

Salvatore Cosentino

## ***Oikoi stratiōtikoi*. Open Questions on Land and Military Service in Byzantium (c. 7th–10th centuries)**

**Abstract:** The expression *oikoi stratiōtikoi*, used in Constantine VII Porphyrogenitus as opposed to *oikoi politikoi*, designates all those families who were bound to military service. They, in the tenth century, were listed in various enlistment registers that were periodically updated, among which one was kept in Constantinople. There is solid evidence to argue that such an administrative practice originated in the eighth century, coinciding with a significant transformation in the enrolment of soldiers and their maintenance. A conscription procedure was devised in the age of the Isaurians, which, although it is not known whether it was on a voluntary or compulsory basis, entailed the entry in the military records (in Constantinople and the provinces) of every person in charge (*oikodespotēs*) of the family that had assumed the military burden. This implied in later periods a strong uncertainty in the relationship between service and its performance because registration rested on an ambiguous vocabulary. The ambiguity, in fact, was rooted in the polysemy of the concept of *oikos*, family unit, home and patrimony at the same time. While such a notion allowed the recruitment in thematic armies to function flexibly through the wide network of the family's cognate and agnatic structure, precisely because the *oikos* was also a set of economic interests, it exposed the landed patrimony of military families to splitting and erosion. This ambiguity ended with Constantine VII's famous law of 949, which regulated the property regime of the *stratiōtikoi oikoi*, a regime that, as the same provision explicitly states in several points, already existed previously throughout the empire. The law provided a precise economic quantification of the assets needed for each 'military family' to perform the service. Historiography has generally interpreted Constantine VII's measure as an act breaking with the previous tradition, since military service appears in it much more markedly connoted as a patrimonial burden, rather than as a personal one. However, this 'oppositional' interpretation does not seem adequate for understanding the concept of *oikos stratiōtikos*, which from the outset must have implied a profound interrelationship between the personality of the service and its patrimonial basis, since the one did not exist without the other.

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This paper stands against the background of issues, such as the origins of the thematic system and military lands, which have been the subject of passionate debate in Byzantine studies.<sup>1</sup> Some might consider it pointless to return to such a subject, in view of a documentary panorama that does not allow firm conclusions, except for resorting to suppositions; and this is all the more true since – I must immediately confess – I have neither new documentation,<sup>2</sup> nor ‘great’ ideas to submit to the discussion, but simply a different, or partially different, interpretation of some pieces of evidence well known to historiography. Nevertheless, it seemed interesting to me to discuss them again because, from the point of view of mental frameworks and administrative practice, they indicate a culture that transforms itself in continuity, a culture that is resistant to the twists and turns of history, but which nevertheless changed its institutions by means of renewal processes that were hardly ever systematic or sudden. Perhaps this is precisely why a scholar like Ralf-Johannes Lilie could define the so-called thematic reform with the oxymoron of ‘Die zweihundertjährige Reform’, a ‘a 200-year long reform’.<sup>3</sup> I will therefore start from a passage from *De ceremoniis*, trying to demonstrate that its original contents can be traced back to the eighth century; then, from the eighth I will return to the tenth century, in order to look at the famous novella by Constantine VII Porphyrogenitus concerning the *strakiōtika ktēmata* with the lens of the perspective previously covered.

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1 This debate can be reconstructed through J. Haldon, “Military Service, Military Lands, and the Status of Soldiers: Current Problems and Interpretations”, in *DOP* 47 (1993), pp. 1–67 (reprinted in Id., *State, Army and Society in Byzantium: Approaches to Military, Social and Administrative History, 6th–12th Century*, Aldershot 1995, VII and in *Byzantine Warfare* ed. by J. Haldon, Aldershot 2007, pp. 83–151), esp. pp. 3–7, and S. Cosentino, “Rileggendo un atto pugliese del 1017. Osservazioni sulla “terra militare” a Bisanzio”, in *JÖB* 60 (2010), pp. 47–67: 47–48. In the bibliography mentioned in the aforementioned articles, the following must be added: J.-C. Cheynet, “La mise en place des thèmes d’après les sceaux : les stratèges”, in *StByzSig* (ed. by J.-C. Cheynet and C. Sode), 10, Berlin 2020, pp. 1–14; L. Brubaker et J. Haldon, *Byzantium in the Iconoclast Era c. 680–850: A History*, Cambridge, 2011, pp. 744–755; J. Haldon, “A context for two ‘evil deeds’: Nikephoros I and the origins of the *themata*”, in O. Delouis, S. Métivier, P. Pagès (éds.), *Le saint, le moine et le paysan, Mélanges d’histoire byzantine offerts à Michel Kaplan*, Paris, 2016, pp. 245–266, and *The De Thematis (‘on the themes’) of Constantine Porphyrogenitus*. Translated with introductory chapters and notes by J. Haldon (Translated Texts for Byzantinists, 11), Liverpool 2021, pp. 52–60; V. Prigent, “Retour sur l’origine et la nature des thèmes byzantins”, *TM* 24/2 (2020), pp. 105–135 (I thank the author for letting me read his text before publication). Also very relevant to the topic discussed here is the recent article by E. Ragia, “The social position of the soldiers and the ‘military lands’: an interpretation (6th–10th centuries)”, in *Revue des Études Byzantines* 80 (2022), pp. 129–179, which I could not incorporate more extensively since my contribution had already been submitted for publication.

2 As, instead, the case of Prigent, “Retour sur l’origine” (cited n. 1).

3 “Die zweihundertjährige Reform. Zu den Anfängen der Themenorganisation im 7. und 8. Jahrhundert”, in *BSI* 45 (1984), pp. 27–39, 190–201.

## 1 From the tenth to the eighth century: a retrospective

Chapter 49 of the *De Cerimoniis*' Book II is a layered text composed of at least three sections.<sup>4</sup> The first is a list of the salaries (*rhogai*) and contributions due to a number of dignitaries in the age of Emperor Leo VI (886–912)<sup>5</sup>; the second is a very short list of payments pertaining to *chartularioi* and *notarioi* of the Constantinopolitan offices, which also refers to the age of Leo VI;<sup>6</sup> the third gives instructions on how to settle Muslim prisoners who have converted to Christianity in the territory of the empire (περὶ τῶν αἰχμαλώτων Σαρακηνῶν τῶν ἐπὶ θέματι βαπτιζομένων).<sup>7</sup> If in this last section, as has been suggested, a reference to the settlement of the Banū Ḥabīb in the theme of Melitene and the districts of Charpezicium, Arsamosata, Chozanum and Derzene after 936 is to be seen,<sup>8</sup> then it is more or less contemporary with the age of Constantine VII. This third section, the most difficult to analyse, is in turn composed of three subsections. In the first one, the *prōtonotarios* of the *thema* in which the group of immigrants – made up of about 12,000 individuals including fighters, women, and children – had settled is informed of the amount of pay and food rations due to each individual soldier who was part of the group.<sup>9</sup> The second deals with the possibility of one of the new immigrant soldiers joining an *oikos*, be it *stratiōtikos* or *politikos*, by marriage.<sup>10</sup> Finally, the third subsection deals with the case where one of the Muslim warriors receives a plot of land himself in order to settle down (γῆν εἰς κατασκήνωσιν).<sup>11</sup>

4 Const. Porph. *De cerim.* II 49 edd. Dagron, Flusin, vol. 3, pp. 376–385 (Constantin VII Porphyrogénète, *Les livre de Cérémonies*, sous la direction de G. Dagron (†) et B. Flusin, Livre II, édition, traduction et notes par G. Dagron (†), vol. 3, Paris 2020 [CFHB, LII/3]).

5 Const. Porph. *De cerim.* II, 49, pp. 376–379.

6 Const. Porph. *De cerim.* II, 49, pp. 380–381.

7 Const. Porph. *De cerim.* II, 49, pp. 382–385.

8 As thought by A. A. Vasiliev, *Byzance et les Arabes*, II/1. *La dynastie macédonienne* (867–959), édition française préparée par M. Canard (*Corpus Bruxellense Historiae Byzantinae* 2.1), Bruxelles 1968, pp. 270–272, and W. Treadgold, *A History of the Byzantine State and Society*, Stanford 1997, pp. 483, 547–548. In the *Kitāb Surat al-Arḍ*, Ibn Ḥawqal mentions the fact that the Banū Ḥabīb clan was honoured by the Byzantine emperor who settled its members on lands of the empire: A. Ramadan, “Arab Apostates in Byzantium: Evidence from Arabic Sources”, in *ByzSym* 29 (2019), pp. 273–314: 294 (doi: <https://doi.org/10.12681/byzsym.18441>).

