

SEX, LIES, AND MOSAICS:
THE ZOE PANEL AS A REFLECTION OF CHANGE
IN ELEVENTH-CENTURY BYZANTIUM*

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Abstract

The stereotype of Byzantine art as static and unchanging still compels Byzantine specialists to emphasize that change is readily evident in Byzantine art if one knows where and how to look for it. This paper is a case study about such change and how a unique set of social forces in the early eleventh century induced cultural change that resulted in new visual forms. The subject of this case study is the mosaic known as The Zoe Panel, located in the South Gallery of the Hagia Sophia in Constantinople. The panel depicts the Emperor Constantine IX presenting a bag of money to the enthroned Christ, while the Empress Zoe presents an imperial scroll probably signifying an ongoing grant. Although there has been much written about this mosaic, the fact that the moneybag and imperial scroll represent two new iconographic elements in imperial portraits has gone largely unnoticed. This study argues that the appearance of these new iconographic features is a direct reflection of the specific dynastic, economic and social circumstances in the Byzantine Empire in the early eleventh century.

The stereotype of Byzantine art as static and unchanging still compels Byzantine specialists to emphasize that change is readily evident in Byzantine art if one knows where and how to look for it. This paper is a case study about such change and examines how a unique set of political, economic and social forces in the early eleventh century induced socio-cultural change that resulted in new visual forms. The subject is the mosaic known as *The Zoe Panel* (figure 1), located in the South Gallery of the Hagia Sophia in Constantinople. The mosaic was originally produced between 1028 and 1042, and subsequently altered

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sometime before 1050.¹ This mosaic is an imperial donor portrait and is remarkable for its use of two new visual elements in its depiction of an imperial gift to the Church: a moneybag, representing an immediate cash donation, and a scroll representing an ongoing monetary grant. How might these objects be interpreted and why do they suddenly appear at this particular time? This paper argues that the money bag reflects a new understanding of the role of money within the Empire and the newfound political and social power of the wealthy commercial class. It further argues that the scroll is indicative of the increased importance of international trade agreements and provides evidence of a nuanced, contractual understanding of



FIGURE 1: *The Zoe Panel*, 1028-41 & 1042-55. Mosaic, 2.44 x 2.40m. East Wall, South Gallery, Hagia Sophia, Istanbul. Source: Wiki Images, en.wikipedia.org/wiki/File:Byzantinischer_Mosaikt_um_1020_001.jpg. Photographed by the Yorck Project (Public Domain).

¹ The original production date depends on who the Emperor was when the mosaic was first made. If the Emperor was Romanos III Argyros, it would have been made between 1028 and 1034; if, as Natalia Teteriatnikov believes, it was Michael IV Paphlagonian, then the original had to have been produced between 1034 and 1041. Natalia Teteriatnikov, "Hagia Sophia: The Two Portraits of the Emperors With Moneybags as a Functional Setting," *Arte Medievale*, (1996): 47-67.



FIGURE 2: Detail of Emperor Constantine IX Monomachos presenting moneybag. Source: Wiki Image (Public Domain).



FIGURE 3: Detail of Empress Zoe presenting chrysebull. Source: Wiki Image (Public Domain).

imperial obligation and benefit.

The Zoe Panel depicts the Emperor Constantine IX Monomachos (1042-1055) and the Empress Zoe (1028-1050) giving a donation to Christ, enthroned between them. Constantine is proffering a bag filled with money (figure 2) and Zoe is presenting a scroll (figure 3) bearing the name of Constantine, which is generally thought to be an imperial decree known as a *chrysebull*.² The panel's location is significant because it is in a part of Hagia Sophia, the primary church of the Imperial family, which only the Imperial entourage, the Patriarch, and the Church's clergy could access.³ We have no Byzantine sources which comment on this particular

² The money bag was a purse called an *apokombion* and, according to the tenth century *Book of Ceremonies*, contained 10 pounds of gold. Cyril Mango, "The Mosaics of Hagia Sophia," in Heinz Kähler, *Hagia Sophia* (New York: Frederick A. Praeger, Publishers, 1967), 56.

³ Speros Vryonis Jr., "Byzantine Ahmokratia and the Guilds in the Eleventh Century," *Dumbarton Oaks Papers*, 17 (1963): 307. While the population would never have been permitted entry to this gallery, there is a good

mosaic so its uniqueness has spurred considerable dialogue, especially about the mysterious circumstances and details of its alteration. In fact, the preoccupation with this last issue has almost completely obscured the fact that the mosaic appears to contain two new iconographic features, the moneybag and a scroll.

