

## Byzantina Symmeikta

Vol 30

BYZANTINA SYMMEIKTA 30



### Justinian's Clemency and God's Clemency

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doi: [10.12681/byzsym.20487](https://doi.org/10.12681/byzsym.20487)

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#### To cite this article:

PARNELL, D. A. (2020). Justinian's Clemency and God's Clemency. *Byzantina Symmeikta*, 30, 11–30.  
<https://doi.org/10.12681/byzsym.20487>

INSTITUTE OF HISTORICAL RESEARCH  
SECTION OF BYZANTINE RESEARCH  
NATIONAL HELLENIC RESEARCH FOUNDATION



ΙΝΣΤΙΤΟΥΤΟ ΙΣΤΟΡΙΚΩΝ ΕΡΕΥΝΩΝ  
ΤΟΜΕΑΣ ΒΥΖΑΝΤΙΝΩΝ ΕΡΕΥΝΩΝ  
ΕΘΝΙΚΟ ΙΔΡΥΜΑ ΕΡΕΥΝΩΝ



# BYZANTINA ΣΥΜΜΕΙΚΤΑ

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ΤΟΜΟΣ 30 VOLUME

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ΑΘΗΝΑ • 2020 • ATHENS

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JUSTINIAN'S CLEMENCY AND GOD'S CLEMENCY

In 528 CE, Probus the patrician, a nephew of the emperor Anastasius, was found guilty of slandering Justinian, the reigning emperor. But in a full meeting of the senate in Constantinople, Justinian dramatically tore up the paperwork from the case, and said to Probus: Ἐγὼ τὸ ἀμάρτημα συγχωρῶ σοι, ὃ κατ' ἐμοῦ ἔπραξας· εὕξαι οὖν ἵνα καὶ ὁ Θεὸς συγχωρήσῃ σοι (“I forgive you for the offense you committed against me. Pray then that God too may forgive you”)<sup>1</sup>. This carefully orchestrated scene suggests that, even early in his reign, Justinian was deliberately cultivating a reputation for mercy. However, Justinian is not typically known today for his mercy. Most modern accounts of the emperor tend to focus on his cruelty or at least his indifference toward his subjects. Thus Justinian is remembered as the ruler who is responsible for the deaths of thousands to end the Nika Riot, for example. Modern historians have described Justinian as “incapable of admitting failure,” “self-righteously pious and overbearing,” a “murderous ruler,” and “an autocratic ruler who cared not one jot for the fate of anybody outside his immediate circle”<sup>2</sup>. That he does not have a reputation for mercy would have disappointed Justinian, who makes it loud and clear that he

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1. Ioannis Malalas, *Chronographia* 18.22, ed. I. THURN [CFHB 35], Berlin 2000, 367. Trans. E. JEFFREYS, M. JEFFREYS, and R. SCOTT, *The Chronicle of John Malalas*, Melbourne 1986, 255.

2. J. W. BARKER, *Justinian and the Later Roman Empire*, Madison 1966, 202; M. MAAS, Roman Questions, Byzantine Answers, in: *The Cambridge Companion to the Age of Justinian*, ed. M. MAAS, Cambridge 2005, 6; A. KALDELLIS, *Procopius of Caesarea: Tyranny, History, and Philosophy at the End of Antiquity*, Philadelphia 2004, 113; P. HEATHER, *Rome Resurgent: War and Empire in the Age of Justinian*, Oxford 2018, 271.

wanted to be known for governing in this fashion. Justinian and his ministers' emphasis on his reputation for acts of mercy was part of a concerted effort to burnish the standing of his regime in the eyes of his subjects. In choosing mercy as a major point of his propaganda campaign, the emperor was both continuing and furthering an imperial tradition that had seeds in Roman antiquity, the Hellenistic world, and in the teachings of Christ.

Justinian's emphasis on mercy had three historical roots from which his own propaganda borrowed. The first was in the ancient Roman tradition of clemency. The Latin noun *clementia* implies mildness, forbearance, and mercy. In the late Republic, clemency was something that the Roman government might grant its non-Roman enemies as a group in a formal ritual after they had been defeated in battle<sup>3</sup>. However, clemency was not a celebrated personal trait of individuals before Julius Caesar, who famously granted clemency to his elite Republican enemies during the civil war<sup>4</sup>. It used to be commonly accepted that Roman politicians resented this grant of clemency because they felt it suggested their subjugation to Caesar, but David Konstan has successfully argued that this was not the case and that Caesar's clemency was regarded as a virtue and sign of humane temperament<sup>5</sup>. Caesar's mercy would eventually be adopted by his successor. From Augustus on, the idea that the emperor was expected to show clemency began to take hold. Suetonius praised Augustus for his clemency, describing a scene in which the emperor indirectly offered mercy to a parricide by offering him the chance to deny the crime took place, asking him "I may assume, of course, that you did not kill your father"<sup>6</sup>. By the time of the emperor Tiberius, clemency was already such a core imperial virtue that coins were struck prominently bearing the legend *CLEMENTIA*<sup>7</sup>. This is

3. M. B. DOWLING, *Clemency & Cruelty in the Roman World*, Ann Arbor 2006, 16-18.

4. Caesar, *De Bello Africo* 86.2, 92.4, ed. trans. A. G. WAY [Loeb Classical Library 402 (hereafter LCL)], Cambridge, MA. 1955; Caesar, *De Bello Hispaniensi* 17.2ff [LCL 402]; Suetonius, *Life of Caesar* 75, ed. trans. J. C. ROLFE [LCL 31 (2 vols.)], Cambridge, MA. 1914.

5. DOWLING, *Clemency & Cruelty*, 23-24 for the old view; D. KONSTAN, Clemency as a Virtue, *Classical Philology* 100.4 (October 2005), 337-346.

6. Suetonius, *Life of Augustus* 33 [LCL 31]: *Certe patrem tuum non occidisti?*

7. DOWLING, *Clemency & Cruelty*, 177. On Tiberius and the rhetoric of clemency, see also E. COWAN, Contesting *Clementia*: the Rhetoric of *Severitas* in Tiberian Rome before and after the Trial of Clutorius Priscus, *JRS* 106 (2016), 77-101.

not to say it was equally prominent on the coins of all emperors in this period. Andrew Wallace-Hadrill has demonstrated that this legend appears on the coins of relatively few early emperors, and of the Julio-Claudians, only on the coins of Tiberius<sup>8</sup>. Suetonius' praise of Julius Caesar's clemency also belongs to this period after mercy had become an accepted imperial trait<sup>9</sup>. So imperial mercy in the form of Roman clemency came to Justinian through ancient traditions that stretched back to the foundation of imperial power and waxed and waned as that power matured.

