

GUILDS, PRICE FORMATION AND MARKET STRUCTURES IN BYZANTIUM

George C. Maniatis

VARIORUM COLLECTED STUDIES
SERIES

An **Ashgate** Book



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

Also in the Variorum Collected Studies Series:

ELIZABETH ZACHARIADOU

Studies in Pre-Ottoman Turkey and the Ottomans

PAUL MAGDALINO

Studies on the History and Topography of Byzantine Constantinople

HUGH KENNEDY

The Byzantine and Early Islamic Near East

NICOLAS OIKONOMIDES (Ed. Elizabeth Zachariadou)

Society, Culture and Politics in Byzantium

DAVID JACOBY

Commercial Exchange Across the Mediterranean
Byzantium, the Crusader Levant, Egypt and Italy

NICOLAS OIKONOMIDES (Ed. Elizabeth Zachariadou)

Social and Economic Life in Byzantium

PAUL SPECK

Understanding Byzantium
Studies in Byzantine Historical Sources

DAVID JACOBY

Byzantium, Latin Romania and the Mediterranean

FRANCIS J. THOMSON

The Reception of Byzantine Culture in Mediaeval Russia

DAVID JACOBY

Trade, Commodities and Shipping in the Medieval Mediterranean

CÉCILE MORRISSON

Monnaie et finances à Byzance: analyses, techniques

AVERIL CAMERON

Changing Cultures in Early Byzantium

ANGELIKI E. LAIOU

Gender, Society and Economic Life in Byzantium

VARIORUM COLLECTED STUDIES SERIES

Guilds, Price Formation and
Market Structures in Byzantium



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

George C. Maniatis

Guilds, Price Formation and
Market Structures in Byzantium

 **Routledge**
Taylor & Francis Group
LONDON AND NEW YORK

First published 2009 by Ashgate Publishing

Published 2016 by Routledge

4 Park Square, Milton Park, Abingdon, Oxfordshire OX14 4RN

605 Third Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

This edition © 2009 by George C. Maniatis

George C. Maniatis has asserted his moral right under the Copyright, Designs and Patents Act, 1988, to be identified as the author of this work.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Notice:

Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

British Library Cataloguing in Publication Data

Maniatis, George C.

Guilds, price formation and market structures in Byzantium.

– (Variorum collected studies series)

1. Guilds – Byzantine Empire 2. Trade regulation – Byzantine Empire

3. Price regulation – Byzantine Empire 4. Byzantine Empire – Commerce

I. Title

338.6'32'09495'0902

Library of Congress Cataloging-in-Publication Data

Maniatis, George C.

Guilds, price formation and market structures in Byzantium / George C. Maniatis.

p. cm. – (Variorum collected studies series)

Includes bibliographical references and index.

ISBN 978-0-7546-5991-4 (alk. paper)

1. Guilds – Mediterranean Region – History. 2. Prices – Mediterranean Region – History.

I. Title.

HD6473.M43M36 2008

338.6'32094950902-dc22

2008043656

ISBN 13:978-0-7546-5991-4 (hbk)

DOI: 10.4324/9781003553977

VARIORUM COLLECTED STUDIES SERIES CS925

CONTENTS

Introduction	vii
Acknowledgements	xv
Abbreviations	xvi
GUILD ORGANIZATIONAL STRUCTURE AND SCOPE OF OPERATIONS	
I The domain of private guilds in the Byzantine economy, tenth to fifteenth centuries <i>Dumbarton Oaks Papers 55. Washington, DC, 2001</i>	339–369
II The guild system in Byzantium and medieval western Europe: a comparative analysis of organizational structures, regulatory mechanisms, and behavioral patterns <i>Byzantion 76. Brussels, 2006</i>	463–570
THE GUILD SYSTEM IN ACTION	
III Organization, market structure, and modus operandi of the private silk industry in tenth-century Byzantium <i>Dumbarton Oaks Papers 53. Washington, DC, 1999</i>	263–332
IV The organizational setup and functioning of the fish market in tenth-century Constantinople <i>Dumbarton Oaks Papers 54. Washington, DC, 2000</i>	13–42
PRICE FORMATION AND THE ROLE OF THE STATE	
V Pricing of the factors of production in the Byzantine economy <i>Byzantion 73. Brussels, 2003</i>	60–95

VI	Price formation in the Byzantine economy tenth to fifteenth centuries <i>Byzantion 73. Brussels, 2003</i>	401–444
VII	Operationalization of the concept of just price in the Byzantine legal, economic and political system <i>Byzantion 71. Brussels, 2001</i>	131–193
Index		1–5

This volume contains xvi + 394 pages

INTRODUCTION

The mainstream view in the twentieth century has been that the Byzantine economy was centrally controlled by means of a pervasive and overwhelming guild system extending over all sectors, to the provinces, and even beyond the twelfth century. The state allegedly exercised strict oversight over all economic activities, determining the quantity and quality of inputs and outputs and fixing the price of goods and labor. Domestic and foreign trade was strictly regulated, the guild system stifled private initiative and competition as the guilds wielded unbound monopoly pricing power, and price competition all but vanished. Yet, while there have been recurring assertions about the ostensibly invasive character of state interventions, the all-encompassing regulatory apparatus, extensive price controls, and exclusive guild import and sales monopolies, the implications of an array of policy directives and measures taken by the state to buttress the competitive process and prop up the market mechanism have never been explored. In particular, no attempt was made to fathom the conceptual basis, institutional framework, market structures, and market dynamics which shaped the *process* of price formation in the marketplace.

The thrust and common thread that unifies the essays in this volume is the finding that, contrary to the prevailing view, the Byzantine economy fundamentally was market-oriented as the state was quite circumspect in its interventions and pursued market-based policies and solutions within a regulatory framework aimed to thwart unfair business practices, protect the consumer, curb the concentration of economic power, and prevent the emergence of monopolistic market structures – to forstall abuse of power and curb profiteering. As a matter of principle, the authorities did not interfere with the firms' operations and decision-making process. Rather, they relied on the dynamic interaction of the market forces and let the market mechanism take hold even in the guild organized sectors. Being pragmatic, the Byzantines appreciated the enormity and impracticality of the task of having state officials set prices, substituting their judgment for the market forces in a complex business environment. In short, the long-standing notion of a shackled, command and control economy is ill-founded.

The misperception of the nature and functioning of the Byzantine economy can be attributed to an array of factors. First, the scope of the guilds' operations

was mistakenly expanded to include every economic activity in the capital and the provinces. Yet, only manufacturing, trade, and banking service establishments operating in a *limited* number of statutorily designated sectors and only *in the capital* were mandatorily organized into guilds. A multitude of business firms was advisedly left outside the guild organizational structure as the state had no particular interest in regulating their activities: their large number, diverse activities, and small scale of operations would have rendered their supervision unmanageable; their trades did not involve prohibited articles; they operated in a highly competitive environment; and they were subject to statute law for reprehensible business practices. Hence, their compulsory induction into countless guilds would have served no useful purpose and would have been impractical. Lack of critical mass, the enormity of the organizational task, and the prohibitive costs of administration militated against expanding the guild system on a national level. Besides, there is convincing evidence suggesting that the guild system in Byzantium had faded out after the twelfth century. (Essay I.)

Second, the role of the guilds in price formation has been misunderstood and grossly exaggerated. The guilds and their members did not command the requisite market power to influence perceptibly the process of price formation. Unlike the guilds in the West, the Byzantine guild system did not aim to raise or maintain prices through concerted action among guild members. Neither the law nor the guilds imposed price discipline on guild members to thwart intra-guild competition and protect the individual member's market share. The existence of a *guild* sales monopoly does not *ipso facto* imply monopolistic pricing behavior by *individual* guild members or elimination of intra-guild competition. A sharp distinction should be made between the exclusive right of the guild members as a *group* to be involved in a designated economic activity, and the ability of *individual* guild members to take advantage of this prerogative and wield monopoly pricing power in the marketplace. This line of thinking suffers from the 'fallacy of division' since what is true collectively for the entire guild membership as a class is not necessarily true for each member of the class. *Occupational* monopoly is not tantamount to *market* monopoly. Effective exercise of monopoly pricing requires the existence of highly concentrated market structures, collusive behavior by guildsmen with ability to set prices and enforce price discipline on fractious members to ensure compliance, closed entry into the guild, protection from external competition, and a supportive or quiescent law enforcement officialdom. These conditions were nonexistent. (Essays II, VI.)

Third, contrary to common belief, the guilds were not composed of a monolithic bloc of like-minded businessmen acting on command, in unison, or in conformity with internal regulations entailing disciplinary action for noncompliance. Nor were there internal regulations aiming at fixing the number

of firms that could be established within each guild, ensuring uniformity in the scale of operations of individual manufacturing enterprises, employing prescribed techniques and equipment, or establishing production quotas as was the case in the West. More importantly, the system did not purport to shield the membership from internal or external competition, as the guilds did not act as stewards of the commercial interests of their members. The authorities refrained from controlling the price and quality of inputs and outputs (except for prized silks which were declared non-tradable), skill supply, wages, and, in general, from micromanaging the firms' operations. A virtually free trade regime both on imports and exports, unimpeded entry into guilds, relatively unconcentrated market structures, low economic barriers to new entry, anti-monopoly and anti-hoarding legislation, prohibition of vertical and horizontal integration, difficulties in reaching unanimity due to the disparity in bargaining power and direct conflict of interest among members – further exacerbated in the face of ever-changing market conditions, unenforceability of collusive arrangements and price discipline on unruly members in a multi-player setting, unpredictability of the potential benefits of synergy, lack of a supportive or inactive administration, and harsh and humiliating punishment of violators, were potent countervailing forces within the narrow confines of the capital sustaining a competitive rivalry among guild members and deterring collusive behavior. The dynamics of market exchange, institutional arrangements, and economic calculus fostered antagonistic rather than cooperative attitudes in inter-seller and inter-buyer relations in a milieu of free-wheeling entrepreneurs. After all, guilds were not voluntary associations of enterprising individuals with a common agenda; as practitioners of a particular trade they were coerced into joining a state mandated guild. Fundamentally, equality of opportunity rather than equality of economic results were the foundation of the state's industrial and trade policy – in sharp contrast with the guilds in the West. The guilds in Byzantium played a far less determining role in the organization and operation of the economy than has been ascribed to them. (Essays II, III, VI.)

Fourth, the scholarship has failed to appreciate the fact that the thrust of the regulatory provisions was *agoronomic* in character, in that they set norms of business behavior, standards for the orderly conduct of commercial transactions, and principles for consumer protection. The regulatory regime provided a set of non-shifting parameters, and a steady referent that defined the rules of the game and enabled guild members to conduct their affairs with certainty. Yet, in so doing, the rules did not interfere with the strictly technico-economic aspects of the firms' operations, pricing decisions in particular, allowing guildsmen and those doing business with them to operate in a free market setting. Also, no attempt was made to understand the organization and dynamics of the marketplace by *disaggregating* broadly defined industrial and commercial sectoral activities

to obtain insights on their *modus operandi*. For, market structures, shaped by the degree of seller and buyer concentration and the conditions of new entry, define the nature of competition, determine the potency of the operative market forces, and affect the behavior of the firms concerning the strategies and methods they employ in setting production, marketing and pricing policies. Furthermore, strained hypotheses, misreading of or undue reading into the sources, misinterpretation of legal provisions, conclusions based on insufficient evidence, and unwarranted analogies rooted in the experience in the West, have led to a misunderstanding of the morphology of the economy, the compass and *modus operandi* of guild organized and unorganized enterprises, and the role of the market mechanism. Devoid of economic analysis, explanations of key issues predictably turn out to be hollow. (Essays III, IV, VI.)

Fifth, the state did not fix wholesale or retail prices as has been alleged. Commodity prices were established by market forces under competitive conditions which the state was set to defend. The state only set maximum profit *margins* – not maximum *prices* – at the retail end and only for basic staples – bread, wine, meat, fish, groceries and hardware. However, fixing profit margins is not tantamount to fixing prices, since the wholesale price structure of the consumer goods involved – the bedrock of retail price formation – was allowed to reflect demand and supply conditions. Besides, setting profit margins did not preclude price competition as guildsmen could set lower margins in order to increase sales volume and thereby maximize total instead of unit profits. In addition, an increase in *their* market share would reduce the unit cost of sales by spreading overhead costs over a greater number of units and thereby enhance further their profitability. Thus, far from stifling private initiative and antagonism, this vanguard pricing policy tended to foster an acquisitive and competitive spirit. (Essay VI.)

Finally, to safeguard the smooth functioning of the market mechanism, the competitive process was shored up by a panoply of legal and other institutional arrangements which, consistently enforced, aimed to frustrate anti-competitive practices, thwart price-fixing, and ensure correct business conduct – to maintain a level playing field. They included: anti-monopoly legislation and anti-hoarding rules; the one-man one-trade directive in guild organized sectors; organization of the marketplace in the capital in a fashion that prevented market fragmentation, increased efficiency, and kept transaction costs low; assurances regarding the enforceability of property rights and the resolution of conflicts in a court of law; and norms of business behavior to ensure probity in commercial transactions, forestall unlawful competition, and assure consumers of a fair deal. All in all, the Byzantines opted for a free – but not unbridled – market setting. (Essay VI.)

Essay II compares and contrasts the developmental path of the occupational guilds in Byzantium and the West. The incisive comparative analysis of the two

guild systems suggests that, despite superficial similarities, there were singular differences between the two systems in terms of origin, statutory objectives, scope of operations, *modus operandi*, territorial penetration, degree of attained and exercisable market and pricing power, the role assigned to competition and the market mechanism, the extent and mode of state intervention in the economy and in the affairs of the guild members, the expediency of insulating guild members from the vicissitudes of the marketplace, their resilience and longevity, and the causes of their demise. Moreover, fundamental differences in their respective organizational structures, regulatory mechanisms and behavioral patterns set them far apart. Finally, the profoundly diverse cultural beliefs and value systems embedded in the two guild systems inevitably led to distinct trajectories of organization, socio-economic behavior, and economic performance.

Essay III focuses on the structure and functioning of the segmented by fiat submarkets in the guild organized silk industry, the impact of the regulatory regime on the industry's *modus operandi*, the nature of competition at each stage of production and marketing, and their effect on the decision-making process and market conduct of the individual enterprises. The study, through a process of *disaggregation*, challenges long-standing theories, identifies misconstructions and unsupported assertions, fills in lacunae, and puts forward alternative explanatory hypotheses about the manner in which the silk industry likely operated. The study establishes, *inter alia*, that the aim of the regulatory apparatus in this most important export-oriented industry was: to prevent the production and export only of *prized* silks reserved for the court and declared non-tradable; to thwart the parallel development of commercial silk manufacturing outside the guild system in order to enforce the exclusivity and mandated division of labor among guilds in the various phases of production and distribution; to forestall enterprise growth through vertical or horizontal integration, i.e. growth unrelated to market demand; and to prevent the emergence of monopolistic market structures and the concentration of economic power. The varying market structure at each stage of the silk industry's operations was bound to influence to a different degree the nature of competition, the behavior of the participants, their pricing strategies, and performance outcomes. Contrary to expressed views, the guild system did not intend to fix prices by ruling out intra-guild competition or thwart the free play of market forces to protect individual market shares.

