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Source: *The Journal of Roman Studies*, Vol. 12 (1922), pp. 207-229

Published by: [Society for the Promotion of Roman Studies](#)

Stable URL: <http://www.jstor.org/stable/296189>

Accessed: 08/05/2014 19:04

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A NOTE ON PROFESSOR BURY'S 'HISTORY OF THE LATER ROMAN EMPIRE.'

By NORMAN H. BAYNES.

To all students and teachers of the political, administrative and constitutional history of the Roman Empire in the fifth and sixth centuries Professor Bury's volumes will be indispensable. This *History of the Later Roman Empire* (A.D. 395 to A.D. 565),<sup>1</sup> though in name but a second edition of the book originally published in 1889, is in fact a new work, narrower in limit of period—it only extends to the death of Justinian—but 'written on a much larger scale.' Thus for the history of the centuries from Justinian to Irene the edition of 1889 must still be consulted; indeed, even for the sixth century that edition is not entirely superseded, since for the Lazic War of Justinian the reader is referred to the earlier account (ii, p. 113, n.<sup>1</sup>). It is of course obvious that in a work of so wide a scope every student will regret the omission of matters which he would have wished to see included: some would have welcomed a fuller treatment of social conditions, of monasticism, of the barbarian legal codes, of the evidence of the papyri, of the questions recently raised by Dopsch concerning the survival of Roman culture in territories occupied by the barbarians—examples could easily be multiplied; but such criticism on the part of a reviewer would be beside the point, for the treatment of these subjects would have altered the character of Professor Bury's work: he has not sought to write a *Kulturgeschichte*; the great value of his work lies in the masterly clarity of his historical narrative and in his illuminating treatment of the problems of imperial administration. It will perform a further service: it surely must attract British scholarship to a closer consideration of those centuries to which Mommsen would gladly have given another lifetime of research. The truest compliment which can be paid to Professor Bury's volumes is that they should send us back with a quickened interest to a renewed study of this all-important period of transition between the old world and the new. It is in this spirit that the present reviewer has written this note, and has sought to discuss a few points in the history of the Roman Empire in Western Europe during the fifth century.

*The Date of the Battle of Verona: A.D. 402 or A.D. 403?*

Professor Bury holds that after the defeat at Pollentia in A.D. 402 Alaric withdrew from Italy, and then in the early summer of A.D. 403

<sup>1</sup> Macmillan, London, 1923. 2 vols. 42s. net.

again crossed the Italian frontier and attacked Verona (i, p. 162). He adds in a note 'Birt determined the true date as 403.' The question of the date of the Battle of Verona is in itself unimportant, but with regard to our historical tradition it does become of significance. For the question raised is this: Was there in the year 403 a second invasion of Italy by Alaric of which no hint has been preserved in any source save only in Claudian's poem on the Sixth Consulship of Honorius? If this is a necessary inference from Claudian's poem, we must of course accept an affirmative answer to that question, but it would in itself be an unwelcome and surprising conclusion. Is it, however, a necessary inference?

The *De Bello Gothico* of Claudian, recited in the presence of Stilicho, precedes the poem on the Sixth Consulship: in the *Gothic War* the central point is the battle at Pollentia which is described at length; the only other engagement expressly mentioned is that on the Timavus (v. 562). When Claudian is called upon to produce a poem on the Emperor's consulship he must seek new material for his subject matter. If a fresh invasion of Italy by Alaric had really been repelled by Stilicho *since* the publication of the *De Bello Gothico*, that new theme was ready to the poet's hand: he had only to take up the story from the point where he had broken off in his former poem—the Battle of Pollentia. But there is no such new warlike theme:

arma Getarum  
nuper apud socerum [= Stilicho] plectro celebrata recenti.  
adventus nunc sacra tui libet edere Musis  
grataque patris exordia sumere bellis.

(*De Vi Consulatu Honorii* 123-6).

This seems to me to exclude any successful intervening campaign: the old story must be told with new incidents. We are accordingly given fresh epic material with the appeal of the river gods to Eridanus, and naturally all the rivers crossed by Alaric in his invasion which must be recrossed by him in his retreat are summoned. To argue, with Birt, that because the Timavus is introduced into this scene (v. 197) which is then *followed* by the mention of Verona (v. 201) Alaric must have recrossed the Timavus *before* the battle of Verona is surely entirely to misconceive Claudian's use of his divinities as epic material.

It has been further argued that, if the battle at Verona had *preceded* the composition of the *De Bello Gothico*, it must have been mentioned in that poem: but the argument is not conclusive, for the *moenia vindicis Hastae* (v. 203) are only referred to in the later work, and, so far as I know, it is universally admitted that this incident must be placed *before* the battle of Pollentia. Further, since the defence of Hasta and the engagement at Verona are apparently regarded as of almost equal importance in determining the result

of the war, no valid conclusion can be drawn from the silence of the earlier poem. Indeed, a reason for that silence can easily be suggested: the terms of the agreement with Alaric must have been (*inter alia*) that he should not march on Rome, nor attempt to occupy Gaul or Rhaetia; he was needed by Stilicho in Illyricum. On his retreat Alaric apparently repented of these terms, and contemplated crossing one of the Alpine passes into Rhaetia or Gaul (*VI Cons.* 229 sqq.): such a march must be prevented: hence the engagement at Verona. But though Alaric had clearly intended to violate the terms of the treaty, he was once more allowed to escape, and it is manifest alike from the charges of Zosimus v. 29, from Orosius vii, 37. 2, and from Claudian's own laboured defence in the *De Bello Gothico* 91-165 that Stilicho was in consequence accused of treachery. In a panegyric recited in Stilicho's presence it was, therefore, far wiser to ignore the ambiguous incident of Verona, and to concentrate all attention upon the earlier stages of the campaign. Later, when new material for a fresh poem was needed, the poet grew bolder, Verona was introduced with a proud flourish to mask previous hesitancy: Alaric's escape must still be excused, it is true, but the blame is discreetly thrown upon the leader of the Alan auxiliaries. What Claudian does *not* say is frequently of the highest significance.

But the positive grounds for viewing the poems as a treatment of one and the same campaign are more instructive. Alaric's speech *after* the Battle of Verona should be carefully compared with the narrative sections of the two poems: such a comparison, I think, excludes Birt's hypothesis. Alaric is viewing in retrospect the whole course of the Italian invasion: which of his disasters shall he lament first? (*VI Cons.* 280 sqq.)—not Pollentia (= *B.G.* 580-603), not the loss of treasure (= *B.G.* 604-615), then he had still his forces at his back: he reaches the Appennines, and plans a march on Rome. Stilicho ensnares him from his goal by *foedera saevo deteriora iugo*. This rescue of Rome by Stilicho is, we remember, the theme of *B.G.* 95 sqq. *consulitur Roma tibi*: it is this which excuses Stilicho's *clementia*. In his speech Alaric thus describes the result of that intervention of Stilicho after Pollentia:—

dum parcere fingit  
rettudit [rettulit alii] hostiles animos *bellumque remenso*  
*evaluit transferre Pado* (*VI Cons.* 301).

But this passage has its parallel in Claudian's own narrative at the time when he is describing the battle at Verona:

oblatum Stilicho violato foedere Martem  
omnibus arripuit votis *ubi Roma periculo*  
*iam procul et belli medio Padus arbiter ibat.*  
(*VI Cons.* 210-212.)

Alaric proceeds to lament that his friends are alienated and are deserting him :

nullusne clientum  
permanet ? offensi comites, odere propinqui.  
(*VI Cons.* 314-315.)

But in Claudian's own narrative this is precisely the position after Verona :

iamque frequens rarum decerpere transfuga robur  
cooperat inque dies numerus decrescere castris,  
nec iam deditio paucis occulta parari,  
sed cunei totaque palam discedere turmae.  
(*VI Cons.* 250-253 and cf. 253-264.)

Alaric after bewailing these desertions asks whither he may flee to hide the remnants of his shipwrecked forces : this is represented in the narrative by vv. 265-271—Alaric's appealing gaze to the Alps.

