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THE BYZANTINE OFFICE OF ὙΠ’TΩΝ ΚΡΙΣΕΩΝ
AND ITS HOLDERS (IN THE LIGHT OF SPHRAGRISTIC
EVIDENCE AND WRITTEN SOURCES)

In the middle of the 11th century, the Byzantine Empire began to experience the difficulties that eventually culminated in the catastrophe of the 1070s. Meanwhile, the state administration evolved in an attempt to adjust to the new conditions. One of the firm steps towards this goal was the creation of the office (σέκρετον) of ἐπί τῶν κρίσεων by emperor Constantine IX Monomachos (1042–1055) somewhere between 1043 and 1047. This institution is the topic of the current paper, which aims to summarize the evidence from primary sources and the major contributions from the end of the 19th century to the present day. The main part, however, consists of a list of officials in this position, compiled using the available data from different sources – rhetorical, epistolary, documentary and sphragistic.

The only historical source for the establishment of the ἐπί των κρίσεων and its initial functions is the History by Michael Attaleiates. According to this account, the newly founded office was to deal with private legal cases (δικῶν ἰδιωτικῶν); furthermore, provincial judges (τῶν ἐπαρχιῶν δικαστῶν) were supposed to send copies or notes (τῶν σχεδαρίων) to inform the official about their decisions, in order to be free of any suspicion concerning their equity.

The institution under discussion has been studied quite thoroughly for more than a century. Among the most important contributions are those by Karl Eduard Zachariä von Lingenthal, Helene Ahrweiler, Nikos Oikonomidès, Michael

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Two major suggestions dominate the secondary sources as regards the primary function of these civil servants. Partly, at least, they coincide and complement one another; the chief difference between them is whether the epi ton kriseon is taken as a purely judicial position, overseeing the legal activity of provincial judges, or as one related to provincial administration in a more general sense. It is widely accepted that the official in question was a supreme judge of sorts, one of four in Constantinople at that time, the others being the droungarios tes viglas, the eparch of the City, and the quaestor. In a mid-12th century source, the Ecloga Basilicorum, the epi ton kriseon is mentioned among the ‘great judges’.

Ahrweiler points out that, with the available data, it is impossible to specify the nature of the dependency of the thematic kritai on the epi ton kriseon. A useful piece of information is found in a passage from the work of Kekaumenos; here, once again, we read about the notes that a thematic judge was obliged to dispatch to his colleagues in the capital. Unfortunately, the original text breaks off, which makes it impossible to reconstruct the rest. However, Ahrweiler implies that the epi ton kriseon probably did not have the right to veto the decisions of thematic judges, although they were subordinate to him in a certain way. Furthermore, the scholar advances the

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7 Σ.Δ. ΧΟΝΔΡΙΔΟΥ, Ο Κωνσταντίνος Θ’ Μονομάχος και η εποχή του, Αθήνα 2002, p. 127–140.
9 Karl Eduard Zachariä von Lingenthal confuses τῶν ἐπαρχιῶν δικαστάι in Attaleiates’ text with the judges of the velon and the Hippodrome in the capital, suggesting they were both responsible to the epi ton kriseon, which is obviously not true (K.E. Zachariä von Lingenthal, Geschichte..., p. 374). Rather, the Byzantine text refers to provincial judges. For a very short survey of the issue, cf.: A. Kazhdan, R.J. Macrides, Epi ton kriseon, [in:] ODB, vol. I, p. 724–725.
10 I.e. the new Rome – Constantinople.
idea that this official was more of an administrator than a judge in the pure sense of the word, which relates to the second hypothesis concerning his main functions – that of combined judicial and administrative powers. Another renowned Byzantinologist, Nikos Oikonomidès, suggests that *epi ton krisēn* assisted thematic judges in resolving more complicated cases, which was indeed necessary in view of their insufficient legal competence and education. His explanation is rational and could be indirectly corroborated by the information about the deficiency of specialist education among thematic judges. This was one of the main reasons behind the establishment of a law school in Constantinople by Constantine IX, presided initially by *nomophylax* Ioannes Xiphilinos. Angold takes a similar stance, linking the creation of the *epi ton krisēn* with the need for stricter control of the activity of provincial judges, whose lack of proper education had led to an unequal treatment of otherwise identical cases. However, he thinks of this office as more than simply law-related, involving authority over the thematic judges as well.

