Abusing Your Rulers: Performance and Protest in a Constantinopolitan Circus Dialogue

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Abstract: *This article reinterprets the* Akta dia Kalopodion*, a circus dialogue preserved in the Chronicle of Theophanes, as a rare glimpse into the performative politics of sixth-century Constantinople. While prior scholarship has focused on its transmission and relation to the Nika Revolt, this study treats the* Akta *as an atypically preserved example of routine Hippodrome interaction between emperors and their subjects. Drawing on sociological theories of performance and protest, this article argues that the exchange constitutes a 'contentious performance' in which the Green faction collectively voices grievances and asserts its identity, while a mouthpiece for the imperial regime seeks to dismiss and delegitimize them, imposing the emperor's dominance. The analysis examines the rhetorical strategies of each side, the multiple audiences implicated, and the expressive as well as instrumental goals of the participants. Read in this light, the* Akta *provides a template for how the Constantinopolitan Hippodrome functioned as a forum for displays of both imperatorial power and popular dissent amidst the continual public renegotiation of imperial legitimacy in Late Antiquity.*

Keywords: Akta dia Kalopodion*, circus factions, Hippodrome, acclamations, Justinian, imperial legitimacy, Constantinople*

Nestled in the *Chronographia* of Theophanes is an account of a circus dialogue which is truly remarkable. This much at least all commentators have agreed on. For over a century, it has been deemed a 'remarkable record', 'ein höchst be-

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merkenswertes Dokument', a 'remarkable dialogue'.[1] It is perhaps surprising then that despite this consensus, the actual event which lay behind the text known as the *Akta dia Kalopodion* has been the subject of relatively few remarks to date.[2] The bulk of scholarly work on the *Akta* has concentrated on the intriguing puzzles of context and transmission which the document presents, with the result that its contents have been comparatively underexamined.[3] This is unfortunate, for the episode captured by the text offers an unparalleled window into the political culture of sixth-century Constantinople.

This article considers the confrontation between the emperor Justinian and the Green circus faction in the *Akta* as a rare verbatim glimpse into the public negotiation of imperial authority in Late Antiquity: not a historical curiosity but an atypically preserved record of a very typical ritual. This episode is treated here as a 'contentious performance' in which both the Greens' claims upon the emperor and his regime's defiant response were staged with an intense awareness of multiple audiences. Using the tools of both performance studies and protest theory, this article traces how each side constructed identity, calibrated rhetoric, and pursued both instrumental and expressive aims throughout the confrontation, as well as the success they enjoyed. This analysis ultimately shows how imperial authority at East Rome was a contingent accomplishment, dependent on the performance of popular consensus and therefore

[1] J.B. Bury, *The History of the Later Roman Empire from the death of Theodosius I to the death of Justinian* (London 1923) 71; J. Irmscher, 'Ἄκτα διὰ Καλοπόδιον' in H. Gericke, M. Lemmer, W. Zöllner (eds.), *Orbis mediaevalis. Festgabe für Anton Blaschka zum 75. Geburtstag am 7. Oktober 1967.* (Weimar 1970) 78; A. Cameron, *Circus Factions: Blues and Greens at Rome and Byzantium* (Oxford 1976).

[2] The most substantial recent treatments are M. Meier, 'Die Inszenierung Einer Katastrophe: Justinian und der Nika-Aufstand.', *Zeitschrift Für Papyrologie Und Epigraphik* 142 (2003) 273–300 and J. J. Ayaita, *Justinian und das Volk im Nikaaufstand.* (Diss. Heidelberg 2016). Cameron's objection in *Circus Factions* 318 that 'ἄκτα διὰ Καλοπόδιον…' in Theophanes should be understood as the accusative object of a prior verb rather than a separate nominative title is credible, but its continued employment in this context is justified by both widespread scholarly use and the absence of an alternative.

[3] For these challenges: P. Maas, 'Metrische Akklamationen der Byzantiner', *BZ* 21 (1908) 28–51.

vulnerable under certain conditions to challenge through determined counter-performance.

1.1 The Akta*: Transmission and History*

The *Akta dia Kalopodion* is preserved primarily within Theophanes' account of the Nika Revolt of 532, although a much-abbreviated version is also present in the same chronological spot within the manuscript of the *Chronicon Paschale* (*CP*).[4] It consists of a transcript of a lengthy exchange between an official identified as the 'Mandator' of the emperor Justinian and the *stasiotai* partisans of the Greens, one of the two major Constantinopolitan circus factions.[5] The title refers to the acclamations (*akta*) chanted by the Greens; 'Acclamation Culture' was as we shall see a fundamental aspect of late antique society.[6] The dialogue is readily available in English, German and French translations and need not be reproduced here, but it will be summarized for convenience, followed by a brief discussion of the outstanding questions addressed by prior scholarship.[7]

[4] C. De Boor, *Theophanis Chronographia* (Leipzig 1883) 181–184; L.A. Dindorf, *Chronicon Paschale* (Bonn 1832) 620 (AM 6024). All subsequent references are to page number and line number in these editions. Translations are my own.

[5] The bibliography on the factions is extensive. Cameron, *Circus Factions* remains definitive, nuanced in particular by C. Roueché and N. de Chaisemartin, *Performers and Partisans at Aphrodisias in the Roman and Late Roman Periods: A Study Based on Inscriptions from the Current Excavations at Aphrodisias in Caria* (London 1993) and M. Whitby, 'The Violence of the Circus Factions' in K. Hopwood (ed.), *Organised Crime in Antiquity*, (London 1999) 229–253.

[6] See especially C. Roueché, 'Acclamations in the Later Roman Empire: New Evidence from Aphrodisias.' *JRS* 74 (1984) 181–99 and H.-U. Wiemer, 'Akklamationen im spätrömischen Reich. Zur Typologie und Funktion eines Kommunikationsritual'. *Archiv für Kulturgeschichte* 86 (2004) 27–73. 'Acclamation Culture': P. Bell, *Social Conflict in the Age of Justinian: Its Nature, Management, and Mediation* (Oxford 2013) 138. At Constantinople in particular: R. Pfeilschifter, *Der Kaiser und Konstantinopel. Kommunikation und Konfliktaustrag in einer spätantiken Metropole* (Berlin 2013) 294–354; Cameron, *Circus Factions* 157–192.

[7] English: Bury, *From The Death of Theodosius* 72–74, modified from but not always to be preferred to J.B. Bury *A History of the Later Roman Empire from Arcadius to Irene (395 A.D. to 800 A.D.)* (London 1889) 2 57–59; Cameron, *Circus Factions* 319–322; C. Mango and R. Scott (eds.), *The Chronicle of Theophanes Confessor. Byzantine and Near Eastern History AD 284–813* (Oxford 1997) 277–

The transcript begins with a series of conventional emperor-focused acclamations from the Greens such as "τούβικας" (Hellenized "Tu vincas!") which pivot into a demand for justice against an unnamed oppressor.[8] In response to the Mandator's pointed prompts, the partisans identify 'Kalopodios', an imperial *koubikoularios* and *spatharios* as the target of their ire, though without specifying charges. The Mandator dismisses their grievances scornfully with a series of stock polemical insults ("Jews, Manichaeans, and Samaritans!") which move the exchange into a second phase as the Greens indignantly defend their orthodoxy.[9] Matters deteriorate further as the partisans lament the fallen state of justice and reel off a set of unpunished crimes against themselves interrupted by derision and threats from the Mandator. The dialogue enters its final stage as the Blue partisans also make themselves known, rejecting the Greens' allegations and hurling insults and accusations of their own. The episode concludes with the Greens letting out a final curse of "Dig up the spectators' bones!" before storming out of the stadium.[10]

It has long been obvious to scholars that the *Akta* must have originally existed as a separate document which was incorporated into the ninth-century chronicler's work.[11] The origins of this document are unknown. While several historians have argued that it may have been derived from a factional archive, Ayaita makes the eminently reasonable point that such archives are entirely unattested (although we cannot rule out their existence).[12] She suggests quite credibly that an imperial source is more probable given the state's well-documented desire to record acclamations and the contemporary 'offi-

279; J. Matthews, *Empire of the Romans: From Julius Caesar to Justinian. 600 Years of Peace and War. Volume II: Select Anthology* (Oxford 2021) 443–445. French: C. Diehl, *Justinien et le civilisation byzantine au VIe siècle* (Paris 1901) 458–461. German: Irmscher, '"Ακτα διὰ Καλοπόδιον' 79–83; Ayaita *Justinian und das Volk* 113–120.

