

Appendix 14: Dignities and dignitaries in the main compilations of Roman imperial laws

The two largest compilations of Roman imperial laws¹ were contained in the 16 books of the *Codex Theodosianus* (sanctioned for publication in 438),² and in the 12 books of the *Codex Iustinianus* (whose second edition was sanctioned for publication in 534).³ Compilations of additional laws (*novellae constitutiones*), that were enacted between 438-468 and after 534, were made to supplement the laws in the two *Codices*. The original *Codices* and *novellae* are unavailable, but a representation of the immediate common exemplar of the primary copies of each compilation exists in separate editions.⁴ The most recent of these editions is referred to in the following citations as *Cod.Theod.*, *Cod.Iust.*, and *Nov.*(followed by an abbreviation for the name of the issuing emperor).

[1] Dignities

Many of those laws refer to *dignitas* and to *dignitates*. The importance of dignities in the later Roman state is indicated by the fact that *Cod.Theod.* and *Cod.Iust.* each contains an entire book of excerpts from laws⁵ on that subject,⁶ in addition to many references to the same subject in their other books.

A *dignity* was a legislated degree of status (*status*)⁷ that defined the position of its holder in the *order of precedence* (the order of priority observed in ceremonies and in social formalities) among the important members of society, and in the receipt of privileges and benefits attached to the dignity. A dignity was conferred by the emperor, who was referred to as sacred or divine, so that the questioning of any appointment or award made by the emperor was regarded as sacrilege.⁸

¹ The term "imperial law" (hereafter simply "law") is used throughout to denote any written decision of the emperor that was judicially enforceable. In the aforementioned compilations, a law was referred to by several terms, including - as translated - constitution, statute, ordinance, regulation, decree, edict, instruction, rescript, pronouncement, opinion and letter.

² The title *Codex Theodosianus* is attested in several laws such as *Cod.Theod.*1.1.6(435), *Nov.Anth.*3(468) and in the constitution *Haec quae*(528)§pr, which also contains the description *Novellae constitutiones* for the new laws from the period 438-468.

³ The title *Codex Iustinianus* is attested in the constitution *Summa rei*(529)§2 and in the constitution *Cordi nobis*(534) §5, which also refers, in §4, to a compilation *novellarum constitutionum* that may be needed after 534. No official compilation of these *Novellae* is known to have been made.

⁴ The most recent representations of the contents of the archetypes of the available primary copies of these *Codices* and *Novellae* exist in the following editions: *Cod.Theod.* = Mommsen, T. (ed.), *Theodosiani libri XVI cum constitutionibus Sirmondianis* (Berlin, Weidmann, 1904); *Nov. (etc.)* = Meyer, P. (ed.), *Leges novellae ad Theodosianum pertinentes* (Berlin, Weidmann, 1905); *Cod.Iust.* = Krueger, P. (ed.), *Codex Iustinianus* (Berlin, Weidmann, 1877); *Nov.Iust.* = Schoell, R. & Kroll, W. (eds.), *Iustiniani Novellae* (Berlin, Weidmann, 1895).

⁵ According to *Cod.Theod.*1.1.5(429), the *Codex Theodosianus* was not intended to consist of copies of complete laws, but only of those parts of laws that were relevant to the *tituli*, or section headings, within each of the books into which the *Codex* was divided. And, if different parts of a single law were relevant to several different titles in the *Codex*, those parts were excerpted and arranged under those titles, so that often different excerpts from the same law were incorporated into different books in the *Codex*. The *Codex Iustinianus* followed the same pattern. But the copies of laws outside the *Codices*, such as those in the *Novellae*, were almost all not excerpted or edited in the same manner as the former. See also note 111.

⁶ *Cod.Theod.*6 and *Cod.Iust.*12 (*de dignitatibus*).

⁷ *Cod.Theod.*12.1.69(365/73): *habeant [...] statum senatoriae dignitatis*; *Cod.Theod.*15.14.12(395): *Cunctis igitur statum priorem sine cuiusquam loci aut ordinis exceptione tribuimus, ut [...] teneant statum veteris dignitatis*; and not plebeian: *Cod.Theod.*12.12.12(392): *nec plebi mixta dignitas inclinetur*.

⁸ *Cod.Theod.*6.5.2(384): - note 108; *Cod.Iust.*1.23.5(385): *Sacrilegii instar est divinis super quibuscumque administrationibus vel dignitatibus promulgandis obviare beneficiis*; *Cod.Iust.*9.29.2(385): *Disputari de principali iudicio non oportet: sacrilegii enim instar est dubitare, an is dignus sit, quem elegerit imperator*.

A dignity accorded its holder many privileges (*privilegia dignitatum*)⁹ or prerogatives (*praerogativa dignitatis*),¹⁰ which varied with the degree of the dignity.¹¹ For example, a dignity awarded its holder a specified place in the order in which dignitaries were admitted into the presence of the emperor;¹² or in receiving acclamations and salutations in public;¹³ or in seating, speaking and making decisions at official functions and in the senate;¹⁴ and specified dignitaries had permission to visit the court uninvited.¹⁵ Dignitaries also received financial and taxation benefits;¹⁶ exemptions from obligations,¹⁷ such as providing quarters for personnel in the imperial service,¹⁸ supplying recruits for the army,¹⁹ or performing compulsory public services.²⁰ And, excluding some statutory exceptions,²¹ dignitaries had immunity from torture.²²

A detailed description of the dignities existing in the later Roman state - that is, in the period between the rule of Constantinus 1 (306-337) and Iustinianus 1 (527-565) - is complicated for several reasons including the fact that the system of dignities was continually modified by successive emperors; that the laws use an inconsistent terminology to refer to dignities; and that no copy is available of any document from that period that lists all the dignities existing in any particular year. The following description is, therefore, general and attempts to describe only some of the important terms and concepts related to dignities, especially those that were reasonably consistent during most of the 5thC.

[2] Grades of dignities

During that time, the dignity attached to the position of *consul* (consul), and the dignity represented by the title *patricius* (patrician) were the two highest dignities in the Roman state.²³ The position of *consul*,

⁹ Cod.Theod.11.1.25(398): *Obsistere commodis publicis et statutis necessitatibus non possunt privilegia dignitatum*; Cod.Theod.2.14.1(400): *clarissimae privilegia dignitatis*; Cod.Theod.6.17.1(413): *vicariae dignitatis [...] privilegiis frui oportet*; Cod.Iust.12.8.2(440-1)§pr: *omnes privilegia dignitatum* - note 139; Nov.Theod.25(444): *inlustrium magistratuum privilegium*; Cod.Iust.12.29.2(474): *qui [...] virorum clarissimorum comitum meruerint dignitatem, tam cingulo quam privilegiis omnibus [...] perfruuntur*; Cod.Iust.12.1.17(485-6): *illustrium dignitatum privilegiis*.

¹⁰ Cod.Theod.12.1.122(390): *praerogativa quidem concessae dignitatis utantur*; Nov.Theod.15.1(439): *curiales [...] cupientes ad senatoriae dignitatis praerogativam confugere*; Cod.Iust.12.3.17(502): *nec cuiuslibet militiae seu cinguli vel dignitatis praerogativam*.

¹¹ Cod.Iust.12.30.1(326) states that the *palatini* had already been inundated with privileges: *omnes palatinos, quos edicti nostri iam dudum certa privilegia superfundunt*.

¹² Cod.Theod.6.8.1(422).

¹³ Cod.Theod.6.9.2(380), Cod.Theod.6.22.7(383), Cod.Theod.6.18.1(412), Cod.Theod.6.8.1(422).

¹⁴ Cod.Theod.6.7.1(372), Cod.Theod.6.7.2(380), Cod.Theod.6.6.1(382); Nov.Iust.62(537)§2.

¹⁵ Cod.Theod.6.23.3(432).

¹⁶ Cod.Theod.6.10.1(380), Cod.Theod.6.23.1(415), Cod.Theod.6.23.2(423).

¹⁷ Cod.Theod.6.23.3(432); Cod.Theod.6.23.4(437).

¹⁸ Cod.Theod.7.8.3(384), Cod.Theod.7.8.16(435), Nov.Theod.25(444), Cod.Iust.12.40.10(c.450-5).

¹⁹ Cod.Theod.11.18.1(409/12).

²⁰ Cod.Theod.11.16.15(382), Cod.Theod.11.16.18(390) listing the *munera sordida*; Cod.Theod.11.16.23(409), Cod.Theod.12.1.187(436).

²¹ Cod.Theod.9.16.6(358).

²² Cod.Theod.9.35.1(369).

²³ Cod.Theod.6.6.1(382): *consulatus anteponeendus est omnibus fastigiis dignitatum, [...]. Porro si contigerit, ut [...] etiam patriciatus splendor addatur, quis dubitet huiusmodi virum praeter ceteros eminere?*;

Consul and *patricius* are identified as *dignitates* in, for example, Cod.Iust.12.40.10(c.450-5) and Nov.Iust.38(535)§3. The alternating relative precedence between the dignity of *consul* and that of

which was not a position in the imperial civil and military service, was an annual position held jointly by two persons, one of whom was often the emperor. The title of *patricius* was mostly held indefinitely from the date of the award and, generally, in conjunction with another dignity. With the exception of these two dignities, all other dignities were divided into grades (*gradus dignitatum*),²⁴ that were associated with the two most important social orders in the Roman state: namely, the senatorial order, of which the emperor considered himself to be a member,²⁵ and the equestrian order.²⁶

The grades of dignity associated with each of those two orders were identified by titles which were mostly honorifics.²⁷ In decreasing order of their status, the senatorial grades²⁸ comprised those of *illustris* (or *inlustris*), *spectabilis* and *clarissimus*,²⁹ and the equestrian grades those of *perfectissimus*, *ducenarius*, *centenarius* and *egregius*.³⁰

The *illustris* and *spectabilis* grades of dignity were introduced during the second half of the 4thC as superior divisions of the *clarissimus* grade, and this development is indicated by the combination of the name of the earlier and the later grade in the title of some dignitaries.³¹

patricius is the subject of the laws: Cod.Theod.6.6.1(382), Cod.Theod.9.40.17(399), Cod.Iust.12.3.1(426?), Nov.Val.11(443), Cod.Iust.12.3.3(474-91), Nov.Iust.62(537)§2.

²⁴ Cod.Theod.6.5.1(383): *Nihil est tam iniuriosum in conservandis et custodiens gradibus dignitatum quam usurpationis ambitio*; Cod.Theod.6.27.10(396): *is gradu potior habeatur, qui prior locum dignitatis acceperit*; Cod.Theod.7.3(438)tit: *quis in gradu praeferatur*; Nov.Val.11(443): *de honoratis* <that is, dignitaries> *et quis in gradu praeferatur*.

Gradus refers both to grades of dignity as in Cod.Theod.6.35.7(367): *a primis quibusque gradibus usque ad perfectissimus ordinem*; Cod.Theod.6.32.2(422): *primae vel secundae vel tertiae formae [...] gradum*; Cod.Theod.12.1.187(436): *ad spectabilium gradum*; Cod.Iust.12.20.4(c.466): *ducenae vel centenariorum gradum*; Cod.Iust.3.1.13(530)§8: *in maiore dignitate usque ad illustratus gradum [...] and to the service positions to which they were attached as in Cod.Theod.6.10.3(381): parem gradum cum consularibus*; Cod.Iust.9.26.1(400): *principatum vel numeratum seu commentariensis gradum*; Cod.Theod.6.27.19(417): *ad honorem principatus [...] = a[d] honoris gradum*; Cod.Theod.6.8.1(422): *sacri cubiculi [...] praepositi [...] gradum*.

²⁵ Cod.Theod.9.2.1(361): *Ius senatorum et auctoritatem eius ordinis, in quo nos quoque ipsos esse numeramus, necesse est ab omni iniuria defendere*.

²⁶ Cod.Theod.6.37.1(364): *Equites Romani, quos secundi gradus in urbe omnium optinere volumus dignitatem, ex indigenis Romanis et civibus eligantur, vel his peregrinis, quos corporatis non oportet adnecti*; the copy of this law in Cod.Iust.12.31.1(364) has: *De equestri dignitate: Equites Romanos secundum gradum post clarissimus dignitatem obtinere iubemus*;

²⁷ With the exception of the titles *ducenarius* and *centenarius* which initially denoted grades of annual salaries of, respectively, 200,000 and 100,000 *sestertii* (sesterces).

²⁸ Ulpianus, *Liber II de officio consulis* (Justinianus: *Digesta seu Pandectae*(533) 50.16.100): considered only *clarissimi* to be respectable: *"Speciosas personas" accipere debemus clarissimas personas utriusque sexus, item eorum, quae ornamentis senatoriis utuntur*. (Mommsen, T. (ed., revised Kruger, P.), *Iustiniani Digesta*, Berlin, Weidmann, 1908).

Apparently not all *clarissimi* were *senatores*: Cod.Theod.16.5.52(412): *omnes donatistae [...] illustres singillatim, poenae nomine, fisco nostro auri pondo quinquaginta cogantur inferre, spectabiles auri pondo quadraginta, senatores auri pondo triginta, clarissimi auri pondo viginti, sacerdotes auri pondo triginta, principales auri pondo viginti, decuriones auri pondo quinque, negotiatores auri pondo quinque, plebei auri pondo quinque, circumcelliones argenti pondo decem*.

²⁹ The *illustris*, *spectabilis* and *clarissimus* grades of dignity, with some of the service positions to which they were attached, are noted in many laws, including: Cod.Theod.11.18.1(409/12), Cod.Iust.1.52.1(439), Cod.Iust.12.40.10(c.450-5), Nov.Iust.8(535)§ notitia.

³⁰ Four extracts of a law of 317 (Cod.Theod.8.4.3+10.7.1+10.20.1+12.1.5) identify the *perfectissimus*, *ducena*, *centena* and *egregiatus* - in this order - as *dignitates*.

³¹ For example: Cod.Theod.11.1.6(354): *Rufini viri clarissimi et illustris praefecti praetorio*; Cod.Theod.11.16.12(380): *virum clarissimum et inlustrem praefectum praetorio Italiae*; Cod.Theod.10.10.19(387):

The *egregius* grade of dignity is last mentioned in a law of 321/6,³² but grades identified as *dignitates* and inferior to that of *centenarius* continued to exist. For example, a law of 384, that was apparently still current in 534,³³ identifies the 443 (or 446) *dignitates* in the *officium* (secretariat) of the *comes sacrarum largitionum* (director of finance and treasury) as the grades *perfectissimus* (partitioned into three divisions or *ordines I, II* and *III*), *ducenarius* and *centenarius*, and two inferior grades named *epistularis* and *forma* (partitioned into *ordines I* and *II* and *III*).³⁴ Similarly, in the army, the rank of *circitor* (the third lowest rank) was also referred to, in at least one law, as a grade of dignity.³⁵

Finally, in addition to the senatorial and equestrian dignities, there existed the dignity of *comes* (imperial companion) - described in [10] below - that was partitioned into three divisions (*ordinis I, II* and *III*) and could be combined with any other dignity.

Almost all the senatorial and equestrian dignities were attached to almost all positions in the imperial service. The dignity attached to a service position was obtained either by appointment to any service position to which a dignity was attached (that is, appointment to the position included the award of the dignity attached to it),³⁶ or by the award of the dignity attached to a service position, but without

virum clarissimum et inlustrem Cynegium praefectum praetorio; Cod.Theod.16.8.8(392): *virorum clarissimorum et illustrium patriarcharum*.

³² Cod.Theod.6.22.1(321/6).

³³ Cod.Iust.12.23.7(384) which is either a copy or an adaptation of Cod.Theod.6.30.7(384), of which insufficient remains to decide between these alternatives - see *Attachment 3*.

The cited numbers are derived from Cod.Iust.12.23.7(384) and vary (443/446) because P.Kruger *op.cit.* 1877, pp.1096-1097 and T.Mommsen, *op.cit.* 1904, pp.296-297 differed in their opinion as to which copies of the archetype represent it more accurately. In the two laws Cod.Theod.6.30.16 and Cod.Theod.6.30.17, both dated Dec.399, the statutory number of service personnel in this same *officium* is 546.

The identification of both *epistularis* and *forma* (*prima, secunda, tertia*) as *dignitates* is intentional since it occurs not only twice within this law of 384, in the copy in both Cod.Theod. and Cod.Iust., but also in two later references to that law: the first in Cod.Theod.6.30.11(386): *olim statuimus ut ultra definitas dignitates* and *ultra statutas dignitates* and the second in Cod.Theod.6.30.13(395): *officium [...] eas tantummodo teneat dignitates quas divinae recordationis Valentis constitutio comprehendit*.

³⁴ Given their position in this list, it is possible that *epistularis* and *forma* (*I,II,III*) represented divisions of the *egregius* grade of dignity. The *forma* grade (divided into *ordines I, II, III*) is referred to only in this law of 384 and in Cod.Theod.6.32.2(422), which refers to statutory and supernumerary positions under the direction of the *castrensis sacri palatii* (principal court steward).

³⁵ Cod.Theod.7.22.2(326): *Si autem veteranorum filii, qui equestrem militiam toleraverunt, inter equites probari voluerint, habeant facultatem, [...] si quis duos equos habeat vel unum idoneum et servum unum, cum circitoria militet dignitate et binas annonas accipiat, qui gradus praebetur aliis post laborem*.

In the more important military units, the positions of commanders (*tribunus* or *praefectus*, either of which could be referred to as *praepositus*) had dignities attached to them, as stated in Cod.Theod.7.20.13(407), Cod.Theod.1.8.2(424), Cod.Theod.7.4.36(424) and implied in Cod.Theod.11.18.1(409/12). Apart from those positions, the ranks within such a unit were, from highest to lowest, *primicerius, senator, ducenarius, centenarius, biarchus, circitor, eques* or *pedes* and *tiro* (recruit).

³⁶ For example: Cod.Theod.8.5.44(384): *quos sublimissimae administrationis inlustravit indeptio*; Cod.Theod.7.8.3(384): *ex-magistris equitum ac peditum quos decursi actus inlustrat auctoritas*; Cod.Theod.6.22.8(425): *quam ille actu inlustravit [...] dignitatem*; Cod.Iust.12.8.2(440-1)§pr: *qui in actu positi illustres peregerint administrationes* - note 139; Nov.Theod.25(444)§4: *hi [...] quibus inlustrem dignitatem ius actae administrationis adtribuit*; §5: *quos ipsa quidem administrationis condicio spectabiles novit*; Cod.Iust.12.7.2(474): *ac si ipsam gessisset administrationem, cuius consequitur dignitatem*; Cod.Iust.3.24.3(485?): *ei, quem praetorianae vel urbicariae amplissimae sedis administratio inlustravit*; Nov.Iust.28(535)§4.1: *spectabilem ei facimus administrationem*.

an appointment to that position (such an award was identified as an honorary dignity). The distinction between a service position, and the dignity attached to it, is exemplified in several laws.³⁷

As stated above, the senatorial and equestrian dignities attached to service positions were divided into *grades* and, as described in [5] below, all three senatorial grades and two of the equestrian grades were partitioned into *divisions*. These divisions were identified:

- (a) in the senatorial grades (*illustris, spectabilis, clarissimus*), as the dignity of any group of service positions whose common dignity within the grade differed from the common dignity of any other group of positions within the same grade; and
- (b) in two of the equestrian grades (*perfectissimus, forma*), by the three numbered *ordines (I,II,III)* in each grade.

A dignity comprised both its grade and any division of that grade. Thus, for example, the dignity attached to the service position of *magister militum* (master of soldiers) was identified by a title (*illustris magister militum*) which comprised both the dignity grade (*illustris*) and the name of the service position to which the grade was attached (*magister militum*) which identified the division of the grade of the dignity attached to that position.

As a consequence of the close connection between a dignity and the service position to which the dignity was attached, the word *dignitas* was often used to refer to only one of these two components. For example, while in one law, *dignitates* refers to the grades of dignity *perfectissimus, ducenarius, centenarius, egregius*,³⁸ in another law *dignitates* are identified as the service positions *praepositurae, tribunatus, praefecturae* to which dignities are attached.³⁹ Almost every law in *Cod.Theod.* and *Cod.Iust.* is addressed to a named officer, whose name is almost always followed by the name of the service position to which he was appointed, but only infrequently by the grade of dignity attached to it.

No word derived from the singular *dignitas* is used to refer to a 'dignitary', the word *honoratus* being used instead,⁴⁰ while the plural *dignitates* is used to denote 'dignities', or 'service positions to which dignities are attached', or 'dignitaries' depending on the context.

While all senatorial and equestrian dignities were attached to positions in the imperial service, not every service position had a dignity attached to it. Such positions comprised especially those of the service personnel in the agencies directed by provincial governors. These *cohortalini*, or *cohortales*,⁴¹ were

³⁷ For example *Cod.Theod.*7.4.36(424): *Sanctionis temerator <= tribuni sive comites vel praepositi numerorum> sciat se et administratione simul et dignitate spoliandum*; *Nov.Mai.*7(458)§17: *iudex [...] mox administratione depulsus privilegio dignitatis amisso proscriptioe feriat*; *Cod.Theod.* 6.2.13(?8)(383): *quique consularitatis insignia fuerit adsecutus, dignitatis obeundae atque exercendae administrationis huius copiam non habeat, nisi propria adnotatione digesserit* - note 225.

Although referring to municipal positions, rather than to those in the imperial service, the relationship, and distinction, between position and dignity are succinctly expressed by Callistratus, *Digesta seu Pandectae*(533)50.4.14: *Honor municipalis est administratio rei publicae cum dignitatis gradu*.

³⁸ Law of 317 (*Cod.Theod.*8.4.3+10.7.1+10.20.1+12.1.5) - note 30.

³⁹ *Cod.Theod.*1.8.2(424): *dignitates, hoc est praepositurae omnes, tribunatus et praefecturae*. Similarly, *Cod.Theod.*7.20.13(407/9): *eos, qui [...] ad tribunatus praepositurasque [...] ordine militiae decurso huiusmodi dignitates acceperint*; *Cod.Theod.*7.4.36(424): *Si quando tribuni sive comites vel praepositi numerorum per provincias annonas voluerint, hoc est quas pro dignitate sua consequuntur*. *Nov.Theod.*7.1(439)§pr: *sancimus omnes omnino domesticos, agentes in rebus et quaecumque alia praetenditur militiae dignitas, [...] functionibus publicis respondere*. Also see note 128 and *Cod.Iust.*3.28.37(531): *praefectis legionum [...] in diversis dignitatibus* - note 62.

⁴⁰ As in *Cod.Theod.*14.12.1(386): *Omnes honorati seu civilium seu militarium dignitatum vehiculis dignitatis suae [...] semper utantur*.

⁴¹ *Cod.Theod.*8.5.66(407): *cohortales* or *Cod.Theod.*6.35.14(423): *cohortalini* or *Cod.Theod.*8.4.30(436): *cohortales apparitores* whose service was identified as a *militia*: *Cod.Theod.*8.4.1(315/24): *cohortalis militia*; *Cod.Theod.*16.5.48 (410): *cohortalis militia, cohortalina militia*, and whose names were entered

prohibited, almost continually, from transferring to other agencies within the service,⁴² and were prohibited, from legitimately obtaining dignities.⁴³ Their low status, and their compulsory service are exemplified by the observation that, while heretics who were not *cohortalini* were denied entry to, or were expelled from, positions in the imperial service, the *cohortalini* were required to serve and could not hope to be exempted by claiming to be heretics.⁴⁴

And, while all senatorial and equestrian dignities were attached to positions in the imperial service, not every person to whom such a dignity was awarded was appointed to the position to which the dignity was attached. Such honorary dignities, which were sometimes identified only by their grades, included those awarded to women,⁴⁵ including the wife of a dignitary who was entitled to the dignity awarded to her husband,⁴⁶ unless she remarried.⁴⁷ The sons and daughters of a senator could inherit a dignity with the grade *clarissimus*,⁴⁸ and receive its associated legal privileges,⁴⁹ and children could have the *insignia* of a dignity.⁵⁰ *Curiales* (members of provincial city councils),⁵¹ could acquire both equestrian,⁵² and

on the *matricula* (note 73) in the agency: Cod.Theod.8.4.20(407). They are to be distinguished from the *cohortales* in the military *cohortes* units: Cod.Theod.7.20.4(325)§3.

⁴² Cod.Theod. 8.4.4(349): *de his, qui officia praesidalia deserentes ad sacramenta militiae adspirasse noscuntur, iteranda statuti desideratur auctoritas, ideoque etiam nunc iubemus, ut retentis his qui veteranorum seu militum filii esse noscuntur ceteros gravitas tua officiis propriis restituere non moretur*; Cod.Theod.8.4.25(409/12): *Quicumque ex diversis officiis omnium moderatorum officiales contra vetitum altioris militiae gradum indebite obtinuisse noscuntur, in propria revocentur officia*; Cod.Iust.12.57.13(442): *Nullum [...] ex-principe cohortalis officii vel ad aliam posse militiam adspirare [...] vel ad quamlibet aliam dignitatem ad praeiudicium praeteriti status accedere concedimus*.

⁴³ Cod.Theod.8.4.30(436): *Si cohortalis apparitor aut obnoxius cohorti ad ullam posthac adspiraverit dignitatem, spoliatus omnibus impetrati honoris insignibus ad statum pristinum revocetur, liberis etiam in tali eius condicione susceptis fortunae patriae mancipandis*. See also Cod.Iust.12.57.14(471).

⁴⁴ Cod.Theod.16.5.48(410): *<haeretici> ad sacramenta quidem militiae, [...] nequaquam admitti censemus: si quos vero ex his [...] cohortalinae militiae illigat obsequiis et functionibus, his adstringi praecipimus*; Cod.Theod.16.5.61(423): *lex, quae super eunomianis <=Anomoeans> militare prohibitis ceterisque execrabilium religionum et professionum ritibus promulgata cognoscitur, nihil ad eos, qui cohortalini sunt, pertinet*.

⁴⁵ Nov.Val.21.2(446): *Inlustrem feminam Pelagiam cum Micce inlustri femina*; Nov.Anth.3(468): *Hanc igitur constitutionem in causa etiam Dominae et Fortunati inlustrium personarum [...] valere praecipimus*. See also Cod.Theod.6.4.17(370?).

⁴⁶ Cod.Theod.2.1.7(392): *Mulieres honore maritorum erigimus, genere nobilitamus. Iisdem forum ex eorum persona statuimus et domicilia mutamus*; which is repeated in the copy of the law in Cod.Iust.12.1.13(392), which adds: *Sin autem minoris ordinis virum postea sortitae sunt, priore dignitate privatae, posterioris mariti sequantur condicionem*. Cod.Iust.6.57.5(529) refers to *illustres mulieres* and *illustres matres*.

⁴⁷ If a wife entered into a second marriage to a person of lower dignity, or with none, she lost the title and privileges derived from the first husband: Nov.Iust.22(535)§36: *Non tamen permittimus mulieribus ad secundas venientibus nuptias adhuc velle priorum maritorum dignitatibus aut privilegiis uti: sed ad quale post priorem venerunt matrimonium, illius amplectantur fortunam. Quae enim priorem oblita est, non rursus ex prioribus adiuvabitur*. See also Cod.Iust.5.4.10 (Dioclet.), Cod.Iust.12.1.13(392).

⁴⁸ Cod.Iust.12.1.11(377): *Senator vel alius clarissimus privatos habeat filios, editos quippe, antequam susciperet dignitatem: quod non solum circa masculos dignoscitur constitutum, verum etiam circa filias simili condicione servandum*. Cod.Theod.6.2.13(?8)(383) refers to an inherited senatorial dignity.

⁴⁹ Cod.Iust.9.35.11(478) - similarly in Cod.Iust.10.32.61(459-65).

⁵⁰ Cod.Theod.9.9.1(326): *Filii etiam, quos ex hac coniunctione habuerit, exuti omnibus dignitatis insignibus, in nuda maneant libertate*. (referring to any children born of a union between a free woman and a slave).

⁵¹ *Curiales* (the *decuriones* and their *principales*) were permanent members of a city council (*curia civitatis*) and had municipal obligations and duties (*onera* and *munera*). They were not part of the

senatorial dignities,⁵³ while dignities with the grades *illustris* and *spectabilis* could be awarded to ordained clerics.⁵⁴

[3] *Service positions*

The term service position may be defined generally as any position in the imperial service. The service comprised both a civil and a military section and was referred to as the *militia*,⁵⁵ and its members as *militantes*.⁵⁶ It was considered to be of paramount importance,⁵⁷ and even children could be enrolled.⁵⁸ The term *militia* denoted not only the entire imperial service,⁵⁹ but also any position within it,⁶⁰ including service positions with an *illustris* grade of dignity.⁶¹ Among these positions in the imperial

imperial service and those who entered the latter to avoid their civic duties, were dismissed from the service and were required to return to their cities: Cod.Theod.12.1.10(325), Cod.Theod.12.1.11(325), Cod.Theod.12.1.22(336), Cod.Theod.12.1.31(341), Cod.Theod.12.1.37(344), Cod.Theod.12.1.181(416). The position of *patronus* (advocate of the *civitas*), was identified as a dignity in Cod.Theod.12.1.61(364): *Urbis [...] principales, qui tamen patronorum adepti fuerint dignitatem.*

⁵² For example, Cod.Theod.12.1.4(317). Cod.Theod.12.1.5(317), after listing the grades *perfectissimus* to *egregius*, states that *decuriones* and their *principales* may be awarded a dignity provided they have fulfilled their civic obligations (*suae patriae munera*), and that any unearned dignities, obtained to avoid such obligations, are cancelled. Cod.Theod.12.1.25(338) and Cod.Theod.12.1.27(339) refer to *curiales* purchasing dignities.

⁵³ Cod.Theod.12.1.187(436) to be compared with Cod.Theod.12.1.74(371) and Cod.Theod.12.1.155(397). See also restrictions in Cod.Theod.12.1.180(416), Cod.Theod.12.1.183(418) and Nov.Theod.15.2(444)§2.

⁵⁴ Cod.Theod.16.8.8(392): *virorum clarissimorum et inlustrium patriarcharum* - similarly in Cod.Theod.16.8.11(396), Cod.Theod.16.8.13(397); Cod.Theod.16.8.15(404): *viris spectabilibus patriarchis*; Cod.Iust.1.3.21(442): *Ad similitudinem tam episcoporum orthodoxae fidei quam presbyteri et diaconi ii, qui honorario titulo illustrem dignitatem consecuti sunt.*

⁵⁵ For example, Cod.Theod.7.1.5(364): *Quod si quosdam aut inbecillitas validudinis aut habitudo corporis aut mediocritas proceritatis ab armatae militiae condicione submoverit, eos iubemus in officii ceteris militare*; Cod.Theod.16.2.29(408): *hominibusque improbissimis ab omnibus officii militiae aditus obstruatur*; Cod.Theod.16.5.48(410): <haereticis> *ad sacramenta quidem militiae, quae nostris obsecundat imperiis, nequaquam admitti censemus*; Cod.Theod.16.10.21(416): *qui profano pagani ritus errore seu crimine polluuntur, hoc est gentiles, nec ad militiam admittantur nec administratoris vel iudicis honore decorentur.*

Within the *militia*, the armed military service was sometimes referred to as the *militia armata* to distinguish it from the civil service as, for example, Cod.Theod.7.22.10(380): *Non solum in diversis officii militantes, sed etiam vacantes rebus propriis veteranorum ac militum filios armatae militiae volumus sociari.*

⁵⁶ For example, when distinguishing personnel in the imperial service from those outside the service, as in Cod.Theod.9.40.21(412/13): *Sed hanc omnibus privatis atque militantibus licentiam damus.*

⁵⁷ Cod.Theod.6.26.1(362): *In rebus prima militia est, secundus in litterarum praesidiis pacis ornatus.*

⁵⁸ Cod.Theod.7.1.14(394): *Quicumque infantes vel pueri militare coeperunt, sterni eos inter ultimos iussimus*, although recruits for the *auxiliares cunei* had to be 19 (Cod.Theod.7.13.1-353). Vacancies in some service positions could be filled by drafting the unemployed (Cod.Theod.8.2.3-380).

⁵⁹ The imperial service is defined Cod.Theod.16.5.48(410) as: <militia> *quae nostris obsecundat imperiis.*

⁶⁰ The use of the plural *militiae* to refer to several service positions, occurs in Cod.Theod.12.1.22(336), Cod.Theod.6.29.11(414), Cod.Iust.12.33.5(524), Cod.Iust.4.65.35(527-534) - which also defines *milites* within the military service, Cod.Iust.8.13.27(528), Cod.Iust.1.27.2(534)§1, Cod.Iust.12.33(534)tit., Nov.Iust.53(537)§5.

⁶¹ Nov.Theod.25(444)§3: <inlustres> *neminem volumus cuiuslibet loci vel ordinis [...] metatum sibi in alienis domibus privilegio militiae vindicare.* (§4): *inlustris dignitatis [...] licet vacantis militiae cingulo usi sint vel utantur*; Cod.Iust.9.35.11(478): *actio [...] a quibuslibet illustribus viris, militantibus seu sine cingulo constitutis, [...] movetur*; Cod.Iust.12.5.5(492-7): *Iubemus duobus viris illustribus*

service, or *militiae*, some were identified as *administrationes*, so that the term **service position** is defined more precisely as any position that is referred to in the laws as either an *administratio* or a *militia*, both of which were salaried positions in the imperial service.⁶²

Service positions existed either within agencies, or within the departments of the imperial secretariat.

An **agency** is defined as any division of the imperial service that comprised, in a specified location, both: (i) a *domain* consisting of a unique combination of service positions (including any of their units, bureaus, corps, or sections), duties and related entities; and (ii) a statutory number of service positions, or units of positions, formally identified as an *officium* (secretariat) that performed the administrative and clerical duties related to the domain.

The **departments of the imperial secretariat**,⁶³ which were under the immediate direction and jurisdiction of the emperor, as his secretariat (although not referred to as his *officium*), included the departments whose chiefs were, respectively, the *quaestor sacri palatii* (chief legal officer at court), *primicerius notariorum* (chief imperial secretary), *magister scrinii memoriae* (master of the imperial bureau of records), *magister scrinii epistularum* (master of the imperial bureau of correspondence), and *magister scrinii libellorum* (master of the imperial bureau of petitions). These departments differed from the agencies, as defined above, only to the extent that none of these departments had an *officium*: instead, the *primicerius* was assisted by officers from the *schola notariorum* (corps of imperial secretaries), while the *quaestor* and three *magistri* had officers seconded from the *sacra scrinia* (imperial bureaus)⁶⁴ which, in addition to the three *scrinia* mentioned above, included the *scrinium dispositionum* (bureau of imperial regulations).⁶⁵ The proximity of the *primicerius* and *magistri* to the emperor, as part of his secretariat, may be reflected in the observation that no available law, or copy of a law, is addressed to them, while those to the *quaestor* are few and, before 535, are substantially copies of laws addressed to directors of agencies.⁶⁶

praepositis utriusque sacri cubiculi, tam nostrae pietatis quam nostrae serenissimae coniugis, post finitam militiam si senatorio fuerint consortio sociati, licere, [...] cingulo uti.

⁶² Cod.Iust.9.27.6(439): <provincial governors> *iurati inter gesta depromant se [...] exceptis salariis nihil penitus [...] in administratione [...] accepturos*; Cod.Iust.3.28.37(531)§1a: *constitutum fuerat in consulibus et praefectis legionum et praesidibus provinciarum et omnibus generaliter, qui in diversis dignitatibus vel administrationibus positi, a nostra consequuntur manu vel ex publicis salariis quasdam largitates*; Nov.Iust.8(535)§7: *sicut [...] accepit administrationem, a publico percepturus annonas (has enim solas accipere eum sinimus)*; Nov.Iust.17(535)§1: <Mandatum> *Oportet igitur te pure sumentem administrationem [...] contentum esse solis a fisco tibi ministratis.*

⁶³ The imperial secretariat is referred to in Cod.Iust.1.23.7(477): *magnificus quaestor et viri spectabiles magistri scriniorum [...] adiutores primicerii*; Nov.Iust.35(535)§3: *homines qui sacrae vocis nostrae ministri esse noscuntur.*

Some of its functions are described in: Nov.Iust.35(535)title: *de adiutoribus quaestoris* §2: *divina ministeria peragere*; Cod.Iust.12.9.1(444): *viris spectabilibus magistris omnium sacrorum scriniorum [...], qui nostrae quodammodo adsidere maiestati videntur*; Cod.Iust.12.7.2(474): *primicerius <notariorum> post depositam publicam numerorum sollicitudinem*; and Cod.Iust.12.20.5(c.466): *primicerius et tertiocerius [...] publicarum chartarum tractatibus occupantur.*

⁶⁴ The *adiutores* in the department of the *quaestor* were regulated as if in an *officium*: Cod.Iust.12.19.13(522-6): *Comperimus divinitus quidem fuisse dispositum viros devotos adiutores tuae magnitudinis certo esse in numero [etc.]. quod etiam in aliis quoque paene omnibus officii observari dignoscitur*; and received their duty statements and instructions from the *quaestor* in writing: Nov.Iust.35(535)§5: *mandata eis in scriptis praestiterit.*

⁶⁵ Managed by the *comes et magister dispositionum*: see note 211.

