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*The praitor mentioned in the History of Leo the Deacon and
the praitor of Constantinople: Previous and Recent Considerations*

1. A *praitor* is mentioned twice in the History of Leo the Deacon (10th century). According to the first testimony, the *praitor* arrested two women who threw stones against the emperor Nikephoros II Phokas, while he was on his way to the palace after a procession on the feast of the Ascension of the Saviour. Finally, the women were condemned to death and burned in a suburb called Anaratai: «Πρόκενσον δὲ κατὰ τὴν τοῦ Σωτῆρος ἀνάληψιν κατὰ τὸ εἰθισμένον ἔξω τειχῶν ἐπὶ τὴν καλουμένην Πηγὴν ποιησαμένου τοῦ βασιλέως (νεῶς δὲ ταύτη περικαλλῆς τῇ Θεοτόκῳ δεδόμηται), διαμάχη τις μεταξὺ Βυζαντίων καὶ Ἀρμενίων συνέβαινε, ὡς πολλοὺς πρὸς τῶν Ἀρμενίων τραθῆναι τῶν ἀστικῶν. ἄρτι δὲ πρὸς ἑσπέραν ἐπὶ τὰ ἀνάκτορα τοῦ βασιλέως ἐλαύνοντος, ὕβρεσι κακ τοῦ ἀναφανδὸν ἐχρῶντο Βυζάντιοι. καὶ τι γύναιον σὺν τῷ θυγατρῖῳ εἰς τοσαύτην ἀπόνοιαν ἤλασεν, ὡς τοῦ στέγους προκύνῃαι καὶ λίθους βαλεῖν κατὰ τοῦ ἀνακτος. ὁ καὶ τῇ ὕστεραίᾳ πρὸς τοῦ Πραίτωρος ληφθὲν δίκας μετὰ τοῦ θυγατρῖου ἀπέτισεν, ἐπὶ τι προάστειον πυρὸς γεγονὸς ἀνάλωμα. Ἀναρά-τας καλούμενον»¹.

According to the second reference, John Tzimiskes appointed new high officers

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1. Leo the Deacon, *Historia*, ed. C. B. Hase, *Leonis Diaconi Caloënsis Historiae libri decem*, C.B., Bonnæ 1828, (hereafter: Leo Deacon) 64.22-65.9. Cf. S. Troianos, Οι ποινές στο βυζαντινό δίκαιο, in *Ἐργλημα καὶ Τιμωρία στο Βυζάντιο*, (ed. S. Troianos), Athens 1997, 13-65, esp. 30 and note 54. – Regarding Leo the Deacon and his History, see N. Panagiotakes, Λέων Διάκονος, *ΕΕΒΣ* 34 (1965) 1-138, who unfortunately did not achieve to publish a new critical edition of the History of Leo the Deacon. – I. Karayannopoulos, *Πηγαί της Βυζαντινῆς Ιστορίας*⁵, Thessaloniki 1987, 280-281. – A. Karpozelos, *Βυζαντινοὶ Ιστορικοὶ καὶ Χρονογράφοι*, II, (8th -10th c.), Athens 2002, 475-491 with further bibliography. – See also Leo's History translations: F. Loretto, *Nikephoros Phokas "Der bleiche Tod der Sarazenen" und Johannes Tzimiskes, Die Zeit von 959 bis 976 in der Darstellung des Leon Diakonos*, (German translation with annotations), [Byzantinische Geschichtsschreiber 10], Graz 1961. – Vr. Karalis, Λέων Διάκονος, (introduction, modern Greek translation, annotations), [Κείμενα Βυζαντινῆς Ιστοριογραφίας 9], Athens 1997. – Mary-Alice Talbot – D. Sullivan, (with the assistance of G. T. Dennis and Stamatina McGrath), *The History of Leo the Deacon. Byzantine Military Expansion in the Tenth Centuries*, (introduction, English translation, annotations), Washington D.C. 2005, 9-52 (hereafter: Mary-Alice Talbot – D. Sullivan, *Leo the Deacon*). – Mary-Alice Talbot and D. Sullivan also mention the less well known Russian translation of D. Popov, *Istoriia Lva D'iakona Kaloiskago*, St. Petersburg 1820, and an English one by H. Turtledove, *The History of Leo the Deacon*. Unpublished typescript, n.d.

of his own choice, immediately after the murder of Nichephoros Phokas;: "ὁ δὲ γε Ἰωάννης, πρὶν τηλαυγῶς τῇ γῆ τὰς ἀκτῖνας προσυφαπλῶσαι τὸν ἥλιον, ταῖς μεγίσταις τῆς πολιτείας ἀρχαῖς οἰκείους ἀνδρας ἀποκαθίστησι, Πραίτωρα, καὶ τοῦ πλωῖμου Δρουγγάριον, τῆς τε βίγλης, καὶ ὃν καλοῦσι νυκτέπαρχον, τοὺς τοῦ Νικηφόρου, παραιτησάμενος"².

H. Ahrweiler suggested that the *praitor* in the History of Leo the Deacon was an important judicial officer created by Nikephoros Phokas (963-969). She identified him with the *praitor of Constantinople*, an officer who appears on the seals of the 11th century³. H. Ahrweiler's theory was adopted by modern scholars, such as V. Laurent and R. Guiland⁴. In my previous article concerning the *praitor of Constantinople* I have attempted to contradict H. Ahrweiler's assumption⁵. However, the recent English translation of the History of Leo the Deacon with annotations published by Alice-Mary Talbot and D. Sullivan (2005)⁶, as well as the edition of some unpublished seals of *praitores of Constantinople* by E. McGeer, J. Nesbitt and N. Oikonomides† (2005), and J. Nesbitt's observations on the duties of the *praitor of Constantinople*⁷, suggest a re-examination of the issue.

