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OBSERVATIONS ON THE PORTRAYAL OF THE RULER IN THE NOVELS OF LEO VI*

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

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

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I. The emperor and his portrayal

The position of the emperor in the state organization of the Eastern Roman Empire (Byzantium) is dominant. He is the bearer of all powers and the regulator of the regime and political life. He constitutes the cornerstone of the state edifice and according to the political theory of the Byzantines he is the ἀρχων τῆς οἰκουμένης (*ruler of the universe*), following the Davidic model of the χριστός Κυρίου (*anointed by God*)¹. The emperor governs the Empire and cares for every matter concerning the State and his subjects, whose “shepherding” he has been entrusted with by God and for whose salvation he is responsible².

Although no systematic textbook of political theory has survived from the Byzantine era, the image of the emperor as head of the State appears in literary³ and legal sources. Perhaps the most formal presentation and projection of the image of the emperor as a ruler in the context of imperial ideology⁴ is encountered in the

¹ The centralism and totalitarian power of the emperor are mitigated, firstly, by the ideological – political connection of the imperial authority with God and the relevant obligation of the emperor to care for the welfare of his subjects and, secondly, by the occasionally compensatory function of state “institutions”/“actors”, such as the Senate, the Demes and the Church. Cf. A. KALDELLIS, *The Byzantine Republic. People and Power in New Rome*, Cambridge–London 2015, *passim*; A. ΧΡΙΣΤΟΦΙΛΟΠΟΥΛΟΥ, *Το πολίτευμα και οι θεσμοί της Βυζαντινής αυτοκρατορίας, 324–1204. Κράτος – Διοίκηση – Οικονομία – Κοινωνία*, Ἀθήνα 2004, p. 198–199, 352–367 and *passim*; W. ENSSLIN, *Gottkaiser und Kaiser von Gottes Gnaden*, [in:] *Das byzantinische Herrscherbild*, ed. H. HUNGER, Darmstadt 1975 [= WF, 341], p. 54–85; H.G. BECK, *Senat und Volk von Konstantinopel. Probleme der byzantinischen Verfassungsgeschichte*, [in:] *Das Byzantinische Herrscherbild...*, p. 353–378 and IDEM, *Res Publica Romana. Vom Staatsdenken der Byzantiner*, [in:] *Das Byzantinische Herrscherbild...*, p. 379–414.

² Cf. H.G. BECK, *Das byzantinische Jahrtausend*, München 1978, p. 22–23, 87sq (esp. p. 89–90).

³ The most distinctive of those are laudatory speeches (on them, cf. H. HUNGER, *Die hochsprachliche profane Literatur der Byzantiner*, vol. I, Munich 1978 [= HA.BH, 12.5], p. 65–74) and guides to “proper princely behaviour” (βασιλικοί ἀνδριάντες – *specula Principis*). On the latter, cf. S. TROIANOS, *Die Quellen des byzantinischen Rechts*, trans. D. SIMON, S. NEYE, Berlin–Boston 2017, p. 102 and K. ΠΑΪΔΑΣ, *Η θεματική των βυζαντινών Κατόπτρων Ηγεμόνων της πρώιμης και μέσης περιόδου (398–1085). Συμβολή στην πολιτική θεωρία των Βυζαντινών*, Ἀθήνα 2005 and IDEM, *Τα βυζαντινά κάτοπτρα ηγεμόνος της ύστερης περιόδου (1254–1403). Εκφράσεις του βυζαντινού βασιλικού ιδεώδους*, Ἀθήνα 2006. Cf. also, H. COUFALOVÁ-BORHNOVÁ, *Mirrors for Princes: Genuine Byzantine Genre or Academic Construct?*, GLB 22, 2017, p. 5–16 with all relevant bibliography. On Leo’s image as depicted in hagiographical texts of the late 9th and the 10th centuries, cf. G. TSIAPLES, *A Byzantine Emperor between Reality and Imagination: the Image of Leo VI in the Hagiographical Texts of the Middle Byzantine Period*, Pare 4, 2014, p. 85–110.

⁴ For imperial ideology, cf. H.G. BECK, *Das byzantinische Jahrtausend...*, p. 78–86, 87–108, and H. AHRWEILER, *L’idéologie politique de l’empire byzantin*, Paris 1975. Cf. A. KALDELLIS, *The Byzantine Republic...*, p. 165–198 and S. RUNCIMAN, *The Byzantine Theocracy*, Cambridge–London–New York–Melbourne 1977 [repr. 2003]. On the Byzantine emperor (especially on the emperor as a ruler), apart from the references above in note 1, cf. also B. STOLTE, ‘Law is king of all things?’ *The Emperor and the Law*, [in:] *The Emperor in the Byzantine World*, ed. S. TOUGHER, New York 2019, p. 171–178; F.R. TROMBLEY, *The Emperor at War: Duties and Ideals*, [in:] *The Emperor in the Byzantine World...*, p. 179–195 and the other studies included in the same volume and G. DAGRON, *Emperor and Priest*.

texts of laws – mainly general laws – which since the time of Justinian I have been called *novels* (*novellae constitutiones* – *new constitutions*)⁵. The texts of those laws and especially their preambles⁶ firmly project the image of the ideal ruler of the Empire, to whom they attribute certain characteristics and qualities⁷.

II. The novels of Leo VI the Wise

Most of the novels issued by Leo VI the Wise (886–912)⁸ are included in a collection of 113 Novels⁹. According to the prevailing view, the texts of these Novels – or

The Imperial Office in Byzantium, trans. J. BIRRELL, Cambridge–New York 2003 [= PP.P], esp. p. 13–124. Cf. also D. KARAMBOULA, *Der byzantinische Kaiser als Politiker, Philosoph und Gesetzgeber (Politikos – Philosophos – Nomothetes)*, JÖB 50, 2000, p. 5–50.

⁵ For the imperial acts and their evolution, cf. S. TROIANOS, *Die Quellen...*, p. 9, 11, 26–27; A. ΔΗΜΟΠΟΥΛΟΥ, *Ρωμαϊκό Δίκαιο. Αναδρομή στις πηγές του σύγχρονου δικαίου*, Αθήνα 2020, p. 104–108 and D. IBBETSON, *Sources of Law from the Republic to the Dominate*, [in:] *The Cambridge Companion to Roman Law*, ed. D. JOHNSTON, Cambridge 2015, p. 25–44.

⁶ For the structure of imperial documents, cf. F. DÖLGER, I. KARAYANNOPULOS, *Byzantinische Urkundenlehre. 1. Abschnitt: Die Kaiserurkunden*, München 1968 [= HA.BH, 3.1.1], p. 48–56, 71–87 and *passim*. The preambles (*praefatio*) of laws, especially novels, serve as a kind of rhetorical introduction to the rest of the text. By means of *political theology* and rhetoric, the preamble makes those subject to this law more receptive to its provisions and prepares them emotionally for the content of the regulation that follows. Cf. S. TROIANOS, *Die Quellen...*, p. 26–27, 180, and H. HUNGER, *Prooimion. Elemente der Byzantinischen Kaiseridee in den Arengen der Urkunden*, Wien 1964. For the preambles of chrysobulls, cf. B.A. ΚΟΛΛΙΑΣ, *Τα χρυσόβουλλα στο βυζαντινό δίκαιο*, Αθήνα 2020, p. 178–211.

