Medieval People

Volume 37 | Issue 1 Article 5

2022

Searching for Unfree Families in Thirteenth-Century Episcopal Registers: Demetrios Chomatenos and John Apokaukos

Nathan Leidholm
Bilkent University

Medieval People

Social Bonds, Kinship and Networks

Volume 37
2022

Edited by
Amy Livingstone and
Charlotte Cartwright

MEDIEVAL INSTITUTE PUBLICATIONS
Western Michigan University
Kalamazoo

ISSN: 2690-8182 (print)
ISSN: 2690-8190 (online)
DOI: https://doi.org/10.32773/JQKR3025

Medieval Institute Publications is a program of
The Medieval Institute, College of Arts and Sciences

Western Michigan University

Contents

List of Illustrations

Tracy Chapman Hamilton and Mariah Proctor-Tiffany

Mireille Pardon

Katherine Weikert

Emily Hutchison and Sara McDougall

Virginia Bainbridge

Searching for Unfree Families in Thirteenth-Century Episcopal Registers: Demetrios Chomatenos and John Apokaukos

Nathan Leidholm

Abstract: The legal dossiers of Chomatenos and Apokaukos have been called some of the best sources for the Byzantine family. Yet, despite being produced in a slave-holding society where unfree families continued to exist and unfree members of the household were commonplace, slaves and freedmen are scarcely visible in the cases attested in either corpus. This article seeks to demonstrate that the dossiers of Demetrios Chomatenos and John Apokaukos, when read alongside near-contemporary evidence, can in fact shed light on aspects of kinship and family life among enslaved or formerly enslaved individuals and may thus serve as a useful source for the study of Byzantine slavery in the first half of the thirteenth century. Understanding the terminology they employ, which may mask the precise legal status of people, nevertheless reveals aspects of the lived realities of (formerly) enslaved people as members of families, in varying capacities, and the ways in which their lives intersected with the rest of Byzantine society. Likewise, the coincidence of terminology in cases like *pallake*/concubine further reveals cultural attitudes and expectations of those subsumed under those categories, including current or former slaves.

Introduction

Angeliki Laiou famously argued that the surviving dossiers of Demetrios Chomatenos (d. 1235), thirteenth-century metropolitan bishop of Ohrid, and John Apokaukos (d. 1230), the contemporary metropolitan of Naupaktos, constitute two of the best sources for the history of the family in Byzantium in any period.[1] Between them, the two bishops produced

[1] Angeliki Laiou, "Contribution à l'étude de l'institution familiale en Épire au XIII^{ème} siècle," *Fontes Minores* 6 (1984): 275. For biographies, see Michael Angold, *Church and Society in Byzantium under the Comneni, 1081–1261* (Cambridge: Cambridge University Press, 1995), 213–31, 240–62; Günter Prinzing, "A Quasi Patriarch in the State of Epiros:

 https://doi.org/10.32773/EAAG6986

summaries of more than two hundred legal cases to have come before them in one way or another, many of which deal with what may be termed family law: inheritance, betrothal, marriage, divorce, and related issues. Such cases had become typical of the judicial duties of Byzantine bishops by the early thirteenth century.[2]

It comes as something of a surprise, then, to find that current or formerly enslaved people appear to be all but absent from their collections. Explicit references to enslaved or freed people are exceedingly rare, either as interested parties or as property, in these or other cases. And we know that enslaved and formerly enslaved people in Byzantium regularly established their own families, both because of and in spite of the social and legal pressures placed upon them. Household slaves formed an integral part of many households throughout the period dealt with here, while freed people remained closely linked to their former masters' families socially, economically, and legally. The apparent absence is made even more interesting given the fact that other sources suggest considerable interest among clergy and canonists surrounding the issue of marriage among the enslaved population well into the thirteenth century.[3]

The study of Byzantine slavery continues to attract increasing attention, particularly as scholars recognize that narratives of slavery's disappearance in Late Antiquity or its amelioration with the advent of Christianity are no longer valid.[4] Yet the lived experiences and, especially, the family lives of enslaved people in Byzantium remain relatively unexplored, even though we know that many slaves both formed families of

The Autocephalous Archbishop of 'Boulgaria' (Ohrid) Demetrios Chomatenos," *Zbornik radova Vizantoloskog instituta* 41 (2004): 165–82.

[2] Angold, *Church and Society*, 421; Michael Angold, "Η βυζαντινὴ ἐκκλησία καὶ τὰ προβλήματα τοῦ γάμου. Η συμβολὴ τοῦ Ιωάννου Ἀπόκαυκου, μητροπολίτου Ναύπακτου," *Δωδωνη* 18 (1988): 179–95.

[3] Most notably, this includes a number of *eratapokriseis* (question-and-answers) and canonists' commentaries from this period, some of which are covered in the next section.

[4] On the former, see especially Kyle Harper, *Slavery in the Late Roman World AD 275–425* (Cambridge: Cambridge University Press, 2011). On the latter, see, inter alia, Jennifer A. Glancy, *Slavery in Early Christianity* (Oxford: Oxford University Press, 2002). See also the introduction to Hannah Barker, *That Most Precious Merchandise: The Mediterranean Trade in Black Sea Slaves, 1260–1500* (Philadelphia: University of Pennsylvania Press, 2019), 1–11.

their own and had complex relationships with their (former) masters' families.[5] This is especially true for the period between the late eleventh and the mid-fourteenth centuries, when the most commonly used sources for the study of medieval Byzantine slavery are less forthcoming. While there are exceptions, most studies of Byzantine slavery tend to cover either the period from the sixth through eleventh centuries or the Palaiologan period (roughly 1260–1453), with relatively little coverage in the intervening two centuries.[6]

This article contends that the impressive dossiers of Demetrios Chomatenos and John Apokaukos, when read alongside near-contemporary evidence from other ecclesiastical sources, can in fact shed light on aspects of kinship and family life among enslaved or formerly enslaved individuals and may thus serve as a useful source for the study of Byzantine slavery in the first half of the thirteenth century. A close reading of the terminology employed by the two bishops and an analysis of the attitudes and stereotypes associated with certain labels reveal many links between individuals appearing in their dossiers and former or current slaves in other Byzantine sources. This includes, for example, assumptions and associations surrounding concubines (Gr. παλλακαί), regardless of their social or legal status, which ties their perceived sexual availability and lack of honor to deviant cultural practices and malicious intentions toward otherwise stable households. Likewise, understanding the ways in which Chomatenos's and Apokaukos's practices of labeling are governed by hierarchies of authority reveals people who existed in some state of servitude or unfreedom, even if they are not explicitly named as such.

[5] For the sake of simplicity, I have used the term Byzantine in this article to refer to lands and institutions in the so-called successor states after the fall of Constantinople to the Fourth Crusade in 1204.

[6] This is reflected, for example, in Günter Prinzing, "On Slaves and Slavery in Byzantium," in *The Byzantine World*, ed. Paul Stephenson (London and New York: Routledge, 2010), 92–102; and Noel Lenski, "Slavery in the Byzantine Empire," in *The Cambridge World History of Slavery*, vol. 2, *AD 500 – AD 1420*, ed. Craig Perry et al. (Cambridge: Cambridge University Press, 2021), 453–81. An exception can be found in Eleutheria Papagianne, "Το πρόβλημα των δούλων στο έργο των κανονολόγων του 12ου αιώνα," in *Το Βυζάντιο στο 12ο αιώνα*, ed. N. Oikonomidès (Athens: Εταιρεία βυζαντινών και μεταβυζαντινών μελετών, 1991), 405–45.

Slave Marriage and the Novels of Leo VI and Alexios I

One might be tempted to assume that the relative absence of enslaved people in these collections suggests that slavery as an institution was disappearing in the early to mid-thirteenth century. Yet there is significant evidence to the contrary. Of particular relevance to this study is evidence again emanating from the ecclesiastical hierarchy at roughly the same time that Chomatenos and Apokaukos were presiding over their own cases from their episcopal sees. As this evidence indicates, the question of marriage among the enslaved population remained a thorny, and apparently widespread issue that was still regularly appearing before local church leaders. In order to fully grasp this evidence, however, a brief review of medieval Byzantine attitudes and laws concerning marriage among slaves is necessary.[7]

For much of Byzantium's history, marriage could be contracted with or without a priest's blessing. Byzantium inherited and adapted older, Roman laws and customs, which had recognized several different types of marriage. Both the imperial state and the church legislated and regulated these practices to varying degrees. Over time, however, these multiple practices slowly merged, and by at least the tenth century, Byzantine marriage had gained a certain level of uniformity in both theory and practice. This effectively meant the merging of standards between imperial and canon law and the increased involvement of the church in regulating marriage practices as time progressed.

