest statements is provided by a definition of the term *basileia* in the tenth-century *Souda* lexicon:

<sup>1</sup> Beck, *Res Publica Romana*, esp. 13–17, 21; Magdalino, 'Aspects'; Kaldellis, *Byzantine Republic*, esp. 14–19, 32–61. The uninterrupted validity of the distinction between the fisc or *publicum* and the emperor in Byzantium has also been underlined by Patlagean, *Moyen Âge*, 212–13, 380 and passim.

<sup>2</sup> The expressions *ta dēmosia* and *ta koina* (sometimes with *pragmata*) often indicate the common or public affairs, especially with regard to their government. But they are also used in a more limited sense, the one I refer to here, to indicate the public wealth or money: e.g. *JGR* 4:143 (*Peira*, 36.2); John Skylitzes, *Synopsis*, ed. Thurn, 398; John Zonaras, *Epitome*, ed. Pinder, 667. *Dēmosia* could also denote specifically the fiscal dues or revenues: e.g. Michael Attaleiates, *History*, ed. Tsolakes, 48; see also the *Souda* lemma below.

The empire (*basileia*) belongs to the things held in common (*ta koina*) but the fiscal resources (*ta dēmosia*) are not the possession of the emperor (*basileia*). Therefore, the forcible and violent collection of taxes should be hated as tyrannical immorality while the reasoned and benevolent tax demands should be honoured as guardianship.<sup>3</sup>

Although this definition reproduces notions from earlier periods, its inclusion in the *Souda* lexicon demonstrates that an interest in these ideas existed in the Middle Ages and suggests they were widely accepted. These shared concepts authorised all people to have an opinion regarding the management of the *dēmosia* and to criticise the emperor's fiscal policies. Indeed, there are a great number of statements regarding these matters in texts from the centuries discussed here, in particular historical works, speeches for the emperor, laws and official documents, and private letters. Using this material, this chapter attempts to identify the principal Byzantine ideas concerning taxation, confiscation and the use of public resources, topics that, overall, remain little studied. This is not an exhaustive investigation of the sources, nor can this chapter study in detail the evolution of ideas over the time span of two centuries. Moreover, when it comes to the assessment of imperial policies in these texts, much depends on their genre, their historical circumstances and their authors' biases and intentions, factors that cannot be analysed fully here. In all sections of this chapter, I distinguish between private opinions and the imperial discourse and actions. I consider as private those views appearing in non-official texts which the authors claim as theirs or attribute to other private individuals. This includes ideas that originated within the palace and were reproduced by our authors without admitting or realising it. Imperial discourse is preserved in official documents or is reported by contemporary authors. It can also be reconstructed on the basis of encomia and certain other texts. Imperial actions, especially laws and directives, also conveyed messages to the public. Legislation had both rhetorical and practical value. The debate over taxation and administration of public resources was a genuine one,

<sup>3</sup> *Souda*, 1:458: Ὅτι ἡ βασιλεία κτῆμα τῶν κοινῶν, ἀλλ' οὐ τὰ δημόσια τῆς βασιλείας κτήματα. διὸ τὰς ἐξ ἀνάγκης καὶ μεθ' ὑβρεως εἰσπράξεις ὥσπερ τυραννικὰς ἀκολασίας μισεῖν δεῖ, τὰς δὲ σὺν λόγῳ καὶ φιλανθρωπίᾳ τῶν εἰσφορῶν ἀπαιτήσεις ὥσπερ κηδεμονίαν τιμᾶν; cf. Matheou, 'City and Sovereignty', 56–7. The idea somewhat clumsily expressed in the first part of this lemma comes from the imperial period; cf. Herodianus, *Regnum post Marcum*, ed. Lucarini, 172: οὐ γὰρ ἐνὸς ἀνδρός ἴδιον κτῆμα ἢ ἀρχή, ἀλλὰ κοινὸν τοῦ Ῥωμαίων δήμου ἄνωθεν.

because through pronouncements and actions the emperors responded to most of the issues raised by the private commentators.

## Ideas Regarding Taxation

It is no surprise that the absolute right of the emperor, as the superior of the fisc (*dēmosios*), to tax is never contested in our texts.<sup>4</sup> Medieval Byzantium was a world where systematic and extensive taxation had been carried out without interruption since antiquity. The emperor's right to tax was obviously recognised by the principle whereby tax payment proved property rights over land, meaning that all land except public land was burdened by tax.<sup>5</sup> This consensus explains why texts justifying the need for taxation are rare. The clearest statement is included in a military treatise, probably dating from the ninth century, which opens with a discussion of the different groups of people constituting the polity, listed according to their occupation and utility. Among these groups is the *chrēmatikon* – that is, the people in charge of tax assessment and collection. According to the treatise,

the *chrēmatikon* has been instituted also for certain other matters of common profit, such as the construction of ships and walls, but above all for the expenses of the soldiers, since the greatest part of the annual public revenues is spent for this purpose.<sup>6</sup>

As we shall see below, the texts of our period insist on the importance of using public resources for the defence of the land. The emperor's guardianship (*kēdemonia*) mentioned in the *Souda* lemma quoted above should be understood in this light.

If the absolute right to tax was not questioned, what could be fairly demanded from the subjects was debatable. Indeed, on the basis of the

<sup>4</sup> The emperor is called the ruler (*kratōn*) of the fisc in the 996 novel of Basil II: *Les nouvelles des empereurs macédoniens*, ed. Svoronos, 212 (no. 14); cf. Kaldellis, *Byzantine Republic*, 45.

<sup>5</sup> *JGR* 4:148 (*Peira*, 37.1–2). Under Alexios I Komnenos tax was not only proof but also a condition of ownership (see below, p. 79).

<sup>6</sup> Syrianos, *Stratēgikon*, ed. Dennis, 12: Τὸ δὲ χρηματικὸν ἔστι μὲν ὅτε καὶ ἄλλων ἔνεκεν κοινωφελῶν πραγμάτων ἐπινενόηται, οἷον ναυπηγίας, τειχοποιίας, μάλιστα δὲ διὰ τὰ ἀναλώματα τῶν στρατιωτῶν. τῶν γὰρ κατ' ἔτος δημοσίων εἰσόδων ἐνταῦθα τὰ πλεῖστα καταναλίσκεται. On the officials constituting the *chrēmatikon*, *ibid.* 14, 16. On the date of the *Stratēgikon*, see Rance, 'The Date'; for an analysis of its pre-amble, see Kaldellis, *Byzantine Republic*, 15–17.

*Souda* lemma, which condemns the violent collection of (obviously excessive) taxes, one may argue that it was considered the people's right to contest unreasonable requests. Essentially the same notion is found in the admonitory work of Kekaumenos. Kekaumenos counsels future emperors not to beggar their people because 'they will hate you, or rather rise up in revolt against you; for you are not dealing with animals, but with rational men, who calculate and consider whether they are being treated well or badly.'<sup>7</sup>

The increased demands imposed on taxpayers are sometimes denounced by our authors without any further explanation. High, new or 'unusual' taxes were seen as simply reproachable. The Byzantine vocabulary is a good indication of popular opinion. The nouns *epēreia* (abuse) and *zēmia* (damage, fine) and the correlative verbs *epēreazō* and *zēmioō* probably first became common in the vernacular to denote additional or extraordinary fiscal demands. In spite of their negative and subversive character, these terms ended up being adopted by the official language of the medieval empire.<sup>8</sup> Many writers in our period condemn new and allegedly unusual taxes. Kekaumenos advises emperors to avoid frequent tax increases and strange (*xenos*) and unprecedented (*kainophanēs*) demands.<sup>9</sup> John, patriarch of Antioch, criticises Alexios I Komnenos (1081–1118) precisely for this in the speech he addressed to him, most likely in 1091.<sup>10</sup> According to Niketas Choniates, the contemporaries of Manuel I Komnenos (1143–80) accused the emperor of plundering his subjects through extraordinary (*asynētheis*) taxes and censuses.<sup>11</sup>

Nevertheless, our texts also evaluate taxation by referring to certain moral and practical values, in particular greed, justice, the subjects' prosperity and the empire's political and economic welfare. Several authors attribute the increased demands to the greed of emperors or their counsellors, a vice that typically also led them to commit injustice. According to John Skylitzes, it was out of greediness (*aplēstia*) that John Orphanotrophos, effective ruler under Michael IV (1034–41), commuted into cash the Bulgarians' dues, thus engen-

<sup>7</sup> Kekaumenos, *Consilia et Narrationes*, ed. Roueché, 98.

<sup>8</sup> On these and other negatively charged terms referring to fiscal demands, see Oikonomides, *Fiscalité*, 85.

<sup>9</sup> Kekaumenos, *Consilia et Narrationes*, ed. Roueché, 98. On Kekaumenos' views regarding taxation, see Lemerle, *Prolégomènes*, 90–3.

<sup>10</sup> John Oxite, *Diatribes*, 31: τὰ καινὰ τῶν δασμῶν τε καὶ δασμολόγων καὶ πράγματα καὶ ὀνόματα; 33: ξένα εισφοραί. John Zonaras, *Epitome*, ed. Pinder, 737–8, also criticised Alexios I for his 'abominable ways of money collection', which included new types of demands.

<sup>11</sup> Niketas Choniates, *History*, ed. van Dieten, 203.

dering a revolt in 1040.<sup>12</sup> The *History* of Michael Attaleiates criticises Constantine X Doukas (1059–68) for his compulsive quest to increase public wealth through higher taxes and unfair means.<sup>13</sup> In 1187 Michael Choniates, metropolitan of Athens, addressed an encomium to Isaac II Angelos (1185–95) in which he praised the emperor for instituting a polity contemptuous of money (*aphilochrēmatos politeia*) and for censuring the tax officials' greed (*pleonexia*).<sup>14</sup> Nevertheless, Niketas Choniates, brother of Michael, condemned both Isaac II and Alexios III Angelos (1195–1203) for their obsessive love of money (*philochrēmattia*), something which led them to plunder the cities, invent new taxes and commit injustice.<sup>15</sup>

The value most frequently cited by our authors with regard to taxation is indeed justice, often together with the value of care for the subjects.<sup>16</sup> For most Byzantines, justice really meant fiscal justice.<sup>17</sup> Few emperors or their associates and officials escape criticism for unjust taxation. What constitutes unjust demands or exactions is not always specified. It is clear, however, that the term injustice had a broad meaning that might describe a number of undesired experiences on the part of taxpayers: demands beyond one's means as well as increased or unusual taxation; illegal and abusive exactions; and unequal treatment. There was significant overlap between these experiences, as illegal and abusive demands increased the burden on taxpayers significantly. Moreover, especially during times of financial strain, the higher or new taxes imposed by the emperors tended to combine with unfair judgements and increased administrative abuses.