[8] Theoph. 182 1.

[9] Theoph. 182 16.

[10] Theoph. 184 1. Cameron *Circus Factions* 322, n.2; Jeremiah 8.1. The departure is not in the transcript, but added by Theophanes.

[11] Maas, *BZ* 21 (1908) 49–50; Cameron *Circus Factions* 326–329.

[12] Ayaita *Justinian und das Volk* 131; cf. Bury *From the Death of Theodosius* 71; Cameron *Circus Factions* 328.

cial' transcripts of Hippodrome ceremonies preserved by Petros the Patrician.[13] The lack of any comparanda ultimately makes the text's origins unknowable.

Most of the attention which the *Akta* received from historians in the twentieth century focused on two closely related problems: transmission and immediate context. Above all, historians have been concerned to understand whether the dialogue belongs where it is found in our two sources, at the beginning of the Nika Revolt. If the account in Theophanes and the abbreviated version in the *CP* manuscript are independent, this placement would be multiply attested. Since Maas in 1908 however, the majority of scholars have concluded that the tenth-century scribe of our version of the *CP* inserted the dialogue from an outside source to make up for a lacuna in the text he was copying.[14] It is unclear whether he used Theophanes directly or a common source; either way, the texts and their placement cannot be securely treated as independent.[15]

Still more contested is the relationship of the *Akta* to the Nika Revolt itself, an event of perennial interest to historians.[16] The problem is simple: despite Theophanes placing it immediately after a brief, pre-existing summary of the Revolt and before a fuller account de-

[13] E.g. C.Th. 1.16.6. See now the edition of G. Dagron, B. Flusin, D. Feissel, *Constantin VII Porphyrogénète: Le livre des cérémonies* (Paris 2020).

[14] Maas, *BZ* 21 (1908) 46–48. Cf. M. Whitby & Ma. Whitby *Chronicon Paschale 284–628 AD* (Liverpool 1989), 112–115 who argue that a version of the *Akta* may have been original to the *CP.*

[15] Maas, *BZ* 21 (1908) 29 suggests John of Antioch as the original source; E. Stein, *L'histoire du Bas-Empire* 2 (Paris 1949) 450, n.1 identifies the Great Chronographer, a conclusion echoed by Meier, 'Inszenierung' 282; Whitby and Whitby *Chronicon Paschale* 113–114 believe both used the lost original Malalas while Cameron *Circus Factions* 328–329 argues for direct use of Theophanes.

[16] Detaching the *Akta* from 532: Maas *BZ* 21 (1908) 49–51, followed by Bury *From the Death of Theodosius* 72; Cameron *Circus Factions* 322–323; Irmscher "Ἄκτα διὰ Καλοπόδιον' 83; B. Baldwin, 'The date of a circus dialogue', *Revue des études byzantines* 39 (1981) 301–306. Defending the original date: Stein, *L'histoire* 450, n.1; P. Karlin-Hayter, 'Les Akta dia Kalopodion: Le Contexte Religieux et politique' *Byzantion* 43 (1973) 84–107; Meier 'Inszenierung', 278–286. On the Nika Revolt generally, see the classic G. Greatrex, 'The Nika Riot: A Reappraisal' *JHS* 117 (1997) 60–86.

rived from the original Malalas, the content of the dialogue is an extremely awkward fit for the known events of January 532. The famous alliance of Greens and Blues against the regime which sparked the initial riot is hardly suggested by the latter's parting words to their rivals ("I despise you, I don't want to look at you").[17] Moreover, the Mandator's open partisanship towards the Blues runs against the lurch towards even-handedness which characterized Justinian's policy at this time and which had the effect of alienating them from his government at the key moment. Yet efforts to find a superior context have proven no less challenging. Both the earliest and latest years of Justinian's long reign (527–565) have been suggested based on textual hints, but the very lack of consensus shows how little weight can be placed on such scraps.[18] We are again undermined by a lack of similar documents which might illustrate whether, for instance, references to the emperor's religious orthodoxy allude to ongoing controversies or simply form a stock part of contemporary political discourse. This issue too therefore remains unresolved and is likely to remain so.

Following a long interlude, scholarship on the *Akta* has resumed in recent decades with greater focus on its actual content. Wiemer highlighted the acclamatory practices revealed by the text as part of an influential article on this medium.[19] A decade later, Ayaita produced the longest sustained examination of the *Akta* to date in a study of the Nika Revolt, focusing overwhelmingly on the practical mechanics of circus communication.[20] Most recently, Rollinger has examined what the text can tell us about the protocol of Hippodrome ceremonial.[21] Together, these works usefully clarify the formal and communicative parameters of the text.

Despite the productive scholarship that has developed around the *Akta* on issues of provenance and protocol, comparatively little attention has been paid to the text from a socio-political perspective.

[17] Theoph. 183.31.

[18] Earliest: Cameron *Circus Factions* 327. Latest: Maas, *BZ* 21 (1908) 50–51; Baldwin 'Circus Dialogue' 305–306.

[19] Wiemer, *AfK* 86 (2004) 44–47.

[20] Ayaita, *Justinian.*

[21] Rollinger, *Zeremoniell* 583–587.

This lacuna is especially striking in light of the significant evolution in our understanding of East Roman political culture in recent scholarship.

1.2 Autocracy and Consensus in East Rome

If we are to understand the significance of the episode recorded in the *Akta dia Kalopodion,* we must first consider the role which circus interactions of this sort played in the political culture of Constantinople. This issue is intimately connected to the nature of imperial authority in Late Antiquity, a subject of considerable historiographical debate in recent decades.[22]

Traditional accounts tended to treat the late antique state as a nadir of absolute monarchy, a 'Dominate' which in its eastern incarnation especially served as a paradigmatic example of so-called 'oriental despotism'.[23] In this top-down model, it would be a category error to envision any real 'dialogue' between ruler and subjects. The emperor is a true autocrat, deriving his legitimacy exclusively from God and wielding near-total power in all public interactions. Even the occasional airing of dissent occurs entirely at his sufferance, and the role of groups like the factions is to participate in propagandistic rituals to placate the powerless masses. Such a perspective finds support in some literary sources, especially in 'official' media produced within court circles.[24] A more nuanced version of this basic model underlies most interpretations of the *Akta*, including that of Alan Cameron, the factions' leading modern scholar.[25]

This longstanding assumption has since been thoroughly transformed by decades of careful scholarship. Historians of Late Antiquity are now far more likely to emphasize the many normative limitations on the emperor than his lack of formal legal constraints,

[22] C. Rollinger, *Zeremoniell und Herrschaft in der Spätantike: Die Rituale des Kaiserhofs in Konstantinopel* (Stuttgart 2024) 20–33 offers a useful summary.

[23] As in K.A. Wittfogel, *Oriental Despotism: A Comparative Study of Total Power* (New Haven 1957). C. Gizewski, *Zur Normativität Und Struktur Der Verfassungsverhältnisse in Der Späteren Römischen Kaiserzeit* (Munich 1988) 1–35.

[24] A paradigmatic example is the poetry of Corippus, *In Laudem Iustini Augusti minoris.*

[25] Cameron, *Circus Factions* 177–178.

while rhetorical insistences on his unchallenged status in the sources are now regularly reinterpreted as normative markers of weakness rather than descriptive indicators of strength.[26] Central to this revisionist approach has been a new appreciation of the fragility of imperial authority, which was ideologically dependent in all periods on regular displays of popular consensus.[27] In practical terms, achieving the necessary consensus required buy-in from powerful constituencies which in the East were based exclusively at Constantinople along with the emperor himself. Pfeilschifter identifies not only 'elites' such as the senate and court but also the army and, most significantly for our purposes, the urban populace of the capital as 'acceptance groups' on whose support the emperor depended.[28] Kaldellis goes still further and argues, controversially, that the Constantinopolitan *populus* represented not only a vital constituency but the dominant player in East Roman political culture.[29]

Such a radical rethinking of emperorship has obvious consequences for how we approach public interactions between the emperor and his subjects, which at Constantinople were staged disproportionately in the Hippodrome. In his recent book on imperial ceremonial, Rollinger demonstrates that rituals like the Games were not purely 'representative' or propagandistic but creative. Rather than merely reflecting or displaying support for the emperor, they helped to actively generate the consensus upon which his legitimacy rested through processes of symbolic negotiation which made demands of both ruler and ruled.[30] This was done above all through the endlessly chanted acclamations which served as constant affirmations of loyalty. Yet this very reciprocity created opportunities. While such rituals were by no means as rigid as once imagined, their flexibility had limits which could be exploited. It remains to be seen just how far a medium designed to engender consensus could

[26] A. Kaldellis, *The Byzantine Republic* (Cambridge MA 2015), esp. 165–195.