⁶⁶ One law, Cod.Theod.1.8.1(415), is addressed to the *magister militum* (master of soldiers) and a copy is sent to the *quaestor* and to the *magister officiorum* (master of court services & imperial agents); a second law, Cod.Theod.1.8.2(424), is addressed to the *quaestor* at the same time that another law, Cod.Theod.1.8.3(424), on the same subject, is sent to the *magister officiorum*; a third law, Cod.Theod.6.26.17(416), is addressed jointly to both the *quaestor* and *magister*. Cod.Iust.1.3.1(424) has a copy of the law represented in Cod.Theod.1.8.2. In the Nov.Iust. there are five laws addressed to the *quaestor*

No available law defines the difference between an *administratio* and a *militia* and both words, like *dignitas*, are not used in the laws to consistently denote the same thing. In the context in which the words are used, *administratio*⁶⁷ mostly refers to the management of the duties or responsibilities⁶⁸ attached to the position of the director of a service agency, or of the chief of a department of the imperial secretariat, while *militia* refers to all other service positions within those agencies or departments.⁶⁹

An agency *director* is defined as the person who was appointed by the emperor (i) to be directly responsible and accountable for the management of an agency (which was mostly identified by the name of the service position of its director); and (ii) to be jointly responsible, with the agency *officium*,⁷⁰ for

Tribonianus: Nov.Iust.17(535) on imperial instructions (*mandata*); Nov.Iust.23(535?) on appeals; Nov.Iust.35(535) about assistant of the *quaestor*; Nov.Iust.75(537), repeated as Nov.Iust.104(537) on appeals and Nov.Iust.114(541) on imperial orders (*iussiones*) to be countersigned by the *quaestor*.

⁶⁷ For example, Cod.Theod.9.30.1(364): *his qui provincias administrant*; Cod.Theod.8.15.5(365/373): *Omnis [...] administrator [...] sibi altior iudex, idem mediae dignitatis, [...] vel minimus*; Cod.Theod.6.22.7(383): *vicariae potestatis administratione; consularis administrationis*; Cod.Theod.6.26.4(386): *qui vicarias postea administraverint*; Cod.Theod.6.4.28(396): *qui ducatum administrarunt*; Cod.Theod.13.11.12(409): *cunctis per provincias administratoribus*; Cod.Theod.16.10.21(416): *pagani [...], hoc est gentiles, nec ad militiam admittantur nec administratoris vel iudicis honore decorentur*; Cod.Iust.12.8.2(440-1)§pr: *qui illustres peregerint administrationes* - note 139; Nov.Iust.8(535)§1: *sancimus, neque proconsulariam ullam neque hactenus vocatam vicariam neque comitem Orientis neque aliam quamlibet administrationem, neque proconsularem neque praesidalem, quas consularias et correctivas vocant [...], dare aliquod suffragium [...] pro administratione quamlibet donationem; §notitia: administrationes consulariae; administrationes praesidiales sive correctivae*; Nov.Iust.8(535) §Scriptum est exemplar Dominico [...] praefecto apud Illyricum praetorium. <heading> *Iusiurandum quod praestatur ab his qui administrationes accipiant.*

⁶⁸ The duties or responsibilities attached to the position of an agency director are sometimes referred to as the *officium* as, for example, in Cod.Theod.16.5.58(415)§7: *Etiam illo addendo, ut nemo eunomianus <=Anomoean> vel militet vel provinciam sub administratione cuiuslibet officii suscipiat gubernandam*; or Cod.Iust.10.32.67(529)§1: *Si quis [...] praefectorum praetorio infulas susceperit gubernandas, vel urbicariam (in ipso tamen actu) meruerit praefecturam, nec non magistri militum officium gerendum susceperit* - note 279. It is also reflected in the use of *officium* in several section headings or titles, beginning *de officio*, in Cod.Theod.1 and Cod.Iust.1 - see *Attachment 2*§1.

This occasional use of *officium* is to be distinguished from the general use of the same word to denote an agency secretariat (*officium*) comprising the *corpus officialium* (Cod.Theod.12.6.9-363/5: *Susceptores specierum idcirco per illyrici provincias ex officialium corpore creari praecepimus, [...] Verum in provinciis africae tua sinceritas hoc ab his officium iubeat amoveri*).

⁶⁹ But *administratio/administrare* are also used in relation to such subordinate positions, even including some outside the imperial service: for example, Cod.Theod.12.1.20(331), Cod.Iust.1.51.3 (399/400), Cod.Theod.11.18.1(409/12), Cod.Theod.1.34.3(423), Cod.Iust.11.8.14 (426), Cod.Theod.12.1.171(460), Nov.Val.30(450).

Elsewhere, referring to a position by its attached dignity (*honor*), the management (*administratio*) of the position is noted as follows in Cod.Theod.6.27.13(403): *Agentibus in rebus, qui [...] gesserint principatum, etiam illud beneficio nostrae liberalitatis adiungimus, [...] ea dumtaxat condicione [...], si post principatus officium nulla ulterius honoris fuerint administratione perfuncti.*

⁷⁰ The *administrator* (director) and *officium* (secretariat) were held equally responsible for the implementation of imperial policies and instructions and, generally, both were subject to penalties for transgressions. According to Cod.Theod.6.28.4(387), every administrative act of the *officium* required the written approval (*adnotatio*) of the *princeps officii* (chief of the secretariat) and the *officium* was required to provide legal advice to the director regarding his duties, but also to contradict and, in fact, to resist any unlawful instruction by the director (Cod.Theod.16.10.10-391, Cod.Theod.11.30.58-399). One law, Cod.Theod.14.15.6(399), stated that a *vice-prefect* or *governor* who stole from the tribute would be dismissed and deported, after both he and the *officium* repaid twice the amount stolen, while the *primates* (chief officers of the secretariat) would face capital punishment.

the implementation of imperial instructions and policies; and (iii) to have delegated jurisdiction (the authority to administer justice by making and enforcing legal decisions or judgements) over all service personnel within an agency as their immediate *iudex* (judge) whether civil or military;⁷¹ and (iv) to be liable both to receive instructions directly (not only through a superior officer) from the emperor, and to communicate directly with him.⁷²

By about the beginning of the 5thC, the service position of an agency director mostly had a senatorial dignity attached to it. The position was not one in a series of positions that were required to be held in a prescribed sequence (such as those in the Republican *cursus honorum*), nor a progressional career position, nor a position whose incumbent was entered in any *matricula*⁷³ of an agency. Tenure was generally brief, was solely at the discretion of the emperor, and could be ended for various reasons, including incompetence.⁷⁴

In the departments of the imperial secretariat, the *quaestor* was identified as an *administrator*,⁷⁵ while the *primicerius notariorum* was apparently not.⁷⁶ And, while the *primicerius notariorum* occupied a

See also Cod.Theod.11.30.34(364), Cod.Theod.14.3.12(365/70), Cod.Theod.11.29.5(374), Cod.Theod.6.35.10 (380), Cod.Theod.8.5.57(397), Cod.Theod.14.3.20(398), Cod.Theod.11.30.59(399), Cod.Theod.16.5.46(409), Cod.Theod.9.3.7(409), Nov.Mai.4(458)§1.

The relationship between the director, the agency (domain and secretariat), and the chief of the agency secretariat (usually *princeps*) was similar to that which now exists in many parliamentary systems in which a minister ('director') implements policy through a ministry ('agency'), comprising a domain - such as defence - and a department ('secretariat') with its permanent secretary ('chief of the secretariat').

⁷¹ Cod.Iust.1.52.1(439): *omnibus tam viris spectabilibus quam viris clarissimis iudicibus, qui per provincias sive militarem sive civilem administrationem gerunt*; Cod.Iust.1.49.1(475): *spectabiles vero iudices tam civiles quam militares*; Cod.Iust.1.49(534)§title: *Ut omnes tam civiles quam militares iudices post administrationem depositam per quinquaginta dies in civitatibus vel certis locis permaneant*.

⁷² As indicated generally by the service positions of the officers to whom several laws are addressed, and specifically by the provision in Cod.Theod.8.5.12(362)§3: *his quoque nostra etiam mansuetudo evectiones singulas dabit, ut ad nos referre possint, cum id fieri necessitas quaedam exegerit*.

⁷³ A *matricula* was the classified roll or list of the service personnel in the progressional positions comprising an agency secretariat, or any unit, bureau, corps, or similar section within the agency domain Cod.Theod.6.30.16(399), Cod.Theod.8.4.20(407), Cod.Theod.6.32.2(422), Cod.Theod.6.27.23(430). But the sons and close relatives of *protectores domestici* could be entered on a *matricula* as young children: Cod.Theod.6.24.2(364).

⁷⁴ Cod.Theod.1.6.11(423): *Quodsi in his tuendis vir illustris praefectus Urbi neglegentia aut trepidatione defuerit, careat dignitate, quam nescit tueri*.

⁷⁵ Cod.Iust.12.8.2(440-1)§2: *administratores [...] quaestoris* - note 139; Nov.Iust.35(535)§7: *is qui subrogetur talis ordinandus sit, qualem quaestoria censura elegerit, nec [...] quaestoris administratio cadat*.

⁷⁶ Cod.Theod.6.10.2(381) - note 133 - states that a *primicerius notariorum*, may retire without proceeding to an *administratio*, implying that the position of *primicerius notariorum* was not regarded as an *administratio*, even though the law adds that the dignity of a retired *primicerius* was superior to that of a retired *proconsul*. The implication in this law is probably to be preferred to the general statement, in another law, Cod.Theod.11.18.1(409/12), which includes the position of *primicerius* among many service positions whose incumbents are advised of their exemption from providing recruits. After listing these positions, many of which were those of directors of agencies, the law refers to their collective exemption as: *Habeant in commune omnes, sive dum administrant seu postquam administraverint, debitum regiae liberalitatis officium*; - see Attachment 2§(2).

progressional career position in a *militia* (as described below), the *quaestor* and each of the three *magistri* did not, each being apparently appointed in the same manner as the director of an agency. But, unlike agency directors, the chiefs of the departments of the imperial secretariat did not have jurisdiction over their subordinates.

A *militia* in both the civil and military sections of the imperial service generally denoted a service position that can be described as a progressional career position: that is, a position that was generally permanent within a career that extended from enlistment until retirement and in which there was advancement by progression through a series of positions increasing in rank and any attached dignity.⁷⁷

Among the *militiae*, some positions, especially those in the agencies directed by provincial governors, and some positions in the military service, were filled by persons obligated to serve in them, often hereditarily.⁷⁸ But persons otherwise free to be enlisted in the imperial service, and seeking a position, were required to submit an application,⁷⁹ containing personal details, including status and religious affiliation,⁸⁰ and often supported by referees who could include members of the agency unit or *officium* in which enlistment was sought.⁸¹

The dignity attached to a service position, and the financial and other benefits associated with it, generally increased relative to the importance of the agency unit or the *officium* in which the position existed. Accordingly, restrictions were placed on appointments to these favoured agencies: firstly, by imposing limits on the statutory number of their positions (referred to as *statuti*), and, secondly, by requiring applicants to obtain an imperial authorisation permitting enlistment. Such an authorisation was contained in a document referred to as a *probatoria*. Most of the details about *probatoriae* are contained in two laws, respectively dated c.470 and c.472,⁸² of which the latter contains a list of the *officia*, and some service units, to whose positions an enlistment as a serving officer required a *probatoria*.⁸³

⁷⁷ The grades, and some of the positions to which they were attached, in the agency of the *comes sacrarum largitionum*, are listed in *Attachment 3*.

⁷⁸ For example, for civilian positions in provincial *officia*: Cod.Theod.7.22.3(331), Cod.Theod.16.5.48(410)-note 44; Cod.Theod.8.4.24(412), Cod.Theod.8.4.25(409/12)-note 42; Cod.Theod.8.4.28(423) Cod.Theod.8.4.30(436); for military positions: Cod.Theod.7.22.1(319), Cod.Theod.7.1.18(400), Cod.Theod.7.22.9(380), Cod.Theod.7.22.10(380), Cod.Theod.7.18.10(400).

⁷⁹ Cod.Theod.7.13.1(353), Cod.Theod.7.2.1(383).

⁸⁰ Only Catholics could be enlisted in the service: Cod.Iust.12.59.9(470?) or serve in the palace: Cod.Theod.16.5.42(408). Other statement about religious affiliation include: Cod.Theod.16.5.25(395), Cod.Theod.16.5.29(395); Cod.Theod.16.5.48(410) and Cod.Theod.16.10.21(416) in note 55 above.

⁸¹ Cod.Theod.6.27.4(382).

⁸² Cod.Iust.12.59.9(470?) and Cod.Iust.12.59.10(472?).

⁸³ See *Attachment 4*. The law of c.472 lists 36 *officia* and 14 service units to which enlistment required a *probatoria* and this list does not include positions in the military service which were added to that list at about the same time, in c.474, when the *magistri militum* and *duces*, who had previously issued *probatoriae* for an unspecified category of recruits to the military service, lost the authorisation to do so: Cod.Iust.12.35.17(474?): *Neminem in ullo numero equitum vel peditum vel in quolibet limite sine nostri numinis sacra probatoria in posterum sociari concedimus, consuetudine quae hactenus tenuit antiquata, quae magisteriae potestati vel ducibus probatorias militum facere vel militibus adiungere licentiam tribuebat, ut ii tantum in numeris vel in limitibus militent, qui a nostra divinitate probatorias consequuntur.*

The aforementioned list in the law of c.472 states that appointments to the *officia* in the agencies of an unnamed number of directors (*iudices*) did not require a *probatoria*: Cod.Iust.12.59.10(472?): *Quamvis autem manifestum sit de huiusmodi probatoriarum observatione excepta esse certorum iudicum officia, tamen ne ullius ignorantiae relinquatur occasio, omnium officiorum, quibus necesse est per sacras probatorias militiae sociari, notitiam in sacris apicibus subdendam esse censuimus.* The *officia* excluded from the list are not identified in the law, but may have been those in the agencies directed by the provincial governors (*consulares, correctores, praesides*), all of which are absent from the list. This identification seems to be suggested by an earlier law: Cod.Theod.

The original document was prepared in one of the three imperial bureaus (*scrinia*),⁸⁴ each of which produced the *probatoriae* relating to a different group of *officia* and units,⁸⁵ and retained a copy of the *probatoriae*, filed in books within the bureau.⁸⁶ The original was signed by the emperor and co-signed by the director of the agency in which the position existed, who had another copy prepared and filed by the agency. Upon enlistment the recruit took the service oath of loyalty (*sacramentum militiae*),⁸⁷ which was taken "for the public good",⁸⁸ and remained in force until relinquished on retirement.⁸⁹ The name of the recruit was then entered on the *matricula* of the *officium* or unit to which he was appointed,⁹⁰ and he received the service belt (*cingulum*) related to his position.⁹¹

Following enlistment, and 'matriculation', and sometimes an apprenticeship⁹² within an *officium* or unit in an agency, or department of the imperial secretariat, a service officer began a career extending to between 15-25 years,⁹³ during which progression through a series of positions was reflected by advancement in the *matricula*. Such advancement was generally determined by seniority (that is, priority

8.7.21(426): *Nemo aliter ad tuae sublimitatis admittatur officium, nisi eum emissa ex sacris scriniis probatoria consecravit. Quod et in ceteris officiis, quibus similis erat consuetudo militiae, diverso quidem modo, sed pari diligentia sublimitas tua iubeat custodiri, sed in his quoque, id est virorum spectabilium proconsulis Asiae, comitis Orientis, praefecti augustalis et vicariorum, and the requirement for obligatory or hereditary service in the officia of provincial governors would explain their absence from the list. A contemporary law, of c.470, refers to the need for probatoriae from the imperial bureaus for appointments to the officia in the agencies of different directors (diversi iudices) but does not indicate which ones: Cod.Iust.12.59.9(470?): Probatorias memorialium et agentium in rebus, ceterorum nihilo minus apparitorum praetorianae per orientem amplissimae praefecturae, eorum etiam, qui in diversorum iudicum officiis numerantur, ex sacris probatoriis solito more militiae sacramenta sortiri decernimus. The list in the law of c.472 also omits reference to units outside the officia, such as the aforementioned military units and also the scholae palatinae (corps of imperial bodyguards), directed by the magister officiorum, and makes no reference to other officia known to have existed in several minor administrations: see Attachment 4 § 3.*

⁸⁴ The imperial bureaus used a particular script (*caelestes litterae*) which was not permitted to be used elsewhere in the imperial service: Cod.Theod.9.19.3(367): *caelestium litterarum [...] quibus scrinia nostrae perennitatis utuntur. [...] istius sanctionis auctoritate praecipimus, ut posthac magistra falsorum consuetudo tollatur et communibus litteris universa mandentur, quae vel de provincia fuerint scribenda vel a iudice, ut nemo stili huius exemplum aut privatim sumat aut publice.*

⁸⁵ See Attachment 4.

⁸⁶ Cod.Iust.12.20.3(c.466): *Nemo autem sine divali probatoria, quam codices in sacro nostro scrinio memoriae positi debeant inserendam accipere, militaribus eiusdem devotissimae scholae stipendiis vel privilegiis potiatur.*

⁸⁷ Cod.Theod.12.1.95(383), Cod.Theod.10.22.4(398), Cod.Theod.7.20.12(400)§3, Cod.Theod.12.1.168(409), Cod.Theod.16.5.48(410), Cod.Theod.11.7.21(412), Cod.Theod.16.8.24(418), Nov.Val.7.3(447).

⁸⁸ Nov.Theod.7.1(439)pr: *Iuratur in militiae sacramenta, ut necessitates publicae procurentur.*

⁸⁹ Cod.Theod.8.4.23(412), Cod.Theod.6.13.1(413), Cod.Theod.6.23.1(415), Cod.Theod.12.1.147(416), Cod.Iust.12.46.4(421-2).

⁹⁰ See notes 73 and 94 above.

⁹¹ *Cingulum militiae / cingulum militare*: Cod.Theod.8.4.16(389), Cod.Theod.6.30.18(405), Cod.Theod.8.4.23(412), Nov.Val.20(445), Nov.Val.36(452)§5. On removal of the *cingulum*: Cod.Theod.9.38.11(410), Cod.Theod.6.27.17(415), Cod.Theod.8.8.9(416). See also notes 141 (*dignitas*); 149 and 148 (honorary *illustres*); and 180 (dignity of *comes*).

⁹² Cod.Theod.6.27.4(382).

⁹³ Cod.Theod.8.7.5 and Cod.Theod.8.7.6(354), Cod.Theod.8.4.8(364), Cod.Theod.6.35.14(423), Cod.Theod.6.28.8(423).

determined by the date of appointment),⁹⁴ but also by merit⁹⁵ or the testimony of colleagues⁹⁶ and, for many positions in agencies other than those directed by provincial governors, there were statutory limits on tenure.⁹⁷ A classification, or place in the *matricula*, could also be decreased for various reasons, such as unauthorised absences.⁹⁸ Apart from the few specific exceptions noted in a law of 524,⁹⁹ no member of the imperial service could simultaneously serve in a *militia* associated with more than one agency, while transfers from one part of an agency to another,¹⁰⁰ or from one part of the service to another, or leaving the service without permission of a superior officer, was prohibited,¹⁰¹ but provision was made for early retirement, or honourable discharge (*honesta missio*) from the military service,¹⁰² as well as for some transfers in some civilian agencies.¹⁰³

Although the *primicerius notariorum* was the chief of a department of the imperial secretariat, he was simply the most senior officer on the *matricula* of the *schola notariorum*, occupying a progression career position like the other *primicerii* within the imperial service. But, unlike the latter, the dignity attached to the position of *primicerius notariorum* was of the highest division of the *spectabilis* grade

⁹⁴ Cod.Theod.8.7.1(315): *Promotionis ordo custodiendus est, ut primus in officio sit, qui prior fuerit in consequendo beneficio principali*; Cod.Theod.1.9.1(359): *matricula decurrente* - note 73; Cod.Theod.6.24.7(414): *recedentibusque proceribus succedens sibi per matriculae ordinem usque ad praescriptum modum vindicet, quisquis accedit*. Cod.Iust.12.19.13(522-6): *ordinandis videlicet isdem adiutoribus pro ratione temporum, quibus libelli porrecti sunt, ut, etiamsi memorialium matricula inferiore loco sit, qui prior in adiutoribus meruit, adiutor quidem habeatur superior, memorialis vero posterior pro utriusque ordinis modo vel discrimine*.

⁹⁵ Cod.Theod.7.3.1(393): *In omnibus, qui militiae nomen dederunt, ratio est habenda meritorum, ut is potissimum potiore gradum adipiscatur, qui meruerit de labore suffragium, nec quaeratur, quis militarit primus, sed quis manserit in studio apparitionis adsiduus*; Cod.Theod.12.19.7(443-4?): *ut nemini penitus liceat, cum sit posterior tempore, in locum praecedentis ambire, nisi forte adeo qui tempore vincitur laborum comparatione superat, ut quindecim primatum eiusdem scrinii testimonio cum sacramenti religione subnixus praecedentibus dignior iudicetur*. See also Cod.Theod.7.3.2(409).

⁹⁶ For example, in the *schola agentum in rebus* (corps of imperial agents) progression from one grade to another required the testimony or support of others in the corps, whereas progression to the position of *princeps* (chief of the secretariat) in the agency of a provincial governor, was determined by incremental seniority in the *matricula*: Cod.Theod.1.9.1(359) - note 97; similarly in the imperial bureaus: Cod.Iust.12.19.7(443-4?): *nemini penitus liceat, cum sit posterior tempore, in locum praecedentis ambire, nisi forte adeo qui tempore vincitur laborum comparatione superat, ut quindecim primatum eiusdem scrinii testimonio cum sacramenti religione subnixus praecedentibus dignior iudicetur*.

⁹⁷ Cod.Theod.1.9.1(359): <agentes in rebus> *Ad ducenam etiam et centenam et biarchiam nemo suffragio, sed per laborem unusquisque perveniat, usus omnium testimonio: principatum vero adipiscatur matricula decurrente, ita ut ad curas agendas et cursum illi exeant, quos ordo militiae vocat et labor*; Cod.Theod.1.9.2(395): *is gradu ceteros antecedit, quem stipendia longiora vel labor prolixior fecerit anteire*; Cod.Theod.6.26.11(397): *Per omnia scrinia nostra, singulis annis emensis, qui sunt in capite constituti uno anno teneant proximum, locum per ordinem succedentibus dantes*; Cod.Theod.6.26.17(416): *Pro biennio annum solum agere deinceps decernimus eos, qui in tribus scriniis memoriae epistularum libellorumque ordine ac merito stipendiorum ad gradum pervenerint proximorum*.

⁹⁸ Cod.Theod.7.12.2(378/9).

⁹⁹ Cod.Iust.12.33.5(524).

¹⁰⁰ Cod.Theod.6.30.5(383).

¹⁰¹ Cod.Theod.8.7.16(385), Cod.Theod.7.1.18(400), Cod.Iust.12.57.13(442), Nov.Val.7.3(447)pr.

¹⁰² Cod.Theod.7.21.3(396)§2.

¹⁰³ Nov.Val.22(446)§1.

and this preeminence was probably obtained because this position was under the immediate direction and jurisdiction of the emperor.¹⁰⁴

[4] *Service position ranks and their order*

The most important of the service positions to which senatorial dignities were attached throughout the 5thC had, by the beginning of that century, been arranged in a definite **order of service positions** (*ordo dignitatum*),¹⁰⁵ which is defined as the sequential arrangement of service positions according to the place (*locus*)¹⁰⁶ or rank prescribed for each position within that arrangement.

The fact that the place of a service position, within the sequence or order of service positions, denoted a rank is indicated, especially by the observation, from the laws, that all the service positions to which the same senatorial grade of dignity is attached, or to which the same division of a grade is attached, are listed in almost the same sequence over a long period.

Several laws indicate that an order of service positions existed before Valentinianus 1 (364-375),¹⁰⁷ but the first explicit reference, in the available documents, to such an order of positions was to the one that was subsequently ascribed to him.¹⁰⁸ It is not known whether his prescription was contained in a single

¹⁰⁴ Nov.Theod.25(444), referring to exemptions from the obligation to provide quarters, states that all agency directors to whose positions a dignity with the *spectabilis* grade was attached are denied the exemption, even if they subsequently obtained a dignity with the *illustris* grade, but that the *primicerius notariorum* is to have the exemption accorded to agency directors who had a dignity with an *illustris* grade - §5: *Hoc <denial of an exemption> iuris in his etiam praecipimus observari, quos ipsa quidem administrationis condicio spectabiles novit, honor tamen additus a nostra liberalitate reddit illustres: excepto videlicet viro spectabili primicerio notariorum, cui volumus in excusandis aedibus inlustrium magistratum privilegium convenire.* The same exemption is again noted in Cod.Iust.12.40.10(c.450-5) - see *Attachment 2*§(6).

Cod.Theod.10.10.21(396) states that both the *primicerius* and his assistant (*secundicerius*) could be included among the highest dignitaries: *summis dignitatibus usque ad secundicerium notariorum hoc servari decernimus*, while Cod.Theod.6.10.4(425) notes that retired *primicerii*, occupying the first place in the 'noble service' (*quod primum locum sint militiae nobilis adsecuti*) had the same dignity as that of a retired (*illustris*) *magister officiorum*. This was repeated later in Cod.Iust.12.7.2(474)§5: *primicerius post depositam publicam numerorum sollicitudinem, ac si ipsam gessisset administrationem, cuius consequitur dignitatem, magistri officiorum pro antiqua consuetudine infulas sortiatur.*

¹⁰⁵ Cod.Theod.6.5(438)tit., and Cod.Iust.12.8(534)tit: *Ut dignitatum ordo servetur*; Cod.Theod.6.22.7(383): *si quis neglexerit ordinem constitutum*; Nov.Val.11(443)§1: *divi parentis nostri Gratiani [...] amplissimis dignitatibus definitum venerabilis constitutio ordinem dedit.*

¹⁰⁶ Cod.Theod.6.5.2(384): *singulis quibusque dignitatibus certum locum meritumque praescipit* - note 108; Cod.Theod.12.1.117(387): *<praefectus praetorio> quibus propter loci dignitatem rerum summa commissa est*; Cod.Iust.12.8.2(440-1)§pr: *primo loco habeantur ii, qui in actu positi illustres peregerint administrationes* - note 139; Cod.Theod.6.27.10(396): *Inter eos, qui consularitatis gesserint dignitatem, et eos, qui meruerint principatum, is gradu potior habeatur, qui prior locum dignitatis acceperit*; Cod.Theod.6.8.1(422): *suae locum vindicet dignitatis*; Cod.Theod.6.22.8(425): *modis omnibus sciret se in officiis publicis ei postferendum, qui eundem locum positus in potestate gessisset*; Cod.Theod.12.1.187(436): *si qui inter illustres etiam viros locum occupaverint non laborioso administrationis actu, sed honorario titulo dignitatis.*

¹⁰⁷ For example, as described below, Cod.Theod.6.7.1(372) states that the positions of *praefecti urbis*, *praefecti praetorio* and *magistri militum* now have an 'equal dignity' (*indiscreta dignitas*) but notes that this *ordo dignitatum* is not to be used in the senate, in which the dignities as previously arranged (*digestae ordinationibus priscis dignitates*) be maintained.

¹⁰⁸ Cod.Theod.6.5.2(384): *Caelestis recordationis Valentinianus, genitor nominis nostri, singulis quibusque dignitatibus certum locum meritumque praescipit. Si quis igitur indebitum sibi locum usurpaverit, nulla se ignoracione defendat, sitque plane sacrilegii reus, qui divina praecepta neglexerit.*

law, but some features of that prescription may be reflected in his law of 372 concerning the order of service positions and precedence among those who had been awarded the dignity attached to some of the service positions. Five excerpts of different parts this law are available, each under a different title in *Cod.Theod.*¹⁰⁹ The combined contents of these excerpts do not, however, correspond to those which another law alleges comprised the contents of the law that it ascribes to Valentinianus 1,¹¹⁰ and no copy is available of any document that would correspond to the alleged contents. But whatever he prescribed, successive emperors continued to introduce a series of modifications to it.

Although no available document contains a list of all, or even most, of the service positions that existed in any particular year, or their order, it is possible, from the laws, to construct the order of the more important service positions to which senatorial dignities were attached throughout the 5thC.

The *Codex Theodosianus* was planned to consist of excerpts of laws that were relevant to the section headings, referred to as titles (*tituli*), into which each of its 16 books was divided, and this arrangement was adopted in the compilation of the 12 books of the *Codex Iustinianus*.¹¹¹ Each of the two books comprising *Cod.Theod.1+6*, and the two books forming *Cod.Iust.1+12*, has a series of titles that contain the names of service positions and, following each title, a selection of laws relating to the named positions.¹¹² The titles in *Cod.Theod.1.5-16*, which are repeated or adapted in *Cod.Iust.1.26-40*, mostly name single service positions, while the titles in *Cod.Theod.6.6-19*, and the corresponding ones in *Cod.Iust.12.3-14*, include groups of service positions to which the same dignity was attached,¹¹³ (or, occasionally, positions within a single agency that were subordinate to the first-named position in the title).¹¹⁴ The sequence in which these titles are arranged within the two compilations of laws, and the sequence in which the names of service positions are listed in any title that contains a group of such names, both reflect the ranks of these positions, arranged in an order from the highest to the lowest rank. The same sequences are repeated in most laws,¹¹⁵ and the almost complete agreement between those in *Cod.Theod.*, and the corresponding ones in *Cod.Iust.*, indicates that there was little change in the ranks of these service positions in the period 438-534 that separated the two compilations from which *Cod.Theod.* and *Cod.Iust.* are indirectly derived.

When the sequences of the names of the service positions in the titles in *Cod.Theod.1* are considered together with those in *Cod.Theod.6*, and when those in *Cod.Iust.1+12* are similarly combined, the following order of a selection of the more important service positions to which senatorial dignities were attached can be established, arranged from the highest to the lowest rank:¹¹⁶

¹⁰⁹ *Cod.Theod.*6.7.1 + 6.9.1 + 6.11.1 + 6.14.1 + 6.22.4(372).

¹¹⁰ *Cod.Theod.*6.5.2(384): *singulis quibusque dignitatibus certum locum [...] praescripsit* - note 108.

¹¹¹ *Cod.Theod.*1.1.5(429): *Ad similitudinem Gregoriani atque Hermogeniani codicis cunctas colligi constitutiones decernimus, [...] Et primum tituli, que negotiorum sunt certa vocabula, separandi ita sunt, ut, si capitulis diversis expressis ad plures titulos constitutio una pertineat, quod ubique aptum est, collocetur.* Iustinianus, constitution *Haec quae* (528)§2: *certas et brevi sermone conscriptas ex isdem tribus codicibus* <§1: *Gregoriano et Hermogeniano atque Theodosiano*>, *novellis etiam constitutionibus leges componere et congruis subdere titulis.* See also note 5.

¹¹² See *Attachment 2*§(2).

¹¹³ For example *Cod.Theod.*6.7(438)tit: *de praefectis praetorio sive urbis et magistris militum* = *Cod.Iust.*12.4(534)tit: *de praefectis praetorio sive urbis et magistris militum in dignitatibus exaequandis.*

¹¹⁴ For example *Cod.Theod.*6.8(438)tit: *de praepositis sacri cubiculi* = *Cod.Iust.*12.5(534)tit: *de praepositis sacri cubiculi et de omnibus cubiculariis et privilegiis eorum*; *Cod.Theod.*6.10(438)tit: *de primicerio et notariis* = *Cod.Iust.*12.7(534)tit: *de primicerio et secundocerio et notariis.*

¹¹⁵ Exceptions to this observation are exemplified in *Attachment 2*§(3).

¹¹⁶ Most of the listed names 1-22 refer to service positions that existed in each of the two parts, eastern and western, into which the Roman state was divided, mostly from 364 onwards, and permanently from 395. Positions 15-16 existed only in the eastern part and their existence among the titles in *Cod.Theod.1* and *Cod.Iust.1* reflects the fact that the two *Codices* were both compiled in that part of the Roman state.

1	<i>praefectus praetorio</i> ¹¹⁷	director of the civil service
2	<i>praefectus urbis</i>	director city administrations
3	<i>magister militum</i>	master of soldiers
4	<i>praepositus sacri cubiculi</i> ¹¹⁸	manager of the imperial household
5	<i>quaestor sacri palatii</i>	chief legal officer at court
6	<i>magister officiorum</i>	master of court services & imperial agents
7	<i>comes domesticorum</i> ¹¹⁹	director of the corps of imperial household guards
8	<i>comes sacrarum largitionum</i>	director of finance & treasury
9	<i>comes rerum privatarum</i>	director of imperial private estates & revenues
10	<i>primicerius notariorum</i>	chief imperial secretary
11	<i>magister scrinii memoriae</i>	master of the imperial bureau of records
12	<i>magister scrinii epistularum</i>	master of the imperial bureau of correspondence
13	<i>magister scrinii libellorum</i>	master of the imperial bureau of petitions
14	<i>proconsul</i>	provincial governor
15	<i>comes orientis</i>	vice-prefect for the diocese <i>oriens</i>
16	<i>praefectus augustalis</i>	vice-prefect for the diocese <i>aegyptus</i>
17	<i>vicarius</i> ¹²⁰	vice-prefect for a diocese
18	<i>comes rei militaris</i>	regional director of soldiers
19	<i>dux</i>	regional director of soldiers
20	<i>consularis</i>	provincial governor
21	<i>corrector</i> and 22 <i>praeses</i>	provincial governor

¹¹⁷ The position of *praefectus praetorio* (often in conjunction with the position of *praefectus urbis*) is consistently identified as superior to the other positions, as in Cod.Theod.1.15.7(377): *praefecturae meritum ceteris dignitatibus antestet*; Cod.Theod.12.1.117(387) - note 106; Cod.Theod.6.22.8(425): *quis [...] ad summum praefecturae pervenisset usque fastigium*; while the position of *magister militum* is referred to in Cod.Theod.6.6.1(382) as the highest military position (*culmen militare*) .

¹¹⁸ In the corresponding titles in *Cod.Theod.6* and *Cod.Iust.12*, the position *praepositus sacri cubiculi* occupies this place in the order of service positions. A dignity with the *illustris* grade was probably added to the position before 384 (Cod.Theod.7.8.3: *ex-praefectis [...] et ex-magistris equitum ac peditum, [...] adque ex-comitibus consistorianis, [...] ex-praepositis quoque sacri cubiculi, quos tanta et tam adsidua nostri numinis cura inter primas posuit dignitates*) and is attested in 409/12 (Cod.Theod.11.18.1: *inlustres viros [...] praepositum [...] sacri cubiculi*) where the position is ranked between those of *magistri militum* and *magister officiorum*. The dignity attached to the position was raised, and equated, to that of the positions *pp,pu,mm* in 422 (Cod.Theod.6.8.1).

¹¹⁹ The position of *comes domesticorum* 7 is not included in the titles used in *Cod.Theod* and *Cod.Iust* but is added here to complete the list of positions to which a dignity with the *illustris* grade is known to have been attached.

In Cod.Iust.12.16.1(415), the position 7 (*cd*) is grouped with the position of *magister officiorum* but this provision is absent from another copy of the same law of 415 (Cod.Theod.6.23.1) and is probably a revision in the former copy - note 165.

In Cod.Theod.11.18.1(409/12) position 7 is listed immediately after that of 3 but this may refer to the subordination of the *comes domesticorum* to the *magister militum* (as occurred in the listing of the *cubicularii* immediately after the position of *praepositus sacri cubiculi* in the same law - note 125). The rank of position 7 above that of position 8 seems to be confirmed by Cod.Iust.12.40.10(c.450-5) - see *Attachment 2§(6)* - and by Cod.Iust.10.32.64 (475-84): *qui [...] comitum privatarum nostrae vel Augustae partis, seu comitis largitionum vel comitis domesticorum, quaestoris vel magistri officiorum ad actum administrationis gerendum proveci sunt* which lists the positions in order of increasing rank and this list is repeated in Cod.Iust.10.32.66(497-9).

¹²⁰ *Vicarius*, "vice-prefect" but actually *vices agens praefecturae*: Cleonius (mid-5thC): *Ars Cleonii Romani senatoris Constantinopolitani grammatici*, defines the term as follows: §356: *Saepe quaesitum est, utrum vicarius dici debeat etiam is cui magnificentissimi praefecti vices suas in speciali causa mandaverunt. nequaquam: nam vicarius dicitur is qui ordine codicillorum vices agit amplissimae praefecturae. ille vero cui vices mandantur propter absentiam praefectorum, non vicarius, sed vices agens, non praefecturae, sed praefectorum dicitur tantum.* (Keil, H., *Grammatici latini*, vol.5: *Artium scriptores minores*. (Leipzig, 1868; repr. Hildesheim, 1961), p.13.

The positions 5-6 exist in this sequence in the titles in both *Cod.Theod.1+6* and in *Cod.Iust.1+12*, and those of 15-16 in both *Cod.Theod.1* and *Cod.Iust.1*, but both sequences vary within some laws.¹²¹

In this list of service positions 1-22, all the names are in the singular, but each of the names 1, 3, 4, 7, 14, 17-22 refers to two or more contemporary positions whose names differed only by their regional designations as, for example, *praefectus praetorio orientis* (or *per orientem*) and *praefectus praetorio illyrici* (or *per illyricum*). The sequence in which such multiple positions are listed is also generally consistent, indicating differences in rank. For example, in the eastern part of the Roman state there existed simultaneously, after 395, the positions *praefectus praetorio orientis* or *per orientem* (*ppo*), *praefectus praetorio illyrici* or *per illyricum* (*ppi*) and *praefectus urbis constantinopolitanae* (*puc*). In those laws in which all three positions are listed together, they occur repeatedly in the sequence *ppo*, *ppi*, *puc*¹²² and this is repeated in the sequence of the titles under which the laws are arranged in *Cod.Iust.*¹²³ By the early part of the 5thC, a dignity with the *illustris* grade had been attached to the service positions 1-9; with the *spectabilis* grade to positions 10-19, and with the *clarissimus* grade to positions 20-22.¹²⁴ The exact date when each of these dignities was added to these service positions is not known.