Essay IV probes into the organization and functioning of the fish industry in the capital and identifies several sectors with distinct structural characteristics: a large competitive harvesting sector composed mainly of small unorganized fishermen; a quasi-oligopsonistic/oligopolistic wholesale trade sector involving a limited number of entrenched fish merchants; a competitive retail sector; and a rather concentrated surplus fish processing sector. The perishability of fish

gave rise to a day market where demand was the price determining factor in the face of a fixed supply, while the existence of a processing sector alleviated the pressure of excess supply for certain quantitatively important fish varieties by absorbing seasonal and unsold daily surpluses. Prices at the waterfront for all fish species were determined by market forces. In turn, these wholesale prices formed the basis for the calculation of the wholesale and retail profit margins which were fixed statutorily. State officials interfered with the terms of retail sales only in the case of high quality fishes consumed by the upper class, which were in limited supply, commanded high prices, and experienced high price volatility – still setting profit margins not prices.

Essay V attempts to ascertain the economic forces and institutional parameters that determined the prices of the factors of production (labor, land, capital) in the tenth and post-tenth century. The approach has been to lay out the underlying conceptual basis, institutional framework, organization and structure of the factor markets, conduct of the agents involved, role of the state, the operative market dynamics, and the workability of the market mechanism, which ultimately shaped price structures. The study concludes that there was no direct state intervention in price formation in the factor markets with the exception of capital. Indirectly, however, institutional and social inroads inadvertently exerted undue influence on realized labor and land prices, particularly in rural areas where fragmented markets, a socially constraint environment, and the presence of dominant landlords tipped the bargaining power in their favor. As regards the price of capital, though appreciative of the economic necessity of interest rates, in their eagerness to achieve a harmony of antithetic lender-borrower interests the authorities entertained the unrealistic conviction that they could devise and enforce a stratified and lasting interest rate structure. In the face of chronic scarcity of capital, this meant that the price of capital was fixed arbitrarily below equilibrium level. The measure lacked economic rationale, as it defied the operative market forces, created incentives to circumvent the discretionary rate structure, and undermined the enforceability of the regulatory system. Predictably, the uncalled for legislative enactment affected adversely the flow of funds and the smooth functioning of the money market.

Essay VII investigates the origin, legal and economic foundation, extent of penetration in unilateral and bilateral contracts, and enforcement of the concept of just price within the socio-economic, institutional and political framework of the Byzantine state. Although the just price had a long gestation period, it remained inarticulate and undefined in economic terms in the statutes. In practice, the just price was operationalized intuitively and in a pragmatic way: by associating the rule with the going market price in competitive markets, and by relying on expert opinion, local customs, or the capitalization of asset revenue in imperfect markets; by public law regulations which fixed interest rates and

defined contractual obligations in the construction industry; and by *ad hoc* court or administrative decisions based on appraisals by experts. In non-commercial transactions, when the price in an exchange was grossly unfair, i.e. less than half the just price, it could lead to rescission of the contract on grounds of excessive injury. Still, the measure was limited largely to transactions on immovables, land in particular, and aimed to protect the economically weaker citizens who were forced to sell their property because of dire need; to contracts in the building industry to resolve disputes over fair compensation of contractors; and to deals in valuables since their market value was not readily ascertainable and could easily result in deception. The concept did not apply to commercial transactions, the presumption being that under free competition seasoned traders can fend for themselves. Still, this exceptional and exclusive right of rescission of the seller remained circumscribed due to the relative large margin between the just price and the price actually paid, the inherent difficulty in assessing excessive damage, the fact that the kind of restitution in adjudicated rescindable cases was ultimately decided by the buyer, and the flaws and cost of the adjudication process.

GEORGE C. MANIATIS

Bethesda, MD, USA
October 2008

PUBLISHER'S NOTE

The articles in this volume, as in all others in the *Variorum Collected Studies Series*, have not been given a new, continuous pagination. In order to avoid confusion, and to facilitate their use where these same studies have been referred to elsewhere, the original pagination has been maintained wherever possible.

Each article has been given a Roman number in order of appearance, as listed in the Contents. This number is repeated on each page and is quoted in the index entries.

ACKNOWLEDGEMENTS

Grateful acknowledgement is made to the following individuals, institutions and publishers for their kind permission to reproduce the articles included in this volume: the Director of Byzantine Studies, *Dumbarton Oaks*, Washington DC (for articles I, III, IV); the editors of *Byzantion*, *Revue Internationale des Études Byzantines*, Louvain-la-Neuve, Belgium (articles II, V, VI, VII).

ABBREVIATIONS

<i>AB</i>	<i>Analecta Bollandiana</i>
<i>B</i>	<i>Basilics</i> , ed. I.D. Zepos (Athens, 1896–1900)
<i>BCH</i>	<i>Bulletin de correspondance hellénique</i>
<i>BE</i>	<i>Book of the Eparch</i> , ed. and trans. J. Koder, <i>Das Eparchenbuch Leons des Weisen</i> (Vienna, 1991)
<i>BMGS</i>	<i>Byzantine and Modern Greek Studies</i>
<i>Bsl</i>	<i>Byzantinoslavica</i>
<i>Byz.</i>	<i>Byzantion</i>
<i>ByzF</i>	<i>Byzantinische Forschungen</i>
<i>BZ</i>	<i>Byzantinische Zeitschrift</i>
<i>CEHE</i>	<i>The Cambridge Economic History of Europe</i> , vols II and III, ed. M.M. Postan et al. (Cambridge, 1965, 1987)
<i>CJ</i>	<i>Codex Justinianus</i>
<i>C.Th</i>	<i>Codex Theodosianus</i>
<i>CSHB</i>	<i>Corpus scriptorum historiae byzantinae</i> (Bonn, 1829)
<i>D</i>	<i>Digest</i>
<i>DOP</i>	<i>Dumbarton Oaks Papers</i>
<i>EHB</i>	<i>The Economic History of Byzantium: From the Seventh Through the Fifteenth Century</i> , ed. A.E. Laiou (Washington, DC, 2002)
<i>GRBS</i>	<i>Greek, Roman and Byzantine Studies</i>
<i>JG</i>	<i>Jus Graecoromanum</i> , ed. J. and P. Zepos (Athens, 1931)
<i>JÖB</i>	<i>Jahrbuch der Österreichischen Byzantinistik</i>
<i>JRS</i>	<i>Journal of Roman Studies</i>
<i>MM</i>	F. Miklosich and J. Muller, <i>Acta et diplomata graeca medii aevi sacra et profana</i> (Vienna, 1860–90)
<i>ODB</i>	<i>Oxford Dictionary of Byzantium</i> , ed. A. Kazhdan et al. (Oxford, 1991)
<i>PG</i>	<i>Patrologiae cursus completus, series graeca</i> , ed. J.-P. Migne (Paris, 1857–66)
<i>PL</i>	<i>Patrologiae cursus completus, series latina</i> , ed. J.-P. Migne (Paris, 1879–90)
<i>RÉB</i>	<i>Revue des études byzantines</i>
<i>TM</i>	<i>Travaux et mémoires</i>
<i>VV</i>	<i>Vizantiiskii vremennik</i>
<i>ZRVI</i>	<i>Zbornik radova Vizantološkog instituta, Srpska akademija nauka</i>

The Domain of Private Guilds in the Byzantine Economy, Tenth to Fifteenth Centuries

The role of the private guilds in the late Byzantine Empire remains controversial. Three unsettled issues in particular deserve reexamination: the scope of the guilds' sectoral activities in the capital, their presence in the provinces, and their fate after the twelfth century. Putting the role of the guilds in proper perspective is important, as it defines the degree of state control and intervention in key constituent elements of the Byzantine economy including the organization of the private sector, the production and distribution of goods, price formation, domestic and foreign competition, and the configuration of the supporting institutional framework. At issue is the reach of the long arm of the government and the entrenched view of the pervasiveness of the guild organizational form in the Byzantine economy. In addressing these issues, this study establishes criteria and draws clear distinctions among the various organizational forms in place, critically reviews long-standing theories, identifies misreadings of or unwarranted readings into narrative sources, and puts forward new hypotheses that help define more definitively the extent of the guilds' actual involvement in the economic activity in the capital and the provinces, in light of the evolving economic and political realities of the times.

THE SCOPE OF PRIVATE GUILD ACTIVITIES IN THE CAPITAL

The *Book of the Eparch*¹ defined the economic activities that had to be undertaken by private enterprises mandatorily organized into guilds (συστήματα)² and thereby established

¹The *Book of the Eparch* (Ἐπαρχικὸν Βιβλίον; hereafter *BE*), promulgated in 911 or 912, codified earlier decrees concerning the private guilds located in the capital. The piecemeal issue of these decrees suggests that the guild organizational structure described in the *Book of the Eparch* apparently existed already in the late 9th century. The Greek text was published with emendations by J. Nicole, *Le Livre du Préfet ou l'édit de l'Empereur Léon le Sage sur les corporations de Constantinople* (Geneva, 1893), and was reprinted in Zepos, *Jus Graecoromanum*, 2:371–92. English translations are by A. E. R. Boak, "The Book of the Prefect," *Journal of Economic and Business History* 1 (1929): 597–619, and E. H. Freshfield, *Roman Law in the Later Roman Empire: Byzantine Guilds, Professional and Commercial* (Cambridge, 1938). A recent critical edition of the Greek text and a German translation is by J. Koder, *Das Eparchenbuch Leons des Weisen* (Vienna, 1991), which includes a commentary on the origin of rules and regulations, the likely procedure followed for the compilation of the *Book of the Eparch*, and date of publication (*ibid.*, 20–23).

²In economic activities undertaken by firms mandatorily organized into guilds, membership was a precondition for the practice of a craft or trade. See A. P. Christophilopoulos, Τὸ Ἐπαρχικὸν Βιβλίον Λέοντος τοῦ

statutorily their sectoral sphere of operation in the capital. In these specified instances, the practice of a craft or trade by unorganized outsiders was prohibited.³ It would be simplistic to suggest that a mandatory guild system was instituted only to allow the parallel conduct of the same economic activities outside the purview and control of the authorities,⁴

Σοφοῦ καὶ οἱ Συντεχνίαί ἐν Βυζαντίῳ (Athens, 1935), 4, 36, 50; G. Mickwitz, "Die Organisationsformen zwei byzantinischer Gewerbe im X. Jahrhundert," *BZ* 36 (1936): 72–74; A. D. Sideris, "Ἱστορία τοῦ οἰκονομικοῦ βίου (Athens, 1950), 264; B. Mendl, "Les corporations byzantines," *BSI* 22 (1961): 301–2, 304, 312–18; G. C. Litavrin, *Vizantiiskoe obshchestvo i gosudarstvo v X–XI vv: I problemy istorii odnogo stoletia 976–1081 gg* (Byzantine society and state in the tenth and eleventh centuries: Historical problems of one century, 976–1081) (Moscow, 1977), 130, 151. However, guild membership was obligatory only for the proprietor of a business establishment or the individual running the business; craftsmen were employed as hired laborers and were denied admission. Nevertheless, the view is held that guild membership was not compulsory, and that the same crafts were also practiced outside the guild system by unorganized craftsmen. J. Nicole, "Notices détachées pour servir à la critique et l'exégèse de l'édit de Léon le Sage," *Livre du Préfet* (London, 1970), 80; A. Stoeckle, *Spätvömische und byzantinische Zünfte* (Leipzig, 1911), 8; H. Gehring, "Das Zunftwesen Konstantinopels im zehnten Jahrhundert," *Jahrbücher für Nationalökonomie und Statistik* 38 (1909): 580; Boak, "Book of the Prefect," 608 n. 5; G. Zoras, *Le corporazioni bizantine* (Rome, 1931), 172; S. Runciman, "Byzantine Trade and Industry," in *Cambridge Economic History of Europe* (Cambridge, 1987), 2:154 n. 12, 156; A. P. Kazhdan, "Tsekhi i gosudarstvennye masterskie v Konstantinople v IX–X vv" (Guilds and state workshops in Constantinople in the ninth and tenth centuries), *VizVrem* 6 (1953): 138–39, 144, 146–47, 153; idem, *Derevnia i gorod v Vizantii IX–X vv* (Country and town in Byzantium in the ninth and tenth centuries) (Moscow, 1960), 334, 336, 342, 344; D. Simon, "Die byzantinischen Seidenzünfte," *BZ* 68 (1975): 36–39; P. Horden, "The Confraternities in Byzantium," in *Voluntary Religion* (London, 1986), ed. W. J. Shields and D. Wood, 35; M. Angold, "The Shaping of the Medieval Byzantine 'City'," *ByzF* 10 (1985): 29–30; idem, *The Byzantine Empire 1025–1204* (London, 1997), 94; A. Muthesius, "Byzantine Silk Industry: Lopez and Beyond," *JMedHist* 19 (1993): 32. R. S. Lopez, "Silk Industry in the Byzantine Empire," *Speculum* 20 (1945): 15–16, articulated this notion best: these outsiders were craftsmen and traders who could not join or had dropped out of their respective guilds because they could not afford to pay the entrance fee or underwrite their share in the collective purchase of imported materials.

This hypothesis is untenable. First, as discussed in the text, the coexistence of guild-controlled and non-guild-controlled economic activities in the same sector made no sense in the state's framework of industrial and commercial policy. Second, there is no indication in the *Book of the Eparch* that these groups operated outside the guild system. In fact, the practice of certain crafts by nonguild members was explicitly forbidden; see note 3. Third, these groups have been mistakenly perceived as poor: they were of servile status and hence ineligible to take part in the wholesale collective purchases (*BE* 7.2). Fourth, the existence of guild members unable to participate in the wholesale common purchase (*BE* 6.9) or of members thought of as eligible to join (*BE* 7.5) only confirms the varying size distribution of firms in their respective guilds and the concomitant diverse financial strength of the membership, not the existence of unorganized and needy craftsmen and traders operating outside the parameters set by the guild system. Finally, manufacturing and trading activities required adequate financial resources (self-financing, credit availability). Indeed, one of the conditions of entry was adequacy of financial means (εὐποροῦς: *BE* 2.10, 8.13), which suggests that craftsmen with insufficient resources could not set up shop to begin with. Hence those who lacked the wherewithal to operate as independents had to seek employment as hired workers, while those who had the financial resources to establish themselves as independent businessmen surely could afford the one-time nominal entrance fee. Certainly, the fee levied by the guilds was not intended to forestall new entry and thereby deter competition between existing and new members, as Christophoropoulos (Ἐπαρχικόν Βιβλίον, 54) asserts. For more detail on the status of these groups, see G. C. Maniatis, "Organization, Market Structure, and Modus Operandi of the Private Silk Industry in Tenth-Century Byzantium," *DOP* 53 (1999): 271–72, 279–81.

³*BE* 9.6, 11.8, 12.4, 6, and 13.4.

⁴Guild members were forbidden to supply raw materials and finished goods to nonguild members (*BE* 6.16, 7.1, 12.4, 6, 7), buy imported raw materials on behalf of influential or wealthy persons (*BE* 6.10, 7.1), act as procurement agents for members of another unauthorized guild, barter or purchase goods they were not authorized to handle (*BE* 9.6, 11.8, 12.7), or sell such materials unprocessed (*BE* 6.13, 7.1). The imposed restrictions aimed further to deter dissipation of supplies to low-priority uses through sales to unauthorized

whether by noblemen,⁵ wealthy enterprising individuals, or small-scale traders and craftsmen, as has been argued.⁶ It would serve no purpose to set up an organizational structure, designate operational functions at each stage of the productive process and distribution, and enact elaborate regulations concerning admission, obligations, and conduct, only to let the assigned activities be conducted outside the guild system. Had this happened, the guild system effectively would have been scuttled.