[27] See esp. C. Ando, *Imperial Ideology and the Provincial Loyalty* (Berkeley 2000).

[28] Pfeilschifter, *Kaiser*, building on E. Flaig, *Den Kaiser herausfordern. Die Usurpation im Römischen Reich* (Stuttgart 1992), since updated in a revised edition in 2019. See also H.-G. Beck, *Senat Und Volk von Konstantinopel: Probleme Der Byzantinischen Verfassungsgeschichte* (Munich 1966).

[29] Kaldellis, *Republic* 102–103.

[30] Rollinger, *Zeremoniell* 567–659.

be stretched to accommodate the sort of active vocalizing of dissent which we hear from the Green faction in the *Akta dia Kalopodion.*

The opportunity thus remains to read the confrontation between emperor and subjects which our text depicts through the lens of this reshaped understanding of the late antique state. If imperial authority depended on ritualized demonstrations of popular consensus, then what precisely was at stake in this notably abrasive encounter in the very public setting of the Hippodrome? Are we presented with an emperor successfully reasserting his autocratic prerogative, or with popular actors resisting or reshaping the terms of public discourse? Answering these questions effectively requires an analytical framework that moves beyond institutional description and examines the interactive, ritual, and performative dimensions of East Roman political culture.

2.1 A Contentious Performance

On the most basic level, how should we characterize the encounter between the Mandator and Greens depicted in the *Akta*? The most natural interpretation, I would suggest, has already been implicitly recognized by editors and translators, even as its implications have rarely been explored. The episode is, first and foremost, a public performance.[31] This performative quality is why it has become conventional to present the alternating lines of partisans and Mandator like the script of a play. Moreover, like ancient drama, the acclamations of the Greens possess an undeniably prosodic structure.[32] One scholar has even argued, albeit implausibly, that they were fully memorized in advance as a sort of poem.[33] On this reading, the text does not merely resemble the script of a play; it effectively is one.

In fact, it is not necessary to imagine so rigid a process.[34] While shaped by the specific conditions of sixth-century Constantinople,

[31] On the 'performative turn' in historiography: P. Burke, 'Performing History: The Importance of Occasions', *Rethinking History* 9 1 (2005) 35–52.

[32] Cameron, *Circus Factions* 329–333 correctly prefers 'rhythmic' to 'metrical' as argued by Maas, *BZ* 21 (1908).

[33] P. Karlin-Hayter 'La forme primitive des Ἄκτα διὰ Καλοπόδιον' in *Studies in Byzantine History* (London 1981) 1–13.

[34] Cameron, *Circus Factions* 329–333; Wiemer, *AfK* 86 (2004) 47.

the basic dynamics of the confrontation are far from historically unique. A crowd assembles in a designated public space; complaints and demands are chanted against the regime; the protesters negotiate with a representative of the state; a resolution occurs and the scene disperses. These features characterize what sociologist Charles Tilly calls a 'contentious performance': a public interaction in which a collective actor presses claims upon the regime through recognizable and semi-ritualized forms of protest.[35] Participants in such performances are capable of considerable improvisation and spontaneity when working within a well-established performative structure – precisely the kind offered by Acclamation Culture.[36]

The argument that this encounter should be treated as a species of protest runs counter to Cameron's influential interpretation of the circus factions as fundamentally apolitical: "their real importance lay precisely in the fact that they were *not* political".[37] Yet this view relies on an overly narrow definition of 'political' activity as unambiguously ideological or corresponding to policy positions.[38] We need accept no ideological motivations to see that the Greens were operating as political actors when they assembled in the circus to denounce a government official, just as the factions were engaging in political activity when they acclaimed a new emperor, praised a prefect, or demanded the release of prisoners.[39] The proceedings were certainly not identical to modern protests, and we must be wary of oversimplification, but the parallels are striking enough to facilitate a comparative lens.[40]

[35] Terminology best explored in C. Tilly, *Contentious Performances* (Cambridge 2008).

[36] D.A. Snow and D.M. Moss, 'Protest on the Fly: Toward a Theory of Spontaneity in the Dynamics of Protest and Social Movements', *American Sociological Review* 79 6 (2014) 1122–1143.

[37] Cameron, *Circus Factions* 293.

[38] P. Karlin-Hayter ('Faction Riots and Acclamations' in *Studies in Byzantine Political History* (London 1981) 1–10) 6, observes sharply that the French Revolution would have difficulty meeting Cameron's standards.

[39] See more unapologetically political interpretations of the factions in Whitby, 'Violence'; J.H.W.G. Liebeschuetz, *The Decline and Fall of the Roman City* (Oxford 2001) 203–220 and Bell, *Social Conflict* 143–160.

[40] For similar theoretical approaches see Bell, *Social Conflict* and Julio Cesar

Such activity was not unique to the circus factions, although their institutional cohesion gave them important advantages in coordinating these performances.[41] Acclamation Culture could also be channeled by other organized popular constituencies, especially religious communities, who regularly engaged in similar acts of public claim-making upon the regime.[42] As Wiemer emphasizes, 'virtually all groups' in late Roman society participated in acclamations.[43] They may thus be understood as a central element of the sixth-century 'repertoire of contention', the set of socially 'legitimate' methods available to collective actors for making demands upon the state.[44] Roman authorities had long permitted a measure of *parrhesia,* free speech, to urban crowds which voiced their dissent within the controlled ceremonial space of the circus.[45] At the same time, literary and political discourse regularly employed theatricality as a model for understanding the interactions of emperor and subjects.[46] Within this context, the *stasiotai* partisans chanting against the regime were both protesters and performers; no less the latter than any of the dancers, animal tamers or actors employed by their factions.

Framing the interaction captured by *Akta* as a contentious performance also clarifies the text's utility to the historian. The Green protest did not need to follow a fixed script because all parties were enacting a genre familiar from established protest repertoire, one with

Magalhães de Oliveira, *Potestas populi: participation populaire et action collective dans les villes de l'Afrique romaine tardive : vers 300-430 apr. J.-C.* (Turnhout, 2012). Cf. the more sceptical P. Van Nuffelen, "A Wise Madness'. A Virtue-Based Model for Crowd Behaviour in Late Antiquity.' in C. De Wet and W. Mayer (eds.), *Reconceiving Religious Conflict: New Views from the Formative Centuries of Christianity* (London 2018) 234–258.

[41] Cameron, *Circus Factions* 193–229; C. Roueché and N. de Chaisemartin, *Performers and Partisans* 143–156.

[42] On the parallel, see Bell, *Social Conflict* 134–139.

[43] Wiemer, *AfK* 86 (2004) 54: 'so gut wie alle Gruppen.'

[44] C. Tilly, *From Mobilization to Revolution* (New York 1978), esp. 151–159.

[45] Cameron, *Circus Factions* 157–192; Pfeilschifter, *Kaiser* 294–354. P. Van Nuffelen, 'Beyond Bureaucracy: Ritual Mediation in Late Antiquity' in M. Kitts et al (eds.), *State, Power, and Violence* (Wiesbaden 2010) 238–240.

[46] S. Bartsch, *Actors in the audience: theatricality and doublespeak from Nero to Hadrian* (Cambridge 1994).

accepted roles, conventions, and constraints.[47] This becomes more obvious when we recognize that the rhetorical confrontation which it depicts was not an anomaly but a recurring element of East Roman political life. Glimpses of similar instances are scattered throughout terse chronicle entries, from demands for clemency from Anastasios which precipitated violent riots in the fifth century to denunciations of Phokas for appearing drunk in the Hippodrome in the seventh.[48] Our case is not even unique for the reign of Justinian: one incident in 555 saw the Blues disrupt games commemorating the city's anniversary to protest bread shortages, embarrassing the emperor in the presence of Persian ambassadors.[49] Such abusive interruptions and explicit criticisms of the regime may not have been everyday occurrences, but they were well within the standard factional repertoire.[50]

In one sense then, the debate over the *Akta*'s connection to the Nika Revolt misses the point. The episode is valuable not because it was extraordinary but because most of its contents were relatively typical, a new riff on a well-trodden theme. What the *Akta dia Kalopodion* presents is a rare, unfiltered glimpse at how contention over power was performed in a public setting, beginning with how the participants presented and projected their own identities.