Thomas Whittemore, who supervised *The Zoe Panel's* uncovering in 1935, immediately noted that the faces of all three figures had been altered, and concluded that the Emperor Constantine IX had replaced Zoe's first husband, Romanos III Argyros.⁴ This, Whittemore suggested, required a change of position and therefore the other two faces had to be altered to maintain positional harmony. Byzantine art historians have further addressed these issues trying to answer the following questions: was the panel commissioned by the Emperor or the Patriarch, and with what motives? Does it represent a specific donation and, if so, can we identify the purpose from available texts? Why was the panel altered rather than having a new one made?

While there have been several different interpretations in response to these questions, art historians have generally agreed that this mosaic is a donor portrait, originally marking a specific act of generosity by the Emperor Romanos III, and later adapted to honour a donation by Constantine IX.⁵ The only major point of difference in interpretation has been over whether the Patriarch or the Emperor commissioned the mosaic, and why.⁶ Virtually none of these studies, however, have

chance they would have penetrated that space during the periodic riots that took place between 1041 and 1081, as we have a record of the rioters entering Hagia Sophia, as well as the adjacent royal palace.

⁴ Thomas Whittemore, *The Mosaics of Hagia Sophia at Istanbul, Third Preliminary Report: Work Done in 1935-8. The Imperial Portraits of the South Gallery*, (Oxford: Oxford University Press, 1942), 1-87.

⁵ Robin Cormack in particular has written a great deal about this mosaic and the issues involved. He believes that the Emperor in the original was Romanos III and is convinced that the Emperor, not the Patriarch, controlled the space in the South (Imperial) Gallery and thus would have been responsible for the mosaic. Other notable scholars who have written works about *The Zoe Panel* include Cyril Mango, Nicolos Oikonomides, Ioli Kalavrezou, and Barbara Hill.

⁶ This debate has been principally between Robin Cormack and Nicolas Oikonomides. Oikonomides maintained that the Hagia Sophia was the Patriarch's space, and that if the Emperor had been able to put up a mosaic whenever he wanted, there would be many more of them than just the five that currently exist. Nicolas Oikonomides, "The Mosaic Panel of Constantine IX and Zoe in Saint Sophia," *Revue Des Etudes Byzantines*, 36, (1978): 224-226. Cormack is equally convinced that the gallery was imperial space and

inquired into why the moneybag and scroll appear at this particular time, or even what they might represent beyond the obvious depiction of a donation and a promise of more to come. Only one scholar, Natalia Teteriatnikov, has challenged the prevailing wisdom about this mosaic, and she is the only one who has observed that the moneybag represents a unique iconographic feature.⁷ In her article, Teteriatnikov argues that *The Zoe Panel* does not represent a specific gift but commemorates an ongoing ritual whereby the Emperor distributed money to the clergy at Hagia Sophia on Holy Saturday, and that the scroll is not a *chrysobull* but a list of the clerics and the amount they were to receive from the moneybag.⁸ Her argument is novel, but doesn't explain why this annual ritual was suddenly worthy of an expensive mosaic. Her thesis about the original Emperor being Zoe's second husband, Michael IV Paphlagon, as opposed to Romanos III Argyros is, however, more convincing.⁹ She uses historical analysis as well as linguistic and spatial analysis as evidence to make her case. Although the physical analysis of the scroll does not conclusively prove that only the name Michael would have fit, taken together with her other evidence I think, on balance, she is correct.¹⁰ While this paper is written from the perspective that Michael IV Paphlagonian was the original Emperor in the panel, its overall thesis would still apply, even if it was Romanos Argyros, since the

controlled by the Emperor, not the Patriarch. Robin Cormack, *Byzantine Art*, (Oxford University Press, 2000), 128. Natalia Teteriatnikov supports Cormack's view. Natalia Teteriatnikov, "Hagia Sophia: The Two Portraits of the Emperors With Moneybags as a Functional Setting," *Arte Medievale*, (1996): 48. In fact, both Cormack and Oikonomides would probably agree that regardless of who had the formal power and who initiated and paid for *The Zoe Panel*, it is highly likely that neither the Emperor nor the Patriarch would embark on a project of which the other strongly disapproved. For the purposes of this paper, the argument is not particularly relevant as to who controlled the space. If indeed the mosaic was conceived and executed by the Emperor and Empress, however, this just adds additional weight to the thesis that Michael IV, the son of a moneychanger, could be the direct source of this imagery.

