

# *Emperor and Priest*

*The Imperial Office in Byzantium*

GILBERT DAGRON

*Collège de France*

Translated by

JEAN BIRRELL



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# 1. *Heredity, legitimacy and succession*

Yet later, when they began creating princes through hereditary succession and not by election, the heirs immediately began to degenerate from their ancestors . . . a prince will also see through the reading of this history [that] . . . when the empire lapsed into hereditary succession, it came again to ruin.

Niccolo Machiavelli, *Discourses on Livy*  
(pp. 24, 49 of trans. by J. C. and P. Bondanella,  
Oxford, 1997)

## POWER AND DYNASTY

Foreigners who visited Constantinople or who observed Byzantium from afar were no doubt impressed by the pomp that surrounded the imperial office, but also surprised by its chronic instability. A Chinese traveller of the seventh/eighth century noted:

Their kings are not men who last. They choose the most capable and they put him on the throne; but if a misfortune or something out of the ordinary happens in the Empire, or if the wind or the rain arrive at the wrong season, then they at once depose the emperor and put another in his place.<sup>1</sup>

In the middle of the ninth century, the Khazars dispatched an envoy to Constantine/Cyril, who was arriving in their country to evangelise it, and this 'astute and clever' man asked the missionary, 'Why do you persist in the bad habit of always taking as your emperors different persons, coming from different

<sup>1</sup> *Xin T'ang shu* (ancient history of the Tang, compiled in the mid-tenth century on the basis of older accounts of embassies and merchants), ch. 198, ed. Zhonghua shuju (Beijing, 1975), pp. 5313–14, quoted in F. Hirth, *China and the Roman Orient* (Hong Kong, 1985), p. 52. There are echoes of this Chinese author, at roughly the same period, in an observation of Theophylaktos Simokattes, who notes that the kings of Taugast (China) knew neither popular uprisings nor sedition, 'because with them it is the family tie that dictates the choice of leader': *Historiae*, VII, 9, 2, ed. C. de Boor and P. Wirth (Stuttgart, 1972), p. 261.

families? We, for our part, do it according to family.' Cyril replied by quoting the example of David, who succeeded to Saul, though not of his family but chosen by God.<sup>2</sup> Many things are said or suggested in these two brief stories: a surprising turnover of emperors; the quasi-legitimacy of famine or bread riots (when an adverse wind prevented the annual fleet from reaching the capital, or when the Nile floods were insufficient, or when a drought caused prices to soar); the decisive influence of the inhabitants of the capital; a monarchy in principle elective but where being chosen by God, rather than by the people, merely legitimated success; an absolute power 'tempered by the legal right of revolution';<sup>3</sup> and the superimposing of Old Testament models on the Roman heritage.

Had they been better informed, our foreigners would have been forced to accept that imperial power was often transmitted from father to son, and been surprised only that this practice was not based on any officially recognised principle. In fact, already in their day and even more in subsequent periods, the history of Byzantium can be presented as a series of dynasties which tried to establish themselves but were quickly cut short, lasting sometimes for three or four generations, but rarely longer than a century. That of Herakleios barely exceeded this limit (610–711); that of the Isaurians, starting with the iconoclast emperor Leo III, lasted eighty-five years (717–802); that of Amorion failed to reach fifty. The Macedonian dynasty, the longest lasting and most famous, survived from the seizure of power by Basil I (867) until the death of Theodora, daughter of Constantine VIII (1056). But it was only with the Komnenoi, from the end of the eleventh century, that the empire really became identified with a family and with the legitimacy of blood rights. Previously, while 'dynastic feeling' was clearly quite widespread, it lacked any institutional or ideological support. When an emperor transmitted power to his son, he was careful to say to him: 'It is not I who have chosen you, it is God; and it is the people, the senate and the army who have elected you'; the fiction of divine or constitutional choice discreetly concealed hereditary transmission.<sup>4</sup> The people of Constantinople

<sup>2</sup> *Life of St Constantine-Cyril*, 9, in F. Dvornik, *Les Légendes de Constantin et de Méthode vues de Byzance* (Prague, 1933), pp. 343–80, especially p. 360.

<sup>3</sup> J. B. Bury, *The Constitution of the Later Roman Empire* (Cambridge, 1910), p. 9, repeating an expression of Theodore Mommsen.

<sup>4</sup> This was also the case when someone from outside the family was chosen as emperor. When Justin II was close to death, he crowned his adopted son, Tiberius, declaring: 'It is not I who gives you the crown, but God by my hand': Simokattes, *Historiae*, III, 11, 8, ed. de Boor and Wirth (n. 1), p. 132, repeated by Theophanes, *Chronographia*, ed. C. de Boor (Leipzig, 1885), p. 248 (trans. C. Mango and R. Scott, *The Chronicle of Theophanes Confessor* (Oxford, 1997), p. 368). Similarly, Michael III crowning Basil I: 'In appearance, it was the hand of he who then reigned [Michael] who gave the diadem, in reality, it was the right hand of the Most High which had given it to them [Basil and Eudokia Ingerina]': Leo VI, *Funeral Oration of Basil I*, ed. and trans. A. Vogt and I. Hausherr, 'Oraison funèbre de Basile I<sup>er</sup> par son fils Léon VI le Sage', *Orientalia Christiana*, 26.1 (Rome, 1932), p. 56; see also Theophanes Continuatus, *Chronographia*, ed. I. Bekker (Bonn, 1838), p. 240.

often demonstrated a deep attachment to the reigning family, its crowned heirs or its frustrated descendants, even succumbing to the appeal of several 'false tsarevitches': such as Theodosios, son of Maurice, persistently rumoured to have escaped the massacre of his family in 602 and to be wandering from town to town;<sup>5</sup> or Beser who, at Edessa, passed himself off as Tiberios, son of Justinian II;<sup>6</sup> or Gebon who is said to have claimed, about 858, to be the son of Theophilos and Theodora;<sup>7</sup> or the blinded child whose rights were defended, about 1261, by peasants who took him for John Laskaris.<sup>8</sup> But these same people instigated or arbitrated in frequent usurpations, which sometimes failed and were deemed 'tyrannical', and sometimes succeeded, allowing another family to acquire legitimacy. This was the very 'Roman' mechanism which made it possible to combine, without really reconciling, the two notions of usurpation and dynasty.<sup>9</sup>

If, in order to respond to the perplexity of the Chinese traveller, the Khazar envoy or even the historian of today, we seek texts of a 'constitutional' nature, in which Byzantine authors or jurists set out to describe their political system and give a legal basis to the exercise of power, we will be disappointed. Such texts are extremely rare, and they never explicitly discuss rules of succession.

It is true that a thousand years of Byzantine history produced a few scattered texts of this type, evidence of a desire to impose some order on its contradictory heritage – Hellenistic, Roman, Jewish and Christian.<sup>10</sup> But they nearly all ran counter to the historical tide and have the air of vain protests or utopias more than of attempts to lay even the provisional foundations of a political order. In the first third of the sixth century, a treatise of political science (*Peri politikēs epistēmēs*) proposed that one organic law should regulate the appointment of emperors, a second should define the role of the senate and the status of the senators, a third should standardise the enthronement of bishops, a fourth should control the allocation of offices and dignities, and a fifth should ensure the safety and stability of the law.<sup>11</sup> This bias towards legalism (*dikaiarcheia*)

<sup>5</sup> Simokattes, *Historiae*, VIII, 13, 4–6, ed. de Boor and Wirth (n. 1), p. 309; Kedrenos, *Historiarum Compendium*, ed. I. Bekker (Bonn, 1838), I, p. 709.

<sup>6</sup> Michael the Syrian, *Chronicle*, trans. J. B. Chabot (Brussels, 1899–1910), II, pp. 503–4; *Chronicon ad annum 1234 pertinens*, 165, trans. J. B. Chabot, CSCO, *Scriptores Syri* 56, pp. 242–3.

<sup>7</sup> Niketas Paphlagon, *Life of the Patriarch Ignatius*, PG 105, col. 505.

<sup>8</sup> Georgios Pachymeres, *Historiae*, III, 12–13, ed. and trans. A. Failler and V. Laurent, *Relations historiques* (Paris, 1984), I, pp. 258–67.

<sup>9</sup> P. Lemerle, *Annuaire du Collège de France*, 1972–3 (Paris, 1973), pp. 494–5.

