

An Assessment of the *Notitia Dignitatum* as a Historical Source for the Late Roman Bureaucracy

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Abstract

The *Notitia Dignitatum* is regarded as one of the most important sources for the administrative hierarchy, both civil and military, of the later Roman empire. However, due to numerous difficulties associated with the text, few large-scale studies have looked at this document as a whole. The aim of this thesis, therefore, is to provide a comprehensive examination of the *Notitia Dignitatum* as a historical source for the late Roman bureaucracy.

I argue that the *Notitia Dignitatum* presents a misleadingly static picture of what was a dynamic imperial court system. In particular, I suggest that the inherent – and perhaps inevitable – limitations of this source arise from its narrow focus on the holders of the highest civilian and military offices and its often circumscribed account of their duties. I argue that we need to use additional evidence in order to gain a more rounded picture of the bureaucracy. Therefore, I look at such senior posts as the praetorian prefect or *magister officiorum* and their ability to accumulate responsibilities often far beyond those duties ascribed to them in the *Notitia Dignitatum*. More than this, I maintain that official office was not a reliable guide to actual influence. This is particularly evident in the power exercised by some eunuch *cubicularii* and the status accorded to certain groups left out of the *Notitia Dignitatum*, not least imperial women and Christian bishops.

In this way, I make evident the limitations of the *Notitia Dignitatum* as a historical source when it is studied in isolation. At the very least, the *Notitia* provides us with incomplete and so misleading information and, as a result, its usefulness as an accurate guide to the bureaucratic system must be questioned. In addition, it also leaves open the possibility of a more systematic misrepresentation of the administrative structure of the late Roman empire. By approaching the *Notitia Dignitatum* in a comprehensive way, I suggest that we can get a greater insight into its particular perspective and, as a result, its particular purpose and context.

1. Introduction

1.1 Introduction

The purpose of this study is to examine the *Notitia Dignitatum* as a source for the late Roman imperial bureaucracy.¹ The *Notitia Dignitatum* is an administrative list which delineates the leading imperial offices, both civil and military, in the eastern and western empire of the later fourth and fifth centuries.² It is our most detailed surviving source for the administrative structure of the later Roman empire. It is also unique, with nothing like it surviving from this period. Its value, particularly its contribution to our understanding of the late Roman army, is generally recognised in modern works dealing with Roman government and court politics. Nevertheless, the numerous difficulties associated with the text, not least the issue of its date and its lack of a self-evident context, have discouraged large-scale attempts to study the document as a whole.³ I argue, therefore, that we need a comprehensive review of its limitations, as well as of its value as a guide to the civil and military structure of the empire. More than this, however, we also have to situate the

¹ Kulikowski 2000, 358, describes it as “our greatest surviving source” for the bureaucracy of the later Roman empire.

² The extant composite *Notitia Dignitatum* first appears in fifteenth-century copies of a manuscript in the *Codex Spirensis*, but it was probably known to the court of Charlemagne. For a review of the manuscript tradition, see Reeve 1983, 253-257 and Chapter 2. All references to the *Notitia Dignitatum* in this thesis are to the edition of O. Seeck, *Notitia Dignitatum* (Berlin, 1876). I will use the abbreviations *ND Or.* and *ND Occ.* when referencing entries in the *Notitia Dignitatum Orientis* and the *Notitia Dignitatum Occidentis* respectively.

³ There has been no large-scale study of the *Notitia Dignitatum* as a whole since the 1970s. See Chapter 2 for a discussion on modern approaches to the *Notitia Dignitatum*. The most recent work on the *Notitia* has been confined to articles rather than full-scale assessments of the document: in particular, see Brennan 1996 and Kulikowski 2000. Aspects of the *Notitia Dignitatum* have also been studied and brought together in collections such as those by Goodburn and Bartholomew, eds. 1976.

Notitia Dignitatum alongside other sources, with its own particular bias and faults recognised together with theirs, in order to use it effectively as part of an overall examination of late Roman bureaucracy.

In the context of court politics, the *Notitia Dignitatum* presents an undeniably conservative impression of the administration. In particular, by focusing on the holders of the highest civilian and military offices, and by providing an often circumscribed account of their duties, it offers a narrow perspective upon the functioning of the administration in the later empire. In fact, the late Roman imperial bureaucracy was dynamic.⁴ By the fourth century, there existed a centrally organized and expansive administrative system which resulted in the movement from, as one scholar described it, “soft” to “hard” government.⁵ In particular, the increased professionalization of the state bureaucracy contributed to the establishment of more departments and new offices.⁶ Senatorial status now became the reward for a large number of these imperial servants and so service at court and proximity to the emperor became tied to position and success.⁷ As a result, the late Roman court became more diverse and the heterogeneous groupings that now made up the civil administration used a variety of ways to increase their status and add to their

⁴ Chapter 2 looks in more detail at the presentation of court politics in contemporary Roman sources. In addition, each subsequent chapter examines how the evidence for the flexibility of individual ministries, and court politics in general, in other historical and literary sources stands in contrast to the information in the *Notitia Dignitatum*.

⁵ Kelly 2004, 1, and 184-233, who describes the gradual establishment of a centrally organised and greatly expanded imperial bureaucracy during the third century which resulted in emperors becoming permanently based at court and increasingly more reliant on their leading officials for information. See also Chapter 3 for a discussion of the impact of the reforms of Diocletian and his successors on the size and nature of the imperial administration.

⁶ For example, the office of the *magister officiorum* had been established by the 320s to oversee the new departments, *scrinia*, created by Diocletian and the *magistri* who controlled them. See *CTh.* 6.35.1 (313), for the earliest reference to the term *scrinia* in the context of departments. For a discussion of the creation of the office of the *magister officiorum* see, for example, Elton 2006, 200 and below Chapters 3 and 5.

⁷ Heather 1999, 314. By 367 senatorial status was guaranteed for high officials in the imperial court, at least on retirement. See also Salzman 2002 on the shift that occurred in the senatorial elite as a result of the policies of Constantine and his successors.

official duties.⁸ The *Notitia Dignitatum*, by its very nature, could not account for the impact of imperial favour, patronage, the importance of networks of influence and the necessity of flexibility that defined this system of government as described in other sources from the period. As such, it provides a normative image of, and for this reason misrepresents, the late Roman bureaucratic system.

1.2 Approaching the *Notitia Dignitatum*

In Chapter 2 I begin by examining the text of the *Notitia Dignitatum* and the approaches taken towards it by modern scholars. Since nothing comparable to the *Notitia* survives from this period, study of the text raises many questions which permit few sure answers.⁹ In particular, we do not know the purpose of the original document; and evidence of its numerous revisions, mistakes and omissions complicate the dating of the individual lists as well as the composite text. Partly as a result of these debated issues, scholars have traditionally focused on the use to which the *Notitia* can be put as a mine of specific information for the late Roman administration and army.¹⁰ In this chapter I argue, however, that the *Notitia Dignitatum* needs to be considered as whole and studied alongside other sources which offer a view of the late Roman bureaucracy. In this way we can seek to find evidence for its particular perspective and, subsequently, to find examples of a consistent if not systematic bias within it. Such an approach, I suggest, may allow us to discover patterns within the numerous misrepresentations in and between both lists and offer a way to conceive of the *Notitia* as an integral source.

Building on this, the following four chapters (3-6) look in detail at the information

⁸ See Kelly 2004, 108-113 and Chapter 3 below.

⁹ Kulikowski 2000, 358.

¹⁰ *Ibid.*, 359.

provided by the *Notitia Dignitatum* on three leading civil officials and the main administrative bodies at court of which they were a part, the *consistorium* and *comitatus*. In particular, I show that the limited focus of the *Notitia* on holders of the top offices at court, and its tendency to offer a highly restricted and artificial account even of these, reduces its practicality as a source for actual Roman practice. As a result, I argue that the information it provides needs to be supplemented with other sources from the period which offer a view on imperial authority. Chapter 3 examines the imperial court in general and the function and composition of the *consistorium* and *comitatus* in particular. It looks especially at the evolving relationships of these two advisory bodies with the emperor, and at the changes which occurred within and between them over the course of the fourth and fifth centuries. Other sources reveal that the late Roman imperial government depended on the interplay of influences and the attainment of agreement from, among others, leading court ministers who were the primary members of these two bodies. The necessary level of uncertainty and fluidity that such a system engendered could not be – and perhaps was never meant to be – reflected in the *Notitia Dignitatum*. This suggests that this text, like other ancient sources, contains within it a particular bias: it provides a representation of the workings of the state from the perspective of its rulers and not a comprehensive account of late Roman administrative politics.

Chapter 4 examines the office of the praetorian prefect, a leading member of both the *consistorium* and *comitatus* and the most powerful official in the court administration. The status enjoyed by individual praetorian prefects makes them a good example of the opportunities that existed for senior officials to attain an exceptional level of influence which extended beyond their already powerful remit. The praetorian prefect's department

was itself filled with officials with overlapping responsibilities and incentives to compete among themselves; and the influence of the office as a whole depended to a large extent on how successfully these energies and interests could be managed and directed towards coherent ends. Evidence of this situation in other sources provides an alternative view to the rigid system of precedence and order as detailed in the *Notitia Dignitatum*. In particular, I compare the representation of this office in the *Notitia* with the description of the career of a praetorian prefect in the east, Rufinus (392-395), in the work of the political poet Claudian. Such an approach underlines the need to utilise a variety of additional source material together with the *Notitia Dignitatum* for a less circumscribed but more precise view of the imperial court.¹¹ Moreover, while it further establishes the limitations of this document, this methodology also suggests a more effective use of the *Notitia* as a single and often disingenuous perspective on what was a dynamic and complicated bureaucratic system.

In Chapter 5 I continue to focus on the dynamic nature of the imperial court by concentrating on the second most powerful civilian official at court, the *magister officiorum*. I advance the argument that late Roman emperors overlapped the functions of their leading ministers deliberately in an attempt to prevent individuals from amassing too much power. So, for example, the increasing status enjoyed by the *magister officiorum* in the course of the fourth century came at the expense, especially, of the praetorian prefect. The result was the further reinforcement of a complex and flexible system of government.¹² This contrasts strongly with the presentation in the *Notitia Dignitatum* of two near-identical lists which present a snapshot of the eclectic duties of

¹¹ The sources used beyond the *Notitia Dignitatum* will be examined in detail in the following chapters.

¹² Kelly 1999, 174.

the *magister officiorum*, but with little sense of the intricate system of checks and balances which now defined the administrative system.

In both these chapters, and in the thesis in general, I build upon the work of scholars such as Christopher Kelly and argue that while the *Notitia Dignitatum* enshrines the system of precedence used by emperors to attempt to keep leading officials in check, that system was itself open to revision and abuse. Kelly has shown how our sources are replete with evidence of the impact of matters such as patronage, imperial favour and networks of influence on the functioning of the bureaucracy.¹³ I supplement this information with the details provided by the *Notitia Dignitatum* in particular in order to gain a more comprehensive understanding of the workings of the bureaucracy. Through an examination of the offices of the praetorian prefect and the *magister officiorum*, I maintain that the nature of imperial rule in the later empire increased the opportunity for those closest to the centre of power to manipulate their status for their own advancement. However, when studied in isolation, the *Notitia Dignitatum* provides a misleadingly static picture of the structure and development of these offices.

With this in mind, the final chapter of the thesis examines how the presentation of the administration in the *Notitia Dignitatum* has influenced our understanding of other groups, such as eunuch *cubicularii*, imperial women and Christian bishops, who were significant players in late Roman politics. In particular, I show that the late Roman administration was more dynamic and flexible than the *Notitia* – in restricting the roles of eunuch *cubicularii* and excluding imperial women and bishops entirely – might lead us to believe. As a result, I argue that it inevitably gives us a deceptively static representation

¹³ See, for example, Kelly 2004, 179-185 and 293-294.

of the administrative system it records. For example, other sources make evident the fact that the proximity enjoyed by eunuch courtiers to the emperor and their often long tenure at court provided them with the opportunity to amass influence far beyond their official duties. These courtiers benefited from the informal interpersonal relationships and petty rivalries which defined the late Roman administration. As a formal guide to the official presentation of power, the *Notitia Dignitatum* could not – and perhaps did not aim to – include the *de facto* honours and imperial favours granted to numerous eunuch functionaries in the list of duties ascribed to their offices. In addition, the incomplete nature of those chapters in the *Notitia Dignitatum* which deal with the leading eunuch *cubicularii* emphasises the textual problems historians are confronted with when using it as a source.

Moreover, the political uncertainties and upheavals that demanded a more variable approach to government and so impacted on the careers of the leading officials at court, from praetorian prefects to eunuch *cubicularii*, also affected those groups outside the official hierarchy of authority who were, nevertheless, an integral part of imperial politics in the later empire. Neither imperial women nor bishops could be included in the *Notitia Dignitatum* since it delineates only the formal channels and structures of authority that were present within the late Roman administration. However, our literary sources and the archaeological record are full of examples of how both groups could exert a high level of influence at the centre of power. While the evidence of women or bishops intervening in court politics is often judged morally reprehensible by our sources, there is enough of it to suggest that their involvement in areas that should theoretically have been the responsibility of other named officials was far from unusual. Therefore, their

omission from the *Notitia Dignitatum* is a further indication of the fact that ultimately it provides a static and partial account of the complex workings of power in the later Roman empire.

1.3 Conclusion

This thesis argues that the *Notitia Dignitatum* presents an artificial representation of administrative politics in the later empire. It suggests that this document needs to be studied comprehensively and recognised as a source that provides only a single perspective on what was an ever-changing and complex political system. Furthermore, by comparing the presentation of the leading officials at court in the *Notitia*, together with some influential groups beyond it, with information from other literary and historical sources, I suggest that we might find evidence of systematic misrepresentation and omission within it. This in turn may allow us to speculate on an ideological purpose for this much debated document beyond its function as an administrative list. By recognising the limitations arising from the particular perspective of the *Notitia Dignitatum*, which in turn derives from its particular purpose and context, we can start to use the text in a way which allows it to shed real light on the actual workings of the late Roman bureaucracy.

2. The *Notitia Dignitatum*: Nature and Reception

2.1 Introduction

In this chapter I intend to discuss in detail the nature of the *Notitia Dignitatum* as a source for the late Roman bureaucracy. Study of the *Notitia* is complicated by questions that offer no certain answers.¹⁴ In particular, uncertainty and debate surround the origin and purpose of the document from which a deluxe Carolingian copy, the exemplar for our extant copies, was made. Added to this, evidence of numerous revisions to the western list in particular, often resulting in mistakes and omissions, gives rise to debates regarding the subsequent history and purpose of the *Notitia Dignitatum*. This has led to a situation whereby, as one scholar noted, there are as many different interpretations of the text as there are scholars who have written on it.¹⁵ Therefore, I will examine how the *Notitia Dignitatum* has been utilised by historians writing about Roman bureaucracy and court politics and I will argue that more sustained consideration of its faults, as well as its merits, needs to be given in order to fully exploit the information such a source contains.

2.2 The nature of the *Notitia Dignitatum*

The extant *Notitia Dignitatum* is made up of two separate *Notitiae* which, as the document itself makes evident, were derived from lists which existed in the office of each *primicerius notariorum*, chief officer of the notaries.¹⁶ The only other ancient reference to

¹⁴ Kulikowski 2000, 358.

¹⁵ Kulikowski 2004, 77.

¹⁶ *ND Or.* 18.4 “*Omnis dignitatum et amministrationum notitia tam militarium quam ciuilium*”; *Occ.* 16.5 “*Notitia omnium dignitatum et amministrationum tam ciuilium quam militarium*”. See also Brennan 1996,

these *Notitiae* is in a poem by Claudian in which he discusses the duties of a western *primicerius*.¹⁷ The existence of administrative lists and compilations was of course not uncommon in Roman court bureaucracies. For example, Suetonius mentioned the *breviarium* of Augustus, which recorded the number of soldiers in active service and the amount of money in the treasuries.¹⁸ In addition to the codification of imperial laws, there were also *Notitia* analogues, such as the *Notitia Urbis Constantinopolitanae* which listed the monuments, public buildings and civil officials in Constantinople in the mid-fifth century. Moreover, there was the *Notitia* of Polemius Silvius, an annotated Julian calendar which, among other things, provided details on emperors, provinces and buildings in the fifth-century west.¹⁹

However, the information in our *Notitia Dignitatum* is not as specific as these other administrative lists and it differs from them in its ambition and its scope. The extant composite *Notitia Dignitatum* gives, in a deluxe format, an overview of the place of the leading officials in the governing system and the distribution of resources, especially military, in a disparate and divided empire. Since nothing else like it has survived, it is important to understand the nature of the document before we discuss the complex issues of its date and subsequent manuscript tradition.

147 and cf. Kulikowski 2000, 360, who argues that the *Notitia* was in origin a single base text, divided at the time of composition into eastern and western halves. This will be discussed in more detail below.

¹⁷ Claudian, *Epithalamium dictum Palladio u.c. tribuno et notario Celerinae* (*Carm. min.* 25) 82-91. The anonymous *primicerius* discussed by Claudian was the father of Celerina. As Brennan 1996, 147 notes, Claudian was himself a *notarius* and since he uses the words *tractat numeros*, the same words used of the duties of the eastern *primicerius* in the *Notitia* (*Or.* 18.4), he must have had knowledge of an actual *Notitia*.

¹⁸ Suet., *Aug.* 101.4. See also *HA, Alexander Severus*, 21.6, which includes reference to the emperor reading *breves* which recorded the numerical and other service details of soldiers. For reference to both sources and the difference between them and the *Notitia Dignitatum*, see Brennan 1996, 152.

¹⁹ Bury 1920, 131.

2.2.1 *The nature of the text*

The *Notitia Dignitatum* describes the status of certain *dignitates*, the occasional holders of high office within the court administration.²⁰ Each of its lists is itself made up of two parts: a so-called index or a consolidated list of *dignitates*, and then more extensive entries for these officials which are commonly referred to as chapters.²¹ The extant *Notitia* is a lavishly illustrated reproduction of a deluxe Carolingian copy of a late Roman original.²² Through its illustrations and delineation of the rank, function and order of precedence of the officials it describes, the *Notitia Dignitatum* provides an overview of an administrative structure that is nearly identical in both the east and the west.

The initial list, the so-called index, gives a selection of *dignitates* with independent jurisdiction who form the skeletal elements of the administrative structure.²³ Despite the fact that this list is generally referred to as the ‘index’, it does not always mirror the material or order of the subsequent chapters. Following Bury, scholars have come to accept that the so-called index is the *laterculum maius*, or at least a truncated version of it.²⁴ This was a register of all the leading government officials for whom the *primicerius notariorum* drew up appointment documents. The *dignitates* who are included in the so-called index to the *Notitia Dignitatum* are listed in status order, but

²⁰ *Dignitates* are differentiated from *palatini*, full time bureaucrats. On the status of both groups at court see below, Chapter 3.

²¹ Brennan 1998, 34, warns against the use of the modern labels, index and chapters, which he calls “dangerously familiarising devices”, which establish old-fashioned preconceptions about the nature of the text and its parts. While keeping this warning in mind, for the purpose of clarity and to avoid misunderstanding, I will refer to the extensive entries following the so-called index as chapters.

²² Kulikowski 2000, 358. For a more detailed discussion of the manuscript tradition of the text see below pp. 30-34.

²³ Brennan 1996, 149. The description below follows, for the most part, that of Brennan 1996, 147-178.

²⁴ Bury 1920, 131-133; Clemente 1968, 376-79; Kulikowski 2000, 372; and Scharf 2005, 5. Brennan 1996, 150, argues that this is a truncated version of the *laterculum maius* since many of the military officials recorded on this register are not included in the so-called index. The chapter of the *primicerius notariorum* in the *Notitia* has the *laterculum maius* as the insignial illustration: *ND Or.* 18.2; *Occ.* 16.3.

their actual status is not indicated nor is the fact that several of them were of equal status.²⁵ While it is a selective list which does not include, for example, titular *dignitates* or *vacantes*, it is a visual testament to the place of the leading imperial officials in the governing system.

Since one of the duties of the *primicerius* was to issue appointment documents to all those officials listed on the *laterculum maius*, it is probable that the chapters following this list are models of these codicils.²⁶ In this way, the *Notitia* encodes the authority asserted by the centre over the structure in the appointment of leading officials.²⁷ Each of the extended entries, or chapters, that follow the initial list have a similar structure. First, there is an illustration, representing the authority of the *dignitas*.²⁸ Items represented in these illustrations include the insignia of a particular *dignitas* and objects signifying the administrative functions or the military units under their authority.²⁹ Importantly, the distribution of the insignia in these images seems to be correlated with the ranks of the

²⁵ Brennan 1996, 149.

²⁶ Reference to the role of the *primicerius notariorum* in giving out the appointment documents is made by Claudian, *Epithalamium dictum Palladio u.c. tribuno et notario Celerinae* (*Carm. min.* 25) 85. Other scholars who accept that the chapters are models of these codicils include Bury 1920, 131-133; Clemente 1968, 366; Brennan 1996, 149-50; Kulikowski 2000, 372; and Scharf 2005, 5. The principal symbol associated with the *primicerius notariorum* was the *laterculum maius*. At *ND Or.* 45, the model covers of the appointment documents issued by the *primicerius* are illustrated in the cupboards which, in the extant *Notitia*, are placed between eastern and western *notitiae*. It is more likely that these illustrations were originally intended as front pieces for each list. Grigg 1979, 110, suggests that two roundels surrounding the frame which have representations of *Divina Providentia* and *Divina Electio* are meant to symbolise the foresight of the emperor as the ultimate authority for the appointment of the officials listed in the *Notitia Dignitatum*. Moreover, since the insignia within the frames are uniformly tilted towards the left, he accepts that it is tempting to see them as representing objects on the filing shelves of the *primicerius notariorum*.

²⁷ Brennan 1996, 155.

²⁸ In every entry for an official down to the *comes rerum privatarum* there is a caption above the illustrations which states that the image will include the insignia of the *dignitas*: *ND Or.* 14.1; *Occ.* 12.1. Thereafter, the official is simply named and the illustration follows. Brennan 1996, 149, points out that the *comites domesticorum* are the only *virii illustres* without the caption insignia: *ND Or.* 15.1 and 15.5; *Occ.* 13.1 and 13.5. This, he suggests, indicates that the captions existed before this official had obtained the higher status of *illustres*, which was probably later than 372, since they are not associated with any other *comites consistoriani* mentioned in a law from this year: *CTh.* 6.9.1.

²⁹ For the authenticity and value of these illustrations see, for example, Alexander 1976, 11-50; Grigg 1979, 118-124; and Brennan 1996, 159.

officials whose functions they represent.³⁰ For example, found among the insignia for those officials ranked as *illustres* there is always a gold trimmed rectangle, usually decorated with a single portrait bust assumed to be the emperor, resting on a table.³¹ It is generally accepted that this object is a codicil-diptych and so was a pre-eminent emblem of office which differentiated the *illustres* from those officers of the rank of *spectabilis* and *clarissimus*.³² Moreover, even within the rank of *illustris* a higher or lower status is expressed through the representation of these codicils: namely there are different styles of gold trim which imply either high or low status among officials of the same rank.³³

The second section within each chapter gives the status of the *dignitas* and records the functions of the office and/or officials or military units under his control. In this way, the *Notitia Dignitatum* defines in its lists the place of each official in the administrative structure.³⁴ The posts recorded are divided into the aforementioned three

³⁰ Grigg 1979, 119-120.

³¹ *Ibid.*, 119-124. Of the twenty-two *illustres* represented by insignia in the *Notitia*, eighteen are represented by this object: *ND Or.* 3; 5-9; 11-14; 15 (two examples, one for the *comes domesticorum equitum* and one for the *comes domesticorum peditum*); *Occ.* 2; 4-6; 9; 12. There are four examples of these rectangle objects without portraits among the *illustres*: *ND Occ.* 10; 11; 13 (two examples). All four are in the western list and contain a small square field in the centre which is empty. Since a portrait fills the square fields in the eastern list, it is probable that the western ones were also supposed to include the same. Therefore, there are only three examples of gold-trimmed rectangles with no space for a portrait bust and these were used specifically in the illustrations for the proconsuls of the east and the west: *ND Or.* 20; 21; *Occ.* 18. These had the rank of *spectabilis* but they were set off from other officials with the same rank through such different insignia. Their different status to other *spectabiles* is evident also at *CTh.* 6.10.3 (381), where both are explicitly equated in rank and by the fact that their *officia* were much larger than the *officia* of vicars. The majority of *spectabiles* in the *Notitia* are represented by the juxtaposition of an inscribed codex and a scroll, although there are some exceptions: *ND Or.* 17; 19; 20-21; 22; 23; *Occ.* 15-18. As for the *clarissimi*, they are usually represented by just a codex; the exceptions are the *primicerius notariorum*, *ND Or.* 18; *Occ.* 16, and possibly the *castrensis* whose illustrations are too damaged to decipher accurately: *ND Or.* 17; *Occ.* 15.

³² Codicils were a pre-eminent mark of office; therefore, it is probable that they would be found among illustrations proclaiming to be insignia of office. The gold-trimmed rectangle box is the most prominent and consistently presented object in the illustrations of the *illustres*. It differentiates the *illustres* and emphasises their higher status from the *spectabiles* and the *clarissimi*. Moreover, there are no other objects in the illustrations for the *illustres* which can be equated with an appointive document.

³³ These rectangle objects consistently appear as insignia for *illustres* but they are not identical. Grigg 1979, 112-114, has shown that there are four distinct patterns of ornamented gold trim which differentiate these objects.

³⁴ Brennan 1996, 156.

grades: *illustres*, *spectabiles* and *clarissimi*, and the offices within these grades are also ranked among themselves. For example, the importance of the office of the praetorian prefect of Italy is evident not only in the inclusion of his rank, *vir illustris*, and his carefully graded insignia, including the portrait-bearing codicil, but also by the fact that his is the first office delineated in the western *Notitia* and by the extent of his jurisdiction which is then defined.³⁵ The clear and concise listing of an official's duties or jurisdiction also provides a visual testament to his place within the administration in general and links his status and authority with that of other *dignitates* at court.

In the final section of these chapters there is a list of the bureaucratic staff of each *dignitas* and their place is fixed by their order. The place of the *principes officii* is defined by referencing the position and rank from which they had advanced and, in some cases in the eastern *Notitia*, their length of service and their honorific retirement.³⁶ Included also in some entries is the fact that *principes officii* of many leading officials came from the ranks of the central bureaux as opposed to rising through their local *officia*. For example, the *ducenarii* from the *agentes in rebus*, who were subject to the authority of the *magister officiorum*, served as *principes officii* to such officials as the praetorian and urban prefects and provincial governors.³⁷ This description of the dispersal of power at the centre, as well as the establishment of competing and parallel chains of command among a number of *dignitates* within the *Notitia Dignitatum*, provides some insight into the system of checks and balances by which the authorities tried to limit the power of their

³⁵ *ND Occ.* 2.

³⁶ See, for example, *ND Or.* 23; 24; 28.

³⁷ *ND Or.* 21-26 (civilian officers) and 28; 31-32; 34-38 (military officers); and *Occ.* 18-23: the *agentes in rebus* are included as the *principes* of the officials recorded in these entries of the *Notitia Dignitatum*.

chief officers.³⁸ The rigid nature of the structure and the attempts made by emperors to control even the lowest ranks within it is also evident in this section, for example, by the inclusion of the prohibition on *cohortalini* transferring to another form of public service without imperial permission.³⁹ Finally, in the eastern list, but not the western, there is also a statement regarding the rights of each official to issue postal warrants or, if they did not have that authority, the amount of these warrants which they were to receive.⁴⁰ The omission of such details from the western list is one example of the many problems associated with using a source that has undergone numerous revisions and whose actual purpose, in its composite form, is still uncertain.

2.3 Dating

In spite of the continued use of the *Notitia Dignitatum* as a source for the western empire in the fourth and fifth centuries, in the past twenty years few historians have explored in great depth the issue of its dating and purpose.⁴¹ This reticence may stem from the textual history of the extant document.⁴² In particular, as Kulikowski has noted, the limitations on the usable information in the *Notitia Dignitatum* are imposed not just by questions of its ideological purpose, for example, but also by the fact that the *Notitia Dignitatum* as we have it cannot correspond to a single date in the history of the later Roman empire.⁴³ As will be seen below, little in the eastern list need post-date the death of Theodosius I in

³⁸ Brennan 1996, 156.

³⁹ *ND Or.* 43.3; 44.14; *Occ.* 43.13; 44.14; 45.14. On this see Brennan 1996, 157.

⁴⁰ Brennan 1996, 156 and *CTh.* 8.5, which includes numerous pieces of legislation that attempt to regulate travel within the empire.

⁴¹ In terms of examining the issues of its dating and purpose, the recent exceptions are Brennan 1996, 147-178 and Kulikowski 2000, 358-377. Most historians who make use of the *Notitia Dignitatum* note the difficulties associated with using the text, but do not explore these in detail; see, for example, Rees 2004, 16-22; Heather 2006, 20; 63; 82; 90 and 246-48 and see below pp. 35-44.

⁴² Kulikowski 2000, 376.

⁴³ *Ibid.*, 360.

395, while the western list contains a lot of later information, with the majority of it dating from the reign of the emperor Honorius, 395-423. Consequently, while the eastern list might be seen as providing reliable evidence for that part of the empire before 395, no such certainty can be attributed to the data in the western part and, as a result, only those pieces of information that can be confirmed by other sources can be used with any certainty.⁴⁴ On the basis that the eastern list can be dated to the reign of Theodosius I, this leaves the exact date of the composite document and its purpose open to a debate which most historians of the later Roman empire do not often engage with on a large scale.

For those who have looked in any depth at the *Notitia Dignitatum*, it is generally accepted that little in the eastern *Notitia* postdates the reign of Theodosius I. Therefore, it is conventionally viewed as providing information on the administrative structure of the eastern empire at the time of that emperor's journey west to take on the usurper Eugenius in 394.⁴⁵ No agreement exists for the date of the western list other than that it underwent numerous revisions until perhaps the 420s.⁴⁶ Thus far, this divergence in dating and the anomalies that occurred because of it have led many scholars to view our *Notitia Dignitatum* as consisting of two separate lists. It is suggested that these lists were drawn up by *primicerii* in the east and the west, with the eastern list brought to Milan by Theodosius I, and with both lists combined at some point after this. In the most recent large-scale study on the nature and date of the document, however, it is argued that our *Notitia Dignitatum* is in fact a single base text, divided at the time of composition into

⁴⁴ Kulikowski 2000, 361.

⁴⁵ For example, see Jones 1964, 347; Ward 1974, 408; Mann 1991, 216; Brennan 1996, 164-165 and 1998, 35; Kulikowski 2000, 376; Heather 2006, 246; Scharf 2005, 3; and Slootjes 2006, 16. Cf. Zuckerman 1998, 143-147 who dates the eastern list to 401.

⁴⁶ For a detailed schema on the dating of the western list see, especially, Mann 1991, 215-219 and below pp. 24-26, for a discussion of the discrepancies within the western list which hinder attempts to date it but point to it being at a later stage in the development of the separate *Notitiae*.

eastern and western *partes*, which has undergone a long series of corrections and additions in only the western list.⁴⁷ The issues surrounding the dating of both lists and of the composite text have ramifications for how we use the document as a source for the late Roman bureaucracy.

Kulikowski suggests that the extant *Notitia Dignitatum* is a deluxe version of a working text, originally created at the eastern court of Theodosius I, which was brought to the west in 394.⁴⁸ This original document, he argues, can be dated to between 386 and 394, with its western section in origin representing the dispositions aligned against Theodosius I before his engagement with Eugenius.⁴⁹ Despite the eastern roots of the original, Kulikowski accepts that our copy is western and that it was only the western list which was revised at least until 419. In this way, he attempts to explain the anomalies which exist within and between both *notitiae*.⁵⁰ However, one major obstacle that has usually prevented scholars viewing the *Notitia Dignitatum* as a unitary document is the way it portrays the status of the Danubian-Balkan dioceses, Pannonia, Dacia and Macedonia, known to the Romans as Illyricum. In the extant *Notitia Dignitatum*, the dioceses of Macedonia and Dacia pertain to the east and Pannonia to the west.⁵¹ This

⁴⁷ Kulikowski 2000, 358-377. See also Sloopjes 2006, 16-17, who follows this argument.

⁴⁸ Kulikowski 2000, 358-377. See, more recently, Kulikowski 2004, 77-78, for an overview of his previous argument.

⁴⁹ Kulikowski 2000, 360.

⁵⁰ *Ibid.*, 360-361.

⁵¹ *ND Or.* 1.3; *Or.* 3; *Occ.* 2.2-4 (the praetorian prefect of Italy had under his authority, Italy, Africa and Illyricum); 28-34 (Illyricum here means the six provinces of the diocese of Pannonia). The consistency of the division is evident in the fact that all the Balkan dependencies of the west are found within the dioceses of Pannonia: *Occ.* 32-35 (military commands for Valeria and first and second Pannonia); *Occ.* 9.16-22 (Balkan *fabricae* subject to the *magister officiorum* are all Pannonian); so also are the financial officials of the *comes sacrarum largitionum*, *Occ.* 11.10-1; 21-25; 46-48, and the *comes rerum privatarum*, *Occ.* 12.20. In the east, there are *fabricae* only in Dacia and Macedonia, *Or.* 11.35-39, and Balkan military commands occur only in Dacia, *Or.* 41, 42. On this see, especially, Kulikowski 2000, 362.

division is often viewed as having occurred after the death of Theodosius I.⁵² Since evidence in the eastern list points to an original date before 395, and the information regarding Illyricum suggests that the western list must date from 396 or later, a date of unitary composition is difficult to accept.

The way around the Illyrican obstacle for Kulikowski is to propose an earlier division of the three dioceses between east and west, specifically in the period between 392 and 395.⁵³ The basis for this theory is the appointment by both Theodosius I and Eugenius of separate praetorian prefects for Illyricum. Eugenius' appointee, Nicomachus Flavianus, had until April of 392 been the legitimate praetorian prefect of Italy, Africa and Illyricum.⁵⁴ However, by June of that year, after Valentinian II's death, a certain Apodemius appears as Theodosius' praetorian prefect in Illyricum.⁵⁵ Given the lack of information regarding the *de facto* situation within the three dioceses at this time, it is

⁵² For the dating of the division see, in particular, Cameron 1970, 60, who suggests that on the death of Theodosius I in 395 all Illyricum still belonged to the east, and that western Illyricum was only ceded to the west, on a temporary basis, in 396. His argument is based on Claudian's *In Ruf.* 2.153f, which is dated to 395, and which lists the areas under Stilicho's control and does not include Illyricum. However, Claudian's *Paneg. Theod.* 200f, dating from 399, lists Illyricum with other western provinces. Also, his *Cons. Stil.* 2.192-207, refers to the peoples of Gaul, Carthage, Pannonia and Save. See also Zos., *HN* 4.59.4, who states that Illyricum belonged to the inheritance of Arcadius. For similar views, see Jones 1964, 350; Ward 1974, 401; Mann 1991, 46; Matthews 1997, 198-210; and Errington 2006, 86.

⁵³ Kulikowski 2000, 362-363, argues against the traditional way of addressing the issue of Illyricum by looking at the separate histories of the three provinces and not at them as one unit.

⁵⁴ He was appointed by Theodosius I during that emperor's stay in the west after the defeat of Maximus: *CTh.* 11.39.11; 16.7.4; 16.7.5 1.1.2; 3.1.6 (391); 10.10.20; 13.9.4 (392), all addressed to Nicomachus Flavianus as praetorian prefect of Italy, Africa and Illyricum. No laws from Nicomachus Flavianus' tenure as praetorian prefect under Eugenius were officially recorded but both Paulinus and Rufinus refer to him as praetorian prefect at this time: Paul., *V. Amb.* 26.31; Ruf., *HE* 11.33.

⁵⁵ *CTh.* 13.5.21 (393): a law from February of that year addressed to Apodemius as prefect of Africa and Illyricum. By June of 393, Theodosius I is addressing legislation to Apodemius as prefect of Africa, Italy and Illyricum: *CTh.* 11.30.51. For a discussion regarding both the tenure of Nicomachus Flavianus and Apodemius, the way the former's office was depicted after the defeat of Eugenius, and the debate that continues regarding the sequence in which Flavianus held his offices, see, particularly, Errington 2006, 85-86 and 1992, 441-446. He argues that Flavianus held the position of prefect of Illyricum in 382 and 391 and that this explains the reference to his twice-held office in inscriptions commissioned by his grandson and by the son of the Roman senator Symmachus. Cf., in particular, Matthews 1997, 198-210, who maintains, by examining the legal codes and the other offices he held, that Flavianus held both prefectures, first under Theodosius I and then Eugenius, between 392-394 without a break.

argued that one or indeed all of them may have remained loyal to Flavianus. It is only between late May and early September 394 that we can say with any certainty that the whole of Illyricum belonged to the east.⁵⁶ In support of this idea of a division of Illyricum between east and west before 396, Kulikowski also points to the consistency of the diocesan division in the Balkans throughout the *Notitia*. He notes too that the division is integral to the composition of the text and this, for him, strongly suggests that the *Notitia Dignitatum* was in origin a single base text.⁵⁷

The evidence for the status of the Balkan dioceses between 392 and 394 is, as Kulikowski admits, confused and contradictory. It is the case that no account of the situation on the ground in these dioceses during the period can be made with any certainty. However, it is questionable why Theodosius I would have had his *primicerius* enshrine either in a working administrative document or a later deluxe copy of the *Notitia Dignitatum* an unofficial division in a highly contested and strategically important area which had been brought about by the actions of a usurper.⁵⁸ By appointing Apodemius as prefect in 392, Theodosius I took back control of the Balkan dioceses from the west for military purposes just as he had done during previous periods of strife caused by usurpation.⁵⁹ This suggests that, whatever the allegiances of the separate dioceses, control

⁵⁶ Kulikowski 2000, 368. He suggests that Theodosius I's decision to stop in Sirmium in Pannonia to mint coins on his march west, sometime after June of 394, was a propaganda exercise designed to make public the adherence to Theodosius of a diocese that had previously been loyal to Eugenius.

⁵⁷ Ibid., 362-363. According to this argument, the consistency of the division shows itself in the fact that nowhere in the western list do any references to offices in Macedonia and Dacia occur; nowhere in the eastern list is there references to offices in Pannonia. See above nt. 51.

⁵⁸ As Errington 2006, 86, has pointed out, any official splitting up of Illyricum in the early 390s, or any time in the period before 396, would have required long-term co-operation and successful negotiation between east and west to compromise and settle their differences. Such a rational and official procedure could not have occurred during an usurpation.

⁵⁹ So, for example, after the defeat of Valens at Adrianople, Gratian decided to create a separate prefecture to administer the Balkan dioceses and had, by September 379, ceded control of them to the eastern emperor Theodosius I to help organise the Gothic war. The date of September 379 helps to explain why Gratian was still legislating for the region in July of 379: *CTh.* 13.1.11. For this division of the region and ceding of

of the area was of paramount importance to Theodosius; an official division of the region in the period before 395 was not at this stage an option.

In addition to this one specific point, when we look to the eastern list the sheer disparity in dating between it and its western counterpart has resulted in a majority of scholars adhering to the argument that our *Notitia Dignitatum* consists of separate lists that were created at different times by individual *primicerii* in the east and the west. Here we may look in more detail at the basis for dating the eastern list to before the death of Theodosius I in January 395.⁶⁰ A *terminus ante quem* of 395 may be evident in the eastern military lists, for example.⁶¹ The order of the units named after Theodosius I, Arcadius and Honorius can date only to the time before the division of the empire and the emergence of strife between eastern and western parts under the stewardship of Stilicho

control to the east, see Errington 2006, 1-27 and Heather and Matthews 1991, 147-181. This arrangement lasted two years after which the separate prefecture of Illyricum was eliminated and control of the dioceses returned to the prefect of Italy: *CTh.* 11.13.1 (383), a law addressed to Petronius Probus, the praetorian prefect of Italy. Then in 387, when Maximus invaded Italy, Valentinian II fled to Thessalonica, and Theodosius I was forced to secure the Balkan dioceses; he is legislating for the region in 387, *CTh.* 8.4.17. After Theodosius' victory, the three dioceses were administered by the western prefect of Italy until 392: *CTh.* 15.1.26; 15.1.28 (390), addressed to Polemius. His successor was Virius Nicomachus Flavianus, who was the recipient of numerous laws between 390 and 392: see, for example, *CTh.* 9.40.13 (390) and 10.10.20 (392).

⁶⁰ The inclusion of the provinces of Honorias and Arcadia suggests a *terminus post quem* for the eastern list; the former was founded between 384 and 387 while that of Arcadia was established after February 386. For the date of the founding of Honorias see, Lib., *Or.* 19.62, and that of Arcadia, *CTh.* 1.14.1, and for both see Jones 1964, 347 and Brennan 1996, 165. The inclusion of the entry *tabularium dominarum Augustarum* in the chapter detailing the office of the *castrensis* might be taken to suggest a date after 423, since there were two *Augustae* simultaneously only from this point. However, scholars have suggested a number of theories which can explain its inclusion in the eastern list without a need to posit a later date for it. See, for example, Jones 1964, 349-50, who described the entry as a 'blunder' inserted perhaps by a western *primicerius* after 421 when there were two *Augustae* in the west, Galla Placidia and Eudocia. Or Ward 1974, 400, who suggests it was a standing office that was in place for such time as there was an Augusta; the plural form here would therefore be just tradition, dating back perhaps to the time of Constantine when both his mother Helena and his wife Fausta held the title. Moreover, the place of the *praepositus sacri cubiculi*, who ranks immediately after the prefects and *magistri militum*, may suggest a date of later than 422 for the eastern list, since in *CTh.* 6.8.1, former *praepositi sacri cubiculi* were placed in the upper bracket of the *illustres*. Jones 1964, 349 and Kulikowski 2000, 368-369, nt. 57, however, argue that there is no reason to believe that the *praepositus* had not obtained this rank as early as 385. The fact remains that, despite some later details, the structure of the eastern list is recognisably pre-395.

⁶¹ For a detailed account of this information, see Jones 1964, 347-348.

and Rufinus.⁶² Moreover, certain temporary arrangements in the organisation of the eastern military establishment suggest a distinction was made in the lists between campaign armies and field armies on regular service.⁶³ For example, three of the five military *magistri* staff their *officia* with soldiers seconded from military units, suggesting that they did not have an established *officium* as was the case with the other two *magistri*.⁶⁴ These arrangements may represent the preparations that were made in the eastern army for Theodosius I's campaign against Eugenius.⁶⁵

Certain anomalies in the eastern list also suggest that it was produced in the period just before Theodosius I left Constantinople for the west. Again, the delineation of the prefecture of Illyricum is notable. The sections of the *Notitia Dignitatum* concerned with Illyricum are organised differently from those dealing with the prefecture of the east. In particular, the so-called index lists Illyricum's *duces*, *consulares* and *praesides* as *per Illyricum* rather than by diocese.⁶⁶ The impression given is that Illyricum is just another diocese of the prefect of the east rather than a prefecture in its own right and, perhaps, that it had only recently come under the auspices of the east.⁶⁷ In addition, there is the fact that the province of Macedonia Salutaris has been divided in the chapter for the

⁶² There are also only five Arcadian units in the eastern *Notitia*; this low number suggests that they were added early in his reign, especially when compared to the seventeen units named after Honorius in the west. On this see Jones 1964, 348-349 and Kulikowski 2000, 369.

⁶³ Jones 1964, 347; Mann 1991, 216; Brennan 1996, 164; and Kulikowski 2000, 369.

⁶⁴ Cf. *ND Or.* 5.67, 8.54 and 9.49 with 6.70 and 7.59. The *officia* of the *magister praesentalis*, the *magister per Thracias* and the *magister per Illyricum* probably constituted the command forces of Theodosius I against Eugenius, since the *officium* of each of these commanders is described as *in numeris militat et in officio deputatur*, while the *officium* of the *magister praesentalis II* and the *magister per Orientem* had an *officium cardinale*. Jones 1964, 347-349, argued that these lists represent these commands after the battle of Frigidus in 394, but Mann 1991, 216-217, suggests that, given the neat and precise nature of the lists, they were created before this fiercely fought battle.

⁶⁵ Mann 1991, 216-217 and Kulikowski 2000, 369.

⁶⁶ *ND Or.* 1.54-6, 74-7, and 117-25. Moreover, there is no mention of a *Vicarius Daciae* even though Dacia is named as a diocese of Illyricum. The *Vicarius Macedoniae* is listed in the so-called index but his section within the text is now lost. This may suggest that the eastern authorities had little regard for what has been described as the 'rump-end' of the smallest of prefectures, itself recently part of Italy: Ward 1974, 401.

⁶⁷ Ward 1974, 400-401.

praetorian prefect of Illyricum, even though the so-called index records a *praeses* of the undivided Macedonia Salutaris.⁶⁸ This may be the result of the recent suppression of the province just before the eastern *Notitia* was produced, and the fact that it is not recorded in the so-called index may imply haste on the part of those editing the list before Theodosius I went west.⁶⁹ Similarly, the inclusion of the posts of the *correctores* of Augustamnica and Paphlagonia in the so-called index, but not in their proper place, also hints at their hasty addition.⁷⁰

In contrast to the eastern *Notitia*, there is little internal evidence in the western list that indicates its date of origin, but it is clear nevertheless that a lot of the information in this section is of a later date.⁷¹ As a result, establishing a single date for the list is impossible. However, a number of things within the western list do reveal interventions in the text dating from after 395. For example, the emergence of the *comes Gildoniaci patrimonii* was possible only after 398.⁷² Moreover, what appears to have been a mix-up

⁶⁸ The province undivided in *ND Or.* 1.125, and then divided between the dioceses of Macedonia and Dacia, *ND Or.* 3.13 and 3.19.

⁶⁹ Jones 1964, 350, argues that Macedonia Salutaris was probably created about 386 and had been suppressed before 412. Given the turbulence in the province in the following years, Brennan 1996, 164-165, suggests that this territorial arrangement would not have stood for long. Ward 1974, 403, argues that the discrepancy indicates the fact that after the eastern *Notitia* had been last fully revised the province of Macedonia Salutaris was suppressed. He suggests that when the copy for the west was being prepared from this document, changes were made not to the so-called index, since it did not reflect changes in precedence and grouped like officials with like, but only to the information in the chapter on the prefect of Illyricum.

⁷⁰ *ND Or.* 1.126-128; their correct position is between the *consulares* and *praesides*. A further error, perhaps the result of haste, is evident in the fact that while they have been deleted in the list of *praesides* in the so-called index, they have also been deleted from the provinces under the control of the praetorian prefect of the east: *ND Or.* 2. For Jones 1964, 347, this was the result of excessive zeal on the part of the editors. The title of *corrector* of Augustamnica is first recorded in 393 and that of Paphlagonia in 395, but there is nothing to suggest, in this latter case, that the reference in the *Notitia* may be the earliest to this office. *CTh.* 1.7.2 (Augustamnica); *CTh.* 2.8.22 (Paphlagonia). See Kulikowski 2000, 368, regarding the entry for Paphlagonia in the *Notitia*.

⁷¹ Brennan 1996, 165. For the most recent and detailed attempt to bring some administrative coherence to the western list, see Mann 1991, 217-219.

⁷² *ND Occ.* 12.5. Gildo, a Roman general who revolted against the western emperor Honorius and was executed in 398, had accumulated so much wealth that the office of the *comes Gildoniaci patrimonii* had to be established to administer all his assets. See Jones 1964, 351. This was almost certainly a temporary post established for this specific reason: Barnwell 1992, 188 and Warmington 1954, 62.

between provinces implies that the western *Notitia* was compiled after the Italian province of Valeria was suppressed after 399.⁷³ It is possible, therefore, that a western *Notitia* was drawn up soon after 395 and the accession of the emperor Honorius, perhaps with the eastern list used as its template, that reflected the changed circumstances in the empire, including the division of the province of Illyricum.⁷⁴ This western list was then subject to amendment and revision to reflect the changes that occurred in this part of the empire which, in the period before 408, was dominated by the *magister utriusque militiae* Stilicho.⁷⁵ For example, there may be some indication of Stilicho's attempts to strengthen his western frontiers against the barbarian invasions which began in 401 with the inclusion of the posts of the *comites Britanniarum, Italiae* and *Tractus Argentoratensis*, as well as the *dux Mogontiacensis*.⁷⁶ In addition, the inclusion of the *praepositurae*, a listing of a mix of units and quasi-military formations, could date to the time of Stilicho since it was unlikely that the Spanish units, and those placed in Gaul and Italy, could have survived the invasion of Constantine III in 408.⁷⁷

Anomalies are evident between the eastern and western lists with regard to the *officia* of the *magister officiorum* and these also imply that the western section was drawn

⁷³ The wrong Valeria, that of Illyricum, was removed in our *Notitia*. The province of Valeria in Illyricum is not included in the so-called index to the western list nor does it appear in the chapter on the praetorian prefect of Italy, this despite the fact that there was a *dux Valeriae* with an army protecting the province: *ND Occ.* 33; cf. 1.42 and 5.137. However, the Italian province of Valeria, last recorded in the Theodosian Code in 399, does appear in the so-called index, and under the praetorian prefect of Italy as well as the vicar of the city: *ND Occ.* 1.95; 2.25; 19.14; and *CTh.* 9.30.5 (399). Therefore, it appears that the wrong Valeria was removed when our copy of the western list was being compiled or revised in the period after 399. On this see Jones 1964, 351 and Mann 1991, 217.

⁷⁴ Mann 1991, 217 and Brennan 1998, 35.

⁷⁵ For the role of Stilicho at the court of the emperor Honorius see Chapter 4.

⁷⁶ *ND Occ.* 1.31, 35, 34 and 49. Jones 1964, 354; Mann 1991, 218 and Scharf 2005, esp. 61-112 and 151-183. See also Jones 1964, 352-353.

⁷⁷ The *praepositurae*: *ND Occ.* 42. On this see Mann 1991, 218 and Jones 1964, 352-353.

up later.⁷⁸ For example, the *magister officiorum* in the western *Notitia* has under his control the *cancellarii* (doorkeepers at the imperial palace), yet this body is not mentioned in the eastern *Notitia*.⁷⁹ Furthermore, in the entry regarding the control of the imperial arms factories, the *fabricae*, by the *magistri officiorum*, the eastern register specifies how many *fabricae* are in each diocese, while the western list does not.⁸⁰ This may indicate that the two lists were drawn up separately, as after 395 there would have been little interest in the west in providing more detail for the east than for their own part of the empire. The changes in control over the region of Illyricum are evident also in the record for the *fabricae* in the eastern list, since, unlike other entries, there is no mention of the arms that were made in three of the four factories listed in the region.⁸¹ These anomalies may suggest that the western authorities amended these entries to reflect the boundary changes of 395, but that they were of such little relevance to them that the inaccuracies did not matter.⁸²

The western list therefore contains too many inconsistencies to allow of a single unitary date.⁸³ Nevertheless, elements within the western list such as those mentioned above indicate that it may have been drawn up at a later date, perhaps in the period between 396 and 408. Since we cannot date one section of the *Notitia* accurately, establishing when both lists were brought together also remains a matter of debate. However, it has been suggested that the composite *Notitia Dignitatum* was compiled for

⁷⁸ For a detailed discussion of the representation of the office of *magister officiorum* in the *Notitia Dignitatum* see Chapter 5.

⁷⁹ *ND Occ.* 9.15. This may mean that they did not exist in the east, or that it was a later western innovation, or that a scribal error has wiped it from our document.

⁸⁰ *ND Or.* 11.18-39 and *Occ.* 9.16-39. James 1988, 288-289.

⁸¹ See Chapter 5 on the *magister officiorum* for a detailed discussion of the information in the *Notitia Dignitatum* regarding the *fabricae* and its impact on the way the document has been used.

⁸² James 1988, 289.