2. Leo Deacon 95.19-96.1. – John Skylitzes, *Synopsis Historiarum*, ed. I. Thurn, [CFHB V], Berlin - New York 1973 (hereafter: John Skylitzes), 284.15-16, mentions also that John Tzimiskes appointed his own men to important government (political and military) positions: «καὶ τοὺς ἄλλους δέ, ὅσοι πολιτικὰς ἢ στρατιωτικὰς μετήσαν ἀρχὰς τῶν ἀρχῶν παραλύσας, οἰκείους ἐπέστησε καὶ τῷ νέῳ βασιλεῖ φυλάττοντας εὐνοίαν...». Cf. Jean Skylitzès. *Empereurs de Constantinople*, French translation by B. Flusin and annotations by J.-Cl. Cheynet, [Réalités Byzantines 8], Paris 2003, 239.

3. H. Glykatzī-Ahrweiler, Recherches sur l'administration de l'empire byzantin aux IX-XIe siècles, *BCH* 84 (1960) 1-109 (=H. Ahrweiler, *Études sur les structures administratives et sociales de Byzance*, VR, London 1971, VIII), 44 (hereafter: H. Ahrweiler, Administration). – Eadem, Fonctionnaires et bureaux maritimes à Byzance, *REB* 19 (1961) 239-252, esp. 249 note 50 (=H. Ahrweiler, *Études*, II) (hereafter: H. Ahrweiler, Fonctionnaires).

4. V. Laurent, *Le corpus des sceaux de l'empire byzantin, II: L'administration centrale*, Paris 1981, 600 (hereafter: V. Laurent, *Corpus*). – See also R. Guiland, Études sur l'histoire administrative de l'empire byzantin. L'éparque. I. L'éparque de la ville - 'Ο ἐπαρχος τῆς πόλεως, *Bsl* 41 (1980) 29. Cf. A. Kazhdan, Praetor, *The Oxford Dictionary of Byzantium*, III, ed. A. Kazhdan, New York - Oxford, 1710.

5. A. Gkoutzioukostas, Παρατηρήσεις για τον πραίτωρα Κωνσταντινουπόλεως, *Βυζαντιακά* 23 (2003) 35-55 (hereafter: A. Gkoutzioukostas, Πραίτωρ Κωνσταντινουπόλεως). Cf. S. Troianos, Βιβλιογραφική επισκόπηση του βυζαντινού δικαίου, *Βυζαντιακά* 24 (2004) 472-473. – *BZ* 98 (2005) [902] (S. Troianos).

6. See note 1.

7. E. McGeer, J. Nesbitt, and N. Oikonomides†, *Catalogue of Byzantine Seals at Dumbarton Oaks and in the Fogg Museum of Art*, τ. 5, Washington 2005 hereafter: E. McGeer, J. Nesbitt, and N. Oikonomides†, *Catalogue* no. 28.1-4.

Mary-Alice Talbot and D. Sullivan translate the second of the above passages of the History of Leo Deacon in the following way: «In any case, before the sun spread its rays brightly over the earth, John appointed his own men to the most important government positions –praitor, *droungarios tou ploimou*, and of the watch, and the person whom they call "night prefect",– after dismissing Nikephoros's appointees»⁸.

First of all it should be underlined that the "night prefect", the *nykteparch*, did not exist in the 10th century. The *nykteparch* was replaced in 535 by the *praetor plebis* (πραιτωρ τοῦ δήμου)⁹, who is mentioned in the primary sources until the end of the 6th century¹⁰. The phrase "καὶ ὃν καλοῦσι νυκτέπαρχον" is rather an epxegesis to the *droungarios tes vigles*¹¹ than a different office, because *vigla* has also the meaning of "νυκτερινὴ παραφυλακὴ"¹². The *droungarios tes vigles* was in charge of watching the imperial palace in Constantinople and the imperial military camp during military campaigns appointing the patrols and the pickets¹³. Besides,

8. Mary-Alice Talbot – D. Sullivan, *Leo the Deacon*, 144-145. Regarding other similar and different translations of the above passage see A. Gkoutzioukostas, Πραιτωρ Κωνσταντινουπόλεως 43-44.

9. *Novellae Justiniani* 13 (535), ed. R. Schöll - G. Kroll, (Corpus Juris Civilis III), Berlin 1895 (thenceforth continuous reprints).

10. A. Gkoutzioukostas, Ο πραιτωρ του δήμου/των δήμων, *Βυζαντινά* 24 (2004) 133-166, esp. 153-156 (hereafter: A. Gkoutzioukostas, Πραιτωρ του δήμου).

11. Cf. B. Bury, *The Imperial Administrative System in the Ninth Century. With a Revised Text of The Kletorologion of Philotheos*, [The British Academy Supplemental Papers I], London 1911 (repr. New York 1958), 70 note 4 (hereafter: J. B. Bury, *Administrative System*). – *Lev D'iakon, Istorija*, Russian translation by M. M. Kopylenko, commentary by M. I. A Siuziumov και S. A. Ivanov, Moscow 1988, 194 note 8 (hereafter: *Lev D'iakon*).

