Imperial Constitutions, Chronology and Prosopography
Towards a New Methodology for the Use of the Late Roman Law Codes

I. Introduction: Imperial Constitutions as Historical Sources

Thousands of imperial law fragments are collected in the Theodosian and Justinian Codes, hundreds of additional ones in various private law collections. Most of the fourth- to sixth-century texts bear the form of letters written in the name of emperors to a senior official, who is advised about some detail of private or criminal law already in force, or informed about reforms of legal procedure or administrative policy. The eminent value of the codes for the structure and concerns of the late Roman society is therefore obvious.

Additionally, the single letters usually bear the addressee’s name followed by his function. At the bottom, they indicate the date and occasionally the place of their posting or publication. These data provide the basis for reconstructing so many aspects of late antique history. If arranged according to the names of the recipients or the offices they held, the laws are highly instructive about the aristocratic élite and the organisation of the Roman state. The fullest account in this respect can be found in the Prosopography of the Later Roman Empire (PLRE).

However, due to the poor state of the textual transmission, the value of the codes as historical sources is fairly ambiguous. Apart from lamentable lacunae in the Theodosian Code, there are many variant readings in the manuscripts. But even if all lections are identical, contradictions of other available data may exist. The favourite solution applied by modern historians is to ‘correct’ the pre- or postscript in order to reconcile it with all the other pieces

* I would like to thank the German Academic Exchange Service (DAAD) for generously funding my research-
of information or with their own inferences.

One thus faces a set of problems: Firstly, the means of control that the fragment could provide to contradict or at least to modify the respective thesis, is virtually extinguished. Secondly, it is obvious that the manipulated source cannot be regarded an argument in favour of the view at issue, unless the amendment is done very carefully. Thirdly, on a larger scale, the entire genre of law protocol becomes questionable as historical source. I therefore consider it one of the most urgent desiderata of Late Roman Studies to establish a methodology which stands up to the complexity of the material.

The starting point of my project lies in my dissertation on Ausonius and the emperor Gratian, who reigned from 375-83.¹ I was puzzled by the amount of hypotheses — mainly accepted as the ‘history’ of these years today — which are based on profoundly manipulated sources. I therefore set to reconsider every tessera of the picture, and in a recursive process, I reflected on questions as simple as the following: who wrote data or proposita below an imperial letter, and what did he intend to express? where did the Theodosian commissioners go and what did they have before their eyes when they collected ‘general laws’ from Constantine I onwards? and so on. I further juggled with prosopographical information, the imperial itinerary, and after a while, a considerable number of problems or contradictions disappeared with many so-called ‘corrections’ rejected.

Later, I was intrigued by the works of Tony Honoré who tries to identify individual draftsmen behind imperial laws. Grouping the fragments chronologically and according to the different courts, he created a so-called Palingenesia (literally ‘rebirth’) which enabled him to trace stylistical continuities and changes.² I was enthusiastic about the idea of using this kind of evidence in order to check my previous results. Admittedly, I was completely unaware of how laborious this method would turn out to be. Though more than once being discouraged by sceptical colleagues, at least I tried to experiment with Gratian’s constitutions. After a while, I extended my analysis to Theodosius’ laws of 379-83.

Notwithstanding some remaining problems, I now think I am in a position to prove not

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¹ ‘Historisch-philologischer Kommentar zur Grattiarum actio des Decimi Magnus Ausonius’, Diss. Trier (Germany) 1999. The dissertation was supervised by Heinz Heinen; it will soon be published in a shortened version. Many of the prosopographical results will be included in ‘Die gens Ausoniana an der Macht. Untersuchungen zu Decimi Magnus Ausonius und seiner Familie’ (forthcoming soon), while the itinerary of Gratian is accounted for in a monograph on this emperor which is currently in preparation.

² The term Palingenesia was coined by Otto Lenel (Palingenesia iuris civilis, 2 vols., Leipzig 1889; repr. with suppl. by E. Sierl, Graz 1960) to denote his reconstruction of treaties by the great Roman lawyers; the original texts had been scattered into ten thousands of fragments to be fitted systematically into the Digests of Justinian. Vittorio Scialoja and P. de Francisci (1928) transferred the term to imperial legislation; on the history of their projects cf. Coriat 881, 921 and the introduction to the Projet Volterra (http://www.ucl.ac.uk/history/volterra). For the works of Honoré cf. the select bibliography.
II. Some Remarks on the Protocol of Imperial Constitutions

In the ‘Regesten der Kaiser und Päpste’, Otto Seeck reconstructs imperial itineraries by ordering most fourth- and fifth-century constitutions chronologically. Harshly blaming the ‘sloppiness’ of the Theodosian ‘compilers’ (as he calls them), he habitually feels free to change the transmitted text. Seeck’s tour de force, though now much criticised, continues to be the vademecum of Late Roman Historians nevertheless. The PLRE heavily draws on the same premises and accepts most of Seeck’s numerous ‘corrections’ which thus still dominate the field.³

That a defence of the commissioners is overdue has most recently been demonstrated by John Matthews, who programatically calls them ‘editors’. Giving insight into various life-stories of imperial constitutions and contrasting some selected fragments of the Theodosian Code with independently transmitted versions, he convincingly suggests that many inconsistencies are owing to the sources the commissioners used.⁴

Notwithstanding, those officials were indeed responsible for changes none the less. They were allowed to dismiss the parts of non-legal content and to redact the disposition itself in shortening or cutting it into pieces for appropriate distribution, and adapting the fragments syntactically.⁵ As for the protocol, the most obvious kind of change is replacing Impp. Valentinianus et Valens Augg. by Idem AA. or the like.

For prosopographers the names and titles of the addressees are of central interest. Many variant spellings as Ipatio for Hypatio are apparently due to the copyists and not to the commissioners. Some cases as Maximus for Maximinlus may be seriously misleading, and they can only be proved or even detected if the lists of the office holders are closely woven.⁶

³ Cf. Seeck 1919, 14,23 ‘stumfsinnige Kopisten’; 66,18; 81,10 etc.; further Honoré 1986, 192f. on Seeck and (more favorably than my account) the PLRE.
⁴ Matthews 2000, 291f. rightly characterises his book as a ‘study whose main contribution is to demonstrate the complexity of the text and its sources’. But apparently, he himself was not yet aware of his final conclusions, when he compared constitutions transmitted in the collection of Sirmond and the Theodosian Code; he charges the editors of the latter for nearly every alteration (p. 133, 147, 160 etc.). Cf. also the controversy between Volterra and Honoré as summarised by Coriat 885f.: it seems that the editors highly respected the wording of the imperial laws they incorporated.
⁵ Cf. CTh 1.1.6 A.D. 435; the commissioners regularly dropped the proem, narration, and imperial subscription, but also the disposition itself could be shortened.
⁶ For Ipatio cf. CTh 3.1.4 (cod. O), for Maximus CI 9.22.23 (but correctly Maximinus in CTh 9.19.4) and CTh 9.6.1-2. However, the addressee of CTh 14,17,6 was called Maximus indeed and must not be identified with Maximinus praefectus annonae 368/69, cf. my article: Ammianus Marcellinus und die Prozesse in Rom (a. 368/69-71/74), forthcoming in Tyche 15, 2000 (Nachtrag). I am less sure about the question who abbreviated
Theodosius’ editors will have abbreviated standard titles as praefectus praetorio (ppo) or vir clarissimus (v.c.), but it cannot be demonstrated that they deliberately censured the titles according to prosopographical research or with regard to any competence suggested by the law itself. This view is supported by the several fragments which do not ascribe any title at all to the addressees. Innumerable errors are due to negligent copyists.\(^7\)

