

## PATRICII UNDER VALENTINIAN III

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THE LIBRARY OF THE CATHEDRAL at Merseburg has preserved a fragment of a manuscript, which belongs to the eleventh century, but discloses invaluable information about a much earlier period.<sup>1</sup> The bottom half of a single folio alone is known to survive, containing a text in three columns interspersed with illustrations. The nature of the work is immediately apparent: it is a fragment of the lost "annals of Ravenna" or "fasti of Ravenna," whose existence had already been inferred from the extant chronicles of the fifth and sixth centuries.<sup>2</sup> The entries preserved in the fragment concern the years 411-413, 421-423, 427-429, 434-437, 440-443, and 452-454. Those for nine years are illustrated (412, 413, 422, 428, 429, 435, 443, 452, 454), and there also survive traces of the illustration of 439 (the elevation of Eudoxia to the rank of Augusta).<sup>3</sup>

This important discovery was first published in a *Festschrift* in 1939, and republished in an Italian periodical thirteen years later. Although it is duly registered in at least one standard manual,<sup>4</sup> appreciation of its importance, or even knowledge of its existence, has been slow to spread. A recent study of the revolt of Heraclianus dates its inception to April 413:<sup>5</sup> according to the new text Heraclianus had already been executed on 7 March. More serious, the fragment provides a precise date for the appointment of Aetius as *patricius*: under the year 435, it has the entry *his consulibus Aetius magister militum patricius factus est non. Sept. Ravennae*, and a vignette depicts the emperor performing the investiture (*Studi Romagnoli* 3 [1952] 6-7). Recent historians of the later Roman Empire and its institutions continue to assume that Aetius became

<sup>1</sup>B. Bischoff and W. Koehler, "Eine illustrierte Ausgabe der spätantiken Ravennater Annalen," *Medieval Studies in memory of A. Kingsley Porter* (ed. W. Koehler) 1 (Cambridge, Mass. 1939) 125-138 = "Un' edizione illustrata degli Annali Ravennati del Basso Impero," *Studi Romagnoli* 3 (1952) 1-17. This paper will hereafter be referred to as *Studi Romagnoli* 3 (1952), and the following works will be cited by author's name: F. M. Clover, *Flavius Merobaudes. A Translation and Historical Commentary* (TrAm-PhilSoc n.s. 61.1 [1971]); A. Demandt, "Magister Militum," *RE Supp.* 12 (1970) 553-790; W. Ensslin, "Zum Heermeisteramt des spätrömischen Reiches, III: Der *magister utriusque militiae et patricius* des 5. Jahrhunderts," *Klio* 24 (1931) 467-502; A. H. M. Jones, *The Later Roman Empire* (Oxford 1964); S. I. Oost, *Galla Placidia Augusta* (Chicago 1968); J. Sundwall, *Weströmische Studien* (Berlin 1915).

<sup>2</sup>O. Holder-Egger, *Neues Archiv* 1 (1876) 13 ff.; 213 ff.

<sup>3</sup>*Studi Romagnoli* 3 (1952) 12-13.

<sup>4</sup>E. Dekkers, *Clavis Patrum Latinorum*<sup>2</sup> (Steenbrugge 1961) no. 2262a.

<sup>5</sup>S. I. Oost, *CP* 61 (1966) 236-242.

*patricius* in 433 as soon as he gained permanent control of affairs.<sup>6</sup> The purpose of the present investigation is to explore the historical implications of the new date, whose correctness will perforce be assumed. The argument will be diffuse, embracing discussions of lexicography, chronology, and prosopography, but the nature of the evidence allows no other procedure. Valid conclusions about "the patriciate" in the reign of the third Valentinian can only be obtained if it is first established who "the patricians" were and when they became "patrician."<sup>7</sup>

### 1 *The Meaning of "Patricius"*

Writers of the sixth century used the words *patricius* and *patriciatus* (and their Greek equivalents) in two quite different senses.<sup>8</sup> Normally the words denote a title which was (or could be) held by several men at the same time,<sup>9</sup> but on occasion they signify something narrower and of a different nature, namely, the position of generalissimo or supreme military commander over the emperor's troops.

The distinction is perhaps most obvious in the account which John of Antioch gives of events immediately after the death of Aetius (21 or 22 September 454).<sup>10</sup> Petronius Maximus requested from Valentinian "that he might be advanced to the office of consul." When the emperor refused, he wished "to acquire the patriciate." But this request too was frustrated, because Heraclius persuaded Valentinian not to transfer Aetius' power to Maximus (frag. 201.4 [*FHG* 4.615]). Now Aetius had been consul three times (432, 437, 446),<sup>11</sup> but Maximus only twice (433, 443): hence Maximus' first request was surely that he receive immediate designation to an ordinary consulate for the following year (455).<sup>12</sup> But the patriciate cannot be merely the title *patricius*, for Maximus had pos-

<sup>6</sup>E. Stein, *Histoire du Bas-Empire* 1<sup>2</sup> (rev. by J.-R. Palanque, Paris and Bruges 1959) 322, 577; Jones 1.176; W. Heil, *Der Konstantinische Patriziat* (Basler Studien zur Rechtswissenschaft 78 [1966] 32; Demandt 656 f.

<sup>7</sup>The catalogues of *patricii* given by E. A. Stückelberg, *Der Constantinische Patriziat* (Diss. Zürich, publ. Basle and Geneva 1891) 70 ff.; and R. Guiland, "Etudes sur l'histoire administrative de l'empire byzantine. Les Patrices byzantins des IV<sup>e</sup> et V<sup>e</sup> siècles," *EpeEtByzSpoud* 34 (1965) 139-174, are both uncritical and incomplete.

<sup>8</sup>T. Mommsen, *Ges. Schr.* 4 (Berlin 1906) 537, n. 4.

<sup>9</sup>E.g., in the acts of the Council of Chalcedon in October 451 (E. Schwartz, *Acta Conciliorum Oecumenicorum* 2.1.2 [Berlin 1933] 334); Theodoret *Epp.* 23; 44 f.; 81; 89; 96; 140; Sidonius Apollinaris *Carm.* 2.90.

<sup>10</sup>For the precise date, *Chr. Min.* 1.303; *Studi Romagnoli* 3 (1952) 8.

