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TRAVELLING JUDGES IN BYZANTINE MACEDONIA (10th–11th c.)

While it is often unclear where court cases were held in the Byzantine provinces, evidence from the Athonite archives for the region of Macedonia suggests the imperial judges heard cases in specific 'assize towns' and other places as well as in the theme capital of Thessalonike. Based on case-studies from the Athonite archives and using the occurrence of the term *kathisma* as an indication of the existence of an provincial administrative and judicial centre, it is suggested that regular judicial circuits still took place in the 10th and 11th centuries. The imperial government thus demonstrated its concern for the provision of justice in the provinces in the same way as had its Roman predecessors.

Keywords: judges, Athonite archives, assize towns, *kathisma*, Macedonia.

Continuity in many aspects of Byzantine provincial administration from the time of Basil II onwards was long ago established in Ljubomir Maksimović's seminal study of the Palaiologan period in which he demonstrated that the administrative units of the thirteenth century were often the heirs of local units already in existence. But after the disruption of the Fourth Crusade, many of the characteristic officials commonly found in the Byzantine provinces in earlier periods disappeared, amongst them the *kritai*, the professional judges who heard cases in the provinces. In the tenth and eleventh centuries, however, these officials can still be found; the particularly rich documentation provided by the Athonite archives allows their activities to be observed in the region of Thrace and Macedonia, in particular in what came to be designated the theme of Boleron/Strymôn/Thessalonike and, sometimes, in the very urban centres which continued as administrative centres in the later period. Kassandreaia in the Chalkidiki; Hierissos, just to the north of the Holy Mountain of Athos; Serres, Philippi and, of course, Thessalonike are all locations where judicial activities are recorded in the eleventh century; most of them (with the exception of towns lost to the Bulgarians) remained important administrative centres in the late empire.¹

¹ L. Maksimović, *The Byzantine Provincial Administration under the Palaiologoi*, Amsterdam 1988, 33, 53–59, 72–5, 78–9, 237–8. For the evolution of the theme of Boleron/Strymôn/Thessalonike,

One of the most striking aspects of Byzantine provincial justice — in the regions for which we have archival evidence, at least — is that litigants knew exactly where to go to find it. Of course, many disputes in this region were settled on a local level without any recourse to imperial justice and some, such as those between monastic houses on Mt Athos, were settled by judicial structures which, though they mirrored those of the Byzantine State, had been removed from its jurisdiction. Complaints were often brought to the *Great Synaxeis* or ‘gatherings’ of monks held at Easter and on the 15th August (and sometimes at other times of year if need be) in the Church of the Mese at Karyes, the administrative ‘capital’ of Athos and were ‘tried’ by the Protos and a group of senior *hêgoumenoi*.² But other cases, especially those concerning lands outside the borders of the Holy Mountain and concerning matters involving the secular authority were heard elsewhere. Given that many of the documents of the Athonite archives do not record *where* cases were initially heard, although there is often interesting detail given about subsequent official visits to specific disputed lands (to establish, or re-establish boundaries for example), it is tempting to assume that most cases for which we have some record — by definition those of some significance to one or more of the parties — were heard in Thessalonike. In fact, there are enough indications amongst them to suggest not only that judges, far from sitting remotely in their thematic capitals, made their way to specific locations to hear cases, but also that they went out on recognised circuits.

The existence of ‘assize tours’, that is regular hearings of legal cases in specific locations, is a well-known feature of Roman administration. Provincial governors and their legates did not permanently hold court in the capital cities of their provinces, but held assizes in certain privileged towns. In the province of Asia, for example, in the 2nd century AD, the pro-consul and his three legates held assizes at 14 centres during their tours of duty. The sixth-century Justinianic *Digest* envisaged that hearings would be held in each ‘assize centre’ once a year and would be supplemented by standing courts held by Roman officials in provincial capitals. The evidence for such local courts taking place on a regular basis is particularly rich from Late Antique Egypt, but it can be supplemented by evidence from most of the other pro-consular provinces.³ If, therefore, it could be demonstrated that similar arrangements still existed in the tenth and eleventh centuries, this would not only provide a useful example of the reach of the imperial administration into the provinces and indeed, the *concern* of the imperial administration for the promulgation of justice there, but would also suggest an important area of continuity with the administration of the Late Antique Empire.⁴

see ODB, vol.1, p. 304. My thanks to Robert Jordan for linguistic insights on the Greek of the Athonite documents and to Ruth Macrides and Annika Asp-Talwar for facilitating access to TLG.

