The Transformation of Byzantium
Law, Society and Literature in the Eleventh Century

1. **Workshop I on the Peira** took place in All Souls and Corpus Christi Colleges, Oxford, on Thursday 27th and Friday 28th May, 2010 under the auspices of the two colleges and the British Academy.

Attendance was by invitation. There was an upper limit of thirty on the number of participants (including speakers) at individual sessions, so as to facilitate critical discussion of issues and texts. Coffee/tea and lunch were provided for all participants on both days, so as to encourage informal discussion and debate. Priority among invitations was given to established scholars and graduate students with research interests in the legal history of Byzantium in and around the eleventh century. An effort was also made to include scholars from outside the Byzantine field, who could bring to bear insights drawn from their study of law and legal culture in Late Antiquity and the early medieval period of European, Islamic and Jewish history. The last places were taken up by local Byzantinists without a special interest in legal history.

There were, as was only to be expected, some regrettable gaps in the attendance. Dr. Ludwig Burgmann, responsible for preparing a new critical edition of the text of the Peira, was unable to come from Frankfurt. The same was true of Prof. Claudia Sode (Cologne), Mme. Morrisson (Paris), Prof. Pitsakis (Komotini), Prof. Jan Lokin (Groningen) and Dr. van Bochove (Groningen). The comparative perspective was, in the event, limited to late antiquity and the early medieval west, since Matthieu Tillier (Paris/Oxford), Prof. Astren (San Francisco/Oxford) and Prof. Dresch (Oxford) were detained elsewhere. One of the speakers, Prof. Stolte (Rome), was also forced to withdraw at a late stage, because of an operation. He will, however, contribute a paper to the electronic publication of the proceedings.

The following attended the Workshop, for all or some of the sessions:

(i) **12 members of the Oxford Peira Seminar**: David Gwynn (Royal Holloway), Catherine Holmes (Oxford), James Howard-Johnston (Oxford), Prof. Elizabeth Jeffreys (Oxford), Prof. Michael Jeffreys (Oxford), Prof. Lauxtermann (Oxford), Peter Sarris (Cambridge), Teresa Shawcross (Cambridge), Prof. Sirks (Oxford), Peter Thonemann (Oxford), Ida Toth (Oxford), Mark Whittow (Oxford).

(ii) **from the UK**: Rosamond Faith (Oxford), Peter Frankopan (Oxford), Caroline
Humfress (London), Ruth Macrides (Birmingham), Rosemary Morris (York), Georgi Parpulov (Oxford), Prof. Wickham (Oxford).

(iii) from Europe: Jean-Claude Cheynet (Paris), Hylkje de Jong (Netherlands), Arietta Papaconstantinou (Paris/Oxford), Prof. Pieler (Vienna), Andreas Schminck (Frankfurt), Maria Youni (Thrace/Oxford).

(iv) from the USA: Prof. Haldon (Princeton).

(v) graduate students: Zachary Chitwood (Princeton), Prerona Prasad (Oxford), Benjamin Spagnolo (Oxford), Lilly Stammler (Oxford).

(vi) undergraduate: Emeric Montfort (Oxford).

The opening two papers, ‘Legal Literature in the Eleventh Century’ (Prof. Pieler) and ‘Law Production and Application in the Period of the Emperors of the so-called Macedonian Dynasty’ (Dr. Schminck), surveyed the voluminous production of legal texts (learned and practical) from the late ninth to the end of the eleventh century, against the background of the development of Roman law in classical antiquity and its decline in the seventh and eighth centuries. On Thursday afternoon, Prof. Sirks took charge: in a first text-based session, he stood in for Prof. Stolte and examined the use made in the Peira of the authoritative Byzantine recodification of Justinianic law in Greek, the Basilica, which was brought to completion probably in 888 early in the reign of Leo VI (886-912); in a second, after a break for tea, he directed attention at certain weaknesses in the Peira itself (poor organisation, presentation of the obvious, simplification) which suggest that the compiler, however admiring of the judgements, opinions and style of his hero, the high court judge Eustathios Romaios, may have had a poor grasp of the law, whereas Eustathios himself appears to have been well-versed in it and to have applied basically Justinianic (Roman) law, contrary to the influential opinion of Dieter Simon.