Unbearable or disastrous taxation is a complaint frequently related to injustice. The 'contributions beyond the people's means' are condemned by John of Antioch in his speech denouncing Alexios I Komnenos' unjust fiscal measures.<sup>18</sup> Another prelate, Nicholas Mouzalon, archbishop of Cyprus at the beginning of the twelfth century, left his see in protest against the

<sup>12</sup> John Skylitzes, *Synopsis*, ed. Thurn, 411–12; on this event, see also Cheynet, *Pouvoir*, 50–1 and Oikonomides, *Fiscalité*, 143.

<sup>13</sup> Michael Attaleiates, *History*, ed. Tsolakes, 60–1; on this passage, cf. Krallis, *Michael Attaleiates*, 124–5.

<sup>14</sup> Michael Choniates, *Tà σωζόμενα*, ed. Lampros, 1:253–4.

<sup>15</sup> Niketas Choniates, *History*, ed. van Dieten, 537–8.

<sup>16</sup> Justice and care for the subjects had been two of the cardinal virtues of the ruler since antiquity: Kazhdan, 'The Social Views', 24–7.

<sup>17</sup> On the close connection between justice and taxation, see Laiou, 'Law, Justice' and Magdalino, 'Justice and Finance'.

<sup>18</sup> John Oxite, *Diatribes*, 33: ὑπὲρ τὴν σφετέραν δύναμιν; cf. Kekaumenos, *Consilia et Narrationes*, ed. Roueché, 98, who believed the provinces should be taxed according to their wealth: κατὰ τὴν δύναμιν αὐτῶν.

injustices committed on the island by fiscal agents and the governor. In his letter of resignation, which was composed in verse and apparently addressed to the holy synod, Nicholas mentions the suffering of the poor at the hands of greedy tax officials who demanded, in taxes and gifts, more than the people possessed, thus condemning them to starvation. According to the archbishop, the earth produced everything, but all of it and more was taken.<sup>19</sup> Zonaras states that emperors of his day behaved towards their subjects not like shepherds towards their sheep, taking some of the wool and milk, but like thieves, ‘slaughtering the sheep and devouring their flesh, or even sucking the marrow from their bones.’<sup>20</sup>

The intensification of taxation was not only undesirable; it was also considered unjust. Attaleiates is especially critical of Nikephoritzes, the financial minister of Michael VII Doukas (1071–8), for his creation of an official grain market (the *phoundax*) at Raidestos, an institution aimed at the more efficient taxation of the sale of grain but which apparently caused the price of the commodity to skyrocket. Attaleiates thought that the taxation of previously untaxed exchanges was unjust and motivated by greed and envy of the abundance of grain.<sup>21</sup>

As one would expect, the abusive or illegal practices of the emperor or imperial officials were also deemed unjust. According to Attaleiates, the unfair means Constantine X Doukas used in order to increase public revenue included unreasonable accusations, illegal judgements and demands for money not owed to the fisc.<sup>22</sup> Most complaints in fact concern imperial officials – tax collectors, assessors and judges – as well as other individuals invested with power. Kekaumenos advises emperors to visit the provinces in order to correct the tax collectors’ injustices.<sup>23</sup> The abusive or illegal actions of fiscal agents and other officials is a recurring theme in the letters of Theophylact, archbishop of Ohrid in the late eleventh and early twelfth century, and in those of Michael Choniates of Athens.<sup>24</sup> Both prelates

<sup>19</sup> Nikolaos Mouzalon, *Resignation*, ed. Doanidou, esp. 136–7.

<sup>20</sup> John Zonaras, *Epitome*, ed. Pinder, 15; on the idea of the emperor as shepherd to his people: Hunger, *Prooimion*, 100–2.

<sup>21</sup> Michael Attaleiates, *History*, ed. Tsolakes, 155–7.

<sup>22</sup> See n. 13 above. The historian accuses Nikephoritzes of similar practices: Attaleiates, *History*, ed. Tsolakes, 141. On Attaleiates’ concern with legality, see n. 96 below. John of Antioch also refers to the unlawfulness (*ekthesmos*, *athesmos*, *paralogos*) of Alexios I’s fiscality: John Oxite, *Diatribes*, 39, 43, 49.

<sup>23</sup> Kekaumenos, *Consilia et Narrationes*, ed. Roueché, 103.

<sup>24</sup> See e.g. Theophylact of Ohrid, *Letters*, ed. Gautier, letters 19, 45, 79; Michael Choniates, *Epistulae*, ed. Kolovou, letters 58, 60, 65; *Hypomnēstikon*, ed. Stadtmüller, 283–5. Imperial officials’ abuses are also denounced by John of Antioch: John Oxite: *Diatribes*, 31.

wrote to powerful people of their time to protest the injustices committed against their churches and the city of Athens. Most commonly, officials are accused of ignoring the privileges awarded to the sees or to the city, but also of demanding undue taxes or rents. Commenting on the demand of dues from men of his Church who did not exploit any fiscal land, Theophylact exclaims 'Not even the emperor can do this!'<sup>25</sup> Apart from fiscal rules, the archbishop also invoked the legal framework, claiming that the tax agents conceived of the divine laws and imperial orders as spider webs that caught the flies (i.e. the poor) but were torn by the wasps (i.e. the powerful), the latter being a group from which his Church is somewhat surprisingly excluded.<sup>26</sup> Michael Choniates is particularly concerned with the respect of the laws in the speech he addressed in 1183 to Demetrios Drimys, the judge of Hellas, newly appointed by Andronikos I Komnenos (1183–5), an emperor praised for his emphasis on justice. The metropolitan contrasts Andronikos I's regime to the previous one, in which injustice and the greed of tax collectors and other officials were rampant. Along with the general notion of justice (*dikaiosynē*), Michael Choniates frequently invokes the law (*nomos*) as well as court decisions or courts of justice (*dikē, bēmata*), highlighting the legal training of Drimys, whom he likens to Tribonian. Thanks to Andronikos I and Drimys, it was expected that cities would again enjoy lawful government (*ennomos politeia*) and *eunomia*, which, in this context, may be rendered as 'the rule of law'. Michael Choniates salutes the abolition of the practice of confiscating the property of the deceased, a shift which, apart from ending an injustice towards orphans and widows, also allowed the dying to pass their property to the inheritors as provided by the laws. For the metropolitan, the prior practice was an unlawful restriction on the right of bequest.<sup>27</sup>

Our authors occasionally expound upon their preoccupation with justice. Both Attaleiates and John of Antioch, writing during periods of frequent military reversals, claim that tax injustices provoked the wrath of God, who then punished the empire for its impiety. While discussing the reign of Michael VII Doukas, Attaleiates pauses to consider the reasons for

<sup>25</sup> Theophylact of Ohrid, *Letters*, ed. Gautier, 489–91 (letter 96).

<sup>26</sup> *Ibid.* 419 (letter 79).

<sup>27</sup> Michael Choniates, *Tà σωζόμενα*, ed. Lampros, 1:157–79, esp. 161–3, 173–9. The *eunomia* in cities was also invoked by Isaac II (see below n. 54); cf. Laiou, 'Law, Justice', 176, on *eunomia* in Attaleiates. Niketas Choniates presents an image of Andronikos I not far removed from his brother's: the emperor is credited with selecting administrators based on merit and for curbing, through fear, the greed of tax collectors and imperial officials; see n. 48 below.

the empire's recent string of defeats, ascribing them to the emperors' impious quest for profit and unjust taxation, which infected all people, leading them to plunder their fellow citizens.<sup>28</sup> John of Antioch's speech to Alexios I Komnenos, which was concerned, as already noted, with injustice, questions the lack of revenue invoked by the emperor – there appeared to be no lack of funds for his relatives – challenging the notion that the empire's defeats were a matter of resources. According to John, behind the defeats was God's wrath at the emperor's unrighteous and un-Christian acts. Divine help would come if Alexios abandoned unjust taxation, appointed just governors and judges and restored illegally confiscated properties.<sup>29</sup> Niketas Choniates seems to adopt a more secular approach. While John of Antioch considers unfair taxation an absolute evil, Choniates notes that the intense and oppressive taxation of Manuel I and his predecessors had filled the treasury.<sup>30</sup> Moreover, as we shall see below, Choniates relates justice in taxation not to piety but to the subjects' prosperity.

Equality in taxation is relatively rarely mentioned by our authors.<sup>31</sup> What we encounter are complaints of unequal treatment in comparison to other taxpayers. Theophylact of Ohrid protests in a letter that the clerics of his Church paid much more for their mills and fishponds than laymen did. Nevertheless, Theophylact was not a proponent of equality. In another letter, he invokes the special status of clerics, requesting that they be exempted from certain dues; priests, he maintains, should not be treated like the 'common people.'<sup>32</sup> About a century later, Michael Choniates wrote repeatedly to complain that the *epēreiai* imposed on Athens were more numerous and onerous than those levied in neighbouring cities, which was an injustice.<sup>33</sup>

The most commonly invoked victims of tax injustice are the poor. Almost all of our authors mention them. According to Kekaumenos, the poor (*ptōchoi*, *penētes*) require the emperors to protect them against tax

<sup>28</sup> Michael Attaleiates, *History*, ed. Tsolakes, 149–52; cf. 163. On this passage, see Tinnefeld, *Kategorien*, 138; Magdalino, 'Aspects', 332; Kaldellis, *Byzantine Republic*, 49–50.

<sup>29</sup> John Oxite, *Diatribes*, 31–5, 41–3; cf. 49, 55.

<sup>30</sup> Niketas Choniates, *History*, ed. van Dieten, 230.

<sup>31</sup> Kekaumenos' advice that taxes should correspond to wealth is not a reference to equality but an appeal against oppressive taxation: see above n. 18.

<sup>32</sup> Theophylact of Ohrid, *Letters*, ed. Gautier, 489 (letter 96), 195 (letter 19).