12. See for example *Etymologicum magnum*, ed. T. Gaisford, Oxford 1848 (repr. Amsterdam 1967), 801.30-32: "ἔστι δὲ ἡ παρ' ἡμῖν λεγομένη βίγλα: ἡ φανός, ἡ λαμπάς, ἡ καῦσις: παραφυλακὴ νυκτερινὴ, ἢ διὰ τοῦ πυρός φυλακὴ". Cf. D. Demetrakos, *Μέγα Λεξικόν της Ελληνικῆς Γλώσσης*, II, Athens 1949, 1409.

13. J. F. Haldon, *Byzantine Praetorians*, [Ποικίλα Βυζαντινά 3], Bonn 1984, 293-295 and note 636. – Idem, *Three Treatises on Imperial Military Expedition*, [CFHB XXVIII], Wien 1990, 114.309-310, 120.420-121.435: "Περὶ τῶν κερκέτων. Ἰστέον, ὅτι, ὅτε κερκετεύει ὁ δρουγγάριος τῆς βίγλης τὰς ἐσπέρας, λαμβάνει φατλίον ἀπὸ τοῦ εἰδικοῦ, καὶ οἱ ο' σχολάριοι, οὓς ἔχει, ποιοῦσι τὴν φῖναν τὴν ἔξω, καὶ οἱ ἐπὶ τῆς ἐταιρείας κρατοῦσι φῖναν ἔσω μετὰ τοῦ ἐταιρειάρχου πλησίον ἔξω τῆς κόρτης, ὅπου εἰσὶ δεδεμένα τα σχοινία αὐτῆς, καὶ λαμβάνει σίγνον ἀπὸ τοῦ βασιλέως μυστικῶς, εἴτε τὸν Σωτήρα, εἴτε τὸν Θεοτόκον, εἴτε τὸν ἀρχιστρατήγον, εἴτε τῶν ἁγίων μαρτύρων τῶν στρατηλατῶν, εἴτε ἄλλο τι, ὃ κελεύει ὁ βασιλεὺς. καὶ ὑπαλλάσσει ἐκάστης ἐσπέρας τὸ σίγνον, καὶ ἴσθησαν ἐπιστάτας, καὶ περιγυροῦσι δι' ὅλης νυκτὸς τὴν φῖναν...". See also J. F. Haldon's annotations p. 240. Cf. A. Gkoutzioukostas, Πραιτωρ του δήμου 160-161 and notes 104, 105.

the *βίγλα* or *κέρκετον* was in charge of patrolling Constantinople at night¹⁴. Leo the Deacon uses the old term *nykteparchos* as an epexegetis to the technical term *droungarios tes vigles*. This is not unusual, because he sometimes uses expressions of the vernacular next to technical terms. For example he clarifies that *ναύαρχος* is the *droungarios tou ploimou*¹⁵.

Apart from that, neither *droungarios tou ploimou* nor *droungarios tes vigles* were the highest officers of the Byzantine state in this era, as it is indicated by the *Taktikon Escorial*¹⁶, but they were in key military posts for the suppression of any reaction against the new emperor John Tzimiskes. The *droungarios tou ploimou* commanded the naval forces stationed at Constantinople and the *droungarios tes vigles* was in charge of guarding the imperial palace. The *praitor* mentioned by Leo the Deacon had police duties, as it is indicated by the fact that he arrested the two women who attacked the emperor. Therefore, the *praitor* was also in a key post for keeping public order in the capital and suppressing any attempts of insurrection against John Tzimiskes.

It is probable that Leo Deacon's *praitor* is identified with the *logothetes tou praitoriou*, a subordinate of the *eparch of the city*, as N. Oikonomides suggested in his article regarding the administrative organization in the 11th century¹⁷. The

14. *The Life of St Andrew the Fool*, ed. L. Rydén, II, Uppsala 1995, lines 245-249: "... ἐσπέρας καταλαβούσης ... Ἐξερχόμενος δὲ εἶπεν αὐτοῖς· ἄσπαστοι καὶ ἀσπαστοί, τί ἔχω ποιῆσαι, ὅτι μέλλει ἡ βίγλα συναστᾶν μοι καὶ μάστιγας ἔχω λαβεῖν;" , lines 254-260: Ἐκεῖνοι δὲ ἐκ τῶν πονηρῶν καταγωγῶν ἐξεληθότες καὶ πρὸς τὰς ἑαυτῶν οἰκίας βαδίζοντες, συνήντησεν αὐτοῖς τὸ κέρκετον καὶ συλλαβόμενοι αὐτοῖς ἔδησαν ... ἐμαστίγουν σφοδρῶς. Ὁ δὲ δίκαιος βλέπων αὐτοὺς ἐλυπείτο καὶ μετὰ δακρῶν ἰκέτευε τὸν θεὸν τοῦ μὴ ἐργλειοσθῆναι αὐτοὺς εἰς φυλακὴν. Παρακαλῆσει δὲ φίλων καὶ δι' εὐχῆς τοῦ ἁγίου ἀπολυθέντες ἀπήσαν εἰς τὰς οἰκίας αὐτῶν." . – *Liudprandi Cremonensis Opera Omnia*, ed. P. Chiesa, [Corpus Christianorum, Continuation Mediaevalis CLVI], Brepols 1998, I.11, lines 253-260. Cf. F. Koukoules, *Βυζαντινὸν Βίος καὶ Πολιτισμὸς*, III, Athens 1952, 213. – *The Life of St Andrew the Fool*, II, 308 note 4. – A. Gkoutzioukostas, Πραΐτωρ του δήμου 161.