2.2 Actors in Performance

The lead performer in the *Akta* is unquestionably the Green Faction. It is the Greens who initiate the dialogue with their first acclamation of protest; it is the Greens who continually drive the momentum throughout, and it is the Greens who choose when to break it off by departing from the Hippodrome. The Mandator, by contrast, is largely a reactive presence within the text despite possessing far more formal power. Understanding this dynamic must be our first task, beginning with who precisely both performers were, and equally importantly, who they claimed to be.

We must start with the material reality of the collective entity des-

[47] Julio Cesar Magalhães de Oliveira, 'Late Antiquity: The Age of Crowds?' *Past & Present* 249 1 (2020) 24–31.

[48] Malal. 16.4; *CP* s.a.498; Joh. Ant. *Fr.* 319 [=EI 109].

[49] Malal. 18.121; Theoph. 230.

[50] As did acclamations *outside* the hippodrome, e.g. Theoph. 283.

ignated simply as 'the Greens'. The text does not tell us how many partisans were present. We may perhaps take the figure of about 1500 formally enrolled Green *stasiotai* at the start of the seventh century as an upper bound.[51] In this period, these partisans sat in the upper *cavea* directly opposite the *kathisma,* the imperial box, shaded slightly to the left from the emperor's vantage point but prominent in his line of sight.[52] Obviously a crowd of such a size required some coordination in their chants; in its lone stage direction, the text reveals that this was provided by an individual named Antlas.[53] We have no idea whether or not he held a formal factional office (perhaps one of the κράκται attested later?). His role appears closely analogous to that of the *capo* among modern football Ultras, who 'help(s) the feeling of flow as a collective through trying to establish a sense of rhythm among the members'.[54] It has been suggested that this Antlas may also have singly delivered some of the lines attributed to the Greens as a whole.[55] Possible evidence for this includes the complexity and apparent spontaneity of their chants and the repeated oscillation of verbal endings between the first person singular and plural. However, the former point is unconvincing given the extensive experience of the *stasiotai* as participants in Acclamation Culture and the *capo*'s ability to return to familiar, formulaic phrases as anchors.[56] As for the second argument, near-contemporary transcripts reveal similar patterns of inconsistent verbal endings in acclamations, notably a demonstration in Hagia Sophia which saw the crowd speaking out in 'one voice' (μιᾷ φωνῇ) and yet also repeat-

[51] Theophyl. Sim. 9.7.10.

[52] Malal. 351.5–352.7; M. Whitby, 'Violence' 239–241; Rollinger, *Zeremoniell* 575–6.

[53] "The Greens shouted among themselves and cried out as Antlas commanded" (Οἱ δὲ Πράσινοι ἀνεβόησαν ἐπάνω ἀλλήλων καὶ ἔκραζον, ὡς ἐκέλευσεν Ἄντλας): Theoph. 182.21–22. Cf. the unlikely alternative interpretation of Karlin-Hayter in both 'La forme primitive' and 'Faction Riots', rebutted by Cameron, *Circus Factions* 331; Ayaita, *Justinian* 152.

[54] M. Doidge, R. Kossakowski & S. Mintert, *Ultras: The Passion and performance of contemporary football fandom* (Manchester 2020) 40–41.

[55] Ayaita, *Justinian* 152–3.

[56] Wiemer, *AfK* 86 (2004) 47–49.

edly using the first person singular (ἐξέρχομαι, λάβω, Μαρτύρομαι).[57] Accordingly, we will follow both the textual directions and the Mandator's use of the second person plural and treat the Greens as a collective.

Yet it is not only the 'material' reality of the Greens which concerns us. Still more important for understanding their role as actors within a contentious performance is the discursive identity which they projected. A central role of protests has always been to 'define, crystallize, and construct collective identities'.[58] Every performance like the confrontation in the Hippodrome seeks to re-establish the terms through which 'we' and 'they' are articulated, and the drawing of boundaries between them. We know that faction members had visual ways of signifying this, from 'barbarian' hair to clothing and, most obviously, the display of their chosen colour.[59] The *Akta* allow us to see them draw those boundaries rhetorically too. This was a feat of political self-definition which they accomplished in two complementary ways; firstly by emphasizing their sectional, minoritarian identity within the broader urban population, and secondly and more provocatively, by presenting themselves as victims of grotesque injustice.

From the beginning of the dialogue to its end, the Greens identify, speak, and act as a partisan minority group. This deserves emphasis as a far more calculated and less obvious strategy than it may appear at first glance. It is true that the Greens *were* in fact a partisan minority, but this was hardly an impediment to presenting otherwise. Ancient crowds, including in Constantinople, regularly claimed to represent the "entire city" or "the whole people".[60] This was true even when crowds manifestly represented a minority concern, as with the sectarian partisans of religious conflict.[61] This was the ideological conceit which lay behind the power of acclamations as

[57] ACO III 75. It is conceivable that the intent was to emphasize the body's unity in each case.

[58] S. Tarrow, *Power in Movement: Social Movements and Contentious Politics.* 3rd Edition. (Cambridge 2011) 143.

[59] Prok. *Anek.* 7.8–14.

[60] K. Feeney, 'The Crowd in Constantinople in the Late Empire', *JLA* 19 (2026) 232–261.

[61] E.g. *CP* s.a.533. See Wiemer, *AfK* 86 (2004) 35–44 for a parallel case.

expressions of popular consensus, nowhere moreso than in the Hippodrome where the crowd represented the entire *populus Romanus*.[62] Indeed in later centuries, the factions themselves would eventually stand in for the entire people in official ceremonies.[63]

All of this makes it highly significant that the Green *stasiotai* at no point in the dialogue claim to speak for the *populus,* the city, or any group beyond themselves.[64] On the contrary, at one stage they explicitly suggest that they live *outside* the city and only enter it sometimes and under duress, symbolically distancing their 'we' from the 'they' of the urban population.[65] It is telling that when the Mandator argues that men in the city are free to do as they wish, they respond by lamenting the plight not of the oppressed 'free' man, but rather the man who is free 'and *suspected of being a Green*'.[66] Their grievances too are entirely personal in nature; they object to the killing of Greens and to the persecution of Greens, and in this they present themselves as speaking only for the Greens as well. This must not be seen as a neutral decision; the ready availability of an alternative discursive framework means that it can only reflect a conscious rhetorical strategy. What was this strategy?

The answer may be found in the second identity to which the Greens lay claim in the dialogue: that of a righteous sect unjustly persecuted. The language of victimization pervades their every chant. They announce themselves with the declaration that "I am wronged" (ἀδικοῦμαι) while their departure includes a melodramatic farewell to justice itself, "You no longer exist!" (σώζου, δίκη, οὐκέτι χρηματίζεις).[67] Elsewhere in the dialogue, they claim to bear right

[62] G. Dagron, *Naissance d'une capitale. Constantinople et ses institutions de 330 à 451* (Paris 1974) 299 – 304; Rollinger, *Zeremoniell* 567–659. Van Nuffelen, *Beyond Bureaucracy* 239–240 emphasizes that such consensus need not be regime-friendly.

[63] A central element of the medieval *De Ceremoniis* from 1.1 onwards.

[64] Recognised by Cameron, *Circus Factions* 287–288. Pfeilschifter, *Kaiser* 298–9 shows the Greens acting in a similarly self-consciously sectarian way in 602.

[65] Theoph. 182.28–29.

[66] Theoph. 183.3–4: ἔχει δὲ Πρασίνων ὑπόληψιν.

[67] Theoph.182.1; 183.28–29.

on their side when they speak out.[68] They underline their outsider status with the suggestion that they do not even know the location of the palace, obvious hyperbole which may also hint at political restrictions.[69] They compare their position unfavorably to that of a socially and legally disadvantaged group by suggesting that they would be better off converting to Judaism than enduring as Greens.[70] The consistent message therefore, sustained throughout myriad changes in immediate subject, is that the Greens are the powerless victims of great injustice.[71] All of this constitutes a classic example of what Gamson calls an "injustice frame", in which a collective actor articulates a sense of shared hardship which helps shape group identity and grievances.[72] The motives which drove them to adopt this framework will be the subject of the following sections.