² See the *Typikon* of Constantine Monomachos, Actes du Prôtaton, ed. D. Papachryssanthou, Archives de l’Athos, VII, Paris 1975, no. 8 (1045). This only applied to cases concerning lands within the Holy Mountain itself.

³ It is a pleasure here to note the pioneering work of my one-time colleague, Graham Burton: G.P. Burton, Proconsuls, Assizes and the Administration of Justice under the Empire, JRS 65 (1975): <http://www.jstor.org/stable/370065> (accessed 14. iv. 2014) 92–94, 96–100. For a general discussion of provincial justice, see J. Crook, Law and Life of Rome, London 1967, 70–87.

⁴ In contrast to the view expressed in L. Neville, Authority in Byzantine Provincial Society, 900–1100, Cambridge 2004, 3: ‘Aside from maintaining sovereignty and extracting wealth, the administration did little to govern provincial society’.

The documents from the Athonite archives which clearly specify where cases were heard by someone described as a *kritês* (or *dikastês*) are, admittedly, few.⁵ In many important cases, we are simply not told where a court was held. And such phrases as ‘in the past they had often had recourse to local judges and *stratêgoi* and to judges in Constantinople’⁶, which clearly indicate long-standing and significant disputes, are no help in determining exactly where the ‘local judges’ actually heard the cases concerned. Only in a few cases is the location absolutely clear. The important matter of settling the boundary between the Athonite monastic communities and their lay neighbours in the *kastron* of Hierissos, for instance, was mainly heard in Thessalonike; two documents from the archive of the Prôtaton dating from 942–3 indicate not only that the Athonites went there to bring a complaint against their neighbours, but also that delegations representing the two parties were called to the city to be heard by a court which numbered amongst its members the *stratêgos* Katakalon and the city’s archbishop, Gregory.⁷ This was obviously an important enough matter to demand the attention of the most senior thematic officials; the fact that the case was heard in Thessalonike is therefore not surprising.

In other cases, however, the location of the court is clearly indicated and it is this kind of information that allows us to build up a picture of the movements of the thematic judges. In November 996, the *prôtospatharios* Nicholas, *kritês* of Strymôn, Thessalonike and Drougoubiteia, was to be found in Kassandreia in the Chalkidike, hearing a case concerning lands at Polygyros, some distance away it has to be said, although Kassandreia is the nearest sizeable town (see Map).⁸ The precise details of the case need not concern us, but the constitution of the court is interesting in itself. Nicholas was accompanied by the imperial *episkeptitês* and *prôtospatharios* Stephen, who perhaps acted as an expert advisor, since the matter concerned lands which had (wrongly, as it turned out) been granted by another *episkeptitês*, the monk Photios.⁹ With him, in the usual Byzantine (and indeed, Roman) fashion, sat thirteen assessors, all office or rank-holders, including two bishops: Leo, Bishop of Kassandreia and

⁵ For the purposes of this article, the term *kritês* is taken to mean someone clearly engaged in judicial activity, not, as became increasingly common in the 11th c., a senior thematic administrator, see *H. Saradi*, *The Byzantine tribunals: problems in the application of justice and state policy (9th–12th c.)*, REB 53 (1995): http://www.persee.fr/web/revues/home/prescript/article/rebyz_0766-5598_1995_num_53_1_1904 (accessed on 15.IV.2014), 173–4.