<sup>11</sup>A fourth consulate (in 454) is registered by A. Degraffi, *Fatti consolari* (Rome 1952) 91. It belongs to another Aetius, cf. O. Seeck, *Geschichte des Untergangs der antiken Welt* 6 (Stuttgart 1921) 469.

<sup>12</sup>Valentinian became consul himself, but his consulate was not recognised in the east (*Nov. Marc.* 5; *Cŷ* 1.3.24).

sessed that for nine years (*Nov. Val.* 19). John of Antioch is clearly using the word to refer to Aetius' position of dominance in the state.

Jordanes uses *patricius* in both senses, and sometimes appears to confuse the two. He makes *patricii* of both Rufinus (in 395) and Stilico (in 402), who dominated Arcadius and Honorius (*Rom.* 319; *Get.* 154).<sup>13</sup> It is certain that neither ever possessed the title, and Jordanes presumably uses the word *patricius* to designate their political and military power. On the other hand, when contemporaries such as Johannes Trog-lita (*Rom.* 385) and Liberius (*Rom.* 385; *Get.* 303) are styled *patricii*, Jordanes is referring to a title of honour, not to the political position of a man like Stilico.<sup>14</sup> Similarly, Petronius Maximus bore the title of *patricius* when Valentinian was killed (*Rom.* 334) and Anthemius was a *patricius* in 467, when the eastern emperor Leo dispatched him to rule the west (*Rom.* 336; *Get.* 236).<sup>15</sup> Less clear is Jordanes' meaning when he calls Belisarius "the most loyal patrician" of Justinian (*Get.* 307) and *mag. mil. Orientalem, exconsolem ordinarium atque patricium* (*Get.* 171). When similar words are used of Stilico (*Get.* 115: *mag. mil. et ex console atque patricio*), the word *patricius* connotes Stilico's position as supreme commander.

The same ambivalent usage can be detected in some at least of the chronicles of the fifth and sixth centuries. Marcellinus makes Rufinus a *patricius* in 395 (*Chron. Min.* 2.64). More misleading, under the year 432, he enters a war *inter Bonifatium et Aetium patricos* (*Chron. Min.* 2.78). Since Hydatius records that Aetius received the title of *patricius* in the ninth year of Valentinian, i.e., 433/4 (*Chron. Min.* 2.22), the two chronicles appear to permit the standard modern assumption that Aetius received the title in 433, when he killed his rival Bonifatius and replaced him at the head of affairs.<sup>16</sup> But Aetius' investiture as *patricius* is now known to have occurred on 5 September 435 (*Studi Romagnoli* 3 [1952] 6). Marcellinus, therefore, is surely using the word *patricius* to describe Aetius' position in the Western Empire rather than his precise title, while Hydatius either does the same or has misdated Aetius' acquisition of the title.

The consequences are serious for understanding the nature of the patriciate in the fifth century. If the evidence of chronicles can be shown to be sometimes misleading, it should always be employed with due caution. A theory has gained wide acceptance, that in the Western Empire

<sup>13</sup>For their careers, see *PLRE* 1.778–781, 853–858 (with minor errors). Guillard asserts that "aucune source historique ne mentionne le patriciat de Rufin" (above, n. 7, 145).

<sup>14</sup>On *patricii* of the sixth century, cf. R. Guillard, *Palaeologia* 7 (1958/9) 271–305 = *Recherches sur les Institutions byzantines* (Berlin 1967) 132–161.

<sup>15</sup>Confirmed by Sidonius Apollinaris *Carm.* 2.205 ff.

<sup>16</sup>So, recently, and admitting 434 as a possible alternative, Oost, 234.

between 433 and 476 the title *patricius* or at least *patricius noster* is invariably an abbreviation for *comes et magister utriusque militiae et patricius* and belongs specifically and solely to the supreme military commander.<sup>17</sup> The thesis relies heavily on notices in chronicles, occasionally at the expense of other evidence of equal or greater weight.

## 2 *Fl. Sigisvultus* (cos. 437)

After his ordinary consulate two facts only concerning Fl. Sigisvultus (cos. 437) stand on precise record.<sup>18</sup> First, Sigisvultus is attested as *comes et magister utriusque militiae* in 440 (*Nov. Val.* 6.1, of 20 March, cf. 9, of 24 June). Second, the *Vita Germani* by Constantius of Lugdunum styles him *patricius* (38); when Germanus arrived in Ravenna (in late June or early July 448),<sup>19</sup> he effected the cure of a young man who was the son of Volusianus—*qui tum patricii Segisvulti cancellis praeerat*.

This precious fact has on occasion been denied, even though confirmation can be discovered from an independent and unexpected source.<sup>20</sup> On 13 March 443, Valentinian addressed a law to the Prefect of the City (*Nov. Val.* 11). It concerned the order of precedence of the highest dignitaries of the state, and enunciated a precise rule:

*inlustris igitur et praecelsa magnitudo tua hac nos generali lege sanxisse cognoscat, quam propositis edictis vulgare debet, ut quisque consulare fastigium secundo conscendere meruerit illis etiam praeferatur, qui uno anno fastis nomen dederunt, quamvis anteriore tempore consulatum cum patriciatu pariter sunt adepti.*

The beneficiary of the innovation is obvious: Petronius Maximus (cos. 433, 443) was consul for the second time when the law was promulgated. But over whom was he given precedence? Clearly, over someone who had been consul once before 443 and was also a *patricius*. It tends to be assumed that Aetius (cos. 432, 437, 446) is in question.<sup>21</sup> But Aetius had already been consul twice. Accordingly, an allusion to Marinianus (cos. 423) has recently been detected.<sup>22</sup> But Marinianus never acquired the title of *patricius*, or at least did not acquire it before 448 (cf. *ILS* 1285).<sup>23</sup>

<sup>17</sup>Propounded most fully by Ensslin, 467–502.

<sup>18</sup>Earlier (in 427) he had fought Bonifatius in Africa, *Chr.Min.* 1.472; 658.

<sup>19</sup>For the date, see W. Levison, *MGH*, Scr. rer. Merovingicarum 7.1 (1919), 225 ff.; P. Grosjean, *Anal. Boll.* 75 (1957) 180 ff.; R. Borius, *Constance de Lyon: Vie de Saint Germain d'Auxerre*. (Sources chrétiennes 112 [1965]) 99 ff.; A. Loyen, *REA* 74 (1972) 164 ff. A date of 445 was advocated by E. A. Thompson, *Anal. Boll.* 75 (1957) 135 ff.