9 Const. Porph. *De cerim.* II 49,66–69 edd. Dagron, Flusin, III, p. 83 = ed. Reiske, p. 695 B. On the passage: P. Lemerle, *The Agrarian History of Byzantium from the Origins to the Twelfth Century*, Galway 1979, pp. 133–134, 137; E. McGeer, *Sowing the Dragon's Teeth: Byzantine Warfare in the Tenth Century* (DOS, 33), Washington D.C. 1995, pp. 365–366; Ramadan, “Arab Apostates in Byzantium” (cited n. 8), p. 298.

10 Const. Porph. *De cerim.* II 49,71–75.

11 Const. Porph. *De cerim.* II 49,76–80. Dagron believes (in my opinion erroneously) that the expression “τοῖς διδομένοις αἰμαλώτοις” does not refer to the newly settled Arabs, but to other prisoners, which seems to me to be contradicted by the general sense of the passage.

Starting with an influential essay by Hélène Ahrweiler more than half a century ago, the idea has gained ground in historiography that the binomial *oikos stratiōtikos* / *oikos politikos* indicates a type of family on which the military burden was carried out, as opposed to a second type free of this obligation.<sup>12</sup> Constantine VII does not specify whether the marriage between a Muslim warrior and a woman belonging to a ‘civil family’ changes the latter’s functional status, transforming it into a ‘military family’; he does specify, however, that both, by welcoming an immigrant into their household, would be exempt for three years from the *synōnē* (in the 10th century, a tax in kind paid by farmers) and *kapnikon* (hearth-tax not mentioned before Nicephorus I).<sup>13</sup>

When did the distinction between *oikos stratiōtikos* and *oikos politikos* arise and what were the conditions that made it possible? Chapter 50 of Book II of the *De ceremoniis* contains a very useful piece of information in this regard. It specifies the office holders who, if a supply of recruits for a military campaign was called for, were exempt from the charge.<sup>14</sup> Arriving at this point, Constantine VII makes an important clarification which is worth reading in full: “it should be noted that if among all the mentioned individuals who are exempt from the financing of the military campaign, one had an old military charge (παλαιά στρατεία) as long as the person linked to one of the above-mentioned offices is alive, his *oikos* is exempt. But at the death of the latter, it is necessary that the military charge be reassigned to his *oikos* according to the *palaios typos* of the office of military affairs” (ιστέον, ὅτι ἐκ τούτων τῶν προειρημένων μὴ στρατεύεσθαι, εἶχεν τις παλαιὰν στρατεία, μέχρις ἂν ζῆ τὸ καταταγὲν πρόσωπον, οἰονδήποτε τῶν προειρημένων ὀφικίων, ὀφείλει διαμένειν ἐξσκουσευόμενος ὁ τοιοῦτος οἶκος, τελευτήσαντος δὲ τοῦ προσώπου, ὀφέλει ὀρθοῦσθαι ἢ στρατεία εἰς τὸν οἶκον αὐτοῦ κατὰ τὸν παλαιὸν τύπον τοῦ στρατιωτικοῦ λογοθεσίου). The translation of the expression *palaios typos* is by no means straightforward and has, in fact, been interpreted differently by scholars. Reiske translates *typos* with the Latin *formula* (“secundum veteram formulam rationarii militaris”).<sup>15</sup> Ann Moffatt and Maxeme Tall understand the term as ‘ordinance’ (“in accordance with the old ordinance of the bureau of the logothete of the stratiotikon”).<sup>16</sup> Gilbert Dagron, on the other hand, as ‘ancien tarif’ (“second l’ancien tarif de la caisse du stratiotikon”).<sup>17</sup> This latter translation, which is phi-

12 H. Ahrweiler, “Recherches sur l’administration de l’empire byzantin aux IXe–XIe siècles”, in *Bulletin de Correspondance Hellénique* 84 (1960), pp. 1–109: 8–9, 11–12 (reprinted ead., *Études sur les structures administratives et sociales de Byzance*, London 1971, VIII).

13 See N. Oikonomidēs, *Fiscalité et exemption fiscale à Byzance (IXe–XIe s.)*, Athènes 1996, pp. 70–72. According to J. Haldon, on the other hand, the late antique *synōnē* from the second half of the 7th century was transformed from an extraordinary tax into the basic land tax (“Synōnē: re-considering a problematic term in middle Byzantine fiscal administration”, *BMGS* 18, 1994, pp. 116–153).

14 Const. Porph. *De. cerim.* II 50,40–62 edd. Dagron, Flusin = Reiske, p. 698.

15 Constantini Porphyrogeniti *De ceremoniis aulae byzantinae* ed. I.I. Reiske (CSHB), Bonnae 1879, p. 698.

16 Constantine Porphyrogenetos, *The Book of Ceremonies*, translated by A. Moffatt, M. Tall (ByzAust, 18), Leiden 2012, p. 698.

17 Const. Porph. *De. cerim.* II 50,61 edd. Dagron, Flusin, vol. III, p. 390.

logically audacious, is justified based on the circumstance that the presence of clerics from the imperial palace in the list would show that it was a tax or contribution in kind, not a personal service, since clerics could not have carried arms. Such a justification, however, seems incongruous with the wording of the text, which expressly clarifies that the burden is not on the clerics, but on their *oikos*, and therefore could have been fulfilled by their relatives. It seems to me, therefore, that the learned emperor with the expression *palaios typos* alludes here to the existence of the *logothesion tou stratiōtikou* – in excessively modern language we could call it the office or accounting office for military affairs, based in Constantinople – of an ancient register (*typos*: matrix), containing the enlistment of all *oikoi* who exercised the *strateia*.

At least in the 9th and 10th centuries we know that soldiers who served in the provincial armies were listed both in registers that counted the conscripts for each *thema*, and in a single general matriculation (*kōdix*) preserved in Constantinople, which perhaps represented the original state of constitution of the military ranks. Both must have already existed in the first half of the 9th century, as some lives of saints show, such as the *bios* of St. Euthymius the Younger or that of Luke the Stylite.<sup>18</sup> The former was born in 823/842 in the village of Opso, in Galatia, son of a *stratiōtēs*, his father στρατεία καταλεγόμενος (“enlisted in military service”).<sup>19</sup> His parent died when the saint was only seven years old, leaving the mother uncertain whether to burden her child with the obligation; in the end she made the decision, and Euthymius was enrolled in the *stratiōtikoī kōdikes*. Despite this, at the age of eighteen (in September 841), he nevertheless embraced the consecrated life on Mount Olympus. The family of Luke the Stylite lived in Phrygia in the 9th (or 10th) century. His parents were well-to-do peasants, but also obliged to military service (στρατεία κουστωδία καταλεγόμενοι).<sup>20</sup> Around the age of eighteen he was considered capable by his parents to take on the obligation (τὴν τῆς στρατείας ἐξυπηρετεῖν ἐπήρειαν προεστήσαντο);<sup>21</sup> the *bios* also takes care to specify that Luke was not maintained by the rations provided by the imperial administration (ὀψώνιον ἤτοι βασιλικὸν σιτηρέσιον), but by the revenues of his father’s estates (πατρικὸς οἶκος). Luke also embraced the consecrated life and was later ordained as a priest at the age of 24.<sup>22</sup> Although in such a condition, the biographer specifies that he continued to exercise the *strateia* (ἐξυπηρετούμενος τῇ στρατιωτικῇ ἐπηρείᾳ).<sup>23</sup> Evidently the service must have been connected to his family by inheri-

<sup>18</sup> The lives of the saints have been analysed for the topic of interest here by Lemerle, *Agrarian History* (cited n. 9), pp. 143–149; J. Haldon, *Recruitment and Conscription in the Byzantine Army, c. 550–950. A Study on the Origins of the Stratiotika Ktemata* (SÖAW PhH 357), Wien 1979, pp. 45–50, 63–64 and passim; id., “Military Service, Military Lands” (cited n. 1), pp. 23–24, 32–33; M. Kaplan, *Les hommes et la terre à Byzance du VIe au XIe siècle. Propriété et exploitation du sol* (Byzantina Sorbonensia, 10), Paris 1992, pp. 237–241. See also below n. 24.

<sup>19</sup> *Vita Euthymii iunioris*, ch. 3, p. 170, 28, ed. L. Petit, *Revue de l’Orient Chrétien* 8 (1903), pp. 168–205.