On the other hand, many inconsistencies in this regard are only apparent. Firstly, a great many of them vanish, if the constitution is (more) correctly dated. Secondly, one should not be too reluctant to identify homonymous addressees of nearly contemporary letters with two different individuals. Namely, there are several striking examples of nepotism that show members of the same family holding many of the highest offices either at the same time or shortly one after another. And that some of them bore the same name is not surprising, as onomastic habits amply illustrate. Concrete example will be mentioned in section IV.

As far as the manifold problems of the dates are concerned, only a few aspects can be touched on today. I start with the note data, which is commonly taken as accompanying the day of issue by the imperial chancellery. There is, however, sufficient evidence that the same could also be used by a magistrate who forwarded a copy to his subordinates. Both alternatives should therefore regularly be considered, unless one of them is excluded on certain grounds.\(^8\)

Crucial are the problems of consular and post-consular dating. Seeck assumes that the post-consulate could freely be employed instead of the normal consular dating, e.g., the year 379 could be likewise denoted Ausonio et Olybrio consulibus or post consulatum Valentinis V et Valentiniani II AA. But Roger Bagnall and Roland Delmaire have demonstrated that the use of the post-consulate regularly implies ignorance of the current eponymous magistrates and therefore mostly hails from outside the imperial chancellery.\(^9\)

A closer analysis further reveals that letters dispatched from a fourth-century court were likely to bear no consulate at all. And as communicating and processing legal matters could

\(^7\) Cf. the apparatus criticus of Mommsen’s edition; in particular, cod. A is very unreliable, cf. CTh 1.5-6. Apart from that, the lack of a title may either imply that the addressee did not hold any magistracy at all (he may have been a comes consistorianus without portfolio) or indicate that the title was already missing in the source used by the Theodosian commissioners. The former explanation may be true in the case of Cataphronius (CTh 16.2.24 A.D. 377, contrary to PLRE 1.186 no. 2); the latter is applicable to Alypius com. sacr. larg. (CTh 1.15.9 A.D. 378) and Syagrius proces. Afr. 379 (CTh 1.15.10: the words Vicario Africae have to be taken to the text following the inscriptio).

\(^8\) Cf. Frg. Vat. 35: Data IIII kal. Sept. a praefecto ad correctorem Piceni Aquileia, accepta XIII kal. Oct. Albae Constantino Aug. III cons.; probably also CTh 6.2.15, 8.1.8, 8.4.6, Sirmond. 12, etc.; cf. further note 51.

\(^9\) Cf. Seeck 1919, 66ff.; contra Bagnall 1987 in CLRE 77-84 and Delmaire 1992, 315ff., who also account for occasional political motivations.
take several months, many of the transmitted consulates denote the year subsequent to
dispatching a constitution from the court. In particular, constitutions with a date from autumn
or even late summer must be checked in this respect.\footnote{Delmaire 1992, 325 rightly observes that the consulate preserved in CTh often may go back to the publication,
but he does not go as far as suggested above. In more detail, I will discuss the problem elsewhere. At this stage, I
confine myself to referring to a selection of private as well as imperial letters without consulate: August. epist.
45.7; Frag. Vat. 37; Coll. Avell. 14-16, 18f., 23, 28f., 31, 33, 46f. (all fourth cent.) and 50-56 etc. (fifth cent.).
For the speed of communication cf. Anne Kolb: Transport und Nachrichtentransfer im Römischen Reich, Berlin
2000, 308-32; or Matthews 183-85.}

It becomes clear that many laws had been subscribed by the emperor some weeks, months,
or up to a year prior to the transmitted date. The contrary is much rarer the case: the theory of
the so-called ‘lost post-consulates’, which Seeck abusively employed in order to date a
constitution one year later, does not stand up to a critical review.\footnote{Cf. Seeck 1919, 66ff.; contra Bagnall 1987 in CLRE 79 and Delmaire 1992, 315f.}

If committed to the afore-mentioned principles, a \textit{Palingenesia} would undoubtedly be of
great value, but the potential for improvement would not yet be exhausted.

\section*{III. Draftsmen and Styles of Imperial Letters}

\subsection*{1. The quaestor’s fingerprint in imperial constitutions}

Hitherto mostly neglected has been the fact that the style of a constitution can also serve as a
criterion to control dates.\footnote{Honoré is the \textit{prôtos heurêtes} of this method as well: he frequently mentions this potential of a style-based \textit{Palingenesia}, and occasionally confirms earlier corrections or tentatively dates constitutions which lack a
postscript, cf., e.g. 1986, 193 and 216-22; 1994, 52. However, as chronology is not his primary concern, he does
not approach this problem systematically. Incidentally, Corcoran 301 no. 2 considers the style for dating Frag.
Vat. 291; see also note 15 for the DEEDS Project.} If it is possible to demonstrate that at least most letters of a
continuous group are written in similar language and differ significantly from the preceding or
subsequent texts, one may consider conformity (and diversity) as additional tools to support
(or question) a date suggested on other grounds.

Already a few extracts of the codes could illustrate how the education and temperament of
an individual courtier influenced the appearance of imperial constitutions. I could bore you
with quotations of petty and repetitive letters written by bureaucrats, although most fragments
of the Theodosian Code demonstrate that precision and elegance do not exclude each other.
Sometimes a sharp tone is affected, sometimes calm reasoning preferred; other texts are even
invested in an oracular aura.\footnote{Delmaire 1992, 325 rightly observes that the consulate preserved in CTh often may go back to the publication,
but he does not go as far as suggested above. In more detail, I will discuss the problem elsewhere. At this stage, I
confine myself to referring to a selection of private as well as imperial letters without consulate: August. epist.
45.7; Frag. Vat. 37; Coll. Avell. 14-16, 18f., 23, 28f., 31, 33, 46f. (all fourth cent.) and 50-56 etc. (fifth cent.).
For the speed of communication cf. Anne Kolb: Transport und Nachrichtentransfer im Römischen Reich, Berlin
2000, 308-32; or Matthews 183-85.}

According to the \textit{Notitia dignitatum}, a list of the most noble imperial magistrates composed
on the verge from the fourth to the fifth century, we should expect the \textit{quaestor} to be

It was Honoré who took such descriptions literally: after arranging the fragments chronologically and assigning them to the court of a particular emperor, he was able to demonstrate that certain arguments, stylistic devices, syntactic features, and lexical peculiarities resurface continually over a period of several months or even years, periods which he identified with the tenures of quaestors. The first conclusion to be drawn is that, in spite of chancery traditions going back to the early principate and even beyond, there was not yet an anonymous standardised chancery style.\textsuperscript{15}

However, many other objections can be raised against both isolating quaestors and dating laws by an analysis of their language. With that I proceed to section

2. Towards a More Sophisticated Allocation of Responsibilities at the Imperial Court

It is well known that various individuals could contribute to the shaping of a law: a praetorian or urban prefect, a provincial governor or a palatine minister writing a \emph{consultatio} or \emph{suggestio}; the Roman senate or other councils of cities, provinces or bishops with a \emph{petitio}; the officials of the imperial \emph{scrinia} who commented on propositions or composed an expertise; other dignitaries present in the consistory, in which complicated issues were discussed under the direction of the \emph{quaestor}; to say nothing of the emperor himself, who not only had the final word, but was also styled the author of the text eventually produced. And not yet considered are cases in which an emperor sent a copy of his constitution(s) to his colleague (Nov. Theod. 2).