The second historical root of Byzantine mercy is to be found in the tradition of Hellenistic philanthropy. The Greek noun *φιλανθρωπία* means quite literally love of fellow man, and implied an active feeling of benevolence toward others<sup>10</sup>. Included in this benevolence might be politeness, kindness, and generosity<sup>11</sup>. In the classical Greek world, it was frequently a trait of mythological figures such as Prometheus. When praising citizens of the poleis, panegyrists typically passed over *φιλανθρωπία* in favor of "more particularist, more energetic and more hard-headed" compliments<sup>12</sup>. However, Demosthenes did consciously appropriate the term as a democratic virtue for describing some Athenians<sup>13</sup>. In the centuries after Alexander the Great, *φιλανθρωπία*, an almost instinctive universal human kindness, came into more general favor when praising important citizens, perhaps as a response to the increasing cosmopolitanism and universalism of the Greek world<sup>14</sup>. Hellenistic monarchs appropriated *φιλανθρωπία* as a trait of their rule, and connected it to the divine. In a common theory of royal power, the gods, feeling *φιλανθρωπία* for men, raised up kings for them,

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8. A. WALLACE-HADRILL, The Emperor and His Virtues, *Historia: Zeitschrift für Alte Geschichte* 30.3 (1981), 298-323.

9. Suetonius, *Life of Caesar* 75 [LCL 31].

10. For an analysis of the origins of the term, see M. SULEK, On the Classical Meaning of Philanthropia, *Nonprofit and Voluntary Sector Quarterly* 39.3 (2010), 385-408.

11. D. J. CONSTANTELOS, *Byzantine Philanthropy and Social Welfare*, New Brunswick 1968, 3-4.

12. B. D. GRAY, The Polis becomes Humane? *Philanthropia* as a Cardinal Civic Virtue in Later Hellenistic Honorific Epigraphy and Historiography, *Studi Ellenistici* 27 (2013), 137-162 at 142.

13. M. R. CHRIST, Demosthenes on Philanthropia as a Democratic Virtue, *Classical Philology* 108.3 (2013), 202-222.

14. GRAY, The Polis becomes Humane, 149ff.

and in turn the kings were to mirror the benevolence of the gods by showing *φιλανθρωπία* to their people<sup>15</sup>. The Platonic definition assembled in the second century CE demonstrates the broad sweep of the *φιλανθρωπία* that kings were expected to show: *Φιλανθρωπία ἔξις εὐάγωγος ἤθους πρὸς ἀνθρώπου φιλίαν· ἔξις εὐεργετικῆ ἀνθρώπων χάριτος σχέσις μνήμη μετ' εὐεργεσίας*<sup>16</sup>. Greek *φιλανθρωπία* began to subsume the Roman concept of *clementia* during the Roman imperial period. For instance, the emperor Julian wrote that *φιλανθρωπία* is shown when a ruler punishes men in moderation<sup>17</sup>. As later in the reign of Justinian, when the Romans turned increasingly to the Greek language, the word *φιλανθρωπία* came to stand in for Latin *clementia*. However, as the definition above implies, the term *φιλανθρωπία* also encompassed a much broader range of benevolence than the Latin word. One of the primary manifestations of its generic love of humans became charitable works, including those described as *beneficia* or tax benefits in Latin, from which we today use the word philanthropic in the sense of charitable<sup>18</sup>.

The Christian tradition is the third historical root of early Byzantine imperial mercy. Christ placed an emphasis on love of fellow man at the center of his ministry. Jesus instructed his disciples, *ἐντολὴν καινὴν δίδωμι ὑμῖν, ἵνα ἀγαπᾶτε ἀλλήλους· καθὼς ἠγάπησα ὑμᾶς ἵνα καὶ ὑμεῖς ἀγαπᾶτε ἀλλήλους* (“I give you a new commandment, that you love one another. Just as I have loved you, you also should love one another”)<sup>19</sup>. The Greek

15. M. V. VELDHUIZEN, *Moses: A Model of Hellenistic Philanthropia*, *Reformed Review* 38 (1985), 215-224 at 216.

16. Pseudo-Plato, *Definitions* 412e, ed. J. BURNET, *Platonis Opera*, v. 5, Oxford 1907, transl. SULEK, On the Classical Meaning, 393: *Philanthropia* is “a state of ‘well-educated habits’ [εὐάγωγος ἤθους] stemming from ‘love of humans’ [ἀνθρώπων φιλίαν]. A state of being ‘productive of benefit’ [εὐεργετικῆ] to humans. A state of ‘grace’ [χάριτος]. Mindfulness [μνήμη] together with ‘good works’ [εὐεργεσίας]”.

17. Julian, *Epistle* 89b, ed. trans. W.C. WRIGHT [LCL 29 (2 vols.)], Cambridge, Mass. 1913; G. DOWNEY, *Philanthropia in Religion and Statecraft in the Fourth Century after Christ*, *Historia: Zeitschrift für Alte Geschichte* 4 (1955), 199-208 at 203; J. KABIERSCHE, *Untersuchungen zum Begriff der Philanthropia bei dem Kaiser Julian*, Wiesbaden 1960, 87.

18. CONSTANTELOS, *Byzantine Philanthropy*, 18; DOWLING, *Clemency & Cruelty*, 220; SULEK, On the Classical Meaning, 398.

19. John 13.34, ed. F.H.A. SCRIVENER, *Greek New Testament*, Cambridge 1887, trans. New Revised Standard Version [hereafter *NRSV*].

verb *ἀγαπάτε* used here is based on the noun *ἀγάπη*, which became the defining feature of early Christian life. In the second and third centuries, Christian writers began to replace the term *ἀγάπη* with the familiar word *ΦΙΛΑΝΘΡΩΠΙΑ*<sup>20</sup>. Jesus spoke not only about love in general, but also about mercy more specifically. In the Sermon on the Mount, Christ made a point of saying, *μακάριοι οἱ ἐλεήμονες ὅτι αὐτοὶ ἐλεηθήσονται* (“Blessed are the merciful, for they will receive mercy”)<sup>21</sup>. In teaching his disciples how to pray, Jesus admonished them: *Ἐὰν γὰρ ἀφῆτε τοῖς ἀνθρώποις τὰ παραπτώματα αὐτῶν, ἀφήσει καὶ ὑμῖν ὁ πατήρ ὑμῶν ὁ οὐράνιος· ἐὰν δὲ μὴ ἀφῆτε τοῖς ἀνθρώποις, οὐδὲ ὁ πατήρ ὑμῶν ἀφήσει τὰ παραπτώματα ὑμῶν* (“For if you forgive others their trespasses, your heavenly Father will also forgive you; but if you do not forgive others, neither will your Father forgive your trespasses”)<sup>22</sup>. By the fourth century, it was well accepted that showing mercy was a means not just of receiving mercy but also of imitating God. Gregory of Nazianzus urged: *γενοῦ τῷ ἀτυχοῦντι θεός, τὸν ἔλεον Θεοῦ μιμησάμενος* (“Prove yourself a god to the unfortunate, imitating the mercy of God”)<sup>23</sup>. As will be shown below, Justinian’s regime made direct reference to these Christian admonitions as part of its propaganda. In general, the emperor and his ministers defined acts of clemency in a way that drew on and harmonized all three of these historical traditions: the Roman conception of *clementia*, the Hellenistic model of *φιλιανθρωπία*, and the Christian exhortation to love and be merciful. For Justinian, extending clemency involved being merciful to a person or group of people who, in his eyes, did not deserve it on legal merits. Acts of clemency ranged from full forgiveness (e.g. no punishment for a crime) to decreased severity of punishment (e.g. from death to a fine). After examining several known, specific examples of Justinian’s clemency, we will probe the philosophical underpinnings of this cultivated trait and the way it was advanced in propaganda by the emperor and his ministers.

