

PARENTS AND CHILDREN, SERVANTS AND MASTERS: SLAVES, FREEDMEN, AND THE FAMILY IN BYZANTIUM

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With the publication of *Slavery and Social Death* in 1982, Orlando Patterson shifted the paradigm in studies of global slavery.¹ Though not without its critics, the framing of human slavery as “social death” has continued to be so influential that the study was re-printed as recently as 2018, complete with a new preface. Patterson’s monograph was perhaps the most impactful intervention in ancient slave systems since Moses Finley, who was among the first to name “outsider” status as a fundamental aspect of slavery.²

Patterson’s most significant contribution was to remove the concept of property ownership from the most fundamental aspects of global slavery. His approach was largely cultural rather than economic, as had been (and often still is) the dominant approach to the study of slave systems.³ In his definition of “social death,” Patterson identified three constituent elements: “natal alienation,” “absolute tyranny,” and “parasitic degradation.”⁴ While the latter two elements held true in Byzantine slavery as well, for a discussion of the relationship between the family as a social unit and the institution of slavery, natal alienation becomes especially important.

Patterson, who coined the term, defines natal alienation as “the loss of ties of birth in both ascending and descending generations.”⁵ “Alienated from all ‘rights’ or claims of birth, [the slave] ceased to belong in his own right to any legitimate social order.”⁶ In a Roman and Byzantine context, natal alienation meant the denial of any recognition of a slave’s relationship with his or her father in particular.⁷ Slave status was inherited from one’s biological mother, while the head of the household theoretically took the place of the slave’s father.

At the same time, in a cruel twist of irony, it is a common practice for slave-holding societies to adopt the very language of kinship to describe social relations between slaves and their masters. As Patterson puts it, the practice “plays a crucial role” in “humanizing” the extreme power relations inherent in slave systems. In many, perhaps most, pre-modern slave societies, “we find a tendency to assimilate direct domination of one person by another to at least a fictive kin relation.”⁸

The Byzantine Empire is largely absent from Patterson’s work, in part due to arguments over the extent to which late Roman or Byzantine society qualify as “slave society,” rather than simply slave-holding.⁹ Yet whether Byzantium qualifies as a “slave society” or not, slaves

continued to be a constituent element of Byzantine society until the Byzantium's collapse in 1453, and slavery in medieval Byzantium fits into both of Patterson's categories.¹⁰ That is, natal alienation was a fundamental condition of Byzantine slave status, and the language of kinship was frequently used to designate this status. In both cases, the family and kinship were central, albeit in drastically different ways.

Byzantium maintained a rich vocabulary for designating children or minors, some more or less specific to a certain age group or level of maturity.¹¹ The same is also true for designators of slaves, with many terms remaining ambiguous regarding the free or unfree status of the individual in question.¹² Yet some of the most common of these designators were likewise the most common terms used between children and parents. *Pais* (παῖς), for example, was an already ancient term in Byzantium denoting a child, but it likewise frequently appears as a designator for a slave. The term *authentēs* (αὐθεντής) was regularly used both for a slave's master as well as a parent. The cumulative effect, in written sources at least, is a blurring of the distinction between certain, hierarchical bonds of kinship and those between master and slave or freedman.

The ubiquity of the language of kinship should, of course, caution against reading too much into such designations. Religious communities, confraternities, and even friends made regular use of kinship designators as forms of address.¹³ But they were used for a reason; they meaningfully expressed social and/or power relations.

Identity and status were both relational and situational, in Byzantium as in many other societies.¹⁴ This was partially reflected in the law, as was the partial association of slaves and freedmen with family relations. Close relatives, including wives and husbands, were generally barred from serving as witnesses for or against each other in Byzantine courts, as were slaves regarding their masters. An exception, however, was made for acts of high treason. As the eleventh-century collection of case summaries known as the *Peira* preserves it, "before the might of the emperor, the father of the family is nothing, and even those under a father's authority (ὕπεξούσιοι) are together under the authority (συνυπεξούσιοι) of the emperor."¹⁵ On the macro level, as at the level of the household, an individual could simultaneously be the master and the servant, depending on one's perspective. In practice, both the signifiers of status and the functions performed effectively mirrored one another, whether among those designated as a parent and child or slave master and slave.

Studies of post-classical slavery in Europe and the Mediterranean have increasingly approached the question of continuity and persistence of servile status by separating social from institutional history.¹⁶ By viewing unfreedom as a graded, relative status, scholars have been able to move beyond simple arguments over the continuity of Roman-style slavery into the medieval period.¹⁷ Such an approach holds great potential for Byzantium as well, even if institutional slavery clearly persisted until the empire's collapse. It can bring additional clarity to the lived experiences of those at the bottom of the social hierarchy and to changes, however minor, to those experiences over time.

This chapter adopts just such an approach to explore the complex, overlapping, and sometimes contradictory roles of slaves, freedmen, and their masters in the context of the Byzantine household and the family. In particular, it demonstrates some of the ways in which the role of master mirrored that of parent and how the role of slave or freedmen likewise resembled that of a (freeborn) child.

The Byzantine Household and Concepts of Family

The Byzantines used a variety of terms and concepts that might be translated as "family," with varying degrees of precision and conceptual overlap.¹⁸ Terms like *syggenia*, *genos*, and *oikos* were

among the most common designators of kinship groups. *Syggeneia* and the collective *syggeneis* (lit. “relatives”) could denote both the concept of family and of kinship simultaneously.¹⁹ *Genos*, often translated as “clan” or “lineage,” carried with it strong notions of both biological kinship and of an extended, multi-generational kin group, as these translations suggest.²⁰

Oikos, a term that could refer to both the physical household and those who lived in or around it, was probably the most common Byzantine concept of “the family.”²¹ In addition to blood relatives or other kin, many Byzantine households contained any number of slaves, servants, and other hangers-on collectively termed *anthropoi* (ἄνθρωποι, lit. “people”). The precise relationship between each *anthropos* and the head of the household could vary, as could their legal status, and the sources are not always clear in making a distinction. Legally free *anthropoi* generally ended their service to the household with the death of the household’s head (their *authentēs*), but freedmen and slaves remained both legally and socially bound to the family over multiple generations.²²

In such a complex amalgamation of individuals all bound to a single household, it should come as no surprise that there were “degrees of ‘belonging’ to the family.”²³ This is precisely indicated by surviving notarial contracts for adoption from the last few centuries of Byzantium. Generally, these fell into two separate categories. One made the adopted child an “heir to property and successor to the family line (*genos*), and ‘legitimate’ (*gnesios*) offspring.”²⁴ In the other, parents agreed to provide the basic necessities to their adopted child, including a dowry, but the child did not enjoy the same rights and protections as natural born, legitimate children. Former slaves might be placed in a category similar to the latter, albeit with some key differences. For example, one reason we are so well informed about the inheritance bequeathed to former slaves is that slaves or freedmen were not owed an inheritance without the express desire of their (former) master in a written testament, which placed them in a category alongside many adopted children in Byzantium.²⁵

The Byzantine household, like Byzantine society more broadly, was hierarchical in nature, with a legally recognised head of household. The older Roman *pater familias* had lost much of his legal protections and rights by the period of Justinian, but the head of household maintained his position at the top of a fairly rigid hierarchy nonetheless.²⁶ This structure was expressed clearly and succinctly by John Chrysostom in the late fourth century. “But I say that even the household of the poor man is like a city. For in it there are also rulers. For instance, the man rules his wife, the wife rules the slaves, the slaves rule their own wives, and again the men and women rule the children.”²⁷

By far the most ubiquitous form of slave labour throughout the Byzantine period was the household slave. Performing any number of domestic services and chores, such individuals formed an integral component of families even of more modest wealth and had access to some of the most intimate moments within their master’s household. Such slaves not only regularly had families of their own, but they were also integrated within their masters’ households to such an extent that it becomes difficult to discuss the Byzantine family at all without including both slaves and freedmen. It is worth remembering that *oikogenēs* (οἰκογενής) and related terms, which commonly designate “relatives” or “family” in Modern Greek, appeared first in a Byzantine context to designate slaves “born in the house(hold).”²⁸

Byzantine sources are notoriously vague and imprecise in their use of terminology to indicate the slave or free status of individual actors.²⁹ A relatively wide range of terms appear in the texts to indicate servants or slaves, many of which give no clear indicator of legal status one way or another. This has predictably led to confusion and frustration among modern scholars. Yet this reflects the worldview of the Byzantine authors themselves. In general, they seem to

have been more concerned about relative social relations than absolute, legal status.³⁰ It was simply more important to demonstrate the relative power structures among the individuals being described than it was to clarify legal status in absolute terms. Bearing this in mind, the occasional functional and/or conceptual overlap between an *authentēs*-parent and *authentēs*-master becomes both more understandable and, potentially, more meaningful.