15. See Leo Deacon 123.14-16: "Ῥωμανὸν δὲ τῶν ἐμπύρων νεῶν προχειρισάμενοι ναύαρχον (Δρουγγάριον τῶν πλωϊμῶν τὸν εἰς τὴν τοιαύτην ἀφιγμένον ἀρχὴν ὀνομάζουσιν)". Cf. H. Hunger, *Βυζαντινὴ Λογοτεχνία. Ἡ λόγια καὶ κοσμικὴ γραμματεία τῶν Βυζαντινῶν*, II, (greek translation by T. Kolias, C. Synelle, G. Ch. Makres, I. Basses), Athens 1992, 185.

16. N. Oikonomidès, *Les listes de préséance byzantines des IXe et Xe siècles*, Paris 1972, 269.29, 269.33 (hereafter: N. Oikonomidès, *Listes*).

17. N. Oikonomidès, L'évolution de l'organisation administrative byzantine au XIe siècle (1025-1118), *TM* 6 (1976) 125-152 (=N. Oikonomidès, *Byzantium from the Ninth to the Fourth Crusade. Studies, Texts, Monuments, VR*, Hampshire, Brookfield 1992, X), 133 note 43: «le praetor de Constantinople, attesté dès le Xe s., me semble être identique au logothète du prétoire, soumis à l'éparque» (hereafter: N. Oikonomidès, *Organisation*).

logothetes tou praitoriou was in charge of the *Praitorion*, the seat of the *eparch of the city*, where a prison was located¹⁸. He had also police duties¹⁹ and led his forces against thieves etc., as it is concluded by the content of an anonymous letter (10th century) addressed to the *logothetes tou praitoriou*²⁰.

It should be noted that in case of insurrections or revolts, one of the first actions of the agitators or the rebels was to rush to the *Praitorion* and free the prisoners²¹, in order to use them against the imperial forces. Such an example was the case of general (*strategos*) Leontios in 695 who seized the *Praitorion*, released from prison the opponents of Justinian II (685-695) and gave them weapons to fight against the emperor²². Similar actions also took place in the following

18. Concerning *Praitorion* see R. Janin, *Constantinople byzantine*², [Archives de l'Orient Chrétien, 4A], Paris 1964, 163-166. – R. Guiland, Le Prétoire, *Ελληνικά* 17 (1962) 100-104 (=R. Guiland, *Études de topographie de Constantinople byzantine*, Amsterdam 1969, II, 36-39), [hereafter: R. Guiland, Prétoire (=Topographie)]. – K. Mpourdara, Οι Βυζαντινές φυλακές, in *Έγκλημα και τιμωρία στο Βυζάντιο* (see note 1), 319.

19. A. Vogt, *Basile Ier, empereur de Byzance (867-886) et la civilisation byzantine à la fin du IXe siècle*, Paris 1908 (repr. New York 1973), 142: "le logothète s'occupait des affaires de la ville, police et administration". – Idem, *Le Livre des Cérémonies, Commentaire*, I, Paris 1935, 54 and II, Paris 1940, 92.

20. *Épistoliers byzantins du Xe siècle*, ed. J. Darrouzès, [Archives de l'Orient Chrétien 6] Paris 1960, IX 49, 378: "Τὴν οἰκίαν μου νυκτὸς ἄωρι κλέπται κατώρυξαν, ἀλλ' ἡ δεινὴ τούτων μάστιξ σύ, ἢ ἐμὲ τύφρον μὴ τοιοῦτῳ ὕπνῳ πεπεδησθαι βαθεῖ ἢ τοὺς σοὺς ἐνδίκως κόλασον τοιχωρῶντας. Οὐ γὰρ ἂν διαλάθωσιν ἄτοπον γὰρ, σοῦ κατάρχοντος τούτων, καὶ τὸ λεπτότατον προσαπόλλυσθαι τῶν ἐμῶν".

21. Such episodes took place during the Nika riot (532) and during the riot of Greens against the emperor Phokas (602-610). See Prokopios of Caesarea, *Opera Omnia*, I, ed. J. Haury, Lipsiae 1905, (addenda et corrigenda adiecit G. Wirth), I, Leipzig 1963, 1.24.7: «Τότε δὲ ἡ ἀρχή, ἡ τῷ δήμῳ ἐφειστήκει ἐν Βυζαντίῳ, τῶν στασιωτῶν τινὰς τὴν ἐπὶ θανάτῳ ἀπῆγε. Ξυμφρονήσαντες δὲ καὶ σπεισάμενοι πρὸς ἀλλήλους ἐκάτεροι τοὺς τε ἀγομένους ἀρπάζουσι καὶ ἐς τὸ δεσμοτήριον ἀντίκα ἐσβάντες ἀφιᾶσιν ἅπαντας ὅσοι στάσεως ἢ ἐτέρου τοῦ ἁλόντες ἀποπήματος ἐδέδοντο». – Theophanes, *Chronographia*, ed. Ch. de Boor, I, Lipsiae 1883 (repr. Hildesheim 1963) (hereafter: Theophanes), 297.1-5: "σωρευθέντες δὲ οἱ Πράσινοι ἔβαλον πῦρ εἰς τὸ πραιτώριον καὶ ἔκανσαν τὸ σέκρητον καὶ τὰ σκηνία καὶ τὰς φυλακάς, καὶ ἐξελθόντες οἱ ἐν ταῖς φυλακαῖς ἔφηνγον. καὶ θυμωθεὶς ὁ Φωκάς ἐκέλευσε τοὺς Πρασίνους μηκέτι πολιτεύεσθαι".