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20. CONSTANTELOS, *Byzantine Philanthropy*, 31.

21. Matthew 5.7, ed. F.H.A. SCRIVENER, trans. NRSV [as in n. 19].

22. Matthew 6.14-15, ed. F.H.A. SCRIVENER, trans. NRSV [as in n. 19]. See also Luke 17.3-4 and Mark 11.25.

23. Gregory of Nazianzus, *Orationes* 14, 26, ed. J. P. MIGNE, *De Pauperum Amore* (PG 35, 892bc).

Instances of Justinian's tendency toward mercy abound in the historical record. For readers of the historian Procopius of Caesarea, some of the most obvious evidence is the emperor's routine forgiveness of conspirators. The emperor himself desired to trumpet this tendency. In his panegyric, the *Buildings*, Procopius refers to Justinian's mercy twice in the first book, writing in one instance, *καὶ τοῖς μὲν ἐπιβουλεύουσιν αὐτεπάγγελτος τὰς αἰτίας ἀφεῖς* ("as for those who plotted against him, he of his own volition dismissed the charges against them")<sup>24</sup>. As panegyric these words likely reflected traits the emperor wanted to have ascribed to himself<sup>25</sup>. One of the most detailed and complete examples of this clemency is Justinian's reaction to the conspiracy of Artabanes, who was an officer of some distinction in the Persian army when he defected to the Byzantines in 545<sup>26</sup>. Soon after his enrollment in the Byzantine army, he was dispatched to North Africa. While in Africa, Artabanes diffused a mutiny against Justinian by personally assassinating the leader of the uprising. This action won Artabanes considerable fame and Justinian promoted him to General of Africa (*magister militum per Africam*) in 546<sup>27</sup>. But Artabanes set his sights even higher. He requested and received a recall to Constantinople, where he was given the command of one of the two armies in the emperor's presence. He nearly married Justinian's niece, Praeicta, but was prevented at the last moment by the empress Theodora, who championed the cause of

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24. Procopius *de aedificiis*, ed. J. HAURY – G. WIRTH, Leipzig 1964, 7 [=Procopius, *Buildings* 1.1.10, ed. trans. H. B. Dewing, [LCL 343], Cambridge, Mass. 1940. See also 1.1.16 and n. 31 below].

25. Much ink has been spilled on Procopius' motivation and/or sincerity in the *Buildings*, including arguments that his praise in the work is actually an attempt to undermine Justinian. See P. CESARETTI, All'ombra di una preterizione: Proc. *Aed.* I 1,1, *RSBN* 45 (2008), 153-178. However, as a panegyric, praise that reflected the patron's preferences was appropriate, even if the author did not believe it personally. See W. TREADGOLD, *The Early Byzantine Historians*, New York 2007, 190-191 and 226. Whether Procopius genuinely believed Justinian was merciful is ultimately unimportant to understanding the propaganda – what matters is that this was considered an appropriate virtue to ascribe to him in a panegyric.

26. Procopius, *Bella*, I-IV, ed. J. HAURY – G. WIRTH, Leipzig 1963, 530 [=Procopius, *Wars*, 4.24.2, ed. Transl. H. B. DEWING, LCL 81 (5 vols.), Cambridge Mass 1914-1940]. On the career of Artabanes, see *PLRE*, Artabanes 2, 3: 125-130.

27. Procopius, *Bella*, I-IV, 551 [=Procopius, *Wars*, 4.28.29-43].



Artabanes' current wife and ruled that he could not divorce her to marry into the imperial family<sup>28</sup>. Frustrated at this reversal, Artabanes allowed himself to be persuaded to join in an amateurish plot against Justinian. The conspiracy was discovered in early 549. As punishment, Justinian stripped Artabanes of his position and confined him in the palace under guard<sup>29</sup>. But by the middle of 550, Justinian apparently changed his mind. He dismissed all charges against Artabanes, released him, and appointed him General of Thrace (*magister militum per Thracias*)<sup>30</sup>. Although we do not have any information about what Artabanes might have said to Justinian, or what Justinian was thinking when he forgave Artabanes, it seems clear that this level of clemency is extreme. It is in some ways an early medieval echo of Julius Caesar's clemency for those who opposed him in the civil war. It seems to have made an impression on contemporaries. Procopius might have been thinking of Artabanes when he wrote in the *Buildings*: οἱ δὲ τὴν ἐπιβουλήν αὐτῷ σκαιωρησάμενοι μέχρι ἐς φόνον μὴ ὅτι βιοτεύοντες ἐς τὸδε τοῦ χρόνου καὶ τὰ σφέτερα αὐτῶν ἔχοντες, καίπερ ἐξεληλεγμένοι διαφανῶς, ἀλλὰ καὶ στρατηγοῦντες Ῥωμαίων ἔτι καὶ ἐς τὸ τῶν ὑπάτων ἀναγεγραμμένοι τελοῦσιν ἀξίωμα (Those who treacherously formed the plot against him, going so far even as to plan his assassination, are not only living up to the present moment, and in possession of their own property, even though their guilt was proved with absolute certainty, but are actually still serving as generals of the Romans, and are holding the consular rank to which they had been appointed<sup>31</sup>).

Justinian forgave other conspirators as well. Perhaps most famous is the general Belisarius, who was accused of planning for Justinian's death while the emperor was ill with the plague in 542. Belisarius was stationed in the east and was prosecuting war with the Persian Empire. When Justinian was reportedly near death, several officers in his army discussed the situation and some unspecified number of them agreed that ἦν βασιλέα Ῥωμαῖοι ἑτερόν τινα ἐν Βυζαντίῳ καταστήσονται σφίσι, οὐ μήποτε αὐτοὶ ἐπιτρέψωσιν

28. Procopius, *Bella*, V-VIII, ed. J. HAURY – G. WIRTH, Leipzig 1963, 431-432 [= Procopius, *Wars*, 7.31.2-14 (LCL 173)].