<sup>10</sup> The discussion that follows is taken, slightly amended, from G. Dagron, 'Lawful society and legitimate power', in A. E. Laiou and D. Simon (eds.), *Law and Society in Byzantium, Ninth–Twelfth Centuries* (Washington, 1994), pp. 27–51, especially pp. 29–35.

<sup>11</sup> *Menae patricii cum Thoma referendario De scientia politica dialogus*, ed. C. M. Mazzucchi (Milan, 1982); see also A. S. Fotiou, 'Dicaearchus and the mixed constitution in sixth century Byzantium', *Byz.*, 51 (1981), pp. 533–47. Long attributed to Peter the Patrician, this work was probably written between 507 and 535 by a patrician by the name of Menas.

was soon brushed aside by the ‘innovations’ of Justinian (527–65), which the author of the treatise had probably been trying to counteract or forestall: the transformation of the senate into a court aristocracy and the strengthening of imperial omnipotence. Between 879 and 886, a legal handbook previously promulgated by Basil I (the *Prochiron*) was reissued in a new version (the *Eisagoge*). This gave the patriarch Photios the opportunity to preface it with ‘titles’ on justice, the emperor and the patriarch, that is, to transform it into a sort of institutional schema with the emphasis on law, and in which the emperor was subject not only to a superior justice but to the Roman legal tradition (that is, to the laws of the codification) and was faced with a rival in the person of the patriarch.<sup>12</sup> This was another vain attempt to check a trend which gave quasi-sacerdotal privileges to the *basileus*, and which caused Leo VI (886–912) to say, some years later, to mark a break with the Roman past, that ‘the solicitude of the emperor will in future extend to all things and that his “foresight” [*pronoia*, a word which can equally mean divine ‘providence’] controls and governs everything’.<sup>13</sup> In the eleventh and twelfth centuries, when the imperial office lost some of its sacred aura as it fell into the hands of the great families, the problem of the proper balance between monarchy, aristocracy and democracy in a Christian political order was debated once again;<sup>14</sup> but these reflections went no further than criticism of the Komnenoi and in particular of Manuel I. In 1305/6, a letter from Manuel Moschopoulos evoked a sort of social contract based – sign of the times – on a double oath of loyalty, a ‘political oath’ (*horkos politikos*) binding the members of the national community to each other, and an ‘imperial oath’ (*horkos basilikos*) binding his officials and paid soldiers to the emperor<sup>15</sup> (an attempt to give a constitutional appearance to a feudal society).

These attempts were few and their lack of success is evident. They always came to grief over the same issue: the impossibility of confining power within a juridical equation. Despite a lexical analogy apparent in Greek, the notions of ‘lawful society’ (*ennomos politeia*) and ‘legitimate power’ (*ennomos arche*) were, in good Roman imperial tradition, two very different matters. A

<sup>12</sup> The *Eisagoge* regards the law as the only principle capable of harmonising the material and spiritual elements of which man is made, and also the temporal (the emperor) and spiritual (the patriarch) powers: see A. Schminck, *Studien zu mittelbyzantinischen Rechtsbüchern* (Frankfurt-am-Main, 1986), pp. 4–10. The first Titles of this legal compilation are analysed below, pp. 229–351.

<sup>13</sup> Novel 47; see also, on the same subject, Novels 46, 78 and 94: *Les Nouvelles de Léon VI le Sage*, ed. and trans. P. Noailles and A. Dain (Paris, 1944), pp. 182–7, 270–1, 308–11.

<sup>14</sup> P. Magdalino, ‘Aspects of twelfth century Byzantine *Kaiserkritik*’, *Speculum*, 58 (1983), pp. 326–45.

<sup>15</sup> Ed. L. Levi, ‘Cinque lettere inedite di Emanuele Moscopulo (Cod. Marc. Cl. XI, 15)’, *Studi italiani di filologia classica*, 10 (1902), pp. 64–8 (letter 5); I. Ševčenko, ‘The imprisonment of Manuel Moschopoulos in the year 1305 or 1306’, *Speculum*, 27 (1952), pp. 133–57, with a translation and commentary of the same letter.

‘lawful society’ is a civilisation where social relations are regulated by rules and procedures, where contracts are made before witnesses and by notarial acts, where the citizen has access to courts and to judges to pursue a complaint if he is wronged, and where these judges base their decisions on a body of written texts or established customs inspired in one way or another by the old adage of distributive and egalitarian justice, *suum cuique tribuere*.<sup>16</sup> This notion is based on a reality. Byzantine civilisation, descended from Greece and Rome, had a legislative tradition, conserved a legal system and made use of the expertise of notaries to draw up the most important documents of social life (wills, marriage contracts and commercial agreements); there is no question but that it gave priority to civil law and had little interest in political organisation. For instance, ‘to live according to the law’ (*kata nomous politeuesthai*) was given at the end of the twelfth century as the ultimate and invariable definition of the *Romaioi* under Arab or Turkish rule.<sup>17</sup> The notion of ‘legitimate power’, which seems to be the counterpart of the notion of ‘lawful society’, has, in reality, very different implications. It involves not limiting absolute power by constitutional rules, but rather taming it, by disciplining, rationalising and moralising the violence in which it originated.

This is why the few pages devoted to political science turn easily into ‘mirrors of princes’ or verge on related genres (eulogies or collections of aphorisms), whose function was not to articulate theories but to formulate moral advice.<sup>18</sup> The *Sentences* (*Kephalaia parainetika*) assembled by the deacon Agapetos in the sixth century,<sup>19</sup> or those attributed to Basil I in the ninth century,<sup>20</sup> offer a

<sup>16</sup> *Dig.* I, 1, 10 (= *Inst.* I, 1; *Basilica* II, 1, 10): ‘Iustitia est constans et perpetua voluntas ius suum cuique tribuendi.’

<sup>17</sup> Balsamon, *Canonical Answers to the Patriarch Mark of Alexandria*, 4, Rhalles-Potles, *Syntagma*, IV, p. 451.

<sup>18</sup> H.-G. Beck, *Res Publica Romana. Vom Staatsdenken der Byzantiner*, Bayer. Akad. d. Wiss., Philos.-hist. Klasse, Sitzungsab. 1970, 2 (Munich, 1970), p. 18. On the ‘mirrors of princes’, see in particular H. Hunger, *Die hochsprachliche profane Literatur der Byzantiner* (Munich, 1978), I, pp. 157–65; G. Prinzing, ‘Beobachtungen zu “integrierten” Fürstenspiegeln der Byzantiner’, *JÖB*, 38 (1988), pp. 1–31; and for the treatises of relevance here: I. Čičurov, ‘Gesetz und Gerechtigkeit in den byzantinischen Fürstenspiegeln des 6.-9. Jahrhunderts’, in *Cupido legum*, ed. L. Burgmann, M. T. Fögen and A. Schminck (Frankfurt-am-Main, 1985), pp. 33–45.

<sup>19</sup> PG 86, cols. 1164–85; see also K. Praechter, ‘Der Roman Barlaam und Joasaph in seinem Verhältnis zu Agapets Königsspiegel’, *BZ*, 2 (1893), pp. 444–60; P. Henry III, ‘A mirror for Justinian: the *Ekthesis* of Agapetus Diaconus’, *GRBS*, 8 (1967), pp. 281–308; W. Blum, *Byzantinische Fürstenspiegel* (Stuttgart, 1981), pp. 32–9. Agapetos wrote between 527 and 548.