If the Greens represent a collective speaking with a single voice, then the Mandator occupies a more nebulous position: an individual speaking with a voice which is not always his own.[73] His role in the dialogue is defined by precisely this lack of clarity, both speaking as an individual and ventriloquizing for the emperor. Just as importantly, this duality is accepted by the Greens, who direct their acclamations throughout not to the Mandator but in the singular vocative towards the emperor, such as 'Lord of All' (δέσποτα πάντων), 'Thrice Augustus' (τρισαύγουστε) and simply 'Lord Justinian' (δέσποτα Ἰουστινιανέ).[74]

The ambiguity in the Mandator's identity is exemplified in his

[68] Theoph. 182.26: ἡμεῖς λόγον ἔχοντες.

[69] Theoph. 182.27–28. Rollinger, *Zeremoniell,* 658 on this explanation.

[70] Theoph.183.29: μεταβαίνω, καὶ τότε ἰουδαΐζω. It is notable that contemporaries associated Jews with the Blues: P.W. Horst, 'Jews and Blues in Late Antiquity' in D. Accorinti and P. Chuvin (eds.), *Des Géants à Dionysos. Mélanges de* mythologie *et de poésie grecques offerts à Francis Vian* (Alessandria 2004) 565–571. Similarly, supporters of modern football clubs like Tottenham Hotspur and AS Roma have also become associated with Jewish identity, often in contested ways which include the polemical rhetoric of opposing fans.

[71] As emphasized by Cameron, *Circus Factions,* 288.

[72] W. Gamson, *Talking Politics* (Cambridge 1992) 31–58.

[73] This is the earliest attestation of the office: Cameron, *Circus Factions,* 167–8; Rollinger, *Zeremoniell* 586.

[74] Theoph. 182.8,10,28.

own switch between singular and plural first-person pronouns, most vividly illustrated at the very beginning of the text when he first asks, "Who is he? I do not know him" (τίς ἐστιν, οὐκ οἶδα) only to respond to the unhelpful Green follow-up by asking this time, "Who is that man? We do not know him." (τίς ἐστιν ἐκεῖνος, οὐκ οἴδαμεν.)[75] In this case of course there is no confusion around whether the speaker himself is singular or plural; the options then are a 'royal we', regularly employed by emperors including Justinian in public communications, or else a sort of collective 'we' referring to the entire regime, which would be deeply unusual.[76] The former explanation, though preferable, naturally raises the question of why the singular is ever used at all – is the Mandator sometimes speaking for himself alone?[77]

Further performative elements not captured by our transcript may also have contributed to such ambiguity. We do not know, for instance, where the Mandator was located. If he spoke from the *kathisma* then his position as the emperor's mouthpiece would have received powerful visual reinforcement; Justinian may even have been able to provide oral guidance. If instead he stood closer to the factions, it would have facilitated easier communication but at the expense of greater symbolic distance from the emperor.[78] This would have necessitated greater improvisational flexibility on the Mandator's part, though still doubtless rooted in an established rhetorical repertoire.[79] Either arrangement must have shaped the Mandator's position in the eyes – and ears – of his audiences.

[75] The same formulation appears in near-contemporary acclamations in Hagia Sophia denouncing Nestorios: "τίς ἔνι Νεστόριος; ἐγὼ οὐκ οἶδα", ACO III 74. In this instance, it conveys contempt rather than real ignorance, but this sense does not seem to fit for Kalopodios.

[76] Malalas provides a typically inventive origin story for the 'imperial we': Malal. 7.2.

[77] Incongruencies in such cases may sometimes reflect manuscript errors, a particular risk with verbal endings, but this can scarcely account for all of them.

[78] Ayaita, *Justinian* 144–149; cf. Rollinger, *Zeremoniell* 587.

[79] The Mandator might also take cues from non-verbal signals, especially gestures: G.S. Aldrete, *Gestures and Acclamations in Ancient Rome* (Baltimore 1999) 89–97.

Although we cannot say for sure whether such ambiguity of identity was intentional, it certainly had benefits for the regime. When, for example, he promises violence towards the Greens- "I will cut off your heads!" (ἀποκεφαλίζω ὑμᾶς), should we – or did the Greens – understand the first person singular to be a threat from the emperor himself, or only from the Mandator?[80] Surely the authority for violence rested with the former, yet it was hardly befitting the ceremonial dignity of the remote sixth-century *autokrator* to engage in such personal threats – still less to deluge his subjects with abuse. The Mandator provided the regime with a level of plausible deniability, allowing him to say what the emperor could not. In Erving Goffman's terms, he functioned as an 'animator' of speech, delivering a script he did not author to perform an authority that was not his own.[81]

We should finally note that the Greens and the Mandator are the dominant players in the drama, but they are not the lone performers. The Blues intrude only in its final stages, antagonizing their factional rivals and escalating the confrontation towards a climax, but they had been watching and listening from their own section of the *cavea* all along. It is easy to imagine this faction thrilling to the Mandator's cold disdain and surely heckling or jeering the laments of their foes. They make the move from audience to participants within the *Akta* only when indirectly accused of murder; the allegation is too much, and now only a coordinated response will do.

The Blues' entry to the text serves as a reminder of the public nature of the performance – including the vast audience of tens of thousands of spectators whose voices are not heard at all in our transcript. It is surely unlikely that these onlookers were as mute as they appear to us. The *Akta* does not tell us of any other interjections, but we should imagine all manner of chatter and isolated shouts forming a constant background hum for the participants. Did they gasp – or cheer? – when the Mandator threatened decapitation? Did they laugh at the Greens' pun on the name of Kalopodios, or boo when the Blues intervened? If they did react in an audible manner, did that in turn drive the calculations of the *capo* or the Mandator as

[80] Theoph. 182.23.

[81] E. Goffman, *Forms of Talk* (Oxford 1981) 144.

they considered their next rhetorical move, emboldening them or forcing reconsideration? We may be sure that the participants did not forget them, even if the most explicit reference to their presence comes only at the very end in the Greens' final curse upon the 'bones of the spectators' (τὰ ὀστέα τῶν θεωρούντων).[82] The existence of this wider audience is of fundamental significance for interpreting the behavior and motivations of the actors, as we shall see in the subsequent sections.

Exploring the real and claimed identity of the chief participants in the *Akta* thus reveals its essentially performative character. The Mandator and the Greens take part in a shared ritual discourse, taking up recognizable roles governed by familiar conventions and constraints. Precisely because this encounter unfolded within an established repertoire, it cannot be dismissed as a unique outburst. However, framing the episode as a contentious performance in this manner raises a significant new interpretative challenge: what did each party hope to accomplish by participating? It is to this question, and its implications for East Roman political culture more broadly, that we must now turn.

3.1 Regime Motivations and Objectives

What outcome did the regime seek by engaging the Greens in sustained public confrontation, rather than suppressing, ignoring, or conceding to them? What did the Greens hope to gain by openly challenging imperial authority in such a public forum, to begin with, to the point of insulting the emperor himself? And most opaquely of all: did either side see the ultimate result – the Green walkout – as a success? Attempting to retroactively discern motivations or objectives from outcomes is unavoidably fraught with danger, but it is essential for any clear understanding of not only what happened in the Hippodrome on this particular sixth-century day but also the wider political culture of Justinianic Constantinople. We will begin by exploring the regime's motivations as they emerge from the logic of the Mandator's behaviour, notably his persistent effort to engage with the Greens in ways which defined their claims as marginal and

[82] Theoph. 184.1.

illegitimate before the watching audience while preserving the impression of ritual consensus.

The Mandator states his most immediate objective repeatedly and unambiguously: for the Greens to be quiet. He orders them to "Be silent" (ἡσυχάσατε), he threatens vengeance if they will *not* be silent (εἰ μὴ ἡσυχάσητε), and he exasperatedly asks *when* they will be silent (ἕως πότε οὐχ ἡσυχάζετε;).[83] Three aspects of this demand stand out. Firstly, it is consistently for silence rather than absence. The Mandator does not seek the physical departure or removal of the Greens either voluntarily or by force. Secondly, the recurring nature of the command only highlights its futility. The Mandator is unable to compel the Greens' obedience, even as he variously threatens and curses them as 'God-damned blasphemers'.[84] Finally and most tellingly, he never breaks off the dialogue himself. He continues to engage until the end and never suggests ignoring the protest to push ahead with the games.[85]

Taken together, these aspects indicate that the regime placed value on the Greens' continued presence in the circus. There was probably a practical side to this; the factions were known to start riots after departing the Hippodrome.[86] More pressing however was the importance of the Greens for the ritual acclamations that both generated and expressed the necessary popular consensus on behalf of the emperor.[87] Indeed so foundational were the factions considered to this process that a later emperor would respond to news of a usurpation by immediately calling games to ensure that the partisans were onside and could shore up his popular support with suitable acclamations.[88] The departure of the Greens would undermine the impression of consensus, and therefore its reality, while their disruptive counter-chanting openly contradicted it. Ritual could be adaptable, but for a part of the *populus* to vocally dissent or depart was ideologically unacceptable.