<sup>20</sup>Ensslin 483 f.; Demandt 662.

<sup>21</sup>G. B. Picotti, *Archivio storico italiano* 9 (1928) 49 f.; W. Ensslin, *RE* 14 (1930) 2544; Oost, 278 f. n. 101.

<sup>22</sup>B. L. Twyman, *Historia* 19 (1970) 494 f.

<sup>23</sup>W. Ensslin, *RE* 14 (1930) 1758.

Fl. Sigisvultus may therefore be proposed.<sup>24</sup> He had been consul, and once only, before 443, his patriciate is attested at a slightly later period (448), and nothing suggests that he was not a *patricius* by 443. By the law of 11 March 443, either Maximus is being given precedence over a western consul whose patriciate is not attested, or he is being given precedence over Fl. Sigisvultus. The latter is the more economical hypothesis.

### 3 *The patrician Merobaudes*

An antiquarian of the early seventeenth century reports that a life of Romanus, bishop of Reims, recorded that King Clovis the elder confirmed a grant of estates by *Merobaudes patricius* to the monastery of Mantaniacum (Mantenay-sur-Seine).<sup>25</sup> Since the life of Romanus was not published and was subsequently lost, the report cannot be verified. Nevertheless, it could preserve genuine and valuable information.<sup>26</sup> If authentic, this *Merobaudes patricius* will be either the Fl. Merobaudes who was a general of Gratian or his homonym (and presumed descendant) who wrote poems in praise of Aetius.<sup>27</sup> Since neither is elsewhere explicitly styled *patricius*, other evidence that either may have possessed the title needs careful review. The careers of both present serious problems.

The elder Fl. Merobaudes had already served for many years in the Roman army when he was appointed *magister peditum* in the west in 375 (Zosimus 4.17.1), and he appears to have retained this post until the year of his death. Further, he was consul in 377 and again in 383, for he was a trusted adviser of Gratian (*Pan. Lat.* 2(12).28.5) and influential at court (Ammianus 28.6.29). About Merobaudes' conduct and fate after Maximus rebelled against Gratian (early 383) some of the ancient testimony is unsatisfactory and conflicting. Prosper Tiro alleges that he betrayed Gratian (*Chr. Min.* 1.461), and a unique Roman inscription seems to attest a third consulate in 388: *conss. d.n. Teodosio Aug. II et Merobaude v.c. III* (*ICUR* n.s. 2.5996). On the other hand, the panegyric of Pacatus (delivered in 389) adduces the suicide of Merobaudes as one of the two prime examples of Maximus' cruelty (*Pan. Lat.* 2(12).28.4), and an inscription from Trier seems to prove that both he and

<sup>24</sup>I originally owed the suggestion entirely to Mr J. Schweich (verbally, in March 1974), but I have subsequently discovered that Professor F. M. Clover had independently come to the same conclusion in an unpublished paper.

<sup>25</sup>N. Camuzat, *Promptuarium sacrarum antiquitatum Tricassinae dioecesis* (Troyes 1610) 358 B: *memorata autem illa historia curta et mutila pariter testatur praefatum S. Romanum a rege Clodoveo seniore confirmationem donationis quorundam praediorum impetrasse, quae Merobaudes patricius eidem coenobio liberalissime impertiverat.*

<sup>26</sup>The evidence was first adduced and exploited by F. Lot, *RBPhil* 17 (1938) 906 ff.

<sup>27</sup>For discussion, Clover 7; 35 f.

his wife died and were buried in a July (E. Gose, *Katalog der frühchristlichen Inschriften in Trier* [Berlin 1958] no. 449 = E. Vetter, *RhM* 103 [1960] 366–367). Pacatus and the latter inscription surely deserve the preference. Prosper Tiro or a scribe has confused Merobaudes (whose name he had just written as one of the consuls of 383) with Andragathius, who did betray Gratian and kill him at Lugdunum (Zosimus 4.35.6; *Chr. min.* 1.297). The inscription from Rome is probably an error for *conss. d.n. Teodosio Aug. II et Merobaude v.c. II*, i.e., 383, when Theodosius originally proposed to take a consulate himself, but substituted Fl. Saturninus shortly before 1 January (Themistius *Orat.* 16, 202 d; 205 bc).<sup>28</sup> It may be proposed, therefore, that Fl. Merobaudes (cos. 377, 383) was driven to suicide in the summer of his second consulate.<sup>29</sup>

So far the explicit evidence. Two other items may indicate that Merobaudes was also a *patricius*. Pacatus states that he was forced to kill himself *post amplissimos magistratus et purpuras consulares et contractum intra unam domum quendam honorum senatum* (*Pan. Lat.* 2(12).28.4). The first two allusions are clear (Merobaudes' military career and his two consulates), but the third has never been adequately elucidated. It might be the patriciate.<sup>30</sup> Moreover, Gratian addressed a law to the Prefect of the City on the status of *patricii* and consuls:

*Universa culmina dignitatum consulatui cedere evidenti auctoritate decernimus. sed ut consularatus anteposendus est omnibus fastigiis dignitatum, in omni etiam curiae senatoriae actu sententia coetu, si quis consulatu et praefectura vel culmine militari conspicuus est, pridem consulari praeferendus haud dubio est. porro si contigerit, ut ad duas has praerogativas etiam patriciatus splendor addatur, quis dubitet huiusmodi virum praeter ceteros eminere? neque enim unus tantum honor potest duobus aut pluribus anteferri, dummodo consulatui ex his, quae designatae sunt, dignitas quaecumque societur* (CTh 6.6.1, of 1 April 382)

The law lays down two specific prescriptions. After stating the primacy of the consulate over all other dignities, it ordains first, that a man who has both been consul and held either a pretorian prefecture, the urban prefecture, or one of the highest military commands shall have precedence in the Senate over one who was consul before him but who has not held one of the other posts.<sup>31</sup> Secondly, the law provides that a man who has been consul, has held one of these high positions, and also bears the title

<sup>28</sup>M. Waas, *Germanen im römischen Dienst im 4. Jhr. n. Chr.* (Diss. Bonn 1965) 54 ff.; 110 ff.