⁸³ Kulikowski 2000, 361, nt. 8.

the *magister utriusque militiae* Stilicho, with the western half significantly altered over time.⁸⁴ In particular, the death of the emperor Arcadius in 408 and Stilicho's status at the time as controller of the west, under the nominal rulership of the emperor Honorius, may hint at a reason for bringing the lists together. A western list which was in regular use would have been combined with an outdated eastern list which was hastily revised on the basis of limited information. As a result, not only would Stilicho possess the most up-to-date information he could acquire regarding the army in the east, he would also have enshrined in this official document his hopes for a united empire.⁸⁵

Stilicho's death in 408 put an end to this hope of reunification, at least temporarily. However, even if we accept that the two lists were brought together at this time, I argue that the *Notitia Dignitatum* from which our extant copies derive must have been at least updated, if not completely revised, at the court of Valentinian III.⁸⁶ In particular, the date of our *Notitia* can hardly be earlier than its latest datable element, which is the unit designation of *Placidi Valentiniani Felices*, which cannot predate Valentinian III's elevation as Augustus in 425.⁸⁷ Other indications of revision taking place in the 420s may be seen in the inclusion of the *distributio numerorum*, a

⁸⁴ Mann 1991, 217-218. For a more detailed discussion of the influence of Stilicho on the creation of a composite *Notitia Dignitatum* and what this may suggest about the purpose of the document see below pp. 204-208. On the dating of the composite document to the time of Stilicho, see also Kelly 1998, 164. Cf. Brennan 1996, 163.

⁸⁵ Mann 1991, 218. He points out that while the eastern list was out of date at this point, since Stilicho did not live to have to deal with it to any great extent, its faults escaped his censure. Moreover, he notes that the military chapters in the eastern list, unlike, for example, those on the finance officers, are given in full and are not just mere summaries.

⁸⁶ Brennan 1996, 166, argues that the *Notitia Dignitatum* from which our copy derives cannot be dated to a period earlier than its latest datable element, which is a military unit named after Valentinian III, *ND Occ.* 7.36.

⁸⁷ *ND Occ.* 7.36. Moreover, Brennan 1996, 166, has suggested that the influence of Valentinian III's mother, Galla Placidia, may be seen in the mistaken interpolation in the entry of the eastern *castrensis* for the *tabularium dominarum Augustarum*. It is only from 423 onwards that two *Augustae* reigned simultaneously in the east: the empresses Pulcheria and Eudocia: sister and wife, respectively, of Theodosius II. For other interpretations of this entry see above nt. 59.

geographical listing of all field army units, in what was originally the chapter of the *magister equitum per Gallias*: there is no parallel for this in the eastern lists.⁸⁸ Mann points to the fact that units of the *comes Hispaniae* in this chapter, a post first known only about 420, appear in between those of Gaul and Tingitana and are not simply tacked on at the end of this list – suggesting that the inclusion of the *distributio* occurred in the 420s.⁸⁹ In addition, the insertion of the *officium* of the *magister equitum per Gallias* within the *distributio numerorum*, as opposed to in a chapter by itself, may be reflective of the fact that after 408 this post became dormant: there was no known holder of this post after the death of Chariobaudes in 408 until perhaps the time of Aëtius in 428.⁹⁰

As a final note, the illustrations in our extant copy of the *Notitia* may also point to a date from the later fourth and early fifth centuries.⁹¹ As with the majority of the information in our text, the degree to which the illustrations of the extant manuscripts reflect the original illustrations is open to debate. Grigg has shown, nevertheless, that certain details of the original illustrations are preserved in our copies of the *Notitia* and he suggests that some characteristics of the extant illustrations can only be paralleled in late

⁸⁸ *ND Occ.* 7. On this dating see Mann 1991, 217-218. Cf. Brennan 1996, 163, who argues that the inclusion of the *distributio numerorum* in place of a chapter for the *magister equitum per Gallias* and the inclusion of the *praepositurae* under the *magister peditum* may just have resulted from the different military command system that existed between the east and the west. Moreover, he points to the fact that the military lists in the western *Notitia* show no more careful record keeping than the civil one, even though some seem to be from a later date. In addition, Ward 1974, 434, argued that the *distributio numerorum* was added as an attempt to curb the rise of military commanders after the fall of Stilicho in 408.

⁸⁹ Mann 1991, 218. He also argues that only the military chapters, in particular *ND Occ.* 5, 6, and 7, were kept up-to-date.

⁹⁰ Mann 1991, 218. While we cannot be certain that this office became dormant from 408 to 428, lack of reference to any holder of the post during this time in our law codes and the diminishment of the information on the office in the *Notitia Dignitatum*, suggests that this could have been the case. Mann also argues that the order of the comital posts in the so-called index, *ND Occ.* 1.30-36, and also *ND Occ.* 5, the chapter of the *magister peditum praesentalis*, may also reflect the situation that existed while the *magister equitum per Gallias* was still a functioning office. The posts included in the so-called index were those that existed at some point before 409 when the *comes Illyrici* was added. He also suggests that the *comes Argentoratensis*, *comes Britanniarum*, and the *comes Litoris Saxonici per Britanniam* would have operated in areas that fell within the operational sphere of the *magister equitum per Gallias*.

⁹¹ Alexander 1976, 17; Grigg 1979, 109-110; and Brennan 1996, 160-162.

Roman art.⁹² Alexander too has noted that many of the features of the illustrations in the *Notitia* have parallels to fourth- and fifth-century art, particularly in Rome.⁹³ This may provide further evidence for the fact that the exemplar for our extant copies of the *Notitia* is western. Alexander points to the fact that the figures of Provinces bearing offerings or *cornucopiae* are a common feature of later imperial art that are found on coins or reliefs from the period. Moreover, the representation of certain insignia for officials, such as the ink stands for the *Vicarius Urbis*, also find parallels on fifth-century ivory consular diptychs.⁹⁴

Therefore, although an exact date for the creation of the composite *Notitia Dignitatum* cannot be stated with certainty, evidence, particularly in the western military chapters and in some of its illustrations, suggests that combined lists of different dates were updated into the fifth century and that this was done in the west. By this date, the western list, especially, would have been overlaid with so many changes as to make using it for any practical purpose fraught with difficulty. On the other hand, the information in the eastern list would have been outdated. Certainly, it is possible to imagine the composite *Notitia Dignitatum* as a – less than ideal – working document. However, its dating to this troubled period may suggest that there is some value in looking for an ideological dimension.

⁹² Grigg 1979, 109-110, gives the example, among others, of six shields in the eastern list that are decorated with an image that closely parallels the base of the Column of Arcadius in Constantinople. See, for example, *ND Or.* 5. 13; 14; and 6. 14; 15.

⁹³ Alexander 1979, 17.

⁹⁴ Alexander 1976, 17-18.

2.3.1 *The manuscript tradition of the Notitia Dignitatum*

This association of our copy of the composite document with the fifth-century western empire may also find support in the evidence of its subsequent manuscript tradition.⁹⁵

The *Notitia Dignitatum* has a very flat line of transmission. All of our copies derive from a Carolingian copy of a late Roman original.⁹⁶ This Carolingian text of the *Notitia Dignitatum* and five illustrated works together with other non-illustrated manuscripts form the now lost *Codex Spirensis*, which was held in the Cathedral of Speyer until the sixteenth century.⁹⁷ Numerous copies were made of the *Spirensis* in the fifteenth and sixteenth centuries, usually for leading members of the Catholic Church.⁹⁸ It is generally accepted, however, that a second set of illustrations in a manuscript in Munich, which were copied from tracings in 1550/1, are the most faithful to the *Spirensis* and,

⁹⁵ For this interpretation of the manuscript tradition of the *Notitia* see, in particular, Brennan 1996, 166-168.

⁹⁶ The non-illustrated texts contained in the Speyer codex exist in other traditions; however, all the extant manuscripts and printed editions of the *Notitia Dignitatum* and all but one of the other illustrated texts, the *Notitia Urbis Constantinopolitanae*, come through this codex. Written evidence in the main witnesses of the *Notitia* manuscripts state that they were copied from a codex in the library in Speyer: Alexander 1976, 14, who details the four most important copies of the *Notitia*. Moreover, similarities in the illustrations in the primary derivatives, from which all other copies were made, suggest that they were copied from or imitated no other exemplar than those from the lost *Spirensis*. On this see, in particular, the works of Maier 1968, 96-141 and 1969, 960-1035; and Alexander 1976, 11-50. For an overview of the manuscript tradition of the *Notitia Dignitatum* see Reeve 1983, 253-257 and Ireland 1979, II 39-78.

⁹⁷ Alexander 1976, 11 and Reeve 1983, 253-255. The *Spirensis* was dismembered and used for binding legal documents in c. 1602. See also Brennan 1996, 166-167. The texts in the codex were: the *Cosmographia* comprising the *Cosmographia pseudo-Aethici* and a paraphrase of Orosius' *Historiae adversus paganos*, Lib. 1, cap. 2; *Itineraria* with the *Itinerarium provinciarum Antonini Augusti* and the *Itinerarium maritimum Antonini Augusti*; *Septem montes urbis Romae* and *De aquis urbis Romae*; Dicuil's *Liber de mensura orbis terrae*; *Notitia Galliarum*; *Laterculus Polemii Silvii*; *De montibus, partis et viis urbis Romae*; *De rebus bellicis*; *Altercatio (vel disputatio) Hadriani Augusti et Epicteti philosophi*; *Notitia urbis Romae*; *Notitia Urbis Constantinopolitanae*; *De gradibus cognationum* and the *Notitia Dignitatum*.

⁹⁸ For example, Reeve 1983, 253-254, details how a copy of the *Spirensis* was made for Cardinal Orsini, papal legate in Germany from 1425, and that a copy of this went on a tour of the west until it was pulled apart and used to decorate a cottage in Norfolk. Other copies of the codex were made for the bishop of Padua and the archbishop of Milan in the mid-fifteenth century. While the text in each of these were taken independently from the *Spirensis*, Reeve has shown how the illustrations for both were done by the same person. It was well into the sixteenth century before an *editio princeps* of the illustrated collection was made. See also Alexander 1976, 11-50.

subsequently, to the original late Roman illustrations.⁹⁹ Scholars have argued that when these illustrations from the Munich manuscript are set alongside iconographic material from the late Roman empire, it is possible to see that they derived from the late fourth or early fifth centuries and were not additions from the middle ages.¹⁰⁰

As a result, it has been suggested that there may have been only one insular script manuscript produced between Speyer and antiquity.¹⁰¹ Corruptions in the illustrations in the *Codex Spirensis*, according to Reeve, imply that both it and its exemplar were written in insular script.¹⁰² An exemplar of this codex written in insular script may also be implied by the existence of the one other manuscript of the *Notitiae Urbis Romae* and *Constantinopolitanae* which does not derive from the *Spirensis*, but was instead copied from an insular exemplar and corrected by an insular hand.¹⁰³ Reeve has also pointed out that the abbot at the monastery of Fulda, where this other manuscript of the *Notitiae Urbis Romae* and *Constantinopolitanae* was copied, was a certain Hrabanus Maurus, a pupil of Alcuin, the leading scholar at the court of Charlemagne.¹⁰⁴ Alcuin himself had drawn on another text in the *Spirensis*, the *Altercatio*, for a work of his own.¹⁰⁵ Indeed it is possible that the illustrations in the three *Notitiae* that are included in the *Codex Spirensis* may have been known to Charlemagne since his will mentions ‘three silver

⁹⁹ See in particular, Alexander 1976, 14; Reeve 1983, 254; and Grigg 1987, 204-210. A second set of illustrations to accompany the Munich manuscript were demanded by Pfalzgraf Ottheinrich after he complained about the modern style of the first set of illustrations which were made not from the *Spirensis* itself but from a copy of it dating from around 1542.

¹⁰⁰ Alexander 1976, 11-50, especially 17-18, who argues that these illustrations are closely linked to the text and parallels for many of their features can be found in fourth- to fifth-century art, particularly in Rome. See also Grigg 1979 109-110; Reeve 1983, 255-256; and Brennan 1996, 159.

¹⁰¹ Reeve 1983, 256 and Brennan 1996, 167.

¹⁰² Reeve 1983, 256.

¹⁰³ For a detailed discussion of the evidence for this manuscript tradition see, especially, Reeve 1983, 256. See also Berger 1987, 204-210 and Brennan 1996, 167. For the connection between the insular copy of the *Spirensis* and the court of Charlemagne see below.

¹⁰⁴ Reeve 1983, 256.

¹⁰⁵ *Ibid.*, 256.

tables', two of which contained representations of the cities of Constantinople and Rome respectively, and a third which contained a representation of the whole world. It has been posited that the two representations of Rome and Constantinople could have come from an illustrated *Notitia*.¹⁰⁶

However, since such uncertainty over the origin of the *Notitia Dignitatum* in antiquity exists, it is hardly surprising that it is also unclear when those manuscripts that made up the *Codex Spirensis* came together.¹⁰⁷ We know through written evidence that one of the texts in the *Spirensis*, Dicuil's *Liber de mensura orbis terrae*, was written around 825 and it has been suggested that the collection of texts may have first been put together at this stage.¹⁰⁸ Mann has argued that it might be possible that the *Notitia Dignitatum* and the other late Roman texts were resurrected and transferred to Germany after the fall of Ravenna to the Carolingians and the crowning of Charlemagne as emperor in A.D. 800.¹⁰⁹ The other illustrated texts that later formed the *Codex Spirensis* provided an insight into how the Romans governed and ordered their society. In the *Notitia Dignitatum*, the Carolingian administrators would have found a template for administering a disparate but unified Roman empire. Moreover, in addition to the practical function, Mann has also posited the idea that the *Notitia Dignitatum* may have had a certain ideological appeal to the court of Charlemagne. It may be imagined, he suggests, that these administrative lists, with their representation of a united empire with a bureaucratic system within which each minister had a specific role and over which the

¹⁰⁶ Alexander 1976, 19 and Reeve 1983, 256.

¹⁰⁷ Reeve 1983, 257 nt. 24.

¹⁰⁸ Alexander 1976, 19.

¹⁰⁹ Mann 1991, 219.

emperor had complete control, had a value in the ninth century beyond their immediate practical relevance.¹¹⁰

Indeed, according to Brennan, it was an ideological appeal, as opposed to a practical one, which led to the illustrated texts contained in the *Codex Spirensis* forming a collection already in the fifth century.¹¹¹ In particular, he raises the possibility that it was at the court of Valentinian III that such a collection was formed.¹¹² This idea is based on the argument that while the six non-illustrated texts are all concerned with the same topics, mainly topographical and geographical matters, only some of the illustrated texts are. As such, he argues that it is possible that the collator of the Speyer codex only wanted to use some of the illustrated texts that dealt with such geographical matters but, because they already came as a group, had to include all six. The influence of the court of Valentinian III, and, in particular his mother Galla Placidia, on the formation of this collection of illustrated texts, Brennan maintains, might specifically be seen, for example, in the *Notitia Urbis Constantinopolitanae* which includes three of her houses; or in the interpolation in the entry of the eastern *castrensis* in the *Notitia Dignitatum*.¹¹³ In ideological terms, he suggests that these texts may have had particular resonance in the

¹¹⁰ Mann 1991, 219. See also Brennan 1996, 169, who suggests that the ideological underpinnings of the text may have been a motivating factor in its revival in the Carolingian court. He notes the image of a united empire east and west may have been of particular interest to Charlemagne given his wish to unite his empire to the eastern one controlled by Irene.

¹¹¹ Brennan 1996, 167. The six illustrated texts in the Speyer codex were the *Notitia Dignitatum*, *Notitia Urbis Constantinopolitanae*, *Notitia Urbis Romae*, *De Rebus Bellicis*, *De gradibus cognationum*, and the *Altercatio Hadriani Augusti et Epicteti Philosophi*.

¹¹² Brennan 1996, 169. Brennan recognises that such an argument may raise as many questions as it does answers.

¹¹³ For a discussion of the delineation of the position of *castrensis* in the *Notitia Dignitatum* see Chapter 6.

west because they attempt to bring order and consistency in all aspects of society to an increasingly fractured later Roman empire.¹¹⁴

Of course the reasons for the revival of the *Notitia Dignitatum* in the Carolingian court are, to some extent, a matter of speculation. But similar questions may be raised about the reasons for the production of the composite text itself and its purpose and value even in the fourth century.¹¹⁵ The *Notitia Dignitatum* was obviously more useful as a practical handbook in the fifth century. Nevertheless, by the time of its production in its final form it was already in some ways an anachronism – whether as a combination of texts from different imperial administrations or, following Kulikowski, an unsystematically updated single text. At the very least, this resulted in the presence of incomplete and misleading information and so limits its usefulness as an accurate source for the late Roman bureaucracy. More than this, however, it also leaves open the possibility of a more systematic misrepresentation in this document of the realities of imperial power and administration at this time. Even if used as a working document, it was not a timeless, neutral and objective guide: it was produced for a specific context and purpose.

¹¹⁴ The wish to imply imperial unity between east and west perhaps had special relevance to the western court, particularly as a result of the circumstances in which Valentinian III, with the help of the eastern emperor Theodosius II, regained the western throne in 425. Moreover, the western empire in this period was constantly under threat from barbarian incursion which threatened the administrative structure as recorded in the *Notitia*. Brennan 1996, 169, maintains that in these manuscripts, we get an overview of the civil and military structure of the later empire, inheritance rights, military machines used by the army, and the buildings, monuments and officials in Rome and Constantinople in the fifth century.

¹¹⁵ For a more detailed discussion on the possible purpose of the *Notitia Dignitatum*, see the conclusion to this thesis.

2.4 Modern approaches to the *Notitia Dignitatum*

It is because the *Notitia Dignitatum* presents the modern scholar with so many problems that there is a temptation to use it to glean specific information while avoiding detailed discussions about its date and nature of composition. Indeed, there has been no large-scale study of the *Notitia Dignitatum* as a source since the 1970s.¹¹⁶ In this section, therefore, I examine the attempts that have been made by historians to explain the purpose of the *Notitia Dignitatum*. I demonstrate that some engagement with this question is necessary if the *Notitia* is to be used as an effective source for the later Roman empire, a fact that is increasingly recognised in modern scholarship.

Jones documented the unresolved problems associated with the text, but he argued that it remained incumbent upon historians of the period to make the ‘utmost possible use of so valuable a document’.¹¹⁷ While detailed, his investigation of the *Notitia Dignitatum* was only one part of a large-scale study of the later Roman empire. Since the *Notitia* was not Jones’ main focus, he concentrated on the major issues such as dating the document and the impact the various revisions had on the information within in it, rather than becoming embroiled in questions regarding the context and the purpose for which the composite document was produced. Scholars have of course attempted to confront the thorny question of the purpose of the *Notitia*, but given the complexity of the text, this has often raised more questions than answers.

¹¹⁶ The majority of recent studies on the *Notitia Dignitatum* have been articles, as opposed to monographs. While there have been a number of more extensive studies produced since the 1970s, they have, in general, focused on specific aspects of the text. For a recent example, see Scharf 2005.

¹¹⁷ Jones 1964, 347.

For example, when Mann asked ‘what was the *Notitia Dignitatum* for?’, he doubted whether the question could be answered completely.¹¹⁸ He looked at the practical use that such a document might have had in the late Roman administration. In particular, he suggested that our version of the *Notitia Dignitatum* may have derived from a copy used by the *magister peditum praesentalis* or, as this office was known from the time of Stilicho, the *magister utriusque militiae*, in the west to maintain a record of the field armies.¹¹⁹ The dominance of military officials at court in the western empire in the fifth century might then be taken to explain why our particular, and in many ways incomplete, version of the *Notitia Dignitatum* came to be preserved.¹²⁰ In a later article, Mann also suggested that, in addition to information on the empire’s field armies, the production of the composite *Notitia* was part of Stilicho’s plan to extend his control to encompass both parts of the empire equally. This had not happened by the time of Arcadius’ death but Stilicho’s ambitions possibly received impetus with the emergence of Theodosius II and, as part of this, a document which outlined both the institutions and military offices of the two halves of the empire would be a symbolic text to produce.¹²¹ Given the necessarily narrow focus of both articles, however, there was no room for Mann to investigate in greater detail the practical and ideological purpose of the text, or how the disparities,

¹¹⁸ Mann 1976, 1.

¹¹⁹ Ibid., 1-9. Here Mann argues that the *Notitia Dignitatum* provides evidence for the growing power of the *magister peditum praesentalis* in the west in the period after 395 and in the east before 415. He examines, in particular, the duties of the *primicerius notariorum*, quaestor and *magister peditum* and the shifting nature of their power over the *laterculum minus* – the list of old style *alae* and cohorts that constituted the lowest grades of the *limitanei*. He maintains that the *Notitia Dignitatum* did not derive from the office of the *primicerius notariorum*, but was in fact a copy of a previous list which he had once controlled, the main body of which he does not think was revised after 408, but only *ND Occ.* 5-7 and 42 were since these were important to the *magister peditum*.

¹²⁰ Mann 1976, 8, argues that this military official would have had little cause to or interest in updating the non-military information in these lists.

¹²¹ Ibid., 3-9. Cf. Brennan 1996, 166 who suggests that it is probable the production of the list remained in the hands of the *primicerius*. He points out that the *magister peditum* would have needed a more practical and extensive list of the distribution of the military resources of the empire.

mistakes and misrepresentations within it should determine how modern scholars utilise it as a source.

In another article dating from the 1970s, Ward also looked at the purpose of the *Notitia Dignitatum*. He suggested that the *Notitia* was kept up to date until c. 430, after which a fresh copy was prepared perhaps because of the rise of Aëtius, losses in Africa and Britain and the general wear and tear of the document.¹²² It was Theodosius I himself, according to Ward, who had originally ordered a copy of the *Notitia Dignitatum* of the east to be prepared in order to provide a guide for the similar organisation of the administration of the western parts of the empire. The primary purpose of the text that we have, he maintained, was to allow the emperor to pass on a system of government to his sons that was as uniform as possible. He proposed that Theodosius I may have wanted to use the *Notitia Dignitatum* as a guide by which many of the differences that had emerged since the creation of two separate administrative centres could be eliminated.¹²³ Again, while recognising that the *Notitia Dignitatum* was a complex document, Ward could not go into detail about how the many mistakes and omissions within and between both lists impacted on his hypothesis or how they limited its practicality as a source for the administration.

The brevity of these articles restricted the extent to which their hypotheses could be tested and the implications teased out. The same is true of two recent accounts of the *Notitia Dignitatum*, by Brennan and Kulikowski.¹²⁴ Their ideas are radical but, given the

¹²² Ward 1974, 434. See also Clemente 1968, 287, who argued that the information for Britain shows hints of the army prepared for conquest by Constantius III, as well as of the re-absorption of these units into the command of Aëtius.

¹²³ Ward 1974, 399-414.

¹²⁴ Brennan 1996 and Kulikowski 2000.

limitations of the form in which they were presented, could not be pursued at length.¹²⁵

Moreover, to date, no large-scale study has engaged with their theories and examined how they impact on our understanding of the document in full.¹²⁶

Peter Brennan, for example, posited a completely new way to view the *Notitia Dignitatum*. Instead of seeing it as a working administrative document that had gradually, over time, become obsolete, he argued that it was instead an ideological text with no administrative function.¹²⁷ In particular, he attributed its production to the court of Valentinian III in the 420s when it was under the influence of that emperor's mother, Galla Placidia.¹²⁸ He suggested that the circumstances in which her son, with the help of the eastern emperor Theodosius II, regained the western throne in 425 may have contributed to an interest in the ideology of unity that seems to underscore the *Notitia Dignitatum*.¹²⁹ While it had its basis in an administrative reality, the purpose of the composite *Notitia* was, in Brennan's view, to create the appearance of a centrally ruled,

¹²⁵ Between the 1970s and 1996, few studies looked at the *Notitia Dignitatum* in its entirety as a source for the later empire. Specific aspects of the text were examined, often in journal articles, as opposed to large-scale studies. So, for example, Grigg 1983, 132-141, looked specifically at the shield emblems in the *Notitia*. Seibit 1987, 25-38, focused on the information provided by the *Notitia* on the administrative structure in the *Dioecesis Oriens*. While Mann 1991, 215-219, looked at the question of the date and survival of the text and Purpura 1992, 469-484, looked at its origins.

¹²⁶ See the conclusion to this thesis for a more detailed discussion of the approaches taken by Brennan and Kulikowski.

¹²⁷ Brennan 1996, 147-178. As for other uses that the text might have had, Purpura 1992, 469-484, for example, suggested that the *Notitia* was a birthday gift to Valentinian III from Theodosius II. For the view that the *Notitia Dignitatum* was an administrative document that gradually became obsolete see, for example, Jones 1964, 3. 347; Ward 1974, 434; Mann 1976, 8 and 1991, 219; Kelly 1998, 165; and Kulikowski 2000, 359.

¹²⁸ Brennan 1996, 166-169. Specifically, he attributes the production of the text to the praetorian prefect of 430, Macrobius Ambrosius Theodosius, who produced the *Saturnalia* in which he preserved or created aspects of Roman history that he re-dated from the end of the fourth century to the environment of the 430s, and who may have been *primicerius* in 426. Both the *Notitia Dignitatum* and the *Saturnalia*, Brennan suggests, created a world that never existed via materials and people who did.

¹²⁹ Paschoud 1967 emphasised the fact that an ideology of unity and continued imperial strength in a weakened western empire dominated much of the literary production in this era. See also Gillett 1993, 1-29 and Kulikowski 2000, 359.

united empire within which each official had a particular place and function: a dream-world.¹³⁰

Kulikowski, in an article from 2000, also suggested that the *Notitia Dignitatum* may have been an ideological document. It may have been used first by Theodosius I to assert an idea of unity despite the division of the empire. Subsequently, after numerous revisions, the court of Valentinian III and Galla Placidia may have drawn on it for much the same purpose.¹³¹ Writing primarily in answer to the approach taken by Brennan, Kulikowski maintained that even if we can point to an ideological purpose, which will only be speculative, this will not answer the question of how to use the *Notitia Dignitatum* as a source. In particular, he argued that the problems regarding the utility of the text arise as much from its textual history as its ideological purpose. Again, as a result of the form in which they appear, the arguments put forward by both Brennan and Kulikowski could not be pursued in great detail. In order for the *Notitia* to be utilised properly as a source all these factors need to be taken into account. Therefore, in addition to issues such as its textual history, I argue that its practical as well as any ideological purpose affect its value as a source and that all these elements need proper investigation.

The above studies are testament to the fact that the *Notitia Dignitatum* raises as many questions as it does answers. Scholars have long recognised this and have attempted to rectify the situation by focusing on specific areas of the text, not least the army. This approach, although very useful for our knowledge of the difficulties and advantages associated with using the *Notitia Dignitatum*, still provides a somewhat limited insight into how we can use it as a source. For example, in his 1968 work on the

¹³⁰ Brennan 1996, 158.

¹³¹ Kulikowski 2000, 360.

Notitia Dignitatum, Clemente explores issues such as the date of the work and its purpose, and concludes that it represents an administrative document kept up to date by individual *primicerii* with a fine copy complete with illustrations being prepared perhaps for the emperor himself. However, the majority of the book focuses on the evidence of revisions carried out on the military information especially in the western *Notitia*. Therefore, there are entire chapters dealing with mistakes and omissions in information concerning the provinces of Britain, Gaul, Africa and the upper Danube but in the process sacrificing a broader view of the *Notitia Dignitatum* as a whole.¹³² Similarly, building upon and adding to the argument of Clemente, Hoffmann focused completely on the Roman army and the information about it supplied by the *Notitia Dignitatum*.¹³³ More recently, Scharf has investigated the presentation of the *Dux Mogontiacensis* in the *Notitia Dignitatum*.¹³⁴ Although larger in scale, these monographs are very specifically focused and they do not examine in detail the impact of the evidence of revision and mistakes on our understanding of the bureaucratic, as well as military, administration of the later Roman empire.

In the absence of any such comprehensive study of the civilian bureaucracy, therefore, it is not surprising that historians studying the later empire have found it difficult to engage at length with the problems inherent in the document. While scholars acknowledge that the *Notitia* is a problematic source, they often use it in quite a narrow way for specific information. For Sloopjes the *Notitia* is a valuable guide to the structure of the late Roman provincial government and she looked at its strengths and weaknesses

¹³² Clemente 1968, 264-358.

¹³³ Hoffmann 1969-1970.

¹³⁴ Scharf 2005.

only in this regard.¹³⁵ In addition, even those involved in writing the military history of the later Roman empire, although aware of the “bewildering and mercurial” nature of the *Notitia Dignitatum*, still utilise it as an important resource especially for assessing the military strength of the later empire and the deployment of army units.¹³⁶

Fergus Millar, for example, utilised the information on the military structure of the later empire in the *Notitia Dignitatum*, in his *A Greek and Roman Empire. Power and Belief under Theodosius II*. He recognised that the *Notitia* provides “a vivid, concrete, but also extraordinarily incomplete, picture” of the later Roman army.¹³⁷ Its benefit for historians lies, he maintained, in its very clear specification of the upper ranks of the military hierarchy, and its detailed listing of all the units of different types. Its fatal flaw, as Millar called it, is that it is only in the case of frontier officers – *comites* and *duces* – that the location of each unit is indicated, so we cannot hope to gain accurate information about the size of the army or its location along the frontiers. Again, the strengths and weakness of the text are discussed in relation to just one aspect, its military information.¹³⁸ Millar himself questions whether the features of the administration as described in the *Notitia* really mirror the actual working of the empire: this, he notes, is a more difficult question, and one he does not go on to explore.¹³⁹

In keeping with this focus on the military information contained in the *Notitia*, Heather, in his study on the fall of the Roman empire, notes that while it cannot be used to assess accurately the size of the late Roman army, its value lies in the fact that it contains two listings of the mobile field army units of the western empire, the

¹³⁵ Sloomjes 2006, 16 nt. 1.

¹³⁶ See, for example, Rees 2004, 16-22; Heather 2006, 63; 246-48; Lee 1998, 211 and 2007, 20, 82 and 90.

¹³⁷ Millar 2006, 45.

¹³⁸ *Ibid.*, 48-49. Millar also examines the presentation of the office of *magister militum* in the *Notitia*.

¹³⁹ *Ibid.*, 46.

comitatenses.¹⁴⁰ He compares and contrasts the information in both lists to see what happened to the army in the west in the fifth century. Lenski, in his brief overview of the *Notitia Dignitatum* in *Late Antiquity: A Guide to the Postclassical World*, although noting the problems of dating the text, accepts it as a source “for establishing the size and shape of the late Roman bureaucracy and army” without examining in detail the anomalies within the text.¹⁴¹ However, in the same work, Shaw who, in his article on war in the later empire, touches briefly on the problems associated with the provenance, composition, and dating of the *Notitia*, points out that the bureaucrat’s ideal of the Roman army as contained in this list is not a good guide for the Roman army in action in the fourth and fifth centuries.¹⁴² Moreover, Kelly too, in an article concerned with “Empire-Building” and not the *Notitia Dignitatum* as such, observes that the production of this text by the *primicerius notariorum*, an official who was responsible directly to the emperor, shows that emperors were strong supporters of bureaucracy. However, he makes the point that, in order to assert their own authority, emperors could subvert the organizational hierarchies delineated in the *Notitia*.¹⁴³

Modern scholarship, therefore, does take account of the complexity of the *Notitia Dignitatum* as a source, even if it does not always engage consistently with the problems that this text presents. In particular, a duality of function – it provides an overview of a real system that is, at the same time, a testament to how things should be – is recognised by many scholars. Lendon, for example, described the *Notitia* as the handbook for the complex system of official precedence that dominated the later Roman administrative

¹⁴⁰ Heather 2006, 246-248.

¹⁴¹ Lenski 1999, 612. He argues that both *notitiae* were maintained as “ranked personnel rosters” by the *primicerius*.

¹⁴² Shaw 1999, 131

¹⁴³ Kelly 1999, 178.

system.¹⁴⁴ Moreover, John Matthews called the *Notitia* a “fine monument to a self-conscious bureaucracy” and he used the order of precedence as laid out in the *Notitia* to establish the positions of officials associated with the Theodosian Code.¹⁴⁵ It has proved difficult, however, to apply this understanding of the text on a consistent basis, despite the best efforts of scholars to engage critically with these problems.

Christopher Kelly does give a context for how we can approach a document such as the *Notitia Dignitatum* in his work on John Lydus. In particular, he equates the *Notitia* to other official products, like the law codes or even court ceremony, which presented a powerful and distinctive image of a coherent and well-regulated administrative system.¹⁴⁶ Such official documents, he maintains, could also be understood as being testament to the importance of corporate interests in securing the wider success of any group of officials. While the focus of Kelly’s study is not the *Notitia Dignitatum* as a source and so reference to its specific difficulties are largely confined to the footnotes, he does move us towards more of an understanding of why the composite text may have survived and continued to be updated. He shows that while people continued to advance as a result of underhand means, the formal and detailed regulation of a department, evident in the *Notitia Dignitatum*, imperial ceremonies and the law codes, emphasised a set of highly visible ‘fixed points’ in the continual debates around the delicate balance of power that existed within the administration.¹⁴⁷

Indeed, Kelly had already given a pointer as to the limitations of the *Notitia*. He argued that the text provides a fairly comprehensive picture of the organisation of the

¹⁴⁴ Lendon 1997, 224.

¹⁴⁵ Matthews 1999, 257 and 2000, 73.

¹⁴⁶ Kelly 2004, 40-43.

¹⁴⁷ *Ibid.*, 43.

imperial administration in the eastern half of the empire at the end of the fourth century and overall conveys a strong sense of the scrupulous classification of administrative tasks and the careful grading of imperial officials that defined the later Roman bureaucratic system.¹⁴⁸ However, he noted that the late Roman court was far more subtle in its workings than any formal listing of administrative tasks and grades could reveal.¹⁴⁹ He pointed to the fact that we cannot expect the *Notitia Dignitatum* to record the continual tension that existed between emperors and their leading officials.¹⁵⁰ Yet, to date, no large-scale study has examined the many strands of the *Notitia*. We need to comprehend its practical and ideological purpose together with its mistakes and omissions in order to gain a greater understanding of the text itself and the society in which it was produced. This approach will offer a greater appreciation of the value and limitation of the evidence that the *Notitia* can provide for late antiquity.

2.5 Conclusion

While the *Notitia Dignitatum* is recognised as a valuable but complex tool, too often these complexities are only alluded to rather than investigated fully. The specific context and perspective of the document can at times be overlooked for the information it provides with regard to the civil and military structure of the empire. In the following chapters I argue that we have to understand more comprehensively the limitations of the *Notitia* if we are to use it properly. In addition, we have to situate it alongside other

¹⁴⁸ Kelly 1999, 177.

¹⁴⁹ *Ibid.*, 180.

¹⁵⁰ See also Averil Cameron 1993, 25-26, who argued that the *Notitia Dignitatum*, like the law codes, should be seen as being prescriptive, not descriptive. For a similar argument see, for example, Mitchell 2007, 36, who suggests that even if we allow that the lists are accurate compilations in themselves, it is unlikely that they conformed to reality.

sources, with its own particular biases and limitations recognised alongside theirs, in order to attempt to use it effectively as part of an overall examination of late Roman bureaucracy. Therefore, the purpose of this thesis is not to diminish completely the value of the *Notitia Dignitatum* as a source. Indeed, the fact that the composite document comprises two lists drawn up at separate times presents us with an important insight into the changes that occurred in the administration of the later empire and how those in authority reacted to them. More than that, it gives us some sense of how those same officials wanted the structures of government to be viewed. However, the *Notitia Dignitatum* gives an incomplete and circumscribed account of the late Roman administration and, as I will argue, this has ramifications for any modern assessment of the complexities of late Roman court politics.

3. The Reality of Court Politics (i) The Civil Administration

3.1 Introduction

In this chapter I will expand upon the argument of Chapter 2, that, by offering a formal account of the hierarchies and structures at court, the *Notitia Dignitatum* provides an inevitably limited insight into the actual functioning of the late Roman bureaucracy. While the complexities of the text are recognised by modern scholarship, I maintain that sustained consideration needs to be given to all the factors regarding the use of the *Notitia Dignitatum*. Therefore, in addition to its textual history, we must also account for the impact of its practical and any ideological purpose on its value as a source. Moreover, it is only when the *Notitia* is considered alongside other sources, with its limitations and particular perspective noted with theirs, that we will be able to put it to more effective use as a single and often systematically misleading view, on what was a dynamic and complex bureaucratic system.

With this in mind, this chapter examines the evidence for the dynamism that was inherent in administrative politics, beginning with the workings of the court in general. Imperial politics was, to some extent, court politics and the functioning of this system of government involved a level of interaction that is not evident in the *Notitia Dignitatum*. In this system, proximity to power, more than official status, often defined a person's influence. I argue here, and throughout this thesis, that sources beyond the *Notitia* show that there was no one dominant political group in the empire in the later fourth and fifth centuries. Instead, the period is defined by influential individuals who became more

important than the offices they held. The *Notitia Dignitatum*, by its very nature, could not – and perhaps did not aim to – account for the effect of imperial favour or the significance of networks of influence on the court administration as described in other sources from the period. As a result, it provides a misleadingly static image of the late Roman bureaucratic system.

This is particularly apparent, I suggest, when we look at evidence for the interaction that occurred between the members of the emperors' two main advisory bodies in the fourth and fifth centuries: the *consistorium* and *comitatus*. The *consistorium* was a council of state and imperial court of judgement, and it was the standard forum for decision-making in the fourth century. Despite the impression given by the *Notitia Dignitatum* of a regimented court system, east and west, within which each minister had a definite role that he adhered to firmly, other sources describe officials of varying status interacting with and even influencing the decisions of the emperor.

The court was not a static institution but it was constantly evolving, and I will argue that this is apparent in the developments that occurred in the status and function of the *consistorium* during the course of the later fourth and into the fifth century. In particular, in this period emperors became increasingly dependent on the leading members of their *comitatus*, or royal household, for advice and information on the outside world. Again, evidence beyond the *Notitia Dignitatum* suggests that the hierarchy it enshrines could be undermined by the influence accorded to those members of the *comitatus* through their access to the centre of power. In addition, I will show that while the *comitatus* came to take the place of the *consistorium* in terms of decision-making at court, the latter body continued to meet and follow the normal procedures. I suggest that,

because the *consistorium* operated as closely as possible to the bureaucratic norms, particularly since it only involved high-ranking officials, it remained ideologically, if not practically, important to the members of the imperial court. The apparent predictability of the system, enshrined in the formal workings of the *consistorium* in the fifth century or in the near identical lists of the *Notitia Dignitatum*, is thus challenged by other sources which also offer a view of official authority and the workings of the *comitatus* in the later empire. As a result, I maintain that the *Notitia* cannot be used as a straightforward guide to the functioning of the late Roman government. Instead, like other contemporary accounts, it should be contextualised, and all its omissions and mistakes should be examined, before it is used as a historical source.

3.2 The functioning of the late Roman imperial court

The late Roman imperial court was more than the home of the emperor, and more too than the notional centre of the political world of the empire. The court shaped and mediated imperial power in a certain way through its reconfiguration and stratification of the court elite, its palace-centred bureaucracy, and its complex ceremonial rituals.¹⁵¹ By the end of the fourth century it had become something of a gilded palace for emperors who no longer traversed the empire on military campaign. As a result, access to it offered ambitious officials the opportunity to amass influence greater than that which their office formally allowed. In addition to elaborate court ceremony, the status and rank of the leading members of the court administration were enshrined in official documents such as the law codes and the *Notitia Dignitatum*. However, while the law codes recorded the

¹⁵¹ Smith 2007, 255.

strict system of promotion that officially operated within the court, other sources describe the impact of the discretion of the emperor whose decisions were often open to a wide range of unpredictable influences. Moreover, I argue that the *Notitia Dignitatum*, like the codes or indeed panegyric and ritualised ceremony, also reflected and maintained the society-wide preoccupation with rank but, since it could not account for the means by which people obtained and went on to use their positions at court, it provides a misleading image of the functioning of this system of government.

3.2.1 *Court reform: the impact of the third century*

In order to understand the workings of the imperial courts of the later fourth and early fifth centuries, we need to be aware of the changes that occurred in the administrative structure of the empire in the third century.¹⁵² Traditionally, the reign of the emperor Diocletian has been seen as a watershed in the history of the Roman imperial system of government and the evolution of the court into a late Roman entity.¹⁵³ Diocletian, it is argued, stood on the threshold of an era in which the function of the emperor came to be defined by his bureaucracy and when “emperors governed with the bureaucrats’ tools of meetings and the pen”.¹⁵⁴ The policies he introduced with regard to the court, which were continued, to a large extent, by Constantine, helped to create the ideology and structures

¹⁵² See, most recently, Smith 2011, 125-151, for an overview of approaches to the study of court politics in general, and the changes that occurred in the fourth century in particular.

¹⁵³ Witschel 2004, 251-252; Kulikowski 2004, 65; Kelly 2004, 108-113; Elton 2006, 193; Mitchell 2007, 47-70; and Smith 2007, 158. Diocletian’s reign has been re-examined in light of the shifting debate regarding the issue of ‘decline’ and ‘fall’ of the later empire and the impact of a third-century ‘crisis’. See, for example, MacMullen 1976, 1-23; Millett 1981, 525-530; Witschel 1999, 251-274; Kulikowski 2004, 69; Lo Cascio 2005, 131-136; and Elton 2006, 193. For a wide-ranging discussion on crisis and the empire, see Hekster et al., 2007 and Ando 2008, 31-60.

¹⁵⁴ McCormick 2000, 141. See also Kelly 2004, 1, and 184-233, who describes the gradual establishment of a centrally organised and greatly expanded imperial bureaucracy during the third century, which resulted in the movement from soft to hard government, as one of the defining characteristics of late antiquity.

for a centrally ruled, highly stratified empire.¹⁵⁵ Diocletian's reforms did not emerge out of a vacuum. However, he is separated from his predecessors because he simultaneously enacted his reforms of the court bureaucracy, the provincial administration, fiscal policy, military reorganisation and the nature of imperial rule.¹⁵⁶ The changes he initiated in the provinces, his attempts to separate civil and military spheres of government and the emergence of separate centres of imperial rule necessitated a change in court organisation. Lactantius, for example, complained that, as a result of the introduction of the Tetrarchic system, in which four emperors ruled simultaneously in separate regional sectors of the empire, everything needed for the administration of the empire was multiplied by four.¹⁵⁷ This was an exaggeration but estimates suggest that by the fourth century there were between 30,000 and 50,000 bureaucrats with some 6000 holders of 'upper level' posts, compared with nearly 200 salaried civil servants in the third century

¹⁵⁵ For an overview of economic and social developments in the third century see, for example, Carrié and Rousselle 1999. Witschel 2004, 252-253, accounts for the 'transformation' of the social and economic history of the third century by establishing an overall model for the empire instead of concentrating on individual episodes that tend to emphasise crisis rather than a lack of change in the empire between the third and sixth centuries. He avoids the political history of the period since he believes that it has been researched rather fully. Smith 2007, 160, notes that there was little interest in the significance of the court when the impact of Diocletian's reforms was analysed in scholarship from the early twentieth century. In his work on the fourth-century transformation of the imperial court, Smith 2011, 126, argues that a new era of imperial rule emerged with the Tetrarchy, and that the government structures and practices of the Constantinian and Theodosian periods differ markedly from those of the Augustan or Antonine ages.

¹⁵⁶ For a reassessment of the reforms of Diocletian based on the investigation of the policies of the emperors before him, see Southern 2001, 1-3; Kulikowski 2004, 65-70; and Lo Cascio 2005, 131-183.

¹⁵⁷ Lac., *de Mort. Pers.* 7.2. This was not a radically new idea on the part of Diocletian: in the 250s, for example, Gallienus, 253-268, ruled as co-emperor with his father Valerian, 253-260, and his son Valerian II, 256-258, was elevated to the rank of Caesar. In this way the eastern Illyrican and Danubian frontiers were properly supervised. For an overview of Diocletian's Tetrarchic reforms, see Barnes 1982, 196; Southern 2001, 134-181 and Elton 2006, 194-196. Territorial boundaries were not strictly defined between the four main areas where the Tetrarchs operated. According to Aurelius Victor, *de Caes.* 39, Diocletian based himself at Nicomedia and controlled Asia, Egypt and the east; Maximian was based in Milan and ruled over Africa and Italy; Constantius was based at Trier and oversaw the territory beyond the Gallic Alps; and Galerius established himself in Thessalonica and controlled Greece and the Danube provinces. It is unclear what jurisdictional rights each ruler had in the areas they were not based in.

who were assisted by no more than 2000 slaves and freedmen of the imperial household.¹⁵⁸

The structural changes Diocletian introduced throughout the empire put greater demands on the court system in terms of the increase in correspondence, judicial issues and ministerial appointments with which it had to deal.¹⁵⁹ By the time Constantine became sole emperor in 324, a complex bureaucratic system was in place that reflected the changes in the empire in general.¹⁶⁰ Diocletian had divided the administration into departments, the *scrinia*, and put *magistri* in charge of each section.¹⁶¹ There was also a secretariat of *notarii* who were under the leadership of the *primicerius notariorum*.¹⁶² In addition, there were the *largitionales*, the staff of the *sacrae largitiones*: the ministry of imperial finance.¹⁶³ The *privatiani* were the staff of the *res privatae* and there were the

¹⁵⁸ Cameron, 1993, 33, believed Lactantius' comment to be a jibe against Diocletian rather than an accurate estimate. On this, see also Southern 2001, 147-148. For the estimated numbers of bureaucrats in the later empire and, as a result, the rise of the equestrian order throughout the ranks, see Smith 2007, 180 and MacMullen 1988, 144 and 264. See also Kelly 2004, 111, on the shift in scale in the numbers who staffed the imperial bureaucracy after the third century.

¹⁵⁹ He added an extra layer of bureaucracy into the provinces by appointing *vicarii* to whom the governors of the provinces were now answerable. The number of governors was multiplied, their functions divided and, due to the increase in the number of provinces, their territorial control diminished. Division of the provinces into smaller more manageable areas of control: Lac., *de Mort. Pers.* 7.4. For documentary evidence of this division of provinces, we have the *Verona List*: a seventh-century manuscript that catalogues the Roman provinces of late antiquity. On the problems of the *Verona List* as a source, see Barnes 1982, 203-205 and 224 and Rees 2002, 25. Division of civilian and military spheres of interest in the provinces: Africa was divided into three provinces and Asia into no less than six, this necessitated more governors. The civilian tasks now under a governor's remit included municipal duties; judicial hearings, once the concern of city magistrates; and the new financial regulations. If the provinces had remained the same size there would have been no hope that one man could have carried out so disparate a service to such a wide area. For the judicial functions of a provincial governor, see *CJ.* 3.3.2 (294) and Smith 2007, 160.

¹⁶⁰ Smith 2007, 160.

¹⁶¹ *CTh.* 6.35.1 (313): is the earliest reference to the term *scrinia* in the context of departments. Originally, the term was used for the boxes that were used to carry the relevant documents to each section: Williams 1985, 110. They are included in the *Notitia Dignitatum*: *ND Or.* 19 and *Occ.* 17. There were the *magistri memoriae, epistularum* and *libellorum*, who Diocletian, in an attempt to codify their duties, had put in charge of drafting responses to individual and communal petitions, preparing legal cases and issuing certificates of enlistment to members of the imperial service. For a detailed discussion of their duties, see below Chapter 5.

¹⁶² *ND Or.* 18; *Occ.* 16.

¹⁶³ *ND Or.* 13 ; *Occ.* 11.

scholae of the *agentes in rebus*.¹⁶⁴ The office of the *magister officiorum* had been established by the 320s to oversee the staff of the *magistri scriniorum* and the *agentes in rebus*.¹⁶⁵ The sheer size of this centralised system of government, with its new offices and departments, resulted in changes to the social composition of the administrative elite, and, as a result, a transformation of the way people obtained their place and advanced their careers at court.¹⁶⁶

3.2.2 Appointment to and promotion within the court

There was no objective system of appointment or promotion to high office at the court.¹⁶⁷ In the law codes, seniority is always emphasised in legislation regarding promotion and merit, but competence and loyalty might also have resulted in rewards.¹⁶⁸ Given the

¹⁶⁴ *ND Or.* 14; *Occ.* 12.

¹⁶⁵ *ND Or.* 11; *Occ.* 9. On this development, see Elton 2006, 200 and Chapter 5.

¹⁶⁶ See Smith 2011, 133-136, for a recent overview of our understanding of the composition and size of the court bureaucracy in the fourth century.

¹⁶⁷ The issue of appointment and promotion is a much debated one: see Saller 1982, 79-117, for the earlier empire. In theory the emperor was restricted by custom and law, which he could flout, but there was no prescriptive system to which he had to abide: Lendon 1997, 187. Kelly 2004, 130-138, argues that in the early Roman empire access to power was dependent on proximity and, even in the appointment to office, there is little evidence to suggest that selection or promotion was primarily reliant on a set system of seniority, specialisation, or expertise.

¹⁶⁸ *CTh.* 8.1.2 (331): advancement of the *exoptores* in the eastern praetorian prefecture. Cf. 6.27.7 (395): Arcadius and Honorius ensuring that the claims of the highest ranking members of service is not prejudiced when they have attained their rank by a longer period of service; 6.27.14 (404): promotion of *agentes in rebus*; 6.27.19 (417): they have to have served twenty years but if someone should attain the chief position by underhand means he is to rank lower than those who have served longer; 6.30.22 (419): the number of years a *comes sacrarum largitionum* has to serve and who will succeed him; and 6.32.1 (416): regarding those in the imperial service who have to fulfil two years service and cannot return to the same branch or to an administrative post after this. In the fourth century, some senior officials could also appoint their own successor, a son or brother, to a junior post in his department on retirement: *CTh.* 6.27.8 (396). *CTh.* 7.3.1 (393): consistency of duty outweighs length of service. See also Kelly 2004, 211-212, on the obscurity of the legislation in the law codes regarding the selection, appointment and promotion of officials. He notes that, alongside seniority and inheritance, merit and competence might be represented as relevant criteria for securing advancement. In some cases legislation also permitted the use of money to secure office: see below nt.171. The obscure nature of much of this legislation left room for the emperor to undermine his own laws and be seen to be in control of the bureaucratic system. Kelly 1994, 172-175, looks at the confusion and complexity of the legislation regarding imperial pronouncements and promotion.

variety of reasons for which an individual could advance at court, emperors increasingly emphasised their role in the selection of senior administrative officials through the requirement that documents authorising their appointment had to bear the imperial signature.¹⁶⁹ Therefore, emperors purposely advanced the notion that imperial power was a very real determinant in the success of a politician in the later empire. However, despite such visually arresting displays of this authority, the reality of the late Roman bureaucracy was that it was a system in which patronage, favouritism, or wealth could still trump all other criteria. The highest ministers at court encompassed but also transcended the chief institutions of state. Moreover, competition for office was so rife at all levels that upwardly mobile individuals needed powerful aristocratic patrons and/or access to money and this resulted in a messier and less predictable system of rule than our official sources suggest.¹⁷⁰ Indeed the law codes are replete with numerous constitutions that were issued in an attempt to first prevent and then, eventually, try to regulate the various ways individuals could attain office, beyond the so-called traditional routes.¹⁷¹

¹⁶⁹ *CTh.* 6.7.1 (372); 9.27.1 (380); and 13.11.11 (406), show that documents authorising the appointments of leading officials had to bear the imperial signature. See also Kelly 1998, 151 and 2004, 192.

¹⁷⁰ *CTh.* 1.32.1 (333). See also 6.22.2 (338): Constantius II tried to outlaw the attainment of office through patronage or corrupt means and the attempts by individuals to avoid municipal duties by gaining high rank. Ambiguity within the legislation regarding the meaning of the term *suffragium*, either influence, the payment of money or both, has led to debate among scholars as to the date at which the term always referred to purchased recommendation or advantage in imperial legislation. MacMullen 1988, 265, nt. 85, argues that *suffragium* meaning 'purchased recommendation' cannot be unambiguously attested before a law dated to 338: *CTh.* 12.1.25. Kelly 2004, 293-294, nt. 79, agrees with MacMullen and argues that the shift in the meaning of *suffragium* must have been gradual. He provides examples of legislation prior to 338 where the use of the term is ambiguous but shows how in two laws in which *suffragium* means purchased recommendation the term required specific qualification: *CTh.* 12.1.5 (317): *suffragio comparator* and *CJ.* 12.32.1 = *CTh.* 6.38.1 (312-337): *homorem venali suffragio*. He also provides examples of legislation into the fifth century where the meaning of the term remains ambiguous. Cf. Colлот 1965, 192-194, who argues that *suffragium* in imperial legislation after 338 always referred to purchased recommendation rather than the exercise of influence. See also Matthews 2000, 190-195, for the ephemeral character of the legislation preserved in the Theodosian Code.