⁶ *Actes d’Iviron*, I, edd. *J. Lefort*, *N. Oikonomidès*, *D. Papachryssanthou* and *H. Métrévéli*, *Archives de l’Athos*, XIV, Paris 1985, no. 4 (July 982), ll. 29–31 and n. 9 (Dec. 995), ll. 20–22, where a *δικαστήριο* presided over by the *prôtospatharios* Nicholas, *kritês* of Strymôn and Thessalonike has been assembled to hear a serious property dispute (or the latest instalment of one) between the Monastery of John Kolobos (at Hierissos) and the villagers of Siderokausia, but we are not told where, and can only speculate that it took place at Hierissos. For further discussion of this case, see *R. Morris*, *Communal Legal Activity in the Athos Region in the Tenth Century*, ed. *A. Rio*, *Law, Custom and Justice in Late Antiquity and the Early Middle Ages*, Centre for Hellenic Studies, King’s College London, 2011, 63–76.

⁷ Prôtaton, nos. 4 (May, 942), l. 12 and 5 (May, 942–Aug. 943), ll. 18–19.

⁸ Iviron, I, no. 10 (Nov. 996). The *kritês* Nicholas is the same official as that mentioned in Iviron, I, no 9 (see n. 7, above and Iviron, I, 157 for a discussion of the variants in his title). The judge was not able to view the disputed land ‘because of the difficulty of reaching the place.’ (l. 33); he nonetheless dispatched some of his assessors to do so.

⁹ For the *episkeptitês*, the administrator of imperial property (*episkepsis*), see ODB, vol. 1, 717.



Panaretos, Bishop of Kitros.¹⁰ In June 1042, the *spatharokandidatos* John, *kritês* of Boleron, Strymon and Thessalonike (here also described as *a dikastês*) heard a case concerning a conflict between Iviron and the Great Lavra over land at Debelikeia near Hierissos and as the document put it, ‘wasted time (χρωνοτριβοῦντος) in the *kastron* of Hierissos’¹¹ waiting for the monks of the Lavra to return with the titles of ownership to the disputed lands he had given them a legal time-limit (*prothesmia*) of five days to produce — in vain, as it happens. Here the location of the court is quite clear, but of greater interest is the fact that the judge was prepared to wait at Hierissos for some days while evidence material to the case was collected, implying firstly that the legal session could take place over a period of time and, secondly, that the judge had somewhere to stay, a point to which we shall return.¹²

Most interesting of all, however, is the evidence from a document of September 1056, relating a case again involving the claims of Iviron, this time to lands at

¹⁰ The presence of the Bishop of Kassandreia is understandable, that of the Bishop of Kitros more interesting. Kitros, in Western Macedonia lay across the Gulf of Thermai from Kassandreia and its bishop was also, as was the Bishop of Kassandreia, a suffragan of the metropolis of Thessalonike, see *V. Kravari*, *Villes et villages de Macédoine occidentale*, Paris 1989, 75–6. Might the bishop have been making his way to Thessalonike by sea and have first called at Kassandreia? Indeed, could the *kritês* himself have come by ship rather than overland?

¹¹ Iviron, I, no. 27 (June 30th, 1042), (l. 9: προσκαρτεροῦντος καὶ χρωνοτριβοῦντος). For the *kritês* John and other cases in which he was involved, see *M. Jeffreys et al.*, *Prosopography of the Byzantine World* (accessed 17.ii.2014): <http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107318> and *P. Lemerle*, *Note sur la date de trois documents athonites et sur trois fonctionnaires du XIe siècle*, *REB* 10 (1952), 109–13: http://www.persee.fr/web/revues/home/prescript/article/rebyz_0766-5598_1952_num_10_1_1061

¹² See p. 340, below (on *kathismata*).