Christophilopoulou suggests that the primary impulse behind the foundation of the institution was the need to impose the authority of the central administration over provincial judges. The main purpose was to prevent legal offenses – a common issue at the time, it would seem. Despite that, the *epi ton krisēn* was one of the σεκρετικά, who were state officials distinct from judges.

Chondridou views the establishment of this position in a wider context, as part of a reform project initiated by emperor Constantine IX himself and backed by the court dignitaries and intellectuals around him. The *epi ton krisēn* had the authority to dismiss provincial judges and to impose other penalties. He was mainly concerned with the *schedarion* in order to thwart illegal actions, mostly matters of property appropriation and financial fraud. Thus, according to Chondridou, he would also deal with economic and fiscal issues.

The most recent approach to this topic comes from another Greek scholar, Andreas Gkoutzioukostas, who summarizes all of the previous theories. The author implies that the *epi ton krisēn* was an official with various functions; however, there are scarce (if any) data confirming his alleged non-judicial powers. This dearth of evidence opens the way for different speculations, so that the issue is bound to remain uncertain.

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17 As an example, we may mention Michael Psellos, who was still very young when appointed thematic judge in several *themata* in Asia Minor; he had just finished his education and his overall legal knowledge was rather limited. Cf. M. Angold, *The Byzantine Empire…*, p. 64–66.
19 Α. Χρήστοφιλιώτου, *Τα βυζαντινά δικαστήρια…*, p. 174–175.
In order to make all these statements more consistent with the facts, we have to review some of the principal developments of the theme military and administrative system after the death of emperor Basil II (976–1025).

The theme system, established as early as in the late 7th–8th century as a purely military-related enterprise, eventually resulted in both military and civil authority being concentrated in the hands of one person – the thematic strategos. It remained very much this way until the reign of Basil II, when most of the internal themata were deprived of their military population (the so called stratiotai), which came to be concentrated predominantly in the peripheral military administrative units near the empire’s borders. This inevitably undermined the power of the strategoi in their own regions, raising the significance of the civil administrators, and of the judges in particular. This process proceeded even further once Basil II was gone, when military expeditions and the pressure on the borders were carried out by professional units (tagmata) in the capital and the provinces, as well as by the military population in the borderlands of Southern Caucasus, Asia Minor, Syria, the Balkans and Southern Italy. Meanwhile, the military duties of the remaining stratiotai were progressively transformed into fiscal ones for purely financial reasons.

The foundation of the office of epi ton kriseon could also be interpreted as a continuation of these processes. It legitimized the authority of thematic judges, reducing their power from virtually unchecked to controlled by this newly created institution based in the capital. To M. Angold, this was an attempt to restructure the provincial administration and the army, which is indeed a reasonable suggestion. The list of officials in the bureau of epi ton kriseon, presented below, should illustrate some of the important problems concerning both these individuals and the office itself.

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List of individuals holding the position of ἐπὶ τῶν κρίσεων\textsuperscript{26}:

I. Before 1204:

1. Michael, magistros\textsuperscript{27}, vestes\textsuperscript{28}, and epi ton kriseon (mid-11\textsuperscript{th} century)\textsuperscript{29}

Known from a single lead seal in the former collection of the late Georges Zacos\textsuperscript{30}. Obv: inscription in four lines, reading: Κύριε βοήθει τῷ σῷ δούλῳ Μιχαήλ. Rev: inscription in five lines: μαγίστρῳ βέστῃ καί ἐπί τῶν κρίσεων.

