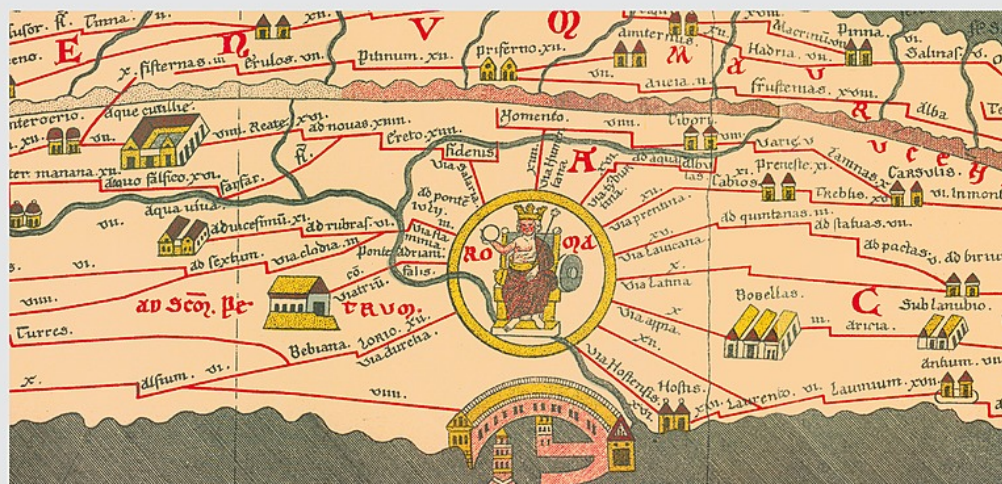


Lukas Lemcke

# Bridging Center and Periphery



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Mohr Siebeck

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Administrative Communication  
from Constantine to Justinian

Mohr Siebeck

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## Preface and Acknowledgements

This book is a lightly reworked and updated version of my dissertation, which was accepted by the Faculty of Arts and Humanities of the University of Cologne (Germany) in 2018. The idea for this dissertation began to take form in 2013 as a project focusing on the organization of the Roman administration in Asia Minor from Constantine to Justinian through a comprehensive *mise-à-jour* of the structures and functioning of the administrative system in place to govern this region of the empire. After delving into the wealth of available material, it quickly became clear that this scope vastly exceeded the time and space constraints of a PhD. A narrower focus was needed. Especially while reading and re-reading the Late Antique law codes, the wealth of information outlining (regulations governing) the flow of communication from the center of the empire into the provincial periphery and vice versa struck me – along with the lack of corresponding scholarship. The modalities of official state communication in the Roman Empire are an aspect of Roman history that I have been interested in for some time and that I already grappled with during my previous academic work, where I focused on one of the primary means in place for its facilitation – the *cursus publicus*. As a result, I came to focus on how the flow of information part and parcel of governing the Later Roman Empire between the center of the empire, i. e. the imperial court with the emperor at its head, and the various parts of the regional administration, that is the praetorian prefects, vicars, and provincial governors was organized – and how these communication patterns developed over time.

Of course, the final product owes much to the support and guidance of a number of people. First and foremost, I wish to thank my first supervisor Prof. Werner Eck, for giving me the freedom to explore topics and approaches paired with guidance and support through regular, critical and detailed feedback. The resulting motivating and stimulating atmosphere together with his extensive expertise in Roman administration was instrumental for this thesis to develop as it did. I also want to extend my gratitude to my second supervisor, Prof. Walter Ameling, for comments and criticism following presentations on parts of the thesis in his colloquium. The warm welcome and support in navigating and acclimatizing to my new academic surroundings I experienced from both of them was tremendously important. In addition, I want to thank Prof. Martin Avenarius for agreeing to act as third supervisor.

Moreover, I wish to thank the participants of Prof. Ameling's research colloquium, where I had the opportunity to present some aspects of my thesis, for their thought-provoking comments, and the staff at the A.R.T.E.S. Graduate School for their kind and prompt support in navigating the waters of university administration.

The generous funding of the Canadian Social Sciences and Humanities Research Council through a Doctoral Fellowship gave me the freedom to focus exclusively on my research; a travel grant of the German Academic Exchange Service allowed me to participate in two conferences in Canada which were essential in guiding me in the earlier stages of this thesis; and a grant of the Siblings Boehringer Ingelheim Foundation for the Humanities supported the publication of this book. I want to extend my gratitude to all three at this point.

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## Table of Contents

Preface and Acknowledgements .....	V
Abbreviations .....	XI
1. <i>Illustris magnificentia tua legis tenorem ad omnium notitiam faciet pervenire: Government and Communication</i> .....	1
1.1. State of research .....	4
1.1.1. State communication .....	4
1.1.2. Organizational framework: the Late Roman regional administration .....	5
1.1.3. Communication by and through the regional administration ..	9
1.2. Research outline .....	12
2. Means of official Communication and imperial Constitutions ..	15
2.1. Terminology .....	15
2.1.1. General .....	15
2.1.2. Types of official communication .....	16
2.2. Sources .....	18
2.2.1. Literary sources .....	18
2.2.2. Document collections .....	20
2.2.3. Epigraphic and papyrological sources .....	21
2.2.4. Legal sources .....	22
2.3. Methodology .....	33
2.3.1. Geographic validity of preserved constitutions .....	35
3. <i>Omnia libellis ad nostrum comitatum mittantur: Communicating from Periphery to Center</i> .....	39
3.1. Administrative reporting channels .....	40
3.2. Fiscal affairs .....	42
3.2.1. Regulations with bearing on decurions .....	42



3.2.2.	Annonarian supplies . . . . .	43
3.2.3.	Appropriation or confiscation of ownerless properties . . . . .	43
3.2.4.	Municipal auditors ( <i>discussores</i> ) . . . . .	47
3.3.	Official communication in the context of judicial processes . . .	48
3.4.	Policing . . . . .	56
3.4.1.	Counterfeiting and other capital crimes . . . . .	56
3.4.2.	Cursus publicus . . . . .	57
3.4.3.	Corruption, maladministration, and illicit behavior of officials	58
3.4.4.	Soldiers and deserters . . . . .	63
3.5.	Construction oversight . . . . .	65
3.6.	Connecting center and periphery: petitions from cities and provincial councils . . . . .	66
3.6.1.	Petitions from provincial councils and cities . . . . .	67
3.6.2.	Acclamations . . . . .	72
3.7.	Diachronic analysis . . . . .	76
3.7.1.	Communication originating from governors . . . . .	77
3.7.2.	Communication originating from vicars . . . . .	79
3.7.3.	Communication originating from prefects . . . . .	80
3.8.	Synthesis and conclusion . . . . .	81
4.	<i>Omnia omnibus manifesta fiant:</i> Communicating from Center to Periphery . . . . .	87
4.1.	The creation of official documents . . . . .	87
4.1.1.	Creation process of written imperial communication . . . . .	87
4.1.2.	Creation process of written communication of vicars and prefects . . . . .	93
4.2.	The official dissemination structure for imperial communication in the 6th century CE . . . . .	95
4.3.	Analysis of dissemination channels . . . . .	101
4.3.1.	Communication to a limited number of recipients . . . . .	102
4.3.1.1.	Epigraphic sources . . . . .	102
4.3.1.2.	Literary sources . . . . .	108
4.3.1.3.	Legal sources and document collections . . . . .	110
4.3.2.	Communication to a large number of recipients . . . . .	114
4.3.2.1.	Epigraphic sources . . . . .	114
4.3.2.2.	Literary sources . . . . .	117
4.3.2.3.	Legal sources and document collections . . . . .	120
4.4.	Synthesis and conclusion . . . . .	129

5. Centripetal and centrifugal Communication in Action: The Case of Taxation .....	133
5.1. Communicating fiscal matters: the administrative framework .	133
5.1.1. The <i>cura epistularum</i> in the 6 <sup>th</sup> century according to John Lydus and Cassiodorus .....	139
5.1.2. Limitations of Lydus' testimony .....	141
5.1.3. Function of the <i>cura epistularum</i> .....	144
5.2. Regular instances of taxation .....	150
5.3. Superindictions .....	159
5.4. Synthesis and conclusion .....	163
6. Patterns of centrifugal and centripetal Communication: Developments and historical Contextualization .....	167
6.1. From the early 4th century CE until Theodosius II and Valentinian III .....	167
6.2. From the 450s CE until the death of Justinian (565 CE) .....	178
7. Communication Patterns in the Late Roman Administration: Summary and Outlook .....	187
Appendices .....	193
Appendix I: Emendation of select Constitutions .....	195
Preliminary notes .....	195
Dating imperial constitutions .....	196
Appendix II: Data for centripetal Communication (ch. 3) .....	213
Introductory remarks .....	213
Appendix III: Data for centrifugal Communication (ch. 4.3.1) .....	221
Appendix IV: Data for centrifugal Communication (ch. 4.3.2) .....	233
Sources .....	299
Bibliography .....	303
Index – References .....	325
General Index .....	335



## Abbreviations

### *Officials and titles*

CRP	<i>comes rerum privatarum</i>
CSL	<i>comes sacrarum largitionum</i>
mag. off.	<i>magister officiorum</i>
MM	<i>magister militum</i>
PPo	praetorian prefect; <i>praefectus praetorio</i>
PSC	<i>praepositus sacri cubiculi</i>
puC/ puR	urban prefect of Constantinople/Rome; <i>praefectus urbis Constantinopolis/Romae</i>
QSP	<i>quaestor sacri palatii</i>
vpu	<i>vicarius praefecturae urbis</i>
vuR	<i>vicarius urbis Romae</i>

### *Journal titles, collections, reference works*

AARC	<i>Atti dell'Accademia Romanistica Costantiniana</i>
AE	<i>L'Année Épigraphique</i>
AKG	<i>Archiv für Kulturgeschichte</i>
AnTard	<i>Antiquité Tardive</i>
BE	<i>Bulletin Épigraphique</i>
BICS	<i>Bulletin of the Institute of Classical Studies</i>
BNP	Cancik, Hubert, Helmuth Schneider, Manfred Landfester, Christine F. Salazar, and Francis G. Gentry, eds. <i>Brill's New Pauly: Encyclopedia of the Ancient World</i> . Leiden, 2006–2011.
BZ	<i>Byzantinische Zeitschrift</i>
CLRE	Bagnall, Roger S., Seth R. Schwartz, Alan Cameron, and Klaas A. Worp. <i>Consuls of the Later Roman Empire</i> . Atlanta, 1987.
CP	<i>Classical Philology</i>
CR	<i>Classical Review</i>
CSEL	<i>Corpus Scriptorum Ecclesiasticorum Latinorum</i>
EAH	Bagnall, Roger S., Kai Brodersen, Craig B. Champion, and Andrew Erskine, eds. <i>The Encyclopedia of Ancient History</i> . Malden, 2012.
EHR	<i>The English Historical Review</i>
EPHE	<i>Annuaire de l'École Pratique des Hautes Études</i>
GRBS	<i>Greek, Roman and Byzantine Studies</i>
H-S	Heumann, Hermann G., and Emil Seckel. <i>Handlexikon zu den Quellen des römischen Rechts</i> . 11th ed. Graz, 1971.