29. Procopius, *Bella*, V-VIII, 432-451 [= Procopius, *Wars*, 7.31.15-32.51].

30. Procopius, *Bella*, V-VIII, 472 [= Procopius, *Wars*, 7.39.8-(LCL 217)].

31. Procopius, *de Aedificiis* [as in n. 24], 8 [=Procopius, *Buildings*, 1.1.16].

(“if the Romans in Byzantium foisted another emperor like that upon them all, they would never allow it”)<sup>32</sup>. The implication was perhaps that the officers would not accept a civilian as emperor, but expected an emperor with a military background, maybe even Belisarius himself. While Procopius leaves vague whether Belisarius himself participated in this discussion, he does state that other officers accused him of doing so. Unfortunately for Belisarius, Justinian recovered, and hearing about this discussion he and Theodora interpreted it, not unreasonably, as an insult<sup>33</sup>. So Belisarius lost his position, was expelled from military service, his guardsmen were divided up and sent to other generals, his friends were forbidden from seeing him, and much of his wealth was confiscated. Procopius wrote: *καὶ περιήρχετο πικρὸν θέαμα καὶ ἄπιστος ὄψις, Βελισάριος ἰδιώτης ἐν Βυζαντίῳ, σχεδὸν τι μόνος, σύννους ἀεὶ καὶ σκυθρωπὸς καὶ τὸν ἐξ ἐπιβουλῆς ὀρρωδῶν θάνατον* (“What a bitter spectacle and incredible sight it was to see Belisarius going about in Byzantium as a private citizen: virtually alone, always gloomy and sullen, in constant terror of a murderer’s knife”)<sup>34</sup>.

As with Artabanes, this disgrace did not last long. By 544, if not a little earlier, Justinian had already exercised mercy and restored Belisarius to a position of trust. Exactly how this happened is obscure, because Procopius takes the opportunity of this restoration to write an invective screed about Belisarius’ subordination to his wife Antonina, who along with Theodora is given the credit of Belisarius’ restoration<sup>35</sup>. It is extremely unlikely that Justinian had as little to do with this exercise of mercy as Procopius makes it seem. When the curtain falls on the farcical tragedy penned by Procopius, Belisarius has regained most of his wealth and honor and accepted an appointment as Commander of the Imperial Grooms (*comes sacri stabuli*) and the command of the imperial war effort in Italy<sup>36</sup>. He would hold the position for five years. However, the clemency was not total. Belisarius

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32. Procopius, *Historia Arcana*, ed. J. HAURY – G. WIRTH, Leipzig 1963, 25 [= Procopius, *Secret History*, 4.1-2 ed. H. B. DEWING, (LCL 290), Cambridge Mass. 1935, transl. A. KALDELLIS, *The Secret History with Related Texts*, Indianapolis 2010, 18.

33. Procopius, *Historia Arcana*, 26 [= Procopius, *Secret History* 4.3-5].

34. Procopius, *Historia Arcana*, 26 [= Procopius, *Secret History* 4.13-17].

35. Procopius, *Historia Arcana*, 27 [= Procopius, *Secret History* 4.18-32].

36. Procopius, *Historia Arcana*, 30 [= Procopius, *Secret History* 4.39]; Procopius, *Bella V-VIII*, 336-337 [=Procopius, *Wars* 7.9.20-7.10.1].

did not regain his guardsmen, and the emperor and empress kept some of his wealth<sup>37</sup>. Perhaps they considered this a fine for his alleged behavior. So Belisarius plotted (or at least was accused of plotting) for life after Justinian, was punished severely, but then through an act of clemency had that punishment reduced and returned to active military service.

Belisarius has the distinction of receiving mercy from Justinian twice. In 562, there was a plot against Justinian, organized by Ablabius, Marcellus, and Sergius. During the course of the investigation, one of the men under interrogation fingered the retired Belisarius, who according to Malalas came “under imperial anger.” However, by 563 Belisarius was restored to imperial favor and enjoyed his honors as before<sup>38</sup>. This incredibly brief entry in Malalas does not provide much in the way of detail, but we might imagine how the sequence of suspicion, disgrace, forgiveness, and restoration worked based on what we know from the previous, more detailed examples of mercy we have examined.

A less well-known example of clemency is Justinian’s treatment of Eugenius, a former praetorian prefect of the East. In 560, Eugenius accused George and Aetherius of a conspiracy against the emperor, but the accusation was proven false. Justinian satisfied himself with confiscating Eugenius’ home, but did not harm him nor deprive him of his liberty. As Malalas put it in his brief summation of the story, Eugenius *προσφυγὼν δὲ ἐκεῖνος τῇ ἐκκλησίᾳ ἐσώθη* (“sought refuge in the church and was saved”)<sup>39</sup>. This, then, is an example of Justinian showing mercy by exacting a more minor penalty than might otherwise be expected given the severity of the false accusation. As with the first grant of clemency to Belisarius, not all acts of clemency were complete exonerations.

Other instances of Justinian’s mercy lurk just beyond the historical record and must be reconstructed from the known context. An interesting case is Justinian’s tumultuous relationship with his cousin Germanus. In 549, the same conspirators who enlisted Artabanes in their plot against Justinian also approached Germanus through his son Justin. Germanus immediately

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37. Procopius, *Historia Arcana*, 6 [= Procopius, *Secret History* 4.31]; Procopius, *Bella* V-VIII, 337 [=Procopius, *Wars*, 7.10.1].

38. Ioannis Malalas, *Chronographia*, 18.141-147, ed. THURN, 425-430.

39. Ioannis Malalas, *Chronographia*, 18.131, ed. THURN, 412.

reported the matter to Marcellus, commander of the palace guards (*comes excubitorum*). Marcellus insisted on not yet reporting the plot to the emperor; he wanted the opportunity to entrap the conspirators by arranging another meeting<sup>40</sup>. Apparently Marcellus did not report the plot to Justinian until “many days” later<sup>41</sup>. The emperor’s investigators charged Germanus, and Justinian himself was furious and blamed Germanus for not reporting the conspiracy earlier. Germanus was only saved from punishment by Marcellus coming forward and taking full responsibility for the delay<sup>42</sup>. Not long after this, in early 550, Justinian decided to appoint Germanus to the important position of commander in chief of imperial forces in Italy (a post recently vacated by Belisarius). However, for reasons that even Procopius did not know, the emperor changed his mind and instead appointed Liberius to the position<sup>43</sup>. Then, by summer of 550, the emperor again changed his mind and appointed Germanus<sup>44</sup>. He would hold the post throughout the summer, making preparations to move an army to Italy, until he unexpectedly fell ill and died before he could leave<sup>45</sup>.

It is difficult to know what to make of these rapid-fire appointments in 550, but it is surely telling that they occurred shortly after the tense exchange between Justinian, Germanus, and Marcellus over the conspiracy of 549. It is possible that these appointments represent some vacillation in Justinian’s mind between remaining suspicious of Germanus and showing mercy and trust. It is clear that in the end, mercy won out, and Germanus was entrusted with one of the most significant military posts of the period. That he died before he could accomplish anything takes away nothing from Justinian’s exercise of mercy after his earlier anger.