In view of the dating of this molybdoboullon (middle of the 11\textsuperscript{th} century), as well as the presence of the titles of magistros and vestes, it is possible to assume that Michael was one of the first known epi ton kriseon. However, it is not improbable that he presided over the office later than № 2 and № 3 in the list, since the dating of the seal allows for a wider chronological window from the late 1040s to the early 1060s\textsuperscript{31}. Unfortunately, the scarce data from this single seal can contribute neither to a more precise dating nor to the identification of the Michael in question with any other known figure, which would help reconstruct his cursus honorum.

2. N., epi ton kriseon (1056)\textsuperscript{32}

One of the four officials (together with the protasekretis, the nomophylax, and the skribas) who participated as judges in the trial concerning the annulment

\textsuperscript{26} The list follows the chronological principle to the extent it is possible; sometimes this turns out problematic, since most of the data come from sphragistic specimens and consequently lack precise dating.

\textsuperscript{27} For the title of magistros, cf. N. OIKONOMIDÈS, Les listes de préséance byzantines des IX\textsuperscript{e} et X\textsuperscript{e} siècles, Paris 1972; A. KAZHDAN, Magistros, [in:] ODB, vol. II, p. 1267. On its devaluation in the 11\textsuperscript{th} century, cf. Н. Кънев, Византийската титла магистър през IX–началото на XII в. Приносът на сфрагистиката за съставяне на листа на носителите на титлата магистър, [in:] IDEM, Византиобългарски студии, Велико Търново 2013, p. 238–243; IDEM, Приносът на сфрагистиката за разкриване на девалвацията на византийските почетни титли в иерархията на т.нр. система на премиство от средновизантийския период – примерите с титлите магистър и патрикий (граничата на VIII/IX – границата на XI/XII в.), [in:] IDEM, Византиобългарски студии…, p. 299–308.


\textsuperscript{29} Prosopography of the Byzantine World, ed. M. JEFFREYS et al., London 2016 (cetera: PBW), Michael 20193.


\textsuperscript{31} I would like to use this opportunity to thank Dr. Nikolay Kanev, who helped me with this more precise dating. He read the preliminary version of the text and made some valuable remarks, which are greatly appreciated by the author.

\textsuperscript{32} PBW, Anonymus 2112.
of the engagement between Michael Psellos’ adopted daughter Euphemia and Elpidios Kenchres in August 1056. In the end, this peculiar tribunal, of which the unnamed *epi ton kriseon* was part, decided that Psellos should either prove his point more emphatically in order to justify the annulment or pay a fine of 15 *litrai*; he eventually did the latter.

3. *N., epi ton kriseon* in exile (1060–1066)

The information about this former state official comes from a letter of Michael Psellos. The author was trying to put an end to his exile, to which the emperor (Constantine X Doukas (1059–1067) was well disposed, but was waiting for the right moment to act. It is plausible that he is to be identified with № 2, but this is impossible to prove.

4. *N., proedros* and *epi ton kriseon* (1062)

He is mentioned in a *praktikon* dealing with the possessions of the monastery of Iveron. It was composed by *asekretis* Petros following the order of Nikolaos Serblias, *krites tou Hippodromou, tou velou, Boleron, Strymon* and *Thessalonike* in August 1062. The *epi ton kriseon* and the other supreme judges (*τῶν πολιτικῶν δικαστῶν*) participated in the resolution of the case.

5. *Niketas, proedros* and *epi ton kriseon* (second half of the 11th century)

He is known from at least two sphragistic pieces with the same iconography and text.

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34 *PBW*, Anonymus 2407.
36 The person is absent from *PBW*.
39 *PBW*, Niketas 20154.
Obv: Theotokos Nikopoios standing, holding Baby Jesus in her left arm. The iconographic type is identified in the inscription: Μήτηρ Θεοῦ ἡ Νικοποιός.
Rev: inscription in seven lines, reading: Θεοτόκε βοήθει Νικήτα προέδρῳ καὶ ἐπὶ τῶν κρίσεων.