<sup>20</sup> The sentences are supposedly addressed by Basil to his son Leo, and date from 879/86: PG 107, cols. XXI–LVI; see also Blum, *Byzantinische Fürstenspiegel* (n. 19), pp. 39–41; I. S. Čičurov, ‘Tradicija i novatorstvo v političeskoj mysli Vizantii konca IX v. (mesto Poučitel’nyh glav Vasilija I v istorii žanra)’, *VizVrem.*, 47 (1986), pp. 95–100; A. Markopoulos, ‘Autour des *Chapitres parénétiques* de Basile I<sup>er</sup>’, in *EVPSYCHIA. Mélanges offerts à Hélène Ahrweiler* (Paris, 1998), II, pp. 469–78.

picture of 'legitimate power,' one of delegation and reproduction which owes much to Hellenistic Greece.<sup>21</sup> The emperor ought to be an image of God so as to embody in himself an image offered for the imitation of men; he ought to be governed by the laws of God so as to be able to govern his subjects legitimately;<sup>22</sup> he ought to impose on himself a respect for the law, knowing that no one can force this on him;<sup>23</sup> he ought to endeavour to see himself as the 'companion in earthly slavery' (*syndoulos*) of other men, made of the same dust, as he was supposed to be reminded by the pouch filled with earth that he held in his hand, the *akakia*.<sup>24</sup> These mirrors or maxims did not offer a political ideology, that is, an organised system, which had perhaps existed in the Hellenistic models on which they were more or less loosely based; in the Roman and Byzantine period, in any case, the genre was closer to the spiritual exercises made fashionable by the Stoics.<sup>25</sup> Nor did they amount to an independent and theoretical reflection on the nature of power; they aimed rather to provide whoever exercised power with an antidote which would protect him against the dangers to which he was inevitably exposed, to subject his thinking and his sensibility to a moral experience and to lead him, by means of memorable maxims and incantatory formulae, towards a meditation on himself. It may seem ironic that these 'mirrors' often served as alibis for absolutist regimes, that they are associated with the name of unscrupulous autocrats like Justinian and Basil, and that they enjoyed their greatest success in tsarist Russia and the courts of European monarchs<sup>26</sup> – but this was no accident. For the purpose of these works was to provide a cure for the inevitable diseases of absolute power not by a change of political system but by the personal 'conversion' of the prince.

The aim was to convert brute force (*to theriodes*, *therion alogon*, in the words of Agapetos and Basil)<sup>27</sup> into legitimate power, and the historical sources often allude to this conversion. If Theophanes described Leo V, in 814, as 'most

<sup>21</sup> See in particular the *Treatise on Kingship* of the neo-Pythagorean Ekphantos, ed. L. Delatte, *Les Traités sur la royauté d'Ecphantos, Diotogène et Sthénidas* (Liège/Paris, 1942), and Eusebios of Caesarea. But the borrowings from these works, like those from Philo or more probably a pseudo-Philo, were made through the intermediary of some unknown florilegium; see also Praechter, 'Der Roman Barlaam und Joasaph' (n. 19); Henry, 'A mirror for Justinian' (n. 19); I. Ševčenko, 'A neglected Byzantine source of Muscovite political ideology', *Harvard Slavic Studies*, 2 (1954), pp. 141–79, repr. in I. Ševčenko, *Byzantium and the Slavs in Letters and Culture* (Cambridge, Mass./Naples, 1991), pp. 49–87, with bibliography, pp. 726–7.

<sup>22</sup> Agapetos, 1, PG 86, cols. 1164–5; Basil, PG 107, cols. XXIX–XXXII.

<sup>23</sup> Agapetos, 27, PG 86, cols. 1172–3; Basil, PG 107, col. XXXVII.

<sup>24</sup> Agapetos, 21, 71, PG 86, cols. 1172, 1185; Basil, PG 107, cols. XXVIII, XLIV–XLV.

<sup>25</sup> P. Hadot, *Exercices spirituels et philosophie antique* (Paris, 1981), especially pp. 13–74.

<sup>26</sup> For the diffusion of the Sentences of Agapetos in Russia, see Ševčenko, 'A neglected Byzantine source' (n. 19); I. Ševčenko, 'On some sources of Prince Svjatoslav's *Izbornik* of the year 1076', in *Orbis Scriptus: Dmitrij Tschizewskij zum 70. Geburtstag*, ed. D. Gerhardt, W. Weintraub and H.-J. Winkel (Munich, 1966), pp. 723–38, repr. in Ševčenko, *Byzantium and the Slavs* (n. 21), pp. 241–61.

<sup>27</sup> Agapetos, 40, PG 86, col. 1176; Basil, PG 107, col. XXVIII.

legitimately emperor of the Romans',<sup>28</sup> it was to indicate that this general, summoned to the empire by war and popular acclaim, had succeeded in making the changes that turned him into a legitimate sovereign – not rushing things, allowing the patriarch to act, ceasing to be an army leader, submitting, not to constitutional rules which did not exist, or even to procedures that were more than a little vague, but to a process that enabled him to quit one role, that of general approved by plebiscite, and assume another, that of emperor elected by God. If, on the other hand, Michael Attaleiates and his contemporaries doubted whether Isaac I Komnenos, in 1057, had successfully negotiated the transition from 'tyranny' to 'legitimate power', in spite of his probity and his courage, it was because he was unable to rid himself of the warlike fury that had given him power but not sacredness. Once emperor, he had himself depicted on the coinage with an unsheathed sword; he had confiscated, like a tribal chieftain, the property of his enemies; in short, he had not 'converted' himself into a legitimate sovereign.<sup>29</sup>

It was not power that was legitimate; but whoever appropriated power could be made legitimate by choosing to respect the law. This simple idea had been cast by the ancient tradition in the form of a paradox, its first term borrowed from Hellenistic literature – the emperor is not subject to the laws because he is himself 'living law'<sup>30</sup> – and its second applying a corrective – but a legitimate sovereign ought to choose to conform to the laws.<sup>31</sup> In short, legitimacy was achieved through a conversion to legality. This paradox seems at first sight a rather lame device to reconcile the irreconcilable and to pass fraudulently, by way of morality, from law to politics; but a number of jurists attempted to give it substance. When Balsamon, at the end of the twelfth century, developed the same principle of an emperor's superiority in relation to the civil laws

<sup>28</sup> *Chronographia*, ed. de Boor (n. 4), p. 502, line 24 (pp. 685–6 of Mango and Scott translation). Theophanes could hardly have guessed, when he wrote, that Leo V would revive iconoclasm.

<sup>29</sup> Michael Attaleiates, *Historia*, ed. I. Bekker (Bonn, 1853), pp. 59–62; Skylitzes Continuatus, ed. E. T. Tsolakes (Thessalonike, 1968), pp. 103–6; Zonaras, *Annales*, ed. M. Pinder (Bonn, 1897) III, pp. 665–8.

<sup>30</sup> For the emperor as 'living law', see in particular H. Hunger, *Prooimion, Elemente der byzantinischen Kaiseridee in den Arengen der Urkunden* (Vienna, 1964), pp. 117–22; Beck, *Res Publica Romana* (n. 18), pp. 31–3; D. Simon, 'Princeps legibus solutus. Die Stellung des byzantinischen Kaisers zum Gesetz', in *Gedächtnisschrift für Wolfgang Kunkel*, ed. D. Nörr and D. Simon (Frankfurt-am-Main, 1984), pp. 449–92.

<sup>31</sup> The idea is ancient and has been expressed in many different ways. Among the Hellenophone theoreticians and rhetors, the Pythagorean Diotogenes was already using the formula: 'The king is either animate law or legitimate power': Delatte, *Traité sur la royauté* (n. 21), pp. 37–8, 245–9; see also Dion of Prusa (= Chrysostomos), *Orationes*, III, 43, ed. G. de Budé (Leipzig, 1916), pp. 51–2; Libanios, *Orationes*, ed. R. Förster (Leipzig, 1908), LIX, 12–13. In the juridical sources: *Inst.* II, 17, 8 ('Licet legibus soluti sumus, at tamen legibus vivimus', a phrase attributed to the emperors Severus and Antoninus); *CJ* I, 14, 4 and VI, 23, 3; *Epitome legum*, I, 29, Zepos, *Jus*, IV, p. 290; Kekaumenos, *Strategikon*, ed. B. Wassiliewsky and V. Jernstedt (St. Petersburg, 1896), p. 93; Manuel Komnenos, Novel 63 (1159), Zepos, *Jus*, I, pp. 385–6; Andronikos II, Novel 38 (of 1296), Zepos, *Jus*, I, p. 560.