These developments had a direct impact on the enslaved population within Byzantium. As in many slave systems, Byzantine slavery was maintained, at least partially, through natural reproduction. That is, enslaved (and formerly enslaved) people formed families of their own, including quasi-marriage and children, albeit under very different circumstances than the freeborn population. Yet full, legal marriage was denied to them through most of Byzantine history. Instead, it was common practice for slave owners to preside over marriages or pseudo-marriages for their slaves.[8]

[7] In general, see Angeliki Laiou, *Mariage, amour et parenté à Byzance aux XI^e–XIII^e siècles* (Paris: De Boccard, 1992); John Meyendorff, "Christian Marriage in Byzantium: The Canonical and Liturgical Tradition," *DOP* 44 (1990): 99–107.

[8] See, for example, the will of Eustathios Boilas or the *Life of Basil the Younger*. For Boilas, see Paul Lemerle, "Le testament d'Eustathios Boïlas (avril 1059)," in *Cinq études sur*

It was also common, especially earlier in Byzantine history, for baptism to act as a form of manumission of one's slaves as the now-Christian empire legislated against the holding of Christian slaves.[9] Even if this was not always followed in practice, it nevertheless had implications well into the thirteenth century. In addition, since Christian marriage was theoretically indissoluble, it would have created problems if one's slave married the slave belonging to another. Reasons like these meant that Christian marriage (*gamos*) among slaves was generally avoided in both law and practice. But this would eventually change. For enslaved people in the early thirteenth century, two imperial legislative acts in particular, one issued by Leo VI in the early tenth century, the other by Alexios I near the end of the eleventh, are especially significant.

Emperor Leo VI (r. 886–912) was a very active legislator. His reign not only witnessed the completion of his father, Basil I's, great legislative project known as the *Basilika*, but Leo himself also issued more than one hundred *novellae* (Gr. *nearai*), or imperial legislative acts. A major milestone was reached when Leo VI made the blessing of a priest mandatory for all legal marriages.[10] Slave marriages are not specifically mentioned in this law, but it paved the way for the future recognition of such marriages because it brought together the Christian idea of marriage and the Roman legal tradition.

In addition, among Leo's more than one hundred novels were several others affecting the ability of enslaved people to form some kind of family of their own. Whether it was the child of two slaves being born in the household of a third party or the dividing of siblings among more than one household, Leo's legislation consistently favored the reuniting of enslaved families. He also issued two novels that made it easier for a

le XIe siècle byzantin, ed. Paul Lemerle (Paris: CNRS, 1977), 15–63. An English translation is provided by Speros Vryonis, Jr. "The Will of a Provincial Magnate, Eustathius Boilas (1059)," *Dumbarton Oaks Papers* 11 (1957): 263–77. For the *Life of Basil the Younger*, see Denis F. Sullivan, Alice-Mary Talbot, and Stamatina McGrath, *The Life of Saint Basil the Younger: Critical Edition and Annotated Translation of the Moscow Version*, Dumbarton Oaks Studies 40 (Washington, DC: Dumbarton Oaks Research Library and Collection, 2014), 2.33, pp. 236–39. For a more general commentary, see Youval Rotman, *Byzantine Slavery and the Mediterranean World*, trans. Jane Marie Todd (Cambridge, MA: Harvard University Press, 2009), 143–44.

[9] Rotman, *Byzantine Slavery*, 120–30.

[10] Nov. Leo. 89, in Pierre Noailles and Alphonse Dain, eds., *Les novelles de Léon VI le Sage* (Paris: Les Belles Lettres, 1944).

free person to marry a slave, although the free party still had to pay for the manumission of the enslaved one before marriage could occur.[11] Such trends in imperial legislation can be seen as early as Constantine I, but Leo's moves were considerably more drastic and had a more immediate impact on Byzantine society.[12]

Almost two centuries later, Emperor Alexios I Komnenos would issue a novel of his own, which would prove to be incredibly impactful on the ability of enslaved people to form their own families. This novel, issued in 1095, states for the first time that marriages among the enslaved must be blessed by a priest, thereby bringing regulations for slave marriage more or less completely in line with those for the rest of the freeborn population. The language of the *novella* strongly suggests that Christian marriage (*gamos*) did occur, at least occasionally, among slaves prior to this point.[13] Alexios simply wished to make it the only form of union available to them.[14] It was born out of particular circumstances, namely the reconquest of parts of Bulgaria. Thus, it also mentions children born of free parents but abducted or sold into slavery, Bulgar parents who, because of famine, sold their children into slavery, and Byzantines who were abducting Bulgar children. It also states that anyone who could prove they were born free is to be given free status, at least within the borders of the empire.[15]

This act initiated some controversy among both contemporary Byzantines and modern researchers.[16] The central question rests upon the emperor's original intent and, specifically, the extent to which the provisions contained in the novel were intended to be universal or were rather meant to address a specific issue arising from a particular set of circum-

[11] Noailles and Dain, *Les novelles de Léon VI*, no. 37, 100, and 101. Other *novellae* included the ability for (future) freedmen to write up a will of their own once their freedom had been guaranteed, even if they were still enslaved at the time.

[12] On Constantine's legislation regarding slave families, see Harper, *Slavery in the Late Roman World*, 261–73; Dale Martin, "Slave Families and Slaves in Families," in *Early Christian Families in Context: An Interdisciplinary Dialogue*, ed. David L. Balch and Carolyn Osiek (Grand Rapids, MI: William B. Eerdmans, 2003), 207–30.

[13] As Rotman notes, Leo VI only uses the term *gamos* (marriage) in his legislation when at least one of the parties is free. Rotman, *Byzantine Slavery*, 143.

[14] Rotman, *Byzantine Slavery*, 143.

[15] Rotman, *Byzantine Slavery*, 175–76.

[16] See especially Helga Köpstein, "Zur Novelle des Alexios Komnenos zum Sklavenstatus (1095)," in *Actes du XVe Congres international d'Etudes byzantines*, vol. 4 (Athens: Association Internationale des Etudes Byzantines, 1976), 160–72.

stances. The second part of the *novella* is addressed specifically to the archbishop of Thessaloniki, Theodoulos, in large part because a chief concern in the edict is with the situation of the newly conquered Bulgarian population. Among Byzantine contemporaries, the core issue was the continued slave status of those who were married with a priest's blessing. The novel of Alexios I did not, in fact, change the legal status of married slaves, since "it clearly stated that Christian marriage was no argument in favor of emancipation," as was recognized by numerous Byzantine jurists and clergy.[17] Nevertheless, there is clear evidence pointing to the fact that many among the general population still feared that offering such a blessing would result in their slaves' emancipation.

The cumulative effect of legislative changes from the tenth century onward was, in part, the gradual movement of marriage from the realm of imperial legislation to the jurisdiction of the church. While the imperial government still regulated marriage practices in theory, in practice it was largely the church and canon law that dealt with such issues by the twelfth century.[18] This is reflected in the dossiers of both Chomatenos and Apokaukos, where marriage cases are very well represented.

That marriage among slaves was a question of broader interest around the time that Alexios I issued his novella is attested by one Petros the Chartophylax, who composed an *eratapokrisis* (question-and-answer) at about the same time that Alexios issued his edict.[19] His position as chartophylax marks Petros as a person of some significance within the Byzantine clergy.[20] Among the list of questions to which Petros responds is

[17] Rotman, *Byzantine Slavery*, 143; Köpstein, "Zur Novelle des Alexios Komnenos," 167–68.

[18] Angeliki E. Laiou, "Sex, Consent, and Coercion in Byzantium," in *Consent and Coercion to Sex and Marriage in Ancient and Medieval Societies*, ed. Angeliki E. Laiou (Washington, DC: Dumbarton Oaks, 1993), 139–40. According to Laiou, the twelfth century was a time when marriage among the elite especially were more tightly controlled than ever by families, the church, the state, and society at large. Laiou argues this is reflected in particular in Balsamon's commentaries on canon law.