<sup>33</sup> Michael Choniates, *Hypomnēstikon*, ed. Stadtmüller, 283; *Epistulae*, ed. Kolovou, Letter 65; cf. letter 32.

officials' injustices.<sup>34</sup> Attaleiates mentions the 'many injustices and the groaning of the poor' through which the powerful relatives of Michael V (1041–2) amassed great wealth, a probable reference to gains from the sale of offices and tax contracts.<sup>35</sup> The protection of the poor, especially the peasants, is a frequent topic in the writings of prelates: Theophylact of Ohrid, Nicholas Mouzalon and Michael Choniates. The latter protests that an exemption awarded to the Athenians had not been implemented properly and had benefited only the powerful, not those who needed the most compassion.<sup>36</sup> For Michael Choniates, the poor ought to be protected not only from the fisc but also from the wealthy. In 1183, he declared that the arbitrary power of the wealthy (*hē tōn ploutontōn oligarchia*) had devoured what the greedy tax collectors had not taken from the cities. In the petition he addressed to Alexios III Angelos around 1198, the metropolitan also asked the emperor to confirm earlier decrees forbidding the city's powerful (*kastrēnoi*) from taking possession of peasant lands.<sup>37</sup> Although the concern that the poor were oppressed by the rich is expressed in texts throughout this period, Michael Choniates appears particularly invested in the issue.<sup>38</sup> Other classes are also singled out but less frequently. John of Antioch is notable in that, apart from the poor, he mentions a number of other categories of people that fell victim to Alexios I Komnenos' fiscal measures. Having noted the plundering of the churches, John also states that the rich were impoverished, while the poor, manual workers, farmers, tradesmen and craftsmen were forced to pay more than they could afford. As a result, John contends, some of the unjustly taxed died prematurely from hunger, while others emigrated, with many joining the 'Christian-killing barbarians' with whom life was more bearable than with the Byzantines.<sup>39</sup>

As noted, the political and material interests of the empire were among the values used in assessing taxation. We have already seen that injustice as a trigger of God's wrath was connected to the well-being of the empire. Our texts also mention more tangible dangers arising from high or abusive

<sup>34</sup> Kekaumenos, *Consilia et Narrationes*, ed. Roueché, 103.

<sup>35</sup> Michael Attaleiates, *History*, ed. Tsolakes, 12.

<sup>36</sup> Michael Choniates, *Epistulae*, ed. Kolovou, letter 32.

<sup>37</sup> Michael Choniates, *Τὰ σωζόμενα*, ed. Lampros, 1:174; *Hypomnēstikon*, ed. Stadtmüller, 286.

<sup>38</sup> The notion that lords overburden their *paroikoi* appears in several monastic foundation charters (*typika*): Michael Attaleiates, *Diataxis*, ed. Gautier, 77; Pakourianos, *Typikon*, ed. Gautier, 35; *Kosmosoteira Typikon*, ed. Petit, 56, 58–9.

<sup>39</sup> John Oxite, *Diatribes*, 33.

taxation. One can distinguish two main concerns. The first is that excessive taxation may push people to revolt or alienate them from the empire; the second, that high taxes actually had a negative impact on state finances. Kekaumenos warns that new or increased taxes may lead to rebellions, in particular in provinces inhabited by non-Romans.<sup>40</sup> Indeed, as we saw, Skylitzes states that people joined the Bulgarian revolt of 1040 on account of undesirable taxation.<sup>41</sup> Similarly, Niketas Choniates attributes the late twelfth-century Vlach-Bulgarian uprising to an extraordinary demand imposed by Isaac II Angelos.<sup>42</sup> Over-taxation could also push the empire's subjects into the ranks of the enemy, as John of Antioch asserted took place as a result of the exactions of Alexios I Komnenos.

The second fear put forward by our authors regarded the effect excessive taxation and abusive practices had on state finances. The claim was that the flight of overburdened taxpayers from the territory meant a loss of revenue. The notion that fiscal revenues depended on settlement had a long history. It is one of the main arguments in the novel of Romanos I Lekapenos (920–44), which prohibits the acquisition of peasant lands by the powerful.<sup>43</sup> One finds an allusion to the demographic aspect of over-taxation in John of Antioch's speech to Alexios I in which the subjects' early death or flight appears next to their joining Byzantium's enemies. Here, leading the people to starvation and emigration is not simply an injustice but a detriment to the empire, depriving it of manpower and taxes.<sup>44</sup> This idea, however, appears most clearly and forcefully in Michael and Niketas Choniates. In the petition he addressed to Alexios III Angelos, Michael Choniates repeated his frequent complaint that Athens was abandoned by its inhabitants and turned into a desert because of the heavy *epēreiai* and the abuses of imperial officials. The metropolitan then noted the effect on the fisc as the tax base was reduced by emigration. Michael Choniates raised this issue again later in the petition in requesting that peasant lands be protected from the acquisitions of the city's *kastrēnoi*. According to the metropolitan, these acquisitions led to the extinction of the tax-paying village, something detrimental to the fisc.<sup>45</sup> In the same petition as well as in a letter, Michael Choniates raised another issue in asking for protection from various demands, namely that the fisc

<sup>40</sup> Kekaumenos, *Consilia et Narrationes*, ed. Roueché, 98, 70.

<sup>41</sup> See above n. 12.

<sup>42</sup> Niketas Choniates, *History*, ed. van Dieten, 368.

<sup>43</sup> *Les nouvelles des empereurs macédoniens*, ed. Svoronos, 85 (no. 3, a. 934).

<sup>44</sup> See n. 39 above.

<sup>45</sup> Michael Choniates, *Hypomnēstikon*, ed. Stadtmüller, 283–6.

gained nothing from the officials' exactions.<sup>46</sup> That injustice threatened the tax base is noted by the metropolitan in one of his earlier letters, written in the reign of Andronikos I Komnenos. Here he contended that Constantinople, to which money and resources came from all over the empire, did not provide justice to the provinces. Michael Choniates warned that insecurity and injustice would cut the flow feeding the capital.<sup>47</sup>

The same concepts appear in Niketas Choniates. For Niketas, Manuel I Komnenos' greatest contribution to the common good was the fortification of Neokastra, since it boosted the region's settlement and prosperity and thus its contributions to the treasury. The historian also praises Andronikos I for curbing greedy tax collectors and officials and for ensuring that judgements were fair, measures that allowed the population of the provinces and cities to grow and led to an increase in productivity and cheaper prices.<sup>48</sup> Niketas Choniates describes in relative detail a case in which Turks settled Byzantine captives within their territory during the reign of Alexios III Angelos. As Turkish taxation was bearable and 'philanthropic', unlike Byzantine demands, the resettled captives chose to stay, and some of their compatriots from the empire even decided to join them.<sup>49</sup>

After this overview of what I would call private opinions, we turn now to the imperial side. Although not contested in principle, taxation could be opposed in practice. The rulers had access to redoubtable means of coercion, including military violence and administrative and legal measures. Kekaumenos advises emperors not to neglect their army, because 'if there is no army, not even the treasury stands firm, but absolutely anyone who wants to will oppose you.'<sup>50</sup> This is not the place to discuss the practical aspects of coercion in taxation. We can note, however, certain examples suggesting imperial officials frequently called upon the threat of punishment for contesting taxation, even towards exalted individuals. Opposing taxation was opposing the emperor. Theophylact of Ohrid mentions repeatedly being denounced to Alexios I by tax officials, in particular for

<sup>46</sup> Michael Choniates, *Epistulae*, ed. Kolovou, letter 65; *Hypomnēstikon*, ed. Stadtmüller, 285.

<sup>47</sup> Michael Choniates, *Epistulae*, ed. Kolovou, letter 50.

<sup>48</sup> Niketas Choniates, *History*, ed. van Dielen, 150, 325–6, 330–1.

<sup>49</sup> Niketas Choniates, *History*, ed. van Dielen, 494–5. The demographic concern is also pronounced in the funerary speech written for Manuel I by Eustathios of Thessaloniki; the archbishop extolls at length the settlement of foreign soldiers in the empire because it led to an increase of the cities' population: *PG* 135:984–5.

<sup>50</sup> Kekaumenos, *Consilia et Narrationes*, ed. Roueché, 101; translation by Roueché.

tax evasion, something which demonstrated ingratitude towards the ruler. Nicholas Mouzalon of Cyprus reports that when he took actions which threatened to reduce fiscal revenues, he was accused of disloyalty towards the emperor.<sup>51</sup>

Although the fear of coercion and punishment was certainly in the mind of all taxpayers, emperors also relied upon persuasion. Through a variety of means, rulers emphasised their justice, especially in fiscal matters. The general argument was that the emperors were not greedy but just and concerned with their subjects' well-being and that their taxation aimed at fairness, in spite of practical difficulties and occasional unavoidable deviations. Apart from securing the taxpayers' acquiescence to fiscal demands, this argument also sought to buttress the emperor's legitimacy as a just ruler. Echoing the view of private observers, emperors related just taxation to their subjects' prosperity and unjust demands to poverty. Attaleiates quotes the proclamations Constantine X Doukas made upon his accession. The emperor promised he would be philanthropic and take care of all his subjects, and that people would prosper under his rule, as justice would reign and no one would suffer unjust deprivations.<sup>52</sup> It is likely that Michael and Niketas Choniates' praise of Andronikos I Komnenos for restoring justice and prosperity in the provinces reflects the official discourse of that emperor.<sup>53</sup> In his encomium to Isaac II Angelos, Michael Choniates praises the emperor's efforts to put an end to the abuses of tax officials, citing certain of his pronouncements. Isaac II quoted biblical precepts condemning the love of illegally acquired money and extolling justice. He also drew on Synesios' *Peri basileias* to declare that he was not a money-loving (*erasichrēmatos*) emperor, his greatest wealth being piety, and that cities enjoyed *eunomia* and were not victims of excessive taxation.<sup>54</sup>

The notion of equality was part of fiscal rules as well as imperial discourse. Tax assessment was largely based on the principle of proportionality. The most important commercial tax, the *kommerkion*, was a percentage duty, whereas the amount of tax demanded on land depended on its quantity and quality; the more land one owned, and the higher the quality of this, the greater the basic tax one paid. However, the surtaxes

<sup>51</sup> Theophylact of Ohrid, *Letters*, ed. Gautier, 489 (letter 96); Nikolaos Mouzalon, *Resignation*, ed. Doanidou, 127.

<sup>52</sup> Michael Attaleiates, *History*, ed. Tsolakes, 56.

<sup>53</sup> See n. 27 above.

<sup>54</sup> Michael Choniates, *Tὰ σωζόμενα*, ed. Lampros, 1:254; cf. Synesios of Cyrene, *Opuscula*, ed. Terzaghi, 54–5.