and the canons of the Church, which he did not exactly present as his own but analysed with obvious approval, he justified this imperial privilege in two ways: by 'economy' (*oikonomia*), that is, by the possibility always open to the emperor to cease to apply a rule on grounds of a higher interest and to introduce an exception that did not disprove the rule; and by the emperor's 'episcopal privileges' (*archiepiskopika dikaia*), that is, by the quasi-sacerdotal nature of his office.<sup>32</sup> Balsamon provided the empty paradox with a content that might be interpreted as a theory of power. At almost the same period, Chomatianos offered another theory in a passage where he distinguished, in rather vague terms though his meaning is clear, between *to dikaiotikon* and *to exousiastikon*; between on the one hand, a natural law that governs social relations, gives priority to the legislative heritage and defines the ideal of the 'lawful society' (*ennomos politeia*), and on the other, the freedom conferred by 'legitimate power' (*ennomos arche*) to govern by decreeing norms that responded to the needs of the moment.<sup>33</sup> This is a system of thought which opposed, in terms that would not have been disowned by the sulphurous Carl Schmitt, norm and decision, legal or institutional constraints and freedom to rule, lawful state and a 'state of emergency'.<sup>34</sup>

In Byzantium, this duality received from Christianity a distinctive character and a justification it would otherwise have lacked. The concept of *eunomia* is not specifically Christian; those of an internalisation of norms and of a legitimacy acquired by conversion would be more so, and that is why the 'mirrors of princes' could so easily be Christianised on the surface. What is specific to Christianity, on the other hand, is to put the problem of law in a historical perspective, or rather to contrast the present age of Grace with a bygone age of Law, as St Paul did when he wrote: 'Moreover the law entered, that the offence might abound. But where sin abounded, grace did much more abound'. Adam's disobedience provoked the law, which Moses received from God; but Christ's coming freed men from both the rule of law and that of sin.<sup>35</sup> The paradox of the Incarnation gave a temporal dimension to that of the 'living law' and made it easier to conceive of two legislative orders intended to complement each other, like the Old and the New Testaments: on the one hand the codifications

<sup>32</sup> Commentary on canon 16 of Carthage, Rhallès-Potles, *Syntagma*, III, pp. 349–51; Simon, 'Princeps legibus solutus' (n. 30), pp. 475–6. For *oikonomia*, see G. Dagron, 'La règle et l'exception. Analyse de la notion d'économie', in *Religieuse Devianz. Untersuchungen zu sozialen, rechtlichen und theologischen Reaktionen auf religiöse Abweichung im westlichen und östlichen Mittelalter*, ed. D. Simon (Frankfurt-am-Main, 1990), pp. 1–18; for the emperor's 'episcopal rights', see below, pp. 258–69.

<sup>33</sup> J. B. Pitra, *Analecta sacra et classica Spicilegio Solesmensi parata*, VI (Paris/Rome, 1891), pp. 458–9; Simon, 'Princeps legibus solutus' (n. 30), pp. 450–9 (with revised text and commentary).

<sup>34</sup> C. Schmitt, *Politische Theologie. Vier Kapitel zur Lehre von der Souveränität*, 2nd ed. (Berlin, 1934, repr. 1985).

<sup>35</sup> Romans, 5: 12–21.

(that of Justinian repeated in the *Basilika*), a juridical heritage safeguarded but dehistoricised; on the other the Novels, acts of government by a sovereign of the age of Grace and not the age of Law, word of an emperor who, in a 'state of emergency', was required to respond to the needs of the moment, orient the law in the direction of the 'love of men' and do everything in his power, by imitating Christ, to keep humanity on the path of an 'economy of salvation'.

In this difficult reconciliation of power and law, theories and ideologies could serve only as masks. The legitimacy accorded by men or by God could be accorded only to individuals. Whether the emperor was subject to the law or made a 'living law endowed with speech' and a providential saviour, there was nothing to justify the delegation of sovereignty to one family on a lasting basis. The problem of succession, therefore, remained unresolved and was never tackled head on. It was the weak point, spotted by both the Chinese traveller and the Khazar envoy. When it was transmitted, a moment of danger and fascination, power – I mean imperial power, source of all other – seemed like an absolute and almost magical phenomenon, a sort of theophany; there were no institutional criteria to test its legitimacy, only historical and moral references, accumulated examples which eventually came to constitute a rule of the game, with innumerable variations, and tacitly to define transgressions in the absence of a procedure. Each new emperor had to observe these rules if he wanted to achieve legitimacy.

Among the models which did not found a right was that of a sovereignty transmitted from father to son; though in practice compatible with it, its formulation offended against an old 'republican' sensibility,<sup>36</sup> the dual conviction that power was received by delegation (from the people or from God) and that it was exercised in the context of a *res publica* or state. It was indubitably because the concept of state was in abeyance that the medieval West came officially to base a political order on family structure. The history of medieval France, for example, shows how a patrimony was gradually turned into a kingdom and how a family *honor* became a crown. Even if historians now qualify this traditional picture,<sup>37</sup> it remains the case that with feudalism the family became the basis of a state organisation. But where there was no feudal revolution, as in Byzantium, it was, conversely, the family which tried to find a place in a political system which did not allow for it and had difficulty accepting it. The empire existed independently of the emperors who came to power and who attempted to found a dynasty. It existed in the Roman form of a vast administrative and juridical construction which the sovereign dominated and whose cohesion he ensured without ever becoming entirely identified with it. It also existed within

<sup>36</sup> See, for example, the quotation from Machiavelli at the head of this chapter.

<sup>37</sup> Notably Lewis, *Royal Succession* (see introduction, n. 5).

the great temporal structure set out in the Old and New Testaments and their apocalyptic continuations, in which divine choice passed from the Jewish people to Rome, and in which the Incarnation of Christ providentially corresponded to the accession of Augustus, and His return on the Day of Judgement to the voluntary abdication of the last emperor of Constantinople. It also existed in the half Hellenistic, half Christian symbolic form of the *basileia*, of a kingdom of all the earth which was only the reflection of the celestial kingdom, ruled by a sovereign here below who was only the provisional delegate of the one on high. These and some other representations gave substance and meaning to the empire; they prevented it from being equated with one family and led to a distinction being drawn, as sharply as today, between the imperial office and its holder.

All the same, in a structure too lofty and too rigid to recognise blood rights, there was nothing to prevent the sovereigns of Constantinople, like their Roman precursors, from developing family strategies. It was regarded as natural for an emperor, once he had received or seized power, to try to transmit it to his children, at the risk of implicating them in his fall. An emperor who did not attempt to get his son crowned would not have lived up to expectations and would probably have lost all credibility. Only one emperor made a show of wishing to resist such pressure. Leo IV, an emperor of total legitimacy, son of Constantine V and grandson of Leo III, in 776 refused to make his sole heir, the future Constantine VI, co-emperor on the pretext that if he himself were to die prematurely, his son risked being assassinated, whereas if he remained simply a private person he stood a reasonable chance of leading a quiet life. But this was a manoeuvre designed to raise the stakes and to obtain from the representatives of the constituted bodies (circus factions, army, guilds and senate) a written commitment to accept as emperor no one but Leo himself, his son Constantine or their descendants.<sup>38</sup> The initial refusal made it possible to take a further step towards the establishment of a dynastic system; but it also emphasised that an emperor could in principle exclude his son from the succession and that, paradoxically, the greatest assurance of a hereditary transmission of power was an oath that linked each of the social bodies personally to the emperor and his family. The rather strange procedure of the 'oath', which was tending to spread,<sup>39</sup> makes it clear that dynastic logic was foreign to the empire and

<sup>38</sup> Theophanes, *Chronographia*, ed. de Boor (n. 4), pp. 449–50 (pp. 620–1 of Mango and Scott translation), and see below, pp. 76–8.