While interesting and telling, these examples are isolated anecdotes. To know more about the philosophical underpinnings of the regime’s emphasis on mercy and the way it trumpeted this propaganda, we can turn to legal evidence. References to Justinian’s mercy abound in his law code, the *Codex Justinianus*, particularly in the Novels, the new laws produced by the

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40. Procopius, *Bella*, V-VIII, 437-438 [= Procopius, *Wars*, 7.32.22-32].

41. Procopius, *Bella*, V-VIII, 440 [= Procopius, *Wars*, 7.2.42].

42. Procopius, *Bella*, V-VIII, 440-441 [= Procopius, *Wars*, 7.32.44-50].

43. Procopius, *Bella*, V-VIII, 466-467 [= Procopius, *Wars*, 7.37.24-27].

44. Procopius, *Bella*, V-VIII, 471-472 [= Procopius, *Wars*, 7.39.6-9].

45. Procopius, *Bella*, V-VIII, 477 [= Procopius, *Wars*, 7.40.8-9].

emperor. The language of the preface to Novel 129 of 551 is fairly typical of such references: (Οὐδὲν οὕτω μέγα τῶν ὑπηκόων τινὸς τῶν ἡμετέρων ἐστὶν ἀμάρτημα, ὡς μὴ τῆς ἐξ ἡμῶν ἀξιοθῆναι φιλανθρωπίας. κἂν γὰρ εἰ τὰ παρ' αὐτῶν γεγονότα μισήσαντες πρὸς τὴν ὑπὲρ αὐτῶν διαναστῶμεν ἐκδίκησιν, ἀλλὰ τὸν καιρὸν θεραπεύοντες καὶ τοῖς προσήκουσι τοὺς ἀμαρτάνοντας νουθετήσαντες τρόποις πάλιν πρὸς τὴν ἡμῶν αὐτῶν φιλανθρωπίαν ἐπάνιμεν, τὸ δίκαιον τῆς ὀργῆς ἀγαθότητος καταλαεῖνοντες λογιμοῖς (“No offense on the part of any of our subjects is so great as to be deemed unworthy of our clemency. Even though our abhorrence of what they have done rouses us to punish them for it, still, having regard for time, we soothe our righteous indignation by considerations of clemency”)<sup>46</sup>.

Here we see mercy in the sense of traditional Roman *clementia*, though, because the novel is written in Greek, the word here translated as “clemency” is Greek *φιλανθρωπία*. This particular code is about the rolling back of previous anti-Samaritan legislation, and so the mercy Justinian has in mind here is for this religious sect particularly, but the language he employs suggests that his regime has a more blanket policy of forgiveness. Particularly interesting is Justinian’s intimation that this mercy must have regard for time. In other words, mercy may not always be immediate in nature. This fits in well with some of the anecdotes for which we have detailed information, such as the forgiveness of Artabanes and Belisarius, who were not granted mercy immediately, but only after the passage of many months.

Other legal evidence demonstrates that Justinian wanted to convey the impression that his mercy extended to all of his subjects, not just the specific individuals mentioned in the historical anecdotes examined above. The preface to Novel 147 of 553 makes this clear in the context of forgiving the payment of delinquent taxes: ὅσα μὲν οὖν τοῖς ἐκάστοτε προσιούσιν ἡμῖν καὶ χρεῖα προτεινομένοις δημόσια καὶ ἀπορίαν τῆς ἀποδόσεως ἐτοιμῶς φιλοτιμούμεθα, καὶ ὡς οὐδεὶς φιλανθρωπίας δεηθεὶς ἄπρακτος ἐκ τῆς ἡμετέρας ἀνεχώρησεν ὄψεως, τοῦτο λέγειν οὐχ ἡμέτερόν ἐστι, τῶν

46. *CJ*, Novel 129, ed. P. KRUEGER, *CIC*, 3 vols., Berlin 1886-88, trans. D. J. D. MILLER and P. SARRIS, *The Novels of Justinian: A Complete Annotated English Translation*, 2 vols., Cambridge 2018, 859, with my own modifications. Here English “clemency” translates the Greek *φιλανθρωπία*. Cfr. T. C. LOUNGHIS – B. BLYSIDOU – S. LAMPAKES, *Regesten der kaiserurkunden des Oströmischen Reiches von 476 bis 565*, Nicosia 2005, 330, n. 1366.

ὑπὲρ τούτου γεγραμμένων γραμμάτων καὶ αὐτῶν τῶν τὰς φιλοτιμίας λαβόντων ἐπιμαρτυρούντων ἡμῖν. ἀλλ' ἐπειδὴ μικρὸν καὶ βασιλείας ἀνάξιον εἶναι νομίζομεν τὸ περὶ τοὺς ἐκάστοτε προσιόντας ἰδικὰς τινὰς φιλοτιμίας ποιεῖσθαι, ἢ καὶ μέγρι χωρίων ἢ πόλεων μόνων ἢ καὶ ὄλων ἐπαρχιῶν τὴν ἡμετέραν ἐκτείνειν φιλανθρωπίαν, ἀλλὰ μὴ μέγα τι καὶ κοινὸν ἐπὶ πᾶσι τοῖς ὑπηκόοις ποιήσασθαι ("It is not for us to speak of all the occasions when we have been readily generous towards those who petition us, bringing to our notice tax-indebtedness and lack of means to pay, and of how no-one who has petitioned for our clemency has ever left our presence unsuccessfully ... However, we regard it as petty, and unworthy of Sovereignty, to be making particular individual acts of generosity in connection with successive petitions, or even to extend our clemency only to lands or cities, or indeed whole provinces, rather than taking some action on a large scale for the common good of all subjects"<sup>47</sup>.)

In this novel, the clemency described leans more toward the original Hellenistic sense of *φιλανθρωπία* as in the ruler's general benevolence to the people. It is also close to charity in the form of kindness through a tax break. However, echoes of the mercy of traditional Roman *clementia* remain in the sense that debtors to the state are considered criminals who would throw themselves upon the emperor's mercy to relieve their debt. Justinian here brags that anyone who has appealed to him has not gone away without satisfaction. This is of course an enormous exaggeration, as we know many people must have thrown themselves upon the emperor's mercy in various situations without success. Hypatius, who was imprisoned by Justinian after the people acclaimed him in the Nika Riot of 532, is a prominent example. Instead of being pardoned, he was executed and his body flung into the sea<sup>48</sup>. So, as with all propaganda, it is possible of course to show that Justinian wished to be known for mercy without necessarily believing that he was always merciful.

Justinian's laws also give ample evidence that the Christian origins of clemency were very much an important part of his propaganda campaign.

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47. *CJ*, Novel 147, ed. KRUEGER, *CIC*, trans. MILLER and SARRIS, *The Novels*, 953, with my own modifications. Here English "clemency" translates the Greek *φιλανθρωπία*. Cfr. LOUNGHIS et al., *Regesten*, 334, N. 1389.