<sup>29</sup>Hence the aptness of Pacatus' invocation *trabeate Merobaudes* (*Pan. Lat.* 2(12).28.4). Merobaudes' alleged treachery is normally accepted without cavil, and it is argued that he died shortly before 1 January 388 by *PLRE* 1.599; J. Matthews, *Western Aristocracies and Imperial Court A.D. 364–425* (Oxford 1975) 173.

<sup>30</sup>In any event, the passage hardly proves that "sa famille avait accédé aux charges importantes et constituait un véritable sénat" (E. Galletier, *Panegyriques latines* 3 [Paris 1955] 95).

<sup>31</sup>For the equal status of the two types of prefecture, *Phoenix* 28 (1974) 445 ff.

*patricius*, shall have precedence over the rest. In promulgating this law, the emperor presumably had particular individuals in mind. Of the consuls of the preceding two decades, all but two either were ruling emperors or are known to have held a prefecture or high military command. The exceptions are Varronianus (cos. 364), the infant son of Jovian whose subsequent fate is unknown, and Fl. Eucherius (cos. 381), the uncle of Theodosius.<sup>32</sup> One obvious consequence of Gratian's enactment would be to give the consuls of 382 precedence over Eucherius. But what of the second prescription? No *patricius* who was also a consul is explicitly attested between Flavius Taurus (cos. 361) and Eutropius (cos. 399). It is a rational conjecture that the man given precedence over all others was Fl. Merobaudes (cos. 377). Without the patriciate and this enactment, he would have remained the inferior of Petronius Probus (cos. 371) and perhaps others.<sup>33</sup>

The patriciate of the elder Merobaudes, therefore, can be deduced from evidence entirely independent of the lost life of Romanus. It must now be asked whether independent evidence also exists that the younger Merobaudes was a *patricius*. For his career and attainments, there are three main items of evidence outside his own works. First, Sidonius Apollinaris alludes to a contemporary poet who left his native Baetis, went to Ravenna, and received a statue in the Roman forum from emperor and populace (*Carm.* 9.296–301); both the content and the context of the passage indicate Merobaudes.<sup>34</sup> Second, the inscription from the base of the statue survives: it bears the date 30 July 435, describes Merobaudes as *vir spectabilis* and *comes sacri consistorii*, and celebrates both his prowess in war and literary skill (*CIL* 6.1724 = *ILS* 2950). Further, by styling him a *vir antiquae nobilitatis*, the dedication perhaps implies his descent from the earlier Merobaudes.<sup>35</sup> Thirdly, under 4434, Hydatius records that Merobaudes replaced his father-in-law Asturius as *magister militum* in Spain and fought with success, but was soon recalled through the jealousy of influential persons at court (*Chr. Min.* 2.24).

It is in the light of these facts that Merobaudes' allusions to his own career must be interpreted. One passage alone is in question. The text begins abruptly, in the middle of a word:

<sup>32</sup>*PLRE* 1.288: his only attested post was as *comes sacrarum largitionum* from 377 to 379.

<sup>33</sup>For the prefectures of Probus, *PLRE* 1.737–739. Victor, cos. 369 and *magister equitum* from 363 to ca 379 was still alive in 380, but resided in the east (*PLRE* 1.959); Fl. Equitius, cos. 374, could be relevant, were he still alive (*PLRE* 1.282; nothing known after 375).

<sup>34</sup>Merobaudes appears with two other contemporary poets: one, unnamed, had been a supporter of Bonifatius and Sebastian (277 ff.). The other, Quintianus, praised Aetius (289 ff.).

<sup>35</sup>Clover 7. Note also *CIL* 6.31983 (two fragments of Merobaudes' epitaph).

*-lentem in collegium togae senatus adscivit. pro his me laudibus tuis Roma cum principe victuro aere formavit, pro his denique nuper ad honoris maximi nomen ille nascenti soli proximus imperator evexit.*  
(Pan. 1, frag. ii A. 1-5)

The first clause stated how Merobaudes became a member of the Senate,<sup>36</sup> and the second explicitly refers to the bronze statue. But what of the more recent honour in the third clause? Various identifications of the *honor maximus* have been advanced, and the problem is complicated by the uncertain date of the speech.<sup>37</sup> Merobaudes' first panegyric has recently been analysed as a *gratiarum actio* rather than a panegyric proper.<sup>38</sup> Merobaudes (it is argued) is thanking Aetius, who had obtained the patriciate for him shortly after 443.<sup>39</sup> But why then the reference to the eastern emperor? If Merobaudes had become *patricius* at that date, he would surely have received the title from Valentinian. Similarly, if an allusion be claimed to the rank of *vir illustris*,<sup>40</sup> the role of Theodosius still requires explanation. It is surely more appropriate to look for an occasion when Merobaudes can have encountered the eastern emperor. Merobaudes (it can be proposed) may have accompanied Valentinian to Constantinople, when he journeyed to the east and married Theodosius' daughter (29 October 437).<sup>41</sup> As for the *honoris maximi nomen*, an honorary consulate is perhaps the best candidate, even though the phenomenon seems not to be explicitly recorded before a law of the emperor Zeno (C<sup>y</sup> 12.3.3.1).

In sum then, the patriciate of Fl. Merobaudes (cos. 377, 383) is attested in the contemporary evidence (even if only indirectly), while that of the poet of the fifth century is not. Moreover, the elder Merobaudes presumably resided in Trier for some years at the court of the emperor Gratian, while the younger has no known ties with northern Gaul. It should seem, therefore, that the former was the *Merobaudes patricius* who donated lands to the monastery at Mantenay-sur-Seine. But if that is correct, prevailing opinions about the origins and development of monasticism in northern Gaul may require some revision.<sup>42</sup> On the other hand, it would not be prudent to accept a patriciate for the poet on the strength

<sup>36</sup>On the methods of entering the Senate in the late empire, see recently A. Chastagnol, *Recherches sur les structures sociales dans l'antiquité classique* (Paris 1970) 187 ff.

<sup>37</sup>F. Vollmer argued that the speech celebrates Aetius' assumption of his second consulate, on 1 January 437 (*MGH, Auct. Ant.* 14 [1905] 7 ff.).