<sup>20</sup> *Vita Lucae Stylitae* 10, p. 200, ed. F. Vanderstuyf, in *Patrologia Orientalis* 11/2, Paris 1915, pp. 189–287.

<sup>21</sup> *Vita Lucae Stylitae* 10, p. 200.

<sup>22</sup> *Vita Lucae Stylitae* 13, p. 203.

<sup>23</sup> *Vita Lucae Stylitae* 14, p. 203.

tance, which implied that Luke had to entrust it to a relative who was not of ecclesiastical status.

Another hagiography, the *Life of Saint Pancras of Taormina*, is also very interesting for the purposes of this paper. The date of its composition is uncertain. The editor of the text, Cynthia J. Stallman-Pacitti, based on several pieces of evidence, believes it to have been written before 732/733 (or, at the latest, before 757).<sup>24</sup> Nevertheless, the iconodule *florilegium* of the *Parisinus Graecus 1115*, compiled according to Alexakis in the 770s, includes an excerpt partially based on the *Life of St. Pancras*.<sup>25</sup> While Stallman-Pacitti and Lamparidi do not see any clear indications in the *Vita* that it was composed during Iconoclasm, it can be observed that the author's sensitivity towards church decoration and icons (chs. 3–5, 6–9, 18–23, 24–25, 60, 262–263, 309–311), together with his denunciation of false idols (chs. 30, 99–100, 108–109, 114–115, 134, 262–263, 324–325), do not completely rule out this possibility. Although in general the *Life of Saint Pancras* is a hagiography where imagination, as has been written,<sup>26</sup> prevails over reality, it nevertheless contains some interesting elements from a social-historical perspective. One of them concerns the gathering of the army described in the text. One of the many fictitious characters in the *Bios*, a ship captain named Lykaonides (who after his conversion to Christianity took the name Epiphanius) goes to meet the governor of Taormina, Boniphatus. The latter, impressed by his story, asks to make the acquaintance with the man of God, Pancras.<sup>27</sup> Epiphanius then suggests he convene an *adnoumion* in a plain near Taormina, whereupon Boniphatus proclaims it by sending heralds in the town and messengers in the province to inform all the men under his command (ὑποτασσόμενοι) of his decision.<sup>28</sup> The troops, when assembled, receive from Boniphatus ra-

24 *The Life of Saint Pankratios of Taormina*. Greek Text, English Translation and Commentary of Cynthia J. Stallman-Pacitti, edited by J. B. Burke (ByzAust, 22), Leiden 2018, pp. 11–18. A. Lamparidi, “À la recherche de l’auteur perdu dans la Vie de Pancrace de Taormine (BHG 1410)”, in *Apochrypha* 31 (2020), pp. 33–59, parts. 37–38, and ead., “La vie de Pancrace de Taormine (BHG 1410) et l’histoire des images à Byzance”, in *L’histoire comme elle se présentait dans l’hagiographie byzantine et médiévale / Byzantine and Medieval History as Represented in Hagiography*, eds. A. Lamparidi, V. Déroche et C. Hogel (StByzU, 21), Uppsala 2022, pp. 75–102: 98, (dating before 730) is inclined to follow Stallman-Pacitti’s dating. I thank Mario Re for pointing out to me Lamparidi’s articles. According to Gh. Noyé, the character of Tauros in the *Life of St. Pancras* was inspired by the figure of Constans II, so the *Vita* would date from the late 7th to early 8th century: Gh. Noyé, “Byzantine Calabria”, in S. Cosentino (ed.), *A Companion to Byzantine Italy* (Brill’s Companions to the Byzantine World, 8), Leiden 2021, p. 436. The character of Menia, who appears in our *Life*, has similarities with the character of the same name in Snorri’s Edda; how the contents of the first text ended up in the second was analysed masterfully by W. Brandes, “Das Gold der Menia. Ein Beispiel transkulturellen Wissenstransfers”, *Millennium* 2 (2005), pp. 175–227: 200–1, who, based on the work of van Esbroeck and Cracco Ruggini, does not exclude that the text had an older redaction produced in the age of Constans II and was then reworked in the iconoclastic age.

25 A. G. Alexakis, *Codex Parisinus Graecus 1115 and Its Archetype* (DOS, 34), Washington D.C. 1996, pp. 103–104, 225–226; *The Life of Saint Pankratios* (cited n. 24), p. 11.

26 Lamparidi, “À la recherche de l’auteur” (cited n. 24), pp. 33–34.

27 *The Life of Saint Pankratios* (cited n. 24), chs. 31–46.

28 *The Life of Saint Pankratios*, ch. 47.

tions of foodstuffs and donations for their benefit (ὁ δὲ Βονιφάτιος τοῖς στρατιώταις σιτάρχισιν δεδωκῶς καὶ δονατίβας πρὸς ἀπόλαυσιν τῆς χρείας); the chilliarchs, centurions and pentecontarchi of the army are invited to a banquet.<sup>29</sup> So Boniphathios, after reviewing the armed men, sends them back to where they came from, while he himself, together with 500 selected soldiers who made up his bodyguard, goes to meet Pancras.<sup>30</sup>

The fictional and imaginative narrative of the Life prevents a clear recognition of administrative institutions and practices reflected in the story. The figure of Boniphathios, who is referred to at several points as ἡγεμῶν, ὑπατικός and τοποκτίστης, resembles that of a *stratēgos*, even though he resides in Taormina, and not in Syracuse.<sup>31</sup> An alternative hypothesis is that the hagiographer was inspired by the model of a *topotērētēs*; several seals from this officer have been found in Sicily and Calabria, mostly dated to the eighth century.<sup>32</sup> An administrative procedure, however, well recognizable in the *Vita*, is that of the *adnoumion* (in the text τὸ ἀδνοῦμιν). This word is not attested as a technical term in the military language of late antiquity and finds one of its oldest mentions in the hagiography of St. Pancras, together with the better-known Life of St. Philaretos the Merciful (written in the early ninth century but set in the previous century).<sup>33</sup> The term seems to derive from the Latin locution *ad nomen*.<sup>34</sup> According to the Suda lexicon, it would indicate the inscription of names in a register or census (ἀδνούμιον· ἀπογραφή ὀνομάτων παρὰ Ῥωμαίοις),<sup>35</sup> while a gloss to the Basilici defines *adnoumion* as ‘to review by name’ (ἀδνούμιος, κατ’ ὄνομα διέρχθησθαι).<sup>36</sup> In late republican Latin, *nomen*, among its various meanings, also qualified a debtor recorded in a book of accounts. (Cic. *de off.* 3, 59). From this arguably developed the meaning of *adnoumion* in a military sense which we find attested for the first time in the collection of laws of Athanasius of Emesa (second half of the sixth century), where it means ‘to review’ the military units (ἀδνούμια ποιεῖ τῶν στρατιωτικῶν ἀριθμῶν).<sup>37</sup> In fact, just as in the language of credit, the registration of a person was done because he owed a sum

<sup>29</sup> *The Life of Saint Pankratios*, ch. 50, 12–13.

<sup>30</sup> *The Life of Saint Pankratios*, ch. 54, 9–10: “ἐπιτέλεσας οὖν καὶ ὁ Βονιφάτιος τὸ ἀδνοῦμιν καὶ ἀπολύσας τὸ στρατόπεδον εἰς τοὺς ἰδίους τόπους” (Stallman-Pacitti translates: “When Boniphathios had finished the levy and dismissed the army to their stations”, p. 125).

<sup>31</sup> *The Life of Saint Pankratios*, ch. 34.

<sup>32</sup> V. Prigent, “Note sur le topotērētēs de cité en Italie méridionale durant les siècles obscurs”, in *StByzSig*, 9, eds. J.-C. Cheynet, C. Sode, München 2006, p. 145–158; id., “Byzantine Military Forces in Sicily: Some Sigillographic Evidence”, in *Byzantine and Rus’ Seals: Proceedings of Rus’-Byzantine Sigillography*, Kiev 2015, pp. 161–176: 167.

<sup>33</sup> Cf. M.-H. Fourmy, M. Leroy, ‘La Vie de saint Philarète’, *Byz* 9/1 (1934), pp. 85–109, 111–167, 169–170: 127–127 (description of the *adnoumion*).

<sup>34</sup> Secondo *ODB* I, s.v. (by E. McGeer).