[19] G. A. Rhalles and M. Potles, eds., *Σύνταγμα τῶν θείων καὶ ἱέρων κανόνων*, vol. 5 (Athens: G. Chartophylakos, 1855), 369–73. Hereafter Rhalles and Potles.

[20] Chartophylax was an ecclesiastical position, usually held by a deacon. By the eleventh century, it was a high-ranking position whose holder served as head of the *Sekreton of the Chartophylakeion* and assistant to the Patriarch of Constantinople. See *The Oxford Dictionary of Byzantium*, ed. Alexander Kazhdan et al. (Oxford: Oxford University Press, 1991), s.v. "Chartophylax," 415–16.

one concerned with the participation of "slaves who have been joined in a union by their masters without [marital] blessing" in church sacraments.[21]

Petros's response is worth quoting in full.

> Since intercourse without a [marital] blessing is fornication, whether the unblessed person is a slave or free, he should neither be admitted for the bearing of the gifts nor for prayer in the house of the Lord. For the holy Apostle commanded that we should neither break bread with them nor intermingle among them. But the masters too, since they give their slaves over to destruction, as they have compelled them to intercourse, even if even they could withstand the passion, they are cast out from the mastery of their slaves, according to the legal novel of our renowned emperor, lord Alexios.[22]

Petros's emphasis on the master's moral responsibility and culpability in this matter is consistent with many clerical views on such matters, especially after Alexios I had issued his novel of 1095.

There were still some restrictions, however, in the methods available to slaveholders to provide this marriage blessing to their slaves. Petros states categorically that monks should not bless marriages and that the blessing should not be carried out in a monastery.[23] This contrasts slightly with the statement made by Nikephoros Chartophylax sometime in the thirteenth century (see below), who seems to allow for hieromonks to perform the marital blessing.[24] This may suggest a change in practices in the intervening century, perhaps as a result of the church's increased interest in and control over marriage practices. It may likewise suggest a greater urgency or, perhaps, practicality in the decisions of later clergy.

Despite such formulations, Alexios I's *novella* did not completely settle matters in practice. The mid-to-late twelfth century, a period regarded as kind of golden age of canon law in Byzantium, witnessed con-

[21] Rhalles and Potles, 5:371: "Δούλους καὶ δούλας ζευγνυμένους παρὰ τῶν κυρίων αὐτῶν ἄνευ εὐλογήσεως, μεταδώσομεν τῆς θείας κοινωνίας, ἢ προσδεξόμεθα τὴν θυσίαν αὐτῶν."

[22] Rhalles and Potles, 5:371: "Ἐπεὶ μίξις ἄνευ ἱερολογίας πορνεία ἐστὶ, κἄν τε δοῦλος ᾖ ὁ ἀνευλόγητος, κἄν τε ἐλεύθερος, οὔτε εἰς δωροφορίαν προσεκτέος, οὔτε εἰς προσευχὴν ἐν τῷ οἴκῳ Κυρίου· ἐπεὶ καὶ ὁ θεῖος Ἀπόστολος, μήτε συνεσθίειν κελεύει, μήτε συναναμίγνυσθαι τούτοις. Ἀλλὰ καὶ οἱ δεσπόται, ἐπεὶ προδόται τῆς τῶν δούλων ἀπωλείας εἰσὶν, ὡς αὐτοὶ προτρεπόμενοι τούτους ἐπιμίγνυσθαι, εἴ γε δύναιντο ἀναστέλλειν τὸ πάθος, τῆς τῶν δούλων δεσποτείας ἐκπίπτουσι, κατὰ τὸ νεαρὸν θέσπισμα τοῦ κλεινοῦ ἡμῶν αὐτοκράτορος, κυροῦ Ἀλεξίου."

[23] Rhalles and Potles, 5:369.

[24] Rhalles and Potles, 5:399–401.

tinued commentaries on numerous provisions regarding enslaved families and slaves in the household.[25] Interest in the issue of marriage among slaves is strongly attested up to and including the thirteenth century. And two episcopal letters from the thirteenth century show that the provisions outlined in Alexios's legislation continued to be questioned (and relevant) more than a century later.

In the second half of the thirteenth century, an anonymous clergyman sought the advice of Niketas Mytilenaios, Bishop of Thessaloniki.[26] The unnamed clergyman states that among those coming to him are those who own slaves who have been "joined (married) without the blessing of the church [constituting] fornication."[27] The letter's sender claims that he advised those coming to him to marry their slaves with a priest's blessing, and described for them the provision from the *Synopsis of the Holy Canons* the clergyman quotes near the beginning of his letter. Still, he says, these slave owners are afraid that, should they follow these precepts and offer a marital blessing to their slaves, that these slaves will then be given their freedom through this blessing and the owners would then be deprived of their labor. Faced with such questions, he asserts that he sought out additional answers and came upon the *novella* of Alexios I Komnenos. According to the letter's interpretation, the novella quite simply "orders that slaves be given the (marriage) blessing, and that they would remain slaves even after the blessing."[28] Yet the clergyman's parishioners remained defiant, doubting in particular the legitimacy of the novel.

The letter closes with a series of additional, more specific questions regarding cases in which slaves are found to be fornicating. This includes relationships between two slaves of different households, in which neither master is able to purchase their slave's partner from their current owners. The letter's author is particularly interested in the prescribed penance or

[25] Papagianne, "Το πρόβλημα των δούλων," 405–45. On canon law in Byzantium more broadly, see Ioannis M. Konidaris, "The Ubiquity of Canon Law," in *Law and Society in Byzantium, Ninth–Twelfth Centuries*, ed. Angeliki E. Laiou and Dieter Simon (Washington, DC: Dumbarton Oaks, 1994), 131–50; James Morton, *Byzantine Religious Law in Medieval Italy* (Oxford: Oxford University Press, 2021), esp. 18–22.

[26] Rhalles and Potles, 5:443–45.

[27] Rhalles and Potles, 5:443–45: "καὶ τοὺς δούλους αὐτῶν ἐκτὸς ἱερολογίας πορνικῶς συναφθέντες."

[28] Rhalles and Potles, 5:443: "κελεύουσαν εὐλογεῖσθαι τοὺς δούλους, καὶ μένειν αὐτοὺς πάλιν δούλους καὶ μετὰ τὴν εὐλογίαν."

punishment in such cases and how he might rectify the situation. It is clear that this letter originated in more than just a single, isolated case, and instead suggests a more widespread issue. At the same time, of course, the fact that the clergyman is seeking answers from the Metropolitan of Thessaloniki and that more than one individual had apparently come before the letter's author to seek similar answers suggests that knowledge of these laws, much less their implementation, was not overly commonplace.

Niketas begins his response by repeating the maxim that the sins of those under someone else's authority passes to those who hold that authority, whether free or enslaved. According to the bishop, this is even more true for enslaved people. He also insists rather forcefully that slave owners have a responsibility to give their slaves legal marriages complete with a priest's blessing. Failure to do so, he argues, makes slave holders liable to punishment as set out in the canons. In fact, the bishop argues that those who would deny the marriage blessing to their slaves, thereby forcing them to continue living in a state of fornication, are worthy of excommunication (*aphorismos*) according to canon law. The Bishop of Thessaloniki likewise states plainly and unequivocally that Alexios I's novel is indeed valid, and that it was accepted by the church.[29] Niketas admits that he does not know the identity of the clergyman who sent the initial question, which suggests that the sender was probably of relatively low rank within the clergy, perhaps a local priest in a small church. Still, the clergyman was knowledgeable enough about the issue at hand to cite the second and third *diataxeis* of Paul as preserved in the *Synopsis of the Holy Canons*.[30]

Both the original letter and Niketas's response suggests that there was widespread confusion, or at least apprehension, regarding the blessing of slave marriage as potentially granting freedom despite the fact that church authorities firmly argued in its favor and that the novel of Alexios I had been in effect for more than a century. It is worth remembering that the original letter does not cite a single, isolated case, but several. And since the author of the original letter is neither named nor known to Niketas further suggests that local populations may have been going to their local clergy, rather than bishops like Chomatenos or Apokaukos, to

[29] Theodore Balsamon discusses it in his commentary on Canon 95 of the Council in Trullo. See Rhalles and Potles, 2:500. Note that Balsamon here is focused on the question of slaves or freedmen serving as witnesses rather than marriage.

