Observations on the Portrayal of the Ruler in the Novels of Leo VI

Abstract. The legal texts of the Byzantine period contain elements that clearly portray the role and duties of the emperor as ruler of the State. Leo VI the Wise (886–912 AD), famous for his abundant legislative and general legal work, promulgated numerous general laws (novels). His novels promote certain “ideals”, especially equality, justice, charity and clemency, along with other principles of Christian ethics. The emperor is illustrated as a ruler who has a close relationship with God, theologizes, and philosophizes at the same time. In parallel, the emperor infiltrates the mentality of his subjects as the one responsible for the people on earth, their tireless defender, and lawmaker. Furthermore, Leo appears to consistently try to accurately determine the most appropriate, prudent, and fair solution to each problem after meticulous study. He is a philanthropist, a lenient ruler and a supporter of equality and moderation. He acts as a protector of social institutions and regulates his subjects’ lives so that they can become more well-behaved and prefer only the useful things in life. Finally, in Leo’s novels the emperor is depicted not only as the person chosen by God to rule the Empire, but also as the true embodiment of justice, dignity and divine piety.

Keywords: Byzantium, care, chosen by God, Christian ethics, clemency, Collection of 113 Novels, customs, ecclesiastical mind, Emperor, emperor-philosopher, equality, justice, ideals, lawmaker, laws, legal texts, Leo VI the Wise, modesty, Novels, philanthropy, political theology, portrait, preambles, responsible for the people on earth, rhetoric, ruler (of the State), tireless defender

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I. The emperor and his portrayal

The position of the emperor in the state organization of the Eastern Roman Empire (Byzantium) is dominant. He is the bearer of all powers and the regulator of the regime and political life. He constitutes the cornerstone of the state edifice and according to the political theory of the Byzantines he is the ἄρχων τῆς οἰκουμένης (ruler of the universe), following the Davidic model of the χριστὸς Κυρίου (anointed by God). The emperor governs the Empire and cares for every matter concerning the State and his subjects, whose “shepherding” he has been entrusted with by God and for whose salvation he is responsible.

Although no systematic textbook of political theory has survived from the Byzantine era, the image of the emperor as head of the State appears in literary and legal sources. Perhaps the most formal presentation and projection of the image of the emperor as a ruler in the context of imperial ideology is encountered in the

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texts of laws – mainly general laws – which since the time of Justinian I have been called novels (novellae constitutiones – new constitutions). The texts of those laws and especially their preambles firmly project the image of the ideal ruler of the Empire, to whom they attribute certain characteristics and qualities.

II. The novels of Leo VI the Wise

Most of the novels issued by Leo VI the Wise (886–912) are included in a collection of 113 Novels. According to the prevailing view, the texts of these Novels – or


9 Editions: Σ. Τριανος, Οι Νεαρές..., p. 39–317 (collection of 113 Novels) and p. 321–322 (omitted: two novels that do not belong to the above collection and whose authenticity has not been undoubtedly
at least their preambles – were authored by Leo himself\textsuperscript{10}. Their language is rich in metaphors, while they aim to be as persuasive as possible using logical schemes, images, and examples. At the same time, the grandeur and elegance of their style are highlighted by the use of carefully selected conceptual and verbal forms. Ideals such as equality (ἰσότης), justice (δικαιοσύνη), charity (φιλανθρωπία) and clemency (ἐπιείκεια) are strongly promoted in these novels, which led researchers to speak of “a unique example” of “symbolic legislation” in Byzantine history\textsuperscript{11}. Moreover, the presentation of the principles of Christian ethics is so intense that the texts of those laws, which are often akin to the rhetorical genre of homily\textsuperscript{12}, are sometimes reminiscent of religious sermons\textsuperscript{13}.

\textsuperscript{10} S. Troianos, \textit{Die Quellen...}, p. 34. For the long preambles of Leo’s VI novels, which are usually “uniform in structure” and through which the ratio legis is projected whilst the occasio of each regulation is only rarely mentioned, cf. \textit{ibidem}, p. 173sqq. Cf. also S. Troianos, \textit{Oι Νεαρές...}, p. 25, note 29 with further references. It should be noted, however, that it is not always easy to distinguish the preamble (προοίμιον – praefatio) of a Leo’s novel from its historical part (ἱστορικὸν μέρος – narratio) or sometimes from the disposition (διατακτικόν – dispositio) itself.


\textsuperscript{12} For Leo VI as author of homilies, cf. M. Riedel, \textit{Leo VI...}, p. 137–153 and T. Antonopoulou, \textit{Emperor Leo VI the Wise...}

III. General points: The characteristics of the ruler in the Novels of Leo VI

In the texts of the 113 Novels of Leo VI, especially their preambles, the emperor is portrayed as the chosen of God, as a ruler who theologizes and philosophizes, as responsible for the people on earth, as the tireless defender of the people and as lawmaker.

The source material is rich and extensive, so in this paper we will limit ourselves to a presentation (in some cases, indicative) of the most representative samples from each of the categories just mentioned.

It should be emphasized that the texts of Leo’s Novels create the impression that this emperor successfully embodies the model of the ideal ruler. Nonetheless, they also tend to project Leo as a distinctive example of a ruler that not only maintains a close relationship with God who chose him to rule the Empire, not only has all the abilities and talents required to rule the State effectively for the benefit of his subjects, but at the same time, wise as he is, he is able to philosophize and theologize, sometimes taking positions that demonstrate breadth of mind and a progressive and realistic outlook.

What is more, Leo seems to have been driven by the realization that as emperor he was “obliged” to “Christianise” (i.e. to shape in a Christian way) the state entrusted to him by God, strictly adhering to the principle of justice and the values of Christian morality. Furthermore, as is common with many other emperors, Leo appears to study carefully and in depth, locked in his study room, to find the fairest settlement – solution to any issue.

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14 The four novels of dubious authenticity published by P. Noailles, A. Dain, Les novelles…, p. 376–378, will not be used here. Two of them have been proven to be nongenuine, while serious reservations have been expressed about the authenticity of one of the other two. Cf. S. Troianos, Oi Νεαρές…, p. 321. In any case, they do not add anything substantial to the present research.


16 Breadth of mind is obvious in the dialectical essence of some of the texts under consideration, which is somewhat surprising, given that the emperor as an absolute monarch (whose power is certainly delimited, as mentioned above in note 1) does not put into discussion the regulations he promulgates.