⁷ S. TROIANOS, *Die Quellen...*, p. 27. For the rhetorical character of the texts of imperial acts, cf. *ibidem*, p. 8 with references. From the older literature on the subject, cf. especially P.E. PIELER, *Byzantinische Rechtsliteratur*, [in:] H. HUNGER, *Die hochsprachliche profane Literatur...*, vol. II, p. 343–480, esp. p. 351–365 and *passim*. On *political theology* in Byzantium, cf. A. CARILE, *Political Theology in Byzantium as Seen by 20th Century Historians*, CSCH 7, 2007, p. 73–109, <https://doi.org/10.6092/issn.1973-9494/1304>. Studies on the image of the Byzantine emperor cf. also in *Das Byzantinische Herrscherbild...*

⁸ For this emperor and his reign, cf. S. TOUGHER, *The Reign of Leo VI (886–912). Politics and People*, Leiden–New York–Köln 1997 [= MME, 15]; M. RIEDEL, *Leo VI and the Transformation of Byzantine Christian Identity. Writings of an Unexpected Emperor*, Cambridge 2018, p. 1–38 and J. SHEPARD – *The Cambridge History of the Byzantine Empire c. 500–1492*, ed. J. SHEPARD, Cambridge–New York 2008, p. 493–505. For Leo's legislative and general legal work, cf. S. TROIANOS, *Die Quellen...*, p. 33–34, 173–185 (for novels), 196–200, 202–211, 244–248, 254, for the *Procheiros Nomos* (Πρόχειρος Νόμος), the *Basilika* (Βασιλικά), the *Book of the Eparch* (Επαρχικόν βιβλίον) and the *Tactica* (Τακτικά) respectively cf. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές του Λέοντος ΣΤ' του Σοφού*, Αθήνα 2007, esp. p. 17–37 (comments on the collection of the 113 Novels). Cf. also M. RIEDEL, *Leo VI...*, p. 95–136 and *passim*; Θ. ΔΕΤΟΡΑΚΗΣ, *Βυζαντινή Φιλολογία. Τα πρόσωπα και τα κείμενα*, vol. III, Αθήνα 2018, p. 31–64; E. ΠΑΡΑΓΙΑΝΝΙ, *Gesetzgebung und Rechtspraxis*, [in:] *Byzanz. Historisch-kulturwissenschaftliches Handbuch*, ed. F. DAIM, Stuttgart 2016 [= NPa, SB, 11], p. 422–423, 445–446 and J. SIGNES CODONER, *The Corpus of Leo's Novels. Some Suggestions Concerning their Date and Promulgation*, SGr 9, 2009, p. 1–33 with many interesting comments and suggestions as per the promulgation of Leo's novels.

⁹ Editions: Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 39–317 (collection of 113 Novels) and p. 321–322 (omitted: two novels that do not belong to the above collection and whose authenticity has not been undoubtedly

at least their preambles – were authored by Leo himself¹⁰. Their language is rich in metaphors, while they aim to be as persuasive as possible using logical schemes, images, and examples. At the same time, the grandeur and elegance of their style are highlighted by the use of carefully selected conceptual and verbal forms. Ideals such as equality (ισότης), justice (δικαιοσύνη), charity (φιλανθρωπία) and clemency (ἐπιείκεια) are strongly promoted in these novels, which led researchers to speak of “a unique example” of “symbolic legislation” in Byzantine history¹¹. Moreover, the presentation of the principles of Christian ethics is so intense that the texts of those laws, which are often akin to the rhetorical genre of homily¹², are sometimes reminiscent of religious sermons¹³.

proven to date) and P. NOAILLES, A. DAIN, *Les nouvelles de Léon VI le Sage*, Paris 1944. According to the prevailing opinion, the publication of the novels relates to the codification of law at the time of the Macedonian emperors and, in particular, with the codification of Basil I “in 40 books” (the later Βασιλικά ξ' βιβλία – the *Basilika*) and the *Eisagoge* (Εισαγωγή), a new piece of legislation of the same emperor (cf. S. TROIANOS, *Die Quellen...*, p. 191–196, 202–205, respectively), in the context of the *cleansing of the ancient laws* (ἀνακάθαρσις τῶν παλαιῶν νόμων – for this, cf. E. ΠΑΠΑΓΙΑΝΝΙ, *Gesetzgebung und Rechtspraxis...*, p. 422–423, 442–443 and S. TROIANOS, *Die Quellen...*, p. 168–169). For the regulatory content of Leo's novels in general, cf. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 22–23 and the separate studies of S. TROIANOS in the *Appendix* of this publication (*ibidem*, p. 413sqq), where further relevant literature can be found. Cf. also the studies of K. ΜΠΟΥΡΔΑΡΑ in ΕΑΔΕΜ, *Επιλογή μελετών Ιστορίας Δικαίου (ρωμαϊκό βυζαντινό – μεταβυζαντινό δίκαιο και θεσμοί)*, Αθήνα 2017, with further literature. For criminal law, cf. the recent Ε. ΠΑΠΑΓΙΑΝΝΗ, *Οι αξιόποινες πράξεις και ο κολασμός τους στις Νεαρές Λέοντος του Σοφού*, [in:] *Ἄρετήν τήν καλλίστην. Σύμμεικτα προς τιμὴν Καλλιόπης (Κέλλυ) Μπουρδάρα*, ed. I. ΤΖΑΜΤΖΗΣ, Χ. ΣΤΑΥΡΑΚΟΣ, Π. ΑΝΤΩΝΟΠΟΥΛΟΣ, Αθήνα–Θεσσαλονίκη 2021, p. 647–671.

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

¹¹ Cf. M. T. FÖGEN, *Gesetz und Gesetzgebung in Byzanz. Versuch einer Funktionsanalyse*, IC 14, 1987, p. 151–153; S. TROIANOS, *Die Quellen...*, p. 182–183, and T. ΑΝΤΩΝΟΠΟΥΛΟΥ, *Emperor Leo VI the Wise and the ‘First Byzantine Humanism’: on the Quest for Renovation and Cultural Synthesis*, TM 21.2, 2017 (= *Autour du Premier humanisme byzantin et des Cinq études sur le XI^e siècle, quarante ans après Paul Lemerle*, ed. B. FLUSIN, J.C. CHEYNET), p. 217–218, who in summary states: *Leo strived for the ideals of equality (in the sense of equal treatment of all people in similar circumstances), justice, peace, piety, forgiveness, the emperor's care and love for his people, and the latter's consent, that is to say an ideal world, governed by deeply humane values.*

¹² For Leo VI as author of homilies, cf. M. RIEDEL, *Leo VI...*, p. 137–153 and T. ΑΝΤΩΝΟΠΟΥΛΟΥ, *Emperor Leo VI the Wise...*

¹³ S. TROIANOS, *Die Quellen...*, p. 34 and P.E. PIELER, *Byzantinische Rechtsliteratur...*, p. 358–359.

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

In the texts of the 113 Novels¹⁴ of Leo VI, especially their preambles, the emperor is portrayed as the chosen of God, as a ruler who theologizes and philosophizes, as responsible for the people on earth, as the tireless defender of the people and as lawmaker.

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

It should be emphasized that the texts of Leo's Novels create the impression that this emperor successfully embodies the model of the ideal ruler. Nonetheless, they also tend to project Leo as a distinctive example of a ruler that not only maintains a close relationship with God who chose him to rule the Empire, not only has all the abilities and talents required to rule the State effectively for the benefit of his subjects, but at the same time, *wise* as he is¹⁵, he is able to philosophize and theologize, sometimes taking positions that demonstrate breadth of mind¹⁶ and a progressive and realistic outlook¹⁷.

What is more, Leo seems to have been driven by the realization that as emperor he was "obliged" to "Christianise" (i.e. to shape in a Christian way) the state entrusted to him by God, strictly adhering to the principle of justice and the values of Christian morality¹⁸. Furthermore, as is common with many other emperors, Leo appears to study carefully and in depth, locked in his study room, to find the fairest settlement – solution to any issue¹⁹.

¹⁴ The four novels of dubious authenticity published by P. NOAILLES, A. DAIN, *Les nouvelles...*, p. 376–378, will not be used here. Two of them have been proven to be nongenuine, while serious reservations have been expressed about the authenticity of one of the other two. Cf. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 321. In any case, they do not add anything substantial to the present research.

¹⁵ Cf. S. TOUGHER, *The Reign of Leo VI...*, p. 110–132.

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

¹⁷ Cf. Σ. ΤΡΩΙΑΝΟΣ, Ε. ΠΑΠΑΓΙΑΝΝΗ, *Η Νεαρά 17 Λέοντος του Σοφού και μία επιτομή της*, [in:] Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 500, with further literature, and T. ANTONOPOULOU, *Emperor Leo VI the Wise...*, p. 233.

¹⁸ S. TROIANOS, *Die kirchenrechtlichen Novellen Leons VI. und ihre Quellen*, SGr 4, 1990 (= *Novella Constitutio. Studies in Honour of Nicolaas van der Wal*), p. 246.

¹⁹ P.E. PIELER, *Byzantinische Rechtsliteratur...*, p. 359–361, 450–451.