(*parakolouthēmata*) increased only up to a certain point, after which taxation became regressive.<sup>55</sup> This was not the main reason why Byzantine taxation was far removed from equality or justice. The salaries paid to imperial officials, especially before Alexios I Komnenos, and the substantial gains obtained thanks to contracts with the fisc and the sale of offices, went untaxed. Moreover, a portion of the wealthier individuals enjoyed some sort of tax exemption. The extent is unknown, but already by the tenth century it must have been significant.<sup>56</sup> In spite of the great disparities in the way Byzantines were taxed, equality remained a principle invoked and applied by emperors in the twelfth century in matters that went beyond the basic assessment of tax. In 1106, Alexios I issued a directive ordering that the same coin equivalence be used for the payment of the tax by peasants (*chōritai*) and great landowners (*prosōpa*); the latter profited from the numismatic confusion of the time, paying significantly less than peasant taxpayers.<sup>57</sup> The concern for equal treatment, this time of Constantinopolitans and provincials, can also be detected in Manuel I's law on court procedure of 1166, which, among other things, ordered the expedited adjudication of complaints regarding taxation brought to the imperial court by provincials so as to spare them the expenses of a prolonged stay away from home.<sup>58</sup>

There were also measures designed to alleviate the tax burden on peasants. The fisc in this period employed the technique of *sympatheia* (compassion) to temporarily exempt communities from the obligation of collectively assuming the taxes of vanished members of the same fiscal unit, so as not to cause all peasants to flee.<sup>59</sup> One notes the highly rhetorical tenor of the term used for this fiscal operation. According to Skylitzes, Basil II in fact transferred to the powerful (*dynatoi*) the obligation of paying the taxes of the vanished poor (*tapeinoi*).<sup>60</sup> Beyond general rules, there may also have been cases of exemptions aiming at assisting the less well-off

<sup>55</sup> Morrisson, 'La logarikhè', table on p. 463.

<sup>56</sup> This is the basic assumption of the Macedonian legislation restricting land acquisition by the powerful; see Oikonomides, 'The Social Structure', 105–8. The 996 novel of Basil II refers to numerous chrysobulls issued in the earlier part of his reign, which probably awarded privileges or donations: *Les nouvelles des empereurs macédoniens*, ed. Svoronos, 214 (no. 14).

<sup>57</sup> *JGR* 1:334–5.

<sup>58</sup> Manuel I Komnenos, *Four Novels*, ed. Macrides, 130.

<sup>59</sup> Oikonomides, 'The Role', 1004.

<sup>60</sup> John Skylitzes, *Synopsis*, ed. Thurn, 347; the rule was abolished by Romanos III Argyros (1028–34): *ibid.* 375; discussion in Lemerle, *Agrarian History*, 78–80.

taxpayers of certain cities, as seems to have been the case with the privilege awarded to the Athenians by Alexios II Komnenos (1180–2).<sup>61</sup>

In our period, in fact, emperor and fisc continue to play the role of protectors of the poor and regulators of social relations, as they did in the tenth century. The emperors presented themselves as lovers of the poor. As we shall see, the rulers made frequent distributions to the needy and founded charitable institutions, all highly public acts. The poor were awarded special legal and judicial protection in our period. The tenth-century legislation of the Macedonians which limited the acquisition of peasant lands, whose declared aim was to protect the poor (*penētes* or *ptōchoi*) from the powerful (*dynatoi*) as well as the interests of fisc, remained in force and was apparently applied through the end of our period. It appears, in fact, that Alexios I Komnenos, or one of his eleventh-century predecessors, issued a law that reiterated the restrictions of the Macedonians. This law no longer called peasants *penētes* and *ptōchoi* but used the equally rhetorical term *tapeinoi* (humble).<sup>62</sup> Alexios I stands out among the emperors in our period for his use of laws and judgements to protect the weak against the oppression of the powerful.<sup>63</sup> In 1095 he issued a law that, through the invocation of a rule apparently originating in the Macedonian legislation, limited the rights of slave owners (as *dynatoi*) to produce witnesses in cases initiated by slaves (called *tapeinoterōi*) reclaiming their freedom.<sup>64</sup> The letters of Theophylact of Ohrid reveal that the emperor personally heard the

<sup>61</sup> See n. 36 above.

<sup>62</sup> On the continued force of this legislation and *tapeinos*, see Magdalino, 'Deux précisions', 345–8. Michael Choniates' petition to Alexios III, which refers to decrees, probably of earlier emperors, forbidding the *kastrēnoi* of Athens from taking hold of peasant lands (n. 37 above), also suggests the restrictions were still valid; at the same time, the fact that orders had to be issued and the metropolitan felt the need to explain the significance of these acquisitions suggests that the application of the law was problematic.

<sup>63</sup> Cf. Magdalino, 'Justice and Finance', 109–10. Other emperors who afforded legal or judicial protection to the weak include Nikephoros III, said to have judged cases providing justice to orphans and widows (Michael Attaleiates, *History*, ed. Tsolakes, 239); Manuel I, who issued a *prostagma* in 1166 ordering the quick distribution of properties left to the poor by will (Manuel I Komnenos, *Four Novels*, ed. Macrides, 134–6); and Andronikos I, called a lover of the poor (*philopenēs*) and praised for his fair judgements of the weaker (Michael Choniates, *Tὰ σωζόμενα*, ed. Lampros, 1:174, 179; Niketas Choniates, *History*, ed. van Dieten, 330).

<sup>64</sup> *JGR* 1:344–5; cf. *Les nouvelles des empereurs macédoniens*, ed. Svoronos, 204, 194–5 (no. 14, a. 996), This may be the earliest dated reference to the law using the term *tapeinoi*, mentioned above (n. 62).

complaints of a Bulgarian *paroikos* against his landlord, the archbishop.<sup>65</sup> Alexios I also enjoined a landowner to whom he had awarded *paroikoi* to treat them well and not expel them from the estate.<sup>66</sup>

Emperors responded to complaints of abuse by officials by issuing orders or laws aimed at curbing these practices. At the beginning of the twelfth century, Alexios I issued an order clarifying tax collection issues in which he condemned the greed of the tax collectors and requested they surrender to the fisc what had been collected illegitimately. Referring to these abuses, a memorandum of the *genikos logothetēs* later spoke of a tax collection that had been ‘detrimental to the subjects.’<sup>67</sup> John II Komnenos (1118–43), Manuel I Komnenos and Isaac II Angelos forbade the over-taxation or plundering of Church properties at the death of the bishop.<sup>68</sup> We have already seen that both Andronikos I Komnenos and Isaac II were praised for their efforts to rein in unjust officials and for appointing worthy judges and governors. According to Niketas Choniates, Andronikos I personally judged cases of abuse by officials, severely punishing transgressors.<sup>69</sup> Almost all the emperors in our period are said to have practised personal justice, often hearing fiscal cases. Some emperors emphasised their readiness to hear from those with complaints or requests, notably Alexios I Komnenos. Zonaras reports that in a given summer he set certain days during which he would sit in an open field receiving and answering the petitions of anyone with a request.<sup>70</sup> A remarkable innovation was the creation of a court, apparently in the reign of Alexios I, dealing exclusively with fiscal cases. We see it in action once, in 1196, when it actually found in favour of the monastery of Lavra, a powerful taxpayer, and against a bureau of the fisc, then headed by some of the most influential

<sup>65</sup> Theophylact of Ohrid, *Letters*, ed. Gautier, 487 (letter 96); cf. 503 (letter 98). The speech the imperial official Manuel Straboromanos addressed to Alexios I stresses particularly the emperor’s judgement of cases involving orphans and widows and his care of the lepers. It also mentions a case that looks remarkably similar to that of Theophylact’s *paroikos*: a poor peasant who did not speak proper Greek interrupted a meeting of the emperor obtaining from him a hearing and a favourable response: Manuel Straboromanos, *Dossier*, ed. Gautier, 183.

<sup>66</sup> *Actes de Lavra I*, ed. Lemerle et al., 258 (no. 48, a. 1086).

<sup>67</sup> *JGR* 1:336.

<sup>68</sup> Isaac Angelos, *Decree*.

<sup>69</sup> See nn. 27, 48, 54 above.

<sup>70</sup> John Zonaras, *Epitome*, ed. Pinder, 753. The accessibility of Alexios I is confirmed by the case of the *paroikos* of Theophylact (see n. 65 above).

individuals of the time. This was a moment of actual fiscal justice against official abuse.<sup>71</sup>

Unlike regular taxes, emperors were sometimes obliged to justify – and once, at the end of the twelfth century, to negotiate – significant increases or extraordinary demands. In the time of Attaleiates, a period of severe military and financial challenges, emperors apparently cited the fiscal benefit in order to explain their increased demands.<sup>72</sup> In order to justify his heavy taxation and confiscations, Alexios I Komnenos invoked his empty treasury and the army's pressing needs, saying that these prevented him from verifying whether the measures were just or not.<sup>73</sup> Facing the need to pay a substantial sum to the German ruler, Alexios III Angelos was the first emperor to convoke a council of Constantinopolitan citizens, composed of aristocrats, clergy, craftsmen and tradesmen, in order to ask them for a voluntary contribution.<sup>74</sup>

### Ideas Regarding the Confiscation of Property

We possess a remarkable amount of argumentation put forward by the imperial side in an effort to justify confiscation. Whereas the expropriation of specific individuals or institutions, in accordance with established fiscal rules or for crimes against the emperor, was a regular practice, larger-scale confiscation remained extraordinary and contested, hence the wealth of imperial statements regarding the matter. Emperors often appealed to the common good, whose value was superior to everything else, including laws and private rights.<sup>75</sup> The common interest was invoked in cases where it was perceived to be imperilled by financial difficulties and military emergencies. Michael Psellos' account of the measures of Isaac I Komnenos, which included the confiscation of lay and monastic properties, is preceded by an excursus on the profligacy of the predecessors of Isaac I, who are accused of undermining state finances.<sup>76</sup> It is likely that Psellos is here echoing the

<sup>71</sup> *Actes de Lavra I*, ed. Lemerle et al., 349–54, 355–8 (nos 67, 68); Magdalino, 'Justice and Finance', 106–15.

<sup>72</sup> Michael Attaleiates, *History*, ed. Tsolakes, 151: προφάσει δημοσιακῆς ὠφελείας; cf. ibid. 211, on Michael VII mentioning financial difficulties.

<sup>73</sup> John Oxite, *Diatribes*, 41.

<sup>74</sup> Niketas Choniates, *History*, ed. van Dieten, 478; cf. Kyritses, 'Political and Constitutional Crisis', 106.

<sup>75</sup> Cf. Kaldellis, *Byzantine Republic*, 70–82.