IV. The various categories

1. The emperor’s relationship with God

First, in the context of projecting the emperor’s relationship with God\(^{20}\), Leo praises Justinian (who was his role model)\(^{21}\) for his piety, which was accompanied by a sense of care (πρόνοια, φροντίς) for his subjects\(^{22}\).

In addition, in Novel 60, Leo appears to act with the help of God, before whom he places his hopes for the success of his task\(^{23}\). In the same context, in Novels 2 and 109, he refers to his reign as granted “by God” (ἐκ Θεοῦ), an idea also found in the Novels of other emperors\(^{24}\).

Furthermore, in many of his Novels, Leo uses images and phrasing, by which the emperor appears as “imitating” attributes of God (God’s power and charity, provision for his people, love/kindness)\(^{25}\). To convey this, the texts emphasize that the emperor cares (provides) for the people by the power given to him by God\(^{26}\). Moreover, the emperor provides assistance, benefits and philanthropy to his subjects, caring for the welfare of the Empire\(^{27}\). He also combines clemency...

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\(^{22}\) In the historical part of Novel 30, it is written that Justinian’s care for his subjects along with his piety brightened the crown (Ἰουστινιανός ἐκεῖνος, οὗ μετὰ τῆς εὐσεβείας καὶ ἡ περὶ τὸ ὑπήκοον φροντὶς ἐσέμνυνε τὸ διάδημα), Novel 30, ed. Σ. Τριανος, *Oi Νεαρές...*, p. 126.17–18. Cf. H. Hunger, *Prooimion...*, p. 89, 167, note 15.

\(^{23}\) As he states: So we believe that we are not allowed to ignore this situation, by determining the proper punishment through law we try with the help of God to stop those who do not hesitate to harm a divine creature in this way (Τούτο οὖν ήμεις οὐκ ἀνέκτων ἠγούμεθα παριδεῖν, ἀλλὰ νόμῳ τὴν περὶ αὐτοῦ ποινὴν περίωμεθα σὺν Θεῷ τῆς τόλμης ἐπισχεῖν τοὺς οὕτω μὴ διευλαβουμένους τῷ θείῳ λυμαίνεσθαι πλάσματι), Novel 60, ed. Σ. Τριανος, *Oi Νεαρές...*, p. 200.14–17. Cf. H. Hunger, *Prooimion...*, p. 152, note 360, p. 169, note 18.


\(^{26}\) The wording of Novel 40 is quite characteristic: Our Majesty judged that this is a situation we could not ignore, but as we have otherwise cared for the good management of State affairs by virtue of the power given to us by the Almighty, we likewise decided to improve the regulation regarding captives (Τούτο οὖν οὕτως ἔχον οὐκ ἐδοξε τῇ βασιλείᾳ ἡμῶν διδομένην παριδεῖν, ἀλλ’ ὥσπερ ἐν τοῖς ἄλλοις κατὰ δύναμιν τὴν περὰ τοῦ Κρείττονος διδομένην ὡστε τῇ ἡμετέρᾳ πολιτείᾳ εὐθεῖαν, οὕτω πρὸς τὸ ἁμείναι καὶ τὰ περὶ τῶν ἁχίμαλωτῶν ἑπανορθώσεις διεγνώκαμεν), Novel 40, ed. Σ. Τριανος, *Oi Νεαρές...*, p. 156.68–73.

with justice\textsuperscript{28} and modesty\textsuperscript{29}. Additionally, he takes charity\textsuperscript{30} into account when introducing or amending rules of law\textsuperscript{31}. As is characteristically stated in Novel 32, the emperor almost always takes the most charitable view\textsuperscript{32}.

What is more, as a peacemaker, Leo brings, as he affirms in Novel 1, peace and harmony to the provisions of law and to the legal order in general, thus ensuring social peace\textsuperscript{33}.

In addition, we believe that the imitation of Christ lies behind many expressions used in Leo’s Novels, by which the emperor appears as humble, but at the same time neither his prestige and majesty nor his unquestionable omnipotence diminish. Furthermore, the emperor asserts that any condescension and favor on

\textsuperscript{28} Novel 1, ed. Σ. Τριαναος, Oi Νεαρές…, p. 46.49–52. For justice in Leo’s Novels, cf. indicatively M. Riedel, Leo VI…, p. 128.

\textsuperscript{29} Novel 38, ed. Σ. Τριαναος, Oi Νεαρές…, p. 148.7–14.

\textsuperscript{30} For charity particularly in the Novels of Leo and as a feature of his own legislation, cf. T. Antonepoulou, Emperor Leo VI the Wise…, p. 218, with further literature in note 146. Most of the relevant excerpts on fair character, charity and proportionality can be found in the Novels of Leo that deal with criminal actions, where issues related to sentences and their purpose and characteristics are discussed, among others. Cf. E. Παπαγιάννη, Οι αξιόποινες πράξεις… Cf. σ. τρωιΑνοσ, Λέων Σ’ ο σοφός: νομική σκέψη και κοινωνική συνείδηση, [in:] idem, Oi Νεαρές…, p. 419–422; idem, Παρατηρήσεις στη Νεαρά 92 του Λέοντος Σ’, [in:] idem, Oi Νεαρές…, p. 527–537 and K. Μιούρδαρα, Νομοθετικά κατά της διαφθοράς στο Βυζάντιο (Νεαρές Λέοντος στ΄ του σοφού), [in:] Ευδημ, Επιλογή μελετών Ιστορίας Δικαίου… Cf. σ. τρωιΑνοσ, Λέων Σ’ ο σοφός: νομική σκέψη και κοινωνική συνείδηση…, p. 416.