IV. The various categories

1. The emperor's relationship with God

First, in the context of projecting the emperor's relationship with God²⁰, Leo praises Justinian (who was his role model)²¹ for his piety, which was accompanied by a sense of care (πρόνοια, φροντίς) for his subjects²².

In addition, in Novel 60, Leo appears to act with the help of God, before whom he places his hopes for the success of his task²³. In the same context, in Novels 2 and 109, he refers to his reign as granted "by God" (ἐκ Θεοῦ), an idea also found in the Novels of other emperors²⁴.

Furthermore, in many of his Novels, Leo uses images and phrasing, by which the emperor appears as "imitating" attributes of God (God's power and charity, provision for his people, love/kindness)²⁵. To convey this, the texts emphasize that the emperor cares (*provides*) for the people by the power given to him by God²⁶. Moreover, the emperor provides assistance, benefits and philanthropy to his subjects, caring for the welfare of the Empire²⁷. He also combines clemency

²⁰ Cf. in general H. HUNGER, *Prooimion...*, p. 49–83 and W. ENSSLIN, *Gottkaiser und Kaiser von Gottes Gnaden...*, p. 54–85.

²¹ Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 30.

²² In the historical part of Novel 30, it is written that Justinian's *care for his subjects along with his piety brightened the crown* (Ιουστινιανὸς ἐκείνος, οὐ μετὰ τῆς εὐσεβείας καὶ ἡ περὶ τὸ ὑπήκοον φροντίς ἐσέμυνε τὸ διάδημα), Novel 30, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 126.17–18. Cf. H. HUNGER, *Prooimion...*, p. 89, 167, note 15.

²³ As he states: *So we believe that we are not allowed to ignore this situation, and by determining the proper punishment through law we try with the help of God to stop those who do not hesitate to harm a divine creature in this way* (Τοῦτο οὖν ἡμεῖς οὐκ ἀνεκτὸν ἠγούμεθα παριδεῖν, ἀλλὰ νόμῳ τὴν περὶ αὐτοῦ ποινὴν ὀρίζοντες πειρώμεθα σὺν Θεῷ τῆς τόλμης ἐπισχεῖν τοὺς οὕτω μὴ διευλαβουμένους τῷ θείῳ λυμᾶνισθαι πλάσματι), Novel 60, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 200.14–17. Cf. H. HUNGER, *Prooimion...*, p. 152, note 360, p. 169, note 18.

²⁴ Novel 2, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 48.29 and Novel 109, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 300.20–302.21. Also cf. H. HUNGER, *Prooimion...*, p. 51, 58, respectively.

²⁵ Cf. H. HUNGER, *Prooimion...*, p. 58–63.

²⁶ The wording of Novel 40 is quite characteristic: *Our Majesty judged that this is a situation we could not ignore, but as we have otherwise cared for the good management of State affairs by virtue of the power given to us by the Almighty, we likewise decided to improve the regulation regarding captives* (Τοῦτο οὖν οὕτως ἔχον οὐκ ἔδοξε τῇ βασιλείᾳ ἡμῶν δίκαιον παριδεῖν, ἀλλ' ὥσπερ ἐν τοῖς ἄλλοις κατὰ δύναμιν τὴν παρὰ τοῦ Κρείττονος διδομένην ὥστε τὴν ἡμετέραν πολιτείαν εὖ διοικονομεῖσθαι πεφροντικάμεν, οὕτω πρὸς τὸ ἄμεινον καὶ τὰ περὶ τῶν αἰχμαλώτων ἐπανορθοῦν διεγνώκαμεν), Novel 40, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 156.68–73.

²⁷ Cf. indicatively Novel 108, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 298.4–7; Novel 27, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 118.66 (cf. H. HUNGER, *Prooimion...*, p. 140, 167, note 15); Novel 1, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 44.12–18. For Novel 1 cf. Σ. ΤΡΩΙΑΝΟΣ, *Αλληλουχία συμμόρφωσης στην παράδοση και ανανέωσης στα βυζαντινά νομοθετικά κείμενα*, [in:] *Ζ' Συνάντηση Βυζαντινολόγων Ελλάδος και Κύπρου*, ed. Μ. ΤΖΙΑΤΖΗ-ΠΑΠΑΓΙΑΝΝΗ, Γ. ΠΑΠΑΓΙΑΝΝΗΣ, Κομοτηνή 2011, p. 70–71, and H. HUNGER, *Prooimion...*, p. 100.

with justice²⁸ and modesty²⁹. Additionally, he takes charity³⁰ into account when introducing or amending rules of law³¹. As is characteristically stated in Novel 32, the emperor *almost always takes the most charitable view*³².

What is more, as a peacemaker, Leo brings, as he affirms in Novel 1, *peace and harmony to the provisions of law* and to the legal order in general, thus ensuring social peace³³.

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

²⁸ Novel 1, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 46.49–52. For *justice* in Leo's Novels, cf. indicatively M. RIEDEL, *Leo VI...*, p. 128.

²⁹ Novel 38, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 148.7–14.

³⁰ For *charity* particularly in the Novels of Leo and as a feature of his own legislation, cf. Τ. ΑΝΤΟΝΟΠΟΥΛΟΥ, *Emperor Leo VI the Wise...*, p. 218, with further literature in note 146. Most of the relevant excerpts on fair character, charity and proportionality can be found in the Novels of Leo that deal with criminal actions, where issues related to sentences and their purpose and characteristics are discussed, among others. Cf. Ε. ΠΑΠΑΓΙΑΝΝΗ, *Οι αξιόποινες πράξεις...* Cf. Σ. ΤΡΩΙΑΝΟΣ, *Λέων C' ο Σοφός: νομική σκέψη και κοινωνική συνείδηση*, [in:] IDEM, *Οι Νεαρές...*, p. 419–422; IDEM, *Παρατηρήσεις στη Νεαρά 92 του Λέοντος C'*, [in:] IDEM, *Οι Νεαρές...*, p. 527–537 and Κ. ΜΠΟΥΡΔΑΡΑ, *Νομοθετήματα κατά της διαφθοράς στο Βυζάντιο (Νεαρές Λέοντος Στ' του Σοφού)*, [in:] ΕΑΔΕΜ, *Επιλογή μελετών Ιστορίας Δικαίου...*, p. 171–188, esp. p. 183–186. The following Novels are notable in terms of phrasing: Novel 61, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 202.3–204.23; Novel 62, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 206.3–11; Novel 63, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 206.3–208.7; Novel 64, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 210.3–21; Novel 66, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 214.4–13, 214.14–19; Novel 67, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 216.5–21, 218.34–36; Novel 96, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 268.3–8 and Novel 105, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 292.4–25, 292.26–294.31.

³¹ For the fact that Leo promulgates laws regulating life relationships, as it appears in the text of the Novels 46, 47, 78, 94 and 95, cf. Σ. ΤΡΩΙΑΝΟΣ, *Λέων C' ο Σοφός: νομική σκέψη και κοινωνική συνείδηση...*, p. 416.

³² Πλήν ἄλλ' ἐπεὶ πάλαι φόνω τιμωμένης τῆς ἀνοσιουργίας ἔδοξε τοῖς μετὰ ταῦτα φιλανθρωποτέραν ἐκφέρειν ψῆφον, αἰεὶ δὲ πῶς ἡμᾶς ἡ φιλανθρωποτέρα ἐφέλκεται γνώμη, [...] (*But although in the past the act was punished with death, the later [legislators] decided to provide for a more lenient sentence, and we almost always take the most charitable view*), Novel 32, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 130.11–13. Cf. H. HUNGER, *Prooimion...*, p. 151. Cf. also Novel 26, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 112.13–32; Novel 40, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 152.5–11 (cf. H. HUNGER, *Prooimion...*, p. 53, 105, note 199, p. 151 and 167, note 15) and Novel 111, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 306.26–29. Cf. H. HUNGER, *Prooimion...*, p. 90, note 139, p. 100, note 177, p. 148, note 354 and p. 152. For Novel 111, cf. Σ. ΤΡΩΙΑΝΟΣ, *Το διαζύγιο λόγω ψυχικής νόσου στο βυζαντινό δίκαιο. Οι Νεαρές 111 και 112 Λέοντος του Σοφού*, [in:] IDEM, *Οι Νεαρές...*, p. 565–577, esp. p. 569–570 and *passim*.