<sup>76</sup> Michael Psellos, *Chronographia*, ed. Reinsch, 231–7.

official discourse that sought to delegitimise the policies of earlier emperors. Indeed, according to the same historian, Isaac I seized the properties his predecessors had donated to various laymen by invalidating the relevant imperial acts.<sup>77</sup> With regard to the seizure of monastic estates, Psellos offers the terse statement that ‘to those who wanted to dispute this action, the fisc was a sufficient defence.’<sup>78</sup> This could mean one of two things. Either Isaac I invoked the acute needs of the fisc or he referred to a fiscal rule allowing him to expropriate – a practice, as we will see, well attested in the period. Finally, as already noted, Alexios I Komnenos also attributed his unjust taxation and confiscations to a lack of resources and a military emergency.<sup>79</sup>

Emperors also confiscated without reference to an emergency by appealing to the simple promotion of the common good. Several rulers, beginning with Alexios I, seized private properties in order to create or expand the quarters of westerners in Constantinople.<sup>80</sup> In 1082 Alexios I confiscated properties to provide a quarter to Venice. In the chrysobull he issued to this effect, he stated that no one should turn against the Venetians, who were his loyal servants and were offering valuable services to the empire.<sup>81</sup> Although in 1082 Byzantium was in the middle of a military crisis, Alexios I was content to invoke the Venetians’ contribution to the common good. The same argument was used in 1192, when Isaac II Angelos awarded real estate to Genoa. In the chrysobull addressed to that city, the emperor confirmed its newly acquired rights over the properties by stating that he had seized them ‘by virtue of the lawful power entrusted to him . . . and because he donated these to Genoa for the advantage and benefit of Romania.’ The emperor claimed to have the authority to disregard private property rights in order to promote the interests of the polity. As we shall see, however, Isaac offered additional arguments in relation to the confiscations he carried out in 1192.

<sup>77</sup> According to Michael Psellos, *Chronographia*, ed. Reinsch, 236, Isaac annulled all such donations made by his predecessor, Michael VI (1056–7), as well as donations made by earlier emperors. Attaleiates, *History*, ed. Tsolakes 48–9, who also discusses Isaac I’s measures, does not indicate that the properties were imperial donations, simply that they were included in chrysobulls issued to the owners.

<sup>78</sup> Michael Psellos, *Chronographia*, ed. Reinsch, 236: Απολογία γὰρ αὐτάρκης τοῖς διαβάλλειν ἐθέλουσι τὴν πράξιν, ὁ δημόσιος καθειστήκει.

<sup>79</sup> See n. 73 above.

<sup>80</sup> On these confiscations see Smyrlis, ‘Private Property’.

<sup>81</sup> *Trattati con Bisanzio*, ed. Pozza and Ravegnani, 42–3 (no. 2), and Smyrlis, ‘Private Property’, 117–19. It seems that the expropriated owners were not compensated: *ibid.* 127.

Another common way in which emperors sought to legitimise confiscation was by presenting their measures as conforming to law or precedent. Legal pretexts were used a few times by emperors in the late eleventh century and later in order to justify expropriations. According to Attaleiates, Michael VII Doukas seized the wharfs (*skalai*) on the coasts of Constantinople and its suburbs, which belonged to ecclesiastical and welfare institutions and other private owners. To do this, Michael VII used what the historian calls 'obsolete and aged pretexts', a likely reference to novels of Justinian I regarding the seashore, which the emperor liberally interpreted to suit his purposes.<sup>82</sup> Soon after Alexios I Komnenos' accession to the throne, Church treasures in the capital were seized. Apart from invoking the empire's pressing defence needs, the emperor's brother argued, in front of a large assembly of ecclesiastics, that the appropriation was consistent with canon and civil law, which permitted the alienation of Church silver in order to ransom captives. Later, Alexios I apparently also referred to precedents set by Pericles and King David on the use of sacred possessions. Nevertheless, less than a year later, in August 1082, because of the fierce reaction of the Church, Alexios I issued a law by which he asked forgiveness for what 'he had done against his will', promised restitution and bound himself and all future emperors to strict respect of Church property. The emperor acknowledged that the secularisation had angered God, in spite of the fact that he had acted under pressure and only after the imperial treasury had been emptied.<sup>83</sup> Alexios I was more confident when in 1089 and later he confiscated ecclesiastical and lay properties throughout the empire on a scale that made previous expropriations pale in comparison. This measure was presented as the application of a fiscal rule (the *epibolē*) stipulating that landowners forfeit to the fisc properties exceeding the amount of holdings implied by the tax they paid. It seems, however, that this arguably oppressive rule was an altered version of an existing principle that Alexios I manipulated in order to confiscate on a vast scale.<sup>84</sup>

The use of legal arguments continued in the twelfth century. In 1158, Manuel I Komnenos issued a chrysobull invalidating all the acts he himself had issued which went against the law. This was clearly a means of nullifying grants and privileges he had conceded in the earlier part of his

<sup>82</sup> Michael Attaleiates, *History*, ed. Tsolakēs, 213–14. On the identification of the 'pretexts' with Justinian's novels, see Triantaphyllopoulos, 'Novelle', 314–18.

<sup>83</sup> Glabinas, *Ἐπις*, 51–98; Alexios I's law: *JGR* 1:302–4. In spite of his promise, Alexios I was soon forced to once again confiscate Church silver: Glabinas, *Ἐπις*, 133–8.

<sup>84</sup> Smyrliis, 'Fiscal Revolution', 594–601.

reign, especially to powerful individuals and institutions, and probably led to confiscations.<sup>85</sup> New elements appear in official statements regarding confiscation in the late twelfth century. The two chrysobulls of 1192, by which Isaac II Angelos awarded properties to the Pisans and the Genoese, contain a clause forbidding the dispossessed owners to turn against the Italians, asking them instead to seek compensation through a lawsuit against the fisc. In the event they are not compensated, the owners are told they have no recourse, since the emperor has 'the right by law to knowingly donate belongings of third parties'. This refers to a fifth-century law which did not, however, authorise the emperor to confiscate and donate properties or allow the fisc to refuse compensation.<sup>86</sup> Here the emperor abuses an existing law in order to legitimise his action. However, and this is new, the invocation of this law also officially recognised the right of all owners to compensation. This is certainly significant, especially when related to contemporary events. We have seen that Isaac II's successor, Alexios III Angelos, was the first emperor to have convoked a council of the capital's citizens in order to ask them to voluntarily offer a monetary contribution.<sup>87</sup> And it was in the reign of Alexios III that the attempted abusive confiscation of Kalomodios, a wealthy merchant of Constantinople, was thwarted by a revolt of the citizens.<sup>88</sup>

Additional arguments of a moral character were used in the case of the expropriation of monasteries and churches. The emperors presented their measures as restoring proper monastic or ecclesiastical order and as alleviating the suffering of the poor. In addition to his invocation of the fisc, Isaac I Komnenos circulated such arguments with regard to his expropriation of monasteries. Both Psellos and Attaleiates state that Isaac let the monasteries keep what was appropriate for foundations that ought not be rich, attaching the rest to the fisc. Attaleiates also mentions another idea that he attributes to those who 'judged matters carefully' as opposed to 'the more pious people', who only cursorily examined the act. While the latter considered Isaac I's confiscation of monastic lands illegal and sacrilegious, the former found it doubly useful, as it both freed the monks from improper

<sup>85</sup> Manuel I Komnenos, *Four Novels*, ed. Macrides, 168–72; Magdalino, *Empire*, 286.

<sup>86</sup> *Acta et diplomata*, 3:18; Sanguineti and Bertolotto (eds), *Nuova serie*, 420; discussion in Smyrlis, 'Private Property', 121–6. References to this law appear frequently in eleventh-century texts; see e.g. *JGR* 4:142–4 (*Peira*, 36.2, 4–5, 12); Michael Psellos, *Poemata*, ed. Westerink, *Poem* 8.221–3.

<sup>87</sup> See n. 74 above.

<sup>88</sup> Niketas Choniates, *History*, ed. van Dieten, 523–4.

concerns and brought relief to the peasant neighbours of monastic estates from whom the monks were oppressively acquiring lands. The arguments Psellos and Attaleiates mention in relation to this incident (assigning to the greedy monks what befitted their vocation and protecting the farmers) echo two prominent ideas of the Macedonian legislation. In fact, what Attaleiates says about those who carefully judged the imperial measure is notably similar to the epilogue of the novel of Nikephoros II Phokas (963–9) restricting land acquisition by the monks. This epilogue states that the sensible people who did not ‘examine matters superficially’ would find the novel doubly useful, both to the monks and to the commonwealth.<sup>89</sup> It is possible that the statements regarding Isaac I’s monastic expropriations reported by Attaleiates reflect his or his contemporaries’ opinions, which were in turn closely based on the Macedonian legislation. It seems more likely, however, that Attaleiates is reproducing – and espousing – Isaac I’s discourse, not only because the historian himself attributes one of these notions to the emperor but also because these arguments were so in line with imperial purposes. The argument that confiscation was actually good for the ecclesiastics continued being used after Isaac I. It may have circulated in relation to the expropriations carried out according to the *epibolē* principle under Alexios I Komnenos.<sup>90</sup> Moreover, a *prostagma* Manuel I Komnenos issued soon before 1163, which ordered that bishoprics ought to keep only those properties they rightfully held while losing the rest to the fisc, claimed that the measure aimed at providing ‘assistance and complete freedom to their bishops.’<sup>91</sup>

We also have at our disposal a significant number of reactions to the imperial measures. The individuals deprived of their properties by Isaac I Komnenos are said to have hated the emperor.<sup>92</sup> In the case of the attempted

<sup>89</sup> On the need to protect the properties of the poor (peasants) from the powerful and greedy, see, in particular, *Les nouvelles des empereurs macédoniens*, ed. Svoronos, 82–92 (no. 3, a. 934). The novel of Nikephoros II aimed at healing the monks from the disease of greed: *ibid.* 157–61 (no. 8, a. 963/4), esp. 157 and 161 (epilogue). It is usually assumed that these ideas came from Attaleiates; see e.g. Laiou, ‘Law, Justice,’ 177–8; Krallis, *Michael Attaleiates*, 104–5, 120–6.

<sup>90</sup> In a document of 1228 referring to these confiscations, it is stated that, during the reign of Alexios I, the metropolitan of Naupaktos chose to abandon many of his Church’s properties so as to enjoy the few remaining ones in peace, free from the trouble caused by fiscal demands: *Noctes Petropolitanae*, ed. Papadopoulos-Kerameus, 251.

<sup>91</sup> Mentioned in a document issued to the bishopric of Stagoi: *Acta Stagorum*, 21.17–22 (no. 1): χειραγωγήν καὶ καθόλου ἐλευθερίαν.