⁷ Teteriatnikov, 48.

⁸ Teteriatnikov, 53-54.

⁹ Teteriatnikov, 54-57.

¹⁰ Cyril Mango speculates that while the original mosaic featured Romanos III, it might have been altered twice, first to accommodate Zoe's second husband, Michael IV (1034-1041) and again, in its present form, for her third husband, Constantine IX (1042-1055). Mango, 58. John Wortley, in his recent translation of John Skylitzes' *Synopsis Historion*, acknowledges that the original Emperor in *The Zoe Panel* could have been Michael IV. John Skylitzes, *A Synopsis of Byzantine History, 811-1057*, introduction, notes and translation by John Wortley, (Cambridge: Cambridge University Press, 2010), 354.

social, political and economic dynamics that would have explained this new iconography were already evident in Romanos' reign.

Given that Byzantine artistic representation tended to use traditional iconography, we need to search for other imperial or donor portraits, as well as other forms and genres of representation, to ascertain if these two elements—the moneybag and the scroll—were indeed unique, or whether they were merely copies or adaptations of existing conventions. In doing this we will look at earlier representations which might contain such iconographical forms. This includes depictions of the Imperial couple and both imperial and non-imperial donor portraits in various media such as mosaics, ivories, illuminated manuscripts and coins.

We do not have many portraits of imperial couples which have survived from a previous period. The famous mosaics of Justinian and Theodora in San Vitale, Ravenna (548) are quite unique, in that the Emperor and Empress are depicted in separate and opposing murals. There are two surviving ivories that respectively show the blessing of Emperor Otto II & Empress Theophano c. 982, and the coronation of Emperor Romanos II and Empress Bertha-Eudokia c. 945.¹¹ In these examples, unlike *The Zoe Panel*, the imperial couples are shown in a full-frontal stance, equally tall, and almost dwarfed by the presence of Christ, from whom they are receiving a hands-on blessing that legitimizes their union and rule with divine authority. None of the imperial personages is holding or presenting any object. These portraits bear little similarity to *The Zoe Panel* and there is nothing to suggest these earlier ones were a model for it.

The most common surviving Byzantine artifacts containing images of imperial figures are coins, as this was the primary mechanism by which an emperor's image would be disseminated and occurred immediately upon succeeding

¹¹ These are now both located in Paris. The first in the Musée du Moyen Age and the second in the Bibliothèque Nationale

to the throne. Thus, even though the sisters Zoe and Theodora only ruled alone for three months in 1042, coins were still minted with their likeness. However, we have no examples of both an emperor and an empress, as a married couple, depicted on coins pre-dating *The Zoe Panel*.¹² Moreover, even when the Emperor alone is depicted, there is no precedent for his holding a moneybag, although he is often shown holding objects with religious significance, such as a cross, an orb or an *akakia*, a purple silk bag carried by the Emperor in his right hand on ceremonial occasions.¹³ A genre of late-antiquity representation known as a consular diptych sometimes displays what looks like a cloth bag in the hands of the consul, but these do not appear to be moneybags and were likely coloured cloths used to start races in the Hippodrome.¹⁴

Although we have no known precedents of a moneybag, we do have some representations of coins in manuscripts, which are depicted for theological or didactic purposes. In the Khludov Psalter, an anti-iconoclast manuscript produced in the mid-ninth century, the Emperor Nikephoros I (802-811) is shown trampling on the iconoclast Patriarch John VII (836-843) of Constantinople, who is lying on the ground with coins around him. The scene just above this one shows the Apostle Peter treading on Simon Magus, so the coins are probably intended to suggest that John VII is an illegitimate patriarch because he was guilty of the sin of simony, the purchase of Church office. However, another illustration in this Psalter, shows an Allegory of Charity (figure 4), in which a coin represents Christian benevolence. Thus even when coins were used in imagery, the symbolic meaning of money was not fixed.

¹² We have surviving coins of Constantine VI (780-790) with his mother, Empress Irene, and a similar depiction of Constantine VII (908-959) with his mother, Zoe Karbonospina. Michael F. Hendy, *Studies in the Byzantine Monetary Economy c300-1450*. Cambridge: Cambridge University Press, 1985, Plate 23, coin 6 and Plate 24, coin 19.