The format in all four of these sessions was loosened to allow discussion to punctuate as well as to follow speakers’ presentations. This enabled participants to come to grips with distinct issues in orderly fashion. By the end of the day, there were few matters of importance in Middle Byzantine legal history which had not been aired. Particular attention was given to the question of the availability of law-books for consultation by provincial courts, the representativeness of Eustathios Romaios, the significance of the reform of legal education instituted by Constantine IX Monomachos in 1047, and, above all, the state of completion and the intended use of the Peira itself. All participants were left in no doubt of the difficulties inherent in interpreting and translating the Peira. Dr. Schminck corroborated the
collective conclusion of the Oxford Peira Seminar over its five years of activity.

A small dinner was given in Corpus on Thursday for speakers (5), members of the Oxford Peira Seminar (5) and three Byzantine legal historians from outside Oxford (Dr. de Jong, Dr. Youni and Mr. Chitwood).

The two sessions on Friday morning followed a more conventional format. Dr. Morris demonstrated conclusively, from the Athos archives, that tenth century legislation was swiftly and effectively enforced in the localities. New imperial decrees might not be cited in archival documents (that was only necessary during court proceedings), but it was plain that institutions and lawyers were as aware of them as of traditional Roman law. Prof. Jeffreys examined the patterns of naming in the Peira, its prosopographical coverage, the avoidance/suppression of names in many but by no means all the cases summarised, and the date of compilation. Both papers were followed by wide-ranging and fruitful discussions, not that the enigma of the Peira, packed as it is with rich case summaries but very ill ordered, has been solved definitively.

2. **Workshop II on the Letters of Michael Psellos** took place in the Ioannou Centre for Classical and Byzantine Studies, 66 St. Giles, Oxford, on Saturday 6th and Sunday 7th November 2010, under the auspices of the recently established Oxford Centre for Byzantine Research and the British Academy.

The convenors, Prof. Marc Lauxtermann and Prof. Michael Jeffreys, succeeded in bringing together the most distinguished scholars currently at work on Michael Psellos. The only notable absentee, Prof. Anthony Kaldellis (Ohio State University), declined the invitation, explaining that he has turned his attention elsewhere. Eight of the nine other invited speakers were able to come, four local and four from abroad. The absentee, Prof. Eustratios Papaioannou (Brown University), became a virtual participant, with the help of Skype. This first foray into distance-debate proved very successful. Prof. Papaioannou was able to present his paper (pre-circulated on request) and then to contribute to collective discussion about his projected edition of the letters. All agreed that this mammoth session, which lasted some two and a half hours, was stimulating and informative.

There was no restriction on attendance. Graduate students came from London and Oxford, in addition to seven established Byzantinists from Birmingham and Oxford. As in the first Workshop, discussion continued informally during breaks for coffee and lunch on both days,
and over dinner on Saturday evening. The format of formal sessions was conventional, presentation being followed by discussion. Every effort was made to ensure that debate flowed freely, that all who wanted to contribute were able to do so, if necessary by stretching the programme.

Michael Grünbart (Münster) presented Psellos’ correspondence as an interesting example of the role of informal structures in mediating social relations, a role likely to have gained real importance in a bureaucratically developed and hierarchically organised state such as Byzantium. He singled out what appear to be brief, personal notes included among Psellos’ letters (originally perhaps appended to official communications) and the evidence provided by letter-collections both for informal social networks, centering on a chief correspondent, and of patron-client relationships in action. Michael Jeffreys (Oxford) likened his presentation to that of a carpet-seller advertising his wares and restricting them to a single category - in this case those letters of Psellos concerned with his own monastic retreat (deferred for as long as possible) and with the portfolio of some twenty monastic houses which he held in trust and managed. There was, he noted, equally rich and varied material to be found in other categories of letters - recommendations of protegés, sick notes written on behalf of protegés, and interventions with judges. Diether Reinsch (Berlin), who is engaged in producing a new edition of Psellos’ Chronographia, sought to identify deliberate irony, tantamount to covert psogos, by careful comparison of the characterisation of a bête noir in the Chronographia and in a letter addressed to him. He brought out Psellos’ loxōsis, his readiness to adapt and to bend to political circumstance, and his preference for subtle, deniable denigration rather than open invective.