<sup>39</sup> See N. Svoronos, 'Le Serment de fidélité à l'empereur byzantin et sa signification constitutionnelle', *REB*, 9 (1951), pp. 106–42; A. Pertusi, 'Insegne del potere sovrano e delegato a Bisanzio e nei paesi di influenza bizantina', in *Settimane di studio del Centro italiano di studi sull'alto medioevo*, 23 (1975), *Simboli e simbologia nell'alto medioevo* (Spoleto, 1976), II, pp. 529–35, who discusses other oaths intended to assure the rights of under-age successors (Michael II, Theophilos and Leo VI); see also Theophanes Continuatus, *Chronographia*, ed. Bekker (n. 4), pp. 78–9; Ioannis Skylitzes, *Synopsis Historiarum*, ed. I. Thurn (Berlin, 1973), pp. 191–2.

was part of a strategy of power. It was negotiated between the emperor and his subjects, and not always without precautions. The brutality with which Michael II, in 820, demanded from the senators a written commitment to defend to the death his future wife and his descendants provoked this reaction on the part of one chronicler:

In this way he believed he would retain power, not only as long as he himself lived, but also after his death, whereas everything depends of necessity not on them [the senators], but on the hand of God, 'by [whom] kings reign' [Proverbs, 8: 15], and tyrants enslave the earth.<sup>40</sup>

In 912, the dying Leo VI was more respectful of the forms when he made the senators swear 'to retain their goodwill towards his wife and his son'.<sup>41</sup>

A dynasty was never, in Byzantium, more than the unpredictable pursuit of an individual destiny, an extension to the family of a personal adventure. The Byzantine sources say this, in their way, by taking up the biblical idea that God demonstrated his approval or disapproval of a 'king' by bestowing or withholding from him the joy of seeing his children and his grandchildren accede to the throne. John of Nikiu, writing about Herakleios and his religious policy, reports the following prediction of Severos of Antioch: 'No son of a Roman emperor will occupy the throne of his father as long as the Chalcedonian sect rules the world.'<sup>42</sup> When the chroniclers tell how Leo V ascended to the throne in 813 and then revived iconoclasm, they assume that he reasoned as follows (which he may well have done within his entourage): 'Those of my predecessors who honoured images saw their reign cut short by a brutal death; those, in contrast, who suppressed the worship of images, like Leo III and Constantine V, enjoyed long reigns and transmitted the empire to their children and grandchildren; it is they, therefore, whom I should copy.'<sup>43</sup> The dynastic succession was here not a natural right of the descendants, linked to the definition of the empire, but a blessing granted by God to an emperor whose religious and political legitimacy was so strong that it assured him not only a long personal reign, but an extension of his *basileia* to descendants who received and sought to preserve it. What we call for convenience a 'dynasty' was no more than a prolongation of the legitimacy of an emperor 'to the third, fourth or fifth generation'.<sup>44</sup> This had been the aim of Leo V. This, in the *Book of Ceremonies* (where we will search in vain for even a glimmer of a dynastic theory, although the imperial

<sup>40</sup> Theophanes Continuatus, *Chronographia*, ed. Bekker (n. 4), pp. 78–9.

<sup>41</sup> Skylitzes, *Synopsis*, ed. Thurn (n. 39), pp. 191–2.

<sup>42</sup> *The Chronicle of John, Coptic Bishop of Nikiu*, 116, trans. R. H. Charles (London, 1916), p. 185 (concerning Martina and the succession to Herakleios).

<sup>43</sup> *Scriptor incertus de Leone Armenio*, ed. I. Bekker (Bonn, 1842), p. 349; Theophanes Continuatus, *Chronographia*, ed. Bekker (n. 4), pp. 26–7, where the advice is attributed to a pseudo-monk.

<sup>44</sup> For a parallel with the West, see Lewis, *Royal Succession* (see introduction, n. 5), pp. 50, 36 (St Valery or St Riquier appears to Hugh Capet to tell him that his heirs will retain the crown until the seventh generation).

family is ubiquitous), was the wish of the senators when they congratulated the emperor on the birth of a son 'born in the purple' and hoped that he would 'know the children of the children of the porphyrogenitus and see the porphyrogenitus himself, advanced in years, inherit power and the paternal kingship'.<sup>45</sup> This was the eulogy which the rhetoricians Themistios and Libanios wove into their speeches when they addressed Constantius II, heir to the throne to 'the third generation' (*ek trigonias*).<sup>46</sup> And it was the assumption of Psellos and his contemporaries when they praised, in the middle of the eleventh century, the five generations of emperors (the *pentagonia*) which made Zoe and Theodora, daughters of Constantine VIII and last descendants of the Macedonian dynasty, the potential heiresses of the 'imperial patrimony' (*basileios kleros*).<sup>47</sup>

### FAMILY AND DYNASTY

Family and empire are concepts, if not irreconcilable, at least heterogeneous. It was not enough for a family to seize power for a dynasty to be founded. Byzantine history demonstrates this by offering an almost complete spectrum of cases, which correspond to different conceptions of the imperial office and of imperial legitimacy.

The first is that of marriage. This was used to integrate into a family which was regarded as legitimate individuals who were fighting their way up to the summit of power. The Tetrarchy relied almost exclusively on this solution. To try to prevent the break up of the empire and encourage harmony among the many and inevitably rival emperors, they resorted, in true Roman fashion, to marriages, that is, to women. Galerius became Diocletian's son-in-law; Maxentius, son of Maximian, became the son-in-law of Galerius. Constantine himself took as his second wife Fausta, daughter of Maximian and sister of Maxentius, and gave his half-sister Constantia in marriage to Licinius. Later, to bind more closely to the immediate family a branch suspected of dissidence, Constantine's daughters, Helena and Constantina, were married to his half-nephews, the former to Julian, then Gallus, sons of Julius Constantius, the latter to Hannibalianus, son of Flavius Dalmatius.

In the second, 'patrimonial', model power was reserved to the members of a family, at the risk of it being shared as with a patrimony. This is well illustrated by Constantine the Great, who ended the system which had promoted him and who seems to have envisaged a partition of the empire between his

<sup>45</sup> *De cerimoniis*, II, 21, p. 616.

<sup>46</sup> Themistios, *Orationes* I, 2b, ed. H. Schenkel and G. Downey (Leipzig, 1965), I, p. 4; Libanios, *Orationes*, ed. LIX, 13 (of 348), R. Förster (n. 31), p. 215; see also Julian the emperor, *Orationes* IV, 131c, ed. and trans. J. Bidez (Paris, 1932).

<sup>47</sup> Psellos, *Chronographia*, ed. and trans. E. Renauld (Paris, 1967), I, pp. 67, 99; Skylitzes, *Synopsis*, ed. Thurn (n. 39), p. 416; Zonaras, *Annales*, ed. Pinder (n. 29), III, p. 609.

descendants or relatives.<sup>48</sup> After 317, he gave the rank of caesar successively to his sons Crispus, Constantine, Constantius and Constans, and even to his half-nephew, Hannibalianus. It is not clear whether Constantine had a clearly formulated plan for the succession at the time of his death in 337,<sup>49</sup> but the situation he left behind led to a division of the empire, or at least to a division of territorial responsibilities within it. Britain, Gaul and Spain went to Constantine II, Italy, Africa and Pannonia to Constans, the east to Constantius II, and eastern Illyricum to Hannibalianus. If this plan had been carried out, Constantine would have recreated within his own family the Tetrarchy which he had destroyed by eliminating all his rivals and establishing what the sources freely call his 'monarchy'. Between 337 and 340, wars and assassinations simplified this partition, leaving only two brothers, Constans in Rome and Constantius in Constantinople; this 'fraternal' duality lasted for more than a century because it adapted the principle of partition to geographical reality, that is, the two *partes*, and to the need for a degree of political unity. From this period on, 'to have the empire as inheritance' was much more than a customary metaphor to signify that an emperor's son had a good chance, if not the right, to succeed his father.<sup>50</sup> This expression, in a highly legalistic society, revealed a conception of the empire more patrimonial than authentically hereditary or dynastic. It also lent itself to ambiguity, because it suggested an appropriation of the *res publica* and renunciation of any elective principle and, even more, because, in good Roman and Byzantine law, a patrimony was divided between all the children. The empire-patrimony was an empire whose indivisibility was challenged with every succession and which, after being reunified in the hands of the 'father', risked falling apart whenever there was more than one heir. The danger was real at a time when the empire had two capitals and many imperial residences. But even when the East alone remained and the fate of the emperor was definitively linked to that of Constantinople, the spectre of a partition of the 'imperial patrimony' re-appeared from time to time, as either a territorial partition of the empire or, much more difficult to avert, a division of imperial power.

Marriage alliances and patrimonial succession were often combined in a highly pragmatic fashion. This was the case for several decades with what is incorrectly called the 'Valentinian–Theodosian dynasty' (fourth to fifth centuries). The 'Valentinian dynasty' continued for a while in the West while soon disappearing in the East; but Theodosius I attached himself to it by taking as

<sup>48</sup> All the sources, beginning with Eusebios of Caesarea, emphasise the fact that Constantine made the empire a 'patrimony' to be transmitted to his children; see below, p. 145.