[30] Paul's canons can be found in Rhalles and Potles, 4:399 (*diataxis* 2 and 3).

solve their problems with their slaves. This both attests to the continued practice of slave-holding in these regions and offers one possible reason for the relative absence of cases involving enslaved families in their dossiers.

A second thirteenth-century letter adds to the sense that the issues described in Niketas's response were somewhat common. Nikephoros Chartophylax, who also lived in the thirteenth century, addressed a letter to a certain Theodosios, a monk in Corinth, who had previously submitted a number of canonical questions to the chartophylax.[31] The letter contains responses to a number of questions, mostly revolved around cases of fornication and the penalties for fornicators as prescribed in canon law.

Part way through the letter, Nikephoros apparently addresses a separate, though related question posed by Theodosios. "Concerning male and female slaves who have been married without a blessing," he says, "know that they should not partake in the holy mysteries, if they are not blessed, but they are prevented [from this] as fornicators."[32] The wording of the letter at this point strongly suggests that the monk Theodosios had asked specifically about slaves marrying without a priest's blessing. Just as in Niketas's response to the unnamed clergyman, one might once again view this as an indication that it was local clergy who were most often faced with questions regarding slave marriages. This may partially explain the lack of such cases in the dossiers of Chomatenos and Apokaukos, who represented very high positions in the clergy.

The evidence discussed here shows unequivocally that Alexios I's novel of 1095 was understood to be universal in its application, even if there was clearly some controversy surrounding this (especially at more local levels). It also shows that marriage among slaves was still a very active area of inquiry in ecclesiastical circles well into the thirteenth century. This impression is reinforced by the interest shown by twelfth-cent canonists like Theodore Balsamon and John Zonaras, both of whom wrote commentaries on numerous provisions in canon law regulating not only marriage among the enslaved population, but other aspects of their lives as well.[33] While these commentaries can only go so far in illuminating lived realities on the ground, the substantial interest shown by the canonists in

[31] Rhalles and Potles, 5:399–401.

[32] Rhalles and Potles, 5:400: "Περὶ δὲ τῶν ἀνιερολογήτως συναπτομένων δούλων δούλαις, γίνωσκε, ὡς οὐκ ὀφείλουσιν, εἰ μὴ ἱερολογηθῶσι, τῶν θείων μυστηρίων μεταλαμβάνειν, ἀλλὰ κωλύεσθαι ὡς πορνεύοντες."

[33] See Papagianne, "Το πρόβλημα των δούλων"; Konidaris, "The Ubiquity of Canon Law."

the regulation of the behavior of both enslaved and enslaver certainly suggests that these concerns were still valid roughly a generation prior to the tenures of Chomatenos and Apokaukos.

Formulations of Authority in the Dossiers of Apokaukos and Chomatenos

The canonists and clergy examined in the previous section repeatedly emphasize the responsibilities of those who exercise authority over others within their household. While the emphasis lies especially on masters and their slaves, there are frequent assertions that this extends to the free members of the household as well. There seems to have been a real anxiety on the part of these clergy to convince heads of household to rein in and control those under their authority, perhaps displaying an attitude that assumes impious behavior among enslaved or subservient people especially.

This attitude may partially explain the relative absence of individuals explicitly named as slaves in the dossiers of Demetrios Chomatenos and John Apokaukos.[34] And the absence is indeed notable. Between them, the surviving letters and other short notices of Chomatenos and Apokaukos account for more than two hundred legal cases to have come before them in their capacities as bishops.[35] And yet, despite this relatively large corpus, explicit references to slaves are exceedingly rare.

For example, the noun *doulos*/*doule* (δούλος/δούλη) and its related verb *douleuein* (δουλεύειν) only appear as terms of deference or in the context of service to the church in Chomatenos's *Ponemata Diaphora*.[36]

[34] An edition of Chomatenos's dossier can be found in G. Prinzing, *Πονήματα διάφορα*, Corpus Fontium Historiae Byzantinae, Series Berolinensis 38 (Berlin: De Gruyter, 2002), 5–462. Apokaukos's works are spread across several editions and publications. For an overview, see Kosmas Lampropoulos, *Ιωάννης Απόκαυκος. Συμβολή στην έρευνα του βίου και συγγραφικού έργου του* (Athens: Basilopoulos, 1988). Some notable editions include N.A. Bees, "Unedierte Schriftstücke aus der Kanzlei des Johannes Apokaukos des Metropoliten von Naupaktos (in Aetolien)," *Byzantinisch-neugriechische Jahrbücher* 21 (1971–1974), 57–160; A. Papadopoulos-Kerameus, "Συνοδικὰ γράμματα Ἰωάννου τοῦ Ἀποκαύκου, μητροπολίτου Ναυπάκτου," Βυζαντίς 1 (1909–1910), 8–30.

[35] For more complete biographies of Chomatenos and Apokaukos, see Prinzing, "A Quasi Patriarch in the State of Epiros"; Ruth Macrides, "Bad Historian or Good Lawyer? Demetrios Chomatenos and Novel 131," *Dumbarton Oaks Papers* 46 (1992): 187–96; Michael Angold, *Church and Society*, 213–31 (Apokaukos) and 240–63 (Chomatenos).

[36] This is based on a search of the TLG database conducted February 15, 2022, as well as the index in Prinzing's edition of the *Ponemata Diaphora*.

Apokaukos's letters, too, rarely contain the term *doulos*, and nearly all instances of it are used in an ecclesiastical or metaphorical sense.[37] While Byzantine sources display a wide variety of designators for enslaved or formerly enslaved people, *doulos* is most common in both secular and canon law.[38] It is the term employed by Niketas of Thessaloniki, Nikephoros Chartophylax, and Petros Chartophylax in the canonical sources treated above. Its almost complete absence from both thirteenth-century dossiers is therefore noteworthy. Other common designators of slave status, including those like *oiketes*, *paidiskon*, and others, make almost no appearances at all.

Yet there is no disputing that slave holding continued to be widely practiced throughout the period covered by Chomatenos's and Apokaukos's tenures as bishops. Chomatenos himself is known to have commented on the *Basilika*'s regulations for slaves owned by clergy in his *Epilogus ad Basilica*.[39] Besides, slave-holding among both the general population and the clergy is hardly under dispute, even if the absolute numbers of enslaved people relative to earlier periods may be up for discussion.[40]

In the following section, I will argue that evidence for family life among slaves and former slaves and their perceived impact on the households of which they formed a part can indeed be found in the records produced by Chomatenos and Apokaukos. The key to this evidence lies firstly in the terminology utilized by both bishops and, in particular, their tendency to record individuals primarily based upon their legal relationship with one another. That is, both bishops tend to emphasize relative social and legal status rather than absolutes, which can sometimes mask the enslaved or formerly enslaved status of the individuals in question.

[37] Apokaukos does mention *douloparoikoi* (enslaved tenant farmers) in Ep. 9 in Papadopoulos-Kerameus, "Συνοδικὰ γράμματα," which appears in the context of slave-owning among the clergy.

[38] This is the case, for example, in the canonical commentaries of Theodore Balsamon and John Zonaras, as well as the letters discussed above.

[39] Helga Köpstein, *Zur Sklaverei im ausgehenden Byzanz: Philologisch-historische Untersuchung* (Berlin: Akademie-Verlag, 1966), 108.

[40] Köpstein, *Zur Sklaverei*; Johannes Pahlitzsch, "Slavery and the Slave Trade in Byzantium in the Palaeologan Period," in *Slavery and the Slave Trade in the Eastern Mediterranean (ca. 1000–1500 CE)*, ed. Reuven Amitai and Christoph Cluse (Turnhout: Brepols, 2017), 1663–86.

In many cases, individuals who appear in Chomatenos's or Apokaukos's cases are simply designated as *hypexousios*, literally "under [someone else's] authority." As a legal designation, *hypexousios* had a long history in Byzantium, both in imperial and canon law, and it remained a core issue in laws concerning things such as inheritance, betrothal, and marriage. *Hypexousios* was a broad category that included not only underage children, but also most unwed women and servants or slaves of varying status. In this regard, slaves, freedmen, and children all fell within the same legal category.[41] Freedmen, for instance, remained tied to their former masters' families even into subsequent generations and would often settle on lands owned by their former masters, remaining legally "under their authority" to a certain extent.