\textsuperscript{33} For this, cf. Novel 1, ed. Σ. Τριαναος, Oi Νεαρές…, p. 44.27–28 (for Justinian) and p. 44.39–45; Novel 6, ed. Σ. Τριαναος, Oi Νεαρές…, p. 60.14–16 and Novel 14, ed. Σ. Τριαναος, Oi Νεαρές…, p. 76.19–22. For this issue, cf. Σ. Τριαναος, Λέων Σ’ ο Σοφός: νομική σκέψη και κοινωνική συνείδησι…, p. 423 and passim, and K. Μιούρδαρα, Κεκωλυμένα αντικείμενα και σχετικές νομοθετικές ρυθμίσεις του Λέοντος Στ’ του Σοφού, [in:] Ευδημ, Επιλογή μελετών Ιστορίας Δικαίου…, p. 123–140, esp. p. 137–138.
his part in one case or another never involves a comparison to the (incomparable) imperial grandeur, due to which the emperor has nothing to “envy” of his subjects, whom, however, he incessantly benefits\textsuperscript{34}. Therefore, Leo legislates at the request of ecclesiastical officials, particularly the patriarch (and his own brother in flesh) Stephen\textsuperscript{35} and his Synod, thus resolving disputes in matters concerning the Church\textsuperscript{36}. After all, the emperor humbly identifies himself as spiritually guided by the patriarch, whose appeals or advice he attends to\textsuperscript{37}. In another case, the emperor declares that he will legislate instead of the Synod, but at the request of the Synod (as he states at least), although in ecclesiastical matters, a decree of the Synod is appropriate, and not an imperial law\textsuperscript{38}.

Moreover, in matters concerning the monks, the emperor intervenes regulatorily, but he simultaneously “explains” that he does so to protect monasticism\textsuperscript{39}.

What is more, the emperor stands with special reverence and respect towards the divine commandments of the Gospel and the holy canons. When the question of the correlation between laws and holy canons is raised\textsuperscript{40}, Leo very carefully declares that the regulations of the canons are correct, and the laws must be adapted

\textsuperscript{34} Novel 80, ed. Σ. Τριανάος, Οι Νεαρές…, p. 240.17–18. For this Novel, cf. C. Bourdarak, Κεκωλυμένα αντικείμενα…, esp. p. 129–131, 136–137.

\textsuperscript{35} For him, cf. Σ. Τριανάος, E. Παιατιάνη, Η Νεαρά 17…, p. 485, note 3 with further literature. That the text means the patriarch of Constantinople was shown by Σ. Τριανάος, Παρατηρήσεις στη Νεαρά 92…, p. 527–530.

\textsuperscript{36} Novel 5, ed. Σ. Τριανάος, Οι Νεαρές…, p. 54.24–56.27. For this, cf. S. Trianos, Die kirchenrechtlichen Novellen…, p. 237.

\textsuperscript{37} In this particular case, Leo had ruled on a legal dispute and by his judgment he showed “compassion” (συμπαθέστερόν πως ἐπὶ τῷ πάθει διατεθειμένοις) to the victim, who had been blinded during a violent quarrel. This compassion and that specific charitable judgment (apparently given in imitation of the divine mercy and charity) (τὸ τῆς διαθέσεως φιλάνθρωπον), was eventually made a law of the State, allegedly upon the request of the patriarch, which the emperor immediately accepted. Novel 92, ed. Σ. Τριανάος, Οι Νεαρές…, p. 258.4–260.22. Cf. Σ. Τριανάος, Παρατηρήσεις στη Νεαρά 92…, p. 527–537. Cf. ΙΔΕΜ, Λέον Σ’ ο Σοφός: νομική σκέψη και κοινωνική συνείδηση…, p. 419–420 and Κ. Μπογιώτα, Η νομολογία, κίνητρο νομοθετικής πρωτοβουλίας του Λέοντος Στ΄ του Σοφό, [in:] ΕΑΔΕΜ, Επιλογή μελετών Ιστορίας Δικαίου…, p. 157–170, esp. p. 164–166.

\textsuperscript{38} Here the hurdle is overcome with a convincing excuse credited to the requesting patriarch and linked to the argument that the Synod should not be convened to consider a single issue when the emperor can legislate on a specific case.

\textsuperscript{39} Novel 10, ed. Σ. Τριανάος, Οι Νεαρές…, p. 68.7–9. Cf. Novel 5, ed. Σ. Τριανάος, Οι Νεαρές…, p. 58.73–75.

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to them. At the same time, however, when he chooses the appropriate solution to each issue and when he adapts the laws of the State, he considers which regulation provides the greatest security to the regulated life relationships (ἁσφαλέστερον τοῖς πράγμασι) He does so either by complying with the regulations of the holy canons, which of course he is apt to interpret, or by legislating in a way that deviates from the provisions of the canons only because the earthly human things must be regulated by the law, as the holy canons stand in such a height that cannot be reached by anyone who does not aim at perfection through keeping the divine commandments. After all, the opposition of the law to the holy canons or the Gospel is only apparent and not real, hence the law ultimately serves the (always interpreted by the emperor) purpose of the holy canons or the Gospel word.

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42 Novel 7, ed. Σ. Τριανος, Οι Νεαρές..., p. 64.9–12; Novel 15, ed. Σ. Τριανος, Οι Νεαρές..., p. 78.7–80.13 (cf. H. Hunger, Prooimion..., p. 105, note 199) and Novel 54, ed. Σ. Τριανος, Οι Νεαρές..., p. 186.3–188.17 (cf. H. Hunger, Prooimion..., p. 128).

43 Novel 2, ed. Σ. Τριανος, Οι Νεαρές..., p. 48.13–15; Novel 8, ed. Σ. Τριανος, Οι Νεαρές..., p. 66.29–34; Novel 9, ed. Σ. Τριανος, Οι Νεαρές..., p. 68.6–9; Novel 11, ed. Σ. Τριανος, Οι Νεαρές..., p. 72.7–8 and Novel 7, ed. Σ. Τριανος, Οι Νεαρές..., p. 64.12–15. Particularly for ecclesiastical matters: Novel 16, ed. Σ. Τριανος, Οι Νεαρές..., p. 80.10–13; Novel 75, ed. Σ. Τριανος, Οι Νεαρές..., p. 232.5–8 and Novel 76, ed. Σ. Τριανος, Οι Νεαρές..., p. 234.3sqq. For the Novels of Leo VI that are related to ecclesiastical law or have ecclesiastical content, cf. Σ. Τριανος, Die kirchenrechtlichen Novellen... and Σ. Τριανος, Οι κανόνες της συνόδου "εν Τρούλλω" (Πενθέκτης) στις Νεαρές του Λέοντος Ζ’ του Σοφού, [in:] idem, Οι Νεαρές..., p. 469–483.