22. Theophanes 369.4 κ.ε. Cf. J. Karayannopoulos, *Ιστορία Βυζαντινοῦ Κράτους*, II (565-1081), Thessaloniki 1993 (5th reprint), 102.

centuries during other riots and insurrections²³. The new emperor John Tzimiskes wanted to control the events in the capital and to prevent any counteraction against him, especially since he had risen to imperial power by murdering Nikephoros Phocas. This is probably the reason why he dismissed the *praitor* (= *logothetes tou praitoriou*), the *droungarios tou ploimou*, and the *droungarios tes vigles*, officers who had been appointed by Nikephoros Phocas²⁴.

Consequently, as soon as he assumed the imperial authority, John Tzimiskes appointed his own men to the highest government positions of the State, and he replaced the *droungarios tes vigles*, the *droungarios tou ploimou* and the *praitor*, that is to say the *logothetes tou praitoriou*, in order to prevent any reaction. Furthermore, John Tzimiskes announced that all troublemakers would be sentenced to death²⁵.

To my previous arguments I should add a new one that perhaps reinforces my hypothesis. The *logothetes tou praitoriou* is mentioned as *praitor*, but this is not a unique case. The *logothetes tou genikou* is also named in the primary sources as *genikos* and the *logothetes tou stratiorikou* as *stratitikos*²⁶. So it is very probable that *logothetes tou praitoriou* is mentioned by Leo the Deacon simply as *praitor*.

23. John Skylitzes 481.1 κ.ε. – John Zonaras, *Epitomae Historiarum*, ed. M. Pinder – Th. Büttner-Wobst, CB, III, Bonnae 1897, 655.8 κ.ε. – Michael Attaleiates, *Historia*, ed. Pérez Martin, [Nueva Roma 15], Madrid 2002, 12.16-18. – Michael Psellos, *Chronographia*, ed. E. Renauld, I-II, Paris 1926-1928, (repr. 1967), II, 23.7-11. – Niketas Choniates, *Historia*, ed. J.-L. van Dieten, [CFHB XI/1], Berlin - New York 1975 (hereafter: Niketas Choniates), 344.71-72-345.73-75. Cf. R. Guiland, *Prétoire*, 102 (= *Topographie*, II, 37). – A. Gkoutzioukostas, *Πρώιμος Κωνσταντινουπόλεως* 48-50.

24. See also the Russian translation by M. Kopylenko (*Lev D'iakon* 52), with whom I agree.

25. Leo Deacon 94.16-95.4.

26. See for example: *Theophanes Continuatus*, ed. I. Bekker, Bonnae 1838, 346.9-21: "... ὑπέμνησέ ποτε καὶ τῷ γενναίῳ τούτῳ βασιλεῖ ἀπὸ τοιαύτης γνώμης ὁ τὴν τοῦ γενικοῦ τὸ τηλικαῦτα διέπων ἀρχὴν ἀποσταλῆναι εἰς τὰ ὑπὸ τὴν Ῥωμαϊκὴν ἐξουσίαν ἅπαντα θέματα τοὺς λεγομένους ἐπόπτας τούτους καὶ ἐξισωτάς... σκεψάμενος δὲ καὶ φροντίσας ὁ γενικός, καὶ ὡς ἐδόκει κάλλιστα τοῖς ἀρίστοις ἐπιλεξάμενος, καὶ τὰς τῶν ἐκλεγέντων κλήσεις εἰσαγωγῶν πρὸς αὐτὸν...". – Symeon Magistros and Logothetes, *Chronicon*, ed. S. Wahlgren, [CFHB 44/1], Berlin 2006, 172.60, 203.159, 250.336-337. – Constantine Porphyrogenetos, *De cerimoniis aulae byzantinae*, I, ed. I. Reiske, Bonnae 1829, 460.17-18: «Ὁ ὑπαρχος μωλάριον α', ὁ σακελλάριος δύο, ὁ γενικός μωλάριον β', ὁ κναίστωρ μωλάριον α'...», 479.5-9: «διὰ τῶν δ' κομητῶν τῶν Μαλαγίνων σαγμάριον δ', παρίππια δ': διὰ τοῦ στρατιωτικοῦ εἰς τὰ βασιλικά χαρτία σαγμάριον δύο: διὰ τοῦ δεκανοῦ εἰς τὰ βασιλικά χαρτία σαγμάριον α'...», 525.17-19: «Ὅσα δεῖ παραφυλάττειν, τοῦ βασιλέως προβαλλομένου δομεστικοῦ τῶν σχολῶν ἢ στρατηγούς ἢ δρουγγάριον τῶν πλοῖμων ἢ γενικὸν ἢ σακελλάριον ἢ τοῦ σακελλίου ἢ λοιποὺς ὀφφικιαλίους», 698.18-21: «Οἱ μανδάτορες τῶν σεκρέτων πάντων, ἡγουν οἱ