³³ For this, cf. Novel 1, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 44.27–28 (for Justinian) and p. 44.39–45; Novel 6, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 60.14–16 and Novel 14, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 76.19–22. For this issue, cf. Σ. ΤΡΩΙΑΝΟΣ, *Λέων C' ο Σοφός: νομική σκέψη και κοινωνική συνείδηση...*, p. 423 and *passim*, and Κ. ΜΠΟΥΡΔΑΡΑ, *Κεκωλυμένα αντικείμενα και σχετικές νομοθετικές ρυθμίσεις του Λέοντος Στ' του Σοφού*, [in:] ΕΑΔΕΜ, *Επιλογή μελετών Ιστορίας Δικαίου...*, p. 123–140, esp. p. 137–138.

his part in one case or another never involves a comparison to the (incomparable) imperial grandeur, due to which the emperor has nothing to “envy” of his subjects, whom, however, he incessantly benefits³⁴. Therefore, Leo legislates at the request of ecclesiastical officials, particularly the patriarch (and his own brother in flesh) Stephen³⁵ and his Synod, thus resolving disputes in matters concerning the Church³⁶. After all, the emperor humbly identifies himself as spiritually guided by the patriarch, whose appeals or advice he attends to³⁷. In another case, the emperor declares that he will legislate instead of the Synod, but at the request of the Synod (as he states at least), although *in ecclesiastical matters, a decree of the Synod is appropriate*, and not an imperial law³⁸.

Moreover, in matters concerning the monks, the emperor intervenes regulatorily, but he simultaneously “explains” that he does so to protect monasticism³⁹.

What is more, the emperor stands with special reverence and respect towards the divine commandments of the Gospel and the holy canons. When the question of the correlation between laws and holy canons is raised⁴⁰, Leo very carefully declares that the regulations of the canons are correct, and the laws must be adapted

³⁴ Novel 80, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 240.17–18. For this Novel, cf. C. BOURDARA, *Κεκωλυμένα αντικείμενα...*, esp. p. 129–131, 136–137.

³⁵ For him, cf. Σ. ΤΡΩΙΑΝΟΣ, Ε. ΠΑΠΑΓΙΑΝΝΗ, *Η Νεαρά 17...*, p. 485, note 3 with further literature. That the text means the patriarch of Constantinople was shown by Σ. ΤΡΩΙΑΝΟΣ, *Παρατηρήσεις στη Νεαρά 92...*, p. 527–530.

³⁶ Novel 5, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 54.24–56.27. For this, cf. S. ΤΡΩΙΑΝΟΣ, *Die kirchenrechtlichen Novellen...*, p. 237.

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

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

³⁹ Novel 10, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 68.7–9. Cf. Novel 5, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 58.73–75.

⁴⁰ Especially for the relations between the State and the Church in Byzantium and principally the view of the Church as a “public (or state) institution (organization)” and the relation between state laws and ecclesiastical canons, cf. Σ. ΤΡΩΙΑΝΟΣ, Ι. ΒΕΛΙΣΣΑΡΟΠΟΥΛΟΥ-ΚΑΡΑΚΩΣΤΑ, *Ιστορία Δικαίου*, 4^η Αθήνα 2010, p. 174–186; D. HUNT, *The Church as a Public Institution*, [in:] *The Cambridge Ancient History*, vol. XIII, *The Late Empire, A.D. 337–425*, ed. A. CAMERON, P. GARNSEY, Cambridge 1998 [repr. 2007], p. 238–276. Cf. also the relevant chapters by G. FOWDEN, H. CHADWICK and P. BROWN, *ibidem*, p. 538sq and E. PAPAGIANNI, *Gesetzgebung und Rechtspraxis...*, p. 424–434 with further literature.

to them⁴¹. At the same time, however, when he chooses the appropriate solution to each issue and when he adapts the laws of the State, he considers which regulation provides the greatest security to the regulated life relationships (ἀσφαλέστερον τοῖς πράγμασι)⁴². He does so either by complying with the regulations of the holy canons⁴³, which of course he is apt to interpret⁴⁴, or by legislating in a way that deviates from the provisions of the canons only because the earthly human things must be regulated by the law, as the holy canons stand in such a height that cannot be reached by anyone who does not aim at perfection through keeping the divine commandments⁴⁵. After all, the opposition of the law to the holy canons or the Gospel is only apparent and not real, hence the law ultimately serves the (always interpreted by the emperor) purpose of the holy canons or the Gospel word⁴⁶.

⁴¹ Novel 3, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 50.9–12; Novel 2, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 46.9–48.12; Novel 90, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 256.11–22; Novel 14, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 76.23–27; Novel 2, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 48.13–15; Novel 14, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 76.10–11; Novel 74, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 230.3–232.5, 232.12–13, 232.17–20, and Novel 96, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 268.8–270.18. Cf. S. ΤΡΩΙΑΝΟΣ, *Die kirchenrechtlichen Novellen...*, p. 244–245 and Σ. ΤΡΩΙΑΝΟΣ, *Καταλογισμός και ελαφρυντικές περιστάσεις στη νομοθεσία Λέοντος του Σοφού: Η Νεαρά 96 κατά των τυμβωρύχων*, [in:] ΙΔΕΜ, *Οι Νεαρές...*, p. 539–547. In Novel 58, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 196.3–21, esp. p. 196.14–19 it is clearly stated that what the Gospel and the holy canons stipulate are also in accordance with the “values of the state”, while in Novel 91, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 256.3–258.14 it is argued that the commands of the canons correspond to the commands of nature and logic.

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

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

⁴⁴ Novel 6, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 62.29–32; Novel 6, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 62.35–36; Novel 17, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 84.42–45 and Novel 15, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 80.16–28. Cf. Novel 88, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 252.3–254.16, where Leo fills a “gap” of the holy canon (S. ΤΡΩΙΑΝΟΣ, *Die kirchenrechtlichen Novellen...*, p. 243), which is also the case with Novel 17 (for which, cf. *ibidem*, p. 239 and Σ. ΤΡΩΙΑΝΟΣ, Ε. ΠΑΠΑΓΙΑΝΝΗ, *Η Νεαρά 17...*) and with Novel 6 (cf. Σ. ΤΡΩΙΑΝΟΣ, *Οι κανόνες της συνόδου “εν Τρούλλω”...*, p. 474–475).

⁴⁵ Novel 51, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 180.3–10 (cf. H. HUNGER, *Prooimion...*, p. 85); Novel 83, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 244.3–8; Novel 83, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 244.18–20, 244.21–23 (for the relevant positions in Novel 83, cf. G. ΜΙΧΑΗΛΙΔΗΣ-ΝΟΥΑΡΟΣ, *Αί φιλοσοφικαί καί κοινωνιολογικαί ιδέαι...*, p. 104–105); Novel 86, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 250.11–24; Novel 87, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 252.8–15; Novel 97, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 270.19–272.28 and Novel 35, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 140.3–9.

⁴⁶ Novel 97, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 270.6–272.28. Cf. S. ΤΡΩΙΑΝΟΣ, *Die kirchenrechtlichen Novellen...*, p. 245.

In any case, the legislation still needs to be amended to correspond to the circumstances, particularly to the ecclesiastical “mentality”, which should define it⁴⁷. The emperor, of course, can handle matters even by circumventing the law (through *οικονομία*, *economia* – *economy*, dispensation), always invoking the divine command, in virtue of which he has been assigned the administration of the Empire⁴⁸.

2. The emperor theologizes

Second, apart from the qualities and the relationship of the emperor with the Divine in general, in the texts of his Novels Leo employs expressions and puts forth reasoning with a strong theological essence⁴⁹. This consists of individual language constructions and arguments that are parts of other wider reflections and are used to underscore specific aspects of the whole reasoning or to signify a specific “godly” way of thinking. Hence, this may be regarded as another way in which the emperor’s bonding with God is revealed. That bonding, as is sometimes obvious, concerns both his personal religious position⁵⁰ and his attitude as a ruler “appointed (by God)” and having the “right” or the “ability/capability” to interpret the Holy Scriptures and the holy canons and to use them to serve his purposes, always for the benefit of the subjects, whose government he has been entrusted with by God.