The dating could be made more precise – around 1060–1070, mostly on the grounds of the rank with which this epi ton kriseon is attested. At that time, the proedroi comprised a wide range of members of the military and civil service élite, and their numbers grew even more starting with the reign of Constantine X Doukas41.

6. Konstantinos (Keroularios)42, protoproedros/sebastos43 and epi ton kriseon (1074–1078)44

Konstantinos was a nephew of ex-patriarch Michael I Keroularios (1043–1058) and a state functionary in the second half of the 11th century, holding various offices and dignities in this period. He served as epi ton kriseon during the reign of emperors Michael VII Doukas (1071–1078) and his successor Nikephoros III Botaneiates (1078–1081), which fact is known from three letters sent to him by Michael Psellos.

The first one, dated about 1074–1075, contains Psellos’ congratulations for Konstantinos and his wife on the occasion of the birth of their son45. The second letter was written in 1078. It refers to Psellos’ promotion to kouropalates, which caused Konstantinos’ jealousy. Once he got the required apologies, Psellos send an encomiastic message to Konstantinos. The title of the letter reads: To the protoproedros and epi ton kriseon, who was very dear to me, but had acted in a rather jealous way46.

42 This family name was never used either by Konstantinos or by his brother Nikephoros. However, since they were sons of Michael Keroularios’ elder brother, they can be assumed to have had the same name. Therefore, where the name is used in the text, it is purely for the purposes of convenience, in order to avoid the repetition of longer phrases. On Konstantinos’ biography and career, cf. A.-K. WASSILIOU-SEIBT, Die Neffen des Patriarchen Michael I. Kerullarios (1043–1058) und ihre Siegel. Ikonographie als Ausdrucksmittel der Verwandtschaft, BMd 2, 2011, p. 107–113; and most recently: M. JEFFREYS, Constantine, Nephew of the Patriarch Keroularios and His Good Friend Michael Psellos, [in:] The Letters of Psellos…, p. 59–88.
The third message of Psello is also dated to the same year (1078). Here, the elderly intellectual juxtaposes Konstantinos’ crowded household with his own solitude (using a somewhat elegiac tone). At the time, Konstantinos held the superior title of sebastos. He was among the first bearers of this new and extremely high rank at that time known to us by name; others are Alexios Komnenos, the future emperor (1081–1118), and his elder brother Isaakios.

It is also worth mentioning that Konstantinos' brother Nikephoros might have been epi ton kriseon as well, judging by an ambiguous lead seal with a metrical legend attributed to him by Wassiliou Seibt. Though quite feasible, this surmise is unverifiable, because the expression used in the legend might refer to any of the supreme Constantinopolitan judges.

7. N. Aristenos, epi ton krisoe (last third of the 11th century)

There are several lead seals belonging to this person, all of them with metrical texts.

Obv: inscription in five lines: Των κρίσεων λαχόντα τὰς ψήφους φέρειν.

Rev: inscription in five lines: τὸν Ἀριστηνὸν πρᾶξις ἡ νῦν δεικνύει.

From approximately the same time (late 11th–early 12th century), there are seals of officials with the same second name, but holding the offices of eparchos (N. Aristenos) and logothetes tou dromou (Michael Aristenos). A certain proedros Gregorios Aristenos is known as a participant in the trial against Ioannes Italos (1082) and in the synod of Blachernae (1094). In all likelihood, the anonymous epi ton krisoe is identical with the person attested as eparchos. It is plausible that this was either Michael or Gregorios Aristenos, but in order to prove this inference we would certainly need more evidence, currently lacking.

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50 PBW, Anonymus 20117.
52 PBW, Anonymus 20241.
53 PBW, Michael 20286.
54 PBW, Gregorios 103.
8. N., protoproedros and epi ton kriseon (1087)\textsuperscript{56}

This anonymous *epi ton kriseon* took part in the resolution of a dispute concerning the *proasteia* on the island of Leros. This dispute is described in a *chrysoboullon* of Alexios I Komnenos, issued in May 1087. With this document, the emperor donated the island of Leipsos and part of the possessions on Leros to Christodoulos of Patmos and his monastery on the homonymous island\textsuperscript{57}.