<sup>38</sup>F. M. Clover, *Historia* 20 (1971) 354-367 = *Flavius Merobaudes* 32-38.

<sup>39</sup>Clover 38. A reference to a patriciate (granted by Theodosius no later than 436) was claimed by Vollmer (above, n. 36) 9; J. B. Bury, *History of the Later Roman Empire* 1<sup>2</sup> (London 1923) 251.

<sup>40</sup>W. Ensslin 485 f.; Demandt 668 f.

<sup>41</sup>For the hypothesis, see below, 168.

<sup>42</sup>Observe F. Prinz, *Frühes Mönchtum im Frankenreich* (Munich and Vienna 1965) 70: "Mit Lupus von Troyes und damit auch mit der monastischen Schule von Lérins verbunden ist das Kloster *Mantenay-sur-Seine* in der Diözese Troyes."



of a single item of testimony which now lies beyond proper verification or scrutiny.

#### 4 *The Gesta de purgatione Xysti*

A document purporting to report the trial of Xystus (bishop of Rome from 432 to 440) has long been known to historians, and distrusted as an obvious forgery.<sup>43</sup> The *Gesta de purgatione Xysti* bear the consular date of 440 (which is historically impossible) and are full of anachronisms. The trial of Xystus, as the *Gesta* present it, is an obvious reflection of the trial of Symmachus (501): "Xystus" corresponds to Symmachus, "Marinianus" to Festus, "Bassus" to Probinus, and "Maximus" to Faustus, while the different ending of the fictitious case represents what the writer wished to have transpired in the historical one. The date of composition is thus no earlier than the sixth century, and the document is normally classified as one of the "Symmachian forgeries."<sup>44</sup>

The *Gesta* offer a list of names, which cannot perhaps be so immediately rejected as the narrative:

*Erant enim ibi patricii vel consules isti, Paterius ex consule, Anatolius ex consule, ipse Bassus ex consule, Marinianus patricius, Albinus patricius, Sigisbuldus patricius, Honoratus patricius et praefectus urbi, Euthymius ex praefecto urbi, Valerius patricius, Claudius patricius, Fonteius ex praefecto.*<sup>45</sup>

The list has found fanciers in the recent age. It has been claimed as a wholly authentic list assigned to a fictitious context: a true date of 445/6 is propounded, and identifications are offered for all the names (mostly as Gallic aristocrats), which are then employed as evidence for senatorial factions in the reign of Valentinian.<sup>46</sup> Such a simple analysis is belied by manifold error and anachronism: Marinianus cannot have become a *patricius* before 448 (*ILS* 1285), and the order of names disregards the correct order of seniority.<sup>47</sup> But it might still be possible that the bogus list preserves genuine facts about historical figures.<sup>48</sup> Even this attenuated

<sup>43</sup>J. D. Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio* 5 (Florence 1761) 1161–1168 (three recensions).

<sup>44</sup>P. Coustant, *Epistulae Romanorum Pontificum* 1 (Paris 1721) lxxxvi; App. 111 ff.; F. Maassen, *Geschichte der Quellen und Litteratur des canonischen Rechts* 1 (Graz 1870) 411 f.; L. Duchesne, *Liber Pontificalis* 1 (Paris 1886) cxxvi; W. Levison, *Aus rheinischer und fränkischer Frühzeit* (Düsseldorf 1948) 409; *Clavis*<sup>2</sup> (1961) no. 1682.

<sup>45</sup>Coustant, *op. cit.*, App. 118–119. Mansi's text contains several clear mistakes in punctuation (1167).

<sup>46</sup>B. L. Twyman, *Historia* 19 (1970) 494 ff. That writer (who uses Mansi's text and punctuation) also emends the words *et praefectus urbis Euthymius* (which he takes together) to *et praefecti urbis Euthymius* and transposes them to follow *Claudius patricius* (*ibid.* 494).

<sup>47</sup>E.g., Paterius, cos. 443, ought to follow, not precede, Anatolius, cos. 440.

<sup>48</sup>Sundwall, 46: "ich halte es jedoch für möglich, dass hier eine gute Tradition in entstellter Form vorliegt."

claim appears improbable. The large number of *patricii* among the accusers of Xystus (six out of eleven) reflects the reign of Theoderic rather than that of Valentinian.<sup>49</sup> Further, the list as a whole is most readily explicable on the hypothesis that a writer of the sixth century has deliberately mixed genuine and fictitious persons. For some of the latter the source of inspiration can perhaps be detected:

**PATERIUS** The consul of 443, whose statue still stood in Rome in the early sixth century (Ennodius, *Dictio* 13 [CSEL 6.465–466]).

**ANATOLIUS** Eastern consul in 440; the name was presumably taken from the consular fasti, since Anatolius never visited the western Empire, at least after 440.

**BASSUS** Perhaps inspired by the Junius Bassus, *qui . . . in ipsa praefectura urbi neofitus iit ad deum* in 359, and whose sarcophagus still survives (*ILS* 1286 = *ILCV* 90).<sup>50</sup>

**MARINIANUS** Consul 423: subsequently he helped bishop Leo (440–461) to restore the basilica of St. Peter (*ICUR* 2.55 = *ILS* 8989).<sup>51</sup>

**ALBINUS** The Albini consuls in 444 and 493 were both *patricii* (*Nov. Val.* 21.1; Ennodius, *Epp.* 2.21–22, etc.).<sup>52</sup>

**SIGISBULDUS** Consul 437, but not yet *patricius* in June 440 (*Nov. Val.* 9.1, cf. 6.1): the name may come precisely from the *Vita Germani*.<sup>53</sup>

**HONORATUS** Ennodius reveals one Honoratus holding an official post probably in 503 or 504 (*Epp.* 2.27), and another Honoratus probably wrote the life of Hilarius of Arelate ca 495.<sup>54</sup>

**EUTHYMIUS** Only one Euthymius is known to have held any high office or dignity: he is attested as *vicarius Asiae* in 396 (*CTh* 8.4.19; 11.23.4).

**VALERIUS** The Valerius consul in 521 may be relevant (*ILS* 2952; *Coll. Avellana* 236.20; 237.14).

**CLAUDIUS** A letter of Gelasius mentions a *vir spectabilis* named Claudius in 494/5 (P. Jaffé–W. Wattenbach, *Regesta Pontificum Romanorum* 1<sup>2</sup> (1885) no. 644 = S. Loewenfeld, *Epistolae Pontificum Romanorum ineditae* [1885] no. 4).