In addition to positions 1-22, there were others to which senatorial dignities were attached. For example, a law of 409/12 that lists several additional positions with the *spectabilis* grade of dignity,¹²⁵ while a law of 413 states that, among the 130 subordinate service positions in three of the imperial bureaus,¹²⁶ all the

¹²¹ The alternating sequence in which the positions 5-6 are listed is indicated in *Attachment 2§(4)* and that of 15-16 in *Attachment 2§(5)*.

¹²² *Cod.Theod.*12.1.188(436)=?*Cod.Theod.*8.4.30(436), *Cod.Iust.*2.7.7(439), *Cod.Iust.*2.7.9(442), *Cod.Iust.*12.59.10(472?), *Cod.Iust.*10.32.64(475-84), *Cod.Iust.*12.3.3(474-91).

¹²³ *Cod.Iust.*1.26, 1.28(534). The title, 1.27, refers to the position of *praefectus praetorio africae* which was created following the reconquest of former Roman territory in Africa in 534. See *Attachment 2 §(1)*.

¹²⁴ Many of the service positions to which dignities with these three grades were attached were sometimes grouped into higher, middle and lower positions, corresponding generally to those grades. For example: *Cod.Iust.*1.49.1(475) - note 220. *Cod.Iust.*1.22.6(491): *omnes cuiuscumque maioris vel minoris administrationis universae nostrae rei publicae iudices monemus*; *Cod.Iust.*3.1.13(530)§8: *iudex [...] in maiore dignitate usque ad illustratus gradum*; *Cod.Iust.*3.1.14(530): *omnes iudices sive maiores sive minores, sive qui in administrationibus positi sunt vel in hac regia civitate vel in orbe terrarum*; *Nov.Iust.*7(535)§epil: *iudices maiores et minores, civiles et militares, et praecipue per omnes diocesis constituti [...] et medias habentes administrationes, quos spectabiles vocant*; Similarly in *Cod.Theod.*8.15.5(365/73), *Cod.Iust.*12.1.18(492-7); *Cod.Iust.*12.25.4(474)§pr; *Nov.Iust.*13(535)§4.1; *Nov.Iust.*17(535)§pr., *Nov.Iust.*23(535?)§3; *Nov.Iust.*30(536)§7.1; *Nov.Iust.*43(536)§1.1; *Nov.Iust.*60(537) §2.1; *Nov.Iust.*09(541)§2; *Nov.Iust.*125(542)§epil; *Nov.Iust.*128(545)§21; *Nov.Iust.*134(556)§3,§9.

¹²⁵ *Cod.Theod.*11.18.1(409/12). The names of the positions are excerpted in *Attachment1§(2)-409/12*. Within the positions mentioned in this law, one of those to which a dignity with the *illustris* grade is attached (*praepositus sacri cubiculi*) is followed by several positions to which it was not (*primicerius, castrensis, comes sacrae vestis, ceteri cubicularii*) and which were subordinate to that of *praepositus*. They are similarly listed in the title *Cod.Iust.*12.5(534): *De praepositis sacri cubiculi et de omnibus cubiculariis et privilegiis eorum*. While these subordinate positions did not have dignities with the *illustris* grade attached to them, the *cubicularii* were, nevertheless, important as indicated in an earlier law, *Cod.Theod.*11.16.15(382), that exempted them from compulsory public services: *Maximarum culmina dignitatum, consistoriani quoque comites, notarii etiam nostri et cubicularii omnes atque ex-cubiculariis ab omnibus sordidis muneribus vindicentur*. Similarly, the positions of *comites domesticorum*, listed immediately after those of *magistri militum*, may also have been subordinates of the latter, as suggested by a comparison of *Cod.Theod.*6.24.6(395) with *Cod.Theod.*6.24.5(392/3).

¹²⁶ *Cod.Iust.*12.19.10(470-4): *scrinium memoriae* 62, *scrinium epistularum* 34, *scrinium libellorum* 34.

positions in each bureau, from that of *melloproximus* (second assistant bureau master) down to those of the *exceptores* (secretaries), had a dignity with the *clarissimus* grade attached to them.¹²⁷

[5] *Service position ranks and the grades and divisions of dignity*

The relationship between the dignities attached to service positions, and the ranks of those positions, is indicated most clearly in the laws concerning the service positions to which dignities with the *illustris* grade were attached. These comprised the positions listed above as 1-9 which are abbreviated as follows: *pp*(*praefectus praetorio*), *pu*(*praefectus urbis*), *mm*(*magister militum*), *pse*(*praepositus sacri cubiculi*), *qsp*(*quaestor sacri palatii*), *mo*(*magister officiorum*), *cd*(*comes domesticorum*), *csl*(*comes sacrarum largitionum*), *crp*(*comes rerum privatarum*).

The significant laws are the following, which are arranged in chronological order:

- (1) Cod.Theod.6.7.1(Iul.372): states that the service positions *pu,pp,mm* have an 'equal' (*indiscreta*) dignity (singular), such that, among retirees from those positions, precedence is determined by seniority. This 'equal' dignity can be acknowledged everywhere, except in the senate in which the dignities (plural) as arranged in older regulations (*digestae ordinationibus priscis dignitates*) are to be maintained (presumably referring to the time before the dignity attached to the position *mm* was equated with that of *pp,pu*). This extract does not include any of the four service positions *qsp,mo,duo largitionum comites (=csl,crp)* that are mentioned in the next extract from the same law (Cod.Theod.6.9.1) which, in turn, does not refer to the positions *pp,pu,mm*.
- (2) Cod.Theod.6.9.2(Mai.380): states that the dignity of the positions *qsp,mo,comitiva utriusque aerarii (=csl,crp)* is equal and is retained by retirees (*actus depositi dignitas pares eos viros praestet*). No other position is included.
- (3) Cod.Theod.6.7.2(Iun.380): states that a retiree from the position *mm* has precedence over a later retiree from the *praefectura*, indicating that, before retirement the positions, *pp,pu* had precedence over that of *mm*. No other position is included.
- (4) Cod.Theod.6.6.1(Apr.382): refers only to the *praefectura* and *mm (culmen militare)* as the service positions that can be combined with the position of *consul*, or the title *patricius*.
- (5) Cod.Theod.11.16.15(Dec.382): provides exemptions from compulsory public services to the *culmina maximarum dignitatum*, the *comites consistoriani* (identified in Cod.Theod. 9.14.3(397) as the *illustres consistorio nostro*, of whom three are named in Cod.Theod.11.39.5(362) as the *qsp,mo,csl*), the *notarii*, the *cubicularii* and *ex-cubiculariis*.
- (6) Cod.Theod.7.8.3(384): provides exemptions for retirees from the positions *praefecti*, *mm*, *comites consistoriani*, *pse* (the latter described as being placed *inter primas dignitates*) - see Attachment 2 §(6).
- (7) Cod.Iust.2.12.25(392): in any personal lawsuit, *pp,pu,mm*, *comites consistoriani* are to be represented by a *procurator*.
- (8) Cod.Theod.6.8.1(422): the position *pse* is now to have the same dignity (*ea dignitate*) as that of *pp,pu,mm*, such that, among retirees from these four positions, precedence is determined by seniority. No other position is included.
- (9) Cod.Theod.7.8.16(435): the exemptions from providing quarters for service personnel are higher for the *praefectura* and *mm* than those granted *aliis sane inlustribus viris* - see Attachment 2 §(6).
- (10) Cod.Theod.6(438)titles: 6. *De consulibus, praefectis, magistris militum et patriciis*; 7. *De praefectis praetorio sive urbis et magistris militum*, 8. *De praepositis sacri cubiculi*, 9. *De quaestoribus, magistris officiorum, comite sacrarum largitionum et rerum privatarum*.
- (11) Cod.Iust.12.8.2(440-41): refers to honorary dignities existing in three separate groups (*praefectorii, quaestorii/magister officiorum, csl,crp.*) and the positions in each group having the same dignity (*similem dignitatem*) which differs from that of the positions in either of the other groups.

¹²⁷ Cod.Theod.6.26.16(413): *Peculiari praeceptionis nostrae favore praestamus, ut in scriniis memoriae epistularum libellorumque ab exceptoribus usque ad mello proximos dignitatem clarissimorum honoremque percipiant.*

- (12) Cod.Iust.12.40.10(450-55): the exemptions from providing quarters for service personnel are higher for the *praefectorii* and *mm* than for *mo,qsp* which are higher than those for *cd,csl,crp* - see *Attachment 2 §(6)*.
- (13) Cod.Iust.10.32.64(475-84): the positions *mm, pp.orientis, pp illyrici, pu*, are exempt from any curial obligations that may exist, but the positions of *crp,csl,cd,qsp,mo* are not (the positions being listed in order of increasing rank). This provision is cited in Cod.Iust.10.32.66(497-99).
- (14) Cod.Iust.12(534)titles: 3. *De consulibus [.] et de praefectis et magistris militum et patriciis*; 4. *De praefectis praetorio sive urbis et magistris militum in dignitatibus exaequandis*, 5. *De praepositis sacri cubiculi [..]*. 6. *De quaestoribus, magistris officiorum, comitibus sacrarum largitionum et rei privatae*.

These laws indicate that:

- (a) A dignity with the *illustris* grade was simultaneously attached to several service positions.
- (b) These service positions are mostly listed in the order of their ranks, which all differed from each other.

Although there are a some variations in the sequence in which a few of these positions are listed when several occur together, *pp|pu* always precede *mm*; *csl* always precedes *crp*; *qsp* and *mo* - whether in this order, as in laws 2,10,14, or the reverse, as in laws 12,13 - always follow *mm*; and *cd* precedes *csl*.

- (c) These differently-ranked service positions were separated into groups of positions.
There were mostly two groups: (i) *pp,pu,mm* (and *psc* after 422) and (ii) *qsp,mo,csl,crp* as in laws 1+2,5,7,9,10,14, but sometimes three, as in 11,12, when (iii) *csl,crp* were separated from (ii).
- (d) The service positions in each group had the same dignity ('equal dignity') with the *illustris* grade attached to them, and this dignity, common to all the positions in one group, differed from the common dignity with the *illustris grade* that was attached to all the positions in any other group.
The 'equal dignity' attached to positions within a group is either stated, or implied, in laws 1+2, 3, 8, 11. The 'equal dignity' did not change the ranks of the positions within the group, as indicated in 1+3 and 8.

- (e) The same dignity ('equal dignity') with the *illustris* grade attached to the service positions in group (i) *pp,pu,mm* was superior to the common dignity attached to all the positions in group (ii) *qsp|mo, csl,crp* which, at those later times when this group did not include positions *csl* and *crp*, was superior to the common dignity attached to the positions in group (iii), comprising the latter two positions.
That the dignity attached to the positions in group (i) was superior to the dignity attached to the positions in group (ii) is indicated, firstly, by the sequence in which the groups are listed in 1+2,10,14 (and 6,7 which refer to (ii) as *comites consistoriani*) and, secondly, by the difference in the privileges attached to the two groups as in 9,12,13 (the privileges are differentiated by the dignity of the groups, not by the ranks of the positions within the groups: that is, among the differently-ranked service positions to which an 'equal dignity' is attached, no privilege is ever granted to one position in the group but denied to others).

It is concluded, therefore, that:

- (f) since the dignity, with the *illustris* grade, that was equally attached as their common dignity to a group of service positions, differed in status from the dignity, with the *illustris* grade, that was attached as their common dignity to another group of service positions, the *illustris* grade was actually partitioned into two **divisions** of that grade (or sometimes three divisions when three groups of positions, each with a dignity differing from that of the other two, existed within the *illustris* grade).

These observations and conclusion may be tabulated as in *Attachment 1, Table 1*

Similar divisions to those in the *illustris* grade of dignity existed within the other senatorial grades of dignity. But such divisions in the senatorial grades were not identified by numbers, as they were in the equestrian *perfectissimus* and *forma* grades and in the dignity of *comes* (each of which had three numbered divisions or *ordines*). Instead, the divisions of the senatorial grades were identified by naming the highest-ranked of the service positions in a group whose equal or common dignity comprised a division of a grade of dignity,¹²⁸ and then equating with that group, identified by the name of its most

¹²⁸ For example, in Cod.Theod.1.1.6(435): *quaestoriae dignitatis*; Cod.Theod.1.12.2(319): *proconsulari dignitati*; Cod.Theod.1.15.7 (377): *praefectoria dignitas*; *vicaria dignitas*; Cod.Theod.6.2.13(?8)(383): *consularis dignitas*; Cod.Theod.6.22.3(340): *praesidium [..] dignitas*.

highest-ranked service position, any further position that was subsequently accorded the same dignity.¹²⁹ Thus, for example, the first division of the *illustris* grade of dignity was later sometimes referred to as the *praefectoria dignitas*.¹³⁰

An example is provided by the *schola notariorum* which, together with its chief officer, the *primicerius notariorum*, was under the direct jurisdiction of the emperor. The officers of this *schola* comprised, in decreasing order of rank, the *primicerius notariorum*, his assistant, the *secundicerius*,¹³¹ other *tribuni et notarii praetoriani* (praetorian class of tribune imperial secretaries), *tribuni et notarii* (tribune imperial secretaries), and *domestici et notarii* (imperial secretaries).¹³² In 381, a retiring *primicerius* is placed 'among the number' of the *proconsules*; the *praetoriani* 'appear to obtain' the same emblem as the *comes orientis* or *aegypti*; the other *tribuni et notarii* are to be 'equated' with *vicarii* (but with seniority); and the *domestici et notarii* were to have 'the same grade' as the *consulares*.¹³³

Similarly, the eastern service positions of proconsuls and of vice-prefects for dioceses were habitually listed in the order indicated above: namely, (14)*proconsul*, (15)*comes orientis*, (16)*praefectus augustalis*, (17)*vicarius*.¹³⁴ But among the vice-prefect positions, the dignity attached to the two positions 15-16

¹²⁹ Reflected, for example, in terms such as Cod.Theod.6.7.1(372): *indiscreta dignitas*; Cod.Theod. 11.16.15(382): *communis dignitas*; and expressions like Cod.Theod.6.9.2(380): *actus depositi dignitas pares eos viros praestet*; Cod.Theod.6.10.2(381): *notariorum primicerios [...] non solum vicariis anteponi, sed etiam proconsulibus aequari sancimus, [...]*; and *domesticos et notarios consularibus [...] componimus*, + 6.26.2: *clarissimos viros proximos scriniorum et magis(tr)os dispositionum vicariorum ordini copulamus*; Cod.Theod.6.13.1(413) *comites aegypti vel ponticae dioeceseos [...] quorum par dignitas est*, + 6.14.3: *eos <comites> ducibus [...] qui [...] in aliis provinciis administraverint, adaequamus*, + 6.16.1: *archiatros [...] inter vicarios taxari praecipimus*; Cod.Theod.6.23.1(415): *inter eo[s] qui ex-ducibus sunt [...], esse praecipimus*; Cod.Theod.6.8.1(422): *sacri cubiculi [...] praepositi [...] ea dignitate fungantur, qua sunt praediti, qui eminentissimam praetorianam vel urbanam meruerint praefecturam aut certe militarem magisteriam potestatem*; Cod.Theod.6.26.17(416): *inter eos, qui vicariam potestatem egerint, honorandi*.

¹³⁰ The term *praefectorius* is used in Cod.Iust.12.8.2(440-1)§2: to identify a person with the dignity attached to the positions *praefectus praetorio*, *praefectus urbis* and *magister militum* (note 139). Later, the term *praefectura* is used to refer collectively to those positions, and *praefectoria dignitas* to denote the division of the *illustris* grade of the dignity that was attached to them, as exemplified in Cod.Iust.7.62.34(520-24): *duo magnifici viri vel patricii vel consulares vel praefectorii*; Nov.Iust.38(535) §pr.3: *nisi per maximarum dignitatum adeptionem, patriciatus aut consulatus aut praefecturae civilis sive militaris [...] dignitates (praefectorias dicimus qualis et magistromilitatus dici potest)*; Nov.Iust.62(537)§2: *praefectoriae dignitatis, quibus etiam magistros militum connumeramus*; Nov.Iust. 70(538)§pr: *magisterium militiae praefecturam esse nostrae dicunt leges*.

¹³¹ *Secundicerius* in Cod.Theod.10.10.21(396), Cod.Theod.1.10.8(428), *secundocerus* in Cod.Iust.12.23.7(384), Cod.Iust.12.17.4(527-34), Cod.Iust.12.7(534) title.

¹³² Cod.Theod.6.10.2(Mar.381), Cod.Theod.6.10.3(Dec.381) Cod.Theod.10.10.21(396), Cod.Iust.12.20.5(c.466) Cod.Iust. 12.7(534)tit: *De primicerio et secundocerio et notariis*.

¹³³ Cod.Theod.6.10.3(Dec.381): *Notariorum primicerium in numero proconsulum habemus, tamquam comitis ei semper fasces cum curulibus dederimus. Praetorianos non longe ab hoc abducimus, ut qui ad tribunatum nominis huius accesserint, Orientis sive Aegypti comitivae videantur infulas consecuti. Tribunos residui nominis nemo dubitet vicariis exaequandos et praefereandos his, quos adepti honoris praecesserint; reliquos vero, quos domesticum inter notarios et familiares nobis nomen insinuat, parem gradum cum consularibus obtinere sancimus.*

Similarly, in the earlier law of the same year, Cod.Theod.6.10.2(Mar.381): *Notariorum primicerios, si, prout eorum voluntas fuerit, de consistorio nostro sine administratione discesserint, non solum vicariis anteponi, sed etiam proconsulibus aequari sancimus, ita ut nihil nisi tempus intersit. Eodem honore atque eodem ordine sequens primicerium tribunus ac notarius perfruetur. Alios porro notarios et tribunos vicariis iubemus aequari ac, si priores id vocari coeperint, anteferri. At vero domesticos et notarios consularibus simili ratione componimus.*

¹³⁴ See Attachment 2§(2) and §(5).

(which were sometimes listed in reverse order) apparently represented a division of the *spectabilis* grade that was superior to the grade attached to the remaining *vicarius* positions.¹³⁵

While the equestrian *perfectissimus* and *forma* grades of dignity was each partitioned into three numbered divisions or *ordines* there is insufficient evidence in the laws to determine whether each of those divisions represented the common dignity attached to a group of positions within the grade. A law dated 384,¹³⁶ which contains the most detailed reference to these grades, lists as *dignitates* the equestrian grades attached to 443/446 positions in the *officium* of the *comes sacrarum largitionum*: the grade *perfectissimus* (*ordines I,II,III*) is available for 18 positions, *ducenarius* for 22/21, *centenarius* for 39/41, *epistularis* for 53/54 and *forma* (*ordines I,II,III*) for 311/312, but only 9 of the positions are named.

[6] *Service position ranks, grades and divisions of dignity, and the order of precedence*

A person appointed to a service position was either a **servicing officer** (the salaried functionary appointed to a service position, as the person responsible and accountable for the performance of the duties associated with that position) or a **retired officer** (an officer who has retired from being a serving officer). The place of an officer within the order of precedence was determined both by the rank of the position and the dignity attached to it. This is again indicated most clearly in the laws concerning the service positions with an *illustris* grade of dignity.

Cod.Theod.6.7.1-372 (law 1 above) states, firstly, that the positions *pp,pu,mm* have an equal dignity (*indiscretae dignitatis*) attached to them; and, secondly, that when serving officers appointed to those positions retire, precedence among them is determined by seniority.¹³⁷ In determining precedence, the general principle of seniority (priority determined by the date of an appointment or an award) operated only where all other variables determining precedence were equal, but, since the ranks of the positions *pp,pu,mm* were not equal (the rank of *mm* was inferior to that of *pp,pu* - as implicitly indicated in the laws Cod.Theod.6.7.1-372 (law 1) Cod.Theod.6.7.2-380 (law 3), the principle of seniority could only operate within the 'equal dignity' (the *illustris* grade of dignity and the division *pp,pu,mm*) that was attached to all three service positions. This difference between rank and dignity, exemplified in relation to the positions *pp,pu,mm*, is also indicated in law Cod.Theod.6.9.2-380 (law 2), regarding *qsp,mo,csl,crp* and in law Cod.Theod.6.8.1-422 (law 8) referring to that of *psc*.

Considered together, laws 1+3, 2, 8 indicate that precedence among the serving officers appointed to, and later retired from, the service positions to which those laws refer, was determined as follows:

- (a) among serving officers, precedence was determined by the ranks of the service positions to which they were appointed;
- (b) among retired officers, precedence was determined by seniority among all the officers retired from all those service positions to which the same dignity (grade and division) was attached: that is, by priority determined by the date of the award of the same dignity.

A serving officer obtained the dignity attached to a service position on his appointment as a functionary to that position. On retirement, a serving officer relinquished both the service position and its rank but retained its dignity in a form whose title (e.g. *illustris ex-magistro militum*) identified the group of retired officers (*ex-praefectis praetorio*, *ex-praefectis urbis*, *ex-magistris militum*)¹³⁸ among whom the retired officer (*ex-magistro militum*) would determine his precedence on the basis of seniority.

These observations and conclusion may be tabulated as in *Attachment 1, Table 2*

[7] *Categories of dignities and dignitaries*

As mentioned previously, while all senatorial and equestrian dignities were attached to positions in the imperial service, not every person to whom such a dignity was awarded was appointed to the service position to which it was attached.

¹³⁵ See *Attachment 2*§(5).

¹³⁶ Cod.Iust.12.23.7(384) - note 33 and *Attachment 3*.

¹³⁷ Cod.Theod.6.7.1(372): *loco velimus esse potioem, qui alios promotionis tempore et codicillorum adeptione praecesserit*.

¹³⁸ Including, after 422 (Cod.Theod.6.8.1), the *ex-praepositis sacri cubiculi*.

Those dignities were mostly obtained by serving officers or by retired officers: that is, the dignity was either (i) obtained by a person appointed to serve in, or (ii) retained by a person retired from serving in, the service position to which the dignity was attached.

But these dignities attached to service positions could also be awarded, without an appointment to the service position, to *honorary officers*: that is to persons each of whom was awarded the dignity, either (iii) as if appointed to serve in, or (iv) as if retired from serving in, the service position to which the dignity was attached.

Such an honorary officer may be defined as any person who obtained, or who was awarded, the senatorial or equestrian dignity attached to a service position (that is, a dignity identified by the name of the service position to which the dignity was attached) but not an appointment as a serving officer to that position.

In the laws the main distinctions between these four categories of officers who obtained or were awarded senatorial grades of dignity are described as follows, principally in a law of 440-41:¹³⁹

- (1) a **serving officer** (*administrator*, or *magistratus*, or *inter agentes*, or *in actu positus* or *in potestate positus*, or similar)¹⁴⁰ who:
 - (i) was appointed as the functionary of a service position;
 - (ii) was invested with the *cingulum* (service belt)¹⁴¹ of the functionary of that position; and

¹³⁹ Cod.Iust.12.8.2(440-1):

(§pr.) *Omnes privilegia dignitatum hoc ordine servanda cognoscant, ut primo loco habeantur ii, qui in actu positi illustres peregerint administrationes: secundo venient vacantes, qui praesentes in comitatu illustris dignitatis cingulum meruerint: tertium ordinem eorum prospicimus, quibus absentibus cingulum illustris mittitur dignitatis: quartum honorariorum, qui praesentes a nostro numine sine cingulo codicillos tantum honorariae dignitatis adepti sunt: quintum eorum, quibus absentibus similiter sine cingulo mittuntur illustris insignia dignitatis.*

(§1) *Sed administratores quidem, etiam comites rei privatae, omnibus vacantibus omnibus honorariis anteponi censemus.*

(§2) *Vacantes autem post administratores venientes non omnes iam omnibus honorariis credidimus praeponendos, sed eos vacantes illis honorariis, qui similem adepti sunt dignitatem, ut praefectorius praefectorio, non quaestorius praefectorio praeponatur, parique modo quaestorius quaestorio, non vacans comes thesaurorum vel comes rei privatae honorario quaestorio vel ex magistro officiorum praeferatur*

(§3) *Inter administratores illos etiam numerari decernimus, quibus illustribus in sacro nostro consistorio cinctis aliquid ordinariae dignitatis vel antea commisimus vel postea commitemus peragendum, verbi gratia si vacanti magistro militum belli cura committatur.*

(§4) *Cur enim aut vir magnificus germanus magister militum vacans appellatur, cui bellum contra hostes mandavimus? aut cur excellentissimus pentadius non egisse dicitur praefecturam, cuius illustribus cincti dispositionibus vice praetorianae praefecturae miles in expeditione copia comteatum abundavit.*

¹⁴⁰ Various terms are used: Cod.Iust.12.8.2(440-1)§pr: *administrator*; *qui in actu positi illustres peregerint administrationes* - note 139; Cod.Theod.6.22.8(425): *agentes*; Nov.Theod.25(444)§5: *inlustrium magistratum privilegium*; Nov.Iust.23(535?): *magistratus*; Cod.Theod.3.6.1(380): *in potestate publica positus*. The function (*administrans*) is used in Nov.Iust.15(535)§1, Nov.Iust.38(535)§pr.3 and Nov.Iust.95(539)§1. Cod.Theod.6.23.1(415) has *tamquam et ipsi administrave[rin]* while another copy of the same law, Cod.Iust.12.16.1, has *velut agentes* and *velut inter agentes*. - note 165.

On the use of *inter agentes* to distinguish between the dignity of serving and of honorary officers: Cod.Theod.6.22.8(425)§pr: *Hoc nos quoque volumus custodiri, ne quis sibi adpetat, sive imaginarios sive inter agentes codicillos acceperit, ut ei qui egerit ratione temporis praeferatur*. Its use in the title of an officer is exemplified in Cod.Iust., constitution *Haec quae*(528) §1: Constantinus, *vir illustris comes largitionum inter agentes et magister scrinii libellorum sacrarumque cognitionum*. (see Attachment 2).

- (iii) was awarded the dignity (grade and division) attached to the named position. (the dignity being identified as, for example, *illustris magister militum*).
- (2) a **retired officer** who:
 - (i) relinquished the appointment as the functionary of the service position;
 - (ii) retained the *cingulum* (service belt) of that position;¹⁴² and
 - (iii) retained the dignity (grade and division) attached to the named position. (the dignity being identified as, for example, *illustris ex-magistro militum*).
- (3) an **honorary reserve officer** ¹⁴³ (*vacans, cum cingulo*)¹⁴⁴ who:
 - (i) **was not** appointed as the functionary of a named service position; but
 - (ii) was invested with the *cingulum* (service belt) of that position; and
 - (iii) was awarded the dignity (grade and division) attached to the named position. (the dignity being identified as, for example, *illustris magister militum vacans*).
- (4) an **honorary officer** (*honorarius, citra cingulum, sine cingulo*)¹⁴⁵ who:
 - (i) **was not** appointed as the functionary of a named service position;
 - (ii) **was not** invested with the *cingulum* (service belt) of that position; but
 - (iii) was awarded the dignity (grade and division) attached to the named position. (the dignity being identified as, for example, *illustris ex-magistro militum* - as in 2).

The main law that mentions all four categories states that, unlike an honorary officer, an honorary reserve officer who had been awarded the dignity attached to a service position could subsequently be appointed as a serving officer to that position.¹⁴⁶

In all laws that distinguish categories of dignitaries, the dignities obtained by serving officers, and retained by retired officers, are considered to be genuine dignities (*dignitates legitimae*), whereas the dignities of honorary reserve and of honorary officers (*dignitates honorariae*) are considered to be

¹⁴¹ In the laws a *cingulum* is associated with a dignity in Cod.Theod.10.26.1(426): *nullius cingulo dignitatis utantur*); a *militia* in Cod.Theod.12.57.14(471): *cingulum militiae dignitatisve*; similarly in Cod.Iust.2.3.29(531); the dignity of *comes* - note 180; honorary *illustres* - notes 139, 148. See also note 91.

¹⁴² For example, Cod.Iust.12.5.5(492-7) - note 61.

¹⁴³ The title "reserve officer" is used to represent the participle (adj.) *vacans* to which the laws attach several meanings: (i) be vacant (ownerless) - property, lands, fields (Cod.Theod.7.20.3-320, Cod.Theod.7.20.8-364, Cod.Theod.10.8-438tit.); (ii) be vacant (empty) - a temporary vacancy in a permanent service position caused by the transfer, retirement or death of its previous incumbent (Cod.Theod.6.27.23-430, Cod.Iust.12.19.11-492-7, Cod.Iust.2.7.25-519§3, Cod.Iust.1.35.1-527§1); (iii) be free - from compulsory service (Cod.Theod.12.1.137-393), - from employment (Cod.Theod.8.2.3-380, - in retirement Cod.Theod.8.35.11-381), - to pursue private interests (Cod.Theod.7.22.10-380), - to be on leave or vacation (Cod.Theod.1.9.3-405), - to be available for duties (Nov.Val.36-452§6). None of these (i-iii) represents the meaning of *vacans* as used in the central law Cod.Iust.12.8.2(440-1) and represented here as "*be in reserve*". In this law *vacans* does not refer to a person appointed to a temporary vacancy in a service position, nor to a "supernumerary" (extra) position, for which the laws have a specific title: the secretariat in most agencies in the imperial service comprised a statutory number of officers (*statuti*) and various extra officers (*supernumerarii*) holding positions beyond the statutory number (*ultra* or *extra statutum numerum*) who were regularly appointed to statutory positions as vacancies arose. - Cod.Theod.6.30.15(399), Cod.Theod.6.30.17(399), Cod.Iust.12.25.2(422), Cod.Theod.6.27.23(430), Cod.Iust.12.19.7(443-4?), Cod.Iust.1.29.3(476-85).

¹⁴⁴ Cod.Iust.12.8.2(440-1), Nov.Theod.25(444)§6, Cod.Iust.12.7.2(474)§5: *vacans*; Nov.Theod.25(444)§4,§7, Nov.Theod.15.2(444)§2: *cum cingulo*.

¹⁴⁵ Cod.Iust.12.8.2(440-1), Nov.Theod.25(444)§6: *honorarius*; Nov.Theod.25(444)§4, Nov.Theod.15.2(444)§2: *citra cingulum*; Cod.Iust.9.35.11(478): *sine cingulo*.

¹⁴⁶ Cod.Iust.12.8.2(440-1)§3 - note 139.

artificial (*dignitates imaginariae*).¹⁴⁷ Where a law distinguishes the dignities awarded to honorary reserve officers from those given to honorary officers, both dignities are regarded as being honorary.¹⁴⁸ And in those laws in which honorary reserve and honorary officers are not identified separately, the term *honorarius* is used to refer collectively to both.

The number of honorary officers referred to in the laws was fairly large. But it is not certain exactly how many of the dignities attached to service positions were awarded to each of the two honorary categories. The number of identified honorary reserve officers was small. The main law of 440-41 cited above refers only to those *vacantes* with the *illustris* grade of dignity,¹⁴⁹ and this is the only grade associated with *vacantes* in three other laws.¹⁵⁰ In one further law, the same grade is mentioned together with *vacantes tribuni*,¹⁵¹ while another law notes that the dignity attached to the position of *vicarius* could be awarded to a *vacans* officer.¹⁵² And the dignity of *comes* could also be awarded in the same category.¹⁵³

The *honorarii*, who were distinguished from the *vacantes* in a few laws, constituted the majority of honorary officers. They included dignitaries such as an honorary imperial companion (*ex-comite*) or governor (*ex-praeside*),¹⁵⁴ an honorary chief of a secretariat (*princeps officii*),¹⁵⁵ honorary military tribunes (*tribuni*) and commanders (*praepositi*),¹⁵⁶ and those who obtained testimonial letters, sometimes from regional commanders (*comites*), certifying the recipients to be military veterans with the dignity of honorary imperial staff officer (*ex-protectoribus*) or of some other dignity (*vel cuiuslibet dignitatis*).¹⁵⁷

¹⁴⁷ For example, Cod.Theod.9.27.2(380): *omnes dignitates vel legitimas vel honorarias*; Cod.Theod.6.22.7(383): *qui [...] absque administrationis privilegio imaginarias [...] atque honorarias meruerint dignitates*; Cod.Iust.12.8.2(440-1)§1: *Administratores [...] omnibus vacantibus omnibus honorariis anteponi censemus* - note 139; Cod.Iust.3.24.3(485?): *Viros autem illustres [...], qui sine administratione honorariis decorati fuerint codicillis*.

¹⁴⁸ For example, Nov.Theod.25(444)§4: the dignity of both the reserve officers and honorary officers (*inlustris dignitas, licet vacantis militiae cingulo usi sint vel utantur, vel honorariae praerogativae potiantur insignibus*) is honorary (*quibus inlustris dignitas cum cingulo vel citra cingulum pro solo honore delata est*) and both are distinguished from those (§4): *quibus inlustrem dignitatem ius actae administrationis adtribuit* = Cod.Iust.12.40.9(444).

¹⁴⁹ Cod.Iust.12.8.2(440-1) - note 139.

¹⁵⁰ Nov.Theod.15.2(444), Nov.Theod.25(444), Cod.Iust.12.7.2(474)§5.

¹⁵¹ Nov.Val.6.3(444) refers not only to *inlustres vacantes per omnes nostras provincias constitutos* but also to *tribunos vacantes* listed among *omnes clarissimos*.

¹⁵² Nov.Val.2.2(442)§2 notes that a *vicaria dignitas* could exist as *vacans*.

¹⁵³ Cod.Theod.6.18 (438), under the title *De comitibus vacantibus*, there is the extract of only one law, Cod.Theod.6.18.1(412), which distinguishes those who obtained the dignity of *comes* by service in a position (*qui post probatos labores in nostro palatio comites esse meruerunt*) from those who obtained it without such service (*qui primi ordinis comitivam aut pretio impetravit aut gratia*). The latter are, presumably, the *comites vacantes* referred to in the title and which are otherwise unattested.

¹⁵⁴ See note 184.

¹⁵⁵ Cod.Theod.6.27.16(413): *Quod si forte quis, ut adsolet, honorarii principatus insignibus impetratis isdem privilegiis uti voluerit* (etc).

¹⁵⁶ For example: Cod.Theod.11.18.1(409/12) denies benefits to those with honorary dignities (*Illos tantum tironum atque auri munus adstringat, quos honorarios vocavit antiquitas*) who include *tribuni* and *praepositi* who have not been serving officers (*De ipsis etiam militaris nominis viris eos praepositos vel tribunos a privilegiis esse convenit alienos, qui castrorum expertes habentur nec in hostem martio aere caluerunt*). Similarly, Cod.Theod.7.21.1(313/320?): *Ideoque si qui ex-protectoribus vel ex-praepositis vel ex-tribunis epistulas reportaverint, non habeant privilegium, quod merentur qui ordine militiae sub armorum labore decurso ad hunc honorem pervenerint*;

¹⁵⁷ Cod.Theod.7.20.12(400): *Plerique testimonialibus fraude quaesitis fiunt veterani, qui milites non fuerint, [...] Quisquis igitur [...] dilectui obnoxius et florentissimis legionibus inserendus*

[8] *Honorary officers and the order of precedence*

As stated above, precedence among serving officers was determined by the rank of the position to which they were appointed and, among retired officers, by seniority within the same grade and division of dignity which they had obtained by their appointment to a service position with an attached dignity.

Common to the categories of retired, honorary reserve and honorary officers was that all three held the dignity attached to a service position, but not the position: the reserve officer had relinquished the appointment to the position, while the honorary reserve and honorary officers had never received an appointment. Holding only the dignity, precedence among all three categories was determined by the same principle of seniority (within the same grade and division of dignity),¹⁵⁸ but separately within each of the three categories (retired, honorary reserve, honorary).

The prescribed order of precedence among retired, honorary reserve and honorary officers is described in the greatest detail in a law of 440-41, which, under the title *ut dignitatum ordo servetur*, regulates the order of precedence among officers who were awarded the dignity, with the grade *illustris*, attached to the seven service positions *pp*, *pu*, *mm*, *qsp*, *mo*, *csl*, *crp* (the law makes no reference to the other two positions *psc*, *cd* to which the same grade was attached).¹⁵⁹

The law identifies these officers as: (1) *administratores* (which refers equally both to serving and to retired officers), (2) *vacantes* (honorary reserve officers) and (3) *honorarii* (honorary officers); and the law then divides the honorary reserve and honorary categories into two further categories (in the following decreasing order of precedence) according to the manner in which the award of the dignity was made: namely,

- (2a) *vacantes* who received the *cingulum* while present (*praesens*) at court (*comitatus*);
- (2b) *vacantes* who were absent (*absens*) from court and to whom the *cingulum* was sent;
- (3a) *honorarii* who were present at court and received the document (*codicilli* or *insignia*) awarding the dignity attached to the position but not the service belt (*sine cingulo*); and,
- (3b) *honorarii* who were absent from court and to whom the *codicilli* or *insignia* was sent, without the service belt (*sine cingulo*).

The law then states, firstly, that in the order of precedence, all retired officers precede all *vacantes* and all *honorarii*¹⁶⁰ (a principle stated in many laws);¹⁶¹ and, secondly, that while the dignity of honorary reserve officers is superior to that of honorary officers, this superiority only exists where the dignities awarded to both categories of officers are attached to service positions that have the same dignity (*similis dignitas*).

To indicate which service positions have the 'same dignity' attached to them, the law provides two examples that implicitly divide the positions into the three groups: (i) *pp*, *pu*, *mm*, (ii) *qsp*, *mo* (iii) *csl*, *crp* by noting, in the first example, that a *praefectorius (vacans)* is placed before a *praefectorius (honorarius)* but a *quaestorius (vacans)* is not and, secondly, that a *quaestorius (vacans)* is placed before a *quaestorius (honorarius)* or *ex-magistro officiorum*, but a *comes thesaurorum (vacans)* or *comes rei privatae (vacans)* is not.¹⁶² In other words, a group (i) *honorarius (praefectorius)* is preceded by group (i) *vacans (praefectorius)* but not by a group (ii) *vacans (quaestorius)*; and a group (ii) *honorarius (quaestorius)* or

testimoniales ex-protectoribus vel cuiuslibet dignitatis obtinuit vel eas, quae nonnumquam comitum auctoritate praestantur, ne delitiscat, tirociniis castrensibus inbuatur.