<sup>35</sup> *Suidae Lexicon* ed. A. Adler, I, München 2001 (first. ed. 1928), s.v.

<sup>36</sup> Ahrweiler, ‘Recherches sur l’administration’ (cited n. 12), p. 9.

<sup>37</sup> Sp. Troianos, *Das Novellensyntaxma des Athanasios von Emesa* hrsg. D. Simon, Sp. Troianos (FBR, 16), Frankfurt am Main 1989, 4, 11, 2 (p. 158), which concerns the governors of the four provinces of Armenia (cf. Nov. 31, where, however, there is no Latin equivalent of ‘adnoumion’).

of money, registration in the military rolls was done because one owed a service. Two Egyptian papyri from the early eighth century uses the verb ‘ἀδνουμέω’ with the meaning of ‘to supervise and inspect workers’; moreover, one of them uses the form ‘τὸ ἀδνουμέν’ like that of ‘τὸ ἀδνουῖμιν’ in the Life of St. Pancras (with exchange between ε and ι for homophony) is attested.<sup>38</sup>

The practice of ‘cataloguing’, in the literal sense (i.e. ‘listing’), the families that were engaged in military service is perhaps reflected in the first mentions of the disputed term *thema*, *themata* (plur.) found in Theophanes’ *Chronographia*. Its final redaction, regardless of the thorny problem of authorship, stops in 812/813.<sup>39</sup> At the points in the work where the term is used, it seems to mean both provincial areas where troops were stationed and the troops themselves.<sup>40</sup> Although there have been those who have derived the word θέμα from an Altaic root tūmān (‘a thousand men’),<sup>41</sup> the opinion of Franz Dölger and Nikolaos Oikonomides seems to me preferable, who, on the basis of an explicit testimony of Constantine Porphyrogenitus,<sup>42</sup> thought that the term originally meant *katalogos*, i.e. list of soldiers, from τίθημι (> θέσις), which among its meanings also means ‘to record’.<sup>43</sup> But even if one disregards Theophanes’ testimony, the existence of a register at the military accounting office in Constantinople listing all *oikoi* required to perform military service can be inferred from a letter of Theodore Studite to Empress Irene in 801, which has already been adequately highlighted by historiography.<sup>44</sup> In it, the energetic defender of images praises the empress for having granted

<sup>38</sup> See *Papyri Russischer und Georgischer Sammlungen*, hrsg. G. Zereteli, IV, Amsterdam 1966 (repr. ed. Tiflis 1927), n. 6, 12, p. 23 (dated 710) (ἐπισκεπτόμενος καὶ ἀδνουμέων); R. Rémondon, *Papyrus grecs d’Apollônios Anô*, I, Le Caire, n. 27, p. 68 (dated May 713), that has the form ‘ἀδνουμέν’. Other later attestations in *Lexicon zur byzantinischen Gräzität*, erst. von E. Trapp, Wien 2001, s.v. and Diccionario Griego-Español on-line <http://dge.cchs.csic.es/xdge/%E1%BC%80%CE%B4%CE%BD%CE%BF%E1%BD%BB%CE%BC%CE%B9%CE%BF%CE%BD>.

<sup>39</sup> For the much-debated problem of the authorship of the *Chronicle*, see most recently the volume by P. Yannopoulos, *Théophane de Sigriani le Confesseur (759–818). Un héros orthodoxe du second iconoclasme*, Brussels 2013 and the essays contained in *Studies in Theophanes*, ed. by M. Jankowiak & Montinaro, *TM* 19 (2015), pp. 9–117.

<sup>40</sup> N. Oikonomidès, “Les premières mentions des thèmes dans la chronique de Théophane”, *ZRVI* 16 (1975), pp. 1–8: 5; J. Koder, “Zur Bedeutungsentwicklung des byzantinischen Terminus Thema”, *JÖB* 40 (1990), pp. 155–165: 163–164. A careful analysis of the term θέμα in Theophanes in made by Prigent, “Retour sur l’origine” (cited n. 1), pp. 125–131.

<sup>41</sup> Cfr. J. D. Howard-Johnston, “Thema”, in A. Moffatt (ed.), *Maistor: Classical, Byzantine and Renaissance Studies for Robert Browning*, (ByzAust 5), Canberra 1984, pp. 189–197; Id., *Witnesses to a World in Crisis: Historians and Histories of the Middle East in the Seventh Century*, Oxford, 2010, pp. 483–484.

<sup>42</sup> See Costantino Porfirogenito, *De thematibus*, ed. A. Pertusi (Studi e Testi, 160), Città del Vaticano 1952, p. 60.

<sup>43</sup> Oikonomidès, “Les premières mentions des thèmes” (cited n. 40), p. 5. However, Koder, “Zur Bedeutungsentwicklung” (cited. n. 40), p. 158, points out that it is not demonstrable that *thema* and *katalogos* are identical.

<sup>44</sup> N. Oikonomides, “Middle-Byzantine Provincial Recruits: Salary and Armament”, in *Gonimos: Neoplatonic and Byzantine Studies presented to Leendert G. Westerink at 75*, eds. J. Duffy, J. Peradotto, Buffalo,



the remission of a certain number of taxes. Among the beneficiaries of the measure are also – I quote – “the wives of soldiers who, already suffering from the loss of their husbands, will not have to mourn further for a miserable and inhuman imposition resulting from their death” (αἱ στρατιώτιδες τὸ οἰκεῖον πένθος ἔχουσαι τῆς ἀνδρικής ἀποβολῆς, οὐκ ἐπιθρηνήσουσιν τὴν ὑπὲρ τοῦ θανόντος ἐλεινήν καὶ ἀπάνθρωπον ἐξαπαίτησιν).<sup>45</sup> In this case too we are faced with a witness that seems to indicate that there were special military *oikoi* to the point that at the death of the male owner the service passed under the responsibility of the wife.

If the evidence analysed so far is to be believed, the use of registers in which ‘households’ (*oikoi*) performing military service were inscribed should date back at least to the second half of the eighth century. This custom developed against the backdrop of an acceleration towards regionalisation of military forces reflected in the appearance of *stratēgiai* in sigillographic sources. Starting from the reign of Leo III, according to the sigillographic documentation, the nomenclature of the provinces of late antique origin disappeared, replaced by the reference to a city or to districts, the *stratēgiai*, within which troops linked to that specific territory operated.<sup>46</sup> Moreover, from the 730s onwards, the bullae of the *kommerkiarioi* are succeeded by those of the *basilika kommerkia*, which show a close relationship between the latter institution – the *basilika kommerkia*, whatever their precise activity may have been – and the supply of regional armies.<sup>47</sup> This link is particularly evident in relation to the new military commands created in the eighth century, like those of Hellas, Cibyrrhaiots and Thrace.<sup>48</sup> Recently, V. Prigent published a seal preserved in the British Library, which has so far gone unnoticed, of one (the name is not legible) β(ασυλικοῦ) σπ(αθαρίου) ἐκ πρ(οσώπου) τοῦ [θ(εο)]φ(υλάκτου) θ[έ]ματος τοῦ Ὀψικίου.<sup>49</sup> Due to some internal elements, the author persuasively dates the seal to the 8th century; it thus constitutes a capital piece of evidence to prove that the appearance of *themata* in the language of the Byzantine administration would predate the 9th century. This series of indications sug-

N. Y. 1988, pp. 126–136: 136 (reprinted in *Byzantine Warfare*, ed. J. Haldon. Aldershot 2007, pp. 151–166); id., *Fiscalité et exemption* (cited. n. 13), pp. 38–39.

<sup>45</sup> Theodori Studitae *Epistulae*, 761–63, ed. G. Fatouros, vol. I, New York 1992, p. 26.

<sup>46</sup> Cheynet, “La mise en place des thèmes” (cited n. 1): pp. 7–8. On the emergence of the *stratēgiai* see C. Zuckerman, “Learning from the Enemy and More: Studies in ‘Dark Centuries’ Byzantium”, *Millennium* 2 (2005), pp. 79–135: 125–35.

<sup>47</sup> W. Brandes, *Finanzverwaltung in Krisenzeiten. Untersuchungen zur byzantinischen Administration im 6.–9. Jahrhundert* (FBR, 25), Frankfurt am Main 2002, pp. 281–283.

<sup>48</sup> Cheynet, “La mise en place des thèmes” (cited n. 1), pp. 8–9.