Especially the \emph{magister memoriae}, the \emph{magister epistularum}, and the \emph{magister libellorum} were involved in dealing with the imperial correspondence. Except from the latter, they were expected to dispose over literary skills, and the master of the memory is even attested to have ‘dictated and dispatched’ \emph{adnotationes}. Although it is controversial what kind of constitutions

\textsuperscript{13} See section 3.1 and 4, column VI.
\textsuperscript{14} Cf. Not. dign. or. 12; occ. 10. Cass. Var. 6.5 calls him the \emph{armarium legum}, incidentally not with regard to his legal expertise but to his rhetorical skills. Further sources are collected and discussed by Silvano Faro: Il questore imperiale, Koinonia 8, 1984, 133-59; Honoré 1998, 11f.; Coskun 2001.
\textsuperscript{15} Another conclusion of (or premise for) the applicability of the stylistical method is that the original text has not been changed significantly, see notes 4 and 5. For the works of Honoré 1986 and 1998 see bibliography; for the idea of a chancery style 1994, 56 and 60. In later periods, the individual could nearly disappear behind formulaic language, cf. the collection of patterns in Cassiodor, \textit{Variae} 6-7. For a variety of approaches to deal with the language of medieval documents cf., e.g., Trierer Historische Forschungen 29, 1996, and 35, 1997. Cf. also the DEEDS Project initiated by Michael Gervers; it is summarised in the introduction to: Dating Undated medieval charters, Woodbridge 2000. The enterprise is concerned with twelfth- and thirteenth-century English documents; it is based on the assumption that a society at a special time used a certain fond of words which changed only gradually; on the other hand, Gervers expects to distinguish individual scribes at a later stage of the analysis.
the latter were, there is no doubt that they did not qualify for inclusion in the Theodosian Code.\textsuperscript{16}

The \textit{magister libellorum} treated the requests of people of low social standing, while the \textit{magister epistularum} dealt with the enquiries by aristocrats, cities and imperial administrators, hence by people deemed worthy to communicate with the emperor in terms of letters.\textsuperscript{17} I suppose that each master was independently concerned with the matters entrusted to his department. Only if general legislation was at stake, the \textit{quaestor} would intervene at some point to enhance the persuasiveness of the final draft.

So far the allocation of competence is entirely compatible with the assumption that subsequent quaestors dictated most of what we find in the Theodosian Code. But a minute stylistical analysis of the collection allows us to go even farther.

The great majority of Gratian’s laws is written in a rhetorical style, while the pieces of poor literary quality are rare. The responsible draftsmen for the latter do not appear to have been quaestors, but trained lawyers lacking advanced literary education. Such stylistical gaps may be explained by the \textit{quaestor}’s occasional unavailability, in which (one of) the three masters will have stepped in.\textsuperscript{18}

Highly revealing is a comparison between the styles of the laws and the movement of the emperor. As long as Gratian remained in Trier, one can observe long-lasting stylistical \textit{continua}; in the case of Ausonius, it extended over ca. three and a half years.\textsuperscript{19} But from 378

\textsuperscript{16} Most scholars identify \textit{adnotationes} with a type of imperial rescripts, cf. (also for the \textit{magister memoriae}) Otto Seeck: Adnotatio, RE 1, 1894, 382f; Otto Hirschfeld: Die kaiserlichen Verwaltungsbeamten bis auf Diocletian, Berlin 1905, 336; Dölger & Karayannopulos 1968, 58; Manfred Claus: Der \textit{magister officiorum} in der Spätantike, 1980, 15ff; Peter Kussmaul: Pragmaticum und Lex, Göttingen 1981, 35-40; Voss 1982, 28-33; Harries 1988, 159-64 and 1999, 55; William Turpin: \textit{Adnotatio} and Imperial Rescript in Roman Legal Procedure, RIDA 3,35, 1988, 285-307; Michael Peachin: The Office of the Memory, in: Studien zur Geschichte der Spätantike, Athen 1989, 168-208; Delmaire 1995, 57ff; Honoré 1998, 14f; Matthews 2000, 178f; see also the subsequent note. But I wonder whether, in Not. dign. or. 12 and occ. 10, \textit{adnotatio} rather means ‘letters of appointment’ for lower-ranking officials (while the higher echelons would be honored by \textit{codicilli} or \textit{epistulae}, cf. Pamela C. Berger: The Insignia of the \textit{Notitia Dignitatum}, New York 1981, 127 and 175). This interpretation goes along with other sources attributing to the \textit{magister memoriae} the responsibility for parts of the personnel. Cf. also Not. dign. or. 43.13; 44.14; occ. 43.13; 44.14; 45.14; CTh 6.2.13, 6.27.3.4; 6.28.4; 6.30.12; CI 11,62,8 for \textit{adnotatio}, all dating from the 380s; CTh 1.8.1-3 for the \textit{laterculum minus}; J. Verpaux: Pseudo-Kodinos, Traité des offices, Paris 1966, 185f for the general responsibility of the \textit{epi tôn anamnesión}. In any case, it is untenable to assume that all texts called \textit{adnotationes} in late Roman sources belong to the same category of documents, cf. also CI 1.19.1 and 8.47.5 where I suggest to translate ‘attachment’ (accompanying a private rescript). The subject deserves to be resumed elsewhere.

\textsuperscript{17} At least, this is true for the second and third centuries. Depending on the interpretation of \textit{adnotatio} (see the previous note) and \textit{preces} in Not. dign. or. 12; occ. 10, it is possible that the competence of drafting private rescripts for aristocrats (\textit{adnotationes}?) had (partly?) been transferred to the \textit{magister memoriae}.

\textsuperscript{18} Cf. in particular the constitution from 30/1/378 explaining the conditions under which appellation to a judgment is allowed. It has been preserved in four fragments: CTh 11.30.37, 36.23-25. I suppose that it was drafted by the \textit{magister libellorum}.