Melissourgeion on the borders of Athos (see Map).¹³ The monks of the small monastery there were first summoned (*ἀχθέντες οἱ μοναχοὶ*, l.13) by the *hypatos* Leo Thylakas, *kritēs* of the Velon and of Boleron, Strymôn and Thessalonike some considerable distance to the ‘metropolis of Philippi’ (mod. Philippoi, 14 km NW of Christopolis [mod. Kavala]) on the Via Egnatia.¹⁴ We may well ask why they had to go so far, but since the Court of the Velon was based in Constantinople and since the document informs us that Leo Thylakas was acting under the orders of the Empress Theodora (1042; 1055–6) to examine the validity of the titles of ownership concerned with the disputed land and to settle the matter once and for all, it is very likely that Leo Thylakes was travelling from the capital and probably eventually to Thessalonike via Philippi.¹⁵ The verb used suggests that the monks of Melissourgeion were instructed to come to a given place; a place where they knew the judge would be and, more importantly, where *he* knew he would be. They reached Philippi probably at the beginning of June, 1056 and a hearing was clearly held before the judge, for the monastic delegation (of some four members) argued that it was the *epitropoi* (guardians/protectors) of the monastery, rather than they themselves who should have been summoned, for the former, not the monks, held the title deeds to the contested lands and, in particular, an act of exchange which lay at the heart of the dispute.¹⁶ The judge gave them a *prothesmia* – again, the technical term is used – from 9th–24th of June to produce this document. This period of two weeks (including the first and last days) was clearly thought adequate to allow the monks to return to Athos and either return themselves or inform the *epitropoi* that they must appear before the judge. And, indeed, this is precisely what occurred, but not at Philippi. ‘During the *prothesmia*’, the document records, ‘there caught up with (*κατέλαβον*) [the judge] while he was in session in Serres (*ἐν τῷ καθίσματι τῶν Σερρών*)’¹⁷, the Protos Hilarion of Mount Athos, John, *kathēgoumenos* of the Great Lavra and John, *kathēgoumenos* of the Monastery of Zygou, all *epitropoi* of the monk Kosmas Kontoleon, who had originally claimed that Melissourgeion had been given to him, who had established a small monastery there and who was now dead.¹⁸ They

¹³ Actes d’Ivroun, II, edd. J. Lefort, N. Oikonomidès, D. Papachryssanthou and H. Métrévéli, Archives de l’Athos, XVI, Paris 1990, no. 31 (Sept. 1056).

¹⁴ For the metropolis of Philippi, see ODB, vol. 3, 1653–4 and the longer study of P. Lemerle, *Philippe et la Macédoine orientale à l’époque chrétienne et byzantine*, 2 vols, Paris 1945, 241–80. For Leo Thylakas see *Jeffreys et al.* Prosopography of the Byzantine World (accessed 21.ii.2014) <http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107674> He may be identical with <http://db.pbw.kcl.ac.uk/pbw2011/entity/person/107675>

¹⁵ For the Judges of the Velon, see N. Oikonomidès, *Les listes de préséance byzantines des IXe et Xe siècles*, Paris 1972, 323. The instruction of the Empress Theodora, which summarizes the history of the land dispute so far, is inserted in Ivroun, II, no. 31, ll. 2–13

¹⁶ For the role of the *epitropoi*, see R. Morris, *Monks and Laymen in Byzantium, 843–1118*, Cambridge 1995, 158–9.

¹⁷ Ivroun, II, no. 31, l.16.

¹⁸ Kosmas Kontoleon was the one-time katepan of Italy and *stratēgos* of Hellas Tornikios Kontoleon, who had become a monk on Athos, see *Jeffreys et al.* Prosopography of the Byzantine World (accessed 21.ii.2014): <http://db.pbw.kcl.ac.uk/pbw2011/entity/person/108491>. His high standing in the world perhaps explains why his *epitropoi* were so distinguished. Hostility between the Greek and Georgian monks on Athos was endemic in the eleventh century, though it interesting to note here that the Empress Theodora wished to protect the interests of Ivroun as ‘she was as attached to their rights as to her own’ (Ivroun, II, no. 31, l. 13).