Before the main session on Saturday afternoon with Eustratios Papaioannou, Theo van Lint (Oxford) turned the Workshop’s attention to the Armenian epistolary (containing 88 letters) of Grigor Magistros Pahlawuni (985-1059), very different in character from the extant corpus of Psellos’ letters. Like Psellos, Grigor was well educated and erudite, but inclined more to theology than to philosophy and surer of his position in the world, given his distinguished ancestry. Most of his correspondents were churchmen, including an inner circle to whom he wrote in a high stylistic register, convoluted, hellenising and near-impenetrable in places. His epistolary was popular (to judge by the large number of manuscripts in which it is transmitted), probably because of its theological content. It provides incontrovertible evidence for knowledge of Greek in the Armenian intelligentsia in the early middle ages.

Eustratios Papaioannou then summarised his pre-circulated paper on the manuscript
tradition of Psellos’ letters. There is no evidence, he showed, that it went back to Psellos himself. It would be impossible then to explain the randomness of the arrangement of letters in the two main manuscripts (*Flor. Laur. Plut. gr.* 57.40 of the late 11th/early 12th century and *Paris. gr.* 1182 of the late 12th century) and the dispersal of half the letters in small, isolated groups in a multitude of other manuscripts. He argued that the two large and other small collections were made by readers in the course of the 12th century, after a relaxation of the controls on the intelligentsia imposed by Alexios I Komnenos (1081-1118). There was nothing remarkable in the thinness of the manuscript tradition, which was equally true of much high-style writing in Byzantium. John Maupous’ letters survive in a single manuscript, while none at all come from his and Psellos’ contemporaries, Constantine Leichoudes, John Xiphilinos and Christopher of Mitylene.

Three papers were given on Sunday morning. Marc Lauxtermann examined what can be pieced together of the correspondence between Psellos and Maupous. The manuscript which preserves Maupous’ letters, *Vatic. gr.* 676, is, he argued, Maupous’ master copy. It also includes a selection of orations and poems. The letters selected for inclusion all date from short periods before and after his appointment (reluctantly accepted) as Metropolitan Bishop of Euchaita (1048/50). Psellos’ letters to Maupous, by contrast, are spread over forty years. One exchange is of particular interest, since it reveals something of the machinations involved in Psellos’ appointment as Consul of the Philosophers in 1047 (Maupous was asked by a clique of Psellos supporting students to canvas support for his candidature among students and at court). It was agreed in discussion that there was very little evidence that the Emperor Constantine IX Monomachos’ law school had gone beyond the planning stage or that there was a university in Constantinople. Floris Bernard (Ghent) then analysed the social groupings created in the course of education, as revealed in Psellos’ letters to his own teacher (Maupous), to his contemporaries, and to his pupils (to whom letters might also act as conduits for learning).

Finally, Efthymia Braounou (Vienna) demonstrated that a letter of consolation addressed to the blinded Emperor Romanos IV Diogenes was not loathsome cant and hypocrisy from a political opponent (Psellos remarking, *inter alia*, on the superiority of divine to mundane light) but an apologia written for a court audience some time after Romanos’ death, intended to exonerate the Emperor Michael VII from the charge of ordering his blinding.

3. **Workshop III on Social Change in Town and Country** took place in Corpus Christi College and the Ioannou Centre for Classical and Byzantine Studies in Oxford, on Friday 20th
and Saturday 21st May 2011, under the auspices of the Oxford Centre for Byzantine Research and the British Academy.