\textsuperscript{19} Honoré 1986, 219 ascribes Ausonius the laws from 9/4/375 to 17/10/377. In SZ 118, 2001, I suggest, on the one hand, to go back to spring 374 and, on the other hand, also to include the constitutions until 12/1/378; but I now agree with Honoré in ascribing the constitutions from 30/11/377 onwards to Ausonius’ successor, with
to 382, the language changes more than ten times. The longest *continuum* covers eight to nine
months, a period which notably coincides with the emperor’s stay in Milan from August 382
onwards. During the previous years, he had travelled between Gaul and the Balkans with a
singular frequency, and there is conclusive evidence that he frequently opted between sending
ahead his court to catch up on horseback or leaving his officials behind for some time.20

Gratian’s letters give further insight into the legislative procedure. On the borders of two
stylistical *continua*, one can observe overlaps mixing the previously and subsequently
dominant characteristics.21 As this happens regularly, I suggest a model according to which
the *quaestor* had to dictate a draft twice. On the one hand, he is likely to have summarised the
decisions made in the consistory; on the other, the text thus produced was highly authoritative
and hence formed a strong basis for the constitution yet to be written out. If the *quaestor* was
absent or already replaced, someone else would take over one or both of the tasks.

Theodosius’ early laws differ noticeably: At first sight, the comparatively high number of
technically drafted dispositions is remarkable. But more irritating is the lack of stylistically
homogeneous groups covering more than a few months, although Theodosius spent most of
the time first in Thessalonica and then in Constantinople. Additionally, one can often observe
returns of earlier styles and long-lasting overlaps.22

At any rate, the allocation of responsibilities at Theodosius’ court seems to have differed
from the West. I hypothesise that the input of the Eastern masters was much higher, maybe
because the *quaestor* was more often sent on a political mission. Although this intermediate
report cannot yet offer cogent solutions in this regard, it certainly stimulates us to reconsider
all previous models of legislative procedure as well as it warns to generalise any pattern too
 rashly.

Nevertheless, the method of subsidiary dating is in no way undermined: as long as a
stylistical context can be established, it remains applicable.23 However, a well-equipped
toolbox is required to cope with a heap of fragmentary, partly short, partly heterogeneous, and

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9,20.1+11.39.7 (12/1/378) being a stylistical overlap.

20 Cf. Ammianus Marcellinus 31.10.6, 11.6 for A.D. 378. Gratian’s itinerary is described by Seeck 1919, 246ff.;
Marcello Fortina: L’imperatore Graziano, Turin 1953 and by Barnes 1999, 166-68. See also note 1. Other
instances of a separation between emperor and court deserve to be examined, cf., e.g., Matthews 2000, 245 on
Valens A.D. 369 or Honoré 1986, 218ff. and Seeck 238, 240 on Valentinian I A.D. 370. On the general
conditions of the itinerant court cf. H. Halfmann: Itineria principum, Stuttgart 1986; Fergus Millar: The Emperor

21 Cf. also Honoré 1994, 44 and 62 who makes similar observations concerning third-century rescripts. Probably
too sophisticated is the model suggested by Jean-Louis Mourguès: Les formules ‘rescrispi’ ‘recognovii’ et les
étapes de la rédaction des souscriptions impériaux sous le haut-empire romain, MEFRA 107, 1995, 255-300
(with a summary on p. 299).

22 Cf. section 4 for my analysis of the laws from summer 379 to summer 380.

23 Cf. the examples in section 4 (with note 31).
partly misdated constitutions.

3. Linguistical Categories for the Description of Styles

3.1 Lexical, Syntactical, and Stylistical Categories

To ensure that arbitrariness in grouping the texts is reduced to a minimum, it is recommendable to employ a great variety of linguistical criteria, all the more since sometimes only a few (if any) will turn out to be distinctive. In this section, I will only mention some of the categories applied to Theodosius’ laws of 379/80, which the table in section 4 accounts for.\(^{24}\) The subsequent explanations follow its structure.

After presenting the shortest possible Regesten in columns I-III, the rest of the table is dedicated to linguistical features, with some of the columns being used for more than one purpose.

Column VI accounts for the structure of the sentence and the clarity of thought: \(s, m, l\) stand for short, middle, and long sentences; \(c\) indicates the attempt to enhance the clearness, while \(o\) means ‘obscure’. \(p\) indicates a frequent use of participles. Laws marked with \(r\) tend to start with a short rule at the beginning.

Column VII deals with the rhetorical ornate. Alliterations (\(al.\)) and hyperbata (\(h\)) are only indicated if frequently employed. Incidentally, antitheta (\(ant.\)), anaphorae (\(ana.\)) and other kinds of repetitions (\(re.\)) are taken into account.

In column VIII, I marked twofold structures as \(studiosus\ et\ diligens\) (with \(t\)) and three- or morefold accumulations as \(non\ ...,\ non\ ...,\ non\ ...\) (with \(a\)). I sometimes distinguish whether the nouns or phrases are combined with copulative (\(et, atque, -que\)) or disjunctive (\(aut, vel, sive\)) connectors or if they are joint asyndetically (\(c, d,\ or\ a\)). Capital \(P\) designates pedantical accumulations as \(filius\ filiave\) or \(Manichaeus\ Manichaeave\), which are frequent until summer 381.

Columns IX-XIV account for lexical idiosyncrasies. From summer 380 to 383, rules are often communicated through the formal \(sciant\ iudices\ /\ noverit\ excellentia\ tua\) (‘the judges / your Excellence shall know ...’) or the like. The archaic \(huiusce\) (Genitive of the demonstrative \(hic, haec, hoc\)) aroused my attention, because during the five years under examination, it appears four times within half a year (21/12/381-22/6?/382). An obsessive use of \(ita\ ut\) (‘so that’) or \(scilicet\) (‘namely’) may also be significant. Many draftsmen like to use technical terms denoting legal texts as \(edictum\) or \(lex\); some are fond of rare words as

\(^{24}\) Cf. also the catalogue Honoré 1994, 56-66 applied to third-century rescripts; how one can deal with imperial letters is demonstrated by the same 1986, 193ff. or 1998, 41ff. For a comparison with the DEEDS Project see note 15.
taciturnitas, others like strange collocations as poenae subiugare (‘to subjugate to punishment’).

Column V is concerned with the general tone and thus somehow summarises the other criteria, though in a subjective way: \( t \) stands for the moderate use of technical terms, \( tt \) for a very technical and inelegant language; \( e \) indicates an elegant style, \( s \) a sharp and \( l \) a literary and mostly bold tone; in some cases, I had the impression that someone affected elegance, but his efforts failed (\( [e] \)). It is counterproductive to confine oneself to one single characterisation: Even if the eventual combination of letters seems to be contradictory (as, e.g., \( t+l \)), it is more helpful than simply opting for ‘not significant’ (\( n.s. \)) and less misleading as the decision for solely one qualification may turn out to be.\(^{25}\)

3.2 The Prose Rhythm

The rhythmical design of the text is to be added as another criterion. While, in the artistic prose of classical Latin, rhythms at the end of cola or phrases were created through a regular sequence of long and short syllables (\textit{clausulae}), the refined prose of the Middle Ages is based on certain combinations of the two concluding word-accents and non-emphasised syllables (\textit{cursus}). The so-called \textit{cursus mixtus} of late antiquity represents a transitory stage which blends the two principles.\(^{26}\)

Admittedly, the description of the prose rhythm is a tiresome and often even frustrating task, since in this area scholarship is not yet very advanced, and even specialists occasionally will have problems to define a rhythmical pattern.\(^{27}\) Further on, the data laboriously collected

\(^{25}\) The category of tone is admittedly subjective, not only in respect of personal taste, but also of knowledge (Latin in general and technical terminology in particular). But indeed, questions of style must be dealt with subjectively, at least at an advanced level after objective criteria (as listed above) have been considered. At any rate, it is the same individual that assesses the surrounding laws as well, so that one can expect the criteria to be applied similarly.