48. Procopius, *Bella* I-IV, 123-133 = Procopius, *Wars* 1.24.56 (LCL 48).

He alludes to the mercy and forgiveness of God directly. In the preface to Novel 77, he writes: Πᾶσιν ἀνθρώποις τοῖς εὖ φρονοῦσι πρόδηλον εἶναι νομιζομεν, ὅτι πᾶσα ἡμῖν ἐστὶ σπουδὴ καὶ εὐχὴ τὸ τοὺς πιστευθέντας ἡμῖν παρὰ τοῦ δεσπότου Θεοῦ καλῶς βιοῦν καὶ τὴν αὐτοῦ εὐρεῖν εὐμένειαν, ἐπειδὴ καὶ ἡ τοῦ Θεοῦ φιλανθρωπία οὐ τὴν ἀπώλειαν ἀλλὰ τὴν ἐπιστροφὴν καὶ τὴν σωτηρίαν βούλεται, καὶ τοὺς πταίσαντας καὶ διορθουμένους δέχεται ὁ Θεός (“We suppose it is quite obvious to all right-thinking people that our whole object and prayer is for all those entrusted to us by the Lord God to live rightly, and participate in God’s clemency. God’s love of mankind desires not their perdition, but their conversion and salvation; God pardons those who have gone wrong and been set right”<sup>49</sup>).

Here the law reads almost as a homily delivered by a priest, urging people to live virtuously and accept God’s forgiveness when they do not. We also find direct reference to Jesus’ admonitions to show mercy and forgive others in a law that had special personal relevance to Justinian. Sometime in the early 520s, Justinian’s uncle Justin issued a law that allowed Justinian to marry Theodora, a former actress. The preamble to the law states, “God is always willing to pardon the sins daily committed by man, accept Our repentance, and bring us to a better condition. Hence, We should seem to be unworthy of pardon Ourselves were We to fail to act in this manner with reference to those subject to Our empire”<sup>50</sup>. Here the law more or less paraphrases the commandment to forgive given by Christ in Matthew 6. The emperor openly recognizes that in order to achieve forgiveness from God, he must practice forgiveness on his subjects.

In this particular law, the forgiveness is targeted and specific: forgiveness for former actors and actresses who have renounced their old profession. But it is impossible not to see the broader theme that the holder of imperial power should be characterized by his clemency. Yet even in this intensely Christian expression of mercy, echoes of Roman *clementia* and

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49. *CJ*, Novel 77, ed. KRUEGER, *CIC*, trans. MILLER and SARRIS, *The Novels*, 539, with my own modifications (Cfr. LOUNGHIS et al., *Regesten*, 288, N. 1158). Here English “clemency” translates the Greek *φιλανθρωπία*.

50. *CJ*, 5.4.23 proem., ed. KRUEGER, *CIC*: *qui cottidianis hominum peccatis semper ignoscere dignatur et paenitentiam suscipere nostram et ad meliorem statum reducere: quod si circa nostro subiectos imperio nos etiam facere differamus, nulla venia digni esse videbimur*, trans. KALDELLIS, *The Secret History*, 133 (Cfr. LOUNGHIS et al., *Regesten*, 138, N. 439).

Greek *φιλανθρωπία* are to be found. If the emperor is to be characterized by clemency, he is not far off from Tiberius, who adorned his coin with the legend *CLEMENTIA*. In the preamble to this same law, the emperor states, “We believe that the benevolence of God and His exceeding clemency toward the human race should be imitated by us as far as Our nature will permit”<sup>51</sup>. This is a reflection of the *φιλανθρωπία* of the Hellenistic monarchs, who believed they mirrored the gods by showing benevolence to their people. Thus the Christian references to mercy in the law for the marriage of Justinian and Theodora neatly absorb both the Roman and Greek traditions of clemency, packaging them in the commands of Christ.

This evidence strongly suggests that Justinian and his ministers wanted to cultivate for the emperor a reputation as a ruler being merciful because it was his Christian duty, and that by being merciful the emperor was acting like God. Justinian’s forgiveness mirrored God’s forgiveness. These conclusions may be supported by a quantitative examination of some of Justinian’s laws mentioning mercy. Greek phrases that may be translated “Our Clemency” and “God’s Clemency” appear often in the Novels of Justinian. For example, variations of *ἡμετέρα φιλανθρωπία* (Our Clemency) appear in the Novels four times<sup>52</sup>. While four occurrences is not many, it seems that the authors of some laws preferred alternate vocabulary, the most common being *ἡμετέρα ἡμερότητα* (Our Gentleness), appearing three times<sup>53</sup>. This phrase implies a similar mercy to *ἡμετέρα φιλανθρωπία* and is sometimes also translated “Our Clemency” in English. It is interesting that references to God’s Clemency occur even more often in the Novels. Variations of *Θεοῦ φιλανθρωπία* (God’s Clemency) appear nine times<sup>54</sup>. By contrast, in the earlier portion of the Code that includes legislation from previous emperors, Latin phrases that may be translated “Our Clemency” appear ten times, but phrases that may be translated

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51. *Cod. Just.* 5.4.23 [see previous note]: *ita credimus dei benevolentiam et circa genus humanum nimiam clementiam quantum nostrae naturae possibile est imitari*. Here English “clemency” translates the Latin *clementiam*.

52. *CJ*, Novel 42, 78, 129, 147.

53. *CJ*, Novel 112, 115, 118. There is also an instance of a similar phrase in Latin (*nostrae mansuetudinis*) in the Latin-only Novel 9.

54. *C.*, Novel 22, 59, 77, 122, 133, 137, 141, 144, 149. There is also an instance of a similar phrase in Latin (*dei clementia*) in the Latin-only Novel 37.



“God’s Clemency” do not appear at all<sup>55</sup>. While this is not an exhaustive study, and occasionally related words with similar meanings might be used, this is still a relatively stark difference<sup>56</sup>. It would appear that Justinian in his Novels continued a long-standing Roman imperial tradition of referring to “Our Clemency” but also introduced many Christian references to “God’s Clemency” that had not been common before. The frequent use of Christian references to divine mercy and the repetition of both types of phrases in the laws seems to be new to Justinian’s reign and characteristic of the Novels. It is possible that reference to both imperial and divine mercy was purposeful and intended to encourage conflation of the two. This is a strong indication of the way Justinian and his ministers blended and advanced Christian, Hellenistic, and Roman traditions of mercy as a powerful propaganda tool, to enhance the emperor’s reputation.