were accompanied by many other *hêgoumenoi* and monks, of whom eight are named in the document. The opposing party was led by Arsenios, *hêgoumenos* of Iviron.¹⁹

Whilst the details of the legal procedures followed at the Serres hearing and subsequently are extremely interesting in themselves – the Roman Law procedures of the ‘legal examination’ of documents, including the formal comparison of signatures and confirmation of testimony by oath taking and the formal written refusal of a party to take an oath are all mentioned – what is of particular interest here is the mention of the word *kathisma* and its location.²⁰ Eventually Leo Thylakas moved on to Thessalonike, where later episodes of this long-running legal saga were located, but, at some point between 9th–24th June, he was clearly in Serres.²¹ We do not know how long he remained there, or, indeed, whether he heard any other cases, but he reported back by letter (*gramma*) to the Empress Theodora at some point between June and August, 1056, because her reply (the text of her *lysis* is given) is dated August, Indiction 9 (1056).²²

The provision of a *kathisma* or administrative base for the use of travelling officials was one of the duties imposed by the Byzantine State on its citizens.²³ As Oikonomides long ago established, the word, in a fiscal or judicial context, always implies a building where high officials, including judges, stayed during their tours of duty and where they and their suites had to be accommodated and fed at the expense of local tax payers.²⁴ It was expected to be a building of some size and comfort, and was also the place where the public reading of imperial edicts took place, so that subjects should know about them. In 1082, Alexios Komnenos (1081–1118), addressing a *kritês* ‘Skleros’ of the theme of Thrace and Macedonia ordered a *prostagma* concerning the return of property without heirs to the fisc to be read out ‘in all the *kathismata* of your theme’.²⁵ As three

¹⁹ The document does not indicate whether the Iviron monks were represented at Philippi; it seems very likely that they were.

²⁰ I discuss these matters further in *R. Morris*, *Byzantine courts and their Roman antecedents*, ed. *R. Murphey*, *Imperial Lineages and Legacies in the Eastern Mediterranean – Recording the Imprint of Roman, Byzantine and Ottoman Rule* (forthcoming).

²¹ The dispute continued for at least another seven years, see Iviron, II, nos. 36 and 37 (Dec. 1062 and Feb. 1063), after which nothing more is heard of Melissourgeion until 1259 (see Iviron, I, 75, n. 3).

²² Iviron, II, no. 31, 1.39.

²³ The word ‘*kathisma*’, has a variety of meanings, including liturgical ones, but it has another well-known ‘architectural’ one, that of the imperial ‘box’ at the Hippodrome. See *G. Lampe*, *A Patristic Greek Lexicon*, Oxford 1961, *s.v.* and *E. A. Sophocles*, *Greek Lexicon of the Roman and Byzantine Periods*, New York 1963, *s.v.* The word, κάθισις means a ‘sitting’ or ‘session’, cf. *Lampe*, *s.v.* which again, can have an administrative connotation. A preliminary examination of TLG reveals a variety of later non-liturgical usages of the word *kathisma*: a Lavra document of 1367 mentions a *metochion* and *kathisma* given to the Lavra (implying some kind of building) as does a forgery from Xenophon of 1302 mentioning a *metochion* near Siderokausia and two *kathismata*. A *kathisma* of St George is also mentioned on the lands of Vatopedi in the village of St Mamas (to the north of Kassandreia) in the fourteenth century, see *J. Lefort*, *Villages de Macédoine*, I. La Chalcidique occidentale, *Travaux et Mémoires*, Monographies, I, Paris 1982, 149. Interestingly, however, in TLG there are numerous mentions of the ‘*kathisma* of Karyes’ (e.g. Lavra, 1395) or ‘of the Prôtaton’ (e.g. Lavra, 1395; Dionysiou, 1481) and the ‘*kathisma* of the Protos and the *gerontes*’ (Dionysiou, 1395), referring both to the role of Karyes as the Athonite administrative headquarters and to the *synaxeis* or councils held there.