The speech ends : Claudian's narrative resumes with the flight of Alaric and the pursuit of Stilicho (*VI Cons.* 320 sqq). The parallelism between the speech of Alaric *after* Verona, giving a continuous account of his invasion, and Claudian's own narrative in the two poems is complete. The conclusion is to my mind irresistible that the *anni vapor* which oppressed Alaric's troops at Verona (*VI Cons.* 241) was the summer heat of the same year in which on April 6 the Goths had been defeated at Pollentia : the battle of Verona was, indeed, but an incident in Alaric's retreat from Italy A.D. 402.

As soon as Alaric had departed from Italian soil the timorous Honorius determined not to run the risk of a return of the Goths in the spring of 403 and of another investment of Milan. He retired to the remote security of Ravenna. The first constitution issued from Ravenna is dated viii. Id. Dec. 402, and that is concerned with the levying of recruits. It has been objected that if the Battle of Verona had been fought in 402 Honorius would have celebrated the victory by entering on his sixth consulship in 403 and not only, as he did, in 404. Rather Honorius expected a return of the Goths early in 403, and only when his fears proved groundless did he commemorate alike the completion of his Decennalia (Gabotto) and the retreat of Alaric by his sixth consulship. It is thus no wonder that in 404 Claudian felt that the Gothic War as a theme for the court poet had somewhat lost its freshness and preferred to lay most stress on the unusual sight of the arrival of an Emperor of Rome within the walls of the capital (*VI Cons.* 125-6, 331-660).

We thus obtain an interesting sidelight upon Claudian's literary methods, and we are released from the necessity of inferring a Gothic invasion of Italy of which chroniclers and historians alike have made no mention.

*The Policy of Stilicho.*

Mommsen in his study of Stilicho's policy accentuated the significance of a passage of Olympiodorus where, referring to Stilicho's designs upon Illyricum in A.D. 405, he writes (fr. 3) 'Ἀλάριχος ὁ τῶν Γότθων φύλαρχος ὃν Στελίχων μετεκαλέσατο ἐπὶ τῷ φυλάξαι Ὀνωρίῳ τὸ Ἰλλυρικόν (τῇ γὰρ αὐτοῦ ἦν παρὰ Θεοδοσίου τοῦ πατρὸς ἐκνενεμημένον βασιλείᾳ) κ.τ.λ. Mommsen's comment on this is 'Ob Theodosius dies in der That verfügt hat, kann bezweifelt werden, nicht aber, dass Stilicho dies behauptet hat, und wenn gleich erst bei Gelegenheit der letzten Verhandlungen zwischen Alarich und Stilicho dies erwähnt wird, so liegt es doch auf der Hand dass Stilicho nicht erst lange Jahre nach Theodosius Tode diesen Anspruch geltend gemacht haben kann. Meines Erachtens giebt diese wenig beachtete Notiz des gleichzeitigen und vor allen anderen dieser Epoche zuverlässigen Schriftstellers recht eigentlich den Schlüssel für Stilichos Verhalten gegenüber dem Ostreich.'<sup>1</sup> Professor Bury has adopted Mommsen's suggestion (i, pp. 110-111, 120, 169), and has himself stressed the need of the West for the recruiting ground which Illyricum would afford. Thus the question of recovering Illyricum for Honorius is from the first a determining factor in Stilicho's Eastern policy. Mommsen would further appear to have thought that Stilicho's aims, so far as the East was concerned, were confined to the settlement of this question, and that he did not in any way seek to control the fortunes of the realm of Arcadius: 'Die Umgestaltung des constantinopolitanischen Regiments hat Stilicho nicht unternommen; die weitere Entwicklung der Dinge daselbst zeigt bei vollständiger Meisterlosigkeit unter dem unfähigen Kaiser keine Spur des Eingreifens von Seiten Stilichos; und dass ein solches nicht einmal versucht ward, kann wohl nur darauf zurückgeführt werden dass Stilicho die Herrschaft über das Gesammtreich keineswegs angestrebt hat.'<sup>2</sup> This latter question Professor Bury has not considered in any detail, but it may perhaps be doubted whether the policy of Stilicho was not more complex than Mommsen would have us believe. It is not without interest to study the aims of Stilicho so far as they are reflected in the poems of Claudian: he, at least, must have had opportunities for intimate acquaintance with his patron's hopes and fears.

Theodosius the Great on starting for the West to suppress the tyrant Eugenius had left in the East as adviser of Arcadius his highly-trusted minister Rufinus, while he had summoned from Constantinople his son Honorius who was recognised as his presumptive successor in the West of the Empire. Death did not find the great

<sup>1</sup> *Gesammelte Schriften*, iv. pp. 517-518. Gratian had surrendered E. Illyricum to Theodosius the Great: Seeck has inferred from *C. Tb.* i, 32.5 that it was reunited to the West on the revolt of Maximus,

and that on the tyrant's defeat the province once more reverted to the praefecture of the East. *Rheinisches Museum*, N.F. lxi (1913), pp. 37-38.

<sup>2</sup> *Gesammelte Schriften*, iv, p. 521.

emperor unprepared. As Ambrose writes<sup>1</sup>: 'gloriosus . . . in eo Theodosius qui non communi iure testatus est: de filiis enim nihil habebat novum quod conderet quibus totum dederat, nisi ut eos praesenti commendaret parenti [= Stilicho]; et de subditis sibi et commissis testari debuit, ut legata dimitteret, fidei commissa signaret?' This last sentence is, of course, as Mommsen says, a 'verneinende Frage.'<sup>2</sup> The *filiis* in this passage are, I think, no less clearly Honorius and Arcadius, not Honorius and Galla Placidia<sup>3</sup>; this is shown by the words *quibus totum dederat. Commendaret* cannot, as Mommsen has shown, apply to a legal guardianship of the sons of Theodosius as Emperors: Roman constitutional law knew of no such *tutela*. Birt writes on this passage<sup>4</sup>: 'Quodsi de tutela filiorum mandata interpretaberis, celerius ages; nihil enim iis verbis inesse video nisi optasse Theodosium ne tutor Honorii [= Stilicho] hostilia contra Arcadium pararet.' And in this sense Stilicho was for many years loyal to his trust. The importance of the passage in the funeral oration of Ambrose lies in the words *de filiis . . . nihil habebat novum quod conderet*. The bishop who enjoyed the dying Emperor's confidence knew that the provision made by him for the government of the East was not changed upon his death-bed: Rufinus was therefore to remain minister in the East. In the words of Orosius vii. 37, 'Interea cum a Theodosio imperatore seniore singulis potissimis infantum cura et disciplina utriusque palatii commissa esset, hoc est Rufino orientalis aulae, Stiliconi occidentalis imperii,' etc.

The interesting point is that the minister of the West was not content to adopt this view: he desired to control the fortunes of *both* halves of the Roman world. But since Theodosius had made no such disposition, how might the claim of Stilicho be at least colourably supported?—obviously only through the report of a *secret* conversation between the Emperor and himself. When this claim was first made we do not know, but in Claudian's earliest court poem the claim appears (*III Cons. Honorii* 142) and this expedient is adopted in its support—'cunctos discedere tectis dux iubet'—and this explanation once offered, Claudian, discreetly, never again mentions that momentous interview. In this poem, however, the claim is boldly stated: Stilicho *alone* is to direct the policy and command the armed forces of the whole empire:

tu pignora *solus*

nostra fove; geminos dextra tu protege fratres. . . .  
 indue mente patrem, crescentes dilige fetus  
 ut ducis, ut soceri. (vv. 152-3, 157-8).

<sup>1</sup> *De Obitu Theodosii*, 5.

<sup>2</sup> Mommsen: op. cit. p. 516.

<sup>3</sup> So M. Assunta Nagl.: *Galla Placidia. Studien*

*zur Geschichte und Kultur des Altertums*. II. Heft iii (Paderborn, 1908), p. 9, n.<sup>3</sup>.

<sup>4</sup> Preface to his edition of Claudian's Works. M.G.H., p. xxviii.

with this compare *In Rufinum* ii, 4.

iamque tuis, Stilicho, Romana potentia curis  
et rerum commissus apex, tibi credita fratrum  
utraque majestas, geminaeque exercitus aulae.