¹³ An *akakia* was filled with dust and was supposed to represent the transitory nature of earthly life. Alexander Kazhdan, ed., *The Oxford Dictionary of Byzantium* (Oxford: Oxford University Press, 2005), Volume 1, 42.

¹⁴ Antony Eastmond, "Consular Diptychs, Rhetoric and the Languages of Art in Sixth-Century Constantinople," *Art History* 33 (2010): 742-765.



FIGURE 4: Manuscript Illumination from Khludov Psalter, *Allegory of Charity*, mid-ninth century. Moscow, Historical State Museum MS. D.129. Source: Wiki Image http://commons.wikimedia.org/wiki/File:Chludov_charity.jpg (Public Domain).

The image of a scroll does appear in early Byzantine art forms, although none of these are from Constantinople. For example, there is a late 7th century mosaic in Sant'Apollinare in Classe, Ravenna that shows Emperor Constantine IV handing a scroll to Archbishop Reparatus (671-677) granting some privileges to the

Ravennate Church (Fig. 5).¹⁵ There is also an earlier donor mosaic that features a scroll, *St. Demetrios Between Donors Bishop Johannes and Prefect Leontius*, in the Church of St. Demetrios, Thessolonike, c.650, in which the Prefect is shown holding a scroll. This could be a record of the gift but might also be his scroll of office. Thus, while scrolls seem to have been used in Byzantine art as symbols of documentation generally, their iconography does not appear to be fixed, so there is no reason to believe that these earlier examples were direct models.



FIGURE 5: Mosaic of Emperor Constantine IV handing a scroll to Archbishop Reparatus in Church of Sant'Apollinare in Classe. Seventh Century. Source: Wiki Image en.wikipedia.org/wiki/File:Privil_classe.jpg (Public Domain).

Thus, even though there are instances of the representation of coins and a scroll, they are isolated and do not suggest any likely iconography for the context in which they appear in *The Zoe Panel*. We can conclude, therefore, that these two

¹⁵ Deborah Mauskopf Deliyannis, *Ravenna in Late Antiquity* (Cambridge: Cambridge University Press, 2010), 272.

elements represent the introduction of new forms and were not conscious adaptations of existing ones.

If indeed these two elements are new, why did they appear at this particular time? The century preceding the Komnenid accession in 1081 was a period of political and social fluidity.¹⁶ The traditional ruling elite of the Empire was composed of two rival groups, the provincial military aristocracy, and the civic nobility of Constantinople.¹⁷ The provincial military was the source of the Byzantine Empire's military strength, whereas the civic nobility staffed the senior and middle ranks of the Imperial administrative bureaucracy.¹⁸ Prior to Basil II (976-1025), the military nobility seemed to have predominated, which was not surprising in a period of constant territorial pressure and conflict. However, during Basil's long reign the Imperial bureaucracy started to gain political ascendancy at the expense of its rivals. This was partly due to the need for additional officials to administer the added territories and to consolidate imperial rule, but it was also a reflection of Basil's concern about the potential threat to his dynasty from overly-strong military families. Indeed, he had to suppress two revolts from the ranks of these families, and seemed determined to quash their ability to threaten his throne.¹⁹

The civic aristocracy had probably always been more fluid in composition than the military aristocracy because of its need for capable administrators and the increase in imperial territory under Basil opened up its ranks even more. Thus, the bureaucracy could be seen as somewhat of a meritocracy in which ability, not just

¹⁶ A.P. Kazhdan and Ann Wharton Epstein, *Change in Byzantine Culture in the Eleventh and Twelfth Centuries*, (Berkeley: University of California Press, 1985), 24-73.

¹⁷ Vryonis, 302. "The salient feature of the history of Byzantium in the eleventh century was the bitter and fatal struggle between the civil bureaucrats and the provincial feudal generals for the possession of supreme power."

¹⁸ Robin Cormack, *Writing in Gold: Byzantine Society and Its Icons*, (London: George Philip, 1985), 180-181.