[83] Theoph. 182.16, 23; 183.26.
[84] Theoph. 183.26: βλάσφημοι καὶ θεοχόλωτοι.
[85] Ayaita, *Justinian* 118.
[86] E.g. Exc. De Insid. 43.
[87] Wiemer, *AfK* 86 (2004) esp. 59–61; Ando, *Imperial Ideology* 199–205.
[88] Pfeilschifter, *Kaiser* 298–9; Theoph. Sim. 9.7.8–11.

Yet the aspiration for the Greens' continued participation would remain unfulfilled, in part as a direct and predictable result of the Mandator's own actions. Had the regime chosen to placate the Greens with low-cost symbolic concessions like affirming Kalopodios' guilt or acknowledging the wrongs of the Blues, they had a good chance of winning the desired acquiescence. Emperors' tendency to grant acclamatory petitions in the circus is well documented, and we know of far more antagonized crowds than this one which were defused by a judicious imperial response.[89] In this case however, the Mandator rejects both concessions and any semblance of rhetorical de-escalation. On the contrary, far from lowering the temperature, he adds fuel to the flame by denouncing the partisans as "Jews, Samaritans, and Manichaeans!".[90] He even accuses the Greens of committing the murders which they attribute to their rivals.[91] It can hardly have been surprising that the Greens' response to such abuse was outrage and counter-escalation, especially given the regular ritual interaction between the two parties. This alone makes it probable that the Mandator had priorities beyond simple pacification, desirable though this doubtless was.

The dogged refusal to engage in concessions suggests a regime desire to project strength and assert ritual control over the arena, both metaphorical and literal. Threats to both the necks and the immortal souls of the *stasiotai* for defiance may be rhetorical or sincere, but either one signals an unambiguous rejection of Green aspirations.[92] Certainly, there is little hint here of the *civilitas* which the emperor often sought to embody facing his people.[93] It is possible that this stubbornness reflects the instincts of Justinian himself, an emperor notorious for both his personal authoritarianism and his uncompromising attitude towards the Green faction specifically, both tenden-

[89] Joseph. *AJ* 19.24; Cameron, *Circus Factions* 164–167. The best-known instance is Anastasios' response to the Trisagion riots of 512: Malal. 16.19; Evag. 3.44; Mar. Com. *s.a.* 511/2.

[90] Theoph. 182.16. It is notable that Justinianic legislation regularly conflates Manichaeans and Samaritans together with heretics as legally sanctioned groups: e.g. *CJ* 1.5.

[91] Theoph. 183.17–20.

[92] Ayaita, *Justinian* 115 is sympathetic to the Greens' fear of retribution.

[93] Cameron, *Circus Factions* 169; Ayaita, *Justinian* 134–135.

cies which would contribute to disaster in January 532.[94] Regardless of its origins, the basic approach is clear: the regime prioritized refusing to bend to critics above winning their silence.

For the regime to project dominance in this fashion, however, it was also essential for the Mandator to establish that his abuse of the Greens did not itself constitute a breach of consensus. This meant in practice defining them as a malcontent minority, outside the normal bonds of the civic *populus*. This helps to explain his eagerness to recognize the Greens' own rhetorical self-presentation as a minoritarian group rather than a representative one.[95] This is also the fundamental context for the regular equation which we have seen him make between the circus partisans and various disfavored or prohibited religious minorities. Ritually maintaining popular consensus required rhetorically sidelining challengers as marginal and compromised in the eyes of the watching public. Far from signaling unconstrained autocracy, the Mandator's vicious hostility shows a regime acutely concerned with how the encounter appeared to the watching Hippodrome.

Awareness of this wider audience also helps explain the regime's failure to deploy harsher coercive methods. It is not that the factions were necessarily popular – quite the contrary, as we will see – but that the emperor's response was constrained by the venue and the occasion. Any attempt at repression within the Hippodrome would represent a far more dramatic break in consensus than the Greens' actions, turning an occasion for laudatory acclamations into a scene of chaotic disorder. This is just what had happened in 498, when an enraged Anastasios responded to hostile Green acclamations at the Games by ordering the *excubitores* to intervene and so provoked a riot which resulted in widespread destruction and stones being thrown at the emperor himself.[96] Order was ultimately restored, but the incident can hardly be said to represent an unalloyed triumph either for the emperor's public standing or the authoritarian model of emperorship. On other occasions, outbreaks of exactly this type

[94] Pfeilschifter, *Kaiser* 199; Greatrex, *JHS* 117 (1997).

[95] On how authorities legitimize political identities by recognizing them: C. Tilly & S. Tarrow, *Contentious Politics*, 2nd Edition (Oxford 2015) 108.

[96] Malal. 16.4.

spiraled into such violence that the very position of the emperor was directly threatened.[97]

The Mandator is thus forced to walk a rhetorical tightrope. He must represent an emperor committed to an uncompromising posture towards the Greens but avoid provoking a complete breakdown in consensus by permitting violence. The former made concessions unthinkable; the latter made coercion undesirable. His position appears in the final reckoning a surprisingly weak one, caught between competing incentives and priorities; a weakness which his strident rhetoric can do only so much to conceal. If he is unsuccessful in forcing compliance or silence, then he at least avoids a breakdown that might spiral out of control entirely. It remains to be considered whether this represented a greater accomplishment than the Greens managed on this occasion.

3.2 Green Motivations and Protest Goals

The Greens too display a mix of both explicit and revealed preferences in their motivations and objectives. In this case, the Mandator openly speculates on what these are, charging of the partisans that, "You come not to spectate but to abuse your rulers!" (εἰς τὸ ὑβρίζειν τοὺς ἄρχοντας).[98] Certainly, he is right that the Greens evidently had more on their minds than watching the day's festivities. The allegation that abuse was their true objective points towards what social scientists term 'expressive' protest in which participation itself is the goal and the benefits are intrinsic rather than external. These may be contrasted with 'instrumental' protests undertaken to bring about a set external goal: a policy or personnel change, for instance.[99] These modes are by no means mutually exclusive and we will see that in fact, the Greens' protest, like many others, involved a combination of both aims.[100] The Greens did initially advocate

[97] Notably in 512, 532, and 602.

[98] Theoph. 182.13–14.

[99] Summarized in S. Walgrave, J. Van Laer, J. Verhulst, and R. Wouters, 'Why Do People Protest? Comparing Demonstrators' Motives Across Issues and Nations.', *Media, Movements and Politics* (2013).

[100] Walgrave *et al* 'Protest', 5. Protesters against an ongoing war, for example, may primarily seek to register personal discontent (expressive), even

for substantive goals directed towards the regime, but with relatively little commitment, while their discursive positioning seems better calibrated to influence the watching audience and to reinforce their own group identity.

Like the Mandator, the Greens appear to make an instrumental demand at first. They seek justice against Kalopodios, the *spatharios* whom they accuse of wronging (ἀδικεῖ) them at the very start of the dialogue.[101] But what exactly did he do, and what sort of justice do they seek? At no point do the Greens demand any specific action. Instead, they predict that Kalopodios will suffer the fate of Judas (τὸν μόρον ποιήσει τοῦ Ἰούδα). The invocation of the Curse of Judas, which has parallels in the oaths sworn by officials under Justinian, certainly reinforces the indictment of Kalopodios, but it hardly constitutes a substantive remedy.[102] Indeed it is God, rather than the emperor, who is named as the agent of justice who will repay the one who wrongs them.[103] This language falls well short of the explicit demands found, for instance, in the well-known acclamations directed against bishop Ibas of Edessa, such as "Dismiss this one!" and "Another bishop for the metropolis!"[104] Moreover, the specific, never-elaborated complaint against Kalopodios is quickly forgotten as the exchange moves on and the Greens switch to more general complaints about their treatment by the regime.[105] This strongly suggests that the vague allegations against Kalopodios function only

as they hope that their action might contribute to an eventual policy shift (instrumental).