One particular case that came before John Apokaukos serves as an excellent example.[42] One Theodora tou Indanou, who seems to have been rather influential in the region around Malaina, attempted to force a man and a woman under her authority to wed. There was a problem, however. The woman in question, whose "baptismal name" was Rousa, was apparently already advanced in age. Her chosen partner, however, Ioannes the "reader" (*anagnostes*), was barely eighteen. Ioannes did not want to move forward with the marriage, but since both Rousa and young Ioannes were "under the same authority" (lit. "under one hand") of Theodora, the latter felt she could force the issue.[43] When Ioannes refused, he was jailed, and none of the local clergy were willing to perform the ceremony. Theodora eventually brought in a priest from somewhere outside the area, who performed the wedding. According to Apokaukos, the young man's consent could not have been legally binding, and the marriage was dissolved.

The legal status of Rousa is not specified, but we do learn that she had been born outside of Byzantine-controlled regions and had only later learned the Greek language (apparently imperfectly) and been baptized,

[41] For more on this, see Nathan Leidholm, "Parents and Children, Servants and Masters: Slaves, Freedmen, and the Family in Byzantium," in *The Routledge Handbook on Identity in Byzantium*, ed. Michael Edward Stewart, David Alan Parnell, and Conor Whately (London and New York: Routledge, 2022), 263–81.

[42] Bees, Ep. 19. The case is briefly summarized and commented upon in Laiou, "Sex, Consent, and Coercion," 178–79; Laiou, "Contribution à l'étude de l'institution familiale en Épire," 308–9; Angold, *Church and Society*, 421.

[43] Bees, Ep. 19, lines 31–32: "ὑπὸ μίαν χεῖρα τελοῦντες τῆς πρωτευούσης ἐν τῇ Μαλαίνῃ κυρᾶς Θεοδώρας τῆς τοῦ Ἰνδανοῦ."

all of which suggests that she had been or was still enslaved.[44] Ioannes the reader, too, may have been either enslaved or the descendant of former slaves who had served the family of Theodora. There are several examples of slaves and freed people serving as readers or other lower clergy on the estates their (former) masters preserved, for example, in the eleventh-century will of Eustathios Boilas.[45] Thanks to the legislation of Justinian, entry into the lower clergy was a common choice for many manumitted slaves.[46] The crux of the issue in this case rests upon Byzantine laws of consent in marriage. As Apokaukos and Chomatenos (among many others) repeatedly attest, the consent of both the future spouses and of those who hold legal authority over them were equally necessary for a legal marriage to be contracted.[47] This was true regardless of the precise status of the person "under another's authority" (*hypexousios*).

Similar to the arguments offered by Niketas of Thessaloniki and Petros Chartophylax, in Chomatenos's and Apokaukos's records, the status of *hypexousios* ("dependent") plays a central role. This is to be expected in any legal context, be it imperial jurists or bishops working within canon law. The use of the phrase "under hand" (ὑπὸ χεῖρα) to express this concept, however, as it does in the case of Theodora tou Indanou, marks something of a departure from earlier Byzantine legal practice, and it warrants a slightly closer look, even if both bishops utilize it only a handful of times.

The formulation "under hand" is reminiscent of much earlier Roman formulations of (certain types of) marriage and slavery.[48] The same formulation also occurs several times in the *Basilika*, the monumental law code based upon Justinian's *Corpus Iuris Civilis*, which served as

[44] Bees, Ep. 19, lines 28–30: "καὶ γυναικὶ προβεβηκυίᾳ ἐν ταῖς ἡμέραις αὐτῆς κἀκ τῶν ὀρεινοτέρων τῆς Βελαχατουΐας ὁρμωμένῃ μερῶν, καθ' ἃ δηλοῖ καὶ τὸ ὄνομα· Ῥουσὰ γὰρ κλῆσις αὐτῆς ἡ ἐκ βαπτίσματος." On line 34, she is described as "βάρβαρόν τε καὶ οὐκ ὀρθῶς ἑλληνίζουσαν."

[45] See Lemerle, "Le testament d'Eustathios Boïlas," 15–63; Vryonis, "The Will of a Provincial Magnate, Eustathius Boilas (1059)," 263–77.

[46] Lenski, "Slavery in the Byzantine Empire," 463.

[47] Laiou, "Sex, Consent, and Coercion"; Laiou, *Mariage, amour et parenté.*

[48] So, Digest 1.1.4 describes a slave as one who "is subject to the hand (manus) and power of another. Trans. A. Watson, quoted in Sandra R. Joshel, *Slavery in the Roman World* (Cambridge: Cambridge University Press, 2010), 30. For marriage "cum manu," see Jane F. Gardner, *Women in Roman Law and Society* (London and New York: Routledge, 1987); Susan Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian* (Oxford: Clarendon Press, 1991).

the basis of imperial law in Byzantium from the time of its completion in the early tenth century.[49] There, as in both Chomatenos and Apokaukos, the phrase is used to describe many types of authority, including paternal (over the household) as well as for slaveowners over their slaves.[50] Similar, though not identical, language can also be found in some early canons, which were incorporated into the canonical collections utilized by medieval Byzantine canonists. Peter of Alexandria's Canon 6 refers to slaves (*douloi*) as *hypocheirioi* (those "under hand").[51] While ascribed to the fourth-century bishop of Alexandria, this particular canon was among those ratified at the Council in Trullo (also known as the Quinisext Council) in 692. Neither John Zonaras nor Theodore Balsamon, however, repeats the phrasing exactly in their twelfth-century commentaries on the canon.[52]

Despite this, however, our admittedly limited evidence for law in practice in the centuries immediately following the *Basilika*'s completion displays little evidence of the formulation's use. The phrase does not appear at all in the eleventh-century *Peira*, suggesting a potentially significant change in both thought and practice. Since the *Peira*, a collection of case law compiled on behalf of eleventh-century jurist Eustathios

[49] On the *Basilika*, see Andreas Schminck, *Studien zu mittelbyzantinischen Rechtsbüchern* (Frankfurt am Main: Löwnklau Gesellschaft, 1986); Zachary Chitwood, *Byzantine Legal Culture and the Roman Legal Tradition, 867–1056* (Cambridge: Cambridge University Press, 2017), 16–45; Laiou and Simon, *Law and Society in Byzantium*. An edition of the text, which only survives in part, can be found in H.J. Scheltema and N. van der Wal, *Basilicorum libri LX. Series A, vols. 1–8* [*Scripta Universitatis Groninganae*] (Groningen: Wolters, 1955–1988).

[50] For an example of each, see *Basilika*, 31.5.1 and 54.27.1 respectively.

[51] Rhalles and Potles, 4:22. Peter of Alexandria uses the terminology ὡς ἂν ὑποχείριοι ὄντες to refer to slaves (*douloi*). Canons 6 and 7, which come from his sermon "On Penitence," deal with masters who force their slaves to "sacrifice"—i.e., engage in non-Christian rituals. This is probably in more or less direct reference to controversies over *lapsi* during the persecutions of the third century.

[52] It may be worth noting that the language of "under hand" is remarkably similar to contemporary usages in Islamic law. In Islamic jurisprudence, the form of dominion held by a head of household over his slaves and concubines was literally *milk al-yamīn*, "ownership by the right hand," a euphemism for slavery in the Qur'an. According to Kecia Ali, a similar formulation made the institution of slavery a central component in the "conceptual world" of early Muslim jurists as they formulated their views on the institution of marriage in an Islamic space. See Kecia Ali, *Marriage and Slavery in Early Islam* (Cambridge, MA: Harvard University Press, 2010).

Romaios, includes a great deal of material concerning inheritance, marriage, and slaves, the absence of the phrase "under hand" is nearly as noteworthy as the near-absence of slaves in the thirteenth-century collections under investigation here.[53]

This perhaps makes the handful of uses in both Chomatenos's *Ponemata Diaphora* and Apokaukos's surviving decisions noteworthy.[54] So, in another case that came before Apokaukos, two unnamed men arrived as representatives of one George Petomenos.[55] Both men are described as "under Petomenos's hand," which goes some way toward explaining their relationship to the main litigant in the case and their involvement in it. Their status or exact relationship to Petomenos is not elaborated further, presumably because Apokaukos did not feel it was necessary.