<sup>49</sup> Prigent, “Retour sur l’origine” (cited n. 1), pp. 119–120. From this testimony, Prigent derives a series of largely hypothetical consequences: the seal would be dated to the first third of the 8th century and would prove that the original institution of the *themata* (namely ‘settled’ forces) was nothing more than a systematic policy implemented by the central government to ‘detach’ cavalry units of the *Opsikion* in the provinces in order to increase the war capacity of the provincial armies: esp. pp. 131–134. This hypothesis, in itself very seductive, does not explain why, at the end of this process of strengthening the regional armed forces, the territories of their recruitment were called *themata*. One would have to assume that *Opsikion* regiments were detached everywhere.

gests that, from the reign of Leo III or that of Constantine V, new forms of organizing and maintaining military forces were being explored that differed from those inherited from the late antique world. There was to be no ‘great’ administrative reform, but a policy promoted by the imperial government to make the relationship between military service, recruitment, and local society ever closer. The aim of this policy was to make greater use of the resources of the rural districts in which the troops operated in order to relieve the court in Constantinople, at least in part, of the burden of their provisioning and arming. Perhaps it was when the establishment of the new *stratēgiai* that new soldiers were recruited in the countryside, which gave rise to the neologism *thema*, meaning the military role on which the troops settled in a given region were registered. This would be in tune with the increasing diffusion of the term *adnoumion* (in the meaning of periodic review of troops by commanders) that is recorded from the eighth century onwards.

Whether the regional armies began to be constituted, as the Life of St Pancras suggests, by small, selected city troops along with soldiers settled in the territory who were mobilised on the occasion of specific operations, it is understandable that the high commands wanted to periodically check their equipment and training. Unfortunately, the state of the documentation does not allow us to do more than speculate in relation to the eighth century. However, it is significant that both the above-mentioned letter of Theodore of Stoudios and Theophane’s *Chronographia* seem to refer to the existence of family units responsible for hereditary military service. In the *Taktikon Uspenskij*, written between 812–813 (as Živković thinks)<sup>50</sup> or between 842–843 (as Oikonomides thinks),<sup>51</sup> we find several dignitaries mentioned, such as *eparchoi*, *ek prosōpou*, *spatharioi*, *chartoularioi* and *droungarioi* who are qualified τῶν θεμάτων,<sup>52</sup> in addition of course to the list of *stratēgoi* of the themes themselves, no less than eighteen districts. Therefore, if the term *thema* actually originally meant ‘register’, in this administrative source of the first half of the ninth century – as in Theophanes, moreover – it has already passed to indicate, by synecdoche, the circumscription to which the registration referred and, therefore, the army itself that was stationed in it. The *Taktikon Uspenskij* also mentions the λογοθέτης τοῦ στρατιωτικοῦ,<sup>53</sup> the official of the Constantinopolitan ministries who should have kept the antecessor of the *palaios typos* mentioned in the following century by Constantine VII Porphyrogenitus.

50 T. Živković, ‘Uspenskij’s *Taktikon* and the theme of Dalmatia’, *ByzSym* 7 (2008), pp. 49–85: 84.

51 N. Oikonomides, *Les listes de préséance byzantines des IXe et Xe siècles*, Paris 1972, p. 47.

52 Oikonomides, *Les listes de préséance* (cited. n. 51), p. 51,26 (*eparchoi*); 53,17 (*ek prosōpou*); 59,3–4 (*spatharioi*); 61,3–4,18 (*chartoularioi*); 63,20 (*droungarioi*).

53 Oikonomides, *Les listes de préséance* (cited. n. 51), p. 50,3.

## 2 From the eighth to the tenth century: a perspective

In principle, military service even after the age of the Principate remained voluntary in the late Roman world. However, this principle was in fact attenuated by two trends. The first was the hereditary nature of military service for veterans' sons, sanctioned since Constantine, but in fact probably already in existence beforehand;<sup>54</sup> the second was the compulsory conscription of Roman citizens, perhaps instituted by Diocletian, and practised at least throughout the fourth century.<sup>55</sup> According to this system, the richest landowners were obliged to provide one or more recruits, while small landowners were obliged to form consortia, called *temones* or *capitula*, and to bear the cost of one recruit collectively. A provision of Valens in 375 tells us that the cost of a recruit totalled 36 solidi<sup>56</sup>. After the mid-fifth century, it is widely accepted among scholars that conscription in the army was mainly voluntary, except for the category of the *limitanei* who seem to have been obliged to serve by inheritance.<sup>57</sup> Whether this situation continued during the seventh century is highly uncertain.<sup>58</sup> Our evidence suggests that from the second half of the seventh century onwards the connection between military forces and local recruitment became stronger.<sup>59</sup> Clear indications of the close relationship which, during the eighth century, had been established by then between private land ownership and military service are represented – certainly not by chance – by two witnesses dating back to the reign of Leo III and his son Constantine V as co-regent (March 720 – June 741). These are an article in the *Ecloga* regulating the division of goods of two brothers living in the same property (one of whom is a member of the

54 See *CTh*. VII, 22,1–12.

55 A.H.M. Jones, *The Later Roman Empire 284–602. A Social, Economic and Administrative Survey*, II, Oxford 1964, p. 615.

56 *CTh*. VII 13,7 (on the law see the comments by Jones, *The Later Roman Empire* [cited n. 55], pp. 614–619; M. Rocco, *L'esercito romano tardoantico: persistenze e cesure dai Severi a Teodosio*, Padova 2012, p. 341).

57 See for instance A. Pertusi, “Ordinamenti militari, guerre in Occidente e teorie di guerra dei Bizantini”, in *Ordinamenti militari in Occidente nell'alto Medio Evo* (Settimana di studio del Centro italiano di studi sull'alto medioevo, XV), II, Spoleto 1968, pp. 631–700: 663–64; Jones, *The Later Roman Empire* (cited n. 55), p. 668; Haldon, *Recruitment and Conscription* (cited. 18), pp. 20–28 (compulsory and hereditary conscription only for the *limitanei*; for the *comitatenses* voluntary conscription); C. Zuckerman, ‘L'armée’, in *Le monde byzantin, I. L'Empire romain d'Orient (330–641)*, sous la direction de C. Morrisson, Paris 2004, pp. 143–180: 170.

58 Haldon, *Recruitment and Conscription* (cited n. 18), p. 37; Id., *Warfare, State and Society in the Byzantine World 565–1204*, London 1999, p. 122. M. Whitby, “Recruitment in Roman Armies from Justinian to Heraclius (ca. 565–615)” in *The Byzantine and Early Islamic Near East, III, States, Resources and Armies*, edited by A. Cameron, Princeton 1995, pp. 61–124 (part. pp. 120–121), seems sceptical on this point, while Lilie, *Die zweihundertjährige Reform* (cited n. 3), p. 199, seems to hypothesise a reintroduction of compulsory conscription from the age of Leo IV.

59 See above nn. 47–48.

army) and a sentence, issued by Leo III and Constantine V concerning a particular case in which the availability of a soldier's assets needs to be regulated.<sup>60</sup> They have already been widely discussed by scholars, making a new analysis unnecessary.<sup>61</sup> Suffice it to point out that both texts show that the soldier's maintenance in the mid-eighth century depended partly on the income provided by the family in which he lived. The judgment issued by Leo III and Constantine examines the case of husbands (γαμβροί) who, being already soldiers, become part of an *oikos*, bringing to it their own *rhogai* and physical labour. In the case of marriage failure, the *stratiōtēs* will have the right to keep for himself all the earnings from imperial donations, from the spoils of war and from his own salary (*rhoga*), while the father-in-law will have the right to claim the expenses made for the soldier's armament (στρατιωτικὴ ἐξόπλισις), his maintenance in service (δαπάνη) and clothing (φορεσία). We do not know why the son-in-law had recourse to the financial support of his father-in-law's property (and not to his own property) to support himself in the service. The most obvious answer is that the son-in-law did not have enough assets of his own to enable him to be a soldier. But this implies that in the mid-eighth century a patrimonial basis – whoever possessed it – was required to perform military service. And it was precisely this situation, i.e. the use of family assets to finance the military profession of a person who might not even be the owner, that gave rise to Leo and Constantine's measure to clarify a recurring social case. Since this situation is new compared to Late Antiquity it must have been the premise for the establishment of the *oikoi stratiōtikoi* registers.