¹⁵⁸ For example, Cod.Theod.6.22.8(425)§3: *Nemo igitur sibi arbitretur annorum adnumeratione plaudendum, quod inter eos tantummodo valere decernimus, qui se aut actibus subsecuntur aut codicillorum parili imagine fulciuntur.*

¹⁵⁹ Cod.Iust.12.8.2(440-1)§pr - note 139.

¹⁶⁰ Cod.Iust.12.8.2(440-1)§1: *administratores [..], omnibus vacantibus omnibus honorariis anteponi censemus* - note 139.

¹⁶¹ Cod.Theod.6.22.5(381) - note 267; Cod.Theod.6.22.7(383) - note 168; Cod.Theod.6.22.8(425) - note 106.

¹⁶² Cod.Iust.12.8.2(440-1)§2 - note 139.

ex-magistro officiorum is preceded by a group (ii) *quaestorius (vacans)* but not by a group (iii) *cs/ (vacans)* or *crp (vacans)*.

The two examples indicate that the common (*similis*) dignity attached to all the three positions in group (i) is superior to the dignity of the two positions in (ii) which is superior to the dignity of the two positions in group (iii) and, therefore, that the *illustris* grade that is common to the dignity of all seven positions has been partitioned into three divisions of that grade, with the dignity common to the positions in one group differing from the dignity common to the positions in another group.

The order of precedence prescribed in the law of 440-41 may be tabulated as in *Attachment 1, Table 3*

[9] *Honorary dignities of retired officers*

Most laws referring to dignities regulate the order of precedence among retired and honorary officers. While some persons to whom an honorary dignity was awarded were not members of the imperial service, most recipients of honorary dignities were retired officers.

Almost every serving officer, in a position whose dignity had a grade below that of *illustris*, either sought, or was automatically awarded, by a legislated grant made to a group of positions, a higher dignity than the one attached to the service position from which the officer retired, because such an award would enable the retired officer to claim a position of precedence, by seniority among, but following, officers retired from any of the positions to which such a higher dignity was attached.¹⁶³ And while any superior dignity awarded to a retired officer was mostly classified as honorary, it was sometimes equated to the dignity held by an officer who had served in the position named in the title of the dignity.¹⁶⁴

The honorary dignities of officers retiring from the same service position did not remain static. A law of 415 provides that palace *decuriones* in the *schola silentiariorum* (corps of palace ushers) could, on their retirement, be ranked among the *ex-ducibus* who had directed frontier military agencies in the position of *dux*. In the revised copy of this law, retiring *decuriones* are given the choice of receiving the dignity of either *ex-magistro officiorum* or of *ex-comitibus domesticorum*, in each case being placed among those who had retired from serving (*inter agentes*) in the named positions.¹⁶⁵

Some aspects of these honorary dignities awarded to retired officers are exemplified in a law of 383 which concerns diocesan vice-prefects and provincial governors, whose service positions, in order of

¹⁶³ Nov.Theod.25(444): *quos ipsa quidem administrationis condicio spectabiles novit, honor tamen additus a nostra liberalitate reddit in(ustres)*. In 372, the dignity of *spectabilis proconsul* was superior to that of *illustris magister equitum <et peditum?> honorarius*: Cod.Theod.6.22.4(372): *qui contemplatione meritorum honorarios magisterii equitum <et peditum?> adepti sunt codicillos, ea reverentia altissimarum dignitatum viris subiungantur, ut his locum praestent, qui proconsulatus insignibus adornantur*.

¹⁶⁴ For example, Cod.Iust.12.16.1(415) - note 165; and Cod.Iust.12.7.2(474): *Praeclaram nobilemque militiam spectabilium tribunorum notariorum [...] credidimus et augendam. [...] Hoc etiam adiciendo, ut primicerius post depositam publicam numerorum sollicitudinem, ac si ipsam gessisset administrationem, cuius consequitur dignitatem, magistri officiorum pro antiqua consuetudine infulas sortiatur, omnibus vacantibus quamvis tempore praecedentibus praeponendus*.

¹⁶⁵ Cod.Theod.6.23.1(415): *Decuriones nostri palatii post emensum fideliter obsequium, post deposita sa(cra)menta militiae, ex quo haec sanximus, inter eo[s], qui ex-ducibus sunt, tamquam et ipsi administrave[r]int, esse praecipimus in adoranda nostra serenitate, u[t in] salutandis administratoribus et reliquis praedicti honoris privilegiis*.

revised in Cod.Iust.12.16.1(415): *Decuriones nostri palatii post emensum fideliter obsequium postque deposita sacramenta militiae electionem habeant, sive ex-magistro officiorum velut agentes dignitatem consequi a nostra maiestate maluerint, sive inter viros illustres comites domesticorum, videlicet inter agentes, taxari, ut tam in adoranda nostra serenitate quam in salutandis administratoribus et reliquis praedicti honoris privilegiis nec non in nostro consistorio his honor omnifariam observetur*.

decreasing rank, comprised those of *proconsul*, *vicarius*, *consularis* and *praeses*.¹⁶⁶ The law appears to have been occasioned by the fact that those officers who had retired from serving as *vicarius*, but who had been awarded the additional and honorary dignity *illustris ex-praefecto* (*praetorio* or *urbis*), were claiming precedence among retired officers who had served in the position of *praefectus*.¹⁶⁷

Firstly, the law restates the principle that serving/retired officers have precedence over all honorary reserve and honorary officers.¹⁶⁸ Secondly, it orders that, in future, retiring officers seeking a higher dignity than the one attached to the service position from which the officer was retiring, are permitted to apply only for the dignity that is immediately senior to the one attached to the position from which the petitioner is retiring.¹⁶⁹ Next, the law provides examples of this provision such as: an officer retiring from the position of *vicarius* (as *ex-vicario*), who has been awarded the dignity of *ex-praefecto*, is now no longer able to be grouped with officers retiring (as *ex-praefecto*) from the position of *praefectus* <*praetorio* or *urbis*> but is, instead, to be grouped with officers retiring (as *ex-proconsule*) from the position of *proconsul*, with precedence below the latter but above honorary officers who had been awarded the honorary dignity of *ex-proconsule* without retiring from a service position.¹⁷⁰

The order of precedence prescribed in the law of 383 may be tabulated as in

<i>Attachment 1, Table 4</i>

[10] *The dignity of comes*

In addition to the aforementioned dignities that were attached to service positions, there existed the dignity of *comes* (imperial companion), whose title referred to a person who was either actually, or

¹⁶⁶ Cod.Theod.6.22.7(383). The law does not refer to the position of *corrector* that is regularly considered to be in the same category as *praesides* as, for example, in Cod.Theod.9.1.13(376), which lists these service positions, in increasing rank, as: *praesides et correctores, item consulares, vicarii quoque, proconsules*. The same two categories are evident in Cod.Theod.16.10.10(391): *Consulares senas, [...] correctores et praesides quaternas, [...] dissolvant*. and, as late as 535, Nov.Iust.8, lists some service positions under the heading *Et quaecumque administrationes consulariae sunt*, followed by others under the heading: *Et quaecumque administrationes praesidiales sive correctivae sunt*; but the same law (Nov.Iust.8-535) also notes in §1 that the term *praeses* can denote all three gubernatorial positions: *sancimus, neque proconsulariam [...] neque [...] vicariam neque comitem Orientis neque aliam quamlibet administrationem, neque proconsularem neque praesidalem, quas consularias et correctivas vocant [...], dare aliquod [...] pro administratione*.

¹⁶⁷ Cod.Theod.6.22.7(383): *[...] quisquis vicariae potestatis administratione perfunctus ex-praefectis impetraverit codicillos, intellegat sibi omnimodis non usurpandum, ut inter eos, qui gestae gaudent amplitudine praefecturae, ordinem salutationis officiumque praesumat*.

¹⁶⁸ Cod.Theod.6.22.7(383)§pr: *In honoribus hunc ordinem volumus custodiri, ne singulorum quorumque codicillariae dignitates his, qui insignia administrationis gesserint, praeferantur*. Similarly, Cod.Theod.6.22.8(425) - note 106.

¹⁶⁹ Cod.Theod.6.22.7(383)§2: *Memor quisque tamen honorum, memor quisque meritorum ex his, qui qualibet administratione perfuncti sunt, eum gradum honorariae aditionis petat, quem proximio loco ordinis sui cognoscit esse contiguum*.

¹⁷⁰ Cod.Theod.6.22.7(383)§pr: *quisquis vicariae potestatis administratione perfunctus ex-praefectis impetraverit codicillos, [...] inter proconsulares viros, qui tamen eiusdem potestatis securem meruerint fascesque susceperint, [...] locum sibi patere cognoscat, his tamen antefendum se, qui impetratis forte proconsularibus codicillis absque administrationis privilegio imaginarias tantum atque honorarias meruerint dignitates*.

nominally, a member of the *comitatus* (court).¹⁷¹ This dignity was partitioned into three divisions: *comes ordinis primi* or *secundi* or *tertii* (*I, II, III*),¹⁷² and could be awarded to various recipients.¹⁷³

Like the dignity of *patricius*, the dignity of *comes* could be added to another dignity. If the dignity of *comes* was awarded to a serving officer, it was added to any dignity obtained by appointment to the service position, and the combined dignities were named in the title of the officer: for example, *comes et magister militum*.¹⁷⁴ When the dignity of *comes* was awarded to successive officers serving in the same service position, the title *comes* eventually came to be incorporated into the title of the position. Such a change occurred in the case of three service positions to which a dignity with the *illustris* grade was attached: *comes domesticorum*, *comes sacrarum largitionum*, *comes rerum privatarum* and several positions with a *spectabilis* grade dignity including, most prominently, the positions *comes orientis*, *comes aegypti*, *comes africae*.

In addition to the three positions listed above (*cd, csl, crp*), the dignity of *comes* was, at various times, awarded to serving officers appointed to four other positions with an *illustris* grade dignity: *magister militum*, *praepositus sacri cubiculi*, *quaestor sacri palatii*, *magister officiorum*.¹⁷⁵ Serving officers appointed to the two remaining positions with an *illustris* grade dignity: *praefectus praetorio*, *praefectus urbis*, which were the two highest-ranked positions in the imperial civil, are not recorded in the laws as having been awarded the dignity of *comes* even though the *praefectus praetorio* was apparently considered to be a member of the *comitatus*.¹⁷⁶ The serving officers appointed to four of the

¹⁷¹ Many laws use the term *comitatus* to denote the court as, for example, Cod.Theod.9.16.6(358): *in comitatu meo vel caesaris*; Cod.Theod.12.12.7(380): *ad nostri numinis comitatum*; Cod.Iust. 10.23.1(383): *ad sacrum comitatum*; Cod.Theod.8.5.48(386): *ad comitatum nostrum*; Cod.Theod.7.1.17 (398): *comitatu*; Cod.Theod.6.8.12(415): *ad sacratissimum comitatum*; Cod.Theod.6.25.1(416): *nostri lateris comitatus*.

¹⁷² Identified as a *dignitas* are *comes ordinis I* in Cod.Theod.6.14.3+6.17.1+6.20.1(413), Cod.Theod.13.3.16(414), Cod.Theod.13.3.19(428), Cod.Theod.12.1.189(436), Cod.Iust.2.7.20(497); *comes ordinis II* in Cod.Theod.13.3.17(414), Cod.Theod.6.26.17(416), Cod.Theod.6.26.18(426); *comes ordinis III* in Cod.Theod.12.1.127(392).

¹⁷³ Most of these *comites* are indicated in the titles under which the laws are arranged in both Cod.Theod.6.12-6.21(438) and Cod.Iust.12.10-15(534), in both of which the titles referring to these *comites* occur after those relating to the *magistri scriniorum* - see *Attachment 2 §(1)*.

¹⁷⁴ Cod.Theod.7.1.8(364/5). Similarly Cod.Theod.1.1.6(435): *comes et quaestor*; Cod.Theod.8.5.8(356/7): *comes et magister officiorum*; Cod.Theod.11.30.56(396) Nebridius *proconsul asiae* = Cod.Iust.11.50.2(396) Nebridius *comes asiae*; Cod.Theod.11.36.33(406) Nestorius *comes et dux <tripolitanae>*.

¹⁷⁵ Examples of these awards are contained in the following laws:
comes et magister militum (or similar): Cod.Theod.7.1.8(364/5), Cod.Theod.9.39.1(383), Cod.Theod.4.17.5(386), Cod.Theod.12.1.113(386), Cod.Theod.7.1.13(391), Cod.Theod.12.1.128(392), Cod.Theod.1.21.1(393), Cod.Theod.1.5.10+1.7.2(393), Cod.Theod.7.4.18+7.9.3(393), Cod.Theod.9.7.9(393), Cod.Theod.6.24.6(395), Cod.Theod.7.7.3(398), Cod.Theod.7.22.12(398), Cod.Theod.7.5.1(399), Cod.Theod.7.13.18+7.20.13(407), Cod.Theod.12.1.175(412), Cod.Theod.7.18.16(413), Cod.Theod.2.23.1(423), Nov.Val.6.1(440), Nov.Theod.7.4(441), Nov.Val.17(445), Nov.Mai.11(460);

comes et quaestor: Cod.Theod.1.8.2(424), Cod.Theod.1.1.6(435), Nov. Theod.1(438);

comes et magister officiorum: Cod.Theod.8.5.8(356/7), Cod.Theod.1.9.1(359), Cod.Theod.9.38.11(410), Cod.Theod.6.29.10(412), Cod.Theod.6.33.1(416), Cod.Theod.1.8.3(424), Cod.Theod.7.8.15(430); Cod.Iust.1.31.3(441);

comes et praepositus sacri cubiculi: Cod.Theod.11.28.9(414), Nov.Mar.2(450), Nov.Iust.30(536)§7.1.

In the case of the *comes s.l.*, first mentioned in Cod.Theod.11.7.5(345) and *comes r.p.* in Cod.Theod.10.10.6(342) and *comes domesticorum* in Cod.Theod.12.1.38(346) the *comitiva* was attached to the service position and formed part of its title.

¹⁷⁶ The dignity of *comes* does not appear to have been awarded to any *praefectus praetorio* or *praefectus urbis* even though the former was apparently considered a member of the *comitatus*: Cod.Iust.7.62.32(440?): *si a proconsulibus vel augustali vel comite orientis vel vicariis fuerit appellatum, virum illustrem praefectum praetorio, qui in nostro est comitatu, virum etiam illustrem quaestorem nostri palatii sacris iudiciis praesidentes disceptationem iubemus adripere*.

aforementioned positions (*qsp,mo,csl,crp*) were regularly members of the *consistorium* (imperial council)¹⁷⁷ and were, therefore, sometimes referred to as *comites consistoriani*.¹⁷⁸

But those four serving officers are to be distinguished from another group of *comites consistoriani* whose title referred simultaneously to a position (*comes consistorianus*) and to the *dignitas* attached to it (*comitiva consistoriana*¹⁷⁹). The position of *comes consistorianus* is not identified in the laws as a position in the imperial service but, like a service position, it was a position to which a *cingulum* was attached.¹⁸⁰ And, like the dignity attached to a service position, the dignity attached to the position of *comes consistorianus* could be awarded as an honorary dignity, including by a testimonial letter sent to a recipient who was absent from court.¹⁸¹ In about 399, the dignity of these *comites consistoriani* was equated to that of the *proconsules*.¹⁸² In a law of 444, which indicates that there were more than 20 *comites consistoriani* in that year, they are grouped with *comites ordinis I* together with whom they are distinguished from the *comites ordinis II* and *ordinis III* who are grouped with *omnes clarissimi*.¹⁸³ Like the *comitiva consistoriana*, the dignity of *comes* could be awarded as a real dignity or as an honorary dignity¹⁸⁴ to any person, including *curiales*.¹⁸⁵ The dignity of *comes ord.I* and *ord.II* was

¹⁷⁷ For example, three are named in Cod.Theod.11.39.5(362): *Pars actorum habitorum apud imperatorem Iulianum Augustum Mamertino et Nevitta cons. X kal. april. Constantinopoli in consistorio: adstante Iovio viro clarissimo quaestore, Anatolio magistro officiorum, Felice comite sacrarum largitionum. Et cetera.*

¹⁷⁸ Cod.Theod.7.8.3(384) - note 118; Cod.Iust.2.12.25(392): *Quicumque praetorianae vel urbanae praefecturae sublimissimae fastigium vel magisterium militare vel consistorianae comitvae insignia meruerit dignitatis vel proconsulare ius dixerit aut vicarii fuerit administratione subfultus; Cod.Theod.9.14.3(397): Quisquis de nece etiam virorum illustrium, qui consiliis et consistorio nostro intersunt, senatorum etiam, nam et ipsi pars corporis nostri sunt, cuiuslibet postremo qui nobis militat cogitarit.*

¹⁷⁹ Cod.Iust.2.12.25(392): *Quicumque [...] consistorianae comitvae insignia meruerit dignitatis.*

¹⁸⁰ Cod.Iust.12.19.8(443-4): *Proximos sacrorum scriniorum, [...] comitem quin etiam dispositionum, [...], completo tempore suae militiae comitvae sacri nostri consistorii cingulo in diem vitae potiri, manentibus videlicet iam dudum praestitis salvis privilegiis, decernimus. + 12.21.6: Principes agentum in rebus, [...] completo tempore suae militiae comitvae primi ordinis cingulo in diem vitae potiri; Cod.Iust.12.29.2(474): decernimus, ut, qui in singulis scholis militant quique post emensa stipendiorum curricula ad primiceriorum gradum pervenerint et adorata nostrae divinitatis purpura virorum clarissimorum comitum meruerint dignitatem, tam cingulo quam privilegiis.*

¹⁸¹ Cod.Theod.6.22.8(425): *Quin et de consistorianis comitibus hoc nobis universi placere cognoscant, ut his, qui vel absentes sunt facti vel testimonialibus tantum adepti sunt dignitatem, praecedant qui admitti intra consistorii arcanum meruerunt et actibus interesse et nostra adire responsa. Comites vacantes* are referred to also in Cod.Theod.6.18(438)tit: *de comitibus vacantibus* - note 149.

¹⁸² Cod.Theod.6.12.1(399): *Comasii nos [et] Clearchi virorum spectabilium dignitas admonuit, ut eos, qui tranquillitatis nostrae consistorii dici comites meruerunt, proconsularibus aequari generaliter iuberemus, ut eorum emenso ordine ante omnes alios ipsi vindicent dignitatem.* - repeated in Cod.Iust.12.10.1(399) without reference to the named persons.

The dignity, unrelated to that of a service position, is noted in Cod.Theod.1.1.6(435), which names seven *spectabiles comites consistoriani*; Cod.Iust.12.10.2(492-7): *viros spectabiles comites consistorianos*; Cod.Iust.2.7.23(506): *inter spectabiles sacri nostri consistorii comites.*

¹⁸³ Nov.Val.6.3(444) lists the number of recruits (*tirones*) to be provided by three groups of dignitaries: 3 recruits by each of the: *inlustres vacantes per omnes nostras provincias constitutos*; 1 recruit by each of the: *comites quoque consistorianos vel primi ordinis nec non tribunos et notarios, [...] et eos qui administrationes ordinarias in provinciis gubernarunt*; and 1/3 recruit by each of: *tribunos vero vacantes sive comites secundi vel tertii ordinis omnesque clarissimos.*

Excepted from these provisions are: *viginti consistorianos comites*, and *triginta notarios*, but there is no indication how these *comites* were selected.

¹⁸⁴ For example, Cod.Theod.12.1.41(353): *Ex-comitibus et ex-praesidibus universi ceterique, qui sine administratione adumbratarum dignitatum codicillos honorarios meruerint [...] in vestro consortio*

generally awarded by *codicilli*,¹⁸⁶ but that of *comes ord.III* was awarded, in at least two instances, solely by reference to the granting law.¹⁸⁷ The dignity could be bestowed as either a permanent one (for example, *in diem vitae*,¹⁸⁸ or *in perpetuum*,¹⁸⁹) or for a limited period.¹⁹⁰ *Comites ord.II*, and presumably other *comites*, were issued a garment or uniform identifying their dignity.¹⁹¹

The addition of the dignity of *comes ordinis primi* to an existing dignity, below a dignity with the *illustris* grade, advanced or raised the place of the dignitary in the order of precedence.

For example, any *praepositus* or *tribunus scholarum*, who was awarded the dignity *comes ord.I*, was grouped, on retirement, with the *comes aegypti* and *comes ponticae* whose equal dignity was stated to be superior to that of the other *duces*, while those *praepositi* and *tribuni* without the dignity of *comes* were grouped with those other *duces*.¹⁹²

Any *assessores* or *adsessores* (advisers - especially lawyers) assisting officers in service positions to which a dignity with an *illustris* grade was attached were awarded the dignity of *comes ord.I*, they were

perseverent. Cod.Theod.12.1.75(371): Qui ad sacerdotium provinciae et principalis honorem gradatim et per ordinem muneribus expeditis, [...] pervenerint [...]. Honorem etiam eis ex-comitibus addi censemus.

¹⁸⁵ Cod.Theod.12.1.150(395): *Curiales, qui honorariam adepti sunt comitivam*; Cod.Theod.12.1.189(436): *Et primus curiae, qui in muneribus universis expletis ad summum pervenerit gradum, comitivae primi ordinis frui per quinquennium dignitate praestita.*

¹⁸⁶ *comes ordinis primi*: Cod.Theod.6.21.1(425): *Grammaticos Graecos Helladium et Syrianum, Latinum Theofilum, sofistias Martinum et Maximum et iuris peritum Leontium placuit honorari codicillis comitivae ordinis primi.* But the award of the *comitiva ord.I* could be made by a simple reference in the discharge document provided on retirement: Cod.Iust.12.49.12(491-518): *Per hanc divinam pragmaticam sanctionem decernimus, quod [...] sine speciali codicillorum vel divinorum apicum sanctione [...] primi ordinis comitivam per interlocutionem [...] mereantur cornicularius et primiscrinii et numerarius scrinii macedoniae et scrinii daciae et scrinii operum et scrinii auri.*
comes ordinis secundi: Cod.Theod.6.26.17(416): *<proximi in the sacra scrinii> Secundi etiam ordinis comitivae codicillos accipiant, cum eum locum nacti fuerint, in quo hactenus tertiae comitivae gradu fruebantur, [...] post depositum actum inter eos, qui vicariam potestatem egerint, honorandi.*

¹⁸⁷ Cod.Theod.14.4.9(417): *comitivae tertii ordinis honore cumuletur idque non iam ex codicillis nostris, sed constituti istius consequatur indulto*; Cod.Theod.14.4.10(419): *tres huius corporis principales tertii ordinis comitivam recipiant, quam sibi non iam ex codicillis nostris, sed ex privilegio latae legis adsumant.*

¹⁸⁸ Cod.Iust.12.21.6(443-4) - note 180.

¹⁸⁹ Cod.Theod.12.1.109(385): *Curiales [...] concessa sibi generaliter atque in perpetuum ex-comitibus dignitate laetentur.*

¹⁹⁰ Such as five years, as in Cod.Theod.12.1.189(436) - note 185.

¹⁹¹ Cod.Theod.6.26.18(426): *Acacio comiti sacrarum largitionum. Tam proximo scriniorum quam comiti dispositionum pro delata eis comitivae secundi ordinis dignitate vestem ex integro in posterum praeberi tua celsitudo disponat.*

¹⁹² Cod.Theod.6.13.1(413): *Praepositos ac tribunos scholarum, [...] inter quos tribunus <the copy in Cod.Iust.12.11.1(413) has comites> etiam sacri stabuli et cura palatii numerantur, si primi ordinis comitivam cum praepositura meruerint [...], deposito sacramento inter eos, qui comites Aegypti vel Ponticae dioeceseos fuerint, quorum par dignitas est, haberi praecipimus. Sin absque honore comitivae [...], absolutos militia inter eos, qui duces fuerint provinciarum, numerari iubemus*; and in another extract, Cod.Theod.6.14.3(413), from the same law: *eos, qui sub comitivae primi ordinis dignitate peculiariter ad quamlibet provinciam vel provincias defendendas milite credito auctoritate nostri numinis destinantur, et eos, qui vicem illustrium virorum magistrorum militum susceperint peragendam, ducibus, qui praeter Aegyptum et Ponticam in aliis provinciis administraverint, adaequamus.*

to be grouped with those *vicarii* who had been awarded the same dignity.¹⁹³ And, similarly, any *archiatri* (palace physicians) whose dignity was increased by the award of the dignity of *comes ord.I* were to be grouped among retired *vicarii* and *duces*.¹⁹⁴

Any civil governors of provinces (*consulares, correctores, praesides*) who were awarded the dignity of *comes ord.I* would, on retirement, obtain the *vicaria dignitas*.¹⁹⁵ But certain minor functionaries obtaining the same *comitiva ord.I* were grouped only among the *consulares*.¹⁹⁶

It was indicated above that among serving officers, precedence was determined by the ranks of the positions to which they were appointed, not by the dignity attached to those positions. This also applied in the case of serving officers who were awarded the dignity of *comes*. For example, the same dignity was attached to both the civil service position of *vicarius* and to the military service position of *dux*,¹⁹⁷ but among the *duces* those who obtained the additional dignity of *comes* had a superior dignity.¹⁹⁸ Yet, in judicial proceedings that involved both a civil and military matter, a *vicarius* had precedence over a *comes (et dux)*.¹⁹⁹

[11] *Appointments to service positions and awards of dignities*

The emperor determined the dignities attached to service positions and made the appointments to them, or, alternatively, awarded the dignity attached to a service position, as an honorary dignity, without an appointment to that position.

(a) *Fees for appointment to the position of director of a provincial agency*

The service positions of the directors of provincial civil and military agencies all had senatorial dignities attached to them and these dignities were obtained by serving officers on their appointment to the position. Appointments to an unspecified number of those service positions to which senatorial dignities were attached involved the payment of fees which, in the case of the directorships of provincial civil and military agencies, are listed in several laws of Justinianus.²⁰⁰ And these lists show that the payments were made primarily for the production (*pro completione*), and on the occasion (*occasio*) of the conferral, of an entity referred to as *codicilli*.

The lists of fees name the individuals or the groups who were paid for such *codicilli*, and the places in which the payments were made: namely,

- (i) to three *chartularii* (secretaries) in the *cubiculum* (imperial household) ;

¹⁹³ Cod.Theod.6.15.1(413): *[Ad]sessores, [...] cum primi ordinis comitiva [...] inter eos, qui vica[ri]am praefecturam administrando meruerint, habe[ri] post militiam iubemus depositam, quoniam absur[du]m est primi ordinis comitiva decoratos inferiores [ess]e vicariis sedis excelsae, quorum crescit dignitas, [cu]m vicaria potestate comitis primi ordinis insigni[bus d]ecorentur.*

¹⁹⁴ For example, Cod.Theod.6.16.1(413): *archiatros intra palatium militantes si comitivae primi ordinis nobilitaverit gradus, inter vicarios taxari praecipimus, [...] ita ut inter vicarios et duces qui administraverint et hos qui comitivam primi ordinis meruerint nihil intersit nisi tempus, quo quis administraverit vel comitivae est in deptus insignia.*

¹⁹⁵ Cod.Theod.6.17.1(413): *qui in administratione civili ac provinciae gubernaculis sub iurisdictionis licentia comites quoque primi ordinis esse meruerint [...] vicariae dignitatis post depositam administrationem privilegiis frui oportet.*

¹⁹⁶ Cod.Theod.6.20.1(413): *<comites primi ordinis artium diversarum> ut comitivae primi ordinis dignitate donentur, sciant se inter eos qui consulares fuerint.*

¹⁹⁷ Cod.Theod.6.16.1(413) - note 194.

¹⁹⁸ Cod.Theod.6.13.1(413) - note 192.

¹⁹⁹ Cod.Theod.1.15.7(377): *In civilibus causis vicarios comitibus militum convenit anteferri, in militaribus comites vicariis anteponi: quotiensque societas in iudicando contigerit, priore loco vicarius ponderetur, comes adiunctus accedat; si quidem, cum praefecturae meritum ceteris dignitatibus antestet, vicaria dignitas ipso nomine eius se trahere indicet portionem [...].*

²⁰⁰ See *Attachment 5: Payments on appointment to positions as agency directors.*

- (ii) to the *primicerius notariorum*, and the *laterculenses* (personnel in the *laterculum*) in the 4 *scrinia* (bureaus) of the *laterculum* (imperial department of personnel) and
- (iii) to the *adiutor* (assistant) of the *primicerius*,
- (iv) to the *praefectus praetorio* in the *forum* (agency), or *officium* (secretariat), or *scrinium* or *scrinia* (bureau or bureaus) directed by him.

The amounts varied, both according to the rank of the service position to which the recipient of the *codicilli* was being appointed, and to the individual or the group being paid. The purpose of the payment to the three *chartularii* was somehow related to the statement in one law that a *chartularius* (probably most senior of the three) managed the *codicilli* in some manner that is not described.²⁰¹ The payments to the *praefectus praetorio* are stated to be for *praecepta* (orders), which refers to administrative orders that he issued in relation to the assumption of the position by the director of a provincial civil agency.²⁰²

The payments were slightly different when the provinces were being established in Africa, after the reconquest of territory in 534. There, the directors of provincial civil agencies (*consulares* and *praesides*) made payments *in nostro laterculo* and *in scrinio* or *in scriniis* of the *praefectus praetorio* for *codicilli* and for *chartae* or *chartulae promotionis*.²⁰³ The directors of provincial military agencies (*duces*) paid fees *in sacro laterculo* for an unstated purpose, but presumably for production of the imperial letter of appointment (*adfatus*),²⁰⁴ for whose announcement (*insinuare*)²⁰⁵ or publication, fees were then also paid in the *officium* of the *magister militum* and in the *officium* of the *praefectus praetorio*.²⁰⁶ Neither the civil nor the military directors made payments to the *sacrum cubiculum* and it is uncertain whether the exclusion of the latter was temporary or permanent.

While some laws contain lists of the fees prescribed to be paid for *codicilli* associated with appointments to the service positions to which the *spectabilis* and *clarissimus* grades of dignity were attached, no law indicates what, if anything, was paid for *codicilli* associated with appointments to positions with an *illustris* grade; or for *codicilli* associated with the award of honorary dignities. One law, however, notes

²⁰¹ Nov.Iust.8(535)§7: *magnificentissimo chartulario sacrorum nostrorum cubiculorum, qui codicillis his apud nos ministrat.*

²⁰² Nov.Iust.24, 25, 26, 27(535): *pro praeceptis et omni alia causa (or omni causa)* - see Attachment 5 #11-14. See also Cod.Iust.1.49.1(475): *vel codicilli alterius administrationis oblatis vel praeceptum amplissimae tuae sedis* <= praefectus praetorio> - note 220.

²⁰³ Cod.Iust.1.27.1(534)§12, §18 - see Attachment 5 #9.

²⁰⁴ *Adfatus* or *affatus* generally means letter (epistle), as in Cod.Theod.7.16.2(400) in which *sacri apices* = *adfatus* = *sacri litterae*, or Cod.Iust.1.1.8(534) where §1: *adfatus* = §6 *apices* = §7: *textus epistulae*, and especially orders of annotations contained in a letter written by the emperor, always in purple ink: Cod.Iust.1.23.6(470): *Sacri adfatus, quoscumque nostrae mansuetudinis in quacumque parte paginarum scripserit auctoritas, non alio vultu penitus aut colore, nisi purpurea tantummodo scriptione illustrentur.* Similar references to imperial pronouncements include: Cod.Theod.9.38.8(385), Cod.Theod.15.1.41(401), Cod.Theod.16.2.37(404), Cod.Theod.14.9.3(425), Cod.Iust.1.55.10(404).

²⁰⁵ *insinuare* is generally used to refer to the announcement, making known, or publication of a document: Cod.Theod.13.11.12(409): *Cunctis per provincias administratoribus nostra insinuetur praeceptio*; Nov.Iust.14(535)§Epil: *Ut ergo omnibus haec fiant manifesta in nostra habitantibus republica, tua sublimitas hanc nostram suscipiens sacram legem, in omni dictione praeceptis propriis eam universis insinuet*; Nov.Iust.17(535)§16: <as the last part in the text of the sample *mandata* to be issued to all directors of civil provincial agencies> *Mox autem ut ingredieris provinciam, [...] insinuabis haec nostra sacra praecepta sub gestorum insinuatione, et propones exemplar eorum publice non solum in metropoli, sed <et> in aliis provinciae civitatibus, transmittens ea per officiales tuos sine damno, ut omnes agnoscant, in quibus suscepisti cingulum, et videant, si haec conservas et nostro dignum temet ipsum ostendis iudicio.*

²⁰⁶ Cod.Iust.1.27.1(534)§35 - see Attachment 5 #10.

that anyone wanting the honorary dignity of *comes* (*ex-comite*) was required to provide three horses, or the honorary dignity of *praeses* (*ex-praeside*) two horses, with payment renewable every five years.²⁰⁷

(b) *Laterculum*

The lists of fees indicate that the *codicilli* associated with the appointment of directors to provincial civil and military agencies were produced in the *laterculum* which is consistently referred to in the laws as a place, not as a book or a register.²⁰⁸ The *laterculum* was the imperial department of personnel (records, legislation & archives) and was apparently situated in the palace.²⁰⁹ It was a department within the imperial secretariat and it comprised four *scrinia* (bureaus) managed by the *primicerius notariorum* assisted by the *tertiocerus*. The personnel of the department, sometimes referred to as *laterculenses*,²¹⁰ included not only officers from the *schola notariorum*, but also officers seconded from the *agentes in rebus*.²¹¹

²⁰⁷ Cod.Theod.7.23.1(369): *Quicumque honorariis codicillis habetur ex comite, tres protinus equos, qui digni sunt comprobari, curet offerre, quicumque autem eodem ex praeside factus indulto, duos pari devotione mox tradat. Ita enim promptius instruitur usus armorum. Quod munus in posterum ea lege novetur, ut quinto quoque anno, hoc est magis aliquando quam saepe, similis recurrat exactio.*

²⁰⁸ As indicated in *Commentary - §4: Sources of the Cnd and their transformation*, there is no evidence in any law, either explicit or implicit, that *laterculum* referred to a book or to a register. This belief is based entirely on a misunderstanding of the convention used in the two pictures that existed in the *Compilation 'notitia dignitatum'* (*Cnd*) in which each department of the imperial secretariat (note 63) was represented by a combination of drawings representing two entities: (i) a bundle of scrolls and (ii) a pile of sheets or tablets within a closed or opened enveloping cover, or an opened tablet, or by the *armarium* in which such sheets and tablets were filed. In each picture (*Cnd*.33 and 116) immediately preceding each list (*Cnd*.34 and 116) related to the department managed by each *primicerius notariorum*, the drawings (i) and (ii) represented that department. But, owing to the unusual spatial distribution of the drawings, the drawing caption *Laterculum maius*, was entered between (i) and (ii) rather than above both, giving the impression that the caption referred only to (iii). The laws indicate that the *primicerius* managed a department, or four *scrinia*, referred to as the *laterculum*, and that department would, in the convention used in the *Cnd*, be appropriately represented by the combined drawings (i)-(ii). The *Cnd* was the only source for the term *Laterculum maius*.

²⁰⁹ In 539, Iustinianus created the position of *quaesitor*, to be inspector of immigration into the capital with the power to deport those not entitled to reside there as well as the unemployed who refused gainful employment in useful trades. In the constituting law, addressed to the *praefectus praetorio*, those payments for *codicilli* usually made *in sacro laterculo* are recorded as being made *in sacrum nostrum palatium*: Nov.Iust.80(539)§10: *ita indemnes eos servari iubemus, et neque occasione codicillorum neque per occasionem annonarum neque per aliam quamlibet causam aut in sacrum nostrum palatium aut in foro tuae celsitudinis occasione codicillorum aut praeceptorum aliquid dare nunc aut in futuro tempore.*

²¹⁰ Cod.Iust.12.19.13(522-6), Cod.Iust.12.33.13(524), Cod.Iust.12.19.15(527), Nov.Iust.35(535).

²¹¹ Cod.Iust.12.20.5(c.466): *Illi <agentes in rebus> [...] qui, cum scholae eidem socientur, in sacris scriniis, quibus vir spectabilis primicerius et tertiocerus praesunt, adiuvantes eos publicarum chartarum tractatibus occupantur.*

Nov.Iust.8(535)§notitia (payments to): *primicerio clarissimorum tribunorum notariorum cum quattuor scriniis sacri laterculi* (see *Attachment 5 #2-3*);

Nov.Iust.8(535)§notitia: *primicerio clarissimorum tribunorum notariorum et laterculensibus* (see *Attachment 5 #11-14*);

The first law, Cod.Iust.12.20.5(c.466) has *sacris scriniis* instead of *scriniis sacri laterculi* as in the second law Nov.Iust.8(535), giving the impression that the *primicerius* directed the *sacra scrinia* (imperial bureaus, under the jurisdiction of the *magister officiorum*). There is no evidence that the four *sacra scrinia* were ever subordinate to the *primicerius*. The *sacra scrinia* always comprised the *scrinium memoriae*, the *scrinium libellorum* and the *scrinium epistularum*, sometimes increased to four (for example, Cod.Theod.6.26.1(362), Cod.Iust.12.19.11(492-7), which contains the same definition

A section of the *laterculum*, identified as the *laterculum minus*, was managed by the *quaestor sacri palatii* in relation to some activity connected with appointments to all the positions identified as *praepositurae* (commands) in the military service, specifically the positions of *tribuni* and *praefecti*.²¹² The actual function is described only as *dignitates [...] emittantur*, which suggests the production and issue of documents relating to appointments,²¹³ or some such function that had previously been usurped gradually, and by 415 completely, by the *magistri militum*.²¹⁴ The work in this *laterculum minus* was performed, under the direction of the *quaestor*, by personnel within (not seconded from) the *scrinium memoriae*, including its third assistant master (named the *laterculensis*).²¹⁵ A *laterculum maius* is not mentioned in any law.