2. During the 11th century the *praitor of Constantinople* appears on the seals. V. Laurent edited the seals of Theodoros *patrikios, protonotarios of eidikon and praitor of Constantinople*, (George) Spanopoulos *praitor (of Constantinople)*, Niketas Argyros *magistros and praitor of Constantinople*, and Leo *magistros, vestarches, judge of velum and praitor of Constantinople*²⁷. G. Zacos published one more seal of Niketas *patrikios, anthypatos, notarios tou eidikou and praitor of Constantinople*²⁸. Both scholars adopted H. Ahrweiler's theory that the *praitor of Constantinople* was an important judicial officer, a position created by Nikephoros Phokas, and that he is identified with the *praitor* mentioned in the History of Leo the Deacon. Recently, E. Mc Geer, J. Nesbitt and N. Oikonomides† published some seals of *praitors* of Constantinople. They republished the seal of *praitor (of Constantinople)* (George) Spanopoulos and the seal of Theodoros *patrikios, imperial notarios of the eidikon and praitor of Constantinople* with a slightly different reading than that of V. Laurent²⁹. They also edited two more unpublished seals of Stephanos *patrikios and praitor of Constantinople* (10th/11th c.) and of a *praitor of Constantinople*³⁰.

τοῦ σακελλαρίου: οἱ τοῦ γενικοῦ: οἱ τοῦ στρατιωτικοῦ: οἱ τοῦ λογοθέτου τοῦ δρόμου: οἱ τοῦ σακελλίου: οἱ τοῦ βεσπιαρίου: οἱ τοῦ εἰδικοῦ...», 784.10-12: «τοὺς πρωτοσπαθαρίους καὶ πραιποσίτους, τὸν δομέστικον τῶν σχολῶν, τὸν ἐξσκοῦβιτον, τὸν ὑπαρχον, τὸν γενικόν, τὸν σακελλάριον, τὸν κνέστορα, τὸν δρουγγάριον τῆς βίγλης...», 807.15-22: «καὶ χωρὶς γνώμης τῶν πραιποσίτων οἱ τε χαρτουλάριοι καὶ ὁ στρατιωτικὸς τάσσουν εἰδικούς αὐτῶν ἀνθρώπους ἀναβιβάζοντες τὰς αὐτῶν ῥόγας ὡς ἂν ἐθέλωσιν... καὶ μηκέτι μῆτε τὸν στρατιωτικὸν ἢ τοὺς χαρτουλαρίους...». Cf. V. Laurent, *Corpus* 129, 263.

27. V. Laurent, *Corpus* nos. 1143-1146.

28. G. Zacos, *Byzantine Lead Seals* (Compiled and edited by J. W. Nesbitt), [Τετράδια Αρχαιολογίας καὶ Τέχνης 3], τ. 2, Berne 1984, no. 649.

29. E. McGeer, J. Nesbitt, and N. Oikonomides†, *Catalogue*, no. 28.1, 28.3. I express my gratitude to professor W. Seibt for sending to my colleague professor I. Leontiades his unpublished review on the study of J. Nesbitt – E. McGeer, and N. Oikonomides†, which is probably going to be published in *BZ* 99.2 (2006) (hereafter: W. Seibt, Review). As W. Seibt remarks it is not certain that the *praitor* Spanopoulos performed his duties in Constantinople. Besides, many *strategoï* have no geographic specification in certain seals, as W. Seibt observes. – Two more seals of *praitores* (11th century) were published by G. Zacos, *Seals*, no. 838 (Leo *vestes* and *praitor*, 2nd half of 11th c.) and no. 840 (Leontius [and not Leo, as I mistakenly wrote in my previous article] *vestarches* and *praitor*, 2nd half of 11th c.), but we do not know if Leo and Leontius were *praitores of Constantinople*.

30. E. McGeer, J. Nesbitt, and N. Oikonomides†, *Catalogue* nos 28.2, 28.4. Cf. W. Seibt, Review no. 28.2: «Dass Stephanos trotzdem nur Patrikios war, weist auf einen deutlichen Rangunterschied zum Eparchen».

J. Nesbitt, who compiled the comments for the fifth (V) section of the book, accepts that the office seems to have been in existence in 967-968 taking into consideration the testimony of Leo the Deacon³¹, although he admits that it "remains unclear when the office of *praitor of Constantinople* was created and what duties this official performed". He also suggests that the *praitor of Constantinople* "may have been a financial administrator who performed liaison functions between the imperial court and merchants and workmen". The scholar bases his assumption on the fact that Theodoros and Niketas served as *notarii of the eidikon* and *praitores of Constantinople* according to the published seals³². However, the fact that Theodoros and Niketas had been *notarii tou eidikou* and then *praitores of Constantinople* does not necessarily imply that they remained in the service of the *eidikon* and does not indicate the duties of the *praitor*, since there is also a seal of Leo *judge of velum* (judicial officer)³³ and *praitor of Constantinople*³⁴. It should also be mentioned that W. Seibt poses the following rhetorical question: "Sollte der Praetor von Konstantinopel wirklich ganz andere Aufgaben gehabt haben als der Praetor eines Themas oder Themenverbundes?"³⁵.