How did the *stratiōtikoi oikoi* get registered? This question implies reflection in at least two directions: (a) was enrolment voluntary or compulsory? (b) what did the enrolment procedure consist of? Once again, unfortunately, one can only make speculations on both questions. In the age of Leo VI voluntary service would have given the soldier's household the opportunity to pay only the basic tax (and no other extraordinary forms of taxation), as well as providing the soldier himself with other income

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60 Texts: *Ecloga* XVI, 2, ed. L. Burgmann, *Ecloga. Das Gesetzbuch Leons III. und Konstantinos V.* (FBR, 10), Frankfurt am Main 1983, pp. 220–222; judgment by Leo III and Constantine V: D. Simon, *Byzantinische Hausgemeinschaftsverträge in Beiträge zur europäischen Rechtsgeschichte und zum geltenden Zivilrecht. Festgabe für Johannes Sontis* hrsg. F. Baur, K. Larenz, F. Wieacker, München 1977, pp. 91–128 (text p. 94). In its earliest recension, it is regarded as article XIX of the *Ecloga*.

61 *Ecloga* XVI, 2: J. Karayannopoulos, "Contribution au problème des thèmes byzantins", *Hellenisme contemporain* 10 (1956), pp. 455–502, esp. pp. 498–499; H. Antoniadis Bibicou, *Études d'histoire maritime de Byzance. À propos du thème des Caravisiens*, Paris 1966, pp. 105–106; J. Mossay et P. Yannopoulos, "L'article XVI, 2 de l'Éclogue des Isauriens et la situation des soldats", *Byz* 46 (1976), pp. 48–57; Haldon, *Recruitment and Conscription* (cited n. 18), pp. 67–72; Lilie, 'Die zweihundertjährige Reform' (cited n. 3), pp. 195–196; Oikonomides, "Middle-Byzantine Provincial Recruits" (cited n. 44), pp. 130–134; Haldon, *Military Service* (cited n. 1), pp. 21–22. Sentence by Leo III and Constantine V: Lilie, 'Die zweihundertjährige Reform' (cited n. 3), pp. 196–197; Oikonomides, "Middle-Byzantine Provincial Recruits" (cited n. 44), pp. 134–135; Haldon, *Military Service* (cited n. 1), pp. 21–22; Cosentino, "Osservazioni sulla terra militare" (cited n. 1), pp. 62–63.

than just agricultural produce, such as imperial donations and spoils of war.<sup>62</sup> Privileges deriving from military status were well known in Late Antiquity, as earnings from service in the army could allow the acquisition of (among other things) landed property and slaves.<sup>63</sup> On the other hand, if military status offered privileges before tax authorities and a distinctive social condition, it also implied serious risks for the *stratiōtēs*, especially in the context of provincial community life between the seventh and ninth centuries. If the comparison with the late Roman world may be helpful, it should also be noted that both the hereditary nature of the service and the demand for recruits from landowners served to ensure a constant level of recruits. In a militarily turbulent period such as the fourth century, voluntary enlistment alone would probably not have been sufficient to meet the need for soldiers. Some constitutions of the Theodosian Codex testify to the phenomenon of self-mutilation of the fingers of the hand by conscripts in order to escape military service (e.g. *CTh*. VII 13,4 issued in 367). It is true that in the Eastern Roman Empire, from 530s onwards, there was a militarisation of social life no different from that of the fourth century; and, even in this context, many scholars believe that enlistment remained voluntary. But the territorial framework of the sixth-century empire cannot be compared with that of the early eighth century, when the empire had shrunk dramatically and had largely lost an important recruitment reservoir that had been crucial in late antiquity, the Balkan area. At the beginning of the ninth century, both Nicephorus I (802–811) and Charlemagne (800–814 as emperor) issued strikingly similar measures, aimed at involving the freemen who did not own land in military service, by promoting consortia capable of keeping one of their members in the service.<sup>64</sup> From the Carolingian capitulars it emerges that even a society, such as the Frankish one, in which the profession of arms had traditionally been associated with the notion of the freedom, denounced at the beginning of the

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<sup>62</sup> Cfr. J. Haldon, *A Critical Commentary on the Taktika of Leo VI* (DOS, 44), Washington D.C. 2014, p. 142 and quoted bibliography (maintains that the soldier's household is exempt from all public taxation except the *dēmosion*, which is understood as 'the basic land and hearth taxes'); on the contrary, C. Zuckerman, "The Census of Emperor Nikephoros I and 'Dark Centuries' Taxation", *TM* 24/2 (2020), pp. 137–158, esp. pp. 152–157, believes that the expression "τὸ δημόσιον τέλος" in Leo. *Takt.* IV, 10–11 means 'hearth tax' (the *καπνικόν*) since he argues for the non-existence of a proper land tax during the 'Dark Ages'; such a tax, after Late Antiquity, would were instituted again around the 910s–920s.

<sup>63</sup> See for instance *CTh*. VII 15,2 (referring to land belonging to the endowments of *castella* usurped by private individuals, in which it is possible to recognise former soldiers) or VII 22,2 (ownership of slaves). See also J.-C. Carrié, 'Patronage et propriété militaire au IVe siècle. Objet rhétorique et objet réel du discours sur les patronages de Libanius', *BCH* 100/1 (1976), pp. 159–176.

<sup>64</sup> An analysis of their measures from a comparative perspective is offered in S. Cosentino, 'Land and military service in the ninth century: A note on Nicephorus and Charlemagne', in *Prosopon Rhomaikon. Ergänzende Studien zur Prosopographie der mittelbyzantinischen Zeit*, hrsg. A. Beihammer, B. Krönung und C. Ludwig (MSt, 68), Berlin 2017, pp. 211–219; see now, with another perspective, the interesting article by Zuckerman, "The Census of Emperor Nikephoros" (cited n. 62), pp. 149–152. Prigent, "Retour sur l'origine" (cited n. 1), p. 115, n. 66, disputes the monetary equivalence I proposed between Nicephorus' second vexation and the dictate of the Carolingian capitulars, which seem to go, in their social logic, in the same direction.

ninth century a tendency on the part of all possessors to evade the call to arms, the *heribannum*. Regarding Nicephorus' measure of 809/810, it would seem rather bizarre that the emperor expanded the numerical base of the army by forcing the economically weaker elements of the village communities to serve if the possessors with the greatest fortune had not already been called upon to bear the military burden.<sup>65</sup> It is therefore not implausible to suppose that between the seventh and eighth centuries some form of compulsory conscription was imposed in Byzantium. Both article XVI,2 of the *Ecloga* and the mentioned sentence of Leo III and Constantine V seem compatible with such a conclusion. I also wonder whether an obscure passage by Theophanes should not be understood in this sense. When he speaks, in an equally obscure way, of the capitation tax imposed by Leo III on Sicily and Calabria and of the seizure of the papal patrimony in those regions, he adds a piece of information not necessarily related to the situation in southern Italy. He writes that Leo III ordered (sc. the imperial officials) to watch over and register all male infants, as Pharaoh had done with the Jews.<sup>66</sup> The comparison with the Egyptian Pharaoh of the Old Testament (Ex 1: 15–21) is not obvious – at least to me. What was the point of registering all the empire's newborn males? Be as it may, in his *Taktika* emperor Leo VI uses a curious expression, speaking of τὸ λεγόμενον στρατιωτικὸν θέμα.<sup>67</sup> It seems to imply that, among all the conscripts of the same *thema*, only a part was considered a real fighting force, of the order of 4.000 men. Moreover, Leo himself exhorts the general to choose the most valiant soldiers with economic means for his expeditions.<sup>68</sup> If these indications do not clarify to what extent the registration in the *stratiōtikoī oikoi* was voluntary or not, they certainly suggest that between the late ninth and the early tenth century the provincial class involved in military service was strongly differentiated as far as its socioeconomic condition was concerned.

The second crucial question is how the registration of the soldiers was conceived, i. e. whether it contained the name of any male individual fiscally belonging to a certain village community (χωρίον) or, instead, the *oikodespotēs*, the person in charge of an *oikos*. In the judgment pronounced by Leo III and Constantine V the *stratiōtēs* is the son-in-law and the head of the household his father-in-law.<sup>69</sup> It should be noted, however, that in the text of the judgment there is a passage whose translation is not without

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65 Literature concerning Nicephorus I's 'ten vexations' can be found in Cosentino, 'Nicephorus and Charlemagne', p. 12, n. 8. J. Haldon considers the first two of Nicephorus' measures as innovative with regard to the preceding procedure of enlistment in the army and the beginning of the 'thematic system': see Brubaker, Haldon, *Byzantium in the Iconoclast Era* (cited n. 1), pp. 747–748, and especially id., 'A context for two "evil deeds"' (cited n. 1), pp. 245–266. However, the results of his proposal seem to have been strongly challenged by the arguments and new data brought by Prigent, "Retour sur l'origine" (cited n. 1), pp. 114–118.