It was not just the laws of Justinian that illustrated his desire to be known for showing mercy. He also ensured that authors in his orbit would write on imperial mercy, both about his specific acts and the virtue in general. The words of Procopius in the preface to the laudatory *Buildings*, mentioned above, along with the words of other contemporaneous courtiers of Justinian, make clear that the language of mercy was very much “in the air” of imperial politics in the sixth century. Paul the Silentiary, an important court attendant from a wealthy family, wrote a panegyric, known as the *Description of Hagia Sophia*, in December 562 or January 563<sup>57</sup>. In it he praised Justinian in this way:

Ταῖς τοῦ βίου γὰρ συμπαθῶν ἁμαρτάσιν  
ἐπεστέναξας πολλάκις τοῖς πταισίμασιν  
ἡμῶν, ἄριστε, πολλάκις δὲ δακρῦοις  
τὸ πρᾶον ὄμμα βασιλικῶς ὑποβρέχεις,

55. The ten may be divided up into laws that use the phrase *nostra clementia* (*CJ*, Book 1 Introduction, 1.14.8, 1.27.10, 1.51.11, 4.63.4) and laws that use the phrase *nostrae mansuetudinis* (*CJ*, 1.23.6, 1.26.3, 1.33.3, 2.7.16, 3.2.1). For the relation between *clementia* and *mansuetudo*, see DOWLING, *Clemency & Cruelty*, 6.

56. For example, *CJ*, Novel 10 makes use of the phrase *ἡμετέραν φιλοτιμίαν*, which may be translated “Our Generosity.” This makes it a related term and while such related terms are worth examining, they do not have the same precise implication of clemency as the words addressed here.

57. P. N. BELL, *Three Political Voices from the Age of Justinian*, Liverpool 2009, 14.

ἀλγῶν ἐφ’ ἡμῖν· πρὸς δὲ τὴν ἀκρασίαν  
 βλέπων μάλιστα, τὴν σύννοικον τῷ βίῳ,  
 λύεις ἅπαντας τῶν κακῶν ὀφλημάτων  
 ὡσπερ τὸ θεῖον, πρὸς δὲ συγγνώμην τρέχεις

...

(“With compassion for the errors of life, you have groaned often at our transgressions, Best of Men... Especially when on seeing lack of self-control, life’s housemate, you release everyone from their evil debts, like God, and hasten to forgive”<sup>58</sup>).

Just as Justinian had intimated in the language of his law codes, Paul here directly compares Justinian’s forgiveness to God’s forgiveness. Because the *Description of Hagia Sophia* is a panegyric, likely solicited by the court to celebrate the re-dedication of the church at this time, its tone and content probably reflects ideals Justinian would have wanted to hear. So at the end of his reign Justinian is bragging through a courtier what he had been publicizing in his laws for decades: his propaganda that he is merciful and his mercy imitates God’s mercy<sup>59</sup>.

Further external confirmation of the importance the regime attached to clemency and its religious roots comes from Agapetus, who wrote *Advice to the Emperor Justinian*, probably in the early years of the emperor’s reign (perhaps between 527 and 530)<sup>60</sup>. In this “Mirror for Princes” exhortation, the major theme is *φιλανθρωπία* in all of its varied meanings<sup>61</sup>. Some of this advice embraces the broader definition of *φιλανθρωπία* as love of fellow man, such as chapter 20: *Σεπτὴ δικαίως ἐστὶν ἡ ὑμῶν βασιλεία,*

58. Paul the Silentiary, *Description of Hagia Sophia*, vv. 40-47, ed. P. FRIEDLÄNDER, *Johannes von Gaza und Paulus Silentiarius*, Leipzig 1912, 228 (= *Descriptio Sanctae Sophiae. Descriptio Ambonis*, ed. C. de STEFANI, Leipzig 2011, 2-3). Trans. BELL, *Three Political Voices*, 191.

59. It is important to recognize that clemency is not simply something that Justinian claimed at the end of his reign. M. MEIER, *Justinian: Herrschaft, Reich und Religion*, Munich 2004, has argued for a change in Justinian’s reign after the arrival of the plague and other setbacks that made the emperor recognize his own limitations and become pensive about the future. However, it does not seem that Justinian’s claim of mercy was a result of any change in outlook, as it had steadily been a part of his regime from the beginning.

60. P. HENRY, A Mirror for Justinian: the *Ekthesis* of Agapetus Diaconus, *GRBS* 8.4 (1967), 281-308 at 283.

61. HENRY, A Mirror for Justinian, 300.

ὅτι τοῖς πολεμίοις μὲν δεικνύει τὴν ἐξουσίαν, τοῖς ὑπηκόοις δὲ νέμει φιλανθρωπίαν (“Your rule over us is justly venerated because to enemies it shows its power, but to subjects it dispenses clemency”)<sup>62</sup>. However, several passages of the work specify *φιλανθρωπία* in the sense of clemency and link up with the language used by Justinian in his laws and Paul in his panegyric. In chapter 37, Agapetus links the emperor and God in their exercise of mercy: ἐν τούτῳ δὲ μάλιστα τὸν Θεὸν μιμήσεται ἐν τῷ μηδὲν ἡγεῖσθαι τοῦ ἐλεεῖν προτιμότερον (“In this he will best imitate God if he thinks nothing is to be preferred to mercy”)<sup>63</sup>. Interestingly, on two different occasions Agapetus adds in incentive for behaving in this way and showing clemency. Chapter 23 rather baldly equates exercising mercy with receiving heavenly reward: προεισενέγκωμεν οὖν τῷ ἐλέῳ τὸν ἔλεον, ἵνα τῷ ὁμοίῳ τὸ ὅμοιον ἀντιλάβωμεν (“Let us, therefore, first pay an advance of mercy for mercy, that we in turn may receive like for like”)<sup>64</sup>. Chapter 64 phrases it even more grandly: Συγγνώμην αἰτούμενος ἁμαρτημάτων συγγίνωσκε καὶ αὐτὸς τοῖς εἰς σὲ πλημμελοῦσιν ὅτι ἀφέσει ἀντιδίδοται ἄφεσις καὶ τῇ πρὸς τοὺς ὁμοδούλους ἡμῶν καταλλαγῇ, ἢ πρὸς Θεὸν φιλία καὶ οἰκειώσις (“When asking for forgiveness of sins, forgive also yourself those who offend you. For forgiveness is given in return for forgiveness, and for reconciliation with our fellow slaves, friendship and familiarity with God”)<sup>65</sup>. All of these passages further demonstrate that the theme of imperial mercy was common propaganda coming from Justinian’s regime, and that it was consciously and repeatedly linked to religious scruples. Justinian was certainly not the first Roman emperor to emphasize his clemency, or to make it a bragging point of his regime’s propaganda, but the magnitude of the religious impact of clemency and the volume with which it is mentioned in Justinian’s laws, by his historians (like Procopius), and by his courtiers (like Paul and

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62. Agapetus, *Advice to the Emperor* 20, ed. R. RIEDINGER, *Agapetos Diakonos, Der Fürstenspiegel für Kaiser Justinianus*, Athens 1995 (trans. BELL, *Three Political Voices*, 107, with my own modifications).

63. Agapetus, *Advice to the Emperor* 37, ed. RIEDINGER (trans. BELL, *Three Political Voices*, 112).

64. Agapetus, *Advice to the Emperor* 23, ed. RIEDINGER (trans. BELL, *Three Political Voices*, 108).

65. Agapetus, *Advice to the Emperor* 64, ed. RIEDINGER [who deletes the last six words] (trans. BELL, *Three Political Voices*, 119).