¹⁹ Michael Psellus, *Chronographia* (published under the title of *Fourteen Byzantine Rulers*), E.R.A. Sewter, trans. P(London: Penguin Books, 1966), 32-43. Cormack notes that one of the actions Basil II took was to replace the military governors in the Provinces with civilian officials who administered for a period of three years. This further increased the power of the bureaucracy at the expense of the military aristocracy. Jonathan Shepard, "Byzantium Expanding," in *The New Cambridge Medieval History*, ed. Timothy Reuter (Cambridge: Cambridge University Press, 1999), Vol. 3, 595-604. Cormack, *Writing in the Gold*, 184.

birth, could secure advancement.²⁰ Contemporary chroniclers like Michael Psellus complained bitterly about the origins of some high officials, such as John the Orphanotrophus, whom he called "...a man of mean and contemptible fortune."²¹ John came from Paphlagonia, an area on the southern side of the Black Sea, and his family was involved in commerce, probably as bankers (*trapezitai*, which translates as money changers).²² The economic expansion of the Byzantine Empire under the Macedonian dynasty had increased not only the wealth of the commercial classes, but also fueled their desire to gain access to public administration as a source of both status and financial privilege.²³ They were, moreover, not afraid to use their dominance over the commercial guilds in Constantinople to try and impose their will through riots and street action.²⁴

The dynastic situation between 1028 and 1055 also contributed to this social and political fluidity. Basil II's successor, Constantine VIII Porphyrogenitus (1025-28), had no sons but three daughters. The eldest, Eudora, entered a convent and remained there throughout her life, but his middle and youngest daughters, Zoe (978-1050) and Theodora (980-1056), inherited the throne and were the source of imperial authority for the next twenty-eight years. They were the only women in Byzantine history to inherit the imperial crown through their birth.²⁵ Theodora never married but always held the status of Empress, along with Zoe, even when there was a ruling Emperor who had assumed the title through marriage to Zoe. Zoe was the source through which four Emperors reigned: her first husband, Romanos III Argyros (1028-1034); her second husband Michael IV (1034-1041);

²⁰ Hendy, 572.

²¹ Psellus, 75.

²² Hendy, 242.

²³ Angelika E. Laiou, Editor-in-Chief, "The Byzantine Economy: An Overview," in *The Economic History of Byzantium from the Seventh through the Fifteenth Century*, Angelika E. Laiou, Editor-in-Chief (Washington, D.C.: Dumbarton Oaks Research Library and Collection, 2002), Vol. 3, 1150.

²⁴ Vryonis, 302-314.

²⁵ The only other example of a woman ruling with in her own right was Irene of Athens (r. 802-803), the widow of Leo IV, who took over the throne on the death of her son, Constantine VI. Unlike Zoe and Theodora, however, she was not born into the succession.

her adopted son (and Michael IV's nephew) Michael V (1041-42); and her third husband, Constantine IX Monomachos (1042-1055).²⁶ This was unprecedented and, not surprisingly, produced a situation where there were multiple factions competing for influence through their association with the Emperor or the two Empresses. By the time that Zoe married for the first time, in 1028, things were further complicated by the knowledge that the dynasty would end once both Empresses died, since their age precluded them from ever having children. Thus, there was an inherent instability in the political situation that allowed clever and ambitious officials, such as John the Orphanotrophus, to manipulate and exploit the political dynamics for personal and family ends.

John the Orphanotrophus is of particular importance because it was he who introduced his brother, Michael, to the Imperial court. Zoe was immediately infatuated with Michael and the two entered into a scandalous love affair.²⁷ After Romanos' sudden and suspicious death, Zoe, against the advice of her court officials, insisted on marrying Michael immediately, and thereby he was proclaimed Emperor.²⁸ Theodoros Skoutariotes wrote of Michael, in his 13th century history, *Synopsis Chronika*, that "...he was coming from low and unknown parents..."²⁹ Skylitzes, in his *Synopsis Historion*, says outright that Michael was a moneychanger, and quotes the patrician Constantine Delassenos who called Michael "...a vulgar, threepence-a-day man..."³⁰ Thus, through a unique set of circumstances—the Empress Zoe's headstrong passion, his brother's intrigue and influence, and a compliant, if reluctant, patriarch—Michael, a man of the commercial class, now ruled the Byzantine Empire.³¹

²⁶ Psellus, 53-271.

²⁷ Skylitzes, 368.

²⁸ Psellus, 76-88. Skylitzes, 368, wrote that Romanos "...was piteously suffocated by Michael's henchmen..."

²⁹ Theodoros Skoutariotes, 2. <http://www.fordham.edu/halsall/source/skoutariotes1.html>.

³⁰ Skylitzes, 368, 370.

³¹ Psellus, 87. Angeliki E. Laiou, "Imperial Marriages and Their Critics in the Eleventh Century: The Case of Skylitzes," *Dumbarton Oaks Papers*, 46, *Homo Byzantinus: Papers in Honour of Alexander Kazhdan* (1992), 170.