¹⁷¹ See, for example, *CTh.* 6.22.3 (340); 12.1.36 (343); 12.1.75 (371); 6.30.7 (384); 9.1.15 (385); 6.27.19 (417); 8.4.29 (428); *Nov. Val.* 11 (443); and *CJ.* 12.19.7 (444). For the patron to whom money is paid for his assistance: *CTh.* 2.29.1 (362) and *Amm.* 22.6.5. See also, for example, the surviving correspondence of Libanius for an insight into the time and effort expended by members of the elite to continue the process

Instead of encouraging a more predictable method of promotion, imperial discretion also meant that matters were heavily influenced by any factor which might persuade an emperor.¹⁷² In addition to patronage, cliques at court, for example, might yield many of the emperor's highest advisors – especially due to the decline of Rome as the political centre of the empire and the extension of senatorial status to a much broader cross-section of landed elite.¹⁷³ Ammianus' narrative suggests that the influence of these factions was well known, since he records one of Constantius II's senior military officials denouncing the sway that certain cliques had over that emperor.¹⁷⁴ Moreover, the poet Ausonius, writing towards the end of the fourth century as a beneficiary of a series of high offices and the title of *comes*, was part of a Gallic clique that dominated at the court

of patronage through maintenance of a complex network of contacts. His denunciation of the practice of purchasing offices, which included branding certain *notarii* at court as the sons of bath attendants and sausage fillers, is indicative of the opportunities that existed, thanks to the influence of money, for those outside the traditional elite to gain access to high office. The sale of offices undermined to some extent the range of influence men like Libanius gained from the exercise of more traditional means of patronage. His denunciation of the sale of offices, therefore, should not be taken as reflective of a society-wide aversion to the practice, but instead should be seen as his bias against the changes occurring as a result of the growing centralisation and specification of the imperial bureaucracy: Lib., *Or.* 47.4-18. On this see Kelly 2004, 158-166. Over 500 of Libanius' letters have been preserved of what must have numbered thousands: Bradbury 2004; Cribiore 2007; and also Heather 1998, 133 and Heather and Moncur 2001, for reference to the forty or so surviving letters of Libanius to the rhetorician and court favourite Themistius.

¹⁷² Millar 2006, 209. Kelly 2004, 179-185, argues that in the later Roman empire the means by which power was organised and regulated shifted and came to involve a variety of tactics, from utilising networks of influence to the payment of money.

¹⁷³ One of the provincial cabals mentioned by Ammianus were the Pannonian contingent under Valentinian I from which the emperor got a quaestor as well as numerous provincial officials: Amm. 27.3.11. For further information on cliques at court described in Ammianus, see Matthews 1989, 272-274. See also Kelly 2004, 173, for evidence that common provincial origin could strengthen networks of influence and favour which were used to gain access to and participate in the imperial government. See also Humphries 2003, 27-46, for the issue of the status of Roman senators during the fourth and fifth centuries. For the extension of senatorial status and the impact this had on the government of the empire in general, Salzman 2002, 69-106 and Smith 2007, 180-187. On the highest posts in the administration, that by 400 conferred either the top rank of the equestrian order, the *perfectissimi*, or, increasingly, the senatorial order, which after Gratian enjoyed the rank of *illustris*, see Heather 1996, 189.

¹⁷⁴ Amm. 15.5.6: detailing the events leading up to the revolt of the usurper Silvanus who, according to the author, was forced into his treasonous actions by the machinations of Constantius' courtiers. See below pp. 65-67.

of Gratian.¹⁷⁵ He described how men could attain ministerial positions in a variety of ways including military glory, family connections or loyal service in the imperial administration.¹⁷⁶ Such a volatile system of access to and promotion within the court need not be seen as undermining imperial power. Indeed, as Kelly has argued, while emperors tried to regulate the system it was to their advantage to undermine or obscure their own legislation in order to display their authority in terms of access to and promotion within the administration.¹⁷⁷ Nevertheless, it does show that imperial court politics was far from static and predictable.

The unpredictability of court politics was also cultivated by the fact that loyalty was often maintained by emphasising that proximity to power brought with it rewards and status rather than steady advancement up the administrative career ladder.¹⁷⁸ The centrality of the emperor in this increasingly complex system of rule was emphasised deliberately through a variety of media including court ceremonial, art and panegyric. The emperor is the focus in all these media and, as a result, emphasis is placed on the importance of proximity to the centre. Indeed, it is not only in the *Notitia Dignitatum* that we can see official attempts to construct the power of the emperor as predictable and normal. For example, there are similarities of purpose between the iconography of stern but united Tetrarchic leaders as expressed by the portraits of the four rulers that have been extracted from imperial quarries in Egypt; the content of official panegyrics; and the image of a united, well-functioning imperial administrative system over which the

¹⁷⁵ Sivan 1993, 131-147. See also Hopkins 1961, 239-249, esp. 240-244, on the evidence in Ausonius on social mobility in the later empire.

¹⁷⁶ Aus., *Gratiarum Actio*, 4. Ausonius' own family had ascended the social ranks through marriage and well-placed connections at court including the emperor.

¹⁷⁷ Kelly 2004, 179-185.

¹⁷⁸ *Ibid.*, 193: one element of the process of centralisation was the emphasis placed both on the centrality of the emperor and, for those seeking wealth, power and position, the overwhelming importance of proximity to the centre.

emperor had complete control that appears in the *Notitia Dignitatum*.¹⁷⁹ The official emphasis on the emperor as the sole source of control, honour and social mobility also contributed to the emergence of increasingly elaborate and systematised court ceremonial practices and protocols.¹⁸⁰ The importance of court ceremony and the apparent predictability of imperial rule was propagated through official representations such as the so-called ‘*Missorium* of Theodosius’, a huge solid silver plate representing the inauguration of a high official before the emperors Theodosius I, Valentinian II, and Arcadius. Here the bejewelled Theodosius, flanked by his two junior colleagues and his imperial guards, extends the codicil of office to the kneeling official before him. This depiction of the investiture of a senior official gives us some sense of how the authorities wanted the exercise of imperial power to be portrayed: structured and conventional. Visually the status of the emperor is clearly defined, as in the *Notitia Dignitatum* but not always in reality, in relation to his co-emperors and his highest officials.¹⁸¹ The impassive, almost statue-like stance of Theodosius I is reminiscent of Ammianus’

¹⁷⁹ For the role of imperial portraiture such as those found in Egypt for the transmission of the new imperial ideas and style see Smith 2007, 170-202. In court panegyric from the Tetrarchic period there are assurances that although the number of imperial rulers increased, the unity of the empire was guaranteed because of their unanimity: *Pan. Lat.* 10 (2). 11.1.

¹⁸⁰ An important development for the later empire was the emergence of legitimisation through emphasis on an imperial link with divinity. Diocletian was credited in many of our sources with the introduction and formalisation of ritualised practices such as *adoratio*, where the emperor seated on a dais was approached by his subject who prostrated himself before him and kissed the hem of his purple robe. The earliest explicit reference to this ceremony comes from a law of 354, *CTh.* 8.4.7, where it is treated as an already established practice. It was probably introduced to court by Diocletian but even in the early empire the emperor was ritually greeted by members of his *consistorium* who ceremonially kissed his robe. Ammianus, 15.5.18, attributed its introduction to Diocletian. Such a practice, Eutropius believed, militated against Roman liberty: *Brev.* 9.26. Jones 1966, 29, dismissed the innovations of Diocletian in court ceremonial as “mere trifles” that would not have made much of a difference. Mitchell 2007, 55, argues that court ceremonies such as *adoratio* can be traced back to the Severan period, but it was under Diocletian and the Tetrarchs that such practices become more formalised and strictly observed. According to Aurelius Victor, *de Caes.* 39.2-4, Diocletian wanted to be worshipped like a god and be adorned with jewels and golden robes. See also *CTh.* 6.24.4 (387), which enhanced the status of the officer-cadet corps at court who were deemed worthy to touch the purple.

¹⁸¹ Smith 2007, 217-9 and Kelly 2004, 19.

description of Constantius II's *adventus* into Rome in 357.¹⁸² On both occasions it is the unchanging nature of imperial rule that is being communicated to the palatine staff or the citizens of Rome.

Such displays of structured authority are, however, undermined by evidence of the fact that the emperor could be responsible for meteoric rises or sudden falls. The atmosphere of changeability and imperial caprice that this system must have created may have helped to prevent the powerful becoming too entrenched in their positions and, at the same time, underlined the importance of imperial support. Confusion and insecurity often empowered the emperor and the evidence for this needs to be placed alongside the world of order and structure enshrined in the *Notitia Dignitatum* and other official media.¹⁸³ Despite the impression given by imperial ceremony or art, ambiguity within the legislation regarding the practice of patronage in the attainment of office allowed emperors to impose their authority over the process when they so chose. At the same time, those wishing to become bureaucrats could utilise a number of tactics, be it through influence or money, to achieve their goals. This arrangement offered the possibility of a more flexible, less oppressive means of accessing the high offices of state than had once been the case.

Indeed, the capricious nature of the imperial court system is also evident in the variety of ways status and titles could be obtained once an individual had entered the court service. In this case proximity to power, rather than official title, was often a determining factor in the influence wielded by officers at court. While the *Notitia*

¹⁸² Amm. 16.10.

¹⁸³ Kelly 1994, 167: the fixity and regularity necessary for the proper functioning of a highly centralised bureaucracy challenged the “unpredictability of action fundamental to the unfettered exercise of imperial power”. For similar argument, Kelly 2004, 192.

Dignitatum provides an overview of the complicated system of precedence that emerged after Diocletian's reform of the court administration, it could in no way detail its evolution or the variety of means by which such status could be attained.¹⁸⁴ Until 372 there was no single comprehensive ranking system universally applicable to the *dignitates*, holders of occasional high posts, *palatini*, full time bureaucrats, and the army who were eventually brought together by a grant of common senatorial status.¹⁸⁵ Even before this point, however, high birth no longer guaranteed political success because it became essential for an individual to hold office within the imperial administration in order to improve his rank.

The four top civilian officials at court enjoyed the same status as the proconsuls as a result of a law of 372.¹⁸⁶ Less than ten years later, in return for serving with great glory, they could hope to enjoy the same rewards as a prefect.¹⁸⁷ Even below these top ministries, the status of lesser offices could be improved. In 381, the *primicerius notariorum* came to enjoy the same rank as a proconsul and was often entrusted with important tasks as an agent or ambassador and, as a result, could hope to attain one of the high offices of state in his future career.¹⁸⁸ The never-ending quest for status is evident in legislation concerned with who outranked whom that appeared after 372.¹⁸⁹ It was not

¹⁸⁴ Lendon 1997, 224, described the *Notitia Dignitatum* as a handbook for the system of official precedence that existed in the later empire.

¹⁸⁵ For legislation from 372 regarding the ranks of the various members of the administration: *CTh.* 6.7.1; 6.9.1; 6.11.1; 6.14.1; and 6.22.4. See also Heather 1998, 168 and Humphries 2003, 32. The heads of the four great palatine ministries, *magister officiorum*, quaestor, *comes sacrarum largitionum* and *comes rerum privatarum*, enjoyed senatorial status and rank. The three *magistri* were *clarissimi* until the time of Gratian after which they received the rank of *spectabiles*.

¹⁸⁶ *CTh.* 6.9.1 (372).

¹⁸⁷ *CTh.* 6.9.2 (380).

¹⁸⁸ *Amm.* 29.1.1: the corps of *notarii* began to attract a better sort of candidate. On the development of these junior officers see Jones 1964, 127-8 and 572-4.

¹⁸⁹ See, for example, *CTh.* 6.5.1 (383) and 6.5.2 (384).

enough now to be a *clarissimus*, the traditional rank of a senator, and the competition increased as it became possible to accumulate more honour during the tenure of office. For a member of the senatorial class with political ambitions, attainment of one of the great palatine ministries not only ensured membership of the *consistorium*, it also granted the holder the rank of *spectabilis* and, after Gratian, *illustris*.¹⁹⁰ Imperial administrators could also, in theory, aim for the praetorian prefecture and ordinary consulship, which conferred the rank of *illustris*.

Coupled with inflation of rank was the endowment of honorific titles, which in turn complicate our understanding of where real power lay within the court and challenges the structured system described in the *Notitia Dignitatum*. The honour of an office was only partly contingent upon its practical power, as is evident in the case of the ordinary consulship which had few duties but imbued its holder with much status.¹⁹¹ Constantine, for example, created a third rank order, which overlapped with the senatorial and equestrian orders, carrying the title of *comes*, whose members were divided into three distinct grades.¹⁹² In this way he was first to bestow the title by codicil and while initially the position of *comes* involved some form of service, from an early date it seems to have been given as an honour to those who had not held office or who were retiring from inferior offices.¹⁹³ The rank of *comes* was open to senators and *perfectissimi* of the imperial government and so they were united in a new aristocracy dedicated to the service of the emperor. Constantine further complicated the system by reviving the

¹⁹⁰ Salzman 2002, 112-113. By the end of the fourth century the highest rank, that of *illustris*, was reserved for consuls, patricians and the top palatine ministries; next were the *spectabiles*, and these included high provincial governors or the leading eunuch chamberlains at court; finally the *clarissimi* were all other senators.

¹⁹¹ Bagnall *et al.*, 1987, 1-4.

¹⁹² Eus., VC 4.1. Jones 1964, 104-105.

¹⁹³ Lendon 1997, 227.

honorific title of *patricius*, which was granted by the emperor to his nearest friends and highest officials.¹⁹⁴ This system of honour and reward opened up the prospect of political success to a broader group of individuals than ever before, as is evident in Libanius' self-serving denunciation of Constantius II for promoting Datianus, whose father had allegedly been a cloakroom attendant at the public baths, to the rank of *comes*, with patrician status together with a consulship.¹⁹⁵

The *Notitia Dignitatum* gives no insight into the messy reality of late Roman imperial court politics. Instead, it constructs the emperor's authority as the product of a stable and predictable system. Other evidence from the period, however, suggests a more disorganised and, at times, chaotic method of government. In reality, emperors often used a flexible and unpredictable system of appointment and provision of honours in an attempt to maintain their importance within an increasingly centralised bureaucratic government. Therefore, the normative image of the late Roman bureaucracy, presented by the *Notitia Dignitatum* through its highly stratified picture of the court structure, can be seen to be inherently misleading. This is particularly apparent when we look at the evidence for the functioning of the *consistorium* and *comitatus*.

3.3 The *consistorium*

¹⁹⁴ Zos., *HN* 2.40.2: Optatus given this honorific title by Constantine; Amm. 26.6.7: title given to Petronius, father-in-law of the emperor Valens. In the fifth-century west this title became increasingly associated with powerful military men who dominated at court and so reflects the upheavals that impacted on imperial power and the court system. For other examples of fourth-century *patricii* and the evolution of the use of the term, Barnes 1975, 155-170 and O'Flynn 1983, 65-66.

¹⁹⁵ Lib., *Or.* 42. 23-5. See also, for example, Amm. 23.1.4: Ammianus describes the appointment of three Roman senators, sent to Julian as envoys to Antioch in 363, to various high positions just because they impressed the emperor. See Kelly 2004, 158-170, on the moralising tactics used by commentators such as Libanius who viewed new means of establishing access to power as a threat to long-held arrangements of gaining power which favoured the elite. Hence Libanius' charges that new entrants into imperial bureaucracy were the sons of bath fillers and sausage makers. The accuracy of his statements is questionable. See above nt. 171.

The *Notitia Dignitatum* provides a static and predictable image of a system of imperial rule that was in fact fluid and adaptable. In the fourth century the *consistorium*, which was descended from the early imperial *consilium*, was often a forum for real debate and decision making.¹⁹⁶ It was a court of judgement and a council of state and it was before meetings of this group that foreign envoys and civic delegations were received.¹⁹⁷ Despite the strict protocol adhered to at such gatherings, contemporary accounts, especially that of Ammianus, suggest that it was not, in the fourth century at least, simply a platform for the display of deference and ceremonial.¹⁹⁸ When decisions were made by the *consistorium* they are often described as coming from the interplay of influences amongst a disparate group of ministers and favoured advisors whose chief qualification was that they enjoyed privileged access to the emperor.

3.3.1 *Membership*

Membership of the *consistorium* was flexible and it brought together people of divergent backgrounds who benefited from proximity to the emperor more than from the offices they may have held, although it did remain wholly bureaucratic.¹⁹⁹ The majority of our sources were concerned with the unusual and not the mundane events of the empire.

Despite this, on the few occasions they included accounts of meetings of the

¹⁹⁶ The *consistorium* is attested to under this name only from the reign of Constantius II onwards. However, there was a long tradition of the emperor having a council of advisors. From the time of Augustus this function was carried out by the *consilium principis* but there was no fixed membership of this body. It was probably under Constantine that this group became more formalised with membership now being made up of the emperor's chosen advisors, *comites Flaviales* or *comites intra palatium*. For the evolution of the *consistorium* under Constantius II, see Vogler 1979, 216-20. See also Harries 1988, 155-6 and 1999, 38.

¹⁹⁷ Smith 2007, 198.

¹⁹⁸ Ammianus' history is our most detailed source for the functioning of the *consistorium* in the fourth century.

¹⁹⁹ This flexibility and changing nature of the *consistorium* was also affected by the fact that the top ministries were only held for a short period of time in an effort to negate the building up of power bases by senior officials: Kelly 1998, 153 and 2004, 194.

consistorium, they often describe a high level of interaction between a variety of court officials as well as the range of means they could use to influence the decisions of the emperor. In this way they provide an image of the court and its membership that is in contrast to the ordered and static impression provided by the *Notitia Dignitatum*.

The top tier of this body comprised the praetorian prefect, as head of the provincial administration, and the four leading civilian officials, or *comites consistoriani*, the *magister officiorum*, the quaestor, and the two financial ministers: the *comites sacrarum largitionum* and *rei privatae*.²⁰⁰ The *palatini* were represented by the *praepositus sacri cubiculi*.²⁰¹ These *ex-officio* members were ranked as *illustres*, and, in the east, they became distinct from other *consistoriani* who remained *spectabiles*.²⁰² The second tier of the *consistorium* was made up of individuals often just starting out on their administrative careers or personal favourites chosen by the emperor himself. Those *comites* who did not hold the top administrative posts at court could still attain the rank of *spectabilis* through their membership of the *consistorium*.²⁰³ From the time of Constantius II, at least, it served as the pool for future appointees to the most important offices of state including that of praetorian prefect. Vulcacius Rufinus, for example, early in his career was a *comes intra consistorium* before later becoming the praetorian prefect of Gaul in 354 and of Italy, Illyricum and Africa in 356-8.²⁰⁴ Moreover, members of the

²⁰⁰ The leading military officials of the administration were also *ex officio* members; these included the *comes domesticorum*, and later the *comes excubitorum*, and also the two *comites et magistri militum praesentales*. It appears from *CJ.* 12.16.1 (415), that titular *ex-magistri officiorum* and *comites domesticorum* were also members of the *consistorium*: Jones 1964, 333.

²⁰¹ Ammianus, 16.7.4, expressed surprise that the *praepositus sacri cubiculi* Eutherius was helpful rather than hostile, unlike the other eunuch officials portrayed by Ammianus in his account. See below Chapter 6.

²⁰² *CTh.* 6.9.2 (380); 6.26.2; and 6.26.4 (386). A law of 425 ensured that those who were entitled to be members of the *consistorium* would enjoy superior rank in their own communities: *CTh.* 6.22.8.

²⁰³ Harries 1988, 156, argues that the attainment of this title was not the highest of honours but was usually a stepping stone on the career path of palatine officials.

²⁰⁴ Vulcacius Rufinus *comes Orientis*: *CTh.* 12.1.33 (342) and *PLRE* 1, Vulcacius Rufinus 25.

traditional senatorial elite like Nummius Albinus shunned imperial service, since even the top palatine ministers would have been viewed as glorified servants of the emperor, yet he was still an honoured advisor of the emperor and member of the *consistorium*.²⁰⁵

The leading ministers of the *consistorium* were aided by their staff who also benefited from proximity to power. Meetings of the *consistorium* could not have proceeded properly without the assistance of the *primicerius notariorum*, who prepared the codicils of office for all senior officials appointed to the imperial service and, of course, maintained the list of all the *dignitates* from which the *Notitia Dignitatum* was derived.²⁰⁶ The *notarii* of the *primicerius* and the secretaries of the other leading members of the administration began to attract young, educated, upwardly mobile urban classes to their ranks as membership of the imperial service became tied to senatorial status and success. Ammianus described the respect in which a *notarius*, Theodorus, was held – so much so that he was allegedly inspired to aspire to the throne.²⁰⁷ Due to interaction within the *consistorium*, the more esteemed elite at court had point of contact with non-aristocratic urban bureaucrats through these lower administrative officials. Therefore, the very existence of this body of officials, it may be argued, can be seen to undermine the apparently rigid hierarchy of rule that is enshrined in the *Notitia Dignitatum*.

²⁰⁵ *PLRE* 1, Caecina Decius Albinus Iunior 10. Nummius Albinus confined himself to traditional republican magistracies like the praetorship and ordinary consul. The shift in the membership of the palatine administration to a broader cross-section of individuals impacted on the number of traditional senatorial elite who were members of the *consistorium*: Smith 2007, 181.

²⁰⁶ *ND Or.* 18; *Occ.* 16.

²⁰⁷ *Amm.* 29.1.8-35.

3.3.2 *The function of the consistorium*

Like its membership, the actual function of the *consistorium* was not rigidly defined. It was the setting for the reception of embassies or the investiture of senior officials.²⁰⁸ In the fourth century, the *consistorium* was also a forum in which the emperor received information from the outside world and a channel through which he could control his relationship with foreign states and even imperial colleagues. In this context, our sources often visualise the *consistorium* as dominated by formality and protocol. So Ammianus, for example, in describing the death of the emperor Valentinian I during a meeting with an embassy of the Quadi in the *consistorium*, also gives some impression of the ceremonial procedures that were adhered to during one of these official receptions.²⁰⁹ Similarly bishop Ambrose of Milan describes how even the western usurper Magnus Maximus followed the protocols associated with the reception of envoys and refused a private audience with the bishop, directing him instead to attend a meeting of the *consistorium*.²¹⁰

Despite such examples of ceremonious formality, our literary sources often expected meetings of the *consistorium* to be lively occasions in which leading members

²⁰⁸ For example, it was also in front of the *consistorium* that the highest ranking court ministers received their formal investiture and were given permission to perform the *adoratio*. See above nt. 180.

²⁰⁹ Amm. 30.6. 2-3. For example, it was the *magister officiorum* Aequitius who advised that the envoys be admitted into the *consistorium*. For a detailed discussion of the role of the *magister officiorum* in the foreign affairs of the empire see Chapter 5. Incensed by the excuses of the Quadi, Valentinian suffered a fit of apoplexy that killed him, not in his *consistorium* but instead in his inner chamber where his attendants brought him.

²¹⁰ Amb., *Ep.* 75.20: here Ambrose draws attention to the connection he has to the palace of Valentinian II when he less than subtly hints at his embassy to the usurper in Trier. At *Ep.* 30, he gives an account of two embassies he took to Magnus Maximus. For the background of this incident see McLynn 1994, 160-3 and Liebeschuetz 2005, 349-52. For the issue of the date of the two embassies see McLynn 1994, 217-19 and Barnes 2000, 282-99. See also Amb., *Ep.* 30.2: as a bishop Ambrose claimed he was entitled to more than just a meeting in the *consistorium* but this was the official forum for the reception of envoys. For a more detailed discussion of the role of the bishop and the imperial court see below Chapter 6.

of the court, whatever their office, could exchange frank opinions between themselves and, importantly, with the emperor. This was a result of the fact that the *consistorium* was also the forum in which decisions were made by the emperor, often under the influence of his officials, on how to tackle unforeseen political and military events. It becomes apparent from these accounts that a more fluid and open system existed, which was based on proximity rather than actual status. Ammianus offers our most detailed contemporary view of official power and the workings of the *consistorium* in the fourth century. His account, however, cannot be assumed to give a clear or unbiased impression of the day-to-day workings of the court administration or the common attitude of contemporaries towards the bureaucracy in general. Ammianus was not writing a description of the political hierarchy, and indeed much of his time was engaged in rescuing the reputation of his former general Ursicinus and praising the reign of the emperor Julian, both at the expense of the emperor Constantius II.²¹¹ Ammianus provided his reader with his views about the proper functioning of the bureaucracy. Unlike the *Notitia Dignitatum*, however, Ammianus' descriptions of the imperial court in the fourth century give a more complex impression of imperial power, its limitations and its risks. Whatever the accuracy of the particular incidents he relates, we get a greater sense of the haphazard and uncertain nature of the system in which the power of the emperor could be undermined by the reception of bad or deliberately false information and where officials, of varied standing, may have been too afraid to offer any real advice.

²¹¹ For the literary techniques used by Ammianus to defend both himself and figures like Ursicinus and Julian see Kelly 2008, 31-103. Traditionally, passages of personal memoir in Ammianus were scrutinised for relevance or plausibility, for example in the case of his attitude to Ursicinus where his defensive and partial attitude may affect large portions of his first person narrative. Kelly, however, looking at the function of these passages of personal information, argues that they were not artless but were highly selective and studiously evasive.

Ammianus, for example, gives some insight into the role of the *consistorium* in his account of the revolt of the *magister peditum* Silvanus in 355.²¹² Silvanus was the object of a plot, one of whose instigators included the praetorian prefect Lampadius, which accused him of attempting to usurp power.²¹³ Forged letters reputedly showing Silvanus' plans were brought before the emperor by the prefect and then read to the *consistorium* after which an order for the arrest of those involved was issued.²¹⁴ After the plot had come to light, the *consistorium* was again called to investigate the matter and when Silvanus actually did usurp power at Cologne, Constantius II called together all the leading officials.²¹⁵ In the end, Ammianus was part of the troop under the leadership of the general Ursicinus that was sent to remove Silvanus.²¹⁶

In his description of the Silvanus affair Ammianus implies that in the itinerant courts of the fourth century the *consistorium* could be called together at any time to discuss military matters and help to formulate imperial strategy.²¹⁷ Moreover, it appears that policy-making in the later empire was often done through the interaction of factional interests which could undermine the hierarchical organisation of the court as described in

²¹² Amm. 15.5.22.

²¹³ Amm. 15.5.4.

²¹⁴ Amm. 15.5.5.

²¹⁵ Amm. 15.5.18. Kelly 2008, 49, describes Ammianus' description of the workings of the court in this episode as "carefully manipulative". Just as in his description of Ursicinus in battle, Ammianus portrays the general as being undermined by Romans who should have been on his side.

²¹⁶ Amm. 15.5.22. Kelly 1994, 168-169, argues that Ammianus here captured something of the uncomfortable and ambiguous relationship between autocracy and bureaucracy. By insisting on the primacy of the imperial word, emperors not only emphasised the importance of their own position, but in doing so, reinforced the importance of official documents as a means of control. So in the Silvanus incident a written document, even when false, could dictate imperial actions. It is only when the written document was effaced could there be a full assertion of imperial power. Cf. Kelly 2008, 44-52, who looks at this passage as part of his investigation into the literary function of the autobiographical passages used by Ammianus as opposed to the veracity of the account. He argues that, by describing the assignation of Silvanus as the result of "agonised improvisation", Ammianus is able to diminish Ursicinus' culpability. Moreover, both Silvanus and Ursicinus are portrayed as victims of Constantius II's suspicions and as the victims of bad communication. Ammianus' partisanship in this case not only rescued Ursicinus' reputation but, by showing that Constantius' suspicious character compelled his subordinates to rebel, he anticipates and deflects accusations of usurpation against Julian.

²¹⁷ Austin and Rankov 1995, 222.

the *Notitia Dignitatum*. In the course of the account we hear of a tribune of the *scholae* protesting Silvanus' innocence. According to Ammianus, this official spoke freely to his colleagues defending Silvanus although his advice was ultimately ignored.²¹⁸ It suited Ammianus' attempts to defend his and Ursicinus' record to portray Constantius II as being dependent on his ministers for much of his information regarding life in the outside world. In this way he could blame the emperor for bad decisions made and shift the focus away from Ursicinus' role in the assassination of Silvanus. Whatever Ammianus' aims, his account nevertheless hints at the haphazard nature of communication in the later empire which impacted on the functioning of the central bureaucracy. In addition, his implication that leading members of the *consistorium*, whatever their official role, might use their proximity to power to advance their own agenda suggests a certain level of fluidity at the centre of court politics.²¹⁹

We cannot tell how often frank and open discussion occurred in the *consistorium*. The fact that Ammianus deemed it noteworthy to reference the fact that a certain Thassalius, praetorian prefect during the reign of Constantius II, chose not to soothe the infamous temper of the Caesar Gallus, as other less courageous officials might have, but instead induced his anger by challenging him, suggests that many officials were not so brave.²²⁰ Nevertheless, there are other examples of individual officials engaging in lively debate during meetings of the *consistorium* that suggest that it could be a less rigidly

²¹⁸ Amm 15.5.6: Malarichus tribune of the *scholae*. At 15.5.8: Arbetio *magister equitum in praesenti* allegedly ignored Malarichus' plan and sent his own nominee to get Silvanus.

²¹⁹ Other ministers implicated in the Silvanus plot included Eusebius, the *comes rei privatae*, Aedsius, a former *magister memoriae*, and the leading member of the group and Dynamius, described by Ammianus as an *actuarius sarcinalium principis iumentorum*: the superintendent of the emperor's pack-animals. See also Amm. 20.2: Ammianus derides the deceitful actions of the *praepositus sacri cubiculi* Eusebius who managed to get an imperial commission, set up to investigate rumours of the disloyalty of the general Ursicinus, to ignore the truth and concentrate on other things.

²²⁰ Amm. 14.1.10. At 16.7.4, Ammianus counsels emperors to receive reproach in addition to praise when the time necessitates it. See Kelly 2004, 195-198.

hierarchical arena than a purely bureaucratic account of its role would imply. Ammianus also indicates that Thassalius was not the only individual who was allegedly unfazed by the imperial presence at these assemblies. A *quaestor sacri palatii*, Flavius Eupraxius, and not the praetorian prefect or *magister officiorum*, was one of the only officials able to quell Valentinian I's rages; according to the historian he displayed a freedom of speech within the *consistorium* that saved the empire's officials and the senators of Rome from the wrath of the emperor.²²¹ In this example Eupraxius, as a result of his access to the emperor, is described as pressing to its limits the pervading atmosphere of formality that should have dominated the meeting of this body.²²² Another allegedly brave individual was the prefect Florentius, who used his proximity to the same emperor to argue against his unthinking sentencing to death of three decurions in 365.²²³

It appears from the above examples that the success of the *consistorium*, the key decision-making body in the fourth century, often depended on the qualities and quick thinking of individuals, regardless of their official status, rather than on any obligation of the emperor to listen to its counsel.²²⁴ Ammianus' narrative, while perhaps exaggerating the uncertain nature of the system, captures the arbitrary and less stratified environment of political life at the late Roman court that resulted from it.²²⁵ Moreover, the accepted importance of proximity to power in his narrative also suggests a less rigid hierarchy existed at court than the *Notitia Dignitatum* implies.²²⁶

²²¹ Amm. 27.7.6 and 28.1.25.

²²² Matthews 1989, 267.

²²³ Amm. 27.7.7.

²²⁴ Harries 1999, 39.

²²⁵ See also Amm. 26.4.1-4, where the emperor is portrayed as ignoring the advice of his senior officials, who counselled against his choosing Valens as his co-emperor. Such a description tied in with Ammianus' representation of Valentinian as an angry emperor prone to rash decisions.

²²⁶ Amm. 14.11.1; 15.8.2; and 30.4: use of the title *proximi* as a generic term for the important members of the imperial household. See Kelly 2004, 192, for the use of the term *proximi* for high-ranking office

3.3.3 *The consistorium in the fifth century*

Despite evidence of the fact that the *consistorium* was not always dominated by formality and procedure, it ultimately, ironically, came to be used as an image of the predictable exercise of power and as a symbol of bureaucratic dominance where only official members of the court held sway. In particular, as the fourth century progressed the primary function of the *consistorium* became more ceremonial and its meetings were increasingly used to highlight the continuity of an administrative system which, in the west at least, was increasingly threatened. As we have seen, even the usurper Magnus Maximus saw the advantage of using the protocols associated with meetings of the *consistorium* to avoid having to engage with Ambrose of Milan.²²⁷ Indeed, even in the 380s, the emperors Gratian, Valentinian II, and Theodosius I were using the protective formality of the *consistorium*, not to encourage more debate, but to avoid the flow of embassies to the imperial court. In particular, they ruled that the praetorian prefect was to hear petitions first and produce a draft reply for the emperor that would be rubber stamped in the *consistorium*.²²⁸ By the fifth century, therefore, the *consistorium* had become a forum for the display of imperial decisions rather than the initiator of them.

As the emperor became tied increasingly to a particular city, Constantinople in the east, or Milan and later Ravenna in the west, the role of the *consistorium* as a potential forum for debate declined. Nevertheless, in the fifth century there is evidence to suggest that it still played a part in the formation of imperial legislation. In an eastern law from 446 the procedure for making general legislation became formalised and both the senate

holders, military commanders and influential members of the imperial household. The use of the term, he argues, was an inevitable consequence of the establishment of an institutionalised bureaucracy whose senior officials were resident in the imperial capital.

²²⁷ See above nt. 210.

²²⁸ *CTh.* 12.12.9 (382).

and the *consistorium* were deemed to be fundamental to the process.²²⁹ The emphasis in the text is on universal consensus among all the leading palatine officials as well as the members of the senate at Constantinople. Only when all had agreed was the piece of legislation presented to the *consistorium*, whose consent was needed before the emperor signed off on it.²³⁰

While the *consistorium* was still deemed an integral part of the legislative process, the emphasis on universal support was largely rhetorical.²³¹ There were obstacles to the emperor making arbitrary decisions, but on a day-to-day basis there were practical issues which would have made it unlikely that the whole *consistorium* would have gathered together officially to validate decisions.²³² Moreover, evidence from our literary sources suggests that it became increasingly sidelined in favour of a system which was even more unofficial. This shift is already apparent in the debates surrounding the Altar of Victory, when the petitions of the senate of Rome to restore the Altar and the endowments to the Roman priesthoods that were removed in 382 were discussed in the *consistorium* of Valentinian II, together with petitions from bishop Ambrose of Milan and the Christian senators he claimed to represent. At one point Ambrose counsels Valentinian II to ignore any of his advisors, even if they claim to be Christian, who suggest that he support his

²²⁹ *CJ.* 1.14.8 (446).

²³⁰ Honoré 1986, 136-7 and Harries 1988, 165-6, discuss the implications of this law on the legislative procedures of the imperial administration.

²³¹ This piece of legislation does not imply that a formal meeting of the *consistorium* took place during the stages before the law was read out and subscribed to. It is possible that these discussions were open to wider consultation. Cf. Honoré 1986, 136-7, who suggests that all discussions took place in the *consistorium*.

²³² There is evidence for the rescinding of laws and this suggests that there was not universal consensus attained in the debating process among the members of the *consistorium*. For example, in 408, perhaps on the instigation of the praetorian prefect to whom it was issued, a law was produced that forbade the collection of taxes in the provinces by the *palatini* of the *sacrae largitiones* and the *res privatae*. This piece of legislation, *CTh.* 6.7.17 (408), would have enhanced the prefect's position in the provinces and diminished that of the financial ministries. That it was not debated first in the *consistorium* is evident in the repeal of the law a year later when the *comes rerum privatarum* and *sacrarum largitionum* were able to have their say with the emperor. See Jones 1964, 340, for a discussion of this piece of legislation.

rival's, the Roman senator Symmachus, petition and, in doing so, attempts to undermine completely the formal functioning of the *consistorium* and its role in policy-making.²³³ Similarly, evidence from some fifth-century literary sources also suggests that influential individuals who did not hold an office at court were perceived to have been able to bypass the *consistorium* and influence the emperor to agree to certain petitions without any discussion having taken place. The empress Eudoxia, for example, persuaded the eastern emperor Arcadius to support a request for the destruction of pagan temples and privileges for traditional priesthods. In this case it is alleged that the empress summoned the quaestor and ordered him to compose a favourable reply to the petition.²³⁴ The influence of individuals always had the power to undermine the complex system of ranking as well as established procedures that define the court administration.²³⁵

The necessary inflation of status that accompanied bureaucratic expansion also resulted in a more disparate *consistorium* that became less a personal advisory council for the emperor and more a forum for the working out of the formal business of state. Its importance became increasingly ideological as opposed to practical. What references we have to the *consistorium* in later sources indicate that its main duties now encompassed ceremonial events like the granting of codicils of office, the receipt of loyal addresses and the distribution of largess. For example, already by the time of Julian, the *consistorium* was the forum for ritual displays of an emperor's largess towards the members of his bureaucracy. That emperor had to rebuke an *agens in rebus* who went to the *consistorium* to receive a gold offering as part of a ceremony but, instead of taking it in the fold of his

²³³ Amb., *Ep.* 72.8.

²³⁴ Marc. Diac., *V. Porph.* 50. Harries 1988, 158, examines this passage and its implications for the position of the quaestor in the later empire.

²³⁵ Kelly 2004, 103-105; 177-185; and 190-194.

mantle, as was custom, this official took it in his cupped hands.²³⁶ By the fifth century the *consistorium* had been sidelined as the main decision making forum in the empire in favour of the *comitatus*, the body of ministers closest to the emperor, thus undermining further the structured hierarchy of rule that is portrayed in the *Notitia Dignitatum*.

3.4 The *comitatus*

During the course of the fourth century, it was to the royal household, or *comitatus*, that the emperor increasingly turned to for advice. As the *consistorium* developed into a largely ceremonial body, the leading members who made up the top level of the *comitatus* met less formally and presented their decisions to that forum as *faits accomplis*.²³⁷ The shifts in influence which accompanied these changes in how the emperor made decisions were not reflected in the *Notitia Dignitatum* which continued to focus only on the leading court officials in its portrayal of the imperial administration.

3.4.1 *The evolution of the membership and function of the comitatus*

In the period before the court became a stationary entity, *comitatus* was the general term for the collective personnel who were attached to the emperor's person wherever he went.²³⁸ In the age of Diocletian, the *comitatus* was an entourage organised on military principles but which included administrative and household staff as well as soldiers.²³⁹ The scale of this human collective was huge, especially when multiple emperors with

²³⁶ Amm. 16.5.11.

²³⁷ *CJ.* 1.14.8 (446). Smith 2007, 198.

²³⁸ Smith 2007, 196: court personnel are known collectively as *sacer comitatus*, *domus sacra* or *domus aeternalis*.

²³⁹ Rees 2004, 28.

non-static courts each had their own *comitatus*.²⁴⁰ In addition to military officials, the *comitatus* was made up of the emperor's household, the *sacrum domesticorum*, which included the eunuch *cubicularii*; the *consistorium*; and the functionaries of the various officials at court together with their *scrinia*. Membership had always been affected by the lack of an objective system of promotion to high office, in addition to the granting of posts as imperial favours or through the exchange of money. Entry to the lower levels of the *comitatus* took place essentially without regard to social class and it often served as a broad pool of appointees to the most important offices of state.²⁴¹ This underlines the opportunity for change and the necessity of flexibility that was inherent in the membership of court society in the later empire. Ammianus makes reference to the place of the civilian members of this mobile *comitatus* in his description of Valens' engagement with the Goths at Adrianople in 378. While the army marched out from the city to face the enemy, the treasury, prefect and the *consistorianis* remained within the city's walls.²⁴² Within the peripatetic war courts of the fourth century imperial functionaries had to be prepared to face situations that demanded more of them than the conduct of their official duties as described in the *Notitia Dignitatum*. Indeed, the burden of continual movement and warfare that was placed on this body of individuals was recognised even by the emperor Constantine.²⁴³

²⁴⁰ Jones 1964, 51 and 367, assumed that each Augustus during the Tetrarchic period had his own *comitatus*, and that there were about 3000 military personnel who formed the *comitatus* of an emperor and an even greater number of civil officials. See also Corcoran 2000, 268-70 and Rees 2004, 28.

²⁴¹ Wolfram 1997, 55.

²⁴² Amm. 31.12.10. See also 31.15.2 and Ammianus' description of the *adventus* of the emperor Constantius into Rome in 357: 16.10.6-10, which gives some sense of the scale of the party. Libanius *Or.* 1.144, gives some impression of the impact of the sight and sound of the imperial retinue when it reached Antioch in 371 under Valens: Matthews 1989, 266.

²⁴³ *CTh.* 6.36.1 (326): where Constantine recognises that members of the mobile *comitatus* were no strangers to the dust and toil of military campaigning.

The evolution of the role of the *comitatus* in the fourth century is indicative of the change that occurred in court society generally in this period. Increasingly, our sources focused on the interaction of leading officials at court, the *celsae potestates*, as opposed to the formal meetings of the *consistorium*.²⁴⁴ Two interacting spheres of influence were perceived to surround the emperor: his *cubiculum* and a corps of high civil and military officials.²⁴⁵ Proximity to the emperor ensured their success and the top rank of *comes primi ordinis* was given *ex officio* to the leading members of the *comitatus*. Ammianus referred to them as *potestates excelsae*, *proximi* and the emperor's *amici*.²⁴⁶ John Chrysostom would later compare closeness to the emperor with closeness to God.²⁴⁷ The ability of these 'amici' to influence imperial decisions outside the confines of formal meetings of the *consistorium* is a theme that occurs even in fourth-century accounts. After the debauchery associated with the court of Constantius II, for example, Julian populated his *comitatus* with philosophers and *amici* whom he treated as equals; for this he was denounced by one of his most vocal supporters.²⁴⁸ According to Ammianus, the emperor Valens was dissuaded from giving up the imperial throne after the revolt of the usurper Procopius in 365 only by the advice of those closest to him (*proximis*).²⁴⁹ On the other hand, Valens was also accused of listening to the accusations of greedy men who were received as intimate and faithful members of the court.²⁵⁰

²⁴⁴ Amm. 28.6.9 (*celsae potestates*). See also Lib., *Or.* 11.194.

²⁴⁵ Millar 2006, 193.

²⁴⁶ Amm. 14.11.1; 15.8.2 and 30.4.1

²⁴⁷ Joh. Chrys., *ad Theodorum Lapsum* 1.12. Aug., *Conf.* 8.6: Ponticianus contrasts closeness to the emperor and closeness to God.

²⁴⁸ Amm. 22.7.1-4, denounced Julian for demeaning the imperial office when he ran from the senate house to embrace a philosopher whom he welcomed as if he were an equal.

²⁴⁹ Amm. 26.7.13.

²⁵⁰ Amm. 26.10.11.

3.4.2 *The role of the comitatus in the fifth century*

After the court became a static entity, the opportunity for its members to impose themselves on the emperor increased. According to our sources, one feature of this period when the empire became permanently divided was the ability of individual members of the *comitatus* to dominate the courts of younger and increasingly palace-bound emperors. Again the rigid hierarchy of rule encapsulated by the *Notitia Dignitatum* is undermined by such descriptions.

For example, historical accounts of the reigns of the emperors Arcadius and Honorius are dominated by references to leading members of the *comitatus* of each emperor acting according to his own interests without engaging in debate within the *consistorium*. The historian Eunapius perceived power to be resting with the western *comes et magister utriusque militiae* at the court of Honorius, Stilicho, and the *praepositus sacri cubiculi* under Arcadius in the east, Eutropius.²⁵¹ Indeed, the success Stilicho enjoyed illuminates very well the interconnectedness and importance of proximity to power that defined court politics. Stilicho benefited from his role as guardian of the young emperor, his marriage to the adopted daughter of Theodosius I, and his ability to place his supporters in top civilian as well as military posts.²⁵² When Stilicho's enemies began to move against him, one of their first acts was to kill the praetorian prefects of Italy and Gaul, the *magister officiorum*, and the quaestor, among other leading civilian officials, suggesting that they had received their positions through the patronage of the general and not the emperor.²⁵³ Stilicho's status as a leading member

²⁵¹ Eun., *fr.* 62. *PLRE* 1, Stilicho and Eutropius 2.

²⁵² Eun., *fr.* 60: Stilicho was married to the adopted daughter of Theodosius I but Eunapius, in error, states that he married that emperor's sister. See also Olymp., *fr.* 1 and 3 and Zos., *HN* 5.34.5.

²⁵³ Jones 1964, 344.

of the emperor's *comitatus* in an increasingly unstable western empire had evidently imbued him with influence that went far beyond his official remit.²⁵⁴

At the same time as Stilicho was utilising his position within the *comitatus* of Honorius, he was also employing the skills of the poet Claudian to write a series of invectives against the eastern eunuch Eutropius. In addition to displaying the commonly held disgust towards eunuchs, Claudian's vituperative work suggests that there was a perception among his readers that membership of the emperor's *comitatus* offered opportunities for advancement, influence and great riches even for the most despised of the empire's citizens.²⁵⁵ In this vein, Claudian bemoans the fact that Eutropius was elevated from the lowest of positions by his attainment of one of the highest honours in the empire.²⁵⁶ In a sop to the dynastic ambitions of Stilicho, who wanted to unite the empire under his guardianship of both emperors, Claudian accuses Eutropius of seeking to divide both parts of the empire and set the imperial brothers against each other.²⁵⁷ He was said to be surrounded by a body of lowborn flatterers whom he put in positions of importance.²⁵⁸ Such was his dominance at court that when he fell from power better health was restored to the palace because it had rid itself of such negative influences.²⁵⁹ Claudian's carefully formulated criticisms of Eutropius and the eastern court were part of a rhetorical exercise designed to portray Stilicho in a good light and as such cannot be taken as a realistic insight into the workings of the court or contemporary attitudes to the

²⁵⁴ Stilicho held the title of *magister utriusque militiae* and in this role he had command of the infantry and cavalry. In the *Notitia Dignitatum* the commands of both parts of the army are divided: *ND Or.* 5 and 6; *Occ.* 5 and 6.

²⁵⁵ Chapter 6 examines contemporary attitudes towards eunuchs and the status enjoyed by eunuch courtiers throughout the fourth and fifth centuries.

²⁵⁶ Claud., *In Eutr.* 1.155.

²⁵⁷ Claud., *In Eutr.* 1.155. Cf. Eun., *fr.* 62, who claims that both guardians were continually at war with each other.

²⁵⁸ Eun., *fr.* 62.2.

²⁵⁹ Claud., *In Eutr.* 2.15-20. Fall from power: Eun., *fr.* 64.1.

political situation in general.²⁶⁰ Yet in both Eunapius and Claudian, Stilicho and Eutropius are depicted respectively as influencing events, largely as a result of the proximity to power that membership of the *comitatus* bestowed, beyond the official scope of their position, under weakened emperors cowed by fear and flattery. Such descriptions of Stilicho and Eutropius suggest that the roles an office-holder was required to perform, and what degree of influence he might have on policy, cannot be deduced safely from the title and standing of his office.

The fluidity or flexibility of function that defined court politics in the later empire impacted on those who were closest to the emperor. When the usurper Attalus, who was raised to the throne first in 409, marched against Honorius at Ravenna, he was met by a delegation which probably constituted the emperor's close circle of advisors. Included among them were the prefect Jovian, Valens, *magister peditum et equitum*, and Potamius, the quaestor.²⁶¹ Diplomatic missions were not included in the remit of these officials in the *Notitia Dignitatum*. Moreover, when the prefect Jovian chose to support the usurper, there was much competition to replace him as the dominant member of court. In particular, it was his influence as a close advisor to Honorius, as opposed to his office of praetorian prefect, that was coveted. As a result, his pre-eminence at court was followed by that of the *praepositus sacri cubiculi* Eusebius, who was himself killed on the orders of the general Allobichus who went on to impose his influence on Honorius.²⁶² Such incidents not only show the uncertainty that was associated with holding a high post in

²⁶⁰ Kelly 2004, 166-168.

²⁶¹ Olymp., *fr.* 14. See also Zos., *HE* 6.7-13.

²⁶² Heather 2005, 256.

the later empire, but also the importance of proximity to power, more than the actual office an individual may have held, in the attainment influence at court.²⁶³

The division of empire and the emergence of permanent courts in the east and west after 395 changed the nature of imperial court politics. In the east, those members of the *comitatus* closest to the emperor became the focus of lobbyists such as Christian bishops, keen to secure imperial support for their specific brand of Church doctrine or aid for their own communities. Even those at a far remove from court, such as Synesius of Ptolemais, claimed to know who was dominant at the court, in this case, of the child emperor Theodosius II.²⁶⁴ Theodosius II assumed the throne aged seven and we are told that, as during the minorities of Arcadius and Honorius, decisions were made by the most powerful members of the *comitatus* as well as those closest to the child, such as his sister Pulcheria. Synesius set his sights on winning over Theodosius II's long-serving praetorian prefect Anthemius, a man who rose from humble origins to claim the top civilian post for nine years.²⁶⁵ Theodosius II's successor, Marcian, was also faced with the quagmire of religious disagreement that dominated eastern politics for much of the fifth century. In his attempts to attain consensus and to assert imperial control over events, Marcian sent leading members of his *comitatus* to represent him and keep control at the hugely important ecumenical council held in Chalcedon in 451.²⁶⁶ This suggests that the members of the *comitatus* were expected to perform a variety of functions and that there

²⁶³ Olymp., *fr.* 14.

²⁶⁴ For a detailed study see Liebeschuetz 1986, 180-95; Brown 1992, 135ff and Cameron and Long 1993.

²⁶⁵ *PLRE* 2, Anthemius 2. Synesius' letters to associates of Anthemius: *Epp.* 47; 49; and 73. Millar 2006, 214-216, examines Synesius' efforts to exert influence at Constantinople.

²⁶⁶ Millar 2006, 197, provides a list of the varying leading office holders and former ministers, including a *magister officiorum*, praetorian prefects and a *comes rerum privatarum*.

was interconnectedness between them and influential individuals outside the court, a fact that is not evident in the *Notitia Dignitatum*.

3.5 Conclusion

The *Notitia Dignitatum* provides an image of a stable and predictable system of Roman administration which, according to other sources, was instead characterised by complexity and ambiguity. Contemporary attitudes towards the *consistorium* in the fourth century and the leading members of the *comitatus* in the fifth emphasise the fact that what was perceived as important was status or rank in addition to the occupation of office. Such evidence needs to be placed alongside the information in the *Notitia Dignitatum* to attain a more nuanced understanding of how the court functioned. The growing importance of the *comitatus* in the fifth century suggests that there was no dominant political faction at court, civilian or military, but several competing interest groups made up of influential individuals. These groups consisted of people both inside and outside the court who vied with one another and tapped into the array of channels of communication at the centre of power in order to influence the emperor.²⁶⁷

The idea that the emperor could be persuaded by a number of different court officials undermines the stratified picture of rule in the *Notitia Dignitatum*. Open debate was, in theory, allowed at meetings of the *consistorium* and emperors entrusted their loosely defined inner circle of leading officials with responsibilities that went far beyond the remit of their offices. This level of flexibility is not evident in the delineation of offices in the *Notitia Dignitatum*. With the rise of the *comitatus* as the chief decision

²⁶⁷ See Millar 2006, 224-227, for the emperor as ultimate arbiter of decisions.

making body which was also open to a disparate grouping of individuals, the *consistorium* survived as a sign of bureaucratic dominance. It was still called to rubberstamp pieces of legislation, but our literary record is replete with examples of influential individuals, both inside and outside the court, bypassing such formal gatherings and influencing the emperor for their own advantage. As is the case with the *Notitia Dignitatum*, the continuation of the *consistorium*, long after it ceased to be the primary advisory body of the emperor, is indicative of the emphasis that was placed by the imperial authorities on how things should work rather than how they actually functioned.

In reality, a successful bureaucracy depended on the delegation of power to independent officials. However, an emperor had to avoid becoming trapped in a highly structured and convention bound court society.²⁶⁸ Out of necessity emperors encouraged informal arrangements within the leading advisory bodies at court, in the system of advancement and promotion and in the duties assigned to individual offices. The resultant deliberate chaos, though often exaggerated, was reflected in the accounts of contemporary literary sources. Such evidence underscores the limitations of the *Notitia Dignitatum* and the misleading information it provides on the actual functioning of late Roman court politics since it could not include such unofficial arrangements in its stratified lists. By comparing the information in the *Notitia Dignitatum* with other sources which offer a view of official power, it becomes apparent that it offers an artificial representation of what was a complex and fluid bureaucratic system.