In analyzing the business organizational structure in Byzantium, it is all-important to draw a sharp distinction between the *mandatory* organization into guilds (συστήματα) of

persons or in minuscule quantities, thereby depriving high-priority (guild-organized) producers of adequate raw materials (BE 6.10, 13, 16, 7.5). On the other hand, the stipulation that raw materials cannot be sold to traders who intended to export them unprocessed (BE 6.16) reflects the state's primary concern to avoid unwarranted shortages and consequent price increases. It also points to a conscious policy of exporting only finished goods from the capital, which generated employment opportunities locally and a much higher value added. In short, the purpose of these restrictions was to forestall the growth of manufacturing and trade activities outside the guild system in those sectors deemed important to the capital's economy and welfare. Moreover, by funneling all commercial activity through a controllable setting, the emergence of monopolistic market structures and the concentration of economic power in a few hands could be thwarted.

⁵It has been argued that, despite the prohibition, the nobility, in collusion with guild members, managed to have silks produced for their account or at their homes, which in turn they sold on the market. Mickwitz, "Organisationsformen," 75–76; idem, "Un problème d'influence: Byzance et l'économie de l'Occident médiéval," *Annales d'histoire économique et sociale* 7 (1936): 27; Kazhdan, "Tsekhi," 153; M. I. Siuziumov, "Remeslo i torgovlia v Konstantinopole v nachale X v." (Crafts and trade in Constantinople at the beginning of the tenth century), *VizVrem* 4 (1951): 29–30; Lopez, "Silk Industry," 16. Similarly, provision BE 16.4, which prohibits pork dealers from hiding pigs in nobles' houses, has led to the inference that dignitaries were illicitly involved in the livestock trade: Siuziumov, "Remeslo," 30. However, the notion that the powerful would be involved in an illicit activity and that guild members would be willing to cooperate amid the ubiquitous presence of informers and the severe penalties that were inflicted is strained. The law's cautionary provisions cannot be construed as *proof* of a prevalent pattern of unlawful actions by dignitaries. The very purpose of the introduction of the law was precisely to frustrate possible transgressions. Besides the powerful did not have to resort to underhanded and risky deals, flout the law, and be humiliated if caught—a virtual certainty, as illegal conduct and flagrant transgressions of the law could hardly elude the attention of the vigilant chiefs. They could openly and profitably invest their capital in silk manufacturing (or any other activity for that matter) by lending to guild members, by entering into a partnership with a guild member, or by setting up shop by sponsoring a slave. The nobility was free to exploit business opportunities, but in particular sectors they had to operate through the guild system.

To be sure, the law (Βασιλικά, ed. I. D. Zepos (Athens 1896–1900), 6.1.23 (hereafter *Basilics*) established the incompatibility of the status of high-ranking state officials with direct or indirect involvement in business. But except for the few dignitaries occupying positions of the highest authority in the capital, to whom the law was strictly referring, there were many rich persons who had purchased their dignities without corresponding obligation to discharge administrative functions. These, as well as numerous members of the powerful Byzantine aristocratic families, some among the emperor's close relatives (οικείοι), were actively involved in commercial activities, particularly during and after the twelfth century. P. Lemerle, "Roga' et rente d'état aux Xe–XIe siècles," *REB* 25 (1967), 77–100; A. Andréadès, "De la monnaie et de la puissance d'achat des métaux précieux dans l'empire byzantin," *Byzantion* 1 (1924), 105; Litavrin, *Vizantiiskoe obshchestvo*, 164–68; A. E. Laiou-Thomadakis, "The Byzantine Economy in the Mediterranean Trade System; Thirteenth–Fifteenth Centuries," *DOP* 34/35 (1980–81), 188, 199, 201, 204–5, 212, 220–21; A. E. Laiou, "The Greek merchant of the Palaeologan period: A collective portrait," in eadem, *Gender, Society and Economic Life in Byzantium*. Variorum Reprints (Hampshire, 1992), VIII, 105, 108, 112–13; J.-C. Cheynet, *Pouvoir et contestations à Byzance (963–1210)* (Paris, 1990), 296; idem, "Dévaluation des dignités et dévaluation monétaire dans la seconde moitié du XIe siècle," *Byzantion* 53 (1983), 453–54, 457–58, 477; M. Hendy, "The Economy: A Brief Survey," in *Byzantine Studies*, ed. S. Vryonis Jr., (New Rochelle, New York, 1992), 146.

⁶The authors that hold this view are cited in notes 2, 5, and 23.

manufacturing and trade establishments operating in designated sectors, because the state felt it needed to supervise their activities closely,⁷ and the *voluntary* associations (σωματεία) of craftsmen and traders and societies (σύλλογοι) of professionals and charities,⁸ whose activities the state had no particular interest in regulating. Guilds were official organizations instituted by the state and under its direct control, effected through the eparch and the chiefs he appointed. Fundamentally, the state's organs enforced the government's economic policy and the stipulated rules of business conduct; they did not act as stewards of the professional interests of the guild members.⁹ Associations and societies, on the other hand, were independent, self-governed organizations initiated and formed by their own members and run by elected members and their own instituted by-laws. Voluntary associations could be established in the provinces as well,¹⁰ but mandatory guilds operated only in the capital and only in a limited number of designated economic activities.¹¹

The *Book of the Eparch* deals exclusively with the organizations that operated in the capital. It sets forth the rules governing the society (σύλλογος) of the notaries, a quasi-judicial body subjected to singular entrance requirements, *numerus clausus* on mem-

⁷To be able to keep a check on the guilds, the eparch appointed their chiefs (*BE* 5.1, 14.1, 2). Stockle, *Byzantische Zünfte*, 84; Christophilopoulos, *Ἐπαρχικὸν Βιβλίον*, 47–48, 49 and n. 1; S. Runciman, *Byzantine Civilization* (London, 1933), 175; Boak, "The Book of the Prefect," 599; Siuziumov, "Remeslo," 39; and N. Oikonomidēs, "Entrepreneurs," in *The Byzantines*, ed. G. Cavallo (Chicago, 1997), 155, maintain that the chiefs of the guilds, though official organs of the state, were chosen from among their members. However, this is true only for the society (σύλλογος) of the notaries (*BE* 1.22) who, because of their legal training, distinct quasi-judicial function, and high ethical standards were subject to a different set of rules. This ad hoc procedure of selecting their chief cannot be applied by analogy to the other guilds, which were involved in totally unrelated industrial and trade activities. In dealing with the guilds proper (συστήματα), the *Book of the Eparch* nowhere indicates that the chiefs were chosen from among the guild members or alludes to the process of their selection. This is understandable, as the authorities could not trust active guild members to perform their duties impartially because of their vested interests.

⁸E.g., κολλέγιον τῶν πενήτων: *Basilics*, 60.32.3 scholium; welfare societies: *Georgius Cedrinus*, ed. I. Bekker, vol. 2 (Bonn, 1839), 641; Ph. Koukoules, *Βυζαντινὸν Βίος καὶ Πολιτισμὸς*, 6 vols. in 7 pts. (Athens, 1948–57), 2A:80 n. 4, 102.

⁹Cf. Christophilopoulos, *Ἐπαρχικὸν Βιβλίον*, 38; idem, "Ζητήματα τινά ἐκ τοῦ Ἐπαρχικοῦ Βιβλίου," *Ἑλληνικά* 11(1939): 134; Boak, "The Book of the Prefect," 597–98; Mendl, "Les corporations byzantines," 318; G. Ostrogorsky, *History of the Byzantine State* (Oxford, 1968), 254; Runciman, "Byzantine Trade," 154; E. Francès, "La disparition des corporations byzantines," in *Actes du XIIe Congrès International d'Études Byzantines, 1961* (Belgrade, 1964), 2:97; Litavrin, *Vizantiiskoe obshchestvo*, 134, 140–41, 147–48, 151. Contra: C. M. Macri, *L'Organisation de l'économie urbaine dans Byzance sous la dynastie de Macédoine (867–1057)* (Paris, 1925), 73–74; P. Charanis, "On the Social Structure of the Later Roman Empire," *Byzantion* 17 (1946), 50; Kazhdan, "Tsekhi," 144; A. Anréadès, "Byzance, paradis du monopole et du privilège," *Byzantion* 9 (1934), 172. G. Mickwitz, *Die Kartellfunktionen der Zünfte und ihre Bedeutung bei der Entstehung des Zunftwesens* (Helsinki, 1936), 207–23, 228–31, 234, and esp. 229. Mickwitz (229) argues that, besides the protection of the public from gouging in foodstuffs, the law, actually initiated by the traders themselves, aimed to thwart all competition among members or from outside and thereby safeguard the guilds' monopolies. The statutory monopolies granted the guilds hardly served the interests of the state. For a refutation of this latter notion, that the state wished to advance the interests of the members of the guilds, see Maniatis, "Private Silk Industry," 269–70, 303–19, 323–26.

¹⁰*Basilics*, 54.16.16.

¹¹The only craftsmen required to be organized into guilds (συστήματα) were the jewelers (*BE* 2), those involved in silk manufacturing (*BE* 4–8), the candlemakers (*BE* 11), the soapmakers (*BE* 12), and the tanners and saddlers (*BE* 14). See also note 25 below.

bership admissions, and a special procedure for the selection of their chief exclusively from their members (*BE* 1. 1–26). The society of notaries could hardly be classified as a guild *qua* guild, as its constitution and special functions set it apart from the guilds proper, which were involved in unrelated activities. The *Book of the Eparch* also designates occupations whose activities were deemed vital for the local economy or essential to the provisioning of the city that were required to be organized into guilds (συστήματα). Furthermore, it alludes to several crafts in the construction industry, referred to generically as contractors without any mention of their being organized into guilds,¹² some of which may have been voluntarily organized into informal groups or formal associations (σωματεία).¹³

¹²The provisions of the *Book of the Eparch* regarding the construction trades (*BE* 22.1–4) simply reiterate earlier provisions of common law outlining the responsibility of these groups in the exercise of their craft: *CIC, Dig* 6.1.39, 11.6.7, 19.2.51; *CIC, CI* 8.12.8, *Basilics*, 15.1.39, 20.1.22. These provisions stipulate the course of action to be taken when, having made an agreement and received earnest money, craftsmen quit their undertaking to begin another before the former is completed; the responsibility of employers who, having contracted craftsmen for a project, fail to provide them with the necessary materials and thus force them to abandon their work; and the steps to be taken to resolve disputes over fair compensation or reprehensible conduct of the parties, including remedial action. Also, to ensure fulfillment of contractual obligations and exclude the involvement of third parties in ongoing work, contractors and craftsmen were forbidden to enter into an agreement with one another to complete work already in progress. *Synopsis Basilicorum*, T. 8.1.

That the *Book of the Eparch* does not refer to these crafts as guilds is not an accident. In fact, the tenor of the relevant provisions of the *Book of the Eparch* strongly suggests that they were not organized into guilds and that their activities were not monitored by the state. Cf. Sideris, Ἰστορία, 227; Siuziumov, “Remeslo,” 16, 18, 19, 23; P. Schreiner, “Die Organisation byzantinischer Kaufleute und Handwerker,” in *Untersuchungen zu Handel und Verkehr der vor- und frühgeschichtlichen Zeit in Mittel- und Nordeuropa* (Göttingen, 1989), 4:52; I. P. Medvedev, *Problema manufaktury v trudakh klassikov marxisma-leninisma i vopros o tak nazyvavmoi vizantiiskoi manufaktur. V. I. Lenin, i problemy istorii* (The problem of manufacture in the studies of classics of Marxism and Leninism, and the question of Byzantine manufacture. V. I. Lenin and problems of history) (Leningrad, 1970), 402. Stoeckle, *Byzantinische Zünfte*, 54, and Christophilopoulos, Ἐπαρχικὸν Βιβλίον, 92, maintain that our present knowledge does not allow us to accept or reject the notion that the construction workers were organized into guilds. On the other hand, F. Dölger, *Aus den Schatzkammern des Heiligen Berges* (Munich, 1948), 269, believes that this was a well-regulated guild-type (*Zunftordnung*) organization. Gehring, “Zunftwesen,” 580, Zoras, *Corporazioni bizantine*, 203, Macri, *Organisation*, 106–7, and Kazhdan, *Derevnia*, 366, also maintain that the building trades had adopted guild organizational forms. Certainly, the mere mention of construction trades in the *Book of the Eparch* does not mean that they were organized into guilds, as stated by N. Oikonomidès, *Hommes d'affaires grecs et latins à Constantinople (XIIIe–XVe siècles)* (Paris, 1979), 112 n. 242. Also, his view (*ibid.*, 111–12) that the construction workers in the capital and in Thessalonike formed “une organisation corporative,” i.e., a guild, headed by a chief (πρωτομαίστωρ) during the 13th and 14th centuries, is untenable, as construction workers traditionally formed small gangs headed by a leading technician. Inferring the existence of a guild organizational structure from a designation pertaining to foremen of crews is hardly conclusive. See also note 13 below. Finally, his assertion (*ibid.*, 112) that all construction workers and joiners residing in the capital were subject to the authority of the palace’s steward (παλατοφύλαξ) needs to be qualified. Only those who had undertaken to offer their services (οἱ δηλωθέντες) fell under his jurisdiction. C. N. Sathas, *Bibliotheca graeca medii aevi* (Venice, 1877), 6:649.

¹³The notion that the building trades, whether in the capital or in the provinces, were not organized into mandatory guilds (συστήματα) in the 10th century is strengthened by the absence of historical precedent. Thus the Declaration of the association of building craftsmen in Sardis to the city’s imperial magistrate as early as A.D. 459, prompted by frequent complaints of unfinished work, outlines the obligations of the employers and craftsmen and sets forth the commitment of the association of builders and artisans to complete the work left unfinished and pay for damages in case of nonperformance out of the association’s funds,

A large number of craftsmen were involved in a wide spectrum of manufacturing activities of the artisanal type in the capital,¹⁴ working singly or with a few helpers or apprentices and without extensive division of labor. Articles were produced for the most part one at a time, with individual variations, often to the requirements of a particular customer. The craftsmen sold their products themselves or through middlemen (e.g., grocers)¹⁵ under conditions of atomistic competition, and hence there was no particular concern that they might act in concert and thereby exploit the consumer; their lines of production did not include prohibited articles; and their dealings and infractions fell under the common law.¹⁶ In these circumstances, close state supervision would be pointless. The same holds for the numerous small traders.¹⁷ Besides, their limited number per craft and small turnover would hardly justify their induction into countless mandatory guilds (συστήματα) and the concomitant inordinate augmentation of the requisite bureaucracy to oversee their activities. The state therefore had no compelling reason to enjoin this multitude of craftsmen and traders to organize themselves into guilds, and this explains why there is no reference to them in the *Book of the Eparch*.¹⁸ Rather, the state allowed these unorganized crafts to form voluntary associations (σωματεία), usually in fields designated by law and provided their members qualified,¹⁹ if they thought that this

provided the hired craftsmen belonged to the association. For the text and commentary, see W. H. Buckler, "Labor Disputes in the Province of Asia Minor," in *Anatolian Studies Presented to W. M. Ramsay* (Manchester, 1923), 36–45. Buckler (41) maintains that this is the earliest example known of a trade union. However, the condition that the craftsmen involved should be "one of us" in order for the association to take action suggests that not all craftsmen in the building trades were organized, and that those organized more likely had formed a voluntary association of a cooperative nature (σωματεῖον) rather than a trade union. Similar provisions are found in CIC, *CI* 6.62.5, 11.10.5. Incidentally, the *Book of the Eparch* contains no provision for collective obligation for indemnification. In the same vein, Siuziumov, "Remeslo," 19, points out that in the hagiographic literature of the 8th through the 10th century itinerant builders are described as hired workers organized into *artels*. Litavrin also maintains that the builders referred to in the *Book of the Eparch* formed cooperative associations (*artels*): *Vizantiiskoe obshchestvo*, 130.