We do not know exactly what duties the *praitor of Constantinople* performed³⁶, but it seems that he was probably invested with judicial powers, if we take into consideration the fact that the *praitores* or *judges* of the *themes* had mainly judicial duties. Moreover, the *Peira*, a primary source of the 11th century, mentions a *praitor* as a judge: 'εἰ γὰρ πεπλανημένως ἐνόμιζεν ὑποκεῖσθαι ἢ ἕτερον ἀνθ' ἑτέρου ὑπείληφεν ἢ ἀνθιστάμενον αὐτὸν ἠνάγκασεν ὁ προαίτωρ, οὐκ ἰσχύει κατ' αὐτοῦ ἡ δικαιοδοσία'. ὡς βι. ζ'. τι. ε' κεφ. β'. τούτῳ τῷ νόμῳ ἐχρήσατο ὁ μάγιστρος εἰς σημείωσιν, καταδικάζων δικαστὴν τὸν προαίτωρα ἐλκύσα-

31. Leo Deacon 64.22-65.9.

32. E. McGeer, J. Nesbitt, and N. Oikonomides†, *Catalogue* no. 28.

33. Regarding *judges of velum* see A. Gkoutzioukostas, *Η απονομή δικαιοσύνης στο Βυζάντιο. Τα κοσμικά δικαιοδοτικά ὄργανα και δικαστήρια της πρωτεύουσας*, [Βυζαντινά Κείμενα και Μελέται 37], Thessaloniki 2004, 119-181.

34. V. Laurent, *Corpus* no. 1146.

35. W. Seibt, Review no. 28. – H. Ahrweiler, *Administration* 74, suggests a possible relation of the *praitor* of Constantinople with the *praitores* of the *themes*.

36. Cf. W. Seibt, Review no. 28: "Gerade wenn sich ein Eparchos primär hohen richterlichen Aufgaben widmete, musste für die anderen Aufgaben im Bereich der Zivilverwaltung entsprechend vorgesorgt werden".

ντα γυναῖκα τοῦ ἀνεμᾶ εἰς δικαστήριον αὐτοῦ, ἵνα λάβῃ δίκην προκριθεῖσαν παρ' αὐτοῦ τοῦ μαγίστρου ἔτι κοιαίστωρος ὄντος³⁷. According to L. Burgmann, the *praitor* of Peira should be identified with the *logothetes tou praitoriou*, if it is not a lapsus of the handwritten tradition³⁸. However, it is more probable that the *praitor* is identified in this case with the *praitor of Constantinople* mentioned on the seals of the 11th century.

Although the theory that the *praitor of Constantinople* was the successor of the *logothetes tou praitoriou* is attractive, the *praitor of Constantinople* cannot be considered as the successor of the *logothetes tou praitoriou*, because the dignities appear parallel in the primary sources. The *logothetes tou praitoriou* is mentioned in a document of 1023³⁹ and on a seal of Constantine Bringas (2nd half of the 11th century), providing that the reading of the seal is right⁴⁰. During the reign of Alexius III (1195-1203), John Lagos, the commander of the guard of Praitorion ("προϋστασθαι τῆς τοῦ πραιτωρίου φρουρᾶς"), is mentioned by Niketas Choniates. He was in charge of arresting thieves and he was probably subordinate

37. Πείρα ἦγον διδασκαλία ἐκ τῶν πράξεων τοῦ μεγάλου κυροῦ Εὐσταθίου τοῦ Ῥωμαίου, JGR 4, 51.29 (hereafter: Peira). Concerning Peira, see S. Troianos, *Οἱ πηγές του βυζαντινοῦ δικαίου*², Athens-Komotini 1999, 215-218.

38. L. Burgmann, Zur Organisation der Rechtsprechung in Byzanz (Mittelbyzantinische Epoche), in *La giustizia nell'Alto Medioevo (secoli IX-XI). Settimane di Studio del Centro Italiano di Studi sull'Alto Medioevo*, XLIV, 11-17 aprile 1996, Spoleto, 1997, 918 and note 39.

39. See *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων τῶν τε ἁγίων καὶ πανευφύμων ἀποστόλων καὶ τῶν ἱερῶν οἰκουμενικῶν καὶ τοπικῶν συνόδων καὶ τῶν κατὰ μέρος ἁγίων πατέρων*, ed. G. A. Ralles – M. Potles, V, 57: "Προκαθημένου Εὐστρατίου τοῦ ἀγιωτάτου πατριάρχου ἐν τῷ μικρῷ σεκρέτῳ, συνεδριάζόντων αὐτῷ Πέτρου τοῦ περιφανεστάτου πρωτοσπαθαρίου καὶ ἐπάρχου, καὶ θεοφιλεστάτων μητροπολιτῶν... τοῦ ἐπὶ τῶν δεήσεων Βασιλείου σπαθαροκανδιδάτου καὶ συμπόνου... καὶ Λέοντος ἀσηκρητῆς καὶ λογοθέτου τοῦ πραιτωρός". Cf. V. Grumel – J. Darrouzès, *Les registres des actes du Patriarcat de Constantinople*, v. 1, *Les actes des Patriarches*, fasc. 3 (1043-1206)², Paris 1989, no. 933. – W. Seibt, Prosopographische Konsequenzen aus der Umdatierung von Grumel, *Regestes 933, JÖB 22* (1973) 103-115. – K. G. Pitsakes, *Το κάλυμα γάμου λόγω συγγένειας εβδόμου βαθμοῦ ἐξ αἵματος στο βυζαντινὸ δίκαιο*, [Θρακικὲς Νομικὲς Μελέτες 8], Athens - Komotini 1985, 61 and note 7. – N. Oikonomidès, *Listes 320*. – V. Laurent, *Corpus 580*.