- IEOC Scott, Craig R. and Laurie Lewis, eds. *The International Encyclopedia of Organizational Communication*. Malden, 2017.
- JÖAI *Jahreshefte des Österreichischen Archäologischen Institutes in Wien*
- JRS *Journal of Roman Studies*
- L-S Lewis, Charlton T., and Charles Short. *A Latin Dictionary*. Oxford, 1879.
- MEFRA *Mélanges de l'École française de Rome*
- ODLA Nicholson, Oliver, ed. *Oxford Dictionary of Late Antiquity*, Oxford 2018 (forthcoming).
- PBSR *Papers of the British School at Rome*
- PLRE Martindale, John R., Arnold H. M. Jones, and John Morris, eds. *Prosopography of the Later Roman Empire*. 3 vols. Cambridge, 1971–1992.
- RAC Klauser, Theodor, Ernst Dassmann, and Georg Schöllgen, eds. *Reallexikon für Antike und Christentum*. Bonn, 1950-.
- RE Pauly, August, Georg Wissowa, Wilhelm Kroll, Kurt Witte, Karl Mittelhaus, and Konrat Ziegler, eds. *Paulys Realencyclopädie der classischen Altertumswissenschaft: neue Bearbeitung*. Stuttgart, 1894–1980.
- REA *Revue des Études Anciennes*
- RIDA *Revue internationale des droits de l'antiquité*
- T&MByz *Travaux et mémoires du Centre de recherche d'histoire et civilisation byzantines*
- ZPE *Zeitschrift für Papyrologie und Epigraphik*
- ZRG *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*

## 1.

### *Illustris magnificentia tua legis tenorem ad omnium notitiam faciet pervenire:* Government and Communication

Communication is said to be a fundamental instrument for any organization to function, as it allows the exchange of data and knowledge on the basis of which its members are able to execute planning, organizing, and controlling tasks. The Roman Empire was no exception in this regard at any point of its existence. Indeed, one example of the salience of communication in the context of governance is cited in the title of this chapter – a constitution of the Emperor Honorius from 408, commanding his *PPo Italiae Theodorus* to make everything contained therein known to all officials and provincials within his remit.<sup>1</sup> Beyond this single instance, there is ample evidence that emperors from Augustus to Justinian always had a vested interest in communicating relevant information – here understood as any sort of data or knowledge (thought) relevant for the functioning of the empire, and transmitted orally, in writing, or through a combination of both – to their officials and subjects. At the same time, they, in turn, as well as all officials with decision-making powers, required information in order to govern. During the Early and High Empire, information was exchanged primarily through a system of provincial governors acting as intermediaries between emperors and the empire at large. This system underwent important changes in the 3<sup>rd</sup> century CE in reaction to a variety of external and internal pressures,<sup>2</sup> culminating in the establishment of a far more complex administrative system in a process lasting from the late 3<sup>rd</sup> to the late 4<sup>th</sup> century. This development went hand in hand with a certain degree of decentralization, with certain officials being placed in charge of tasks that were formerly the domain of the central administration, resulting in a system that “was carefully constructed to serve as an instrument of the emperors’ rule, not to achieve ‘formalistic impersonality.’”<sup>3</sup> Nevertheless, emperors came to rely on an increasing number of intermediaries to obtain and relay the information enabling them – ultimately – to govern such a vast geographical area.<sup>4</sup>

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<sup>1</sup> *Sirm.* 16 = *CTh* 5.7.2.

<sup>2</sup> Eich, *Metamorphose*.

<sup>3</sup> Eich, *Administrative Communication*, 106.

<sup>4</sup> Kolb, *Transport*. See also Chastagnol, *Problèmes fiscaux*, 331, who describes the ‘new’ ad-

From this angle, it seems highly unlikely that the transmission of official communication, especially if it occurred on a *regular basis* – e. g. in the form of imperial enactments and commands, missives announcing the nomination of consuls or the ascension or decease of an emperor, or regularly occurring reports from administrators – was facilitated on an arbitrary or *ad hoc* basis. Rather, one should expect that regular communication channels – a *normal* way of communicating such things – developed concurrent to the increasing complexity of the administrative system. Therefore, one would be justified in expecting the prevalence of some degree of *institutionalization* of these processes during the Later Empire, notwithstanding the omnipresent possibility of the ruling emperor deviating from well-trodden paths – occasionally or permanently – and thereby creating *new normals*.

Both the need and the extant indicators for the sheer quantity of information exchange in the Later Roman Empire have been remarked upon frequently in scholarship (chapter 1.1.1). Paradoxically, the number of studies discussing how this communication was facilitated is relatively limited. Most frequently, the studies focus on the infrastructure (e. g., *cursus publicus*, messengers, roads, etc.) in place to allow information exchange or non-official and personal correspondence.<sup>5</sup> Much rarer, however, are works considering the question of how the flow of information among the officials constituting the Later Roman administration was organized (chapter 1.1.3). Those that do, provide superficial and eclectic accounts that lack chronological and procedural differentiation. Indeed, in contrast to the Early and High Empire, there is no study that approaches this problem systematically on the basis of a comprehensive examination of pertinent sources for the later period, especially from the reign of Constantine onwards.

Not least in a reaction to this lack of pertinent scholarship, this study chronologically focuses on the period ranging from Constantine's victory at the Milvian Bridge and his assumption of sole rule in the west in 312 to the end of Justinian's reign in 565. In addition, this choice is determined by the increasing complexity of the administrative system, especially during the first third of this period (chapter 1.1.2). This development in itself adds relevance to the question of how the information exchange part and parcel of the administration's daily operations was organized, all the more because of the concurrent increase of com-

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ministrative system of Diocletian and Constantine as “un appareil bureaucratique au centre comme aux différents échelons régionaux et locaux, dont l'un des buts était précisément de mieux faire assurer la transmission des ordres de haut en bas.”

<sup>5</sup> Among recent scholarship (after 2000), see the following – non-exhaustive – selection: on the *cursus publicus*: Kolb, *Transport*; Lemcke, *Cursus publicus*. On messengers: Delmaire, *Porteurs de lettres*; Gillett, *Envoys*. On roads and maps/itineraries: Talbert/Brodersen, *Space*; Alcock/Bodel/Talbert, *Highways*; Talbert, *Peutinger Map*; On the circulation of information and correspondence more generally: Capdetrey/Nelis-Clément, *Circulation*; Delmaire/Desmulliez/Gatier, *Correspondences*; Ellis/Kidner, *Communication*; Virlouvet/Andreau, *Information*.

municative activity of the central and regional administration compared to the preceding period (see chapter 1.1.1).

What is more, scholarship has so far predominantly approached the Later Roman administration through its individual institutions and their development, focusing on identifying functions, ranks, and careers of office-holders, spatial organization, and so forth. With the exception of points of detail, these aspects can be considered to have reached a state where the currently available evidence does not allow much further advancement. Unfortunately, we are still left with only a vague understanding of some facets of the Later Roman Empire. As the literature review will show, the vicariate is a particularly relevant case in point here. A structural approach that focuses on how the various parts of the administrative system were intended to interact would thus provide an important additional perspective to complement the predominant approach to the Later Roman administration.

With this in mind, this study asks specifically: What form did (potentially institutionalized) communication channels within the Later Roman regional administration take and how did they develop from the early 4<sup>th</sup> century to the death of Justinian in 565?

To answer this question, the focus rests on “formal communication,” a concept fundamental to the field of organizational communication. It is understood as communication whose flow is determined by an organization’s structure and officially imposed communication channels.<sup>6</sup> Combined, these two components constitute formal communication patterns, which in turn allow identification of an organization’s functional structure – that is, the administrative hierarchy according to which the various components constituting an organization are intended to interact to form a functional whole. An important caveat at this point is that the results of such an approach (only) reflect the reality of the texts, not (necessarily) those of the practices. This is an unfortunate deficiency for which no remedy exists given the limitations of the available source material but of which one must be aware. Through this approach, this study aims to:

1. Uncover the formal communication patterns of the Later Roman regional administration and their development during the period under discussion.
2. Nuance and advance our understanding of the relationship between the organizational units constituting the Late Roman regional administration and thus its organizational structure.
3. Provide further insights into the function and development of the vicariate.

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<sup>6</sup> E. g., Gomez/Deiley, in *IEOC*, s. v. *Formal Communication*, 1–15.



### 1.1. State of research

This study is rooted in current conceptions of the Roman government's communicative activity in general, the overall administrative framework, and existing work on communication channels used in the regional administration.

#### 1.1.1. State communication

Scholarship has amply demonstrated that the central government communicated with both officials and subjects. The motivation for communicating, on the other hand, has been and remains subject to considerable debate. The models proposed to this end can be located on a spectrum with an entirely reactive government at one end and a proactive one at the other. Most important for the former is the work of Millar, in particular his seminal book *The Emperor in the Roman World*.<sup>7</sup> It established the format of 'petition-and-response' as the primary *modus operandi* of Roman emperors. In this system, the latter are styled in an essentially reactive role, moved to action only by inputs from the periphery, whether through consultations from governors or petitions of provincials. Corcoran's comprehensive study of state communication during the tetrarchy as well as Millar's more recent work have demonstrated that this model can be applied to the Later Empire as well.<sup>8</sup>

At the opposite end of the spectrum lies the work of Ando.<sup>9</sup> His approach is two-pronged: on the one hand, he points out that flaws inherent in the source record naturally skew evidence toward Millar's thesis;<sup>10</sup> on the other, he argues on a theoretical level that the legitimacy of the Roman state ultimately rested on a societal consensus which in turn could only be built and maintained through discursive processes between government and subjects. According to Ando, this legitimacy could not be achieved through responding to specific queries of subjects or officials' communication alone but required a proactive approach. Notwithstanding the sweeping nature of Ando's arguments and a relative lack of chronological differentiation,<sup>11</sup> the evidence for the period under discussion in this study supports his model.<sup>12</sup> Thus, Corcoran's above-cited study has revealed

<sup>7</sup> A well-rounded discussion of Millar's operative theses and their reception can be found in Eich, *Administrative communication*.

<sup>8</sup> Corcoran, *Empire*; Millar, *Greek Roman Empire*. For a comparison between petitions preserved in the ACO and among the papyrological evidence, see Fournet, *Pétitions*. See generally the collection of essays in Feissel/Gascou, *Pétition* for the lasting relevance of the petition in Late Antiquity.

<sup>9</sup> Ando, *Ideology*. The points are reiterated in later articles, cf. *idem*, *Administration* and more balanced and succinctly in *idem*, *Petition and Response*.

<sup>10</sup> Thus already Eck, *Durchsetzung*, esp. 57–58.

<sup>11</sup> See the criticisms by Sidebottom (*Ideology*).