In any case, the legislation still needs to be amended to correspond to the circumstances, particularly to the ecclesiastical “mentality”, which should define it\textsuperscript{47}. The emperor, of course, can handle matters even by circumventing the law (through οἰκονομία, \textit{economia} – \textit{economy}, dispensation), always invoking the divine command, in virtue of which he has been assigned the administration of the Empire\textsuperscript{48}.

\section{The emperor theologizes}

Second, apart from the qualities and the relationship of the emperor with the Divine in general, in the texts of his Novels Leo employs expressions and puts forth reasoning with a strong theological essence\textsuperscript{49}. This consists of individual language constructions and arguments that are parts of other wider reflections and are used to underscore specific aspects of the whole reasoning or to signify a specific “godly” way of thinking. Hence, this may be regarded as another way in which the emperor’s bonding with God is revealed. That bonding, as is sometimes obvious, concerns both his personal religious position\textsuperscript{50} and his attitude as a ruler “appointed (by God)” and having the “right” or the “ability/capability” to interpret the Holy Scriptures and the holy canons and to use them to serve his purposes, always for the benefit of the subjects, whose government he has been entrusted with by God.

In this context, Leo refers to the Incarnation and the salvatory work of Christ\textsuperscript{51}, acknowledges the superiority of the spirit over the flesh\textsuperscript{52}, notes that the souls of the

\begin{footnotes}
\footnotetext[47]{Novel 89, ed. Σ. Τριανος, \textit{Οι Νεαρές}..., p. 254.3–13.}
\footnotetext[48]{Novel 109, ed. Σ. Τριανος, \textit{Οι Νεαρές}..., p. 300.16–302.23, which states among other points: \textit{Those to whom God has entrusted the management of worldly affairs have the power to handle such matters by circumventing the law that applies to the subjects}. For the concept of \textit{economy} (used especially in Ecclesiastical Law), cf. R. Potz, E. Synek, S. Troianos, A. Klutschewsky, \textit{Orthodoxes Kirchenrecht. Eine Einführung}, Freistadt 2014, p. 335–339 and Σ. Τριανος, Π. Πολυής, \textit{Εκκλησιαστικό Δίκαιο}, Αθήνα–Κομοτηνή 2003, esp. p. 21–24 with further literature. Novel 109 specifies the legal age for engagement. Researchers consider that the relevant provisions of this Novel, especially the final one just cited, were introduced to deal with cases of engagement of imperial family members and, in this specific case, of Leo’s daughter Anna (from his second marriage), in view of her desired marriage to the king of Burgundy and later emperor of the West, Louis III. Cf. K. Μπουρδάρα, Δίκαιο και Πολιτική. Η Νεαρά 109 Λέοντος Στ’ του Σοφού για τη νόμιμη ηλικία σύναψης μνηστείας, [in:] Ε.ΔΕΜ, Επιλογή μελετών Ιστορίας Δικαίου..., p. 141–156, esp. p. 143sqq, 150–155. For the above provision (not a “preamble” in absolute terms) of this Novel, which corresponds to the idea of the emperor as the \textit{animate law}, cf. H. Hunger, \textit{Prooimion}..., p. 119. In this idea, cf. generally D. Simon, \textit{Princeps legibus solutus. Die Stellung des byzantinischen Kaisers zum Gesetz}, [in:] Gedächtnisschrift W. Kunkel, Frankfurt am Main 1984, p. 449–492.}
\footnotetext[51]{Novel 17, ed. Σ. Τριανος, \textit{Οι Νεαρές}..., p. 82.9–11.}
\footnotetext[52]{Novel 3, ed. Σ. Τριανος, \textit{Οι Νεαρές}..., p. 50.22–26.}
\end{footnotes}
dead benefit from memorial services, which are also beneficial to those who perform them (i.e., the living), while he does not ignore the relief that the dead receive from the transfer of their property and possessions to others, who are thus aided.

Furthermore, the emperor refers to the value of monasticism, especially the adherence to the monastic vows, and seems to be quite familiar with the theological-patristic approach to monasticism.

He also acknowledges that the fruits of the earth are a gift from God and largely depend on Him, whilst he states that magic is dangerous for the human soul and strongly advocates the significance of the Sunday holiday.

What is more, the emperor interprets the Gospel in a way that essentially justifies his regulatory interventions, but he also makes several general references. He underscores the importance of baptism and the churching of a mother and child after forty days and speaks of marriage as a divine and precious gift to man. He refers specifically to the marital union as effected by God, while in many

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53 Novel 4, ed. Σ. Τριανός, Οἱ Νεαρὲς..., p. 52.41–45.
55 He specifically mentions that monasticism is a “saving venture” (Novel 6, ed. Σ. Τριανός, Οἱ Νεαρὲς..., p. 62.32–35), “worthy of admiration and divine” and for this reason the emperor must “touch upon” it (that is, regulate it) with all reverence-carefulness (cf. S. Τριανός, Die kirchenrechtlichen Novellen..., p. 236–237); Novel 10, ed. Σ. Τριανός, Οἱ Νεαρὲς..., p. 68.9–10. He also states that those dedicated to the service of God must remain free from worldly cares and earthly distractions: Novel 68, ed. Σ. Τριανός, Οἱ Νεαρὲς..., p. 220.10–12, 220.33–35.
57 Monasticism requires its members to constantly look to the cross of Christ and to death, Novel 10, ed. Σ. Τριανός, Οἱ Νεαρὲς..., p. 70.32–36.
58 Novel 54, ed. Σ. Τριανός, Οἱ Νεαρὲς..., p. 188.19–23 (cf. Σ. Τριανός, Η Νεαρά 54 Λέοντος τοῦ Σοφοῦ για τὴν αργία της Κυριακῆς καὶ οἱ πηγὲς τῆς, [in:] ΙΔΕΜ, Οἱ Νεαρὲς..., p. 503–513); Novel 65, ed. Σ. Τριανός, Οἱ Νεαρὲς..., p. 212.21–27 (cf. S. Τριανός, Die kirchenrechtlichen Novellen..., p. 241) and Novel 54, ed. Σ. Τριανός, Οἱ Νεαρὲς..., p. 188.24–190.39) (cf. S. Τριανός, Die kirchenrechtlichen Novellen..., p. 239–240 and Σ. Τριανός, Η Νεαρά 54..., p. 503–513), respectively.
59 The introduction of a law as a way to root out the jealous indifference towards one’s neighbor is justified in Novel 51, ed. Σ. Τριανός, Οἱ Νεαρὲς..., p. 180.10–18.
60 Novel 14, ed. Σ. Τριανός, Οἱ Νεαρὲς..., p. 76.4–10.
61 Novel 17, ed. Σ. Τριανός, Οἱ Νεαρὲς..., p. 82.23–25, 84.64–86.67; Novel 17, ed. Σ. Τριανός, Οἱ Νεαρὲς..., p. 84.57–63; Novel 26, ed. Σ. Τριανός, Οἱ Νεαρὲς..., p. 110.5–112.13; Novel
Novels he extensively analyses the purpose of marriage\textsuperscript{62}. He also refers to priests in general\textsuperscript{63} and to priesthood as dedication to God\textsuperscript{64}.