¹⁴An incomplete list of more than fifty crafts are enumerated in *Basilics*, 54.6.6 and *BE* 22.1. For additional crafts and trades, see Koukoules, Βυζαντινῶν Βίος, 2A:179–243; Oikonomides, *Hommes d'affaires*, 100–103; Schreiner, "Organisation," 59 and n. 74. Important industries located in the capital or its outskirts, e.g., metalworking, woodworking, glassmaking, woolen and linen, pottery, grain milling, and building materials, operated outside the guild regime.

¹⁵*BE* 13.1.

¹⁶The relevant provisions include: *Basilics*, 20.1.22 scholium, 10.4.16[4], 60.22.6, 60.44.2, 19.10.68, 19.10.17, 10.3.1, 2; *Ecloga*, 15.25, 16.30, *Synopsis Minor*, M.4, E.45, Π.18, 42; *Synopsis Basilicorum*, Δ.37.3, Π.24.3, 5; *Peira*, 38.29, 30; Attaleiates, *Ponema*, 11.2,7; *Hexabiblos*, 3.3.70, 3.3.19 and scholium, 3.3.72, 6.15.7, 6.14.12, 13, 16. The unorganized craftsmen were also under the eparch's jurisdiction: Ὁ ἐπάρχος ἐξουσίαν ἔχει ἐπὶ πᾶσι τοῖς συστηματικοῖς καὶ ἰδιώτας τέχνην οἰανδήποτε μετερχομένοις; *Ecloga Basilicorum*, 2.2 in K. E. Zachariae von Lingenthal, *Geschichte des griechisch-römischen Rechts* (Berlin, 1892), 367 n. 311; οἱ τῶν τεχνῶν τῷ ἐπαρχῷ τῆς πόλεως ὑπόκεινται; *Peira*, 51.29. Cf. also N. Oikonomides, "L'évolution de l'organisation administrative de l'empire byzantin au XI^e siècle (1025–1118)," *TM* 6 (1976): 133. If so, the provisions of the *Book of the Eparch* pertaining to business conduct (cited in notes 123–26 below) in all probability were applicable to them as well.

¹⁷See note 25 below.

¹⁸Siuziumov, "Remeslo," 18, and Kazhdan, "Tsekhi," 138, *Derevnia*, 308, also maintain that the bulk of the crafts were not organized into guilds.

¹⁹In the capital, associations (σωματεία) were registered with the eparch, and their activities fell under his jurisdiction: Πάντα τὰ ἐν Κωνσταντινοπόλει σωματεία . . . τῷ ἐπαρχῷ τῆς πόλεως ὑποκείσθωσαν (*Basilics*, 6.4.13; *Synopsis Basilicorum*, A.66.32). In the provinces, jurisdiction over associations was assigned to the local authorities. Entry was conditioned on evidence presented by the association to the competent authorities about the

vehicle served their purposes. Conceivably, some crafts had formed associations, particularly those that felt that their being organized could advance or protect their interests in dealings with state authorities, help solve problems they faced in the practice of their craft or profession (e.g., shipowners, shipwrights),²⁰ or impress self-discipline and probity among fellow craftsmen.²¹ The upshot is that there were many crafts whose practice did not require their induction into a mandatory guild organizational structure and whose compulsory enrollment into guilds not only would have served no purpose but also would have been impractical.

Whether or not there were other guilds not included in the *Book of the Eparch* has been much debated. Some argue that, based on our present knowledge, it is not possible to give a definitive answer to this question.²² Others maintain that there were crafts that were not organized into guilds,²³ while many assert that the *Book of the Eparch* does not

age, gender, and technical proficiency of the candidate (*Basilics*, 54.16.16). The registration of the associations facilitated the task of the authorities in repairing the walls of the city, recruiting combatants for its defense, fighting fires, arranging for the participation of their heads or members in official ceremonies and processions, and in keeping an eye on their political activities, as gatherings having political character were not permitted (*Basilics*, 60.32.1 and scholia; *Synopsis Basilicorum*, Σ.12.2). The guild organization also was a convenient vehicle for the discharge of public services in times of emergency: ἕκαστον τούτων τῶν συστημάτων φυλάσσει τὴν πόλιν ἐν καιρῷ ἐπιδημίας ἐχθρῶν (Constantine Porphyrogenetos, *De Cerimoniis Aulae Byzantinae*, ed. I. Reske (Bonn, 1829), 449. See also, S. Vryonis Jr., "Byzantine Δημοκρατία and the Guilds in the Eleventh Century," *DOP* 17 (1963), 300; Schreiner, "Organisation," 47–48, 58.

²⁰It is telling that the *Book of the Eparch* does not include the gold and silver embroiderers among the silk guilds of the capital, as it does not deal with the wool and linen weavers or the smiths, despite the importance of their respective crafts. Cf. Mickwitz, *Kartellfunktionen*, 226; D. Jacoby, "Silk in Western Byzantium before the Fourth Crusade," *BZ* 84/85 (1991–92): 463. Similarly, the shipowners' guild (*navicularii*), so important, among other things, for the empire's trade and so prominent in earlier periods, also is not mentioned in the *Book of the Eparch*. Apparently, their guild had disappeared by the 7th century: "the shipowners were comparatively free agents, plying the seas for their own personal gain": Charanis, "Social Structure," 49, and the sources cited therein; A. R. Lewis, *Naval Power and Trade in the Mediterranean, A.D. 500–1100* (Princeton, N.J., 1951), 40, 82–83. Contra: M. I. Siuziumov, *Kniga Eparkha* (The Book of the Eparch) (Sverdlovsk, 1949), 114–15; Litavrin, *Vizantiiskoe obshchestvo*, 132, 148–49. To be sure, in times of emergency the state requisitioned ships, as it did pack animals, supplies, or services, whether the persons affected were organized into guilds (e.g., the saddlers, *BE* 14.1) or not. But this is hardly tantamount to their activities being "regulated," because the provisioning of the capital was one of the deepest concerns of the central government, as has been suggested: Charanis, *ibid.*, 49–50; G. I. Bratianu, "La question de l'approvisionnement de Constantinople à l'époque byzantine et ottomane," *Byzantion* 5 (1929–30): 91; J. Durliat, "L'approvisionnement de Constantinople," in *Constantinople and Its Hinterland*, ed. C. Mango and G. Dagron (Aldershot, 1995), 22, 29. In normal times the government could (and did) employ the services of the shipowners on a contractual basis which obviated the need for direct control of their activities.

²¹Such mandated or voluntary commitments (see note 19) necessitated some form of organization of the members of a craft, be it a mandatory guild or a voluntary association. Thus, since they were not enjoined by law to form a guild, the coppersmiths apparently were organized into an association (συναγείον) in order to fulfill their obligation to watch each other because they were collectively liable for the transgressions of any one of them: ἐνὸς πταισάντος τῶν χαλκῶν, εἰς πάντα ὁ κίνδυνος ἄρχεται, ὡς ὀφείλοντας ἀλλήλους κατασκοπεῖν" (*Basilics*, 54.17).

²²Stoeckle, *Byzantinische Zünfte*, 8; Christophilopoulos, "Ἐπαρχικὸν Βιβλίον," 8 n. 4; Koder, *Eparchenbuch*, 23, 33; *idem*, "Delikt und Strafe im Eparchenbuch," *JÖB* 41 (1991): 114.

²³Nicole, *Livre du Préfet*, 11–12; Gehring, "Zunftwesen," 580; S. Lampros, Ἱστορία τῆς Ἑλλάδος (Athens, 1898), 4:262–63; H. Monnier, *Les Nouvelles de Léon le Sage* (Paris, 1923), 60 n. 4; Sideris, Ἱστορία, 264, 267–68; Runciman, "Byzantine Trade," 154 n. 12; Mendl, "Corporations," 303; Angold, "Medieval Byzantine 'City,'" 29; Kazhdan, *Devinia*, 308, 334; *idem*, "Tsekhi," 138; Siuziumov, "Remeslo," 18–19; W. Treadgold, *A History of the Byzantine State and Society* (Stanford, Calif., 1997), 574.

exhaust the existing guilds in the capital as the guild system was far-reaching.²⁴ But as already shown, there was no compelling reason for every single craft or trade to be organized into a compulsory guild (σύστημα).²⁵ On the other hand, it is unlikely that economic activities the state was keen on regulating would have been left out of the compilation of edicts included in the *Book of the Eparch*. Besides, crafts engaged in activities that could not be entrusted to the private sector (e.g., minting, weaponry, high-quality silk manufacturing for the exclusive use of the court) were mentioned in legal texts and narrative sources, and the respective craftsmen worked in imperial workshops.²⁶ The notion that the guild system was pervasive is born of the failure to put the regulatory system into proper perspective.²⁷

²⁴Nicole, *Le Livre du Préfet*, 3, 11; Ch. Diehl, *Études byzantines* (Paris, 1905), 143; Mendl, "Corporations," 303; Zoras, *Corporazioni bizantine*, 153, 207; Macri, *Organisation*, 33; Sideris, Ἴστορία, 269; Boak, "The Book of the Prefect," 599; Kazhdan, "Tsekhi," 137–38; Ostrogorsky, *History*, 253–54; Freshfield, *Roman Law*, xii–xiii; Schreiner, "Organisation," 51; S. Vryonis Jr., "Guilds," *DOP* 17 (1963): 297 n. 26; A. Toynbee, *Constantine Porphyrogenitus and His World* (London, 1973), 41; Litavrin, *Vizantiiskoe obshchestvo*, 148–49; Mickwitz, *Kartellfunktionen*, 226, 230. Mickwitz (229) maintains that only guilds dealing with basic staples and those whose monopoly rights the state wished to protect were included in the *Book of the Eparch*. He explains the omission of, in his view, other important guilds from the *Book of the Eparch* as follows: they were not interested in establishing monopolies; they did not seem as threatening as the guild of the construction workers; or their activities did not affect consumer welfare (*ibid.*, 229–30).

²⁵A number of basic staples were handled by guilds: bread (*BE* 18), fish (*BE* 17), meat (*BE* 15), wine (*BE* 19), groceries and hardware (*BE* 13), for which the *Book of the Eparch* did not fix wholesale or retail prices but only capped profit margins. On the implications of this policy for the price formation process, see below, pp. 359, l. 32–360, l. 3; 364, ll. 20–24; 368, ll. 26–9 and Maniatis, "Private Silk Industry," 311 and n. 180. Yet many trades dealing in heavily marketed basic consumer goods of equal importance to the public, such as milk, eggs, fruits, vegetables, clothing, medicines, firewood, shoes, furniture, utensils, timber, bricks, tiles, and lime, remained unorganized. This suggests two things: the guild system was confined to activities the state was keenly interested in keeping in check; and the guild system and the regulatory restrictions were not as pervasive as has been thought (see note 27 below). J. Koder observes that there is no mention of guilds dealing in milk, eggs, fruits, and vegetables in the *Book of the Eparch* (he also includes dairy products, e.g., cheese and butter; but these products were handled by the grocers' guild, *BE* 13.1): 'Επαγγέλματα σχετικά μέ τόν ἐπισιτισμό στό Ἐπαρχικό Βιβλίό," in Ἡ καθημερινή ζωή στό Βυζάντιο. Τομές καί συνέχεια στήν ἑλληνιστική καί ρωμαϊκή παράδοση. Α' Διεθνές Συμπόσιο, 1988 (Athens, 1989), 366. Not surprisingly, Koder attributes the omission to the fact that the sale of these goods took place in *fora* "without the intermediation of any special organization" (*ibid.*), implying the absence of a guild organizational structure dealing with perishable commodities marketed largely by a multitude of small traders, many of them itinerant. In fact, citing narrative sources, Koder states that the monasteries of the capital produced fruits which they sold at very high prices: 'Επαγγέλματα," *ibid.*, which is suggestive of the absence of price controls. For the provisioning of the capital with fresh vegetables and their great variety, see Koukoules, Βυζαντινῶν Βίος, 2A:208–9; J. Koder, "Fresh Vegetables for the Capital," in Mango and Dagron, *Constantinople and Its Hinterland* (as above, note 20), 49–56. Interestingly, although Kazhdan argues that handicraftsmen (χειροτέχναι) did not have their own guilds ("Tsekhi," 138; *Derevnia*, 308), relying on the chronicle of Pseudo-Symeon, ed. E. Weber, CSHB (Bonn, 1838), 616, he argues that the designation προεβύτερος τοῦ σαγαργαρίου suggests the existence of a shoemakers' guild. But, as already indicated, it would be unrealistic to assume that the state would be interested in overseeing the doings of a slew of cobblers.

²⁶*Basilics*, 57.9.1, 56.16.1.2, 19.71, 19.1.84; *Synopsis Basilicorum*, O. 7.1; *Theodori Scularioteae Additamenta*, in Georgii Acropolitae, *Opera*, ed. A. Heisenberg (Leipzig, 1903), 1:285; Macri, *Organisation*, 14–18; Andréadès, "Byzance, paradis du monopole," 177; Siuziumov, "Remeslo," 26–28; Kazhdan, "Tsekhi," 150–53 and the sources cited therein; *idem*, *Derevnia*, 338–42; J. W. Thompson, *Economic and Social History of the Middle Ages* (New York, 1928), 168; Runciman, "Byzantine Trade," 151, 153.