It is conceivable that he is to be identified with № 7, described above, but this claim is – again – impossible to prove due to the lack of sound evidence.

9. Georgios Nikaeus, kouropalates\textsuperscript{58}, [krites tou velou], and epi ton kriseon (1112)\textsuperscript{59}

The information about him comes from the acts of the Athonite monastery of Iveron. The first document, which dates back to January 10\textsuperscript{th}, 1093, refers to the will of Symbatios Pakourianos, deposited in the church of Theotokos en to phoro in Constantinople in the presence of Georgios Nikaeus, then protoproedros, krites tou velou, and koiaistor\textsuperscript{60}.

Another document containing the name of the same functionary was composed on the next day (January 11\textsuperscript{th}, 1093). In it, Georgios certified the right of Kale (monastic name: Maria), the wife of the deceased Symbatios Pakourianos, to be the executor of her husband’s will\textsuperscript{61}.

This particular document is preserved in a copy from 1112; its authenticity is confirmed by Georgios Nikaeus at the bottom. At the time, he was kouropalates, krites tou velou, and epi ton kriseon – a rise in both titular hierarchy and in service\textsuperscript{62}.

10. Ioannes Karianites, protokouropalates and epi ton kriseon (1166)\textsuperscript{63}

Ionannes Karianites attended the second session (March 6\textsuperscript{th}, 1166) of the synod in Constantinople, summoned in order to reconsider the relationship between the Father and the Son, referring to Christ’s words: *My Father is greater than I* (Io 14, 28). It was an initiative of emperor Manuel I Komnenos (1143–1180), who took part in that same session in person. It was then that the final decisions were made and signatures were collected from representatives of both high clergy and secular authorities; among the latter was the *epi ton kriseon* under discussion\textsuperscript{64}.

\textsuperscript{56} PBW, Anonymus 617.

\textsuperscript{57} For the complete text of this *chrysoboullon* and the critical apparatus, cf. Βυζαντινά έγγραφα τῆς μονῆς Πάτμου 1. Αὐτοκρατορικά, ed. Ε.Λ. ΒΡΑΝΟΎΣΗΣ, Αθήνα 1980, № 5, p. 40–54.

\textsuperscript{58} For the title of *kouropalates* and its derivative *protokouropalates*, as well as the change in their use in the 11\textsuperscript{th}–12\textsuperscript{th} century, cf. A. KAZHDAN, *Kouropalates*, [in:] ODB, vol. II p. 1157.

\textsuperscript{59} PBW, Georgios 140.

\textsuperscript{60} Iviron, № 44, p. 150–156.

\textsuperscript{61} Iviron, № 46, p. 167–169.

\textsuperscript{62} Iviron, p. 169.

\textsuperscript{63} PBW, Ioannes 2093.

\textsuperscript{64} Σ.Ν. ΣΑΚΚΟΣ, *Ὁ πατήρ μου μείζων μού ἐστιν*, vol. II, Ἐριδες καὶ σύνοδοι κατὰ τὸν ιβ’ αἰῶνα, Θεσσαλονίκη 1968, p. 155. This source is not available to me; it is cited after PBW (vide: fn. 63).
11. N., *epi ton krisión* (ca. 1185)\(^{65}\)

There is an allusion to an anonymous *epi ton krisión* (mentioned with the epithet θαυμάσιον) in a letter of Michael Choniates to Euthymios Malakes, bishop of Neai Patrai\(^{66}\). We could deduce from it that the person in question was an acquaintance of both the author of the letter and its recipient.