This double task of civil and military control recurs *In Ruf. I Praef. 17* :

qui stabilem servans Augustis fratribus orbem  
*justitia pacem, viribus arma* regit.

and cf. *IV Cons. Honorii 432*.

quem fratribus ipse [sc. Theodosius]  
discedens clipeum, defensoremque dedisti

with *Nupt. 307*.

dignus [sc. Stilicho] cui leges, dignus cui pignora tanti  
principis et rerum commendarentur habenaе.

(and see further *De Bell. Gild. 302, Laudes Stil. i, 140*).

Such is the claim, and to realise that ambition Stilicho would seek to overthrow any minister of Arcadius who withstood it, would endeavour to have at his command barbarian forces, would open up a way of escape for Alaric because he had need of Gothic support against the ministers of the East, but yet there always remained for Stilicho the fact that both Honorius and Arcadius were the sons of Theodosius and that therefore his own pretensions could only be made good *with the consent of Arcadius*. The overthrow of any hostile minister of the Eastern court could be justifiably compassed, since that overthrow but opened a vacancy into which Stilicho himself might step. But, granted that military forces were necessary to counter the machinations of his Eastern rivals, those forces might not be employed in civil war against Arcadius. This is, I believe, the limitation which causes the policy of Stilicho to appear contradictory and ambiguous. The most illuminating summary of a policy based upon a distinction in Stilicho's thought between Eastern ministers and Eastern emperor is given us by Claudian in a poem addressed to Stilicho, which must therefore be regarded as mirroring that policy, so far as Claudian was free to express it :

fratrem levior nec cura tuetur  
Arcadium ; nec, si quid iners atque impia turba  
praetendens proprio nomen regale furori  
audeat, adscribis iuveni. discordia quippe  
cum fremeret, numquam Stilicho sic canduit ira,  
saepe lacessitus probris gladiisque petitus,  
ut bello furias ultum, quas pertulit, iret  
inlicito, causamque daret civilibus armis :  
cuius fulsa fide mediis dissensibus aulae  
intemeratorum stabat reverentia fratrum.

The rich treasure of Theodosius is divided equally between his sons

ne non augusta supellex  
ornatusque pares geminis heredibus essent.  
mittitur et miles, quamvis certamine partes  
iam tumeant. hostem muniri robore mavis  
quam peccare fidem : permittis iusta petenti  
idque negas solum, cuius mox ipse repulsa  
gaudeat et quidquid fuerat deforme mereri.

(*De Cons. Stil.* ii, 78-87, 93-99).

These lines furnish us with the starting-point from which we may approach an understanding of Stilicho's policy. In 395, on the direct order of the court of Constantinople, the troops of the East are restored (v. 95), though at the same time it can hardly be doubted that a plot was concerted for the assassination of Rufinus. But Eutropius, the successor of Rufinus, pursued the same policy toward the West as had the murdered minister, and no summons came to Stilicho from Arcadius to guide the policy of the eastern half of the Empire. Thus in 397 Stilicho moves the western troops into Greece against Alaric. It is possible that in taking this step he had a double motive : if he could free Greece from the invader, he would prove his power to achieve on behalf of Arcadius that in which the emperor's own advisers had signally failed ; such a success might suggest to Arcadius the wisdom of relying upon Stilicho's aid ; at the same time he might renew with the defeated Goths the old federate relation, and strengthen the military forces of the West. Birt is of the opinion that the expedition was undertaken on a direct appeal from the eastern court : 'Tandem eo perventum est ut Stilicho arcesseretur.'<sup>1</sup> This is exactly what Stilicho would have wished : the silence of Claudian is to my mind conclusive that there was no such appeal. Against Birt's view there is not only the *argumentum e silentio* : an important passage of Zosimus has been overlooked ; in v, II, he writes *Εὐτρόπιος τοίνυν ἐν μὲν τῇ Κωνσταντινουπόλει παντάπασιν ἔχων οὐδένα τὸν ἀντιβλέπειν τολμῶντα, μόνον δὲ Στελίχωνα τῶν κατὰ τὴν ἐσπέραν κυριεύοντα πραγμάτων κατὰ νοῦν ἔχων ἀνελεῖν αὐτῷ διανοεῖτο τὴν ἐπὶ Κωνσταντινούπολιν ἄφιξιν. ἀναπεῖθει δὲ τὸν βασιλέα, τέως συναγαγόντα τὴν γερουσίαν, κοινῶ δόγματι τῆς βασιλείας αὐτὸν πολέμιον προσειπεῖν.* (ed. Mendelssohn : p. 228, 15). Eutropius divined aright the policy of Stilicho and was determined to bar Constantinople before his approach : once within the city Stilicho might gain the ear of Arcadius : he anticipates any such catastrophe by wringing from emperor and senate the declaration that the minister of the West was a public enemy. It may be at this time that a European praefecture was created within the

<sup>1</sup> Birt. op. cit. p. xxx, and cf. J. Koch's article, 398,' *Rheinisches Museum*. N.F. xlv. 575-612 at 'Claudian und die Ereignisse der Jahre 395 bis pp. 607-608.

territories subject to the eastern sovran<sup>1</sup>: the danger from the West was the sole menace to the authority of Eutropius. Thus Eutropius represented Stilicho's action in Greece as a presumptuous invasion of an Eastern province: his answer was a *diplomatic* invasion of a Western province: the generals of Honorius were apparently encouraged to offer no resistance to Gildo in Africa (cf. Claudian *Cons. Stil.* i, 275 sqq.), while the Moor's offer to transfer the province to the allegiance of Arcadius was eagerly accepted.

Stilicho's attempt to force the hand of Arcadius had failed, while Alaric was driven into the Eastern camp. For a time Stilicho is occupied with the suppression of the revolt in Africa but, directly that task is achieved, he proclaims his former policy with redoubled energy. This it is which gives its interest to the first book of the unfinished *De Bello Gildonico* of Claudian. The result of that war should be the reconciliation of East and West: the opening words of the poem introduce the theme: *concordia fratrum | plena redit*; its central episode is the address of Theodosius to Arcadius with its expostulation: *in fratres medio discordia Mauro | nascitur et mundus germanaque dissidet aula?*—its result: the confession of Arcadius *nec carior alter | cognato Stilichone mihi* (v. 322). The whole poem is an eirenicon between East and West: Arcadius owes to Stilicho his liberation from Rufinus (v. 304): the suggestion is obvious: Stilicho is ready to take the place of Eutropius. (Cf. *In Eutrop.* ii, 543 sqq.). But Arcadius continued to support his chamberlain. Against that minister Stilicho sought to win the aid of Alaric, whose policy was to play off the East against the West. Stilicho, without reference to the Senate, refused to recognise a eunuch as consul in 399 'idque negas solum . . . quidquid fuerat deforme mereri,' but himself could not hold that office so long as Eutropius was supreme in Constantinople. The fall of Eutropius, which opened the consulship to Stilicho in 400, only gave to Claudian a new opportunity for pressing Stilicho's constant policy: the poet boldly represents the East as yearning for that approach of Stilicho which it had formerly feared, *In Eutrop.* ii, 501 sqq.—notice that this passage of Claudian supports the account of Zosimus quoted above. The last 100 lines of the poem are devoted to this theme, and its closing words are

nec te subtrahimus [sc. Orientales] Latio; defensor utrique  
sufficis. armorum liceat splendore tuorum  
in commune frui; clipeus nos protegat idem  
unaque pro gemino desudet cardine virtus (vv. 599–602).

This is far more audacious than anything which Claudian had previously written. The explanation of that audacity is perhaps

<sup>1</sup> Cf. O. Seeck in *Rheinisches Museum*, N.F. lxi (1913), p. 38; *Regesten der Kaiser und Päpste*, i, pp. 140<sup>86-43</sup>, 148<sup>39-42</sup>.

bound up with one of the most remarkable silences in Claudian's works: nowhere in his poems is the name of Gainas mentioned, yet Gainas had, it would seem, been Stilicho's agent in the assassination of Rufinus, and now Gainas, having overthrown Stilicho's enemy Eutropius, was master in Constantinople. The silence of Claudian is clearly studied: he did not wish to suggest that through the influence of the Goth Stilicho's long cherished aim might be realised; he therefore paints that consummation as the desire of the whole East Roman people.

But at the moment when Stilicho's hopes were brightest, they were irretrievably ruined. The anti-barbarian fervour of the East after the massacre of the Goths rendered it impossible for a Vandal to control the fortunes of the realm of Arcadius: Stilicho's policy was doomed.

