

## Justinian and Agapetus

Deacon Agapetus' Ekthesis is one of the early Byzantine mirrors of princes.<sup>1</sup> According to Hunger's classification<sup>2</sup>, writings belonging to this genre are either collections of gnomes or descriptions of the ruler's duties given in a coherent text. Agapetus' work is a *florigelium* according to the first category: its 72 short chapters correspond to 72 wise or rather humble pieces of advice given to the emperor. Their arrangement does not follow any logical pattern or train of thought, the only – external – organizing principle being the achrostichis<sup>3</sup> consisting of the first letters of the chapters and giving the name of the person who Ekthesis is written to as well as the author's name. That is all we know about the author. As for the time when he wrote it, there is an allusion to the emperor's wife in the last sentence indicating that it must have been written between 527 A.D. (Justinian's accession to the throne) and 548 A.D. (Theodora's death). Most scholars think it was written at the beginning of Justinian's rule since the pieces of advice were more probably given to an inexperienced ruler rather than to one who had been on the throne for a long time.<sup>4</sup>

Ekthesis is not only an early representative of the genre but also one of the most longstanding mirrors, which survived Byzantium, became well-known in Western Europe due to Latin and vernacular translations, and was not any the less widespread in the Slavonic world.<sup>5</sup> This is most remarkable as the pieces of advice in it are not particularly original or very profound: they are traditional commonplaces of long ago, the Eusebius of Caesarea's christianized teaching on the hellenistic ideas of ruling, which absorbed a great number of earlier ideas such as Plato's philosopher-king (chapter 17), the advice in Isocrates' second Nicocles-oration, in general, themes of cynical diatribes and Christian sermons.

In this paper, I would like to examine the role Ekthesis played in its time, the 6th century. The first remarkable fact is the addressee himself: Justinian. There is no doubt that imperial power in Byzantium was autocratic throughout the whole history of the empire. Of all the emperors, however, it was Justinian whose rule was of the most autocratic

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<sup>1</sup> PRINZING, G., Beobachtungen zu „integrierten“ Fürstenspiegeln der Byzantiner. JÖB 38 (1988) 1–31 lists 18 such works; Agapetus' mirror is the second.

<sup>2</sup> HUNGER, H., Die hochsprachliche profane Literatur der Byzantiner. Band 1. München 1978. 158–159.

<sup>3</sup> Τῷ θειοτάτῳ καὶ εὐσεβεστάτῳ βασιλεῖ ἡμῶν Ἰουστινιανῷ Ἀγαπητὸς ὁ ἐλάχιστος διάκονος.

<sup>4</sup> PRAECHTER, K., BZ 17 (1908) 163 (in a review of A. Bellomo, *Agapeto diacono e la sua scheda regia*. Bari 1906.). KRUMBACHER, K., *Geschichte der byzantinischen Litteratur*. München 1897<sup>2</sup>. 456; HADOT, P., s.v. Fürstenspiegel, in: *Reallexikon für Antike und Christentum* Band VIII. 1972. 615.

<sup>5</sup> BLUM, W., *Byzantinische Fürstenspiegel*. Stuttgart 1981; SEVČENKO, I., A neglected Byzantine source of Muscovite political ideology. *Harvard Slavic Stud.* 2 (1954) 141–179.

character.<sup>6</sup> Should we then take it seriously that a church dignitary of a not particularly high rank gives warnings to him as it is suggested by the title and the text, too? It is obvious that we can only give a negative answer to this question. The above mentioned hypothesis concerning the date of creation does not help to solve this problem, either. The work may have been written in the early phase of his reign, but this does not mean that the warnings were written to an inexperienced ruler whose autocratic ambitions were not yet recognizable. Justinian was not really inexperienced when he ascended to the throne in 527, nor was he an unknown personality: from the time when Iustinus I came to power in 519 he had been the *éminence grise* of the government. Furthermore, addressing the work to Justinian may only be an external feature required by the genre, and it does not prove any personal relationship between the author and the emperor given the fact that Agapetus' literary models both in classical Greek literature (e.g. Isocrates' second Nicocles oration) and in the Bible (e.g. Proverbs) also consist of advice given by a wise counsellor to a person addressed in second person singular. It is another characteristic feature of the genre that the pieces of advice in the Ekthesis, due to their eternal quality, refer to every ruler (sometimes to everybody), and can be associated with Justinian's personal features only forcedly.<sup>7</sup>