12. **Niketas Choniates**, sebastos, [logothetes ton sekreton], and *epi ton krisión* (ca. 1194–1195)\(^{67}\)

This is the famous Byzantine historian and dignitary from the late 12\(^{th}\)–early 13\(^{th}\) century, who held the position of *epi ton krisión* for a certain period of time. The evidence concerning his tenure comes from a letter sent to him by his elder brother Michael; in the *Codex Baroccius*, the letter titles the addressee as τῷ αὐταδέλφῳ σεβαστῷ καὶ ἐπί τῶν κρίσεων χυρῷ Νικήτᾳ\(^{68}\).

Somewhat later, probably, Niketas Choniates delivered a speech dedicated to Isaac II Angelos (1185–1195). It reflects its author’s rise in the ranks of civil service; by that time, he was logothetes ton sekreton and *epi ton krisión*, while his previous offices of ephoros and krites tou velou are also indicated in the title\(^{69}\).

II. After 1204:

1. **Ioannes Chalkutzes**, *epi ton krisión of the Great Church*\(^{70}\) (1277–1285)\(^{71}\)

He is mentioned as holding the office of *epi ton krisión of the Great Church* in a document from 1277\(^{72}\) and, once again, among the participants in the synod

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\(^{67}\) PBW, Niketas 25001. This entry is in need of substantial expansion. Furthermore, Niketas Choniates’ service as *epi ton krisión* is not mentioned in it.


\(^{70}\) This expression (ἡ Μεγάλη ἐκκλησία) refers to the Hagia Sophia church in Constantinople. During this period, the office of *epi ton krisión* was subordinate to the patriarchate of Constantinople and was entirely dissociated from secular authorities, even though it retained its initial judicial character. Because of this major transformation, the corresponding prosopographic section only contains the most vital information and references, omitting a proper analysis. For further details on this institution, cf. J. Darrouzès, *Recherches sur les ὀφφίκια de l’Église byzantine*, Paris 1970, p. 377–378 [= AOC, 11].

\(^{71}\) PLP, 30518 Chalkutzes Ioannes.

\(^{72}\) *Dossier grec de l’union de Lyon (1273–1277)*, ed. V. Laurent, J. Darrouzès, Paris 1976, p. 471 (unavailable to me; cited after PLP).
of Blachernae from 1285\(^{73}\). Ioannes Chalkutzes was a cleric with the rank of deacon.

2. **Michael Balsamon**, *ekdikos ton kriseon of the Great Church/epi ton kriseon of the Great Church, exarchos, presbyters, and taboularios* (1357–1362)\(^{74}\)

There is substantial evidence concerning his activities during the period between 1357 and 1380. Michael Balsamon appears as *ekdikos ton kriseon of the Great Church* among those who signed the patriarchal message of Kallistos (1350–1353, 1354–1363) in 1357\(^{75}\). He is mentioned as *epi ton kriseon of the Great Church* in a donation charter for the Athonite monastery of Vatopedi, issued by *megas stratopedarches* Demetrios Tsamplakos and his wife Eudokia Palaeologina Tsamplakina (1362). Michael was a witness of this pious act\(^{76}\).

3. **N. Machetares**, *epi ton kriseon* (1383)\(^{77}\)

Presbyter Machetares is attested as *epi ton kriseon* in a synodal act of condemnation of clergymen (20\(^{th}\) January 1383)\(^{78}\).

4. **Konstantinos Timotheos**, *epi ton kriseon of the Great Church* (1406)\(^{79}\)

Deacon Konstantinos Timotheos is mentioned in a synodal act concerning the planned union between the patriarchate of Constantinople and the Church of Cyprus\(^{80}\).

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This short review of the holders of the *epi ton kriseon* office, in the period when it constituted a secular judicial and presumably also administrative function (mid-11\(^{th}\) century–1204), allows for certain conclusions and assumptions to be made. Overall, we know of 12 individuals; in addition, there are one or two others who might have held the position as well, but the available information is rather dubious\(^{81}\).

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\(^{74}\) *PLP*, 2121 Balsamon Michael.


\(^{77}\) PLP, 17531 Machetares; probably also: *PLP*, 17534 Machetarios.

\(^{78}\) *ADGMA*, vol. II, ed. F. Miklosich, I. Müller, Wien 1862, p. 48–49.