For some years the affairs of the West absorb his energies: 401 Invasion of Raetia, 402 Invasion of Italy by Alaric, 404-405 (see *infra*) Invasion of Italy by Radagaisus. The problem of these years is the problem of man-power: how can recruits be raised for the armies of the West? The empire is swept for men: troops are drawn from Rhaetia and Britain, the Rhine frontier is left almost undefended, Huns from the Dobrudscha, Alans, Goths—all are enrolled. The West must gain a new recruiting ground at any cost. On the defeat of Radagaisus there follows Stilicho's attempt to annex Illyricum. Mommsen, as we have seen, and, following him, Professor Bury have considered that this annexation was from the first the aim of Stilicho, and would thus explain the operations of A.D. 397. I believe, however, that we ought not to abandon the chronology of Olympiodorus. In 397 the East thought that Stilicho was aiming at Constantinople: in substance I believe that it was right: now its measures are directed towards improving the defences of the threatened territory: the objective of Stilicho is not the same. If the annexation of Illyricum had been Stilicho's policy throughout, why was no attempt made to occupy that province in A.D. 399, when the domestic difficulties of the East would have hindered any effective resistance? Rather the projected annexation of Illyricum is the result of the repeated invasions of the Western empire and of Stilicho's despair of gaining influence with Arcadius since the fall of Gainas. The need of the West could not wait upon the pleasure of the East. But even now, as in the case of his claim to control the whole Roman world, Stilicho shelters himself behind the will of the great Theodosius<sup>1</sup>: *he* had determined that Illyricum should belong to the West, in the same way as—if Seeck be right in his inference—it had for a time under Theodosius himself been subject to Valentinian II.

<sup>1</sup> Cf. the fragment of Olympiodorus quoted *supra*.

On the death of Arcadius Stilicho at once reverts to his earlier policy and forces upon Honorius the acceptance of the view that he, rather than the Emperor, shall in person go to Constantinople to advise the child sovran.

To sum up: I believe as against Mommsen that Stilicho did wish to guide the fortunes alike of the Eastern and Western halves of the Roman world, but that he refused to employ civil war as a means to that end, and as against Mommsen and Professor Bury I believe that we should interpret strictly the chronological reference of Olympiodorus. I think that Stilicho's actions can in fact be satisfactorily explained on the lines of the policy consistently advocated by Claudian.<sup>1</sup> With the criticism of that policy I am not here concerned.

*The Invasion of Radagaisus and the Revolt of Constantine.*

Professor Bury still maintains (i. p. 160) that it was Radagaisus who invaded Raetia in concert with Alaric in A.D. 401. He does not seek to justify that view, nor does he refer to the appendix in the third volume of his edition of Gibbon where reasons in support of it are given. I very much doubt the inference that is there drawn from a confused passage in Zosimus (vi. 26, 3-5).<sup>2</sup> In our sources Radagaisus is a *rex Gothorum*<sup>3</sup>: there would seem no reason to question the title<sup>4</sup>: he, like Alaric,<sup>5</sup> was the leader of a *Gothic* horde,<sup>6</sup> even though his forces were swelled by contingents from other tribes. But the only evidence that we possess for the invasion of Raetia in 401 states that the invaders were *Vandals*.<sup>7</sup> Despite the argument of Gabotto,<sup>8</sup> I should prefer to consider, with Schmidt, that the entry of Prosper s.a. 400 is due rather to a misunderstanding of Orosius, and that the only invasion by Radagaisus of Roman territory was his incursion into Italy.

What is the date of that incursion? It is, I think, to be regretted

<sup>1</sup> Koch has suggested that the sources of Zosimus depend in part upon the poems of Claudian; this cannot, I imagine, be proved, but the suggestion raises an interesting question: How far were Claudian's poems designed to provide propaganda in the East for Stilicho's policy? This purpose is at least possible in the case of the latter part of *In Eutropium* ii.

<sup>2</sup> For another explanation of this confusion see Mendelssohn's note on the passage in his edition of Zosimus p. 249. The ninth fragment of Olympiodorus must have suffered in the epitomised form in which it has been preserved. It has been suggested that it too refers to the year A.D. 401 and records an alliance of Stilicho with Radagaisus in that year. To my mind, the silence of Claudian is conclusive against this view. The words *Ῥαδαγίσσον προσηγαίρισαν* must in their original form have been equivalent to *τοὺς τοῦ Ῥαδαγίσσου π.* and = the enlistment by Stilicho in the Roman army of survivors after the Battle of Faesulae. They

were so understood by Zosimus *πλὴν ἐλαχίστους δσους αὐτὸς (=Stilicho) τῆ Ῥωμαίων προσέθηκεν συμμαχίᾳ* (loc. cit.). On these passages cf. Stein: *Studien zur Gesch. des byzantinischen Reiches*, etc., p. 127.

<sup>3</sup> Aug., *De Civ. Dei*, v, 23. Orosius vii, 37, 8 and 15. Mommsen: *Chron. Min.* in *M.G.H.* i, pp. 299, 652.

<sup>4</sup> So Schmidt: *Gesch. d. deutschen Stämme* i, p. 121n<sup>3</sup>. 'König war Radagais so wenig wie Odotheus, nur Führer freiwillig zusammengemerkener Scharen'; but cf. Seock: *Geschichte des Untergangs*, etc. v, 587 s.f.

<sup>5</sup> Cf. Orosius vii, 37, 8. 'duo tunc Gothorum populi cum duobus potentissimis regibus suis, etc.'

<sup>6</sup> Cf. also Olympiodorus, fr. 9.

<sup>7</sup> Claudian: *De Bello Gotico*, 415, with the apparatus criticus of Birt in *M.G.H. ad. loc.* and his preface pp. xlvi and xlix.

<sup>8</sup> F. Gabotto: *Storia della Italia occidentale*, appendix i and ii.

that Professor Bury has adopted the view of Gothofred who dated the invasion of Radagaisus to the years 405 and 406, since he considered that the constitutions *C. Th.* vii. 13, 16 and 17, issued on April 17 and April 19, 406, must be referred to this invasion. Of these constitutions addressed to the provincials one orders the enrolment of slaves in the army, the other calls upon the provincials to act in their own defence. 'Provinciales pro imminentibus necessitatibus omnes invitamus edicto quos erigit ad militiam innata libertas. Ingenui igitur qui militiae obtentu arma capiunt amore pacis et patriae' are to receive pay at a rate fixed by the constitution—'nam optimos futuros confidimus quos virtus et utilitas publica necessitatibus obtulit.' But if these constitutions issued in the middle of April 406 are designed to raise forces to meet the Goths of Radagaisus, who had entered Italy in the previous year, this surely implies an incredible delay on the part of the imperial government. Seeck, who also follows Gothofred, feels this difficulty so acutely that he proposes to emend the date of both constitutions, and to read xv and xiii Kal. *Mar.* in place of Kal. *Mai.*<sup>1</sup> Professor Bury has not, however, adopted this improbable expedient.

I think that a different explanation possesses greater plausibility. Freeman long ago<sup>2</sup> accentuated the importance of the twelfth fragment of Olympiodorus in which we read: ἐν ταύταις ταῖς Βρεταννίαις, πρὶν ἢ Ὀνώριον τὸ ἑβδομον ὑπατεῦσαι, εἰς στάσιν ὀρμησαν τὸ ἐν αὐταῖς στρατιωτικὸν Μάρκον τινὰ ἀνεῖπον αὐτοκράτορα: that is to say that the revolt of the army in Britain took place in A.D. 406. But Zosimus (vi, 3) when describing the ravages of Vandals, Sueves and Alans in Gaul proceeds καὶ πολλὸν ἐργασάμενοι φόνον ἐπιφοβοὶ καὶ τοῖς ἐν Βρεταννίαις στρατοπέδοις ἐγένοντο, συνηνάγκασαν δὲ δεῖν τοῦ μὴ κατὰ σφᾶς προελθεῖν εἰς τὴν τῶν τυράννων ὀρμησῶν χειροτονίαν, Μάρκου λέγω καὶ Γρατιανοῦ καὶ ἐπὶ τούτοις Κωνσταντίνου. But before these barbarians could have penetrated to the Gallic coast line—we know that they reached the neighbourhood of Boulogne—a considerable interval must have elapsed since the time when they first crossed the Rhine. Thus it would appear that Prosper's entry under the year 406: 'Arcadio vi et Probo Coss. Vandali et Alani traiecto Rheno Gallias pridie Kal. Januarias ingressi' should in substance= 'During the year 406 the Vandals etc. invaded the provinces of Gaul, having crossed the Rhine on the last day of 405' (when the river was probably frozen). The constitutions addressed 'to the provincials' were issued from Ravenna in the following April, when news of the seriousness of the peril in Gaul had reached the western court. We should retain for the invasion of Radagaisus the date A.D. 404-405: Stilicho's projected annexation of Illyricum in A.D. 405 is the result, as we have seen above, of that invasion, and

<sup>1</sup> Seeck: *Geschichte des Untergangs*, etc. v, p. 587.