In addition to those within the household who were subject to the head of household's authority, both Chomatenos and Apokaukos notably use the phrase to describe ecclesiastical hierarchy and political subjugation. Those subject to the Latin-occupied regions of the former Byzantine Empire are described as "under the hand" of the Latins/Franks.[56] Properties or clergy who found themselves under the jurisdiction of a superior church or clergy member were likewise "under their hand."[57] In some cases, it is even used to denote ownership of property such as a vineyard.[58] While such uses obviously reveal little to nothing directly about the lived realities or family lives among the enslaved population per se, when read in tandem, they can offer a window into social realities and, importantly, the worldviews of Chomatenos and Apokaukos. The use of the same or similar phrasing to describe different individuals in very dis-

[53] On the *Peira*, see James Howard-Johnston, "The Peira and Legal Practices in Eleventh-Century Byzantium," in *Byzantium in the Eleventh Century: Being in Between*, ed. Marc D. Lauxtermann and Mark Whittow (London and New York: Routledge, 2017), 63–76; Nicolas Oikonomidès, "The Peira of Eustathios Romaios: An Abortive Attempt to Innovate in Byzantine Law," *Fontes Minores* 7 (1986): 169–92; Dieter Simon, "Die Peira," in *Fontes Minores* 13, ed. Wolfram Brandes (Berlin: De Gruyter, 2021), 323–43. For slaves in the *Peira*, see Helga Köpstein, "Sklaven in der Peira," *Fontes Minores* 9 (1993): 1–33.

[54] Similar uses of the phrase can be found in Chomatenos's *Ponema* 96 and 129, for example.

[55] No. 14 in S. Pétridès, "Jean Apokaukos, Lettres et autres documents inédits," *Izvestija Russkago Archeologiceskago Instituta v Konstantinopole* 14 (1909), 72–100.

[56] For example, *Ponema* 22.

[57] For example, *Ponema* 8.

[58] For example, *Ponema* 96.

parate situations suggests that these bishops saw something fundamentally similar in the relative statuses. While the contention should be treated with caution, it is possible that this slight alteration in vocabulary suggests that the authority held by some of these private individuals over others in their service was imagined as something more akin to the authority exercised by governments or the church, at least in theory. This could make some sense in the wake of the Fourth Crusade and the political fragmentation of former Byzantine lands after 1204.

Concubinage

Another area in which the family lives of legally unfree people might be sought in Chomatenos's and Apokaukos's records are cases involving concubinage (in Greek, *pallakeia*/παλλακεία).[59] The custom of concubinage, which had been common in earlier periods of the Roman Empire's history, had long fallen out of favor by the medieval period.[60] It was officially outlawed by a novel of Leo VI in 907.[61] And even among early Christian communities, the practice had garnered controversy.[62] Yet it continued to attract the attention of Byzantine secular and ecclesiastical courts well into the thirteenth century, in part due to the multivalence of the term *pallakeia*.

By the time we reach medieval Byzantium, the term *pallakeia* could, in fact, denote a fairly wide range of practices and arrangements. Many cases of "concubinage" in fact involve individuals who had either elected to or been barred from legally marrying their otherwise (presumably) freeborn partner.[63] The same term, *pallake* (παλλακή), is used to denote

[59] For a recent perspective, see Rena N. Lauer, "From Slave to Wife: Manumission and Marriage in Venetian Crete," *Medieval People* 36 (2021), pp. 107–32.

[60] For classic formulations of enslaved bodies and concubinage in the Roman world, see Raimund Friedl, *Der Konkubinat im kaiserlizeitlichen Rom: Von Augustus bis Septimius Severuus* (Stuttgart: Franz Steiner Verlag, 1996); Thomas A. J. McGinn, "Concubinage and the Lex Iulia on Adultery," *Transactions of the American Philological Association* 121 (1991): 335–75; Treggiari, *Roman Marriage*, 51–81. For a Late Antique perspective, see Peter Brown, *The Body and Society: Men, Women, and Sexual Renunciation in Early Christianity* (New York: Columbia University Press, 1988).

[61] Laiou, "Contribution à l'étude de l'institution familiale en Épire," 285.

[62] Glancy, *Slavery in Early Christianity*, 50–51.

[63] The most common reasons include third or fourth marriages or those who were

any kind of female partner who does not qualify as a legal wife, including occasionally second or third wives, if the union did not receive a priest's blessing. This is an important reason why the inheritance rights of children born to "concubines" were built into Byzantine law and continued to be used and discussed by both Chomatenos and Apokaukos.[64] It was not a tacit endorsement of the kind of concubinage more common in ancient Rome or the Islamicate world. Rather, it was simply a coincidence of terminology. In the twelfth and thirteenth centuries, there was considerable discourse surrounding concubinage in both the canonists and in case summaries like those of Chomatenos and Apokaukos.[65] The conversation, however, largely ignores the legal status of the concubines, which appears irrelevant.

Byzantine law made it very difficult for marriages to occur between an enslaved and a free person. In such cases, as argued in Leo VI's *novellae*, the free party was expected to purchase the enslaved individual, who would thus be manumitted prior to marriage.[66] Since concubines were unmarried by definition, however, their free or enslaved status is effectively hidden from view. Nevertheless, it is clear that the sexual exploitation of enslaved or similarly vulnerable people continued, despite laws to the contrary. Even in cases in which the legal status of the "concubine" remains unclear, the coincidence of terminology may mask differences in legal status, but also links them in the minds of both the reader and the producer of these documents.

In Chomatenos's dossier, there are at least eleven cases involving concubinage (*pallakeia*/*pallake*), generally regarding the inheritance rights of children born from such unions.[67] As Laiou argues, Chomatenos either

separated from spouses without divorce, all of which were frowned upon by the church and carried certain penitential penalties.

[64] *Ponema* 4 (ed. Prinzing, pp. 38–40) in Chomatenos's collection, for example, outlines these laws. In the case of intestate death of the parents, children born from concubinage have only the right to basic upkeep given by the surviving, legitimate children "as much as possible." Third wives (without a marital blessing), also called *pallake*, are only entitled to half of the deceased "husband's" *ouggia* (1/12 of his property; hence 1/24).

[65] In general, see Papagianne, "Το πρόβλημα των δούλων," esp. 427–30; Vasia Karampela, *Ιάμος καὶ παλλακεία στὴν ὕστερη ἀρχαιότητα. Ρωμαϊκὲς καταβολὲς καὶ βυζαντινὲς θεσμικὲς προεκτάσεις* (Athens: Sakkoulas, 1988).

[66] Noailles and Dain, *Les novelles de Léon VI*, nos. 100 and 101; Rotman, *Byzantine Slavery*, 143.

[67] Laiou, "Contribution à l'étude de l'institution familiale en Épire," 285.

is not aware of or simply chooses not to apply some aspects of the legislation of Leo VI, which would abrogate the rights of said children. Instead, the bishop sticks closely to the *Basilika* in these cases. It seems unlikely that Chomatenos was not aware of Leo's legislation, since he repeatedly cites the emperor's other legislation elsewhere in the *Ponemata Diaphora*. Rather, it would appear to have been a deliberate choice, perhaps in recognition of the realities on the ground within his jurisdiction. While both bishops display an obvious negative bias toward concubinage on principle, they were simultaneously forced to accept it as a part of social reality.

Interestingly, one of the few explicit mentions of a slave (*oiketes*) in Chomatenos's *Ponemata Diaphora* also showcases the complex web of relationships that could be created due to the practice of concubinage (with both free and unfree women) and the laws attempting to regulate said relationships.[68] The case described is a rather complicated inheritance dispute between a man claiming to be the legitimate descendant of a (now deceased) man and a woman who descended from the same man through a concubine.

The dispute, which involves recounting several generations of relations, is an inheritance dispute between one Kontos and a woman named Kale. Georgios, called Georgitzes in all but the first instance in the *Ponema*, is the ancestor at the heart of the issue. He had apparently fathered one legitimate son as well as several children by various "concubines."[69] Kale's claims were based on both her direct descent from Georgios himself and on Georgios's own last will and testament, in which he favored the children born to his concubines. One of Kale's parents (it is not specified which one) was among them. Kontos, on the other hand, was a direct, legitimate descendant of Georgios's sister. As Chomatenos correctly argues, Byzantine law favored the inheritance rights of legitimate descendants of one's siblings over and above those of direct descendants of illegitimate children.