In addition to the preparation of *codicilli* associated with appointments, the *laterculum* received quarterly lists (*breves*) of the membership of the *scholae palatinae* (corps of imperial bodyguards under the jurisdiction of the *magister officiorum*). These lists were sent to the *laterculum*, and deposited there, to ensure that the emperor always had certain knowledge (*notitia*) of that membership.²¹⁶ Additional similar

that Cod.Iust.12.19.3(396) appears to add to its copy of the law of which another copy exists in Cod.Theod.6.26.8) by the inclusion of the *scrinium dispositionum* (bureau of imperial regulations) in which the imperial *dispositiones* (regulations) were archived: Cod.Theod.6.26.9(397): *dispositionum nostrarum norma seriesque servatur*; the position of the *magister* (Cod.Theod.6.26.2-381) of this *scrinium* was apparently permanently awarded the dignity of *comes* from 397 (Cod.Theod.6.26.10-397, Cod.Theod.6.26.12-401; Cod.Theod.6.26.14-407/12, Cod.Theod.11.18.1-409/12, Cod.Theod.6.26.18-426, Cod.Iust.12.19.1-443-4?) and is equated in Cod.Theod.6.26.10(397) with the *proximi* (assistant masters) of the other three *sacra scrinia*.

²¹² The excerpt of the law, addressed *Imp. Theodosius a. Sallustio, viro illustri comiti et quaestori*, that was copied into Cod.Theod.1.8.2(424): *Laterculi curam totius scias ad tuae sublimitatis sollicitudinem pertinere, ita ut tuo arbitratu ex scrinio memoriae totius minoris laterculi dignitates, hoc est praepositurae omnes, tribunatus et praefecturae iuxta consuetudinem priscam clementiae meae auctoritate deinceps emittantur* was also copied, in 534, into Cod.Iust.1.30.1(424) in which the opening is: *Totius minori laterculi curam scias* and *praefecturae* is followed by *castrorum*.

²¹³ *emittere* is particularly used to refer to the issuing or sending of documents: Cod.Theod.8.5.33(374): *Evectionum emittendarum [...] tua sinceritas habeat facultatem*; Cod.Theod.8.4.20(407): *rescriptis, quae ad tuae sublimitatis iudicium emittuntur*; Cod.Iust.12.49.10(485/6): *publicis instrumentis, quae ex scrinio Ponticae dioeceseos emittuntur*. The verb *mittere* / *transmittere* is used in the context of *codicilli* being sent to recipients outside the capital: Cod.Iust.12.8.2(440-1) - note 139, and Nov.Iust.8(535)§14: *si vero aliquibus in provinciis existentibus mittantur cinguli codicilli, and sive in hac maxima civitate perceperit aliquis administrationem sive in provincia ei codicilli eius transmittantur*.

The laws do not state what was sent from the *laterculum minus* by the *scrinium memoriae* in connection with appointments to *praepositurae*, *tribunatus*, *praefecturae* is not identified. Perhaps the documents were imperial *adfatus* (note 266) or *epistulae* (note 271).

²¹⁴ The usurpation is referred to in Cod.Theod.1.8.1(415) and the perpetrators are identified in Cod.Theod.1.4.3(424), at which time the function was fully restored to the *quaestor*: Cod.Theod.1.8.2(424) - note 212.

²¹⁵ Cod.Iust.12.19.13(522-6), Cod.Iust.12.19.15(527), Nov.Iust.35(535). Cod.Iust.12.33.5(524) refers to the positions of several *laterculenses* and *pragmaticarii* which could be held by officers who were simultaneously *agentes in rebus* or *memoriales*. The term *memoriales* was not used only to refer to the personnel in the *scrinium memoriae*, but also to those in the other two bureaus (*scrinium libellorum* and *scrinium epistularum*) as mentioned in Cod.Iust.12.19.11(492-7), Cod.Iust.12.19.13(522-6), Cod.Iust.12.19.15(527).

²¹⁶ Cod.Iust.1.31.5(527): <addressed to the magister officiorum> *quadrimestruos breves eorundem scholarium cura tuae sublimitatis et pro tempore viri excellentissimi magistri officiorum conscribi volumus et eos sacro scrinio laterculi praestari ibi deponendos, ut semper notitia eorundem scholarium certa sit*.

documents probably also existed within the *laterculum* in connection with the undefined *sollicitudo* (concern) of the *primicerius* in relation to *numeri* (military units).²¹⁷

The *quaestor* was also responsible for ensuring that imperial *mandata* (orders or instructions) were copied into books that were deposited in the *laterculum* so that transcripts from these could be prepared, in either Latin or Greek, to accompany the *codicilli* for appointments produced in the *laterculum*.²¹⁸ A precise separation of the duties of the *primicerius* and *quaestor* in relation to the *laterculum* is not described in the laws, but it is apparent that an unspecified amount of the work within the imperial secretariat was shared: for example, subordinates of the *primicerius notariorum* contributed to the legal work of both the *quaestor* and the *magistri scriniorum*.²¹⁹

When the *codicilli* had been produced in the *laterculum* they were presented to the prospective appointee in the capital, either by the emperor or, in his absence, by the *praefectus praetorio*. If the appointee was outside the capital, the *codicilli* were sent, especially when they related to an appointment that represented a transfer of the appointee from one directorship to another, for which the *praefectus praetorio* issued the necessary *praecepta* or *praeceptiones* (orders).²²⁰ A law from 539 describes the

²¹⁷ Cod.Iust.12.7.2(474): *primicerius post depositam publicam numerorum sollicitudinem*. The emperor was certainly to be informed about unusual troop movements, most appropriately through the imperial secretariat: Cod.Iust.1.29.4(491-518): *Milites de locis, in quibus consistunt, ad alia loca sine speciali nostrae serenitatis auctoritate nullatenus transferri praecipimus, [...] Sed si forte quaedam urguens et necessaria causa emerit, [...] oportet et suggestiones ad nostras aures destinare, indicantes tam loca, de quibus milites transferendi sunt, quam ea, ad quae pervenire eos oportet, nominaque fortissimorum numerorum, in quibus idem milites referuntur, nec non quantitatem annonarum et ante omnia causam, ob quam idem milites transferendi sunt, ut post talem suggestionem a nostra auctoritate competentia procedant.*

²¹⁸ Nov.Iust.17(535)§pr: <addressed to the *quaestor sacri palatii*>. *Ex libris antiquis, qui iura nominis Romani continebant, non ignorat tua sublimitas, quanta de mandatis principum legum latores in suo quoque volumine conscripserunt. [...] placuit etiam omnibus iudicibus nostris, qui minores vel medias administrationes gerunt, sive inter correctores sive inter consulares sive inter spectabiles ordinentur, non solum codicillos praestare, sed etiam mandata dare, quibus inspectis omnia gubernare laudabiliter possint: ideo librum mandatorum composuimus, qui subter quidem per utramque linguam adnexus est, ut detur administratoribus nostris secundum locorum qualitatem, in quibus romana vel graeca lingua frequentatur, scire eorum sanctionem, ut nihil ex his audeant praeterire, sed saluberrimas dispositiones nostras observantes in perpetuum, nostras provincias nostroque imperio subiectos gubernare festinent. Illustris igitur auctoritas tua, ad quem quaestoria pertinet censura, eadem mandata et in libris legum transcribere et in sacro laterculo deponi praecipiat, quatenus ex his una cum codicillis suscipiendis administratores, quemadmodum possint reipublicae subvenire, non ignorent.* This preface is followed in §1-§16 by a text providing a sample of the kind of *mandata* that were to be issued. On the *mandata* in the *libri legum* in the *laterculum*. See also Nov.Iust.24(535)§6 and Nov.Iust.25(535)§6.

²¹⁹ For example, Cod.Iust.1.23.7(477) states that if the *quaestor* or the *magistri scriniorum* dictate *rescripta*, *adnotationes* or *pragmatica* in response to petitions, without ensuring that the latter are based on fact, or if any *memoriales* (note 215), or *pragmaticarii*, or *adiutores primicerii* write any illegal responses, they shall be dismissed from the service.

²²⁰ Cod.Iust.1.49.1(475)§pr: *Nemo ex viris clarissimis praesidibus provinciarum vel consularibus aut correctoribus neve qui administrationis maioris infulas meruerint, id est viri spectabiles proconsules vel praefectus Augustalis aut comes Orientis aut cuiuslibet tractus vicarius aut quicumque dux vel comes cuiuslibet limitis vel divinarum comes domorum, postquam sibi successum fuerit, audeat excedere de locis, quae rexisse noscitur, antequam quinquaginta dierum constitutus numerus finiatur. [...] §2: Nec ullam ante praefinitum tempus de provincia discedendi excusationem ei tribuat vel divina revocatoria vel codicilli alterius administrationis obliti vel praeceptum amplissimae tuae sedis, ut alterius provinciae moderatoris vices obtineat, aut praeceptum praefatae vel alterius civilis seu militaris cuiuscumque potestatis, ut quaecumque sollicitudinem publicam gerat aut exhibeatur vel deducatur.*

procedure involved in the transition from one governor to another in an agency.²²¹ Irrespective of where the prospective appointee received the *codicilli*, they were given only after he had sworn an oath that he had not corruptly or illegally sought the position to which the *codicilli* would appoint him.²²² The oath was sworn on the Gospels,²²³ and his declaration was recorded.²²⁴ A prospective appointee to a provincial governorship was also required to submit a written tax declaration, which had to be examined and approved before he could assume the governorship.²²⁵ These requirements having been met, the appointment of the person to the service position was announced or published (as indicated above, either by the relevant *praefectus praetorio* for civil positions or *magister militum* for military ones) and his administration commenced.

In Isauria, before 535, there were two separate agencies, one civil and the other military, that were both directed by the same officer, with an appropriate joint title.²²⁶ In this case separate *codicilli* were produced for each service position and the officer directing the two agencies received *duplices codicilli*.²²⁷

²²¹ Nov.Iust.95(539): *de administratoribus*.

²²² The oath was sworn either before the emperor or, in his absence, before the *praefectus praetorio*, *quaestor*, *comes sacrarum largitionum*, *comes rerum privatarum* and *chartularius sacri cubiculi* (Nov.Iust.8(535)§7) or, if the *codicilli cinguli* were sent to the provinces, before the metropolitan bishop (Nov.Iust.8(535)§14).

There were many means by which the system of appointments to service positions, and the award of dignities, was subverted. The most prominent means included: *usurpatio* (usurpation: Cod.Theod.6.5.1-383), *suffragium* (influential referral or recommendation: Cod.Theod.6.27.19-417), *patrocinium* (patronage: Cod.Theod.8.4.28-423), *ambitio* (solicitation: Cod.Theod.6.24.5-392/3), *ambitus* (bribery: Cod.Theod.7.20.13-407/9), *fraus* (fraud: Cod.Theod.7.20.12-400), *gratia* (favour: Cod.Theod.6.24.3-364/5), *subreptio* (stealth: Cod.Iust.12.33.5-524), *obreptio* (improper means: Cod.Theod.8.7.18-386), *dolus* (deception: Cod.Iust.12.59.9-470?), *venalitas* (corruption: Nov.Iust.35-535), *illegal emptio* (purchase: Cod.Theod.12.1.25-338), *pretium* (price, fee: Cod.Theod.6.18.1-412), *pecunia* (money: Cod.Theod.6.22.1-321/6), *mercatura* (trade: Cod.Theod.6.22.2-338). Limited use of *suffragium* was permitted and was regulated, (for example, Cod.Theod.6.27.8(396): *semel tantum per anni totius spatia suffragandi licentia sit*; Cod.Iust.2.7.23(506)§2: *eos clarissimorum notariorum inseri consortio tribunorum, sacras solitas epistulas sine quadam suffragii solutione percepturos*), as was the sale of positions (Nov.Iust.35(535)§6: *ita tamen, ut tam laterculensis quam melloproximi licentiam habeant quanti potuerint tanti loca sua vendere*).

²²³ Nov.Iust.8(535)§Scriptum est exemplar Dominico [...] praefecto apud Illyricum praetoriorum.

<heading> *Iusiurandum quod praestatur ab his qui administrationes accipiant.*

<Oath> *Iuro ego per deum omnipotentem et filium eius unigenitum dominum nostrum Iesum Christum et spiritum sanctum et sanctam gloriosam dei genitricem et semper virginem Mariam et quattuor evangelia, quae in manibus meis teneo, et sanctos archangelos Michael et Gabriel, [etc].*

²²⁴ Cod.Iust.9.27.6(439): *Sancimus eiusmodi viros ad provincias regendas accedere, qui [...] non ambitione vel pretio, sed probatae vitae et amplitudinis tuae solent testimonio promoveri, ita sane ut, [...] iurati inter gesta depromant se pro administrationibus sortiendis neque dedisse quippiam neque daturus [...].*

²²⁵ Cod.Theod.6.2.13(?8)(383): *quique consularitatis insignia fuerit adsecutus, dignitatis obeundae atque exercendae administrationis huius copiam non habeat, nisi propria adnotatione digesserit se senatorium nomen agnoscere et larem habitationemque vel sedes certas in provincia atque oppido collocasse nihilque amplius quam certum professionis modum varias intra provincias possidere, cuius indicio palatinis scriniis quaesito quam primum omnis instructio facile declaret, quibus quantisque nominibus quoque in modo perennis aerarii emolumenta subcreverint. [...] nemine ad insignia potestatis admittendo, nisi professionem vinxerit.*

²²⁶ Cod.Iust.9.27.1(382): *dux et praeses isauriae*; Cod.Iust.12.59.10(472?): *comes*.

²²⁷ When Iustinianus combined the two agencies in Isauria in 535, his comments included the following: Nov.Iust.27(535)§1: *Et hoc quoque in Isaurorum agimus regione. Non enim ulterius volumus qui ad hanc accesserit administrationem duplicibus uti codicillis et accipere quidem et civilis cinguli appellationem, accipere autem et militaris potestatis insignia, et nomen circumferre duplex causa*

(c) *Codicilli administrationis and Codicilli honorarii*

The *codicilli*, to whose production and conferral the aforementioned lists of fees refer, are identified in those lists as *codicilli administrationis*,²²⁸ or *codicilli cinguli*.²²⁹ These *codicilli* were associated with the appointment of a serving officer to a service position to which a senatorial dignity was attached, and such an appointment simultaneously entailed the award of that senatorial dignity.²³⁰

But *codicilli* were also associated with the honorary award of the dignity attached to a service position without an appointment to that position; *codicilli* associated with the award of these dignities were sometimes identified as *codicilli honorarii*,²³¹ and the dignitaries who received them as *codicillariae dignitates*.²³²

In 538, Iustinianus explained the difference between the two dignities awarded by *codicilli administrationis* and *codicilli honorarii* in a law in which he reintroduced an earlier statute which provided that *codicilli administrationis* would exempt a *curialis* from his municipal obligations, but that honorary *codicilli* would not, even if the latter awarded the dignity with the highest division (*pp.pu.mm*) of the grade *illustris*.²³³

Several laws refer to *codicilli* associated with the award of honorary senatorial dignities, such as: *ex-praefecto*,²³⁴ *ex-magistro equitum <et peditum?>*,²³⁵ *ex-proconsule*,²³⁶ *ex-consulare*,²³⁷ *ex-praeside*,²³⁸ or,

existente una, sed hoc ipso unam esse administrationem hanc ponimus, ipsam quidem providentem armorum, ipsam vero fiscalia suscipientem, omnia autem habentem sub se, et uno utentem officio comitiano appellando, et accipientem probatoria militiae a sacro libellorum scrinio.

²²⁸ Cod.Iust.1.49.1(475); Nov.Iust.13(535)§3; Nov.Iust.25(535)§6; Nov.Iust.26(535)§5.1; Nov.Iust.30(536)§9.1, §11.2; Nov.Iust.70(538)§1; Nov.Iust.102(536)§pr. *C.administrativi* Nov.Iust.27(535)§Epil.

²²⁹ Nov.Iust.8(535)§1; Nov.Iust.24(535)§6; Nov.Iust.26(535)§2, §5; Nov.Iust.29(535)§5; Nov.Iust.95(539)§2.

²³⁰ The *codicilli* given on the appointment to the service position of provincial governor:
(i) conferred the appointment: Nov.Iust.24(535):§6: *occasione codicillorum cinguli*; Nov.Iust.25(535)§6: *occasione codicillorum administrationis*; §6:<mandata principis> *semper dentur administratoribus una cum codicillis, et codicilli quidem eis praebeant cingulum, mandata vero eius ornent modum*, Nov.Iust.25(535)§6: *codicillos promerentes administrationis*.
(ii) awarded the dignity attached to the position: Nov.Iust.25(535)§6: *ex appellatis codicillis, qui spectabilibus iudicibus tribuuntur*; Nov.Iust.27(535)§1: *Et [...] dabimus autem ei super codicillos, qui eum spectabilibus inscribant iudicibus*. See also note 36 on the award of the dignity with the appointment to the position.

²³¹ Cod.Theod.12.1.41(353); Cod.Theod.12.1.74(371)§4; Cod.Theod.6.22.4(372); Cod.Theod.6.22.7(383)§1; Cod.Theod.6.22.8 + 6.10.4(425); Cod.Theod.7.8.16(435); Cod.Theod.6.22(438)tit: *de honorariis codicillis*; Cod.Iust.3.24.3(485?); also in relation to the dignity *ex-comite* Cod.Theod.7.23.1(369); *comitivae ordinis primi* Cod.Theod.6.21.1(425).

²³² Cod.Theod.6.22.7(383): *ne [...] codicillariae dignitates his, qui insignia administrationis gesserint, praeferantur*;

²³³ Nov.Iust.70(538): §pr: *Novimus enim quia antiquitus erat, quaedam praefecturae figura quam honorariam vocabant, codicillis ab imperio super ea collatis; hanc autem ita nominabant, ut nihil aliud nisi purum honorem his quibus praebebatur conferret: quae curiales non liberabat fortuna curiali, nisi quis eam ipso opere ministrasset. [...] §1: Renovamus igitur huiusmodi legem sancientes, si quando visum fuerit imperio honorare curialem, ut etiam liberet fortuna, dare ei codicillos administrationis <et> praeparare eum in talibus constitui sedibus aut cinguli urbanae praefecturae [...] aut in praetorianis tribunalibus [...]. Si vero solo eos participare voluerit honore, fieri quidem codicillos et hos dari*;

²³⁴ Cod.Theod.6.22.7(383)§pr: *ex-praefectis impetraverit codicillos* (note 170) §1: *ex-praefectis [...] honorarios impetraverit codicillos*, §1: *ex praefectis meruerint codicillos*; Cod.Theod.16.8.22(415): *ab eo <=Gamalielus> codicilli demantur honorariae praefecturae*; Cod.Theod.6.22.8(425): *honorariis codicillis [...] praefecturae* (note 106); Cod.Theod.7.8.16(435): *qui [...] honorarios eiusdem praefecturae meruerint codicillos*;

without reference to any service position, the senatorial grades: *illustris*²³⁹ and *clarissimus*.²⁴⁰ Other laws mention the award of honorary equestrian dignities with the grades: *perfectissimus*,²⁴¹ *ducenarius*, *centenarius*, *egregius*.²⁴² Some *codicilli* are associated with dignities that are not identified.²⁴³

Additional *codicilli* are associated with the award of the dignity of *comes*, both to members in the imperial service,²⁴⁴ and to others.²⁴⁵ And *codicilli* are also mentioned in awards to the highest honorary dignity in the state.²⁴⁶

(d) *Codicilli*

While some things are known from the laws about the production of *codicilli* and their association with appointments to service positions, and the awards of honorary dignities, very little is known about the entity to which the word *codicilli* refers.

The word *codicilli* is the plural of *codicillus*, which was derived from the word *codex*.²⁴⁷ The words *codicillus* and *codicilli* are used to refer to an object containing a document. The word is used, over a long period, in connection with only two types of documents:

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- ²³⁵ Cod.Theod.6.22.4(372): *qui [...] honorarios magisterii equitum <et peditum?> adepti sunt codicillos; - note 163.*
- ²³⁶ Cod.Theod.6.22.5(381): *codicillis proconsularibus [...] adsimulaticiis* (note 161). Cod.Theod.6.22.7(383)§pr: *proconsularibus codicillis absque administrationis privilegio* (note 170), §1: *ex-proconsulibus honorarios impetraverit codicillos;*
- ²³⁷ Cod.Theod.6.27.5(386): *agentibus in rebus [...] praestitimus codicillos ut post principatum in amplissimo ordine inter allectos consulares habeantur.*
- ²³⁸ Cod.Theod.8.5.23(365): *codicillis [...] praesidatus [...] honorariis;* Cod.Theod.7.23.1(369): *quicumque honorariis codicillis habetur [...] ex-praeside;*
- ²³⁹ Cod.Iust.12.8.2(440-1)§pr: *illustres [...] qui [...] sine cingulo codicillos tantum honorariae dignitatis adepti sunt* (note 139); Cod.Iust.3.24.3(485?): *illustres [...] honorariis codicillis* (note 147); Cod.Iust.2.7.25(519): *Ad haec altiore beneficio codicillos, quibus illustris honoratur dignitas, consequantur.*
- ²⁴⁰ Cod.Theod.12.1.180(416): *si quis <curialis> codicillos clarissimus potuerit impetrare;* Cod.Theod.12.1.183(418): *<curiales> adspirare elicitis codicillis clarissimus.*
- ²⁴¹ Cod.Iust.12.32.1(313?): *codicillis perfectissimus fruantur, qui impetraverint.* See also Cod.Theod.12.1.5(317) - note 242.
- ²⁴² Cod.Theod.12.1.5(317): *si vero decurio suffragio comparato perfectissimus vel ducenae vel centenae vel egregiatus meruerit dignitatem declinare suam curiam cupiens, codicillis amissis suae conditioni reddatur.*
- ²⁴³ Cod.Theod.12.1.41(353): *codicillos honorarios* (note 184), Cod.Theod.12.1.74(371): *Inanes vero umbras et cassas imagines dignitatum codicillis honorariis sectantes;* Cod.Theod.13.5.15(379): *Quisquis naviculariorum codicillis optaverit ornari, praebitioni equorum intellegat se esse subdendum;* Cod.Theod.6.10.4(425): *in ordinem ceterorum quo honorarios meruerint codicillos;* Cod.Theod.6.22.8(425)§pr: *quis [...] sive imaginarios sive inter agentes codicillos acceperit, §3: qui se [...] codicillorum parili imagine fulciuntur - note 158.*
- ²⁴⁴ Cod.Theod.6.26.17(416): the *proximus* (assistant master) and *melloproximus* (second assistant master) in each of three of the imperial bureaus are to receive *secundi [...] ordinis comitivae codicillos;* Cod.Theod.6.21.1(425): *Grammaticos Graecos Helladium et Syrianum, Latinum Theofilum, sofistas Martinum et Maximum et iuris peritum Leontium placuit honorari codicillis comitivae ordinis primi [...] ita ut eorum qui sunt ex-vicariis dignitate potiantur.*
- ²⁴⁵ Cod.Theod.6.21.1(425) - note 186.
- ²⁴⁶ Cod.Iust.12.3.5(532?): *Sancimus viros excelsos patricos, quos in huiusmodi dignitatis apicem augusta maiestatis rettulerit, ilico ab imperialibus codicillis praestitis patres familias effici.*

- (i) legal document that was associated with a testament,²⁴⁸ and was written to vary or to amplify the provisions of the latter.²⁴⁹ Such an auxiliary document was represented by both the singular (*codicillus*) and plural (*codicilli*) forms,²⁵⁰ but the reason for their alternating use is neither stated nor apparent from the context in which the two forms are used.²⁵¹ The most common term for a testament, and mentioned in many laws, was *tabulae testamentis*, incorporating the plural of *tabula* (tablet).²⁵²
- (ii) the document that was associated with an imperial appointment to a particular service position or the award of an honorary dignity and, in all its associations with such documents, or in this context, only the plural form *codicilli* is used.

Etymologically, the word *codicilli* denotes a 'small *codex*'. This is confirmed in a legal opinion by Ulpianus who, in defining the word 'book' (*liber*), states that this word refers to scrolls (*volumina*), and he then asks the question, but does not answer it, whether *liber* can also denote objects in the form of a *codex* (of parchment/*membrana*, or papyrus/*charta*, or even ivory/*ebur*) or of waxed *codicilli* (*codicilli cerati*),²⁵³ indicating that *codices* and *codicilli* were not scrolls. The waxed *codicilli* to which he refers contained surfaces capable of sustaining a layer of wax - that is, inflexible surfaces characteristic of tablets (*tabulae*) which, at the time when Ulpianus wrote, had long been the most common objects on which graphic symbols were recorded. Finally, in referring to *codices* as objects occasionally containing

²⁴⁷ A *codex* may be defined generally as an object that comprises a varying number of sheets of paper, or parchment, or similar flexible material, that are placed one above the other to form a pile of sheets which are fastened together along one of the four edges of the pile, which is the spine of the codex. A codex represents the predominant form of books from the 5thC to the present. But in antiquity a *codex* could also consist of tablets joined along one of their edges by straps or similar ties.

²⁴⁸ That is, a legal document containing a written statement made by a person, and attested by witnesses, instructing what that person wants to happen to their property after their death.

²⁴⁹ The two documents are the subject of sections in both Cod.Theod.4.4(438)title: *de testamentis et codicillis* and Cod.Iust.6.23(534)tit: *de testamentis* and Cod.Iust.6.36tit: *de codicillis*. in addition to many references to them elsewhere: for example: Cod.Iust.6.35.4(223): *testamento data per epistulam vel codicillos*; Cod.Iust.3.36.16(293): *testamentum quam etiam codicillos*; Cod.Iust.9.22.17(294): *falsi testamenti vel codicillorum scriptura*; Cod.Theod.9.19.1(316): *testamentum vel codicillos*; Cod.Iust.6.32.4(379): *codicillos seu scripturam quolibet tenore formatam ea oportebit observatione in publicum proferri, qua testamenta panduntur*; Cod.Theod.16.5.40(407): *sive testamento sive codicillo sive epistula sive quolibet genere*; Cod.Iust.1.2.14(470): *sive testamento quocumque iure facto seu codicillo*; Cod.Iust.1.17.2(533): *de testamentis et codicillis tam privatorum quam militum*.

²⁵⁰ The singular, *codicillus*, in Cod.Iust.6.36.3(290), Cod.Iust.3.36.26(321), Cod.Theod.16.2.27(390), Cod.Theod.8.18.7(395), Cod.Theod.16.5.40(407), Nov.Marc.5(455), Cod.Iust.1.2.14(470), Cod.Iust.6.23.28(530). The plural *codicilli* in Cod.Iust.3.29.6(286), Cod.Theod.9.19.1(316), Cod.Theod.4.4.2(389), Cod.Theod.4.4.7(424), Cod.Iust.1.3.24(455), Cod.Iust.5.9.6(472), Cod.Iust.1.17.2(533).

²⁵¹ Isidorus of Sevilla (560-636), in his encyclopedic *Etymologiarum sive originum libri XX* expressed the opinion: (5.14): *de instrumentis legalibus* (14): *Sicut autem codicillus fit vice testamenti, ita epistola vice codicillorum*.

²⁵² A tablet (*tabula, tabella*) was an object of inflexible material (such as wood, ivory, slate. metal), mostly rectangular in shape, whose two plane surfaces were flattened or levelled to contain writing, or drawing, or both, that was either inscribed or carved on the two surfaces or, if the tablet was of wood or ivory, was inscribed on a layer of wax contained in a hollowed-out space within those surfaces.

²⁵³ Digesta seu Pandectae(533)32.52: Ulpianus (libro 24 ad Sabinum): *pr. Librorum appellatione continentur omnia volumina, sive in charta sive in membrana sint sive in quavis alia materia: sed et si in philyra aut in tilia (ut nonnulli conficiunt) aut in quo alio corio, idem erit dicendum. Quod si in codicibus sint membraneis vel chartaceis vel etiam eboreis vel alterius materiae vel in ceratis codicillis, an debeantur, videamus*.

not only parchment or papyrus, but also ivory (which would be tablets), the opinion implies that both *codices* and *codicilli* could comprise several tablets joined together. In the case of *codicilli*, this may be exemplified in an inscription apparently referring to *tab(ellae/ulae?) cod(icillorum)*.²⁵⁴ Denoting a 'small *codex*', the *codicilli* were distinguished from a *codex* either by the dimensions of its tablets, or by their number, and the laws provide no statement to identify the criterion. A word already existed to denote *codices* whose dimensions were small: namely, the *pugillares* (small hand-held wax note-books),²⁵⁵ so it is likely that *codicilli* denoted a smaller number of tablets than those generally associated with a *codex*.

It is also possible that *codicilli* comprised no more than two tablets. Two tablets, joined by a hinge, clasps or straps in a manner that enables them to be folded together, along their joined side, so that one side of one tablet can completely cover one side of the other, is known as a diptych (*diptyc(h)um*). In celebration of their elevation to their position, several consuls commissioned ivory diptychs to be made, to be given as gifts to their friends and associates. These consular diptychs are referred to in only one law, which forbids their further production, and is the only law in which this format (*diptychum*) is named.²⁵⁶

Although *codicilli* are not described as diptychs in any law,²⁵⁷ two observations suggest that such a format would be consistent with what is indicated in the laws, and also by the only two available copies of *codicilli*.

Firstly, one law provides evidence about the appearance of such *codicilli*. This law,²⁵⁸ included under the title *de honorariis codicillis*, states that if a plebeian claims to have *codicilli* awarding such a dignity, the assertion can be verified, either by an imprint or mark on an outer surface of the *codicilli* (*superna*

²⁵⁴ For example: *Epigraphik-Datenbank Clausss / Slaby (db.edcs/eu/epigr/epi_en.php)*:

Belegstelle: IGLS-06, 02767 = D 08917 (Provinz: Syria, Ort: Balabakk / Baalbek / Heliopolis):

Imp(eratori) Caes(ari) L(ucio) / Septimio Severo / Pio Pert(inaci) Aug(usto) Arabico / Adiab(enico) Parth(ico) / Brit(annico) max(im)o tr(ib(unicia) pot(estate) XVIII / imp(eratori) XIII co(n)s(uli) / III proco(n)s(uli) p(atr)ip(atr)iae) / ex dec(reto) dec(urionum) / secundum / tab(ellas) cod(icillorum) Fla/vi Galli

²⁵⁵ These are not mentioned in the laws, but are referred to three times in the *Digesta seu Pandectae*(533), twice in the same context as *codices* and *codicilli*: Firstly, in Digesta.33.10.6§pr-1: Alfenus (3 dig.a paulo epit): *Supellectilis eas esse res puto, quae ad usum communem patris familias paratae essent, [...] Sed nec pugillares et codices in supellectili sunt*. The other excerpt occurs in the last book of the *Digesta* in the section containing definitions of legal terms (*de verborum significatione*) in which Digesta.50.16.148 has: [...] Gaius (libro octavo ad legem Iuliam et Papiam): [...] *semper plurativo numero profertur, sicut et pugillares et codicilli*. The association of these two words may indicate the reference of both to similar objects, firstly, because the statement is incorrect (as the use of the singular *codicillus* for a particular legal document shows) and, secondly, because better examples could have been chosen, such as *apices* or *litterae* which are used as synonyms for *epistula*, such *apices*, *litterae*, *adfatus*: note 204.

²⁵⁶ Cod.Theod.15.9.1(384): *Nulli privatorum liceat holosericam vestem sub qualibet editione largiri. Illud etiam constitutione solidamus, ut exceptis consulibus ordinariis nulli prorsus alteri auream sportulam, diptycha ex ebore dandi facultas sit. Cum publica celebrantur officia, sit sportulis nummus argenteus, alia materia diptychis*.

²⁵⁷ As indicated, *diptycha* are mentioned only in Cod.Theod.15.9.1(384). There is no reference to triptychs (consisting of three tablets) while polyptychs (four or more tablets, usually joined or hinged together in a manner that either enables them to be arranged to be viewed from above as if comprising a single object) are mentioned twice as containing public records of accounts: Cod.Theod.11.26.2(400): *certum est, ut acceptae semel securitates et regestae polypticis a discussoribus vel apparitoribus denuo postulentur*; Cod.Theod.11.28.13(422): *Breves, quos spectabiles [...] palatinorum sacrarum vel ad praetoriana scrinia detulerunt, et professionis modum eum, qui brevibus sedit, scribi volumus, eum vero qui recisus est de chartis publicis iubemus auferri. Unde secundum fidem polyptychorum per provinciam proconsularem [etc.] constat adscripta*.

²⁵⁸ Cod.Theod.6.22.1(321/6): *Si quis iudicio nostro se adeptum codicillos adstruxerit et idem vel superna codicillorum impressio vel scriptura adstipuletur interior, tamen si ad hoc pecuniam constabit speratam, nihilominus reiectus in plebem, quo plus extorquere conatus est, abdicetur*.

codicillorum impressio), or by the writing on an inner surface (*scribtura interior*). This description of *codicilli* is of an object that is constructed in a manner that allowed the 'interior' writing to be hidden and an object that was normally closed: that is, an object consisting of two or more tablets that are hinged together or arranged in such a manner that, if all the hinged tablets are viewed from above, only one side of the uppermost tablet can be seen.

This is the only law in which either the noun *impressio* (*impressio*), or the adjective *supernus*, is used in connection with *codicilli* or with any other aspect of appointments to service positions or of awards of honorary dignities, so that the meaning is open to speculation. One possibility is that the *superna impressio* contained a summary of the interior writing,²⁵⁹ but the deliberate distinction between *impressio* and *scribtura* (*scriptura*) makes this unlikely. Alternatively, the *impressio* could contain an inscription identifying the dignity (similar to the inscriptions contained on several of the aforementioned consular diptychs which were not, however, *codicilli* associated with appointments to service positions or awards of honorary dignities) while the *scriptura* identified the recipient of the award. A third possibility is that there may be some connection between the *impressio* and the *insignia* mentioned below.

Secondly, the available evidence suggests that *codicilli* associated with an appointment to a service position, or with the award of an honorary dignity, would not need to contain a long document.²⁶⁰ This may be inferred from two documents that are the only available copies of original compositions identified as *codicilli*. The first of these documents exists on a papyrus fragment whose text comprises 13 lines of which the first has the heading *EXEMPLAR CODICILLORUM*.²⁶¹ The following 12 lines, which are substantially damaged at both the beginning and the end of each line, refer to the award, apparently by Domitianus (81-96), to a person named Maximus, of a dignity related to an elevation to the senate. The second document exists in an inscription of which the last part, beginning with the words *exemplum codicillorum* and followed by 41 words, represents the text of an award by Marcus Aurelius (161-180), to Quintus Domitius Marsianus, of a procuratorship with the grade of *ducenarius*.²⁶² The text on the papyrus, and on the inscription, is in the form of a brief letter and each is a copy (*exemplar* or *exemplum*)

²⁵⁹ Such a summary is apparently characteristic of some diptychs. Bischoff, B., *Latin palaeography: antiquity and the middle ages*. (translated by D. Ó Cróinín & David Ganz), (Cambridge, University Press, 1990), p.13: *those diptychs are of special interest where we find on the outside of the sealed document, written with a reed pen, and often most likely by the same hand, a copy or summary of the text that is scratched on the wax inside.*

²⁶⁰ The dimensions of such *codicilli* are not stated and cannot be inferred from the available consular ivory diptychs which did not contain a document making or certifying an appointment or award. It is probable, however, that the surface dimensions of such *codicilli* were larger than those of the *pugillares*.

²⁶¹ Berlin, CPLat.238 (previously P.Berol.8334): Seider, R., *Paläographie der lateinischen Papyri, in drei Bänden*. (Stuttgart, Hiersemann, 1972), Vol.1, No.11, pp.42-43 and facsimile Pl. VI, No.11. For comments about the apparent recipient, see Bagnall, R.S., Bülow-Jacobsen, A. & Cuvigny, H., *Security and water on the eastern desert roads: the prefect Iulius Ursus and the construction of praesidia under Vespasian*: *Journal of Roman Archaeology* 14 2001 on pp.331-333.

²⁶² *Epigraphik-Datenbank Clauss / Slaby (db.edcs/eu/epigr/epi_en.php)*:
Belegstelle: AE 1960, +00167 = AE 1962, 00183 = AE 1971, 00491 = AE 1972, +00687 = AE 2005, +00025 (Provinz: Africa proconsularis, Ort: Hammam Derradji / Bulla Regia):
Q(uinto) Domitio L(uci) fil(io) Q(uirina) Marsiano / proc(uratori) Aug(usti) patrimoni(i) provin(ciae) / Narbonensis proc(uratori) Aug(usti) ad ferra/rias proc(uratori) Aug(usti) ad census in Gal/lia accipiendos provinc(iae) Belgicae per / regiones Tungrorum et Frisavonum et Ger/maniae inferioris et Batavorum prae(ecto) militum / adlecto in decuri(i)s ab Imperatoribus M(arco) Aurelio / Antonino et L(ucio) Aurelio Vero Caesarib(us) cui cum ordo / equestrem publico sumptu ponendam censuisset / L(ucius) Domitius Fabianus frater eius remisso rei p(ublicae) sumptu / de suo posuit **exemplum codicillorum** / Caesar Antoninus Aug(ustus) Domitio Marsiano suo salut(em) / ad ducenariae procurationis splendorem iam dudum te / provehere studens utor opportunitate quae nunc [o]bte/git succede igitur Mario Pudenti tanta cum spe perpetui / favoris mei quantam conscientiam retinueris innocen/tiae diligentiae experientiae vale mi Marsiane karissime / mihi

of an original.²⁶³ If, as would be expected, the two texts are complete copies of the original letters, they indicate that these would not have required a greater area on which to be written than that afforded by a diptych, with dimensions similar to those of the available ivory consular diptychs. These two available copies of *codicilli* also attest that the term *codicilli* refers to an object containing a document which, in the two known copies, was in the form of a letter.