Agapetus) is extraordinary and has generally been underappreciated by modern historians.

Justinian's trumpeting of his mercy was a shrewd political calculation. His forgiveness provided at least two distinct political advantages. First, by selectively exercising clemency on important, high ranking generals within his army, Justinian moderated the tendency toward sedition that he feared in them in the first place. Once caught and forgiven by the emperor, he probably calculated that in their gratitude they would be less likely to plot again. Forgiving these generals enabled Justinian to continue to utilize them to control the army. The emperor seems to have preferred to continue tried and true veterans in the service, regardless of their prior misbehaviors<sup>66</sup>.

Second, by making public his moments of mercy, Justinian cultivated a reputation as a just and benevolent ruler. Such publicity might have been quite important to counteract critiques of his regime, which the works of authors like Procopius and John Lydus make clear were in circulation<sup>67</sup>. Justinian does not typically speak directly of political advantages to mercy in his laws, but we would not necessarily expect him to do so either. He perhaps comes close in Novel 8 of 535: *Καὶ γὰρ δὴ καὶ ἡμεῖς διὰ τοῦτο αὐτὸν ἐθέμεθα ὅπως ἂν ἐκ τῆς κατὰ νόμον δικαιοσύνης ἰσχύσωμεν τῷ δεσπότῃ Θεῷ οικειῶσαι ἑαυτοὺς καὶ τὴν ἡμετέραν συστήσαι βασιλείαν ἵνα μὴ δόξωμεν περιορᾶν ἀνθρώπους ἀδικουμένους οὓς ἡμῖν παρέδωκεν ὁ Θεός, ὅπως ἂν αὐτῶν διὰ πάντων φειδόμεθα τῇ αὐτοῦ κατακολουθοῦντες ἀγαθότητι* ("A further reason for our enacting [this law] is to be able to bring ourselves closer to the Lord God, and commend our reign to him, as a result of the justice contained in the law, so that we may not be seen as allowing any unjust treatment of the people whom God has entrusted to us; and in order to show mercy to them consistently, in keeping with his goodness"<sup>68</sup>).

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66. D. A. PARNELL, *Justinian's Men: Careers and Relationships of Byzantine Army Officers, 518-610*, London 2017, 96.

67. On the extent of Procopius' critiques in the *Secret History* and the spread of the work, see TREADGOLD, *The Early Byzantine Historians*, 205-213. On the complaints of John Lydus and similar civil servants, see C. KELLY, *Ruling the Later Roman Empire*, Cambridge, Mass. 2006.

68. *CJ*, Novel 8.11, ed. KRUEGER, *CIC*, trans. MILLER and SARRIS, *The Novels*, 139. Here English "mercy" translates the Greek *φειδόμεθα* (to spare, to be merciful). Cfr. LOUNGHIS et al., *Regesten*, 264, N. 1059.

This passage neatly links Justinian's relationship with God, divine approval for his reign, mercy for his people, and his public image (not being seen to be unjust). The potential political advantage of mercy may also be found in another chapter of the advice of Agapetus: *Τιμιώτατον πάντων ἐστὶν ἡ βασιλεία τότε δὲ μάλιστα τοιοῦτον ἐστίν, ὅταν ὁ τοῦτο περικείμενος τὸ κράτος μὴ πρὸς αὐθάδειαν ρέπη, ἀλλὰ πρὸς ἐπιείκειαν βλέπη, τὸ μὲν ἀπάνθρωπον ὡς θηριῶδες ἀποστρεφόμενος, τὸ δὲ φιλάνθρωπον ὡς θεοείκελον ἐνδεικνύμενος* ("Kingship is the most honored of all things. This is especially so when he who is invested with this power inclines not to willfulness but looks toward fairness. He turns away from inhumanity as something bestial, and exhibits clemency as something divine")<sup>69</sup>. So Agapetus recommended fairness and clemency in order for the emperor to be honored and considered as approaching the divine. Here there is not necessarily a link to being merciful or kind for religious reasons, but the motivation is more simply to retain the regard of the people. This sort of reasoning for mercy is relatively rare in the sources of this period compared to reasoning that provides a Christian justification, but that does not mean it was not on the emperor's mind. So being merciful provided Justinian with at least two political advantages. Of course, it is also possible that Justinian's clemency was not just for propaganda purposes, and that he was genuinely merciful because of personal religious belief. Although this cannot be discounted, it also cannot be proved.

While the frequency of anecdotal instances and propagandistic references to clemency in the reign of Justinian are impossible to ignore, it is also not necessary to completely revise modern interpretations of Justinian as a ruler. The same emperor that bragged about exercising remarkable acts of forgiveness and clemency also ordered executions, the suppression of revolts, and the prosecution of many wars. However, if we are to form a balanced and accurate image of the reign of Justinian in particular and the practice of early Byzantine imperial governance in general, then we need to pay attention to mercy and the way the state and its agents presented it to its subjects. It is apparent that Justinian, his ministers, and his courtiers believed cultivating a reputation for imperial mercy was an

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69. Agapetus, *Advice to the Emperor* 40, ed. RIEDINGER (trans. BELL, *Three Political Voices*, 112-113, with my own modifications).

important component of representing the regime to its people. For this reason it deserves careful examination by modern historians. Beyond being interesting on its own merits, Justinian's language of imperial mercy is also a useful case study on the blending of Roman, Greek, and Christian traditions in this period.

#### Η ΦΙΛΑΝΘΡΩΠΙΑ ΤΟΥ ΙΟΥΣΤΙΝΙΑΝΟΥ ΚΑΙ Η ΘΕΙΑ ΦΙΛΑΝΘΡΩΠΙΑ

Σύμφωνα με τις απόψεις της επιστημονικής έρευνας, ο αυτοκράτορας Ιουστινιανός δεν διακρινόταν για την φιλανθρωπία του. Αλλά κατά την διάρκεια της βασιλείας του τόσο ο ίδιος όσο και οι υπουργοί του κατηύθυναν μια συντονισμένη προσπάθεια να παρουσιασθεί ως ελεήμων. Ο Προκόπιος και ο Μαλάλας έχουν καταγράψει πολυάριθμα και συγκεκριμένα παραδείγματα των μεγάλων πράξεων φιλανθρωπίας του αυτοκράτορα. Ο αυτοκράτορας και οι νομικοί του προέβαλαν την φιλανθρωπία στις *Νεαρές*, και αυλικοί όπως ο Αγαπητός και ο Παύλος ο Σιλεντιάριος επαίνεσαν επίσης τον Ιουστινιανό. Η προπαγάνδα περί της φιλανθρωπίας του Ιουστινιανού βασίστηκε σε ιστορικές παραδόσεις από την Ρωμαϊκή Αυτοκρατορία, τον ελληνιστικό κόσμο, και την χριστιανική διδασκαλία.