<sup>49</sup>See J. Sundwall, *Abhandlungen zur Geschichte des ausgehenden Römertums*. Oversigt af Finska Vetenskaps-Societeten Förhandlingar 60 (1917–1918), Afd. B, No. 2, 84 ff. (a prosopography of Italian senators from 476 to ca 600); W. Ensslin, *Würzburger Jahrbücher* 2 (1947) 75 ff. (on Cassiodorus, *Variae* 6.2, the *formula patriciatu*s).

<sup>50</sup>Duchesne (above, n. 41) cxxvii. Sundwall identified “Bassus” as Flavius Anicius Auchenius Bassus, cos. 431 (56 no. 65).

<sup>51</sup>The *Gesta* allege that “Marinianus” was excommunicated and soon died (Mansi 1165; 1166; 1167).

<sup>52</sup>On them, see, respectively, J. Sundwall, 45 f. and *Abhandlungen* (above, n. 49) 87 f.

<sup>53</sup>Ennodius knew and imitated the *Vita*, cf. W. Levison, *Neues Archiv* 29 (1904) 144 f.

<sup>54</sup>*Clavis*<sup>2</sup> (1961) 116 no. 506. In addition, a Honoratus became *quaestor sacri palatii* in 524 (Cassiodorus *Variae* 5.3.4; 5.4.7).

FonteiUS Identity has been claimed with Fonteius Litorius Auxentius, urban prefect in the reign of Valentinian III (*CIL* 6.1669; 31993).<sup>55</sup> This man may have had descendants two generations later.

In brief, the *Gesta de purgatione Xysti* should be totally discounted as evidence for the reign of Valentinian.

### 5 *Patricians and the patriciate*

In the early years of Valentinian (425–433), political instability prevailed in the West, and it is unwise to infer the nature of the patriciate from its holders. Only two stand on unimpeachable attestation. First, Helio whom Theodosius made *patricius* (Olympiodorus, frag. 46 [*FHG* 4.68]): he invested Valentinian as Caesar and Galla Placidia as Augusta in Thessalonica (autumn 424) and later crowned Valentinian Augustus in Rome (summer 425).<sup>56</sup> Second, Fl. Felix, consul in 428 when already *patricius* (*ILS* 1293; 1298), whom Aetius killed in 430 (*Chr. Min.* 1.301, 473; 2.22, 77; John of Antioch, frag. 201.3 [*FHG* 4.615]). In addition Bonifatius, whom Galla Placidia summoned to replace Felix, is often credited with a patriciate on the strength of Hydatius and Marcellinus (*Chr. Min.* 2.22, 79).<sup>57</sup> But Prosper Tiro does not have it, though he records the *patricia dignitas* of Felix (*Chr. Min.* 1.473, cf. 472).

For the two decades of Aetius' ascendancy (433–454), five *patricii* are securely known:<sup>58</sup>

AETIUS, invested on 6 September 435 (*Studi Romagnoli* 3 [1952] 6–7); *Nov. Val.* 9.1 [440]; 17 [445]; 33 [451]; 36 [452]).

FL. SIGISVULTUS, *patricius* before 13 March 443 (*Nov. Val.* 11; cf. Constantius of Lugdunum, *Vita Germani* 38).

PETRONIUS MAXIMUS, became *patricius* between 13 March 443 and 8 December 445 (*Nov. Val.* 11; 19).

FL. ALBINUS (cos. 444), became *patricius* between 21 June 445 and 21 October 446 (*Nov. Val.* 13; 21.1).

FIRMINUS, styled *praefectus praetorio et patricius* in laws of 451 and 452 (*Nov. Val.* 31–36).

<sup>55</sup>Sundwall 53–54, no. 56.

<sup>56</sup>O. Seeck, *RE* 8 (1913) 47. A. H. M. Jones makes Helio an ordinary consul (2.533).

<sup>57</sup>W. Ensslin 480 f.; 496 f.; E. Stein (above, n. 6) 321; Jones 1.176; Oost 232 f.; Demandt 656.

<sup>58</sup>In addition to names already discussed, Sundwall also registers as *patricii* Boethius, who was killed with Aetius (57 no. 69) and Opilio, cos. 453 (112 no. 334). Neither is well attested: only one fragment of a chronicle has *Aetius et Boethius patricii* (*Chr. Min.* 1.490), while better sources omit the title (*Chr. Min.* 1.303; 483; 2.86; 157); and the *Opilio v.c. et inl., p.p. adq. patricius* (*ILS* 1297) should be identified rather as the Opilio consul in 524, cf. W. Ensslin, *RE* 18.1 (1939) 671 f.

Moreover, a subtle and interesting change can be observed in the way in which Valentinian addresses Aetius. When he was the only *patricius*, he was merely *patricius noster*. But when other *patricii* existed, he became *magnificus vir parens patriciusque noster* (Nov. Val. 36, of 29 June 452).

### 6 *A question of precedence*

A law issued in the joint name of Theodosius and Valentinian, addressed *ad senatum urbis* and transmitted without date, concerns the relative standing of *patricii* and consuls. The text as preserved and printed comprises a preamble and three sections:

*Antiquitus statutum est consularibus viris ceteros quidem honoratos ipsius trabeae summitate, pares vero infulis consideratione tantum temporis anteire.*

1. *Quis enim in uno eodemque genere dignitatis prior esse debuerat, nisi qui prior meruit dignitatem? cum posterior, et si eiusdem honoris praetendat auspicia, cedere tamen illius temporis consuli debeat, quo ipse non fuerit.*

2. *Hoc observando et si iterata vice fastigia consulatus aliquis ascenderit: repetiti etenim fasces virtutes saepe meriti comprobant, non augent, quia nihil est altius dignitate.*<sup>59</sup>

3. *Quod si quis prior consul posteriori consuli eidemque patricio posthabitus patriciatum postea consequatur, vinci eum oportet qui prior meruit patriciatum, postquam iste honore patriciae dignitatis decoratus est.* (C<sup>Y</sup> 12.3.1)<sup>60</sup>

It might be preferable to divide the law into three sections; first, re-affirmation that former consuls should be ranked in order of temporal seniority (preamble + 1); second, that a second consulate does not count in deciding the order of precedence (2); third, that among those who are both former consuls and *patricii*, the order of precedence should be determined solely by the order of consulates, irrespective of the dates at which the patriciate was conferred (3).