Masters and Parents

The term *authentēs* was a rather versatile designator in medieval Byzantium. Above all, it was a recognition of one's inferior, dependent status, and it may thus be translated by terms such as "lord" or "master" with some degree of accuracy. Hence, the term might even refer to a woman's husband, as a reference to the social and legal power the man had over her, in addition to "parent" or "(slave-) master."³¹ Within the Byzantine household, both children and slaves or other servants would have looked to the head of the household as their *authentēs*. The similarities, however, did not end with this form of address. Both in legal obligations and in normal practice, there were certain ways in which the roles of parent and (former) master effectively overlapped in Byzantium.

Though by no means a parent's only obligations, the Byzantines generally attached a particular importance to the arrangement of baptism, marriage, and inheritance for their children. These three obligations represented two of the most important rites of passage for each new generation (baptism and marriage), while inheritance obviously secured the passage of property ownership and wealth across generational lines, hopefully ensuring the family's continuation after the death of one's parents. By the tenth or eleventh century, if not earlier, slave masters were regularly fulfilling the same three obligations for their slaves and/or freedmen, albeit with some significant differences.

In the predominantly Christian Byzantine Empire, baptism represented the official entrance of an individual into the community of believers. By the middle Byzantine period, this regularly occurred when a child was still an infant, making it a primary responsibility for new parents.³²

Beyond the spiritual aspect of the rite, baptism also served as a common means of creating family networks in the form of baptismal sponsorship. Parents and sponsors became spiritual brothers and sisters. In the event of a parent's death, sponsors would also act "as substitute parents for their orphaned godchildren, providing upbringing, education, dowry, and even entering into business transactions with them."³³ Yet if baptismal sponsorship was a typical method of creating family networks for free families, this was probably not the case for the deracinated slave. One might assume that the master or a member of his biological family performed this role, reinforcing the connection between the slave and his/her master's family, while keeping them isolated within broader society. Although we are not well-informed about the act of baptism itself for slaves in Byzantium, there is a relative abundance of evidence that it regularly occurred.

Baptism was actually one of three primary means of manumitting a slave in the late Roman tradition.³⁴ Yet there is reason to believe that many slaves were assumed to be Christian by the eleventh century, if not earlier. Certainly, this was true for the slaves and freedmen of Eustathios Boilas. His last will and testament, dated to 1059, is an especially rich source of information for the historian of Byzantine slavery because of the special attention he pays to his current and former slaves in the document.³⁵

Although Boilas sheds little light on the moment or process of baptism itself, his slaves and freedmen were most certainly assumed to be Christian. "All male children who are born of my freed family servants and slaves, shall be brought up in the church of the Theotocos in the

learning of the holy letters and shall be made clerics, being provided for by the church."³⁶ The church mentioned here was Boilas's own foundation on his estates in eastern Anatolia and in many ways served as a spiritual centre for those in his family circle. Boilas, in fact, was so insistent upon the orthodox Christian belief among both his family and the rest of his household that he included a clause in his will that, should any of them slip from this belief, they would face serious consequences. For his offspring, this would mean disinheritance, while his former slaves would risk falling back under the yoke of slavery.³⁷

The topic of marriage or quasi-marriage among slaves is one area in which modern scholars have shown considerable interest, in part because of the consistent interest late Roman and Byzantine legislation itself displayed in the subject.³⁸ This largely stemmed from inherent contradictions between older Roman concepts of marriage and the theology of Christian marriage that had developed within the Church.

The theology of Christian marriage differed significantly from Roman legal principles, presenting a contradiction in the case of slaves that had to be resolved.³⁹ Although they lacked legal personalities, slaves were understood, of course, to be human beings with a soul. Were these slaves to convert or be born into Christianity, they were, in theory, eligible for the union of flesh and soul which formed the basis of Christian marriage. For most of the Byzantine period, however, slaves were denied access to this form of marriage (called *gamos* by the Byzantines). Yet this would eventually change, in particular under Emperor Leo VI (r. 886–912) and Emperor Alexios I Komnenos (r. 1081–1118).

A major milestone was reached when Emperor Leo VI made the blessing of a priest mandatory for all legal marriages.⁴⁰ Slave marriages are not specifically mentioned in this law, but it paved the way for the future recognition of such marriages because of the way it explicitly brought together the Christian theology of marriage and the Roman legal tradition. Almost two centuries later, in 1095, Emperor Alexios I Komnenos issued an edict explicitly allowing for a priest's blessing in a marriage between two slaves.⁴¹ Such a union was still not considered a full marriage in the same, legal sense as for free persons. However, in doing so, he brought a new dignity and importance to marriage among Byzantine slaves. In fact, the wording of Alexios's edict suggests that some owners had been granting their slaves Christian marriages before this point, probably after the legislation of Leo VI, and the *novella* actually prohibits the practice of masters marrying their slaves in non-Christian ceremonies. The extent to which this edict was enforced throughout the entire empire continues to be debated among historians, but even if it was limited in practice, it represents a significant step in the convergence of free and unfree marriage.⁴²

Surviving evidence makes clear that slave owners routinely played a role somewhat similar to that of parents in the arranging of marriages for their slaves or freedmen, occasionally presiding over the wedding itself, at least until the late eleventh century. Eustathios Boilas notes how he had arranged marriages for several of his current and former slaves, some of them after they had been freed, others while they were still slaves.⁴³ This also was the case, for example, for the slave-woman Theodora, who plays a central role in the *Life of St. Basil the Younger*. In this text, written in the second half of the tenth century, Theodora's union with another of her master's slaves in a quasi-marriage is described in some detail.⁴⁴ Her master had both arranged the union and presided over the ceremony marking its beginning. Unlike marriages between freeborn couples, there is no indication that the consent of either party was a primary concern.⁴⁵

The long-standing legal and theological conundrum is neatly summarised in the *Life of Basil the Younger*. A significant portion of the text is devoted to Theodora's journey to the afterlife, which is imagined, in typical Byzantine fashion, as a series of tollbooths through which the deceased must pass. The former slave reaches the Tollhouse of Adultery, where she is

confronted by demons who interrogate her regarding her sins. She responds by explaining, “For before I [Theodora] came to serve our saintly and holy father Basil I had a fellow slave as my mate by my master’s order (εἶχον σύντροφον σύνευνον ἐκ προστάξεως αὐθεντικῆς μου), and while living with him I had relations also with some other young men who were in my master’s house, being seduced by them...”

The demons at this tollhouse attempt to take her away, for she has ostensibly admitted to adultery, but her guides resist them, saying “‘Since she was a slave in that world below, <her union> was not blessed by a priest. She did not legally marry her mate, by being deemed worthy of a priest’s blessing, nor did he take her after receiving the marriage crown in a church of God, so that the charges might properly be for adultery; rather one must call these actions fornication, since he received this woman from her master’s hand by only a simple command.’ The demons howled loudly and retorted, saying, ‘Is not a slave’s second god his master who has acquired him through purchase? And she was joined to the man by the decision of her master and lord, so one must call their transgressions the offspring of adultery and not fornication.’”⁴⁶ The demons and angels argue for hours over the issue. Eventually, the angels win, but the demons tell Theodora to beware the tollhouse of fornication, which they are sure will get her. She eventually manages to pass this tollhouse too, but only thanks to the intercession of her spiritual father, St. Basil himself.⁴⁷

Even before the *novellae* of Leo VI and Alexios I, there was some movement toward curtailing the practice of presiding over the marriage of one’s own slaves in the home. The *Nomocanon 14 titulorum*, a foundational collection of mostly canon law compiled in the sixth century and updated in the ninth, prohibited slaves who had been joined in marriage outside of the church from receiving communion.⁴⁸ This also reinforces the impression that a significant number of Byzantine slaves were Christian and presumably baptised as well.

As a parent or head of household, neared the end of his/her life, they faced one more, vital duty: arranging for their children’s inheritance. It was through this act that parents could look to the distribution of the family property and, ideally, ensure their family’s survival into the next generation. Equitable, partible inheritance among all children was the general rule in Byzantium, and around half of the family property was reserved for one’s children according to imperial law. There was a considerable degree of variability in practice, but parents typically needed to provide a reason for reducing or eliminating entirely the inheritance of legitimate children.⁴⁹ For freeborn daughters, much of this inheritance was often in the form of a dowry, effectively linking the arrangement of marriage and inheritance into a single, important act.⁵⁰

Slaves and freedmen did not enjoy such legal protections, but Byzantine law and surviving wills demonstrate that former slaves, too, were regularly granted an inheritance, at least when their masters were nearing their death and/or had formally manumitted them. Slaves were obviously in a unique position as well because, while they might inherit property from their former masters alongside their manumission or afterwards, they constituted a valuable part of that very property while still enslaved and could form a part of the inheritance of one of their master’s relatives.