²⁶⁸ Kelly 2004, 191.

4. The Reality of Court Politics (ii) The Praetorian Prefect

4.1 Introduction

In the preceding chapters I have argued that the *Notitia Dignitatum* provides a limited and systematically misleading account of the administrative structure of the later Roman empire. In particular, it presents a normative view of a system of government that is described as complex and unpredictable in other sources from the period. As we saw in the case of the *consistorium* and *comitatus*, access to the emperor often meant more in terms of influence than actual office. The resultant bureaucratic complexity such a system could create was not captured in the formal lists of the *Notitia Dignitatum*. For this reason this official document, with its numerous mistakes and omissions, needs to be considered alongside other accounts of the period to get a more rounded impression of the court bureaucracy.

In this chapter I expand upon the argument that the *Notitia Dignitatum* gives a misleadingly precise and circumscribed account of the late Roman bureaucracy by looking at the office of the praetorian prefect. The *Notitia Dignitatum* provides a formalised image of a post that had overall responsibility for judicial, financial and taxation matters within the empire. By producing four identical lists that outlined only the dioceses and junior officials under the control of the praetorian prefect, the *Notitia* provides a restricted view of an office which other sources suggest accumulated a variety of informal responsibilities and a large cache of influence within the imperial government. As a result, the information in the *Notitia* needs to be supplemented with

these other sources in order to get a better sense of the dynamic nature of the praetorian prefecture.

This chapter is therefore divided into two sections. First, I look at the fixed image of the office of the praetorian prefect as presented in the *Notitia Dignitatum* and compare this with examples from other sources which, by and large, reveal that this official was a powerful intermediary with the emperor and, as a result, hugely influential at court. I then seek to explain this development by looking at the history of the office, and argue that the policies of Constantine and his immediate successors revolutionised the place of this ministry in the civil administration. This post of praetorian prefect, I maintain, typifies the qualities of flexibility and change that defined late Roman politics; qualities that are largely ignored in the static list of functionaries provided by the *Notitia Dignitatum*.

The second part of this chapter is concerned with the particular influence attained by certain holders of the post of praetorian prefect. Our understanding of the workings of the *consistorium* and *comitatus* shows that the way court politics actually functioned was more informal, and so allowed individuals – who sometimes aligned themselves with competing interest groups – to become more important than the offices they occupied. In this respect, I concentrate on one praetorian prefect in particular, Rufinus, who held this office in the east from 393 until his death in 395. The influence he wielded during the reign of the emperor Arcadius contrasts strongly with the restricted role assigned to the praetorian prefect in the *Notitia Dignitatum*. While Rufinus was perhaps an unusual case, I conclude this chapter by reinforcing his example with those of other praetorian prefects from the fifth century who, in the absence of a strong emperor or facing military unrest, often swayed political decisions. Our knowledge of the divergent fortunes experienced by

the praetorian prefects in the east and west, I conclude, offers an alternative to the image of a predictable and unchanging imperial administration.

4.2 The praetorian prefecture in the *Notitia Dignitatum*

The *Notitia Dignitatum* has traditionally been used by historians as a major source for their analysis of the office of the praetorian prefect. In these works, however, little attention is given to the impact that the narrow focus of the *Notitia* – its four lists outlining only the dioceses and junior officers under the control of the prefect – has on our understanding of the document as a whole and the bureaucracy in general.²⁶⁹ Indeed, it is soon found that the *Notitia Dignitatum* offers limited information regarding the actual role of the praetorian prefect in the later fourth and fifth centuries, when, despite their official status, it seems that individual holders of the office had the opportunity to expand their sphere of influence beyond the duties delineated in this list. As a result, such details as are contained in the *Notitia Dignitatum* are often supplemented by scholars with references to the law codes and narrative histories, particularly that of John Lydus, a high-ranking official serving in the judicial branch of the eastern praetorian prefecture in the sixth century, to get some insight into the structure of the office and its departments.²⁷⁰ The overall picture painted by these sources makes clear that the

²⁶⁹ For example, see references to the development of the praetorian prefecture in the later empire in Jones 1964, 586-596; Chastagnol 1968, 321-352; 1982, 249-253; Cameron and Long 1993, 149-161, 316-318; Liebeschuetz 1990, 253-255; Kelly 1998, 174-175; and Slootjes 2006, 18-19. In his study of the Theodosian Code, Matthews 2000, 4-5, and 30, looked at the impact of the ideology of imperial unity on the production of this official document. Such a study has yet to be made of the *Notitia Dignitatum*. Indeed, Matthews himself used the *Notitia Dignitatum* to outline the duties of various court officials without reference to the reasons behind the production of identical lists for both parts of the empire: see, for example, pp. 73, 75, and 177-179.

²⁷⁰ In Lydus' work, *On the Magistracies of the Roman State*, there survives the only extant description of the operation and functioning of the late Roman administrative system by someone who was actually a member of it. However, the information he provides is tempered by his own bias towards the office itself;

praetorian prefect had long been in effect vice-emperor and had over the decades amassed an eclectic mix of duties.²⁷¹ As I will argue below, however, the extraordinary responsibilities entrusted to the praetorian prefect were eroded during the course of the fourth and fifth centuries as duties came to be divided among different court ministers. These changes could not be reflected in an administrative list like the *Notitia Dignitatum* and their consequent impact on how we should approach this document as a source for the administration of the later empire has yet to be tackled.

The remit of the praetorian prefects, according to the *Notitia Dignitatum*, was exclusively civilian, and each was aided by a large bureaucratic staff. It shows that all four posts, the *praefectus praetorio Orientis*; *praefectus praetorio Illyrici*; *praefectus praetorio Italiae* and *praefectus praetorio Galliarum*, were similar in structure.²⁷² Their high ranking – each was a *vir illustris* – is a reflection of their standing and influence within the imperial bureaucracy. The *Notitia Dignitatum* makes clear that the praetorian prefect was head of the provincial administration in his region. In this capacity each was responsible for the supervision of the lower administrative tiers, the diocesan vicars, the provincial governors and the town councils.²⁷³ The breadth of their administrative reach is underlined by the number of dioceses and, as a result, provinces which came under

the praetorian prefect under whom he spent his last years as a civil servant, John the Cappadocian; and the emperor Justinian. Moreover, he is a very late source for the fourth century and the structure of the government in his own day no doubt perpetuates the image of a static bureaucracy in his work. For detailed discussion of these topics see, in particular, Maas 1992, esp. 67-82; 83-96; and Kelly 2006, 431-458.

²⁷¹ *CTh.* 11.30.16 (331): this piece of legislation states that the praetorian prefect may hold court *vice sacra*, ie. in the emperor's stead. On this see Jones 1964, 448-462; Levy 1971, 230-232; and Cameron and Long 1993, 5.

²⁷² *ND Or.* 2 and 3; *Occ.* 2 and 3.

²⁷³ *CTh.* 1.7.2 (393); *Syn., Ep.* 127: he nominated provincial governors and supervised them. He could also appoint their successors with the emperor's approval. *CTh.* 1.15.4 (362) and 1.13.1 (394): he supervised the vicars. On this see Levy 1971, 231 and Kelly 1999, 174.

their control.²⁷⁴ The eastern praetorian prefect, for example, oversaw about fifty provinces, while the prefecture of Illyricum, as it appears in our copy of the *Notitia*, was made up of two of the largest dioceses in the empire, Macedonia and Dacia. In the west, the praetorian prefect of Italy was responsible for the dioceses of Italy, Africa and part of Illyricum; and in Gaul the dioceses of Spain, Britain and the Seven Provinces were the responsibility of the prefect. Despite the obvious disparity in size between the regions over which each prefect had control, the *Notitia Dignitatum* provides a standardised view of this office in the east and west.

The *Notitia Dignitatum* does not, therefore, reflect the informal distinction that grew up between the prefects of Italy and the east (*Oriens*), who resided in the imperial capitals and were leading members of the *comitatus*, and the prefects of Gaul and Illyricum who were at a further remove from court politics.²⁷⁵ This is evident, for example, in the number of rescripts received by the praetorian prefect of Gaul after 395: only nineteen survive, a very small number compared to the near one hundred and ninety that are recorded for the prefect in Italy in the same period.²⁷⁶ These and other differences reflect to a large extent the circumstances under which the four regional prefectures were established and developed. This of course goes undescribed in the *Notitia Dignitatum*, the function of which was not to provide a history of the administration of the empire. However, the ways in which these offices developed and adapted in response to the upheavals in the empire under the successors of Constantine reveal an administrative system which proved itself remarkably flexible in the face of changing political

²⁷⁴ *ND Or.* 2.1-58; 3.4-19; *Occ.* 2.5-42; 3.1-37.

²⁷⁵ Barnwell 1992, 59-63 and Kelly 1999, 174.

²⁷⁶ For a detailed discussion of this disparity and the type of rescripts that were addressed to the praetorian prefects in the west see Barnwell 1992, 58-60.

circumstances – and contrasts strongly with the depiction in the *Notitia* of an office with a predictable and heavily circumscribed set of duties and responsibilities.

4.2.1 *The development of the praetorian prefecture down to the fourth century*

The praetorian prefecture was a dynamic post whose importance was reflected in its continual accumulation of responsibility particularly, during the later empire, in the civil sphere of government. The office of praetorian prefect was established by Augustus in 2 B.C. when he placed equestrians at the head of his bodyguard, the *cohortes praetorianae*.²⁷⁷ Originally, their main function was to command the imperial bodyguard that protected the emperor but, over the course of the second century, they became concerned increasingly with civilian duties.²⁷⁸ The variety of responsibilities that defined the praetorian prefecture in the later empire is evident even in the time of the emperor Tiberius, in the early first century A.D., when the praetorian prefect Naevius Macro was given the task of investigating cases of high treason.²⁷⁹ It was under Diocletian that the office reached the pinnacle of its power: in addition to his military duties and his financial responsibilities, which included the recruitment, discipline and supply of troops, the praetorian prefect also had the right, on occasion, to act as a court of appeal and in the emperor's stead.²⁸⁰ However, reforms introduced by Constantine and continued by his

²⁷⁷ Cass. Dio. 55.10. He names the first men to be awarded this duty as Quintus Ostorius Scapula and Publius Salvius Aper. Cf. Joh. Lyd., *de Mag.* 1.14-15, 2.3, and Cass., *Var.* 6.3.1-2, who offer false alternative origin stories. For a discussion of the office before Constantine see, for example, Millar 1977 121-130; Barnes 1982, 123; and Lendon 1997, 184.

²⁷⁸ For accounts of the development of the praetorian prefecture under the principate, Howe 1942 and Absil 1997.

²⁷⁹ Cass. Dio. 58.21.3 and 58.24.2. See also Tacitus, *Annals*, especially book 4: for example, 4.1-3 and 4.68, for the role of the praetorian prefect Sejanus, his reforms of the office and his supposed influence over the emperor Tiberius.

²⁸⁰ Jones 1960, 50. There is evidence, for example, to suggest that even in the Tetrarchic period the praetorian prefecture was becoming an office for career politicians at court rather than the traditional office

sons, presumably as a reaction to the overwhelming influence that the praetorian prefect had accumulated, transformed the office so fundamentally that little attention will be paid here to the position during the Tetrarchic period.²⁸¹

Thus by 312 Constantine had disbanded the praetorian guard and removed the military powers of the praetorian prefects.²⁸² The *magistri peditum* and *equitum* now assumed this duty but, in one of the many examples of overlap of responsibility, the praetorian prefect remained in charge of army recruitment, supply of rations and the armament factories. In addition, the administrative duties of the praetorian prefect at court were transferred to the newly formed post of *magister officiorum*.²⁸³ This division of administrative responsibilities must necessarily have created greater interaction and competition within and between the leading offices at court. The apparent introduction of a system of checks and balances that is suggested by these changes is not, however, captured in the formalised lists of the *Notitia Dignitatum*.

Similarly, the *Notitia* shows us a static and definitive division into regions which in fact evolved more haphazardly. Certainly no strict division into four regional prefectures can be attested before at least the mid-fourth century.²⁸⁴ It was the regional

of distinguished military men. Corcoran 2000, 89, suggests that praetorian prefect Hermogenian, praetorian prefect at some point during the last years of Diocletian, held the posts of *magister libellorum* (east) and *magister libellorum* (west) before he became praetorian prefect under Diocletian. See also Rees 2004, 26.

²⁸¹ The administrative role of the praetorian prefect was advanced greatly in the early third century when he acquired disciplinary powers over the administrative personnel at court as well as in the provinces: Cass. Dio 52.24. See also *CJ* 1.26.2 (235), detailing the fact that a praetorian prefect could make general rules for the empire as long as they did not contradict the emperor. In the third century a number of praetorian prefects became emperors, including Philip the Arab, 244-249; Annianus Florianus, 276, *PLRE* 1, M. Annianus Florianus 6; and Aurelius Carus, 282-283, *PLRE* 1, M. Aurelius (?Numerius) Carus. For the perception in our sources that the praetorian prefect held power second only to the emperor see, for example, Aur. Vict., *de Caes.* 9.10-11 and Zos., *HN* 2.32.2.

²⁸² Abolition of the praetorian guard: Aur. Vict., *de Caes.* 40.25; Zos., *HN* 2.17. Loss of their military functions: Zos., *HN* 2.32.2-33.5. For an overall view see Jones 1960, 100-1.

²⁸³ Joh. Lyd., *de Mag.* 2.10-11; 2.25; and 3.41.

²⁸⁴ Cf. Zos., *HN* 2.33.1-2, who claimed that Constantine was responsible for the creation of the four regional prefectures. It is possible that Constantine broke with tradition and appointed some prefects to

division of the empire carried out by the sons of Constantine after 337 that led to the formalisation of the structure of the praetorian prefectures as the highest administrative units in the empire; the three areas which they ruled became the standing units of the provincial government.²⁸⁵ However, these divisions were themselves not fixed in the fourth century. Constantius II inherited control of the Greek east in 337 and, as a result, this area, with the exception of Macedonia, gradually became a standing unit in the administration under its own prefect.²⁸⁶ When the emperor Constans defeated his brother Constantine II near Aquileia in 340 and assumed control of Gaul, he abandoned the traditional system of appointing a prefect to serve an emperor rather than a region and instead assigned prefects to the administration of Gaul and Italy with Africa and Illyricum. However, in the case of Illyricum in particular, which may not have become an additional prefecture in its own right until the death of Theodosius I, the situation was more fluid.²⁸⁷ For example, towards the end of the fourth century responsibility for Illyricum passed on a few occasions to the east, usually as the result of military upheaval.²⁸⁸ The appointment of an additional praetorian prefect specifically for

govern fixed areas as opposed to accompanying the emperor everywhere. Jones 1960, 101 and Barnes 1982, 123 and 1992, 249-252. Constantine's prefects have been the source of disagreement for some time: see Barnes 1992, 249, nt. 1. For a prosopographical approach to the question of Constantine's prefects see Barnes 1982, 123-139; Cameron and Long 1993, 149-161; and Kelly 2006, 186. Constantine's sons, according to Eusebius, VC 4.51-52, each had a separate imperial establishment which, it is perhaps possible to assume, included a praetorian prefect.

²⁸⁵ Barnes 1982, 123-139; 1992, 249-260; and Errington 2006, 80.

²⁸⁶ Errington 2006, 81. Barnes 1992, 251, argues that this development occurred after Constantius became ruler in the west in 353 where he maintained the established regional prefectures and extended the system to the eastern empire.

²⁸⁷ Cf. Barnes 1992, 252, who argues that Constans set up a separate prefecture of Illyricum in addition to the prefectures of Gaul and Italy with Africa. Errington 2006, 81, argues that until after the death of Theodosius I, Illyricum remained attached to the prefecture of Italy. It is perhaps possible to assume that three regional prefectures based on the areas controlled by the sons of Constantine had emerged by the fourth century and it is only after divisions occurred between the brothers that changes were made to the regions controlled by the prefects.

²⁸⁸ For example, after the defeat of Valens at Adrianople, Gratian created a separate prefecture of Illyricum to administer the Balkan dioceses and had, by September 379, ceded control of them to the eastern emperor

Illyricum on these occasions was part of a more or less improvised response by the administration to the increasingly unstable security situation in the empire.²⁸⁹

Political events after Constantine continued to necessitate changes on the part of both the emperor and praetorian prefect. Nevertheless, the *Notitia Dignitatum* provides a snapshot of a particular set of arrangements which were neither natural or inevitable, and certainly not very long-standing. Developments had occurred throughout the fourth century, only for the *Notitia* to focus on the position of praetorian prefect as it stood towards the end of that period. However, to imagine these arrangements to be part of a carefully planned and systematic administrative arrangement is dangerous and the *Notitia Dignitatum* needs to be read with this in mind.

4.2.2 *The officia of the praetorian prefects in the Notitia Dignitatum*

The *Notitia Dignitatum* includes four almost indistinguishable lists delineating the functionaries who made up the *officium* of each of the praetorian prefects.²⁹⁰ Each of the four *officia* described is divided into two branches: the judicial and administrative, and the financial, which reflect the variety of administrative responsibilities entrusted to the praetorian prefect. The sheer size and importance of the post is made evident in the *Notitia* through the delineation of the leading members of the judicial and financial branches of the *officium* as well as the offices of the *exceptores*, shorthand writers divided into fifteen groups, who formed the basic administrative staff of the prefecture, and the *adiutores*, assistants drawn from the previous group who aided all the other

Theodosius I to help organise the Gothic war. For these developments see Errington 2006, 1-27 and Heather and Matthews 1991, 147-181.

²⁸⁹ For the temporary appointment of praetorian prefects to the region of Illyricum and the dates when this occurred see Chapter 2.

²⁹⁰ *ND Or.* 2.59-71; 3.20-32; *Occ.* 2.43-55; 3.38-50.

members of this division with the exception of the *princeps*.²⁹¹ Below these were the sub-clerical grades, the *singularii*, ushers, messengers and doorkeepers, who oversaw the practical functioning of the prefecture. As such, the *Notitia Dignitatum* provides an overview of the duties that praetorian prefects were responsible for and the staff who helped them. The basic list of the praetorian prefect's *officium* in each of the four entries contributes to the impression that this was a relatively static ministry. Yet, in reality, there was rarely such clarity of rank and function as described in this official document. It could not describe the informal influence open to the holder of this office, as well as those in close proximity to him, whose responsibilities encompassed the empire's taxation, military recruitment and supply as well as the administration of the law. The praetorian prefect's department was itself filled with officials with overlapping responsibilities and incentives to compete among themselves; and the influence of the office as a whole depended to a large extent on how successfully these energies and interests could be managed and directed towards coherent ends.

4.2.2.1 The judicial branch of the *officium*

The limitations of the *Notitia Dignitatum* as a source for the day-to-day administration of the later empire are evident when the developments within some of the junior posts under the authority of the praetorian prefect are examined. For example, the highest ranking officer in each of the *officia*, the *princeps*, who was in charge of the administrative staff and the activities of the department as a whole, was, from the time of Constantius II, drawn from senior members of the *schola* of the *agentes in rebus* which was under the

²⁹¹ *Exceptores*: ND Or. 2.69; 3.30; Occ. 2.53; 3.48. *Adiutores*: Or. 2.70; 3.31; Occ. 2.54; 3.49. See also Kelly, 1998, 178.

administrative control of a different senior official, the *magister officiorum*.²⁹² This is an example of the complex system of checks and balances by which emperors tried to limit the power of their chief officers within the increasingly centralised bureaucracy.²⁹³ The result was that, as in this case, an official's department was not entirely his own; while the introduction of competing and parallel chains of command gave rise to interdepartmental rivalries. Even in the sixth century, John Lydus can still be found complaining that the *princeps* was not an original member of the department and instead came from the *magistriani*.²⁹⁴

The *princeps* was aided by the *cornicularius*, a type of deputy chief-of-staff, who was the highest-ranking official to belong to the *officium* of the prefect.²⁹⁵ It was from this officer that the *princeps* took over the right to earn a fee for paperwork that he processed personally.²⁹⁶ From the later fourth century, all *suggestiones* and *relationes* passed through the offices of the praetorian prefecture. Thus, there was ample opportunity for a *princeps* to earn a substantial amount of money during his tenure.²⁹⁷ The opportunity to exploit this system for personal gain is made evident in the few pieces of legislation that survive in the law codes attempting to curtail individuals from issuing

²⁹² *CTh.* 6.28 for some trace of the development of the role of the *agentes in rebus* as chiefs-of-staff. See also Chapter 5.

²⁹³ This system of checks and balances is also evident in the method of control over the empire's system of communication, the *cursus publicus*, which developed during the course of the fourth and fifth centuries. The praetorian prefect had primary responsibility for the *cursus publicus*; it was officials under his control, the *regendarii*, who issued the warrants for its use: *ND Or.* 2.68; 3.29 and *Occ.* 2.52; 3.47. However, here too his authority was tempered by the fact that the *magister officiorum* oversaw the *agentes in rebus* who were the principal couriers and inspectors of the *cursus publicus*. On this see Chapter 5.

²⁹⁴ Joh. Lyd., *de Mag.* 3.12.

²⁹⁵ According to John Lydus, *de Mag.* 3.22, the *cornicularius* had been head of the praetorian prefect's staff since the foundation of the office. See Kelly 2004, 96.

²⁹⁶ Joh. Lyd., *de Mag.* 3.24.

²⁹⁷ *CTh.* 6.28.1-8: these pieces of legislation provide some insight into the growing authority of the *princeps* who had to countersign every document that came before them and charge a fee for doing so. Joh. Lyd., *de Mag.* 3.22-24, complained about the removal of this function from the *cornicularius* and suggests that this official lost about 14 pounds of gold every year as a result. See Kelly 2004, 96.

rescripts without imperial approval or through bribery of the prefecture's staff.²⁹⁸ Attempts were also made to prevent officials in the office of the praetorian prefect exploiting their positions to get favourable rates for sales they had made or on land they might buy in the provinces.²⁹⁹ Their proximity to power evidently advanced their ability to exploit the system for their own gain.

In addition, one of the main bases of the prefect's influence rested in his judicial role as a court of appeal and, as a result, he needed a dedicated and an increasingly large staff to help in his administration of justice.³⁰⁰ This is reflected in the fact that during the course of the fourth century new posts were created within the *officium*. Below the *cornicularius* in all entries of the *Notitia* is an *adiutor*, who assisted the *princeps*, followed by the *commentariensis*, who had responsibility for criminal trials, the custody of prisoners and for a staff of officials who punished those who were convicted. The *adiutor* emerged as an independent position only after 331, indicating that the responsibilities of the *princeps* had increased to such an extent that he needed extra assistance.³⁰¹ In addition, the position of *ab actis*, who oversaw civil cases and kept a record of the proceedings of the prefect's court and an index of cases under the names of the litigants, only came into being during the fourth century.³⁰²

²⁹⁸ *CTh.* 8.15.3 (364).

²⁹⁹ *CTh.* 8.15.5 (368).

³⁰⁰ *CTh.* 2.30.16 (331): appeals were not allowed from the courts of the praetorian prefects or the urban prefect of Rome (later this was extended to Constantinople).

³⁰¹ *CTh.* 8.1.2 (331): Constantine details the procedure for a *commentariensis* to ascend to the position of *cornicularius*. See also 8.15.3 (364): regarding sales and gifts to members of the administration, it lists in order of rank within the *officium* the *princeps*, *cornicularius* and *commentariensis*; also, 8.15.5 (368). Reference to the *adiutor*, or *primiscrinus* as this position was sometimes referred to, in the law codes under the praetorian prefect comes from 386: *CTh.* 8.8.4. Duties of the *commentariensis*: *CTh.* 9.40.5 (364); 8.15.5 (368); 9.3.5 (371); 9.3.6 (380); 9.3.7 (409); and Joh. Lyd., *de Mag.* 3.16.17. For a more detailed discussion of these pieces of legislation and their relevance to the *officium* of the praetorian prefect see Jones 1964, 587 and, esp., 171-2 nt. 58.

³⁰² For an overview of the functionaries who made up the *officia* of the praetorian prefects see Kelly 1999, 174. Duties of the *ab actis*: Joh. Lyd., *de Mag.* 3.20.27. The *primiscrinus*: *CTh.* 8.8.2 (379); 8.8.4 (386);

Within the judicial branch alone, the prefect was faced with a *princeps* whose loyalties most likely lay with a rival department, and who had opportunities to enrich himself and gain influence in his own right. Even among the more lowly officials in the judicial branch, there was evidently an element of fluidity, with responsibilities and new positions created in response to external developments. In this one branch of a single *officium*, then, we can glimpse already the emergence of the divisions and rivalries later articulated by John Lydus. The logical and predictable layout of the department in the *Notitia Dignitatum* tells us little of this and so gives a misleadingly static image of a complex political organisation.

4.2.2.2 The financial branch of the *officium*

Similarly, the *Notitia Dignitatum* does not reflect adequately the ways in which the praetorian prefecture, the most important financial department, allowed its holder to wield great authority in the provinces and at court. The practicalities of overseeing the budget of the empire could not be encapsulated in the brief list of high officials in the department which is all the *Notitia Dignitatum* provides. The praetorian prefects in the fourth and fifth centuries were responsible for the empire's budget: that is, they calculated the needs of the empire and the corresponding taxes and levies in order to provide the ration allowances of the army and civil service, and they oversaw military recruitment and supply.³⁰³ As a result they needed a large staff of accountants or

and Joh. Lyd., *de Mag.* 3.2.12. *Cura epistolarum*, Cass., *Var.* 11.23; and Joh. Lyd., *de Mag.* 3.5.21. *Regendarius*: Joh. Lyd., *de Mag.* 3.21 (title is wrongly given as *regerendarius* in the *Notitia Dignitatum*). *Adiutores*: Joh. Lyd., *de Mag.* 3.9, cf., 16, 20. *CTh.* 9.3.5 (371): *commentariensis*. *CJ* 2.7.36 (524): *ab actis*. *Chartularii*: Joh. Lyd., *de Mag.* 3.17.27.

³⁰³ Laws for the recruiting of soldiers: *CTh.* 7.13. Legislation regarding military supply: *CTh.* 7.4. *CTh.* 7.4.20 (393): the accounts of the military leaders were sent to him biannually for his approval. See also

scriniarii, but we hear only of their chiefs in the *Notitia Dignitatum*: the *numerarii* and their assistants, the *subadiuvae* and the *cura epistolarum*.³⁰⁴ Indeed, we have little information about the financial branch of this office save for what John Lydus wrote in the sixth century regarding the eastern prefecture.

Calculating the annual needs of the empire and the taxes and levies needed to pay for it made the financial duties of the praetorian prefect more complex than those of other financial officials. Some sense of the complexity is evident when John Lydus describes separate *scrinia* or departments responsible for the tax affairs and administrative expenses of each diocese; others oversaw payments or levies of money or commodities for public works and the state arms factories.³⁰⁵ Control of the arms factories themselves, however, came to rest with the *magister officiorum*, thus undercutting the military potential of the praetorian prefect.³⁰⁶ Another *scrinium* under the prefect looked after the treasury, while there were departments without the title of *scrinium* that maintained army rations, for example.³⁰⁷ A close look at the actual make-up of the department therefore suggests that here too the prefect will have had to deal with overlapping responsibilities and potential rivalries. His financial power was perhaps not as absolute as the *Notitia Dignitatum* might suggest.

Zos., *HN* 2.32-3; *Amm.* 14.7.2; 14.10.4, 20.4.6; and *Cass., Var.* 6.3. For a brief discussion of the financial duties of the praetorian prefect see Jones 1964, 448-449 and Kelly 1999, 174-175.

³⁰⁴ The *numerarii* were financial specialists who oversaw the receiving of taxes from throughout the empire. The *cura epistolarum* administered the paperwork associated with the financial branch of the office and the correspondence between the prefect and his *vicarii* and provincial governors who provided the prefect with information on the financial needs of the empire.

³⁰⁵ *Joh. Lyd., de Mag.* 3.5. Jones 1964, 450 and Kelly 1999, 175.

³⁰⁶ For a more detailed discussion see Chapter 5.

³⁰⁷ Kelly 1999, 175. *CTh.* 10.22.3 (390): Rufinus had control of the arms factories when *magister officiorum* in 390. According to John Lydus, *de Mag.* 3.40 and 2.10, the emperor Arcadius stripped the prefecture of its control of the arms factories and the public post after Rufinus' death. On this see Maas 1992, 87-88.

Nevertheless, as the official who dictated how much was to be paid to and taken from the citizens of the empire, the praetorian prefect occupied an extremely powerful position within the bureaucracy. Indeed, their power can be seen on those occasions on which their calculations were not entirely accurate and, as a result, extra levies had to be imposed. The opportunities for officials to exploit this discretionary right to levy extra taxes are evident in extant legislation under Julian, Valens, and then Gratian, which tried to impose controls upon and even outlaw the practice.³⁰⁸ However, perhaps because of awareness of these dangers, and of the fact that budgeting for the empire required the interaction of numerous members of the administration, the financial capabilities of the praetorian prefect became increasingly diluted. Here again we see the constant need to balance the power of high officers at court while facilitating them in their complex duties which defined court politics in the later empire. This balancing act is inevitably hidden from us by the standardised and static impression of government presented by the *Notitia Dignitatum*.

4.3 The practice of politics: the praetorian prefect in the fourth century

The information supplied by the *Notitia Dignitatum* regarding the duties of the praetorian prefect needs to be supplemented with other sources which give an alternative and, in most cases, a more rounded view of the complexity of the office. While the *Notitia Dignitatum* details the dominant place of the praetorian prefect in the administrative structure of the later empire, it did not account for the changes that affected it and the

³⁰⁸ Julian: *CTh.* 11.16.10 (362); Valens: 11.16.11 (365); and Gratian: 11.16.1 (382). See also Jones 1964, 451.

influence accrued by the office which allowed its holders to transcend the normal restrictions of a rigidly hierarchical system.

Many of our narrative sources describe individual praetorian prefects becoming more powerful than their emperor. Of course, we do not need to agree that they were literally more powerful than the emperor to accept that they were accorded considerable influence at court.³⁰⁹ Examples, such as those of Flavius Ablabius, praetorian prefect under Constantine, and Flavius Philippus, the prefect of Constantius II, suggest that opportunities existed for those closest to the emperor to add to their official duties.³¹⁰ The historian Eunapius contended that Ablabius had such influence over the emperor that he was able to engineer the execution of the acclaimed philosopher Sopater.³¹¹ Eunapius' aversion to Constantine, stemming largely from his religious affiliation, informed his description of the emperor and his officials.³¹² Nevertheless, the status and influence of Ablabius may well have exceeded the official duties accorded to the office in the *Notitia Dignitatum* since Constantine's son and successor Constantius II thought it prudent to have him killed.³¹³

Constantius II, it appears, came to rely as much on his closest ministers as his father had done. In this respect, his praetorian prefect Flavius Philippus is worthy of

³⁰⁹ For the exaggeration of the influence of imperial officials often for the sake of criticising an emperor see, in particular, Chapter 6 on eunuchs.

³¹⁰ *PLRE* 1, Fl. Ablabius 4. First attested as praetorian prefect: *CTh.* 11.27.1 (329). For dating see Barnes 1992, 251. There are countless difficulties involved in trying to date the years an individual was praetorian prefect, not least because of inaccuracies in the law codes. On this see, in particular, Barnes 1982, for his prosopographical approach to praetorian prefects from 284-337 and 1992, 253-260, for a list of prefects he argues can be dated to the period between 337-361. Also, Cameron and Long 1993, 149-154, for the difficulties in ascribing a date to the individuals who held the prefecture of the east between 396-404. This, they argue, is a result of the fact that a large number of rescripts survive in our law codes from this period so there is a lot of overlap between officials and confusion due to mistakes in dating these rescripts.

³¹¹ *Eun.*, *VS.* 6.3.9-13.

³¹² For a discussion of the problems involved in using Eunapius as a source see Blockley 1981, 1-26.

³¹³ *Eun.*, *VS.* 6.3.9-14; *Zos.*, *HN* 2.40.3; *Jer.*, *Chron.* s.a. 338.

mention.³¹⁴ Such was his eminence that he was one of the earliest settlers in Constantinople after its foundation by Constantine.³¹⁵ In addition, we are told that Philippus commanded troops in Constantinople in 344.³¹⁶ This is an indication of the fact that the actual functions of the praetorian prefect were not defined fully even under the sons of Constantine. The duties of office could be adapted in order to face a specific challenge to the empire. Indeed, according to Socrates, the power of Philippus' office exceeded that of any other governor of the provinces, and he, in this post, was styled second person from the emperor.³¹⁷ In this account, his judicial duties were extended to include implementing an imperial rescript which removed bishop Paul of Constantinople from his influential post. Philippus and his troops also had to maintain peace in Constantinople to ensure that a new bishop, Macedonius, could take control of the see. Admittedly, Socrates' account of the removal of Paul and the installation of Macedonius was coloured by a Nicene agenda. Moreover, by focusing on the role of the praetorian prefect, the part played by Constantius II in this decision is minimised. Nevertheless, the incident suggests that there was a perception among contemporaries that with the court still a mobile institution, the emperor relied on his praetorian prefect to attempt to calm the religious factions in Constantinople in his stead.

Indeed, the influence Philippus was able to wield is perhaps suggested by the circumstances surrounding his death. Although the exact details remain confused, it has been implied that he was put to death as a result of his abuse of his privileged position as

³¹⁴ *PLRE* 1, Fl. Philippus 7. Barnes 1992, 254, for the date of Fl. Philippus' prefecture.

³¹⁵ Errington 2006, 148.

³¹⁶ Soc., *HE* 2.16.2, 8.

³¹⁷ Soc., *HE* 2.16.2.

ambassador to the usurper Magnentius.³¹⁸ Here again is an example of a praetorian prefect exceeding the boundaries of his post. While Philippus' dealings with Paul may have fallen under the prefects' judicial functions as outlined in the *Notitia Dignitatum*, nowhere does this document suggest that leading officers could be entrusted with ambassadorial duties for the emperor.³¹⁹

Ammianus also remarked upon the authority and status of the office of praetorian prefect in the period before 395, when he suggested that under Constantius II all officials, civil and military, looked up to them as the pinnacle of all authority.³²⁰ The access enjoyed by the praetorian prefect to the centre of power and his continued role in the military decisions of the empire is evident in the role played by the Caesar Julian's praetorian prefect in Gaul, Florentius, who was chosen by the emperor Constantius II for this post. He was on hand to urge Julian to fight the Alemanni at Strasbourg in 357 and two years later, together with the *magister equitum* Lupicinus, he attended a meeting of the *consistorium* at Mainz to discuss a report on the Alemanni brought back by the tribune Hariobaudes.³²¹ Both argued for a crossing of the Rhine in that vicinity, but Julian ignored their advice. According to Ammianus, he was held in such high regard by the emperor Constantius that the latter's decision to send Gallic troops to the eastern frontier

³¹⁸ Zos., *HN* 2.46.2-47.2; 2.48.2; and 2.48.5: Philippus nearly succeeds in persuading the troops of Magnentius to desert, but in the end the usurper keeps Philippus with him. Cf. Jul., *Or.* 2. 97C: he persuaded the tribune Silvanus to defect to Constantius before the battle of Mursa in 351. Athanasius, *Hist. Ar.* 7.6, claims that Philippus was dismissed from his office with great dishonour and he died as an outlaw. For a discussion of the circumstances of his death see Swift and Oliver 1962, 247-264 and Barnes 1992, 244.

³¹⁹ After Philippus' death in exile, Constantius wrote what amounted to be an official apology addressed to the proconsul of Asia for what happened to the former praetorian prefect: Kelly 2004, 190. Cf. Barnes 1992, 255, nt. 244, who argues that Constantius wrote this letter of praise when Philippus was still alive. In this letter, Constantius decrees that monuments and gilded statues should be set up in honour of Philippus. See Swift and Oliver, 1962, 247-264 and Kelly 2004, 190.

³²⁰ Amm. 21.16.2.

³²¹ Amm. 16.12.14: Florentius urges the emperor to fight the Alemanni at Strasbourg. Amm. 18.2.7: urging Julian to cross the Rhine in 359.

in 360 came on the instigation of Florentius.³²² In a time when the court was not static and emperors and Caesars still took to the battlefield, Florentius did not confine himself to supplying Julian with information regarding the judicial or budgetary needs of the empire.³²³ Whatever the accuracy of Ammianus' account, and we must be aware of his bias against Constantius II and towards Julian, he conveys the influence that praetorian prefects were perceived to have over the emperor.³²⁴ In his account, Florentius, as the appointee of Constantius II, acts to some extent as a check on Julian's power in Gaul.

The importance of the office of praetorian prefect and the extent to which proximity to power advanced the influence of its holder is also evident in the immediate aftermath of Julian's appointment as sole emperor. Julian, according to Ammianus, recognised the advantage of cultivating a close relationship with his prefects.³²⁵ Indeed, one of Julian's first acts involved naming Salutius Secundus as praetorian prefect of the east, and placing him in charge of investigating and eliminating any magistrates opposed to him.³²⁶ Needless to say, this judicial responsibility went beyond the duties ascribed to the praetorian prefect in the *Notitia Dignitatum*. Secundus accumulated even more powerful responsibilities during Julian's short reign, including the authority to impose the death penalty on soldiers who avoided serving the emperor in his final campaign in the east.³²⁷

The extra powers entrusted to officials like Secundus or Florentius suggest that the duties of the praetorian prefect were always subject to change. They were not alone in

³²² Amm. 20.4.2.

³²³ In the case of the budgetary needs of the empire, Florentius' suggestion to impose extra levies in Gaul to make up a shortfall in the budget for 357 was rejected by both Julian and Constantius II: Amm. 17.3.2-5.

³²⁴ See also Lib., *Or.* 18.48, for animosity towards Florentius.

³²⁵ Amm. 20.4.8.

³²⁶ Amm. 22.3.1.

³²⁷ Amm. 23.5.6.

this regard as proximity to the centre of power advanced an individual's chance of gaining more influence beyond those ascribed by their office. In addition to their own force of personality, wealth or political ties, the status of a leading court official was often dictated by the needs of the emperor, for example, when confronted with the vicissitudes of the Christian Church or when faced with the threat of barbarian tribes. Evidence for the diversity of duties entrusted to individual praetorian prefects must be set against the more restricted image of the administrative system which is provided by the *Notitia Dignitatum*.

4.4 Rufinus and the praetorian prefecture

Flavius Rufinus was praetorian prefect of the east from 392 to 395.³²⁸ He captured the attention of ancient and modern historians alike due to the influence he was perceived to wield at the courts of Theodosius I and his son Arcadius. His prefecture is of particular interest here since it straddled the end of Theodosius' reign and the beginning of the new order ushered in under his successors, Arcadius and Honorius, when the empire was permanently divided between east and west. I have argued that the eastern section of our *Notitia Dignitatum* was drawn up just before Theodosius I went west to defeat the usurper Eugenius in 394.³²⁹ Rufinus, therefore, was praetorian prefect when the eastern *Notitia* was produced; but despite this the true extent of his personal influence at the time could not be reflected in an official administrative document which presented an impression of a court bureaucracy that was nearly identical in the east and the west.

³²⁸ *PLRE* 1, Fl. Rufinus 18.

³²⁹ See Chapter 2.

In this section I will examine the presentation of Rufinus in the work of the poet Claudian: courtier at the western court of Honorius and, due to a lack of extant material, our chief source for the career of Arcadius' praetorian prefect. Not only was he not an historian, Claudian was also the official propagandist for the *magister utriusque militiae* and *de facto* ruler of the west at the time of Honorius, Stilicho.³³⁰ His *In Rufinum*, which provides most of our information regarding Rufinus' career and the events leading up to his demise in 395, is an invective against the official and, therefore, gives a hackneyed catalogue of Rufinus' alleged crimes.³³¹ However, despite its obvious bias, it is also testament to the authority that leading ministers, in this case Rufinus and Stilicho, were perceived to wield at court by their contemporaries. By focusing on the alleged negative influence of Rufinus, as a means to champion the claims of Stilicho, Claudian reveals a lot of incidental detail about the organisation of the courts east and west. Moreover, in many of Claudian's poems there is a deliberate and repeated insistence upon the general unity of the two halves of the empire – in theory under Arcadius and Honorius – but in reality reflecting the political aims of Stilicho.³³² The youth and inexperience of the

³³⁰ Cameron 1970, 66. For a detailed discussion on his political bias in favour of Stilicho and the propaganda techniques he used to honour the *magister militum* see, in general, Cameron 1970, who argues that Claudian was Stilicho's official propagandist and, as such, presented his policies the way Stilicho wanted them to be seen. See also Cameron and Long 1993, 165-167, 227-228 and 246-250; Liebeschuetz 1990, 89-92; Kelly 2004, 166-169; and *PLRE* 1, Fl. Stilicho.

³³¹ Cameron 1970, 68, warns against using the material in the works of Claudian as a historically accurate record of the career of Rufinus. He was a poet producing vituperative material against the main impediment, as he saw it, to Stilicho's plans to unite the two parts of the empire under the nominal rulership of Arcadius and Honorius (but in reality with himself in the dominant position). Claudian's audience would have been aware of the fact that they were listening to a piece of invective and not a historical record of Rufinus' exploits.

³³² For Claudian's insistence on the united rule of Arcadius and Honorius see, for example; *III Cons. Hon.*, 189; *Gild.* 4-5; also *IV Cons. Hon.*, 437-438, where he prayed that the two brothers would take the consulship together as a sign of unity in the face of the threat of Gildo; also *In Eutr.*, 2.546-7. Stilicho's aims were never realised; he continued to administer the west in Honorius' name while in the east Rufinus was succeeded, in the unofficial role of *de facto* ruler, by the eunuch Eutropius, Aurelianus and another praetorian prefect, Anthemius, all of whom refused to acknowledge and even resisted Stilicho's claims to the east. On Claudian's use of the theme of unity in the empire see Cameron 1970, 51. Christiansen 1969, 133-120, shows that until his last two poems, Claudian was intent to create an image of an empire united

emperors Arcadius and Honorius coupled with the turbulent political events of 395 and beyond, demanded adaptability within the imperial administration. While in the west the threat of barbarian invasion or usurpation aided the status of the soldier Stilicho, in the east it was the civilian officials and women who dominated the court of Arcadius. In both the work of Claudian and the *Notitia Dignitatum*, however, we are provided with an idealised impression of the empire united either in its shared institutions or by the unifying source that was Stilicho.³³³

The fact that there was actually little in the way of unity in the empire after the events of 395 is made evident in Claudian's description of Rufinus as an agent of discord.³³⁴ It is the praetorian prefect whom Claudian, in his *In Rufinum*, has dictating the political and military decisions within the eastern empire, not the emperor or his *consistorium*.³³⁵ For example, he portrays Rufinus manipulating the emperor Arcadius into preventing Stilicho's easterly advance with an army of eastern and western soldiers in pursuit of the Goth Alaric, and into demanding the return of the eastern troops in his army.³³⁶ The main purpose of the two books of the *In Rufinum* was to offer a justification for Stilicho's actions in the east after 395 and an attempt to explain his inability to defeat Alaric. The majority of modern research done on the works of Claudian is concerned

under the protector Stilicho. He did not mention any division between the imperial brothers and instead blamed individuals like Rufinus for the problems within and between the courts.

³³³ A number of studies have been produced regarding the works of Claudian over the past thirty years. See for example, Cameron 1970; Levy 1971; Christiansen et al. 1988; and Cameron and Long 1993.

³³⁴ Rufinus as an agent of discord: *In Ruf.* 2.237-238 and *In Eutr.* 2.539-541.

³³⁵ Our knowledge of the literary techniques undertaken by Claudian in the *In Rufinum* has been expanded thanks to the works such as those of Cameron 1970 and Cameron and Long 1993.

³³⁶ *In Ruf.* 2.144-170. These returning troops are said to fear the wrath of the tyrant Rufinus, and yet the praetorian prefect is depicted celebrating the fact that he will secure control of the eastern empire for himself and escape the charge of tyranny. *In Ruf.* 2.268: the tyrant's wrath. *In Ruf.* 2.294: his aspirations, now he has the troops back, to take control of the east and west. *In Ruf.* 2.313-315: Rufinus believes he has escaped the charge of tyranny.

with the rhetorical techniques he used in order to achieve these ends.³³⁷ Claudian's audience, while aware of the fact that he was writing an invective and not a historical narrative, must have been willing to accept the idea that the praetorian prefect in the east and the *magister militum* in the west were dictating imperial policy in the immediate aftermath of Theodosius I's death.³³⁸

Claudian alleged that Rufinus attained and secured the post of praetorian prefect through underhand means: specifically through the exile of the praetorian prefect of the east Tatian in 391 and through the murder one year later of Tatian's son, the prefect of Constantinople Proculus.³³⁹ Claudian did not dwell on this affair, the truth of which is doubtful; instead, he used it to further his depiction of Rufinus as an innately cruel individual.³⁴⁰ Rufinus' rise to the most influential ministry, however, may have had something to do with the fact that he was a westerner as well as, in Claudian's opinion, a scheming and ambitious villain. For example, Tatian's predecessor was one Cynegius, a Spaniard and, perhaps, distant kinsman of Theodosius I, praetorian prefect in the east from 384 until his death in 388.³⁴¹ The subsequent appointment of Tatian, an easterner from Lycia, was perhaps due to the specific circumstances of the time; namely the necessity to have in charge someone who had the support of the locals while Theodosius was in the west taking on the usurper Maximus.³⁴² On his return, Theodosius reverted to

³³⁷ Cameron 1970 and Long 1996, 44-48.

³³⁸ For a discussion of Claudian's audience see Cameron 1970, 228-252.

³³⁹ *In Ruf.* 1.243-249. *PLRE* 1, Tatianus 5. *PLRE* 1, Proculus 6. For the condemnation of Tatian and Proculus see also Eun. *fr.* 59; Zos., *HN* 4.52; and *Chron. Pasch.* s. a 393.

³⁴⁰ Cameron 1970, 80, argues that Claudian does not go into the details of the Tatian and Proculus affair, neither of whom he even names, because he was not concerned with historical accuracy. He included it as an example of Rufinus' cruelty and was only one of many such examples.

³⁴¹ *PLRE* 1, Maternus Cynegius 3.

³⁴² On this see Holum 1982, 14-15 and Liebeschuetz 1990, 89, for a similar interpretation of Theodosius' motives in appointing Tatian and Proculus. Matthews 1975, 107-115, discuss of the favour Theodosius showed to his kinsmen and westerners.

form and appointed Rufinus, a westerner from south-western Gaul, to succeed Tatian.³⁴³ Regardless of the details, this episode suggests the presence of cliques at court from which the emperor could choose his leading officials. More than this, however, Claudian's narrative provides some incidental detail regarding the competing interest groups at court represented by the rival candidates for the post of praetorian prefect.

Once in office Rufinus may have used his authority to influence the decisions of the emperor at the expense of other leading officials and for the benefit of his own supporters. For example, the law codes include reference to the repeal of legislation by which all the inhabitants of Lycia, Tatian's home province, were deprived of the right to hold imperial office and of all the dignities they had so far amassed.³⁴⁴ Tatian had staffed the administration with loyal supporters; therefore, when Rufinus came to power he had to get rid of the Lycian old guard and ensure they could not rise to power again in order to secure his own position.³⁴⁵ The incidental detail regarding the practice of power as provided by Claudian, together with information in the law codes, suggests that both Tatian and Rufinus, in addition to the emperor, were able to impinge upon the hierarchical structure of authority at court for their own advantage. It was not the purpose of Claudian's narrative to give a detailed account of court politics and yet his condemnation of Rufinus' ability to impose himself and his supporters on positions of power is further evidence of the fact that the nature of office-holding in the later empire was malleable and subject to the networks of influence surrounding the emperor. There

³⁴³ Theodosius was not alone in ensuring his kinsmen attained the highest offices at court. Under Valentinian, for example, it was the Pannonians who assumed high office and under Gratian, Aquitanians. On this see Cameron 1970, 81 and Matthews 1975, 107-115. Rufinus came from Elusa in south-western Gaul: Claud., *In Ruf.* 2.137 and Zos., *HN* 4.51.1

³⁴⁴ *CTh.* 9.38.9 (396). Claudian makes a brief reference to this at, *In Ruf.* 2.230-231.

³⁴⁵ For the argument in favour of this view see, in particular, Cameron 1970, 81-82. The clearest example of Tatian's placing his associates in positions of influence is evident in the fact that his own son was made prefect of Constantinople. See also Liebeschuetz 1990, 89-90.

was nothing static or predictable about the administration in which Rufinus flourished as described by Claudian.

Other sources describe Rufinus interacting also with those outside the official hierarchy of authority when attempting to bolster his already powerful position. In this context, Zosimus, for example, used a traditional trope when he accused the praetorian prefect of trying to use a woman to further his influence over the emperor Arcadius.³⁴⁶ He is described as engineering events to marry his own daughter to Arcadius.³⁴⁷ In this regard, he was foiled by the machinations of the *praepositus sacri cubiculi* Eutropius. As I will argue later, eunuchs were another group used by ancient authors as examples of the underhand nature of official authority in the later empire. According to Zosimus, Eutropius ensured Arcadius married Eudoxia, the daughter of the Frankish general Bauto. In this way he further undermined the reputation of the praetorian prefect by presenting him as being outwitted by a eunuch and, perhaps unwittingly, portrays a court dominated by factions.

Rufinus obviously did more than regulate the judicial functioning and budgetary needs of the empire. However, Claudian was able to use the impression that Rufinus was overstepping what official authority he possessed in order to portray him as a threat to the unity and stability of the empire. The power entrusted to him as a result of his position as praetorian prefect allowed him more access and, therefore, influence with Arcadius than other courtiers enjoyed.³⁴⁸ Claudian's work does suggest that the Roman government in the later empire was often violently competitive and that the decisions of the emperor

³⁴⁶ For the portrayal of the role of women at court and the importance of dynastic marriage see Chapter 6.

³⁴⁷ Zos., *HN* 5.3.

³⁴⁸ Lendon 1997, 184.

were often dictated by the networks of influence that surrounded him. Moreover, it underlines the fact that with the death of Theodosius I came the demise of the tradition of the soldier-emperor, and this had huge ramifications for the nature of court politics in the fifth century. In the east, especially, it allowed for the continued dominance of civilian officers, including praetorian prefects, over court and imperial politics.

4.5 The praetorian prefect in the fifth century

4.5.1 The situation in the west

In the fifth century the position of praetorian prefect remained important despite the upheavals experienced in the empire, particularly in the west. The extent of a praetorian prefect's influence was always closely tied to the fortunes of his emperor. In the fifth century the western empire and its leaders were buffeted by numerous threats both internal and external, and it was military men who thrived in that atmosphere. Nevertheless, the civil administration continued to function and the praetorian prefecture, to judge by references in our sources, retained its public profile, indicating that it remained a significant position. It was hampered by the fact that in the fifth century the western imperial government was less able to conduct its foreign policy according to its own terms, which impacted on issues of taxation and recruitment: two fundamental duties of the praetorian prefect.³⁴⁹ Yet, it continued to be a sought-after post which was awarded, in the time of Honorius especially, as the pinnacle of a career devoted to the public service.³⁵⁰ The prefecture of Italy provides some good examples of this, as the connections between the senate and court at Milan and then Ravenna increased during the

³⁴⁹ Matthews 1990, 262.

³⁵⁰ Jones 1964, 177 and also 33, nt. 8, for information regarding the early careers of some of the praetorian prefects in Italy during the reign of Honorius.

fifth century, ensuring that powerful senatorial men came to hold court office and advance their ability to have an impact on imperial politics.³⁵¹

Until his death in 408, it would appear that Stilicho, and his supporters, had a significant role in determining who held the chief positions at court. This implies that the strict hierarchy of authority in the *Notitia Dignitatum* could be somewhat ignored for personal ends. For example, we are told that Stilicho appointed the hugely experienced court official Fl. Mallius Theodorus as his praetorian prefect in Italy in 397-399, specifically to implement such unpopular measures as raising recruits from senatorial estates.³⁵² Here again the military needs of the western empire dictated the duties demanded of the praetorian prefect.³⁵³ However, it is interesting to note that despite the predominance of military might at court in this period, Stilicho still seems to have needed the support of an established civilian politician for ideological reasons. In addition to Theodorus, members of his family were appointed to high office along with him: his son was made praetorian prefect of Gaul in 397, while his brother became prefect of Rome in 398.³⁵⁴

Conversely, the death of Stilicho resulted in the demise of many of his associates, among them former praetorian prefects. This suggests that he had been surrounded by a

³⁵¹ For the rise of Roman senatorial influence at the western court see Weber 1989, 472-497 and Matthews 1990, 358-359.