²⁴ *N. Oikonomidès*, *Fiscalité et exemption fiscale à Byzance (IXe–XIe s.)*, Athens 1996, 94–6 and Tables 1 and 5. The first mention of an exemption from the duty of providing a *kathisma* is dated to 1044.

²⁵ *Oikonomidès*, *Fiscalité*, 94, nn. 50 and 51, see *Jus graeco-romanum*, ed. *J. and P. Zepos*, 8 vols, Athens 1931–6, repr. Aalen 1962, vol. 1, 297. For the seals of two possible ‘Skleroi’, both called

tenth-century letters demonstrate, judges could often outstay their welcome in *kathismata*. In the first of these letters, an un-named official (possibly a *kritês*) complains that the local *despotês* has had him chased out of a *basilikon kathisma* and has ordered local people not to provide the *synônê* (compulsory contribution of produce to officials). He thus intends to leave all his business ‘to a new *kritês*’ while he returns to his superior (presumably to request further instructions).²⁶ The *despotês* concerned (almost certainly a bishop), replies that his only wish is to compel the official to stop putting heavy burdens on a church property, ‘for no collector (*apaitêtês*) can stay for longer than three days at the *kathisma* of Kallistariou’.²⁷ In the last letter in the series, the official responds that the delay at the *kathisma* was due to the fact that the tax payers were slow to appear and denies taking excess ‘receipts’, having only taken 8 of the 12 measures of barley which were his due and only eight *amphorae* of wine. More significantly, he declares that he is now ‘ordered to go to Berissa’ and that if the *despotês* orders it, ‘I will come to see you’; if not, he will proceed on his way.²⁸

Exemption or immunity from the duty of providing food and lodging for was often sought by monasteries and individuals and it is clear that the system was open to abuse. The late ninth-century legal text of the *Eisagoge* attempted to stop the practice of administrators undertaking ‘unnecessary tours’ in order to exact charges to provide support for themselves and their revenues, ‘for’, it continues, ‘we do not wish that those things which were wrongly established should be re-enforced by long-established custom’.²⁹ This prohibition does not seem to have had much effect and was not included in later legal collections. A letter of the Patriarch Nicholas Mystikos to Leo, *prôtospatharios* and *kritês* of Paphlagonia complained of official avarice and the deprivation of ‘the flocks’ (i.e. local people) of their ‘food’.³⁰ As late as 1082, the monks of the Athonite Monastery of Vatopedi preferred to give up their annual *solemnion* (imperial monetary grant) of 72 *nomismata* and instead to have the 19 *nomismata* in taxes owing on their lands at Abarnikeia and St Demetrios in the region of Kassandreia put to their account and, more significantly, be freed from the attentions of the ‘duty *kritês*’ who often demanded an *antikaniskion* (monetary payment in lieu

Constantine and both judges of Thrace and Macedonia, see *Jeffreys et al.* Prosopography of the Byzantine World (accessed 16. V. 2104): <http://db.pbw.kcl.ac.uk/pbw2011/entity/person/153876> and <http://db.pbw.kcl.ac.uk/pbw2011/entity/person/153876>.

²⁶ *J. Darrouzès*, *Épistoliers byzantins du Xe siècle*, Archives de l’Orient Chrétien, 6, Paris 1960, IX, nos. 22, 23 and 24, 358–61, no. 22, 358–9. For the *synônê* see *Oikonomidès*, *Fiscalité*, 70–2.

²⁷ *Darrouzès*, *Épistoliers byzantins*, IX, no. 23, l. 14.