What is the date and purpose of the law? The date of 24 February 426 has been confidently deduced (from comparison with CTh 6.2.25, which was argued to be another portion of the same law), and the recipient identified as the Roman Senate.<sup>61</sup> A later date and a different recipient also appear possible. If it be presumed that the enactment deals with a real situation, not a theoretical one, then it must have been issued at a time when there were men who had held the consulate twice and also men who were both *patricii* and former consuls. Now only four men other than emperors were consul more than once between the deaths of the first Theodosius (395) and the second (450): Stilico (cos. 400, 405; died

<sup>59</sup>T. Mommsen *ad loc.* proposed the emendation *non augent, quia nihil est altius, dignitatem.*

<sup>60</sup>The text is as printed, punctuated, and divided by P. Krüger, *Corpus Juris Civilis* 2<sup>14</sup> (1967) 454. I am grateful to Dr P. Kussmaul for discussion of the interpretation of the law.

<sup>61</sup>O. Seeck, *Regesten der Kaiser und Päpste für die Jahre 311 bis 476 n. Chr.* (Stuttgart 1919) 137; 352.

408), Constantius (cos. 414, 417, 420; died 421), Aetius (cos. 432, 437, 446) and Petronius Maximus (cos. 433, 443). All these men are westerners, and no subject of the eastern emperor ever attained a second consulate in the fifth century. Hence it is perhaps improbable that Valentinian promulgated the law: before 437, no-one had been consul twice; after 437, it could only be detrimental to the standing of Aetius. The enactment ought rather to emanate from Theodosius, and to be dated after Aetius entered on his second consulate (1 January 437).<sup>62</sup>

Can a more precise date be deduced? The obvious preliminary task is to attempt to identify the individuals whose standing the law may have affected. The following eastern consuls of the period 420–450 are attested as *patricii* by valid evidence:<sup>63</sup>

FLAVIUS TAURUS, cos. 428: became *patricius* after 3 July 433 and before 18 June 434 (*CTh* 11.28.16; 8.1.7; 5.12.3; 11.28.15).

FLORENTIUS, cos. 429: created *patricius* between 29 November 444 and 448 (*Nov. Theod.* 26.1; Theodoret, *Epp.* 89).

FLAVIUS ARDABUR ASPAR, cos. 434: addressed as *patricius* by Theodoret in 451 (*Epp.* 140 [CXXXIX]).<sup>64</sup>

FLAVIUS AREOBINDUS, cos. 434: addressed as *patricius* by Theodoret, in a letter apparently written no earlier than 447 (*Epp.* 23); died in 449 (*Chr. Min.* 2.83).

FLAVIUS SENATOR, cos. 436: addressed as *patricius* by Theodoret in 446/7 (*Epp.* 44).

ANATOLIUS, cos. 440: addressed as *patricius* by Theodoret in 446/7 (*Epp.* 45).

NOMUS, cos. 445: became *patricius* between April 448 and the end of the year (Theodoret, *Epp.* 81; 96).

ARDABUR, cos. 447: described as *olim patricius* in 471 by Marcellinus (*Chr. Min.* 2.90).<sup>65</sup>

FLAVIUS ZENON, cos. 448: became *patricius* between 1 January 448 (cf. Theodoret *Epp.* 71) and October 451 (*Acta Conc. Oec.* 2.1.3.105 [464]).

FLAVIUS PROTOGENES, cos. 449: attested as *patricius* in October 451

<sup>62</sup>A. H. M. Jones argued that the law is eastern (from comparison with *Nov. Val.* 11), but accepted Seeck's date without hesitation or acknowledgement (3.155 n. 28).

<sup>63</sup>Only the earliest evidence will be cited: the chronology of Theodoret's letters is that of Y. Azéma, *Théodoret de Cyr: Correspondance* 1–3. Sources chrétiennes 40 (1955); 98 (1964); 111 (1965).

<sup>64</sup>O. Seeck, *RE* 2 (1896) 608, credited Aspar with a second consulate. A manifest error, cf. P. Meyer, app. crit. to *Nov. Theod.* 7.4, line 64.

<sup>65</sup>O. Seeck, *RE* 2 (1896) 610, deduced that Ardabur was a *patricius* in 451 from Mansi, 7.516 = *Acta Conc. Oec.* (above, n. 9) 2.1.3.134 (493), cf. 132 (491). The anonymous *patricius* in question appears to be Flavius Zenon, Cf. E. Schwartz, *AbhMünchen*, Phil.-hist. Abt., N.F. 10 (1937) 180; *Acta Conc. Oec.* 2.6 (1938) 4.

(*Acta Conc. Oec.* 2.1.2.334), but addressed in April 449 by a subordinate official as "the great and illustrious Flavius Flor. Romanus Protogenes, pretorian prefect for the second time and ordinary consul" (*AbhGöttingen*, Phil.-hist. Kl., N.F. 15.1 [1917] 20–21).

The available evidence does not permit the desired inference. Since, in most of these cases, the exact date of elevation to the patriciate is not known, it is impossible to discover a single pair among the attested *patricii* whose relative standing would certainly have been altered by the law. It follows that even on the preceding assumptions the date of the law cannot be deduced from its last clause.

The second clause, however, must encourage speculation. If this had any point, the law was promulgated on an occasion when one who had been consul twice visited (or was expected to visit) the domains of Theodosius. Only Aetius and Petronius Maximus held an iterated consulate: although neither is known to have visited the Eastern Empire, plausible occasions can be found. Aetius may have accompanied Valentinian to Constantinople for his marriage (437). If he did (and there appears to be no explicit evidence to the contrary),<sup>66</sup> the effect of the law was to give Taurus (cos. 428; *patricius* 433/4) precedence over Aetius (cos. 432, 437; *patricius* 435). As for Maximus (cos. 433, 443; *patricius* before 8 December 455) an embassy to the eastern capital between 445 and 450 could be postulated without the slightest difficulty.<sup>67</sup> But the former hypothesis is clearly the more attractive, and it will shed unexpected light on the career of Merobaudes:

*pro his (sc. laudibus tuis) denique nuper ad honoris maximi nomen ille nascenti soli proximus imperator exivit.*  
(*Pan.* 1, frag. ii A. 3–5)

Theodosius rewarded Merobaudes after he had delivered a speech praising Aetius: the episode becomes more comprehensible, if both were in Constantinople for the marriage of Valentinian to Theodosius' daughter—and if the speech was an epithalamium delivered at the wedding festivities.<sup>68</sup>

Whatever its precise date, the law is highly relevant to the nature of the patriciate in the second quarter of the fifth century. Its provisions

<sup>66</sup>Oost, 243 f., assumes that he remained in the west.