²⁷The following sweeping, albeit unsubstantiated, statements are indicative. "Free trade and free production were unknown in the Byzantine Empire": A. A. Vasiliev, *History of the Byzantine Empire* (Madison, Wisc.,

In this context, it has been further argued that, in the legal texts, for example, the *Basilics*, the *Book of the Eparch*, the *Peira*, and in the writings of the chroniclers, the terms σύλλογος, εταιρεία, σωματεῖον, σύστημα, ἐργαστηριακοί, and οἱ τῶν βαναύσων τεχνῶν all refer to guilds (συστήματα), and all these entities, however labeled, comprised the vast guild system of the capital.²⁸ Thus, the argument goes, *Basilics* 11.1.14 “equates εταιρεία with σύστημα and κολλέγιον”; *Basilics* 8.2.101 “equates εταιρεία with σύστημα and σωματεῖον.”²⁹ The assertion that the statutes lump together and equate diverse and clearly distinguishable organizational forms is inaccurate, stretched, and misleading. It derives from a misperception of the provisions of the law and overlooks the animus and the fine legal differences between them all, and particularly the fundamental difference between the mandatory guild (σύστημα), the voluntary association (σωματεῖον), and such a private business entity as the partnership (εταιρεία). When the law stipulates that οὐ πᾶσιν ἐφεῖται ποιεῖν εταιρείας ἢ συστήματα ἢ σωματεῖα (no one may establish a partnership, a guild, or an association),³⁰ it certainly did not mean to imply that these organizational forms are legally and functionally identical, but rather that they can only be used in those activities as defined by the law (ἀπὸ νόμου βεβαιωθέντων) in the private sector (e.g., bakeries) or the public domain (e.g., saltworks). The fact that the chroniclers paid no attention to such subtle legal distinctions, used descriptive terms loosely or interchangeably, or lumped together the organizational structure of the entire business community under the word “guild” is no proof that all crafts, particularly those of the βαναύσων τεχνῶν or

1958), 1:344. “There was no economic freedom in Byzantium, everything was regulated”: R. Guerdan, *Byzantium, Its Triumph and Tragedy* (New York, 1958), 88. “[T]he larger part of the ordinances included in the Book of the Eparch was aimed at limiting competition between guilds and also among members of the same guild”: Lopez, “Silk Industry,” 18. “[W]hen the executive power of the state was at its height, . . . control [by the eparch] was far-reaching in the extreme. . . . The fact that even notaries, money-changers and goldsmiths were organized in special corporations shows how far-reaching the Byzantine guild system was. . . . The government regulated the amount of goods to be bought, supervised their quality and fixed a buying and market price”: Ostrogorsky, *History*, 253–54.

²⁸ Vryonis, “Guilds,” 293–94, 295 and nn. 16–18, 19a, 304, 306 and n. 66, 309 n. 84, 310 and n. 91, 311 and nn. 98 and 101, 312–13 and nn. 104–8, 114. The chroniclers cited by Vryonis are Attaleiates, Theophanes, Constantine VII Porphyrogenetos, Kedrenos, Psellos, Zonaras, and Bryennios. Choniates could be added to the list: Nicetae Choniatae, *Historia*, ed. E. Weber (Bonn, 1835), 305. M. F. Hendy, *Studies in the Byzantine Monetary Economy c. 300–1450* (Cambridge, 1985), 572; Koder, *Eparchenbuch*, 67–68; and Litavrin, *Vizantiiskoe obshchestvo*, 132, concur with the view that all these entities are lumped together.

²⁹ Vryonis, “Guilds,” 313 n. 110.

³⁰ *Basilics*, 8.2.101; *Synopsis Basilicorum*, Σ.12.1. It is noteworthy that, under the rubric of εταιρεία, and κοιωνία were subsumed commercial undertakings and an array of property relations governed by civil law: *Basilics*, 11.1.14, 12.1.1–89, 12.2.1–36, 82, 12.3.1–13; Rhodian Sea Law, 21, 28, 32, in Zepos, *Jus Graecoromanum*, 2:100–1; W. Ashburner, *The Rhodian Sea Law* (Oxford, 1909), ccxxxiv, ccxxxvii, ccxli–ccxliv; Attaleiates, *Ponema*, 6.1–5; *Peira*, 21.1–7; *Prochiron Actum*, 20.1–29, 21.1, 7, 10, 11, 27; *Epanagoge Aucla*, 25.1–20, 26.1–4; *Synopsis Minor*, K.1–3; *Hexabiblos*, 3.3.10.5–9; contractors (ἐκλήπτορες) of public or private works, state concessions (e.g., exploitation of saltworks), and concessionaires or farmers responsible for tax collections: *Synopsis Basilicorum*, Σ.12.1; and mandatory partnerships: e.g., when an owner’s waterfront property (θαλάττιος νομή) was short of the prescribed length and hence insufficient for the establishment of an integral fixed net fishery, and the owners of the contiguous properties could not agree voluntarily to form a joint operation (a conventional κοιωνία), then a mandatory κοιωνία had to be formed in which the neighboring owners could not refuse to participate (Novel 102 of Leo VI, still in force in the 14th century). For details, see G. C. Maniatis, “Organizational Setup and Functioning of the Fish Market in Tenth-Century Constantinople,” *DOP* 54 (2000): 14–18.

professions, belonged to guilds. In this respect, the interpretation of the law and differentiation between organizational forms by jurisprudence was equally infelicitous. Thus the *Peira's* distinction between *σωματεῖον* (crafts using manual work) and *σύστημα* (activities involving no processing and hence no use of hands) is inoperative, as it identifies the former with manufacturing and the latter with trading.³¹ Clearly, the distinction and the criterion employed are in direct contradiction with the *Book of the Eparch*, where both crafts and trades are referred to as guilds (*συστήματα*).

The fundamental distinction between guilds (*συστήματα*) and associations (*σωματεῖα*) lay not in the nature of an occupation *per se* but rather in the state's interest in regulating a particular economic activity, which in turn defined the mandatory or voluntary character of these organizational forms. Those crafts and trades that the state singled out for control were enjoined to take the form of guilds as a matter of legal compulsion;³² all others were allowed to form their own professional associations as they saw fit, since the state had no interest in overseeing them.³³ Guilds and associations were second-tier legal entities,³⁴ and private businesses (crafts and trades), run either by a single person (sole

³¹ *Σωματεῖον καὶ σύστημα διαφέρει. Σωματεῖον μὲν γὰρ ἐστὶ πάσα τέχνη, ἥτις διὰ χειρὸς ἔχει τὴν ἐργασίαν, οἷον ἡ σκυτοτομικὴ ἢ βαπτικὴ. Σύστημα δὲ ἡ μὴ ἔχουσα διὰ χειρῶν τὴν ἐργασίαν, οἷον οἱ πρᾶνδιποῦλαι καὶ οἱ μεταξοπράται καὶ οἱ λοιποὶ, οἵτινες αὐτοὶ οὐκ ἐργάζονται.* *Peira*, 51.7. Cf. Schreiner, "Organisation," 46; P. Lemerle, *Cinq études sur le XIe siècle byzantin* (Paris, 1977), 292 n. 95.

³² Although they were not merchants *stricto sensu*, the corps of overseers of the livestock market (*βόθροι*) were also mandatorily organized into a guild. Their duties were to tend to the drainage and disposal of sewage; to detect and point out animal defects to would-be purchasers; to serve as appraisers, brokers, or arbiters; to find buyers for unsold animals; to recover stolen animals; and to ensure that no deals were made outside the designated market. They were expressly forbidden to trade on their own account or to belong to any other guild, and they were entitled to certain fees for services rendered. *BE* 21.1–10. See also Christophilopoulos, "Ἐπαρχικὸν Βιβλίον," 40 n.2, 49, 63, 89–91; J. Koder, "Die Bezeichnung βόθρος im 'Eparchikon Biblion,'" in G. Prinzing and D. Simon, ed., *Fest und Alltag in Byzanz* (Munich, 1990), 71–76, 194–97. In view of the importance of the *βόθροι* for the orderly functioning of the livestock market, the state deemed it necessary to keep an eye on their actions, and, to do so more effectively, they were mandated to organize themselves into a guild.

³³ Hence the host of artisans and craftsmen (*οἱ τῶν βαναύσων τεχνῶν*) could not belong to "lower guilds," as Vyonis has argued, "Guilds," 313.

³⁴ Litavrin maintains that guilds were created by the state as the obligatory form for engaging in a craft or trade activity in certain sectors of the economy, and that guilds are a particular variety of *κοινωνία*: *Vizantiiskoe obshchestvo*, 129, 151. Thus he does not establish the link between business organizational forms and the legal system, nor does he identify the fine distinctions between guilds (*συστήματα*), associations (*σωματεῖα*), partnerships (*ἑταιρεία*), and societies (*σύλλογοι*). Hence, the larger institutional and economic connections are not drawn. Rather, he emphasizes the primary objectives of the state, which were to secure the interests of the state and the *fiscus* (levying and collecting taxes through the unremitting control of the guilds), the fulfillment of public service obligations, and the domination and police control over the business community and the townspeople (*ibid.*, 132, 134–35, 138–39, 143–44, 147–48, 150–55, 289). These objectives are nowhere reflected in the provisions of the *Book of the Eparch*. On the contrary, the thrust of the regulatory framework was geared primarily to ensuring correct business conduct. Concerning the alleged goal of price stability of basic staples (*ibid.*, 142–43, 145), retail prices remain stable only as long as wholesale prices remain stable, since the latter were determined by market forces. Fixed profit margins do not necessarily ensure stable profits and prices: when wholesale prices rise, the profits of the retailers increase as well, because demand is inelastic and the fixed margins are calculated on a higher cost basis resulting in higher retail prices.

In the same vein, Siuziumov and Kazhdan dwell upon the internal organization, functions, divergent privileges, relations with the state, the court, and the aristocracy, and the degree of independence of the state-controlled guilds, on the one hand, and voluntary associations, on the other. Siuziumov, "Remeslo," 18, 24–25, 31, 39, 41; *idem*, *Proizvodstvennye otnosheniia v vizantiiskom gorode-emorii v period genezisa feodalizma* (The

proprietorships) or as partnerships (ἐταιρείαι, κοινωνίαι, συντροφίαι),³⁵ could belong to a guild or an association depending on the state's designation of their activity. A typology of the relationships among the various organizational forms is presented schematically in Figure 1.

In the same vein, titles of physicians cited in narrative sources have been taken as an indication that doctors in Byzantium were organized into guilds in order to guarantee the quality of their services and the reasonableness of their fees.³⁶ The evidence adduced to support this allegation is the designation of their chief as χαρτουλάριος,³⁷ ἀρχίατρος,³⁸

relations of production in the Byzantine town-emporium in the period of the genesis of feudalism), abstract of thesis (Sverdlovsk, 1953), 18, 20, cited by Kazhdan, *Derevnia*, 305–6 and nn. 19 and 20; Kazhdan, *Derevnia*, 304–8, 323, 325–26, 330–31, 336, 343–44; idem, "Tsekhi," 143–49. However, they do not probe the key defining elements that differentiate these two organizational forms: in what instances, if at all, was it compulsory to join a guild in order to engage in a craft? How did business organizational forms mesh with the legal system?

³⁵Συντροφία was another term for partnership used during the Palaiologan period. This organizational form was employed by businessmen (which might also include foreign partners) to undertake usually business ventures of a more permanent nature. MM 2:326, 372, 373, 375, 473, 475, 481, 546; H. Hunger and K. Vogel, *Ein byzantinisches Rechenbuch des 15. Jahrhunderts* (Vienna, 1963), 20, nos. 9 and 10; *Actes de Dionysiou. Archives de l'Athos*, ed. N. Oikonomidès (Paris, 1968), 4:92, 94, 96; Schreiner, "Organisation," 60 n. 78; Oikonomidès, *Hommes d'affaires*, 69 and n. 94, 77, 112; K.-P. Matschke, "Situation, Organisation und Aktion der Fischer von Konstantinopel und Umgebung in der byzantinischen Spätzeit," *Byzantinobulgarica* 6 (1980): 288; idem, *Die Schlacht bei Ankara und das Schicksal von Byzanz* (Weimar, 1981), 149–51; Laiou-Thomadakis, "The Byzantine Economy," 199, 201–2. Besides industrial and commercial undertakings, the contractual form of συντροφία was also used in an array of agricultural activities, usually for a period of one to five years. For details, see H. Gasparis, *Ἡ γῆ καὶ οἱ ἀγρότες στῆ Μεσαιωνικῆ Κρήτῃ. 13ος–14ος αἰῶνες* (Land and farmers in medieval Crete. 13th–14th centuries) (Athens, 1977), 44, 88 n. 20, 91 n. 33, 121–23 and n. 37, 130, 168–75, 178–79, and contracts cited in pp. 388–95. A form of partnership quite distinct from the ἐταιρεία (*societas*) is the κοινοπραξία (*communio*). In the latter instance, two or more persons agree to undertake a particular project or venture. Contrary to ἐταιρεία which is of a more formal and lasting nature, κοινοπραξία is informal, is confined to a single undertaking, and is of limited duration. Other features differentiating these two organizational forms include the following: relations in ἐταιρεία are contractual, but not so in κοινοπραξία; κοινοπραξία can be terminated at will by a partner, not so by a *socius*; in ἐταιρεία the interests of the *socii* are indistinguishable, whereas in κοινοπραξία the interests of the partners remain distinct; in ἐταιρεία action can be brought against *socii* by the *actio pro socio*, whereas in κοινοπραξία action can be brought by the *actio communi dividundo*. *Basilics*, 12.1.1, 12.1.32 *scholium*, 12.1.33, *Synopsis Basilicorum*, K.21.1–25; *Synopsis Minor*, K.3; Attaleiates, *Ponema*, 6.5; *Hexabiblos*, 3.10.3.

A business organizational form which resembled κοινοπραξία was the *colleganza* contract used in partnerships between Latin and Greek merchants. Generally, it involved a sedentary partner, who put up two-thirds of the capital, and a traveling partner, who contributed one-third of the funds and managed the business. Profits were divided equally. S. Borsari, *Il dominio veneziano a Creta nel XIII secolo* (Naples, 1963), 100 and n. 136; F. Thiriét, *La Romanie vénitienne au moyen-âge. Le développement et l'exploitation du domaine colonial vénitien (XIIIe–XVe siècles)* (Paris, 1959), 48, 281; Laiou, "The Greek merchant," 117; eadem, "Quelques observations sur l'économie et la société de Crète vénitienne (ca. 1270–ca. 1305)," in eadem, *Gender, Society and Economic Life* X, 188–89, 194–97; eadem, "Venetians and Byzantines: Investigation of Forms of Contact in the Fourteenth Century," *Ἐθναυρισματα*, 22 (1992), 34–35; D. Gofas, "Ἐμπορικὲς ἐπιχειρήσεις Ἑλλήνων τῆς Κρήτης γύρω στὸ 1300," *Ἐπιθεώρησης Ἐμπορικῶν Δικαίων* 41 (1990), 1–34.

³⁶P. Charanis, "Some Aspects of Daily Life in Byzantium," in idem, *Social, Economic and Political Life in the Byzantine Empire* (London, 1973), XI, 67; Kazhdan, "Tsekhi," 138; idem, *Derevnia*, 307; Siuziumov, *Kniga Eparkha*, 114–15; Litavrin, *Vizantiiskoe obshchestvo*, 148–49; H. J. Magoulias, "The Lives of the Saints as Sources of Data for the History of Byzantine Medicine in the Sixth and Seventh Centuries," *BZ* 57 (1964): 128.

³⁷Vita S. Sampsonis, PG 115:304AB.

³⁸Theodore of Stoudios, PG 99:1509(B); *Varia Graeca Sacra. Miracula S. Artemii*, ed. A. Papadopoulos-Kerameus (St. Petersburg, 1909), 28, 30.