\(^{79}\) *PLP*, 28199 Timotheos Konstantinos.

\(^{80}\) *Έκθεσις παλαιογραφικῶν καὶ φιλολογικῶν ἑρευνῶν ἐν Θρᾴκη καὶ Μακεδονίᾳ*, ed. Α. Παπαδοπούλου-Κεραμεύς, ΚΕΦΣ 17, 1886, p. 48–51.

\(^{81}\) Besides Nikephoros, discussed in the entry dedicated to his brother Konstantinos (№ 6), a certan Euthymios is mentioned in several lead seals, considered a probable *epi ton kriseon* by the editor.
The known titles they bore varied according to the development of the hierarchical system of the empire, which was in a state of constant evolution. It was affected by the devaluation of honorary ranks in the middle of the 11th century, which could also be observed among the officials surveyed above: their titles changed consecutively from high to nominally higher from the rule of Constantine IX to that of Alexios I. The first *epi ton kriseon* in our list was *magistros and vestes* (№ 1), while the later ones, as far as we can tell, were usually *proedros* (№ 4) and *protoproedroi* (№ 6, 8). By the time of emperor Alexios I Komnenos, probably on the eve of the 12th century, the usual rank of an *epi ton kriseon* was that of *kouropalates* (№ 9), and by the time of his grandson Manuel I it might have been *protokouropalates* (№ 10); this is, again, a sign of certain titular devaluation similar to that observed in the 11th century. In two isolated cases, separated by more than a century (№ 5 and № 12), we encounter the rank of *sebastos*. In fact, it had a very different weight in 1078 (when it was the top rank accessible to people from outside the imperial family) and in 1194–1195. The significance of this title changed during the reign of Alexios I, when it became the basis for his adapted hierarchy of honorific ranks. It maintained its value during the Komnenian period, but devaluated significantly by the time of the Angeloi at the end of the 12th century (which is the time that the case of Niketas Choniates dates from).

In the rare occasions where the position of the *epi ton kriseon* was combined with another office – all of the known instances date from the 12th century – the other function was either another judicial post in the capital (*krites tou velou* – № 9) or one of the *logothesia* (*logothetes ton sekreton* – № 12). However, we have to bear in mind that Niketas Choniates was a quite exceptional case, as he lived long after the institution had been created and as such he is situated at the very periphery of the specified timeframe.

The position of the *epi ton kriseon* was usually the pinnacle of the career of high magistrates; this was true especially in the 11th century. In this period, we see few examples of a transition to this position from purely administrative departments. An exception is the case of Konstantinos, the nephew of Michael Keroularios, whose *cursus honorum* can be traced back in great detail. He passed through various positions; some of them were administrative or fiscal in nature, rather than judicial (*megas kourator of the sekretion of Mangana* and *sakelarios*), while at the same time he held other legal posts such as *krites tou velou* and (*megas) *droungarios (tes Viglas)*. His nomination as *epi ton kriseon* happened about two decades into his career in the palace, which is also indicative of the elevated status of these

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high-ranking government officials in that period. The same applies to his brother Nikephoros, if we are to agree with the possible interpretation of the lead seal attributed to him\textsuperscript{82}.

On the eve of the 12\textsuperscript{th} century, Georgios Nikaeus was involved in administrative and juridical state service, advancing from koiaistor and krites tou velou to epi ton kriseon. Again, the latter was the most superior of his known positions, as well as the latest one in chronological order. We shall not delve into the case of Niketas Choniates, whose career is abundant in offices and titles – as already pointed out above, his tenure is too remote from the time when the function in question was established.

Of all the twelve individuals who served as epi ton kriseon before 1204, merely four (№ 2, 4, 8, 9) are known from judicial reports or documents directly related to their duties. In the first case (№ 2), the official resolved a controversy of matrimonial law. In the second and the third (№ 4, 8), the issues were related to landed property, while in the last case (№ 9), the epi ton kriseon authenticated a document concerning an inheritance with his signature. Only one of the cases was directly connected to the capital. In most of these situations, we see the epi ton kriseon serving as the highest instance, which once again manifests his privileged position as one of the supreme judges during the second half of the 11\textsuperscript{th} (and probably all of the 12\textsuperscript{th}) century not only in Constantinople, but also in the provinces, as the geographic spread clearly shows.