<sup>67</sup>For a conspectus of the narrative sources for these obscure years, see C. D. Gordon, *The Age of Attila* (Ann Arbor 1960) 188.

<sup>68</sup>Observe that Merobaudes' frequent model, Claudian, inserts a eulogy of Stilico into his epithalamium on the marriage of Honorius and Maria (*Nupt. Hon.* 300 ff.). However, if Merobaudes described his own journey to Constantinople in 437 in a later passage of the same speech (*Pan.* 1, frag. ii A. 22 f.; B. 7 ff.), then Aetius must be presumed to have stayed in the west.

assume that all *patricii* (in both eastern and western empires) possess the same type of patriciate. In the contemporary evidence, there is no justification for distinguishing between "der konstantinische Patriciat westlicher Prägung" and "der konstantinische Patriciat byzantinischer Prägung" at this period.<sup>69</sup> In both parts of the empire alike, *patricius* was the title of a rank or dignity, not the title or adjunct of an office.<sup>70</sup>

*Appendix: Patricii of the fourth century.*

Constantine converted the patriciate from an inheritable status to a rank bestowed upon an individual for his lifetime alone (Zosimus 2.40.2).<sup>71</sup> Six *patricii* of this type are indubitably attested before 400:

FLAVIUS OPTATUS, cos. 334, *patricius* by 334 (PLRE 1.650);  
 JULIUS CONSTANTIUS, cos. 335, *patricius* by 335 (PLRE 1.226);  
 FLAVIUS TAURUS, cos. 361, apparently given *patricia dignitas* before becoming pretorian prefect of Italy and Africa (AE 1934.159), in which office he is attested on 6 April 355 (CTh 7.4.2);  
 DATIANUS, cos. 358, attested as *patricius* on 18 January 360 (CTh 11.1.1);  
 PETRONIUS, father-in-law of Valens, *promotus repentino saltu patricius* between 28 March 364 and 13 April 365 (Ammianus 26.6.7; CTh 7.22.7);  
 EUTROPIUS, cos. 399 (O. Seeck, RE 6 (1909), 1520/21).

It has been maintained above that Flavius Merobaudes, cos. 377, 383, should be added to the list (162).

Other *patricii* of the fourth century have sometimes been deduced from late and suspect sources.<sup>72</sup> None merits serious attention, not even Saturninius Secundus Salutius (Malalas, p. 340 Bonn; *Chron. Pasch.* p. 555 Bonn = *Chr. Min.* 1.240).<sup>73</sup> It is otherwise with a *patricius* of whom Sidonius Apollinaris reveals two descendants:

*gentisque suae (i.e. of Avitus) te teste, Philagri,  
 patricius resplendet apex* (Carm. 7.156/7)

*licet . . . in lares Philagrianos patricius apex tantis post saeculis tua tantum felicitate  
 remeaverit . . .* (Epp. 2.3.1, to Felix)

<sup>69</sup>W. Heil divides his discussion of the title in the fifth century into two chapters which bear precisely these titles (*Der konstantinische Patriziat* [above, n. 6] 27–37; 37–67).

<sup>70</sup>T. Mommsen, *Neues Archiv* 14 (1889) 483 = *Ges. Schr.* 6 (1910) 422 f.; E. A. Stückelberg, *Der Constantinische Patriziat* (above, note 7) 37; B. Kübler, RE 18.4 (1949) 2231.

<sup>71</sup>On the reform, cf. W. Ennslein, *Mélanges Bidez* (Brussels 1934) 361 ff.

<sup>72</sup>Recently by R. Guiland, *EpetEtByzSpoud* 34 (1965) 141.

<sup>73</sup>Salutius is presented as a *patricius* at the death of Jovian (17 February 364): a later inscription which records his career omits the title (ILS 1255, after 28 March 364).

Now Avitus (Augustus 455/6) was born no later than ca 400,<sup>74</sup> and Magnus Felix probably became a *patricius* in 469–470.<sup>75</sup> Philagrius, therefore, cannot be a contemporary of Sidonius,<sup>76</sup> or dated “wohl um die Wende vom 4. zum 5. Jahrhundert.”<sup>77</sup> He has, accordingly, been assigned to the fourth century and presumed to be possibly identical with the Philagrius who was *comes Orientis* in 382 (*PLRE* 1.693). But the patriciate returned to Philagrius’ descendants *multis post saeculis*: Philagrius surely belongs to the third century rather than the fourth.<sup>78</sup> If a sheer guess may be hazarded, he owed his elevation to the patriciate (of the traditional type) to one of the Gallic emperors.<sup>79</sup>

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<sup>74</sup>Sidonius Apollinaris *Carm.* 7.207 ff., cf. A. Loyen, *Recherches historiques sur les Pantégyriques de Sidoine Apollinaire* (Paris 1942) 36 ff.

<sup>75</sup>W. B. Anderson, *Sidonius* 1 (Loeb 1936) 436.

<sup>76</sup>He is identified as the recipient of *Epp.* 7.14 in J. Sundwall, 118–119 no. 367.

<sup>77</sup>K. F. Stroheker, *Der senatorische Adel im spätantiken Gallien* (Tübingen 1948) 204 no. 300.

<sup>78</sup>For *patricii* in the third century, see G. Barbieri, *L'Albo senatorio da Settimio Severo a Carino (193–285)* (Rome 1952) 479 ff.

<sup>79</sup>The “Gallic Empire” had its own *consules ordinarii* for several years, cf. *ILS* 2548 = *RIB* 605; *ILS* 4722 = *RIB* 1956; *CIL* 13.3163; 6779; *AE* 1930.35.

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