Very interesting in this respect would be a hymnological invocation of the divine Light found in the preamble of Novel 5. This invocation is the only one encountered in the texts of Leo's Novels, but it is quite characteristic\textsuperscript{65}.

3. The emperor-philosopher

Third, Leo sporadically expresses philosophical thoughts that are usually short, always complete in meaning, insightful, interesting, and eloquently articulated. Of course, since these are texts of state laws, one would not expect to read thorough discussions of a high philosophical level. Though, it is interesting that the “Wise” emperor does not refrain from philosophical reflection while composing the texts of his laws.


\textsuperscript{63} Novel 86, ed. Σ. ΤΡΙΑΝΟΣ, Οι Νεαρές…, p. 250.3–11.

\textsuperscript{64} Novel 79, ed. Σ. ΤΡΙΑΝΟΣ, Οι Νεαρές…, p. 236.3–238.8.

\textsuperscript{65} ὦ θεῖον φῶς καὶ καταπυρσεύειν τὸν κόσμον ὑπὸ τοῦ πρώτου φωτός ἐν τῷ μεγάλῳ τῆς ἐκκλησίας στερεώματι τεθειμένον (Divine Light, thou that has been placed by the Source of Light in the great sky of the Church), Novel 5, ed. Σ. ΤΡΙΑΝΟΣ, Οι Νεαρές…, p. 54.18–20. For Leo VI as hymnographer and the hymnographic elements contained in his works, cf. Θ. ΔΕΤΟΡΑΚΗΣ, Βυζαντινή Φιλολογία…, vol. III, p. 37–38; T. ANTONOPOULOU, Emperor Leo VI the Wise…, p. 202, 232, and M. RIEDEL, Leo VI…, esp. p. 3, 143 with further literature.
Particularly, the emperor is preoccupied with the problem of truth, which must go hand in hand with fairness and reason. At the same time, as a realist, Leo finds that people habitually support already formed views, even irrational ones.

Moreover, in the preamble of Novel 90, he emphasizes that man, who has been created by God as a rational being, should not lag behind in "virtue" in relation to animals, which sometimes display "virtuous" behaviors.

Furthermore, Leo quotes proverbs and expresses ideas rich in meanings and with various contents. In one of these reflections, he states that the greatest benefit

66 As the emperor states in Novel 19, ed. Σ. Τριανός, Οἱ Νεαρὲς…, p. 90.42–92.47: Οὐ γὰρ δὴ προτιμότερον τῆς ἀληθείας ποιεῖσθαι εὔλογον τὸ ψεῦδος, οὐδ’ ἔννομον, οὐδ’ ἁρμόζον λογικῷ ζῷῳ τὰς ἒνδεικτικὰς τῶν λόγων ὁμώνυμας δι’ ἀθετήσεως κιβδηλεύειν· ἀλλ’ εἴπερ τι ἄλλο τοῦτο πρέπον ἀνθρώπῳ φυλάττειν λόγον ἀλήθειαν, εἰ γε μὴ μέλλοι <ἐν> τῷ διαφθείρειν ψεῦδει τὸ ἀληθές γίνομεν ἀπὸ λογικῆς ἐκπεσεῖν τάξεως (it is not reasonable to give priority to falsehood over truth, nor is it in accordance with the law, nor is it fitting for a rational being to falsify agreements by breaking them. For man, it is more proper than anything else to preserve the faith of his words, if he is not going, through distorting the truths with lies, to fall, by becoming reasonless, into the order of irrational beings).

67 See note 17 above.

68 As he declares in the preamble of Novel 20: Ἀλλὰ γὰρ φιλόνικον ἡ συνήθεια καὶ πολλάκις τῇ μακρᾷ ὁμιλίᾳ ὡς πῆξιν λαβὸν ἐν ταῖς ἀνθρώπων γνώμαις ἄτοπον δόγμα, καὶ μάλιστα ὄσοις μὴ ὀρθῷ κριτηρίῳ ἐπιμέλεια τόδε συνορᾶν, οὐκ ἐθέλει ῥᾳδίως ἐκμοχλεύεσθαι, τὴν φθάσασαν πρόληψιν κἂν ἀτόπος ἑαυτὸν ἀγαπώντως καὶ μὴ βουλομένων ἀκολουθεῖν τοῖς ἀμείνοσι (The custom, however, is competitive, and quite often, with frequent use, an irrational view of things is established in people’s minds, especially in the minds of those who do not care enough to examine things with correct criteria, [a perspective] which is not easily eradicated, because people adhere to already formed views, no matter how irrational, and are not willing to adopt other, better ones), Novel 20, ed. Σ. Τριανός, Οἱ Νεαρὲς…, p. 94.50–96.54. Cf. G. Michaelides-Nouaros, Αἱ φιλοσοφικαὶ καὶ κοινωνιολογικαὶ ἰδέαι…, p. 106. For the custom in Leo's Novels, cf. idem, Les idées philosophiques de Léon le Sage sur les limites du pouvoir législatif et son attitude envers les coutumes, ΕΞΣΟΕΑΠΘ 8, 1960–1963, p. 25–54.