Eustathios Boilas explicitly arranged an inheritance for nearly all of his former slaves. As he puts it, “I took care of my household servants, and also those born in my household, a few years ago, and I freed them all and provided for them an inheritance.”⁵¹ As seems to have been common, Boilas bequeathed generally modest amounts of moveable wealth to most of his former slaves, who received their inheritance at or near the time of their manumission. For his freedman Kyriakos, with whom he seems to have had an especially close relationship, Boilas provided a number of provisions. “I gave him as wife a free woman, the sister of the monk and presbyter Clement, and I fulfilled over him the rites of the marriage. And during my severe

illness I willed to him fifteen [*nomismata*] and whatever articles of personal and bed clothing he might have acquired. And during the sixth year of the indiction ten more. And now at the end of my life, since I dedicated his son Constantine to the Theotocos, I give him ten.”⁵² Boilas’s arrangements for his slaves and freedmen are quite similar to his treatment of his own children. Perhaps the greatest difference was simply in the amount of money and property his daughters received compared to his former slaves.

In the late eleventh-century wills of Symbatios Pakourianos and his wife, Kale/Maria,⁵³ it is made clear that Kale had earlier freed many (all?) of her slaves, but they are nevertheless included in her will and receive substantial inheritances.⁵⁴ In both testaments, former slaves inherit mostly moveable wealth. Still, Kale does indicate that a year after her death, they would receive additional wheat and wine from her lands, suggesting that they were expected to remain residents near Pakourianos estates.⁵⁵ Kale and Symbatios had no children, so these freed slaves’ service to the family was coming to an end with her death (her husband had predeceased her). Despite this, however, her freedmen were still granted an inheritance. It may have been hoped that they would continue to pray for her soul, a vital aspect of kinship in medieval Byzantium, even if they were not in the service of a direct descendant.⁵⁶

A parent’s obligations were not limited to baptism, marriage, and inheritance. There were, of course, many other duties and expectations of mothers and fathers. Byzantine law and custom recognised two additional obligations in particular: upbringing and education.⁵⁷ A parent’s duty to keep their children clothed, housed, and fed perhaps goes without saying, but it was nevertheless included as a general provision in Byzantine law and typically appears side-by-side with a child’s education. Just such an admonition is cited and emphasised by Demetrios Chomatenos, a bishop and judge in the mid-thirteenth century, in one of his decisions included in the collection known as *Ponemata Diaphora*. In a case involving an inheritance dispute, Chomatenos’s decision includes the assertion that “nature itself prototypically ordains that fathers care for their children in every way and take thought for their profit, as is fitting. Following this, the law requires that they not only take care of their nurturing (*ἀνατροφῆς*), but also their education (*παιδεύσεως*) and their upbringing (*ἀναγωγῆς*).”⁵⁸

The type of education named in Chomatenos’s decision (*paideusis*) is best understood as a part of one’s general upbringing, not more specialised or higher education, which was always restricted to a relatively small circle in Byzantium. Yet we know that some slaves were given some form of more specialised education thanks to sources like the *Book of the Eparch* and other, anecdotal evidence for the continued use of slaves in the workforce.⁵⁹ Their employment in various capacities in their masters’ business is assumed in several texts. As mentioned above, Eustathios Boilas specified his wishes that the sons of his slaves and freedmen be educated in the church he had founded on his properties. He also mentions a former slave working as a copyist.⁶⁰ Indirectly, at least, Boilas had arranged for the education of many of his slaves and freedmen. Judging from surviving wills like those of Boilas and the Pakourianoι, one might expect to find quite a few (former) slaves in monastic foundations, many of whom undoubtedly learned to read and write, if not more.

Slaves and Children

Parents’ obligations to their children were not imagined as entirely altruistic in Byzantine thinking. In return for their parents’ efforts, children were, above all, expected to show obedience, honour, and “gratitude.” The typical Byzantine formulation of this idea is found in the *Ekloga*, a law-code promulgated in the eighth century. If a father dies before one’s mother,

“Her children cannot confront her or demand paternal property from her, but must, on the contrary, show her every honour and obedience (ὕπακοήν) as their mother in accordance with God’s commandment; of course, the mother must, as is fitting for parents, educate her children, give them in marriage and provide them with a marriage portion, as she considers correct.”⁶¹

Patriarch Nikolaos Mystikos, writing to the Emir of Crete in the tenth century, likewise offers a formulation of a child’s obligations, stressing in particular their duties after the death of their father.⁶² The patriarch argues that rising up against one’s father after he has died is even worse than rebelling against him while he still lives, “inasmuch as honor (τιμὴ) and pious memory (ἡ σὸν εὐλαβεία μνήμη) and respect of their fathers’ precepts (ἡ τῶν διατεταγμένων συντήρησις) are the more incumbent on children when those fathers have passed into the life to come.”⁶³ This list of honour, memory, and respect for a parent’s wishes could, in fact, be read as a kind of checklist of a good child’s obligations toward their parent in the Byzantine mind.

Though seemingly vague and ill-defined, the so-called ingratitude (ἀχαριστία) of children toward their parents was a punishable offense in Byzantine law. Justinian’s Novel 115, which was later incorporated into the tenth-century *Basilika*, “lists fifteen reasons to disinherit children because of their ingratitude toward their parents.”⁶⁴ This continued to be used in practice as late as the thirteenth century, as attested by Demetrios Chomatenos.⁶⁵

Children remained *hypexousioi* (ὕπεξούσιοι), literally “under the authority” of their father or a guardian, until the age of 25 in Byzantine law, “unless they had been declared independent (αὐτεξούσιοι) by an act of emancipation.”⁶⁶ This would change slightly in the early-tenth century, when Novel 25 of Leo VI stated that if a son marries and starts his own household away from his parents, he should be considered *autexousios* (“under his own authority”) even without a formal act.⁶⁷ The obedience, indeed subservience, owed by slaves to their masters goes without saying and was absolute, as was their status as legal dependents. Except in certain, extreme cases, in which they might serve as witnesses, slaves lacked a legal personality in formal terms.

It is after their manumission and the transition from slave to freedman that the similarities between childhood and unfree social status becomes especially clear and, arguably, more interesting. The granting of freedom did not erase the freedman’s obligations of obedience or connection to their former master’s family. Far from it. Despite the change in their legal status, freedmen continued to be beholden to their former master’s family for subsequent generations in a relationship that might be thought of as quasi-familial.⁶⁸ Thus, we find that Eustathios Boilas was able to assign one of his former slaves to serve his daughter even after the slave had been given her freedom. “And Selegnoun, whom I had freed before and married to my slave Abouspharius, I have given in service to my daughter Maria from the present twelfth year of the indiction to the first (year of the next) indiction.”⁶⁹

This phenomenon, like much else in Byzantine slavery, had its origins in late Roman law. Both children and freedmen owed their parents or former master’s obedience (*obsequium* in Roman law), which remained intentionally ill-defined.⁷⁰ Disobedience, couched in terms of “ungratefulness,” constituted legal grounds for the disinheritance of children or more serious consequences for freedmen, including the loss of their freedom. Despite the very different consequences, “ungrateful” children and disobedient freedmen were discussed using exactly the same vocabulary in Byzantium. A tenth-century novel of Leo VI reinforces this fact and indicates that, despite their *eugenes* (i.e., “free-born”) status, even children of freedmen continued to be dependent upon their former master’s family.⁷¹

For example, Eustathios Boilas singles out his former slave Zoe. He had granted her freedom, but, as in nearly every case, with certain stipulations. This included the provision that she would be returned to slavery if she were to break a sacred vow. She apparently did this

when she found a husband without Boilas' approval. The will, however, makes it clear that Boilas did not wish her to lose her freedom, despite this apparent betrayal. "Even if in the codicil which grants her freedom it is stated that she shall become a slave again if she should break a vow to God, and although she gave herself away to a man without my approval, I wish that she remain free and be completely free with her children."⁷² He comes across as more of a caring, but disappointed father, than a harsh taskmaster. We might also note that his disappointment stemmed from the fact that she had married without Boilas's approval, a situation that might regularly arise between biological fathers and daughters.

Yet Boilas needed to include the separate provision in his will in order to protect Zoe from the law. For, as Boilas also states at the end of his will, any of his former slaves who broke a sacred vow or, significantly, renounced orthodox Christianity were subject to re-enslavement. The formula given in this part of the text illustrates the stark reality that continued to differentiate the conditions of free children and slaves. For an heir who abandoned orthodox Christianity would lose his or her inheritance, but a former slave who did the same would lose their freedom altogether. It serves as a reminder that, no matter how much the two might appear similar, an enslaved person's fate was fundamentally different from those who were born free.

Reinforcing the blending of status between slaves and children is the language used by Boilas to refer to his own "lords." We learn from his will that Boilas had spent much of his life in the service of a more powerful lord, Basil Apokapes.⁷³ Throughout the document, Boilas consistently refers to both Basil and his sons as his "*authentai*" (or, in the case of Basil's sons, "*authentopouloi*"). Much as freedmen continued to be beholden to their masters' families across generational boundaries, so too was Boilas in his role as the "man" of the Apokapes family.