The (relatively rare) identification of one of Georgios's ancestors as a "former slave in the fortress of Ohrid" may have simply been included to

[68] *Ponema* 40 (ed. Prinzing, pp. 146–49). For a near-contemporary discussion of concubines who were explicitly slaves, see Balsamon's remarks to Markos of Alexandria in Rhalles and Potles, 4:483; commented upon by Papagianne, "Το πρόβλημα των δούλων," 429–30.

[69] *Ponema* 40, lines 22–24: "Ὡς πρὸς πατρὸς μείζων θεῖος μου ὁ ἀναγεγραμμένος Γεωργίτζης, γνήσιον σχὼν υἱὸν τὸν λεγόμενον Κώνσταν, τὸν κληρονόμον τῆς οὐσίας αὐτοῦ, ἐκτήσατο καὶ ἀπὸ διαφόρων παλλακῶν νόθους παῖδας."

demonstrate the family's ties to Chomatenos's bishopric, but it may equally have served another purpose. Georgitzes, as he is called, is given rather negative treatment in this case. Near the end of the ruling, Chomatenos's decision is reinforced by emphasizing how Georgitzes had "given himself over to multiple concubines and had spread his seed indiscriminately."[70] The use of the diminutive -itzes itself serves to belittle the man at the center of the case, deceased or not. While Chomatenos's ruling technically follows the letter of the law, the precise language he uses betrays more contemptuous attitudes toward those who had been enslaved.

Ponema 136 displays similar tendencies. A man, Chrysos, was forced to abandon his home in Kastoria due to famine and, at the same time, left his wife behind when he relocated to Ohrid.[71] While there, he settled with a new woman, a Vlach by the name of Tzola. According to the surviving record, the arrangement came under the category of concubinage. Upon learning of her husband's treachery, Chrysos's "lawful wife" managed, with some difficulty, to tear him away from Tzola's "lascivious, enfolding bonds with the help of the law and the strength of the association of Christ."[72] Tzola, for her part, was apparently sent away "along with her impure machinations."[73] The case came before Chomatenos because Tzola sought compensation from Chrysos in the form of material support.

In Chomatenos's final decision, Tzola is awarded with a certain amount of moveable property belonging to Chrysos. In exchange, if she is found to have drawn Chrysos into a sexual relationship with Chrysos once again "through the use of visible or invisible machinations" or to have disturbed him in any way, she will be subject to a flogging and the considerable goods she received from Chrysos as part of the court's decision will be confiscated.[74]

The details of the case make it unlikely that Tzola was enslaved, but the emphasis on her "foreign" origins and the language used to describe her role in the affair would be little different if she was. Chomatenos (or the brief's author) uses the diminutive *gynaikarion* to refer to the Vlach

[70] *Ponema* 40, lines 102–4: "ὅτι δηλαδὴ ἑαυτὸν ἐκεῖνος παλλακαῖς διαφόροις ἐπέτρεψε καὶ τὴν ἰδίαν γονὴν ἀσώτως διέσπειρε."

[71] *Ponema* 136, ed. Prinzing, p. 409.

[72] Ponema 136, lines 11–13: "οὖν τῶν πορνικῶν ἐκείνης ἀπέσπασεν ἀγκαλῶν καὶ δεσμῶν τῷ τε νόμῳ βοηθουμένη καὶ τῇ ἰσχύι τοῦ κατὰ Χριστὸν πολιτεύματος."

[73] "τοῖς βεβήλοις αὐτῆς μηχανήμασιν."

[74] "διά τινων μηχανῶν εἴτε φανερῶν εἴτε ἀφανῶν."

concubine. Tzola is likewise described as "in truth from among those who are heaped with sin, as Paul says, and capable of drawing to themselves the eyes and hearts of men with certain machinations."[75] The entire case summary assigns nearly all of the agency and blame for the extramarital affair to Tzola. Chrysos appears largely absolved of responsibility. It was not so much his choice to begin his affair with Tzola as it was her ability to "draw him in" as a temptress of the flesh.

Ponema 135 once again shows a similar attitude. Here, one Ioannes, son of the hieromonk Barnabas, entered into a dispute with his "concubine" Dragoste.[76] After more than five years of living together "in concubinage" (κατὰ παλλακισμὸν), Ioannes argues that youth had driven him toward such an arrangement and, having recognized the "wickedness" of such an arrangement, wished to end his relationship with Dragoste. Dragoste, however, who arrived before Chomatenos with the baby she had recently given birth to, wished to have their union sealed with a priest's blessing—i.e., converted into a legal marriage. When the bishop advises Ioannes to accept Dragoste's wishes to be married, he staunchly refuses. Since, as the brief states, the consent of both parties is necessary for a marriage to take place, the episcopal court can only force Ioannes to provide for the basic necessities for his young child.

The attitude and language on display in *Ponemata* 135 and 136 echoes many arguments made against the sexual exploitation of female slaves or prostitutes from as early as the fourth century. John Chrysostom's homilies, for example, which Kyle Harper in particular has expertly analyzed in the context of late Roman slavery, exhibit exactly this kind of reasoning and vocabulary.[77] Jealousy and retaliation against enslaved concubines by married women was likewise a centuries-old trope in both rhetoric and reality by the thirteenth century.[78]

[75] *Ponema* 136, lines 6–8: "ἐκ τοῦ κόμματος δὲ ὄντι τῶν σεσωρευμένων, κατὰ Παῦλον εἰπεῖν, ἁμαρτίαις καὶ δυναμένων ἕλκειν εἰς ἑαυτὰς ὀφθαλμοὺς καὶ καρδίας ἀρρένων πονηροῖς τισι μηχανήμασι."

[76] *Ponema* 135, ed. Prinzing, p. 408. Also covered by Laiou, "Sex, Consent, and Coercion," 293–94.

[77] See e.g. Harper, *Slavery in the Late Roman World*, 281, where he quotes Chrysostom's *Propt. Forn*. 1.3–4.

[78] Glancy, *Slavery in Early Christianity*, 51–52; Harper, *Slavery in the Late Roman World*, 300–303.

The greater concern in all of these examples is clearly sexual relationships outside of a marriage blessed by the church. The act of fornication (*porneia*), adultery (*moicheia*), or similar sins are centered in nearly every case. Even marriage-like relationships between two enslaved people are typically framed in terms of *porneia* by ecclesiastical sources in the thirteenth century if not accompanied by a formal marital blessing. As a result, the legal status of the parties involved is rarely noted.

For those like Tzola, the label "concubine" immediately associated them with all of the stereotypes and fears surrounding sexually available women's bodies, including deeply engrained fears and literary tropes typically associated with enslaved women in particular. Calling one a *pallake* effectively rendered precision about a woman's free or unfree status moot. Once again, this may go some way toward explaining the general lack of slaves explicitly mentioned in the dossiers of both Chomatenos and Apokaukos. From the bishops' perspective, the slave or free status of the people in question simply was not among the most relevant facts of the cases. Helga Köpstein noted a similar phenomenon in her broader study of slavery in the last centuries of Byzantium, arguing that the sources display an increasingly imprecise use of various designations for enslaved or formerly enslaved individuals.[79]

Diabolical Slaves, Satanic Machinations, and Rumors of Adultery

As a close reading of the cases above shows, in addition to identifying those individuals whose (formerly) enslaved status may be "hidden" behind more generalizing terms, the dossiers of our two bishops can also attest to broader attitudes toward enslaved people and the social roles they played. Among the most persistent ideas found in Byzantine thought surrounding slaves within the household, especially female slaves, was the fear that they could act as disruptive and even subversive elements who threatened the harmony that was viewed as both vital and, often, fragile by Byzantine writers. Precisely these same fears, stereotypes, and tropes can be found in the cases of both Apokaukos and Chomatenos, even if, once

[79] Köpstein, *Zur Sklaverei im ausgehenden Byzanz*, 134: "Einstige Bezeichnungen für den Sklaven erweitern, verengen, oder verändern ihren Inhalt (z.B. δοῦλος, οἰκέτης), verlieren zu mindest Prägnanz. Eine soziale Kategorie mit einer so unpräzisen Terminologie kann aber unmöglich noch eine besondere Rolle gespielt haben."

again, the free or unfree status of the women at the center of such accusations remains vague or unspecified.