<sup>2</sup> Freeman: *Western Europe in the Fifth Century*, p. 45 n.\*

we should in consequence of the statement of Olympiodorus correct Seeck's date for the outbreak of the rebellion in Britain from A.D. 407 to A.D. 406.

That rebellion is for our island history of special significance; how did it come about? Professor Bury writes 'We may conjecture that the revolt was due to discontent with the rule of the German Stilicho, just as the revolt of Maximus had been aimed at the German general Merobaudes.' Further, Professor Bury thinks that Constantine in crossing to Gaul 'was following the example of Magnus Maximus, who had in like manner crossed over to the continent to wrest Gaul and Spain from Gratian' (i, pp. 187-8). Frankly these suggested explanations appear to me far fetched: Maximus had crossed to Gaul to meet his death as a defeated 'tyrant'; it was hardly an auspicious augury! What little we know of the revolt of the British troops seems to me to point to a different conclusion. Think of the position in Britain at the time with Pict and Scot on the northern frontier (Claudian *In Eutrop.* i, 393), with a High King of Ireland ravaging the South (Bury: *Life of S. Patrick* p. 331), with Saxon pirates harrying the coasts of the Channel,<sup>1</sup> and to add to it all a wave of invasion in Gaul which threatened to cut off the army in Britain from the rest of the Empire.

The army needed a general of its own,—in Professor Bury's words 'a supreme responsible authority on the spot'—they needed such an authority, surely, to justify their escape from the island. They chose Marcus, apparently a civilian (*municeps.* Orosius), but possessing a good imperial name (Sozomen ix, 11). Unfortunately for the army Marcus was not prepared to play the part of a general: they removed him ὡς οὐχ ὁμολογοῦντα τοῖς αὐτῶν ἡθεσιν (Zos. vi, 2). They looked around for some one bearing another name of good augury: they selected a Gratian; he too proved unsatisfactory; after four months they tired of him. If their emperor was to do what they wished, he must be one of themselves, a common soldier. The only man who had been raised to the purple in the island who had proved himself the ever-victorious general was Constantine the Great—British legend attests his popularity—and there chanced to be a common soldier in their midst who with his sons bore the imperial names of the dynasty of Constantine.<sup>2</sup> It was no wonder that they chose him as their third candidate for Empire οἰθηέντες καθότι ταύτην εἶχε προσηγορίαν καὶ βεβαίως αὐτὸν κρατήσῃν τῆς βασιλείας (Sozomen); and this man, with the lamentable fate of his predecessors before him as instant warning, knowing, as being himself a common soldier, what the army wanted, led that army straight-

<sup>1</sup> Cf. Ferdinand Lot: 'Les migrations saxonnes en Gaule et en Grande-Bretagne du IIe. au Ve. Siècle, *Revue Historique* cxix, (1915) pp. 1-40.

<sup>2</sup> 'The collection of Flavian names in the family

of this private soldier is certainly remarkable. Most likely they were popular in Britain.' Freeman, *op. cit.* p. 57.

way out of Britain into S. Gaul, back to the centre of the world's life, away from this threatened northern outpost of the empire. Here surely was no abstract principle of hostility to a Vandal minister: rather, Stilicho's withdrawal of forces from Britain to Italy may have caused those who remained to contrast their lot with that of their more favoured comrades: they would desire more and not less of Stilicho's policy! It was Constantine who had founded an empire in Gaul and whose name was a household word who inspired that flight from Britain. However unflattering to our national pride the conclusion may be, it certainly looks as though the revolt of the Roman troops sprang of the fact that they had grown tired of life in our much-harassed island, and hankered for the flesh-pots of Provence. And if this be true, it perhaps throws some light upon the Roman evacuation of Britain: one of the reasons for that evacuation may well have been that Roman troops were unwilling to remain as a standing garrison in the island. Of Professor Bury's views on the re-occupation of Britain by Rome I am not qualified to judge: on such a point the final judgment rests with the archaeologist; but to the student of the period it must appear improbable that, when men were urgently needed for the operations of Aëtius in Gaul, so strong a force as Professor Bury has suggested should have been allowed to remain in Britain.<sup>1</sup>

#### *The Vandal Occupation of Africa.*

Professor Bury has not discussed the Procopian story of the appeal of Boniface to the Vandals: he accepts its historicity. Some teachers might have welcomed a reference to Schmidt's famous article<sup>2</sup> and to Bugiani's elaborate discussion<sup>3</sup> of that article, since both scholars relegate the story to the sphere of legend. In his account of the departure of the Vandals from Spain Professor Bury has not noticed a very perplexing entry in the *Chronica Gallica* recording a Roman disaster placed just before the sailing of the Vandals for Africa: 'Viginti ferme milia militum in Hispaniis contra Vandalos pugnantium caesa.'<sup>4</sup> Is it true that the Court of Ravenna hearing of the agreement with the Vandals did attempt to stay their passage<sup>5</sup> and that the failure of that attempt caused the change in policy manifested by the mission of Darius? The correspondence between Augustine and Darius is, I think, in any event better dated with Professor Bury to 429 than to 428 with Seeck: if the reconciliation between Placidia and Boniface had been accomplished fact in 428, it seems quite incredible that no steps should have been

<sup>1</sup> Cf. R. G. Collingwood: *Roman Britain*, Oxford, 1923, pp. 97 sqq.

<sup>2</sup> L. Schmidt: 'Bonifatius und der Übergang der Wandalen nach Afrika.' *Historische Vierteljahrsschrift*, 1899, ii. pp. 449-462.

<sup>3</sup> C. Bugiani: *Storia di Esio* (Firenze, 1905) c. vii.

<sup>4</sup> Mommsen: *Chron. Min.* (in *M.G.H.*) i, p. 658, 107.

<sup>5</sup> Cf. Seeck: *Geschichte des Untergangs*, etc. vi, p. 112.

taken to oppose the Vandal landing in Africa in 429. But if the state of war between Boniface and Sigisvult lasted on into 429 it would naturally paralyze action on the part of the imperialists. Only I should prefer with Pallu de Lessert to consider that the words in the letter of Darius (*Ep.* 229, 2) 'si non exstinimus bellum, certe distulimus' relate to a truce with *Boniface* rather than with *Gaiseric* (so Prof. Bury, p. 247): 'les négociations n'avaient de raison d'être pour le moment qu' avec Boniface, sauf à celui-ci à essayer de traiter ensuite . . . avec les barbares qu'il avait appelés.'<sup>1</sup>

### *The Operations of Aëtius in Gaul.*

There are two small points on these operations which are perhaps worth a note. Professor Bury, following Seeck (*Pauly-Wissowa*, s.v. *Chlogio*) refers the notice of Prosper s.a. 428 'Pars Galliarum propinqua Rheno quam Franci possidendam occupaverant Aëtii [comitis] armis recepta' (cf. Cassiodorus Chron. at the same year) to the campaign against the Salian Franks; it would appear better to relate it to that against the Ripuarian Franks alluded to in Merobaudes *Pan.* ii, 5-7; 'Pars G. propinqua Rheno' is not a natural description of Artois. If this view is adopted, the operations against Chlodio are undated: perhaps the entry of Hydatius s.a. 432 describes this campaign, which would then succeed the operations against the Ripuarians.