<sup>92</sup> Michael Psellos, *Chronographia*, ed. Reinsch, 236.

expropriation of Kalomodios, the people rose in revolt to protect a third person. Our authors often speak of injustice or, in the case of ecclesiastical property, of impiety and sacrilege. Attaleiates criticises Michael VII Doukas for confiscating the treasures of certain rich churches in Constantinople in his effort to counter simultaneous rebellions. This is deemed a great impiety, especially since, according to the historian, there was still cash in the imperial treasury.<sup>93</sup> Leo, metropolitan of Chalcedon, led the opposition to Alexios I Komnenos' seizing of Church treasures in the 1080s, which he condemned as sacrilege and even iconoclasm, invoking civil and canon law, biblical precedents, the Church Fathers and tradition.<sup>94</sup> As we already saw, John of Antioch censured Alexios I's taxation and confiscation as unjust and provocative of God's wrath. The people of Constantinople are said to have refuted as sacrilegious Alexios III Angelos' suggestion to melt down precious objects dedicated to churches. The same emperor's robbing of imperial tombs is considered a profanity by Niketas Choniates. The historian especially regrets the plundering of the churches in 1203. For Choniates, this was a flagrantly unlawful act that caused the empire's fall and made the Byzantines responsible for the great evils they suffered, since no one, not even he himself, had objected to this impiety.<sup>95</sup>

Attaleiates stands out among our authors in that he also condemns confiscation on the basis of legal arguments. He censures Michael VII's seizing of the wharfs on the capital's shores as a shameless deprivation of the proprietors from their rights upon the *skalai*, which were based upon 'ancestral customs and the imperial constitutions.' As we saw, the emperor's invocation of the law was deemed abusive.<sup>96</sup> Nevertheless, in contrast to John of Antioch, for whom nothing could justify unjust expropriation, Attaleiates is not absolutely opposed to confiscation. For Attaleiates, Michael VII Doukas' seizing of Church treasures was an impiety because there was still cash in the imperial treasury, implying that such expropriations could be legitimate in a true emergency. The historian is no doubt more representative of general views than is the prelate. The reactions to Alexios I Komnenos' secularisation of Church silver came essentially from the clergy, while in 1203 there was apparently no reaction.

<sup>93</sup> Michael Attaleiates, *History*, ed. Tzolakes, 199–200. It seems that Michael VII had invoked lack of funds (πρόσχημα τῆς ἀπορίας).

<sup>94</sup> Glabinas, *Ἐπις*, 65–71, 80–132, 161–93.

<sup>95</sup> Niketas Choniates, *History*, ed. van Dielen, 478–9, 551–2.

<sup>96</sup> See n. 82 above. On Attaleiates' emphasis on property rights and legality, see Tinnefeld, *Kategorien*, 136–7; Kazhdan, 'The Social Views', 41; Laiou, 'Law, Justice', 176–81, 183–4.

The neutral or approving accounts Psellos and Attaleiates give of Isaac I Komnenos' confiscation of lay and monastic properties is certainly related to their overall positive assessment of the emperor. Attaleiates, so fiercely opposed to the measures of Michael VII Doukas, does not seem particularly troubled by Isaac I's disregard of individual rights. The relative lack of sympathy for the laymen may also be attributed to the fact that they were likely a limited group of highly favoured individuals. With regard to the monasteries, another factor was present, namely, that general opinion was critical of the monks' wealth. Both authors more or less openly approved of the curtailing of monastic wealth by endorsing the claim that it freed the monks from improper concerns while, for Attaleiates, also benefiting the farmers. The condemnation of monastic greed continued to have currency in the twelfth century and beyond.<sup>97</sup>

### Ideas on the Use of Public Wealth

There is no shortage of views, imperial or private, on how public resources should be used. Although the greatest part of the official discourse at our disposal concerns imperial liberality, at times emperors also advocated austerity. This was certainly the case with Isaac I Komnenos. As noted, Psellos' and Attaleiates' accounts of this emperor's reforms, which apart from increasing public resources also involved spending cuts, seem to reflect the official discourse to a significant extent. Much later, in 1197, Alexios III Angelos explained his invalidation of all tax exemptions of boats by contending that the excessive concessions were damaging the fisc.<sup>98</sup> Savings were useful even in the absence of financial difficulties. While also counselling generosity, the poem Alexios I Komnenos addressed to his son John stresses especially the importance of maintaining a great treasure in case of a military emergency.<sup>99</sup>

Generosity was an imperial virtue underlining the majesty of the ruler as well as his care for his subjects through redistribution. Alexios I advises his son to give in abundance and receive in return an 'abundant flow' of gold.<sup>100</sup> Indeed, the movement of money entering and coming out of the

<sup>97</sup> See most notably Eustathios of Thessaloniki, *De emendanda vita monachica*, ed. Metzler. On Attaleiates' lack of concern about the laymen's rights in this case, see Laiou, 'Law, Justice', 177–8, *contra* Kazhdan, 'The Social Views', 33, 41, 43.

<sup>98</sup> *Βυζαντινὰ ἔγγραφα τῆς μονῆς Πάτμου. Α'*, ed. Branouse, 105 (no. 11).

<sup>99</sup> Alexios I Komnenos, *Muses*, 357–8.

<sup>100</sup> *Ibid.* 357.

treasury is likened to the flow of a river of gold in a variety of texts reflecting imperial rhetoric. The treasury itself is sometimes called a sea of gold fed by rivers from all over and from which other rivers run in order to water the subjects.<sup>101</sup> This image is related to the idea that as much as emperors might empty the treasury, it would always be filled up again.<sup>102</sup> The public spending of the emperors often served the purpose of underlining their piety and their concern for the people, especially the needy. The encomium of Michael Choniates for Isaac II Angelos emphasises the emperor's piety as a principle guiding his spending. The emperor emptied the treasury because he trusted in God, not in money or armies.<sup>103</sup> Many rulers founded or restored monasteries and churches or gave them donations. Probably all the bishoprics and important monasteries in the empire enjoyed some sort of tax exemption, and many were also awarded annual subsidies. The concessions to such institutions were often explained with reference to their needs, the emperor's love of the clergy or the monks and his duty or debt towards the divine, notions stressing the emperor's piety.<sup>104</sup> Charitable institutions were also founded and endowed in the capital. Two noteworthy cases are the Orphanotropheion, created by Alexios I Komnenos to provide shelter for the elderly and education for orphans or sons of indigents, and the hospital attached to the monastery of the Pantokrator, founded by John II Komnenos. Both foundations were very large and endowed with vast properties.<sup>105</sup> Emperors also made cash distributions to the needy, endowed poor virgins and offered compensation to fire victims.<sup>106</sup> Andronikos I Komnenos is

<sup>101</sup> Michael Psellos, *Chronographia*, ed. Reinsch, 108, 179, 189; Manuel Straboromanos, *Dossier*, ed. Gautier, 187; Eustathios of Thessaloniki, *Opera minora*, ed. Wirth, 147; Michael Choniates, *Epistulae*, ed. Kolovou, letter 50; *Tὰ σωζόμενα*, ed. Lampros, 1:23.

<sup>102</sup> Michael Attaleiates, *History*, ed. Tsolakes, 200–1; cf. Michael Psellos, *Orationes Forenses et Acta*, ed. Dennis, 156.2–6, 158.63–4.

<sup>103</sup> The encomium here probably reproduces Isaac II's discourse. It is interesting to note that Michael's brother, Niketas, states that Isaac II was firmly convinced that he enjoyed God's favour and that he did not, therefore, need to take the care of government very seriously: Niketas Choniates, *History*, ed. van Dieten, 423. The notion that divine help was more important than armies was not new in imperial discourse; see e.g. *Actes de Lavra I*, ed. Lemerle et al., 112–13 (no. 7, a. 978). This concept is also the main argument of John of Antioch's speech to Alexios I; see n. 29 above.

<sup>104</sup> E.g. *Βυζαντινὰ ἔγγραφα τῆς μονῆς Πάτμου. Α'*, ed. Branouse, 33–4, 44–7 (nos 4, 5, a. 1087).

<sup>105</sup> On the Orphanotropheion, see Magdalino, 'Innovations', 156–64; on the Pantokrator, see Smyrlis, *La fortune*, 70–2. Isaac II is also said to have created several public welfare establishments: Niketas Choniates, *History*, ed. van Dieten, 445.

<sup>106</sup> E.g. Niketas Choniates, *History*, ed. van Dieten, 324 (on Andronikos I), 445 (on Isaac II).

credited with a work of public utility, the restoration of an aqueduct provisioning the capital.<sup>107</sup> The practice of awarding tax privileges to entire cities is attested in the eleventh and twelfth centuries. We have no direct evidence of the arguments used to justify such grants, but they likely included the poverty of the citizens, as noted in the case of Athens, and the abuses of officials.<sup>108</sup>

Apart from the care for the needy and religious institutions, imperial rhetoric also commented on the attribution of public resources to reward loyalty and services to the empire. These concessions included the conferral of dignities to individuals and monetary donations, grants of land, revenues or privileges awarded to individuals, institutions or communities. Providing rewards for services to the empire was an ancient practice that continued in medieval Byzantium. How the imperial state understood this function is explained in a concession document of 1045 issued to Judge Byzantios of Bari. For the assistance Byzantios provided to Constantinople during the revolt of George Maniakes and a Norman attack, he was rewarded with a village and a tax exemption. The preamble of this document states that

It is fair that those who have a praiseworthy disposition, who display their loyalty and gratitude in a time of need, and who have shown right and sincere faith to the emperors should enjoy the appropriate favour and, in addition, receive great honours and benefactions.<sup>109</sup>

There are several other examples of such grants, where loyalty or outstanding services to the empire are mentioned by the emperor in order to justify the concessions. One of these grants, awarded in 1086 by chryso-bull to Leo Kephalas, defender of Larissa against the Normans, is notable for the fact that the preamble specifies that the concession was not a gift but repayment for his efforts and victories.<sup>110</sup> Exemplary civil service was

<sup>107</sup> Niketas Choniates, *History*, ed. van Dieten, 329.

<sup>108</sup> On the concession of tax privileges to cities, see Smyrlis, 'Wooing the Petty Elite', 658. Michael Choniates also refers to the concession of subsidies (*dēmosia sitēresia*) to cities by Andronikos I: Michael Choniates, *Tā σωζόμενα*, ed. Lampros, 1:178. On the poor benefiting from exemptions to cities, see n. 36 above. Towards 1198, the Athenians requested that the emperor award them a privilege protecting them from extraordinary demands and the abuses of officials: Michael Choniates, *Hypomnēstikon*, ed. Stadtmüller, 285–6.

<sup>109</sup> Eustathios Palatinos, *Sigillion*, ed. Lefort and Martin, 528.

