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Demosthenes in the Byzantine Empire: Thomas Magister's Leptinean Orations

In the first quarter of the 14th century, the Byzantine scholar Thomas Magister composed two speeches "Against Demosthenes regarding the tax exemptions" and "For the opposite cause regarding the tax exemptions". These are modeled on Demosthenes' speech "Against Leptines" (or. 20), given at a trial against a law that was to abolish all *ateleiai*. It seems the orations are supposed to be part of the trial, delivered by some anonyms not identical with the historical litigants.

Thomas uses his model very freely, concentrating on just few aspects. He even leaves out the actual charge of the original, the issue of the "unsuitability" of Leptines' law. Moreover, Thomas makes changes to Leptines' law. Finally, the setting of the speeches is incompatible with the rules of an Athenian legal procedure and the relation of some arguments to the preceding speeches seems inconsistent. This cannot simply be explained by Thomas' limited knowledge of the administration of justice in Athens in the 4th century B.C. So, it is apparent that he is not trying to compose speeches that could actually be delivered before a jury.

Instead, one has to read these speeches not as showpieces of antiquarianism, but as messages to Thomas' own time. Apparently, Thomas was preceded in exploiting the case of Leptines in this way by several orators of the Second Sophistic. His second speech deals only with the loss of glory Athens has to face if the tax exemptions for benefactors are abolished. The central argument is that if the Athenians dispose of the rewards for benefactors, their reputation for generosity and philanthropy will vanish. Thomas (or the fictitious orator taking Demosthenes' position) evokes the virtues and glory of Athens, transforming the city into the source of all that is good on earth. To this end, he extensively exploits Aelius Aristides' *Panathenaicus* and – to a lesser extent – the genre of the Athenian funeral oration. He also introduces anachronistic details from Roman times into the representation of Classical Athens. Omitting every criticism of Athens Demosthenes makes in the original, Thomas thus creates an unhistorical conglomerate of elements which could be seen as "classical" in the Byzantine era. Athens becomes the epitome of civilization, an ideal for all times.

The first speech is more concerned with the actual charge. The speaker justifies the law by demonstrating its justice and expedience. The latter aspect is most fully developed. He also presents alternatives that are to make good the financial loss of those who have to pay for liturgies. Second Sophistic declamations on the theme of "Against Leptines" had often been used by sophists to defend or claim tax exemption (so apparently Aelius Aristides). If one looks at the situation of the Byzantine empire at the time Thomas composed the speech, one finds striking similarities to the speech: a system of so-called *pronoiai* or *oikonomiai* had risen, which were comparable to the Athenian *ateleiai*. For services to the state, an aristocrat or monastery was awarded the right to keep a certain amount of the tax from a region or piece of land and was not obliged to pass the money on to the emperor. In the late 13th and early 14th century, these *pronoiai* had become heritable so that the loss of revenues to the state increased dramatically. Michael II

Palaeologus, emperor at the time of Thomas Magister, was struggling to reduce the number of *pronoiai*.

From Thomas' treatise "On Royal Duties", it can be seen that parallels between the speeches and the time of composition are not just incidental. Thomas deals (in a rather abstract way) with the problems he mentions in the orations: *megalopsuchia*, *eudokimia*, benefactions, and – most notably – favoritism for one's kin: just as Demosthenes is criticized for acting in favor of his stepson in the first speech, the Byzantine *despotes* is warned of unduly benefiting his own family. In this way, by making Athens timeless, she is relevant even to the Byzantine emperors.