Kleinclausz (*Histoire de Bourgogne* p. 32) has placed the first arrival of the Huns in the West in 437, when they destroyed the Burgundian kingdom of Worms.<sup>2</sup> On this he writes of the Burgundians 'Fidèles à la parole donnée, ils voulurent empêcher [les Huns] de pénétrer dans l'Empire. Ils ne firent qu' attirer sur eux une épouvantable malheur.' This explanation of the battle is difficult, for otherwise we hear nothing of a Hun invasion into Gaul before the coming of Attila. Professor Bury avoids this difficulty: for him these Huns are acting under the orders of Aëtius and are in Roman pay. He does not, however, notice that Aëtius had previously defeated the revolting Burgundians, and granted them terms of peace (Prosper). Was the attack of the Huns a gross breach of faith on the part of Aëtius, and were the Burgundians thus signally defeated because they were justified in believing that peace was fully restored? The problem remains a problem still.<sup>3</sup>

### *The Usurpation of John.*

In treating of the usurpation of John, primicerius notariorum, after the death of Honorius, Prof. Bury writes: 'Of the situation

<sup>1</sup> Pallu de Lessert: *Fastes des provinces africaines* ii, p. 289, n. 2.

<sup>2</sup> Cf. M. G. Clarke: *Sidelights on Teutonic History during the Migration Period.* (Cambridge 1911), pp. 211, 299.

<sup>3</sup> The passages of the chroniclers are collected in Lizerand's monograph *Aëtius* (Paris, 1910) p. 48, n<sup>1</sup>.

in Italy and the attitude of the Italians to the Emperor we know nothing except the fact that he was not acknowledged at Rome.' In support of this view he quotes the issue of gold coins of Theodosius II at Rome 'which may probably be assigned [so de Salis] to 424-425. The Roman mint does not issue coins of John.' This conclusion seems very doubtful: there is no hint of this in our authorities. Gregory of Tours II vii, 8 quoting from Renatus Frigeridus writes: 'nam cum in duodecimo libro referat post divi Honorii excessum Valentinianum puerolum . . . a consubrino Theodosio imperatorem fuisse creatum et *apud urbem Romam tyrannum Johannem imperium surrexisse*, etc.' If Rome had not recognised John one might have expected a reference to the fact in the contemporary writer; even if the coins are rightly dated John was at the time anxious for the recognition of Theodosius, and it was politic to accentuate this loyalty. If there had been active opposition in Italy, is it probable that the usurper would have sent a considerable force to Africa against Boniface? Is it not more reasonable to suppose that it was precisely because it was necessary to keep Rome in a good humour that it was essential to recover the granary of Africa (cf. the efforts of Attalus in a similar position)? That the praefect of the city erected an inscription 'D. Nostro Valentiniano florentissimo Caesari'<sup>1</sup> in the course of the year 425 proves nothing, for that may well date from the time when John was already overthrown, and when Placidia and her children were on their journey from Aquileia. The point may be in itself of small importance, but the elevation of a civil servant to the purple in the ancient capital is of significance as a re-assertion of Rome against Ravenna, of the Roman element in the state as against the barbarian. Helion, the representative of Theodosius in the West, recognised the force of this Roman claim: it was not in Ravenna, but in the imperial city that Valentinian was declared Augustus.<sup>2</sup>

*The Question of the Recognition of Avitus and Majorian by the sovereigns at Constantinople.*

In the last volume of his *Geschichte des Untergangs der antiken Welt* Seeck has maintained that neither Avitus nor Majorian were recognised as colleagues by the Emperor in Constantinople. In the case of Avitus Seeck's own arguments are, I think, insufficient to prove his point. None of the laws of Marcian in their present form mention Avitus in the superscription, but this in itself is hardly conclusive since in the *C. J.* 'non desint leges quae in inscr. unum imperatorem ferunt ubi duo aut tres commemorari debent' (Haenel: *Novellae Constitutiones* p. 286, n<sup>b</sup>). The consulship of Avitus in

<sup>1</sup> Dessau, 803.

<sup>2</sup> If John was recognised in Rome. Professor Bury's reconstruction (*J.R.S.* ix, p. 3) of Placidia's

intended route to the West cannot stand. Whence did Procopius derive his enthusiastic account of the virtues of John?—in Rome?

456 may not have been known in the East when the consuls for that year were announced: *e.g.* the name of the consul designated by the East for 453 was already known by July 6, 452<sup>1</sup> and Avitus was only created emperor in Gaul on July 9, 455. Against Seeck's view there are the two entries of Hydatius<sup>2</sup>: 'per Avitum legati ad Marcianum pro unanimitate mittuntur imperii' and 'Marcianus et Avitus concordēs principatu Romani utuntur imperii.' But despite the weakness of Seeck's own statement of his case there is an argument not noticed by him which, I think, makes it probable that, though Marcian was not hostile to Avitus, the latter was never formally acknowledged as legitimate colleague. It was noted long ago by Holder-Egger that the *Fasti Vind.* characterize the emperors of the West, when recognised by the East, by the addition of *d.n.* to their names, and Avitus is not given by the *Fasti Vind.* this title of Dominus Noster. But, if we should on account of this omission accept Seeck's conclusion in the case of Avitus, in that of Majorian Seeck's interpretation of the evidence can, in my judgment, be definitely disproved. The course of events after the accession of Leo is according to Seeck as follows: Majorian is appointed magister militum by Leo A.D. 457: later he is raised by Leo to the position of Caesar: 'cuius [sc. Leonis] voluntate Majorianus apud Ravennam Caesar est ordinatus' (Marcellinus comes in Mommsen's edition *M.G.H. Chron. Min.* ii, 87): he then wins a victory over the Vandals and at the end of the year is created Augustus in the West, when Leo withdraws his approval and never subsequently recognises Majorian. For a time Majorian refuses to recognise Leo, and only in order to keep up appearances later abandons this hostility. The crucial point in this daring reconstruction is the assertion that Leo at first created Majorian Caesar only. Here Seeck, in quoting the *Chronicon* of Marcellinus, has failed to observe a peculiarity in the style of his source; curiously enough Marcellinus regularly employs the term *Caesar* as = emperor or Augustus. Thus s.a. 387 'Arcadius *Caesar* cum patre suo quinquennalia celebravit' (*Chron. Min.* ii, p. 62): Arcadius had been created Augustus in 383: s.a. 392 'Arbogastes Valentiniano imperatore extincto et Eugenio *Caesare facto*,' while a complete parallel to our present passage is to be found s.a. 393 'Honorium pater suus Theodosius in eodem loco quo fratrem eius Arcadium *Caesarem* fecit.' This is not the place to discuss at length the use of the term *Caesar* in Latin writers of the period, but a similar usage may be found in Jordanes: *Getica M.G.H.* 79<sup>14</sup>, quoting Symmachus, and the word is doubtless used in the same sense in *Jord. Rom.* 336, 'Leo Anthemium . . . ex patricio *Caesarem* ordinans Romae in imperium destinavit' (correct Seeck: *Geschichte* vi, pp. 359-360) and in *Jord. Rom.* 338 'Nepotem . . .

<sup>1</sup> Cf. Mommsen: *Gesammelte Schriften*, vi, p. 376.

<sup>2</sup> Cf. Mommsen: *Chron. Min.* in *M.G.H.* ii, p. 28.

Caesarem ordinavit.' The *Chronicon* of Marcellinus thus states simply that Majorian was made *Emperor* 'Leonis voluntate' and Majorian doubtless only waited for the receipt of the official intimation of Leo's consulship in 458 to include his colleague's name in the date formulæ of the West (for the evidence cf. Liebenam: *Fasti Consulares* p. 47). Finally there is the explicit evidence of the *Fasti Vind. Priores* (*Chron. Min.* i, p. 305) where we read 'et levatus est imp. d.n. Majorianus kald. April. in miliario VI in campo ad columellas.' Seeck's reconstruction falls to the ground: there can, I think, be no doubt that the older view represented in Prof. Bury's work should be maintained.