<sup>12</sup> See already Bleicken, *Periodisierung*.

a significant increase in the communication directed by the emperor to governors and beyond, and much greater efforts at disseminating materials than before.<sup>13</sup> It is of course difficult to interpret this increase given the lack of sufficient data from the previous period, but with the division of provinces and the concurrent increase in the number of administrators, this conclusion is surely correct. Recent scholarship has generally confirmed this assessment.<sup>14</sup> In addition, there was a notable tendency for more comprehensive solutions and large-scale implementation efforts, as Schmidt-Hofner has convincingly demonstrated in his exemplary study of the governing style of Valentinian I and his brother Valens.<sup>15</sup> Other studies have remarked that a particular characteristic of the Later Roman Empire especially from the first third of the 5<sup>th</sup> century onwards was an unprecedented intensity with which comprehensive dissemination of legislation was attempted.<sup>16</sup>

### 1.1.2. Organizational framework: the Late Roman regional administration

The praetorian prefecture, and especially its development from the 3<sup>rd</sup> to the 4<sup>th</sup> century, has received extensive attention in recent scholarship. There is general agreement on its character and its role in matters of civil administration, which became more pronounced over the course of the 3<sup>rd</sup> century.<sup>17</sup> This functional change notwithstanding, the old system of two concurrent prefects was maintained until the early 4<sup>th</sup> century. However, while the traditional setup saw one of the two prefects remaining in Rome while the other accompanied the emperor during travels and campaigns, both prefects were now disassociated from the city and operated permanently at the court of an Augustus: one at Diocletian's, the other at Maximian's following his promotion to *Augustus* in 285. As the number of *Augusti* increased beyond two toward the end of the second tetrarchy, the new rulers likewise nominated single praetorian prefects for themselves. Such was the situation until the disassociation of prefects from the courts of the *Augusti* and the incipience of regional prefectures in a process lasting from 317 to 337.<sup>18</sup> The watershed character of the years from 305 and 317 is emphasized even further because within this period there were several measures which

<sup>13</sup> Corcoran, *Empire*; *idem*, *Imperial pronouncements*.

<sup>14</sup> Sotinel, *Information*, esp. 128–130; Dillon, *Justice*; Kolb, *Transport*, 264–268. Eich/Eich, *Verlautbarungsstil*.

<sup>15</sup> Schmidt-Hofner, *Regierungsstil*.

<sup>16</sup> E. g., Sargenti, *Diffusione*.

<sup>17</sup> Fundamental, Eich, *Metamorphose*, esp. 211–249; Porena, *Prefettura*, argues that the relationship between prefecture and emperor – which had heretofore been characterized primarily by personal familiarity – changed and led directly to a loss of the prefects' exceptional authority and influence.

<sup>18</sup> Barnes, *Empire*, 123–138; Kuhoff, *Diokletian*, 371–378; most recently: Porena, *Prefettura*. For a French summary of the extensive Italian monograph, see *idem*, *Préfecture*.

fundamentally altered the function of the praetorian prefects. In the context of what is commonly termed the Constantinian court reform, the prefects' military roots were severed by the discharge of the Praetorian Guard in 312, followed by the creation of a dedicated military administration under the *magistri militum* between 333 and 337; and the prefects' influence at court was curtailed sometime before 320 by reassigning the oversight over the imperial bureaus to the *magister officiorum*. Simultaneously, the prefecture became the head of the developing regional administration, acting as intermediary between emperors and governors and as supreme judge next to the emperor.<sup>19</sup> The final stage in the development of the prefecture occurred in the period from 317 to 337. While older scholarship had tentatively suggested the beginning of the multiplication of prefectures occurred at the beginning of this period,<sup>20</sup> Porena shows that Constantine and Licinius each worked with a single prefect from 317 to 324. Following the victory over Licinius, Constantine nominated a prefect at court, with four more presiding over areas equivalent to those controlled by the *Augusti* and *Caesares* of the second tetrarchy: Gaul, Spain, and Britain; Africa; Italy; Illyricum.<sup>21</sup> The eastern dioceses were assigned to the prefect who had initially been placed at court between 327 and 329.<sup>22</sup> According to Porena, this concluded the major changes in the regional administration – although adjustments were made until the ossification of the structure in the 340s and 350s.<sup>23</sup> Migl, who argued that the beginning of the multiplication of prefectures occurred from 325 onwards in reaction to their immense workload *qua* increasing competencies,<sup>24</sup> places the finalization of the regional structure in the 360s. In so doing, he emphasizes especially the drawn-out character of this development – and, indeed, the detailed prosopographical study of praetorian prefects in office between 337 and 363 conducted by Coşkun suggests some flexibility in the system, especially where the Illyrian

<sup>19</sup> Porena, *Prefectura*, 302–306 adds that the prefecture was also endowed with the right to issue usage permits for the *cursus publicus* at that time. However, it is uncertain when exactly this happened. What is clear, in any case, is that the document cited by Porena – Opt., App. 8 (CSEL 26, 212) – cannot be considered as convincing evidence for a general right of prefects to create and grant permits on their own authority, cf. the criticism in Kolb, Porena, esp. 100 fn. 9. On issuing rights, see *eadem*, *Transport*, 99–108 and Lemcke, *Cursus Publicus*, 92–97. For the creation of the *magistri militum*, see Demandt, in *RE Suppl.* XII, s. v. *Magister militum*, 553–790, here 556–562.

<sup>20</sup> 317/318: Seeck, *Regesten*, 141–149 followed by Ensslin, in *RE* XXII, s. v. *Praefectus praetorio*, 2392–2502, here 2428.

<sup>21</sup> Palanque, *Préfecture* had argued for 324/326, Jones, *Empire*, 101–103 for 337. Since Chastagnol, *Préfets de prétoire*, the *communis opinio* is that there was a transitional period toward the regional prefecture lasting from 318–332.

<sup>22</sup> Different Gutschfeld, *Prätorianerpräfekt*, who argued for the creation of the *praefectura Orientis* already in 325.

<sup>23</sup> Similarly Barnes, *Praetorian Prefects* and Errington, *Imperial Policy*, 80–87.

<sup>24</sup> Migl, *Ordnung*.

prefecture is concerned.<sup>25</sup> This system of prefectures remained in place largely unchanged until the end of the period under discussion.<sup>26</sup>

The literature on vicars is much more limited.<sup>27</sup> Indeed, two standard works on the Later Roman Empire describe them as “a rather unnecessary wheel in the administrative machine” or a “somewhat unclear middle instance.”<sup>28</sup> Their functional roots are commonly placed in the early 3<sup>rd</sup> century, when emperors began to appoint *vice agentes* as deputies of various officials in juridical contexts.<sup>29</sup> In the case of prefects, they were called *vice agentes praefectorum praetorio* – or *vicarii praefectorum praetorio*.<sup>30</sup> The creation of the geographical units that vicars came to preside over as well as the firm association of the two is another matter.<sup>31</sup> Traditionally, ‘form and function,’ as it were, were considered as two sides of the same coin introduced simultaneous as one of Diocletian’s reforms.<sup>32</sup> The compelling works of Noethlichs and Migl have led to a revision of this view.

<sup>25</sup> Coşkun, *Praefecti*.

<sup>26</sup> In 539, Justinian reassigned a number of provinces from the *PPo Orientis* to the newly created *quaestor exercitus* (*Nov. Iust.* 41). He also re-established the African and Italian prefectures following the conquest of the relevant areas from the Vandals and Ostrogoths, respectively, although the dates of these two acts are not entirely clear: The constitution *Tanta* [16 December 533] already indicates the existence of a *PPo Lybiae* (= *PPo Africae*) in the context of the constitution’s dissemination. Yet the official establishment of the prefecture is attested by a constitution dating to 13 April 534 (*CI* 1.27.1–2). Prostko-Prostyński (*Einrichtung*) argued that the first *PPo Africae*, Archelaus, had already accompanied Belisarius as prefect during the campaign and probably began preparations for the establishment of the prefecture at the latest after the decisive victory of Belisarius at the battle of Ad Decimum (13 September 533) and the subsequent capture of Carthage. Whether or not all aspects of his argument are accepted, the basic conclusion that a future prefect – or at least a potential candidate for the position – was dispatched with the invading army to take stock of the situation on the ground and to make preparations for a more permanent establishment after most of the hostilities had ceased appears to be a reasonable way to make sense of the evidence.

Nothing exact is known about the re-establishment of the Italian prefecture. Considering the predominant expectation in Constantinople that the war in Italy would be short one, it would be feasible that an official in such a capacity had accompanied Belisarius to Italy similarly to the process described for Africa above – or would be established by Belisarius drawing on local aristocrats. Stein, *Bas-Empire*, 319–328 suggested 537, and scholarship follows this dating (e. g., Jones, *Empire*, 283; Haldon, *Economy and Administration*, 49).

<sup>27</sup> See the excellent introduction by Ensslin in *RE* VIII/A, s. v. *Vicarius*, 2015–2044, esp. 2030–2042 and the more recent discussions in Kuhoff, *Diokletian*, 378–381, Porena, *Prefectura*, 168–186, Eich, *Metamorphose*, 249–257 and Wiewiorowski, *Diocesan vicars*.

<sup>28</sup> Jones, *Empire*, 374 and Demandt, *Spätantike*, 292 (transl. by the author), respectively.

<sup>29</sup> Peachin, *Iudex vice Caesaris* and Porena, in *Enciclopedia costantiniana* I, 329–349, here 335–338.

<sup>30</sup> Noethlichs, *Vicarii*, 74–76 against the interpretations of Arnheim, *Vicars*. Porena, *Prefectura*, 175–178, observes a subtle change in the titlature of early *vicarii* and interprets it as evidence for the commonplace use of *vicarii* as heads of specific geographical units and as ‘superiors’ of governors by the end of the first tetrarchy.

<sup>31</sup> The geographical origins have recently received renewed attention, cf. Slootjes, *Dioceses; eadem, Anchoring of provinces* (forthcoming); *eadem, Provincial reforms* (forthcoming); and Maas/Ruths, *Connectivity*.

<sup>32</sup> Barnes, *Empire*, 225: 293; Seston, *Dioclétien*: 297/298.