³⁵² *PLRE* 2, Fl. Mallius Theodorus 64. Symmachus suggests that he was appointed to implement the unpopular measures of Stilicho: *Ep.* 6.64. For a discussion of his earlier career and his relationship with Stilicho see, for example, Matthews 1990, 74 and 262-266.

³⁵³ Evidence from the law codes supports the idea that the military needs of the western empire now determined the duties of civilian as well as military officials. In the period just before the accession of Valentinian III, 425-455, for example, there are laws attributed to the praetorian prefect of 423, Venantius, *PLRE* 2, Venantius 1: as *comes* in 422, he oversaw the implication of new fixed tax rules in North Africa: *CTh.* 16.28.13 (422); and in 423, as praetorian prefect, he enforced limits on the taxing of decurrions: *CTh.* 6.23.2 (423). Also Proculus, praetorian prefect in 423, established the grounds for bringing a suit against the estates of shipmasters in North Africa: *PLRE* 2, Proculus 1. For the curial and military interests of the praetorian prefect in this period see Weber 1989, 476 and Jones 1964, 448-449, nt. 94 and 95

³⁵⁴ Matthews 1990, 262.

clique of his own supporters. Fl. Macrobius Longinianus, for example, was a supporter of Stilicho with a long record of service in the office of the *scrinium memoriae*.³⁵⁵ Thanks to his association with the *magister utriusque militiae*, however, he scaled the administrative ladder and became urban prefect of Rome and prefect in Italy by 408.³⁵⁶ His association with the centre of power and his perceived influence is suggested by the fact that he, together with the *magister officiorum*, quaestor and the former praetorian prefect of Gaul were killed after troops mutinied at Ticinum in 408 when the emperor and his court were *in situ*.³⁵⁷ He was presumably deemed too influential and too much of an associate of Stilicho to escape his grisly end. Indeed, the office of praetorian prefect played an important role after the death of Stilicho. Theodorus, who became prefect in Italy immediately after the fall of Stilicho, received a series of laws attacking and dismantling the regime of the *magister utriusque militiae*.³⁵⁸

The exploitation of the vacuum left after Stilicho's death by the praetorian prefect Jovius, prefect of Italy in 409, is further evidence of the ability of officials closest to the centre of power to exploit their position to gain additional influence and accumulate extra responsibilities.³⁵⁹ Jovius was described by Zosimus as being the chief influence over Honorius, and he expanded the remit of the prefecture by entering into negotiations with

³⁵⁵ *PLRE* 2, Fl. Macrobius Longinianus.

³⁵⁶ For a discussion of his advancement up the administrative ladder see Matthews 1990, 260 and 280-281. He may have held the prefecture of Italy twice in 406 and 408 but the evidence is not clear and it is possible that he was in fact praetorian prefect of Gaul in 406: *PLRE* 2, 686. If he did hold the post of praetorian prefect of Italy twice this could be used as evidence for the narrowing of Stilicho's support in the later years of his regime: Matthews 1990, 281.

³⁵⁷ Zos., *HN* 5.32.3-6: here he notes that among a number of Stilicho's supporters who were killed were Limenius, the former praetorian prefect of Gaul, Naemorius, the *magister officiorum*, Salvius, the quaestor and Longinianus, the praetorian prefect.

³⁵⁸ For example: *CTh.* 9.42.20-21 (408): this allows for the fortunes of proscribed politicians to be claimed by the imperial fiscus; 9.40.20 (408): exile ordered for any of the proscribed who had succeeded in seeking sanctuary at Rome or the imperial palace; and 9.42.22 (408): men who had given money to Stilicho to aid his policy towards the Goths were not allowed to claim it back.

³⁵⁹ *PLRE* 2, Iovius 3.

the Gothic leader Alaric.³⁶⁰ Such was the perception of Jovius' relationship with Alaric that Zosimus has him suggest that Honorius honour the barbarian with the title of *magister utriusque militiae*; the previous holder of this had of course been Stilicho.³⁶¹ Honorius also allegedly declared that Jovius, as praetorian prefect, was allowed to suggest arrangements concerning the supplies for Alaric, but not to negotiate ranks and offices on the emperor's behalf.³⁶² The impact that outside military events had on the functioning of the civil administration in the fifth-century west is evident in the fact that Jovius eventually switched sides and supported the puppet emperor, Attalus, installed by Alaric at Rome, under whom he was made praetorian prefect and a *patricius*.³⁶³ The western empire was being torn apart by internal and external enemies, and its administrative system was being replicated and exploited by these new barbarian invaders. Conversely, the praetorian prefects in these examples are also exploiting the situation by deliberately testing or overstepping the 'official' boundaries of their office as set out in the *Notitia Dignitatum*. Like all court officials, they were often more than willing to adapt to these changed circumstances: they evidently did not regard their position as a static one with a fixed set of duties.

The ability of the praetorian prefect to adapt to different circumstances is further underscored by the changes that happened to the position during the thirty-year reign in the west of Valentinian III. For twenty-five of these years the Theodosian Code records just fourteen men as having held the post of praetorian prefect of Italy.³⁶⁴ During this

³⁶⁰ Zos., *HN* 5.48.1-3. See also Soz., *HE* 9.7.4, for the circumstances leading up to these negotiations between Jovius and Alaric and the demands the praetorian prefect put before Honorius on behalf of the gothic leader. See Matthews 1990, 274 and 295-299 and Halsall 2007, 203 and 215.

³⁶¹ Zos., *HN* 5.48.4.

³⁶² Soz., *HE* 9.7.3.

³⁶³ Zos., *HN* 6.8.1 and Olymp., *fr.* 13.

³⁶⁴ Weber 1989, 476.

time there emerged a trend toward a diminishing group of repeat praetorian prefects who used their family connections and public status to advance their careers.³⁶⁵ The appearance of the same people holding this important administrative office can be seen as an attempt by those in authority to bring some stability to an increasingly divided empire. In addition, however, the predominance of certain families as holders of the office suggests that perception of influence, name recognition and the impact of patronage often did more for a career than ability and a history of public service at all levels.³⁶⁶

An obvious example of the power of the family name is evident in the rise of Nicomachus Flavianus to the prefecture of Italy, Africa and Illyricum from 431 to 432.³⁶⁷ He was the son of Virius Nicomachus Flavianus: praetorian prefect of the usurper Eugenius, advocate of a pagan revival and one of Theodosius I's greatest foes.³⁶⁸ The younger Flavianus had held the urban prefecture under Eugenius but, despite this family association with a usurper, he could return to public life just five years later.³⁶⁹ His aristocratic credentials were also bolstered by the fact that his father-in-law was the Roman senator Symmachus.³⁷⁰ Praetorian prefects such as Bassus, praetorian prefect in Italy in 425 and 435, and Anicius Acilius Glabrio Faustus, prefect in 437-438 and again in 442, also adhere to the pattern of great senatorial families coming to dominate senior

³⁶⁵ Weber 1989, 481.

³⁶⁶ From the 420s onwards the praetorian prefecture of Italy became the preserve of the great senatorial families. For examples see Jones 1964, 177; Weber 1989, 480-497; and Matthews 1990, 358-359.

³⁶⁷ *PLRE* 1, Nicomachus Flavianus 14.

³⁶⁸ For the career of Virius Nicomachus Flavianus and the dispute which revolves around dating his first prefecture and his subsequent relationship with Eugenius and the court of Theodosius I see, for example, Errington 1992, 439-461 and Matthews 1997, 196-213.

³⁶⁹ Urban prefect 399: *CTh.* 14.10.3 and in 400: *CTh.* 13.5.29. For the gesture on the part of Valentinian III and Theodosius II to officially rehabilitate the memory of Virius Nicomachus Flavianus, and so also his relatives, by sending a letter to the Senate in Rome see Errington 1992, 441-442.

³⁷⁰ *Symm., Ep.* 2.88; 4.51; and 8.23.

court positions.³⁷¹ The fact that these men belonged to leading families and enjoyed close proximity to the emperor and his advisors raised the suspicion that proximity was increasingly a key qualification for the post.

It is also interesting to note that Anicius Acilius Glabrio Faustus received the position of praetorian prefect of Italy, Africa and Illyricum following his attendance at Constantinople for the wedding of Valentinian III and Eudoxia as envoy of the Roman senate. In this position he was entrusted with the promulgation of the Theodosian Code in the west.³⁷² In these events we can see a clear attempt to promote concord and a united empire. The *Notitia Dignitatum*, which seems to take remarkably little account of the developments in the role of the praetorian prefect, among others, may perhaps be seen as contributing to this in its image of a stable, predictable and united administration in the east and west.

4.5.2 *The situation in the east*

In the fifth-century east the influence attained by praetorian prefects beyond what was ascribed to them in the *Notitia Dignitatum* resulted from the fact that this part of the empire could, at times, be run effectively without regard to the person of the emperor at all.³⁷³ The long reign of Theodosius II brought a certain amount of stability to the eastern government and ensured homogeneity in outlook and policy in court circles. This continuity is most apparent in the office of praetorian prefect, particularly during the period of Theodosius II's youth. The successors of Rufinus were men of similar

³⁷¹ *PLRE* 2, Fl. Anicius Auchenius Bassus 8 and *PLRE* 2, Anicius Acilius Glabrio Faustus 8. See also Chastagnol 1962, 286-289.

³⁷² For Faustus' role in the promulgation of the Theodosian Code and his status as senatorial envoy to Constantinople see Weber 1989, 481; Matthews 1990, 34; and 2000, 1-2; 4-8; 31-35; 42-44; and 48-54.

³⁷³ Harries 1994, 36.

background who vied with each other for patronage and influence; unlike in the west where the declining political events resulted in competition between the different aims and agendas of rival leaders.³⁷⁴ Yet despite continuity of government and the ability of certain praetorian prefects to amass great responsibility, theirs remained a precarious position. They were liable to be cut down from their place by the legitimate ruler trying to reassert his position or by power-hungry ministerial rivals who tried to poison the mind of the emperor against his favourite.³⁷⁵ There was nothing ordered about this, and both the tactics used and power gained went far beyond the limits ascribed to their office in the *Notitia Dignitatum*.

The dominant figure in the early years of the reign of Theodosius II was the praetorian prefect Anthemius.³⁷⁶ Such was the extent of Anthemius' extraordinary status at court that Synesius of Cyrene, in an address delivered in 410/11, urged an associate in search of assistance against barbarian incursions in his province to write to Constantinople, and in particular to Anthemius.³⁷⁷ The rigid hierarchy of the governmental system detailed in the *Notitia Dignitatum* should thus be contrasted with the actions of individuals like Synesius who did not address the emperor directly but sought to gain access to imperial authority through a number of different powerful intermediaries.³⁷⁸ Socrates, looking back from later in the reign, went further and claimed that, as a result of Theodosius II's youth, the running of public affairs was entirely

³⁷⁴ For the argument that that competition at the court of Arcadius and later Theodosius II revolved around patronage and power and not ideology, Liebeschuetz 1990, 132 and Cameron 1982, 272. Cf. Holum 1982, 86, nt. 1.

³⁷⁵ Jones 1964, 344.

³⁷⁶ *PLRE* 2, Anthemius 2.

³⁷⁷ Millar 2006, 215. See also *Epp.* 47; 49; 73; and 79, for Synesius' attempts to influence Anthemius. On Synesius' correspondence see also Cameron and Long 1993, 68 and 69.

³⁷⁸ See Millar 2006, 214-224, on the means by which interested parties identified and approached intermediaries at the court of Theodosius II whom they believed had influence with the emperor.

entrusted to Anthemius.³⁷⁹ Such was his status within the eastern court, therefore, that he allegedly claimed regency over the seven-year-old emperor from 405 to 414.³⁸⁰ As was the case with Rufinus, however, to some extent Anthemius is stereotyped here as the overweening ‘grand vizier’. However, more than forty imperial laws that were addressed to him as praetorian prefect are included in the Theodosian Code and it is likely, given his proximity to the emperor, that his influence was felt in the formulation of laws whether they were addressed to him or not.³⁸¹

Anthemius’ ability to use his influence to impact court politics for nearly ten years fits the pattern of senior court officials occupying posts that were far more complex in their remit than the *Notitia Dignitatum* suggests. He had the opportunity to influence court politics not only because of the duties entrusted to him through his office but also as a result of political circumstance: in this case the youth of the emperor, and the importance of networks of influence in the functioning of court politics. Like that of Rufinus, Anthemius’ praetorian prefecture came at a time of transition for the eastern empire following Arcadius’ death. The impact of contemporary political events like this changed the character and underscores the flexibility of the office.

³⁷⁹ Soc., *HE* 7.1. Here Socrates also attributes to Anthemius the building of the walls of Constantinople.

³⁸⁰ As was the case with Rufinus, while these claims of regency had some justification there cannot have been any such formal arrangement attached to a specific office. Cameron and Long 1993, 154: at nt. 32 they argue that the notion of a formal arrangement is further undermined by the fact that Anthemius’ predecessor as regent was a eunuch chamberlain, Eutropius, while Honorius’ regent was a *magister militum*.

³⁸¹ Millar 2006, 226. Millar argues that many laws resulted from *suggestiones* sent by individual ministers to the emperor. This advances the idea of collective decision-making between such bodies as the *consistorium*, *comitatus* and the senate.

4.6 Conclusion

After 420, the praetorian prefect was often overtaken in influence by other leading civilian officers at court, such as the *magister officiorum* or the *praepositus sacri cubiculi*, or even a powerful wife or sister of the emperor.³⁸² Up to this point, however, successive praetorian prefects, east and west, had a dominant position at court. In the west, military circumstances resulted in authority resting increasingly in the hands of the emperor's military officials. Nevertheless, even in the fifth-century west the praetorian prefect, because of his proximity to the centre of power and his access to other intermediaries inside and outside the court, remained an influential presence. In the east, the civil administration continued to flourish and, until the 420s, the praetorian prefect retained his place as the *de facto* head of government.

The extraordinary influence attributed to praetorian prefects such as Rufinus and Anthemius in contemporary sources suggests that the administrative system was not static, but was instead often divided and subject to the vicissitudes of its rulers and their closest ministers. The *Notitia Dignitatum*, with its generic catalogue of the duties and junior officials under powerful ministers such as the praetorian prefect, presents a limited and so, to an extent, a misleading insight into the functioning of the bureaucratic system in the later empire. It could not include details of how the holders of this position, as a result of the difficulties faced by the empire at large, often assumed duties that went beyond those it attributed to them. Their functions were to a large extent determined by individual circumstances which were not, and could not be, included in the *Notitia* which

³⁸² After Anthemius, for example, his successor Monaxius was the last prefect to hold the office for a significant duration: Liebeschuetz 1990, 134-135. This decline in the influence of the praetorian prefect came at a time when the emperor's sister Pulcheria is perceived in our sources to have begun to influence the court of her brother. On the role of the *magister officiorum* in the fifth-century eastern empire see below Chapter 5. For the influence of Pulcheria at the court of Theodosius II see below Chapter 6.

presents a normative view of the imperial bureaucracy. Its portrayal of the late Roman administration needs to be considered alongside other sources in order to attain a more general understanding of how historical realities could run counter to the formal hierarchies and structures of government that it records.

5. The Reality of Court Politics (iii) The *Magister Officiorum*

5.1 Introduction

The purpose of this thesis is to provide a comprehensive study of the *Notitia Dignitatum* as a source for the later Roman bureaucracy by examining the text and the problems it presents especially when compared to other evidence from the period. As we have seen, other sources suggest that the court was not a static institution and its day-to-day functioning was less formal than the circumscribed lists of the *Notitia* imply. The evidence in the case of Rufinus as praetorian prefect suggests that they were right – if not in all the details, then at least in the general sense that roles at court were not fixed. In particular, the diversity of duties that senior court officials, such as the praetorian prefect, were often required to perform and the degree of influence that they might have over the emperor cannot be deduced accurately from the title and apparent standing of their current ministry in an official document like the *Notitia Dignitatum*.

In this chapter I look at the development of the office of the *magister officiorum* to further the argument that, while we cannot dismiss the details contained in the *Notitia Dignitatum*, we must reconsider how we use the information it provides in light of our understanding of other contemporary accounts of the imperial court. Initially, after the inception of the office under Constantine and Licinius, the *magister officiorum* controlled the palatine administration through his supervision of the *scrinia* or secretariats of the court.³⁸³ However, the office evolved over the course of the fourth and fifth centuries and

³⁸³ The office of the *tribunus et magister officiorum* is first attested to in the era of Constantine and Licinius: pronouncements from Constantine in 320 and 323 make reference to the *tribunus et magister officiorum*; see *CTh.* 16.10.1 (320), which includes reference to Heraclianus in the post, and 11.9.1 (323),

its duties came to encompass responsibility for the *cursus publicus*, the imperial communication system; the *fabricae*, the imperial arms factories; and the *agentes in rebus*, the inspectors and couriers of the imperial post who were often entrusted with special missions.³⁸⁴ Indeed, it was the *magister officiorum* who benefited most from the deliberate diminishing of the power of the praetorian prefect during the course of the later empire.³⁸⁵ In this chapter I argue that the known complexity of the role of the *magister officiorum* needs to be considered alongside the more formal presentation of the office that appears in the *Notitia Dignitatum*.

I begin, therefore, by comparing the description of the office provided by the *Notitia Dignitatum* with information from other sources which, for the most part, describe a more flexible position at the heart of government. The creation of the office of *magister officiorum* had in the first place represented a significant systematisation under one senior official of a series of disparate functions that, during the principate, had been associated with a range of different departments.³⁸⁶ As with the praetorian prefect, the breadth of the role and the number of officials under him meant that the department was not entirely the *magister's* own. The overlapping responsibilities and potential rivalries that the holder of this post would have had to deal with are not evident in the *Notitia*. In addition to the variety of official duties thereby associated with this office, I argue that the non-official

which mentions Proculianus as *tribunus et magister officiorum*. Zos., *HN* 2.25.2, refers to Martinianus who was *magister officiorum* and later Caesar under Licinius. See also Millar 1977, 107 and Barnes 1981, 76 and nt. 161, for coins that indicate the short tenure of Martinianus' reign, and *PLRE* 1, Martinianus 2. Jones 1964, 103 and Delmaire 1995, 75, argue that the office was an innovation of the emperor Constantine, but cf. Boak 1919, 25, who suggests that the existence of two *magistri officiorum* at the time of Constantine, and the use of *tribunus* in the full title of the office, corresponds to the organisation of the court along military lines under Diocletian. For a similar stance see Barnes 1981, 256.

³⁸⁴ Kelly 2004, 206.

³⁸⁵ See above Chapter 4.

³⁸⁶ In the same period the offices of the imperial quaestor and the leading financial officials at court, the *comes sacrarum largitionum* and the *comes rei privatae*, also emerged. These reforms strengthened both the position of Constantine in his newly reunified empire, in 324 following his defeat of Licinius, and the institution of central government. On this see Kelly 2006, 191.

functions frequently assumed by individual *magistri* suggests that the impression of a strict hierarchy of authority in the *Notitia Dignitatum* could be further challenged for personal gain.

The second part of this chapter expands upon these arguments by focusing on the careers of individual *magistri officiorum*. Like the praetorian prefect, the *magister officiorum* was part of that senior corps of advisors who were perceived by those outside the court to wield considerable informal influence over imperial politics. It was in his role as *magister officiorum*, for example, that Rufinus perhaps gained for the office the status of *vir illustris*.³⁸⁷ Such suggestions hint at the distinctive contributions of individual *magistri* as well as the fluctuating nature of responsibilities amongst court officials that defined later Roman politics. Finally, I examine the evidence for the fact that political circumstances allowed certain *magistri officiorum* to assume a position of dominance, particularly in the eastern court, which far outweighed their official status as described in the *Notitia Dignitatum*. A grasp of these differences and of the flexibility of the office will help us to recognise the limitations of the standardised lists by which this post is represented in the *Notitia*.

5.2 The *magister officiorum* in the *Notitia Dignitatum*

The office of *magister officiorum* has been described as something like the head of the later Roman civil service.³⁸⁸ The *Notitia Dignitatum* does detail the broad scope of the

³⁸⁷ *PLRE* 1, Fl. Rufinus 18. In *CTh.* 6.9.1 (372) and 6.9.2 (380), the position is junior to the quaestor, but by the time of the *Notitia Dignitatum* it is ranked above it: *ND Or.* 1 and *Occ.* 9. *ND Or.* 11.3 and *Occ.* 9. 3. For reference to their rank as *vir illustris* by at least 385 see Symm., *rel.* 34.8 and 43.2.

³⁸⁸ O'Donnell 1979, 62 and see Harries 1999, 29, for a similar description. The office has also been described as the Grand Pooh-Bah of the later Roman court, given the numerous areas of government he was involved in and the few ministers who escaped his attention: Hunt 1998, 86.

bureaucratic and military responsibilities of the post and confirms the office's status at court.³⁸⁹ However, the lists as we have them attribute to the office a predictable and heavily circumscribed set of duties and so give a misleadingly precise image of the post.

The difficulties associated with gaining an accurate description of the development of the position of the *magister officiorum* are perhaps reflected in the fact that there have been few large-scale modern works produced on the subject. Even in the two major exceptions, little attention is given to the impact of the delineation of the office in the *Notitia Dignitatum* for our understanding of later Roman government in general.³⁹⁰ In many recent studies that mention the *magister*, attention is given to the fact that over the course of the fourth and fifth centuries the office accumulated a unique concentration of functions and a wider sphere of interest than it had started out with.³⁹¹ Despite the fact that these developments are acknowledged, their implications – for all but a few specific areas, such as *fabricae* – are not discussed in detail.³⁹² James, for example, in his study on the *fabricae*, argues that issues such as the dating of the lists have little relevance for his argument, and that missing information within the lists could (in the case of the Illyricum entry, for example) be just a simple accident.³⁹³ Of course, it was not his intention to consider the ramifications of such accidents for the utility of the *Notitia Dignitatum* as a source for the office of the *magister officiorum* or the imperial government in general. As a result of such modern approaches, we do not get a sense of what the office of the

³⁸⁹ Membership of the *consistorium*: *CTh.* 8.5.8 (357) and 6.30.1. Also *CTh.* 6.30.4 (379): referred to as *comes*.

³⁹⁰ The two main studies are Boak 1919 and Clauss 1980.

³⁹¹ For example, Millar 1977, 107-110; O'Donnell 1979, 61-62; Hunt 1998, 86-86; James 1988, esp. 257-259, 261 and 288-289; and Kelly 1998, 169-170 and 2004, 206-210.

³⁹² See, for example, Boak 1919, 66 and Clauss 1980, esp. 16-20, 35-39 and 49-54. See Chapter 1 for the anomalies that exist between both lists in terms of the *officia* of the *magister officiorum*.

³⁹³ In particular, James 1988, 257-258, 261, 288-289 and 290-294. See also below pp. 136-139.

magister officiorum was actually like, or how it departs from the presentation in the *Notitia Dignitatum*.

5.2.1 *The magister officiorum and the sacra scrinia*

The office of the *magister officiorum* was a complex one but the *Notitia Dignitatum* provides a misleadingly precise image of the post. This is largely because it cannot record clearly the overlapping of duties that emerged from the fact that his *officia* had a connection to a majority of the leading administrative departments at court. For example, the *Notitia* records that the *magister officiorum* had oversight of the *scrinia*, the main secretariats. It names the individual *scrinia*: *epistolarum*, *memoriae*, and *libellorum*, but does not record their duties nor does it allow us to differentiate between their functions.³⁹⁴ A close examination of the internal evidence in the *Notitia* allows us to reconstruct some sense of the interconnectedness of these posts. Nevertheless, it is only by consulting sources beyond this official document that it becomes directly apparent that the *magister officiorum* would have had an interest in the business of at least four other senior court officials. Therefore, as in the case of the praetorian prefect, the *Notitia* provides a misleadingly neat and precise impression of what was a complex and changing office.

The law codes provide some evidence of the structural complexity of each of the *scrinia* on their own and they also imply that it was a much sought after post.³⁹⁵ The

³⁹⁴ *ND Or.* 11.13-15 and *Occ.* 9.10-12. The title of the position suggests that from the outset the *magister officiorum* had responsibility for these palatine officials: on this see Jones 1964, 368-369.

³⁹⁵ The division of the *scrinia* and the status of the *proximi* is noted in *CTh.* 26.6.2 (381) and *CJ.* 12.19.1 (386). Each *scrinia* had its own *proximus*, or chief official, a deputy head, *melloproximus*, and *exceptores*, shorthand writers, as well as the more junior *memoriales*, *epistulares* and *libellenses*. *CTh.* 6.26.11 (397) and 6.26.17 (416): tenure of one year and privileges received following their service. See also *CJ.* 12.19.7 (433/434): regulation of numbers within the *officia*.

sophistication and popularity of these positions may derive from the fact that the *scrinia* had responsibility for the administration of core tasks such as legal correspondence, embassies and petitions.³⁹⁶ In a later entry in the *Notitia Dignitatum* it is recorded that the three *magistri scriniorum*, the principal imperial secretaries, drew their *officia*, or assistants, from the ranks of the *sacra scrinia*.³⁹⁷ Like the praetorian prefect, the *magister* had to contend with the fact that the loyalties of his chief officials most likely lay with a rival department, a fact that could not be accounted for in the *Notitia*. The imperial secretaries, the *magistri memoriae, epistolarum* and *libellorum*, had a long history of personally aiding the emperor in the legal business of running the empire.³⁹⁸ Up to the fourth century these *magistri* occupied a role similar to that of the emperor's secretary of state. They accompanied him wherever he went and provided him with legal advice.³⁹⁹ By the fifth century the *magistri scriniorum*, and their *officia*, had the influential job of overseeing the functioning of the system of communication that existed between the

³⁹⁶ For an overview of their responsibilities: Millar 1977, 73-109 and Clauss 1980, esp. 60-98. Their functions were closely related and they are often associated together in the law codes: see, for example, *CJ.* 12.19.1 (386); *CTh.* 6.26.6; 6.26.7; 6.26.8; and *CJ.* 12.19.3 (396). *CTh.* 6.26.17 (416): for reference to length of tenure, status and privileges allowed to members of the *scrinia*. Cf. O'Donnell 1979, 62, who referred to these secretariats as the principal bureaus in charge of shuffling papers and pushing pencils.

³⁹⁷ *Officia* of the *magistri scriniorum*: *ND Or.* 11.13-15 and *Occ.* 9.10-12. Also *CJ.* 12.28.1 (314).

³⁹⁸ The main palatine secretaries had varied in their number, title and duties throughout the principate. They are first recorded in 314 in the tripartite division that became standard for the late empire: *CTh.* 6.35.1 = *CJ.* 12.28.1 (314). See Millar 1977, 73-109, 240-252 and 269-271, for a history of the development of these positions, at first held by freemen and then by members of the equestrian classes, from the time of Augustus. See *HA*, Hadrian, 22.8: where it is stated that he was the first emperor to put *equites* in charge of imperial correspondence and petitions addressed to the emperor. The status and function of the *a memoriae* are, however, more uncertain for the early empire: Millar 1977, esp. 264-266; Clauss 1980, 12-13; Harries 1988, 159-160; and Kelly 2006, 188. *CTh.* 6 26.1 (362), references the humble origins of the *scrinia*.

³⁹⁹ Jones 1964, 367-368, refers to them as the emperors' personal secretaries and gives an overview of their responsibilities before the systematisation of the bureaucratic structure propounded by Constantine. The author of the *Historia Augusta*, looking back from the fourth century, assumed that after the reforms, particularly under Hadrian, the equestrians who now held these posts were assistants to the leading jurists and went on to hold higher offices at court. See, in particular, *HA*, Pescennius Niger, 7.4: Paulus and Ulpian, *a memoria* and *a libellis* respectively, were assistants to the jurist Papinian and went on to become senior officials.

emperor and his officials and foreign states.⁴⁰⁰ Moreover, there was also overlap between the three with each of them responding to various *preces*, petitions. While close reading of the *Notitia* beyond just the entry for the *magister officiorum* allows a more nuanced understanding of the interconnectedness of these departments, on a first or less detailed reading of the document a misleadingly precise impression of these offices is provided.

Similarly, it is only in a later entry in the *Notitia* that it becomes apparent that the imperial quaestor, the chief law officer responsible for drafting legislation and responses to petitions and letters addressed to the emperor, also drew his *officia* from the *sacra scrinia*.⁴⁰¹ By the fourth century, the quaestor was responsible for composing or dictating imperial edicts which were of general application but for much of this period he had to define his role in the face of functions already exercised by the *magistri scriniorum*.⁴⁰² At its inception, the office of quaestor did not have any specific legal responsibilities and one of its primary duties seems to have been to act as an ambassador for the emperor.⁴⁰³

⁴⁰⁰ The *Notitia Dignitatum* does record that *magister memoriae*, the senior of the three, put into proper form the verbal responses or notations made by an emperor on the margins of documents and issued them: *ND Or.* 19.6-7 and *Occ.* 27.11. See also *HA*, Claudius, 7: the author alleges to be using a letter that Claudius himself dictated and sent to the senate and he claims he does not need to see the version of the same letter drawn up by the *magister memoriae*. The *magister epistolarum* handled the reception of embassies from cities within the empire and foreign states and requests for legal advice, *consultationes*, from officials: *ND Or.* 19.8-9 and *Occ.* 27.12. See also Harries 1988, 159; Austin and Rankov 1995, 218; and Hunt 1998, 86, for the role of these officials in communicating imperial decisions. The *magister libellorum* oversaw the organisation of appeals trials, *cognitiones*, probably over procedural matters: *ND Or.* 19.10-11 and *Occ.* 27.13. On this see also Harries 1988, 159. In the eastern list there is also an entry for the *magister epistolarum graecarum*, *Or.* 19.12-13, who either dictated letters in Greek or translated them from Latin.

⁴⁰¹ *ND Or.* 12 and *Occ.* 10.

⁴⁰² Harries 1988, 160. There is no mention in the *Historia Augusta* of an official like the quaestor during the principate dictating the replies of the emperor to correspondence or petitions. This role is attributed to the imperial secretaries who, under Diocletian, would receive the title of *magistri*. For early references to the quaestor in our sources see, for example, *Amm.* 14.7.12: Montius, quaestor at the court of the Caesar Gallus in 354, urging the supporters of the Caesar not to go against the ministers of the court of Constantius as they had been instructed to do; *PLRE* 1, Montius Magnus 11. Also *Soz.*, *HE* 5.32.6: Salvius, quaestor under Honorius, killed in 408 after a mutiny of the troops at Ticinum as a result of Stilicho's imperialistic ambitions in the east after Arcadius' death; *PLRE* 2, Salvius 2.

⁴⁰³ See, for example, *Amm.* 14.11.14: the quaestor Fl. Taurus is sent on a mission to Armenia; *PLRE* 1, Fl. Taurus 3. *Amm.* 20.9.4: the quaestor Leonas sent by Constantius II to Julian denying him the title of Augustus; *PLRE* 1, Leonas. Creation under Constantine: *Zos.*, *HN* 5.32.6. The office was probably

Eventually he became the emperor's chief legal advisor, relegating the *magistri scriniorum* to second place in this regard but ensuring the continued overlapping of duties between them.⁴⁰⁴ Indeed, many quaestors had risen up through the ranks of the *scrinia* in their earlier careers.⁴⁰⁵ For example, Eupraxius became quaestor in 367, having held the post of *magister memoriae*, after he helped engineer the acclamation of Gratian as Augustus.⁴⁰⁶ The quaestor and *magistri scriniorum* could be expected to work closely with each other, as in the two successive commissions set up to produce the Theodosian Code in 429 and 435.⁴⁰⁷ Members of the three *scrinia* under the *magister officiorum* were seconded to the office of the quaestor in an attempt, perhaps, to keep him as an independent arbiter who did not have to lobby for any particular group within or outside the court.⁴⁰⁸ As a result of its structure, the *Notitia Dignitatum* does not directly show the level of interdependence that existed between the *magistri scriniorum*, the *magister officiorum* and the quaestor: they all had a role in communicating the legal decisions of the emperor and they drew from the same pool of experience for their assistants who were ultimately answerable to the *magister officiorum*.⁴⁰⁹

The *scrinia* were also responsible for issuing letters of appointment, *probatoriae*, to lower-ranking officials in the imperial service, thereby increasing their interaction with

connected to the earlier *quaestores caesaris*, who read out imperial communications in the senate. The role of the quaestor was a complex one that included the dictating of laws for the benefit of the emperor and the *consistorium* and the framing of decisions on legal and administrative matters that were brought before the emperor. On the origin and role of the office see, for example, Bonfils 1981, 46-57; Harries 1988, 148-165; Delmaire 1995, 58-59; Honoré 1998, 275-277; Matthews 2000, 72-80; 171-180; and Kelly 2006, 188.

⁴⁰⁴ Jones 1964, 367-368.

⁴⁰⁵ Harries 1988, 157-159 and Honoré 1998, 75-80.

⁴⁰⁶ *Amm.* 27.6.14 and *PLRE* 1, Fl. Eupraxius.

⁴⁰⁷ *CTh.* 1.1.5-6. Seven of the nine officials on the board in 429 were either quaestors or *magistri*. On the makeup of these commissions: Harries 1988, 159-160 and Millar 2006, 195.

⁴⁰⁸ *ND Or.* 12 and *Occ.* 10. See also *CJ.* 12.28.1 (314), for his use of the *scrinia*.

⁴⁰⁹ The authorities had to attempt to regulate continually the number of *scrinia* who made up the *officia* of the quaestor: twelve from the *memoriales* and seven each from the other two, such was the popularity of the post: *CJ.* 12.19.13.

an even greater number of the court bureaucracy.⁴¹⁰ So, for example, the *scrinium memoriae* was responsible for the issuing of appointment letters for *agentes in rebus*, palatine officials in the financial departments and junior military commands; the *scrinium epistolarum* for the staff of the urban and praetorian prefects, proconsuls and *vicarii*; and the *scrinium libellorum* for staff of senior military commanders.⁴¹¹ Therefore, the *magister officiorum*, as titular head of the *scrinia*, had a connection to nearly every other administrative department within the court system and, as a result, had the potential to gain great access to the emperor.

The standardised image of the office evident in the *Notitia Dignitatum* does not, however, capture the complexity of the post. Moreover, as was the case with the praetorian prefect, it could not account for the fact that the proximity to the centre of power that this position often provided for its holder advanced an individual's chances of gaining more duties and influence beyond those ascribed officially to the office. So, for example, in 360 Constantius II assigned his *magister officiorum* Florentius as one member of a commission set up to investigate the loss of Amida.⁴¹² A short while later, Pentadius, *magister* under Julian, benefited from his access to the emperor by being sent on a confidential mission to Constantius II.⁴¹³ To offset the influence that a *magister officiorum* could acquire, the emperor could draw on the *notarii*, who formed a parallel

⁴¹⁰ *CJ.* 12.59.10.3-5 (470s). For a brief reference to the arbitrary division of some of the duties of the *scrinia* see Claus 1980, 16-18 and Kelly 1998, 170.

⁴¹¹ *CTh.* 8.7.21-23 (426) and *CJ.* 12.59.10.3-5 (470s).

⁴¹² *Amm.* 20.2.2: Ammianus, concerned with clearing the name of his commander Ursicinus, describes Florentius and the other member of the commission, Arbitio, as being in fear of Eusebius the *praepositus sacri cubiculi* who is depicted as dominating Constantius II and his court. See also *PLRE* 1, Fl. Arbitio 2. For the role of Eusebius at the court of Constantius II see Chapter 6.

⁴¹³ *Amm.* 20.8.19: chosen with Pentadius was Eutherius, the *praepositus sacri cubiculi*, another official who enjoyed close proximity to the emperor and therefore attained more varied duties than those ascribed to them in the *Notitia Dignitatum*. See also *PLRE* 1, Pentadius 2 and below Chapter 6.

secretariat headed by the *primicerius notariorum*, to issue documents of appointment to and keep watch over high-ranking officials.⁴¹⁴

Late Roman government was therefore flexible enough to formalise the distribution of duties amongst a variety of different offices and to allow for significant overlap of functions, in order to ensure that no one official should have a monopoly of control over strategically sensitive resources.⁴¹⁵ The inability of the *Notitia Dignitatum* to portray the overlapping of responsibilities which defined late Roman imperial politics – even if some of it can be reconstructed by a close examination of the internal evidence of the text – shows its limitations as a practical guide to the administrative system. In particular, it depicts an implausibly rigid arrangement by providing a circumscribed and straightforward list of the *officia* and duties of such leading officials as the *magister officiorum*.

5.2.2 Ceremony, communication and diplomacy

The *Notitia Dignitatum* does not give a clear sense either of the extent to which the *magister officiorum* was involved in the day-to-day functioning of the imperial court. For example, the *magister* had responsibility for such domestic staff as the *cancellarii*, doorkeepers at court, who do not appear in the *Notitia Dignitatum Orientis*, and the *lampadarii*, who tended to the lamps in the court but are missing from the *Notitia Dignitatum Occidentis*.⁴¹⁶ Information beyond the *Notitia* suggests that the *magister*

⁴¹⁴ *ND Or.* 18 and *Occ.* 16. See also Jones 1964, 572-5; Clauss 1980, 22-3; Delmaire 1995, 52-3; and Kelly 2004, 206-207.

⁴¹⁵ Kelly 2004, 189-192.

⁴¹⁶ *Cancellarii*: *ND Occ.* 9.15. The exact nature of the relationship between the *magister officiorum* and these minor officials is unknown; see Boak 1919, 37-38. For the *lampadarii* see *ND Or.* 11.12 and *Nov. Val.* 30 (450).

officiorum also had an official called a *domesticus* under his authority.⁴¹⁷ These *domestici* were part of the staff of all the leading civilian and military officers at court and yet they are not mentioned in the *Notitia Dignitatum*.⁴¹⁸ Therefore, we can only get a limited sense of the variety of duties entrusted to this official from the *Notitia* and, as a result, a misleading impression of the extent of his interaction with nearly every other administrative office.

Similarly, the *magister officiorum* contributed to the running of the court and enjoyed access to the emperor through the role of his *officium* in the staging of imperial audiences. For example, included under his supervision in the *Notitia Dignitatum* is the *officium admissionum*, which assisted the *magister* in organising the reception of audiences before the emperor in the *consistorium*.⁴¹⁹ The *magister officiorum* also oversaw the *scrinium dispositionum* and its low ranking *magister*, who were in charge of organising the emperor's engagements and imperial journeys.⁴²⁰ The arrangement of these trips was organised by the *mensores*, or quartermasters, and these were also under the direct command of the *magister officiorum*: although they are omitted from the western list.⁴²¹ In addition, the *Notitia Dignitatum* includes a body of translators in his *officium* and the *agentes in rebus*, the corps of inspectors and principal couriers of the public post, or *cursus publicus*.⁴²² However, it neglected to show the fact that the

⁴¹⁷ Amm. 30.2.10-11. See also Boak 1919, 104-105.

⁴¹⁸ Boak 1919, 105, suggested that their omission from the text of the *Notitia*, after they were officially recognised under Valentinian I, was due to the fact that the *cancellarius* may have filled the position of *domesticus*

⁴¹⁹ *ND Or.* 11.17 and *Occ.* 9.14 (*ammissionales*). The *Notitia* does not indicate, however, that the influence of the *magister officiorum* was diluted because he did not have control over the lower-ranking *magister admissionum*. For his relationship to the *magister officiorum* see Boak 1919, 92-95; Clauss 1980, 19, 137-138 and 152; and Austin and Rankov 1995, 218.

⁴²⁰ *ND Or.* 11.16 and *Occ.* 9.11 (*dispositionum*).

⁴²¹ *ND Or.* 11.12 (*mensores*). For a brief overview of the *mensores*, Boak 1919, 80-82.

⁴²² *Or.* 11.52 and *Occ.* 9.46 (*interpretes*); *Or.* 11.11 and *Occ.* 9.9 (*agentes in rebus*)

magister officiorum came to hold some of these functions, particularly supervision of the *cursus publicus*, at the expense of the praetorian prefect, with whom many of his areas of interest continued to overlap. The influence that the *magister officiorum* may have enjoyed, thanks to the fact that he controlled many of the junior officials responsible for the functioning of the court and, through these, the maintenance of the channels of communication within the court and between it and the outside world, is therefore occluded by the *Notitia Dignitatum* on account of its chosen form and focus.

5.2.2.1 Foreign affairs

In addition to the practical daily duties which the *magister* oversaw, the office also experienced a slow accumulation (partly as a result of this involvement in the domestic workings of the court) of a set of more profound responsibilities, especially in regard to foreign affairs and imperial diplomacy. After 395, as the courts became less mobile, imperial audiences, as opposed to public verbal exchanges between the emperor and often an opponent on the battlefield, became the medium for foreign affairs and so presumably resulted in the promotion of the *magister officiorum* in that area.⁴²³ The Roman administration had no specialised department of foreign affairs for policy creation or implementation.⁴²⁴ The process by which the emperor gathered information regarding

⁴²³ For an example of emperors before 395 engaging in face-to-face negotiations see the description in Eunapius, *fr.* 12, of the emperor Julian's meeting with the king of the Chamavi. There is also the story of Valentinian negotiating from a boat on the Rhine with Macrianus, the king of the Alemanni, who was on the bank: Amm. 30.3.4-5. On the impact of the emperors' decision to remain resident in Constantinople or Milan or Ravenna on late Roman foreign policy see, for example, Lee 1993, 42.

⁴²⁴ For the development of the structures for the conducting of foreign policy in the empire see Millar 1981, 6; Lee 1993, 41-44; and Gillett 2003, 20-22, 223-226 and 234-235.

foreign peoples or organised meetings with them and translated imperial policy into action towards them was *ad hoc* and involved many of the leading officers at court.⁴²⁵

Much of our information regarding the role of the *magister officiorum* in the foreign affairs of the empire comes from the fifth century.⁴²⁶ Ammianus does, however, mention that the *magister officiorum* Ursacius was responsible for dispensing gifts to Alemannic envoys in 364.⁴²⁷ He also alleges that Remigius, *magister officiorum* under Valentinian I, enjoyed such proximity to the emperor that he could exploit his alleged insecurity with stories of barbarian incursions into the empire.⁴²⁸ Later evidence suggests that the role of the *magister officiorum* in foreign relations was not strictly defined, even by the fifth century, but that it revolved primarily around the provision of support facilities for embassies and the arrangement of the emperor's audiences with visiting envoys.⁴²⁹ This was perhaps an inevitable progression resulting from the already established role of the *magister* in the supervision of these receptions.

The majority of our ancient sources were not interested in the day-to-day minutiae of court business such as the protocols and junior officials associated with imperial audiences. An exception is the tenth-century *De Ceremoniis Aulae Byzantine* which was based on records of procedures used at the eastern imperial court in the fifth and sixth centuries. It is often the primary source used for the foreign relations duties undertaken

⁴²⁵ Gillett 2003, 20-22: officials were chosen to undertake missions *ad hoc* on the emperor's pleasure or on the advice of his *consistorium*. Reasons could include the status of the official, his proximity to the emperor or previous success on embassies or on the military field. On this see Lee 1993, 45, nt.42. For a discussion of the process involved in selecting ambassadors, Blockley 1992, 151-157; Gillett 2003, 223-226; and Humphries 1997, 20-23.

⁴²⁶ Lee 1993, 41.

⁴²⁷ Amm. 26.5.7: he is accused here of giving the ambassadors smaller and cheaper gifts than usual and so of pushing them toward revolt. See also *PLRE* 1, Ursacius 3.

⁴²⁸ Amm. 30.8.12: Remigius' actions are included in the account of the many vices and few virtues of Valentinian following the emperor's death during the reception of an embassy of the Quadi. See also *PLRE* 1, Remigius.

⁴²⁹ Gillett 2003, 21-22.

by the *magister officiorum*.⁴³⁰ This text was written at a much later date than the period under discussion here, it was concerned with the eastern court only and, since it was devised as something of an instruction manual for court officials, we might expect it to provide an account of how things should be rather than how they actually were. While we therefore have to be careful in how we use the information it provides, the *De Ceremoniis Aulae Byzantine* is unusual in that it records the duties in the area of foreign relations of many officials who were already under the supervision of the *magister officiorum* by the time the *Notitia Dignitatum* was produced.

For example, included in this prescriptive text is an account of a reception of an embassy in Constantinople from the western emperor Athanasius in 467.⁴³¹ In this description it was the responsibility of the *magister officiorum* to find out the nature of the envoys' mission and to carry out the substantive communication between them and the emperor before leading the western visitors into the ceremonial audience in front of the *consistorium*. Once the diplomatic meeting was over, the *magister officiorum* supposedly received letters from the emperor and in turn formally presented them to the envoys for transmission to the western Augustus. Whatever the veracity of this account, in such a scenario the *magister* would have been able to employ the *officium admissionum* for the reception of the envoys and rely on the skill of his *scrinia*, particularly the *scrinium epistularum*, when carrying out the negotiations before and the supplying of letters after the ritualistic events in the *consistorium*.⁴³² In this way, it is

⁴³⁰ Gillett 2003, 223. Part of the record of the early practices of the *magister officiorum* in this *De Ceremoniis* is attributed in the text to Peter Patricius, a Byzantine official who served as *magister officiorum* under Justinian, and in this role was twice sent as an envoy. *PLRE* 2, Petrus 6. On ceremony at the eastern court see also McCormick 1986, 1-20 and Cameron 1987, 106-36.

⁴³¹ *de Cer.* 1.87-90. Discussed in detail by Gillett 2003, 223-226. See also Blockley 1992, 152-157.

⁴³² The *scrinium epistularum* was responsible for correspondence with legations coming from within the empire: Boak 1919, 84 and 96.

possible to imagine that the *magistri officiorum* could play an intrinsic part in advising the emperor on imperial foreign policy decisions. For example, Priscus describes Theodosius II consulting with his *magister officiorum* Martialis concerning relations with Attila in 449.⁴³³ In the same passage Priscus suggests that the emperor was dependent on his *magister officiorum* because of that official's control of the messengers, interpreters and imperial bodyguard.⁴³⁴ We get no sense from the *Notitia Dignitatum*, however, of the informal accumulation of these responsibilities which offered the *magister officiorum* greater proximity to the centre of power and so increased his chances of gaining more influence beyond those ascribed to his office.

There are also occasional references in sources beyond the *Notitia* to a *magister officiorum* being sent on foreign missions in the fifth century. Helion, *magister officiorum* under Theodosius II from 414 to 427, was sent to attempt to make peace with the Persians in 422.⁴³⁵ His selection for this mission may have had as much to do with the unusual staying power of Helion as with his position as *magister officiorum*.⁴³⁶ It does indicate, however, the possibility for those in this post to establish close and lasting ties with their emperor. There is also an earlier example of one of the subordinates of the *magister officiorum*, the *agens in rebus* Clematius, undertaking an official journey: he delivered a letter from Milan to Antioch and took the opportunity to cross the Euphrates to spy on the Persians.⁴³⁷ He reported his findings, however, to the praetorian prefect of

⁴³³ Prisc., *fr.* 11.1-2. Other later examples include Euphemius, *magister officiorum* under Marcian, making recommendations regarding imperial policy towards the Caucasus during the mid-450s: see Prisc., *fr.* 33.2.

⁴³⁴ Prisc., *fr.* 11.1. For a discussion of this passage, Lee 1993, 41.

⁴³⁵ Soc., *HE* 7.20.1 and *PLRE* 2, Helion 1. Helion also stood in for Theodosius II when Valentinian III was made Caesar (424) and Augustus (425): Harries 1988, 155.

⁴³⁶ Our knowledge regarding the tenure of individual *magistri* in the later empire is limited by the patchy nature of the evidence concerning the background and careers of the more than ninety officers whose names are known. On this see Lee 1993, 41-48.

⁴³⁷ Lib., *Ep.* 405; 407; 411; and 430. See also *PLRE* 1, Clematius 2.

the east, Strategius, rather than to his *magister officiorum* Palladius, so the prefect may have simply exploited the presence of the *agens* in order to gain strategic information.⁴³⁸

Perhaps as a result of a greater involvement of the *magister officiorum* in many aspects of imperial foreign affairs, the office obtained further responsibilities in this area, including control of *interpretes diversarum gentium*.⁴³⁹ These officials assisted the *magister* in his negotiations with foreign envoys before ceremonial audiences in the *consistorium*. From the above accounts it appears that, while the formal organisational structure may not have changed, adaptation, including the creation of a dedicated corps of interpreters in his *officium*, was apparently taking place within the existing framework of the post of the *magister officiorum*.⁴⁴⁰ The *Notitia Dignitatum* does not capture the accumulation of such responsibilities and so does not provide a comprehensive guide to the functioning of the later Roman court. Moreover, by concentrating on the leading members of the imperial administration, it could not record the changes which also occurred among the junior members of their *officia* and, as such, it provides a relatively straightforward impression of what was a complex and adaptable administrative structure.

⁴³⁸ Lib., *Or.* 430.7. See also Amm. 16.9.2-4 and 16.10.21: perhaps using the information gained here, Strategius' attempts two years later to negotiate a peace treaty with the Persians. For a discussion of this incident see Austin and Rankov 1995, 20-21 and 220-221.

⁴³⁹ Lee 1993, 41, notes that there is little to suggest that the corps of interpreters was under the jurisdiction of the *magister* in the fourth century. Most of the interpreters mentioned in our fourth- and fifth-century sources appear in military contexts, suggesting that they were not *magistriani* but members of military units used for their language skills. For this argument see Blockley 1992, 153.

⁴⁴⁰ Lee 1993, 47: he makes reference to the fact that the inclusion of the corps of *interpretes omnium gentium* is an indication of the increasing specialisation within offices. He does not assess the impact his argument regarding the subtle adaptation of the organisational structure of the empire has on our understanding of the information supplied by the *Notitia Dignitatum*.

5.2.2.2 *Agentes in rebus*

The changes that occurred within the office of the *magister officiorum* during the course of the fourth and fifth centuries are exemplified also by the evolution of the role of the *agentes in rebus* whose supervision came under his remit. It was from these officials that the *magister* drew his *officium*; they were also sent out as chiefs-of-staff for other senior officers; and they were the principal couriers and inspectors of the *cursus publicus* and so had a pivotal role in the transportation of foreign embassies both to and from the court.⁴⁴¹ Their title indicates that they did not have a specific function but were responsible for a number of duties which brought them into contact with many court officials.⁴⁴² The position evolved over the course of the fourth and fifth centuries; this process, plus the resultant overlapping of responsibility, is not the type of arrangement that the *Notitia Dignitatum* could capture.

It is probable that the *agentes in rebus* emerged as a result of Diocletian's abolition of the corps of couriers known as the *frumentarii*.⁴⁴³ By the time of Constantius II some *agentes in rebus* were being employed, both at court and throughout the provinces, to inspect the passes (*evectiones*) that allowed individuals to make use of the *cursus publicus*, and they are recorded in the *Notitia Dignitatum* under the *officium* of the

⁴⁴¹ *ND Or.* 11.40 and *Occ.* 9.40: *officia* of the *magistri officiorum*. *CTh.* 7.1.9 (367): the envoys had to supply their own transport in their own territory to the point where the public post started.

⁴⁴² Clauss 1980, 24.