If it was not the emperor who the author wanted to educate, he must have had a wider public in his mind, and so his work by listing the ruler's virtues and duties was part of the court propaganda aiming for public support. Therefore it is illuminating to compare the Ekthesis with other pieces of Justinianic propaganda. Of these the most important documents are the ones where Justinian himself speaks to his subjects (it does not matter whether he or his clerks formulated them): the texts of his legislation. From the point of view of court propaganda the prooemia of the laws are of great importance.<sup>8</sup> The legislator often takes general truths or the ruler's duties and ambitions as his starting point from which he deduces his prescriptions. Only few of these texts can be found in Codex Justinianus (it usually omits the prooemia), whereas Novellae with its unabridged laws contains a great many of them. I would like to compare Agapetus' mirror of princes with these texts<sup>9</sup>

The ruler's power comes from God, the emperor is invested with power by God himself. This idea is expressed in chapters 30, 37, 45,46 in the Ekthesis and in Justinian's laws among others in Novella 113: „we have taken over the emperor's power given to us by God”<sup>10</sup>. It is interesting to observe that this teaching is so fundamental that neither

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<sup>6</sup> Cf. the characteristics of Justinian in the *Historia arcaea* of Procopius of Caesarea; see also ANASTOS, M. V., Justinian's Despotic Control over the Church. *Zbornik radova Vizantolškog instituta* 8/2 (1964) 1-10.

<sup>7</sup> PRAECHTER, K., *op. cit.* (note 4) 160-161.

<sup>8</sup> Generally about the *prooemia*: HUNGER, H., *PROOIMION*. *Elemente der byzantinischen Kaiseridee in den Arengen der Urkunden*. Wien 1964; about Justinian's propaganda in his laws: RUBIN, B., *Das Zeitalter Iustinians*. I. Band. Berlin 1960. 146-168.

<sup>9</sup> The quotations from Ekthesis are taken from MIGNÉ, PG 86/1 coll. 1164-1186; as for the laws: Codex Iustinianus rec. P. KRUEGER. Berlin 1884; Novellae rec. R. SCHOELL. Berlin 1895.

<sup>10</sup> c. 3, p. 532: *ἐβόμους καθ' οὗς ἡμεῖς τε αὐτοὶ τὴν βασιλείαν θεοῦ δόρυτος παρελάβομεν* See also Nov. 8 Edictum p. 78 and the laws cited in the following note.

Agapetus nor Justinian goes into details about it; in most cases it is only referred to, for instance: „the rule God invested us with”, or „our subjects entrusted to our care by God”<sup>11</sup>.

Another variant of the teaching on the divine origin of power does not speak about the ruler chosen by God but about imperial power as an institution emphasizing its divine origin since God gave it to mankind and God’s heavenly rule is its eternal model. This is what we can read in Novella 73: „for this reason God sent imperial power from heaven”<sup>12</sup>. In Novella 6 Justinian calls kingship one of God’s greatest gifts among people.<sup>13</sup> The idea can also be found in the Ekthesis in the very first chapter<sup>14</sup>:

„You, emperor, whose dignity is higher than any other honour, respect the one who deemed you worthy of it, God, as He gave you the sceptre of earthly rule modelled after the heavenly kingship so that you would teach people to guard justice and would drive away the barking of those who rage against Him while His laws rule over you and you legitimately rule over your subjects.”