In all the laws that mention *codicilli* in relation to appointments to service positions, or to awards of honorary dignities, there is no statement that identifies the material of which *codicilli* were made, such as ivory, or metal, or wood. Consequently, the laws do not indicate whether different materials were used for the *codicilli* related to different positions or to the dignities attached to them. While the comment by Ulpianus refers to waxed *codicilli* (and also ivory *codices*), wax was not the only surface on which writing was recorded in tablets (among other objects).²⁶⁴

It is concluded, therefore, that *codicilli* (both *administrationis* and *honorarii*) may be defined as an object that consisted of hinged tablets (probably as a diptych), containing a document (inscribed, on those surfaces that were concealed when the tablets were fully folded together along the hinge) in the form of a letter from the emperor making an appointment to a service position, or awarding an honorary dignity.

It should be noted, in relation to the various terms mentioned above, that the words *codex*, *tabula*, *diptychum*, *pugillares*, or the singular form *codicillus*, are never associated, in any law, with any appointment to a service position or with the award of an honorary dignity.

(e) Other terms related to appointments to positions or to awards of their dignities

In the laws that mention *codicilli* in relation to appointments and awards, three other entities are named which, in increasing order of the frequency of their occurrence, are identified by the terms *epistula*, *infula* and *insignia*. The precise relationship between these terms and the *codicilli* by which the appointment or award was made, or certified, is open to speculation, which may include a consideration of the following observations.

²⁶³ Both letters have almost nothing in common with the long, rhetorical compositions that are represented as the written contents of *codicilli* among many of the *formulae* in copies of the *Variae* of Cassiodorus (c.490-c.583). Mommsen, T. (ed.), *Magni Aurelii Cassiodori senatoris v.c. et inl. ex-quaest. pal. ex-cons. ord. ex-mag. off. ppo. atque patr. Variarum libri duodecim*. (Monumenta Germaniae Historica, Auctorum antiquissimorum tomus XII), (Berlin, Weidmann, 1961):

Liber 6: 1.Formula consulatus, 2.Formula patriciatus, 3.Formula ppo, 4.Formula praefecturae urbanae, 5.Formula quaesturae, 6.Formula magisteriae dignitatis, 7.Formula comitivae sacrarum largitionum, 8.Formula comitivae privatarum, 9.Formula comitivae patrimonii, 10.Formula qua per codicillos vacantes proceres fiant, 11.Formula illustratus vacantis, 12.Formula comitivae primi ordinis, 13.Formula magistri scrinii, quae danda est comitiaco permittit, 14.Formula de his qui referendi sunt in senatu, 15.Formula vicariis, 16.Formula notariorum, 17.Formula referendariorum, 18.Formula praefecturae annonae, 19.Formula comitis archiatrorum, 20.Formula consularitatis, 21.Formula rectoris provinciae, 22.Formula comitivae syracusanae, 23.Formula comitivae neapolitanae, 24.Formula honoratis, possessoribus et curialibus civitatis neapolitanae, 25.Formula de comite principis militum de comitiva supra scripta.

Liber 7: 1.Formula comitivae provinciae, 2.Formula praesidiatus, 3.Formula comitivae gothorum per singulas civitates, 4.Formula ducatus raetiarum, 5.Formula curiae palatii, 6.Formula comitivae formarum, 7.Formula praefecturae vigilum urbis romae, 8.Formula praefecturae vigilum urbis ravenensis, 9.Formula praefecturae comitivae portus urbis romae, 10.Formula tribuni voluptatum, 11.Formula defensoris cuiuslibet civitatis, 12.Formula curatoris civitatis, 13.Formula comitivae romanae, 14.Formula comitivae ravenensis, 15.Formula ad praefectum urbis de architecto faciendo in urbe roma, 16.Formula de comite insulae faciendae et celsinae, 17.Formula de praeposito calcis, 18.Formula de armifactoribus, 19.Formula ad ppo de armifactoribus, 20.Formula binorum et ternorum, si per iudicem agantur, 21.Formula binorum et ternorum, si per officium agantur, 22.Formula commonitorii illi et illi scrinariis de binis et ternis, 23.Formula vicarii portus, 24.Formula principis dalmatarum, 25.Formula epistulae, quae ad commendandos principes comiti destinatur, 26.Formula comitivae diversarum civitatum, 27.Formula honoratis, possessoribus et curialibus de comitiva supra scripta, 28.Formula principibus militum comitivae superscriptae, 29.Formula de custodiendis portis civitatum, 30.Formula tribunatus provinciarum, 31.Formula principatus in urbe roma, 32.Formula qua moneta committitur, 33.Formula tractoriae legatorum diversarum gentium, 34.Formula evocatoriae, quam princeps motu suo dirigit, 35.Formula evocatoriae, quae petenti conceditur, 36.Formula comitealis, 37.Formula spectabilitatis, 38.Formula clarissimatus, 39.Formula tuitionis, 40.Formula de matrimonio confirmando et liberis legitimis faciendis, 41.Formula aetatis veniae, 42.Formula edicti ad quaestorem, ut ipse spondere debeat qui saionem meretur, 43.Formula probatoriae chartariorum, 44.Formula de competitionibus, 45.Formula qua census relevetur ei, qui unam casam possidet praegravatam, 46.Formula qua consobrinae matrimonium legitimum fiat, 47. Formula ad ppo, ut sub decreto curialium praedia venundentur.

²⁶⁴ In one instance, veterans were permitted to record the terms of privileges awarded to them on tablets: Cod.Theod.7.20.1(318/24): *Veteranis, [...] certa per edictum indulsumus, quae scribendi tabulis vel encauto et cerussa conscribere detur eis licentia*; and, on another occasion, instructions were issued for a law to be published on either of two types of tablets or on cloth: Cod.Theod.11.27.1(315): *Areis tabulis vel cerussatis aut linteis mappis scripta per omnes civitates Italiae proponatur lex*.

(e1) *epistulae*

The inscription and papyrus mentioned above, which contain the only two available copies of original *codicilli* associated with appointments and awards, are in the form of letters (*epistulae*). It would not be inappropriate, therefore, if such *codicilli* were sometimes referred to as an *epistula*. But there are relatively few laws in which the two words occur in the same context.

One law requires those who have received dignities from a usurper to produce and to return the *codicilli* and the *epistulae* by which those dignities were awarded.²⁶⁵ Another law, listing the fees to be paid in connection with appointments to positions as *duces* (provincial directors of soldiers) in Africa, states that fees were paid for an imperial letter of appointment, identified as *adfatus*.²⁶⁶

Two laws related to the award of honorary dignities mention several terms together. The first law refers to *codicilli proconsulares*, *epistulae vicariorum* and *insignia consularium*.²⁶⁷ Since it is known that *codicilli* were associated with the award of the dignity of both *ex-consularibus*,²⁶⁸ and *ex-praesidibus*,²⁶⁹ they will also have been used in the awards of *ex-vicariis* so that, in this law, both *epistulae* and *insignia* appear to be used as synonyms for *codicilli*. This is indicated in another law,²⁷⁰ which states that those adorned with *insignia proconsulatus* have precedence over those with *honorarii codicilli* of the *magisterium equitum* <et peditum?>.

The second law, which refers to provincial governors with the rank of *consularis* who have received honorary *codicilli ex-praefectis* or *ex-proconsulibus*, also mentions provincial governors with the rank of *praeses*, who have received *codicilli ex-praefectis* or an *epistula ex-proconsulibus* or *ex-vicariis*,²⁷¹ so that *codicilli ex-proconsulibus* and *epistulae ex-proconsulibus* refer to the same thing as do the *epistulae* of the dignity *ex-vicariis*.

Some imperial *epistulae* were issued in connection with enrolments into the *schola notariorum*, perhaps instead of *probatoriae*.²⁷² Other *epistulae (testimoniales)* were given to specified officers, on their retirement, to award them with the honorary dignity of *ex-protectoribus*, or *ex-praepositis* or *ex-tribunis*,²⁷³ or some other dignity,²⁷⁴ and these were often obtained by those not entitled to them.²⁷⁵

²⁶⁵ Cod.Theod.15.14.8(389): *Omnes, qui tyranni usurpatione proveci cuiuslibet acceperunt nomen illicitum dignitatis, codicillos adque epistulas et promere iubemus et reddere.*

²⁶⁶ See Attachment 5 #9. For *adfatus* note 204.

²⁶⁷ Cod.Theod.6.22.5(381): *omnes, qui extra palatium constituti codicillis proconsularibus vel epistulis vicariorum vel insignibus consularium emendicatis atque adsimulaticiiis vestiuntur, his, quos administratio vel militia provexit, volumus esse postpositos.*
This is the only law in which *epistulae* and *insignia* occur in the same context.

²⁶⁸ Cod.Theod.6.27.5(386) - note 237.

²⁶⁹ Cod.Theod.7.23.1(369) - note 237, and Cod.Theod.12.1.41(353) - note 184.

²⁷⁰ Cod.Theod.6.22.4(372) - note 163.

²⁷¹ Cod.Theod.6.22.7(383)§1: <consulares> *quisquis [...] ex-praefectis aut etiam ex-proconsulibus honorarios impetraverit codicillos;* and <praesides> *qui praesidialis administrationis gesserint dignitates, seu epistulas ex-vicariis sive ex-proconsulibus seu, quod adpeti intempestivius solet, ex-praefectis meruerint codicillos, cessante omni ambitionis studio, debeat anteferri, qui perfunctae privilegio administrationis susceptas in provinciis consularitatis gesserit dignitates.*

²⁷² Cod.Iust.2.7.23(506)§2: *Et postquam <patroni fisci> deposuerint officium, si quidem filios ingenuos habeant, eos clarissimorum notariorum inseri consortio tribunorum, sacras solitas epistulas sine quadam suffragii solutione percepturos;* Cod.Iust.2.7.25(519)§1: *Sacras insuper epistulas, quibus adprobantur viri clarissimi tribuni praetoriani et notarii, [...] praestandas perspicimus.*

²⁷³ Cod.Theod.7.21.1(313/320?) - note 156.

²⁷⁴ Cod.Theod.7.20.12(400): *testimoniales ex-protectoribus vel cuiuslibet dignitatis* - note 157.

²⁷⁵ Cod.Theod.8.7.2(326?): *Officiales, quos ex diversis officiis ex protectoribus epistulas impetrasse constiterit, pristinae reddi iubemus militiae;* Cod.Theod.8.7.3(349): *universi officiales diversorum officiorum, qui ex protectoribus epistulas meruerunt, officiis pristinis militiaeque reddantur.*

(e2) *infulae*

The word *infula* is not defined in any law, but it was initially a narrow band of wool, dyed red and white, knotted at intervals, and worn around the head across the forehead.²⁷⁶ The word, which mostly appears in the plural form, *infulae*, was later used generally to refer to ornaments, including jewels, that were worn. For example, Iustinianus dated the beginning of his rule from the occasion on which he assumed the *imperiales infulae*,²⁷⁷ which are elsewhere referred to as *ornamenta imperialia* or *regia*.²⁷⁸

In the laws *infulae* are associated with the service positions of *praefectus* (*praetorio* or *urbis*),²⁷⁹ *comes orientis*, *praefectus augustalis*, *vicarii*, *duces*, *comites* <militum>, *consulares*, *praesides*,²⁸⁰ and *tribuni et notarii praetoriani*.²⁸¹ In this context, the *infulae* associated with service positions are distinguished from the *cingulum* (service belt) of the position.²⁸²

Infulae are also mentioned in relation to honorary dignities awarded to retiring officers, such as the *comes rerum privatarum*,²⁸³ the *primicerius notariorum*,²⁸⁴ and *agentes in rebus*.²⁸⁵ They are also

²⁷⁶ Isidorus (note 251), *Etymologiarum* 19.30.4: *Infula est fasciola sacerdotalis capitis alba in modum diadematis, a qua vittae ab utraque parte dependent, quae infulam vinciunt; unde et vittae dictae sunt, quod vinciant. Infula autem plerumque lata erat, plerumque tortilis, de albo et cocco.*

²⁷⁷ Cod.Iust.7.37.3(531)§5: *Quae [...] nostra statuit aeternitas, haec tam sublimitas tua quam ceteri omnes iudices nostri observare festinent, ex eo tempore valitura, ex quo nutu divino imperiales suscepimus infulas.*

²⁷⁸ In a law of 534, concerning the establishment of the civil administration of Africa after the reconquest of territory there, Iustinianus mentions the imperial ornaments taken from Rome by the Vandals: Cod.Iust.1.27.1(534)§6: *Quod beneficium dei antecessores nostri non meruerunt, quibus non solum Africam liberare non licuit, sed et ipsam Romam viderunt ab eisdem vandalis captam et omnia imperialia ornamenta in Africam exinde translata.* Earlier, Leo had prohibited the private use, except for making matronly ornaments and rings, of gold or gems used for imperial ornaments: Cod.Iust.11.12.1(457-74)§1: *Nulli praeterea privatorum liceat (exceptis scilicet ornamentis matronalibus et tam muliebrum quam virilium anulorum habitu) aliquid ex auro et gemmis quod ad cultum et ornatum imperatorium pertinet facere. [...] §2: ornamenta enim regia intra aulam meam fieri a palatinis artificibus debent.*

²⁷⁹ Cod.Theod.11.18.1(409/12): *Tirones[...] praebere nolumus illustres viros praefectos, cum gerunt infulas dignitatis vel cum sublimem egerint praefecturam;* Nov.Theod.25(444)§1: *Meminimus quippe nos [...] praefecturae infulis ornatorum ceterorumque inlustrium [...] metatorum praebendorum onere liberasse;* Cod.Iust.10.32.67(529)§1: *Si quis igitur vel summum patriciatus honorem fuerit consecutus, sive infulis consultatus honorarii aut ordinarii fuerit ampliatus, ut vel consul vel consularis efficiatur, seu praefectorum praetorio infulas suscepit gubernandas, vel urbicariam (in ipso tamen actu) meruerit praefecturam, nec non magistri militum officium gerendum suscepit, is gaudeat se huiusmodi condicionis <of curialis> esse exsortem.*

²⁸⁰ Cod.Theod.9.41.1(425/6)§1: *Nemo sibi praesumat moderatorum provinciarumque rectorum, sub quibuscumque infulis potestatis, quemquam patrimonii universis privare subsidiis;* Cod.Iust.1.49.1(475): *qui administrationis maioris infulas meruerint* - note 220.

²⁸¹ Cod.Theod.6.10.3(381): *Praetorianos [...] orientis sive aegypti comitivae videantur infulas consecuti* - note 133.

²⁸² Cod.Theod.10.20.14(424): *Murileguli, qui [...] se infulis dignitatum et cingulis penitus denegatis munisse dicuntur, ad propriae artis et originis vincla revocentur;* Nov.Theod.15.2(444)§1: *Valerianus Emisenae civitatis curialis, [...] sibi inlustri cingulum honoris inmerito per subreptionem adsumpsit, ut illius subnixus infulis dignitatis contumeliosum sui posset amplificare propositum. [...] §2: curiales ab inlustri dignitate cum cingulo seu citra cingulum volumus in posterum prohiberi nec sibi infulas huius honoris adpetere.*

²⁸³ Cod.Theod.6.30.24(425): *honore potiantur, cum illustres viri memoratarum comites <rerum privatarum> dignitatum ita simili iugiter infularum splendore decorentur.*

²⁸⁴ Cod.Iust.12.7.2(474)§5: *primicerius [...] magistri officiorum [...] infulas sortiatur*- note 104.

referred to in connection with provincial gubernatorial personnel who improperly acquired positions in more senior parts of the service.²⁸⁶

Outside the imperial service, they are generally associated with municipal functionaries,²⁸⁷ some of whom usurped senatorial dignities,²⁸⁸ and others who purchased the *infulae* of dignities.²⁸⁹

Infulae and *codicilli* occur together in only one law, addressed to a city council, which states that if a *curialis* has obtained the *infulae* of the *clarissimus* grade of dignity, and has not presented *codicilli* to attest the award of the dignity, he will lose the benefits attached to the latter.²⁹⁰ This suggests that the *codicilli* awarded the dignity with which *infulae* are associated. This is similar to another law which is also the only law in which *infulae* and *insignia* occur together. This law provides that if a *curialis* requests and obtains the *infulae* of an *honor* or *administratio*, or another *dignitas*, he is to be decorated with *insignia*.²⁹¹ Both these laws refer to dignities that were sought or granted to *curiales* who were not members of the imperial service. The first law states that the dignity was awarded by *codicilli* and was associated with *infulae*. The second law states that if *infulae* associated with a dignity were sought, and were granted, the award was made by *insignia*, which, according to a law on precedence previously cited,²⁹² was used as a synonym for *codicilli*, as described below. These two laws do not, therefore, indicate that *infulae* denoted either *codicilli* or *insignia*.

Infulae are mentioned in two laws concerning precedence among those who held the position of *consul*, either with or without the additional dignity of *patricius*. One law commented on the order of precedence between two consuls who had held the position at different times.²⁹³ The other law discussed the order of precedence between a *consul* who held the position once and another who held it twice.²⁹⁴ And it is the

²⁸⁵ Cod.Theod.6.27.21(426): *Quicumque impleto militiae suae ordine ac labore finito ad ducenae pervenerit principatum, quisque magistri officiorum iudicio probatus adiutor extiterit tempore, quo iam honoratorum virorum coetibus inseritur, eorum, qui vicariam egerint praefecturam, infulis perfruantur.*

²⁸⁶ Cod.Theod.8.4.8(364): *qui in proconsulum consularium correctorum vel praesidum officiis [...] militiam clariorem, aditu obstricti itineris, occupaverint, ita infulas adfectati honoris amittent, ut necessitatem vetustae procurationis agnoscant;* Nov.Theod.15.2(444)§2: *curiales ab inlustri dignitate cum cingulo seu citra cingulum volumus in posterum prohiberi nec sibi infulas huius honoris adpetere.*

²⁸⁷ Cod.Theod.11.30.19(339/352): *si ad curiam nominati vel ad duumviratus aliorumque honorum infulas vel munus aliquod evocati putaverint appellandum, intra duos menses negotia perorentur.*

²⁸⁸ Nov.Theod.15.1(439)§2: *Lege itaque perpetuo valitura decernimus nullum posthac curialem senatoriae sibimet dignitatis infulas usurpare, nulli curiali licentiam dari clarissimo se permiscendi consortio.*

²⁸⁹ Cod.Theod.12.1.27(339): *Rarum karthaginiis splendidissimae senatum et exiguos admodum curiales residere conquestus es, dum universi indebitae dignitatis infulas foeda familiaris rei vexatione mercantur. Igitur istiusmodi viri demptis honoribus imaginariis, cuiuscemodi illi erunt quos fuerant consecuti, civicis muneribus subiugentur.*

²⁹⁰ Cod.Theod.12.1.42(354)§1: *Si quis autem clarissimae meruerit infulas dignitatis nec indulti muneris gratiam codicillorum allegatione percepit, impetratae fructum dignitatis amittat.*

²⁹¹ Cod.Theod.12.1.155(397): *quisquis, emensus curialia onera, honorum vel administrationis vel quarumcumque aliarum dignitatum infulas impetraverit, ipse quidem coretur insignibus.*

²⁹² Cod.Iust.12.8.2(440-1) - note 139.

²⁹³ Cod.Iust.12.3.1(426?)§pr: *Antiquitus statutum est consularibus viris ceteros quidem honoratos ipsius trabeae summitate, pares vero infulis consideratione tantum temporis anteire.[...] §2: repetiti etenim fasces virtutes saepe meriti comprobant.* On *infulae* connected with both *consules* and *consules honorarii*. See also note 279.

²⁹⁴ Nov.Val.11(443) which states: §1: a person can have both the *patriciatus honor et infulae consulares*; a person who has twice obtained the *consulatus insignia*, that is, has obtained *duplicatae infulae et curulium ornamenta geminarum*, is preferred to someone who has obtained the *honor* and *fasces* only once.

second law in which *infulae, ornamenta* and *insignia* were connected in an indiscriminate manner that makes their relationship difficult to determine, but all three appear to have in common the fact that they refer to something other than writing.

(e3) *insignia*

Among the words *epistula, infula* and *insignia*, the word that is used most often in the same context as *codicilli* is *insignia*. The word *insignia* is the plural of *insigne* which denotes a sign, ornament, symbol or emblem, or anything similar that represents some person, entity or attribute. The singular form *insigne* is never used in any law related to an appointment to a service position, or to an honorary award of the dignity attached to such a position, just as the singular form *codicillus* is never used, instead of the plural *codicilli*, to refer to the object, and its document, that is associated with such an appointment or award.

In the laws up to the end of 534,²⁹⁵ *insignia* is used in connection with both appointments and awards. In relation to appointments to service positions, the laws mention: *insignia administrationis*,²⁹⁶ *i.magistratus*,²⁹⁷ *i.proconsulatus*,²⁹⁸ *i.palatini laboris*,²⁹⁹ *i.principatus* <officii>,³⁰⁰ *i.dignitatis* / *dignitatum*,³⁰¹ *i.honoris*.³⁰²

In reference to the awards of honorary dignities, the laws mention: *insignia comitivae consistoriana*,³⁰³ *i.honorariae dignitatis*,³⁰⁴ *i.quaestoriae dignitatis*,³⁰⁵ *i.honorarii principatus* <officii>,³⁰⁶ *i.honorariae praerogativae*.³⁰⁷ There are also two unclassified references to *insignia dignitatis* / *dignitatum*.³⁰⁸

²⁹⁵ That is, all the laws in the main compilations Cod.Theod.(438), Cod.Iust.(534), and the *novellae constitutiones* enacted between 438-468. The remaining laws, enacted after 534, also *novellae*, are derived from copies of private compilations. Their references to *insignia* are mentioned separately below.

²⁹⁶ Cod.Theod.6.22.7(383): *insignia administrationis* - note 168;

²⁹⁷ Cod.Theod.6.22.8(425): *si quis per gradus suo ordini competentes impetratis honorariis codicillis ad summum praefecturae pervenisset usque fastigium, non praerogativa temporis uteretur nec adversus eum, qui indeptus insignia magistratus re ipsa quod meruisset impleset.*

²⁹⁸ Cod.Theod.6.14.1(372) + Cod.Theod.6.22.4(372): *ea reverentia altissimarum dignitatum viris subiungantur, ut his locum praestent, qui proconsulatus insignibus adornantur.*

²⁹⁹ Cod.Theod.12.1.73(373?): *Qui nullo administrationis honore fultus, nullis vel palatini laboris insignibus vel meritis iustis militiae in consortium senatus nititur pervenire, missa in hanc rem legatione revocetur eique reddatur curiae, quam voluit declinare.*

³⁰⁰ Cod.Theod.6.27.16(413): *insignia principatus*; Cod.Iust.12.20.5(c466): *Agentes in rebus, qui per ordinem consequi solent principatus insignia, [...] subadiuvarum sollicitudine per annum dumtaxat integrum [...] subire [...] decernimus.*

³⁰¹ Cod.Theod.12.1.25(338): *honestis testimoniis adminiculis enitentes talium dignitatum privilegia insigniaque meruerunt.* Cod.Theod.6.35.13(386): *qui in palatio militando diversis actibus paruerunt, [...] eius dignitatis, cuius meruerint missionem, optinere norint insignia*; Cod.Theod.12.1.122(390): <if they have no curial obligations> *li quibus detulimus splendoris magistratus quosque etiam ornavimus insignibus dignitatum, [...] in splendidissimum ordinem senatorium et illam nobilissimam curiam cooptentur*; Cod.Theod.11.16.19(391): *eam legem, quam de extraordinariis sordidisque muneribus expressis vocabulis functionum et insignibus dignitatum sine ulla ambae praescripsimus*; Cod.Iust.2.7.10(452): <two patroni fisci> *paribus dignitatis et privilegiorum insignibus ambiendos praecipimus.*

³⁰² Cod.Iust.9.27.6(439): *sancimus eiusmodi viros ad provincias regendas accedere, qui honoris insignia non ambitione vel pretio, sed probatae vitae et amplitudinis tuae solent testimonio promoveri*; Cod.Theod.8.4.30(436): *Si cohortalis apparitor [...] ad ullam posthac adspiraverit dignitatem, spoliatus omnibus impetrati honoris insignibus ad statum pristinum revocetur.* Cod.Theod.12.1.4(317): *qui honoris indebiti arripere insignia voluerunt* <for example, *qui praesidatum ante tempus reportarunt*> *cum in consilium primates municipesque coguntur, adsistent.*

³⁰³ Cod.Iust.2.12.25(392): *consistoriana comitivae insignia* - note 178 (referring to *qsp, mo, csl, crp*).

³⁰⁴ Cod.Iust.12.8.2(440-1) <honorariae> *illustris insignia dignitatis* - note 139.

In relation to dignities that were not attached to service positions, the laws refer to: *insignia patriciae dignitatis*,³⁰⁹ *i.consulatus*,³¹⁰ *i.honorarii consulatus*,³¹¹ *i.comitivae ordinis primi*,³¹² and, referring to municipal positions: *insignia magistratus*.³¹³

No law before 535 uses the word *insignia* to refer to any symbolic object identified as representing a particular service position or a serving officer appointed to such a position..

Three laws describe symbolic objects that they associate with the two service positions of *proconsul* and *consularis*. These two positions had in common the fact that the position of *proconsularis* had the same title as a position created centuries earlier in the Republic, while *consularis* was nominally related to the position of *consul* existing at that time. And symbols associated with those magistracies are the symbols that the laws associate with the positions of *proconsul* and *consularis*. A law of 381 refers to symbolic objects connected with the position of *proconsul* as *fascēs* and *curules* (presumably primarily the *sella curulis* or portable chair or seat),³¹⁴ and in a law of 383 as *securis* (axe) and *fascēs*.³¹⁵ The only law that names a symbol associated with a *consularis*, which it names as the *fascēs*, also refers to praesidial *vexilla* (flags or banners).³¹⁶ No law before 535 describes any of these objects as *insignia* and no law identifies any symbolic objects associated with any other service position.

No item of clothing related to any service position was identified as *insignia*. The most common item was the *cingulum* (service belt) that was worn by all serving officers, and was awarded as an honour to honorary reserve officers but not to the other honorary officers. Personnel with senatorial grades of dignity were instructed, when in the capital, not to wear *habitus militaris* (military clothing), especially the *chlamys* (long sleeveless cloak usually decorated with a *tablion* - a rectangular shaped patch aligned obliquely to, and intersected by, both edges of the *chlamys*) and, instead, to wear the *colobium* (short-

³⁰⁵ Cod.Theod.1.1.6(435): *Eubulus illustris ac magnificus comes et quaestor noster, Maximinus vir illustris insignibus quaestoriae dignitatis ornatus* - see Attachment 7 -435.

³⁰⁶ Cod.Theod.6.27.16(413): *honorarii principatus insignibus* - note 155.

³⁰⁷ Nov.Theod.25(444)§4: *Et his quidem, quibus iam praebendi metati inmunitatem inlustris favor dignitatis indulgit, licet vacantis militiae cingulo usi sint vel utantur vel honorariae praerogativae potiantur insignibus, inviolata, ut cautum est, excusationis iura largimur.*

³⁰⁸ Cod.Theod.12.1.25(338): <curiales> *qui suffragiis dignitatum insignia consecuti sunt, inmeriti honoris splendore privati*; Cod.Iust.1.40.5(364): *Sane qui insignia dignitatis ad hoc exercet, ut indignis iniuriis existimet adficiendos eos, qui officia cum potestate moderantur, non declinabit nostrae indignationis aculeos.*

³⁰⁹ Cod.Iust.12.40.10(c.450-5)§2: *Pari privilegio perfruatur cum memoratis heredibus, qui solius patriciae dignitatis sine consulatu decoratur insignibus.*

³¹⁰ Nov.Val.11(443)§1: *ut quisque bis consulatus adipisci meruisset insignia praeferatur his, qui semel functi sunt hoc honore.*

³¹¹ Cod.Iust.12.3.3(474-91)§1: *universos, qui posthac honorarii consulatus insignibus principali munificentia decorantur, centum auri libras ad reficiendum aquaeductum publicum ministrare censemus.*

³¹² Cod.Theod.6.16.1(413): - *insignia comitivae* - note 194; Cod.Theod.6.16.1(413): - *comitis ordinis primi insigni[bus]* - note 193.

³¹³ Cod.Theod.12.1.21(335): <curiales> *quosdam in suo corpore post flamonii honorem et sacerdotii vel magistratus decursa insignia.*

³¹⁴ Cod.Theod.6.10.3(381): *Notariorum primicerium in numero proconsulum habemus, tamquam comitis ei semper fascēs cum curulibus dederimus.*

³¹⁵ Cod.Theod.6.22.7(383): *inter proconsulares viros, qui tamen eiusdem potestatis securem meruerint fascēsque susceperint.*

³¹⁶ Cod.Theod.9.26.4(416): *Si quis [...] consularitatis fascēs aut vexilla praesidalia [...] contra definitionem nostram iterare temptaverit, fisco eius omne patrimonium sociari decernimus.*

sleeved tunic) and *paenula* (hooded outer garment), or, when in the senate or at trials, the *toga* (principal Roman outer garment). *Officiales* (subordinate secretariat officers) were to wear *paenulae* held closed with the *cingulum* in order to hide the *discolor pallium* (differently-coloured military cloak) underneath which, therefore, was apparently an item identifying their service position.³¹⁷ But dignitaries were to wear the *chlamys* when greeting a *vicarius*,³¹⁸ and soldiers were provided with money to buy this garment.³¹⁹ None of these items was referred to in the laws as *insignia* (nor was the *tablion* which was often decorated with embroidery).

Two laws suggest that some clothing indicated grades and divisions of dignity. The first law, referring to the *praepositus sacri cubiculi*, states that he is to be seated at assemblies according to his position of precedence (within the grade *illustris* and the division *pp,pu,mm*, and, from the date of this law, *pse*) and implies that this position of precedence is indicated by his *habitus consuetus* (customary clothing).³²⁰ The second law, referring to serving officers who have been awarded the dignity of *comes ordinis secundi*, states that the *proximus* (assistant master) of an imperial *scrinium* (bureau), and the *comes & magister dispositionum* (master of the bureau of imperial regulations) are to receive the *vestis* (garment) appropriate to that dignity.³²¹ None of these items of clothing, some of which could be classified as a uniform, was referred to in the laws as *insignia*.

Outside the imperial service, the symbols related to the position of *consul* were, like those connected with the service positions of *proconsul* and *consularis*, similarly connected with symbols associated with *consules* in the Republic. A western law of 443, which is not represented in *Cod.Iust.*, refers to those symbols as *consulatus insignia* and identifies these as unspecified *infulae* (generally, ornaments) and *curulium ornamenta*, and also *fascēs*.³²² An eastern law mentions the *trabea* (scarlet toga, or decorated with horizontal scarlet stripes), *infulae* and *fascēs*, as symbols of the *consul*, but does not refer to them as *insignia*.³²³

In 535 Iustinianus created four new service positions, each being the directorship of a provincial agency in which previously separate civil and military jurisdictions were combined. Being keen to restore former titles,³²⁴ Iustinianus gave these new positions the title of *praetor*, derived from another magistracy of the

³¹⁷ Cod.Theod.14.10.1(382): *nullus senatorum habitum sibi vindicet militarem, sed chlamydis terrore deposito quieta coloborum ac paenularum induat vestimenta. Cum autem vel conventus ordinis candidati coeperit agitari, vel negotium eius sub publica iudicis sessione cognosci, togatum eundem interesse mandamus. Officiales quoque, [...] uti quidem paenulis iubemus, verum interiorē vestem ad modum cingulis observare, ita tamen, ut discoloribus quoque palliis pectora contegentes conditionis suae necessitatem ex huiusmodi agnitione testentur.*

³¹⁸ Cod.Theod.1.15.16(401): *Nullum penitus honoratorum publica salutatione sine chlamydis indumento vicariam potestatem adire oportet.*

³¹⁹ Cod.Theod.7.6.4(396): *Fortissimis militibus nostris per Illyricum [...] pro singulis chlamydis, [...] singulos solidos dari praecipias.*

³²⁰ Cod.Theod.6.8.1(422): *in sedibus et consessu is eis ordo servetur, quem ordo provectionis ostenderit, sub habitu ipsis videlicet consueto, cum manifeste decretum sit eum esse qui praecesserit potioem, vel illum subsequi, quem recentius probavit examen.* (exactly the same copy exists in *Cod.Iust.*12.5.1). The *praepositus sacri cubiculi* was permitted to continue to wear the *cingulum* after his retirement: *Cod.Iust.*12.5.5(492-7) - note 61.

³²¹ Cod.Theod.6.26.18(426) - note 191.

³²² Nov.Val.11(443) - note 294.

³²³ *Cod.Iust.*12.3.1(426?): *Antiquitus statutum est consularibus viris ceteros quidem honoratos ipsius trabeae summitate, pares vero infulis consideratione tantum temporis anteire. [...] Hoc observando et si iterata vice fastigia consulatus aliquis adscenderit: repetiti etenim fascēs virtutes saepe meriti comprobant, non augent, quia nihil est altius dignitate.*

³²⁴ Nov.Iust.24(535)§1: *Haec considerantes nos, antiquitatem rursus cum maiori flore ad rempublicam reducentes et Romanorum nobiles nomen [etc]; Nov.Iust.25(535)§pr: Iustum igitur erit et eam administrationem decorare antiqua Romani officii conscribentem signa, et nunc eius magistratus*

Republic. A fifth position, with the same combined jurisdiction, was created for a *proconsul*. The five laws establishing these positions substantially have the same structure and identify three items as the *insignia administrationis* or *signa magistratuum* of these new positions: namely, a silver *vehiculum* or *carpentum* (carriage)³²⁵ and the *securis* and *fasces*. But the Latin version of these five laws contains several inconsistencies (for example, *magistratus insignia* in one law is *signa magistratum* in another and *insignia imperialia* in a third) and misunderstandings (*codicilli* are twice identified as *mandata principis*) so that, while the relevant extracts from these laws are cited in the attached note,³²⁶ these laws are not considered here in relation to *insignia*.

In the absence of a definition or description of the entity represented by the words *insignia*, in the laws enacted before 535, some suggestions about the identity and purpose of this object may be made from statements in some of those laws.

One law could be interpreted to imply that there was an image associated with *codicilli*. This law, referring to senatorial dignities repeats, firstly, the consistent rule that a person appointed as a serving officer to a service position and its attached dignity is, on retirement, in a superior category of dignity (grade and division) to that of a person who is awarded that same dignity (grade and division) as an honour, without being appointed to the position; and, secondly, repeats the rule that seniority (priority determined by the date of the award of the dignity), applies separately to each of the two groups.³²⁷ The law refers to the administrative group as *qui actibus subsecuntur* and to the honorary group as *qui se codicillorum parili imagine fulciuntur*. Within the two separate groups seniority was determined, as noted previously, not only within a grade of dignity but also within a division of it. The expression

(iudicem dicimus civilis cinguli et praesedentem armis) in unum colligere et praetoris appellatione decorare.

³²⁵ In relation to a *vehiculum*, it should be noted that such an object was to be used in the capital by all dignitaries, whether civil or military, according to their dignity: Cod.Theod.14.12.1(386): *Omnes honorati seu civilium seu militarium dignitatum vehiculis dignitatis suae, id est carrucis biuigis, intra urbem sacratissimi nominis semper utantur.*

³²⁶ Nov.Iust.24(535) praetor pisidiae §4: *et omnia habebit administrationis insignia quae hactenus habet, vehiculum ex argento et proximam et fasces; §6: perspeximus non solum eis praebere magistratus insignia in his qui vocantur codicilli, sed etiam inscribere modum secundum quem regant administrationem, quae ante nos legislatores mandata principis appellabant.*

Nov.Iust.25(535) praetor lycaoniae §5: *insignia utriusque habebit cinguli, et quamvis iam militaris sit, attamen et in argenteo vehiculo portabitur praecedetque proxima (consularis namque est etiam hoc signum administrationis) fascesque similiter eum praecedent; §6: Studium namque nostrae potentiae est non solum eis praebere signa magistratuum ex appellatis codicillis, qui spectabilibus iudicibus tribuuntur, sed etiam ex imperialibus praeceptis, quae mandata principis dudum vocabant imperatores atque legislatores.*

Nov.Iust.26(535) praetor thraciae §2: *honor autem ei a nobis erit codicilli procedentes hinc secundum reliquorum spectabilium iudicum figuram et quaedam insignia imperialia modum explanantia quo regat administrationem, quae priores nostri mandata principis appellabant; §5: Haec eis etiam imperialibus mandatis subdimus et cum codicillis ea cinguli dabimus.*

Nov.Iust.29(535) praetor paphlagoniae (combined with the former province Honorias) §5.1: *Modus autem secundum quem praesidebit et hic quidem breviter designatus est, manifestus autem ei et ex lege fiet quae de omnibus administrationibus in communi conscripta est et ex imperialibus nostris mandatis, quae ei dabimus, quando et cinguli dederimus codicillos eius et iusiurandum exegerimus, hoc quod secundum legem nostram conscriptum est.*

Nov.Iust.29(535) proconsul cappadociae §6: *qui huic triplici praesit officio, solus in se totum circumferens magistratum et potestatem, utens quidem causis civilis administrationis carpentumque ex argento et proximam (seu securem) vel fasces habens et quaecumque signa sunt antiqua legis; §9.1: Quae eum decet metuentem et nostra praecepta rememorantem, quae ei dabimus cum administrationis codicillis (vocabant autem haec veteres mandata principis), omnia celebrare secundum nostram intentionem.*

³²⁷ Cod.Theod.6.22.8(425) - note 158.

parilis imago codicillorum, which does not occur in any other law, appears to imply *codicilli* included an image indicating the grade and division of dignity within which seniority could be determined.