Without denying that Diocletian probably, in one form or another, should be seen as the conceptional creator of the dioceses, the establishment of vicars in charge of these geographical units more likely dates from Constantine's reign (with the later addition of the *praefectus Aegypti* in 380/382).<sup>33</sup> Building on this research, Zuckerman was able to show that Constantine and Licinius introduced dioceses in a joint move in 314 following their victory over Maximinus Daia in April of that year.<sup>34</sup> Evidence pertaining to vicars is extremely scarce during the following period, and a steady decline of the function is commonly thought to have set in from the early 5<sup>th</sup> century onwards, a decline which came to an end in 535/536, when Justinian abolished the remaining vicariates.<sup>35</sup> Some were re-introduced in the 540s and 550s, although these new vicars were restricted to judicial functions and to maintaining public peace.<sup>36</sup> Both Noethlichs and Migl have argued that vicars were initially a "gleichberechtigte Stellvertretung" of prefects and that it took most of the 4<sup>th</sup> century to integrate them into the regional administration (and to subordinate them under the prefects).<sup>37</sup> Yet while some sources on the duties of vicars do exist, their exact function in the context of the administrative system – in particular the relationship between vicariate and prefecture – is insufficiently understood. The sources most frequently present vicars as judges, particularly in appeals against judgments of provincial governors. They also appear in the context of tax imposition and collection and seem to

<sup>33</sup> Noethlichs, *Diözese*, 73 *passim* started with the premise that smaller units – i. e., provinces and dioceses – must have been the building blocks for the regional prefectures (whose geographical expanse conformed to diocesan/provincial borders) and must therefore have preceded them. Migl, *Ordnung*, in particular took issue with this sequence and argued the other way around, namely that the establishment of regional prefectures was operative for the development of permanent vicariates with specific geographic purviews.

For the creation date of the *praefectus Augustalis*: Palme, in *EAH*, s. v. *Administration, Late Antique Egypt*, 82–85.

<sup>34</sup> Zuckerman, *Diocèses*.

<sup>35</sup> *Nov. Iust.* 8 [535]. Some vicariates may have disappeared earlier: *Italiae annonariae* in the early 5<sup>th</sup> century when the *PPo Italiae* took up permanent residence probably in Ravenna (cf. Porena, in *Enciclopedia costantiniana* I, 329–349, here 341); *Thraciarum* under Anastasius (cf. ch. 1.1.2, fn. 36).

<sup>36</sup> See *Nov. Iust.* 157 [542], re-establishing the *comes Orientis* and *Ed. Iust.* 8 [548], re-introducing the *vicarius Ponticae*. See Jones, *Empire*, 294, for a general account of these developments, and the detailed study by Feissel (*Vicaires et proconsuls*) for the scarce epigraphic evidence for 5<sup>th</sup> and 6<sup>th</sup> century vicars. In addition, see Jones, *Empire*, 280–281, 294 and 374 and Wiewiorowski, *Vicarius Thraciarum*, on the vicariate of Thrace, which was abolished when Anastasius established the two *vicarii longi muri* in the early 6<sup>th</sup> century and perhaps re-established under Justinian (see ch. 6). For a brief discussion on the re-establishment of some vicariates see also Haldon, *Economy and Administration*, 51.

<sup>37</sup> Thus Noethlichs, *Diözese*, 74: "Der Titel drückt von Anfang an den engen Bezug zu den Prätorianerpräfekturen aus, und zwar nicht als Unterordnung, sondern als gleichberechtigte Stellvertretung. Die Funktion des Präfekten sollte also vervielfacht werden." Similarly Chastagnol, *Évolution*, 245–248, and Migl, *Ordnung*, 153–154, who attributes an initial "konkurrierende nicht subordinierte Kompetenz" to vicars. A less precise characterization of vicars and deputies of prefects can already be found in Jones, *Empire*, 373.

have played a role in securing public peace, in supervising governors, and – for a time – issuing permits for the *cursus publicus*.

Little controversy exists about the general development of provinces and governorships from the 3<sup>rd</sup> to the 6<sup>th</sup> century.<sup>38</sup> Under Diocletian, the previous formal division of provinces into senatorial – headed by proconsuls – and imperial – under the charge of senatorial *legati Augusti pro praetore* and equestrian praesidial procurators (*procuratores Augusti, praesides*) – was discarded.<sup>39</sup> The existing provinces were subdivided into smaller ones; Italy lost its special status and its territory was divided into so-called *regiones* (of provincial character) under the control of governors called *correctores*;<sup>40</sup> the proconsulates of Asia and Africa were retained, and a third one (Achaëa) was added by Constantine in 314.<sup>41</sup> The responsibilities of governors changed in important respects, chiefly because they were placed in charge of the taxation process and deprived of their military function. At the same time, the completion of their duties became significantly more difficult as they lost their social pre-eminence in their remits and were placed under increasing supervision of higher instances (vicars, prefects).<sup>42</sup> Nevertheless, they remained the primary hub between the central/regional administration and the provincials. By and large, this state persisted until the reign of Justinian, when some provinces were once more increased in size and the authority of governors bolstered, not least by ending the separation of military and civil competencies that had been in place since Diocletian.<sup>43</sup>

### 1.1.3. Communication by and through the regional administration

Eck was the first to approach this question systematically in an essay published in 1992,<sup>44</sup> in which he focused on the entire transmission process from court/senate to the provincials. As regards information exchange with and through the administration, he concluded that governors – proconsuls, *legati Augusti pro praetore*, and *praesides*<sup>45</sup> – were regularly informed by the emperor and the sen-

<sup>38</sup> See di Paola, *Governatore*, 286 fn. 8 for an overview over scholarship up to 2010. Among the more recent contributions not included in her list: Slootjes, *Criticism and Praise*; *eadem*, *Bishop*; *eadem*, *Benefactor*; Carrié, *Gouverneur*; Roueché, *Functions*; *eadem*, *Titulature*. Palme, *Officia*; Jones, *Empire*, 374 (briefly); Kuhoff, *Diocletian*, 307–410.

<sup>39</sup> A recent reassessment of this process – to be placed more generally into what has often been called disparagingly the ‘inflation of titles’ – can be found in Dillon, *Inflation*.

<sup>40</sup> Ausbüttel, *Italien* and more recently Porena, in *Enciclopedia costantiniana* I, 329–349, esp. 332–341.

<sup>41</sup> Generally Kelly, *Government and Bureaucracy*, 166 fn. 148; Achaëa: Jones, *Empire*, 106–107 and 375; Africa: Febronius, *Proconsoli*; Barnes, *Proconsuls*; Asia: Feissel, *Vicaires et Proconsules*.

<sup>42</sup> Lendon, *Honour*, 223: “[U]nder-honourable governors and over-honourable subjects.”

<sup>43</sup> Generally: Haase, *Verwaltung*. See also, Bonini, *Ricerche* and Marcone, *Riforma giustiniana*.

<sup>44</sup> Eck, *Durchsetzung* and again, *idem*, *Staatliche Administration*, 6–12.

<sup>45</sup> The functional distinction between those two types of governors was of little practical

ate and were contacted to this end without intermediaries. Indeed, there were no other officials in the regional administration of the Early and High Empire who could have acted as such. This simple organizational structure also means that as far as the flow of information from periphery to center is concerned, the channels used were straightforward: provincial governors communicated directly with the emperor and the senate.<sup>46</sup> This applied in particular to queries directly related to the execution of their duties, as the correspondence between Pliny the Younger and Trajan suggests. Indeed, to my knowledge, there is no evidence for regular reports from provincial governors to the emperor, leading Millar to conclude in an important essay that “[t]he character of the bulk of the short-term information reaching the Emperor must have depended on [...] the presumptions of governors or military commanders on the frontiers.”<sup>47</sup>

Approaches to this topic for the later period are both more varied and less systematic. One approach is to ask whether there was any place in the Later Roman Empire to allow for the formalization of communication channels or whether communication was bound to happen ‘at will.’ Older scholarship uncritically accepted that the Later Roman administration operated according to quintessentially modern bureaucratic principles – including the regular use of specific channels of communication by administrators along hierarchical power axes.<sup>48</sup> This began to be challenged in the second half of the 20<sup>th</sup> century.<sup>49</sup> The most extensive treatment of this topic is to be found in Migl’s study of the Later Roman regional administration. On the basis of the sociopolitical structure of the Later Roman Empire, he strongly denied – surely correctly – that the Roman administration was anything like a Weberian bureaucratic system operating on the principles of regularity and predictability. He asserted it was quite the opposite. While conceding the existence of fundamental structures that would allow for a “‘transpersonale,’ auf Dauer- und Regelmäßigkeit ausgerichtete Ordnung”<sup>50</sup> and tendencies for increasing organizational coherence in specific subdomains,<sup>51</sup> Migl strongly opposed any sort of structural organization principles on the basis that anything was only valid until an emperor decided to change it:

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import in communication with/from senate and emperor, cf. Millar, *Emperor, Senate, Provinces*, 165.

<sup>46</sup> See, e. g., Millar, *Emperor, Senate, Provinces*; more recently Eck, *Staatliche Administration*; *idem*, *Kaiser und Ratgeber*; Wesch-Klein, *Provincia*, 163–170.

<sup>47</sup> Millar, *Emperors, Foreign Relations*, 23.

<sup>48</sup> Summary in Eich, *Bürokratie*, 46–49. Exemplary: Karlowa, *Rechtsgeschichte*; Nesselhauf, *Verwaltung*.

<sup>49</sup> See not least the study by Carney, *Bureaucracy II*, 185.

<sup>50</sup> Migl, *Ordnung*, 227–228 and 237–238; quotes from 238.

<sup>51</sup> *Ibid.*, 238. Among these subdomains, Migl defines competencies, setting of procedural deadlines, operational areas, hierarchical elements, formalized juridical processes, functional specialization, and the division of court (= central) and regional administration.

## References

ACO		17.3.4	155
1.1.3		27.7.7	99
– p. 67–70	257–8	<i>App. Iust.</i>	
– p. 68	99	1	290
1.1.4		7	100
– p. 61–65	257	9	297
– p. 66–67	267	<i>Auth.</i>	
1.3		33	230
– p. 180–184	257–8	34	231
1.4		38	280
– p. 201	76	39	280
– p. 205–206	227	41	280
2.2		47	282
– p. 113–114	229	48	282
– p. 115–116	228	50	283
2.3		51	283
– p. 348–349	269–70	58	282
– p. 349–352	270	59	284
3, p. 101–102	76	60	230
AE		61	284
1906, 30	104	62	284
1907, 11	202	68	100, 284
1938, 85	206	72	286
1957, 158	115	75	286
1961, 190	72, 104	76	286
1995		79	287
– 1478 a, c, d	115	80	288
– 1478b	115	83	288
– 1629	115	84	288
1996		85	289
– 1403	115	86	100
– 1469	115	96	290
– 1498	115	102	289–90
1998, 1386	115	103	290
2001, 2061	115	104	291
2002, 1302	115	105	291
2014, 1178	169	106	292
Amm. Marc.		107	291
17.3.1–5	155	108	292