Although it may seem counter-intuitive, the continued, multi-generational dependence of former slaves to their master's family meant that manumitting a slave could actually serve to strengthen and safeguard the link between the slave and the owner's family rather than weakening it. As Alice Rio observes, "Whereas the transfer of unfree dependants severed the link between them and their ex-owner, the transfer of freedmen did not; on the contrary, it enhanced it, and turned it into a permanent symbolic bond, unaffected by changes in legal ownership."⁷⁴ This could be especially important for one of the most vital roles of Byzantine family members, the preservation of one's memory after death.⁷⁵ As Rio herself argues, "This turned freedmen into a kind of dependant uniquely well placed to function as a living link between their manumitters and the religious institution to which they were granting their lands, and as a conduit for the preservation of their memory."⁷⁶

The fact that Boilas attached nearly all of his freedmen to the religious foundations on his properties might suggest that he had just such an arrangement in mind. He was effectively ensuring that the churches and monasteries where his family's memory was to be preserved would be fully manned for the foreseeable future. The connection is made explicit in the document itself, as when Boilas stipulates the freedom and inheritance of three *nomismata* for "my slave Mouseses and his father Garipius, for the sake of the salvation and memory of my most beloved son Romanus."⁷⁷ Boilas had turned the grant of freedom for two of his slaves into a vehicle for the preservation of his biological son's memory. The fulfilment of that role, however, placed his former slaves in a position similar to that of biological or other kin, for whom the obligation of remembrance and prayer for the souls of their departed kin was of the utmost importance.

A free-born Byzantine child would have expected to go through a number of other rites of passage marking his/her advancement through childhood and transition into adulthood. Some of these might have been available to slaves or freedmen, while many of them would not.

Surviving evidence is not always forthcoming with details about such rites, although further research may shed some additional light on the matter. For example, primarily liturgical manuscripts attest a rite of passage for girls, which involved the ritualistic binding of the hair, marking an important step toward adulthood and, ideally, eventual marriage.⁷⁸ Outside of liturgical manuscripts, Byzantine sources reveal relatively little about this ceremony. We can only guess as to the rite's availability to unfree members of a household.

Both testaments and saints' lives give the impression of one further, if less formal way in which the bonds of servitude might look like those of kinship: genuine affection. There is no doubt that bonds of real affection existed at times between masters and slaves, many of whom would have been of similar age and may have even grown up together. It was not uncommon, especially among the wealthier classes, for children to be raised largely by unfree servants in the household. At the same time, these children would have grown up alongside children of the household slaves, forming bonds of friendship or even something more by adulthood.

As we have already seen, Eustathios Boilas seems to have had an especially close relationship with his former slave, Kyriakos. He is the first of the former slaves mentioned by name in Boilas's will. "In the first place [I mention] Cyriacus who grew up with me and who has toiled greatly on my behalf throughout my life."⁷⁹ Kyriakos was likely the son of slaves owned by Eustathios's parents, making the two roughly the same age. Based upon this passage and the rest of the will, Eustathios clearly had great affection for the man, and we might imagine that the two had a relationship more akin to friendship than stereotypes of master and slave. At the same time, by procuring Kyriakos a wife and an inheritance, in addition to his legal freedom, Eustathios acts rather as a father figure, exhibiting the unequal social and legal status of the two men, regardless of their personal feelings or age.

Written sources are, of course, largely silent on the slave's or freedman's perspective of these relationships, and we can only guess at the psychological realities created by such a complex mixture of companionship and "social death." From those perspectives we can begin to reach, however, there is evidence that a lifetime of close, intimate contact was apt to create genuine feelings of affection between master and slave/freedman that could potentially look like the bond between parent and child or between friends. In a similar vein, it would have been fairly common for Byzantines to have grown up with slaves who were closer in age to their parents than to themselves. Unfree wet-nurses were fairly commonplace, which, in some ways, placed the nurse in the role of surrogate mother for a child who was technically her social superior.⁸⁰ Theodora, the saintly slave-woman from the *Life of Basil the Younger*, served as wet-nurse for her master, in whose house she continued to live as an elderly woman. When she passes, the *vita* describes the acute sadness experienced by those around her and recounts her kindness, "receiving and comforting us as if we were her own children (ὡς ἴδια ταύτης τέκνα ἡμᾶς ἀποδεχομένη καὶ ἐπιθάλπουσα)."⁸¹ When Theodora greets Gregory, the story's narrator, in his vision of the afterlife, she addresses him as "my beloved child (τέκνον μου ἠγαπημένον)."⁸²

Recent studies of the medieval family, in all its forms, have increasingly emphasised bonds of affection, in contrast to images of medieval marriages and family life as cold, calculated, and inherently political.⁸³ Unfree members of the Byzantine household certainly have a place in this discussion as well.

Unfree Families

In the preface to the 2018 edition of *Slavery and Social Death*, Patterson re-emphasises the fact that, for slaves, "all ties were precarious." Despite certain protections under the law, slave families were fundamentally at the mercy of their masters and faced the constant threat of

separation. As Patterson puts it, “the greatest tragedy of trust under slavery is that it also shattered relations among the slaves themselves.”⁸⁴

Still, we have ample evidence that Byzantine slaves regularly managed to marry (in some form), have children, and perhaps maintain some semblance of family life. Considering restrictions on slave coupling across two different owners, and the fact that only a relatively small percentage of households would have been able to afford more than one or two slaves, there is the question of just how widespread slave families actually were at any given moment. A growing number of studies, however, continue to show that the Byzantine slave population, like its earlier Roman counterpart “was sustained, above all, by natural reproduction.”⁸⁵ There was thus an economic motive to encourage the coupling and birth of children among slaves. As Harper argues, “probably the greatest prop of the slave family was the master’s disciplinary and economic interests in allowing family life. Private life was used as an incentive to elicit obedience and labour from slaves; masters viewed it as a low-cost or even profitable means of garnering co-operation.”⁸⁶

Unfree parents had to navigate a complex series of social roles and relationships within the household, to say nothing of the legal and social barriers faced outside its limited confines. Their children would have looked to both their biological parents and their masters as *authentai*. The same might technically be true for the freeborn children of someone like Eustathios Boilas, but the power relations faced by unfree children and their parents would have been significantly starker. In the past, it has been common to argue that gradual change in both law and custom-made Roman society ever friendlier to the formation and maintenance of families among the slave population. This has sometimes been attributed to the influence of Christianity, with an edict of Constantine I that encouraged keeping slave families together frequently cited.⁸⁷ Recent opinions by those like Kyle Harper have pushed back against this interpretation.⁸⁸ Despite the occasional voice of (mild) dissent, late Roman or Byzantine Christianity never produced an abolitionist movement.⁸⁹

There is some evidence to suggest increased legal protections for slave families into the medieval period, though it remains debatable how effective, meaningful, or widespread such changes actually were. For example, in one of his novels, Leo VI stipulated that the child of a slave born in the home of a third party must return to the slave’s owner (i.e., the child must remain with its mother). The eleventh-century collection of case law known as the *Peira* shows similar legal principals in action. Title 38.3 outlines a complaint made by freedmen against their former master in an attempt to force him to free members of their family still enslaved.⁹⁰ The judge, Eustathios Rhomaios, rejected their request, but the decision makes it clear that when members of a slave family were split among two or more owners, the owner of the majority could claim the rest. This example offers clear evidence that by the mid-eleventh century, the law continued to favor keeping slave families together, even at the expense of one of their masters.

Despite some similarities in experience and situational identities, however, Byzantine law continued to resist marriages between partners of unequal status.⁹¹ Leo VI allowed for the free partner to work in the household (for wages) of the slave’s owner, which would have allowed for such marriages to take place even if the free partner could not afford to purchase the freedom of the slave.⁹² The same emperor also made it illegal for a free person to sell him-/herself into slavery with the sole exception of cases of marriage between a free and an unfree person, in which case the free person could voluntarily reduce himself to slavery.⁹³ In some sense, the formation of a family was considered the only legitimate reason for a free person to voluntarily become a slave.

Inheritance practices likewise differed considerably for unfree families. As slaves, ownership of property was technically impossible, which ruled out any form of inheritance practices

within the unfree family prior to manumission.⁹⁴ Yet, in another of his *novellae*, Emperor Leo VI allowed slaves whose freedom was expected in the future to write up their own wills.⁹⁵ Novel 37 allowed slaves emancipated by the will of their owner to draw up a will of their own. The edict encouraged the writing up of such wills even before the act of manumission if either party knew that the emancipation would eventually take place. The same novel states plainly that a freedman's inheritance will return to his former master's family upon his death, should he die intestate, once again reinforcing the bond between freedmen and their former masters.⁹⁶

Interactions and roles within unfree families are not readily visible in surviving sources, but a few details can occasionally be gleaned. In the *Life of Basil the Younger*, the slave-woman Theodora is judged for her occasional harsh treatment of her children during her journey through the tollhouses of the afterlife. Among her apparent sins were "...even the harm I had caused through a savage glance, and what I inflicted on my children for their edification, by striking them in wrath, or how when overcome by anger I became exasperated with them;"⁹⁷ The passage suggests an active role in both the education (or upbringing) and the disciplining of her children within their master's household.