69 Ἐδει δὴ πλάσμα τῆς θείας ὄντας ἡμᾶς παλάμης καὶ νῷ καὶ λόγῳ τετιμημένους μὴ τῆς προσούσης ἐν τισιν ἀλόγων ἁρετῆς ἰττάςθαι· οὐ γὰρ ἐξω αὐθεντικὴς κατηγορίας τῇ ἡττήσει οὐδὲ μῶμων δικαίων ἐλευθεροῦν, ἀλλὰ τοσοῦτον ὑπόδικον ὅσον τῆς ἀλόγου φύσεως ἡ λογικὴ περὶ τὸ ἄμεινον. Ἐδει οὖν τὰ τέ άλλα καὶ ἐν τοῖς γαμικοῖς μὴ τὸ ἐλαττῶν τῆς ἐν αὐτοῖς σωφροσύνης προσεῖναι ἀνθρώπως. Πολλά γὰρ τῶν ἀλόγων τοῦ ὁμοζύγου προσαφθαρέως διὰ βίου τὴν χηρείαν ἀναπτάζεται καὶ δευτέρους οὐκ ἐθέλει γάμος τὸν πρῶτον ὠψερ κατασχωννεῖν (Of course, since we have been created by the hand of God and endowed with reason and the gift of speech, we should not seem to lag behind in virtues found in some species of the animal kingdom. Because this weakness, which is subject to fierce criticism and is not exempt from justified deprecation, is as guilty as reason is superior to irrational nature. So, in the matter of marriage, among other things, wisdom should not appear diminished in humans. Many animals remain widowed after the death of their mate and do not want to bury, in a way, the first union by creating a second one), Novel 90, ed. Σ. Τριανός, Οἱ Νεαρὲς…, p. 256.3–11.

70 Novel 16, ed. Σ. Τριανός, Οἱ Νεαρὲς…, p. 80.3–5: The old principle that requires one to listen carefully to anyone who talks about issues familiar to himself is correct in any case but proves to be much more correct here; Novel 18, ed. Σ. Τριανός, Οἱ Νεαρὲς…, p. 86.5–8: The best choice in every respect, both in deeds and in words, must not be condemned, and the agreement or rejection must be made
is caused whenever benevolence is most needed. Elsewhere he notes that items are not bad, but what can be bad is their use. Moreover, man, “who has been endowed with reason” must always choose the appropriate time for his actions – this applies especially to marriage.

The emperor considers freedom and priesthood as the most valuable principles in human life, while he favors true piety and not its phony imitation, which constitutes delusional and harmful irreverence.

Leo also attaches great importance to trust, which should not be betrayed by anyone that has enjoyed it. As a profound observer of human nature, he is able to recognize human behaviors that are not virtuous but are based on selfish incentives.

What is more, the emperor considers that collective action in general has and should have consequences for all those who participate in it, either with positive or negative results, whilst especially in the field of criminal offenses he points out that what happens by chance cannot constitute crime.

Additionally, Leo expresses – not so progressive (by modern standards), indeed – views on the position of women at his time, aiming on the one hand to draw a distinction between men and women and on the other hand to protect the latter’s propriety, while he addresses many issues in relation to eunuchs.

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not according to the doers or sayers, but according to the essence of the deeds or words, and Novel 39, ed. Σ. Τριανας, Οι Νεαρές..., p. 148.5–150.11: No man has reached such a [high] point of perfection so as not to attempt anything contrary to his interests, nor, I think, has there been anyone so unlucky in mind that he does not often prove useful to himself. For God does not allow even the one who relies solely on his prudence to do everything perfectly, nor, as a creator who cares for his creatures, does he allow the one who lacks wisdom to constantly make mistakes due to his foolishness. For this latter Novel, cf. Σ. Τριανας, Λέων C’ ο Σοφός: νομική σκέψη και κοινωνική συνείδηση..., p. 419.

71 Novel 26, ed. Σ. Τριανας, Οι Νεαρές..., p. 112.32–33.
73 Novel 109, ed. Σ. Τριανας, Οι Νεαρές..., p. 300.4–10.
74 Novel 11, ed. Σ. Τριανας, Οι Νεαρές..., p. 72.15–16.
75 Novel 17, ed. Σ. Τριανας, Οι Νεαρές..., p. 82.20–22.
76 Novel 34, ed. Σ. Τριανας, Οι Νεαρές..., p. 138.5–7, on a regulation concerning the guardians of minor children.
78 Novel 70, ed. Σ. Τριανας, Οι Νεαρές..., p. 224.4–12.
80 Novel 48, ed. Σ. Τριανας, Οι Νεαρές..., p. 174.3–176.27. For this issue, cf. C. Bourdara, Η διάκρισις των φύλων ως κριτήριο στις ρυθμίσεις των Νεαρών του Λέωντος Στ’ Σοφού, Αθήνα–Κομοτηνή 2011.
With regard to the organization of life and social institutions\textsuperscript{82}, especially marriage, he argues that there are only two paths: either celibacy or marriage, with the latter being now perceived (even since the issue of Novel 89) as the one performed in the proper, legal manner, i.e., solemnization\textsuperscript{83}.

4. Responsible for the people on earth, tireless supporter, benefactor

Fourth, the emperor’s care for the people is manifested in many cases, some of the most characteristic of which are mentioned below.

The emperor always strives – through his legislation – to protect anything good and beneficial to the life of his subjects, “being responsible for their welfare”\textsuperscript{84}.

Moreover, Leo cares for “the good management of State affairs”, always by the power granted to him by God\textsuperscript{85}. In addition, as stated in the preamble of Novel 13, he abolishes through his legislation, for the sake of the poor, any practice that is generally painful to anyone, but much more painful to the poor, because it makes their poverty more unbearable\textsuperscript{86}.

Being responsible for the administration of the Empire, in the preamble of Novel 23, Leo refers to the way in which public officials should generally act and behave\textsuperscript{87}.

\textsuperscript{82} It should be noted here that Leo, as protector of social institutions, shows special care in his novels for infants, children, women, orphans, the needy, the mentally ill, the eunuchs and the captives. Cf. Θ. Δετοράκη, Βυζαντινή Φιλολογία…, vol. III, p. 31–64.

\textsuperscript{83} Novel 89, ed. Σ. Τριανάς, Οἱ Νεαρὲς…, p. 254.17–21.