Attendance was by invitation or by application to the convenors, James Howard-Johnston and Mark Whittow. It had been hoped to subject the particular phenomena of Byzantine social history at a time of transition to critical appraisal by scholars operating in neighbouring fields. In the event, the majority of the western medievalists and all the Islamicists who were invited were unable to attend. The contributions of the two non-Byzantinists from Oxford who did come, Ros Faith and Prof. Chris Wickham, were invaluable. The convenors were equally grateful to Prof. Jim Crow (from Edinburgh) for taking charge of the main archaeological session on Friday evening. Apart from the speakers (from Canada, the United States, Turkey, France and Belgium as well as the UK), there were twenty-five participants, including eight Oxford graduate students.

The format was conventional, but with more time than usual reserved for discussion - twenty minutes after each forty-minute paper. There was plenty of opportunity for further ventilation of ideas and probing of issues during breaks for coffee, lunch and tea. Speakers were entertained to dinner in Corpus on Friday. A round table discussion, opening with an overview from Prof. Chris Wickham, concluded proceedings after lunch on Saturday.

The first three papers homed in on key aspects of the social history of Byzantium in the eleventh century, after an introductory session which set the scene (Byzantium at its apogee) and raised questions about the scale of monumental construction in the period, the managerial efficiency of institutional landowners and the relative importance of labour as against land in the rural economy. Mark Whittow (Oxford) searched for signs of seigneurial power analogous to that demonstrable in France, Italy and Catalonia, and drew a blank. The evidence, documentary, hagiographical and archaeological, although far poorer than that available for the West, was, he argued, strong enough to show that social forces were reined in by state power and that gentry residences nestling together in a hillside below a state-controlled castle, as, for example, at Çanlı Kilise, stood in for the seigneurial castles and dependent villages familiar in the eleventh-century West. After observing that it was mainly landowners who profited from economic growth and increases in productivity, so that their tenancy (paroikoi) outnumbered the independent peasantry by the end of the century, Jean-Claude Cheynet (Paris) highlighted two important developments which transformed the social order: first, an increasing concentration of aristocratic families in Constantinople deprived the provinces of their natural leaders and boosted aristocratic power at the centre, a
process reinforced by the incorporation of court and bureaucratic elements into their affinities; second, there was considerable upward mobility in the capital, made manifest (1) in the enlargement of the Senate (i.e. court) and the admission, among others, of the judiciary, (2) in the amassing of wealth by officialdom through service as managers of crown and fiscal lands, and (3) in the political influence exercised by the ‘people’ (i.e. the middling classes of guild members, low-ranking civil servants, palace and aristocratic household staff). Kostis Smyrlis (NYU) stressed the limitations of the documentary record about rural society, which was restricted largely to snapshots of western Asia Minor and views from a single vantage point, Athos, in southern Macedonia. There was enough evidence, though, to show that there was economic growth in the eleventh century, that large estates grew at the expense of peasant holdings and that landowners disposed of a fair measure of seigneurial power.