As in many slave societies, the mother-child bond was probably especially strong within slave families. As Patterson has noted, "the mother-child bond...under slavery was not only stronger than the father-child relation but may often have been the only parental bond."⁹⁸ Indeed, making slaves "fatherless" was a key component of the kind of natal alienation practiced in Roman and Byzantine slavery. The Roman law stipulating that children inherited the legal status of their mother presumably continued throughout the Byzantine period, though because of the relative silence of the sources concerning sexual relations between even masters and their slaves, it is not dwelt upon in surviving sources.

Unfree families also had to contend with forms of disruption that were not concerns for the average, free household. In particular, the threat of a family member being sold off and the possibility of sexual advances by the owner or a third party would have had an incredibly disruptive effect and threaten the stability of such families. The extent to which slave status continued to grant owners sexual access to their slaves is difficult to tell. From the early Byzantine period, it was actively discouraged by the church. John Chrysostom argued forcefully against it.⁹⁹ This would later be reinforced by imperial law. The eighth-century *Ekloga* introduced harsh penalties for those who had sexual relations with slaves owned by another person (presumably without their consent).¹⁰⁰ Not much later, a novel of Empress Eirene attempted to prohibit all marriage or conjugal relations with female slaves.¹⁰¹ Nevertheless, it is likely that such sexual access continued to some extent throughout Byzantine history, even if it remains mostly invisible in the sources.

This is strongly suggested by the story told by the slave-woman Theodora in the *Life of Basil the Younger*, who recounts having been "seduced" by several young men in her master's house, despite the fact that she had a husband (of sorts) and children and is otherwise depicted as a devout, upright personality in the text.¹⁰² Though it is not explicit in the text itself, one might imagine that such sexual access had been granted by Theodora's master himself, perhaps even ordered.

There are also hints of this kind of disruption due to the sexual access to slaves in texts such as the *Life of Mary the Younger*, a tenth- or eleventh-century hagiography recounting the life and sanctity of Mary of Byzantium.¹⁰³ In this text, Mary is accused by some of her husband's relatives of having had sex with one of her slaves. Her husband, who is abusive, beats a female slave who confirms that Mary had not had sex with the other slave. Mary is eventually killed by her husband's violence. Mary's vengeance was later visited on her husband and his relatives after her death in the form of their own, divinely sanctioned demise.¹⁰⁴ Later in the eleventh century,

Kekaumenos likewise appeared wary of granting his slaves too much access to his wife or daughters, cautioning, "It is a great thing to have some slave or freeman who is trustworthy. Even if you have one and trust him do not let him even be acquainted with your daughter, as far as possible, and you will have security."¹⁰⁵

These examples obviously highlight male suspicion of their slaves and the women in their households, which is not the same as a master's sexual access to his or her own slaves. This specific form of sexual relations was always a thing to be feared in Roman slavery (as in many other slave societies), both because of conceptions of honour and because Roman and Byzantine children inherited the status of their birth mothers.¹⁰⁶ Still, they are also indicative of the kinds of sexual vulnerability inherent in any slave-owning society, especially when slaves form a part of their master's household. Even the possibility of encounters like these would have had an incredibly destabilizing effect on unfree families.

Conclusion

It should come as no surprise that some degree of overlap existed between familial roles and the relationship between (former) master and slave. As Alice Rio has pointed out, kinship and slavery actually share a number of similarities, as anthropologists and historians increasingly recognise power relationships, membership based on seemingly "simple, objective criteria," social groupings given legal definitions and regulation with the purpose of defining in- and out-groups. The use of kinship terminology to signify relationships within a slave system is likewise a fairly common phenomenon and was by no means unique to Byzantium. Enslaved people in Byzantium, as elsewhere, lacked both legal and social personalities, and their condition remained fundamentally different from that of free-born children. They were excluded from formal family and social structures. As Rio argues, exclusion may not be the most important aspect of slavery in all cases, but it is "that which all forms of slavery have in common."¹⁰⁷ Yet, if Byzantine slaves suffered the kind of social death identified by Patterson, they might also be thought of as trapped in a state of perpetual childhood in certain, functional respects.¹⁰⁸ Natal alienation and deracination certainly existed, but so too did some aspects of kinship and family life among Byzantine household slaves. In some ways, slaves and freedmen were both inside and outside the household, simultaneously.

The roles of masters and parents mirrored each other in several ways, as did that of slaves or freedmen and children. Masters, like parents, often arranged for the baptism, marriage, inheritance, and even upbringing or education of their slaves or freedmen. These, in turn, were expected to show the same kind of obedience and gratitude as freeborn children, in addition to continuing the memorialization of deceased members of their (former) masters' families. Slave families themselves probably replicated many of the structures of free families, with the additional complication of a master set over and above them and, above all, the threat of serious disruption.

Those similarities of experience described here are partially explicable through the common language of power inherent in slave and kinships systems, as identified by Patterson and Rio. They were also at least partially due to the particularly Byzantine system of power and authority, especially the Byzantines's sense of identity and relative social hierarchy. But this does not tell the entire story, either. Such similarities of experience can also be ascribed to conceptual overlap in the functional realities of these roles in a Byzantine context. These similarities between masters and slaves and parents and children may even have increased over time, as suggested by the gradual changes in the law regarding slave marriage and, perhaps, by the increasing humanizing of slaves in narrative sources.¹⁰⁹ Still, such arguments should be made

with caution, as recent scholarship has called into question older narratives asserting Christian influence on the supposedly diminishing role of slaves in late Roman/early Byzantine society. It is worth recalling that, according to one scholar's calculations, roughly one-third of the cases involving sales in the eleventh-century *Peira* concern the sale of slaves, while 86% of those under the heading "Slaves" concern buying or selling.¹¹⁰ No matter how much certain social roles may have resembled one another or the degree to which unfree families were supported by the law, it cannot erase the fundamental reality of humans as chattel in the Byzantine slave system or the insurmountable social barriers and inequalities created by that system.

Notes

- 1 Orlando Patterson, *Slavery and Social Death: A Comparative Study with a New Preface* (Cambridge, MA: HUP, 2018), originally published in 1982.
- 2 See, for example, Moses Finley, "Slavery," in *The International Encyclopedia of the Social Sciences*, Vol. 14, ed. D.L. Sills (New York: Macmillan, 1968), 307–13. His views were expressed most completely in *Ancient Slavery and Modern Ideology* (New York: Viking, 1980, new edition published by PUP, 1998).
- 3 The past two decades especially have seen this change, as a growing number of scholars have adopted non-economic approaches. See, for example, Youval Rotman, *Byzantine Slavery and the Mediterranean World*, trans. Jane Marie Todd (Cambridge, MA: HUP, 2009), originally published as *Les esclaves et l'esclavage: De la Méditerranée antique à la Méditerranée médiévale, Vie-XIe siècles* (Paris: Les Belles Lettres, 2004); Kyle Harper, *Slavery in the Late Roman World* (Cambridge: CUP, 2011); Alice Rio, *Slavery after Rome, 500–1100* (Oxford: OUP, 2017).
- 4 Patterson, *Social Death*, 1–8, *passim*.
- 5 Patterson, *Social Death*, 7. See also Lisa Guenther, "Fecundity and Natal Alienation: Rethinking Kinship with Levinas and Orlando Patterson," *Levinas Studies* 7 (2012): 1–19.
- 6 Patterson, *Social Death*, 5.
- 7 Patterson, *Social Death*, 139–41; William W. Buckland, *The Roman Law of Slavery: The Condition of the Slave in Private Law from Augustus to Justinian* (Cambridge: CUP, 1970, digital version 2010, first edition 1908), 397–8.
- 8 Patterson, *Social Death*, 19.
- 9 In general, see Rotman, *Byzantine Slavery*, 5–24 and Harper, *Slavery* i, 3–32 and 497–509. For slaves in later Byzantium, see Helga Köpstein, *Zur Sklaverei im ausgehenden Byzanz: philologisch-historische Untersuchung* (Berlin: Akademie Verlag, 1966).
- 10 For a recent assessment and discussion of Finley's arguments, see Noel Lenski and Catherine M. Cameron, eds., *What Is a Slave Society? The Practice of Slavery in Global Perspective* (Cambridge: CUP, 2018). See also John Bodel, "Ancient Slavery and Modern Ideologies: Orlando Patterson and M. I. Finley among the Dons," *Theory and Society* 48 (2019): 823–33.
- 11 In general, see Arietta Papaconstantinou and Alice-Mary Talbot, eds., *Becoming Byzantine: Children and Childhood in Byzantium* (Washington, DC: DO, 2009); Ann Moffatt, "The Byzantine Child," *Social Research* 53 (1986): 705–23; Despoina Ariantzi, ed., *Coming of Age in Byzantium: Adolescence and Society* (Berlin: De Gruyter, 2018); Cecily Hennessy, "Young People in Byzantium," in *A Companion to Byzantium*, ed. Liz James (Chichester, UK: Wiley-Blackwell, 2010), 81–92.
- 12 This fact alone attests to the importance of relative, rather than absolute social status among Byzantine authors. For more on this, see Rotman, *Byzantine Slavery*, 82–95, 183–8; Köpstein, *Zur Sklaverei im ausgehenden Byzanz*; Günter Prinzing "On Slaves and Slavery," in *The Byzantine World*, ed. P. Stephenson (London: Routledge, 2010), 92–102.
- 13 See, for example, Michael Grünbart, *Formen der Anrede in byzantinischen Briefe vom 6. bis zum 12. Jahrhundert* (Vienna: VÖAW, 2005).
- 14 Descriptions and analyses can be found in a number of studies. For a good place to start, see Alexander Kazhdan and Giles Constable, *People and Power in Byzantium: An Introduction to Modern Byzantine Studies* (Washington, DC: DO, 1982); Leonora Neville, *Authority in Byzantine Provincial Society, 950–1100* (Cambridge: CUP, 2009); Catia Galatariou, "Structural Oppositions in the Grottaferrata *Digenes Akrites*," *BMGS* 11 (1987): 29–68. See also the theoretical discussion in John Haldon and Hugh Kennedy, "Regional Identities and Military Power: Byzantium and Islam