109	292	1.4.22	62, 274–75
110	291	1.4.26	47, 96, 100
112	293	1.4.33	276
113	293	1.5.7	258
114	294	1.7.5	258
115	294	1.9.2	205
116	293	1.9.3	205–6
118	295	1.9.11	253
119	296	1.9.18	258
120	296	1.11.3	58, 66, 217, 249
123	231	1.11.6	256
124	100, 297	1.11.8	52
126	231	1.11.9	52, 77–78
128	62	1.11.10	52
133	157, 295–96	1.14.5	261
134	62, 294	1.14.6	260
		1.14.8	88
Basil, <i>Ep.</i> 144	138	1.23.7	92
<i>BE</i> , 1961, 537	72, 104	1.26.5	96
<i>Brev.</i>		1.27.1	7, 185, 276
2	265	1.27.2	7
4.1	266	1.32.1	159
4.2	266	1.33.1	44
5	266	1.35.2	146
6	267	1.37.2	60, 217
8	268	1.38.2	42
9	268	1.40.2	52, 57, 60, 214–15
10	268	1.40.3	72, 105, 214
12	269	1.40.4	57, 215
Bruns, <i>Fontes</i> I, 95	115	1.42.1	138
		1.50.2	60
Cass., <i>Var.</i>		2.7.6	259
11.5.1–6	92	3.3.5	237
11.18–32	142	3.23.2	49, 100, 259, 262–63
11.23.1	139	3.25.1	259
11.38	138	3.27.2	251
12.7	138	4.19.25	242
<i>CI</i>		4.65.30	261
1.1.2	241	5.4.29	276
1.1.3	267	5.9.5	260
1.2.7	256	5.27.3	263–64
1.2.10	261	5.28.8	261
1.3.10	253	6.1.5	206
1.3.43	63, 218, 274	6.23.21	261
1.4.6	55, 217	6.51.1	275–76
1.4.9	62	6.56.6	260
1.4.18	62	6.58.10	260
1.4.19	62	6.61.3	260

7.2.14	261	10.12.2	91, 265
7.6.1	202	10.17.2	156
7.13.2	56, 214	10.18.1	162, 243
7.37.3	100	10.22.1	155–56
7.41.3	262	10.23.3	138, 159
7.42.1	260	10.23.4	134, 156
7.45.13	51, 218	10.28.1	265
7.49.2	59, 214	10.30.4	47, 218
7.49.3	199–200	10.32.14	42, 214
7.61.1	50, 214	10.32.17	234
7.61.2	50, 216	10.32.38	243
7.62.13	53, 214	10.32.50	248
7.62.15	50	10.35.2	264
7.62.19	53, 59, 214	10.36.1	264
7.62.21	250	10.42.10	116, 169
7.62.24	216	10.48.8	32–33, 161
7.62.29	55, 217	10.48.11	90
7.62.30	250	10.65.5	70, 217
7.62.32	17, 54–55, 147, 218	10.65.6	71, 218
7.62.33	100	10.72.15	159
7.62.34	51, 218	10.75.3	249
7.63.3	147	11.4.2	261
7.63.5	145, 147	11.6.2	52, 216
8.11.12	247	11.25.2	224
8.11.13	65, 217	11.43.11	91
8.11.16	65	11.48.10	224
8.11.22	65	11.59.17	265
8.12.1	274	11.61.1	239
8.14.6	260	11.62.3	201
8.35.13	55, 218	11.62.13	259
9.3.1	48	11.65.5	249
9.4.6	274	11.66.7	100
9.7.1	57, 217	11.74.2	61, 217
9.8.3	114	11.75.4	256
9.8.4	52, 216	11.76.1	247
9.19.3	65, 215	11.78.2	113
9.21.2	56	12.16.1	226
9.24.1	56, 214	12.19.10	90
9.27.2	242	12.19.13	92
9.42.2	56	12.23.6	243
9.44.2	253	12.35.11	63, 217
9.44.3	275	12.35.13	63, 217
9.46.9	242	12.45.2	64, 218
9.47.22	249	12.49.4	242
9.47.24	255	12.49.10	144, 149
9.48.1	46, 218	12.50.3	57
9.49.7	45, 216	12.50.4	58, 216
10.10.5	44, 218	12.50.5	58, 216

12.50.9	242	<i>Cod. Bodl.</i> , 27	274
12.53.1	244	<i>Cod. Marc.</i> , 27	274
12.54.3	100	<i>Coll. Avell.</i>	
12.54.5	100	8	223
12.55.2	226	9	223
12.57.4	241	11	240
12.57.11	252	12	240
12.58.2	165, 248	35	255
12.59.6	257	36	255
12.59.10	91	38	37
12.60.1	246	<i>CTh</i>	
12.60.5	159	1.1.1	197
12.60.6	49, 97	1.1.5	24–25, 38
12.60.7	49, 77–78, 97, 218	1.1.6	24
12.63.2	96–97	1.2.1	207
12.63.7	100	1.2.11	17
<i>Conda</i>	23, 25	1.5.1	53, 214
<i>Haec</i>	25–26	1.5.3	136, 199
<i>Summa</i>	25, 275	1.5.4	17
<i>Tanta</i>	7	1.5.5	43, 136, 215
<i>CIG</i> , 2712	116	1.5.7	43, 215
<i>CIIP</i>		1.5.9	60
II, 1339	137	1.5.12	165, 248
II, 1342	137	1.5.13	61, 136, 217
<i>CIL</i>		1.6.1	147
III, 352	102	1.7.2	136
III, 459	237	1.8.2	136
III, 578	115	1.10.7	16
III, 7000	102	1.10.8	17
III, 7151	113	1.12.5	136, 146
III, 7152	113	1.12.6	226
III, 12043	115	1.14.2	60, 217
III, 12044	115	1.15.2	136, 198
III, 12133	115	1.15.3	17, 40–41, 198, 235
III, 12134	115	1.15.4	41, 237
III, 13569	115	1.15.6	165
III, 13734	206	1.15.8	17, 42
III, 14198	237	1.15.9	165
V, 2781	115	1.15.10	165
VI, 1690	152	1.15.12	244
VI, 1691	152	1.15.14	165
VI, 1694	152	1.16.2	67, 198
VIII, 1860	202	1.16.3	17, 59, 199–200,
VIII, 5334	202		214
VIII, 17896	136	1.16.4	52, 57, 214
VIII, 25521	202	1.16.6	72–73, 105, 214
VIII Suppl.		1.16.8	237
1, 16505	202	1.16.15	165

1.22.3	238	8.4.26	252
2.4.1	206	8.5.4	234
2.6.2	199–200	8.5.5	236
2.10.1	199, 207	8.5.7	202, 236
2.10.2	199, 207	8.5.8	57, 215
2.15.1	199, 206	8.5.13	238
3.17.1	199	8.5.14	57, 216
4.12.1	206	8.5.16	222
5.2.1	199	8.5.18	16
5.7.2	1, 253	8.5.22	58, 216, 239
5.9.2	208	8.5.25	58, 216
5.14.33	245	8.5.30	17
5.15.19	100	8.5.32	72–73
6.23.1	226	8.5.40	242
6.23.4	258	8.5.50	58, 217, 245
6.26.5	245	8.5.61	250
6.26.15	208	8.7.16	244
6.28.8	128	8.7.21	257
6.30.6	243	8.8.5	246
6.30.7	17	8.8.6	246
6.30.16	248	8.15.3	136
6.35.1	90	8.18.1	36
6.35.4	233	8.18.2	199
7.1.12	17, 63, 217	9.1.2	206
7.1.16	64, 217	9.2.2	48, 216
7.1.17	63, 217	9.3.7	62
7.4.21	64, 217	9.4.1	57, 217
7.4.24	16	9.5.1	114
7.4.32	135	9.17.2	65, 215
7.6.1	203, 210, 222	9.19.3	93
7.6.3	151	9.21.1	44, 214
7.7.1	200–202, 210, 239	9.21.2	56, 206, 214
7.7.2	200–201, 210, 239	9.21.6	56, 215
7.8.6	250	9.21.8	16
7.10.1	252	9.25.3	256
7.18.11	64, 218	9.27.4	242
7.18.13	251	9.35.1	17, 52, 216
7.18.14	251	9.36.2	253
7.22.2	233	9.37.1	199–200
7.22.5	235	9.37.3	242
8.1.2	135–36	9.38.9	247
8.1.3	235	9.40.1	53
8.1.4	136	9.40.16	55, 217
8.1.8	34	9.40.17	242
8.1.12	242	9.40.18	249
8.4.6	34, 196	9.40.23	255
8.4.10	135	9.41.1	46, 218
8.4.12	241	9.42.3	44

9.42.7	45, 216	11.30.31	50, 216, 238
9.42.12	225	11.30.32	216
9.42.13	225	11.30.44	55, 216–17
9.42.14	247	11.30.57	55, 217
9.45.4	257	11.30.58	250
10.2.2	100	11.30.61	55, 217
10.6.1	247	11.30.65	55, 218
10.8.2	16	11.30.67	17
10.8.5	17, 43, 218	11.36.1	53
10.9.2	16	11.36.15	216
10.10.7	43, 215	12.1.1	42, 205–6, 214
10.10.19	71, 224	12.1.6	199
10.10.20	245	12.1.13	234
10.15.4	239	12.1.15	234
10.25.1	153	12.1.16	200
11.1.3	201	12.1.38	221
11.1.13	165, 201	12.1.39	236
11.1.23	225–26	12.1.71	34
11.1.31	17	12.1.72	34
11.5.4	156	12.1.85	241
11.6.1	162, 243	12.1.108	243
11.7.11	100	12.1.110	244
11.7.14	17	12.1.115	244
11.7.18	90, 254	12.1.159	248
11.13.1	243	12.1.173	155–56
11.16.2	33	12.1.192	17
11.16.7	160, 162	12.6.4	202–3, 210, 222
11.16.8	32–33, 161–62	12.6.5	238
11.16.14	90	12.6.11	200–201
11.24.4	249	12.6.29	250
11.27.1	233	12.6.32	17, 159
11.28.9	196, 254	12.9.3	249
11.29.1	49–50, 214	12.12.3	68, 216
11.29.2	50, 214	12.12.4	68, 216
11.29.3	17, 50, 216	12.12.7	69
11.29.4	17	12.12.8	69, 216
11.29.5	50, 216	12.12.9	66, 69
11.30.1	17, 49, 214	12.12.10	69, 217
11.30.2	53	12.12.12	70, 217
11.30.5	53, 214	12.12.14	70, 218
11.30.8	50, 214	12.12.15	17, 71, 218
11.30.9	50, 199	13.4.2	16–17
11.30.13	53	13.5.5	204–5
11.30.16	53, 59, 214	13.9.1	52, 216
11.30.22	54	13.10.7	240
11.30.24	50, 215	13.11.2	224
11.30.27	221	13.11.12	254
11.30.29	54, 215	13.11.13	208