\textsuperscript{84} In this respect, Leo states in the preamble of Novel 107: Ἀριστόν ἐστι πᾶν εἴ τι καλὸν καὶ τῷ βίῳ συμφέρον ἀγήρατον καὶ ἀειθαλὲς διαμένειν καὶ μηδέποτε τῶν τοιούτων ἀπομαραίνεσθαι τὴν ὑφέλειαν. Εἰ δὲ ἄρα καὶ συμβῇ, καθάπερ πολλάκις συμβαίνειν φιλεῖ, παραμεληθέν πως ἀπορρύηναι τὸ χρήσιμον, ἀλλὰ τοὺς γε φροντίδα τῶν ἀνθρωπίνων καλῶν ποιουμένους προσῆκε μὴ κατολιγωρεῖν τῆς ἀποκαταστάσεως τοῦ τὴν ἑαυτοῦ λυσιτέλειαν τῷ βίῳ παρεχομένου (It is imperative that anything good and useful in life is kept ageless and evergreen, and the usefulness of these things must never lose its timeliness. If the latter does happen though, as is often the case, and the usefulness is degenerated by negligence, it is the duty of those responsible for the wellbeing of the people to care without delay for the restoration of anything beneficial in life), Novel 107, ed. Σ. Τριανάς, Οἱ Νεαρὲς…, p. 296.6–12.

\textsuperscript{85} See the relevant text of Novel 40 above (note 26), ed. Σ. Τριανάς, Οἱ Νεαρὲς…, p. 156.68–73.

\textsuperscript{86} Τούτῳ γοῦν καὶ ἄλλως μὲν χαλεπὸν ἅπασιν υπάρχον συνορῶντες, μάλιστα δὲ γινόμενον χαλεπώτερον ἐν τοῖς ἀπορωτέροις δι’ ὧν ἄντικειρέσθαι ἥ τῆς ἀπορίας ἀνάγκη καθίσταται, οὐκ ἐπὶ οὐτω γίνεσθαι νόμον τιθέμεθα, […] , Novel 13, ed. Σ. Τριανάς, Οἱ Νεαρὲς…, p. 74.15–18.

\textsuperscript{87} Ἦν μὲν οὖν ἂδικον καὶ ἀνθρώπινης διανοίας καὶ ἀρχικῆς ἀρετῆς τοὺς εἰς ἁρχὴν προβαλλομένους, ἀνθ’ ὧν ὑπὸ πολλοὺς τοὺς ἄλλους δόξης ἀπέλασαν καὶ τιμῆς, εὐλαβεῖς εἶναι περὶ τὴν συντήρησιν καὶ φυλακὴν τῶν τοῦ θεοῦ προσταγμάτων, καὶ προνοητικῶς περιέπειν τὸ ὑποχείριον, ἀλλὰ μὴ συνθλίβειν αὐτοὺς χειρὶ βαρείᾳ (It was fair, in terms of both human thought and virtue befitting the lords, that those who have been elevated to offices, in view of the glory and honors they enjoy to a greater degree than many others, to observe and respect with particular reverence the provisions of divine law, to surround the governed with care and not crush them by oppressing them with the burden of power), Novel 23, ed. Σ. Τριανάς, Οἱ Νεαρὲς…, p. 102.6–104.10. Cf. Novel 27, ed. Σ. Τριανάς, Οἱ Νεαρὲς…, p. 114.8–10.
Equally interesting is what the emperor states about economic activity and the importance of a stable economy for political and State stability. In the preamble of Novel 52, he writes: *If economic means constitute the nervous system of legal relations and if the vigorousness of the latter ensures the stability of the State, the old [legislators] rightly fought economic hardship as disease and devastation [...]*

5. Lawmaker

Finally, the exercise of legislative power is extensively mentioned in Novels. Here again we will only refer to some of the many examples.

In the preamble to the Collection of 113 Novels, the emperor states that the prudent and rational choice of fair provisions contributes to the preservation of peace and tranquility in the State.

Fulfilling the purpose it is expected to serve, the legislation which the emperor enacts or maintains in each case abides by the properness (πρέπον), the appropriateness (προσῆκον), the measure (μέτρον) and the harmony (εὐαρμοστία) of the legal and general order (εὐταξία). With this objective, the emperor abolishes those elements that disturb that harmony, makes the existing provisions complete/perfect by correcting their shortcomings and intervenes to preserve order (εὐταξία) even in ecclesiastical affairs.

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89 For this, cf. στρωίακοσσ, *Οι Νεάρες ...*, p. 19.

90 *Τοιγαροῦν οὐκ ἄξιον παριδεῖν κρίναντες ἐν τοσαύτῃ συγχύσει καὶ ταραχῇ φέρεσθαι ὅν ἡ γαλήνη καὶ ἀταραξία τῆς πολιτείας ἐξήρτηται, ἐπισκέψεώς τε ὡς ἕνι μάλιστα ἐπεμελεστάτης τοὺς νόμους ἡξώσαμεν, καὶ ἃν λυσιτελὲς ὑπάρχει τὸ κράτος κατενόησαμεν, τούτων ἐκλογὴν ποιησάμενοι, δόγματι ἐγγράφῳ τῆς βασιλείας ἠξιώσαμεν καὶ τοῖς πράγμασι διαιτᾶν ἔπεφησισάμεθα (Judging that we could not overlook the confusion and disorder that prevailed in the things on which the peace and tranquility of the State depend, we subjected the laws to the most careful inspection and after making a selection among those whose power we found beneficial, we confirmed their validity within the territory by a written determination of our Imperial Majesty and we ordered that they are applied in resolving disputes),* Preamble to the Collection, ed. στρωίακοσσ, *Οι Νεάρες ...*, p. 40.26–42.32.


93 *Novel 9, ed. στρωίακοσσ, *Οι Νεάρες ...*, p. 68.5–6.
Moreover, in the preamble of Novel 29, Leo refers to the characteristics of the “true law”\(^94\), whereas in Novel 4 the emperor argues that the law must principally safeguard the true (i.e., orthodox) faith\(^95\).

What is more, in the preamble of Novel 19, he states that the stability of laws is more important than anything for the stability of the State\(^96\).

Equality before the law seems to be an issue of particular concern to Leo. His rather liberal spirit\(^97\) (considering his time and position) is remarkable, as he argues that it is not fair to those who equally constitute the State not to participate to the same extent in the enjoyment of the rights according to which their compatriots live\(^98\).