- ca.600–750,” in *Visions of Community in the Post-Roman World: The West, Byzantium and the Islamic World, 300–1100*, eds. W. Pohl, C. Gantner and R. Payne (Aldershot: Ashgate, 2012), 317–55.
- 15 The *Peira* has been edited and published in Ioannes Zepos and Panagiotēs Zepos, eds., *Ius Graecoromanum*, Vol. 4 (Athens: Georgion Phexis and Son, 1931), 9–260. See *Peira* 30.5: Ὅτι ἐπὶ τῆς καθοσιώσεως καὶ ἀνὴρ κατὰ γυναικὸς καὶ γυνὴ κατὰ ἀνδρὸς καὶ δοῦλος κατὰ δεσπότην καὶ υἱὸς κατὰ πατρός μαρτυρεῖ. ἵνα γὰρ μὴ ἐξῆ τῆ γυναικὶ καὶ τοῖς λοιποῖς τοῦ ἀνδρὸς ὑπεξουσίαις [λέγειν], ὅτι δεδιότες τὴν ἐξουσίαν τοῦ τῆς φαμιλίας πατρὸς ἐσιώπων, ἐδίδαξαν αὐτοὺς ὁ νόμος, ὅτι πρὸς τὸ τοῦ βασιλέως κράτος οὐδέν ἐστιν ὁ τῆς φαμιλίας πατήρ, ἀλλὰ καὶ ὑπεξούσιοι τοῦτου συνυπεξούσιοι εἰσιν αὐτῷ. δοῦλος δὲ τὴν τοῦ συνδούλου κατὰ τῆς δεσποτείας ἐπιβουλήν, καὶ ὑπεξούσιος τὴν τοῦ ὑπεξουσίου ἐπαινετῶς καταμηνύει· ἐν γὰρ τῷ σιγῆσαι τὴν πρᾶξιν συγκατακρίνεται.
 - 16 See the discussion in Rio, *Slavery after Rome*, 1–16. See also JdnosM. Bak, “Serfs and Serfdom: Words and Things,” *Review (Fernand Braudel Center)* 4 (1980): 3–18; Chris Wickham, *Framing the Early Middle Ages* (Oxford: OUP, 2005); Joseph C. Miller, *The Problem of Slavery as History: A Global Approach* (New Haven and London: YUP, 2012); M.L. Bush, ed., *Serfdom and Slavery: Studies in Legal Bondage* (London: Routledge, 2013).
 - 17 Alice Rio has described viewing unfree status “an act of labelling rather than as a static object.” See Rio, *Slavery after Rome*, 11. For Byzantium in particular, see also Alexander Kazhdan, “The Concept of Freedom (*eleutheria*) and Slavery (*doubleia*) in Byzantium,” in *La notion de liberté au Moyen Age, Islam, Byzance, Occident*, eds. G. Makdisi, D. Sourdel and J. Sourdel-Thomine (Paris: Société d’Édition Les Belles Lettres, 1985), 219–22.
 - 18 For more on this, see Leslie Brubaker, “Preface,” in *Approaches to the Byzantine Family*, eds. Leslie Brubaker and Shaun Tougher (Farnham and Burlington, VT: Ashgate, 2013), xix–xxiv; Nathan Leidholm, *Elite Byzantine Kinship, ca.950–1204: Blood, Reputation, and the Genos* (Leeds: Arc Humanities Press, 2019), esp. 13–15; Ruth Macrides, “Families and Kinship,” in *The Oxford Handbook of Byzantine Studies*, ed. Elizabeth Jeffreys (Oxford: OUP, 2008), 652–60.
 - 19 Alexander Kazhdan, ed., *Oxford Dictionary of Byzantium* (Oxford: OUP, 1991), 776.
 - 20 Leidholm, *Elite Byzantine Kinship*.
 - 21 Paul Magdalino, “The Byzantine Aristocratic *Oikos*,” in *The Byzantine Aristocracy, IX to XIII Centuries*, ed. M. Angold (Oxford: BAR, 1984), 92–111; Koichi Inoue, “A Provincial Aristocratic ‘Oikos’ in Eleventh-Century Byzantium,” *GRBS* 30 (1989): 545–69.
 - 22 Rotman, *Byzantine Slavery*, 126–7.
 - 23 Macrides, “Families and Kinship,” 657.
 - 24 Macrides, “Families and Kinship,” 657; See also “Basilika 28.4.11,” in *Basiliconum Libri LX*, Vol. 4, eds. H.J. Scheltema, D. Holwerda and N. Van der Wa (Groningen: Wolters, 1962), 1326.
 - 25 Ruth Macrides, “Kinship by Arrangement: The Case of Adoption,” *DOP* 44 (1990): 109–18; Joëlle Beaucamp and Gilbert Dagron, eds., *La transmission de la patrimoine. Byzance et l’aire méditerranéenne* (Paris: De Boccard, 1998); Angeliki Laiou, “Family Structure and the Transmission of Property,” in *A Social History of Byzantium*, ed. J. Haldon (Malden, MA: Wiley-Blackwell, 2009), 51–75.
 - 26 This change in Roman custom and law is traced by, inter alia, Kate Cooper, *The Fall of the Roman Household* (Cambridge: CUP, 2007); Geoffrey S. Nathan, *The Family in Late Antiquity: The Rise of Christianity and the Endurance of Tradition* (London: Routledge, 2000).
 - 27 John Chrysostom, *In Ephes.* 22.2, quoted and trans. Harper, *Slavery*, 33.
 - 28 See, for example, the entry in H.G. Liddell and P. Scott, eds., *A Greek-English Lexicon*, 9th edn. with Revised Supplement (Oxford: CP, 1996), 1203. See also Alexander Kazhdan, “Η Βυζαντινὴ οικογένεια καὶ τὸ προβλήματα τῆς,” *Βυζαντινά* 14 (1988): 223–36.
 - 29 See, inter alia, Rotman, *Byzantine Slavery*, 82–95; Youval Rotman, “Formes de non-liberté dans la campagne byzantine aux VIIe–XIe siècles,” *Mélanges de l’EFR, Moyen Age* 112 (2000): 499–510; Köpstein, *Zur Sklaverei*; Prinzing, “On Slaves.”
 - 30 Neville, *Byzantine Provincial Society*, 73–85. See also above, nt. 13.
 - 31 In Kale/Maria Basilikaina’s testament of 1098, for example, she repeatedly refers to her husband as “my *authentēs*” (e.g., 178.16, 178.37). See *Actes d’Ivroun Vol. II: du milieu du XIe siècle à 1204*, eds. Jacques Lefort, Nicolas Oikonomides and Denise Papachryssanthou (Paris: P. Lethielleux, 1990), no. 47, 170–83.
 - 32 Ruth Macrides, “The Byzantine Godfather,” *BMGS* 11 (1987): 139–62.
 - 33 Macrides, “Byzantine Godfather,” 139–62. See also Macrides, “Families and Kinship,” 657–8.
 - 34 Rotman, *Byzantine Slavery*, 120–3.