\(^{26}\) For a highly concise introduction to the classical \textit{clausulae} cf. Heinrich Lausberg: Handbuch der literarischen Rhetorik, Stuttgart \(^{3}\) 1990 (also available in an English translation: Leiden 1998). I distinguish five main types: 1. cretic-spondee (e.g., \textit{esse coactum}); 2. dithotoe (e.g., \textit{tarditatis}); 3. dispondee (e.g., \textit{desperantur}); 4. cretic-tribracys (e.g., \textit{debeat facere}); dicretic (e.g., \textit{lege praescrisimus}); but in addition, I also accounted for more than 30 variants. For references on the \textit{cursus / cursus mixtus} see the subsequent note. There are three (or four) standard patterns and another four (or three) rarer types: \textit{cursus planus} (C1 radiânte splendôre), velox (C2 iniúria vindicâse), tardus (C3 observâri convêniet), trispondaicus ot tritrochaicus (C4 habére valitûris), medius (C5 adprobâverit or editionis órdo sit), dispondaicus ot ditrochaicus (C6 curâri pôtest), dispondeus dactylicus (C7 públicis insérviant). In cases of rare \textit{clausulae}, I am frequently unsure whether they are deliberate or by chance, cf., e.g., CTh 3.8.2 \textit{quâmlibet ex filiis} (\textit{cursus dispondeus dactylicus} / choriambus + cretic). Hall & Oberhelman as well as Blümer neglect most deviations from the standard \textit{clausulae}, cf. the subsequent note.

\(^{27}\) A number of statistical enquiries conducted by Steven M. Oberhelman and Ralph G. Hall were designed to deepen our knowledge of the prose rhythm of late antiquity: CPh 79, 1984, 114-130; 80, 1985, 214; 83, 1988, 136-149; CQ 38, 1988, 228-42; most recently Oberhelman: Rhetoric and Homiletics in Fourth Century Christian Literature. Prose Rhythm, Oratorical Style, and Preaching in the Works of Ambrose, Jerome, and Augustine, 1991. One particular study deals with the laws of the fourth and fifth centuries which were regularly written in the \textit{cursus mixtus} (CQ 35, 1985, 201-214). In my analysis of Gratian’s and Theodosius’ laws, I failed to take the work of W. Blümer (Rerum eloquentia. Christliche Nutzung antiker Stilkunst bei St. Leo Magnus, Frankfurt
may turn out not to be decisive at all, if individual predilections or degrees of accuracy do not differ enough from one another. Sometimes the only use of the exercise appears to be the uncovering of changes to the original wording due to the process of editing or copying. However, I have found a few examples in which prosodical peculiarities seem to go along with some of the above-mentioned linguistic features. But none of them can claim to be conclusive on its own in Gratian’s constitutions.

But I was, above all, surprised to see that many of Theodosius’ laws were composed by using the simple *cursus* without seeking coincidence with the traditional *clausulae*. These texts not only antedate the earliest examples hitherto known, but also contradict the opinion recently put forward by Steven Oberhelman that the less sophisticated elocution had been promoted by the Latin Church Fathers out of religious reasons. On the contrary, my observations lend new support to the view formerly dominant that the development of the mere *cursus* originated, as so many novelties in Rome, from the Greek world. A spot sample

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28 Prosody as means of textual criticism is explained by Oberhelman & Hall 1985, 210-13.
29 Oberhelman, CQ 38, 1988, 228-42, 240f. offers alternative explanations, all of which admit the possibility of Greek origin. On the one hand, he hypotheses that Jerome and/or Ambrose introduced the *cursus* to the West as admirers of Eastern authors. On the other hand, he points out the practical significance of the simpler style for the hasty compositions of sermons, commentaries, and personal letters. In his monograph (1991, as in note 27), however, Oberhelman mentions Greek origin only in passing (p. 60), but points out the variety of rhythmic, less rhythmic and non-rhythmic shaping in Ambrose’s (p. 59-62), Jeromes (p. 87), and Augustine’s (p. 96f.) writings which are only partly paralleled in Greek models. More important seems to him that they ‘must have considered prose rhythms inappropriate for homiletic preaching’ (p. 60), and he concludes (p. 126): ‘For the moment, a compromise was reached in attempting to find a mediated position between certain poles that the
of earlier constitutions from the East has produced further examples.\textsuperscript{30} Although the whole subject does not yet allow any firm conclusion, it is an attractive hypothesis that those fourth-century officials using the simple \textit{cursus} had been educated and thus probably hailed from the East.

Hence, there seems to be a high potential for prosopographical research.

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\textsuperscript{30} For Theodosius see section 4, column IV, where I mark \textit{cursus} with \textit{C} and \textit{cursus mixtus} with \textit{CM}. I have further checked Valens’ laws from Jan. 370 to March 371, which can be read in their chronological order in Pergami’s edition (p. 484ff.): CTh 7.13.2 (?); 10,17,2 (?); 10.19.5 (C?); 11.36.17 (C?); 11.30.35 (?); 1.29.5 (C); 7.13.6 (?); 16.2.19 (C?); 15.2.2 (?); 9.16.8 (C); 13.10.7 (C); 13.5.14 (?); 12.1.74 (CM). For Constantius cf., e.g., CTh 8.10.2 A.D. 344 or 12.1.38 A.D. 346.
4. Appendix: Stylistical Features of Theodosius’ I Constitutions: an Overview (A.D. 379/80)

<table>
<thead>
<tr>
<th>probable date</th>
<th>Prosopographical or Chronological Comment</th>
<th>CTh</th>
<th>Rhythm</th>
<th>Terminol./Charact.</th>
<th>Clearity/Struct.</th>
<th>Stylistic Features</th>
<th>Accumulation</th>
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<th>huisuce/ita ut/scil</th>
<th>lex/edic.</th>
<th>sub-/tas</th>
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<td>tc</td>
<td>cs</td>
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<td>al.,re.,h</td>
<td>tc</td>
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<td>8/10</td>
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<td>ant.,h</td>
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<td>7.12.2</td>
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<td>pm.</td>
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<td>sv*</td>
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<td>n.s.</td>
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<td>m,p</td>
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<td>tc/</td>
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</tbody>
</table>

31 Dates are printed in italics, if the style confirms a correction previously suggested or contributes to a new assignation. Note that those constitutions are no longer accounted for which had been dated to A.D. 379-83 by Seeck with unconvincing arguments.