Scarce though they may be, the data presented above permit certain conclusions concerning the institution of epi ton kriseon at the time of its establishment and during the subsequent century and a half.

The control imposed by epi ton kriseon on the thematic judges seems irrefutable. The major doubt concerns its nature – was it purely judicial or simultaneously judicial and administrative? The latter statement seems more plausible; the creation of this office may have been caused, on the one hand, by the thematic judges’ growth in significance and unsettled status, and on the other hand by their lack of proper education (in the majority of cases). Therefore, the aim of Constantine IX Monomachos and his associates was to impose stricter control over what was happening in the themata. Thus, this institution, based in the capital, was associated with a level of authority that had to be reckoned with; it permeated both the judicial and the administrative sphere not only in Constantinople, but also in the most distant provinces of Byzantium. Certain pieces of the evidence are related to the elevated position of these state officials, appointed directly by the basileus (for the proof, see № 3).

\textsuperscript{82} See the notes in the entry on Konstantinos.
However, despite the relatively influential position in the government of the empire, no particular *epi ton krišeon* is ever mentioned in a historiographic text from the Byzantine era. In a way, Konstantinos (Keroularios) (№ 5) furnishes an exception; there is a lot of information about him in various sources from the 11th–12th century, including in historiographic works. Nonetheless, none of it refers to his capacity as *epi ton krišeon*. This is not surprising, however: it was part of the Byzantine historiographic tradition to pay attention primarily to military matters, court intrigues, changes of emperors and their deeds, as well as to the most important figures of the Church hierarchy. In such narratives, officials of the central administration and the courts based in the capital rarely found themselves in the spotlight as such, unless they were involved in political matters outside their sphere of competence and jurisdiction. It was common for dignities, positions, and sometimes even names (as is often the case in Michael Psellos’ *Chronographia*, for instance) to be omitted, which additionally blurs our knowledge about those who held the office of the *epi ton krišeon*. However, the extant firm evidence concerning their activity, their high ranks, as well as their appearance in the correspondence and works of such a prominent intellectual as Psellos (№ 2, 3, 6) provide unequivocal proof for their important position in the life of Constantinople. Also quite evident are the social ties between the *epi ton krišeon* and the bureaucratic élite in the capital, which they were part of from the 1040s until the disaster of 1204. These functionaries were an indelible element of the knotty fabric of Byzantine society of that time.

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Abstract. The paper investigates the establishment of the office of the \textit{epi ton kriseon} during the reign of emperor Constantine IX Monomachos (1042–1055), analysing the reasons behind its creation and its initial character. In addition, a list of all holders of this office is provided, based on all available sources – sphragistic, epistolary, rhetorical, documentary, etc. The list is divided into two parts – before and after the sack of the Byzantine capital by the Crusaders in 1204. Certain conclusions are reached at the end of the paper based on the data from the first part of the list. Different aspects of the problem are examined, including the honorific titles of the \textit{epi ton kriseon}, their other offices, activities and social bonds. Individuals who held this position include prominent figures such as Konstantinos, nephew of patriarch Michael I Keroularios (1043–1058) and the addressee of many letters from Michael Psellos, as well as the 12\textsuperscript{th}–13\textsuperscript{th} century historian Niketas Choniates. In the 11\textsuperscript{th}–12\textsuperscript{th} century, these officials were an indelible part of the Byzantine bureaucratic élite and the Constantinopolitan society; they exerted their power not only in the capital, but also in the provinces.

Keywords: \textit{epi ton kriseon}, Byzantine supreme courts, Byzantine central and provincial administration, Byzantine 11\textsuperscript{th} century.

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