- 35 The testament was edited and published by Paul Lemerle, “Le testament d’Eustathios Boilas (avril 1059),” in *Cinq études sur le XIe siècle byzantin*, ed. P. Lemerle (Paris: CNRS, 1977), 15–63. An English translation is provided by Speros Vryonis, Jr. “The Will of a Provincial Magnate, Eustathius Boilas (1059),” *DOP* 11 (1957), 263–77.
- 36 Vryonis, “Provincial Magnate,” 271, trans. Vryonis’.
- 37 Vryonis, “Provincial Magnate,” 272.
- 38 See especially the discussions in Harper, *Slavery*, 281–325; Rotman, *Byzantine Slavery*, 141–4; Joëlle Beaucamp, *Le statut de la femme à Byzance (4e-7e siècles)*, 2 vols. (Paris: De Boccard, 1990 and 1992); Judith Evans Grubbs, *Law and Family in Late Antiquity: The Emperor Constantine’s Marriage Legislation* (Oxford: OUP, 2000).
- 39 The relationship between slavery and legal conceptions of marriage in Byzantium stands in sharp contrast to the empire’s neighbors to south and east. Recent work by Kecia Ali has shown that slavery not only fit comfortably in early Islamic law, it even served as the very model upon which early Muslim jurists’ conceptions of marriage were built. See Kecia Ali, *Marriage and Slavery in Early Islam* (Cambridge, MA: HUP, 2010).
- 40 Nov. Leo. 89, in Pierre Noailles and Alphonse Dain, eds., *Les Nouvelles de Léon le Sage* (Paris: Les Belles Lettres, 1944).
- 41 Nov. Post. Just., coll. 4, nov. 35, in Zepos, *Ius Graecoromanum*, Vol. 1.
- 42 See especially Helga Köpstein, “Zur Novelle des Alexios Komnenos zum Sklavenstatus (1095),” in *Actes du XV^e Congrès international d’études byzantines*, Vol. 4 (Athens: Association internationale des études byzantines, 1976), 60–172.
- 43 He mentions, for example, “the sisters Sophia and Maritza and their husbands and children I freed and provided for on the two previous and aforementioned occasions.” Vryonis, “Provincial Magnate,” 271.
- 44 Denis F. Sullivan, Alice-Mary Talbot and Stamatina McGrath, eds. and trans., *The Life of Saint Basil the Younger: Critical Edition and Annotated Translation of the Moscow Version*, *Dumbarton Oaks Studies* XLV (Washington, DC: DO, 2014).
- 45 On the issue of marital consent, as well as on marriage in general in Byzantium, see Angeliki Laiou, *Mariage, amour et parenté à Byzance aux XIe-XIIIe s* (Paris: De Boccard, 1992).
- 46 *Life of Basil the Younger* 2.33, eds. and trans. Sullivan, Talbot and McGrath (Cambridge, MA: HUP 2014), 236–39.
- 47 *Life of Basil the Younger* 2.37–38.
- 48 Canon 199, in *Juris ecclesiastici Graecorum historia et monumenta*, ed. Jean-Baptist Pitra, Vol. 2 (Rome: Typis collegii urbani, 1868), 346; Rotman, *Byzantine Slavery*, 142.
- 49 Laiou, “Family Structure,” 61.
- 50 See, for example, Laiou, *Marriage*, esp. 137–71.
- 51 Vryonis, “Provincial Magnate,” 270, trans. Vryonis’.
- 52 Vryonis, “Provincial Magnate,” 271, trans. Vryonis’.
- 53 Symbatios’ wife, Kale Basilikaina, took the name of Maria when she entered a monastery near the end of her life.
- 54 Both wills date to the very end of the eleventh century. For Symbatios’ testament, see *Actes d’Iviron*, Vol. II: *du milieu du XIe siècle à 1204*, eds. Jacques Lefort, Nicolas Oikonomides and Denise Papachryssanthou (Paris: P. Lethielleux, 1990), no. 44, 150–6. For Kale/Maria’s testament, no. 47, 170–83.
- 55 Rotman, *Byzantine Slavery*, 125–6.
- 56 For more on this, see below.
- 57 On childhood education in Byzantium, see Moffatt, “Byzantine Child;” Nikos Kalogeras, “The Role of Parents and Kin in the Education of Byzantine Children,” in *Hoping for Continuity: Childhood, Education and Death in Antiquity and the Middle Ages*, eds. K. Mustakallio, J. Hanska, H.-L. Sainio and V. Vuolanto (Rome: Institutum Romanum Finlandiae 33, 2005), 133–43.
- 58 Demetrios Chomatenos, *Ponema* 99.3, lines 50–5, ed. G. Prinzing, *Πονήματα διάφορα*, *Corpus Fontium Historiae Byzantinae. Series Berolinensis* 38 (Berlin: De Gruyter, 2002), 5–462. Chomatenos cites, inter alia, *Basilika* 35.8.38, to support his argument: Ἡ μετριότης δὲ ἡμῶν, μετὰ γε τῶν συνεδριαζόντων αὐτῇ ἱερωτά των ἀρχιερέων τὰ τοῦ πράγματος διασκευαμένῃ, πρὸς ταῦτα τοῖς θείοις νόμοις ἀκολούθως τὰ παρόντα ψηφίζεται, ὡς πρωτοτόπως μὲν ἡ φύσις αὐτῆ τοῦ πατέρας πείθει τῶν τέκνων ἐκ παντὸς τρόπου κήδεσθαι καὶ τῶν τούτοις λυσιτελούντων φροντίζειν ἐπιεικῶς, ταῦτη δ’ ἐπομένως καὶ τὰ τοῦ νόμου θεσπίσματα τούτους καταναγκάζουσι μὴ μόνον τῆς

- ἀνατροφῆς, ἀλλὰ καὶ τῆς παιδεύσεως καὶ ἀναγωγῆς αὐτῶν ἐπιμέλῃσθαι, ὅτι καὶ τὰ ἱερὰ τοῦτο βούλονται λόγια, ἐν παιδείᾳ καὶ νοουθεσίᾳ τοὺς γεννήτορας ἀνάγειν τοὺς ἑαυτῶν παῖδας ἐγκελευόμενα. See also Günter Prinzing, “Observations on the Legal Status of Children and the Stages of Childhood in Byzantium,” in *Becoming Byzantine: Children and Childhood in Byzantium*, eds. A. Papaconstantinou and A. Talbot (Washington, DC: DO, 2009), 30–1.
- 59 The so-called *Book of the Eparch* is a tenth-century commercial manual for the Eparch (Prefect) of Constantinople, an administrative position roughly equivalent to a governor. It includes detailed provisions and descriptions of several industries present in the Byzantine capital. See *Das Eparchenbuch Leons des Weisen*, ed. Johannes Koder, CFHB 33 (Vienna: VÖAW, 1991). For an analysis of its contents related to slaves, see Rotman, *Byzantine Slavery*, 95–102.
- 60 Vryonis, “Provincial Magnate,” 271–2.
- 61 *Ekloga* 2.5.1, lines 9–14, ed. Ludwig Burgmann, *Ecloga. Das Gesetzbuch Leons III. und Konstantinos’ V.* (Frankfurt: Lowenflau-Gesellschaft, 1983): μὴ δυναμένων τῶν αὐτῆς τέκνων ἀντικαθίστασθαι αὐτῇ ἢ ἐπιζητεῖν παρ’ αὐτῆς πατρῶν ὑπόστασιν, τοῦναντίον μὲν οὖν καὶ πᾶσαν τιμὴν καὶ ὑπακοὴν κατὰ τὴν τοῦ Θεοῦ ἐντολὴν ὡς μητρὶ προσαγόντων αὐτῇ, προδήλως ὀφειλοῦσης αὐτῆς, καθὼς πρέπει γονεῦσι, τὰ τέκνα ἐκπαιδεῖν τε καὶ γαμοστολεῖν καὶ προῖκα ἐπιδίδοναι, καθὼς ἂν βουληθῇ. See also Prinzing, “Legal Status of Children,” 31, trans. Prinzing.
- 62 Nikolaos Mystikos, Letter 1, ed. and trans. R.J.H. Jenkins and L.G. Westerink, *Nicholas I, Patriarch of Constantinople, Letters* [Corpus Fontium Historiae Byzantinae 6: DO, 1973], 2–520. The letter was actually directed at the issue of revolt against the emperor, which is framed by Mystikos as a son who rises up against his own father. Still, the sentiment held true for literal sons as much as it did for symbolic “sons” of the emperor.
- 63 Nikolaos Mystikos, Letter 1, lines 100–8, ed. and trans. Jenkins and Westerink, 8–9: Ἦ ἂν τις κατὰ τοῦ ἰδίου πατρὸς ἐν τῷ παρόντι βίῳ εἰς ἐπανάστασιν καταστῆ, τοῦ πατραλοίας εἶναι τὴν γραφὴν οὐκ ἐκφεύξεται, τῆς δὲ παρουσίας ἀπελθόντος ζωῆς ἂν τὰ ἐκείνῳ ἀνατρέψῃ δόξαντα, οὐκ ἔσται πατραλοίας οὐδὲ τῆς αὐτῆς ἔνοχος καταδίκης; Τί γὰρ τοῦτο ἐκείνου πρὸς ἐπανάστασιν διαφέρει; Μᾶλλον δὲ εἴ τις ἀκριβῶς βούλεται συνιδεῖν, αὐτὴ μείζων τοῦ ζῶντι ἐπαναστήναι τῷ πατρὶ ἐπανάστασις, ὅσῳ καὶ μᾶλλον πλέον ὀφείλεται τοῖς πρὸς τὴν μέλλουσαν μεταβεβηκόσι ζωὴν ἢ παρὰ τῶν τέκνων τιμὴ καὶ ἡ σὺν εὐλαβείᾳ μνήμη καὶ ἡ τῶν διατεταγμένων συντήρησις.
- 64 Prinzing, “Legal Status of Children,” 30–1. See also *Basilika* 35.8.41. From its composition in the early tenth century, the *Basilika* formed the basis of Byzantine imperial law. It was largely a translation and slight re-working of the Justinianic corpus.
- 65 Demetrios Chomatenos, *Ponema* 99. The case’s rather lengthy title begins with “Concerning the causes of ingratitude of children toward their parents” (Περὶ τῶν αἰτιῶν τῆς ἀχαριστίας τῶν τέκνων πρὸς τοὺς γονεῖς).
- 66 Prinzing, “Legal Status of Children,” 18.
- 67 Nov. Leo. 25.
- 68 This was true from at least the days of Justinian. See Rotman, *Byzantine Slavery*, 121–2.
- 69 Vryonis, “Provincial Magnate,” 271, trans. Vryonis’.
- 70 Harper, *Slavery*, 467.
- 71 Nov. Leo. 25; Rotman, *Byzantine Slavery*, 121–2.
- 72 Vryonis, “Provincial Magnate,” 272, trans. Vryonis’.
- 73 Vryonis, “Provincial Magnate,” 262, 276.
- 74 Rio, *Slavery after Rome*, 98.
- 75 For more on this, see Michael Borgolte, “Freigelassene im Dienst der Memoria: Kulttradition und Kultwandel zwischen Antike und Mittelalter,” *Frühmittelalterliche Studien* 17 (1983): 234–50; Ingrid Heidrich, “Freilassungen als Sicherung des Totengedächtnisses,” in *Nomen et fraternitas: Festschrift für Dieter Geuenich zum 65. Geburtstag*, eds. U. Ludwig and T. Schilp (Berlin and New York: De Gruyter, 2008), 221–33; John Philip Thomas, *Private Religious Foundations in the Byzantine Empire* (Washington, DC: DO, 1988).
- 76 Rio, *Slavery after Rome*, 98.
- 77 Vryonis, “Provincial Magnate,” 271.
- 78 See Gabriel Radle, “The Veiling of Women in Byzantium: Liturgy, Hair, and Identity in a Medieval Rite of Passage,” *Speculum* 94 (2019): 1070–115.
- 79 Vryonis, “Provincial Magnate,” 270, trans. Vryonis.
- 80 Byzantium did not have a concept akin to Muslim “milk kinship,” but the use of wet-nurses was still recognized as forming a special bond. See Chryssi Bourbou and Sandra J. Garvie-Lok, “Breastfeeding