In this context, Leo refers to the Incarnation and the salvatory work of Christ⁵¹, acknowledges the superiority of the spirit over the flesh⁵², notes that the souls of the

⁴⁷ Novel 89, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 254.3–13.

⁴⁸ Novel 109, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 300.16–302.23, which states among other points: *Those to whom God has entrusted the management of worldly affairs have the power to handle such matters by circumventing the law that applies to the subjects*. For the concept of *economy* (used especially in Ecclesiastical Law), cf. R. POTZ, E. SYNEK, S. TROIANOS, A. KLUTSCHEWSKY, *Orthodoxes Kirchenrecht. Eine Einführung*, ²Freistadt 2014, p. 335–339 and Σ. ΤΡΩΙΑΝΟΣ, Γ. ΠΟΥΛΗΣ, *Εκκλησιαστικό Δίκαιο*, Αθήνα–Κομοτηνή 2003, esp. p. 21–24 with further literature. Novel 109 specifies the legal age for engagement. Researchers consider that the relevant provisions of this Novel, especially the final one just cited, were introduced to deal with cases of engagement of imperial family members and, in this specific case, of Leo’s daughter Anna (from his second marriage), in view of her desired marriage to the king of Burgundy and later emperor of the West, Louis III. Cf. Κ. ΜΠΟΥΡΔΑΡΑ, *Δίκαιο και Πολιτική. Η Νεαρά 109 Λέοντος Στ’ του Σοφού για τη νόμιμη ηλικία σύναψης μνηστείας*, [in:] ΕΑΔΕΜ, *Επιλογή μελετών Ιστορίας Δικαίου...*, p. 141–156, esp. p. 143sq, 150–155. For the above provision (not a “preamble” in absolute terms) of this Novel, which corresponds to the idea of the emperor as the *animate law*, cf. H. HUNGER, *Prooimion...*, p. 119. In this idea, cf. generally D. SIMON, *Princeps legibus solutus. Die Stellung des byzantinischen Kaisers zum Gesetz*, [in:] *Gedächtnisschrift W. Kunkel*, Frankfurt am Main 1984, p. 449–492.

⁴⁹ As regards Leo’s personal religious attitude, cf. T. ANTONOPOULOU, *Emperor Leo VI the Wise...*, p. 214–215 and S. TOUGHER, *The Reign of Leo VI...*, p. 110–132.

⁵⁰ Cf. T. ANTONOPOULOU, *Emperor Leo VI the Wise...*, p. 214–215 and S. TOUGHER, *The Reign of Leo VI...*, p. 110–132.

⁵¹ Novel 17, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 82.9–11.

⁵² Novel 3, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 50.22–26.

dead benefit from memorial services, which are also beneficial to those who perform them (i.e., the living)⁵³, while he does not ignore the relief that the dead receive from the transfer of their property and possessions to others, who are thus aided⁵⁴.

Furthermore, the emperor refers to the value of monasticism⁵⁵, especially the adherence to the monastic vows⁵⁶, and seems to be quite familiar with the theological-patristic approach to monasticism⁵⁷.

He also acknowledges that the fruits of the earth are a gift from God and largely depend on Him, whilst he states that magic is dangerous for the human soul and strongly advocates the significance of the Sunday holiday⁵⁸.

What is more, the emperor interprets the Gospel in a way that essentially justifies his regulatory interventions⁵⁹, but he also makes several general references⁶⁰. He underscores the importance of baptism and the churching of a mother and child after forty days and speaks of marriage as a divine and precious gift to man. He refers specifically to the marital union as effected by God⁶¹, while in many

⁵³ Novel 4, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 52.41–45.

⁵⁴ Novel 42, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 162.30–164.35, 164.61–66. Cf. H. HUNGER, *Prooimion...*, p. 167, note 15. The “ψυχικά καὶ μνημόσυνα” implied here do not seem to be offered to churches or monasteries (i.e., for the performance of memorial services for the deceased), but as acts of charity and support to other people. For the ψυχικά καὶ μνημόσυνα in general, cf. Ε. ΠΑΠΑΓΙΑΝΝΗ, *Περὶ “ψυχικῶν” καὶ “μνημοσύνων”*. *Τὸ νομικὸ υπόβαθρο μιᾶς ηθικῆς υποχρέωσης*, ΕΕΘΣΤΘΚΘ 13, 2008, p. 171–187.

⁵⁵ He specifically mentions that monasticism is a “saving venture” (Novel 6, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 62.32–35), “worthy of admiration and divine” and for this reason the emperor must “touch upon” it (that is, regulate it) with all reverence-carefulness (cf. S. ΤΡΩΙΑΝΟΣ, *Die kirchenrechtlichen Novellen...*, p. 236–237); Novel 10, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 68.9–10. He also states that those dedicated to the service of God must remain free from worldly cares and earthly distractions: Novel 68, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 220.10–12, 220.33–35.

⁵⁶ Novel 5, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 58.76–77. In another instance, Leo recognizes the value of monastic promises and how worthy and respected those giving them are: Novel 10, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 68.5–7. For the “renouncement” and the monastic vows for obedience, chastity and poverty, cf. A.M. TALBOT, *An Introduction to Byzantine Monasticism*, ICS 12.2, 1987, p. 229–241 and I.M. ΚΟΝΙΔΑΡΗΣ, *Τὸ δίκαιον τῆς μοναστηριακῆς περιουσίας ἀπὸ τοῦ 9^{ου} μέχρι τοῦ 12^{ου} αἰῶνος*, Αθήνα 1979, p. 87–95, 134, note 7.

⁵⁷ *Monasticism requires its members to constantly look to the cross of Christ and to death*, Novel 10, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 70.32–36.

⁵⁸ Novel 54, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 188.19–23 (cf. Σ. ΤΡΩΙΑΝΟΣ, *Η Νεαρά 54 Λέοντος του Σοφοῦ για τὴν ἀργία τῆς Κυριακῆς καὶ οἱ πηγές τῆς*, [in:] IDEM, *Οι Νεαρές...*, p. 503–513); Novel 65, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 212.21–27 (cf. S. ΤΡΩΙΑΝΟΣ, *Die kirchenrechtlichen Novellen...*, p. 241) and Novel 54, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 188.24–190.39) (cf. S. ΤΡΩΙΑΝΟΣ, *Die kirchenrechtlichen Novellen...*, p. 239–240 and Σ. ΤΡΩΙΑΝΟΣ, *Η Νεαρά 54...*, p. 503–513), respectively.

⁵⁹ The introduction of a law as a way to root out the jealous indifference towards one’s neighbor is justified in Novel 51, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 180.10–18.

⁶⁰ Novel 14, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 76.4–10.

⁶¹ Novel 17, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 82.23–25, 84.64–86.67; Novel 17, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 84.57–63; Novel 26, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 110.5–112.13; Novel

Novels he extensively analyses the purpose of marriage⁶². He also refers to priests in general⁶³ and to priesthood as dedication to God⁶⁴.

Very interesting in this respect would be a hymnological invocation of the divine Light found in the preamble of Novel 5. This invocation is the only one encountered in the texts of Leo's Novels, but it is quite characteristic⁶⁵.

3. The emperor-philosopher

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

30, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 126.34–36 and Novel 31, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 128.3–11, respectively. For Leo's legislation and positions regarding marriage, cf. M. RIEDEL, *Leo VI...*, p. 114–117, 132–136.

⁶² Especially in Novels 98 and 111, the emperor interprets the Gospel, setting forth theological reasoning as to the purpose of marriage. Novel 98, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 276.58–69 (cf. H. HUNGER, *Prooimion...*, p. 126–127) and Novel 111, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 306.29–40. Cf. Novel 17, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 82.23–25, 84.64–86.67, 84.57–63; Novel 26, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 110.5–112.13; Novel 30, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 126.34–36; Novel 31, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 128.3–11; Novel 98, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 272.5–276.58; Novel 111, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 304.9–18 and Novel 112, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 312.56–314.77. For the legislation and the positions of Leo regarding marriage, cf. M. RIEDEL, *Leo VI...*, p. 114–117, 132–136. This emperor's legislation and positions regarding marriage is quite interesting, as it is known that his tetragamy became a source of political, theological and legal disputes. On Leo's tetragamy, cf. S. TOUGHER, *The Reign of Leo VI...*, p. 1 note 2, p. 133sq and *passim*; P. L'HUILLIER, *Novella 89 of Leo the Wise on Marriage: an Insight into its Theoretical and Practical Impact*, GOTR 32.2, 1987, p. 153–162; N. ΟΙΚΟΝΟΜΙΔΗΣ, *Leo VI's Legislation of 907 Forbidding Fourth Marriages: an Interpolation in the "Procheiros Nomos" (IV, 25–27)*, DOP 30, 1976, p. 173–193 and R.J.H. JENKINS, *Three Documents concerning the "Tetragamy"*, DOP 16, 1962, p. 231–241.