66 Theoph. *Chron.* ed. de Boor AM 6224, p. 410,14–16.

67 Leon. *Takt.* XVIII, 803–804 ed. Dennis (*The Taktika of Leo VI*. Text, translation, and commentary by G. Dennis [CFHB, 49], Washington 2010), p. 498.

68 Leon. *Takt.* IV, 5–10, p. 47.

69 See above nn. 60–61.

difficulty. In listing the property to which the father-in-law will be entitled after his son-in-law-soldier leaves the family, the ruling reads as follows: ‘προδήλως τοῦ πενθεροῦ καταγραφομένου ἄσπερ ἐποίησεν εἰς αὐτὸν ἐξόδους, τουτέστιν κτλ.’ (recension A); προδήλως τοῦ πενθεροῦ καταγραφομένου ἄσπερ ἐποίησατο εἰς αὐτὸν ἐξόδους, τουτέστιν κτλ (recension B). Simon, not without some doubt, interprets the passage as meaning that the father-in-law will be entitled to the expenses made for the maintenance of his son-in-law after declaring them in a public record.<sup>70</sup> I wonder, however, whether the participle καταγραφομένου is not to be understood, in the active sense, as the act of registering by the father-in-law, but, in the passive sense, to indicate the condition of the father-in-law ‘who is registered’. If the passage could be understood in this way, it would be a strong indication that the *stratiōtikoī kōdikes* registered the heads of households, even though they might delegate the service to a family member or relative. The above-mentioned hagiographic sources of the ninth century also suggest that this second possibility – inscription of the *oikodespotēs* – was the most likely.<sup>71</sup> Among the lexemes denoting family in ancient Greek (γένος, οἰκογένεια, συγγένεια, οἰκία, οἶκος) the latter is probably the one farthest from the strict meaning of a nucleus of blood relatives living under the same roof. In fact, according to a model dating back to Xenophon’s *Oikonomikos*, in the social semantics of the Byzantine world the concept of *oikos* not only expressed a family and its house, but also all its goods, these meanings being inseparable from each other.<sup>72</sup> This implies that the owner of an *oikos*, after his registration in the military registers, implicitly assumed the financing of the service on his family property, whether or not it was registered. In fact, to think that to become *stratiōtēs* it was enough to enlist without providing any patrimonial guarantee seems unlikely when considering that the problem of the Constantinopolitan government from the second half of the seventh century onwards was to look for alternative forms of financing the army compared to the mechanisms in use in Late Antiquity, where the prefect’s administration bore the entire cost of maintaining the soldiers. The stability and transmission over time of a stratiotic *oikos* should have been favoured by the fact that it was both a family unit and a bundle of assets, a social cell in which the *oikodespotēs* could be replaced in service by sons, brothers, nephews, cousins, or sons-in-law. While the military registers were kept by the *chartoularoi* of

70 Simon, ‘Byzantinische Hausgemeinschaftsverträge’ (cited n. 60), p. 96, n. 4.

71 See above nn. 18–23.

72 For a definition of the *oikos* in Xenoph. *Oikon.* I, 5 ed. S. B. Pomeroy, *Xenophon, Oeconomicus. A Social and Historical Commentary* with a new English translation, Oxford 1994. On Byzantine *oikos*, see P. Magdalino, “The Byzantine Aristocratic Oikos”, in *The Byzantine Aristocracy IX to XIII Centuries*, ed. M. Angel, Oxford 1984 (BAR International Series, 221), pp. 92–111, esp. pp. 92–96; E. Patlagean, “Byzance Xe-XIe siècle”, in *Histoire de la vie privée, I. De l’Empire romain à l’an mil*, éd. P. Veyne, Paris 1985, pp. 533–615: 545–559. see also L. Neville, *Authority in Byzantine Provincial Society, 950–1100*, Cambridge 2004, pp. 66–77; S. Ellis, “The Middle Byzantine House and Family: A Reappraisal”, in *Approaches to the Byzantine Family*, eds. L. Brubaker, S. Tougher (BBOS, 14), Farnham 2013, pp. 247–272: esp. p. 250. In general, none of the mentioned authors dwells particularly on the economic content of *oikos*.

each *thema*, the ἐπόπται τῶν θεμάτων (mentioned in the *Klētorologion* of Philotheos)<sup>73</sup> had the task of periodically inspecting the districts for which they were responsible in order to update the changes in the assignment of the *strateia*.

But if the assumption of military service implied, in fact, both a personal and patrimonial burden, it seems natural that, with the passing of time, the properties of the *oikoi stratiōtikoi* were the object of attention of the public power. The reference to the head of the household and, at his death, to whoever within his family had replaced him as a soldier, conferred on the *oikos* assets a high degree of volatility in relation to their availability. It is clear that the mobility of these assets could be interpreted both in a restrictive sense (all *oikos* assets cannot be disposed of because they serve the military obligation) and in a concessionary sense (all *oikos* assets can be disposed of except those managed directly by the person who actually serves as a soldier) in the absence of an explicit mention of them in the military registers. In short, their transmission would certainly have had to deal with particular situations such as the possibility of their being acquired by a ‘political’ family – to use the language of the tenth century – through the dowry of the female branches of the military lineage, or that more than one person might find themselves exercising the obligation for families with fragmented property, or that a ‘military’ family might weaken economically and was therefore no longer able to fulfil its military duties.

In fact, this is exactly what we find in some witnesses stretching from the ninth to mid-tenth century, when Constantine issued his famous law on *stratiōtika ktēmata*.<sup>74</sup> The transmission as dowry of a military property is explicitly mentioned in a deed of Bari from 1017, the core of which, however, dates back to the end of the ninth century, when the Byzantine Empire retook territorial control over Apulia.<sup>75</sup> The division of a property is documented in another Apulian deed drawn up in Conversano in 980,<sup>76</sup> which provides an example of the division of service between two brothers. A third case is contemplated in the institution of the *syndotai*, mentioned by Constantine VII in the *De cerimoniis*, namely the possibility of offering ‘contributors’ to those *stratiōtai* who did not have enough resources to support their service themselves.<sup>77</sup> The latter practice originated in Late Antiquity and was resumed by Nicephorus I in 809/810, as mentioned above. The sources mention, therefore, not only natural ‘families’, but also increasingly larger ‘fiscal’ families contributing to the fulfilment of the burden.

It is the varied destiny of the transmission of *stratiōtikoi* goods, together with the tendency to their loss of economic value, that we must imagine preceded the famous law of Constantine VII of 949. This law regulates the regime of the property of the *stratiōtikoi oikoi*, a regime that, as the same provision explicitly states in several points, al-

<sup>73</sup> Oikonomides, *Listes de préséances* (cited n. 51), p. 113,30.

<sup>74</sup> See below n. 78.

<sup>75</sup> Cosentino, “Rileggendo un atto pugliese”, p. 51.

<sup>76</sup> Cosentino, “Rileggendo un atto pugliese”, p. 50.

<sup>77</sup> Cosentino, “Land and military service”, p. 211.



ready existed previously throughout the empire, although with customs that varied from region to region.<sup>78</sup> The core of the Constantinian measure is, as is well known, to determine for them a minimum economic value below which these possessions could not fall for the purpose of fulfilling the burden: 288 *nomismata* for knights and sailors of the themes of Aigaion Pelagos, Samos and Cibyrrhaiots; 144 *nomismata* for mariners serving on the imperial fleet.<sup>79</sup> Historiography has generally interpreted this measure as an act breaking with the previous tradition, since military service appears in it much more markedly connoted as a patrimonial burden, rather than as a personal one. However, this ‘oppositional’ interpretation does not seem adequate for understanding the concept of *oikos stratiōtikos*, which from the outset must have implied a profound interrelationship between the personality of the service and its patrimonial basis, since the one did not exist without the other. The separation between these two aspects, which appears to take shape from the beginning of the eleventh century, with a progressive fiscalisation of the *strateia* – its fulfilment through a monetary contribution and not through an effective service – marks, in fact, an overcoming of the recruitment structure of provincial armies constituted during the eighth century. The emergence of the *stratiōtika ktēmata* in the legislation of the Macedonian emperors was nothing more than an acknowledgement, from an institutional point of view, of an ambiguity. It consisted in the fact that the modalities of relation between the service and its financing rested, between the eighth and ninth centuries, on a vocabulary that was inadequate from a legal point of view. The ambiguity, in fact, was rooted in the polysemy of the concept of *oikos*, family unit, home and patrimony at the same time. While such a notion allowed the recruitment in thematic armies to function flexibly through the wide network of the family’s cognate and agnatic structure, precisely because the *oikos* was also a set of economic interests, it exposed the landed patrimony