40. See also V. Laurent, *Corpus* no. 1094. – G. Stavrakos, *Die byzantinischen Bleisiegel mit Familiennamen aus der Sammlung des Numismatischen Museums Athen*, [Mainzer Veröffentlichungen zur Byzantinistik 4], Wiesbaden 2000, no. 44, (p.106), who points out that the reading of the seal published by V. Laurent is problematic. According to G. Stavrakos, the seal is dated between the end of the 11th and the beginning of 12th century, a little earlier than another seal of Constantinos Bringas (see V. Laurent, *Corpus* no. 1080).

of the *eparch of the city*⁴¹. Therefore, it cannot be excluded that he is identified with the *logothetes tou praitoriou*⁴². On the other hand, the *praitor of Constantinople* is mentioned only on seals of the 11th century and in *Peira*. In addition, according to V. Laurent, the honorific titles attached to the above dignities, i.e. the *spatharokandidatos* from the beginning of the 11th century or a little earlier for the *logothetes tou praitoriou* and the titles of *magistros*, *vestes* – and *patrikios* – for the *praitor of Constantinople*, imply that the two dignities cannot be identified⁴³.

Consequently the *praitor of Constantinople* is an officer who appears in the 11th century. Therefore, we cannot exclude the possibility that this reform is connected with the changes which took place in the office of the *eparch of the city*⁴⁴. He probably took over some of the judicial duties of the *eparch of the city*⁴⁵. The *praitor of Constantinople* does not appear, as far as I know, in the primary sources of the 12th century. In a letter of pope Urban V (1367) is mentioned a John as *praitor Constantinopolitanus*, but he was probably a *praetor plebis*⁴⁶.

41. Niketas Choniates 525.85 κ.ε.: "Ἰωάννης γάρ τις, Λαγῶς τὸ ἐπώνυμον, ἐκ βασιλείως εἰληφῶς προϋστασθαι τῆς τοῦ πραιτωρίου φρουρᾶς, ἤθελεν ἑαυτῷ τε καὶ τοῖς προσησασμένοις πορίζειν ἐνθὲνδε χρῆματα... νυκτὸς ἀνίει φρουρᾶς καὶ δεσμῶν τοὺς ἐπὶ κλεπτοσύνη διαβοήτους, οἱ δὲ λάθρα τὰς οἰκίας διερευνῶντες προσῆγον ἐκείνῳ τὰ φώρια... σύγχυσις οὖν τὴν πόλιν κατείληφε καὶ πλῆθος χειρωνακτικὸν οὐκ ὀλίγον ἐς τὸ πραιτώριον συλλεγὲν θηρεύειν ἐπεβάλετο τὸν Λαγῶν, ὁ δὲ ὑπὲρ δασύποδα συντονία δρόμου χρησάμενος ἐκεῖθεν ἠφάνισται... ἵκετο δ' ἐκεῖσε καὶ ὁ τῆς πόλεως ἑπαρχος Κωνσταντῖνος ὁ Τορνίκης· ἡ δὲ πλῆθὺς καὶ πρὸς μόνην τὴν αὐτῶν θέαν ἐκτραχυνθέντες τὸν τε ἑπαρχον λαϊβολίας ἐκτρέπονται καὶ τοὺς σωματοφύλακας ἀποπέμπονται. ἐπὶ δὲ τὰς τοῦ πραιτωρίου ἀνατρέψαντες πύλας ἄνευσιν τοῖς ἔνδον διδόασι σκυλεύουσί τε τὸν ἐκεῖσε Χριστιανικὸν νεών...". Cf. R. Guiland, *Prétoire* 102 (=Idem, *Topographie* II, 37). – N. Oikonomidès, *Organisation* 133 note 43, who supports that John Lagos was *logothetes tou praitoriou*. – J.-Cl. Cheynet, *Pouvoir et contestations à Byzance (963-1210)*, [Byzantina Sorbonensia 9], Paris 1990, 445.

42. A. Gkoutzioukostas, *Πραιτώρ Κωνσταντινουπόλεως* 48-49.

43. V. Laurent, *Corpus* 600.

44. N. Oikonomidès, *Organisation* 133.

45. Cf. H. Ahrweiler, *Fonctionnaires* 249 and note 50. – Eadem, *Byzance et la mer. La marine de guerre, la politique et des institutions maritimes de Byzance aux VIIe-XVe siècles*, Paris 1966, 144 and note 1.

46. V. Laurent, *Corpus* 737 note 3. Cf. A. Gkoutzioukostas, *Πραιτώρ Κωνσταντινουπόλεως* 54-55.

Summary

A *praitor* who is mentioned twice in the History of Leo the Deacon (10th century) has been considered by modern scholars as a new judicial officer created by Nikephoros Phokas; they identify him with the *praitor of Constantinople* mentioned on the seals of the 11th century. According to my interpretation, the *praitor* cited in the History of Leo the Deacon should be identified with the *logothetes tou praitoriou*, a subordinate of the *eparch of the city*, who was in charge of the *Praitorion* and its prison and had police duties as well. It is very probable that *logothetes tou praitoriou* is mentioned by Leo the Deacon simply as *praitor*, in the same way that *logothetes tou genikou* and *logothetes tou stratiorikou* are mentioned as *genikos* and *stratiotikos* respectively in other primary sources. Therefore, the *praitor of Constantinople* could not be identified with the *praitor* mentioned by Leo the Deacon. The *praitor of Constantinople* was a new officer who appeared in the 11th century, when changes took place in the office of the *eparch of the city*. We do not know exactly what duties the *praitor of Constantinople* performed, but it seems that he probably participated in the administration of justice.