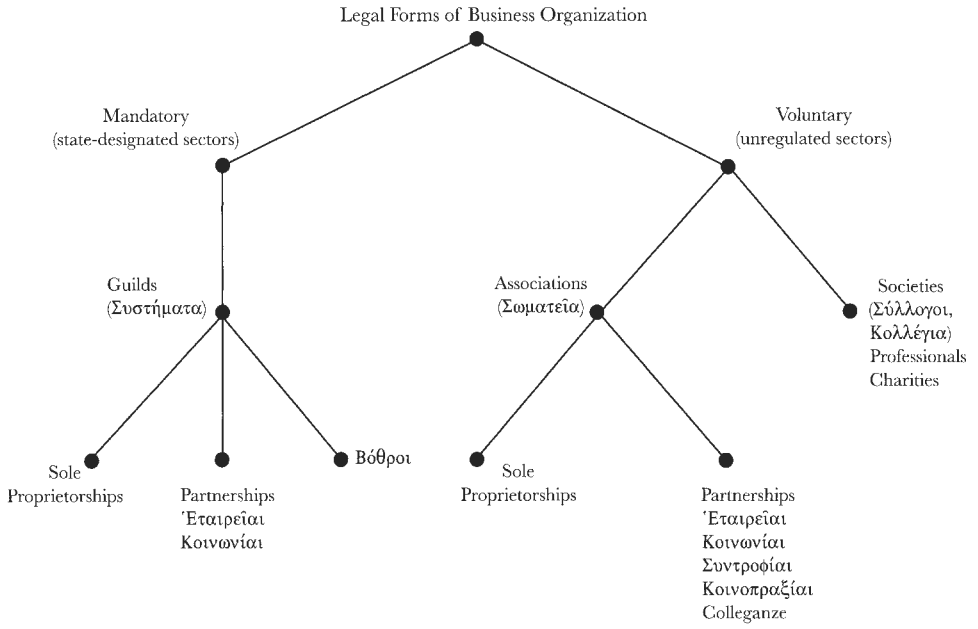


Fig. 1 Typology of Byzantine Business Organization

or κόμης.³⁹ Perusal of the sources cited does not support this assertion. Thus the plural in the passages *ιατροὶ πάντες, καὶ οἱ οὕτω καλούμενοι χαρτουλάριοι* and *μετακαλεῖται τινὰ τῶν χαρτουλαρίων* is hardly descriptive of *the* chief of the guild, since there could not have been so many doctors bearing the same title in the same location. Also, *χαρτουλάριος* was the title of a state official exercising a supervisory function over the *πορφυροπόλαι*.⁴⁰ Quite possibly, the designation is a reference to trained, certified, well-thought-of doctors in contradistinction to empiricists. *Ἀρχίατρος*⁴¹ was a designation conferred upon the head of the emperor's personal physicians,⁴² as well as the chief physician in the capital's hospitals⁴³ and in the army.⁴⁴ Besides, this title, changed into *πρόεδρος* by the end of the eleventh century and into *ἀκτουάριος* after the twelfth century,⁴⁵ was a generic term applied to physicians with high skills and experience, as doctors in Byzantium were ranked according to their perceived competence, the most prominent being the professors of medicine.⁴⁶ Furthermore, there was sharp distinction between medically trained physicians⁴⁷ and empiricists of nonprofessional status with amateurish knowledge of medicine as well as quacks of whom there were plenty, whose services were widely sought after by the populace given the shortage of doctors.⁴⁸ Finally, the inference that *κόμης τῶν ἱατρῶν* is suggestive of the person in charge of the doctors' guild,⁴⁹ as being the most experienced of the lot,⁵⁰ is inconclusive: the *ἀρχίατροι* of the palace as well as the governors of the provinces were also given the title of *κόμης (κόμητες πρώτου τάγματος)*.⁵¹

The absence of any direct reference to doctors' guilds in the law and the narrative sources; the fact that in the capital, let alone the provincial towns and villages, the number of practicing physicians was rather small; the lack of administrative capability and knowledge to exercise meaningful oversight over the doctors' practice, since the practice of medicine at that time did not lend itself to conclusive review; and the constant upbraiding and mockery of doctors as incompetent, negligent, failures, providers of coun-

³⁹L. Deubner, *Kosmas und Damian. Texte und Einleitung* (Leipzig, 1907), 160.

⁴⁰See below, p. 353, ll. 14–17.

⁴¹Magoulias, "History of Byzantine Medicine," 128.

⁴²*Basilics*, 6.26.1, 57.5.8; G. Schlumberger, *Sigillographie de l'empire byzantin* (Paris, 1884), 441; I. Bréhier, *Le monde byzantin. Les institutions de l'empire byzantin* (Paris, 1949), 114, 117, 126; Koukoules, *Βυζαντινῶν Βίος*, 6:25.

⁴³T. S. Miller, "Byzantine Hospitals," *DOP* 38 (1984): 55–56, 59.

⁴⁴*Basilics*, 57.3.5; Koukoules, *Βυζαντινῶν Βίος*, 6:13.

⁴⁵Bréhier, *Institutions*, 117, 126; Miller, "Byzantine Hospitals," 58.

⁴⁶Koukoules, *Βυζαντινῶν Βίος*, 6:13. Replying to a letter from the deceased Holobolos, Nikephoros Doukas Palaiologos Malakes wonders whether his former colleague was ranked among the top physicians: *Mazaris' Journey to Hades* (Buffalo, N.Y., 1975), 94. Interestingly, the church found it inadmissible for clerics to become *ἀρχίατροι*, wearing lay clothes and being in charge of secular doctors. G. A. Rhalles and M. Potles, *Σύνταγμα τῶν θεῶν καὶ ἱερῶν κανόνων* (Athens, 1853), 3:344.

⁴⁷On evidence regarding the medical training and certification of Byzantine doctors, see J. Duffy, "Byzantine Medicine in the Sixth and Seventh Centuries: Aspects of Teaching and Practice," *DOP* 38 (1984): 21–27; Miller, "Byzantine Hospitals," 61; A. Hohlweg, "John Actuarius' *De Methodo Medendi*: On the New Edition," *DOP* 38 (1984): 124; V. Grumel, "La profession médicale à Byzance à l'époque des Comnènes," *REB* 7 (1949): 42–46.

⁴⁸Koukoules, *Βυζαντινῶν Βίος*, 6:13–14, 23.

⁴⁹Magoulias, "History of Byzantine Medicine," 128–29.

⁵⁰Deubner, *Kosmas und Damian*, 160.

⁵¹*Basilics*, 6.26.1, 2, A. H. M. Jones, *The Later Roman Empire, 284–602* (Oxford, 1964), 2:1012.

terfeit medicines, and greedy professionals charging exorbitant fees⁵² undermine the validity of the advanced hypothesis, and strongly suggest the nonexistence of doctors' guilds and the absence of any state supervisory function. Very likely, in the largest cities doctors, and possibly dentists and veterinarians, had formed professional societies (σύλλογοι)—an organizational form quite distinct from that of the guild. The moral is that associating titles with chiefs of institutions can be misleading.⁵³

THE ISSUE OF PROVINCIAL GUILD ORGANIZATIONAL STRUCTURES

Some scholars hold the view that, in addition to the capital, guilds (συστήματα) were well represented in other towns of Greece at least during the tenth to twelfth centuries, for example, Thessalonike, Thebes, Corinth, Euripos, Athens, and Andros.⁵⁴ The leading argument derives from the development of the silk industry in the provinces of Greece and is based on the following notions. First, because murex purple dyes could be used only by the imperial silk workshops and the enterprises commissioned by the imperial court to produce prohibited silks, the state had to monitor and control the production and distribution of these dyestuffs. Second, the production and delivery of silks commissioned by the imperial court in the provinces was a collective obligation and had to be effected by quotas allocated among the individual producing units either by the entrepreneurs themselves or by an imperial official. Since the guild organizational structure had been proven to be one of the most effective instruments used to regulate the silk industry in the capital, there is good reason to believe this was also the case in twelfth-century

⁵² *Supplementum ad Acta S. Lucae Junioris*, ed. E. Martini, *AB* 13 (1894): 106–7, 117–18; G. Podesta, “Le satire Lucianesche di Teodoro Prodromo,” *Aevum* 21 (1947): 12–25; Magoulias, “History of Byzantine Medicine,” 131–32; B. Baldwin, “Beyond the House Call: Doctors in Early Byzantine History and Politics,” *DOP* 38 (1984): 16–19; Duffy, “Byzantine Medicine,” 24–25, 27; A. Kazhdan, “The Image of the Medical Doctor in Byzantine Literature of the Tenth to the Twelfth Centuries,” *DOP* 38 (1984): 45–51; A. P. Kazhdan and A. Wharton Epstein, *Change in Byzantine Culture in the Eleventh and Twelfth Centuries* (Berkeley, Calif., 1985), 155–56.

⁵³ Indicatively, the chiefs of the jewelers (*BE* 2.6) and innkeepers (*BE* 19.1), who were appointed by the eparch, bore the title of *προεστώτες*. But so did persons managing a workshop, who could even be slaves, acting as agents of the principals (*προεστώτες ἐργαστηρίων*): *Basilics*, 18.1.3, 7, 18, 20; *Synopsis Basilicorum*, Y.4.1–4; *Ecloga*, 9.13; *Prochiron Auctum*, 39.8; *Hexabiblos*, 1.2.49.

⁵⁴ Christophilopoulos, “Ἐπαρχικὸν Βιβλίον, 37–38; Stoeckle, *Byzantinische Zünfte*, 3; Lopez, “Silk Industry,” 23 n. 2; Jacoby, “Silk in Western Byzantium,” 457 and n. 25, 490–92 and n. 230, 499; P. Tivchev, “Sur les cités byzantines au XIe–XIIe siècles,” *Byzantinobulgarica* 1 (1962): 173; E. Francès, “La féodalité et les villes byzantines au XIIIe et au XIVe siècles,” *BSI* 16 (1955): 86; Oikonomidès, *Hommes d'affaires*, 111–12; Toynebee, *Constantine Porphyrogenitus*, 41; Laiou-Thomadakis, “The Byzantine Economy,” 209; P. Magdalino, *The Empire of Manuel I Komnenos, 1143–1180* (Cambridge, 1993), 158, 167; Ostrogorsky, *History*, 253; A. Harvey, *Economic Expansion in the Byzantine Empire, 900–1200* (Cambridge, 1989), 158; Angold, *The Byzantine Empire*, 284; Schreiner, “Organisation,” 51–52; A. Konstantakopoulou, “L'éparque de Thessalonique: Les origines d'une institution administrative, VIIIe–IXe siècles,” in *Communications grecques présentées au Ve Congrès International des Études du Sud Est-Européen. Belgrade: 11–17 Septembre 1984* (Athens, 1985), 161; A. Guillou, “Functionaries,” in Cavallo, *The Byzantines* (as above, note 7), 198; Litavrin, *Vizantiiskoe obshchestvo*, 149. Contra: Sideris, “Ἰστορία, 266–67, 277, 296 n. 2; K. Dieterich, “Zur Kulturgeographie und Kulturgeschichte des byzantinischen Balkanhandels,” *BZ* 31 (1931): 37–57; Runciman, “Byzantine Trade,” 161; G. Makris, *Studien zur spätbyzantinischen Schifffahrt* (Genoa, 1988), 142–46. On the other hand, A. Kazhdan and G. Constable point out that we do not know whether the guild system extended to the provinces: *People and Power in Byzantium* (Washington, D.C., 1982), 32; Kazhdan, “Tsekhi,” 141.

Thebes, as well as in other manufacturing and trading centers whose economic activities the state was interested in controlling. Third, for the same reasons, a guild system could effectively be used to enforce the restrictions on the production and trade of certain types of silks to secure adequate supplies for the needs of the imperial court. Fourth, guilds existed in neighboring Athens, one of them being the purple fishermen's guild.⁵⁵ Finally, by the tenth century, the purple fishermen in the Peloponnese were already organized into a state-mandated guild (σύστημα) along lines similar to the silk industry in the capital. This is evidenced by the exemption the purple fishermen were granted by Emperor Romanos I Lekapenos (919–944) from contributing horses to the military on the occasion of a planned expedition, along with the holders of imperial dignities, seamen, and parchment makers. Although there is no mention of guilds in the source,⁵⁶ it is argued that the very enumeration of these groups and their collective exemption are suggestive of guild membership; their exemption signifies the importance of their craft to the state; and since it is unlikely that the purple fishermen kept horses, their guild was naturally exempted from this obligation. Following the same line of reasoning, the seamen and the parchment makers were very likely organized into guilds as well.⁵⁷

The exemption of the purple fishermen, and of the other craftsmen for that matter, does not in itself provide convincing evidence of their being organized into guilds. First, purple shell fishing was carried on in many fishing grounds along the coast of the Peloponnese (e.g., Lakonia and Argolis), Euboea, the Aegean islands, Crete, and the Levant,⁵⁸ and one would have expected that the purple fishermen operating in these places would also have been organized into guilds. Yet there is no such evidence, apparently because no such organizational form existed. Second, shell fishing took place in various noncontiguous parts of the Peloponnese shoreline, and it is unlikely that the purple fishermen were involved in the processing and marketing of the dyestuff, as these were separate activities requiring special skills and were concentrated in a few locations not very far from the fishing grounds.⁵⁹ Possibly, the purple fishermen brought the shells to the nearest town where they were processed;⁶⁰ but this activity may well have been undertaken by the processors themselves or by itinerant merchants who collected the shells from the fishermen and sold them to the processors. These circumstances are hardly conducive to grouping together the scattered purple fishermen and forming a guild. Besides, given the traditional functional division of labor among guilds, distinct guilds would have to

⁵⁵Jacoby, "Silk in Western Byzantium," 490–92, 499–500.

⁵⁶*Constantine Porphyrogenitus. De Administrando Imperio*, ed. G. Moravcsik (Washington, D.C., 1967), 256.

⁵⁷Schreiner, "Organisation," 51–52; Jacoby, "Silk in Western Byzantium," 455–57 and n. 25.

⁵⁸Jacoby, "Silk in Western Byzantium," 455–56, 481; K. M. Setton, "Athens in the Later Twelfth Century," *Speculum* 19 (1944): 195–96; Koukoules, *Βυζαντινῶν Βίος*, 2A:180–81, B:38–39.

⁵⁹Jacoby, "Silk in Western Byzantium," 456. Large quantities of shells were required to produce tiny quantities of murex purple dye, the process of obtaining the dye was elaborate, and the processing called for a quantum of investment in production facilities. On the method of production of the dye, see D. S. Reese, "Palaikastro Shells and Bronze Age Purple-Dye Production in the Mediterranean Basin," *BSA* 82 (1987): 203–4.