[101] Theoph. 182.5.

[102] Just. *Nov.* 8. C. Pazdernik, 'The Trembling of Cain: Religious Power and Institutional Culture in Justinianic Oath-Making' in A. Cain & N. Lenski (eds.), *The Power of Religion in Late Antiquity* (Aldershot 2009) 152.

[103] Theoph. 182.6, 12–13: ὁ θεὸς ἀνταποδώσει αὐτῷ ἀδικοῦντί με διὰ τάχους.

[104] R. Doran, *Stewards of the Poor: The Man of God, Rabbula, and Hiba in Fifth-Century Edessa* (Kalamazoo 2006) 141–144. Other cases are vaguer: the factions chanted 'against' some officials during the Nika Revolt but the sources do not record their words: *CP* s.a.531; Malal. 18.475. Elsewhere, "Let their bones be dug up!" is understood as a call to remove an official: Theoph. 269.22–23; John of Ephesos *HE.* 3.3.31.

[105] Unless we assume that the specific acts which the Greens complain about at Theoph. 183.16-19 are ascribed to Kalopodios. However, he is not mentioned at this stage and their focus here seems to be on the Blues.

as a pretext for deeper motivations.

Only once in the text do the Greens articulate anything resembling a specific policy request, and even this is problematic. This is their imperative plea for Justinian to stop what they allege to be the regular murder of their partisans (ἄνες τὸ φονεύεσθαι).[106] If this were taken only as an appeal for the state to restrain the crimes of their Blue rivals, we might assume the petition to be wholly sincere, with a clear and limited objective. But in context, the appeal conflates alleged murders by both the Blues and the government, and the Greens immediately go on to boldly accuse the emperor himself of being a murderer (φονέα) while wishing that he had never been born![107] They follow this up by claiming that Truth is being 'suppressed' by the emperor. Their revealing choice of verb, τυραννεῖται, once more skirts perilously close to treason. The accompanying theological speculation on whether God truly directs the regime is equally dangerous, undermining as it does the very basis on which the late antique emperor, and Justinian in particular, articulated his legitimacy.[108] Just as we have seen the Mandator's abuse illustrate the limits of his desire for silence, so too does the Greens' vitriol suggest that their aims went beyond the actual requests which they made. This does not mean they had no instrumental aims whatsoever – they would surely have been delighted if their petition had yielded an improbable climbdown from the emperor – but other priorities trumped a serious effort to obtain imperial justice in the confrontation.

Once again, we must widen our lens to consider the broader audience. While the Green acclamations contain few explicit references to the watching spectators, there are certainly suggestions that they were very much on the partisans' minds. Amidst a furious back and forth assigning blame for a spate of recent murders, for instance, the Greens chant that 'anyone who wishes will understand' who is

[106] Theoph. 183.6–7. The following plea of "καὶ ἄφες(,?) κολαζόμεθα" may be understood as either a request for legal punishment instead (Bury, Cameron, Mango & Scott), or a request to back off as they believe themselves already sufficiently punished (Diehl and Ayaita).

[107] Theoph. 183.9.

[108] Theoph. 183.21; Ayaita, *Justinian* 121.

responsible (νοήσει ὁ θέλων); we may see here an appeal to the crowd to 'use their eyes'.[109] Similarly, if the Mandator's relentless effort to denounce the Greens as heretics is best understood as targeting the onlookers, then so too the partisans' fervent insistence on their own orthodoxy in exchange makes sense as an effort to blunt this gambit, in addition to expressing doubtless sincere outrage.[110] The allegations they level against Justinian certainly make more sense as appeals to a watching crowd than they do if we take them as directed to the regime. Thus, while we cannot know for certain that the Greens actively intended to influence spectators, we can note that their speech regularly seems oriented towards this broader audience in a manner which would plausibly produce sympathetic reactions.

This possibility should lead us to consider anew the Green decision to adopt an injustice frame rather than posing as champions of the *populus*. The latter, however implausible, would be a natural discursive framework if their primary objective were to persuade the regime, ever responsive to popular consensus.[111] However, the claim to a persecuted minority status makes more sense directed towards the watching public in the circus rather than the unsympathetic Justinian. By its very nature, this frame cast the Augustus himself as the perpetrator of injustice. This was no trifling charge; the legitimate Roman emperor was expected to be not only just himself, but the 'ultimate source of law and justice'.[112] To call this into question was to suggest that Justinian was violating the essential behavioral norms that the Roman people demanded of their ruler.[113] The choice of an injustice frame communicated a strong message in familiar terms which could certainly resonate with the watching Constantinopolitan public.

Although we lack evidence for the impact in this particular case, contemporary reactions to perceived imperial harshness suggest that such a strategy could be productive. Educated opinion was

[109] Theoph. 183.16.

[110] Theoph. 182.21–22.

[111] Feeney, *JLA* 19 (2026).

[112] O. Hekster, *Caesar Rules: The Emperor in the Changing Roman World (c.50 BC – AD 565)* (Cambridge 2023) 106.

[113] Kaldellis, *Republic,* 139–150; Pfeilschifter, *Kaiser,* 329–333.

typically overwhelmingly hostile to the factions, seeing them as little better than violent thugs, analogous to modern elite attitudes to football hooligans.[114] Nevertheless, multiple contemporaries, including the otherwise-scathing Prokopios and Malalas, present Justinian as inappropriately partisan towards the Blues and unjust towards the Greens.[115] Is such sympathy, however limited and grudging, entirely divorced from popular spectacles like that in the *Akta* which dramatized that very narrative? After all, the Greens' protestation that "[The Blues] are the ones calling out, and nobody is murdering them!" highlights a double standard which our elite observers essentially affirm.[116] This reinforces the argument of Liebeschuetz and other scholars that the factions, despite their general unpopularity, could receive considerable popular solidarity at moments when they were seen as under threat.[117] We cannot rule out that it was demonstrations exactly like this one which helped to highlight the visibility and salience of such injustice to the non-factional public.

The Greens' awareness of a broader audience is significant for two reasons. Firstly, it reaffirms the idea that the factions could at times be capable of calculated political action, cutting against their well-established image as essentially mindless thugs.[118] Secondly and more importantly for our purposes, it clearly suggests the Greens believed that public opinion *mattered*.[119] For all their harsh rhetoric, the partisans were surely not trying to precipitate an immediate popular uprising, even if the placement of the exchange immediately before Nika were correct. After all, they also proclaim the emperor's

[114] Summarized in Bell, *Social Conflict*, 120–121. The universal condemnation includes former partisans: *Doctrina Iacobi* 6.40; Menand. Protect. Fg.1 (Blockley).

[115] Prok. *Anek.* 7.1–7, 22–29; for Malalas, see E. Jeffreys, M. Jeffreys & R. Scott, *The Chronicle of John Malalas* (Leiden 1986) 235.

[116] 'αὐτοὶ παρακαλοῦσιν, καὶ οὐδεὶς αὐτοὺς φονεύει' – Theoph. 183.15–16.

[117] Liebeschuetz, *Decline* 252–3. Whitby, 'Violence' 233 and Pfeilschifter, *Kaiser* 299–300 concur but offer different explanations.

[118] See n.45 above.

[119] On ancient 'public opinion': C. Rosillo-López, *Public Opinion and Politics in the Late Roman Republic* (Cambridge 2020)*;* Kaldellis, *Republic* 141–150; *contra* P. Veyne, *Bread and Circuses: Historical Sociology and Political Pluralism*, Trans. B. Pearce (London 1990) 292–4.

orthodoxy and plead for his patience.[120] Nevertheless, the faction's behavior makes sense if they understood his position as dependent on public acceptance. We have seen already how their choices to interrupt the laudatory acclamations and then to storm out both represented disruptions of ritual consensus that the regime badly wished to avoid. It seems no great stretch to suggest that the Greens themselves may have been equally aware of this. Because the emperor's authority was derived from ritualized public consensus, influencing how the encounter – and the emperor – was perceived by a wider audience was itself a meaningful political objective, one that blends both instrumental and expressive components.