²⁸ *Darrouzès*, *Épistoliers byzantins*, IX, no. 24, 360–2. Mention of Berissa helps to identify the location of this episode. La géographie ecclésiastique de l’empire byzantin, I, *Notitiae episcopatum ecclesiae Constantinopolitanae*, ed. *J. Darrouzès*, Paris, 1981, has episcopal lists from the 8th–11th/12th centuries citing the Bishopric of Berissa/Bërissa as a suffragan of the metropolis of Sebasteia in the ecclesiastical province of Armenia Secunda. See also *F. Hild and M. Restlé*, *Kappdokien*, TIB, 2, Vienna 1981, 274–6. *W.M. Ramsay*, *The Historical Geography of Asia Minor*, London 1890, repr. Amsterdam 1962, 329, identified the bishopric of Verisa/Verissa with Bolus (present-day Aktepe), SW of Tokat on the road to Sebasteia (Sivas). If this is correct, it was in the theme of Coloneia, first mentioned as having a *stratêgos* in 863, see *Oikonomidès*, *Listes de préséance*, 349. The *kathisma* of Kallistariou was, presumably, also in this theme.

²⁹ *Oikonomidès*, *Fiscalité*, 87, text in n. 5 (my translation).

³⁰ See *V. N. Vlyssidou*, *Quelques remarques sur l’apparition des juges (première moitié du Xe siècle)*, ed. *S. Lampakis*, *Byzantine Asia Minor (6th–12th cent.)*, National Hellenic Research Foundation, Institute for Byzantine Research, International Symposium, 6, Athens 1998, 60.

of taxes in kind payable to officials) of 20 *nomismata* ‘or more’ when he visited these properties. Alexios I Komnenos issued a chrysobull to the effect that ‘henceforward ...neither the judge of the theme (*thēmatikos dikastēs*) nor his *prōtokentarchos* shall demand anything from these two properties... for My Majesty wishes to free these properties from the annoyance caused by a judge who is not holding a session there’ (καθίσματος ἐν αὐτοῖς μὴ τυγχάνοντος).³¹

Using the term *kathisma* as an indication, it is now possible to assemble a short list of those places (some of which were clearly on privately-owned property) in which judges were accustomed to lodge and transact business in the tenth and eleventh centuries and which also acted as centres for the dissemination of imperial law. Serres is by far the largest; we can now add Kallistariou in the theme of Coloneia, Abarnikeia and St Demetrios in the region of Kassandreia and, possibly Bratzeva (unknown location in the Chalkidiki) for this property of the Great Lavra was specifically freed from the demands which the *kritai* of Thessalonike had been accustomed to make of it by a privilege of Michael VII Doukas in 1074.³² Interestingly, this chrysobull was one of series granted to the monastery by which it was freed from the ‘excesses’ of the officials of Thessalonike who, previously, had ‘spent some days’ at the Great Lavra living at the expense of the monks. This echoes the strictures of the *Eisagoge* against the overuse of official privileges; hospitality for imperial officials was clearly a considerable burden of which many were glad to be rid.³³

To the list of those places clearly identified as *kathismata*, we can surely add those, apart from Thessalonike, where we have clear evidence of judicial activity taking place in the tenth and eleventh centuries: Philippi, Hierissos and Kassandreia. Was this on a regular basis? There are two main reasons to suggest that it was. One, as we have seen, was the existence of places where the judges stayed, often for some time and where their board and lodging had to be provided by local tax-payers on a *regular* basis; regular enough, in fact, for requests for immunity from such charges to be both sought and granted. The second is the indication that, on occasion, the judge summoned parties to cases to specific locations often some distance from the location of the dispute, locations where, it can be argued, legal sessions were accustomed to be held. We may here be seeing an echo (or perhaps even a continuation!) of the Roman practice whereby the granting of the status of ‘assize town’ to a specific location was deemed to be a privilege.³⁴

The questions of how often these sessions took place and at what time of year is difficult to answer. There are only a few cases where the time of the sitting is indicated in the documents, and these, of course, were always issued after the event. But such activity seems to have mainly taken place over the late spring to early autumn months, which given the difficulty of travelling in the winter is hardly surprising. In the case we know most about – the dispute over Melissourgeion – the judicial hearings at Philippi and Serres took place in June and the document which attempted (in

³¹ Actes de Vatopédi, I, edd. J. Bompaire, J. Lefort, V. Kravari and C. Giros, Archives de l’Athos, XXI, Paris 2001, no 11 (1082). For the *antikaniskion*, see *Oikonomidès*, Fiscalité, 88.