### *The Patriciate.*

Finally, I should like to raise the problem of the Patriciate in the fifth century: it is a disappointment that Professor Bury has not dealt with the question in detail, and it is curious that the one systematic discussion of the problem known to me seems to have escaped the notice of British scholars.<sup>1</sup> I confess that I do not clearly understand Mommsen's note [*Gesammelte Schriften* iv, p. 537, n<sup>6</sup>] on the use of the title *patricius* 'in eminenter Bedeutung,' but he apparently would equate it with the office of *magister utriusque militiae praesentalis*. Sundwall has shown that Mommsen's view of that office, so far as the West is concerned, needs correction: both the *magister peditum* and the *magister equitum* in praesenti continued to hold office at the court of Ravenna, though each might now bear the title *magister utriusque militiae*: but this correction does not really affect the question: is the title *patricius* employed 'abusiv' in a special sense in our authorities? To take the passages cited by Mommsen as examples of this illegitimate use of the term: (i) Hydatius *Chron.* 2, 22 'Aëtius dux utriusque militiae patricius appellatur.' Here as Mommsen himself admits there is at first sight no necessity to interpret the term in any special sense. (ii) Olympiodorus, fr. 13 Jovianus, already *ἐπαρχος καὶ πατρίκιος*, revolting from Honorius joins Attalus and is then *πατρίκιος Ἀττάλου ὀνομασθείς*. Here too, it would seem, it is easy to explain the passage without any reference to 'eminente Bedeutung': Attalus recognises Jovian as possessing at his court the same rank as he had previously enjoyed at the court of Honorius. Further, Jovianus was a civil magistrate (cf. Seeck Pauly-Wissowa, s.v. *Jovius*) and we know that he held neither of the military magistracies under Attalus. (iii) Jordanes *Getica* 45 'Leo Imperator Anthemium patricium suum ordinans Romae principem destinavit.' Anthemius, as we know, had been created patrician long before (cf. Apoll. Sid. *Carm.* ii, 199-209 cf. Seeck in Pauly-Wissowa, s.v. *Anthemius*): it might seem that

<sup>1</sup> Giuseppe Magliari: 'Del Patriziato romano dal Secolo iv al Secolo viii', *Documenti di Storia e Diritto* xviii (1897) pp. 153-217.

here at least the word is used with a special meaning, but the language of Marcellinus (*Chronicon* s.a. 467) describing the same event—'Leo Imperator Anthemium patricium Romam misit imperatoremque constituit'—suggests that some such passage as this was the source of Jordanes and that the Gothic writer means no more than this, or that possibly he has misunderstood his source. (iv) John of Antioch fr. 201. If this account of the part played by the Emperor Maximus before his accession in the instigation of the murder of Valentinian III can be accepted as historical it does certainly seem to contain the special usage of the term *patricius* suggested by Mommsen. That it can be so accepted I personally cannot believe in view of the silence of Prosper in his account at the end of his chronicle and of Apollinaris Sidonius in the 13th epistle of the second book: Prof. Bury does accept it, because he thinks that it was derived from Priscus, but if German scholars have accused their colleagues of being 'Thukydides-Theologen' in their study of the history of the fifth century B.C., students of the 5th century of our era must beware of becoming 'Priskos-Theologen': Priscus in dealing with the affairs of the West cannot have for us the same authority as when he is recounting the history of the Eastern provinces. The fact that Maximus did not punish the murderers of Valentinian, while he forced Valentinian's widow to become his own wife (Prosper) was ground enough to give rise to scandalous stories.<sup>1</sup> But, even if we admitted the full historicity of the fragment, its content is in itself suspicious. The immediate cause of the instigation of the murder according to John of Antioch was the refusal of the eunuch Heraclius to permit Maximus to gain the honour of the consulship, and after this failure when τῆς πατρικιοτήτος τυχεῖν ἐβούλετο [sc. Maximus] . . . οὐδὲ ταύτης ὁ Ἡράκλειος τῆς ἐξουσίας συνεχώρει . . . Ἐντεῦθεν ὁ Μάξιμος ἀμφοτέρων διαμαρτῶν ἐχαλέπαιεν and instigated the murder. But Maximus had been already twice consul and he was already *patricius* (cf. Nov. Valentiniani 19, 'vir gemini consulatus et patriciae dignitatis'): and if the term were here used in 'eminente Bedeutung' would a man in the position of Maximus seek the empty honour of a third consulship and then only on his failure to obtain this seek the *patriciatus* in its special sense—a position which *ex hypothesi* would be one of great authority and influence? I do not feel that it would be safe to build much upon this fragment. We have now considered the passages adduced by Mommsen and they do not appear to yield any conclusive result.

A better instance of the special use of the term *patricius*, though not mentioned by Mommsen, is, it might be urged, that of Ricimer.

<sup>1</sup> Another such story may be found in the fragment of an anonymous writer ( fr. 200 of John of Antioch in Müller *F.H.G.*, iv, 614) who apparently

found the explanation of the treason of Maximus in the rape of the latter's wife by Valentinian.

Priscus fr. 24 states that Avitus ἔπεμπε τὸν πατρίκιον 'Ρερίμερ ἐς τὴν Σικελίαν σὺν στρατῷ. After the death of Avitus, and when Leo had succeeded Marcian, we read s.a. 457 'Ricimer magister militum patricius factus est pridie kl. Marcias et factus est Majorianus mag. mil. ipso die.'<sup>1</sup> This does look as though Ricimer were now created patricius 'in eminenter Bedeutung.' But the true explanation is doubtless that Priscus antedates the giving of the title to Ricimer. Remistus held the rank of patrician under Avitus; Ricimer was, at the time of his expedition to Sicily, comes,<sup>2</sup> and afterwards (cf. the passage quoted from the *Consularia Italica*) magister militum. Thus Avitus is captured at Placentia 'a magis. mil. Ricimere'<sup>3</sup> or, as it is expressed in the *Add. ad. Prosp. Hav.*, 'quem [sc. Avitum] cum magna vi exercitus magister militum Ricimer excepit.' The advancement of Ricimer is thus from comes to magister militum and thence to patricius.<sup>4</sup> But this in itself is important: what is the meaning of this act of Leo by which Ricimer from being magister militum was created patricius, while Majorian succeeded him as magister militum? Martroye writes on this 'Récimer dépossédé des fonctions de maître de la milice se trouvait donc privé du commandement suprême de l'armée, et mis hors d'état de faire prévaloir sa volonté.'<sup>5</sup> But is this the true interpretation? The army had shown its devotion to Ricimer, he had already secured the assassination of the patricius Remistus, he had defeated and dethroned the emperor Avitus. Was Ricimer the man passively to suffer his own supersession and the transference of the command of the army to Majorian? If this had been Leo's intention, it was surely to sign the death-warrant of Majorian. When Leo really desired to make Anthemius independent of Ricimer, he took care to provide him with a strong force of Eastern troops who were not already devoted to Ricimer's interests.

In a word the patriciate of Ricimer must have been an elevation and not a degradation: it cannot have deprived Ricimer of the command of the army. It is time to notice two passages to which Mommsen did not refer in his note. Remistus, apparently in command of the troops of Avitus in Classis, was, as we have seen, assassinated by Ricimer: his immediate successor as patricius was Missianus, who was slain in the battle in which Avitus was defeated. The form in which that fact is recorded is interesting: in *Add. ad Prosp. Hav.* we read 'interfectus in eo proelio Missianus patricius Aviti xv k. Novemb.' and in *Fasti Vind. Priores* 'et occisus est Messiam patricius eius [sc. Aviti] xvi kl. Nov.'<sup>6</sup> The entries certainly suggest

<sup>1</sup> Mommsen: *Chron. Min.* i, p. 305: entry in the *Consularia Italica* (edition in *M.G.H.*).

<sup>2</sup> *Ibid.*: *Chron. Min.* ii, p. 29. Hydatius.

<sup>3</sup> *Ibid.*: *Chron. Min.* i, p. 304. *Fasti Vind. Priores*.

<sup>4</sup> Cf. Seeck: *Geschichte des Untergangs*, etc.

vi, 478. The text of Seeck pp. 332, 338 should be corrected, as he himself appears to suggest in the *Anhang*.

<sup>5</sup> F. Martroye: *Génésis*, etc. pp. 178-9.

<sup>6</sup> Mommsen: *Chron. Min.* i, p. 304.

that Missianus was the general commanding the army of Avitus. It is to the position of Missianus that Ricimer is raised by Leo.