There is also a third register in which we can read the Greens' behavior, one which suggests another primary audience in tandem with the Hippodrome spectators: an inward-facing expressive protest which affirmed their own collective identity. Collective performance has been shown to shape the performer as much as the observer, heightening cohesion, emotion, and group identity.[121] We have seen the Greens present themselves as a persecuted sect; we should not lose sight of how such a performance might be directed inwards as a means of reaffirming such in-group boundaries.[122]

In a similar vein, elements of their adopted injustice frame appear aimed more at this reflexive audience than any outsiders. It is worth quoting one exchange in full to consider the psychological impact for a Green participant, as the partisans raise the specter of recent murders they ascribe to their foes:

> "Greens: "The woodseller in the Zeugma – who killed him, *Autokrator?*"
> Mandator: "You yourselves killed him"
> Greens: "And the son of Epagathos, who killed him, *Autokrator?*"
> Mandator: "You yourselves killed him too, and you blame the Blues"

[120] E.g. Theoph. 182.19–20.

[121] Applying this to an ancient context: G.R. Fagan, *The Lure of the Arena: Social Psychology and the Crowd at the Roman Games* (Cambridge 2011); Bell, *Social Conflict,* esp. 150–153.

[122] A. Melucci, 'Getting Involved: Identity and Mobilization in Social Movements' *International Social Movement Research* 1 (1988) 329–348.

Greens: "Now, even now – have mercy on us, O Lord!"[123]

The reality behind the allegations is irrecoverable; it will suffice to note that a spate of recent violence, seemingly directed against the Greens, seems to have acted as an immediate catalyst for their outrage. This is compounded when they find themselves blamed by the authorities for their own apparent suffering. Having been rejected in raising their first example, why do they nonetheless press on to a second? They can hardly hope for a better answer, but by pressuring the Mandator to double down, they reaffirm their own righteous indignation and sense of persecution. We should not overlook the way in which communally airing such grievances before a wider audience must have acted as an emotional and cathartic experience, one which provided its own psychological benefits to participants regardless of any impact on anyone else. Indeed, one of the most strikingly consistent elements of contemporary faction discourse is precisely their ability to generate and sustain emotionally-charged group identities which transcended all other boundaries.[124] In pathologizing this as a 'sickness of the mind', Prokopios prefigures the early days of crowd psychology with its preoccupation with the 'frenzy' and 'irrationality' of collective actors.[125] We need not accept this moralistic framework to understand that emotion has always played a central role in expressive forms of protest.

In this context, we can see the Greens in the *Akta* cultivate a strategic emotional register of not only victimhood but defiance. Their performance channels both self-pity and a call to action from its very first lines: "I am wronged" *and* "God knows I will not endure it."[126] The implications of this last statement are nowhere spelt out, but it is easy to see how the very disruption of the games, their

[123] Theoph. 183.16–21. Οἱ Πράσινοι· "…τὸν ξυλοπώλην, τὸν εἰς τὸ Ζεῦγμα, τίς ἐφόνευσεν, αὐτοκράτωρ;" / Μανδάτωρ· "ὑμεῖς αὐτὸν ἐφονεύσατε." / Οἱ Πράσινοι· "τὸν υἱὸν τοῦ Ἐπαγάθου τίς ἐφόνευσεν, αὐτοκράτωρ;" / Μανδάτωρ· "καὶ αὐτὸν ὑμεῖς ἐφονεύσατε· καὶ τοὺς Βενέτους πλέκετε." / Οἱ Πράσινοι· "ἄρτι καὶ ἄρτι κύριε ἐλέησον."

[124] Bell, *Social Conflict* 139–149.

[125] Prok. *Bell.* 1.24.6; see e.g. G. Le Bon, *The Crowd: A Study of the Popular Mind* (New York 2002).

[126] "ἀδικοῦμαι… οὐ βαστάζω, οἶδεν ὁ θεός." – Theoph. 182.1.

harsher language against the emperor, and their final angry departure from the Hippodrome against imperial wishes all served as emotionally-charged acts of protest. Articulating their fury with the regime, and with the emperor they cast by inference as a murderer and a tyrant was not merely a fruitless outburst of frustration, but an end in itself: a calculated performance of emotional self-definition in opposition to hostile authorities.

Taken together then, the Greens' behavior in the *Akta* is best understood not as the pursuit of a single objective, but as a multivalent protest calibrated to multiple simultaneous audiences. Half-hearted instrumental claims on the emperor are subordinated to stronger appeals to the watching public and inward-facing expressive protest which reinforce one another within a shared injustice frame. This allows the faction to exploit the ritual conditions of the Hippodrome and the emperor's need for popular consensus to articulate emotionally-charged dissent against Justinian's regime.

3.3 Judging the Outcome

Having reconstructed the aims of both parties, we can finally judge how the outcome was likely perceived by both sides. Judged against the totality of their objectives, neither performer achieved an unambiguous victory. The Mandator managed to assert a hard line consonant with his emperor's broader posture without provoking a dangerous eruption into violence, but he failed to secure the silence or acquiescence that he repeatedly demanded. The Greens, by contrast, failed to extract substantive concessions from the regime, yet they achieved a clear expressive victory by publicly voicing their grievance, reaffirming their group identity, and staging a high-profile departure, all before a large public audience.

The resolution may therefore be seen as a form of tense compromise which both sides could ultimately live with, albeit one tilting more towards the dissidents' symbolic aims than the regime's demand for compliance. It was not a decisive rupture but the provisional conclusion of one specific encounter of a type replayed regularly in Constantinople, even if nowhere else preserved in such detail. The precarious balance of the outcome in this instance underlines the fundamentally negotiated nature of imperial authority.

The political culture of late antique Constantinople was one that permitted a group of the emperor's subjects under the correct ritual circumstances to stand before their God-chosen sovereign in the heart of his capital, defy his will, and – as his Mandator complained – abuse their rulers.

Conclusions

The *Akta dia Kalopodion* is indeed a remarkable document, as so many of its modern readers have recognized. This is all the more true for its reproduction of an episode which was likely far less extraordinary; one indeed so *unremarkable* that it occasioned no comment from contemporary writers whatsoever. By studying this episode as a socio-political event in its own right, rather than focusing on its transmission or the protocol behind it, we can reconstruct in unique detail one particular late antique 'contentious performance'. Three important conclusions emerge with implications for the broader dynamics of popular politics in sixth-century Constantinople.

Firstly, the *Akta* records a contentious performance, not a chaotic aberration. The dialogue should not be treated as an extraordinary or anomalous case that necessitates connection with the Nika Revolt. Instead, it offers us a transcript of a semi-ritualized performance in which both the partisans and the Mandator drew on familiar rhetorical playbooks from a recognized late antique repertoire of contention to publicly negotiate claims of grievance. Adopting this framework allows us to stop treating the *Akta* as a puzzle piece for exploring another event and instead see it as independently valuable for studying interactions between the Roman state and its people.

Secondly, the *Akta* clearly reveals how the circus factions (and by extension, potentially other constituencies) could engage in a form of performative public protest. Despite their lack of ideological commitments, the Greens behave as political actors who engage with the regime in pursuit of objectives directed towards a variety of audiences, whether instrumental (dismissing officials and building public support) or expressive (staging their grievances and reaffirming communal in-group identity). The Mandator in turn treats them as political actors, even as he aggressively seeks to delegitimize the identity which they claim for themselves as persecuted victims.

Thirdly and finally, we can see in the *Akta* how the emperor's authority could never merely be assumed but rather required continual public reaffirmation through popular consensus. Despite the vast gulf in power that separated the two participants in the dialogue, it is the Greens who drive the dialogue and the Mandator who often appears powerless, reduced to impotent threats, curses, and a feeble effort to turn his interlocutors' charges back on them. The final departure of the partisans represents an uneven compromise that prevents unpredictable escalation without any acquiescence to the regime's demands. The Mandator's inability to keep the partisans within the circus reveals the limits of imperial power even within its most tightly controlled spaces, while the faction's departure disrupts the expression of consensus and articulates a collective sense of injustice to both the wider populace and themselves.

There is much more that we would like to know about both our text and the episode that lies behind it. Nevertheless, what we do have is enough to shed far more light on the interactions between subjects and state in Late Antiquity than scholars have often recognized. The *Akta dia Kalopodion* offers us an unrivalled opportunity to see both the circus factions and the regime of Justinian in their own words, engaged in a public performative struggle over authority, identity, and injustice. It is a record which deserves a more privileged place in the history of contention between autocrats and citizens than it has previously received.

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