In the context of an appointment to a service position with an attached senatorial dignity, or to an honorary award of that attached dignity without an appointment to the position, no law mentions both *codicilli* and *insignia* as two entities that were both conferred separately, at the same time, in any such appointment or award. Within that context, however, there is a close relationship between *insignia* and *codicilli* and this is indicated initially by the fact that, both *codicilli* and *insignia* are mentioned as being closely associated with such appointments or awards, in especially two laws.

The first law states that "judges³²⁸ who are convicted of crimes, deprived of their dignity (*honor*), and the *insignia* of their *codicilli* having been removed, are to be considered to be among plebeians and those of the lowest status."³²⁹ The expression *codicillorum insignia*, which occurs in no other law, is likely to have been transmitted correctly since it exists in the copy of the law in both Cod.Theod. and Cod.Iust. It can be interpreted to mean either that *insignia* refers to an entity that is conferred by the *codicilli* or that *insignia* refers to an entity that is a part of the *codicilli* (perhaps an *imago codicillorum*).

The second law, as previously mentioned,³³⁰ refers to positions to which the *illustris* grade of dignity was attached and prescribes the order of precedence among retired *administratores* (serving officers), *vacantes* (honorary reserve officers) and *honorarii* (honorary officers), with the two latter categories being additionally differentiated according to whether the object that distinguished their honorary dignity was presented to them at court, or whether it was sent to them. In the case of the *vacantes*, the object was the *cingulum* (service belt of a serving officer) and this is mentioned both as the object that was presented at court or that was sent. In relation to the *honorarii*, the law states that those who receive the honorary *codicilli* at court (*qui praesentes [...] codicillos [...] honorariae dignitatis adepti sunt*) have precedence over those to whom the *insignia* of the dignity with the grade *illustris* are sent (*quibus absentibus similiter [...] mittuntur illustris insignia dignitatis*). As in the case of the *vacantes*, who received the same object, whether presented or sent, the object received by the *honorarii* must also have been the same so that *codicilli honorariae dignitatis* is used in the law to denote the same object as *insignia illustris dignitatis*. It must be concluded, therefore, that *codicilli* and *insignia* both refer to the same object, and that the two words are used perhaps because they refer to it in different ways.

An explanation of this relationship between *codicilli* and *insignia* is open to speculation, but a probable answer may be contained in the following compilation that is so closely related to the laws that the contents of that compilation, and those of the laws, frequently clarify or explain each other.

[12] *Insignia in the Compilation 'notitia dignitatum' (Cnd)*.

All available documents that are derived from a compilation of lists and 89 pictures, beginning with the list item *Notitia dignitatum [...] in partibus orientis* and ending with the list item *Ceteri praesides ad similitudinem praesidis dalmatiae officium habent*, have as their immediate common exemplar the document that is identified as the *Compilation 'notitia dignitatum' (Cnd)* which, having itself been derived from a document written in a script used not earlier than the 8thC, occupied 164 pages in the codex Σ that existed in the library of the Speyer cathedral chapter, certainly between 1426/27 - 1550/51.

The *Cnd* consisted entirely of lists interspersed with pictures. Most of the lists were **agency lists**, and most of these were divided into a **domain list** (whose first item mostly contained the title of, and the grade of dignity attached to, the service position of the director of the agency, followed by items referring to the particular combination of service positions, units and entities that was unique to each agency and was under the management and jurisdiction of the director) and a **secretariat list** (whose first item mostly

³²⁸ As mentioned previously, the term *iudex* is widely used to denote any agency director with delegated jurisdiction to administer justice over service officers, and in most laws *iudex* refers to a provincial governor.

³²⁹ Cod.Theod.9.27.1(380): *Iudices, qui se furtis et sceleribus fuerint maculasse convicti, ablatis codicillorum insignibus et honore exuti inter pessimos quosque et plebeios habeantur*. Exactly the same wording exists in the copy of the law in Cod.Iust.12.1.12.

³³⁰ Cod.Iust.12.8.2(440-1) - note 139.

contained the word *officium* and was followed by a list of service positions and units under the joint responsibility of the director and the *princeps*, or chief of the agency secretariat).

The pictures interspersed among the lists mostly existed as single pictures, but sometimes in a series, comprising between two and six consecutive pictures not separated by intervening lists. All the pictures in the *Cnd* except two, illustrated lists, either related to agencies or to departments of the imperial secretariat. Each picture, or each series of pictures, illustrating such a list, preceded that list, and each such single picture, or the first picture in a series, was divided into two **compartments**,³³¹ sometimes called registers. The **upper compartment** contained the drawing of a rectangular emblem that was either decorated with geometric stripes, or was inscribed with alphabetic letters, or was blank (was undecorated and uninscribed). This rectangular emblem was sometimes accompanied by the drawing of a scroll;³³² and occasionally the emblem was drawn as placed on a table, beside which, in some pictures, there was also the drawing of a decorated stand.³³³ All the drawings in the upper compartment represented entities that were not named in the following list, and no drawing in the upper compartment was identified by a drawing caption within the frame that enclosed all the drawings comprising the picture. The **lower compartment** contained drawings representing entities that were named in, or entities that were related to those named in, the domain section within the following list. These drawings in the lower compartment were mostly identified by drawing captions written immediately above the drawing and were often derived from items in the following list. In some pictures in which individual drawings were not captioned, a single drawing caption was placed above, and referred to, all the drawings in the domain compartment. The two compartments were mostly separated by a gap between their respective drawings, or by a line drawn between them across the picture, or by line drawn around the space occupied by the rectangular emblem and accompanying scroll. No drawing in any picture represented any item named in the secretariat section within the following list.

In the first 12 pictures (see *Attachment 6*) that each contained the drawing of a rectangular emblem in the *Cnd*, the shape and the geometric decoration of each emblem in the *Cnd* is known with certainty from either the consensus or the convergence of the drawings in primary copies of the *Cnd*. These agree in representing them with a rectangular shape (generally 2h:1w) and drawn to represent a tablet (no side panel to represent the object as three-dimensional). The 12 pictures all related to agencies directed by officers to whose position the *illustris* grade of dignity was attached and these emblems had two different decorations: one decoration on the first 6 emblems and a different decoration on the second 6, as indicated in this table:

<i>Cnd.</i>			
	4 praefectus praetorio illyrici		22 magister officiorum
	7 magister militum praes.<1>		24 quaestor
	10 magister militum praes.<2>		25 comes sacrarum largitionum
	13 magister militum per orientem		27 comes rerum privatarum
	16 magister militum per thracias		29 comes domesticorum equitum
	19 magister militum per illyricum		29 comes domesticorum peditum

Y = yellow/gold, W= white;

indicates that the emblem was drawn as placed on a table;

/ indicates that the central rectangle contained the drawing of either one or of two human portraits or busts

These two decorations were distributed exactly according to the two divisions of the grade *illustris* as indicated in *Attachment 1, Table 1* adapted here as follows:

³³¹ Except the two pictures illustrating the agency list of each of the two *praefecti praetorio*, in which each compartment occupied a complete picture.

³³² The emblems are considered in detail in *Appendix 6: Rectangular emblems in the Cnd*.

³³³ In the picture illustrating the agency list of each *praefectus praetorio*, and the *praefectus urbis romae*, the drawing of a carriage drawn by four horses is added. See above note 325.

<i>Service positions</i>	<i>Ranks</i>	<i>Dignity</i>	
		<i>Grade</i>	<i>Divisions</i>
praefectus praetorio	1	Illustris	1
praefectus urbis	2	Illustris	1
magister militum	3	Illustris	1
praepositus sacri cubiculi	4	Illustris	1
quaestor sacri palatii	5	Illustris	2
magister officiorum	6	Illustris	2
comes sacrarum largitionum	7	Illustris	2
comes rerum privatarum	8	Illustris	2

(for additional details on this table, see Attachment 1, Table 1)

That is, the two decorations were not distributed according to the grade *illustris* (which was attached to all these positions), nor according to the different ranks of the positions (which differed as previously described), nor according to any criterion other than the divisions of the *illustris* grade of dignity.³³⁴

In 10 of the 12 pictures, the rectangular emblem, decorated according to the divisions of the grade *illustris*, occurred immediately below a picture caption that contained both title and grade of dignity of the director of the agency in the form *insignia viri illustris & title of the service position*; for example, *insignia virorum illustrium praefectorum praetorio per illyricum*, or *insignia viri illustris magister officiorum*.

The word *insignia* did not occur in any of the lists following these 10 pictures. It occurred in five secretariat lists, whose items were never represented in drawings, in a form and in a context that would not have suggested that the word *insignia* should occur in, or be added to, any picture caption.³³⁵ And the word *codicilli* did not exist in the *Cnd*.

Yet in these 10 pictures there existed the drawing of a rectangular emblem, drawn in a 2-dimensional form representing a tablet (associated with *codicilli*) that was decorated according to the divisions of the *illustris* grade of dignity (attested as being awarded by *codicilli*) and that was drawn immediately below a picture caption beginning with *insignia* (which a law on precedence uses to refer to the same objects as *codicilli*³³⁶). These observations suggest that the rectangular emblem represents the *insignia*, and probably in the form of a decoration or symbol existing on or within *codicilli* (perhaps the *codicillorum insignia*, or *codicillorum imago* mentioned above, in a *superna codicillorum impressio*).

It should be noted that the word *insignia* does not occur in the singular form in any law referring to the appointment to a service position or to the honorary award of the attached dignity. Consequently, the word *insignia*, in the aforementioned 10 captions in which it occurred in the *Cnd*, cannot be interpreted as implying that it referred to all the drawings in each of the pictures under that caption nor, indeed, to any drawing other than the rectangular emblem that was consistently the drawing that was immediately below, and was drawn closest to, that caption. Such an interpretation is not supported by several observations, including those previously mentioned which include: firstly, that the aforementioned law on precedence, in which *codicilli* and *insignia* are used as synonyms, refers to the award of an *illustris* grade to an *honorarius* officer, whose *insignia* would appropriately be an object decorated to show the grade and division of the dignity, but not one that included any symbolic emblems associated with a service position; secondly, that in most pictures, the rectangular emblem, in the upper compartment of the picture, is deliberately separated from the drawings in the lower compartment, containing drawings of

³³⁴ In the pictures related to the corresponding agencies in the western part of the Roman state (the pictures *Cnd*.87, 90, 92, 100, 106, 108, 109, 112, 114-114), the same two designs existed in the *Cnd*, but their distribution differed from that shown here for the eastern part. In the western part, the decoration on the emblem *Cnd*.92.1, under the picture caption *Insignia uiri illustris magistri peditum*, and on the emblem *Cnd*.100.1, under the picture caption *Insignia viri illustris magistri equitum*, was the decoration used for *mo*, *qsp*, *csl*, *crp*, *cd*, indicating a division of the grade *illustris* that was lower than that of the eastern *magistri militum*.

³³⁵ *Cnd*.40.5: *Principem de schola agentum in rebus ducenar(:) qui adorata clementia principali cum insignibus exit transacto biennio* with a similar reference to *insignia* in *Cnd*.42.18, 44.9, 46.11, and 48.14 in which the abbreviation *ducenar(:)* was expanded as *ducenarum*.

³³⁶ Especially in the aforementioned law *Cod.Iust.12.8.2(440-1)* - see note 139

objects mentioned, or related to those mentioned, in the following domain list; and, thirdly, it is improbable that *codicilli* associated with an appointment to a service position would be decorated with drawings of the entities named in, or related to, items in the domain list (such as those in the *Cnd*) since such drawings would need to be reconfigured each time there was a change in the entities represented (for example, the shields representing military units transferred between agencies). It is worth noting, incidentally, that the symbolic objects which some laws associate with the positions *proconsul* and *consularis*, but which they do not identify as *insignia*, were not represented by drawings in the *Cnd*.

If this speculation is correct, that is, that each of the picture captions *insignia viri illustris [etc]* in the *Cnd* referred only to the rectangular emblem, then further possibilities arise, including especially the possibility that the picture caption initially referred to a picture comprising only the upper compartment (in which no drawing delineated any entity named in an list), to which the lower compartment was added later to form the source picture³³⁷ from which those in the *Cnd* were derived. This is suggested especially, but not only, by the *Cnd* picture illustrating the western departments of three *magistri scriniorum*:³³⁸ these were represented, in the upper compartment of the picture, by six inscribed rectangular emblems, but the lower compartment contained drawings indicating four departments each of which was represented, in the convention used in the *Cnd*, by a combination of both a bundle of scrolls and either a pile of sheets or tablets within a closed or opened enveloping cover, or an opened tablet.

Apart from their evidence in connection with speculations about the relationship between *insignia* and *codicilli*, the existence within the *Cnd* of the 12 rectangular emblems, that were decorated according to the divisions of the grade *illustris*, is especially important for another reason.

The evidence required to identify the divisions of the grade *illustris* attached to the service positions named in the *Cnd*, and the evidence required to suggest how those divisions could be represented or indicated by decorations on drawings representing tablets, did not exist in the *Cnd*: that is, neither the decorations on the 12 rectangular emblems, nor the divisions of the grade of dignity which those decorations represented, nor the identification of which service positions were related to which division, could have been determined from any information contained in the *Cnd*. This means, either that the required evidence was contained in an exemplar of the *Cnd* but was not copied into the latter, or that the two designs, and their distribution in the *Cnd* were ultimately derived from source pictures that were created at a time when their artist knew those divisions and when viewers of the drawings in those source pictures could be expected to understand the decorations and their distribution among the pictures.

The probability that the last alternative is correct is suggested by two pictures that are unrelated to the *Cnd*, but that contain at least one of the designs used in the *Cnd*. Moreover, the manner in which the comparable designs are used in those two pictures may suggest how those designs, probably representing *insignia*, whose form was probably impressed on the outer cover of *codicilli*, may have been used as a symbol to indicate the dignity (grade and division) of the person who displayed it.

In Ravenna, which had been the capital of the western part of the Roman state for various periods between c.400-751, the church of San Vitale was decorated with many mosaics, including two important mosaic pictures that were completed c.547, with one on each side of the apse. The picture on the north wall represented the retinue of Iustinianus and, facing it from the south wall, a picture representing Theodora and her attendants. Given the importance of the town, the new church in which the pictures were created, the imperial persons represented, and the fact that both the emperor and empress lived at the time, it can be assumed that the two mosaics have a reasonable degree of accuracy in their depictions.

Each picture depicts two persons, standing to the left of the emperor and to the left of the empress. Attached to the garment of each of these four persons, at the shoulder, is an emblem (identified by some as a *segmentum*). One of these is almost exactly the same (rectangle under a diamond enclosing another rectangle) as the design used in the *Cnd* to represent the division *qsp.mo.csl,crp* within the *illustris* grade.³³⁹ The second emblem (rectangle under a diamond enclosing another diamond) is similar to the

³³⁷ In relation to the pictures that existed in the *Cnd*, the **source picture** is defined as the picture that first consisted of at least that combination of drawings of which a copy, imitation or adaptation, existed in a corresponding picture in the *Cnd*.

³³⁸ *Cnd*.117.

³³⁹ *Attachment 7: Ravenna, Basilica San Vitale, figure 1.*

first but presents a deliberate variation.³⁴⁰ The third emblem (two rectangles vertically joined by a medial panel) has similarities to an emblem that existed in the *Cnd* in a picture illustrating the list of an agency whose director held a division of the *spectabilis* grade of dignity.³⁴¹

[13] *Lists of dignitaries and their titles in order of precedence.*

In concluding this general description of dignities and dignitaries, especially in relation to the 5thC,³⁴² *Attachment 8* provides a selection of lists of dignitaries whose names, given the importance of the occasions to which the lists refer, can be assumed to have been arranged in the order of precedence of those dignitaries - especially the list of those who were present with the emperor at the Council of Chalcedon on 25.Oct.451. Considered together, the following lists exemplify the unrelenting expansion of the honorifics assigned to dignities and to dignitaries in the Roman state.

³⁴⁰ *Attachment 7: Ravenna, Basilica San Vitale, figure 3.*

³⁴¹ *Attachment 7: Ravenna, Basilica San Vitale, figure 2*, compared with the rectangular emblem *Cnd.31.1* in the picture illustrating the agency list of the *castrensis sacri palatii*.

³⁴² The main laws referring to grades and divisions of dignities, the ranks of service positions and the order of precedence among dignitaries, from the mid 4thC to the end of the 5thC, include the following, selected from those mentioned above. In the following list, arranged in chronological order, excerpts believed to be from a single law are linked with (+):

364(Cod.Theod.8.4.8, 6.37.1 with Cod.Iust.12.31.1); **367**(Cod.Theod.6.35.7); **372**(Cod.Theod.6.7.1+6.9.1+6.11.1+6.14.1+6.22.4); **377**(Cod.Theod.1.15.7); **380**(Cod.Theod.6.7.2+6.9.2); **381**(Cod.Theod.6.10.2+6.22.5+6.26.2; 6.10.3+6.22.6); **382**(Cod.Theod. 6.6.1); **383**(Cod. Theod.6.22.7, 6.5.1); **384**(Cod.Theod.6.5.2, 6.30.7 with Cod.Iust.12.23.7); **386**(Cod.Theod. 6.26.4+6.28.3, 6.35.13); **393**(Cod.Theod.7.3.1); **395**(Cod.Theod.6.27.7); **396**(Cod.Theod.6.27.10); **399**(Cod.Theod.6.12.1 with Cod.Iust. 12.10.1, Cod.Theod.9.40.17); **400**(Cod.Theod.6.19.1, Cod.Iust.9.26.1); **408**(Cod.Theod.6.30.19); **409** (Cod.Theod.7.3.2); **410**(Cod.Theod.6.28.7); **409/12**(Cod.Theod.11.18.1); **412**(Cod.Theod.6.18.1+ 6.26.14); **413**(Cod.Theod.6.13.1+6.14.3+6.15.1+6.16.1+6.17.1+6.20.1); **414**(Cod.Theod. 6.24.7); **415**(Cod. Theod. 6.23.1 with Cod.Iust.12.16.1); **416**(Cod.Theod.6.26.17); **422**(Cod.Theod.6.32.2, 6.8.1); **425**(Cod.Theod. 6.21.1, 6.10.4+6.22.8); **426?**(Cod.Iust.12.3.1); **427**(Cod.Theod.6.24.10); **436** (Cod.Theod.12.1.187); **439**(Nov.Theod.15.1); **440-1**(Cod.Iust.12.21.5, 12.8.2); **443**(Nov.Val.11); **444** (Nov.Theod.25, Nov.Val.6.3); **443-4?**(Cod.Iust.12.21.6); **450-5**(Cod.Iust.12.40.10); **474**(Cod.Iust. 12.29.2, 12.7.2); **474-91**(Cod.Iust.12.3.3); **475**(Cod.Iust.1.49.1§pr); **485-6?**(Cod.Iust.3.24.3); **491-518**(Cod.Iust.12.49.12).

Attachment 1: Tables

Table 1: Service position ranks and the grades and divisions of dignity

Service positions	Ranks	Dignity	
		Grade	Divisions
praefectus praetorio	1	Illustris	1
praefectus urbis	2	Illustris	1
magister militum	3	Illustris	1
praepositus sacri cubiculi	4	Illustris	1
quaestor sacri palatii	5 *	Illustris	2
magister officiorum	6 *	Illustris	2
comes sacrarum largitionum	7	Illustris	2 ±
comes rerum privatarum	8	Illustris	2 ±

× using the titles under which the laws are arranged in Cod.Theod., and Cod.Iust., which do not include the position *comes domesticorum*, nor the regional positions, probably ranked differently, e.g. *pp. orientis*, *pp. illyrici*.

* *qsp*, *mo* positions within levels 5-6 were sometimes reversed.

± positions *csl*, *crp* occasionally formed a third division.

Table 2: Service position ranks, grades and divisions of dignity, and the order precedence

Service positions	Ranks	Dignity		Precedence	
		Grade	Divisions	SO	SOr
praefectus praetorio	1	Illustris	1	1	9
praefectus urbis	2	Illustris	1	2	9
magister militum	3	Illustris	1	3	9
praepositus sacri cubiculi	4	Illustris	1	4	9
quaestor sacri palatii	5 *	Illustris	2	5 *	10
magister officiorum	6 *	Illustris	2	6 *	10
comes sacrarum largitionum	7	Illustris	2 ±	7	10±
comes rerum privatarum	8	Illustris	2 ±	8	10±

× excluding the position *comes domesticorum*, which is not mentioned in the titles in Cod.Theod. and Cod.Iust. and excluding regionally-differentiated positions, probably ranked differently, e.g. *praef.praet.orientis*, *praef.praet.illyrici*.

* *qsp*, *mo* positions within levels 5-6 were sometimes reversed.

± positions *csl*, *crp* occasionally formed a third division.

SO (serving officer),

SOr (retired officer).

Precedence 9-10: precedence determined by seniority (priority determined by the date of the award of the dignity) within the same grade and division.

Table 3: Honorary dignities and the order of precedence

Service positions	Ranks	Dignity		Precedence					
		Grade	Divisions	SO	SOr	Rp	Ra	Hp	Ha
praefectus praetorio	1	Illustris	1	1	8	11	12	13	14
praefectus urbis	2	Illustris	1	2	8	11	12	13	14
magister militum	3	Illustris	1	3	8	11	12	13	14
quaestor sacri palatii	4 *	Illustris	2	4	9	15	16	17	18
magister officiorum	5 *	Illustris	2	5	9	15	16	17	18
comes sacrarum largitionum	6	Illustris	3	6	10	19	20	21	22
comes rerum privatarum	7	Illustris	3	7	10	19	20	21	22

× excluding the positions *praepositus sacri cubiculi*, *comes domesticorum*, which are not mentioned in Cod.Iust.12.8.2(440-41), and excluding regionally-differentiated positions, apparently ranked differently, e.g. *praef.praet.orientis*, *praef.praet.illyrici*.

* *qsp*, *mo* positions within levels 5-6 were sometimes reversed.

SO (serving officer: *administrator*)

SOr (retired officer: *administrator*)

Rp (honorary reserve officer, present = *vacans*, *praesens*)

Ra (absent = *vacans*, *absens*)

Hp (honorary officer, present = *honorarius*, *praesens*)

Ha (absent = *honorarius*, *absens*)

Precedence 8-22: precedence determined by seniority (priority determined by the date of the award of the dignity) within the same grade and division.

Table 4: Honorary dignities of retired officers

Table 4 C.Th.6.22.7 (383), 6.22.8(425) x		Dignity		Precedence			
Service positions	Ranks	Grade	Divisions	SO	SOr	SOrA	Hon
proconsul	1	Spectabilis	1	1	5	6 (= 8+xpr)	7
vicarius	2		‡?	2	8	9 (= 12+xpr) 10 (= 12+xpc)	11
consularis	3	Clarissimus	1	3	12	13 (= 17+xpr) 14 (= 17+xpc) 15 (= 17+xvi)	16
praeses	4°		2	4	17		18

× excluding regionally-differentiated positions, some of which were apparently ranked differently, e.g. *proconsul asiae*, *proconsul achaiae*.

‡ Numbers are not added because the divisions of the grade *spectabilis* are uncertain: for example, Cod.Iust.1.54.6(399) indicates that ranks of the positions *comes orientis* and *praefectus augustalis* were superior to those of *vicarius* and may have had a separate division of the grade *spectabilis* attached to them between the positions *proconsules* and *vicarii*. (see Attachment 2 §2).

o The rank of the position of *consularis* was superior to that of *praeses* and *corrector* in Cod.Theod.16.10.10(391) - see note 166.

SO (serving officer),

SOr (retired officer),

SOrA (retired officer with Added dignity)

6 retired *vicarius* with the added dignity **xpr** (*ex-praefecto*) i.e. *ex-vicario et ex-praefecto*

9 retired *consularis* with the added dignity **xpr** (*ex-praefecto*) i.e. *ex-consulare et ex-praefecto*,

10 retired *consularis* with the added dignity **xpc** (*ex-proconsule*) i.e. *ex-consulare et ex-proconsule*,

13 retired *praeses* with the added dignity **xpr** (*ex-praefecto*) i.e. *ex-praeside et ex-praefecto*,

11 retired *praeses* with the added dignity **xpc** (*ex-proconsule*) i.e. *ex-praeside et ex-proconsule*,

12 retired *praeses* with the added dignity **xvi** (*ex-vicario*) i.e. *ex-praeside et ex-vicario*;

Hon (honorary officer):

7 *ex-proconsule* / *ex-proconsulibus*

Cod.Theod.6.22.5(381), 6.22.7(383).

11 *ex-vicario* / *ex-vicariis*

Cod.Theod.6.30.19(408), 6.21.1(425).

16 *ex-consulare* / *ex consularibus*

Cod.Theod.6.27.5(386), 6.26.8(396), 6.30.19(408), 6.25.1(416), 6.30.24(425)

18 *ex-praeside* / *ex-praesidibus*

Cod.Theod.12.1.26(338), 12.1.36(343), 12.1.41(353), 12.1.42(354), 8.5.23(365), 7.23.1(369)

Attachment 2: Lists of service positions, ranks, attached dignities (grades and divisions)

(1) Sequence of some titles under which laws are arranged in *Cod.Theod.* and in *Cod.Iust.*

Cod.Theod. Book 1: Section titles	Cod.Iust. Book 1: Section titles
5 De officio praefectorum praetorio	26 De officio praefectorum praetorio Orientis et Illyrici
	27 De officio praefecti praetorio Africae [.]
6 De officio praefecti urbis	28 De officio praefecti urbis
7 De officio magistri militum	29 De officio magistri militum
8 De officio quaestoris	30 De officio quaestoris
9 De officio magistri officiorum	31 De officio magistri officiorum
10 De officio comitis sacrarum largitionum	32 De officio comitis sacrarum largitionum
11 De officio comitis rei privatae	33 De officio comitis rerum privatarum
-	34 De officio comitis sacri patrimonii
12 De officio proconsulis et legati	35 De officio proconsulis et legati
13 De officio comitis Orientis	36 De officio comitis Orientis
14 De officio praefecti augustalis	37 De officio praefecti Augustalis
15 De officio vicarii	38 De officio vicarii
-	39 De officio praetorum
16 De officio rectoris provinciae	40 De officio rectoris provinciae
17 De officio rationalis summarum et rei privatae	- 41 administratio patriae; 42 breves quadrimestrii
18 De officio praefecti vigillum	43 De officio praefecti vigillum
-	44 De officio praefecti annonae
19 De officio tribuni voluptatum	-
20 De officio iudicum civilium	45 De officio civilium iudicum
21 De officio iudicum militarium	46 De officio iudicum militarium
22 De officio iudicum omnium	48 De officio diversorum iudicum

Cod.Theod. Book 6: Section titles	Cod.Iust. Book 12: Section titles
1 De dignitatibus	1 De dignitatibus
5 Ut dignitatum ordo servetur	
6 De consulibus, praefectis, magistris militum et patriciis	3 De consulibus [.] et de praefectis et magistris militum et patriciis
7 De praefectis praetorio sive urbis et magistris militum	4 De praefectis praetorio sive urbis et magistris militum in dignitatibus exaequandis
8 De praepositis sacri cubiculi	5 De praepositis sacri cubiculi et de omnibus cubiculariis et privilegiis eorum
9 De quaestoribus, magistris officiorum, comite sacrarum largitionum et rerum privatarum	6 De quaestoribus magistris officiorum comitibus sacrarum largitionum et rei privatae
10 De primicerio et notariis	7 De primicerio et secundocerio et notariis
	8 Ut dignitatum ordo servetur
11 De magistris scriniorum	9 De magistris scriniorum
12 De comitibus consistorianis	10 De comitibus consistorianis
13 De comitibus et tribunis scholarum	11 De comitibus et tribunis scholarum
14 De comitibus rei militaris	12 De comitibus rei militaris
15 De comitibus, qui illustribus agentibus adsident	-
16 De comitibus et archiatri sacri palatii	13 De comitibus et archiatri sacri palatii
17 De comitibus, qui provincias regunt	14 De comitibus qui provincias regunt
18 De comitibus vacantibus	-
19 De consularibus et praesidibus	-
20 De comitibus ordinis primi artium diversarum	-
21 De professoribus qui [.] ex lege meruerint comitivam	15 De professoribus qui [.] ex lege meruerint comitivam
22 De honorariis codicillis	-
23 De decurionibus et silentiariis	16 De decurionibus et silentiariis
24 De domesticis et protectoribus	17 De domesticis protectoribus
25 De praepositis labarum	18 De praepositis labarum
26 De proximis, comitibus dispositionum ceterisque, qui in sacris scriniis militant	19 De proximis sacrorum scriniorum ceterisque qui in sacris scriniis militant
27 De agentibus in rebus	20 De agentibus in rebus
28 De principibus agentum in rebus	21 De principibus agentum in rebus
29 De curiosis	22 De curiosis
30 De palatinis sacrarum largitionum et rerum privatarum	23 De palatinis sacrarum largitionum et rerum privatarum
31 De stratoribus	24 De stratoribus

32 De castrensiis	25 De castrensiis et ministerianis
33 De decanis	26 De decanis
34 De mentoribus	27 De mentoribus
35 De privilegiis eorum, qui in sacro palatio militarunt	28 De privilegiis eorum qui in sacro palatio militant
-	29 De privilegiis scholarum
36 De castrensi omnium palatinorum peculio	30 De castrensi omnium palatinorum peculio
37 De equestri dignitate	31 De equestri dignitate
38 De perfectissimatus dignitate	32 De perfectissimatus dignitate
	49 De numerariis actuariis et chartulariis et adiutoribus scriniariis et exceptoribus sedis excelsae ceterorumque iudicum tam civilium quam militarium
	52 De apparitoribus praefectorum praetorio et privilegiis eorum
	53 De apparitoribus praefecti urbis
	54 De apparitoribus magistrorum militum et privilegiis eorum
	55 De apparitoribus proconsulis et legati
	56 De apparitoribus comitis Orientis
	57 De cohortalibus principibus corniculariis et primipilaribus
	58 De apparitoribus praefecti annonae
	59 De diversis officiis et apparitoribus iudicum et probatoriis eorum
	62 De primipilo

(2) Some laws in which the sequence of service positions is the same as in (1):

364	Cod.Theod.8.4.8	<u>proconsules, consulares, correctores, vel praesides</u>
372	Cod.Theod.6.7.1	<u>praefecti urbi, praefecti praetorio, magister equitum ac peditum</u>
	Cod.Theod.6.9.1.	<u>quaestor, magister officiorum, duo comites largitionum <s.l. & r.p.>, proconsules</u>
	Cod.Theod.6.11.1	<u>magistri scriniorum, proconsules</u>
376	Cod.Theod.9.1.13	<u>proconsules, vicarii, consulares, correctores, praesides</u>
384	Cod.Theod.7.8.3	<u>ex praefectis, ex magistris equitum ac peditum, ex comitibus consistorianis, ex praepositis sacri cubiculi</u>
391	Cod.Theod.16.10.10	<u>consulares, correctores, praesides</u>
392	Cod.Theod.9.40.15	<u>proconsules, comites orientis, praefecti augustales, vicarii, iudices ordinarii</u>
392	Cod.Theod.9.40.16	<u>pro consule, comes orientis, praefectus augustalis, vicarii</u>
392	Cod.Iust.2.12.25	<u>praefectus praetorio, praefectus urbis, magister militum, comites consistoriani, proconsul, vicarius</u>
398	Cod.Theod.11.30.57	<u>pro consule, comes orientis, augustalis, vicarii</u>
399	Cod.Iust.7.62.29	<u>proconsules, comes orientis, <praefectus> augustalis, vicarii</u>
399	Cod.Iust.1.54.6	<u>proconsul, comes orientis, praefectus augustalis, spectabiles iudices qui vice vestrae <praef. praet.> administrationis gubernacula susceperunt <= vicarii></u>
409	Cod.Iust.1.55.8	<u>praefecti praetorio, magistri equitum et peditum, magistri officiorum, comites tam sacrarum largitionum quam rerum privatarum</u>
409/12	Cod.Theod.11.18.1	<u>Tirones praebere nolumus inlustres viros praefectos cum gerunt infulas dignitatis vel cum sublimem egerint praefecturam; non magistros militum vel comites domesticorum [...]; non praepositum vel primicerium sacri cubiculi, non castrensem, non comitem sacrae vestis, non ceteros cubicularios, <list corresponding to the title Cod.Iust.12.5> non magistrum officiorum, quaestorem vel comites sacri ac privati aerarii inlustres; non virum spectabilem primicerium notariorum, non consistorianos comites ac scriniorum magistros vel tribunos et notarios [...]; non viros spectabiles comites archiatorum, non comites stabuli, curapalatii, scholares, proximos scriniorum eademque scrinia, comites dispositionum, decuriones, magistrum admissionum et ceteras similes comitum laboribus nostris socias dignitates [...]; non tribunos vel praepositos militares post testimonium inveteratae militiae. Habent in communes omnes, sive dum administrant seu postquam administeraverint, debitum regiae liberalitatis officium [...].</u>
422	Cod.Theod.6.8.1	<u>praefectus praetorio, praefectus urbis, magister militum, praepositus sacri cubiculi</u>
426	Cod.Theod.8.7.21	<u>proconsul asiae, comes orientis, praefectus augustalis, vicarii</u>
435	Cod.Theod.7.8.16	<u>praefectus <praetorio, urbis>, praepositus sacri cubiculi, praefectus honorarius, alii illustres</u>
440?	Cod.Iust.7.62.32	<u>proconsules, <praefectus> augustalis, comes orientis, vicarii</u>

Attachment 2

440-41	Cod.Iust.12.8.2	praefectorii <praetorio, urbis, magister militum>, quaestor, magister officiorum, comes thesaurorum <= sacrarum largitionum>, comes rei privatae
444	Nov.Val.6.3	illustres vacantes, comites consistoriani, comites primi ordinis, tribuni et notarii, <ii> qui administrationes ordinarias in provincias gubernarunt, tribuni vacantes, comites secundi vel tertii ordinis, omnes clarissimi
450-55	Cod.Iust.12.40.10	praefectorii et magistri militum; magistri officiorum vel quaestores; comites domesticorum et protectorum, sacrarum largitionum et privatarum, et vir spectabilis primicerius notariorum, illustres honorariae dignitates
460	Cod.Iust.2.7.11	proconsul, praefectus augustalis, comes orientis, vicarii, rectores provinciarum
472?	Cod.Iust.12.59.10 §4	praefecti praetorio orientis et illyrici et urbis, proconsules asiae et aethiopiae, praefectus augustalis, comes orientis, comes domorum divinarum, vicarii thraciae, ponti, asiae et macedoniae.
474-91	Cod.Iust.12.3.3	<only> consul, praefectus praetorio <orientis> / illyrici / urbis, magister militum, magister officiorum <eligible to be awarded the patrician dignity>
484?	Cod.Iust.10.32.64	comes privatarum nostrae vel piissimae Augustae partis, comes largitionum vel comes domesticorum, quaestor aut magister officiorum <reverse order>

(3) Some laws in which the sequence of service positions differs from that in (1):

362	Cod.Theod.8.5.12	vicarii, praesides, consulares
409	Cod.Theod.13.11.12	vicarii, comes orientis, <praef> augustalis
450	Nov.Mar.2	praefectus praetorio orientis, comes sacrarum largitionum, comes rerum privatarum, comes et praepositus sacri cubiculi
468	Cod.Iust.10.23.4	proconsules, vicarii, comes orientis, praefectus augustalis, rectores provinciarum
472?	Cod.Iust.12.59.10 §5	magistri militum - utriusque praes[?], orientis, illyrici, spectabiles duces, spectabiles comites
479	Cod.Iust.1.49.1	praesides vel consulares aut correctores.
485-6	Cod.Iust.3.24.3	praefectus praetorio / urbis, magister militum, magister officiorum, quaestor, praepositus sacri cubiculi, <comes> scholae domesticorum, <comes> sacri thesauri, <comes> rei privatae, <comes> rei privatae augustae
485-6	Cod.Iust.8.12.1	provinciarum rectores et singulae dioeceseos viros spectabiles iudices, id est praefectus augustalis, comes orientis, utrique proconsules, et vicarii

(4) Relative places of the service positions of *Quaestor sacri palatii* and of *Magister officiorum* in the sequence of the listing of service positions:

362	Iovius QSP- Anatolius MO		Cod.Theod.11.39.5
372	QSP-MO -csl-crp		Cod.Theod.6.9.1
380	QSP-MO -csl-crp		Cod.Theod.6.9.2=Cod.Iust.12.6.1
409		MO-QSP -csl-crp	Cod.Theod.11.18.1
415	Helion MO - Eustathius QSP		Cod.Theod.1.8.1
416	Eustathius QSP- Helion MO		Cod.Theod.6.26.17
438	QSP-MO		Cod.Theod.1.8-9 and 6.9 (titles)
440-41	QSP-MO -csl-crp		Cod.Iust.12.8.2
450-455		mm- MO-QSP	Cod.Iust.12.40.10
475-484		MO-QSP -cd-csl-crp	Cod.Iust.10.32.64
485-486		mm- MO-QSP	Cod.Iust.3.24.3
474-91		pp-pu-mm- MO -x	Cod.Iust.12.3.3
529		MO-QSP	Cod.Iust.7.62.38
534	QSP-MO		Cod.Iust.1.30-31 and 12.6 (titles)
536		Tribonianus MO+QSP	

(5) Relative places of the service positions of *Comes orientis* and of *Praefectus augustalis* in the sequence of the listing of service positions:

392	pr- CO-PA -vice		Cod.Theod.9.40.15
392	pr- CO-PA -vice		Cod.Theod.9.40.16
398	pr- CO-PA -vice		Cod.Theod.11.30.57
399	pr- CO-PA -vice		Cod.Iust.1.54.6
409		vice- CO-PA	Cod.Theod.13.11.12
426	pr- CO-PA -vice		Cod.Theod.8.7.21
438	pr- CO-PA -vice		<i>Cod.Theod.1.13-15 (titles)</i>
440?		pr- PA-CO -vice	Cod.Iust.7.62.32
460		pr- PA-CO -vice	Cod.Iust.2.7.11
468		pr vice CO PA	Cod.Iust.10.23.4
472?		pr- PA CO -vice	Cod.Iust.12.59.10 §4
475		pr- PA-CO -vice	Cod.Iust.1.49.1
485-6		PA CO pr vice	Cod.Iust.8.12.1
527-534		pr CO vice PA	Cod.Iust.7.67.2 (added to copy of Th.11.30.30)
534	pr- CO-PA -vice		<i>Cod.Iust.1.36-38 (titles)</i>

(6) Number of houses exempt from the duty of quartering serving officers (*onus metati, metatum/a praebere; onus hospitum, munus hospitalitatis*).