⁴⁴³ For their foundation under Diocletian see Austin and Rankov 1995, 219. However, the first reference to them in the law codes is not until 319: *CTh.* 6.35.3, where they are awarded the same civil privileges as the financial officers, secretaries, and other palatine officers. As a result, they did not have to carry out curial duties. Evasion of such responsibilities by becoming an *agens in rebus* was a common practice: see *Lib., Or.* 18.135, who accuses them of robbing their cities of their services by enrolling in the *agentes*. A law dated 315, *CTh.* 6.35.3, uses the term *ad agendas curas* when referring to the functions of the *memoriales* and *palatinii*; this term was often used for any confidential services, like those undertaken by the *agentes*, suggesting that the officials if not the title were in use before 319. For a detailed overview of the development of these officials see Clauss 1980, 23-40 and, for their origin and role in the supply of information throughout the empire, see Kolb 2001, 98-102 and Sotinel 2010, 128 and 132.

magister officiorum.⁴⁴⁴ In this respect they became the eyes of the emperor and reported all they saw to the *princeps*, chief officer, of the *schola*.⁴⁴⁵ The importance of the *agentes* to the *magister officiorum* is clear from the care he took in recruiting them.⁴⁴⁶ By 399 such was the status of the *agentes* that all entrants to the *schola* had to be approved by the emperor: here there was a deliberate check put on the ability of the *magister* to appoint his own men to these influential positions.⁴⁴⁷ The status of the *agentes* in general within the ministry of the *magister officiorum* is clear by the fifth century by which time they had acquired the name *magistriani*, the *magister's* men, so marking them out as his own special corps.⁴⁴⁸ They also, like the *frumentarii* before them, carried messages and used the public post to do so.⁴⁴⁹ In this way they must have been a visible presence in the provinces and one of the emperor's chief means of receiving information about the outside world. Through these officers the *magister officiorum* would have overall control of the official traffic within the empire.

⁴⁴⁴ *ND Or.* 11.50-51; *Occ.* 9.44-45. For their role in the inspecting of passes: *CTh.* 6.29.1 (355); 6.29.2 (357); 6.29.6 (381); 6.29.8 (395); and 6.29.9 (412). See also Carrié and Roussel 1999, 402; Di Paola 1999, 61-73; Kolb 2001, 101-102; and Sotinel 2010, 132.

⁴⁴⁵ Eyes of the emperor: *Lib., Or.* 18.140: talking about the allegedly corrupt officials in the court of Constantius II which Julian tried to reform. While there were only two officers sent as *curiosi*, the size of the corps of *agentes* was quite large. Although they were reduced to 17 by Julian, *Lib., Or.* 2.58, by 430 there were 1174 of them: *CTh.* 6.27.23. Reporting of information to the *princeps*: *CTh.* 6.29.4 (359). See Carrié and Roussel 1999, 402 and Sotinel 2010, 133.

⁴⁴⁶ *CTh.* 6.27.4 (382): qualification for the office required support from the whole department and a good background and career history. Once in office the successful candidate had to wait five years before being sent out on important missions and being considered for promotion through numerous grades. For similar restrictions on their promotion see *CTh.* 1.9.1 (359). See Kelly 2004, 206-208, on the problems associated with the level of independence enjoyed by these officials and the resultant mistrust that is apparent in our sources about their role in the provinces, as well as attempts by the emperors to restrict the movement and activities of their representatives in the provinces. See also Carrié and Roussel 1999, 402 and Sotinel 2010, 132, on their reputation for corruption

⁴⁴⁷ *CTh.* 6.27.2 (399).

⁴⁴⁸ For the use of the term *magistriani* and their position in general see Austin and Rankov 1995, 219.

⁴⁴⁹ Carrying messages: *Lib., Or.* 2.58; 18.135; 48.7; and 62.14. Using the *cursus publicus* to do so see, for example, *CTh.* 8.5.9 (357) and 6.29.6 (381).

The *agentes in rebus* also stand out because of their association with many other high-ranking imperial officers – not least the praetorian prefect.⁴⁵⁰ From the time of Constantius II it became standard practice for the highest grade of the *agentes*, the *ducenarii*, to serve as *principes officii*, chiefs-of-staff, to many imperial officials: these included *vicarii*, the deputies of the praetorian prefect; some provincial governors; urban and praetorian prefects; frontier commanders; and senior military officers in the east.⁴⁵¹ In this context, the *agentes* were being used by emperors as a check on the influence of the high officials involved. This is made obvious in legislation from 387 in which the *praefectus urbi* is reminded that no official act can be carried out without the counter-signature of the *princeps* of the *schola*.⁴⁵² John Lydus also referred to them on occasion as *curiosi* because they actively scrutinised and inquired into the actions of the ministers to whose offices they were seconded.⁴⁵³ The association of the *agentes* with the praetorian prefect stretched back to their inception when it is likely that the prefect was responsible for their supervision.⁴⁵⁴ Constantine transferred this function to the *magister officiorum* as part of his general policy of reducing the military and civil authority of the praetorian prefect.⁴⁵⁵ Another result of this strategy saw supervision of the *cursus*

⁴⁵⁰ Chapter 4.

⁴⁵¹ *ND Or.* 21-26 (civilian officers) and 28; 31-32; 34-38 (military officers) and *Occ.* 18-23: the *agentes in rebus* are included as the *principes* of the officials recorded in these entries of the *Notitia Dignitatum*.

⁴⁵² *CTh.* 6.28.4 (387).

⁴⁵³ Joh. Lyd., *de Mag.* 2.10; 3.23; and 3.40. For Lydus' use of the term in respect of the *agentes in rebus* see Clauss 1980, 38 and Austin and Rankov 1995, 220. Under Constantius II they were known as *praepositi cursus publici*, but by at least 381 the more popular title of *curiosi* had been adopted officially. For the change in their title see Boak 1919, 74, nt. 4, referencing *CIL.*, 10, 7200 (*Ducenarius agens in reb(us) et p(rae)p(ositus) cursus publici*). See also *CTh.* 6.29.1 (355) and 6.29.6 (381), for use of the term *curiosi*. See Sotinel 2010, 132, who argues that the *agentes in rebus* were much more versatile imperial agents than was presumed in older studies in which they were referred to as 'secret agents'. Nevertheless, she states that their nickname of *curiosi* proves how important the gathering of information was among their tasks. On this see also Kelly 2004, 206-208.

⁴⁵⁴ Joh. Lyd., *de Mag.* 2.10: here he equates the increase in the power of the *magister officiorum* with the weakening of the praetorian prefect.

⁴⁵⁵ See Chapter 4 for the changes Constantine brought to the position of praetorian prefect.

publicus transferred from the *praefecti vehiculorum*, superintendents of the public post, who were subject to the control of the praetorian prefect, to the *magister officiorum*.⁴⁵⁶

The ultimate example of the shifting of responsibilities among different ministers is the continual changes that occurred, throughout the fourth and into the fifth century, in the right to issue passes, *evectiones*, to use the *cursus publicus*.⁴⁵⁷ This was an imperial prerogative and it had been shared amongst a number of officials including the *magister officiorum* and praetorian prefect.⁴⁵⁸ By the mid-fourth century anyone found travelling without the right documents or exceeding the privileges granted to them had to report to both the *magister officiorum* and the praetorian prefect.⁴⁵⁹ Things changed again in 365 when the *magister officiorum* was acting as an imperial representative in granting *evectiones*, but by 382 only the praetorian prefect together with the emperor was allowed to issue such passes.⁴⁶⁰ Tensions between the prefect and *magister* with regard to their involvement with the *cursus publicus* are recorded in the law codes. In 357, for example, the praetorian prefect was prohibited from issuing passes to *agentes* who now could go only to the *magister* or the emperor.⁴⁶¹ Further adjustments occurred, according to John Lydus, as a result of the fallout from the tenure of Rufinus as praetorian prefect. His successors had to submit passes they issued to a representative of the *magister officiorum*

⁴⁵⁶ *CTh.* 8.5.4.1 (326).

⁴⁵⁷ For an overview of the changes that occurred see Boak 1919, 76-80. See, more recently, Di Paola 1999, 61-73 and Kolb 2001, 97.

⁴⁵⁸ *CTh.* 8.5.3 (326): the praetorian prefect had the right to issue *evectiones* independently of the emperor. *CTh.* 8.5.5 (354): details how the provincial governors lost this right. *CTh.* 8.5.9 (357): the *magister officiorum* can now issue the passes. *CTh.* 8.5.12 (362): Julian allows only the praetorian prefect to issue the passes. *CTh.* 7.5.19 (364): the urban prefect can issue passes in matters of state business; but by 382 he has lost this: *CTh.* 8.5.40.

⁴⁵⁹ *CTh.* 8.5.8 (357).

⁴⁶⁰ *CTh.* 8.5.22 (365): right of the *magister officiorum* to issue *evectiones*. *CTh.* 8.5.40 (382): the exclusive right of the praetorian prefect.

⁴⁶¹ *CTh.* 8.5.9 (357).

before they were handed out.⁴⁶² Despite all this the *Notitia Dignitatum* simply records that by the fifth century the *magister* had the authority to issue the *evectiones*.⁴⁶³ The elaborate system of checks and balances, by which emperors tried to prevent officials like Rufinus from using their status at court to increase their influence throughout the empire, defined the late Roman imperial government. The impression given in the *Notitia Dignitatum*, by contrast, is of a clear and predictable court bureaucracy.

5.2.3 Military matters

There is a similar pattern in terms of the developing nature of the role of the *magister officiorum* in army affairs. Despite being a civilian official, in the *Notitia Dignitatum* the *magister officiorum* had duties that drew him into the military sphere. For example, one of the main responsibilities of the *magister officiorum* was control of the state arms factories, *fabricae*.⁴⁶⁴ The *Notitia* records the existence of twenty *fabricae* in the western half of the empire, and fifteen in the east. They were situated, it seems according to these lists, in the areas where the majority of the army was, and most if not all were established where there were pre-existing centres of production.⁴⁶⁵ Moreover, the entry for the *magister officiorum* in both parts of the empire records the fact that in the *officium* of each there were *subadiuvae fabricarum* drawn from the *agentes in rebus* who helped in

⁴⁶² Joh. Lyd., *de Mag.* 2.10: the *princeps*, from the *agentes in rebus*, should scrutinise the provision of *evectiones*. Also at 3.4, he states that by the sixth century, while the *regendarius* in the *officium* of the praetorian prefect was still nominally in charge of *evectiones*, real control rested with the *magister officiorum*. For reference to the *regendarius* see Chapter 4.

⁴⁶³ *ND Or.* 11.53: it is omitted from the western list.

⁴⁶⁴ *ND Or.* 11.18-38; *Occ.* 9.16-39. For a detailed study of the *fabricae* see, especially, James 1988, 257-331, esp. 258-259; 261 and 288-289, who uses the *Notitia Dignitatum* as the primary source for the *fabricae*. While he notes the corruption to and/or omissions from the text, he does not explore the ramifications of this for our understanding of the purpose of the *Notitia* as a source. Southern and Dixon 1996, 89, also refer to the fact that the *Notitia Dignitatum* is the primary source of evidence for *fabricae*; see also Clauss 1980, 51-55 and 121-131.

⁴⁶⁵ James 1988, 263-271.

the running of the factories.⁴⁶⁶ These were men of the highest status, with the rank of *principatus*, who were, in the *Notitia Dignitatum*, second only to the *magister*'s personal assistant and his deputies.⁴⁶⁷ There are, however, problems associated with the information supplied by the *Notitia* for the *subadiuvae fabricarum*: the western list, for example, does not record their number but it mentions three in the east.⁴⁶⁸ Discrepancies such as this, although minor, are numerous in the western lists.⁴⁶⁹ Therefore, even though the arms factories were politically sensitive, the *Notitia Dignitatum* does not supply an accurate record of them for the west into the fifth century.

One fundamental change to the operation of the *fabricae* occurred when responsibility for them was transferred from the praetorian prefect to the *magister officiorum*. The *fabrica* system was more than likely an innovation of the Tetrarchic period and, given that the office of *magister officiorum* was only established under Constantine, control of the *fabricae* must originally have belonged to some other official.⁴⁷⁰ The praetorian prefect, who was responsible for both the raising of recruits and for supplying the army, seems the most natural candidate to have supervised the new arms factories at least by the time of Constantine.⁴⁷¹ Our understanding of these developments, in particular the date when control of the *fabricae* passed to the *magister*

⁴⁶⁶ *ND Or.* 11.44; *Occ.* 9.43.

⁴⁶⁷ Rank: *CJ.* 12.20.5 (after 415). See also Boak 1919, 102 and James 1988, 273.

⁴⁶⁸ *ND Occ.* 9.43: *subadiuuae fabricarum diuersarum*. *ND Or.* 11.44: *fabricarum tres*.

⁴⁶⁹ Brennan 1996, 158-159.

⁴⁷⁰ James 1988, 266: he argues that *fabrica* distribution fits best under the Tetrarchy, and this is supported by the fact that the only certain foundation dates of *fabricae* come from this period: at Nicomedia, Lac., *de Mort. Pers.* 7; Edessa, Damascus and Antioch.

⁴⁷¹ James 1988, 290. The responsibility of the praetorian prefect over the *fabricae* cannot be proven definitively but has been described by James as a "reasonable inference". This has not precluded modern historians taking it as a given fact, for example, MacMullen 1960, 31. The difficulty of establishing the official who had control of the *fabricae* is complicated by a career inscription of one Tertullus, who held the post of *praepositus fabric[...]* under Diocletian, *CIL* 6.1696. The reconstruction of the title in the *CIL* is *praepositus fabricarum* and numerous scholars have posited a relationship between this official and the *fabrica* system and to the praetorian prefect; see James 1988, 290, nt. 315-317. Here I follow James' argument that by the time of Constantine the *fabricae* were under the control of the praetorian prefect.

officiorum, is limited by the nature of the evidence.⁴⁷² Nevertheless, the fact that this responsibility was transferred to the *magister officiorum* sometime after the establishment of the office is indicative of the fact that the administration was adaptive and flexible.

One theory places the impetus for the change with Rufinus, *magister officiorum* from 388 to 392, who undermined the position of the then praetorian prefect Tatian, whose job he would eventually take.⁴⁷³ This argument is based on an examination of laws in the Theodosian and Justinianic Codes, which began to be addressed to the *magister officiorum* from 390 onward: up to 388 it was the praetorian prefect who was the recipient.⁴⁷⁴ James has shown, however, that laws were addressed to the prefect when the issues involved came under the remit of his judicial functions and his responsibility for supplying materials for the *fabricae* together with the army in general.⁴⁷⁵ Those addressed to the *magister officiorum* were concerned mainly with the internal affairs of the *fabricae*, such as the promotion of foremen, the *primicerii fabricarum*, or punishment for dereliction of duty.⁴⁷⁶ Another suggestion is that the changeover occurred in 396 after the fall of the same Rufinus, and this is based on the account of John Lydus.⁴⁷⁷ However, as we have seen, laws were being addressed to the *magister officiorum* in this regard in 390, so the date of 396 must be too late. Other evidence suggests that it is possible that the *magister officiorum* had this responsibility since the time of Constantine, as a result of

⁴⁷² For discussion of these issues see James 1988, 291-294 and Southern and Dixon 1996, 89-91.

⁴⁷³ *CTh.* 10.22.3 (390): control of the *fabricae* is in the hands of the *magister officiorum*; cf. 10.22.2 (388): legislation addressed to the praetorian prefect of the east Tatian. See Chapter 4.

⁴⁷⁴ For example, Jones 1964, 161 and 369 and Maas 1992, 87-88.

⁴⁷⁵ James 1988, 292-293 and 326, Table 5. Laws addressed to praetorian prefects: *CTh.* 12.1.37 (344); 7.20.10 (369); 12.1.81 (380); and 10.22.2 (388). See also *CTh.* 10.22.6 (412): this deals with the question of deserting decurions and scrutiny of recruits. Such responsibilities fell under the normal duties of the praetorian prefect and, like the other legislation, does not imply that he had responsibility for the arms factories.

⁴⁷⁶ Promotion: *CTh.* 10.21.3 (390); dereliction of duty: *CTh.* 10.22.5 (404). The lack of legislation addressed to the *magister* before 390 in relation to the *fabricae* could be a result of the bias of the compilers of the Theodosian Code towards later laws that superseded older legislation: James 1988, 293.

⁴⁷⁷ Joh. Lyd., *de Mag.* 2.10 and 3.40.

that emperor's deliberate diminishing of the power of the praetorian prefect.⁴⁷⁸ Ammianus, for example, describes an incident in as early as 355 in which an accusation of treason against a director of a *fabrica* was handled by an *agens* of the *magister officiorum*.⁴⁷⁹

In any case, our inability to chart accurately the developments regarding control of the *fabricae* underscores the problems associated with the *Notitia Dignitatum* as a comprehensive source for the late Roman bureaucracy. Our knowledge of the development of the *fabricae* beyond the information supplied by the *Notitia Dignitatum*, which does provide some valuable insight into the location together with the type of goods produced in these factories, is limited and inconclusive. Therefore, even so basic a question as to who was in charge of the *fabricae* cannot be answered in this document. Responsibilities in this area, as in many, shifted or were dispersed in a way that the *Notitia Dignitatum* ignores or occludes. If we are to understand how even so simple a system worked, we need to recognise the limits of its plain presentation in the *Notitia*.

In a similar way, the *Notitia Dignitatum* is an uncertain source for another of the main responsibilities of the *magister officiorum*: control of the *scholae palatinae*, the palace guards whose primary function was the protection of the emperor, whom they accompanied at all times.⁴⁸⁰ The importance of this body of soldiers, seven corps in the east and five in the west, is indicated by the fact that they come at the top of the list of subordinates under the *magister*.⁴⁸¹ The *Notitia Dignitatum*, however, could not capture the developing role of the *magister* in the supervision of the *scholae* over the course of

⁴⁷⁸ For this argument see James 1988, 290-294.

⁴⁷⁹ Amm. 15.5.12.

⁴⁸⁰ *ND Or.* 11.4-10; *Occ.* 9.4-8. See also Boak 1919, 60-63 and Clauss 1980, 41-46.

⁴⁸¹ Boak 1919, 60, argues that at first there were probably five of these corps in the east but things had changed by the fifth century. See Clauss 1980, 40, who supports this argument.

the fourth and fifth centuries. Despite this, in the few modern studies that have looked in any detail into this body of elite soldiers, the information in the *Notitia Dignitatum* is used mainly to work out their number in the fifth century, to assert the continued interest of the *magister officiorum* over them and, sometimes, to try to extrapolate the original components of the Constantinian army.⁴⁸² The *Notitia Dignitatum* is therefore used in ways which ignore its limitations in precisely these areas.

The shortcomings of the *Notitia* are disguised by its static and apparently systematic presentation of the office of *magister officiorum*. For example, in the western list the *scholae palatinae* remain at the top of the record of the responsibilities of the *magister*, despite the fact that their status underwent a general decline throughout the fifth century as the court and the emperor became sedentary and distant from the battlefield. The pre-395 mobile court was still an institution geared for war, and the division between civilian and military powers that Constantine wanted to achieve was often blurred. This is reflected in the inclusion of the term *tribune* in the original title of the office of *magister officiorum*, which hints at the military responsibilities attendant on the office when it was first created. By the end of Constantine's reign they had risen to the rank of *comes* but they also had gained responsibility for the *scholae* as a result of that emperor disbanding the praetorian guard and depriving the praetorian prefects of their military command.⁴⁸³ So in this respect the duties of the *magister officiorum* were defined by the need of the emperor to limit the influence of the praetorian prefect. The *magister* did not, however,

⁴⁸² Nischer 1923, attempted to use the units recorded in the *Notitia* to try to discern the original components of Constantine's army; cf. Baynes 1925, who argues that between Constantine's reforms and the compilation of the *Notitia Dignitatum* the battle of Adrianople in 378 took place, which caused the loss of too many troops to allow for any precision when trying to draw up a list of Constantinian units from the later document. For a more modern assessment see Southern and Dixon 1996, 18.

⁴⁸³ See Zos., *HN* 2.17.2, for the disbandment of the praetorian guard. For the transfer of this responsibility from the praetorian prefect to the *magister officiorum* see Joh. Lyd., *de Mag.* 2.10 and Kelly 2004, 208.

command the *scholae* on the field of battle: this responsibility fell to the tribune of the *scholae*, who later achieved the rank of *comes*, and who was directly answerable to the emperor.⁴⁸⁴ This fits into the pattern that has already been noted of dividing responsibility for sensitive issues among a number of officials. That some level of distribution of power was necessary is suggested by the fact that the *scholae* were described as an army within an army, who, at their height, were made up of 2500 men in the west and 3500 in Constantinople, mainly barbarian soldiers, who were better paid than other military units and were distinguished in law from the field troops.⁴⁸⁵ Constantius II recognised the potential this band of troops might have when he restricted Julian's bodyguard to just 360 men to accompany him to Gaul.⁴⁸⁶

The *magister officiorum* was therefore responsible for the recruitment, promotion and discipline of the *scholae* but not their military command.⁴⁸⁷ The special status of the *scholae* is evident in the fact that they enjoyed exemption from prosecution before anything other than the *magister's* tribunal.⁴⁸⁸ In some respects, however, the control of the *magister officiorum* over the *scholae* was diluted further by stipulations such as demanding that an imperial warrant, *probatorium*, was necessary before he could consider an individual for recruitment.⁴⁸⁹ The reasoning behind this is hinted at by the date of the legislation in which it was stated, April 394: Theodosius I needed to be assured of the loyalty and ability of his bodyguards on his journey west to face the

⁴⁸⁴ Clauss 1980, 41.

⁴⁸⁵ The earliest verifiable figures belong to the reign of Justinian and may or may not be applicable to an earlier period. On this see Southern and Dixon 1996, 56.

⁴⁸⁶ Zos., *HN* 3.3.2.

⁴⁸⁷ Recruitment: *CJ.* 12.33.5 (524); 1.31.5 (527). Promotion: *CTh.* 7.1.14 (394). Discipline: *CJ.* 12.29.1 (441).

⁴⁸⁸ *CJ.* 12.26.2 (443/4). See also *CJ.* 12.29.2 (474): those *scholae* who reached the rank of *primicerius* and attained the title *vir clarissimus comes* enjoyed this privilege in all civil cases.

⁴⁸⁹ *CTh.* 7.1.14 (394).

usurper Eugenius, while Arcadius had to feel secure left behind in Constantinople. Indeed, in the period before 395, when the emperor still took to the field, there is evidence to suggest that the *scholae palatinae* were feared as a powerful force. For example, the Alemanni are said to have decided to attack Julian when he was based in Sens because they had heard from deserters that he did not have the *scholae* at hand.⁴⁹⁰ In the period before 395, therefore, the *magister officiorum* had administrative control, with some limitations, over the band of soldiers who were in constant proximity to the emperor. Rutilius Namatianus, *magister officiorum* in the west in 412, articulated in his *De Reditu Suo* the advantage his responsibility over the *scholae* gave him: even in retirement he could boast of a tribune offering him horses and carriages as a result of his former position.⁴⁹¹

After 395 the status and responsibility of the *scholae palatinae* gradually changed and diminished as the emperor withdrew from the battlefield to the opulent but, at times, more dangerous world of the imperial court: it was only in the period after 450 that this becomes obvious.⁴⁹² As early as the mid-fourth century their duties seem to have diversified and become less military in some respects. There was, for example, some overlap of responsibility between them and the *agentes in rebus*. When Julian reduced the numbers of *agentes* to seventeen, the monitoring of the *cursus publicus* in the provinces may have fallen to some of the *scholares*.⁴⁹³ The changing nature of court politics and the status of the *scholae* are also notable in two pieces of legislation issued by Theodosius I. In 381 it was stipulated that the head of the *scholae* should be sent to the provinces as a

⁴⁹⁰ Amm. 16.4.1. See also Frank 1969, 99-102.

⁴⁹¹ Rut. Nam., *de red. suo*. 1.562-564. See also *PLRE* 2, Rutilius Claudius Namatianus and Claus 1980, 41.

⁴⁹² On the development of the office in the later fifth century see Frank 1969 and Claus 1980, 42-45.

⁴⁹³ Claus 1980, 41.

curiosus, but by 390 the primary responsibility for this task had been handed back to the *agentes*.⁴⁹⁴ They are also described responding to the implementation of ecclesiastical developments more than to military upheavals, implying that they became more of a localised bodyguard.⁴⁹⁵ Bishop Ambrose of Milan, for example, describes a band of *scholae* aiding the prefect to disperse a crowd of his supporters.⁴⁹⁶ By 441 Theodosius II had demoted them and withdrawn their right to avoid corporal punishment, and by the 460s they were overtaken by a smaller band of soldiers, the *excubitores*, under the control of the *comes domesticorum*.⁴⁹⁷ The military responsibilities of the *magister officiorum* changed in ways that the *Notitia Dignitatum* could not capture. Since the *Notitia* can only provide a limited and so artificial account of the office, it must therefore be understood as presenting a misleading image of the late Roman administrative bureaucracy in general.

5.2.4 *The officium of the magister officiorum*

As was the case with the praetorian prefect, the usefulness of the information supplied by the *Notitia Dignitatum* regarding the *officium* of each *magister officiorum* is challenged by the emphasis it placed on the authority asserted by the centre over the appointment of the *principes officii* of the leading *dignitates*.⁴⁹⁸ A good example of this is the fact that members of the *schola* of the *agentes in rebus* provided the *principes* for the praetorian prefect as well as the *officia* of the *magister officiorum*.⁴⁹⁹ Indeed, the *adiutor*, chief aide, whose position corresponded to that of the *principes* in other *officia*, was chosen by the

⁴⁹⁴ *CTh.* 6.29.6 (381) and *CTh.* 6.29.7 (390).

⁴⁹⁵ Frank 1969, 209 and Clauss 1980, 42.

⁴⁹⁶ Amb., *C. Aux. Ep.* 75a.29.

⁴⁹⁷ *Nov. Th.* 21 (441); overtaken by the *excubitores*: Joh. Lyd., *de Mag.* 1.16.

⁴⁹⁸ Brennan 1996, 155.

⁴⁹⁹ *ND Or.* 11.40: *Officium autem suprascripti viri illustris magistri officiorum de scola agentum in rebus est ita...* and also *Occ.* 9.40.

magister himself, although his appointment was subject to imperial confirmation.⁵⁰⁰ In addition to his personal assistants, the *Notitia Dignitatum* records that these officials included deputies who oversaw the *fabricae*, the *cursus publicus* at court and throughout the provinces, and a corps of interpreters.⁵⁰¹

The complexities associated with the *Notitia Dignitatum* and particularly the problem of the lack of maintenance of the text are exemplified by the inclusion, in Seeck's edition of the document, of the, as he spells it, *barbaricarium* under the *magister officiorum* in the east and the *praepositi branbaricarium sive argentarium* who are listed under the entry for the *comes sacrarum largitionum* in the west.⁵⁰² Not only do we have to contend with the spelling errors of the copyists – *branbaricarium* should read *barbaricarium* – but there is also confusion, based on Seeck's emendation, of the responsibility for the two groups.⁵⁰³ Traditionally, scholars viewed both groups as being the same, officers with responsibility for overseeing factories that made goods interwoven with precious stones, pearls and gold, and argued that control switched from the *comes sacrarum largitionum* in the east to the *magister officiorum* who then assumed control of the *barbaricarii*, precious-metal smiths.⁵⁰⁴ More recently it has been shown that the entry under the *magister officiorum* should read *barbarorum*, who oversaw dioceses and assisted the emperor in his reception of foreign legates and the maintenance

⁵⁰⁰ Selection from the *agentes* of the rank of *ducenarius*: *CJ.* 12.21.5 (440-441). Appointment by the *magister* and the need for imperial sanction: *CTh.* 1.9.1 (359) On this see Boak 1919, 101.

⁵⁰¹ *ND Or.* 11.41-52; *Occ.* 9.41-46.

⁵⁰² *ND Or.* 11.45-49: *Barbaricarium [tres] quatuor: Oriens unus; Asianae unus; Ponticae unus; Thraciarum et Illyrici unus* and *Occ.* 11.74-77. They are included in the Theodosian Code in the first law in the chapter *de fabricensibus*, *CTh.* 10.22.1 (374), so they could be associated with the *fabricenses*. See, for example, Malalas 13 and also James 1988, 260.

⁵⁰³ For the spelling and Seeck's emendation of the text see Clauss 1980, 137 and James 1988, 260 and 297 nt. 40.

⁵⁰⁴ Seeck 1876, 2856 and Boak 1919, 102-104.

of the *cursus publicus*.⁵⁰⁵ Such errors and confusion make evident the difficulties that the *Notitia Dignitatum* presents as a source for the administrative realities of the later empire.

The *magister officiorum* was an official with an eclectic mix of duties, a large staff and close access to the emperor. The generic list of his duties that appears in the *Notitia Dignitatum* cannot give a full account of the reach of this office across nearly every aspect of government: both civil and military. Moreover, the inconsistencies within and between both lists should caution us against using this document as a comprehensive guide to the later Roman government. Even in small details the *Notitia Dignitatum* is doubtful; and its simplifications and inaccuracies tend to be tackled (when they actually are) only individually, and not as compromising the overview that this official text provides.

5.3 The reality of court politics: the *magister officiorum* in the fourth and fifth centuries

Given the fact that the *magister officiorum* was such a pivotal member of the court bureaucracy, it is hardly surprising that he also had the opportunity to advance his own position beyond that which was ascribed to him in the *Notitia Dignitatum*. Nevertheless, our knowledge regarding the position is particularly limited by the uneven nature of the evidence that survives. Over ninety *magistri* are known but little of their background, their length of tenure or subsequent careers remains.⁵⁰⁶ Despite these difficulties, in this

⁵⁰⁵ Clauss 1980, 137 and James 1988, 260 and 297, nt. 40. See, for example, *Nov. Th.* 21.2 (441): this refers to punishment that should be inflicted on the *scrinium barbarorum* if they should abuse their rights to issue passes to the *cursus publicus*. In the *De Ceremoniis* there is evidence to suggest that the *scrinium* was responsible for maintaining the accounts of expenditure by foreign legates visiting the court: 1.89.400. For the inception of this group of officials and their duties, see Clauss 1980, 137 and cf. Boak 1919, 103.

⁵⁰⁶ Lee 1993, 43-48.

section I will look at examples of individual *magistri* about whom we have some information, to show the lengths they went to in order to attain the office and the subsequent influence they were alleged to have enjoyed at and beyond the court. In addition, as the court became a static institution in the course of the fourth century and the imperial system changed to accommodate this, certain *magistri* exploited their access to the centre of power and assumed greater influence than is suggested by the information in the *Notitia Dignitatum*. In this way, the discrepancies noted above regarding the information actually included in the *Notitia Dignitatum* are augmented by evidence outside of these lists which gives a more rounded view of court politics.

When Florentius became *magister officiorum* in 359, Libanius wrote in praise of his decision to promote the advancement of one Priscianus, a schoolmate and correspondent of Libanius.⁵⁰⁷ In this letter he describes Florentius as an advisor to the emperor, in this case Constantius II, and he contrasts him with previous holders of the office whose main aim once in power was to amass money.⁵⁰⁸ In Libanius' opinion the office of *magister officiorum* allowed great access to and influence with the emperor and so ensured its incumbent had the opportunity to become an effective patron or, dependent on his character, a significantly wealthier individual than when he had first taken the post. Indeed, Florentius' successor, Fl. Eugenius, was accused of using his power to usurp the property of Aristophanes of Corinth, while his immediate predecessor was deemed a

⁵⁰⁷ Lib., *Ep.* 39. See also Amm. 15.5.12, for the example of Florentius who was a member of Constantius II's *consistorium* and influential *magister officiorum*. Also, *PLRE* 1, Florentius 3.

⁵⁰⁸ Lib., *Ep.* 39.11. Such was Libanius' certainty in the influence Florentius could wield at court that he also addressed *Epp.* 4; 36; 37; 38; and 41 to him. Libanius' antipathy towards the expansion of central government and the resultant decline of traditional means of gaining access to power coloured his view of the holders of high office at court: Kelly 2004, 158-160.

corrupt and venal *magister officiorum*.⁵⁰⁹ This perception of the advantages provided by attainment of the office was not unfounded: Martinianus while *magister* was raised by Licinius to the position of Caesar, while Marcellinus, in office from 350 to 351, was instrumental in the proclamation of the usurper Magnentius as emperor in 350 and remained at the heart of his administration until his death after the battle of Mursa in 351.⁵¹⁰ A later usurper, Procopius, also saw the advantage of appointing a *magister officiorum* to strengthen his regime against attack.⁵¹¹ Therefore, in the mobile courts of the fourth century, *magistri officiorum* not only oversaw the administration of government but also, thanks to their access to the centre of power, were visible actors in the defining events of the period.

Magistri officiorum were also seen by our sources as being in a position to deceive gullible emperors. Remigius, *magister* under Valentinian I from 365 to 372, is accused by Ammianus of deceiving Valentinian and inflaming his anger on a number of occasions, for his own advantage and that of his associates within the administration.⁵¹² Thanks to his control of the system of communication, Remigius had the ear of the emperor, and he allegedly used it not to enhance the structures of government but to improve his standing. Remigius eventually, out of guilt or fear of punishment, killed

⁵⁰⁹ Fl. Eugenius: Lib., *Or.* 14.10 and *PLRE* 1, Fl. Eugenius 5. For Musonius see *CTh.* 8.5.8 (357). Libanius wrote to Musonius twice on behalf of two associates but he received no reply; *Epp.* 32 and 33.

⁵¹⁰ Martinianus: Zos., *HN* 2.25.2 and *PLRE* 1, Martinianus 2. See above, nt. 383. Marcellinus: *PLRE* 1, Marcellinus 8; Zos., *HN* 2.42.2-5; and Jul., *Or.* 2.57D-58A. As *magister officiorum* of the usurper Magnentius, Marcellinus was also charged with leading a force to kill a distant relative of Constantine, Nepotianus, the son of Constantine's sister Eutropia, who was causing trouble in Rome: Zos., *HN* 2.43.2.

⁵¹¹ Amm. 26.10.4.

⁵¹² Amm. 27.9.2: the governor in Africa, Romanus, allegedly added to the devastation caused in the region by Moorish tribes through his greed and savagery. He was supported at court by Remigius who deflected the emperor's attention from these events. For similar charges see also, 28.6.8; 29.5.2; 30.8.12 and above nt. 428.

himself.⁵¹³ The extreme career highs and lethal lows experienced by these *magistri* as described in other sources thus challenges the image of a static and rigidly constrained distribution of roles and duties that is suggested by the *Notitia Dignitatum*.

The tenure of Rufinus in his position both as *magister officiorum* and as praetorian prefect can be used as further evidence for the fact that the structures of government were perceived to be malleable. The factional nature of imperial politics is evident in the fact that Rufinus is alleged to have raised his supporter, Aurelian, to succeed him as *magister officiorum* while at the same time he supposedly actively sought to exclude the latter's brother, Caesarius, who would in fact go on to take the prefecture after Rufinus' fall in 395.⁵¹⁴ Nearly twenty years earlier, the *magister officiorum* Leo had also allegedly used his position to intrigue against the then praetorian prefect Probus in order to take his office.⁵¹⁵ Indeed, the dominant figure at court following Rufinus, the eunuch Eutropius, is said to have looked to his *magister officiorum* Hosius as his chief ally within the bureaucracy.⁵¹⁶ Claudian, in his *In Rufinum*, called them the rulers of the east.⁵¹⁷ Not surprisingly, then, when Eutropius fell so too did Hosius. Whether or not these incidences of underhand promotions or nefarious connections occurred in the ways suggested by our sources, there is a perception of uncertainty that is associated with holding a high office at court in most of our ancient accounts. Uncertainty, however, is not a feature of the description in the *Notitia Dignitatum*. Moreover, patronage and

⁵¹³ Amm. 30.2.10.

⁵¹⁴ For the relationship between the two brothers, their role in the court of Arcadius, and the identification of them with the characters of Synesius' *De Providentia* see Cameron and Long 1993, esp. 143-197.

⁵¹⁵ Amm. 30.5.10.

⁵¹⁶ Cameron and Long 1993, 6-8 and 108-109.

⁵¹⁷ Claud. *In Ruf.*, 2.350-351. In this passage he also accuses Hosius of formerly being a cook. Being favourite of the dominant figure at court may indeed have propelled one's career.

favouritism are not factored into the *Notitia* either but they were, at times, fundamental elements in imperial politics.

The *Notitia Dignitatum* in general gives the impression of a stable and unified administrative system when in fact, by the fifth century at least, individuals like Olympius, *magister officiorum* in the west from 408 to 409, are recorded in other sources as turning against their former patrons in pursuit of power.⁵¹⁸ The patron in question was Stilicho, whose position at the court of Honorius is itself testament to the limitations of the *Notitia Dignitatum*. The benefit of this move is evident in the fact that once Olympius removed Stilicho and his supporters he was allegedly able to place his own nominees in important positions such as *magister militum* and the praetorian prefecture.⁵¹⁹ In this case at least, the rigid hierarchy and structured government detailed in the *Notitia Dignitatum* were ignored. Moreover, to say that Olympius exceeded the remit of duties ascribed to the office in the *Notitia* when he successfully led a squad of three hundred Huns against a troop of Goths is something of an understatement.⁵²⁰

The political situation during this period in the west, in which weak emperors were often reliant on their closest ministers for information on the outside world, naturally increased the influence of the minister who controlled most of the empire's communication system. In addition, the instability in the west that characterised the early years of the young Valentinian III was actually the catalyst for the advancement of some office holders in the east. The eastern *magister officiorum* Helion, who remained in office under Theodosius II for an unprecedented thirteen years, was given the duty of investing

⁵¹⁸ *PLRE* 2, Olympius 2; Olymp., *fr.* 5.1-3; and Zos., *HN* 5.30.1- 5.35.4.

⁵¹⁹ Zos., *HN* 5.35.2-3: removal of Stilicho's supporters; 5.36.3 and 4.44.2: placing his own supporters in positions of influence.

⁵²⁰ Zos., *HN* 5.45.6.

Valentinian III as Caesar and Galla Placidia as Augusta in Thessalonica in 424. A year later he crowned Valentinian Augustus in Rome, and for this he was awarded the honour of being made a *patricius*.⁵²¹ Both the length of Helion's tenure and the extension of his official remit to include travelling west to invest the new emperor should warn us against accepting the view of a united government, operating identically in the east and west, continuing along classical lines – as implied by the *Notitia Dignitatum*. Indeed, the very fact that an eastern official was overseeing the elevation of the western emperor to the throne underscores the changed political reality of the fifth century, and the opportunities that existed for individual ministers to exploit their proximity to an imperial power that was more dependent than ever on a close circle of advisors. Moreover, the staying power of Helion was a reflection of the dominance of the civil service in the east and an increase in specialisation amongst its ministers; as opposed to the west where, out of necessity, the military took centre stage. In fact, much of our information regarding individual *magistri* comes from the eastern court of Theodosius II, with only two known from Valentinian III's western court.⁵²²

Indeed, the central place that the *magister officiorum* continued to hold in the eastern empire is reflected in the often salacious stories in our sources about the close relationships that could develop between *magistri* and members of the imperial family. The empress Eudocia, for example, took great pains to ensure that her brother Valerius became *magister officiorum* under Theodosius II in 435.⁵²³ Indeed, our sources would

⁵²¹ His role in the elevation of Valentinian to Caesar and then Augustus: Theoph., a.m. 5915-5916; Soc., *HE* 7.24.5; *CTh.* 6.27.20 (426) and 7.8.14 (427). For a discussion of his status, Barnes 1975, 165 and Clauss 1980, 159.

⁵²² Clauss 1980, 141. The two from the west: Opilio (449-450) and Asparacius (453). We know the names of thirteen men who held the office during Theodosius II's tenure from 408 to 450.

⁵²³ *PLRE* 2, Valerius 6. See also Joh. Mal. 14.353 and 355; *Chron. Pasch.* s.a. 421; and Joh. Nik. 84.29.

like us to believe that Eudocia was already intimately aware of the influence of the *magister officiorum* thanks to her affair with the *magister* of 430, Paulinus.⁵²⁴ Novelistic as this story might be, it highlights the extent to which the *magister officiorum* could ingratiate himself with the imperial family.⁵²⁵ There are numerous factors that may have stood behind an individual's rise to the position and the length of time he stayed there. These include the death of the emperor; the influence of kinsmen and powerful supporters; and the unpredictability of imperial favour. The limitation of the *Notitia Dignitatum* lies in the fact that it presents a misleading image of a stable hierarchy governed by the strict enforcement of rules of promotion.

In addition to allowing individual *magistri* to establish influential ties with the imperial family, the continued importance of the *magister officiorum* in the fifth-century east resulted in the office gaining more responsibilities unregistered by the *Notitia Dignitatum*. In the 440s Nomus, *magister officiorum* from 443 to 446, gained for the post the task of overseeing the *limitanei* in Thrace, Illyricum, Oriens, Pontica, and Egypt.⁵²⁶ The *magister officiorum* was now charged with the duty of providing annual reports on the number of soldiers on duty along certain of the frontiers and the conditions of the fortified camps throughout the empire.⁵²⁷ As a result of this he now had under his control the *duces limitum*, whose duty it was to command the *limitanei*. This allowed the *magister officiorum* access to extensive military resources, and it underlines how powerful an individual Nomus was in an administration which was constantly subject to

⁵²⁴ *PLRE* 2, Paulinus 8; Joh. Mal. 14. 356-357; *Chron. Pasch.* s.a. 444; Joh. Nik. 87.3-13; and Theoph., a.m. 5940.

⁵²⁵ For Seeck's attitude to the stories regarding Paulinus see Clauss 1980, 179.

⁵²⁶ *PLRE* 2, Nomus 1 and Theod., *Nov.* 24. For a discussion of the sources for Nomus' career and the problems involved in trying to identify the offices he may have held before becoming *magister officiorum* see Millar 2006, 192-193 and 196.

⁵²⁷ Boak 1919, 89.

change.⁵²⁸ He used this power to exploit those who looked to him for help, and he later gained the consulship and the title of *patricius*.⁵²⁹

Such was Nomus' standing within and beyond the court that he was fêted in a petition read out at the third session of the Council of Chalcedon in 451 as the man who had the affairs of the world in his hands.⁵³⁰ In this one incident, Nomus is described receiving bribes from the allegedly corrupt bishop of Alexandria, Dioscorus, and then demanding gold from the subjects of the bishop's plot.⁵³¹ Moreover, also implicated in this affair was the eunuch *spatharius*, Chrysaphius: between them Nomus and Chrysaphius represent the interacting spheres of influence that surrounded the emperor in the east, the *cubiculum* and the *comitatus*.⁵³² The perception of many of our sources that power at court lay with a small group of individuals in close proximity to the emperor thus stands in contrast to the image of an imperial court within which each officer had a clearly defined function and place. Moreover, the influence accorded to the civilian officers, Nomus and Chrysaphius, shows the difference in circumstances in the east when set against the developments in the west where the fifth century ushered in the age of the *generalissimo*. Evidence for such a discrepancy in the political situation between the east and the west must be contrasted with the more restricted image of the administrative system which is provided by the *Notitia Dignitatum*.

⁵²⁸ Prisc., *fr.* 13.

⁵²⁹ He lent money to certain people who sought his help at exorbitant rates: see *PLRE* 2, Nomus 1.

⁵³⁰ Quoted in Millar 2006, 192.

⁵³¹ According to the presbyter, Nomus had been bribed by the bishop of Alexandria, Dioscorus, together with other court officials, to oppress the relatives of the former incumbent of the episcopal throne, Cyril. These relatives, including Alexander, were then forced to pay Nomus to get release from prison.

⁵³² On this see Millar 2006, 193.

5.4 Conclusion

Our knowledge of the careers of some of the leading *magistri officiorum* in the fifth century challenges the presentation of the office in the *Notitia Dignitatum*. Fundamentally, the *Notitia* was concerned with clarifying and emphasising the system of seniority and order of precedence which had existed in the empire since the time of Diocletian, and had no interest in including the extent to which there was significant evolution in the administrative bodies of the late Roman bureaucracy. This can be seen in the fact that the *magister officiorum*, particularly in the east, continued to add to his already eclectic mix of duties into the fifth century, often at the expense of other officials, not least the praetorian prefect. Moreover, as is evident with the case of control of the *fabricae*, the court was an entity in flux, and its day-to-day functioning was dictated by the needs of the emperor and the political and military situation of the day more than by an adherence to a rigid hierarchy of authority.

The unique nature of the information contained in the *Notitia Dignitatum* regarding these factories, together with a lack of any more conclusive information in other sources, has often led scholars to revert to the *Notitia* despite its misleadingly straightforward description of the *fabricae* and the omissions within it. This phenomenon is representative of a wider problem in how the *Notitia Dignitatum* is used as a source for the later empire. In particular, the *Notitia Dignitatum* continues to be mined for specific information on aspects of the administration and its disparities and omissions are not examined comprehensively. However, we need to understand the problems the *Notitia* in general presents as a historical source, particularly when it is considered alongside other

evidence which offers a view on official power, if we are to use it to obtain some understanding of the administrative structure of the later empire.

Finally, the adaptability of the *magister officiorum* is testament to the flexible nature of the imperial government. Despite the many attempts to curtail the influence of the office, in the fifth century the *magister officiorum* still controlled the entire palace staff, as well as overseeing the empire's system of communication with its subjects and foreign visitors. Indeed, as titular head of the *sacra scrinia*, the *magister officiorum* had a connection to nearly every other administrative department in the imperial court, a fact occluded by the standardised presentation of the office in the *Notitia Dignitatum*. The political reality of the fourth and fifth centuries was that proximity to power advanced an individual's chances of assuming influence beyond that ascribed to them by their office. More than this, however, as I will argue in the next and final chapter of this thesis, it also opened up the possibility for those not traditionally associated with the exercise of political power, and even groups outside the official hierarchy of authority, to engage with and contribute to the administration of the late Roman court bureaucracy.

6. The Outsiders: Eunuchs, Empresses and Bishops

6.1 Introduction

Study of the development of the roles of leading officials at court shows that, just as the literary sources relentlessly personalise the exercise of power, so, conversely, the *Notitia Dignitatum* codifies and circumscribes it. Neither could fully capture the reality of a politics that depended on a system which enabled and even encouraged flexibility on the part of imperial officials. In particular, by its very nature the *Notitia Dignitatum* could not account for the fact that informal interpersonal relationships and petty rivalries were real forces in the politics of this period. The evidence for the gradual evolution of the office of the praetorian prefect and the *magister officiorum* into the fifth century demonstrates the opportunities that existed for those closest to the centre of power to enhance their status for their personal advancement. Groups outside the official structure of the imperial bureaucracy, such as imperial women and bishops, as well as eunuch functionaries at court, also benefited from this often chaotic system. In this chapter I examine the evidence for the intervention of members of these groups in areas of government that should theoretically have been the responsibility of other officials. Such evidence shows that the late Roman administration was more dynamic and flexible than the *Notitia Dignitatum* – in circumscribing the roles of eunuch *cubicularii* and omitting imperial women and bishops altogether – might lead us to believe. Ultimately, the *Notitia* provides a misleadingly static and partial account of a complex working of power in the later Roman empire.

6.2 Eunuch *cubicularii*

One difficulty in reconstructing the roles assigned to and played by eunuchs in the imperial administration is the fragmentary nature of the chapters dealing with the leading *cubicularii* at court.⁵³³ As a result, we are largely dependent on sources beyond the *Notitia Dignitatum* for an account of the place of these courtiers within the imperial administration. Moreover, the contrast between the description of eunuchs at court in the majority of our literary sources and their treatment in the *Notitia* is stark. The *Notitia Dignitatum*, by providing a catalogue of their duties in a manner similar to that of other leading court functionaries, and by leaving out any reference to the fact that certain officials were eunuchs, normalises and circumscribes their influence. Conversely, in general, though not always, eunuchs are portrayed by ancient commentators as foreign and accidental intrusions into the bureaucratic system.⁵³⁴ In many of our sources, eunuchs were used, both individually and as a group, by ancient historians as tools of political criticism within highly rhetorical and carefully constructed pieces of literature. With this in mind, we might expect an exaggeration of their status at court in the later fourth and fifth centuries by authors with a specific agenda. However, the extent of the evidence

⁵³³ The offices associated with leading eunuch functionaries that are recorded in the *Notitia* are the *praepositus sacri cubiculi*: *ND Or.* 10. No chapter survives for this official in the western *Notitia*, but the office is accounted for in the so-called index: *ND Occ.* 1.8. There is a chapter for the *primicerius sacri cubiculi* at *ND Occ.* 14, but the chapter for this official is missing from the eastern list, although, again, it is listed in the so-called index: *ND Or.* 1.17. The only office usually associated with eunuchs for which a detailed entry survives in both lists is that of the *castrensis sacri palatii*: *ND Or.* 17 and *Occ.* 15.

⁵³⁴ For the impact of these negative stereotypes on the more traditional approaches to eunuchs in modern studies see, for example, Gibbon vol.2, 359-360, for his description of the character of Constantius II and the nature of his regime. See also Diner 1938 and Guiland 1976, 165-380. For the problems associated with this viewpoint see, for example, Tougher 1999b and Smith 2007, 204. In recent decades, however, scholars have begun to look beyond the bias of their sources when charting the great changes that occurred in the status of eunuchs at court and within late antique society in general. In this regard see, for example, Hopkins 1963 and 1978; Guyot 1980; Patterson 1982; Ringrose 1994; 1996; 2003; Tougher 1997; 1999b; 2002 a and b; 2006; and Scholtz 2001. For examples of more positive accounts of eunuchs in our sources, see Boulhol and Cochelin 1992, who detail the acceptable representation of eunuchs in hagiography. See also, Sidéris 2002, 161-175 and Tougher 2008, 99-100, for examples of the positive representations of eunuchs, even those at court, in the later Roman and Byzantine empire.

suggests that their participation in the politics of the day, often beyond their normal remit, was neither wholly false nor considered completely out of the ordinary by contemporaries. Their presentation in the *Notitia Dignitatum* should therefore be understood as a reflection of its purpose and context. The static and highly stratified presentation of civil offices in the *Notitia* means that it could not, indeed, did not aim to, capture the ‘unofficial’ duties which contributed to the status of these eunuch functionaries at court.

6.2.1 *Eunuch cubicularii in the Notitia Dignitatum*

The dominant eunuch functionary at court by the fifth century was the *praepositus sacri cubiculi*, but his chapter in the *Notitia Dignitatum* is so fragmentary that only his rank, *vir illustris*, and one of the duties of the post, supervision of the *domus divina per Cappadociam*, survive, and only in the eastern list.⁵³⁵ Control of the imperial estates in Cappadocia had transferred from the *comes rei privatae*, head of those officials who controlled the incorporation and administration of the emperor’s private estates, to the *praepositus* by at least 414.⁵³⁶ However, this responsibility was not removed from the

⁵³⁵ *ND Or.* 10.1 (*vir illustris*); *Or.* 10.2 (*domus divina per Cappadociam*). The ranking of the *praepositus* is also attested to in *CTh.* 7.8.3 (384) and later, 11.18.1 (412). On their rank see Dunlap 1924, 183-185; Hopkins 1978, 174-175; Tougher 2006, 73-74 and 2008, 73. Cf. Costa 1972, 358-387, who maintains that the *castrensis sacri cubiculi* was, in the early part of the fourth century, the superior of the *praepositus sacri cubiculi*. Earlier views had cited constitutions such as *CTh.* 8.7.5 (354) (which groups together all members of the household service and the *paedagogiani* with the *silentiarii* and the *decurions* under what many believe to be the supervision of the *praepositus*); *CTh.* 11.18.1 (412) (which exempts a whole series of officials from providing commutation money for recruits, and in which the *castrensis* is included in the list under the *praepositus*); *CJ.* 12.5.2 (428) (which exempts all *cubicularii*, with the exception of the *castrenses*, from certain obligations) as evidence of the predominance of the *praepositus*. For the ideological implications of eunuchs holding such high rank see, especially, Lendon 1997, 179-191.

⁵³⁶ *CTh.* 11.28.9 (414). This law, addressed to the praetorian prefect of the east, Anthemius, includes a subscript sent to the *praepositus* as head of the *domus divina per Cappadociam*, and deals with the remission of taxes. This suggests that the *praepositus* was now the official responsible for the maintenance of the estates. It has been suggested that this change may have come at the instigation of Eusebius, the powerful *praepositus* under Constantius II, see, for example, Dunlap 1924, 188 and Long 1996, 136 nt.

chapter on the *comes rerum privatarum* in the eastern *Notitia Dignitatum*.⁵³⁷ This is an example of the problem of using a source that has undergone a number of revisions over a long period of time.⁵³⁸ In addition to his rank, the placing of the *praepositus sacri cubiculi* in the *Notitia Dignitatum* reflects the significance of the office: in the eastern list the *praepositus* comes after the praetorian prefects, the *praefectus urbis Constantinopolitanae*, and the *magistri equitum et peditum*;⁵³⁹ in the western list he is placed behind the praetorian prefects, the *praefectus urbis Romae*, the *magister peditum* and the *magister equitum*.⁵⁴⁰ While such information cannot be used as a real indicator of power at court, it remains the case that in both instances the *praepositus sacri cubiculi* comes before one of the leading members of the court administration, the *magister officiorum*.