32 tr.=transmitted; s.d. = without day or without date.

33 C = mere cursus (coincidence with quantitative clausulae in less than ca. 75%); CM = cursus mixtus (coincidence in ca. 85-100%); * = inaccuracy particularly in accumulations. But these figures are only rough guidelines.

34 For columns V-XIV see section 3.1.

35 Particular kinds of accumulations: t=twofold expression (e.g. omnia quae supra terram urnis clausa vel sarcofagis corpora detinentur; or: a praestatione immunes ac liberas); a=accumulation (i.e. more than two similar expressions); preceded by P=pedantic use (e.g. 381/5/8: Manichaeus Manichaeave; or 380/6/17: provinciam provinciasve). Indexed with a=asyndeton; d=disjunctive polysyndeton (vel/aut/-ve); c=cumulative polysyndeton (et/que/atque); var=various forms.

36 s=sci(n)t; ss=sciass; st=sciaturus; n=noveri(n)t; i=intellega(n)t; c=cognosca(n)t; cs=cognoscas.

37 h=huius; hc=huiusce; hm=huiusmodi; hern=huiuscemodi; em=eiusmodi; im=istiusmodi; subsequent dash indicates repetition. u=ita ut; ua=ita dumtaxat ut; ub=ita scilicet ut; uc=ita tamen ut; (u)=...ut. b=selicet.

38 A technical term for a constitution is mentioned: adnotatio (ad.); edictum (ed.); lex (le.); praeceptio (pr.); praeceptum (pm.); sanctio (sa.); statutum (st.). * is added, if the term serves to denote the constitution itself; *=the term only appears in the prescript, e.g., edictum ad populos: ed.; *=religion is considered as a ‘law’, cf. 380/2/27: divinae legis sanctitas: le.*. Note that lex appears ca. 670 times in CTh; the average per year per court is slightly less than 3 occurrences; there is thus a significant peak in 380.

39 Idiosyncrasies with sub as prefix of a verb (sv), noun (sn), or preposition (sp), particularly in expressions of punishment (*), e.g. poenae subiaceat: sv*; supplicium: sn*; sub simulatone fallaci: sp. And odd nouns on -tas: ta=dubietas or indubietas, tb=medietas, tc=tacturitas; td=tarditas.

40 Particular words: 1=cavere (cautum), 1*=recavere (hapax); 2=color (metaphoric); 3=denique (all examples of 380/6 in enumeration); 4=discrimen; 5=fatigare.

41 6=sacrilegium (sacrum); 1=caedere (autum); 1*=recaedere (hapax); 2=color (metaphoric); 3=denique (all examples of 380/6 in enumeration); 4=discrimen; 5=fatigare.

As already Seeck saw, 10.10.13 is the edict subsequent to 10.10.12. The use of the CM provides additional support.

Krüger suggests to link a group of fragments directed to Eutropius dealing mainly with *dona sponsalia* and inheritage: 3.5.10,11 (misprinted as 3.8.10,11); 3.6.1; 4.4.1 (=CI 6.23.16); 4.20.1 (=4.19.1 Mommsen); 6.10.1; 9.27.2; 9.42.8,9; further other fragments which were directed to Eutropius: 3.11.1; 6.27.3; 8.15.6; 4.5.2 (=CI 8.36.3); cf. also 3.8.1a Krüger (=CI 5.9.1 ca.= CI 6.56.4). Similarly Seeck 1919, 255, who adds CI 9.29.3 addressed to Eutropius *ppo*, prescribing the necessity of an imperial grant for becoming governor in one’s home province (tr. *D. XVI k. Aug. 385*). Seeck is followed by PLRE 1.317 and Matthews 2000, 232, while Honoré 1998, 41-45 neglects this law. I am reluctant to change most of the protocol in order to date to 380/6/17, nor is this necessary out of prosopographical reasons, as Eutropius might have been *ppo Illyr*. On the other hand, stylistical observations could support Seeck’s view, though not cogently. Honoré speaks of a ‘mini-code’ (excluding 6.10.1 on privileges of *primicerii* and *notarii*, as does Matthews 2000, 232). Without denying the remarkable legislative attempt attested by these fragments, I doubt that the term ‘mini-code’ describes it appropriately. The stylistical analysis further seems to indicate that there were dispatched at least two letters to Eutropius on 380/6/17.

De *usu rii rei iudicati*. Repeated reference to *XII tab.* and *ius civille*, further once to *lex Papia* and *edictum praetorium*. 

<table>
<thead>
<tr>
<th>Page</th>
<th>Reference</th>
<th>Edict</th>
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<th>t,l</th>
<th>m/l,p</th>
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<td>t,e</td>
<td>s/m</td>
<td>p</td>
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<td>re.,ana.</td>
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<td>m</td>
<td>h</td>
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<td>t</td>
<td>m</td>
<td>Ptd</td>
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<td>r</td>
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45 De *usu rii rei iudicati*.

46 Repeated reference to *XII tab.* and *ius civille*, further once to *lex Papia* and *edictum praetorium*. 

14
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<th>Date</th>
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<th>edict. prat.</th>
<th>tb,</th>
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<td>r</td>
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<td>C</td>
<td>e/l</td>
<td>m</td>
<td>o?</td>
<td>al, ana.</td>
<td>aa, tvar</td>
</tr>
<tr>
<td>7/8</td>
<td>Rest&lt;it&gt;uto</td>
<td>7.22.10</td>
<td>C</td>
<td>e/l</td>
<td>s+o?</td>
<td>al, h</td>
<td>td, tc</td>
<td></td>
</tr>
<tr>
<td>7/14</td>
<td>Rest&lt;it&gt;uto</td>
<td>14.17.8</td>
<td>n.s.</td>
<td>t,e</td>
<td>s</td>
<td>al, h</td>
<td>td, tc</td>
<td></td>
</tr>
<tr>
<td>?, d. 7/27</td>
<td>Eutropius, d. 7/27 Constp.&lt;sup&gt;51&lt;/sup&gt;</td>
<td>12.12.7</td>
<td>C</td>
<td>l</td>
<td>m, p+o?</td>
<td>al.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>?, d. 9/8</td>
<td>Dat. VI id. Sept. Sirmio&lt;sup&gt;52&lt;/sup&gt;</td>
<td>7.22.11</td>
<td>C</td>
<td>t,e</td>
<td>m+o?</td>
<td>al, ana, h</td>
<td>tvar, Pad</td>
<td>u</td>
</tr>
<tr>
<td>8/17</td>
<td></td>
<td>15.1.21</td>
<td>C</td>
<td>e</td>
<td>m</td>
<td>al.</td>
<td>n</td>
<td>1</td>
</tr>
<tr>
<td>9/20</td>
<td></td>
<td>10.10.14</td>
<td>C/M</td>
<td>n.s.</td>
<td>e</td>
<td>m+o</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/16 or 11/17</td>
<td></td>
<td>10.10.15</td>
<td>C?</td>
<td>e/l</td>
<td>m+o?</td>
<td>al.</td>
<td>tc</td>
<td>hm, (u)</td>
</tr>
</tbody>
</table>

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<sup>47</sup> ... periculum se et adiutor et subadiuvaesubituros esse cognoscant.