Behind the expression „modelled after the heavenly kingship” the same concept hides as the one quoted above from Novellae.

Chapter 1 mentioned above stresses three elements of the teaching on ruling: (1) imperial power is of divine origin and is given to the emperor by God; (2) the emperor’s duty is to make his subjects behave appropriately towards each-other; (3) as well as towards God. These ideas can be found independently of each-other in other parts of the Ekthesis and in different laws; in Novella 77<sup>15</sup>, however, they are connected in the same way as in Ekthesis chapter 1. At the same time, comparing the two passages we can be convinced that a direct borrowing is out of the question. The authors only happened to go back to the common heritage of thoughts using it in a similar way.

It follows from the teaching on the divine origin of kingship that the emperor, when exercising power, imitates God. Agapetus, too, considers this thesis as a duty of the ruler’s. We can find almost exactly the same sentence in Codex Justinianus<sup>16</sup>.

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<sup>11</sup> Nov. 81, praef. p. 397: τῆς ὑπὸ τοῦ θεοῦ παραδοθείσης πολιτείας cf. Nov. 86 praef. p. 419; and Cod. Iust. 1,17, 1: Deo auctore nostrum gubernantes imperium, quod nobis a coelesti maiestate traditum est. – Nov. 80 praef. p. 390: τὸ ὑπῆκοον τὸ παρὰ τῆς αὐτοῦ (= θεοῦ) φιλανθρωπίας παραδοθὲν ἡμῖν; cf. Nov 77 praef. p. 381; Nov. 85 praef. p. 414.

<sup>12</sup> Nov. 73 praef. p. 364: ἐπειδὴ τοῖνυν βασιλείαν διὰ τοῦτο ὁ θεὸς ἐξ οὐρανοῦ καθῆκεν ἵνα ...

<sup>13</sup> Nov. 6 praef. p. 35: μέγιστα ἐν ἀνθρώποις ἐστὶ δῶρα θεοῦ παρὰ τῆς ἀνωθεν φιλανθρωπίας δεδομένα ἱερωσύνη τε καὶ βασιλεία.

<sup>14</sup> Τιμῆς ἀπάσης ὑπέρτερον ἔχων ἀξίωμα, βασιλεὺς, τίμα ὑπὲρ ἀπαντας τὸν τοῦτο σε ἀξίωσαντα θεόν, ὅτι καὶ καθ’ ὁμοίωσιν τῆς ἐπουρανίου βασιλείας ἔδωκέ σοι τὸ σκῆπτρον τῆς ἐπιγείου δυναστείας, ἵνα τοὺς ἀνθρώπους διδάξῃς τὴν τοῦ δικαίου φυλακὴν, καὶ τῶν κατ’ αὐτοῦ λυσσόντων ἐκδιώξῃς τὴν ὑλακὴν, ὑπὸ τῶν αὐτοῦ βασιλευμένων νόμων καὶ τῶν ὑπὸ σὲ βασιλεύων ἐννόμων. (Agap. c. 1.)

<sup>15</sup> Nov. 77 praef. p. 381: Πάσαι ἀνθρώποις τοῖς εὖ φρονοῦσι πρῶθλον εἶναι νομίζομεν, ὅτι πᾶσα ἡμῖν ἐστὶ σπουδὴ καὶ εὐχὴ τὸ τοὺς πιστευθέντας ἡμῖν παρὰ τοῦ δεσπότης θεοῦ καλῶς βιοῦν καὶ τὴν αὐτοῦ εὐρείαν εὐμένειαν.

<sup>16</sup> Agap. c. 37: Ὁ μεγάλῃς ἐξουσίας ἐπιλαβόμενος τὸν δοτήρα τῆς ἐξουσίας μμείσθω κατὰ δύναμιν; Cod. Iust. 5,4,23 (a law of Justinus I): nam ita credimus Dei benevolentiam et circa genus humanum nimiam clementiam, quantum naturae possibile est, imitari; cf. also Cod. Iust. 5,16,27.