<sup>49</sup> E. Stein, *Histoire du Bas-Empire*, French ed. by J.-R. Palanque, I (Bruges, 1959), pp. 131, 485; and more recently, R. Klein, 'Die Kämpfe um die Nachfolge nach dem Tode Constantins des Grossen', *ByzForsch.*, 6 (1979), pp. 101–50.

<sup>50</sup> Thus it is said, in the *Life of St Irene Abbess of Chrysobalanton*, 3, ed. and trans. J. O. Rosenqvist (Uppsala, 1986), pp. 8–9, that Theodora had Michael III as 'heir to the empire'.

his second wife Galla, daughter of Valentinian I and sister of Valentinian II. Contemporary sources all emphasise the ties of kinship by marriage on which the *unanimitas imperii* was based, once again, even if the catastrophes which engulfed the West gave this phrase more the status of wishful thinking than a description of reality. Valentinian the Great appeared at the head of a 'genealogy' which circulated in the East and included several crowned heads.<sup>51</sup> But the *basileia* was not devolved to a family, rather it was a family which had authority to appropriate all those who acceded to the *basileia*. Agnellus, in the first half of the ninth century, reports that the Augusta Aelia Galla Placidia, one of the most representative figures of the age, daughter of Theodosius I and Galla, half-sister of Honorius and Arcadius, had after a vow decorated the church of St John the Evangelist in Ravenna with mosaics representing, around herself and her children (Valentinian III and Honoria), the reigning couple (Theodosius II and Eudokia), emperors connected by family ties (Gratian, Valentinian II, Theodosius I, Arcadius and Eudoxia), and also Constantine the Great and Constantius II.<sup>52</sup> This was a strange hotchpotch, in which succession and kinship were deliberately confused and which seemed to recognise in the first century of the Christian empire a sort of familial logic, in the absence of a dynastic structure. What had made it possible to impose a semblance of order on this chaotic process was its culmination. Theodosius II, third-generation Theodosian in direct line, model of the legitimate heir and model, for better or worse, of the young prince 'born in the purple', was proclaimed emperor almost from birth and married to the 'most beautiful young woman' in the empire.<sup>53</sup> It seemed reasonable to hope that from this series of marriages a dynasty would emerge.

But for a dynastic succession to be established, it had to escape the ill luck or biological misfortune which could suddenly, in any royal line, cause the reservoir of male heirs to dry up.<sup>54</sup> When Theodosius II died without leaving a son, Byzantium suffered from such a dearth for more than 150 years. The very principle of the hereditary transmission of power was lost behind more or less constitutional rules, which were actually only procedures for arranging a replacement. In 450, the succession was assured by a fictive and sterile marriage between the sister of Theodosius II, Pulcheria, and an obscure soldier, Marcian (450–7), who was soon replaced by another, Leo (457–74). Leo and his wife

<sup>51</sup> It is appended to the *Chronographikon Syntomon* of Nikephoros the Patriarch, ed. C. Boor *Nicephori . . . opuscula historica* (Leipzig, 1880), pp. 102–4.

<sup>52</sup> *Liber pontificalis Ecclesiae Ravennatis*, MGH, *Scriptores rerum Langobardicarum*, p. 307; completed by the *De dedicatione ecclesiae Sancti Iohannis Evangelistae*, an anonymous work of the thirteenth or fourteenth century, ed. in L. A. Muratori, *Rerum Italicarum Scriptores*, I, 2 (Milan, 1725), pp. 570–1. See also A. Grabar, *L'Empereur dans l'art byzantin* (Paris, 1936), pp. 28–9 (which needs correction on several points).

<sup>53</sup> See below, pp. 41–8. <sup>54</sup> Lewis, *Royal Succession* (see introduction, n. 5).

Verina had the son they had prayed for but he died almost immediately.<sup>55</sup> A grandson, child of their daughter Ariadne, lived just long enough to legitimate the accession of his father, the Isaurian Zeno (474–5, 476–91); but Zeno in his turn died childless, and Ariadne persuaded the senate to elect, and herself married, the aged Anastasios (491–518), a sixty-year-old *silentarius*, who left three nephews, all quickly removed from the scene. This lack of dynastic perspective and this ageing of the empire – in some ways comparable to the gerontocracy of the last years of the Soviet empire – gave the role of arbiter to the senators and the soldiers for a while. Justin I was himself aged sixty-eight at the time of his accession (518) and could only, when close to death (527), adopt his nephew Justinian to make him his successor; similarly Justinian (527–65), who was unable to have children, transmitted power to a nephew, Justin II the *kouropalates*, at the end of a long reign which ended in a sinister doomsday atmosphere. Justin II (565–78), who was afflicted with madness a few years later, shared power with his wife the augusta Sophia, then adopted as his son and named caesar, that is designated successor, an officer from among his friends, Tiberios. He, in his turn, made caesar, then, as he lay dying on 13 August 582, named augustus Maurice, a forty-three-year-old general whom he had chosen as his son-in-law.

In his *Ecclesiastical History*, John of Ephesos dwells at length on this dearth of heirs in order to explain why the birth of a male child, on 4 August 583, the year after Maurice's accession and marriage, made such an impression on contemporaries.<sup>56</sup> The heir was fêted. The choice of his name provoked a war of slogans between the demes, the Blues opting for 'Justinian' on account of that emperor's longevity, the Greens, successfully, for 'Theodosios', to recall the only hope, soon dashed, nurtured by the eastern empire since Constantine of becoming established in one family.<sup>57</sup> An acclamation painted on a wall in Aphrodisias confirms that the child was hailed as a 'New Theodosios'. He had as of right all the honours that his birth 'in the purple' had earned the last of the Theodosians. The festivities accompanying his marriage, in February 602, lasted for a week. Maurice was soon the father of at least six sons and three

<sup>55</sup> G. Dagron, 'Le fils de Léon I<sup>er</sup> (463). Témoignages concordants de l'hagiographie et de l'astrologie', *Anal. Boll.*, 100 (*Mélanges B. de Gaiffier and F. Halkin*) (1982), pp. 271–5.

<sup>56</sup> *Historiae ecclesiasticae pars tertia*, V, 14, trans. E. W. Brooks, CSCO 106, pp. 199–200. For a more detailed analysis, see G. Dagron, 'Nés dans la pourpre', *TM*, 12 (1994), pp. 105–42.

<sup>57</sup> An old scholium in the ms. *Vaticanus gr.* 977 (tenth century) shows that the choice of forename set the Greens against the Blues: 'I have found', wrote the scholiast, 'in a book of St Isaac, that Justinian lived a little more than ninety years. It says there: Constantina, wife of Maurice, gave birth to a son, whom Maurice named Theodosios, being his first born. The Blues shouted that he ought to be called Justinian, the Greens that he ought to be called Theodosios, because Theodosios had been orthodox and had lived for many years. The Blues riposted by saying: "May God give you in peace as many years as he gave to Justinian", that is ninety years and more, whereas Theodosios lived for only fifty years.' P. Maas, 'Metrische Akklamationen der Byzantiner', *BZ*, 21 (1912), p. 29, n. 1.

daughters;<sup>58</sup> his philoprogenitive powers were satirised in street songs,<sup>59</sup> but with a secret relief that the age of succession problems was over. John of Ephesos is careful to record that the birth of the 'New Theodosios' was regretted by ambitious men who had hoped, as in the past, to strike lucky thanks to an insecure reign, and that it was hailed in the Hippodrome by popular acclamation: 'It is good that God has given you [to us] and that you have liberated us from the servitude of many!'

A superfluity of heirs made the hereditary transmission of power possible; but for a patrimonial or hereditary succession to be transformed into a proper dynasty, it was also necessary for the selective principle of primogeniture to be added, tacitly or explicitly, to the general principle of community of blood. This alone made it possible to avoid confusion when there were numerous heirs and to ensure that the empire did not become the common property of the male members of the family,<sup>60</sup> but passed, with each generation, to whoever was the oldest or the 'most suitable'. It is not known how Maurice was proposing to arrange his succession before the massacre on 27 November 602 in which he and his sons were killed. He may have intended to crown only the oldest, or he may have planned a 'patrimonial' partition of the empire on the Constantinian model.<sup>61</sup> At all events, throughout the period that followed, under Herakleios and his descendants (610–711), the difficult process of transforming the reigning family into a dynastic lineage was as serious a problem within the empire as, outside it, were the problems of the Persian and Arab war, which reduced the empire by half, or the long religious debate about Christ's wills, which eventually split eastern Christendom.