14.3.17	241	16.10.24	256
14.4.3	204, 222	<i>Gesta</i>	25, 38
14.6.3	65, 216		
14.8.1	204–6, 233	<i>Dig.</i> , 1.4.4	162
15.1.2	65		
15.1.3	237	<i>Ed. Iust.</i>	
15.1.14	96	2	277
15.1.34	247	3	229
15.1.37	65, 217	4	229
15.1.41	51, 218	8	8, 185
15.3.6	256	11	232
15.5.2	246	12	47–48, 219
15.5.4	17, 256	13	61, 138, 219
15.14.1	35, 234	<i>Eus.</i> , <i>HE</i>	
15.14.2	35	8.17.3–10	117
15.14.3	35, 207	9.1.1–6	119
15.14.4	35, 207–8	9.9a. 1–9	119
15.14.5	36	9.10.7–11	120
15.14.8	36	10.5.1–14	118
15.14.9	36	10.5.10–11	118
16.2.15	196	10.5.15–17	118
16.2.31	253	<i>Eus.</i> , <i>VC</i>	
16.2.35	251	2.45–46	118
16.2.39	252	3.51–53	119
16.2.40	208–9, 254	3.53	62
16.2.44	256	3.62–65	119
16.2.46	28–31, 209–11	4.23	118
16.2.47	28–31, 209–11, 257		
16.5.6	241	<i>Gerontius</i> ,	
16.5.16	244	<i>Vita Melania</i> 44	88
16.5.43	252	<i>Giardina/Grelle</i> ,	
16.5.46	253	<i>Trinitapoli</i>	240
16.5.62	28–31, 209–10, 257		
16.5.63	28–30, 209–11	<i>I. Cret.</i>	
16.5.64	28–30, 209–11, 257	I, 18.188	115
16.5.66	257	I, 18.189	115
16.6.2	251	II, 16.34	115
16.6.4	251	<i>I. Eph.</i>	
16.8.1	205–6	I, 42	71, 104, 153, 174
16.8.5	235	I, 44	72, 104
16.8.6	205	Ia, 44	72, 104
16.8.12	248	II, 312	206
16.8.18	253	IV, 1328	115
16.9.1	235	<i>IG</i>	
16.9.2	205	II–III/2, 1121	115
16.10.13	246	IX/4, 797	115
16.10.15	58, 66, 217, 249	XII/4, 2732	240
16.10.19	252	<i>I. Keramos</i> , I, 65	116

<i>I. Kos.</i> , ED 90	240	11	91
<i>ILS</i>		12	92
1240	152	13	143
6091	102	14	143
8938	206	19	91, 139, 146–47
<i>I. Milet.</i> , VI, 3.1576	107	<i>Nov. Anth.</i>	
<i>I. Mylasa</i>		1.1	273
I, 611	113	2.1	273
I, 612	113	3.1	273
I, 613	116	<i>Nov. Iust.</i>	
<i>I. Sinope</i>		1	277
I, 95	115	2	100
I, 96	115	4	278
<i>I. Stratonikeia</i> , II/1,		6	100
1019	116	7	92, 278
		8	8, 62, 90
<i>Lact.</i> , <i>De mort. pers.</i>		12	100
34.1–35.1	117	14	100
48.2–12	118	15	61, 219, 276–77
48.7–11	118	17	56, 219
<i>Lyd.</i> , <i>de Mag.</i>		18	280, 285
3.4	139	19	281
3.5	139	20	147
3.12	135	22	281
3.21	139, 144	23	184
3.22–24	135	26	47, 66, 180, 219
		28	17
<i>MAMA</i>		29	17
III, 197	108	30	17, 48, 219, 230
VII, 305	102	32	279
<i>Mansi, Conciliorum</i>		33	279
III, 1101–1102	37	34	279
III, 1121–1126	37	35	93
V, 417–420	267	36	280, 297
		37	280
<i>Not. Dign. Occ.</i>		39	280
4	144	41	7, 107
9	91, 143	47	282
10	92	48	282
11	143	49	282
12	143	51	283
17	91	52	283
18	237	53	93, 283
20	237	54	283
27	139, 146–47	58	284
43	137	59	230
<i>Not. Dign. Or.</i>		60	284
1	143	61	284

62	89	145	71, 231
66	281, 284	146	297
68	285	152	59, 98, 219
69	285	154	113
70	286	157	8, 185
71	286	159	231
72	286	<i>Nov. Maj.</i>	
73	286	2.1	59, 218, 271
74	287	3.1	271
75	92, 100	5.1	46, 100, 218
76	287	6.1	272–73
78	287	7.1	43, 218, 272
79	288	<i>Nov. Marc.</i>	
82	15, 51, 219, 288	2.1	196, 268
83	288–89	3.1	269
84	289	4.1	270
85	100, 278	5.1	46, 271
86	62	<i>Nov. Sev., 1.1</i>	273
89	289	<i>Nov. Theod.</i>	
94	289–90	1.1	25, 38
97	290	2.1	38
103	230	3.1	258
104	100	4.1	258
105	231	5.2	259
107	290	5.3	227
108	290	7.1	90, 259
109	291	7.2	49, 90, 262–63
110	90, 291	7.3	90, 263
112	291	7.4	49, 90, 100, 196,
113	219, 291–92		218
114	93, 292	8.1	261
115	292	9.1	261
116	292	10.1	259
117	293	10.2	259
118	293–94	11.1	260
119	294	12.1	260
120	294–96	13.1	260
123	62, 294	14.1	260
124	295	15.2	265
125	293	16.1	261
126	296	17.1	261
127	296	17.2	265
128	138, 157, 294–95	19.1	100
129	296–97	20.1	262
130	64, 219, 295	22.1	263
131	296	22.2	264
134	100	23.1	264
137	63, 100, 219	26.1	196, 265



<i>Nov. Val.</i>		<i>Sirm.</i>	
2.2	263	2	251
2.4	271	4	235
3.1	262	6	28–31, 209, 257
7.1	61, 218, 262	9	252
7.2	46, 264	10	256
7.3	159	11	208–9, 254
10.1	263	12	252
13.1	71, 228	14	253
14.1	264	16	1, 253
18.1	265	<i>Sironen, Inscriptions,</i>	
19.1	91–92	40–47 no. 2	115
21.1	266	<i>Socr., HE</i>	
21.2	266	1.9.50–55	118
22.1	266	1.9.64	118
23.1	52, 218, 266	2.23.1–4	110
25.1	267	2.23.45–58	109
26.1	25, 38, 267	<i>Soz., HE</i>	
27.1	268	1.8.7	119
31.1	268	3.21.1–2	109
32.1	268–69	4.10.7	119
33.1	100	6.3.3	119
34.1	269	6.12.5	119
35.1	269	<i>Symm., Ep.</i>	
		1.17	68
<i>Opt., App. 8</i>	6, 206	1.23.3	92
		<i>Symm., Rel.</i>	
<i>P. Amh., 140</i>	151	24	39
<i>P. Cairo Isid., 1</i>	154	38	17
<i>P. Mich. XVIII</i>	145	43	37
<i>P. Oxy.</i>			
426	61	von Lingenthal,	
901	61	<i>Dioscorus</i>	116
1814	52	von Lingenthal, <i>Edicta</i>	
<i>Procopius, HA 14.7</i>	89	265	274
		276	274
<i>Rufinus,</i>			
HE 8.17.3–10	117	<i>Wadd.</i>	
		2238	61
<i>SEG</i>		2239	61
LIII, 617	169	2240	61
LIX, 1178	94		
LIX, 1661	108	<i>Zos., Historia</i>	
XLIV, 909	116	2.33.11–12	133
XLVI, 146	115	5.32.6	92

## General Index

- Ablabius (PPo) 235  
Ablabius (vicarius Asianae) 71, 103, 108, 233  
Abthartius (comes Orientis) 227  
Achaea (diocese) 9, 44. *See also* diocese  
acta. *See* instructiones  
actis, ab 136  
actuarius 137  
Addaeus (PPo Orientis) 296  
adiutor 92–93, 135–36, 142, 149–50  
– numerarii dioeceseos Asianae 95  
administration 9, 11. *See also* central  
administration  
– bishops in 62. *See also under* bishops  
– civil (bureaus of) 146–47, 163  
– of justice 52  
– provincial (bureaus of) 135. *See also*  
*under* governor  
– three-tiered 13  
– two-tiered 176, 188  
administrative complexity, reduction of  
13, 186. *See also* Justinian  
adnotatio 16, 91, 103, 108, 115, 245  
– imperial 104  
Adrianople, battle of 174  
Africa  
– governors of 241  
– prefecture 7, 141–43. *See also* prae-  
torian prefecture  
– proconsularis 165, 237, 250, 255. *See*  
*also* proconsul, Africae  
– vicar of 112, 165, 237. *See also* vicariate  
agentes in rebus 58, 185  
Agerochius (consularis Haemimonti) 279  
Aginatius (vicarius praefecturae urbis)  
223  
Alaric, Breviary of 195  
alba corporum. *See* registers  
alba curiae. *See* registers  
Albinus (PPo Italiae) 74, 228, 264–67  
Alexander (consularis Ciliciae) 274  
Alexander (CRP and chief curator domus  
divinae Augustae) 116  
Amatius (PPo Galliarum) 28, 257  
Ampelius (puR) 240  
Anastasian Wall 180  
Anastasius (emperor) 8, 62, 179–81  
Anatolius (PPo Illyrici) 221, 236, 248  
Annianus, Petronius (PPo of Constan-  
tine) 199  
Annius Tiberianus (comes Africae) 234  
Anthemius (emperor) 38, 178–79, 273  
Anthemius (PPo Orientis) 96, 155, 252–  
54  
Anthemius Isidorus, Fl. (PPo Illyrici) 227,  
256–57  
Anthemius Isidorus, Fl. (PPo Orientis)  
227, 257  
Antiochus (PPo Orientis) 60, 257  
Antiochus (praefectus vigilum) 207  
Antoninus Pius 40  
Anullinus (proconsul Africae) 118  
Apodemius (PPo Illyrici) 70  
Apollonius (PPo Orientis) 263–64  
apparitors 54, 235, 243–44, 246, 248  
– duties of 50, 60, 129, 137, 246, 277  
– jurisdiction over 60, 185  
– prosecution of 48, 252  
– punishment of 57  
appeal process 50, 52–56, 59  
– role of cura epistularum in 147  
– role of imperial court in 55  
– role of scrinium/cura epistularum in  
139  
– role of vicar in 128, 183, 185, 189  
– streamlining of 54  
Apronianus, Fl. (puR) 204, 222  
Arcadius 38, 175