⁶³ Novel 86, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 250.3–11.

⁶⁴ Novel 79, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 236.3–238.8.

⁶⁵ ὦ θεῖον φῶς καὶ καταπυρσεύειν τὸν κόσμον ὑπὸ τοῦ πρώτου φωτὸς ἐν τῷ μεγάλῳ τῆς ἐκκλησίας στερεώματι τεθεμενῶν (*Divine Light, thou that has been placed by the Source of Light in the great sky of the Church*), Novel 5, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 54.18–20. For Leo VI as hymnographer and the hymnographic elements contained in his works, cf. Θ. ΔΕΤΟΡΑΚΗΣ, *Βυζαντινὴ Φιλολογία...*, vol. III, p. 37–38; Τ. ΑΝΤΩΝΟΠΟΥΛΟΥ, *Emperor Leo VI the Wise...*, p. 202, 232, and M. RIEDEL, *Leo VI...*, esp. p. 3, 143 with further literature.

Particularly, the emperor is preoccupied with the problem of truth, which must go hand in hand with fairness and reason⁶⁶. At the same time, as a realist⁶⁷, Leo finds that people habitually support already formed views, even irrational ones⁶⁸.

Moreover, in the preamble of Novel 90, he emphasizes that man, who has been created by God as a rational being, should not lag behind in “virtue” in relation to animals, which sometimes display “virtuous” behaviors⁶⁹.

Furthermore, Leo quotes proverbs and expresses ideas rich in meanings and with various contents⁷⁰. In one of these reflections, he states that the greatest benefit

⁶⁶ As the emperor states in Novel 19, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 90.42–92.47: Οὐ γὰρ δὴ προτιμότερον τῆς ἀληθείας ποιῆσθαι εὐλογον τὸ ψεῦδος, οὐδ' ἔννομον, οὐδ' ἀρμόζον λογικῶ ζῶν τὰς ἰδίας τῶν λόγων ὁμολογίας δι' ἀθετήσεως κιβδηλεύειν· ἀλλ' εἴπερ τι ἄλλο τοῦτο πρέπον ἀνθρώπων φυλάττειν λόγου ἀληθειαν, εἴ γε μὴ μέλλοι <έν> τῷ διαφθεῖρειν ψεῦδει τὸ ἀληθές ἔρημος λόγου γινόμενος ἀπὸ λογικῆς ἐκπεσεῖν τάξεως (*it is not reasonable to give priority to falsehood over truth, nor is it in accordance with the law, nor is it fitting for a rational being to falsify agreements by breaking them. For man, it is more proper than anything else to preserve the faith of his words, if he is not going, through distorting the truths with lies, to fall, by becoming reasonless, into the order of irrational beings*).

⁶⁷ See note 17 above.

⁶⁸ As he declares in the preamble of Novel 20: Ἀλλὰ γὰρ φιλόνηκον ἢ συνήθεια καὶ πολλάκις τῇ μακρᾷ ὁμιλίᾳ ὡς πῆξιν λαβὸν ἐν ταῖς ἀνθρώπων γνώμαις ἀτοπον δόγμα, καὶ μάλιστα ὅσοις μὴ ὀρθῶ κριτηρίῳ ἐπιμέλεια τότε συνορᾶν, οὐκ ἐθέλει ῥαδίως ἐκμοχλεύεσθαι, τὴν φθάσαναν πρόληψιν κἂν ἀτοπος ἢ ἀγαπώντων καὶ μὴ βουλομένων ἀκολουθεῖν τοῖς ἀμείνοισιν (*The custom, however, is competitive, and quite often, with frequent use, an irrational view of things is established in people's minds, especially in the minds of those who do not care enough to examine things with correct criteria, [a perspective] which is not easily eradicated, because people adhere to already formed views, no matter how irrational, and are not willing to adopt other, better ones*), Novel 20, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 94.50–96.54. Cf. G. MICHAELIDES-ΝΟΥΑΡΟΣ, *Αἱ φιλοσοφικαὶ καὶ κοινωνιολογικαὶ ἰδέαι...*, p. 106. For the custom in Leo's Novels, cf. IDEM, *Les idées philosophiques de Léon le Sage sur les limites du pouvoir législatif et son attitude envers les coutumes*, ΕΕΣΝΟΕΑΠΘ 8, 1960–1963, p. 25–54.

⁶⁹ Ἐδει δὴ πλάσμα τῆς θείας ὄντας ἡμᾶς παλάμης καὶ νῶ καὶ λόγῳ τετιμημένους μὴ τῆς προσούσης ἐν τισιν ἀλόγοις ἀρετῆς ἠττάσθαι· οὐ γὰρ ἔξω κατηγορίας τὸ ἦττημα οὐδὲ μῶμων δικαίων ἐλεύθερον, ἀλλὰ τοσοῦτον ὑπόδικον ὅσον τῆς ἀλόγου φύσεως ἡ λογικῆ περι τὸ ἄμεινον. Ἐδει οὖν τὰ τε ἄλλα καὶ ἐν τοῖς γαμικοῖς μὴ τὸ ἔλαττον τῆς ἐν αὐτοῖς σφροσύνης προσεῖναι ἀνθρώποις. Πολλὰ γὰρ τῶν ἀλόγων τοῦ ὁμοζύγου προαποφθαρέντος διὰ βίου τὴν χρεῖαν ἀντασπάζεται καὶ δευτέρους οὐκ ἐθέλει γάμοις τὸν πρῶτον ὡσπερ καταχωννύειν (*Of course, since we have been created by the hand of God and endowed with reason and the gift of speech, we should not seem to lag behind in virtues found in some species of the animal kingdom. Because this weakness, which is subject to fierce criticism and is not exempt from justified deprecation, is as guilty as reason is superior to irrational nature. So, in the matter of marriage, among other things, wisdom should not appear diminished in humans. Many animals remain widowed after the death of their mate and do not want to bury, in a way, the first union by creating a second one*), Novel 90, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 256.3–11.

⁷⁰ Novel 16, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 80.3–5: *The old principle that requires one to listen carefully to anyone who talks about issues familiar to himself is correct in any case but proves to be much more correct here*; Novel 18, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 86.5–8: *The best choice in every respect, both in deeds and in words, must not be condemned, and the agreement or rejection must be made*

is caused whenever benevolence is most needed⁷¹. Elsewhere he notes that items are not bad, but what can be bad is their use⁷². Moreover, man, “who has been endowed with reason” must always choose the appropriate time for his actions – this applies especially to marriage⁷³.

The emperor considers freedom and priesthood as the most valuable (τιμιώτατα) principles in human life⁷⁴, while he favors true piety and not its phony imitation, which constitutes delusional and harmful irreverence⁷⁵.

Leo also attaches great importance to trust (πίστις), which should not be betrayed by anyone that has enjoyed it⁷⁶. As a profound observer of human nature (ἴσμεν γὰρ τὸ ἀνθρώπινον – *we know human things very well* – as he states), he is able to recognize human behaviors that are not virtuous but are based on selfish incentives⁷⁷.

What is more, the emperor considers that collective action in general has and should have consequences for all those who participate in it, either with positive or negative results⁷⁸, whilst especially in the field of criminal offenses he points out that what happens by chance cannot constitute crime⁷⁹.

Additionally, Leo expresses – not so progressive (by modern standards), indeed – views on the position of women at his time, aiming on the one hand to draw a distinction between men and women and on the other hand to protect the latter’s propriety⁸⁰, while he addresses many issues in relation to eunuchs⁸¹.

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

⁷¹ Novel 26, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 112.32–33.