As for the *primicerius sacri cubiculi*, the superintendent of the sacred bedchamber, only his rank, *spectabilis* according to the western entry, and the position he held in the order of precedence within the palace are given in the *Notitia Dignitatum*.⁵⁴¹ This detail regarding their rank is a good reminder that, despite the negative attitudes espoused by many ancient commentators, eunuch *cubicularii* at court enjoyed the same status as leading nobles.⁵⁴² This situation gives further credence to the idea that they could be accepted and powerful members of the imperial court hierarchy. Other valuable

100. Cf. Costa 1972, 378, who views this development as an indication of the change in relationship between the *castrensis sacri cubiculi* and the *praepositus*. By the fifth century the *praepositus* was no longer his subordinate and thus required an independent source of income, the *domus divina per Cappadociam*.

⁵³⁷ *ND Or.* 14.3.

⁵³⁸ Brennan 1996, 155, suggests that this is an example of how maintaining the impression of the structure of government had become more important for the compilers of the *Notitia Dignitatum* than recording its constantly changing details.

⁵³⁹ *ND Or.* 1.2-9.

⁵⁴⁰ *ND Occ.* 1.2-8.

⁵⁴¹ The *primicerius* is ranked as a *spectabilis* in the *Notitia*, *ND Occ.* 14. In the eastern index he is placed as the seventeenth in precedence, *ND Or.* 1.17; and in the west he is fifteenth, *ND Occ.* 1.15.

⁵⁴² Hopkins 1978, 74.

information, such as the composition and organisation of the staff of these two leading *cubicularii*, is also lost.⁵⁴³ Missing too are the insignia for the offices of the *praepositus* and *primicerius* and any reference to the fact that the holder of both positions, by the fourth century, was generally a eunuch. A proper assessment of even the limited information in the *Notitia Dignitatum* is, moreover, undermined by the fact that there is little in any other source regarding the official responsibilities of eunuch functionaries at court in general and the *primicerius sacri cubiculi* in particular.

The only office usually associated with eunuchs for which a detailed account survives in our copy of the *Notitia Dignitatum* is that of the *castrensis sacri palatii*, chief steward of the imperial palace.⁵⁴⁴ The *castrensis*, according to the *Notitia*, supervised the work carried out by the usually non-eunuch *paedagogia*, *ministeriales dominici*, and the *curae palatiorum*.⁵⁴⁵ Through this management of those functionaries who carried out the menial tasks necessary for the day-to-day running of the imperial palace the *castrensis* was guaranteed some access to the emperor. For example, both Ammianus and the emperor Julian refer to boys who had been through the *paedagogium*, who then entered the palace in the service of the emperor and looked after his every need.⁵⁴⁶ The *officium* of the *castrensis* consisted of his *adiutor*, a *chartularius* and his *scrinium*, and finally the *tabularium domini* and the *tabularium dominae Augustae* in the west and the *tabularium*

⁵⁴³ The title of the office suggests that the *primicerius* had a role in overseeing the duties of the *cubicularii* in the palace. Dunlap 1924, 205, suggests that the *praepositus sacri cubiculi* would have been too busy for the close supervision of the numerous *cubicularii*, and so this task must have fallen to the *primicerius*.

⁵⁴⁴ *ND Or.* 17 and *Occ.* 15.

⁵⁴⁵ *ND Or.* 17.3 and *Occ.* 15.4: *paedagogia*; *ND Or.* 17.4 and *Occ.* 15.5: *ministeriales dominici*; *ND Or.* 17.5 and *Occ.* 15.6: *curae palatiorum*. Accounts of the duties of the first two attendants are rarely found for the period after the third century: see Dunlap 1924, 211-18. They are mentioned in Seneca, *Ep.* 123.7.

⁵⁴⁶ Jul., *Misopog.* 350D: the luxury of being followed round by troops of boys attending your needs at the market; Amm. 26.6.15: compares the usurper Procopius with a page in the service of the palace; 29.3.3: on boys who had been in *paedagogium*, the school where they were trained for service, and entered the palace in the service of the emperor looking after his every need at home and abroad.

dominarum Augustarum in the east.⁵⁴⁷ The inclusion of the two *tabularia* in his *officium* suggests that the office may have developed out of that of the *procurator castrensis* of the early principate, a powerful official responsible for the household finances who had some administrative control over the *palatini*.⁵⁴⁸ Again, one major difficulty in assessing the accuracy of the information on the *castrensis* in the *Notitia Dignitatum* is the lack of comparative material on this official and his duties in any other literature from the period.

In addition, there are some problems with the delineation of the office of the *castrensis* in the *Notitia Dignitatum*. For example, the place of the *castrensis* in the so-called index, where he is positioned below the *primicerius notariorum*, is reversed in the following chapters in both lists.⁵⁴⁹ The result is that, while there is consistency across the lists in both parts of the *Notitia*, there is a lack of consistency within them. Moreover, there is the issue of the inclusion of the *tabularium dominarum Augustarum* under the *officium* of the eastern *castrensis*, a fact which has also influenced the dating of our copies of the *Notitia Dignitatum*. It was only from 423 onwards that two *Augustae* reigned simultaneously in the east.⁵⁵⁰ However, as argued previously, there is overwhelming evidence to suggest that the eastern list dates to the period before 395.⁵⁵¹ Therefore, the inclusion of the plural *Augustarum* may perhaps be seen as an amendment by the authorities in the west, where the composite *Notitia* was kept and revised haphazardly into the fifth century. Such anomalies within the text further demonstrate the

⁵⁴⁷ *ND Or.* 17.6-11 and *Occ.* 15.7-12. The problem of the inclusion of the plural, *tabularium dominarum Augustarum* is discussed below.

⁵⁴⁸ Dunlap 1924, 207; Costa 1972, 361; and Francis 1993, 75.

⁵⁴⁹ *ND Or.* 1.18; *Or.* 18 (*primicerius notariorum*); *Or.* 1.19; *Or.* 17 (*castrensis sacri palatii*); *ND Occ.* 1.16; *Occ.* 16 (*primicerius notariorum*); *Occ.* 1.17; *Occ.* 15 (*castrensis sacri cubiculi*). See Chapter 1 for the problems associated with interpreting the function of this so-called index. This inconsistency may reflect the influence of the usurpation of the western *primicerius notariorum* John in 423 following the death of the emperor Honorius. On this see Bury 1920, 141 and also *PLRE* 2, Ioannes.

⁵⁵⁰ The empresses Pulcheria and Eudocia: sister and wife, respectively, of Theodosius II.

⁵⁵¹ See Chapter 2.

limitations of the *Notitia Dignitatum* as a comprehensive guide to actual imperial court politics.

6.2.2 *Beyond the Notitia Dignitatum: eunuch cubicularii in the fourth and fifth centuries*

The *Notitia Dignitatum* provides an image of the late Roman administration that is static and rigidly hierarchical. As such, it cannot give a full sense of the complexity of court politics within which eunuch functionaries played a pivotal role. Indeed, the *Notitia Dignitatum* is unusual among the majority of our sources for the fact that it stratified and normalised the role of eunuch *cubicularii* just as it did the other officials whose offices it delineated. However, the fragmentary nature of the evidence for *cubicularii* in the *Notitia Dignitatum* means that we are even more reliant on information in sources beyond it for our knowledge of the part played by eunuchs at court. Therefore, our approach to eunuch *cubicularii* must necessarily differ from that taken to the other civilian officials already examined in this work. In particular, our conclusions are based on texts which were to a large extent negative towards eunuchs in general. That is not to say that no positive accounts of eunuchs from the later empire exist. Indeed, the duality in character that could be attributed to eunuchs shows the complexity associated with studying the place and influence of this group at court and in the later empire in general.⁵⁵² Whether positive or negative, however, when eunuchs are discussed in relation to their role at court they are usually portrayed as being close to the emperor and, as a result, wielding influence beyond the limits of their official duties, and so these sources reveal a lot of incidental

⁵⁵² For a discussion of the co-existence of favourable and hostile assessments of eunuchs see Tougher 2008, 100-102.

detail about the role of eunuch *cubicularii* at the centre of power.

In the case of the *castrensis sacri palatii*, we know from the law codes that strict rules of promotion existed for the office. For example, it is recorded that the post was tenable for two years and a successor was, in theory, chosen according to their hard work and terms of service.⁵⁵³ Moreover, a rigid system of promotion based on seniority extended throughout the ranks of the *castrensi*.⁵⁵⁴ Despite such legal stipulations, Ammianus, one of our most censorious critics of court eunuchs, describes the usurper Procopius awarding a former *castrensis*, Hyperechius, with command of a band of auxiliaries.⁵⁵⁵ Proximity to the usurper is given as an explanation for the impressive promotion of this official who had previously been merely in charge of the commander's supplies.⁵⁵⁶ Regarding the *primicerius sacri cubiculi*, there are few references in the law codes and debate continues as to the means of official promotion open to him.⁵⁵⁷ However, our literary sources again imply that proximity to power, rather than official position, could be a determinant in an individual's influence and standing. For example, the emperor Honorius entrusted the *cubicularius* Arsacius with the task of escorting the son of the disgraced *magister utriusque militiae* Stilicho to Rome for execution. For the

⁵⁵³ See, in particular, *CTh.* 6.32.1 (416).

⁵⁵⁴ *CTh.* 6.32.1, indicates that the corps was divided into the *statuti*, the full members, and the *supernumerarii*, those on the waiting list for entrance to the post. Also, on retirement, the *castrensis* was excluded from holding the same position again or indeed any other administrative office.

⁵⁵⁵ *Amm.* 26.6.1-11. See also *PLRE* 1, Hyperechius.

⁵⁵⁶ *Amm.* 26.8.5: describes the *castrensis* as being in control of the emperor's stomach and gullet: *id est ventris ministrum et gutturis*.

⁵⁵⁷ The only specific reference to the *primicerius* in the law codes is in *CTh.* 11.18.1 (412), which exempts a whole series of officials, including the *primicerius*, from paying commutation money for recruits and horses. Of the few *primicerii* about whom we have any information not one is attested in the office for more than two years, and there is no evidence to suggest they held another post after their term had finished. However, we know of only two *primicerii* in the west, Arsacius (408-9), *PLRE* 2, and Heraclius (454-5), *PLRE* 2; and two in the east also: Mardonius (388), *PLRE* 1 and Calapodius (466), *PLRE* 2.

successful completion of this task he was awarded the post of *primicerius*.⁵⁵⁸ Although such examples were not the norm, it is possible to suggest that the influence of a eunuch *castrensis* or *primicerius* could, in certain circumstances, extend far beyond that delineated for them in the official regulations.

The *praepositus sacri cubiculi* is the eunuch officer for whom most evidence survives. The *praepositus* benefited from the fact that he was selected by the emperor and served at his pleasure and not, therefore, for a fixed period of time as was the case with other officials.⁵⁵⁹ Eusebius, for example, was *praepositus* for twenty-four years at the court of Constantius II.⁵⁶⁰ This ensured that eunuchs in this role could develop much closer ties and, in some circumstances, greater influence with an emperor and his court.⁵⁶¹ Our main source for the role of Eusebius is Ammianus, who directed much of his invective against the administration of Constantius II at the *praepositus sacri cubiculi*. Indeed, such was the immorality of Eusebius and other eunuch *cubicularii*, according to Ammianus, that Julian included them in his institutional cull of Constantius II's administration.⁵⁶²

However, even when Ammianus praises a eunuch, as in the case of Eutherius, the *praepositus* of Ammianus' hero Julian and, according to the author, an exception to the general rule, he still implies that the *praepositus* enjoyed close proximity to the emperor

⁵⁵⁸ Zos., *HN* 5.37.4-6. Arsacius was aided on this mission by the eunuch Terentius who was subsequently made *praepositus sacri cubiculi*. See also Chapter 5 for information regarding leading ministers being entrusted with foreign missions and embassies, perhaps as a result of an increasing awareness of the importance of some degree of specialisation in personnel.

⁵⁵⁹ Hopkins 1978, 175 and Smith 2007, 202.

⁵⁶⁰ Soz., *HE* 3.1 and Amm. 21.15.4, for the long tenure of Eusebius. See also *PLRE* 1, Eusebius 11.

⁵⁶¹ See, for example, Amm. 18.4.3: Constantius II greatly depended on the eunuch; also Lib., *Or.* 18.152, for the suggestion that Eusebius had Constantius under his thumb.

⁵⁶² Amm. 22.4.2 and also Soc., *HE* 3.1.50-3. See also Jul., *Or.* 14.3: where Julian himself furthered his condemnation of Constantius II by claiming that influence at his court was largely bought and, even worse, that it was often eunuchs who sold these privileges. Moreover, Lib., *Or.* 18.130, describes the court of Constantius II as being a refuge for idle gluttons who bought their influence. Amm. 18.4.3, also notes the greed of Eusebius which resulted in those seeking influence at court having to purchase his favour.

and was therefore in a position to offer advice.⁵⁶³ For example, we are told that Eutherius felt close enough to Julian to criticise him on occasion for his adherence to eastern practices.⁵⁶⁴ Such intimacy with the emperor enjoyed by a *praepositus* could ensure his accumulation of a number of eclectic duties.⁵⁶⁵ In the case of Eusebius, for example, Ammianus reports that Constantius II entrusted the *praepositus* with the task of presiding over the trials of the supporters of the fallen Caesar Gallus. The eunuch and his judicial colleague, the *magister equitum* Arbetio, are alleged by Ammianus to have acted indiscriminately, condemning the innocent and guilty alike to torture and punishment.⁵⁶⁶ There is no indication in the *Notitia Dignitatum* that the *praepositus sacri cubiculi* had any official judicial competence.⁵⁶⁷

Another of the *ad hoc* functions carried out by eunuch officials on occasion was that of imperial envoy. There was no foreign minister at court, but, as has been argued, it seems that, by the fourth century, the administration of internal and international relations rested in the sphere of interest of the *magister officiorum*.⁵⁶⁸ The suitability of *praepositi* for these types of missions was well established by the later fourth century. Magnus Maximus sent his *praepositus* to the court of Theodosius I to seek recognition for his usurped position as emperor, while Theodosius I himself sent his *praepositus* Eutropius to consult the prophetic monk John in Egypt on the important issue of the outcome of the

⁵⁶³ Amm. 16.7.4-10. In his presentation of Eutherius we can see Ammianus making a deliberate contrast to the court of Constantius II and the eunuchs who served him, in particular Eusebius. Indeed, he is keen to point out that it is hard to find in history examples of other eunuchs who displayed such characteristics of loyalty, kindness and virtuous living.

⁵⁶⁴ Amm. 16.7.6.

⁵⁶⁵ These unofficial duties have received most attention from modern scholars because they are relatively well attested in our sources: see, for example, Hopkins 1978, 172-96; Guyot 1980, 145-57; Francis 1993, 63-93; Ringrose 2003, 128-141 and 163-183.

⁵⁶⁶ Amm. 15.3.2.

⁵⁶⁷ Guyot 1980, 140 and Long 1996, 136-7. Even in the legislation passed in the wake of Eutropius' removal, *CTh.* 9.40.17 (399), there is no mention of legal duties. Perhaps the *praepositus* in the east had some judicial role on the *domus divina per Cappadociam*, but no formal statement of such duties exists.

⁵⁶⁸ See Chapter 5.

emperor's war with the usurper Eugenius.⁵⁶⁹ That a *praepositus* could be entrusted with representing the interests of his emperor beyond the court enhances the argument that the *Notitia Dignitatum* did not always record actual Roman practice.

In the case of Eutropius, in particular, we are reliant on the highly rhetorical account of Claudian, whose invectives championed the political ideals of Stilicho, for much of our information on his career, and so we do not have a reliable or uncomplicated impression of his actual status at court.⁵⁷⁰ Nevertheless, the career of Eutropius seems to encapsulate the extent to which eunuchs had loosely defined responsibilities to which they could add over the course of their long careers and which extended into areas usually associated with other officials. In this respect, Eutropius is credited with leading a surprisingly successful military campaign against a band of Huns who were terrorising Armenia.⁵⁷¹ For this most unexpected victory, Eutropius became the first eunuch to be admitted to the dignity of the consulate and he also received the honorific title of *patricius*.⁵⁷² Claudian also claimed that Eutropius interfered in the appointment and removal of military personnel. For example, he is said to have provoked the trial, disgrace and exile of the general Abundantius.⁵⁷³ In this account, Eutropius had the barbarian general Alaric declared *magister militum* to try to prevent Stilicho from any

⁵⁶⁹ Zos., *HN* 4.37.2. Here Zosimus states that Maximus would not allow eunuchs to be in charge of his court. However, Ambrose, *Ep.* 30, mentions being received by a eunuch at the court of Maximus. Soz., *HE* 7.22.7-8: Eutropius sent to John in Egypt.

⁵⁷⁰ Kelly 2004, 167 and Tougher 2008, 97. See also, Chapter 4 on Claudian as a source for the career of the praetorian prefect Rufinus, his support for Stilicho and the difficulties of using his work as a source. In the context of his portrayal of Eutropius, his work can be checked against the narratives of Socrates and Sozomen as well as Eunapius and Zosimus. See, for example, Long, 1996, 160-170, on the use of other sources to establish the dating of both books of the *In Eutropium*. Moreover, as noted in previous chapters, the western court was equally dysfunctional in this period.

⁵⁷¹ Zos., *HN* 1.234-88; 2. pr. 55-6; Claud., *In Ruf.* 2.33-5; Soc., *HE* 6.1; Soz., *HE* 8.1.

⁵⁷² Soc., *HE* 6.5. See also Zos., *HN* 5.17.4; Claud., *In Eutr.* 1.105; 285-6; 2 pr. 10; 2.561; Joh. Chrys., *Hom. In Eutropium eunuchum, patricium, ac consulem* (PG 52.391-6); *CTh.* 9.40.17 (399). Another *praepositus*, Antiochus, would also receive the title of *patricius* from Theodosius II. On the importance of the title of *patricius* see O' Flynn 1983, 65-6 and Liebeschuetz 1990, 93.

⁵⁷³ Claud., *In Eutr.* 1.152-69.

further actions in Greece.⁵⁷⁴ Much to the annoyance of Eutropius, Stilicho engaged Alaric in the Peloponnese, which the Gothic leader had invaded in 396/7, without seeking the permission of Arcadius – despite the fact that it was part of the eastern empire.⁵⁷⁵

6.2.3 Conclusion

Not all of these stories are to be believed in their detail. Indeed, for the most part, these sources were trying to make the eunuch's influence at court appear exceptional.⁵⁷⁶ The carefully contrived condemnations in contemporary sources, no less than does the *Notitia Dignitatum*, present a particular view of what Roman politics should be like, and cannot be assumed to give a clear or unbiased impression of the day-to-day reality of court life or the general attitude of contemporaries.⁵⁷⁷ The claim that eunuchs exercised their influence in an underhand manner over the administrative and military policy of the empire was often used as a means of criticising the character of a particular emperor and the culture of his court. Nevertheless, in the light of the stories our sources reveal, and the functioning of other official posts, the truth appears to be that their status at court was part of its normal operation. Understanding the biases inherent in both the *Notitia Dignitatum* and our literary sources allows us a clearer picture of how things seem to have actually worked. The *Notitia* gives only a partial story of the status of eunuchs in the imperial administration; but it can be used effectively to supplement the equally distorted picture often found elsewhere.

⁵⁷⁴ In *Eutr.* 2.214-20.

⁵⁷⁵ For Eutropius' military decisions and career see Liebeschuetz 1990, 93-104 and Long 1996, 10-13 and 28-29.

⁵⁷⁶ See, for example, Athanasius' *Hist. Ar.* 38, where the author suggests that Constantius II even regarded eunuchs as competent judges of ecclesiastical matters. Such claims may be exaggerated and should not be taken at face value. For the unreliability of the *Historia Arianorum* see Gwynn 2007, 151-2 and 156.

⁵⁷⁷ Kelly 2004, 166.

In some cases, however, the *Notitia Dignitatum* is misleading in its provision of no evidence whatsoever. After all, late Roman politics was not merely the province of ministers and bureaucrats. The eunuch *praepositus*, with his personal selection by the emperor, unlimited tenure and constant proximity, points the way towards a kind of soft power which could not be recorded in the *Notitia Dignitatum*.

6.3 Empresses

This soft power is especially evident in the influence wielded by those outside the official structure of the imperial administration such as empresses and bishops. Empresses did not hold a formal, bureaucratic position at court. They could not, therefore, be included in a document like the *Notitia Dignitatum* which provides a formal account of bureaucratic power. However, in the melting pot that was the late Roman court, empresses had occasion to act independently of their male relatives and play a political role. Although they were not members of the imperial administration as such, they were usually a permanent and visible part of the imperial court. Their influence, therefore, existed alongside but was intricately intertwined with the administrative system that is detailed in the *Notitia Dignitatum*. While modern scholarship now recognises that certain empresses had a role in imperial politics, we need to understand that their influence was not exceptional.⁵⁷⁸ This is not, however, to say that empresses had any consistent, fixed and

⁵⁷⁸ The idea that imperial women were removed from the centre of power, for a long time, dominated modern approaches to the study of empresses: see, for example, Diehl 1936 (trans. Bell and de Kerpely's 1964, 5); Maslev 1966, 308-343; and Oost 1968. In the main, these studies viewed the power of empresses as personal and totally dependent on their relationships with the emperor. This approach resulted in the production of biographies of those individual empresses who were believed to have wielded a 'private' or 'unofficial' power that was considered to be at odds with the hierarchical structure of the late Roman or Byzantine administration. However, even in those works which recognise that the influence of imperial women may extend beyond the private sphere, the place of the empress is often presented as being unchanging: see, for example, Garland 1999 and Herrin 2001. In contrast to this, there has been some

official administrative function; but nor is it to say that their capacity to make an impact was founded wholly on the possession of an unusually strong personality. An understanding of the impact of empresses on late Roman politics, beyond a domestic setting, calls instead for a more complex reading of the *Notitia Dignitatum* as well as a more nuanced approach to the study of the administration and the court in general.

6.3.1 *The perception of power: empresses in our ancient sources*

The exclusion of empresses from the *Notitia Dignitatum* is not unusual, as there is little in any contemporary source detailing the opportunities that existed for imperial women to engage in court politics. Indeed, the stereotypical description of the role of empresses in the politics of the empire was used, in a similar way to the image of the over-mighty eunuch, as a rhetorical tool designed to undermine an emperor and his administration and to bemoan the degenerate nature of the age. Given the silence of the *Notitia Dignitatum*, we have to look to other sources for the official presentation of imperial women.

The law codes, for example, suggest that there was no institutional scope within the late Roman administrative system for a woman to hold power. The Theodosian Code records that women were dignified “in accordance with the honour of their husbands”.⁵⁷⁹ Therefore, imperial women occupied an ambivalent position: they shared in the honour of their husbands, but, as women, in the eyes of the law empresses were deemed to be

attempt in modern scholarship to endow the empresses with an official position at court which was not just connected to marriage and childbearing: in other words, that the empress had a ‘job’, that of the emperor’s deputy, and filled in for him whenever he was unable to rule: see, especially, James 2001. Such works went a step further than that of Holum, for example, who suggested that the women of the Theodosian court “did achieve authentic imperial dominion”: Holum 1982, 3. For a review of the developments in the approach to the study of female imperial power, particularly in studies of Byzantine women, see especially, Nelson 2004, 124-135.

⁵⁷⁹ *CTh.* 2.1.7 (392).

without legal capacity.⁵⁸⁰ At court an empress had no fixed role nor had she a clearly defined set of duties which could be catalogued. An emperor could enshrine the honorific status of his wife or female relatives at court by investing them with the title of Augusta. This honour, however, was not awarded in a systematic fashion and it did not constitute a fixed role for its holder.⁵⁸¹

In addition to the law codes, we can also look to imperial coinage to get some impression of the official presentation of the role of the empress. Coins promoted aspects of imperial ideology through words and images and, like the *Notitia Dignitatum*, they were an important tool for the official expression of the hierarchical structure of authority within the imperial system.⁵⁸² They were struck in honour of an empress on the prerogative of the emperor.⁵⁸³ Therefore, numismatic evidence is far from unbiased, but

⁵⁸⁰ Justinian, *Institutes*, 2.10.6: those with the legal capacity to act as witnesses for the signing of wills. Among those excluded are women, lunatics and slaves. For discussions on the position of women in Roman law see, for example, Beaucamp 1977, 149; 1990, 29-35; Clark 1993, esp., 6-62, Arjava 1996 and James 2001, 72-73.

⁵⁸¹ Cameron and Long 1993, 170, argue that the title had always been an anomaly and that it was by no means routine for an emperor's consort to be proclaimed Augusta. See Holum 1982, 30, 65 and Brubaker 1997, 57, for the argument that the production of an heir was the most likely occasion for the proclamation of an empress as Augusta. However, awarding the title of Augusta was often used as a tool in the ideological battle to assert legitimacy. Hence, Constantine I celebrated his defeat of Licinius and his emergence as sole ruler of the empire in 324 by conferring the rank of Augusta on his mother Helena. Theodosius I revived the practice both to legitimate his dynasty and secure it for his successors by establishing a link with the house of Constantine. Therefore, his wife Flacilla was the first empress since Helena to be awarded the title of Augusta. The title of Augusta was also given to Theodora, second wife of Constantius I, and Fausta, second wife of Constantine I. Cameron and Long 1993, 170 nt. 84, suggest that Fausta's execution soon after her elevation may have been one reason in explaining the reluctance of emperors to award the title in subsequent years. See also, Holum 1982, 3-4 and 22-44 and Grierson and Mays 1992, 7, on Theodosius' revival of this practice.

⁵⁸² For example, *RIC* 7, 33-35: the obverse busts not only rendered the countenance of the members of the imperial house, but also defined the dignity and status of the respective rulers through varying insignia that marked degrees of rank. Also, the portrait on the obverse of a coin was an important means through which the imperial image was conveyed throughout the empire, particularly after the court became a static institution. On this see, for example, Crawford 1983, 54-57; Howgego 1995, 60-69 and 70-75; and Brubaker and Tobler 2000, 43-44. See also James 2001, 31-49, for representations of empresses in monumental art.

⁵⁸³ For the period between Constantine I and Theodosius II these coins do not provide a consistent catalogue of imperial women. A few women of the imperial family, such as Marina, sister of Theodosius II, had the title of *nobilissima femina*, which did not carry with it minting honours. The exception to this was

since it is a product of a particular moment, it furthers our knowledge of the way in which those in authority wanted the imperial court and family to be viewed. These coins usually present imperial women in stereotypical roles. The emphasis is typically on her position as wife and mother, and, as a result, her symbolic importance in conferring legitimacy on a dynasty. For example, in the period after Constantine's death in 337, two series were produced: one using the image of Helena, and the other that of Theodora, reflecting the struggle for legitimacy among the descendants of both branches of the family.⁵⁸⁴ The emphasis in both sets of coinage is on the peaceful continuity of the empire under their respective branches of the Constantinian dynasty; none of the information provided on coins such as these, therefore, has any bearing on the influence of the empresses themselves beyond their value as symbolic figures.

The coin types representing imperial women in the Constantinian period went on to become the touchstone for later rulers.⁵⁸⁵ In addition to the function of an empress as mother, another visual testament to the roles deemed appropriate for imperial women to perform may be seen in a gold *nomisma*, issued to commemorate the marriage of Pulcheria and Marcian.⁵⁸⁶ The representation of this marriage on a coin shows Pulcheria

Constantia, half-sister of Constantine and widow of Licinius, who had some rare coins struck in her honour: see *RIC* 7, 26-27 and 570-571.

⁵⁸⁴ Brubaker and Tobler 2000, 576-577. For example, in 337 a *nummus* was struck with a profile of Helena, who died before 330, with the personification of *pax publica* on the reverse: a traditional Roman value associated with women, but an image that also stressed the peaceful continuity of the empire under the sons of Constantine: *RIC* 8, 143, 250-251, 449-450, pl. 21 (no. 33). On the other hand, coins struck with the image of Theodora had the personification of *pietas romana* on the reverse with a child at her breast: *RIC* 8, 142, 250-251, 449-450, pls 1, 21 (nos 43, 51).

⁵⁸⁵ See, for example, the coins struck in honour of the empress Flacilla, whereby Theodosius I was able both to promote his new dynasty and associate it, by using traditional representations also found on the coins of Helena, with the House of Constantine: *RIC* 9, 153, 183, 195-197, 225, 226, 229, 230-231, 245, 257, 261, 284, 291, 302. The coins of Flacilla included the personification of Christian Victory, thus further linking the Theodosian with the Constantinian House and particularly Helena: for the use of Victory on coinage see *RIC* 10, 54-55.

⁵⁸⁶ Grierson and Mays 1992, 158. For a discussion of the implications of the marriage of Marcian and Pulcheria for our understanding of female influence at court, see below.

performing a fundamental part of the idealised role of an empress: the legitimisation of Marcian's position as emperor. While there may have been some exceptions, in general these coins represent the very limited, stereotypical ideas of the roles of imperial women – mainly relating to dynastic issues.⁵⁸⁷ The official and public presentation of imperial women, therefore, on coins and in the law codes, sought to restrict and to an extent normalise their status, particularly in relation to the emperor.

Beyond these official sources we have literary texts which, while more complex than the numismatic evidence, seldom focused on women in particular. In fact, the majority of them suggest that imperial women were removed from the centre of power. As was the case with eunuch *cubicularii*, our literary sources, on the rare occasions when they actually concentrate on imperial women, mainly use them as rhetorical tools through which to criticise an emperor and his court. For example, Ammianus used the empress Eusebia, wife of Constantius II, to further his criticism of that emperor. Eusebia, although she is praised for the assistance she gave to the young Julian, is accused of subsequently killing his unborn children and making his wife barren, in an attempt to ensure the dynastic security of any future progeny of her own.⁵⁸⁸ The emphasis in Ammianus' account is on Eusebia's ability to manipulate her husband, as opposed to any formal

⁵⁸⁷ For these exceptions see, for example, the iconography on the coins of the empress Flacilla which became more obviously linked to that of the emperor. See Holum 1982, 34, for the argument that the accoutrements of power became more obvious on the coins of Theodosian empresses. See also James 2001, 105 and Connor 2004, 52. Moreover, other examples include the coins of the empress Pulcheria. It is argued that she may have been responsible for some of the representations used on her coinage, in particular the personification of Constantinople holding an orb surmounted by a cross on a series of coins struck in her honour. On this see Grierson and Mays, 1992, 152.

⁵⁸⁸ Amm. 15.2.8: Eusebia befriended Julian and ensured his safe passage to Greece to study. Amm. 16.10.18: Eusebia poisons Julian's wife to ensure the loss of her unborn child. Cf. the work of Julian himself, who penned a speech in praise of Eusebia when he had just arrived in Gaul as the newly proclaimed Caesar, and was still reliant on the goodwill of Constantius II to ensure his survival: *Or.* 3. Julian declares his aim to be that her good deeds will be remembered forever, and so we get an account of Eusebia's good character and noble actions: *Or.* 3.117c. However, little of what Julian describes Eusebia as achieving is presented as having been done without the support of the emperor: *Or.* 3.116a-117b-c. For an interpretation of the date, nature and purpose of this panegyric see Tougher 1998b, 105-123.

analysis of her influence at court. Moreover, this influence is presented by Ammianus as unusual and unacceptable.

Nevertheless, without stating it explicitly or indeed consciously engaging with the notion, Ammianus' narrative suggests both the flexibility at the heart of the imperial government and the prominent role of women in that system. Such incidental information in our literary sources suggests that imperial women could become involved in and, on occasion, become the focus of the factional politics that dominated court life and, indeed, could carve out a relatively independent role for themselves at court. This again should caution us against expecting a source like the *Notitia Dignitatum*, which is concerned with laying out a stable, delimited and predictable system, to provide a sufficient account of the reality of court politics in the later empire.

6.3.2 *The empress and court politics*

Even in the absence of any official bureaucratic role, empresses were often in a position to affect the politics and administration of the empire. They had access to the emperor, most obviously in their roles as wives and mothers, as is shown by their prominent place in the dynastic claims made on imperial coins. However, even their mere presence at court afforded them great proximity to power. In the mobile courts of the fourth century there is evidence to suggest that empresses travelled with the *comitatus* and so retained a close connection to the centre of influence.⁵⁸⁹ Socrates' description of the death of the emperor Gratian, for example, implies that an emperor's wife was presumed to have close access to her husband even when on the road. Hence, Andragathius, a general of the

⁵⁸⁹ For example, Ammianus claimed that Eusebia urged Constantius II to make Julian Caesar and send him to Gaul to avoid having to travel there herself, so assuming that the empress would normally accompany her husband wherever he went: Amm. 15.8.3.

usurper Maximus, allegedly concealed himself in a litter and ordered his guards to report that it contained the emperor's wife, in order to take Gratian by surprise and to murder him.⁵⁹⁰

An empress' position of influence usually derived from a personal relationship with and close access to an emperor, but, like other members of the court, she could often exercise this power independently of him. This is evident in the influence imperial women could wield when they were regent of a young emperor. For example, the sway of the empress Justina over Valentinian II, who at the age of twelve assumed the throne of the west, is cast in interesting terms by our sources. On the death of the emperor Gratian, control of the young Valentinian II's court is said to have rested with military figures such as the Frankish *magister militum* Bauto.⁵⁹¹ Nevertheless, his mother was also credited by some sources with holding a prominent position at court.⁵⁹² Indeed, despite the fact that she was an empress, Justina's personal influence over Valentinian II is not constructed as something different in kind to that exercised by officials like Bauto. According to Ambrose of Milan, for example, it was thanks to her personal relationship with Valentinian II that Justina was able to influence the emperor and ensure that the Arians of the city were provided with a church in which to worship.⁵⁹³

⁵⁹⁰ Soc., *HE* 5.11.

⁵⁹¹ Bauto: Amb., *Ep.* 24.4: the usurper Maximus accused him of seeking power for himself under the guise of acting in the interests of the emperor. On this, see O'Flynn 1983, 6.

⁵⁹² Indeed, her relationship with the non-Roman military men of her son's court may have been aided by her experience as the wife of the western usurper Magnentius, to whom she was married before Valentinian I. See *PLRE* 1, Fl. Magnus Magnentius.

⁵⁹³ Ambrose focuses on the handing over of a church as opposed to a personal vendetta against him: see especially *Epp.* 75 to Valentinian; 75a *Contra Auxentium* and 76 to his sister. For a detailed overview of this conflict and its political ramifications see McLynn 1994, 158-219. See also Williams 1995, 185-217, particularly for the theological aspects of the dispute. For Ambrose's interpretation of the events and the problems associated with the other sources for this conflict see, especially, Liebeschuetz 2005, 124-173.

Justina's status at court, it would appear from some of our sources, was not, however, entirely dependent on her relationship with the emperor. Sozomen, for example, implies, albeit indirectly, that she could act with some independence at court. In his account, Justina not only convinced Valentinian that Ambrose had, in the course of the dispute regarding the provision of a church for Arian worship in Milan, insulted her honour, she also attempted to have the *magister memoriae* Benivulus draft legislation in favour of the Arians in the city.⁵⁹⁴ In this instance, the empress is presented as exercising her power in the (semi-) public setting of the court, by engaging with administrative business.

This blurring of the lines between the personal relationship and independent power is perhaps best illustrated by the marriage of the empress Pulcheria to the relatively unknown ex-tribune Marcian, who became emperor following the death of Theodosius II in 450.⁵⁹⁵ The perception expressed by a number of our sources, that Pulcheria played an active role both in her decision to marry and in her choice of husband, underscores the fact that opportunities for influence existed for imperial women, as well as officials at court, within the context of the flexible and dynamic administrative system of which they were a fundamental part.

Some of those sources favourable to Pulcheria claim that she had only a minor role in the choice of Marcian; however, they did not question the fact that the empress, who had devoted herself to a life of virginity, would suddenly decide to marry an unknown

⁵⁹⁴ Soz., *HE* 7.13: refers to him as Menivulus; also Ruf., *HE* 2.16. *PLRE* 1, Iustina, takes this account at face value and attributes *CTh.* 16.1.4 (386) to Justina. Amb., *Ep.* 75.9-10 and *Ep.* 75a.24 both have allusions to this law but do not credit Justina with its inception. See also *PLRE* 1, Benivulus.

⁵⁹⁵ Our knowledge of this event is skewed primarily because of the religious and political biases of our sources. For a discussion of the sources for this marriage see Burgess 1993/4, esp. 47-58, who traces the story of Marcian's accession through almost nine hundred years of historical composition and compilation. Cf. Holum 1982, 208-209, who takes at face value the accounts of Evagrius, Theophanes, and Zonaras, without looking in detail at the religious motivation of each or the sources which they used.

military officer. According to John Malalas, for example, Theodosius II had already decided that he wanted Marcian to succeed him.⁵⁹⁶ In this account, Theodosius, just a short time before he died following a horse-riding accident, had a vision of who would follow him as emperor. He allegedly discussed his plans to make Marcian emperor with Pulcheria, and it was only when Marcian had been crowned by the senate that he married the empress. The communication by Theodosius of his vision to his sister does not go far enough to explain Pulcheria's willingness to abandon her life of celibacy and consent to this marriage. That a marriage occurred, I contend, can be used as evidence for the fact that Pulcheria was already an influential member of Theodosius II's court, and also that she decided to be active in the political turmoil of the day in order to secure the Theodosian dynasty.⁵⁹⁷ Malalas attempted to remove any embarrassment from Marcian by emphasising the fact that his accession to the throne was dependent on the decision of Theodosius II and not on his sister.⁵⁹⁸ Although he therefore diminished her role, the status of Pulcheria at the court of her brother is nevertheless suggested by the fact that

⁵⁹⁶ Joh. Mal. 14.26-28: For dating and editions of his work see Jeffreys and Scott 1986, xxiii.

⁵⁹⁷ For an insight into Pulcheria's status at court see, for example, Theophanes' claim that she was instrumental in inducing her brother to dismiss the powerful praetorian prefect Anthemius and *praepositus* Antiochus from Theodosius' service so that she could assume dominance at court at the age of fifteen: Theoph., a.m. 5905. Theophanes' account is taken at face value by Jones 1964, 179 and Holum 1982, 90-96. Cf. Liebeschuetz 1990, 129, 134 and Harries 1994, 36, who doubt that Pulcheria assumed such dominance at this stage, but, nevertheless, recognise that her influence and power steadily increased. Theophanes has two references to Pulcheria assuming power over Theodosius II's government at a.m. 5901 (408/9) and 5905 (412/3). This may have been the result of a mix-up of chronology due to Theophanes' use of different sources. He inserted the information from Sozomen, who had used the work of Theodore regarding Pulcheria's assumption of power in his chronological entry for Theodosius' first year, but suggests that she was fifteen at the time. Pulcheria turned fifteen in 414: see *PLRE* 2, Aelia Pulcheria. Then, at 5905, he again mentions Pulcheria assuming control of the government. Here he is perhaps using Olympiodorus who also made use of Sozomen. For the issues surrounding the chronology of Theophanes see Bardill and Greatrex 1997, 189-190. For the influence Pulcheria was alleged to have wielded over the young Theodosius II see, for example, Holum 1982, 79-111.

⁵⁹⁸ Malalas' positive account of these events may not have been influenced only by his religious allegiance but also by the contemporary sources that he may have used. These could have included Priscus who regarded Marcian highly: see *fr.* 18.

Theodosius II supposedly discussed his plans for succession with her as well as, it would have been presumed, with his *comitatus*.

On the other hand, it is taken for granted by other sources that Pulcheria in fact took the lead in choosing Marcian as her husband.⁵⁹⁹ In these accounts, however, her role is often described in derogatory terms. In one source, for example, it is her lust for Marcian, evident even before Theodosius' death, which was the driving force in Pulcheria's decision to marry him.⁶⁰⁰ In this way, the status of Marcian is not only undermined by the emphasis being placed on the fact that his position was secured through a woman, but Pulcheria's reputation as a pious virgin is also besmirched. Whatever the motivation, however, such a story places the impetus for the marriage firmly with the empress. Indeed, by the ninth century, the historian Theophanes was able to take elements from both traditions and so kept Pulcheria as the driving force of events while arguing that her purity remained intact. Pulcheria's marriage to Marcian, as told in these later accounts, can be seen as the ultimate example of the demonstration of the individual influence and the standing of the empress in her own right.⁶⁰¹

The most plausible explanation for this marriage, I believe, is that Marcian only acceded to the throne because of Pulcheria's willingness to get involved in politics, not as adjunct to any particular emperor but as an unusually high-ranking and influential courtier. Since Valentinian III, the western and senior emperor after the death of Theodosius II, was not involved in the choice of Marcian, the decision must have been

⁵⁹⁹ See, for example, Theoph., a.m. 5942.

⁶⁰⁰ See, for example, *Vita Dioscori*, esp. §§ 2 and 3 (Nau, 242, 243): emphasises Pulcheria's lust for Marcian even before Theodosius died.

⁶⁰¹ Theoph., a.m. 5942.

made by powerful individuals at the court in the east.⁶⁰² Pulcheria was already an established influential force in Theodosius II's court, and her marriage to Marcian was a result, and not the cause, of this status. Moreover, her ability to play such a strategic role in the elevation of a new emperor after the death of her brother implies that female power could be expressed not only through the emperor but also, to some extent at least, independently.

6.3.3 *Conclusion*

The marriage of Pulcheria indicates that empresses were not wholly dependent nor was their influence always confined to a domestic setting. As with eunuchs, access allowed them not only to influence the emperor but actually to act independently on occasion. Just like these imperial officials, we have to understand the influence of imperial women in the context of the flexible and dynamic administrative system of which they were a part and which could not be captured in an official list of the senior civil and military officials at court. Their omission from the *Notitia Dignitatum* allows this to be overlooked, but this is not to say that they had a predictable role which the *Notitia* deliberately ignored, nor is it to say that Pulcheria, for example, was unique. The presence of the empress at court necessarily led to her having some independent influence in an administrative system which, as we have seen from literary and other sources, worked on a much more informal basis than the *Notitia Dignitatum* alone would suggest.

⁶⁰² Cf. Burgess 1993/4, 62-68, who suggests that the *magister militum* Aspar may have instigated the elevation of Marcian. The latter served under him as tribune and *domesticus*. See *PLRE* 2, Fl. Ardabur Aspar. For references to Aspar at the court of Theodosius II see Joh. Mal. 14.7: Theodosius sent him to Rome to defeat the usurper John; and also Joh. Nik. 84.46.

6.4 Bishops and the imperial court

In concentrating on the leading offices within the civil administration, the *Notitia Dignitatum* provides an incomplete, and so misleading, picture of the late Roman court. Its limitations as a guide to the administration are further apparent in the fact that, since it constructs politics in secular and military terms, Christianity as such is ignored and with it an important means by which influence was exercised in the later empire. This, therefore, resulted in the exclusion from the *Notitia Dignitatum* of other significant power bases, not least bishops.

Bishops did not have a formal place at the imperial court and yet, by the fifth century at least, their involvement was accepted as part of the conventional process of government. Indeed, certain bishops, like others with access to the centre of power, were in a position to have an impact on the day-to-day politics of the court – albeit primarily in relation to Church matters. This evidence for the involvement of individual bishops in aspects of court politics, just like our understanding of the influence of empresses or the eclectic duties acquired by leading court officials beyond their traditional functions, underscores the rigid and, as a result, misleading image of imperial politics as provided by the *Notitia Dignitatum*. Yet, just as we can only begin to understand the complexity of the administration and the court when we break free from the rigorously hierarchical description in the *Notitia*, we must recognise the polemical nature of many of our sources, usually written by ecclesiastical leaders themselves, in order to move beyond the image of the bishop at court as highly unusual or as a malign influence.

One of the major problems associated with trying to establish the role of bishops at court in the early fourth century is paucity of evidence.⁶⁰³ When it comes to the reign of Constantine, for example, much of our insight into the interaction between bishops and the court comes from the works of bishops themselves and especially Eusebius, Bishop of Caesarea in Palestine. In book ten of his *Ecclesiastical History*, Eusebius at least purports to be writing contemporary history, but his focus is on the triumphal victory of the Church following the end of persecution and the emergence of Constantine as the first Christian emperor.⁶⁰⁴ Eusebius' involvement in the events he described, not least the Council of Nicaea in 325, inevitably influences the nature of his account of the relationship between bishops and the new Christian emperor.⁶⁰⁵ Moreover, in his panegyrics, such as the *Life of Constantine*, he seems to imply that his personal relationship with the emperor was closer than it actually was, and so distorts our view of the impact a bishop could have on the ecclesiastical policies of the court.⁶⁰⁶ Nevertheless, the inclusion in the *Life of Constantine's* letters, which are effusive in their praise of the

⁶⁰³ Warmington 1989, 117.

⁶⁰⁴ Eusebius was not only a chronicler of the history of the Church. He was a prolific writer of theological works also. On this see, for example, Hollerich 1990, 309-325, who argues against the conventional image of Eusebius which he believes overestimates the priority of politics in his life and writings.

⁶⁰⁵ Eus., VC 2.63-73; 3.4-24. See also accounts in later sources, Athan., *Hist. Ar.* 66; Soc., *HE* 1.8; and Soz., *HE* 1.17. See Barnes 1981, 265-266 and Drake 2000, 256-275, on the problems of Eusebius', at times, deliberately superficial account of Nicaea in the *Life of Constantine*, due to his earlier support for Arius. Contemporary sources are few and biased, and later accounts rely on such works as those of Athanasius and Sabinus of Heraclia. The official documents, letters and decrees for the early part of the dispute must also be treated with caution; their survival was due mainly to the interest of partisan groups.

⁶⁰⁶ Barnes 1981, 265-267; Drake 2000, 441-483; and Treadgold 2010, 43. His panegyrics, including the *Life of Constantine*, have been described as exercises in rhetoric which were designed to flatter and maybe influence the emperor. See Dagron 2003, 132-133, on the *Tricennalia* and *Life of Constantine*. Also Cameron 1983, 186, who argues that the *Life of Constantine* is a self-confessed panegyric. Drake 2000, 370, argues that The *Life of Constantine* is not a biography and described it as a work of panegyric within which the pretence of familiarity with the subject of praise was a well known characteristic of this genre. Barnes 1981, 102-110, argues that the *Life* was in parts panegyric and a documentary history of a hagiographical nature. See also Williams 2008, 25-57, for the *Life* considered as hagiography.

bishop, draws attention to the fact that Eusebius thought it acceptable to be at, or at least associated with, the court.⁶⁰⁷

In a sense, his account can be seen as an early attempt in the age-old struggle to define the role of the emperor in the Church. Later ecclesiastical authors in the fourth and fifth centuries continued to grapple with this issue, on the one hand denouncing their opponents for seeking imperial assistance, while on the other making themselves available to the court when necessary. This is reflected in bishop Athanasius of Alexandria's descriptions of his interaction with the courts of four separate emperors.⁶⁰⁸ For example, in his *Encyclica* of 339, where he describes the installation of Gregory as bishop of Alexandria in that year, Athanasius blamed this appointment on the so-called 'Eusebians' who were assisted by the imperial court.⁶⁰⁹ However, in the *History of the Arians* the fault for Gregory's appointment lies with Constantius II, now cast as the precursor of the anti-Christ and chief supporter of Athanasius' opponents.⁶¹⁰ Such a shift not only reflects Athanasius' changed attitude toward that emperor, it also provides a

⁶⁰⁷ Eus., *VC* 3.60-61. This led to scholars seeing him as a 'courtly bishop': see, for example, Momigliano 1963, 85 and Brown, 1971, 82 and 86. In his *Life of Constantine*, seven out of fifteen documents that Eusebius includes were either addressed to him or written about him. Drake 2000, 368-370, has argued that many of the letters from Constantine that Eusebius received would have come to him routinely as part of a larger more general circulation. Cf. Barnes 1981, 111-112 and Woods 2002, 220-221. Eusebius never claimed that this work would be a full and impartial study of the emperor: *VC* 1.1.

⁶⁰⁸ Early in his career he appeared before the emperor Constantine and had three audiences with Constantius between 342 until 345. While an exile in the west he had four meetings with the emperor Constans, and ten years before his death he was at Jovian's court. For a comprehensive account of the movements of the various courts and Athanasius' attendance at them see Barnes 1993, xi-xii and 218-228. Athanasius was not immune himself from seeking the assistance of the imperial power and he includes reference to letters he wrote to and received from the emperors Constantine, Constantius, and Jovian. Despite his own association with the court, in the *Hist. Ar.* 52, Athanasius bemoans the fact that the decisions of the Church were now dependent on the emperor. He also includes a quote, allegedly from Ossius of Cordova, in which that bishop warns Constantius II to stay out of Church business: *Hist. Ar.* 44. The task of unravelling the complicated Christological controversies of this period and Athanasius' role in them has been well tended to by modern scholars. For recent large-scale studies of Athanasius see Barnes 1993; Brakke 1995; Martin 1996; and Gwynn 2007. Barnes 1993, 1-3, provides a brief account of trends in more modern scholarship regarding Athanasius.

⁶⁰⁹ *Ep. Ecc.* 5.

⁶¹⁰ Athan., *Hist. Ar.* 74.

good example of how the same event could be reinterpreted to suit the changing agenda of the same author.⁶¹¹

On the other hand, Athanasius himself was charged by his opponents with having excessive influence over the emperor Constans whose court he had access to while he was in exile in the west.⁶¹² When accused of trying to turn the emperor Constans against his brother, Constantius II, Athanasius argued that this was impossible as he was never on his own in the imperial presence.⁶¹³ In this instance, he tried to legitimise his return to Alexandria by deliberately downplaying his role at court. These examples from Athanasius' works show the influence of episcopal rivalries in the shaping of the historical narrative. This resulted in a situation whereby bishops, even in the eyes of other bishops, were often considered or at least portrayed as exercising their influence illegitimately.

The works of bishops and chroniclers such as Eusebius and Athanasius set the tone for Christian conceptions of the imperial office and its relationship with the Church for future ecclesiastic historians.⁶¹⁴ The extant continuators of Eusebius' *Ecclesiastical History* belong to the fifth century and include figures such as Socrates, Sozomen and Theodoret.⁶¹⁵ In these Greek ecclesiastical histories, there is a shift in attitude towards the role of emperors in the Church and a change in the rhetoric used to describe the interaction of bishops with the court. In Socrates' opinion, for example, Church affairs were unavoidably dependent on the emperor and he praises the involvement of the court

⁶¹¹ Gwynn 2007, 134-135.

⁶¹² He followed his court to Milan, Trier and Aquileia. Barnes 1993, xi-xii and 218-228.

⁶¹³ Athan., *Apol. ad Const.* 3.3-7.

⁶¹⁴ Markus 1990, 98.

⁶¹⁵ See Chesnut 1977 for an overview of the fifth-century Greek ecclesiastical historians.

in Church matters.⁶¹⁶ Sozomen's history, which relied heavily on the work of Socrates, brought this shift one step further and argued that the Church and its bishops should take priority even over the emperor as a counterweight to the state.⁶¹⁷ In the west we are largely reliant on the letters and sermons of men, such as Augustine or Leo of Rome, who were participants in the events they described.⁶¹⁸ It is difficult to establish a comprehensive understanding of the political and ecclesiastical interests at play when we are reliant on these sources which were often written and interpreted to suit their own and later theological agendas.⁶¹⁹

By the fifth century bishops had become part of the networks of influence which surrounded the emperor. The various biases of our literary sources should not obscure the reality of the intervention of bishops in court politics, however it is judged. Moreover, even if the fifth-century historians provide a misleading impression of the actions of Church leaders in the fourth century, their acceptance of bishops at court is a reflection of how far this was a normal part of imperial politics in the period in which they were writing.

6.4.1 *Constantine and the bishops*

The decision by Constantine to favour Christianity officially and to intervene directly in the internal disputes of the Church, particularly after 324, resulted in the late Roman imperial court becoming an arena for rival episcopal, as well as secular and military,

⁶¹⁶ Soc., *HE* 5.9-10.

⁶¹⁷ Urbainczyk 1997, 362.