The emperor possesses supreme power on Earth. Chapter 21 of the Ekthesis expresses it in the following way: „the emperor, considering the substance of his body, is like everybody else, however, considering his power, he is like God above all creatures: there is nobody above him on Earth.”<sup>17</sup> And in chapter 27: „You must force yourself to respect the law because there is no one else on Earth to force you.”<sup>18</sup> Justinian, however, emphasizes in Novella 105 that the emperor is above the law, he himself is νόμος ἔμψυχος. There are other passages, too, where he deduces the right of legislation from supreme power, e.g. in Novellas 1 and 137. Although there is no contradiction between Agapetus and the emperor, there is a difference in emphasis: the former stresses observing and enforcing the law, the latter his right of legislation.

Considering the ruler’s relationship to his subjects, one of his most important virtues is philanthropy (φιλανθρωπία or ἐνποιία which manifests itself through charity (ἐνεργεσία) and mercy (ἔλεος). It is mentioned in some context in 23 chapters in the Ekthesis<sup>19</sup>. It seems to be one of the main concerns of the work. It is justified by μίμησις θεοῦ (e.g. in chapters 37, 40, 63) or by the idea that God’s goodness must be returned (e.g. in chapter 43) or by the hope for heavenly reward (e.g. in chapters 38, 44, 50). In Justinian’s laws Hunger lists seven passages which mention philanthropy<sup>20</sup>, to these we can add those where the emperor’s charity<sup>21</sup>, his foresight to provide for the welfare of people<sup>22</sup>, his ceaseless efforts for them<sup>23</sup> are expressed: it is a central theme in the Justinianic legislation, too. This is what he says in one of his laws: cum nihil aliud tam peculiare est imperiali maiestati quam humanitas, per quam solam dei servatur imitatio<sup>24</sup>. In Novella 129 he says that he deems all the crimes committed by his subjects worthy of his philanthropy. Because even if detesting their act he decides to punish them, after settling the matter and appropriately reprimanding the sinners he returns to philanthropy appeasing his rightful anger with charitable considerations<sup>25</sup>. Chapter 63 in the Ekthesis similarly to chapter 46 reminds the emperor to extend his charity to everybody; in Novella

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<sup>17</sup> τῆ μὲν οὐσίᾳ τοῦ σώματος ἴσος παντὶ ἀνθρώπῳ ὁ βασιλεὺς, τῆ δὲ ἐξουσίᾳ ὁμοίος ἐστὶ τῷ ἐπὶ πάντων θεῷ· οὐκ ἔχει γὰρ ἐπὶ γῆς τὸν αὐτοῦ ὑψηλότερον.

<sup>18</sup> σαυτῷ τὴν τοῦ φυλάττειν τοὺς νόμους ἐπίθεος ἀνάγκην, ὡς μὴ ἔχων ἐπὶ γῆ τὸν δυνάμενον ἀναγκάζειν.

<sup>19</sup> Chapters 7, 8, 16, 19, 20, 23, 37, 38, 39, 40, 43, 44, 45, 48, 50, 51, 52, 53, 58, 60, 61, 63, 67.

<sup>20</sup> HUNGER, H., *op. cit.* (note 8) 149–150: Cod. Iust. 1,3,55 p. 38; Nov. 2 (p. 11), 81 (p. 397), 89 (p. 428), 129 (p. 647), 147 (cited below, note 26), 159 (p. 736).

<sup>21</sup> HUNGER, H., *op. cit.* (note 8) 140, note 308: Nov. 7 (p. 53), 25 (p. 202), 124 (p. 629), 127 (p. 636), 147 (p. 719).

<sup>22</sup> HUNGER, H., *op. cit.* (note 8) 87–88: Nov. 8 Edictum (p. 80), 10 (p. 92), 80 (p. 390), Edictum 7 (p. 763), Edictum 13 (p. 780).