⁷² Novel 65, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 212.3–5. Cf. H. HUNGER, *Prooimion...*, p. 105, note 198, p. 107.

⁷³ Novel 109, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 300.4–10.

⁷⁴ Novel 11, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 72.15–16.

⁷⁵ Novel 17, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 82.20–22.

⁷⁶ Novel 34, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 138.5–7, on a regulation concerning the *guardians* of minor children.

⁷⁷ Novel 40, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 154.35–39. Cf. H. HUNGER, *Prooimion...*, p. 105, note 199. For human nature as a factor determining the limits of the emperor’s legislative authority as specified in Nov. 83, cf. Σ. ΤΡΩΙΑΝΟΣ, *Λέων C’ ο Σοφός: νομική σκέψη και κοινωνική συνείδηση...*, p. 416, note 4.

⁷⁸ Novel 70, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 224.4–12.

⁷⁹ Novel 82, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 242.4–6, 242.10–12.

⁸⁰ Novel 48, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 174.3–176.27. For this issue, cf. C. BOURDARA, *Η διάκριση των φύλων ως κριτήριο στις ρυθμίσεις των Νεαρών του Λέοντος Στ’ Σοφού*, Αθήνα–Κομοτηνή 2011.

⁸¹ Novel 98, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 276.69–80.

With regard to the organization of life and social institutions⁸², especially marriage, he argues that there are only two paths: either celibacy or marriage, with the latter being now perceived (even since the issue of Novel 89) as the one performed in the proper, legal manner, i.e., solemnization⁸³.

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

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

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

Moreover, Leo cares for “the good management of State affairs”, always by the power granted to him by God⁸⁵. In addition, as stated in the preamble of Novel 13, he abolishes through his legislation, for the sake of the poor, any practice that is *generally painful to anyone, but much more painful to the poor, because it makes their poverty more unbearable*⁸⁶.

Being responsible for the administration of the Empire, in the preamble of Novel 23, Leo refers to the way in which public officials should generally act and behave⁸⁷.

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

⁸³ Novel 89, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 254.17–21.

⁸⁴ In this respect, Leo states in the preamble of Novel 107: Ἄριστόν ἐστι πάν εἰ τι καλὸν καὶ τῷ βίῳ συμφέρον ἀγήρατον καὶ ἀειθαλὲς διαμένειν καὶ μηδέποτε τῶν τοιούτων ἀπομαραινέσθαι τὴν ὠφέλειαν. Εἰ δ' ἄρα καὶ συμβῆ, καθάπερ πολλάκις συμβαίνειν φιλεῖ, παραμεληθὲν πως ἀπορρηγῆναι τὸ χρήσιμον, ἀλλὰ τοὺς γε φροντίδα τῶν ἀνθρωπίνων καλῶν ποιουμένους προσῆκε μὴ κατολιγωρεῖν τῆς ἀποκαταστάσεως τοῦ τὴν ἑαυτοῦ λυσιτέλειαν τῷ βίῳ παρεχομένου (*It is imperative that anything good and useful in life is kept ageless and evergreen, and the usefulness of these things must never lose its timeliness. If the latter does happen though, as is often the case, and the usefulness is degenerated by negligence, it is the duty of those responsible for the wellbeing of the people to care without delay for the restoration of anything beneficial in life*), Novel 107, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 296.6–12.

⁸⁵ See the relevant text of Novel 40 above (note 26), ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 156.68–73.

⁸⁶ Τοῦτο γοῦν καὶ ἄλλως μὲν χαλεπὸν ἅπασιν ὑπάρχον συνορῶντες, μάλιστα δὲ γινόμενον χαλεπώτερον ἐν τοῖς ἀπορωτέροις δι' ὧν αὐτοῖς βαρυτέρα ἢ τῆς ἀπορίας ἀνάγκη καθίσταται, οὐκ ἔτι οὕτω γίνεσθαι νόμον τιθέμεθα, [...], Novel 13, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 74.15–18.

⁸⁷ Ἦν μὲν οὖν ἄξιον καὶ ἀνθρωπίνης διανοίας καὶ ἀρχικῆς ἀρετῆς τοὺς εἰς ἀρχὴν προβαλλομένους, ἀνθ' ὧν ὑπὲρ πολλοὺς τοὺς ἄλλους δόξης ἀπέλαυσαν καὶ τιμῆς, εὐλαβεῖς εἶναι περὶ τὴν συντήρησιν καὶ φυλακὴν τῶν τοῦ θεοῦ προσταγμάτων, καὶ προνοητικῶς περιέπειν τὸ ὑποχρεῖον, ἀλλὰ μὴ συνθλιβεῖν αὐτοὺς χειρὶ βαρεῖα (*It was fair, in terms of both human thought and virtue befitting the lords, that those who have been elevated to offices, in view of the glory and honors they enjoy to a greater degree than many others, to observe and respect with particular reverence the provisions of divine law, to surround the governed with care and not crush them by oppressing them with the burden of power*), Novel 23, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 102.6–104.10. Cf. Novel 27, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 114.8–10.

Equally interesting is what the emperor states about economic activity and the importance of a stable economy for political and State stability. In the preamble of Novel 52, he writes: *If economic means constitute the nervous system of legal relations and if the vigorousness of the latter ensures the stability of the State, the old [legislators] rightly fought economic hardship as disease and devastation [...]*⁸⁸.

5. Lawmaker

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

In the preamble to the Collection of 113 Novels⁸⁹, the emperor states that the prudent and rational choice of fair provisions contributes to the preservation of peace and tranquility in the State⁹⁰.

Fulfilling the purpose it is expected to serve, the legislation which the emperor enacts or maintains in each case abides by the properness (πρέπον), the appropriateness (προσηκόν), the measure (μέτρον) and the harmony (εὐαρμοσσία) of the legal and general order (εὐταξία). With this objective, the emperor abolishes those elements that disturb that harmony⁹¹, makes the existing provisions complete/perfect by correcting their shortcomings⁹² and intervenes to preserve order (εὐταξία) even in ecclesiastical affairs⁹³.

⁸⁸ Εἰ νεῦρα τῶν πραγμάτων αἱ τούτων εὐποροὶ ἀφορμαί, εὐστάθεια δὲ πολιτείας ἐκ τῆς τῶν πραγμάτων δυνάμεως, καλῶς ἄρα οἱ παλαιοὶ τὴν ἔνδειαν ὡς νόσον καὶ φθορὰν κἀντεῦθεν ἐδίωκον, Novel 52, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οἱ Νεαρές...*, p. 182.3–5.

⁸⁹ For this, cf. Σ. ΤΡΩΙΑΝΟΣ, *Οἱ Νεαρές...*, p. 19.

⁹⁰ Τοιγαροῦν οὐκ ἄξιον παριδεῖν κρίναντες ἐν τοσαύτῃ συγχύσει καὶ ταραχῇ φέρεσθαι ὧν ἡ γαλήνη καὶ ἀταραξία τῆς πολιτείας ἐξήρηται, ἐπισκέψεώς τε ὡς ἔνι μάλιστα ἐπιμελεστάτης τοὺς νόμους ἠξιώσαμεν, καὶ ὧν λυσιτελεῖς ὑπάρχειν τὸ κράτος κατενοήσαμεν, τούτων ἐκλογὴν ποιησάμενοι, δόγματι ἐγγράφῳ τῆς βασιλείας ἡμῶν τὴν εἰς τὴν πολιτείαν αὐτοῖς παρρησίαν ἐβεβαιώσαμεν καὶ τοῖς πράγμασι διαιτῶν ἐπεψηφισάμεθα (*Judging that we could not overlook the confusion and disorder that prevailed in the things on which the peace and tranquility of the State depend, we subjected the laws to the most careful inspection and after making a selection among those whose power we found beneficial, we confirmed their validity within the territory by a written determination of our Imperial Majesty and we ordered that they are applied in resolving disputes*), Preamble to the Collection, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οἱ Νεαρές...*, p. 40.26–42.32.

⁹¹ Novel 1, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οἱ Νεαρές...*, p. 44.17–25 (reference to Justinian). Cf. *preface* to the entire Collection (p. 40.26–41.40).