Could the moneybag in *The Zoe Panel* have been the deliberate choice of Michael as a symbol of his family's origins? It is possible, but not likely. If this symbol had been closely identified with Michael personally, Constantine IX would hardly have permitted it to remain in the mosaic when it was altered. Rather than being a symbolic representation of Michael directly, it is far more likely that the moneybag reflects a change towards the understanding of money and its role in ensuring the wellbeing of the Byzantine Empire. This change is almost certainly related to the admission of the wealthy commercial class into court life, public administration and political structures, even the Senate. Psellus lamented that "The doors of the senate were thrown open to nearly all the rascally vagabonds of the market..."³² This was a class who used money to buy and define status and identity.

Yet it was not just the admission of the commercial classes to political power and social influence that would have affected the attitudes towards money in Byzantine society at this time. There were other significant changes that also subtly altered attitudes towards money and its role. There had long been a move to convert the tax system to one of cash payment, and this accelerated under Michael IV to the point where it provoked a rebellion in Bulgaria in 1040.³³ In addition to the tax system, military service and the obligation to provide support to the military was also being commuted for cash payment during this period.³⁴ This emphasis on cash payments had the effect of monetizing the Byzantine economy.³⁵ Thus, we see a shift in the emphasis on money, and its importance as the standard means of exchange, stemming from the need to support an expanding and expensive centralized, bureaucratic administration. The urban concentration of this

³² Psellus, 170.

³³ Nicolas Oikonomides, "The Role of the Byzantine State in the Economy" in Laiou, *The Economic History...*, Vol. 3, 1022.

³⁴ Alan Harvey, *Economic Expansion in the Byzantine Empire 900-1200* (Cambridge: Cambridge University Press, 1989), 111-113.

³⁵ Angeliki E. Laiou and Cecile Morrisson. *The Byzantine Economy* (Cambridge: Cambridge University Press, 2007), 242.

bureaucracy made cash the only practical means of paying for the people and materials required. Another factor that prompted the need for additional cash during this period was the increasingly lavish lifestyle of the Imperial family. One of Psellus' complaints about Zoe was that she was a spendthrift and was ruining the Empire with her profligacy.³⁶ Zoe and her husbands were also generous patrons of religious institutions which further required large sums of disposable cash.³⁷

The Byzantines had a sophisticated understanding of the role of money in facilitating trade and commerce, and there were some significant changes to the coinage under Michael IV. There had always been a shortage of gold, and therefore of coins, but this was made more acute as the need to expand the money supply to support increased commercial activity became more apparent. Michael's response was to increase the number of coins in circulation by reducing the gold content of the *Nomisma*, the standard gold coin of the Empire.³⁸ He also added smaller denominations of coins to the money supply to better facilitate commercial transactions.³⁹ In these actions we can see that there was now a recognition that the purpose of money was not just the upholding of imperial status, but also to support commercial activity. Given how closely money was interwoven with the social and economic changes of this period, it is reasonable to conclude that this altered understanding of the importance of money had a cultural impact that could ultimately explain the appearance of a corresponding iconographic symbol, the moneybag.⁴⁰

³⁶ Psellus, 157-158.

³⁷ Psellus, 66;72-73; 105-106. Skylitzes, 375, complained that Michael IV "...financed what were supposed to be his good works out of the common and public purse, expecting to receive absolution as though from a mindless and unjust God from whom repentance could be purchased with the money of others."

³⁸ Cécile Morrisson, "Byzantine Money: Its Production and Circulation," in Laiou, *The Economic History...*, Vol. 3, 931.

³⁹ Cécile Morrisson, "Byzantine Money: Its Production and Circulation," in Laiou, *The Economic History...*, Vol. 3, 930.

⁴⁰ Laiou and Morrisson, 161.

The scroll, while not without precedent in early Byzantine representation, appears in a totally different context in *The Zoe Panel*. Most scholars have accepted that it is a *chrysobull*, which was a decree issued by the Emperor and was used for such purposes as the granting of land, money and other privileges such as tax exemptions. The scroll in *The Zoe Panel* has generally been interpreted as confirmation of an ongoing gift of money to the Hagia Sophia.⁴¹ So why might it have appeared at this particular time? A possible answer lies in an increased awareness of one of the primary functions of a *chrysobull*—it granted a material royal privilege or concession, but in return it established a reciprocal obligation on the part of the receiver.⁴² In this sense, the *chrysobull* functioned as a contract, even though it was supposedly a unilateral document of the Emperor and not an agreement between two parties.