⁶¹⁸ On Augustine see, in particular, Brown 1967; 1981; 1995, and O'Donnell 2006. See also Atkins and Dodaro 2001, xi-xxvii and Heather 2006, 229-232. For Leo see below.

⁶¹⁹ Our understanding of the interaction between bishops and the court of Theodosius II is undermined because of his patronage of historians such as Socrates and Sozomen: Soc., *HE* 7.23; Soz., *HE* praef. The pagan historian Olympiodorus also dedicated his work to the emperor: Photius, *Bibl.* 80.1.

interests.⁶²⁰ While the interaction between the emperor and bishop did not begin suddenly in the wake of Constantine's conversion in 312, it is apparent in the legislation introduced by him and carried on by his successors that bishops would have the opportunity to have a more visible presence at court.⁶²¹ During Constantine's reign the Christian Church attained a number of exemptions and material benefits as well as equity with other religions in the empire.⁶²² In this way Constantine, and for a time his imperial colleague Licinius, expected from Christianity what their predecessors had demanded for the ancient Roman religion: namely an advantage to themselves and a contribution to the wellbeing of the empire.⁶²³ The ability of the clergy to devote themselves to praying for

⁶²⁰ For a recent review of the numerous studies produced on this area see Rapp 2005, 6-16. For two different approaches to the conversion of Constantine and his subsequent involvement in Church affairs see, especially, Barnes, 1981 and 1982 and Drake 1995 and 2000. See also Barnes 2011 for a recent assessment of Constantine and his relationship with the Christian Church.

⁶²¹ Prominent Christians did have some level of interaction with high administrative officials and the court itself before the conversion of Constantine: see Millar 1977, 551-607, for example, who examines the period before Constantine and the interaction between the Christian Church and the pagan imperial courts of emperors such as Gallienus and Aurelian. Much of Millar's evidence is based on emperors' rescripts and responses which usually dealt with quite specific problems and so at times fail to provide a comprehensive picture of the relationship between the emperor and his Christian subjects in this period. For a review of Millar's approach see, for example, Hopkins 1978, 178-196. See also the reply in Millar 1992, esp. 651, on Porphyry and Eudoxia. A similar argument to Millar's relating to a later period in the empire's history is evident in Errington 2006, 171-259, who contends that later emperors' policies were driven less by ideology than by the daily struggle to react to the problems which threatened the unity and stability of the government.

⁶²² So-called 'Edict of Milan': Lac., *de Mort. Pers.* 48 and Eus., *HE* 10.5.1-14. Clerical exemptions: *CTh.* 16.2.1 (313); 2.2 (313/319); 2.7 (330). Eus., *VC* 2.20-2: Licinius' extension of clerical exemptions in the east in 313. Eus., *HE* 10.7.2: Eusebius reproduces a copy of a letter from Constantine to the Proconsul of Africa in 313, Anulinus, in which the emperor justifies his legislation by emphasising his belief that when the clergy 'render supreme service to the Deity, it seems that they confer incalculable benefit on the affairs of the State'. See also Optatus, app. 5, 6 and 7, for Constantine's attitude towards the need for unity in the Church and the role that the state and the emperor had in ensuring this occurred. Modern interpretations of his early legislation: Elliot 1978, 327; Dagron 2003, 129; and Rapp. 2005, 237-8. See also Corcoran 1993, 97-118, for a discussion of the 'hidden edicts' of Licinius which allegedly gave separate jurisdiction to Christians, like Jews, in imitation of Constantine. See also Barnes 2011, 93-97, who argues that there was no edict issued in the names of both Constantine and Licinius which proclaimed toleration of all religions. Constantine had already granted Christians in Britain, Gaul and Spain toleration and the restitution of property. It was Licinius who, after the meeting with Constantine in Milan, issued a document, not in Milan, that extended toleration and provided for the return of property to the Christians of Asia Minor, the Levant and Egypt.

⁶²³ See Drake 2000, on Constantine's adoption of a policy of 'peaceful co-existence' with regard to pagans in the empire. Cf. Pohlsander 1996, 23, who argues that Constantine's actions regarding the Church in the early years after he assumed power were not driven by political expediency but by religious conviction. A

the continued safety of the empire was helped by later legislation issued by Constantine that allowed the Church to accept bequests of property from the wills of the faithful.⁶²⁴ As a result of these early laws it now became financially expedient to become a bishop. Moreover, as Canon 8 of the Council of Serdica makes evident, bishops used their freedom from civic duty not simply to pray for the imperial administration but to become more closely associated with it through regular trips to court – often, it was suggested, for trivial purposes.⁶²⁵

The opportunity for bishops to have an impact on the court and its day-to-day decisions in relation to the Church was therefore enhanced as a result of Constantine's decision to become involved in its internal functioning. This was not a one-way process, however, and ecclesiastical leaders recognised the advantage of involving the imperial authority in their internal disputes. The Donatist controversy in the fourth century represents a turning point in this regard. Three letters from Constantine responding to this dispute, preserved in Eusebius, demonstrate his support for the anti-Donatist, Catholic faction of Caecilian, bishop of Carthage, but also his willingness to listen to the arguments of the Donatists. At the outset of this dispute, however, Constantine turned to the bishops themselves to attempt to resolve it, as is evident in his letter establishing the Council of Arles.⁶²⁶ By relying on bishops to solve this intractable dispute, he necessarily needed to have more contact with these experts on Christianity. Therefore, in the process,

policy of official toleration was not something new; Gallienus' death-bed edict of 311 sought to accommodate all gods: Lac., *de Mort. Pers.* 33 and 43.

⁶²⁴ *CTh.* 16.2.4 (321). On the problems of the Theodosian Code as a source for religious legislation, see Matthews 2000, 291-2.

⁶²⁵ Canons 8-12 (Hess 2002, 203-204).

⁶²⁶ Eus., *HE* 10.5.18-24. See also Optatus, app. 3: Constantine to Aelafius regarding the calling of Arles; app. 4: the bishop of Arles writes to Silvester of Rome regretting his inability to attend. For a discussion of these events, see De Clercq 1954, 168-73; Drake 1999, 219; and Hess 2002, 44.

Constantine inevitably came to associate his authority with the bishops, and so encouraged the likes of Donatus to appeal to him directly.⁶²⁷

As bishops saw the advantage of involving secular authorities in internal Church affairs and, despite there being no official positions for bishops at court, individual clerics, in addition to lay Christian members of the *consistorium*, were increasingly to assume a *de facto* role as the emperor's ecclesiastical advisors. Ossius, bishop of Cordova, for example, is often referred to as a trusted confidant, confessor and chief ecclesiastical advisor of Constantine who accompanied the court on its travels.⁶²⁸ Although Warmington has shown that little evidence exists to suggest that he was a close confidant of Constantine's who was consulted regularly on Church affairs, there is enough to suggest that he had more interaction with the court than many individuals could claim.⁶²⁹ According to Eusebius of Caesarea, Constantine wrote to Caecilian, bishop of Carthage, regarding a gift from the *fiscus* which he was to distribute on the basis of a schedule sent to him by an individual named Ossius, who is not referred to as a bishop.⁶³⁰ If this is Ossius of Cordova it can be seen as an early example of Constantine using the bishop in a practical manner to aid his relationship with the Church in Africa and an indicator of the varied role bishops could play at court. He is also associated in our sources with other important ecclesiastical events, such as in late 324 or early 325 delivering another letter from Constantine this time to the chief protagonists in the Arian

⁶²⁷ Optatus, app. 5: Constantine's reaction to the Donatists' complaints to him regarding the outcome of Arles.

⁶²⁸ Chadwick 1966, 66, 129, refers to Ossius as Constantine's ecclesiastical advisor. Cf. Barnes 1981, 43 on Ossius' presence at court and 225-226, where he suggests that Eusebius of Nicomedia replaced him in this role. Momigliano 1963, 85, described Eusebius of Caesarea as Constantine's shrewd and worldly advisor. Edwards 2006, 149, refers to Ossius as Constantine's confidant and confessor. See also De Clercq 1954, 155-62; Millar 1977, 594; and Pohlsander 1996, 23. Cf. Worthington 1989, 117 and Woods 2002, 222.

⁶²⁹ Warmington 1989, 120: he points to the fact that there is little evidence to locate Ossius in the emperor's presence in the period between 313 and 324.

⁶³⁰ Eus., *HE* 10.6. Aug., *c. litt. Petil.*, 1.47; 1.5.10; 1.8.13: references to Donatist attacks on Ossius.

dispute, Alexander and Arius.⁶³¹ Ossius may have already been known to Constantine before 313 thanks, in particular, to the strategic importance of Cordova in administrative politics.⁶³² This may explain why the emperor used him to intervene on his behalf in such complex doctrinal disputes and, importantly, why he came to preside over the Council of Nicaea in 325.⁶³³

We do not have to attribute to him a role as ecclesiastical advisor to accept that Constantine may have looked to bishops like Ossius, who was highly regarded by his contemporaries, for advice on complex ecclesiastical matters.⁶³⁴ While it is clear there is no warrant for making him ‘court bishop’ or ‘chief advisor’ in any formal sense, the evidence fits well with a more precarious informal influence.⁶³⁵ Similarly, Eusebius of Nicomedia, who has been described as Ossius’ successor as the most important theological advisor at the court Constantius II, seems to have been able to wield this type of influence. As with Ossius, we do not need to ascribe to Eusebius an exaggerated role at court to recognise he had access to and some influence with the imperial

⁶³¹ Athan. *Apol. c. Ar.* 74 and 76; Soz., *HE* 1.7.1; Ruf., *HE* 10.1; Soz., *HE* 1.16.5; Gel., *HE* 2.3.22. See Lane Fox 1986, 655, who describes Ossius at this stage as an imperial agent. For the problems with dating the composition and delivery of the letter see Williams 2001, 49.

⁶³² Bleckmann 2006, 20-21, has suggested that the remains of a large complex excavated in Cordova, which has been described as a Tetrarchic palace or a governor’s residence, shows that the area had “transregional importance in the context of imperial administration” to explain why Constantine may have called on Ossius in this matter.

⁶³³ Eus., *VC* 3.7. Athan., *Pro Fuga*. 5.2 and *Hist. Ar.* 43.3: Ossius’ presidency at Nicaea. De Clercq 1954, 219; Millar 1977, 595; Barnes 1981, 215; Ulrich 1997, 14; and Drake 2000, 251; all accept that Ossius presided as president at Nicaea. Cf. Warmington 1989, 121-2, who discounts his presidency. Ayres 2004, 18-9, is more tentative in ascribing the presidency to Ossius but argues the he “probably” did so.

⁶³⁴ Eus., *VC* 3.7, refers to the famous Spaniard, whom scholars have assumed is Ossius since his reputation was so highly regarded. Soz., *HE* 1.9.6: Constantine held Ossius in the highest estimation.

⁶³⁵ The tendency to describe him as a religious advisor continues in modern scholarship. See, for example, Odahl 2004, 306 and Bleckmann 2006, 21. Edwards 2006, 149, goes further when he states that Ossius enjoyed the unbroken confidence of the emperor, and he repeats the suggestion that the bishop “became the keeper of the sovereign’s conscience” when Constantine learned that his execution of Crispus in 326 was judicial murder.

administration.⁶³⁶ The extent to which Eusebius of Nicomedia became associated with the courts of Constantine and Constantius II is perhaps evident in Socrates' statement that he was sought out by his fellow bishops because they were aware of his political contacts.⁶³⁷ Indeed, even the emperor Constantine, in a self-serving piece, had himself denounced Eusebius of Nicomedia for his association with Licinius, claiming that the bishop had participated in that emperor's savagery against the Church.⁶³⁸

It is in the accounts of Constantine's death, in particular, that our sources show some of the new opportunities that existed for bishops in the Christian empire. Constantine became mortally ill in Nicomedia and it was the bishop of the city who had the honour of baptising a Roman emperor for the first time.⁶³⁹ This version of the death of Constantine, together with Philostorgius' subsequent story of Eusebius' alleged role in getting that emperor's will into the hands of his son Constantius II, alludes to the perceptions already in existence in the fourth century that bishops would have had great access to the emperor through the provision of Christian rites such as baptism.⁶⁴⁰ Despite the bias of sources such as Philostorgius, the underlying image put forward of Eusebius of Nicomedia enjoying contact with the emperor and his family through his role as bishop of an important see – and, as a result, helping to grant legitimacy to the new emperor Constantius II – is plausible enough, given that bishops were regular attenders at court as well as important members of their civic communities. Rather than seeing the interaction

⁶³⁶ For an overview of the status of bishops at the court of Constantius II see Hunt 1989, 86-90. While he argues that there was no 'court bishop', Hunt recognises the impact of this flexible system of government by showing that individual clerics could have more than conventional power and status to offer the emperor, and could be called on to do more than just sort out questions of doctrine.

⁶³⁷ Soc., *HE* 1.6: as a result of his proximity to court many of the bishops sought him out.

⁶³⁸ Opitz, *Urk.* 27. Drake 2000, 236-7, argues that Eusebius influenced Licinius' policy in relation to the banning of Church councils.

⁶³⁹ Eus., *VC* 4.61-62.

⁶⁴⁰ Philost., *HE* 2.16.

of Osius of Cordova or Eusebius of Nicomedia with the emperor and his court as unusual or indicative of the moral failings of all involved, it is perhaps better to view their position as a reflection of the continuing dependence of the imperial authorities on individuals beyond the court for advice. That our literary sources show bishops continuing to establish a presence and influence at court throughout the fourth century thus further demonstrates the limitations of the *Notitia Dignitatum* as a guide to actual Roman practice.

6.4.2 *Ambrose of Milan*

The elements of confrontation and compromise which defined the relationship between bishops and the court under Constantine continued with his successors – all of whom, with the exception of Julian, were Christian. The complexities involved in the relationship between bishop and court, in addition to the opportunities that existed for leading Christians to impact imperial politics, is perhaps best illustrated in the career of Ambrose, bishop of Milan. The role Ambrose as bishop of Milan assumed, particularly in relation to Theodosius I, exemplifies the extent to which imperial and Church politics became increasingly intertwined during the course of the fourth century. Equally, the ability of the court to adapt to the style and demands of this bishop and to accommodate him within the structures of the imperial government indicates again that it was able to incorporate the heterogeneous groups who attended it.

Ambrose's ordination in 374 was a uniquely managed occasion, which involved the people of Milan, the praetorian prefect, Petronius Probus, and the emperor Valentinian I, and resulted in the *consularis* Ambrose, a man not even baptised at this

stage, becoming bishop of a leading urban centre.⁶⁴¹ Ambrose was an aristocrat who knew how imperial government worked. For example, at the pinnacle of his administrative career, he held the position of *consularis Aemiliae et Liguriaie*.⁶⁴² He was evidently keen to maintain his influence on the politics of the day even when he had left the secular sphere for the ecclesiastical. During the Altar of Victory debates that occurred during the reign of Gratian, the leading Roman senator Symmachus claimed that the bishop had as much access to the emperor as he himself did.⁶⁴³

The turbulent nature of imperial politics also defined Ambrose's relationship with the court of Valentinian II. In the course of the struggle with the usurper Maximus, Ambrose was twice sent, on behalf of the legitimate emperor, to negotiate a truce with the man who now controlled Britain, Gaul and Spain.⁶⁴⁴ The court of Valentinian II was disadvantaged in this dispute from the outset: the young emperor had been sidelined by the administration of Gratian, his age ensured that an interconnected network of advisors would now direct imperial policy, and Maximus proved to be a formidable opponent.⁶⁴⁵ It made political sense to utilise a figure such as Ambrose: he did not have an official place at court, nor was he an official representative of the government. In this instance, his

⁶⁴¹ Ruf., *HE* 2.2 and Paul., *V. Amb.* 7-8. See McLynn 1994, 43-51 and Barnes 2002, 227-237. Ayres 2004, 442, suggests that Ambrose's appointment probably reflects the imperial authorities' intention of ensuring that Milan would have a less controversial figure as bishop than the previous incumbent, Auxentius.

⁶⁴² Paul., *V. Amb.* 3.8: Ambrose as *consularis*. Barnes 2002, 235-236, argues that Ambrose used his political position to engineer his election as bishop of Milan. Paulinus also claims that Ambrose's father was praetorian prefect of Gaul under Constantius II, *V. Amb.* 3.1, a fact which further enhances the bishop's aristocratic credentials. On this see Barnes 2010, 195 and cf. McLynn 1994, 33-38.

⁶⁴³ Symm., *Ep. ex. 72a*: Symmachus denounced the fact that the emperor ignored petitions from pagan senators regarding the removal of the Altar of Victory, and listened instead to the advice of "disreputable men". Cf. Amb., *Ep.* 72.10. See also McLynn 1994, 149-153, for examples of the vagaries of the process by which Gratian's government made its decisions.

⁶⁴⁴ Amb., *Ep.* 30. See also *de ob. Val.* 39. For detailed discussion regarding Ambrose's account of these diplomatic meetings at Trier and their dating see Liebeschuetz 2005, 349-351. See also Paul., *V. Amb.* 19, who makes reference to Ambrose's account of these embassies in *Ep.* 30, in order to detail Ambrose's firm opposition to the usurper.

⁶⁴⁵ McLynn 1994, 158-9.

apparent independence would have been valuable in any negotiations with Maximus. On the other hand, by making himself useful to the imperial authorities Ambrose was able to further his position of influence with the court when it was based in Milan.

The status attained by Ambrose is best attested to by evidence for the apparent impact he had on some of the ecclesiastical policies of Theodosius I, when that emperor was based at Milan for three years after 388. He was aided in pushing forward his agenda because Christianity had become a fundamental element in imperial ideology. However, it also suited Theodosius I and his control of the people of Milan to be seen to allow the bishop some victories in the ecclesiastical sphere. Court politics, as we have seen, was flexible and reactive when it needed to be. So, for example, the emperor was persuaded to take communion with the congregation rather than with the clergy in Ambrose's basilica.⁶⁴⁶ Moreover, Theodosius responded positively to the bishop's suggestion, following the burning down of a synagogue in Callinicum, to lessen the sanctions taken against the bishop and Christian citizens of the city.⁶⁴⁷

Similarly, after the massacre of citizens in Thessalonica, in revenge for the murder of the *magister militum* in the city, Theodosius I agreed, on the suggestion of Ambrose, to perform public penance.⁶⁴⁸ Each of these instances may represent public relations victories for the eastern emperor in the west. Obeying the bishop was an acceptable climb-down for Theodosius who had no wish to inflame a volatile political situation. Moreover, by keeping the powerful bishop and his flock onside, Theodosius I

⁶⁴⁶ Soz., *HE* 7.25.9. For the symbolic implications of this see McLynn 2004, 263.

⁶⁴⁷ Amb., *Ep.* 74. Humphries 1999, 124. Cf. Liebeschuetz 2005, 17, who wonders if the events described by Ambrose actually happened in this way.

⁶⁴⁸ For Ambrose's interpretation of the events, see *de ob. Theod.* 34 and *Ep.* 74. For a discussion of Theodosius' decision to respond positively to the suggestion of Ambrose, see, especially, McLynn 2004, 315-30, who argues that Theodosius' acceptance of this penance amounted to a stunning piece of public relations for the emperor.

maintained stability in Milan during the unstable period of the reinstatement of Valentinian II as emperor. On the other hand, Ambrose was further able to negotiate a position of influence for himself at a court in which he had no official position.⁶⁴⁹

Theodosius I's recognition of the importance of collaborating with an influential Church leader again indicates the role bishops had come to assume in secular as well as ecclesiastic circles. By 392 Theodosius I was back in the east, Valentinian II was dead and his chief military official, Arbogast, had succeeded in establishing a civil servant called Eugenius as emperor.⁶⁵⁰ Ambrose's tacit withdrawal from Milan during Eugenius' stay there, despite evoking censure later from Theodosius, indicates that the bishop also recognised the weight of symbolic legitimisation that could be conferred on less than secure reigns by the Church.⁶⁵¹ Despite eventually writing to Eugenius, and recognising him as emperor throughout the letter, Ambrose later argued to Theodosius I that he had shunned the usurper.⁶⁵² Given the nature of imperial politics, where an impressive increase in standing could be followed by an equally remarkable fall from grace, Ambrose was here trying desperately not to lose his influence at court by supporting the wrong side. This is a good example of the bishop's skills as an innovator as well as a reminder of the fact that court politics was volatile not static and that the bishop's role at

⁶⁴⁹ At the outset of his interaction with the court of Theodosius I, Ambrose faced not only the fact that he had few contacts with the new emperor's ministers despite his interactions with previous emperors, but also the fact that the dedication to Christianity displayed by the leading figures of Theodosius' court threatened his monopoly over the Christian life of Milan. See McLynn 1994, 297-8, for a discussion of Ambrose's connection with members of Theodosius' court.

⁶⁵⁰ *PLRE* 1, Arbogast. For Eugenius see *PLRE* 1, Eugenius. On this episode see McLynn 1994, 343-347 and Liebeschuetz 2005, 19-21.

⁶⁵¹ See also *de ob. Val.* 28: Ambrose claims the empress Justina had placed the baby Valentinian in his arms, perhaps as a deliberate attempt to secure the bishop's loyalty to her son. While this incident may not have happened, it again shows Ambrose's awareness of the impact of symbolic legitimisation. This is also the only place where Ambrose actually refers to Justina by name.

⁶⁵² *Amb., Ep. ex. 2.1*: Ambrose claimed he had shunned Eugenius because he had contaminated the Church by engaging with a pagan delegation. The success of Ambrose's stance in this period is evident in the fact that when Theodosius I defeated Eugenius at the Battle of Frigidus in 394 he asked the bishop of Milan to say a mass of thanksgiving for his victory.

court was neither official nor guaranteed.

The career of Ambrose of Milan is not wholly representative of the status of bishops in general in the fourth century. However, it does provide some insight into the complex and ever-changing relationships that existed between Church and state in that period. While we must remain fully aware of their bias, the various accounts of his career and those of other leading Christians offer an alternative insight into court politics to that given by the *Notitia Dignitatum*. Therefore, all these sources need to be looked at together and examined in a similar fashion for a more rounded assessment of imperial politics in the fourth century.

6.4.3 *Bishops and the court in the fifth century*

In the fifth century, political volatility, which often resulted in influence at court being distributed among leading civil and military officials as well as imperial women, continued the politicisation of bishops already evident in the time of Ambrose. This was particularly the case in Constantinople and Rome. For example, Bishop Leo I of Rome not only continued the precedent of attempting to secure the authority of the Apostolic See of Rome in the face of fierce competition from Constantinople, but he also assumed a visible role in the western government's attempts to define its position in relation to both the eastern empire and the new barbarian kings who were to change the political landscape of the west forever.⁶⁵³ Such was Leo's informal influence that he did not need an official place at court to engage with the eastern as well as the western imperial family. As a result of the second Council of Ephesus in 449, the Church of Alexandria had come to dominate eastern ecclesiastical politics, while Constantinople and, to a

⁶⁵³ For Leo's role in the establishment of papal primacy, see Ullmann 1960, 25-51.

greater extent, Rome, were marginalised.⁶⁵⁴ With this in mind, Leo involved the western imperial family, including the empress Galla Placidia, in his cause of reasserting Rome's ecclesiastical dominance. He took it upon himself to write to Theodosius II and the empress Pulcheria to argue for a council to be held in Italy.⁶⁵⁵ The concerns of the political and ecclesiastical leaders seem to have been so intertwined at this point that the bishop of Rome was able to persuade Galla Placidia herself to write to Pulcheria in the east to denounce what she describes as a “disorderly and most wretched council” of Ephesus II in 449, and to argue for the dominance of the Apostolic see of Rome over that of Constantinople.⁶⁵⁶

In the east, the complex relationship of interdependence that existed between Church and state by 450 is also well exemplified by the Nestorian controversy, which occupied ecclesiastic and imperial powers, east and west, for two decades.⁶⁵⁷ The tactics used by the bishops involved, including Cyril of Alexandria, indicate that power at court was generally perceived to be dispersed among leading officials and imperial women with whom Church leaders had a relationship and over whom they could exert influence. Indeed, the extent of Cyril's political awareness is notable in his decision, after the Council of Ephesus in 431, when it was feared that Theodosius II might not implement the decisions of the council, to send a copy of his five books against Nestorius to members of the imperial court. In particular, he sent these texts, which he wrote in 430

⁶⁵⁴ For an overview of the second council of Ephesus, see Price and Gaddis 2005, 30-36 and De Ste. Croix 2006, 262-264; 269-273; 277-278; 301-308; and 310-317.

⁶⁵⁵ Millar 2006, 37. In the fifth century ecumenical councils were called and held under the auspices of the eastern emperor. The gravitational pull to the east began with the conversion of Constantine and his decision to construct a ‘new Rome’: on this see Price and Gaddis 2005, 4.

⁶⁵⁶ Millar 2006, 37-38, translates a small part of the empress's letter to her eastern counterpart. See Leo, *Ep.* 58. For the influence of Theodosius II at Ephesus II, rather than his leading officials, such as the eunuch Chrysaphius, see Price and Gaddis 2005, 31.

⁶⁵⁷ So great was the involvement of the secular authorities in this dispute that it is the most fully documented episode in the history of the Roman government up to that point: Millar 2006, 157.

but did not circulate widely, to the imperial chamberlain Chrysaphius, a dominant figure at court.⁶⁵⁸ Again it is apparent that Cyril is openly aware of the significant power enjoyed by other figures at court: by this stage it is no longer even pretended to be a monopoly of the emperor. Indeed, Chrysaphius was wooed not only by intricate theological debate, but also by more worldly interests in order to secure Cyril support at court. In particular, the Archdeacon of Alexandria, Epiphanius, wrote to Maximian, bishop of Constantinople, detailing who should be approached behind the scenes and what gifts should be given in order to ensure his bishop's success; Chrysaphius was chief amongst the recipients.⁶⁵⁹

Similarly, in an attempt to undermine the 'two-nature' understanding of Christ as preached by Nestorius, Cyril of Alexandria wrote an address to the emperor Theodosius II in which he stated his beliefs unambiguously; but at the same time he also wrote separately to the empresses Pulcheria and Eudocia, as well as to the emperor's younger sisters.⁶⁶⁰ The emperor, displeased by what he saw as Cyril's attempts to propagate dissension within the imperial family by writing two different treatises to him and to the women, wrote to the bishop expressing his annoyance.⁶⁶¹ The emperor's unhappiness may have stemmed from the fact that Cyril, in writing to the women at court, was demonstrating an awareness of the diffusion of power among the court and away from the emperor alone.⁶⁶²

⁶⁵⁸ On the lead up to the development of Cyril's personal enmity towards Nestorius and his subsequent attempts to discredit the bishop of Constantinople, see Wessel 2004, 100-103 and Russell 2000, 103-131.

⁶⁵⁹ Wickham 1983, 66, n.8.

⁶⁶⁰ *ACO I. I. 1*, p. 421. 13 to 431.9: treatise to Theodosius. *ACO I. 1. 5*, pp. 26-61 to Pulcheria and Eudocia; *ACO I. 1. 5*, pp. 62-118: to the princesses Arcadia and Marina. *ACO I. 1. 1*, pp. 73. 22-4.

⁶⁶¹ *ACO I. 1. 1*, pp. 73. 22-4.

⁶⁶² Russell 2000, 37, puts Theodosius' reaction down to the fact that in writing to the women at court Cyril was blatantly acknowledging where the real power lay. Cf. Millar 2006, 153-4.

The interaction between Cyril and the women of the court of Theodosius II was not unusual in the fifth century.⁶⁶³ With regards to imperial women, the Church offered them the opportunity to exercise their influence independently of the emperor and the imperial administration without seeming to trespass into the traditionally male domain of (secular) politics. As such, empresses became active not only in Church politics, but also in such pursuits as patronage of church buildings which gave them the opportunity to display both their piety and, importantly, their wealth and power.⁶⁶⁴ For example, the empresses Pulcheria and Eudocia it seems played out their rivalry, as sister and wife of Theodosius II respectively, on an architectural as well as a political stage.⁶⁶⁵ These forms of influence wielded by bishops and imperial women seem to exist in parallel to the more official and predictable structure that is recorded in the *Notitia Dignitatum*.

⁶⁶³ Holum 1982, 44, for example, alleges that Gregory of Nyssa, in his oration on the death of Flacilla, articulated a new official ideology for imperial women that emphasised their piety and philanthropy which secured the dynastic continuity of the empire. Emperor and empress were given parity within this new ideological view of imperial power; one that emphasised the importance of family, not law or war, to strengthen the state.

⁶⁶⁴ In this respect, the empress Helena provided the model for later imperial women to follow. She is credited with commissioning numerous churches, particularly in Jerusalem. According to Eusebius, Helena was responsible for the building of the Church of the Nativity in Bethlehem and the Church on the Mount of Olives: Eus., *VC* 3.41, 43. On this see Hunt 1998, 37-9; Drijvers 1992, 63-4; and Brubaker 1997, 58-9. By the beginning of the fifth century, the record of her philanthropy had expanded. Rufinus credited her with building the Church of the Holy Sepulchre, an idea which supported the myth of her finding of the True Cross: Ruf., *HE* 10.7.8. For a similar account following on from Rufinus see Soc., *HE* 1.17. For an earlier link to Helena and the finding of the True Cross, see Amb., *de ob. Theod.* 41-8. It is difficult, however, to differentiate between churches begun on the initiative of her son Constantine and those which she may have commissioned herself. On this see Brubaker 1997, 58 and Drijvers 1992, 63-4.

⁶⁶⁵ Such was the extent of this rivalry, according to the historian Theophanes, that Pulcheria had already attempted to trick her brother into signing legislation which sold the empress Eudocia into slavery: Theoph., a.m. 5941. On this incident see Holum 1982, 130. Eudocia is credited with building the first Church of St. Polyeuktos in Constantinople, but it was in the Holy Land, where she lived from 438 to 439 and from 444 until her death in 460, that the majority of her extensive building projects, including the Church of St. Stephen, on the site of his martyrdom, and perhaps the enlargement of the city walls, was concentrated: Hunt 1998, 237-43, for an account of her building projects; and Clark 1982, 141-156, for her involvement in Stephen's cult. Pulcheria focused on building in Constantinople itself, and among the churches credited to her were those of St Lawrence, the chapel of the Forty Martyrs and the Church of St. Stephen. Soz., *HE* 9.1, states that it would be too long to list all the buildings credited to Pulcheria in Constantinople. See also Holum 1982, 142-145, for Pulcheria's use of church building to display her status. For Pulcheria's building projects in Constantinople, see, especially, Dagron 1974, 97, 400-401.

6.4.4 *Conclusion*

By 450 the idea of a Christian empire was taken for granted and this determined the place of bishops at court. They were no longer simply influential outsiders but integral members of a court society that was itself heterogeneous and flexible. The development of the role and status of bishops at court therefore mirrored developments within the secular administration, where leading officials assumed greater duties and authority as the nature of imperial power changed. The attainment of a leading see such as Rome, Milan or Constantinople, provided an entry into imperial as well as ecclesiastical politics. We saw how, for example, Ambrose of Milan adopted a number of duties, not least that of ambassador, that were usually allotted to bureaucrats and officials. By the fifth century bishops had a greater opportunity to lobby the court and to be heard, as is evident in Leo and Cyril's interaction with the courts of the west and the east. The evidence for the prominent but informal influence of bishops at court from the time of Constantine to Theodosius II can therefore be used to modify our view of, and to alter the way we use, the *Notitia Dignitatum*. In particular, it is clear that since the *Notitia Dignitatum* focuses on the stable and predictable at the expense of the informal – but no less real – power and influence wielded by those with no official position, it presents a misleading impression of late Roman bureaucracy in general.

6.5 **Conclusion**

The evident impact of eunuch *cubicularii*, empresses and bishops on late Roman politics, even beyond a domestic or religious setting, requires us to adopt a more complex reading of the *Notitia Dignitatum* as well as a more nuanced approach to the study of the

administration and the court in general. By its very nature, the *Notitia Dignitatum* could not – and perhaps did not aim to – give a comprehensive account of the day-to-day workings of the imperial court. In particular, it took no account of the fact that there were new avenues to achieve power and wield influence. This situation had an impact, not only on the ‘official’ bureaucracy, but also on those outside the court structure as well as individuals and groups who were traditionally close to the emperor. In the same way as a powerful *praepositus sacri cubiculi* could advance his position and sway at court by exploiting a variety of networks of influence, imperial women could wield influence often independent of the emperor and outside the domestic sphere, by engaging with the disparate groups at court. Moreover, because of the new avenues for accessing power, bishops could interact with and influence the emperor and the leading members of the *consistorium* and *comitatus*.

While much of our evidence for the participation of these groups at court derives from hostile sources, it is unlikely that depictions of their involvement in government were wholly false or considered extraordinary by their contemporaries. The images they provided had to be at least plausible to their audiences, and the same depictions could sometimes be given a positive valuation. The narrow focus of the *Notitia Dignitatum* on the holders of high offices, however, together with its propensity to offer a highly circumscribed view of their duties, obscures a proper understanding of those groups whose influence existed alongside but was intricately intertwined with the administrative system. The *Notitia Dignitatum* should not, therefore, be used as a straightforward guide to the administration of the later Roman empire. Instead it must be contextualised and studied together with other sources offering alternative views of official power. Indeed, it

is only by recognising and detailing the precise limitations of the *Notitia Dignitatum* that we will be able to get beyond its artificial representation of administrative politics in the later empire, and put it to more effective use as only a single and often misleading perspective on what was a complex and dynamic bureaucratic and political system.

7. Conclusion

7.1 The *Notitia Dignitatum* as a historical source

The purpose of this thesis has been to offer a more comprehensive examination of the *Notitia Dignitatum* as a historical source for the late Roman bureaucracy than has generally been provided in modern scholarship. It has also sought to situate the *Notitia* alongside other sources which offer a view of official power in order to understand it as providing a particular and often misleading perspective on what was a dynamic imperial court system. While the problems presented by the *Notitia Dignitatum* have long been recognised and continue to gain attention, to date, few large-scale studies have investigated the impact of these issues both for our use of the document and our understanding of the administrative structure which it delineates.

By analysing the text of the *Notitia Dignitatum* I have shown that the divergence in dating, the evidence of revision, and the resultant mistakes and omissions, within and between both lists, further undermine its utility as a practical guide to the late Roman political system. For this reason, I argue that the *Notitia Dignitatum* cannot simply be mined for specific information regarding the structure of the imperial administration or army. Instead, it needs to be examined as a whole, with its limitations and misrepresentations catalogued fully and it should be studied alongside, and in a similar way to, other contemporary descriptions of formal authority which are often as unreliable in their own ways. While the *Notitia Dignitatum* never set out to supply a full account of how late Roman politics actually worked, when it is set against other ancient literature it

becomes apparent that the formal hierarchies and structures it records present a misleading image of court politics.

I have argued that the inherent – and perhaps inevitable – limitations of the *Notitia Dignitatum* stem from its narrow focus on the holders of senior bureaucratic offices, and its tendency to offer a highly circumscribed account of the function even of these. Official office was not a reliable guide to the actual influence an individual could wield at court. This is evident in the accumulation of responsibilities by certain leading members of the *consistorium* and *comitatus*, such as the praetorian prefect or *magister officiorum*, far beyond the duties ascribed to them in the *Notitia Dignitatum*. It is obvious from the *Notitia* that these officials were among the most important in the empire. Both their inclusion within the text and the delineation of their *officia* and roles make this evident. Only a close reading of the document as a whole, however, gives some indication of the overlap of responsibilities that existed between such officials. Therefore, I have suggested that, on an initial or less detailed examination of the *Notitia*, a misleadingly precise impression of these offices is provided. In addition, it is only by looking beyond the *Notitia Dignitatum*, to the accounts of personalities such as Rufinus or Nomus in other ancient sources, that we get a less structured description of the system that allowed individuals to amass duties that extended far beyond their traditional functions.

The evolution that occurred within the *consistorium* and *comitatus* is indicative of the fact that imperial policies were shaped by the interaction of numerous groups and individuals who were part of the complex and informal channels of influence that were essential to the functioning of the court. This is particularly the case in the influence

wielded by eunuch *cubicularii* at court, despite the vilification within many, though not all, of our ancient sources towards this group in general. However, these same sources provide enough evidence to imply that eunuch *cubicularii*, like the other members of the imperial bureaucracy, could indeed wield influence beyond their official duties, often in an improvised and complex way. The *Notitia Dignitatum* could not capture all of these unofficial duties and it also normalises the influence of these courtiers by including a generic catalogue of their functions in a manner similar to other leading court officials.

Moreover, by looking at the problems presented by the *Notitia Dignitatum* as a whole, and by considering the information it provides alongside other evidence from the period, it becomes apparent that historical realities could often run counter to the structures as set out in this administrative list. This is especially apparent in the evidence of those individuals and groups outside the formal hierarchy of authority, such as imperial women and bishops, engaging with the politics of their day and, on occasion, intervening in areas that should theoretically have been the responsibility of other named officials. In the case of imperial women, I contend that they did not need an official role at court to interact with and become part of the wide circle of influential people who dominated court politics. As with eunuch *cubicularii*, their personal relationship with, and often unlimited access to, the emperor imbued them with a type of “soft” power that could not be recorded by the *Notitia Dignitatum*. In addition, our knowledge of the role played by bishops within political circles suggests that it is a mistake to assume that an official position corresponds precisely to influence. By omitting these groups and by concentrating only on laying out a stable and predictable system, the *Notitia Dignitatum*

provides a misleadingly static and so normative image of the complex workings of government in the later Roman empire.

Yet, just as the *Notitia Dignitatum* could only present a relatively restricted image of these posts, we must also bear in mind that other sources such as Claudian persistently individualised the influence of the officials they described. Like these other sources, we have to recognise that many of the limitations of the *Notitia* arise from its particular perspective, which ultimately stems from its particular context and purpose.

7.2 The purpose of the *Notitia Dignitatum*

In seeking to investigate fully the problems presented by the *Notitia Dignitatum* as a historical source this thesis also inevitably raises questions about the purpose of this difficult document. Despite its apparent limitations, the *Notitia* was revised into the fifth century, was revived at the court of Charlemagne, and continues to inform the work of modern scholars engaged in investigating the military and administrative history of the later empire. However, agreement has yet to be reached regarding why this lavishly illustrated composite text made up of two separate lists of differing dates was produced in the first instance and why and how it continued to be used by the western imperial administration.

It is not unusual for a bureaucracy to use outdated and even idealised documents, compensating where necessary, even if it makes them inefficient. Therefore, the *Notitia Dignitatum* might be seen as one of many administrative lists which played a normal part in the functioning of the late Roman administration. By accepting the *Notitia Dignitatum* as a working administrative document in the first instance, the text can be mined for specific information while its anomalies, although noted, do not have to be discussed in

detail. This continues to be the approach taken towards the document by many scholars, who nevertheless acknowledge that the composite *Notitia Dignitatum* might have served an ideological as well as a practical purpose.⁶⁶⁶ For example, in his study of the illustrations in the extant *Notitia*, Alexander believed that a deluxe production like this would have been quite exceptional and suggests a patron of great importance, perhaps even the emperor himself.⁶⁶⁷ In his opinion, it is unlikely that so lavish a document would have been for office use even if it depends for many details on official records.⁶⁶⁸ For Clemente, the ancestor of our extant *Notitia Dignitatum* was a fine copy prepared for a very powerful person, in this case Theodosius I, as a guide for establishing greater coherence between the two parts of the empire.⁶⁶⁹ However, he does not go on to discuss who beyond the emperor would have had access to this document. While these scholars accepted that, in origin, the *Notitia Dignitatum* may have been a working administrative document, they also recognised that by the fifth century the deluxe text could have had little practical relevance in the administrative office of the western *primicerius*.

Similarly, Kulikowski, in an article from 2000, also acknowledged that the *Notitia Dignitatum* may have been an ideological document, first used by Theodosius I to assert an idea of unity despite the division of the empire, and then, after numerous revisions, by

⁶⁶⁶ Kulikowski 2000, 358, notes that this is the most common approach taken to the *Notitia Dignitatum* in modern scholarship. See also Chapter 2 for examples of other administrative lists and compilations used in Roman court bureaucracies.

⁶⁶⁷ Alexander 1976, 18. Kelly 1998, 165, also notes that the high quality of the illustrations accompanying the text, and the obvious invention of some of the military emblems depicted, have led to the 'official' nature of the surviving manuscript copies to be doubted.

⁶⁶⁸ Alexander 1976, 18. He points to the fact that the early fifth century is a period of renewed Augustan classicism in the arts in Rome which provides just the right context for the creation of a deluxe copy of the *Notitia*. See also Grigg 1983, 140-141, for the suggestion that the illustrations in the extant *Notitia* had their origin, not in a working document but in a deluxe production made for a wealthy patron.

⁶⁶⁹ Clemente 1968, 367. See also Ward 1974, 399-414.

the court of Valentinian III and Galla Placidia.⁶⁷⁰ He maintained that we should not dismiss its contents since, even if it had an ideological purpose, it had its basis in facts about the empire and the administration. In particular, he argued that the problems of interpreting the utility of the text arise as much from its textual history as its ideological purpose and so its function must remain open. Again, given the lack of evidence on the subject, Kulikowski does not discuss who the wider target audience was for such a document and how they may have encountered it.⁶⁷¹

By suggesting that the composite *Notitia Dignitatum* was compiled for Stilicho as *magister utriusque militiae*, Mann offered a reason for the creation of a composite *Notitia* following the death of the emperor Arcadius in 408.⁶⁷² As controller of the west, under the nominal rulership of the senior emperor Honorius, and with the young Theodosius II on the throne in the east, the prospect of a united empire may have appeared to Stilicho as a real possibility at this point. As a result, Mann argued, the production of the *Notitia Dignitatum* could have had both practical and ideological appeal for Stilicho. It enshrined his hope for a united empire while suggesting that this was a realistic ambition. It is notable too that the most detailed information in the eastern list was that regarding the army – Stilicho’s especial concern, since as *magister utriusque militiae* he is likely to have continued to claim overall control of the armies in both the east and the west.⁶⁷³ If the two lists were combined in 408 it could be argued that this version of the *Notitia*

⁶⁷⁰ Kulikowski 2000, 360.

⁶⁷¹ Ibid., 359 nt. 4: he does make reference to Brennan’s ascription of the *Notitia Dignitatum* to the praetorian prefect, and former *primicerius* at the court of Valentinian III, Macrobius Ambrosius Theodosius. He suggests that this is a “bold” hypothesis, but one that cannot be backed up by explicit evidence.

⁶⁷² Mann 1991, 217-218. On the dating of the composite document to the time of Stilicho, see also Kelly 1998, 164. Cf. Brennan 1996, 163.

⁶⁷³ Mann 1991, 218: the military chapters in the eastern list are given in full and are not just mere summaries. See above nt. 85.

Dignitatum would have been a new text produced for a new purpose.⁶⁷⁴ In particular, the production of a composite document potentially served the practical purpose of recombining the two halves of the empire; even while it fell short of that, it expressed – even if only to an audience of bureaucrats – Stilicho’s claim to be in overall control of both east and west. At the same time, this claim was being reiterated, to a similarly exclusive audience, in the poems and orations of Claudian. Stilicho’s death in 408 put an end to his hope of reunification, and, as a result, according to Mann, this copy of the *Notitia* would not have been used consistently but may have been updated periodically until at least 420.⁶⁷⁵ He proposed that, after Stilicho, the lists may have been taken over by the *magister peditum*, pointing to the changes that were made to the military chapters of concern to this official in the western list.⁶⁷⁶ He did not, however, go on to explain why such a lavish document continued to be maintained and who, beyond the *magister peditum*, would have seen it.

In contrast to the above works, Peter Brennan posited a completely new way to view the *Notitia Dignitatum*. Instead of seeing it as a working administrative document that had gradually, over time, become obsolete in the office of the *primicerius*, he argued that it was instead an ideological text with no administrative function.⁶⁷⁷ While it had its basis in an administrative reality, the purpose of the composite *Notitia* was to create the appearance of a centrally ruled, united empire within which each official had a particular place and function: a dream-world.⁶⁷⁸ In particular, he attributed its production to the

⁶⁷⁴ Brennan 1996, 148, uses this term to describe a document created at the court of Valentinian III.

⁶⁷⁵ Mann 1991, 218-219 and Kelly 1998, 164.

⁶⁷⁶ See above nt. 88 for a critique of this idea.

⁶⁷⁷ Brennan 1996, 147-178. As for other uses that the text might have had, Purpura 1992, 469-484, for example, suggested that the *Notitia* was a birthday gift to Valentinian III from Theodosius II.

⁶⁷⁸ Brennan 1996, 158.

court of Valentinian III in the 420s when it was under the influence of his mother Galla Placidia.⁶⁷⁹ He suggested that the circumstances in which her son, with the help of the eastern emperor Theodosius II, regained the western throne in 425 may have contributed to an interest in the ideology of unity that underscores the *Notitia Dignitatum*.⁶⁸⁰ While he did not discuss the audience for whom the *Notitia* may have been produced, he did hazard a guess at the particular official who may have been responsible for its creation: the *primicerius* at the court of Valentinian III, Macrobius Ambrosius Theodosius.⁶⁸¹ Furthermore, he goes on to suggest that the image of a united empire expressed in the *Notitia* may have been of particular importance to Charlemagne given his wish to unite his empire to the eastern one controlled by Irene and that this may explain the revival of interest in the *Notitia Dignitatum* at this time.⁶⁸²

I contend that the *Notitia Dignitatum* was, like the Theodosian Code, imbued with the values and outlook of the court-based bureaucracy within which it was produced and, as a result, provides an image of the court as it should be rather than how it really was.⁶⁸³ However, trying to establish the actual audience for this document is fraught with difficulty, as we have no real evidence on which to base our assumptions. While it has its

⁶⁷⁹ Ibid., 166-169.

⁶⁸⁰ Paschoud 1967, also emphasised the fact that an ideology of unity and continued imperial strength in a weakened western empire dominated much of the literary production in this era. See also Gillett 1993, 1-29 and Kulikowski 2000, 359.

⁶⁸¹ Brennan 1996, 168. He points to the work of Alan Cameron which argues that Macrobius produced the *Saturnalia* in which he preserved or created aspects of Roman history that he re-dated from the end of the fourth century to the environment of the 430s. Both the *Notitia Dignitatum* and the *Saturnalia*, Brennan suggests, created a world that never existed via materials and people who did. Brennan does, however, caution that the patron of the *Notitia* should probably remain nameless due to a lack of specific evidence.

⁶⁸² Brennan 1996, 169, who suggests that the ideological underpinnings of the text may have been a motivating factor in its revival in the Carolingian court.

⁶⁸³ For the ideology behind the Theodosian Code see, in particular, Matthews 2000, 19-30. He argues that one of the reasons behind the production of the Theodosian Code included an interest on the part of the authorities in emphasising the unity of the empire. In particular, he suggests that the Theodosian Code, published in 437, and containing rescripts and edicts of all the Christian emperors since Constantine, deliberately underlined the constitutional unity of the empire and so gives a misleading impression of the position of leading officials within the court. See also Smith 2007, 202.

basis in political reality and may initially have been a working administrative document, the extant *Notitia Dignitatum* nevertheless presents an idealistic, and so misleading, image of a stable hierarchy governed by the strict enforcement of rules of promotion. Since our literary sources are replete with stories of a more messy political reality, it would seem that the target audience for the *Notitia* must have been limited: namely those imperial bureaucrats whose offices it delineates and who will have been unlikely to encounter the text on anything more than an exceptional basis.

In this context, it may be possible to speculate that the *primicerius notariorum* might have been the conduit through which these bureaucrats accessed the *Notitia Dignitatum*.⁶⁸⁴ Since one of the principal duties of this official was to draw up appointment documents for the leading members of the court administration, he would have had to consult with some version of these *notitiae* to carry out this function. Yet, as has been argued, the extant composite *Notitia Dignitatum*, with its disparity in dating, its numerous mistakes and its deluxe nature, must have had limited practical relevance for a western *primicerius* in the fifth century. Therefore, perhaps in addition to preparing the codicils of office from working administrative lists, the *primicerius* also maintained this lavish document as a kind of template which could in turn have been displayed on ceremonial occasions such as the investiture of a new court official. Indeed, as the representation on the so-called ‘*Missorium* of Theodosius’ suggests, such an event allowed the court to offer an image of a well-functioning imperial administrative system

⁶⁸⁴ As already noted, Brennan suggested that the former *primicerius*, Macrobius, may have been responsible for the production of the *Notitia Dignitatum* as we have it. However, he suggests this in the context of that official’s interest in works preserving and creating aspects of the Roman past as opposed to his official duties as *primicerius*. See above nt. 681.

within in which each official had a defined place.⁶⁸⁵ Occasions such as this might also have been opportunities to exhibit the *Notitia Dignitatum*, which similarly displayed the authority of the centre over the bureaucracy through the appointment of leading officials, and which enshrined the place of each of these ministers in relation to each other and to the emperor. While political reality is largely ignored in these lists, just as it was in court ceremony, it would not have been unhelpful during an event to mark the appointment of a new minister to display this representation of the unchanging nature of imperial rule to the bureaucratic staff who were ultimately responsible for its functioning.

Certainly such an image of a stable, predictable and rational bureaucratic system is likely to have had its uses. It was open to exploitation not only by those with a vested interest in affirming their own status in the system, but also by those who wished to cast doubt on the proper status of rivals and opponents. In particular, by providing these officials with a normative image of the bureaucracy it allowed them to present departures from it, even if they were not in fact out of the ordinary, as sub-optimal and even morally deficient. For example, Claudian, who had himself once been a *notarius*, exploited the official functions associated with the office of praetorian prefect, as enshrined in a document like the *Notitia Dignitatum*, in order to emphasise the degenerate nature of Rufinus and his actions while prefect.⁶⁸⁶ Similarly, in the sixth century, John Lydus would bemoan the demise of the power of the praetorian prefecture, particularly in terms of his judicial responsibilities as they had once been, and which were again recorded in the *Notitia Dignitatum*.⁶⁸⁷

⁶⁸⁵ See above p. 56.

⁶⁸⁶ For evidence for Claudian's access to the *Notitia* during his time as *notarius*, see above nt. 17.

⁶⁸⁷ Kelly 2004, 15.

Therefore, it is possible to see how the composite *Notitia Dignitatum*, although limited in its practical application by the fifth century, continued to have relevance, not only in the later Roman empire but also at the Carolingian court, as a guide to the system of seniority and order of precedence which had existed since the third century. Its limitations as a source for modern historians, however, stem from the fact that it was not intended to portray development within the bureaucracy and its offices over time. Moreover, by focusing only on the senior officers in the imperial administration, it could not record the changes which also occurred among the junior members of their *officia*. At the very least, this resulted in the presence of incomplete and misleading information, and so restricts its usefulness as an accurate guide to the bureaucratic system of the later empire. More than this, however, it also leaves open the possibility of a more systematic misrepresentation of the realities of imperial power and administration at this time. It is not an objective guide: the *Notitia Dignitatum* was created for a specific purpose and it reflects the context in which it was produced.

Bibliography

Ancient texts

Abbreviations are used for the standard series of texts and translations as follows:

<i>ACO</i>	E. Schwartz, ed. <i>Acta Conciliorum Oecumenicorum</i> (Berlin, 1925-1926)
<i>CCSL</i>	Corpus Christianorum, series Latina
<i>CIL</i>	Corpus Inscriptionum Latinarum
<i>CSCO</i>	Corpus Scriptorum Christianorum Orientalium
<i>CSEL</i>	Corpus Scriptorum Ecclesiasticorum Latinorum
<i>CSHB</i>	Corpus Scriptorum Historiae Byzantinae
FC	Fathers of the Church
<i>FGrH</i>	Fragmente der Griechischen Historiker
GCS	Griechischen Christlichen Schriftsteller
<i>GNO</i>	<i>Gregorii Nysseni Opera</i>
<i>ILS</i>	Inscriptiones Latinae Selectae
LCL	Loeb Classical Library
NPNF	A Select Library of Nicene and Post-Nicene Fathers
Opitz, <i>Urk.</i>	H. G. Opitz, ed. <i>Urkunden zur Geschichte des Arianischen Streites</i> , 318-328. <i>Athanasius Werke</i> , III: 1 (Berlin, 1934).
<i>PG</i>	Patrologia Cursus Completus. Series Graeca
<i>PL</i>	Patrologia Cursus Completus. Series Latina
SC	Sources Chrétiennes
TTH	Translated Texts for Historians

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