<sup>23</sup> HUNGER, H., *op. cit.* (note 8) 97–99: Nov. 1 (p. 1), 8 (p. 64), 15 (p. 114), 78 (p. 387), 114 (p. 533).

<sup>24</sup> Cod. Iust. 5,16,27.

<sup>25</sup> Nov. 129 praef. p. 647.

147 we can find a response to it expressed by the sentence in which the emperor says that none of the petitioners left his palace empty-handed.<sup>26</sup>

When listing parallel ideas, it is worth examining the first sentence of Agapetus' chapter 62<sup>27</sup> and the beginning of Novella 109<sup>28</sup>. There is not only a correspondence between the ideas but also the key words are the same: *βοήθεια* and *σωτηρία*; and when the latter is used, its secular and Christian meanings (prosperity vs. salvation) are merged in both texts.

The Ekthesis has a few points whose parallel I could not find in Justinian's work. Agapetus devotes several passages to the issue of having a real friend saying that we have to take our friend's advice but have to beware of flatterers (chapters 12, 22, 29, 31, 32, 56, 57). With another returning theme Agapetus warns Justinian against pride (chapters 4, 13, 14, 33, 71). I would not attach much importance to the fact that these moral issues referring to the emperor's surroundings or to his mortal person are absent from the laws.

So far our observations have shown that there is a very close correspondence between Agapetus' mirror of princes and the prooemia in Justinian's laws, although direct borrowing is not likely at all. The differences are less important and are partly due to the fact that Agapetus' work does not want to give advice on the ruler's role only but on personal, moral issues, as well.

At the same time it is possible to look for the differences in the opposite direction: to examine Justinian's prooemia, engaged in court propaganda, and look for elements that are absent from the Ekthesis.

Although the author of the Ekthesis must have received ecclesiastical education and his work contains several allusions to the Bible<sup>29</sup> and even his vocabulary has some Christian colouring<sup>30</sup> despite all its classicism, it is remarkable that he never mentions the significance of Christian confession. Explicitly Christian features such as the Holy Trinity, the sacraments or references to Christian dogmatics cannot be found in the Ekthesis<sup>31</sup>. At

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<sup>26</sup> Ὁ μὲν θεὸς οὐθενὸς δεῖται· ὁ βασιλεὺς δὲ μόνου θεοῦ. Μιμῶν ταύτην τὸν οὐθενὸς δεόμενον, καὶ δαψιλέου τοῖς αἰτοῦσι τὸν ἔλεον, μὴ ἀκροβολογούμενος περὶ τοὺς σοφῆς ἀκέτας, ἀλλὰ πᾶσι παρέχων τὰς πρὸς τὸ εἶναι αἰτήσεις. (Agap. c. 63); οὐδεὶς φιλανθρωπίας δεηθᾶς ἀπρακτος ἐκ τῆς ἡμετέρας ἀνεχώρησεν ὄψεως (Nov. 147 praef. p. 718).

<sup>27</sup> Τρέχειν μὲν εἰς τὴν ἀνω βοήθειαν πᾶς ἀνθρώπος ὀφείλει, ὁ σωτηρίας γλιχόμενος· ὁ βασιλεὺς δὲ πρὸ πάντων, ὡς μεριμνῶν ὑπὲρ πάντων.

<sup>28</sup> Μίαν ἡμῖν εἶναι βοήθειαν ἐπὶ παντὶ τῷ τῆς ἡμετέρας πολιτείας τε καὶ βασιλείας βίῳ τὴν εἰς θεὸν ἐλπίδα πιστεύομεν, εἰδότες ὅτι τοῦτο ἡμῖν καὶ τὴν τῆς ψυχῆς καὶ τὴν τῆς βασιλείας δίδωσι σωτηρίαν· ὥστε καὶ τὰς νομοθεσίας τὰς ἡμετέρας ἐκείθεν ἠρτήσθαι προσήκει (p. 517).