Material evidence, relating to settlements, fortifications and monumental structures, was brought into play in the following three papers. Philipp Niewöhner (German Archaeological Institute, Istanbul) surveyed what is known of architectural activity in Anatolia. There was remarkably little evidence, he noted, of new church construction or of new architectural forms (beyond slit windows, superimposed niches and recessed arcades). Anatolia gave the impression of being a provincial backwater in the tenth and eleventh centuries. Replacement of wooden by carved marble architraves on templon screens seems to have been the main achievement of the period. Eva Kaptijn (Leuven) summarised the findings of the Belgian team which has been surveying Sagalassos and its hinterland for many years. There were three churches at Sagalassos, which remained an episcopal see in the middle Byzantine period. Two were converted temples on the site of the abandoned Roman city, the third was a basilica built in the early sixth century in a prominent position on a steep hill (Alexander’s Hill) a short distance from the city. Middle Byzantine glass bracelets, glazed and coarse wares have been found in the city’s territory. The landscape was probably dotted with villages, identifiable through sherd scatters. For those in the valley below the city, Alexander’s Hill, which was given a circuit wall enclosing 2.8 ha in the twelfth century, could act a refuge centre. The landscape seems to have been drier and more open from the late seventh century to the turn of the millennium. Increased sedimentation in the Gravgaz river valley from ca. 940 points to a revival of agriculture after a pastoral phase. Prof. John Haldon (Princeton) presented the results of the first few seasons’ work at Avkat (ancient Euchaita) in Paphlagonia. The archaeological material can be interpreted with the help of written evidence about the cult of St. Theodore Tiro, centered on a sumptuously decorated
church and associated facilities just outside the city. The defences of the lower city dated from the early sixth century and secured an area roughly one third that of Amorion. They were supplemented by a citadel or stronghold (*ochyroma*) built, probably in the seventh century, on a narrow north-south ridge immediately to the east. Twelve subordinate settlements have been located in the course of an extensive survey of the surrounding country, which consists, as John Mauropous described it in the eleventh century, of desolate, treeless, cereal-growing plains.

The final three papers on Saturday morning extended the Workshop’s scope beyond the core Anatolian and Balkan territories of Byzantium to Armenia and southern Italy, and beyond social and economic realities to the social views of a self-made man who rose high in imperial service in the course of the century. The individual in question was Michael Attaleiates, whose career and outlook were discussed by Dimitrios Krallis (Simon Fraser, Vancouver). Attaleiates was a lawyer from the provinces who came to prominence under Constantine X. He believed in hard work and the free market, which he had exploited to build up a portfolio of business interests in the metropolitan region. Like other members of the Constantinopolitan intelligentsia, he conceived of the Byzantine empire as the Roman state at the time of the Augustan settlement, which emperors were duty-bound to protect, whatever the fiscal cost, and which should incorporate the foreigners in its service into the body politic. Attaleiates’ ability to move effortlessly between regimes was characteristic of high-ranking officials and courtiers of the period, who shared his views on the primacy of the state.

Several different facets of the social history of Armenia were discussed by Tim Greenwood (St. Andrews): the displacement of princes with their affinities and retainers, when they ceded sovereignty to the emperor and moved into Anatolia; the apparent collapse of the non-Chalcedonian episcopate in territories annexed by Byzantium; and the ability of the Byzantine administration to tax their new Armenian subjects. He also argued that Armenians were never as estranged from cities as some historians have supposed and that the elite drew considerable income from commercial properties. He ended by pointing to the plentiful charter material, reproduced *verbatim*, in Stephen Orbelian’s history of Siwnik*. Ghislaine Noyé (Paris) followed suit, highlighting the peculiar features of the social order in southern Italy on the eve of the Norman conquest. The principal influence on the settlement pattern, social order and social attitudes was insecurity in the face of Arab raiding. A centrally sponsored fortification programme, in the late tenth and early eleventh century, came too late to scotch local aspirations for semi-autonomy or to prevent the advance of aristocratic power
at the expense of small property (a process especially marked in the open country of Apulia).
At the same time, demographic growth resulted in urban expansion and increased self-
assertion by urban elites.

Prof. Chris Wickham opened the final round-table discussion, by picking out a number of
key topics - regional specificity, the integrating function of the fisc, the comparative
geography of secular and monastic landholding, and local economic dynamism. The ensuing
discussion concentrated initially on the issue of regional differentiation. Three main
component parts were identified in the empire - (1) the metropolitan region and what may be
termed the inner core of the empire (Bithynia and Thrace, which were closely connected,
economically and politically, with the capital), (2) the outer core, namely the territories
effectively managed from the centre in Anatolia and the Balkans, and (3) the periphery,
prospering economically and culturally ambivalent. A common culture, which revealed itself,
*inter alia*, in art and architecture, reinforced the role of the fisc in binding together the centre,
the inner and the outer cores to form a relatively homogeneous whole in the eleventh century.
The perennial question of the shifting balance between landowners and peasantry then came
to the fore. Land, it was agreed, was the stable basis of power across the generations, but for
individuals in the course of their careers cash and connections mattered more, since they
could have a direct effect on social status and political standing. Of two trends there could be
little doubt - (1) increased investment in land towards the end of the eleventh century and (2),
under the pressure of events, a marked shift from Anatolia to the Balkans. While *paroikoi*
(tenants) outnumbered free villagers by the beginning of the twelfth century, it was noted that
large estates, whether secular or monastic, were relatively small by contemporary western
medieval standards. Several other points were raised - the influence of market forces on land
prices in the Marmara region, the role of middling landowners in driving on agricultural
development, the degree of consolidation of landholding *etc*.