To offer an example, in a case to come before Apokaukos, the wife of one Manuel Monomachos was accused of adultery (μοιχεία).[80] Manuel was a married father of multiple children, whose household was thrown into disarray "by one of those under his authority" (διά τινος τῶν ὑπὸ χεῖρα), literally "under hand," who claimed that Manuel's wife had entered into an adulterous affair with one of the couple's servants.[81] As a result of the accusation, Manuel had thrown his wife out of the house, and she was forced to live with her parents until the moment of the court proceedings. In the end, Manuel was granted his request for a divorce by Apokaukos, despite the fact that the accusations against his wife were apparently a lie.

The surviving record is more concerned with the evil of false accusations and slander than in the details of adultery itself.[82] The accuser is described as a "slanderous disturber" (ὁ ταράκτης τῶν συνοικεσίων διάβολος) in language that clearly evokes an association with Satan or "demonic" (*diabolos*) machinations. The trope of the slanderous slave who disrupts the harmony of the household was already an ancient one in thirteenth-century Byzantium.[83] The sexual temptation represented by enslaved people within the household had also been a primary concern within the church since Late Antiquity.[84]

The details of the case strongly suggest that the initial accuser was enslaved, or at least held some form of unfree social and/or legal status, yet Apokaukos never specifies this explicitly. As in earlier examples, the precise status of the person in question was not deemed especially relevant for the case at hand. What mattered was that they were "under the authority" of Monomachos. The same is true for the "servant" (ἑτέρῳ τῶν ὑπηρετούντων) with whom Manuel's wife was supposed to be having an affair. Once again, we are given a case that can offer important insights

[80] Marie T. Fögen, "Ein heisses Eisen," *Rechtshistorisches Journal* 2 (1983): 95–96. The same case appears as no. 10 in Papadopoulos-Kerameus, Συνοδικὰ γράμματα.

[81] Fögen, "Ein heisses Eisen," 95: "ὡς ἄρα ἡ τούτου γυνὴ ἑτέρῳ τῶν ὑπηρετούντων αὐτῷ συνέρχεται μοιχικῶς."

[82] Fögen, "Ein heisses Eisen," 95: "ἐκ διαβολῆς αὐτῷ ὑποσπειρόμενος καὶ συκοφαντίας."

[83] Glancy, *Slavery in Early Christianity*, 23–24; Harper, *Slavery in the Late Roman World*, 288–96, 300–304.

[84] In general, see Brown, *The Body and Society*; Kate Cooper, *The Fall of the Roman Household* (Cambridge: Cambridge University Press, 2007).

into the lived experience of unfree members of a household in the thirteenth century, even if slave status is not explicitly mentioned.

In Chomatenos's *Ponema* 21, one Ioannes Bryenios was married with two children when his wife died. Afterwards, Ioannes took to cohabitating with a "concubine" (*pallake*), Maria.[85] Eventually, however, Ioannes left Maria and contracted a second, legal marriage. After only a year in this new marriage, however, Ioannes was moved to "hatred" of this new wife, apparently pushed toward divorce by the "insults and certain satanic machinations" of Maria, the spurned former "concubine."[86] Ioannes then returned to Maria, living together once again "without a marital blessing" and producing three children through the union.

It seems unlikely that Maria was enslaved, as she and her children sought to have her union recognized as a quasi-marriage. Yet, by being given the label of concubine and being accused of "satanic machinations," Maria's role in the legal brief is subsumed into categories and accusations normally associated with those of servile status. The difference between an enslaved concubine and a freeborn one is effectively moot in Chomatenos's record. The culturally conditioned expectations of a concubine and the vocabulary used to describe them continued to be marked by centuries of stereotypes associated with enslaved people. The description of Maria and her actions in *Ponema* 21 belongs in a long line of authors, particularly clergy, who viewed the presence of slaves in the household as a potentially disruptive factor in the ideal harmony of the family.

Ponema 27, which in principle is a property dispute, records a rather strange story.[87] In this case, which came to Chomatenos from the bishop of Ioannina, a man lawfully married a woman and accepted her dowry, but did not wish to live in one of the homes provided by his wife's family (as was the original agreement). Instead, he wished to live in a separate property, where he could also bring one of the two concubines with whom he had shared a home prior to the marriage. The three of them shared a house for an unspecified amount of time, though it was long enough for the man and his wife to have a child. After the man's wife had died, he continued to live with the concubine and to enjoy the fruits of his wife's dowry, while

[85] *Ponema* 21, ed. Prinzing, pp. 81–84; Laiou, "Contribution à l'étude de l'institution familiale en Épire," 290.

[86] *Ponema* 21, line 26: "ἐπηρείᾳ τῆς παλλακῆς καὶ σατανικοῖς τισὶ μηχανήμασιν."

[87] *Ponema* 27, ed. Prinzing, pp. 107–10.

the child he had had with his now deceased wife was forced to rely on the charity of a third party for his basic needs.

The story is obviously a tragic one for many involved, but the language used to describe these concubines and their actions is again informative. Most notably, "certain magical devices" were said to have been found in the household shortly after the newlywed couple moved in with the man's concubine.[88] These devices and "certain machinations" are blamed for the wife's death, displaying the same fears and stereotypes of concubines already seen in the previous cases. Concubines are closely linked with unholy or, at the very least, unsavory plots aimed at seducing otherwise innocent men and breaking up an otherwise peaceful household. As in several earlier cases, the sexually available, and therefore socially dishonorable, woman is assigned a disproportionate share of subversive power and moral culpability in the text.

Conclusion

The roles and responsibilities of bishops like Demetrios Chomatenos and John Apokaukos were expanded due precisely to the political instability brought on by the conquest of Constantinople and the subsequent fragmentation of the areas around the Aegean and in the Balkans.[89] It may be in this context that our two bishops utilize broader, less specific categories for the actors in their case summaries and letters. Such practices bring a certain order to this chaos, by subsuming several different categories of both people and property under a single phrase. Yet, in many ways, their naming and categorizing practices are consistent with more common Byzantine custom. In general, Byzantine sources tend to be chiefly concerned with relational identities, not absolute, legal categories. Even in legal sources, the governing principle is that of authority, in Chomatenos as much as the *Peira* or *Basilika*.

The dossiers of Chomatenos and Apokaukos can indeed contribute to our understanding of the realities of family life and family dynam-

[88] *Ponema* 27, lines 16–20: "ἤρξαντο εὑρίσκεσθαι σκευωρίαι τινὲς μαγικαὶ ταῖς τοῦ οἰκήματος γωνίαις παραδυόμεναι, ἤγουν ὄφεων κεφαλαὶ συνδεδεμέναι ἀνθρωπίναις θριξὶ καὶ ἄλλα τινὰ τοιαύταις μηχαναῖς κατεσκευασμένα, ἀκολούθως δὲ καὶ νόσου βολαὶ τῆς γυναικὸς καταπέτεσθαι καὶ κλινήρη ταύτην ποιεῖν."

[89] In general, see G. Saint-Guillain and J. Herrin, eds., *Identities and Allegiances in the Eastern Mediterranean after 1204* (London and New York: Routledge, 2011).

ics among unfree people, even if they are rarely mentioned explicitly. Understanding the terminology they employ, which may mask the precise legal status of people, reveals aspects of the lived realities of (formerly) enslaved people as members of families, in varying capacities, and the ways in which their lives intersected with the rest of Byzantine society. Likewise, the coincidence of terminology in cases like *pallake*/concubine further reveals cultural attitudes and expectations of those subsumed under those categories, including current or former slaves. While perhaps unable to shed light on some aspects of family life among enslaved people or their place within their masters' households, the dossiers of Demetrios Chomatenos and John Apokaukos nevertheless have much more to offer on the subject than is typically realized. And the methodologies adopted here might even extend to other Byzantine texts, thereby expanding the corpus of sources that contribute to the growing study of Byzantine slavery, especially beyond purely legalistic or economic discourses.