³² Lavra, I, no. 36 (1074).

³³ See Lavra, I, nos. 31 (1052); 33 (1060) and 36 (1074) and *Oikonomidès*, Fiscalité, 198.

³⁴ *Burton*, Proconsuls, 92 on the privilege of being a *conventus* centre.

vain, as it later turned out) to put an end to the affair was issued in September.³⁵ The documents concerning the disputes of the establishment of the frontier between Athos and Hierissos were issued in May 942 and August, 943, which may indicate that the hearings in Thessalonike concerning this matter were held in, or immediately preceding those months.³⁶

Whether there was a recognised ‘circuit’ for the judges to follow is a much more difficult question to answer. The fact that the *kritês* in 1056 ‘moved on’ from Philippi to Serres might be taken as an indication that this was the next ‘assize town’ on his circuit, as it was not on the most obvious direct route to Thessalonike (which would have taken him via Chrysopolis near the ancient Amphipolis), and in the case of the *kathisma* of Kallistariou, the official concerned announced he was ‘going on to Berissa’. But in most cases we do not know where the judges were immediately before they heard the cases which can be located, where they went afterwards, or whether, indeed, they had been sent out to hear one specific case in one particular place (which, unless it concerned a matter of extreme importance to the thematic or central administration, seems inherently unlikely).

But even though it is not absolutely clear whether it was known in advance which cases were to be heard where, or whether the litigants assembled with their complaints in specified locations, there is enough evidence to suggest that a structure for hearing legal cases and transacting other legal matters, such as the promulgation of law, did indeed exist in the Byzantine provinces outside the thematic capitals in the tenth and eleventh centuries. This lays open to some question the recently expressed view that Byzantine administration was essentially ‘reactive’ and not ‘proactive’ and that emperors were not really bothered about what went on in the provinces so long as the taxes flowed in.³⁷ If we can suggest that the provision of justice was both systematic and widespread and was offered on the kind of regular basis that the existence of *kathismata* (albeit in themselves a burden) seems to suggest, then a rather more nuanced picture begins to emerge. Of course, local interests and influences could be brought to bear on both the cases and those trying them; judges could be bribed, special interests could be pleaded and appeals could — and certainly were — made over the heads of ‘provincial judges’ to those in the capital and, ultimately, to the emperor. All this had been going on since Roman times. But the fact that imperial justice *did* come to distant areas of the provinces on a regular basis is surely an indication that, in practice as well as in theory, this important aspect of imperial administration was both proactive and recognised as an important resource by the emperor’s subjects. Just as continuity with earlier structures have been established for some provincial administrative units in the thirteenth and fourteenth centuries, so, too, can the existence of ‘assize towns’ in the Middle Byzantine period be seen as an important element of continuity between Rome and Byzantium.

³⁵ See Iviron, II, no. 31.

³⁶ Prôtaton, nos. 4, 5 and 6.

³⁷ Neville, Authority in Byzantine Provincial Society, 39–65.

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Скраћенице – Abbreviations

- ODB Oxford Dictionary of Byzantium, edd. *A. Kazhdan et al.*, 3 vols, New York/Oxford 1991.
 TIB Tabula Imperii Byzantini, edd. *H. Hunger et al.*, Vienna 1976–.
 TLG Thesaurus Linguae Graecae: <http://www.tlg.uci.edu/>.

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ПУТУЈУЋЕ СУДИЈЕ У ВИЗАНТИЈСКОЈ МАКЕДОНИЈИ (X–XI ВЕК)

На основу подака из атонских архива за подручје Македоније у X и XI веку може се закључити да су царске судије разматрале случајеве на за то одређеним местима, која се називају *катизме*, као и у главном граду теме, Солуну, и да су се тада још увек одвијали редовни судски поступци.