⁶⁰For instance, shells fished off the island of Gyarus were processed in Athens. Setton, "Athens," 196; Μιχαήλ Ακουμιάτου τοῦ Χωνιάτου τὰ Σωζόμενα, ed. S. Lampros (Groningen, 1968), vol. 2, letter 135.2; E. Granstrem, I. Medvedev, and D. Papachrysanthou, "Fragment d'un praktikon de la région d'Athènes (avant 1204)," *REB* 34 (1976): 27–28; *Scriptores Originum Constantinopolitanarum*, ed. Th. Preger (New York, 1975), 2:254, para. 118.

be established at each stage of production and distribution and replicated in different locations. However, the spatial distribution and small local membership of the practitioners of these crafts would have hardly justified such an elaborate, unwieldy, and costly organizational structure—state intervention would be impractical. Third, certainly the purple fishermen could not have been excused from contributing to the campaign because they did not own horses. In this instance, the horse was used as a unit of account in lieu of money, as is evidenced by the assessment of two monasteries to contribute one horse between them:⁶¹ each party would pay half the price and a horse would be bought. Fourth, there was no need to institute a mandatory guild system in the provinces to control the production and use of the murex purple dye as long as the dyestuff could not be retailed freely,⁶² and the sole buyers were the imperial silk workshops,⁶³ the private workshops in the capital and in the provinces which were commissioned by the imperial court to produce large pieces of murex purple-dyed silks,⁶⁴ and those private producers of very small purple-dyed pieces of silk.⁶⁵ These end users procured the murex purple dye from the πορφυροπώλαι, who were either civil servants or licensed private vendors whose activities were closely supervised by a state official, the χαρτουλάριος τῶν πορφυροπωλῶν.⁶⁶ Apparently, the πορφυροπώλαι traveled to the sites of production to buy the murex purple dye and in turn sold it to the end users. Finally, the view that a purple fishermen's guild existed in twelfth-century Athens similar to the one in tenth-century Peloponnese⁶⁷ is based on a misunderstanding of the source cited. The evidence adduced is a letter from Michael Choniates to Emperor Isaac II Angelos in 1185–86: βραχεῖα γὰρ ἢ τῶν συστημάτων ποσότης καὶ οὐδ' αὐτὴ κοινωφελής.⁶⁸ However, σύστημα in this context certainly does not mean "guild." The archbishop complains that the city of Athens, though devastated and hence more deserving, did not benefit from the imperial generosity as much as other cities. Not only the amount of the assistance was inadequate, but the method (σύστημα) by which it was allocated did not help the public at large, because it favored the haves rather than the have-nots.⁶⁹ In sum, since the sale of murex purple dye to unauthorized silk manufacturers by the producers was prohibited and severe penalties were inflicted on transgressors, while effective control over shipments of illegally manufactured and distributed murex purple-dyed silks could be exercised at the exit and entry points by customs officers, it is hard to see the imperative for central control of the production, processing, and marketing of murex purple dye through an intricate guild organizational structure.

⁶¹ *De Administrando Imperio*, 256.

⁶² Μηδεὶς βαπτέτω ἢ πιπρασκέτω πορφύραν. *Basilics*, 19.1.80; *Ecloga*, 16.50; *Peira*, 40.11.12. See also note 65 below. Inferior quality dyestuffs were imported (e.g., from Syria) and traded freely. In the capital, they were handled by the guild of the dealers in spices, medicines, and dyes (*BE* 5.4; 10.1).

⁶³ B. Koutava-Delivoria, "Les ὀξέα et les fonctionnaires nommés τῶν ὀξέων. Les seaux et les étoffes pourpres de soie après le 9e siècle," *BZ* 82 (1989): 181–82.

⁶⁴ E.g., Thebes: Jacoby, "Silk in Western Byzantium," 488, 490–91.

⁶⁵ A restriction (*Basilics*, 19.1.80) that Leo VI eased: Novel 80 in Zepos, *Jus Graecoromanum*, 1:148–49.

⁶⁶ Koutava-Delivoria, "Les étoffes pourpres," 181–82, table 3, no. 39 on p. 190.

⁶⁷ Lopez, "Silk Industry," 23 n. 2; Jacoby, "Silk in Western Byzantium," 492 and n. 230; Magdalino, *Empire*, 167.

⁶⁸ Lampros, *Χωνιάτου τὰ Σωζόμενα*, vol. 2 letter 32.8.

⁶⁹ *Ibid.*, paras. 8 and 9. Lampros understands σύστημα as a collection of gifts: *ibid.*, Part B, 54.14, p. 570; also *ibid.*, Part B, 54.15, p. 570.

Nor is the allocation among prospective producers of the production of silks commissioned by the imperial court sufficient justification for setting up a guild. The treasury could conveniently provide specifications and either invite competitive bids or negotiate with individual producers, pitting the one against the other and thereby obtaining lower prices and suitable time deliveries. Also, if the bulk of production in the provincial silk manufacturing centers consisted of middle- and low-priced silks for the domestic and external markets and there was no shortage of raw silk, as has been alleged,⁷⁰ there would be no difficulty and hence no concern about filling imperial orders, which always took priority, and no apparent need to police the doings of the workshops in the silk manufacturing sector. Moreover, the fact that there was a high concentration of very skilled Jewish craftsmen involved in the intermediate and advanced stages of production of high-grade silks,⁷¹ some of whom very likely owned their workshops and operated in a vertically integrated fashion, militates against the existence of guilds in Thebes, as the participation of Jews as independent operators within the guild system was prohibited.⁷² Indeed, it was the very absence of guild regulations that enticed them to Thebes instead of settling down in the capital.⁷³

More importantly, if a guild organizational structure was in force in the provinces, it surely would have been cited in the existing legislation, as it had been in the earlier centuries of the empire in important cities.⁷⁴ In particular, if the Byzantines had been so keen on controlling all industrial and trade activity in the provinces through a guild organizational form, they would have to have instituted an elaborate national regulatory system. This would have entailed the development of a vast administrative apparatus and would have to take some legal form. Yet the legal texts, or the narrative sources for that matter, provide no such evidence. Furthermore, given the regional dispersion of economic activity—preponderance of villages and small towns, production in and marketing of surpluses from outlying lay and monastic domains, numerous fairs in towns and the countryside, itinerant artisans, traders, and peasants peddling their wares⁷⁵—it made no sense to institute an expansive network of guilds in the provinces. Even the few towns that had one to two thousand inhabitants⁷⁶ could support only a limited number of craftsmen and traders, and these were spread over a wide range of activities—hardly an inviting situation that would have prompted the state to set up a nationwide guild organizational structure. Besides, a perennially strapped administration, having to resort

⁷⁰Jacoby, "Silk in Western Byzantium," 500.

⁷¹M. A. Adler, *The Itinerary of Benjamin of Tudela* (London, 1907), 10; J. Starr, *The Jews in the Byzantine Empire, 641–1204* (Athens, 1939), 29; Jacoby, "Silk in Western Byzantium," 466–67, 485–87; Angold, *The Byzantine Empire*, 86, 281–82.

⁷²The fact that dealers in raw silk in the capital were not allowed to sell to Jews (*BE* 6.16) is a clear indication that they could not become guild members. See also, Lopez, "Silk Industry," 23; Muthesius, "Byzantine Silk Industry," 10; Maniatis, "Private Silk Industry," 280 n. 66.

⁷³Cf. Angold, *The Byzantine Empire*, 87.

⁷⁴*CTh* 12.1.162, 12.6.29, 13.1.9, 13.5.1, 2, 14.3.2,5,8, 14.4.9,10, 14.7.1,2, 14.8.1, *Codex Justinianus* 11.9.4,7, 11.17.1.

⁷⁵*Actes de Lavra*, ed. P. Lemerle, A. Guillou, N. Svoronos, and D. Papachrysanthou (Paris, 1970), 1:58–68; N. Svoronos, "Remarques sur les structures économiques de l'empire byzantin au XIe siècle," *TM* 6 (1976): 65; Harvey, *Economic Expansion*, 234–41; Kazhdan, "Tšekhi," 153–54; idem, *Derevnia*, 343–44 and sources cited therein; Tivchev, "Cités byzantines," 159–63, 170–71, 181.

⁷⁶Harvey, *Economic Expansion*, 199.

to confiscatory tax measures and *ephereiai*, could ill-afford to sustain an expensive guild apparatus of questionable practicality. Finally, comprehensive state control over the economic activity of the provincial towns would have been difficult in practice, as rigorous implementation of rules and regulations would have necessitated a substantial degree of administrative decentralization and town autonomy in economic matters, features that were not manifest at that time. The potency of the centralized bureaucratic apparatus endured over the centuries.⁷⁷

The so-called guild of the seamen in Thessalonike⁷⁸ in all probability was a voluntary association (σωματεῖον), as is clearly evidenced by its organizational structure: ἔχουσι δὲ καὶ ἰδιάζουσιν ἀρχὴν αὐτοὶ [τὸ ναυτικόν] παρὰ τὴν τῆς ἄλλης πόλεως ([the seamen] have a *sui generis* form of administration which is independent of that of the city).⁷⁹ Such a degree of autonomy and the attendant right of self-government would be incompatible with the typical guild organizational form. Still, it has been argued that, although the guild of the seamen was not established by its members and its head was designated by the government, the guild probably was a continuation of an older organization which became more or less autonomous as the power of the central government declined during the thirteenth and fourteenth centuries.⁸⁰ This view is unpersuasive, since autonomy implies voluntary association and self-rule effected by officials elected by the membership of the organization, not arrangements whereby an organization is set up by mandate and run, or even closely supervised, by government appointees. It has also been aptly observed in this context that ναυτικόν (sometimes also referred to as παραθαλάσσιοι, “coastals”)⁸¹ is an all-inclusive term encompassing all those who had anything to do with the sea, for example, shipowners, skippers, seamen, and longshoremen, and hence such a group cannot be understood as a guild.⁸² Nevertheless, the fact remains that this dissimilar group had formed an organization that was not subject to state control. This suggests that these heterogeneous elements had impelling reasons to organize themselves. Indeed, they were interconnected and bound together professionally; they needed to safeguard their interests, especially since they faced a corrupt judicial system that could not

⁷⁷On the centralization of the Byzantine administration and the absence of local autonomy, see Kazhdan and Constable, *People and Power in Byzantium*, 35, 38, 40–41, 146–47, 149–50; Guillon, “Functionaries,” 197–99; H. Ahrweiler, “Recherches sur l’administration de l’empire byzantin au IXe–XIe siècles,” in eadem, *Études sur les structures administratives et sociales de Byzance* (London, 1971), VIII, 89–91; L. Maksimović, *The Byzantine Provincial Administration under the Palaiologi* (Amsterdam, 1988), 10–31; A. Kazhdan and A. Cutler, “Continuity and Discontinuity in Byzantine History,” *Byzantion* 52 (1982): 469.

⁷⁸O. Tafrafi, *Thessalonique au quatorzième siècle* (Paris, 1913), 32–34; Christophilopoulos, *Ἐπαρχικόν Βιβλίον*, 4 n. 2; D. A. Zakythinis, *Crise monétaire et crise économique à Byzance du XIIIe au XVIe siècle* (Athens, 1948), 45; P. Charanis, “On the Social Structure and Economic Organization of the Byzantine Empire in the Thirteenth Century and Later,” *Byzantinoslavica* 12 (1951), 152; idem, “Economic Factors in the Decline of the Byzantine Empire,” *JEH* 13 (1953): 423; Oikonomidès, *Hommes d’affaires*, 78, 112–13; Siuziumov, *Kniga Eparkha*, 114–15; Litavrin, *Vizantiiskoe obshchestvo*, 132, 148–49.

⁷⁹Ioannis *Cantacuzeni eximperatoris historiarum libri IV*, ed. J. Schopen (Bonn, 1828), 2:575.

⁸⁰P. Charanis, “Internal Strife in Byzantium during the Fourteenth Century,” *Byzantion* 15 (1941): 212 n. 15; idem, “Economic Organization,” 152; idem, “Economic Factors,” 423.

⁸¹Tafrafi, *Thessalonique*, 34.

⁸²Schreiner, “Organisation,” 60. M. I. Siuziumov, “Protivorechia mezhdu plebeiskimi massami i zilotami v 1342–1348 v Fessalonikakh” (Conflict between Plebes and Zealots in 1342–1348 in Thessalonike), in *Abstracts of the Seventh State Conference on Byzantium in Tbilisi* (Tbilisi, 1965), 35, maintains that the organization of the seamen was an association of entrepreneurs.

be trusted;⁸³ and the strictness of the law in case of infractions (e.g., severe corporal punishment was inflicted on seamen if they quit before serving out the time they were hired for)⁸⁴ called for an internal mechanism to handle disciplinary matters. Therefore, groups in competition (e.g., shipowners) or with conflicting interests (e.g., shipowners or skippers and seamen) may well have been inclined to team up voluntarily, setting up rules regarding rights, obligations, conduct, and disciplinary action, the better to advance their mutual interests and facilitate the process of conflict resolution either among themselves (e.g., wage disputes, breach of contractual obligations, dereliction of duty) or disputes with the local authorities and foreign traders.⁸⁵

In addition, services rendered to the city (e.g., freight for the transport of grain) could be negotiated more profitably from a position of strength. Hence an organizational form such as an association (σωματεῖον) could have conveniently served these ends⁸⁶ and would have been consonant with the legal framework in place and consistent with Kantakouzenos' comment that the seamen's organization (he does not refer to them as being organized into a guild) enjoyed a high degree of autonomy. In short, although O. Tafrali acknowledged that the seamen's "guild," as he called it, was organized by the members themselves, he employed the term *guild* (*corporation*, σύστημα) undiscerningly, as did others,⁸⁷ ignoring crucial nuances among different organizational forms and thereby creating misperceptions regarding the true nature of this organization.⁸⁸ As has been observed: "[i]n ports, such as Thessalonica, . . . there was no organized gild system as in the capital. When later, about the late fourteenth century, trade corporations appeared they were bodies founded by the tradesmen themselves in self-defense against the magnates."⁸⁹

That the mandatory guild organizational structure (σύστημα) was confined to the capital is further attested by a passage in the ordinance of Michael VIII Palaiologos issued in the mid-thirteenth century.⁹⁰ The emperor commands that civilian and military authorities in the provinces ensure that merchandise is sold at fair prices: shopkeepers should not overcharge buyers, nor should they buy up edibles and potables in quantities exceeding their normal turnover in order to hoard and sell them for illicit gain (καπηλεύειν δι' αἰσχροκέρδειαν). To this end, the persons in charge should set the just selling price (δικαίαν διάπρασιν) of necessities, taking into account production levels and marketable

⁸³Tafrali, *Thessalonique*, 33–34, 63, 65; Ostrogorsky, *History*, 503. "The law was strong and severe, but enforcement was indulgent and practice was compliant": Kazhdan and Constable, *People and Power in Byzantium*, 161.

⁸⁴Tafrali, *Thessalonique*, 34 n. 1.

⁸⁵E.g., sometimes merchandise was not unloaded promptly, or merchants were mistreated and abused: Zakythinios, *Crise monétaire*, 45. The governor of Thessalonike was accused of having appropriated money and goods from Genoese merchants: A. E. Laiou, *Constantinople and the Latins* (Cambridge, Mass., 1972), 72.

⁸⁶The selection of a reputable individual, especially if influential in the city's politics, to head the association would ensure respect, bargaining power, cohesion, and impartial arbitration of disputes.

⁸⁷Vryonis, see notes 24 and 25 above; Christophilopoulos, Ἐπαρχικόν Βιβλίον, 4; Oikonomidès, *Hommes d'affaires*, 112–13.

⁸⁸L. Maksimović, "Charakter der Sozial-wirtschaftlichen Struktur der späbyzantinischen Stadt (13.–15. Jh.)," in *XVI. Internationaler Byzantinischenkongress, Wien, October 1981*, *JÖB* 31 (1981): 161, and E. Francès, "Ischeznovenie korporatsii v Vizantii" (The disappearance of Byzantine corporations), *VizVrem* 30 (1969): 47, also view the seamen's group as an organization altogether different from a guild.

⁸⁹Runciman, "Byzantine Trade," 161.