- and Weaning Patterns in Byzantine Times: Evidence from Human Remains and Written Sources,” in *Becoming Byzantine: Children and Childhood in Byzantium*, eds. Arietta Papaconstantinou and Alice-Mary Talbot (Washington, DC: DO, 2009), 65–84. For an overview of Muslim “milk kinship,” see Peter Parkes, “Milk Kinship in Islam. Substance, Structure, History,” *Social Anthropology* 13 (2005): 307–29.
- 81 *Life of Basil the Younger* 2.1–2, 190–3.
- 82 *Life of Basil the Younger* 2.6, 198–201.
- 83 This tendency has become common enough that some scholars now refer to the “affective turn” in the history of the family and kinship. For an overview and general discussion, see Holly A. Crocker, “Medieval Affects Now,” *Exemplaria* 29 (2017): 82–98. For a good example of recent scholarship engaging with this trend, see Elisabeth Van Houts, *Married Life in the Middle Ages, 900–1300* (Oxford: OUP, 2019).
- 84 Patterson, ix–x.
- 85 Harper, *Slavery*, 67–78, esp. 68. For a broader discussion of the issue, see Walter Scheidel, “The Roman Slave Supply,” in *The Cambridge World History of Slavery*, eds. K. Bradley and P. Cartledge (Cambridge: CUP, 2011), 287–310; Ulrike Ross, *Thinking Tools: Agricultural Slavery between Evidence and Models* (London: Institute of Classical Studies, 2007); Dale B. Martin, “Slave Families and Slaves in Families,” in *Early Christian Families in Context: An Interdisciplinary Dialogue*, eds. D. Balch and C. Osiek (Grand Rapids: Wm. B. Eerdmans Publishing, 2003), 207–30.
- 86 Harper, *Slavery*, 269.
- 87 For a discussion of the edict (CT 2.25.1), which was issued in 325CE, see especially Noel Lenski, “Constantine and Slavery: *Libertas* and the Fusion of Roman and Christian Values,” in *Atti dell’Accademia Romanistica Costantiniana XVIII*, ed. S. Giglio (Perugia, 2012), 235–60.
- 88 Harper, *Slavery*, 209–14, 261–73.
- 89 Eustathios, Bishop of Thessaloniki in the twelfth century, argued that slavery was not a natural state for mankind. Still, this hardly qualifies as anti-slavery rhetoric. See Letter 27 in Foteini Kolovou, *Die Briefe des Eustathios von Thessalonike: Einleitung, Regesten, Text, Indizes* (München-Leipzig: Saur, 2006), 79–80.
- 90 *Peira* 38.3.
- 91 Köpstein, “Sklaven in der Peira,” in *Fontes Minores IX*, ed. Ludwig Burgmann (Frankfurt am Main: Löwenklau-Gesellschaft, 1993), 21–2. As Köpstein rightly argues, *Peira* 28.1 demonstrates that this was still the case in the eleventh century and was considered *porneia* (illicit sexual contact).
- 92 Nov. Leo. 100 and 101.
- 93 Rotman, *Byzantine Slavery*, 25.
- 94 The classic Roman *peculium*, however, continued to be practiced. Novel 38 of Leo VI also allowed for slaves of the imperial household to dispose of their belongings as they saw fit and encouraged private masters to follow the imperial example. Nov. Leo. 38.
- 95 Nov. Leo. 37.
- 96 Nov. Leo. 37; Rotman, *Byzantine Slavery*, 125.
- 97 *Life of Basil the Younger* 2.16, 212–5 (Tollhouse of Wrath and Anger): *καὶ ὅσα χάριν παιδεύσεως τοῖς τέκνοις μου ἐπήγαγον μετὰ θυμοῦ ταῦτα τυπήσασα, ἢ καὶ ὀργῇ ληφθεῖσα ἐπικράνην πρὸς αὐτά...*
- 98 Patterson, *Social Death*, 263.
- 99 Harper, *Slavery*, 281–2; Chrysostom (Propt. Forn. 1.3–4) argued to his congregation that marriage, for a Christian, was primarily about avoiding sexual sin. The just and holy man ought not to have sex even with prostitutes or slaves. Chrysostom (Propt. Forn. 1.4) contends that “Even a man commits adultery, if he has a wife but fulfills his lascivious desires with a slave-girl or any public whore.” (trans. Harper).
- 100 *Ekloga* 17.21–22; “Appendix Eclogae,” in *Fontes Minores 3*, eds. Dieter Simon and Spyros Troianos (Frankfurt: Klostermann, 1979), 4.4.
- 101 Ludwig Burgmann, ed., *Die Novellen der Kaiserin Eirene, Fontes Minores 4* (Frankfurt: Klostermann, 1981), 26.
- 102 *Life of Basil the Younger* 2.33, 236–9.
- 103 See Angeliki Laiou, “Life of St. Mary the Younger,” in *Holy Women of Byzantium*, ed. A. Talbot (Washington, DC: DO, 1996), 239–90.
- 104 Ángel Narro, “Domestic Violence against Women as a Reason to Sanctification in Byzantine Hagiography,” *Studia Philologica Valentina* 20 (2018): 124–8; Angeliki Laiou, “Life of St. Mary the

- Younger,” in *Holy Women of Byzantium: Ten Saints' Lives in English Translation*, ed. A. Talbot (Washington, DC: DO, 1996), 239–90. Note that Mary’s sanctity is largely a result of the violence of her husband, so this should certainly not be considered the norm.
- 105 Kekaumenos, *Concilia et Narrationes* (SAWS edition, 2013), 3.131 (trans. Charlotte Roueché): μέγα ἐστὶν τὸ ἔχειν τινα δοῦλον ἢ ἐλεύθερον πιστόν. καὶ εἰ ἔχεις αὐτόν καὶ ἐνεπίστευσας αὐτῷ, τὴν δὲ θυγατέρα σου εἰς δυνατὸν μηδὲ γνωρίζῃ, καὶ ἔξεις τὸ ἀσφαλές.
- 106 Patterson, *Social Death*, 139–41; Harper, *Slavery*, 326–48; Kate Cooper, “Closely-Watched Households,” *Past and Present* 197 (2007): 3–33.
- 107 Rio, *Slavery after Rome*, 11.
- 108 Compare this to the statements made by Jonathan Edmondson, “Slavery and the Roman Family,” in Bradley and Cartledge, 357–9.
- 109 Rotman, *Byzantine Slavery*, 153–76.
- 110 Köpstein, “Sklaven in der Peira,” 17.