<sup>110</sup> *Actes de Lavra I*, ed. Lemerle et al., 258 (no. 48).

also deemed worthy of reward. In 1075 and 1079, Michael Attaleiates was awarded a tax privilege in recognition of the loyalty and erudition that he had put to the service of the emperor in his capacity as judge.<sup>111</sup>

The justification of grants in the case of churches and monasteries sometimes bore remarkable similarities to that found in concessions to imperial servants. As already noted, in their grants to ecclesiastics, the emperors invoked their piety and the institutions' insufficient means. Along with these considerations, however, official documents also mention the monks' or the clergy's services to the empire, notably their praying for the emperor, the army and the Christian subjects, and their taking care of the spiritual needs of the people.<sup>112</sup> The services to the empire could also concern the material world, as in the case of the bishopric of Vodena, which Basil II deemed worthy of a special tax privilege for the support it had offered him during the war with Bulgaria.<sup>113</sup> In the case of the cities, too, it is likely that loyalty or services to the empire were on certain occasions mentioned in the imperial charters.<sup>114</sup>

There is a common higher justification in all types of imperial concessions, whether they emphasised the emperor's love of the divine or his concern for the empire's defence and his subjects' well-being: they were done for the common good. The emperor's piety and justice guaranteed proper order and prosperity while ensuring God's favour for the empire. The ruler's care for the military and civil apparatuses promoted security and good government. The fact that emperors often provide justification for their grants and that the reasons are always related to the common good implied that the ruler could not use the public wealth for anything else.

Private commentators are unanimous that public wealth was not the emperor's private property. As Paul Magdalino has observed, while historians of the eleventh century criticise emperors for misusing public wealth, in particular for personal purposes, there is a remarkable change of tone and a new emphasis on the distinction between public and private in the writings of authors who were active after the establishment of a family system of government by Alexios I Komnenos.<sup>115</sup> John of Antioch attacked Alexios

<sup>111</sup> Michael Attaleiates, *Diataxis*, ed. Gautier, 101–23.

<sup>112</sup> E.g. *Actes de Lavra I*, ed. Lemerle et al., 194 (no. 32, a. 1057); *JGR* 1:376 (a. 1148); cf. Alexios I Komnenos, *Muses*, 361–2.

<sup>113</sup> Basil II, *Decree*, 548; cf. Oikonomides, 'Tax Exemptions', 319.

<sup>114</sup> Cf. nn. 144, 145 below.

<sup>115</sup> Magdalino, 'Aspects'.

I for liberally conceding resources to his relatives.<sup>116</sup> Writing about half a century later, Zonaras provides a more developed condemnation of Alexios I. The founder of the Komnenian dynasty is accused of treating the empire and its wealth as his private property and of lavishing great wealth upon his relatives and associates. Alexios is censured for not deeming the rest of the aristocracy worthy of counsel or honour and for humiliating them. More importantly, in Zonaras the criticism regarding the use of public wealth becomes the basis of a more sweeping condemnation of the imperial system of his day as tyrannical. It was a tyranny because the rulers considered the common property as their own (*idia ta koina*), using it for their own enjoyment and granting public resources (*ta dēmosia*) to whomever they pleased, while imposing upon their subjects predatory taxation.<sup>117</sup> At the end of our period, Niketas Choniates wrote with unmistakable bitterness that emperors destroyed their prominent subjects, treating them as slaves so as to 'squander away in peace and have the public finances (*ta dēmosia*) all to themselves as a paternal inheritance to do with as they please'. For Choniates, emperors were not satisfied 'simply to rule, and wear gold, and treat common property (*ta koina*) as their own and free men as slaves', but also wanted to appear exceedingly wise, handsome and strong.<sup>118</sup>

Our authors frequently condemn imperial prodigality or misuse of public wealth, especially when they speak about the past with the benefit of hindsight. With the exceptions of Isaac I Komnenos and John II Komnenos, all emperors, from Constantine VIII to Alexios III, are accused of squandering public resources or spending them improperly. Psellos offers one of the most damning images of imperial prodigality, attributing the empire's decline to the wasteful policy of those who reigned between 1025 and 1057.<sup>119</sup> Niketas Choniates reserves an equally severe judgement for the two Angelos emperors, who are accused of extravagance and insouciance, attitudes that led to the capture of Constantinople by the crusaders in 1204.<sup>120</sup> There is an obvious parallel between Psellos and Niketas Choniates. Both highlighted the emperors' misuse of resources in their attempt to explain the collapse of imperial power that each of them experienced in their own time. The corrupt

<sup>116</sup> John Oxite, *Diatribes*, 41.

<sup>117</sup> John Zonaras, *Epitome*, ed. Pinder, 766 and 15; see Magdalino, 'Aspects', 330–1; Kaldellis, *Byzantine Republic*, 47.

<sup>118</sup> Niketas Choniates, *History*, ed. van Dieten, 143, 209; translation by Magdalino, 'Aspects', 327.

<sup>119</sup> Psellos, *Chronographia*, ed. Reinsch, 108–10, 231–5.

<sup>120</sup> See most recently Smyrlis, 'Sybaris', 159.

and purloining high-ranking officials and people close to the emperor are also castigated by our authors. Attaleiates details the ways by which Nikephoritzes enriched himself by appropriating public wealth, selling offices and obtaining a lucrative tax farm contract.<sup>121</sup> Niketas Choniates often presents imperial relatives and associates using their authority and influence for private gain, usually at the detriment of the fisc.<sup>122</sup> Besides condemnations in texts written at a certain remove from the events, we also have the benefit of more immediate reactions. In all cases, these came from people who were in the main protesting against increased fiscal demands and who perhaps also felt they did not benefit sufficiently from imperial generosity. As we saw, the speech of John of Antioch to Alexios I Komnenos criticised, among other failings, the great concessions the emperor made to his relatives. A similar complaint was apparently heard in 1197. According to Niketas Choniates, some of the citizens of Constantinople, from whom Alexios III Angelos had requested contributions, refused, telling the emperor that 'he squanders the public resources (*ta koina*) and that he has distributed the provinces to his useless relatives'. Niketas Choniates also reports that the subjects of Manuel I Komnenos criticised him for his taxation and for his spending to buy support in Italy, which they thought useless and motivated by vanity.<sup>123</sup>

One also finds in our texts a considerable amount of praise of imperial liberality, which may not always be explained away as hypocritical and calculated, aiming at securing the emperor's favour or as a means to safely criticise his policies.<sup>124</sup> Our authors might also reflect the genuine satisfaction people felt as recipients of imperial benefactions. Psellos states that Constantine IX Monomachos (1042–55), who by the later eleventh century was considered a great squanderer, was in his own time called by most people Constantine Euergetes – that is, 'the Benefactor'. In his encomium for Isaac II Angelos, Michael Choniates similarly states that the emperor ought to be called Isaac Euergetes for the benefactions he had made to all the people.<sup>125</sup> Attaleiates also profusely praises Nikephoros III Botaneiates (1078–81) for his lavish concessions, in the final encomiastic part of his history.<sup>126</sup> Michael

<sup>121</sup> Michael Attaleiates, *History*, ed. Tsolakes, 154–7.

<sup>122</sup> Magdalino, 'Money'; Smyrlis, 'Sybaris', 162–3, 165–7.

<sup>123</sup> Niketas Choniates, *History*, ed. van Dieten, 478, 199–203.

<sup>124</sup> The latter idea has been suggested with regard to Attaleiates' praise of Botaneiates' excessive liberality: Krallis, *Michael Attaleiates*, ch. 4, esp. 116–20, 155–6.

<sup>125</sup> Michael Psellos, *Chronographia*, ed. Reinsch, 233; Michael Choniates, *Tà σωζόμενα*, ed. Lampros, 1:251–2.

<sup>126</sup> On this praise see Kazhdan, 'The Social Views', 29–30; Kazhdan considers Attaleiates' enthusiasm genuine: *ibid.* 24, 30.

Choniates and Attaleiates admire what seems like reckless spending, in spite of both possessing a keen understanding of the empire's larger interests. It is no coincidence, however, that both texts date from the beginnings of the reigns of the two emperors. Obviously, all those who received benefactions were made happy. As emperors showed themselves ready to give to all, positive feelings pervaded the society, including our authors, and numbed criticism of the government. This could work for a time, but eventually the widely distributed dignities lost their value and, as state resources decreased through squandering, strict and unpopular measures became necessary to avert financial and military collapse.<sup>127</sup>

The necessity of spending on defence and diplomacy was accepted by all, at least in principle. Kekaumenos stresses the importance of maintaining a strong army and navy and that servicemen should be paid well and on time.<sup>128</sup> We already saw that for Niketas Choniates, Manuel I's greatest contribution to the common good was the fortification of Neokastra. Moreover, the historian disagreed with the critics of Manuel I's Italian spending, countering that the events that followed the emperor's death and the abandonment of his western policies proved he had been right all along.<sup>129</sup> The concern with defence spending, however, is mostly seen in texts criticising emperors for not directing enough resources to the army. Sometimes this is attributed to the rulers' or their counselors' stinginess and greed. For Attaleiates, it was out of greed (*pleonexia*) that Constantine IX Monomachos withheld the fiscal revenues that had been awarded to the army of Iberia, thereby turning them into allies of the Turks. Similarly, Attaleiates maintains that Constantine X Doukas neglected the empire's defence out of stinginess (*to pheidōlon*).<sup>130</sup> Niketas Choniates disapproves of the reform of navy finances under John II Komnenos, which aimed at economies but instead led to the spread of piracy. The historian blames Isaac II and Alexios III Angelos for disregarding, out of greed, the tax privileges awarded to the Italians and the agreements concluded with them, thereby turning them against Byzantium.

<sup>127</sup> See the perceptive remarks of Michael Psellos, *Chronographia*, ed. Reinsch, 120, 109.

<sup>128</sup> Kekaumenos, *Consilia et Narrationes*, ed. Roueché, 94, 101–3.

<sup>129</sup> See above n. 48 and Niketas Choniates, *History*, ed. van Dieten, 203–4.

<sup>130</sup> Michael Attaleiates, *History*, ed. Tsolakes, 35–6 and 62–3, 64; cf. 61. The Iberian incident is also mentioned by Kekaumenos, *Consilia et Narrationes*, ed. Roueché, 18, and alluded to by Zonaras, *Epitome*, ed. Pinder, 647; both refer to an imprudent imposition of taxes on previously exempt people. On this measure, see Lemerle, *Cinq études*, 268–9.