⁹⁰L. Burgmann and P. Magdalino, "Michael VIII on Maladministration," *Fontes Minores* 6 (Frankfurt, 1984): 382.

quantities of such goods (τὴν εὐφορίαν τοῦ καιροῦ καὶ τῶν πραγμάτων), to which both vendors and buyers must adhere with no deviations either way (καὶ μῆτε ὑπερβαίνειν [τὴν δίκαιαν διάπρασιν] μῆτε ὑποσκάζειν αὐτῆς). Clearly, the ordinance affords the regional authorities unprecedented regulatory power over the prices of basic staples, which betokens the absence of guilds in the provinces, as such regulatory function would have already been assigned to them had they been in existence. Significantly, the ordinance does not institute a guild organizational structure for the establishment and enforcement of just prices, apparently because this was not common practice in the provinces.

GUILD ACTIVITY BEYOND THE TWELFTH CENTURY

The existence of guilds in Byzantium until the late twelfth century is well documented.⁹¹ However, their survival beyond the twelfth century is an issue that has yet to be resolved. Most scholars maintain that the guilds of the old order had virtually disappeared, on grounds that the rules and regulations leave no trace in late Byzantine times; no reference is made to guilds in the narrative sources during this period; competition from provincial towns diminished the importance of manufacturing in the capital; the economic institutions of the capital were transformed following the ascendancy of the Latins; and the decline of state authority resulted in the breakdown of the earlier strict controls.⁹² Others acknowledge the coexistence of guildlike organizational forms in particular sectors with other forms that do not fit the guild model but rather that of unions (*Vereinigung*) of small-scale producers, which lack the solidity and permanence of guilds;⁹³ or recognize certain elements of guild organization but see them as residues of the disintegration of the early and middle era Byzantine corporations.⁹⁴ Finally, others argue that guilds continued to exist in the thirteenth to fifteenth centuries as unofficial bodies but had adopted a western style, in the sense that their chiefs were not appointed by the government, they represented the entire membership before the authorities, and state

⁹¹Constantine Porphyrogenetos, *De Ceremoniis*, 449; Alexios I Komnenos' Novel 23 (1098 or 1113, Zepos, *Jus Graecoromanum*, 1:645–46), whereby the emperor ruled that guild members (συστηματικοί) could not take an oath in their homes; reference to the *Book of the Eparch* in the *Tipoukeitos*, 19.10.27 (end of 11th century), cited by Koder, *Eparchenbuch*, 39; reference to one of the litigants as βεστιοπρατῶν ὁ ἑξαρχος (chief of the guild of *vestiopratai*, i.e., traders of domestically produced silks): Sathas, *Bibliotheca graeca* 5: 209; mention of the *Book of the Eparch* in Manuel Komnenos' Novel 55 (1148); participation of guilds in the 1182 revolt against the *protosebastos* Alexios Komnenos, Niketas Choniates, *Historia*, 305; observation of the 12th-century letter-writer I. Tzetzes, *Epistulae*, ed. P. A. M. Leone (Leipzig, 1972), letter 57.81–82, that the fish merchants were coerced by the eparch's staff and the chiefs of their guilds to pay them part of their earnings; and Kekauomenos' advice to the emperor's attendants to place informers in every guild (εἰς πάντα τὰ συστήματα), Στρατηγικόν, annotated modern Greek translation D. Tsougarakis (Athens, 1993), 39.

⁹²Charanis, "Economic Organization," 150–52; idem, "Economic Factors," 422–23; idem, "Internal Strife," 212 and n. 15; G. I. Bratianu, "Nouvelles contributions à l'étude de l'approvisionnement de Constantinople sous les Paléologues et les empereurs ottomans," *Byzantion* 6 (1931): 645; Francès, "Disparition," 93–101; idem, "L'état et les métiers à Byzance," *BSI* 23 (1962): 248; Siuziumov, *Kniga Eparkha*, 10; Medvedev, *Problema manufaktury*, 402 ff; idem, *Mistra. Ocherki istorii i kul'tury pozdnevizantiiskogo goroda* (Mistra. Studies on the history and culture of a late Byzantine city) (Leningrad, 1973), 84; Kazhdan and Constable, *People and Power in Byzantium*, 32; Kazhdan and Epstein, *Change in Byzantine Culture*, 52; Maksimović, "Charakter," 160–64; Schreiner, "Organisation," 59–60; Makris, *Studien*, 142–46.

⁹³Matschke, *Die Schlacht*, 156–57.

⁹⁴A. P. Kazhdan and G. G. Litavrin, *Ocherki istorii Vizantii i iuzhnykh slavian* (Studies in the history of Byzantium and southern Slavs) (Moscow, 1958), 138.

control had eased under the influence of the Latins;⁹⁵ or their endurance is inferred from provisions of the *Book of the Eparch* contained in compilations dating to the mid-fourteenth century and the second half of the sixteenth century.⁹⁶

The viewpoint that guilds continued to exist in one form or another after the twelfth century in a phoenixlike rebirth unwittingly works against itself, because it slights the original purpose of the guild system and fails to appreciate the serious implications of the very changes that allegedly (and correctly) had taken place: the changes referred to are patently incompatible with a guild organizational structure. Specifically, the statutory guilds (συστήματα) of the tenth-to-twelfth-century form had lost their earlier legal status and controlling function and had taken on an altogether different organizational form, as the state effectively had relinquished direct control over their activities formally exercised by appointing their chiefs. Even in the West, the guilds served as official organs of the town authorities in advancing their industrial and commercial policies and appointed or approved their chiefs. More importantly, the affirmed evolution signifies a radical transformation in the constitution and modus operandi of the new organizations of craftsmen and traders: they were de jure and de facto unlinked from the regulatory regime; as state regulations pertaining to the guilds' activities were no longer applicable; participation ceased to be mandatory, and as a result these organizations were not all-inclusive; the elected head of the organization did not represent or speak for all practitioners of the trade; and the titles of their representatives lost their former honorific distinction and became more mundane (e.g., πρωτομακελλάριος, the representative of the butchers). These consequential developments render the guild system a hollow shell, and referring to these organizations as guilds during this period is a misnomer.

Further, references to such designations as πρωτομαῖτωρ,⁹⁷ πρωτομακελλάριος,⁹⁸ and ἑξάρχος⁹⁹ are no proof that these individuals were chiefs of guilds, as has been alleged.¹⁰⁰ When undertaking major jobs, construction workers were known to organize themselves into small gangs, which usually included various skills and were headed by a master craftsman (πρωτομαῖτωρ).¹⁰¹ Moreover, as already indicated, historically they had never been organized into guilds. The notion that πρωτομακελλάριος (referred to in Giacomo Badoer's *Libro dei Conti*),¹⁰² and more generally the prefix πρωτο- suggest the existence of a hierarchical structure in the butchers' and other craftsmens' organizations similar to

⁹⁵Oikonomidès, *Hommes d'affaires*, 108–14; idem, "Entrepreneurs," 169; Th. N. Vlachos, *Die Geschichte der byzantinischen Stadt Melenikon* (Cologne, 1967), 106; Angold, "Medieval Byzantine 'City,'" 31–32, 34; idem, *The Byzantine Empire*, 279; Horden, "Confraternities," 33–34; Christophoropoulos, "Ἐπαρχικόν Βιβλίον," 4 and n. 2; Andréadès, "Byzance, paradis du monopole," 176; S. Runciman, *Byzantine Civilization*, 176; H. Antoniadis-Bibicou, "Démographie, salaires et prix à Byzance au XIe siècle," *Annales: Economies, Sociétés, Civilisations* 27 (1972), 239 n. 107.

⁹⁶Koder, *Eparchenbuch*, 40, 43, 52.

⁹⁷Dölger, *Schatzkammern*, 306; S. P. Lampros, Νέος Ἑλλ. 10 (1913): 127.

⁹⁸S. Kougeas, "Notizbuch eines Beamten der Metropolis Thessalonike aus dem Anfang des XV. Jahrhunderts," *BZ* 23 (1914–19), 145, para. 14; *Il Libro dei Conti di Giacomo Badoer*, ed. V. Dorini and T. Bertele (Rome, 1956), 414.

⁹⁹Dölger, *Schatzkammern*, 303.

¹⁰⁰Kazhdan, *Derevnia*, 336; Oikonomidès, *Hommes d'affaires*, 111–12; Francès, "Disparition," 101. Contra: Maksimović, "Charakter," 162.

¹⁰¹Koukoules, Βυζαντινὸν Βίος, 4:256.

¹⁰²Badoer, *Libro dei Conti*, 363, 414, 445.

the guilds in the West¹⁰³ is not conclusive. All organizations, including business entities, have to have an elemental hierarchy. Thus designations with this prefix were common for persons managing partnerships (συντροφία), for example, πρωταυλικάριος, heading a business company set up to operate state-owned saltworks farmed out to the private sector,¹⁰⁴ or church officials (e.g., πρωτέκδικος, leading advocate; πρωτονοτάριος, principal notary).¹⁰⁵ The society of the beggars in the capital was headed by a πρωτομάγιστρος.¹⁰⁶ In a status-conscious society, it is unlikely that high-ranking officials in positions of authority, such as the heads of guilds, would suddenly bear prosaic titles. A notable change had taken place: whereas before the chiefs of the guilds were government officials, now they were members of their association. The very change in provenance of the heads and in their titles is reflective of an institutional change as well. The prefix πρωτο- itself conveys the notion of collegiate status, that of *primus inter pares*. Hence the view that such designations are evidence of the existence of authoritative guild organizational forms is not persuasive. In all probability, the πρωτομακελλάριος referred to was just a spokesman for the butchers' association. The fact that these designations appear in Thessalonike where no guilds seem ever to have existed reinforces this view. Finally, in light of the preceding arguments, the allusion to ἔξαρχος as being the chief of the guild dealing in perfumes, spices, and dyes in Thessalonike is not convincing either. Ἐξαρχος was an appellation of distinction used profusely among high- and low-ranking clerics.¹⁰⁷ The person in question was probably the prolocutor of a group of traders who had formed an informal association or was a local government inspector (*Kontrollbeamter*).¹⁰⁸ On the other hand, the reference to the "guild" of notaries as proof of the continued existence of guilds¹⁰⁹ is beside the mark, because the society (σύλλογος) of the notaries, given its *sui generis* constitution and functions, was not a guild proper.

More importantly, the assertion that "each trade had been organized into a western-style guild"¹¹⁰ is not persuasive either, given the fundamental differences between the western and Byzantine guilds. Unlike the practice in the West, the Byzantine guild system did not aim to maintain or raise prices through concerted action among members of the same guild, since such conduct ran counter to the procompetitive and antimonopoly tenor of the law. The *Book of the Eparch* did not impose price discipline to thwart intraguild competition in order to protect an individual member's share in the total business, as is evidenced by the fact that it did not fix prices for any commodity. The *Book of the Eparch* set reasonable profit margins for only a few necessities and only at the retail level,¹¹¹

¹⁰³Oikonomidès, *Hommes d'affaires*, 111.

¹⁰⁴While the production of salt was a state monopoly, the exploitation of the saltworks was farmed out to private undertakings, usually partnerships (ἑταιρεία, συντροφία). *Basilics*, 8.2.101; *Synopsis Basilicorum*, Σ.12.1; K.-P. Matschke, *Fortschritt und Reaktion in Byzanz im 14. Jahrhundert* (Berlin, 1971), 134–36. Harvey, *Economic Expansion*, 158, asserts that the salt merchants were organized into a guild. Apparently, he mistakes συντροφία for guilds.

¹⁰⁵*Actes de Dionysiou*, 93; MM, 1:440.

¹⁰⁶Koukoules, *Βυζαντινὸν Βίος*, 2A:102.

¹⁰⁷The designation ἔξαρχος was used in the instance of a bishop, a teacher of the Bible, and ecclesiastical advocates and notaries. MM, 1:368–70, 390.

¹⁰⁸Maksimović, "Charakter," 162.

¹⁰⁹Oikonomidès, *Hommes d'affaires*, 109–10; Francès, "Disparition," 101.

¹¹⁰Oikonomidès, "Entrepreneurs," 169.

¹¹¹See above, note 25.

which meant that the wholesale price structure of these consumer goods—the bedrock for retail price formation—was allowed to reflect the prevailing demand and supply conditions. There were no internal regulations aiming at ensuring uniformity in the scale of operations of individual industrial or commercial enterprises, since there were no restrictions on the quantity or quality of inputs and the number of workers that could be employed or on the amount and type of equipment that could be installed. New entry into the industry or trade was not legally impeded, while economic barriers to entry were low, suggesting ample opportunities to augment the ranks of the guilds. On the other hand, the exit of inefficient firms under normal competitive conditions was not hindered. Furthermore, there were no import controls to shield domestic producers from external competition, while apprehension of incipient or potential competition provided a powerful deterrent to any restrictive agreements to fix prices. Fundamentally, competition, unimpeded entry and exit, free trade, and equality of opportunity rather than equality of economic results among guild members were the foundation of the state's industrial and trade policy, which contrasted sharply with the respective policies in the West.

At the same time, some of the arguments advanced to support the view that the guilds had been eclipsed even during the twelfth century are not flawless either. In his Novel 71 (1152 or 1167), whereby he intervened to prevent clerics from occupying bankers' stalls, Manuel I Komnenos directed that the stalls be returned to trustworthy Byzantines.¹¹² The inference drawn from this directive—that the guilds had disappeared¹¹³—is stretched, since the persons selected were to be presented to the eparch, who would then approve their induction into the bankers' guild in accordance with standing procedures.¹¹⁴ The eparch's approval would not have been necessary had the bankers' guild not existed. Also, entries in Badoer's *Libro*¹¹⁵ allude to a *πρωτομακελλάριος* as being concurrently involved in the wool trade. Since no guild member was allowed to practice another trade at the same time,¹¹⁶ some have argued that the master's involvement in the wool trade confirms the view that the butchers' guild, as well as all others, had virtually disintegrated,¹¹⁷ while others maintain that this suggests only a deviation from the *status quo ante*.¹¹⁸ Nevertheless, the fact remains that hides and pelts are by-products produced jointly in the process of obtaining the mutton and, in consequence, the butchers have to dispose of them in the marketplace. This side-activity must always have been an inseparable and essential part of the butcher's trade and a source of revenue. In this particular instance, to increase his earnings in the face of high wool prices, the enterprising *πρωτομακελλάριος* apparently took one step further: instead of selling sheepskins, he clipped

¹¹²Zepos, *Jus Graecoromanum*, 1:416.

¹¹³Angold, *The Byzantine Empire*, 279.

¹¹⁴*BE*, 3.1.

¹¹⁵See above, note 102.

¹¹⁶*Basilics*, 60.32.1. The prohibition is repeated in the *Book of the Eparch*: 2.1, 4.1, 7, 5.1, 6.14, 15, 8.6, 9.6, 10.1, 5, 6, 11.2, 12.4, 6, 13.1, 14.2, 15.1, 21.7. The remaining crafts dealt with by but not explicitly mentioned in the *Book of the Eparch* were subject to the blanket prohibition of provision, 18.5: "no one may enter the craft of another and practice both concurrently; he must choose one and give up the other, informing the eparch of his choice." The formulation of provision 18.5 makes it abundantly clear that the simultaneous practice of two crafts infringed on the guilds' inviolable right to practice *exclusively* their legally designated craft.

¹¹⁷Maksimović, "Charakter," 162.

¹¹⁸Oikonomidès, *Hommes d'affaires*, 111; Schreiner, "Organisation," 60.