<sup>48</sup> The law deals with Repetundae.

<sup>49</sup> Cf. expressions as provinciam provinciasve; sive igitur ei sive eius uxori, filio filiaeve, nepoti nepti et deinceps in infinitum ...

<sup>50</sup> Krüger dates to 6/17. The transmitted dates are: Grat. vi k. ian. cp. pompeiano et avieno css. (cod. P), item rursus constantinop. xiii kal. ianuar. gratiano v theodosio aa. coss. (ed. Hal.). The latter postscript seems to relate to a publication and thus provides a terminus ante quem. The law figures in the rubric De litigiosis.

<sup>51</sup> Problems arise, as Eutropius is considered to have been ppo Illyr. 380-81, while Neoterius is said to have governed the East; the evidence strongly favours the opposite view. Thus Eutropius forwarded a letter sent to him from Constantinople in late spring or early summer. See also the subsequent note.

<sup>52</sup> The letter is addressed to Neoterius ppo. Pace PLRE 1.623 and others, he was ppo Illyr., not Or., because Theodosius cannot have visited Sirmium (pace Seeck 1919, 255, who further adds CI 12.47.2). I therefore suppose that CTh 7.13.9+7.18.3 (pp. 380/4/26) were posted up somewhere in the Illyrian prefecture (maybe in Antikyra/Greece), not in Antiochiae, as transmitted. Less important place names have frequently been changed to those of outstanding residences (in particular Trev., Constp., Ant.).
IV. Revisiting the Imperial Aristocracy: Two Praetorian Prefects of Gratian

Only very briefly, I would like to demonstrate which results may be expected if combining the methods outlined above. In order to illustrate the necessity of thoroughly revisiting the late Roman élite according to these principles, I have chosen Decimius Hilarianus Hesperius, who was the son of the poet Ausonius, and Petronius Probus, the most influential Roman senator in the second part of the fourth century.

The schedule of this conference will not allow me to go into more detail and to draw every possible conclusion. I therefore only mention in passing that the precise reconstruction of Hesperius’ career is indispensable for assessing the extent of nepotism of Ausonius’ family, whereas Probus, the prefect of 379/80, deserves to be fitted into the huge network of the gens Anicia lead by Petronius Probus. Moreover, already the bare skeletons of aristocratic careers convey significant insights into the social or religious history of those years, questions with which I will deal elsewhere soon.53

1. Decimius Hilarianus Hesperius

Hesperius is known to have served as proconsul of Africa early in the reign of Gratian before being promoted praetorian prefect. His *cursus honorum* is a good example of how wrong assumptions concerning the consulate result in dating the beginning or end of a magistracy one year late and how further misleading changes to the transmission are entailed. Similar problems affect many other prefects as, e.g., Syagrius, Severus, Hypatius, and Petronius Probus, as emerges from the tables in section 3.

<table>
<thead>
<tr>
<th>The career according to PLRE1.427f. / Seeck:</th>
<th>My suggestion:54</th>
</tr>
</thead>
<tbody>
<tr>
<td>procos. Afr. 376-78</td>
<td>ppo Ital. et Afr. 376/77</td>
</tr>
<tr>
<td>ppo Gall. 378 (with Ausonius)</td>
<td>ppo Gall. 377/78</td>
</tr>
<tr>
<td>ppo Ital. et Afr. 379/80</td>
<td>ppo Gall., Ital. et Pannon. 379 (with A.)</td>
</tr>
</tbody>
</table>

2. Sextus Claudius Petronius Probus

The *cursus honorum* of Petronius Probus is one of the most vexing prosopographical knots of late antiquity. *Cum grano salis*, Italian and French scholars tend to follow Seeck in rejecting

53 See note 1. Both reconstructions draw on laws, but also on literary and epigraphical evidence.
54 In full detail, I account for his career in ‘Die gens Ausoniana an der Macht’, see note 1.
all consulates prior to 367 or 368 figuring in the laws addressed to Probus *ppo*. More convincingly, PLRE retains the early dates, but twice discards the consulate of 380. My analysis, however, gives strong support to the transmission. The best solution seems to me to differentiate between Probus *ppo* 379/80 and Petronius Probus who is known to have held the office exactly four times (379/80 would be a fifth tenure). This way, one can also retain the transmitted title of a law addressed to Probus *vicarius urbis* in 372, thus discovering an earlier step in the career of the later prefect.

<table>
<thead>
<tr>
<th>Petronius Probus’ career according to Seeck &amp; others:</th>
<th>Together with PLRE 1.736-41, I suggest:</th>
<th>But I distinguish another Probus:</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>ppo</em> 383-84/87</td>
<td></td>
<td>fall 379 - spring 380</td>
</tr>
</tbody>
</table>

3. Appendix: Lists of the Urban and Praetorian Prefects of Gratian

3.1 List According to PLRE

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Aradius Rufinus 376</td>
<td>Maximinus -Apr. 376</td>
<td>Petronius Probus-375</td>
<td>Petronius Probus-375</td>
</tr>
<tr>
<td>Gracchus 376/77</td>
<td><em>Antonius</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Probianus Sept. 377</td>
<td>May 376 - Jul. 377</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hypatius 379</td>
<td>Aus. &amp; HES. 378/79</td>
<td>Olybrius late 378</td>
<td></td>
</tr>
<tr>
<td>Arborius Jan./Feb.380</td>
<td>Siburius 3/12/379</td>
<td>Aus. &amp; HES. 378/79</td>
<td></td>
</tr>
<tr>
<td>Anic.Paulinus Apr.380</td>
<td></td>
<td>HESPERIUS -May80</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><em>Swagrius</em> cos.381</td>
<td></td>
</tr>
</tbody>
</table>

55 Cf. Seeck 1919, 71.20; 91.43; modifications based on the same principles have been suggested, among others, by Ernst Stein: A propos d’un livre récent sur la liste des préfets du prétoire, in: Byzantion 9, 1934, 327-53, 334ff. and Santo Mazzarino: Sulla carriera prefettizia di Sex. Petronius Probus, in: Antico, Tardoantico ed èra costantiniana, vol. 1, 1974, 328-38. More recently, Seeck’s position has been adopted by Roland Delmaire: Les responsables des finances impériales au Bas-Empire romain (IVe-VIe s.). Études prosopographiques, Brussels 1989, 81; Pergami 1993, XVIII. and in: Sulla istituzione del *defensor civitatis*, SDHI 61, 1996, 2.413-31. PLRE 1.736-40 is followed, among others, by Alan Cameron: Polyonomy in the Late Roman Aristocracy. The Case of Petronius Probus, JRS 75, 1985, 164-182 and Jens-Uwe Krause: Spätantike Patronatsformen im Westen des Römischen Reiches, Munich 1987, 289-93: *ppo I Illyr.* 364 (CTh 1.29.1); *ppo II Gall.* 366 (CTh 11.1.15); *ppo III Ital. et Illyr.* 368-75; *ppo IV Ital. et Illyr.* 383. But, subject to a Palingenesia of Valentine’s laws, I would suggest to reconstruct as follows: *ppo I Illyr.* 364-65/66; *ppo II Gall.* 367/68; *ppo III Ital. et Illyr.* 368-75/76; *ppo IV Ital et Illyr.* 383; cf. for A.D. 365 CTh 1.29.3 / CI 1.55.2; CTh 7.4.16? / CI 12.37.5; CTh 8.15.5; 11.11.1; 12.13.3. For A.D. 366 CTh 11.1.15. For A.D. 367? CI 7.38.1. For A.D. 368: CTh 1.29.4. For A.D. 379/80 CTh 6.38.2; 6.35.10. For 383 CTh 11.13.1 and 6.30.6 with the corrections as in PLRE.