The impression is given of a family that from the outset seized power, in 610, and then perpetuated itself under two names and their diminutives: the name of the exarch of Carthage, Herakleios, father of the new emperor, and the name of the holy founder of the Christian empire, Constantine, which added

<sup>58</sup> *Chronicon Paschale*, ed. B. G. Niebuhr (Bonn, 1832), p. 693, which gives the names of six male and three female children still living in 602.

<sup>59</sup> John of Antioch, *frag.* 218c, *FHG*, V, pp. 35–6; Theophanes, *Chronographia*, ed. de Boor (n. 4), p. 283 (p. 408 of Mango and Scott translation); G. Dagron, *Constantinople imaginaire. Etudes sur le recueil des 'Patria'* (Paris, 1984), pp. 179–80.

<sup>60</sup> For the Merovingians, the Carolingians and even the Capetians to begin with, this conception of patrimonial empire and the custom of partition, attributed too exclusively to the 'Frankish mentality', is analysed by Lewis, *Royal Succession* (see introduction, n. 5); J. Barbey, *Etre roi. Le roi et son gouvernement en France de Clovis à Louis XVI* (Paris, 1992), pp. 19–20.

<sup>61</sup> Theophylaktos Simokattes says that Maurice, when sick in the fifth year of his reign (596), drew up a will, rediscovered under Herakleios, which provided for a partition of the empire between his children, on the Constantinian model: to the eldest, Theodosios, Constantinople and the East, to the second, Tiberios, Rome and Italy, and 'to the others the rest': *Historiae*, VIII, 11, 9, ed. de Boor and Wirth (n. 1), pp. 305ff. J. B. Bury presumed that Illyricum and Africa would have gone to two younger sons, Peter and Paul: *A History of the Later Roman Empire from Arcadius to Irene* (395 AD to 800 AD), II (London, 1889), p. 94, n. 2.

legitimacy. The women who conveyed heredity assumed a particular importance. They, too, took family or dynastic names. The sources relate that, on 6 October 610, Herakleios received from the hands of the patriarch Sergios both the imperial crown and the crown of marriage, taking as his wife Fabia, who became the augusta Eudokia.<sup>62</sup> When she died, on 13 August 613, leaving a son and a daughter, the latter, Epiphaneia, then just a year old, was in her turn crowned augusta and took the name Eudokia (4 October 613);<sup>63</sup> it was almost as if the empire could not now manage without an empress or, as Michael II was later to say, 'the senators' wives without a mistress'.<sup>64</sup> *Romanitas* adopted a new image and shed some of its old finery. The *imperator Caesar Augustus* became the *basileus*, a title long unofficial but officially attested for the first time in a protocol of 21 March 629, when the fall of the Persian empire left it vacant. The imperial dignity was no longer seen as the topmost rank of a hierarchy, but as a sort of divine grace, a symbolic unction which attached the chosen few to a line of Davidic sovereigns and extended to their family.<sup>65</sup>

It looked as if Herakleios was instituting a dynasty and making provision for his succession. He baptised and crowned as co-emperor (on 25 December 612 or 22 January 613) his only son by his first wife, Herakleios the New Constantine, then about eight months old;<sup>66</sup> later, he gave the surviving sons of his second wife – his niece Martina, whom he had married and immediately proclaimed augusta around 622<sup>67</sup> – the imperial dignities of caesar and *nobelissimos*, inherited from the old *cursus* and not normally leading to the exercise of power.<sup>68</sup> But this fragile equilibrium was broken when, on 4 July 638, one of the sons of his second marriage, Heraklonas, was in his turn made co-emperor.<sup>69</sup> It then looked as if the two marriages had produced an empire with two heads, and that Herakleios had stalled midway between two institutional systems, one old, the other new. He had established not so much a dynasty as a family collective,

<sup>62</sup> Bury, *Later Roman Empire* (n. 61), p. 299.

<sup>63</sup> Theophanes, *Chronographia*, ed. de Boor (n. 4), p. 300.

<sup>64</sup> Theophanes Continuatus, *Chronographia*, ed. Bekker (n. 4), pp. 78–9.

<sup>65</sup> See in particular S. Spain Alexander, 'Heraclius, Byzantine imperial ideology, and the David plates', *Speculum*, 52 (1977), pp. 217–37.

<sup>66</sup> Nikephoros, *Breviarium*, 5, ed. and trans. C. Mango, *Nikephoros, Short History* (Washington, 1990), pp. 42–3; Theophanes, *Chronographia*, ed. de Boor (n. 4), p. 300 (p. 430 of Mango and Scott translation). For a discussion of the dates, see ed. Mango, *Breviarium*, Introduction.

<sup>67</sup> According to Theophanes, end of 613 or beginning of 614, but in reality later, perhaps in 622, at all events before 624. This incestuous marriage caused a scandal and earned Herakleios ecclesiastical censure.

<sup>68</sup> Theophanes, *Chronographia*, ed. de Boor (n. 4), pp. 301, 335; Nikephoros, *Breviarium*, 19, 27, ed. and trans. Mango (n. 66), pp. 68, 76. That Martinos was named only *nobelissimos* and not caesar emerges from the acclamations in the *De cerimoniis* (II, 29, p. 630), which preserves the protocol of the ceremonies of 4 January 639.

<sup>69</sup> *De cerimoniis*, II, 27, pp. 627–8; Nikephoros, *Breviarium* (n. 66), 25, 27, ed. and trans. Mango, pp. 74, 76.

sanctioned by his will which laid down that his two crowned sons would be 'equal emperors' and that they should 'honour Martina as a mother and an empress', in other words, share power with her.<sup>70</sup>

This was to conceive of the empire as the common property of all the males in the family, the *basileia* as a latent virtue which coronation only activated in individuals united by blood, and power as something to be shared or competed for among relatives. It was not a fortuitous deviation; contemporaries saw it as a political system and it enjoyed genuine popular support.<sup>71</sup> Nor was it unique to Byzantium, since it was also found in the Frankish and Merovingian monarchies. It persisted in the Carolingian empire and only disappeared entirely from France with the Capetians.<sup>72</sup> But it was a source of instability and crises, since at each generation it was necessary to eliminate by force the younger sons who had become inconvenient brothers or uncles who fomented rebellion.<sup>73</sup> The iconography of the coinage is the best evidence of the difficulties associated with this familial collegiality. The issues of Herakleios broke with the previous Roman tradition, which had not permitted the junior emperor to be shown on regular issues. The family began to appear on the gold, that is, the most official coins (*nomisma*); Herakleios had himself represented with his son, Herakleios New Constantine, then with the latter and Heraklonas (the three emperors sharing the same title of *augustus*); Constans II first appeared alone, then sometimes with his eldest son Constantine, with his two other sons on the reverse, and sometimes

<sup>70</sup> Nikephoros, *Breviarium* (n. 66), 27–8, pp. 76–8.

<sup>71</sup> When his half-brother died (poisoned?), Heraklonas was urged by the people of Constantinople to crown the son of the dead man, Constans II, as co-emperor: Nikephoros, *Breviarium*, 30–2, ed. and trans. Mango (n. 66), pp. 80–5.

<sup>72</sup> Lewis, *Royal Succession* (see introduction, n. 5), pp. 154ff.; J. Dhondt, 'Election et hérédité sous les Carolingiens et les premiers Capétiens', *Revue belge de philologie et d'histoire*, 18 (1939), pp. 913–53.