Niketas Choniates also censures Alexios III for not providing money to an envoy he sent to Sicily.<sup>131</sup>

In addition to defence and diplomacy, our authors also found other causes for complaint. Attaleiates accuses Michael VII Doukas of stinginess for not making distributions to the poor in Constantinople at a time of need.<sup>132</sup> As noted, Michael Choniates expected the tax-collecting capital, in its role as furnisher of justice, to send judges to the provinces. This was not the typical demand for fairness but a concrete request for the manning of an administrative position.<sup>133</sup>

The very term Attaleiates uses to denote stinginess, *pheidōlia*, acquires a positive meaning when he speaks of the austerity measures of Isaac I Komnenos. As we saw, both Attaleiates and Psellos approved of these.<sup>134</sup> Niketas Choniates commends John II Komnenos for his prudent spending and also praises his finance minister, John of Poutza. Although depicted as a merciless collector of taxes and the initiator of the ill-conceived navy reform, John of Poutza is also called a fisc-loving (*philodēmosios*) auditor and a skilful and thrifty (*pheidōlos*) manager.<sup>135</sup>

There are a great many private comments regarding imperial concessions of dignities and privileges and the grants of lands and revenues. All commentators agree that, provided they were done properly, these concessions were a good thing. Psellos best captures this idea: "Two things preserve the hegemony of the Romans, the dignities (*axiōmata*) and the money, and a third, the wise supervision of these two and judgement (*logismos*) in how these are distributed."<sup>136</sup> Kekaumenos says much the same, recommending that benefactions should be carefully considered (*lelogismenai*) and given to those who deserve them, a statement he backs with arguments and examples.<sup>137</sup> Our authors usually identify imperial servants, especially the soldiers who performed well, as worthy of reward.<sup>138</sup> At times those who were deemed unworthy of rewards or ineligible to receive them are singled out. Psellos mentions the donations of Zoe to her flatterers and the imperial guards; according to the historian, in the case of Constantine IX

<sup>131</sup> Niketas Choniates, *History*, ed. van Dieten, 55, 537–8, 478.

<sup>132</sup> Michael Attaleiates, *History*, ed. Tsolakes, 163.

<sup>133</sup> Michael Choniates, *Epistulae*, ed. Kolovou, letter 50.

<sup>134</sup> See nn. 76 and 77 above.

<sup>135</sup> Niketas Choniates, *History*, ed. van Dieten, 59–60, 54–6.

<sup>136</sup> Michael Psellos, *Chronographia*, ed. Reinsch, 119; cf. 109.

<sup>137</sup> Kekaumenos, *Consilia et Narrationes*, ed. Roueché, 94–7.

<sup>138</sup> *Ibid.* 94; Nikephoros Bryennios, *History*, ed. Gautier, 257; cf. Michael Psellos, *Chronographia*, ed. Reinsch, 110; Niketas Choniates, *History*, ed. van Dieten, 208.

Monomachos, it was those who were most insistent in their requests and those who said something that made the emperor laugh. For Kekaumenos, dignities ought not to be awarded to mimes or to those who were called *politikoi*; higher functions ought not to be entrusted to foreigners of non-royal blood. Niketas Choniates criticises Manuel I Komnenos' giving 'with both hands' to low-born individuals, servants and Latins.<sup>139</sup> As we have seen, the concessions to imperial relatives are targeted by several authors, in particular because they deprived the fisc of precious resources.<sup>140</sup> Our authors indicate certain additional dangers of unwise concessions. Imperial servants could become lax in their duties;<sup>141</sup> concessions to foreigners risked alienating the indigenous subjects.<sup>142</sup> Niketas Choniates is unique in connecting imperial awards to a matter not directly related to the empire's interests but rather of a social nature. He states that the widespread concession of *pronoiai* by Manuel I led to the oppression of the hitherto free peasants by their new masters.<sup>143</sup>

The logic of the grants made to reward services is straightforward. The promotion of the talented and hardworking improved the performance of the army and the administration, while the recognition of achievements fostered excellence among the imperial servants. The question of loyalty is more complex. Allegiance to the emperor, personifying the empire, against internal or external threats contributed to political stability and territorial integrity, that is, to the common good, and was therefore worth rewarding. This notion also, however, allowed emperors to use public resources to secure loyalty to their regime. Buying the support of cities and provinces and of high-ranking people apparently seemed natural to the Byzantines. Kekaumenos mentions that during a revolt in Hellas it was suggested to emperor Constantine X Doukas that he concede a tax exemption to the people so as to bring an end to the uprising.<sup>144</sup> Attaleiates offered similar counsel to the regime of Michael VII Doukas on another occasion. The historian claims that in 1077, during the rebellion of Nikephoros Bryennios, he proposed that a chrysobull be issued to the inhabitants of Raidestos and other cities in the

<sup>139</sup> Michael Psellos, *Chronographia*, ed. Reinsch, 110, 119; Kekaumenos, *Consilia et Narrationes*, ed. Roueché, 94–7; Niketas Choniates, *History*, ed. van Dieten, 204.

<sup>140</sup> E.g. John Oxite, *Diatribes*, 41–3; Niketas Choniates, *History*, ed. van Dieten, 204.

<sup>141</sup> Niketas Choniates, *History*, ed. van Dieten, 208–9.

<sup>142</sup> Kekaumenos, *Consilia et Narrationes*, ed. Roueché, 95; cf. Niketas Choniates, *History*, ed. van Dieten, 205.

<sup>143</sup> Niketas Choniates, *History*, ed. van Dieten, 208–9.

<sup>144</sup> Kekaumenos, *Consilia et Narrationes*, ed. Roueché, 70; on the historical circumstances, see Lemerle, *Prolégomènes*, 47, and Cheynet, *Pouvoir*, 72.

vicinity so as to ensure they did not join the rebellion.<sup>145</sup> High-ranking imperial servants expected they would enrich themselves as a function of their proximity to the emperor. In a petition addressed to Alexios I Komnenos, Manuel Straboromanos highlights the great hopes he had when he joined imperial service and his subsequent disappointment. He says he felt as if he were in front of a river of gold which brought gold to everyone else but only pebbles and stones to himself.<sup>146</sup> Anna Komnene is quite eloquent regarding this matter when she pauses her narrative to express her bewilderment at the numerous rebellions against her father, Alexios I, which erupted in spite of the fact that 'he never ceased honouring [those liable to rebel] with dignities and enriching them with great donations.'<sup>147</sup>

## Conclusion

The debate on taxation and confiscation and the use of public wealth rested upon the unanimously accepted principle that the *dēmosia* or *koina* were not the emperor's property. These resources and the mechanism of the fisc, charged with replenishing and preserving them, ought to be administrated by the ruler in order to guarantee the common good – that is, the subjects' spiritual and physical well-being. The existence of this principle authorised the participation of every Byzantine in the debate regarding fiscal policy and criticism of the emperors' actions in this domain. Although rulers might sometimes be openly challenged, criticism was usually indirect. Complaints about imperial policies appeared in letters sent to officials and individuals close to the emperor. By censuring earlier emperors, historians could safely criticise contemporary policies. Encomiastic texts might also include admonitions and indirect criticism. The emperors responded to public opinion and pressure. They explained their grants by referring to the common good, thus conceding they were restricted by a value superior to them. Imperial discourse sought to justify increased taxation and confiscations. The rulers also responded to criticism through concrete measures. They issued laws and directives aimed at satisfying the people's demands for justice. They personally heard tax-related complaints and created a fiscal court. The debate regarding fiscal matters may be interpreted as a negotiation in which rulers listened to their subjects and worked to secure acceptance of their policies through arguments and concessions. These

<sup>145</sup> Michael Attaleiates, *History*, ed. Tzolakes, 188–9; cf. Cheynet, *Pouvoir*, 83–4.

<sup>146</sup> Manuel Straboromanos, *Dossier*, ed. Gautier, 187.

<sup>147</sup> Anna Komnene, *Alexias*, 12.5, 371.

concessions were not only directed at powerful individuals or groups of people but were also general, concerning the entire population.

The participants in this debate invoked a number of ideas, all of which were ultimately connected to the common good. Emperors and private commentators referred to moral values inherited from the Christian and the Greek and Roman traditions, notably piety, justice, generosity and care for the poor, who were suffering on account of the fisc or the powerful. The notion of the poor needing protection from the greedy and oppressive rich requires special note. Although this concept had risen to prominence in the early centuries of the Christian Empire thanks to the bishops, by the Middle Ages it appears to have been attached to the state rather than the Church.<sup>148</sup> To some extent this was to be expected, given that resources were now concentrated in the hands of the fisc. But it was also a result of deliberate imperial policy. Of course, private commentators criticised the emperors for not fulfilling their duty towards the weaker, a criticism that could not be taken lightly. However, it seems it was principally the rulers and the fisc who promoted the concept of the poor against the rich and sought to make the most from this division. The poor were essential to the medieval emperors. On the one hand, the rhetoric presenting the ruler as the friend of the poor was a means of silencing the clergy and other potential critics; on the other, this association facilitated the application of oppressive fiscal measures directed against wealthy laymen and ecclesiastical institutions.

Besides abstract values, the debate also referred to the laws or rules inherited from antiquity or the earlier Middle Ages. The use of the laws by the emperors was sometimes selective or abusive and aimed at forestalling reactions to unpopular measures, such as expropriation or the rescinding of privileges. Even this use, however, underlined the continued importance of the law, which could also be turned against the emperors. Indeed, their critics, from Attaleiates and Theophylact to Michael Choniates, invoked the legal framework to question the fiscal practices. Emperors and private commentators also referred to the material strength of the empire, which, along with its orthodoxy, was one of the two pillars supporting the common good. The requirements of these pillars were at times in conflict. The imperial side often presented the empire's material needs as taking

<sup>148</sup> Cf. the remarks of Brown, *Poverty and Leadership*, on how the bishops of the early Christian Empire used the concept of care for the poor; see also Saradi, 'On the "Archontike"', 349, on the medieval state substituting for the Church in caring for the poor and social injustice.

precedence over other values. The emperor, it was argued, could impose unjust demands; he could ignore the right of ownership; he could even seize the sacred properties. The secular opinion, as represented by Psellos, Attaleiates and Niketas Choniates, would in many cases accept these arguments. Nevertheless, even if this approach was likely the majority view, the events of the late eleventh century demonstrated that no emperor could ignore the clerical insistence on strict adherence to Christian values and rules. Overall, in spite of the emperor's power and the numerous ways by which reality could be distorted and laws circumnavigated, the existence of Byzantium's traditional conceptual and legal framework had a significant limiting effect upon imperial freedom.

A final note concerns the private commentators' stance on privilege. None of our authors contests exceptions to the rule. In fact, all agree that, along with the other imperial grants, if done properly, the concession of privileges was beneficial to the empire. Emperors are censured for misusing rewards within the conventional framework of the debate on the use of the public wealth. It was difficult to conceive of this issue differently in a world where exception had always been common. Contrary to what is sometimes assumed in modern scholarship, privileges were widespread in Byzantium before our period, especially in the case of ecclesiastical institutions and high-ranking individuals. Although the concession of privileges expanded in the eleventh century and after, there was hardly any revolution. For our authors, exception to the rule could coexist harmoniously not only with justice but with the notion of empire itself. Even if taxation was not uniform and was apparently becoming less so, this did not necessarily put into question the ruler's sovereignty over people and territory or the power and integrity of the empire.

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