<sup>29</sup> Chapters 38, 44, 50 allude to Mt 19–20; in chapter 17 there is a citation of Prov. 7; in chapter 21 εἰκόνη θεϊκή/χοϊκή comes from IKo 15,49.

<sup>30</sup> E.g. ἐπουράνιος βασιλεία (chapter 1); ἡμέτεροι σύνδουλοι 'our fellow-creatures' (chapter 8); δικαίω 'to justify' (chapter 66).

<sup>31</sup> Even Christ's name occurs only once, in the last sentence of the script; the adjective 'Christian' does not occur at all.

the same time, in his laws Justinian emphasizes several times his concern for the right Christian faith and his enmity against heresies.<sup>32</sup>

Another interesting difference between the two authors is that the emperor regarded himself as the protector of the Church<sup>33</sup> and although Christian teaching as well as subsequent mirrors of princes considers the protection of the Church to be the ruler's primary duty, the deacon nowhere mentions the Church or Church dignitaries.

Agapetus' ruler reigns over a world-empire but it is never indicated that this imperium is qualified by the adjective *Romanum*. As opposed to this, Justinian's propaganda puts particular emphasis on the Roman characteristics and traditions of the empire.<sup>34</sup>

Finally, Justinian's several proemia share a central message about his achievements in regaining the territory of the empire, extending his power to other peoples and defeating rebellious Barbarians<sup>35</sup>. This element of imperial propaganda, which was especially strongly stressed during successful military campaigns, is also absent from Agapetus' work.

All these topics of imperial ideology which we find in Justinian's laws but are absent from the Ekthesis are not secondary or casual ideas but central themes of Justinian's exercise of power and self-opinion. Their absence from the Ekthesis is remarkable and needs to be explained. It is possible that „the most insignificant deacon” was far away from the centre of power and not knowing the current slogans he contented himself with representing the traditional elements of the Christianized ideology of ruling.

The omission of Roman characteristics and especially the lack of triumphal references may indicate that the Ekthesis was really written quite early, during the first years of Justinian's reign, before the African and Italian military campaigns.

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<sup>32</sup> Nov. 6 praef. p. 36 *μεγίστην ἔχομεν φροντίδα περί τε τὰ ἀληθῆ τοῦ θεοῦ δόγματα* cf. Nov. 132 p. 665; in the Constitution „Deo auctore” in the first sentence the Trinity is named; Nov. 85 begins with the words: *τὸν μέγαν θεὸν καὶ σωτῆρα ἡμῶν Ἰησοῦν Χριστόν*. See also Justinian's legislation against heretics in Cod. 1,1, 5-7; 1,5, 12-22.

<sup>33</sup> Nov. 6. praef. p. 35- They originate from the same ἀρχή and regulate human life. „Therefore nothing would be of such importance for the emperors as the sanctity of the priests.” In Nov. 57 epil. p. 314: „The advantage of the Holiest Churches is as important for us as our own soul”; the Church of Constantinople is the „Mother of our βασιλεία” Nov. 3 praef. p. 19.

<sup>34</sup> In the Constitutio „Summa”: *Summa rei publicae tuitio ... felix Romanorum genus omnibus anteponi nationibus omnibusque dominari tam praeteritis effecit temporibus quam deo propitio in aeternum efficiet*. Cf. Nov. 18 praef. p. 127. Emphasizing the Roman traditions of the state is very strong in the legislation of the years 535-537, about this see MAAS, M., *Roman History and Christian Ideology in Justinianic Reform Legislation*. DOP 40 (1986) 17-31.

<sup>35</sup> Nov. 1 praef. p. 1; „in praesenti deo auctore ita nostra respublica aucta est” (Nov. 11 p. 94); „in Africa nostra, quam Deus Romanae ditioni nostris vigiliis subiugavit” (Nov. 36 p. 243 and virtually the same statement in Nov. 37 p. 244); see also Cod. Iust. 1,27,1 p. 77.