- Archelaus (PPo) 7, 274, 276  
 Areobindus (PPo) 231, 297  
 Aristaenetus (puC) 225  
 aroura 151, 154–55  
 Asclepiodotus (PPo) 256  
 Asia 72, 104–5, 146. *See also* proconsul,  
     Asiae; Asiana (diocese)  
 Asiana (diocese) 64, 94, 136, 146, 149,  
     184, 238, 277. *See also* Asia; proconsul,  
     Asiae; vicariate  
 assessor 15, 284  
 Athanasius 108–10  
 auditor. *See* discussores  
 augustalis 94–95  
 Augustal prefect. *See* praefectus Augustalis  
 Augustamnica (province) 109–10  
 Aurelian coinage reform 159  
 aurelianus 159  
 Ausonius (PPo) 68  
 Authenticum 23  
 Avitus (emperor) 178
- Basilides (magister officiorum) 288  
 Basilius (PPo Italiae) 271–73  
 Bassus (comes domesticorum) 290  
 Bassus (CRP) 28–30, 198, 209–11, 257  
 Bassus, Iunius (PPo) 67, 198–99, 296  
 bishops 61–65, 96–97, 276, 279, 295  
 Bonus, Fl. (quaestor exercitus) 107  
 breves 16–18, 42, 137  
   – quadrimenstrui 156, 158  
 brevia. *See* breviatica  
 Breviary, interpretations in 195  
 breviatica 105
- cadasters 133, 137  
   – local 153–54  
 Caecilianus (PPo Italiae) 253  
 Caelestinus (consularis Baeticae) 44  
 Caesarius (PPo) 247  
 Caesonius (vicarius Africae) 41  
 canonicariae 144  
 canonicarii 137–38  
 capital punishment 44, 56–57  
 capitatio-iugatio 151, 159, 165, 168, 170  
 capitum 151, 153–55  
 Caracalla 159  
 censitores 152
- censualis 153  
 central administration 87, 123  
   – definition of 15  
   – document creation in 87  
   – documents originating from 16  
   – reduction under Julian of 173  
   – role in taxation of 138, 152–55  
   – workload of 170  
 centuria 151  
 Chaireas, Fl. Thomas Iulianus (governor of  
   Osrhoene) 73  
 chancellor  
   – composition of 146–47  
   – function of 90, 92, 134  
   – workload of 170  
 chartularii 149–50  
 cities  
   – finances of 47, 66  
   – official announcements in 97–98, 100  
   – petitions of 16–18, 66–71, 88, 91, 148  
   – taxation 151, 156–58  
 civil officials, bureaus. *See* administration,  
   civil (bureaus)  
 cognitiones 91  
 collegia 225  
 comes Orientis 112, 149  
   – bureau of 147  
   – function of 148–49  
 comes rerum privatarum  
   – bureau of 143, 248  
   – function of 134, 226, 264  
   – jurisdiction of 28  
   – palatini of 43, 60  
   – petitions to 91  
   – of the praetorian prefect 226  
 comes sacrarum largitionum  
   – bureau of 143, 248  
   – creation of 134  
   – function of 134, 159, 231, 255  
   – palatini of 43, 60  
   – rights of 264  
 comitatus 88  
 comites provinciarum 72, 148  
 commentariensis 135–37, 142  
 consilium 89  
 consistorium 26, 69, 88–90, 93, 99, 129  
 consistory. *See* consistorium  
 Constans 35, 37, 40–41, 109, 172, 195, 198

- Constantianus (PPo) 245  
 Constantine 6, 8–9, 35–36, 124, 130, 167, 171–72, 189  
 Constantius 40, 43–45, 52, 57, 109–10, 119, 147, 160–61, 171–72  
 Constantius (PPo) 234  
 Constantius Gallus 202  
 Constantius II 171  
 constitutions. *See also* law  
 – dating formula of 195–97  
 – inscriptio of 26, 33, 36  
 – lacunae in 195–96  
 – subscriptio of 16, 26, 33, 36, 195  
 – validity of 25, 38  
 consularis Palaestinae 137  
 consultatio 4, 17–18, 50–51, 90–91, 139, 147  
 cornicularius 135–37, 142  
 corpora 225  
 council, diocesan 140–41  
 court. *See also* judicial process  
 – inner. *See under* central administration; consilium; consistorium  
 – prefectural. *See under* praetorian prefecture  
 – provincial. *See under* governor  
 Curtius (PPo Italiae et Africae) 252  
 Cynegius (PPo Orientis) 63, 224, 243–44  
 Cyrus, Fl. Taurus Seleucus (PPo Orientis) 72, 104, 227, 262–63
- Darius (PPo Orientis) 156, 258  
 decentralization 1, 172  
 decision-making, imperial 88  
 decrees 67–70  
 decreta. *See* decrees  
 defensor civitatis 61–64, 174  
 delatio. *See under* informants  
 delegation, provincial 68–71  
 delegaciones  
 – annual 138, 144  
 – particulares 134, 144, 156, 158, 164  
 – speciales 144  
 descriptiones 155–56  
 Dexter (PPo Italiae) 246  
 diocese 139–41, 163, 184–85. *See also* council, diocesan; praetorian prefecture, bureau of  
 – Asiana. *See* Asiana (diocese)  
 – Dacia 70  
 – directly controlled by praetorian prefects 177  
 – disappearance of 143  
 – establishment of 8, 11, 170  
 – Oriens. *See* comes Orientis  
 – Pontica. *See* Pontica (diocese); as prefecture 157–58, 288  
 – Thracia. *See* Thracia (diocese)  
 Diocletian 8. *See also* diocese, establishment  
 – administrative reform 7, 9  
 – prefectural communication 170  
 – tax reform 134, 150, 152–53, 160  
 Dionysios, Fl. Illous Pousaius (PPo Orientis) 100, 116, 236, 274  
 discussores 112, 153, 230, 274  
 dissemination instructions, survival of 22, 26–27  
 dissemination process 177  
 – Justinian 96, 182  
 – structural change 175–76  
 – under Justinian 181  
 documents  
 – imperial 93. *See also* caelestes litterae  
 – validity in court of 197  
 Dominator (vicarius Africae) 226  
 Dominus (augustalis et agens numerum scrinii dioeceseos Asianae) 94–95  
 Domnicus (PPo Illyrici) 278–79, 290  
 Dracontius (vicarius Africae) 135  
 Drepanius (CRP) 225–26
- Edessa 73–76  
 Edict of Milan 118  
 edicts 16, 21, 108  
 Edictum de accusationibus 115–16  
 editors (Justinian Code). *See also* Justinian Code  
 – modifications by 26, 32, 50, 64  
 – working method of 26  
 editors (Theodosian Code). *See also* Theodosian Code  
 – modifications by 22, 25, 27–28, 200  
 – working method of 24, 210, 225–26, 236  
 Egypt. *See also* praefectura Augustalis; under praefectus Augustalis

- circulation of official documents in 100
- establishment of diocese 60
- taxation in 138, 151
- emperor. *See also* chancellery; imperial court; imperial orders; imperial responses
- functional change of 175
- impermeability of decision of 50, 102–3, 107, 111, 130, 222, 224
- relationship with praetorian prefect 120
- worship of 66
- empire
  - eastern 89, 179–80
  - unity of 38
  - western (decline of) 178–79
- Ephesus
  - financial resources (under Valens) 104
  - First Council of 112
  - Second Council of 73–75
- epistulares 145, 147, 163. *See also* epistulis, a; scrinium, epistularum; magister, epistularum
- epistulis, ab 146–47, 150
- Erythrius (PPo Orientis) 91
- Euagrius (PPo) 42, 204–5
- Euagrius (vicarius) 205–7, 233–34
- Eupraxius (QSP) 92
- Eutropius, Fl. Marianus Michaelius
  - Gabrielius Ioannes (governor of Caria) 94, 107
- Eutropius (PPo Illyrici) 70, 241
- Eutropius (proconsul Asiae) 104, 153
- Eutychedianus (PPo) 248–49
- Eutychedianus, Fl. Ioannes Palladius (praeses Syriae II) 76
- excellencia 237
- exceptores 95, 135–37, 142
  
- Faustus (PPo) 263
- Faustus (puR) 28–29, 210, 257
- Felicianus, Fl. (comes Orientis) 15, 148
- Felix (PPo Africae) 235
- Felix, Fl. (magister officiorum) 105–6
- Firminus (PPo Italiae et Africae) 268–69
- Flavianus (PPo Italiae) 245
- Florentius (CSL) 200–201
- Florentius (PPo of Julian) 155, 161
- Florentius (PPo Orientis) 258–61
- Florianus (CSL) 159
- Florus (CRP) 113, 281
- Florus (PPo Orientis) 242
- forma generalis 116–17
  
- Gabrielius (puC) 293
- Galerius 114, 116–17, 119
- Gallia (prefecture). *See also* praetorian prefecture
  - bureau of 141–42
  - under Theoderic 179
- Gallienus 169
- Georgius (proconsul Africae) 28–30, 209–11
- Germanianus (CSL) 100, 200–202, 239
- Germanus (MM praesentalis) 281
- gesta. *See* instructiones
- Glycerius (comes domesticorum) 178
- Gordian 169
- governor 45. *See also* under proscription
  - authority of 9
  - bureau of 135–37, 145, 147
  - challenges under Constantine for 9
  - as communication hub 9
  - court of 147, 263
  - function of 9–10
  - as intermediary 1, 76, 155
  - as judge 49, 53
- Gratian 69–70, 72, 81, 162, 164, 173–74, 241, 243
  
- Hadrianus (PPo Italiae) 50, 95, 251
- Heliodoros, Fl. (proconsul Asiae) 72, 104
- Hermocrates (CRP) 43
- Hermocrates (PPo Orientis) 265
- Hesperius (PPo Italiae) 42, 68
- Hierius (PPo Orientis) 45, 257
- high treason 51, 56
- Honoratus (consularis Byzacii) 44
- Honorius 37–38, 50, 55, 58, 60, 64–65, 95
- Hormisdas (PPo Orientis) 267
- Hymetius (vuR) 54
  
- Ianuarius (vicarius Moesiae) 206
- Ianuarius (vuR) 56
- Ilicus (consularis Numidiae) 40, 198, 235
- Illyricum (prefecture)

- bureau of 141–42
- establishment of 6
- imperial court
  - access to 43, 68–71
  - composition of 5–6, 55, 62, 168
  - decision-making at 88
  - document creation process at 90–91. *See also* chancellery
  - rivalry east/west 37
- imperial orders
  - control of 98. *See also* quaestor sacri palatii; emperor
  - validation of 93, 98. *See also* praetorian prefect; emperor
- imperial responses, preparation of 90. *See also* emperor
- implementation of legislation, delay of 59, 124
- indictio 158
- informants 43–44. *See also under* tractatores
- inscriptio, legal proceedings 55. *See also* constitutions, inscriptio of
- instructiones 17
- Insulae (province), administration of 146
- Iovinus (puR) 136
- Irenaeus (comes) 112, 227
- Italia (prefecture) 6–7, 68, 208
  - bureau of 141
  - establishment 6
  - organization of 144–45
  - residence of prefect 8, 179
  - under Theoderic 141–43, 163, 179
- iudices inferioris gradus 53
- iuga. *See* iugum
- iugatio. *See* capitatio-iugatio
- iugum 150–51, 153–54, 308
- Iulianus, Iulius (PPo of Licinius) 206
  
- John (CSL) 181
- John (PPo Africae) 297
- John (PPo Italiae) 208
- John (PPo Orientis) 106–7, 181, 229–31, 276–78, 280–91
- Jovian 35, 119
- judicial arbitrariness 57
- judicial process. *See also* appeal process
  - commencement of trials 48–49
  - Julian 41, 54–55, 155, 173–74
  - justice, obstruction of 52
  - Justinian
    - reforms of 7–9, 143, 158, 163, 181, 184
    - use of bishops by 61–63
  - Justinian Code 23, 25. *See also under* editors (Justinian Code)
  - Justinianopolis 106
  