With this order of promotion, comes—magister militum—patricius, compare the case of Felix, who from magister militum in 429 is created patricius, while the military career of Aëtius provides us, I believe, with a complete parallel to that of Ricimer. In 425 Aëtius goes to Gaul as comes: when Felix is created patricius, Aëtius is raised to the position of magister militum, that is, I think, magister militum praesentalis, not as Professor Bury would interpret it, magister equitum per Gallias,<sup>1</sup> and then in 430 he takes the place of Felix as patricius and, holding this title, conducts the military defence of the Empire. This certainly does suggest the use of the *title* patricius as though in the West it were an *office* = the control of the military forces of the Empire in Western Europe. In fact it looks as though the magister peditum praesentalis is represented by the patricius, and that the magister militum, who obviously holds a less influential position, is the magister equitum praesentalis. It would appear that we are forced to admit the 'eminente Bedeutung' of the term patricius. The title of patricius in the fifth century is customarily regarded as a title of rank only, and as such conferred *for life*. Such was certainly its character under the Ostrogothic rule in Italy: this is clearly stated in the formula for conferring the patriciate preserved by Cassiodorus (*Variae* vi, 2), and thus an ex-patrician remains as Mommsen felt 'ein seltsames Räthsel.' To the passages mentioned in Mommsen's note<sup>2</sup> add the entry in the *Chronicon* of Marcellinus s.a. 471 'Aspar primus patriciorum cum Ardabure et Patriciolo filiis, illo quidem olim patricio, hoc autem Caesare generoque Leonis principis appellato Arrianus cum Arriana prole spadonum ensibus in palatio vulneratus interiit.'<sup>3</sup> In Jordanes *Rom.* 336 'Leo . . . Anthemium . . . *ex patricio* Caesarem ordinans' the words have, I presume, a different meaning. One is almost driven to the conclusion that in the East the patriciate in the fifth century must have been in some cases not merely an honorific title, but also an *office*. For the Ostrogothic kingdom Mommsen considered that patricius was essentially a title of honour (Ehrentitel): 'irgend

<sup>1</sup> I doubt whether I have understood Professor Bury aright, but he seems to state that the first master of soldiers mentioned in our literary sources who was magister equitum per Gallias was Aëtius *J.R.S.* x, (1920) p. 145, and to contend that there is no good evidence for the assumption that the post of magister equitum per Gallias was a regular and standing institution before the end of the fourth century, his view being (p. 154) that the office of magister equitum per Gallias was introduced as a permanent command in A.D. 429. But surely this is an impossible conclusion in face of the evidence of Ammianus Marcellinus. As I understand the position, Arbetio was magister equitum in praesenti while Julian was in Gaul (Amm. xv, 4, 1, xxi, 13, 3),

but at this time Marcellus was magister equitum in Gaul, for the insertion of the word *magister* in the text of Amm. xvi, 4, 3 is justified by the title magister armorum given to Marcellus in xvi, 7, 3. In xxv, 8, 11 Jovinus is magister armorum (= doubtless magister equitum) per Gallias and is succeeded by Malarichus (cf. xxvi, 5, 2). I cannot doubt that Gudentius, the father of Aëtius, who died in battle in Gaul as magister militum held the same position. If I have rightly understood Professor Bury, I am convinced that his view cannot be maintained.

<sup>2</sup> Mommsen: *Gesammelte Schriften* vi, p. 422, n. 5.

<sup>3</sup> Mommsen: *Chron. Min.* ii, p. 90.

welche Competenz ist damit in dieser Epoche nicht verbunden.'<sup>1</sup> I am not quite so certain on this point : in the formula of the patriciate as given by Cassiodorus what is the meaning of the following words : 'hinc est quod et honor ipse cinctus est, cum vacaret, nihil iurisdictionis habens et iudicantis cingulum non deponens' ? It surely means that exceptionally in the case of the patriciate when the holder of the office has ceased to perform the functions of his office he still retains the insignia of office—the cingulum of the judge ; if this be the true interpretation of the clause, since most of the institutions of the Gothic kingdom in Italy are fashioned, as Mommsen has shown, on the Roman model, is it not possible that beside the patricius as military commander there was also the patricius as civil judge in the Roman empire of the fifth century ? (cf. the senatorial ex-patricii who were present at the Council of Chalcedon whose careers are purely civil). But I do not for a moment pretend to have any answer to the problems raised by the patriciate : I am only anxious that we should remember that these problems are unsolved, and that any light that can be thrown upon them would be welcome.

I desire to close this Note as I began with the expression of a hope that British scholarship under the incentive of Professor Bury's work may give a closer study to the history of the Roman empire during these centuries of transition.

September, 1923.

NOTE ON PROOF CORRECTION.

This review was already *in type* before the publication of Mr. R. G. Collingwood's article on *The Roman Evacuation of Britain*, *J.R.S.* xii, Part I (cf. Ferdinand Lot 'Une nouvelle hypothèse sur la Notitia Dignitatum.' *Revue des études anciennes*, xxv, p. 56).

*The Patriciate.* For the title *ex patricio* cf. also *Anecdoton Holderi*: apud init. 'Excerpta ex libello Cassiodori monachi servi dei ex patricio ex consule ordinario, quaestore et magistro officiorum quem scripsit ad Rufium Petronium Nicomachum ex consule ordinario patricium et magistrum officiorum.' On this Usener remarks 'Um die Demuth und Weltverachtung des monachus servus dei zu vollem Ausdruck zu bringen entkleidete er den Cassiodor auch seines lebenslänglichen Rangs als Patricius und schuf die neue Stellung eines *ex patricio*' (Hermann Usener: *Anecdoton Holderi*. Leipzig. 1877, p. 9).

I would now make a further suggestion. Theodoric was sent into Italy as *magister militum* (Marcellinus s.a. 483. 'Theodericus rex Gothorum Zenonis Augusti munificentia paene pacatus, magisterque praesentis militiae factus,' etc.), and Mommsen thought that as *magister militum* he subsequently exercised in Italy his delegated authority. (*Gesammelte Schriften* vi, pp. 445, 447, 478), although he never employed that title. 'Es ist begreiflich dass er als Herrscher Italiens sich des Titels enthielt da die jezt ihm zustehende Machtvollkommenheit über die selbst des höchstgestellten *magister militum* weit hinausging ; aber daraus folgt keineswegs dass er dieses Amt abgegeben hat' (p. 445) : 'er vermied freilich sich *magister militum* zu tituliren da er mehr war' (p. 478). Odovacar had found the solution to the constitutional problem in the suggestion that he should be created *patricius* (Malchus. fr. 10), and I see no reason to doubt that he was recognised as such by Zeno, though this has been questioned. Even before the death of Nepos, Zeno addressed a letter to Odovacar in which the latter was given the title of *πατρικιος* (Malchus. *ibid.*). Under Odovacar, as Mommsen admitted, *magistri militum* 'sind gut wenn auch

<sup>1</sup> Mommsen : *Gesammelte Schriften* vi, pp. 422-3.

nicht urkundlich bezeugt' (Mommsen, p. 444 n. 3). Further it must be inferred that the office of *magister militum* continued under Theodoric (cf. Cassiodorus, *Var.* 6. 3, Mommsen, p. 444, n. 4). I would suggest that here as elsewhere Theodoric simply accepted the constitutional position formulated by Odovacar and stepped into the latter's place (cf. Anon. Vales. 49. *Zeno . . . mittens eum in Italiam : cui Theodericus pactuatus est ut si victus fuisset Odoachar pro merito laborum suorum loco eius dum adveniret, tantum praeregnaret.*): it was as *patricius*—an office and not merely a title of rank—that Theodoric ruled over the Romans of the West ; the subordinate office of *magister militum* lives on. It is this subordination of the office of *magister militum* that explains its subsequent decline : it is well known that in Italy the title was later conferred on officers of lower rank (cf. the letters of Pope Gregory) and it was thus felt to be inadequate for a general-in-chief. In a word, in Italy the exarch takes the place of the *patricius*. If this suggestion were accepted, we can explain what appeared to Mommsen as the creation ' eines neuen und eigenartigen Amtes ' (pp. 447-8)—that of *patricius praesentalis* in the cases of Tuluin and Liberius : the office previously held by Theodoric was simply put into commission.