Service positions are listed in the sequence in which they occur in the laws:

<i>Consul, patricius</i> and service positions	Houses exempt
<i>Cod.Theod.7.8.3(384)</i>	
expraefectis <praetorio, urbis>, exmagistris militum, excomitibus consistorianis, expraepositis sacri cubiculi	1
<i>Cod.Theod.7.8.16(435)</i>	
consul	2
praefectus <praetorio, urbis>, magister militum, praepositus sacri cubiculi, praefecti honorarii	1½
other inlustres viri	1
<i>Nov.Theod.25(444)</i>	
consules <i>who are also patricius</i>	3
consules, <i>exemptions according to a previous divina promulgatio such as 7.8.16</i>	<2>
praefecti <praetorio, urbis>, other inlustres and silentiarii quibus inlustrem dignitatem ius actae administrationis adtribuit <i>exemptions according to a previous divina promulgatio such as 7.8.16</i>	<1½-1>
inlustres quibus inlustris dignitas cum cingulo pro solo honore delata est (vacantes, vacantis militiae cingulo)	0
inlustres quibus inlustris dignitas citra cingulum pro solo honore delata est (honorarii, citra cingulum) <i>including quos administrationis condicio spectabiles novit, honor tamen additus reddit in(l)ustres</i>	0
spectabilis primicerius notariorum <i>in excusandis aedibus has the inlustrum magistratum privilegium</i>	1½-1
<i>Cod.Iust.12.40.10(450-455)</i>	
consul patricius	3
consul <i>or</i> patricius	2½
praefecti <praetorio, urbis>, magistri militum, magistri officiorum, quaestores <sacri palatii>,	2
magistri officiorum, quaestores <sacri palatii>,	1½
comites domesticorum et protectorum, sacrarum largitionum, privatarum, spectabilis primicerius notariorum	1
illustres honorarii <i>must make available 1/3 of their houses</i>	-

Attachment 3: *Dignitates in the officium of the comes sacrarum largitionum*

Cod.Iust.12.23.7 (384), is either a copy or an adaptation of the law represented by the fragmentary Cod.Theod. 6.30.7(384), of which insufficient remains to decide between these alternatives. The two most recent editions, that of Krüger, *Cod.Iust.* (1877) pp.1044-1046, and that of Mommsen, *Cod.Theod.* (1904) p.297, is each based on two different copies of Cod.Iust.12.23.7. The copy printed below (slightly adapted) is from Krüger and, where this version differs from that of Mommsen, the numbers printed in the latter are added in brackets () and *italics*.

Brevis quas dignitates per singula scrinia <u>officiorum</u> { <i>Theod</i> : officium} sacrarum largitionum habere <u>statuimus</u> <u>hic est</u> { <i>Theod</i> :statutum est.}		Aurifices solidorum {53}
Scriniū exceptorum {50}	perfectissimus ordinis secundi <primi <i>Theod</i> > numero unus, id est primicerius omnis scholae perfectissimus id est primicerius exceptorum numero unus ducenarii duo, id est tertiocerius et quartocerius centenarius unus, id est primicerius instrumentorum epistulares numero duo formae primae numero triginta sex formae secundae numero quattuor formae tertiae numero tres	ducenarius numero unus centenarii numero septem epistulares numero sex formae primae numero novem formae secundae numero triginta
Scriniū numerorum {12}	perfectissimus ordinis tertii <secundi <i>Theod</i> > numero unus ducenarius numero unus centenarii numero duo epistulares numero duo formae primae numero tres formae secundae numero unus formae tertiae numero duo	Sculptores et ceteri aurifices {30}
Scriniū tabulariorum {12}	perfectissimus ordinis tertii numero unus ducenarius numero unus centenarius numero unus epistularis numero unus formae primae numero tres formae secundae numero quinque	centenarius numero unus epistulares numero quinque formae primae numero sex formae secundae numero decem et octo
Scriniū canonum {13}	perfectissimus ordinis tertii numero unus ducenarius numero unus centenarius numero unus epistulares numero duo formae primae numero quattuor formae secundae numero quattuor	Scriniū auri ad responsum {17}(16)
Scriniū mittendariorum {55}	ducenarius numero unus centenarii numero quinque epistulares numero novem formae primae numero septem formae secundae numero triginta tres	perfectissimus ordinis primi numero unus perfectissimi ordinis secundi numero duo ducenarii numero tres (<i>I</i>) centenarii numero duo epistulares numero tres formae primae numero tres (<i>IIII</i>) formae secundae numero duo formae tertiae numero unus
Scriniū auri massae {12}(14)	perfectissimus ordinis tertii numero unus, id est primicerius sacrae massae perfectissimus numero unus, id est secundocerius ducenarii numero duo, id est tertiocerius et quartocerius centenarii numero quattuor (<i>VI</i>) epistulares numero quattuor	Scriniū ad miliarensia {8}
Aurifices specierum {40}	perfectissimus numero unus ducenarii numero tres centenarii numero sex epistulares numero octo formae primae numero decem et octo formae secundae numero quattuor	perfectissimus numero unus ducenarius numero unus formae primae numero unus formae secundae numero duo formae tertiae numero tres
		Scriniū vestis {27}
		perfectissimus primi ordinis numero unus perfectissimus secundi ordinis numero unus ducenarius numero unus centenarius numero unus epistulares numero duo formae primae numero septem formae secundae numero decem formae tertiae numero quattuor
		Officialium sacrarum vestium {32}(33)
		ducenarii numero duo (<i>III</i>) centenarii numero duo epistulares numero duo formae primae numero septem formae secundae numero decem formae tertiae numero novem
		Deputati sacrae vestis {11}
		perfectissimi secundi ordinis numero duo ducenarii numero duo centenarii numero duo epistulares numero duo formae primae numero tres
		Scriniū ab argento {11}
		perfectissimus ordinis numero unus centenarius numero unus epistularis numero unus formae primae numero quattuor formae secundae numero tres formae tertiae numero unus
		Ad pecunias {10}
		perfectissimus ordinis <i>secundi</i> numero unus formae primae numero duo

formae secundae numero duo
formae tertiae numero quinque

Argentarii comitatenses	{38}
ducenarius numero unus	
centenarii numero duo	
epistulares numero duo (<i>III</i>)	
formae primae numero octo	
formae secundae numero viginti quinque	
Barbaricarii	{12}
centenarius numero unus	
epistulares numero duo	
formae primae numero octo	
formae secundae numero unus	
	{443}
	(446)

Attachment 4: List of the *officia*, and some service units, to whose service positions an enlistment as a serving officer required a *probatoria*.

- (1) Law containing a list of 36 *officia* and 14 service units to which appointments required a *probatoria*:
Cod.Iust.12.59.10 (Leo to Erythrius, pp.orientis, Constantinopolis? 472?)

[..] *omnium officiorum, quibus necesse est per sacras probatorias militiae sociari, notitiam [...] subdendam esse censuimus.*

	Et est notitia.	Number of service positions in the <i>officium</i> or service unit
	scrinii memoriae probatoriae	
<1>	agentium in rebus	1174 Cod.Theod.6.27.23(430) 1248 Cod.Iust.12.20.3(c.466)
<2>	palatinorum largitionum	443-6 (s.l.) Cod.Iust.12.23.7(384) +300 (r.p.) Cod.Theod.6.30.16(399) 546 (sacr.larg.)+300 (res privatae) Cod.Theod.6.30.16+6/30/17(399)
<3>	palatinorum rerum privatarum partis augustae Item scrinii sacrarum epistularum sic: in officiis virorum illustrium praefectorum	396: Cod.Iust.1.27.1(534) agency of <i>praefectus praetorio africae</i>
<4>	praetorio orientis et	
<5>	illyrici et	
<6>	urbis	
	officii proconsulis	
<7>	asiae et	400: Cod.Theod.1.12.6(398) agency of <i>proconsul africae</i>
<8>	achaiae	
<9>	officii praefecti augustalis	
<10>	officii comitis orientis	600 Cod.Theod.1.13.1(394)
<11>	officii comitis divinarum domorum officii vicariorum	300 Cod.Theod.1.15.5(365), 1.15.12(386) 400 Cod.Theod.1.12.6(398)
<12>	thraciae	
<13>	ponti	
<14>	asiae et	200 Cod.Theod.1.15.13(389) agency of <i>vicarius asianae</i>
<15>	macedoniae et	
<16>	thesauriensium classis	
	Item scrinii sacrarum libellorum:	
<17>	officii virorum magistrorum militum utriusque praefec(turae) orientis et illyrici	300 Nov.Theod.7.4(441)
<18>	invitatorum	
<19>	admissionalium	
<20>	memorialium	130 (= 62 scrin.mem.,34 scrin.epist.,34 scrin.libell.) Cod.Iust.12.19.10(470-4)
<21>	omniumque paedagogorum	
<22>	cancellariorum	
<23>	ensorum	
<24>	lampadariorum	
<25>	eorum, qui sacris scriniis deputati sunt	
<26>	decanorum partis augustae	
<27>	cursorum partis augustae	
	officii virorum spectabilium ducum	40 Cod.Iust.1.27.2(534)
<28>	palaestinae	
<29>	mesopotamiae	
<30>	novi limitis phoenices	
<31>	osrhoenae	
<32>	syriae et augustae euphratensis	
<33>	arabiae et thebaidis	
<34>	libyae	
<35>	pentapoleos	
<36>	utriusque armeniae	
<37>	utriusque ponti	
<38>	scythiae	
<39>	mysiae primae	
<40>	secundae	
<41>	daciae	
<42>	pannoniae	

	officii virorum spectabilium comitum
<43>	aegypti
<44>	pamphylliae
<45>	isauriae
<46>	lycaoniae et
<47>	pisidiae

(a) The issuing *scrinia* are attested in other laws:

scrinium memoriae	for <1>	in <i>Cod.Iust.12.20.3(457-70)</i>
scrinium epistularum	for <12>	in <i>Nov.Iust.26(535)§2.1</i>
scrinium libellorum	for <48>	in <i>Nov.Iust.27(535)§1</i> and <49> in <i>Nov.Iust.25(535)§1</i> .

(b) The requirement to obtain *probatoriae* for enlistment is attested in other laws:

for <1>	in <i>Cod.Iust.12.20.3(457-70), 12.59.9(470?)</i>
for <2>	in <i>Cod.Theod.8.7.23(426): comites thesaurorum, thesaurienses</i>
for <4>	in <i>Cod.Theod.8.7.21(426), Cod.Iust.12.59.9(470?)</i>
for <6>	in <i>Cod.Theod.8.7.22(426)</i>
for <7, 10, 9, vicarii>	in <i>Cod.Theod.8.7.21(426)</i>
for <23>	in <i>Cod.Iust.12.59.9(470?)</i>

(2) Other *officia* and service units to whose positions enlistments or promotions required *probatoriae*

<51>	<i>appointments / promotions by iudices</i>	<i>Cod.Iust.12.57.2(358)</i>
	<i>officia of iudices diversi</i>	<i>Cod.Iust.12.59.9(470?)</i>
<52>	<i>scholae (palatinae)</i>	<i>Cod.Iust.1.31.5(527)</i>
	(<i>milites</i>):	
<53>	in ullo numero equitum, vel	<i>Cod.Iust.12.35.17(472?)</i>
<54>	peditum, vel	<i>Cod.Iust.12.35.17(472?)</i>
<55>	in quolibet limite	<i>Cod.Iust.12.35.17(472?)</i>

(3) Positions to which appointment required an imperial document signed by the *manus principalis*

Irenarchae	<i>Cod.Theod.8.7.21(426)</i>
actuarii & cornicularii	
classium urbis constantinopolitanae	<i>Cod.Theod.8.7.21(426)</i>
thymelae...civitatum diversarum	<i>Cod.Theod.8.7.21(426), 8.7.22(426)</i>
equorum curucium...civitatum diversarum	<i>Cod.Theod.8.7.21(426), 8.7.22(426)</i>
suarii & optiones per omnes regiones (constantinopol.)	<i>Cod.Theod.8.7.22(426)</i>

(4) Known *officia* to which an enlistment is not recorded as requiring a *probatoria*

<i>comes domorum divinarum (per Cappadociam)</i>	<i>Cod.Theod.6.30.2 (379)+Cod.Iust.12.59.10 (472?)</i>
<i>praefectus annonae (africae)</i>	<i>Cod.Theod.13.5.36 (412)</i>
<i>praefectus annonae (urbis)</i>	<i>Cod.Theod.1.6.7 (376), Cod.Iust.12.58(534)tit.</i>
<i>praefectus vigilum (urbis)</i>	<i>Cod.Theod.1.2.1 (314), Cod.Theod.1.6.11 (423)</i>
<i>consularis aquarum</i>	<i>Cod.Theod.8.7.1 (315), Cod.Theod.15.2.1 (330)</i>
<i>magister census</i>	<i>Cod.Theod.8.12.8(415), Iust.6.23.23 (524), 4.66.3 (530)</i>
<i>censuales</i>	<i>Cod.Theod.14.10.1 (382), Cod.Theod.4.4.4 (397)</i>
<i>comites thensaurorum</i>	<i>Cod.Theod.8.7.14 (377)</i>
<i>rationales summarum</i>	<i>Cod.Theod.12.6.2 (325), Cod.Theod.10.1.7 (357)</i>
<i>procurator rerum privatarum</i>	
<i>Baeticae</i>	<i>Cod.Theod.11.9.2 (337)</i>
<i>rationalis rerum privatarum</i>	
<i>per ponticam & asianam dioecesisin</i>	<i>Cod.Iust.3.26.10 (385), Cod.Theod.8.4.7 (361)</i>

Attachment 5: Payments on appointment to positions as agency directors

Persons appointed as serving officers to positions as agency directors made the following payments (in **solidi**):

Laws (<i>in the transcripts below</i>)		IN ==>	Cubiculum	Laterculum		officium	officium
		TO ==>	<i>csc</i>	<i>pn</i>	<i>a</i>	<i>pp</i>	<i>mm</i>
2	comes orientis		63 s	50 s	3 s	80 s	-
3	proconsul asiae		63 s	40 s	3 s	80 s	-
4-5	comites <provinciarum>		9 s	24 s	3 s	50 s	-
6	vicarius		9 s	24 s	3 s	40 s	-
7	consulares <orientis>		9 s	24 s	3 s	40 s	-
8	praesides / correctores <orientis>		9 s	15 s	3 s	36 s	-
9	consulares / praesides <africae>		-	6 s		12 s	-
10	duces <provinciarum>		-	6 s		12 s	12 s
11-13	praetores		9 s	24 s	3 s	40 s	-
14	comes isauriae		9 s	24 s	3 s	40 s	

Payment made IN:

sacrum cubiculum

in sacro cubiculo	2
in sacro nostro cubiculo	3

sacrum laterculum

in nostro sacro laterculo	1
in nostro laterculo	9
in sacro laterculo	10, 11

officium praefecti praetorio

in foro <praefecti>	1
in scriniis praefecti praetorium per africanam	9
in scrinio praefecturae per africanam	9
in praetorio praefecturae per africanam	10
in officio praefecturae per africanam	10
in praetorio praefectorum	11

officium magistri militum

in officio magistri militum	10
in officio magisteriae militum potestatis	10

Payment made TO:

csc (chartularii sacri cubiculi)

3 chartularii sacri cubiculi	4, 6
3 spectabilibus chartularii sacri cubiculi	5, 7, 8, 11, 12, 13, 14

pn (primicerius notariorum)

primicerio clarissimorum tribunorum notariorum cum 4 scriniis sacri laterculi	2, 3
primicerio clarissimorum tribunorum notariorum	4, 5, 6, 7, 8
primicerio clarissimorum tribunorum notariorum et laterculensibus	11, 12, 13, 14

Ad (adiutor of the primicerius notariorum)

eius adiutori	2, 3, 4, 5, 6, 7, <8>, 11, 12, 13, 14
---------------	---------------------------------------

praefectus praetorio

officio praefectorum praetorium	2, 3, 4, 5, 6, 7, <8>
officio praefectorum	11, 12, 13, 14

Payment made FOR:

1	in sacro nostro laterculo aut in foro <praef.praet> occasione codicillorum aut praeceptorum
9	pro completionem chartarum vel codicillorum vel in nostro laterculo vel in scriniis praefecti praetorium per africanam
9	in nostro laterculo pro codicillorum atque chartularum promotionis suae
10	in officio magisteriae militum potestatis pro insinuandis administrationis suae divinis nostrae serenitatis adfatis
10	in officio praefecturae per africanam pro insinuandis eiusdem chartis
11	occasione codicillorum cinguli sive in sacro laterculo sive in praetorio praefectorum
12, 13	occasione codicillorum administrationis
14	occasione administrativorum codicillorum
11, 12, 13, 14	occasione codicillorum
11, 12, 13, 14	officio praefectorum pro praeceptis et omni alia causa

Nov.Iust.8(535)

1 §1: Nam etiam subiecimus descriptionem huic nostrae sacrae legi declarantem, quid competat unamquamque administrationem nostram praebere in sacro nostro laterculo aut in foro tuae celsitudinis <Iohanni pp secundo> occasione codicillorum aut praeceptorum: [...].

§Notitia horum quae ab unaquaque subditarum administratione debent praebere causa consuetudinum quantitatis ab his qui administrationes habent; nullo praesumente extra ea quae supra scripta sunt nequaquam requirere aliquid amplius.

2 Ab spectabili **comite Orientis**:

in sacro cubiculo solidos 63

primicerio clarissimorum tribunorum notariorum cum quattuor scriniis sacri laterculi sol. 50

eius adiutori sol. 3

officio gloriosissimorum praefectorum praetoriorum sol. 80

3 A **proconsole Asiae** ita:

in sacro nostro cubiculo sol. num. 63

primicerio clarissimorum tribunorum notariorum cum quattuor scriniis sacri laterculi sol. num. 40

eius adiutori sol. num. 3

officio gloriosissimorum praefectorum praetoriorum sol. num. 80

4 Ab spectabili **comite Phrygiae Pacatiana** ita:

chartulariis tribus sacri cubiculi sol. num. 9

primicerio clarissimorum tribunorum notariorum sol. num. 24

eius adiutori sol. num. 3

officio gloriosissimorum praefectorum praetoriorum sol. num. 50

5 Ab spectabili **comite Galatiae I** ita:

spectabilibus chartulariis tribus sacri cubiculi sol. num. 9

primicerio clarissimorum tribunorum notariorum sol. num. 24

eius adiutori sol. num. 3

officio gloriosissimorum praefectorum praetoriorum sol. num. 50

6 A **vicario Longi Muri**:

chartulariis tribus sacri cubiculi sol. num. 9

primicerio clarissimorum tribunorum notariorum sol. num. 24

eius adiutori sol. num. 3

officio gloriosissimorum praefectorum praetoriorum sol. num. 40

Et quaecumque administrationes consulariae sunt:

7 A **iudice Palaestinae**,

spectabilibus chartulariis tribus sacri cubiculi sol. num. 9

primicerio clarissimorum tribunorum notariorum sol. num. 24

eius adiutori sol. num. 3

officio gloriosissimorum praefectorum praetoriorum sol. num. 40

ita ut supra Foeniciae maritimae, Syriae II, Cypri, Pamphyliae, <Bithyniae>*, Armeniae maioris, Cappadociae I, Cappadociae II, Helenoponti, Europae, Thraciae, Rhodopae, Cariae, Lyciae, Augustanicae,

Et quaecumque administrationes praesidales sive correctivae sunt:

8 A **iudice Libyae superioris**,

spectabilibus chartulariis tribus sacri cubiculi sol. num. 9

primicerio clarissimorum tribunorum notariorum sol. num. <15

eius adiutori sol. num. 3

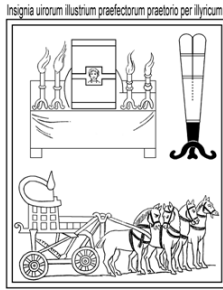
officio gloriosissimorum praefectorum praetoriorum sol. num.>* 36

ita ut supra Aegypti I, Aegypti II, <Augusta>nicae II, Palaestinae III, Arabiae, Eufraesiae, Mesopotamiae, Ciliciae II, Armeniae I, Galatiae II, Honoriadis, Insularum, Mysiae II, Scythiae.

<italics>* denotes additions according to the Greek copy of the law

- 9 Cod.Iust.1.27.1(534)
§12: **Consulares: Zeugi, Carthago, Byzacium, Tripolis, Praesides: Numidia, Mauritania, Sardinia.**
§18: praesenti sactione credidimus ordinandum, ut non multa dispendia pro completionem chartarum vel codicillorum vel in nostro laterculo vel in scriniis praefecti praetoriorum per Africam iudices sustinere videantur
§19: Iubemus ergo, ut iudices dioeceseos Africanæ tam civiles quam militares in nostro laterculo pro codicillorum atque chartularum promotionis suæ consuetudinibus nihil ultra quam 6 solidos praebeant, at vero in scrinio praefectorum non ultra 12 solidos cogantur inferre.
- 10 Cod.Iust.1.27.2(534)
Duces (provinciarum) §20 Tripolitanae; §23 Byzacena, §26 Numidia, §29 Mauritania, §32: Sardiniae
§35: Item notitia consuetudinum, quas in sacro laterculo et in praetorio amplissimæ praefecturae per Africam, iam in officio magistri militum pro tempore dux praebere oportet uniuscuiusque limitis sic:
in sacro laterculo solidi 6
in officio magisteriae militum potestatis pro insinuandis administrationis suæ divinis nostræ serenitatis adfatibus solidi 12
in officio amplissimæ praefecturae per Africam pro insinuandis eiusdem chartis solidi 12.
- 11 Nov.Iust.24(535)
Praetor Pisidiae
§6: Subicitur autem etiam quaedam descriptio a nobis huic sacrae legi, declarans quantum quidem competat ordinatum praebere occasione codicillorum cinguli sive in sacro laterculo sive in praetorio gloriosissimorum praefectorum,
Oportet autem eum praebere occasione codicillorum ita:
spectabilibus chartulariis tribus sacri cubiculi solidos numero 9
primicerio clarissimorum tribunorum notariorum et laterculensibus solidos numero 24
eius adiutori solidos numero 6
officio gloriosissimorum praefectorum pro praeceptis et omni alia causa solidos numero 40.
- 12 Nov.Iust.25(535)
Praetor Lycaoniae
§6: Ex subiecta vero descriptione huic sacrae nostræ legi palam erit, quid quidem competat eum ordinatum occasione codicillorum administrationis praebere,
Oportet autem eum praebere occasione codicillorum ita:
spectabilibus chartulariis tribus sacri cubiculi solidos 9
primicerio clarissimorum tribunorum notariorum et laterculensibus solidos numero 24
eius adiutori solidos numero 3
officio gloriosissimorum praefectorum pro praeceptis et omni alia causa solidos numero 40.
- 13 Nov.Iust.26(535)
Praetor Thraciae
§5.1: Subditur autem a nobis et descriptio huic legi dicens, quid quidem eum competat praebere occasione codicillorum administrationis,
Oportet eum praebere occasione codicillorum ita:
spectabilibus chartulariis tribus sacri cubiculi solidos 9,
primicerio clarissimorum tribunorum notariorum et laterculensibus solidos 24,
eius adiutori solidos 3,
officio gloriosissimorum praefectorum pro praeceptis et alia omni causa solidos 40.
- 14 Nov.Iust.27(535)
Comes isauriae
§Epil: Subicimus enim et descriptionem huic nostræ legi declarantes, [...] quid autem occasione administrativorum dare codicillorum.
Oportet autem eum praebere occasione codicillorum ita:
spectabilibus cartulariis tribus sacri cubiculi solidos 9
primicerio clarissimorum tribunorum notariorum et laterculensibus solidos 24
adiutori eius solidos 3
officio gloriosissimorum praefectorum pro praeceptis et omni alia causa solidos 40.

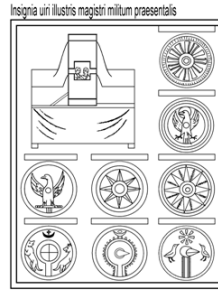
Attachment 6: Rectangular emblems among the first 17 pictures in the *Cnd*



Cnd 4



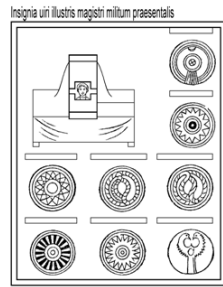
Cnd 5



Cnd 7



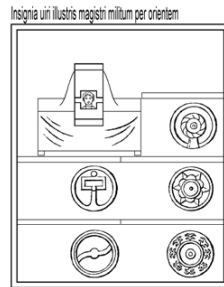
Cnd 8



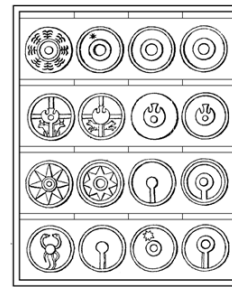
Cnd 10



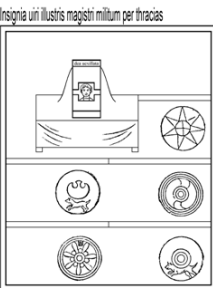
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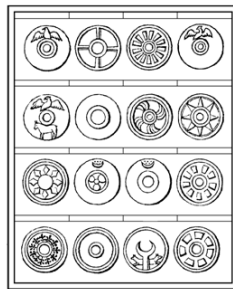
Cnd 13



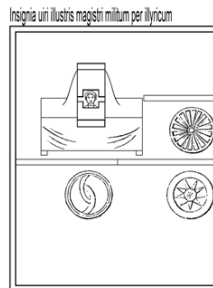
Cnd 14



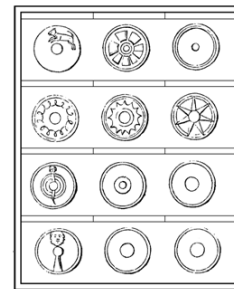
Cnd 16



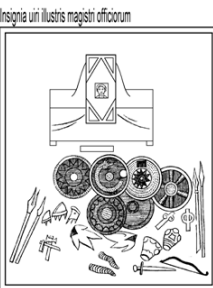
Cnd 17



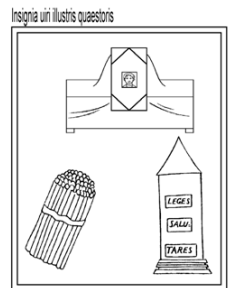
Cnd 19



Cnd 20



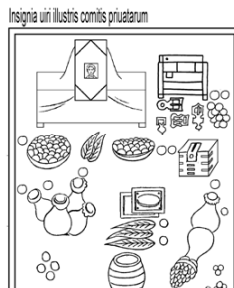
Cnd 22



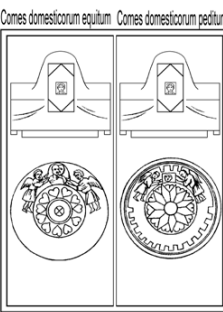
Cnd 24



Cnd 25



Cnd 27



Cnd 29

Attachment 7: Ravenna, Basilica San Vitale, Apse mosaics (c.547)

Apse: North Wall, Iustinianus

Apse: South Wall, Theodora



⇓
Detail

⇓
Detail

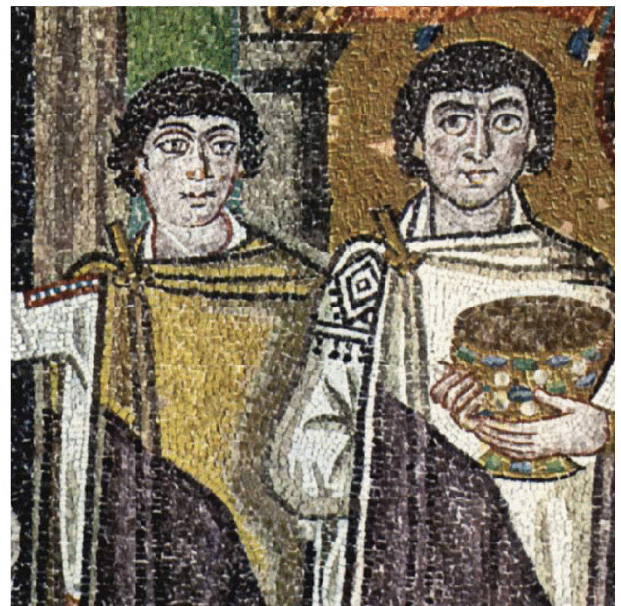


Figure 2

Figure 1

Figure 4

Figure 3

⇓
Detail



Attachment 8: Lists of dignitaries: their titles and order of precedence

451 Secular dignitaries at Session 6 (25.Oct) of the Council of Chalcedon (8.Oct.451-1.Nov.451)

Mansi, G.D., *Sacrorum Conciliorum nova et amplissima collectio*. (31 vols. Firenze et Venezia, 1758-1798) vol.7, cols.128-129. The *italicised* words are those added to the title in other references to the same person in: (1) Session 1 (8.Oct.), Mansi, vol.6, cols.563-566; (2) Session 2 (10.Oct.), Mansi, vol.6, cols.938-939; and (3) Session 4 (17.Oct.), Mansi, vol.7, cols.1-2.

Divinissimus et piissimus dominus noster Marcianus, perpetuus Augustus,
Piissima et Christianissima regina Augusta Pulcheria.

Iudices magnificentissimi et gloriosissimi

Anatolius gloriosissimus magister militum *et ex praefecto*² et ex consule *ordinario*^{1,2} ac patricius,
Palladius gloriosissimus praefectus sacrorum praetoriorum,
Tatianus magnificentissimus praefectus - regiae Constantinopolitanae urbis novae Romae, *-urbis*^{1,2,3}
Vincomalus gloriosissimus magister sacrorum officiorum,
Martialis, Placitus viri magnificentissimi ex magistris,
Sporacius vir magnificentissimus comes *devotissimorum*^{1,2} domesticorum,
Genethlius vir magnificentissimus comes sacrorum privatorum,
Aetius vir magnificentissimus comes domesticorum et sacrorum stabulorum,
Leontius vir magnificentissimus primicerius clarissimorum tribunorum et notariorum.

Senatus amplissimus

Florentius gloriosissimus ex praefecto *praetoriorum*^{1,2} et ex consule *ordinario*^{1,2} ac patricius,
Senator gloriosissimus ex consule *ordinario*² et patricius,
Nomus gloriosissimus ex magistro *officiorum*^{1,2} et ex consule *ordinario*^{1,2} ac patricius,
Protogenes gloriosissimus ex praefecto et ex consule *ordinario*^{1,2} ac patricius,
Eugaro <=*Augarus*> vir magnificentissimus ex praefecto et patricius
Romanus vir magnificentissimus ex praeposito *sacri cubiculi*^{1,2,3},
Zoilus vir magnificentissimus ex praefecto *urbis*³,
Theodorus vir magnificentissimus ex praefecto urbis,
Apollonius vir magnificentissimus ex praefecto *urbis*^{1,2,3},
Antiochus vir magnificentissimus ex praefecto urbis,
Anysius vir magnificentissimus ex praefecto urbis,
Theodorus vir magnificentissimus ex praefecto illyrici,
Artax[ers]es vir magnificentissimus ex praeposito *sacri cubiculi*^{1,3},
Constantinus vir magnificentissimus ex praefecto *praetoriorum*^{1,2,3},
Parmasius <=*Parnassius*> vir magnificentissimus ex praefecto,
Eulogius vir magnificentissimus ex praefecto illyrici,
Apollodorus, Theodorus, Mennas viri magnificentissimi ex quaestoribus,
Severus vir magnificentissimus ex comite privatorum,
Basilius vir magnificentissimus ex comite largitionum,
Iulianus vir magnificentissimus ex comite privatorum,
Trypho vir magnificentissimus ex praefecto,
Polychronius vir magnificentissimus ex quaestore,
Constantinus vir magnificentissimus ex comite,
Severianus vir magnificentissimus ex comite,
Heraclianus vir magnificentissimus ex comite.

Super his etiam

spectabiles comites et tribuni notarii.

429 Commission for the compilation of the *Codex Theodosianus*

Cod.Theod.1.1.5 (26.Mar.429):

Antiochus vir inlustris, ex quaestore et praefectus,
Antiochus vir inlustris quaestor sacri palatii,
Theodorus vir spectabilis comes et magister memoriae,
Eudicius, Eusebius viri spectabiles magistri scriniorum,
Iohannes vir spectabilis ex comite nostri sacrarii,
Comazontes, Eubulus viri spectabiles ex magistris scriniorum,
Apelles vir disertissimus scholasticus.

435 Commission for the compilation of the *Codex Theodosianus*

Cod.Theod.1.1.6 (20.Dec.435):

Antiochus amplissimus adque gloriosissimus praefectorius ac consularis,
Eubulus inlustris ac magnificus comes et quaestor noster,
Maximinus vir inlustris insignibus quaestoriae dignitatis ornatus,
Sperantius, Martyrius, Alypius, Sebastianus, Apollodorus, Theodorus, Eron spectabiles comites consistoriani,
Maximinus, Epigenes, Diodorus, Procopius spectabiles comites et magistri sacrorum scriniorum,
Erotius vir spectabilis ex vicariis iuris doctor,
Neoterius vir spectabilis ex

438 Commission for the compilation of the *Codex Theodosianus*

Nov.Theod.1.(7) (15.Feb.438):

Antiochus cuncta sublimis, ex praefecto et consule,
Maximinus vir inlustris, ex quaestore nostri palatii,
Martyrius vir inlustris, comes et quaestor,
Sperantius, Apollodorus Theodorus viri spectabiles, comites sacri nostri consistorii;
Epigenes vir spectabilis comes et magister memoriae,
Procopius vir spectabilis comes et magister libellorum.

528 Commission for the compilation of the *Codex Iustinianus* <first edition>

Cod.Iust. Constitution Haec quae (.) (13.Feb.528) *De novo codice componendo.*

Iohannes vir excellentissimus ex quaestore sacri nostri palatii consularis atque patricius,
Leontius vir sublimissimus magister militum ex praefecto praetorio consularis atque patricius,
Phocas vir eminentissimus magister militum consularis atque patricius,
Basilides vir excellentissimus ex praefecto praetorio orientis et patricius,
Thomas vir gloriosissimus quaestor sacri nostri palatii et ex consule,
Tribonianus vir magnificus magisteria dignitate inter agentes decoratus,
Constantinus vir illustris comes largitionum inter agentes et magister scrinii libellorum sacrarumque cognitionum,
Theophilus, vir clarissimus comes sacri nostri consistorii et iuris [...] doctor.

529 Commission for the compilation of the *Codex Iustinianus* <first edition>

Cod.Iust. Constitution Summa rei (.) (17.Apr.529) *De Iustiniano codice confirmando.*

Iohannes vir excellentissimus ex quaestore nostri palatii consularis ac patricius,
Leontius vir sublimissimus ex praefecto praetorio consularis atque patricius,
Phocas vir eminentissimus magister militum consularis atque patricius,
Basilides, vir excellentissimus ex praefecto praetorio per orientem et patricius et nunc praefectus praetorio per illyricum,
Thomas vir gloriosissimus quaestor sacri nostri palatii et ex consule,
Tribonianus vir magnificus magisteria dignitate inter agentes decoratus,
Constantinus vir illustris comes largitionum inter agentes et magister scrinii libellorum et sacrarum cognitionum,
Theophilus vir illustris ex magistro et iuris doctor.

533 Commission for the compilation of the *(Quinquaginta) libri Digestorum seu Pandectarum*

Cod.Iust.1.17.2 (16.Dec.533)

Tribonianus vir excelsus magister ex quaestore et ex consule,
alii viri magnifici et studiosissimi
Constantinus vir illustris comes sacrarum largitionum et magister scrinii libellorum sacrarumque cognitionum,
Theophilus vir illustris magister,
Dorotheus vir illustris quaestorius,
Anatolius vir illustris magister,
Cratinus vir illustris et comes sacrarum largitionum.

534 Commission for the compilation of the *Codex Iustinianus* <second edition>

Cod.Iust. Constitution Cordi nobis (.) (16.Nov.534) *De emendatione codicis Iustiniani et secunda eius editione.*

Tribonianus vir excelsus magister ex quaestore et ex consule,
Dorotheus vir magnificus quaestorius, et Beryti legum doctor,
Mena, Constantinus, Iohannes viri eloquentissimi togati fori amplissimae sedis.