As Byzantine commercial activity grew in volume and complexity during this period, so did the need to document these transactions and record the mutual obligations of the parties involved. Byzantine contracts had their roots in Roman civil law and were an intricate part of the Byzantine legal system, so the concept of documented, enforceable agreements was well-understood. We have at least one known precedent for an imperial *chrysobull* acting as a form of commercial contract. In 992, Emperor Basil II issued a *chrysobull* granting certain trading privileges to Venice and its merchants.⁴³ These privileges were spelled out in considerable detail, including tariff rates, designated officials, and certain limits and restrictions. This

⁴¹ See Footnote 4.

⁴² In theory the *Chrysobull* was a gift, but in reality it was part of an elaborate cycle of calculated, deliberate exchange, even a deed of sale, and was fundamental to the way in which imperial relationships with all other levels of Byzantine society and institutions was expressed. The following essay is particularly helpful: Claude Lévi-Strauss, "The Norm of Reciprocity," in *The Gift: An Interdisciplinary Perspective*, ed. A.E. Komter (Amsterdam: Amsterdam University Press, 1996), 18-25. "Goods are not only economic commodities but vehicles and instruments for realities of another order: influence, power, simplicity, status, emotion; and the skillful game of exchange consists of a complex totality of maneuvers, conscious or unconscious, in order to gain security and to fortify one's self against risk incurred through alliances and rivalry." p.19.

⁴³ Donald M. Nicol, *Byzantium and Venice: A Study in Diplomatic and Cultural Relations* (Cambridge: Cambridge University Press, 1988), 39-41.

was more than a general expression of imperial largesse; it was a record of negotiated terms and conditions. While the Imperial dignity was maintained through it seeming to be a unilateral declaration of favour, the *chrysobull* cleverly defined the expected reciprocal behaviours by framing them as the things the Venetians had *already* done to merit this imperial benevolence and, by implication, would continue to do. These services from the Venetians included such things as provision of Venetian ships for transport and the military assistance of the Venetian navy.⁴⁴

The increased volume of internal and international trade during this period, especially the Venetian presence in Constantinople, would have resulted in an increase in commercial contracts which would have been enforceable under Byzantine law.⁴⁵ Increasingly through the eleventh century, *chrysobulls* were being used as deeds of exchange, whereby privileges were given directly in exchange for cash.⁴⁶ These contracts involved the same commercial class that was now enjoying political influence and holding positions in the Imperial bureaucracy, so it is not unreasonable to conclude that a contractual way of understanding relationships found its way into Byzantine imperial administration.

Emperor Michael IV would have been no stranger to the concept of a contract, given his background, and would probably have felt comfortable in using a *chrysobull* in this type of contractual context. We know that he was very pious and generously supported the Church; indeed, Psellus remarked that his endowments and patronage surpassed all previous emperors.⁴⁷ Michael was in particular need of the Church's prayers for his wellbeing, as he suffered severely with epilepsy.⁴⁸ His and Zoe's donation, as represented by *The Zoe Panel*, would both have affirmed this ongoing generosity and have been a reminder to the clergy of their reciprocal

⁴⁴ Nicol, 41.

⁴⁵ Laiou and Morriison, 233; 236.

⁴⁶ Harvey, 80-119.

⁴⁷ Psellus, 105. "So far as the building of sacred churches was concerned, Michael surpassed all his predecessors, both in workmanship and in splendour."

⁴⁸ Psellus, 105; 116.

obligation to pray for the royal couple. The representation of the *chrysobull* in the mosaic formally symbolized this mutual obligation, and functioned as a visual contract for both the Imperial family and the Patriarch and clergy. Thus, as with the moneybag, the *chrysobull* is a new iconographic element that appears at a time when its function as a contract would have been compatible with the prevailing understanding of the use of formal agreements to express mutual obligation and benefit.

This article has attempted to demonstrate that the introduction of new iconographical features in Byzantine art was not only a reality, but that a comprehensive examination of the social and economic circumstances can reveal the context which plausibly explains why we see these particular visual features appearing at the time we do. The more we can highlight and explain such changes, the more likely it is we can permanently alter the myth of Byzantine art as merely a static reproduction of previous forms and icons.