56 The reference to (Petronius) *Probus vir illustris permissa sibi a patre nostro postestate* in a letter given by Gratian (CTh 1.6.8, 22/11/dat. 381?, pp. 382?) is all the more understandable, if he was to be distinguished from Probus *ppo* 379/80.
### L. Val. Sept. Bassus ?
- **Valerianus** Feb/May 81
- **Afr. Syagrius** cos. 382

#### Val. Severus
- **Apr. - Aug. 382**
- **Anic. Auch. Bassus**
- **Nov. 382-383**
- **Aventius 383-84**
- **Q. Aurel. Symmachus**

#### Afr. Syagrius cos. 382
- **Oct. 381**
- **(Val. Severus)**
  - (acting ppo Apr. 382)
  - **Val. Severus**
  - **(Val. Severus)**
  - **Afr. Syagrius** cos. 382
  - **Afr. Syagrius** cos. 381
  - **Jun. 380 - spring 382**

#### Afr. Syagrius cos. 382
- **Oct. 381**
- **(Val. Severus)**
  - (acting ppo Apr. 382)
  - **Val. Severus**
  - **(Val. Severus)**
  - **Afr. Syagrius** cos. 382
  - **Afr. Syagrius** cos. 381
  - **Jun. 380 - spring 382**

#### Afr. Syagrius cos. 382
- **Oct. 381**
- **(Val. Severus)**
  - (acting ppo Apr. 382)
  - **Val. Severus**
  - **(Val. Severus)**
  - **Afr. Syagrius** cos. 382
  - **Afr. Syagrius** cos. 381
  - **Jun. 380 - spring 382**

#### Afr. Syagrius cos. 382
- **Oct. 381**
- **(Val. Severus)**
  - (acting ppo Apr. 382)
  - **Val. Severus**
  - **(Val. Severus)**
  - **Afr. Syagrius** cos. 382
  - **Afr. Syagrius** cos. 381
  - **Jun. 380 - spring 382**

#### Afr. Syagrius cos. 382
- **Oct. 381**
- **(Val. Severus)**
  - (acting ppo Apr. 382)
  - **Val. Severus**
  - **(Val. Severus)**
  - **Afr. Syagrius** cos. 382
  - **Afr. Syagrius** cos. 381
  - **Jun. 380 - spring 382**

#### Afr. Syagrius cos. 382
- **Oct. 381**
- **(Val. Severus)**
  - (acting ppo Apr. 382)
  - **Val. Severus**
  - **(Val. Severus)**
  - **Afr. Syagrius** cos. 382
  - **Afr. Syagrius** cos. 381
  - **Jun. 380 - spring 382**

#### Afr. Syagrius cos. 382
- **Oct. 381**
- **(Val. Severus)**
  - (acting ppo Apr. 382)
  - **Val. Severus**
  - **(Val. Severus)**
  - **Afr. Syagrius** cos. 382
  - **Afr. Syagrius** cos. 381
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#### Afr. Syagrius cos. 382
- **Oct. 381**
- **(Val. Severus)**
  - (acting ppo Apr. 382)
  - **Val. Severus**
  - **(Val. Severus)**
  - **Afr. Syagrius** cos. 382
  - **Afr. Syagrius** cos. 381
  - **Jun. 380 - spring 382**

### 3.2 Revised Lists

<table>
<thead>
<tr>
<th>puR</th>
<th>ppo Gall.</th>
<th>ppo Ital. et Afr.</th>
<th>ppo Illyr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aradius Rufinus 376</td>
<td>Maximinus spring 376</td>
<td>Petronius Probus -375</td>
<td>Petronius Probus -375</td>
</tr>
<tr>
<td>Gracchus 376/77</td>
<td>Antonius</td>
<td>HESPERIUS</td>
<td>Iul. Ausonius 376/77</td>
</tr>
<tr>
<td>Probianus Sept. 377</td>
<td>May 376 - early 377</td>
<td>HESPERIUS</td>
<td>Olybrius 377/78</td>
</tr>
<tr>
<td>Martinianus 378</td>
<td>+ Ausonius 378-79</td>
<td>377-summer 378</td>
<td>(Aus. &amp; HES.: Pann.)</td>
</tr>
<tr>
<td>Anic. Paulinus Apr.380</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Valerianus Fe./May.81</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>L. Val. Sept. Bassus ?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[[Syagrius]]</td>
<td>Proculus Gregorius 378-382</td>
<td>autumn 381-Apr. 382</td>
<td></td>
</tr>
<tr>
<td>Val. Severus</td>
<td>Fl. Mallius Theodorus (?382)</td>
<td></td>
<td>[Syagrius]</td>
</tr>
<tr>
<td>(Val. Severus)</td>
<td>Hypatius</td>
<td>Apr. 382 - May 383</td>
<td>Petronius Probus</td>
</tr>
<tr>
<td>(Val. Severus)</td>
<td></td>
<td></td>
<td>Petronius Probus 383</td>
</tr>
<tr>
<td>(Val. Severus)</td>
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<td>(Val. Severus)</td>
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</table>

### V. Conclusions and Outlook

In this short presentation, my primary intention has been to explain how I try to learn more — or more reliably — from sources which have already been exploited for centuries. I have especially aimed at demonstrating that style in imperial constitutions is not pure coincidence, but rather due to a combination of long-term administrative developments, biographies of individual courtiers, and certain conditions resulting from particular historical events.
Linguistical features therefore do have chronological implications, whether they are discernable for us in the fragments transmitted or not.

I would like to stress it again: the virtue of a stylistical analysis does not reside in arbitrarily dating law fragments solely with regard to idiomatic features. Only after independent chronological indicators have been considered extensively, language provides subsidiary criteria, given that the stylistical context can be described conclusively. Thus in case the imperial itinerary requires a different date or a choice has to be made between the months June (Iun.) and January (Ian.) or between two calendar years, or if it is unsure in which part of the Empire a law had been given, a suggestion can now either be supported or questioned on the grounds of a stylistical comparison.

A major stimulus for establishing a *Palingenesia* and lists of office-holders based on such principles is the expectation to find the clue to various vexing problems of Late Roman History. Of course, the results will not claim to be beyond all doubt, but the combination of the refined methods warrant a degree of reliability which is significantly higher than ever before.

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