⁹² Novel 37, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οἱ Νεαρές...*, p. 146.3–4 (cf. H. HUNGER, *Prooimion...*, p. 112) and Novel 55, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οἱ Νεαρές...*, p. 190.25–27, where the shortcoming lies in the failure to repeal earlier provisions (cf. H. HUNGER, *Prooimion...*, p. 177–178).

⁹³ Novel 9, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οἱ Νεαρές...*, p. 68.5–6.

Moreover, in the preamble of Novel 29, Leo refers to the characteristics of the “true law”⁹⁴, whereas in Novel 4 the emperor argues that the law must principally safeguard the true (i.e., orthodox) faith⁹⁵.

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

Equality before the law seems to be an issue of particular concern to Leo. His rather liberal spirit⁹⁷ (considering his time and position) is remarkable, as he argues that it is not fair to those who equally constitute the State not to participate to the same extent in the enjoyment of the rights according to which their compatriots live⁹⁸.

Correspondingly, dominant is the idea of the remediation (restoration – ἐπανόρθωσις) of legislation⁹⁹, which, as mentioned in Novel 34, the emperor “cleans from stains”¹⁰⁰. As regards the remediation of the laws that effectively

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

⁹⁵ Novel 4, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οἱ Νεαρές...*, p. 52.13–20. Cf. S. ΤΡΩΙΑΝΟΣ, *Die kirchenrechtlichen Novel-len...*, p. 235–236 and Σ. ΤΡΩΙΑΝΟΣ, *Οἱ κανόνες της συνόδου “ἐν Τρούλλῳ”...*, p. 472–473.

⁹⁶ [...] ἐκεῖνο εἰδότες ὡς πάντων προτιμότερον εἰς κατάστασιν τῆς πολιτείας ἢ τῶν νόμων κατάστασις, Novel 19, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οἱ Νεαρές...*, p. 88.9–11.

⁹⁷ Cf. what is stated by Τ. ΑΝΤΩΝΟΠΟΥΛΟΥ, *Emperor Leo VI the Wise...*, p. 217–218, 222–229, 233 regarding this emperor’s “humanistic attitude”.

⁹⁸ Οὐ γὰρ δίκαιον ἡγοῦμεθα τοὺς ἐπίσης μετέχοντας τοῦ κοινῆς τῆς πολιτείας ὀνόματος μὴ ἴση μοῖρα τῶν τοῦ νόμου δικαίων τιμᾶσθαι καθ’ οὓς τὸ ὁμόφυλον πολιτεύεται, [...] (*Because we do not consider it fair to those who equally constitute this State not to participate to the same extent in the enjoyment of the rights according to which their compatriots live...*), Novel 40, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οἱ Νεαρές...*, p. 156.82–87. On the notion of equality (among others, in Leo’s Novel 40), cf. I. ΜΕΔΒΕΔΕΒ, *L’égallité comme principe de justice sociale chez les byzantins*, ΒΣυμ 9, 1994 (= *Μνήμη Δ.Α. Ζακυθινού Μέρου Β’*, ed. Ν.Γ. ΜΟΣΧΟΝΑΣ), p. 124–136 (here esp. p. 124).

⁹⁹ For the remediation (ἐπανόρθωσις) in the preambles of laws in general, cf. H. HUNGER, *Prooimion...*, p. 103–109.

¹⁰⁰ Ἴνα οὖν ὡσπερ κηλῖδα μῶμόν τινα τῷ νόμῳ προστριβομένην καθάρωμεν, τὸ προσφέρεσθαι τῷ δημοσίῳ τὴν ὑπαρξίν τοῦ φθορέως ἀποθεσπίζομεν, κελεύομεν δὲ ἐκεῖ ταύτην ἀπέναι οὐ τὴν ἀδικίαν καὶ τὸ δυστύχημα ὃ τῆς ὑπάρξεως κύριος κατεβάλετο (*In order to free the law from a reproach that has settled on it like a stain, we abolish the confiscation of the corruptor’s property by the State, and we*

contribute to the improvement of people's education and life in general, the preamble of Novel 77 states that ambiguity, especially in the case of the legislative texts, is "reprehensible" because *legal institutions are not mysteries, so as to remain incomprehensible to many; on the contrary, if possible, they should not escape the attention of anyone, neither man nor child nor woman, because they help in the most effective way to improve people's behavior and usefulness in life*¹⁰¹.

Finally, in the preamble of Novel 36 Leo argues that for the State to remain secure the legislation must be kept sound¹⁰².

V. Conclusion

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

rule that it is offered to those whom the owner of the property wronged and to whom he spread misery), Novel 34, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 138.28–140.31.

¹⁰¹ Ἐν πολλοῖς μὲν καὶ ἄλλοις, μάλιστα δὲ ἐν τῷ νομίμῳ ἐδάφει, οὐκ ἀνέγκλητον ἡ ἀσάφεια. Δεῖ γάρ, οἶμαι, εἶ που καὶ ἄλλοθι που σκολιάς διαπλάσεως ἀμοιρεῖν τὸν λόγον καὶ πρὸς τὸ εὐθὺ ἐναρμόζεσθαι. Οὐ γὰρ μυστήρια τοῦ νόμου τὰ θέσμιμα ὥστε ἀναχωρεῖν αὐτὰ τῆς τῶν πολλῶν καταλήψεως, ἀλλ' εἶ γε οἷόν τε ἦν, ἐχρῆν μηδένα λανθάνειν ταῦτα, μὴ ἄνδρα, μὴ παῖδα, μὴ γύναιον, ὡς μάλιστα τούτου τῆ πρὸς τὸ ἄμεινον τῶν ἀνθρώπων ἀγωγῆ καὶ τῆ τοῦ βίου λυσιτελεῖα συνεπιλαμβάνοντος (*In many and various matters, but above all in the field of law, ambiguity is reprehensible, because nowhere else, as I believe, is it more necessary for words to be precise and free of obscurities. Legal institutions are not mysteries, so as to remain inaccessible to the perception of many; on the contrary, if possible, they should not escape the attention of anyone, neither man nor child nor woman, because they help in the most efficient way to improve people's attitude and usefulness in life*), Novel 77, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 234.3–236.10.

¹⁰² Εἰ τῆς πολιτείας ἐρείσματα καὶ κρηπίδες οἱ νόμοι, εἶ γε μέλλοι αὐτῆ ἐν τῷ ἀσφαλεῖ εἶναι τοὺς νόμους χρῆ τὸ ὑγιὲς διασφῆναι. Νόμου δὲ ὑγείαν τί ἂν τις ἄλλο ἢ τὸ δίκαιον φαίη; Περὶ τούτου οὖν, ὥστε δικαίως διακεῖσθαι τοὺς οἱ τὴν ἡμετέραν ἄγουσι πολιτείαν νόμους, ἀεὶ στρέφοντες τὴν διάνοιαν, καὶ τὸν νόμον ἐκείνον ὃς βούλεται τὸν ἐκ δύο αἰχμαλώτων μηδὲ κληρονομεῖν τῶν διαφερόντων τοῦ ἐν τοῖς πολεμίοις μεμενηκότος, τοῦτον οὖν κατανοήσαντες κινδυνεύοντα τῆς τῶν νόμων ὑγείας, ἥπερ ἐστὶ τὸ δίκαιον, ἀποστειρεῖσθαι, μετασκευάζειν αὐτὸν πρὸς τὸ ὑγιὲς προεθυμήθημεν (*If the legislation constitutes the support and foundation of the State, in order for the State to remain secure the legislation must be kept sound. And what else could one consider as the soundness of legislation other than fairness? Therefore, as we are constantly concerned with the fair content of the laws that govern our State, we are ready to restore the soundness of that law which stipulates that the child of two captives cannot inherit any of the property of the person who remained captive of the enemy, because we realize that this particular law is at risk of losing its soundness, which is fairness. That the current provision is unfair is easily understood by anyone*), Novel 36, ed. Σ. ΤΡΩΙΑΝΟΣ, *Οι Νεαρές...*, p. 142.5–13. Here Leo refers to an order of the emperors Severus and Antoninus that survives without date of issue and is included in the *Justinian Code* 8.50(51).1, ed. P. KRUEGER, *Codex Iustinianus (Corpus Iuris Civilis, 2)*, Berlin 1877 [repr. Hildesheim, 1997], p. 360.

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

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