  - Kasai dossier 71, 105–6
  - Kleinophanes, Fl. Patrikios (comes Pamphyliae) 106
  
  - law
    - creation of 88–89, 92. *See also* chancellery; law-making process; quaestor sacri palatii
    - knowledge of 27
    - language of 23
  - law-making process 93. *See also* law
  - Law of Citations 88
  - legal unity 37
  - leges geminatae 27
  - Leo 38, 90, 156, 178–79, 273
  - Leontius (PPo Orientis) 108
  - letters 16–18
    - imperial 93, 129. *See also under* quaestor sacri palatii; magister memoriae
  - lex posterior derogat legi priori 162
  - libellensis 136, 150
  - libellis, a 136–37, 146–50, 163
  - Libianus, Fl. (praeses Euphratensis) 76
  - Licinius 6, 8, 35–36, 167
  - Limenius (CSL) 159
  - litterae. *See also* letters
    - caelestes 93
    - canonicariae 139
    - litterae publicae 45
  - Longinus (puC) 231, 288
  - Long Wall. *See* Anastasian Wall
  - Lupercianus (PPo Italiae) 273
  
  - Macrobius (vicarius Hispaniarum) 65, 249
  - magister
    - epistularum 90–91
    - epistularum Graecarum 90–91
    - equitum 237

- libellorum 91, 139
- memoriae 91–93, 128–29
- rei privatae 115–16, 134
- magister militum 73–76
  - establishment of 6, 134
  - jurisdiction of 48–49
  - position at court of 90
- magister officiorum 74–75, 105
  - bureau of 91
  - as communicative gatekeeper 75
  - function of 6, 92–93, 185
- maiorina pecunia 56
- Majorian 178
- Mamertinus (PPo Italiae, Africae et Illyrici) 203, 222, 237–38
- Mantala. *See* Mantebri
- Mantebri 201
- Marcian 179
- Marcianus (CSL) 254
- mare clausum 197
- Marinus the Syrian (PPo Orientis) 181
- Martialis, Fl. Aerobindas (magister officiorum) 74–75
- Maxentianus (MM praesentalis) 281
- Maximinus (vuR) 240
- Maximinus Daia 119–20, 123, 130, 169
- Maximus (PPo Italiae) 262–63
- Maximus (pu) 114
- Maximus, Valerius (PPo of Constantine) 235
- Melitius (PPo Italiae) 208, 254
- memoriales 91–93. *See also* scrinium, memoriae
- Menander (vicarius Africae) 65, 234
- Menas (PPo Orientis) 274–75
- Messalla (PPo Italiae et Africae) 248–50
- messengers 40, 97, 100–101, 117
- Miletus 107
- millena 151
- Modestus (PPo Orientis) 240
- Monaxius (PPo Orientis) 70, 255
- Musellius (PSC) 254
- Musonianus (PPo Italiae, Africae et Galliae) 41
- Musonianus (PPo Orientis) 236
  
- navicularii 52, 96, 205, 208
- Neoterius (PPo Illyrici) 70
- Neoterius (PPo Italiae) 244
- Nestorius (praefectus Augustalis) 109
- notarii, imperial 92
- numerarii 95, 136–37, 142, 149–50, 266
  
- Olybrius (proconsul Africae) 202, 236
- Olybrius (puR) 51, 223
- Optatus, Aristius (praefectus Aegypti) 154
- Orcistus 102–4
- ordinarii 136. *See also* exxceptores
- Orestes (magister militum) 178
- Oriens (prefecture) 141–42, 188. *See also* praetorian prefecture
  - organization of 143, 146, 185
  - under Justinian 7
  - under Theoderic 143, 163
  
- palatini. *See under* comes sacrarum largitionum; comes rerum privatarum
- Palladius (PPo Italiae) 256
- Palladius (PPo Orientis) 228, 268–71
- Paterius (PPo Italiae) 264
- Patricius (puC) 281
- Patricius, Fl. (governor of Caria) 107
- peraequatores 152
- Peter (PPo Orientis) 64, 157
- petitioners. *See under* rescript petitions 17–18. *See also* magister memoriae; magister epistularum; magister libellorum; quaestor sacri palatii; rescript
  - in court proceedings 50, 53–55
  - for properties 51
- Petrus (PPo Orientis) 113, 231, 293–96
- Petrus (PPo Orientis and CSL) 113, 232
- Plotianus, Claudius (corrector Lucaniae et Brittiorum) 49
- Polycarp (PPo Orientis) 181
- Pontica (diocese) 8, 149–50, 185
- post-consulates 197
- praefectus 117
- praefectura urbis. *See also* vicariate, urbis Romae
  - bureau of 136, 144–45, 147–48
  - as communication hub 227
  - function of 28, 148
  - jurisdiction of 48, 147, 221
- praefectus Augustalis. *See also* Egypt

- authority of 61
- function of 60–61, 138
- praepositus sacri cubiculi 48, 255
- praescriptio fori 48–49, 259, 262. *See also*  
judicial process
- praeses Arcadiae, bureau of 145
- Praetextatus (PPo Italiae, Africae et  
Illyrici) 39
- praetorian prefecture. *See also* Gallia;  
Italia; Africa; Oriens
  - bureau of 112, 117, 138–41, 143, 163,  
184–85
  - as communication hub 129, 131, 170,  
175, 177, 188
  - courts of 22, 94, 106
  - delay of implementation of law by 59,  
99
  - forma generalis of 117
  - function of 6, 130, 225
  - independence of 162
  - intermediary role of 6, 11, 68–69, 130,  
169, 182, 187
  - position at court of 90
  - regionalization of 5–6, 8, 134, 164, 168,  
171
  - treasury of 138
  - under Justinian 143
- pragmatica sanctio 16, 25, 47, 94, 106–7,  
112, 230
- pragmatic sanction. *See* pragmatica  
sanctio
- preces 91–92, 147–48
- princeps officii 135–37, 142
- Principius (PPo Italiae et Illyrici) 70, 244
- Probianus, Petronius (proconsul Africae)  
53
- Probus (PPo Italiae, Africae et Illyrici)  
240–41, 243
- Probus, Pompeius (PPo of Licinius) 206
- Proclianus (vicarius quinque provincia-  
rum) 65, 249
- proconsul
  - Africae 9, 145, 147, 203, 226. *See also*  
Africa
  - Asiae 9, 145–47, 149
  - bureau of 145, 147, 149
  - subordination under prefects of 55,  
170
- procurators 44, 153
- properties, ownerless 43
- proscription 45–46
- prosecutores. *See* messengers
- Protogenes, Fl. Florentius Romanus (PPo  
Orientis) 74
- provinces 5, 7–9
- publication of imperial decisions 102
- punishment 41, 44, 52, 58–60, 64
- quaestor exercitus 7
- rank (official), in reporting patterns 81–82
- rationales 41, 45–46, 116, 134
- rationalis rei privatae. *See* rationales
- rationalis summarum. *See* rationales
- regendarius 136, 141–42
- registers 17, 109, 272
- relationes 17–18, 40–42, 50–52, 55, 76
- rescript 16, 18
  - creation of 91–93
  - direct 103–4, 106–8, 110, 113, 130, 224,  
231
  - indirect 103–4, 106–8, 110, 113, 130,  
224, 231
  - irreversibility of 50
- Rufinus (PPo Italiae) 201, 203, 239
- Rufinus (PPo Orientis) 56, 60, 225, 245–  
47
- Sabinus (PPo of Maximinus Daia) 119,  
127
- sacrae largitiones
  - organization of 242
  - taxes due to 134, 159, 165, 254, 262
- Salomo (PPo Illyrici) 74
- Salomon (PPo Africae) 285
- scrinium
  - epistularum 90–92, 138, 145, 147–48
  - libellorum 90, 92, 139, 141–43, 146,  
185
  - memoriae 90, 92
- Sebastianus (PPo Orientis) 92
- Secundus (PPo Orientis) 237–38
- silentium 89
- Storacius (PPo Italiae) 271
- Strategius (CSL) 231, 281
- Strategius (PPo Illyrici) 226



- Strategius (PPo Orientis) 226  
 structural changes at court (4th-5th century) 176  
 subscriptio 16. *See also* constitutions, subscriptio; petitions  
 suggestiones 17, 40, 51, 264, 293  
 Symmachus (puR) 39, 55
- tabularii 137, 159  
 Tatianus (PPo Illyrici) 228, 270  
 Tatianus (PPo Orientis) 60, 224–25  
 Taurus (PPo Italiae et Africae) 32, 43, 221
- tax  
 – assessment 47, 112, 150–53, 155–56, 227, 240, 262. *See also* cadasters  
 – declaration 152, 154, 164  
 – distribution 134, 152, 154–56, 164  
 Thalassius (PPo Illyrici) 260  
 Theodorus (PPo Illyrici) 265  
 Theodorus (PPo Italiae) 1, 250, 252–53  
 Theodosian Code 23–25, 195. *See also* under editors (Theodosian Code)  
 Theodosius II 175  
 Theodotus (PPo Orientis) 291–93, 296  
 Theophilus (vicarius Asiae) 64  
 Thracia (diocese) 8, 140, 149, 180. *See also* diocese; vicariate  
 Titianus (vicarius Africae) 241  
 Titus (comes domesticorum et vicarius magistri militum) 76  
 torture 51  
 tractatores 137–38, 149, 158, 183. *See also* informants  
 Tribonian (QSP) 281  
 two-layered reporting structure 83
- Ulpus Alexander (censitor Heptanomiaie) 152
- vacantia. *See* properties, ownerless  
 Valens 36–37, 173–74  
 Valentinian 36–37, 173–74  
 Valentinian III 175  
 Valentinianus (PPo Illyrici) 269–70  
 Valentinus (consularis Piceni) 48  
 Verinus (vicarius Africae) 44  
 vicariate 183. *See also* praefectura urbis  
 – Asiae. *See* Asiana (diocese)  
 – bureau of 137, 143–44  
 – as communication hub 172  
 – court of 183  
 – function of 8, 13, 42, 128, 165, 171, 178, 182–85, 189  
 – Galliarum 179  
 – intermediary role of 11, 41–42, 81, 124, 165, 171–73, 177–78, 183–85, 187, 189  
 – Italiae 179  
 – longi muri 8, 180. *See also* Anastasian Wall  
 – organization of 8, 167, 181–83  
 – Ponticae. *See* Pontica (diocese)  
 – praefecturae urbis 53, 223  
 – subordination under prefecture of 129  
 – Thraciarum. *See* Thracia (diocese)  
 – urbis Romae 55–56, 111, 179, 223
- vice agentes 7  
 Victorius (proconsul Africae) 226  
 Vincentius (PPo Galliarum) 250  
 Volusianus (PPo Italiae) 159  
 Volusianus (vuR) 58, 239
- Zeno 105, 144, 149, 179–80, 274  
 Zoilus (PPo Orientis) 265