<sup>73</sup> When Constans II became sole emperor after a family battle, he reverted to pluralism by crowning not only his eldest son Constantine IV, in 654, but also his two other sons, Herakleios and Tiberios, in 659: Abu'l Faraj Bar Hebraeus, *The Chronography*, trans. E. A. W. Budge (London, 1932), I, p. 99. Along with the coinage, the acts of the sixth ecumenical council (680–1) show, in a dating formula repeated many times, that it was Constans II himself who raised Herakleios and Tiberios to the rank of co-emperors (Mansi, XI, pp. 208–9, 217, 221, 229, 316, 321, 328, 332, 377, 388, 456, 517, 549, 584, 601, 612, 624). Perhaps, as suggested by A. Christophilopoulou ('Ekloge, anagoreusis kai stepsis tou byzantinou autokratoros', *Pragmateiai tes Akademias Athenon*, XXII, 2 (Athens, 1956), pp. 123–30), Constantine IV was both crowned and 'proclaimed' emperor, whereas his brothers were only crowned. Constans II was also obliged to react to the claims of a brother, Theodosios, who was offended that he, too, was not called to the *basileia*, and whom he got rid of by making him enter orders and then executing him for high treason, to the horror of the populace: Theophanes, *Chronographia*, ed. de Boor (n. 4), pp. 347, 351 (pp. 485, 490 of Mango and Scott translation). Herakleios himself had to take action against a brother and a nephew, both called Theodore, who plotted against him: Nikephoros, *Breviarium* (n. 66), 20, 24, ed. and trans. Mango, pp. 68–9, 72–3. When Constantine IV became emperor 'together with his brothers' in 668, it all had to be done again: Theophanes, *Chronographia*, ed. de Boor (n. 4), p. 352 (pp. 491–2 of Mango and Scott translation).

alone with all three sons on the reverse.<sup>74</sup> The horizontal family prevented the portrayal of the vertical structure of a lineage, and the pre-eminence of the eldest son was marked only by his position on the obverse instead of the reverse, or by a place of honour within the family group. The problem of the succession was only really settled by the great-grandson of Herakleios, Constantine IV; though obliged, for the first half of his reign, to allow his brothers, Herakleios and Tiberios, privileges which made them competitors, and a place on the reverse of the *nomisma*, he at last succeeded, in 681, in stripping them of their titles, denying them their place on the coinage and having their noses cut off, in order to safeguard the rights of his son.<sup>75</sup> It was this slow motion *coup d'état* which marked the transition from the horizontal family, with its inevitable superfluity of collaterals, to the dynastic lineage with primogeniture. The collegiality of the *basileis* was then replaced by a hierarchy, with a more rigid distinction between the 'great emperor *autokrator*', sole holder of power, and the 'junior emperors' kept in reserve, and between the indivisible empire and a shared *basileia*.<sup>76</sup>

Such a long apprenticeship was necessary before the family could become a dynasty. This is clear in the case of the Isaurians. This was the period when the imperial office was becoming increasingly sacralised, and when it was claiming, as we will see, a quasi-priestly character and bolstering itself with Old Testament references; it was when the term 'porphyrogenitus' appeared and

<sup>74</sup> P. Grierson, *Catalogue of the Byzantine Coins in the Dumbarton Oaks Collection and in the Whittemore Collection*, II, 2 (Washington, 1968), pp. 402–3, 427–35, plates XXIV–XXV; C. Morrisson, *Catalogue des monnaies byzantines de la Bibliothèque nationale* (Paris, 1970), I, pp. 255–6, 328.

<sup>75</sup> *Ibid.*, pp. 373–5; Abu'l Faraj Bar Hebraeus, *The Chronography*, trans. Budge (n. 73), I, pp. 101–2; Michael the Syrian, *Chronicle*, ed. Chabot (n. 6), II, pp. 454–6. Constantine IV was forced to accept this partition of the *basileia* which the soldiers of the theme of the Anatolikon wanted to turn into, effectively, a cumbersome collective, which they compared to the Trinity: 'We believe in the Trinity. Let us crown all three!': Theophanes, ed. de Boor (n. 4), pp. 352, 360 (pp. 491, 502 of Mango and Scott translation). Christophilopoulou ('Ekloge' (n. 73), pp. 72–3, 127–8) is probably right in thinking that the soldiers were asking not for the 'crowning' of Herakleios and Tiberios, who had already been crowned by their father, but for their 'proclamation'; both George the Monk (ed. C. de Boor and P. Wirth, *Georgii Monachi Chronikon* (Stuttgart, 1978), p. 728) and Zonaras (*Annales*, ed. Pinder (n. 29), III, p. 222) interpret Theophanes in this way. The opposition of the thematic army should perhaps be dated to 680: Grierson, *Catalogue of Byzantine Coins* (n. 74), II, 2, pp. 512–13, 525–32, plate XXXII.

<sup>76</sup> For the change in title, see E. Stein, 'Postconsulat et autokratoria', *Annuaire de l'Institut de Philologie et d'Histoire orientales et slaves*, 2 (*Mélanges Bidez II*) (1933–4), pp. 869–912, criticised justifiably and at length by F. Dölger in a review (*BZ*, 36 (1936), pp. 123–45) and an article ('Die Entwicklung der byzantinischen Kaisertitulatur und die Datierung von Kaiserdarstellungen in der byzantinischen Kleinkunst', in *Studies Presented to D. M. Robinson*, II (1953), pp. 985–1005), both repr. in F. Dölger, *Byzantinische Diplomatik, 20 Aufsätze zum Urkundenwesen der Byzantiner* (Ettal, 1956), pp. 102–51. See also Christophilopoulou, 'Ekloge' (n. 73), pp. 134–8; A. Christophilopoulou, 'Peri to problema tes anadeixeos tou byzantinou autokratoros', *Epistemonike Epiteris tes Philosophikes Scholes tou Panepistemiou Athenon*, 12 (1961–2), pp. 471–92.

was applied for the first time to Leo IV, in Neapolitan sources;<sup>77</sup> it was when the people and the army first expressed a strong attachment to the reigning family; and lastly, it was when the hereditary principle found its necessary complement in primogeniture. The monetary iconography shows that this was a conscious policy. The type adopted by the Isaurians was in marked contrast to that of Herakleios and his family. The successors of Leo III (Constantine V, Leo IV and Constantine VI) had the reigning emperor and his eldest son, associated as co-emperor, represented on the obverse, and on the reverse, the dead ancestors, father, grandfather and great-grandfather, with a legend indicating the direct family descent over two, three or four generations.<sup>78</sup> For the first time, there was a representation of the notion of dynasty in all its verticality. The unchallenged rights of the eldest son were emphasised by association at an early age, already customary but now systematic. Constantine V was crowned, on 31 March 720, when barely two years old; Leo IV, on 17 May 751, when just over a year old; the people of Constantinople were surprised that Constantine VI, at the age of five, had still not received the diadem from his father's hands. Attempts were made to find outlets for the ambitions of the other members of the family and distance them from power. Constantine V, who had six sons from two of his three marriages, and whose succession might have created the same problems as that of Herakleios, was careful to crown as co-emperor only his eldest son Leo IV, and to give the other five sons titles which were reserved to the imperial family but which excluded them, in principle, from real power.<sup>79</sup> These ranked promotions did not, however, entirely prevent disputes. We know that Leo IV, in the very year that he crowned his son, learned of a revolt by his half-brother the caesar Nikephoros, while Irene, a little later, cut short the attempted usurpations of the caesars and *nobelissimi*, brothers of her dead husband, by having them tonsured and made to enter orders, although they nevertheless persisted in their scheming until they were blinded and dragged from one exile to another.<sup>80</sup>

All these various types of succession could result from the grafting of the family on to the empire. They seem to form a progression from which a settled dynasty

<sup>77</sup> The first of these documents dates from 1 March 763: see B. Capasso, *Monumenta ad neapolitani ducatus historiam pertinentia*, I (Naples, 1881), p. 262, no. 1; P. Bertolini, 'Le serie episcopale napoletana nei sec. VIII e IX. Ricerche sulle fonti per la storia dell'Italia meridionale nell'alto medioevo', *Rivista di storia della chiesa in Italia*, 24 (1970), pp. 356–7 and n. 29.

<sup>78</sup> Grierson, *Catalogue of Byzantine Coins* (n. 74), III, I, pp. 293, 300, 325–6, 328–33, 337, 340–1, 344, plates VIII, XII, XIII; Morrisson, *Monnaies byzantines* (n. 74), II, pp. 450, 466, 483–4, 489–90. The example was later followed by the son of Michael of Amorion, Theophilos, who had his father represented on the reverse of the *nomisma*: *ibid.*, pp. 514–16.

<sup>79</sup> Christophoros and Nikephoros became caesars on 2 April 769, and Niketas *nobelissimos* the same day; Anthimios became *nobelissimos* during the lifetime of his father (that is, before 775); Eudokimios, the youngest, received the same title in 780.

<sup>80</sup> Theophanes, *Chronographia*, ed. de Boor (n. 4), pp. 443–4, 450–1, 454, 468, 473–4, 496 (pp. 621, 627 of Mango and Scott translation).