Correspondingly, dominant is the idea of the remediation (restoration – ἐπανόρθωσις) of legislation\(^99\), which, as mentioned in Novel 34, the emperor “cleans from stains”\(^100\). As regards the remediation of the laws that effectively

\(^94\) Ὅσπερ ἀληθῆ καὶ ὀρθὸν λόγον ἴσμεν τὸν ψεύδους διαστροφὴν οὐκ ἐμφαίνοντα, οὕτω καὶ ἀληθῆ νόμον ὃς μὴ ἔλεγχεται τῷ ἀδίκῳ παρατρεπόμενος· ὡς εἴ γε τις τούτο οὐ διασφάζει, οὐκ ἂν εἴη νόμος, κἂν τῆς τοιαύτης προσηγορίας ἡξώταται. Εἴ γάρ τοῦτο νόμοι τό νέμειν ὅπερ έκάστῳ φρίγουν, πῶς ὁ μὴ τοῦτο ποιῶν νόμος ἔσται; (Just as we consider true and sincere the reason that does not seem to have undergone the distortion of falsehood, in the same way [we consider] true the law which proves not to have been corrupted by injustice; therefore, if a law does not retain this attribute, it is not a law, even if it is honored with that name. If the hallmark of law is to give everyone what they deserve, how could one that does not do so be a law?), Novel 29, ed. Σ. Τριανάσης, Οἱ Νεαρὲς …, p. 122.3–7. Of course, this phrasing is reminiscent of the definition of law provided by the 2\textsuperscript{nd}-century Roman jurist Celsus [“the art of good and equal” (“ius est ars boni et aequi”, Dig. 1.1.1.pr.)] and the three principles of law defined by Ulpian about a century later, the so-called “praecepta iuris”, e.g., the “honeste vivere”, the “alterum non laedere” and the “suum cuique tribuere”. Cf. Α. Δημοπούλου, Ρωμαϊκό Δίκαιο …, p. 139, 141. For the preamble of Novel 29 cf. H. Hunger, Prooimion …, p. 111, 133, 167, note 15.


\(^96\) … ἐκεῖνο εἰδότες ὡς πάντων προτιμότερον εἰς κατάστασιν τῆς πολιτείας ἡ τῶν νόμων κατάστασις, Novel 19, ed. Σ. Τριανάσης, Οἱ Νεαρὲς …, p. 88.9–11.

\(^97\) Cf. what is stated by T. Αντωνοπούλου, Emperor Leo VI the Wise …, p. 217–218, 222–229, 233 regarding this emperor’s “humanistic attitude”.

\(^98\) οὐ γὰρ δίκαιον ἡγούμεθα τοὺς ἐπίσης μετέχοντας τοῦ κοινοῦ τῆς πολιτείας ὀνόματος μὴ ἴσῃ μοίρᾳ τῶν τοῦ νόμου δικαιῶν τιμᾶσθαι καθ’ οὕς τὸ ὄμφυλον πολιτεύεται, […] (Because we do not consider it fair to those who equally constitute this State not to participate to the same extent in the enjoyment of the rights according to which their compatriots live…), Novel 40, ed. Σ. Τριανάσης, Οἱ Νεαρὲς …, p. 156.82–87. On the notion of equality (among others, in Leo’s Novel 40), cf. I. Medvedev, L’égallité comme principe de justice sociale chez les byzantins, ΒΣΩμ 9, 1994 (= Μνήμη Δ.Α. Ζακυθηνού Μέρος Β’, ed. N.G. Moschonas), p. 124–136 (here esp. p. 124).


\(^100\) Τούτα οὖν ὄσπερ κηλίδα μᾶμων τίνα τῷ νόμῳ προστριβομένην καθάρωμεν, τὸ προσφέρεσθαι τῷ δημοσίῳ τῆς πολιτείας ἀποθεσπίζουμεν, κελέυομεν δὲ ἐκεῖ ταύτῃ ἀπίέναι οὕς τὸν ἀδίκιαν καὶ τὸ δυστύχημα οὗ τῆς ὑπάρξεως κύριος κατεβάλετο (In order to free the law from a reproach that has settled on it like a stain, we abolish the confiscation of the corruptor’s property by the State, and we
contribute to the improvement of people’s education and life in general, the pre-
amble of Novel 77 states that ambiguity, especially in the case of the legislative
texts, is “reprehensible” because legal institutions are not mysteries, so as to remain
incomprehensible to many; on the contrary, if possible, they should not escape the
attention of anyone, neither man nor child nor woman, because they help in the most
effective way to improve people’s behavior and usefulness in life\textsuperscript{101}.

Finally, in the preamble of Novel 36 Leo argues that for the State to remain
secure the legislation must be kept sound\textsuperscript{102}.

V. Conclusion

Conclusively, the image of the emperor as a ruler is vividly illustrated in the texts
of Leo VI’s novels. Leo presents himself (and any other emperor) as God’s chosen
leader, as a theologian and philosopher, as a tireless supporter of the people
and as the lawmaker on earth. It was evidently his choice to depict the emperor
as innately imbued with such attributes with the aim of strengthening his image

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\item[	extsuperscript{101}] Ἐν πολλοῖς μὲν καὶ ἄλλοις, μάλιστα δὲ ἐν τῷ νομίμῳ ἐδάφει, οὐκ ἀνέγκλητον ἡ ἀσάφεια. δεῖ γάρ, οἷς εἰ ποι καὶ ἄλλοθι ποι σκολιάς διαπλάσεως ἀμοιρεῖτο τὸν λόγον καὶ πρὸς τὸ εὐθὺ ἐναρμοζέ-

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in the context of projecting imperial ideology. Moreover, the attributes and skills projected are standard as opposed to novel ideas, thus not at all new in the context of Byzantine imperial ideology and political theory in general. However, the way they are presented, especially in Leo’s novels, is very interesting. Leo uses legal texts as a venue to preach about theological, philosophical, moral, and even everyday matters; his writing is rather free of stylistic limitations, since he chooses complex, impressive expressions in some cases but simple, understandable expressions in others; he skillfully preserves both the transparency of expression and the clarity of regulations. He is humble yet all-powerful, conciliatory, and simultaneously the sole regulator of life relations through the legislation he promulgates. Finally, he is “human”, but he is also the ruler of a great Empire and is placed on the pedestal of its’ glorious throne. Even if Leo himself was not the ideal ruler (a question that this paper does not aim to answer), the skillfulness with which his novels portray the role and duties of the emperor could become a source of inspiration even for rulers of our own times.

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