5. Publication. There has, I fear, been considerable slippage in the processing of material
from the three Workshops for publication, but progress has been made. The proceedings of
Workshops II and III have been accepted in principle for publication by the Editorial Board
of Oxford Studies in Byzantium. Workshop I on the *Peira* was much less suitable for
publication, partly because *Peira* scholarship is at an early stage of development and partly
because none of the contributors was able to underpin the text delivered with a full
infrastructure of philological and legal annotation in the near future, the papers having been
intended either to provide a context for detailed probes into the *Peira* or to present extended commentaries on particular passages. Three, however, have agreed to contribute written versions of their papers, with skeletal annotation if at all, for the University’s digital research archive (on the History Faculty website, under Late Antique and Byzantine Studies).

As of now (November 2011), plans for publication are as follows:

**Workshop I:** three papers are currently being edited for inclusion in the research archive - (1) Andreas Schminck (Frankfurt am Main), *Law Production and Application in the Period of the Emperors of the so-called ‘Macedonian’ Dynasty*, (2) Boudewijn Sirks (Oxford), *How Legal is the Peira? Cases and Problems*, (3) Bernard Stolte, *The Peira and the Basilica* (a paper which he was unable to present to the Workshop). A second project, which was mooted at the Workshop and which could be undertaken collectively by members of the Oxford *Peira* Seminar over a two-three year period, is for publication of an English translation of selected passages from the text, to be accompanied (1) by translations of cited/quoted passages from the *Basilica* and its *scholia* and (2) by a spare commentary. This might in turn lead into a longer-term project of building up a complete translation and commentary incrementally, *titulus* by *titulus* (*i.e.* chapters on specific legal topics should be translated whole), and of inviting comments and contributions from as wide a body of scholars as possible by posting draft translations and commentaries on a closed *Peira* website, accessible to legal historians outside Oxford (and specified others).

**Workshop II:** in the course of a final round-table discussion, it was agreed that the proceedings were well worth publishing, since they would, in aggregate, add considerably to knowledge and understanding of Psellus, his circle and several aspects of the religious, intellectual, social and political history of Byzantium in the eleventh century. The convenors, Marc Lauxtermann and Michael Jeffreys, subsequently proposed that eight of the papers delivered should be included in revised form (the exception being that of Eustratios Papaioannou, which is scheduled for publication elsewhere), with the addition of a paper on the career of Constantine nephew of Michael Keroularios (reconstructed mainly from Psellus’ letters) given previously by Michael Jeffreys to the Late Antique and Byzantine Studies Seminar at Oxford. Individual papers could be illustrated with translations of key letters in appendices. The volume would be prefaced with an introduction which both set the historical scene (Mark Whittow) and dealt with the function of letters and the history of letter-collections (*ideally* Michael Grünbart and Eustratios Papaioannou would collaborate on this). The Editorial Board of Oxford Studies in Byzantium accepted the proposal in principle at its
meeting on 11th May 2011.

**Workshop III**: agreement in principle to publish the proceedings of this workshop was given by the Editorial Board of OSB at its meeting on 1st November 2011. Eight of the nine papers delivered will be included in revised form, with an additional two solicited to fill holes in coverage of Balkan archaeology and the social history of the Aegean islands. A deadline of 1st May 2012 has been set for the submission of final copy.

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