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78 ‘Ταῦτα μὲν οὖν τοῖς ἔμπροσθεν χρόνοις ἐντελῶς ἅμα καὶ λυσιτελῶς κατὰ τὸ ἡμῖν δοκοῦν διατυποῦμεν. Ἐπὶ δὲ τοῖς προλαβοῦσι, πάλαι μὲν ἐπεκράτει ἀδαιτήτος καὶ καχυμερῆς συνήθεια αναγύρωσ τοὺς ἀγοραστὰς τῶν στρατιωτικῶν ἐξωθεῖσθαι. Ἡ δὲ λεπτομερῆς τῶν κατὰ μέρος διοικήσεις, ἄλλοτε ἄλλως ἐν οἷς ἂν αὐτὴν μετῆγον οἱ τῆς ψήφου κύριοι μεταφερομένη, πολλήν τινα λώβην παρεῖχε τοῖς πράγμασι καὶ πᾶσαν ἀσάφειαν. Ἡμεῖς οὖν ἅμα πρόσω καὶ ὀπίσω τοὺς περὶ τῶν συμφερόντων στρέφοντες ἀναλογισμοὺς τὰς συγκεχυμένας ἐκείνας καὶ ποικιλοτρόπους ἀποδιοπομπούμενοι πράξεις ἐν ῥυθμῷ καὶ λόγῳ τὴν ἐν ἅπασι διοίκησιν περιστέλλοντες θεοσιζόμεν [κτλ.]’: Const. Porph. *Nov.* 5, B 1, p. 124 ed. N. Svoronos, *Les nouvelles des empereurs macédoniens concernant la terre et les stratiotes*. Introduction, édition, commentaires. Édition posthume et index établis par P. Gounaridis. Athènes 1994, pp. 104–117 (introduction), 118–126 (text) = I. Zepos, P. Zepos, *Jus graecoromanum*, I, Athenai 1931, pp. 222–226 (‘these matters, then, we establish for time to come, effectively and profitably in our judgement. In times past arbitrary and crude custom has long held that the purchasers of military properties are to be evicted without compensation. On the other hand, the detailed treatment of each case, modified in different ways on different occasion where the lords of the court adapted [customary law], brought great damage and complete confusion to affairs. Turning the deliberations backwards and forwards in our mind to the best advantage, rejecting those confused and variable procedures, and preparing the administration of all cases in order and logic, we ordain [etc.]’: Engl. transl. by E. McGeer, *The Land Legislation of the Macedonian Emperors (Medieval Sources in Translation 38)*. Toronto 2000, pp. 68–76: 74).

79 Const. Porph. *Nov.* 5 A 1, p. 118.

of military families to splitting and erosion. Their members on the eve of Constantine VII's law presented a very differentiated socio-economic composition. We find *stratiōtai* who greatly exceeded the limit of assets set by law for the performance of their service; others who were below it; still others who were completely poor. If in the eighth century the determination of property to be included among the *stratiōtai* could be defined by the notion of *oikos*, in the middle of the tenth century, at a time when the empire's military machine was speeding up, this notion needed to be specified in its patrimonial content. Soldiers' families were economically very uneven, and the social structure of the Byzantine countryside was populated by a multiplicity of actors – magnates, dignitaries, metropolitans, bishops, and hegumens, as well as high officials – who put pressure on the stratiotic class. This phenomenon forced the imperial power to regulate in detail the patrimonial content of the service both to strengthen socially the class of thematic soldiers<sup>80</sup> and to give them greater military efficiency.<sup>81</sup> In the meantime, it was from the military class of the Anatolian provinces that a number of great families acquired notoriety and prestige, such as the Argyroi, Phocas and Maleïnoi, which, in the case of the first two, would lead to their members ascending the imperial throne.<sup>82</sup>

If one is legitimated to draw conclusions from such a poor framework of historical evidence, it could be said that land and military service in Byzantium during the early Middle Ages constituted a pair that developed in silent transformation. This silence is perhaps not only due to the lack of documentation, but also to the great pragmatism that guided the Isauric emperors in organising the presence of the army in the provinces and the way it was recruited. The changes in the political geography of the empire during the seventh century dictated a line of intervention aimed at consolidating the link between the control of the territory and the provisioning of the army with local resources. One of the ways of achieving this was the voluntary or compulsory enrolment of landowners and their *oikoi* (families and property at the same time) to promote an unattainable ideal of self-sufficiency of the soldier. This aim never succeeded in creating a virtuous economic circle, whereby local societies could finance the military class only from their own resources. The imperial power always continued to intervene, either through partial supplies of foodstuffs, donations and recruits to the thematic forces or through their support with the Constantinopol-

<sup>80</sup> Cfr. Const. Porph. Nov. 7 ed. Svoronos, pp. 142–150 (dated probably to 959 see. G McGeer, *The Land Legislation*, p. 82).

<sup>81</sup> See the law by Nicephorus Phocas raising the minimum inalienable value of the *stratiōtika kēmata*: Nic. Phoc. Nov. 10 ed Svoronos = Zepos, *Jus graecoromanum*, I, Athinai 1931, pp. 255–256; T. Koliās., *Νικηφόρος Β΄ Φωκάς (963–969). Ὁ στρατηγὸς αὐτοκράτωρ καὶ τὸ μεταρρυθμικὸ τὸ ἔργο*, Athens 1996, pp. 98–99; McGeer, *The Land Legislation* (cited. n. 78), pp. 104–108.

<sup>82</sup> But the sources also mention lesser-known families, such as the Balantai, Melissenoi, Mesonyktai, Synadenoi, Radenoi: cf. L. Andriollo, *Constantinople et les provinces d'Asie Mineure, IXe–XIe siècle. Administration impériale, sociétés et rôle de l'aristocratie*, Paris 2017, pp. 209–216.

itan *tagmata*. But, nevertheless, this line of intervention is sufficiently clear, even in the lack of documentary evidence that afflicts the “Dark centuries”. What seems equally clear, however, is that the creation of the thematic armies and the conscription of troops in the provinces were two sides of the same coin, i.e. of the same political direction. By the 840s at the latest, if not twenty years earlier, somewhat less than twenty *themata* already constituted districts garrisoned by an equal number of military forces enjoying an articulated administrative organisation structure, which cannot have been created overnight, especially considering the sticky nature of the Byzantine bureaucracy. Several historians think that during the second half of the eighth century (or at the latest at the beginning of the ninth century) a new administrative district structure was established in the empire based on the recruitment areas of the army corps. If one agrees with this, it is not clear why one should think that only in the middle of the tenth century a close relationship between land and military service would have been established. In fact, very strong hints exist that even in the eighth and ninth centuries private property partly financed the maintenance of the *stratiōtai*. Moreover, Constantine VII’s own provision unambiguously states that such properties existed even before his measure. Historiography must rethink the separation that, in the scholarly production of the last half-century, has marked the birth of the thematic system and the patrimonial bases on which the soldiers’ service was founded. The two processes proceeded in parallel. So much so that when the themes became smaller and smaller districts, as evidenced by the *Taktikon* of the Escorial, new larger military districts were created, such as the Duchy of Antioch.<sup>83</sup> This also prefigured a new system of recruitment during the eleventh century, with an increasing fiscalisation of the *strateia* and the employment of professional soldiers.<sup>84</sup>

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<sup>83</sup> See J.-M. Cheynet, “Du stratège du thème au duc: chronologie et évolution au cours du XI<sup>e</sup> siècle”, *TM* 9 (1985), pp. 181–194 (reprinted in id., *The Byzantine Aristocracy and its Military Function*, Aldershot 2006, n. XI).

<sup>84</sup> J. Haldon, “L’armée au XI<sup>e</sup> siècle: quelques questions et quelques problèmes”, *TM* 21/2, (2017 = *Autour du Premier humanisme byzantin & des Cinq études sur le XI<sup>e</sup> siècle, quarante ans après Paul Lemerle*, éd. B. Flusin & J.-C. Cheynet), pp. 581–597.