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An Empire of the Best: Zosimus, the monarchy, and the Eastern administrative elite in the fifth century CE

In an outline of the history of Greece and Rome down to Constantine in the first book of his *New History*, Zosimus, writing at an unknown date, probably in the later fifth century,[1] inserted a remarkable digression (1. 5. 2–4). When the Romans, after the Civil Wars, abandoned what he calls an «aristocracy» and made Octavian their «monarch», they

«threw dice for the hopes of all men … . For even if the monarch chose to manage the empire with probity and justice, he still … could not find subordinates who would be ashamed to betray his trust … . Or he abandoned the limitations of kingship and became a tyrant, throwing the

I thank Lisa Eberle, Rudolf Haensch and the anonymous reviewers of this paper for helpful comments on earlier drafts of this paper.

[1] Many today assume that Zosimus wrote around AD 500, the main argument being that Zos. 2. 38. 4, at the end of a passage relating Constantine's introduction of various new taxes, can be understood as implying that these taxes had been abolished by the time Zosimus wrote; since the last of these taxes to fall into decay was the *collatio lustralis*, abrogated in 498, Zosimus must have written after this date. But, as Damsholt 1977, 90–92 has rightly argued, the respective sentence («By such exactions the cities were exhausted; for as the demand persisted long after Constantine, they were soon drained of wealth and most became deserted») is so vague as to whether it concerns one or all of the taxes mentioned and which one (if indeed any) of them had been abolished in the meantime that it seems too daring to build an entire theory about the date of Zosimus on it. It has been tried to find additional support for the date around 500 in a passage allegedly alluding to Anastasius's Persian war in 502–505 (Zos. 3. 32. 1) and another one supposedly written in view of the suppression of a kind of pantomime dance in 501 (Zos. 1. 6. 1, where this art is mentioned as opprobrious, as elsewhere in Zosimus). Al. Cameron 1969, 106–110; Goffart 1971, 420–425. But nothing of this is compelling: Ridley 1972, 279f.; Damsholt 1977, 92f. As for the terminus ante quem, it is widely assumed that Evagrius Scholasticus 5. 24 attests the use of Zosimus by the (lost) history of Eusthatius of Epiphania, published probably not long after 518; but this hypothesis has been effectively destroyed by Damsholt 1977. This leaves us with a date somewhere between 425, when Olympiodorus's history, a major source for Zosimus, ends, and Evagrius (end of sixth c.) who definitely read Zosimus; assuming that Zosimus did not intend to continue his work much farther than 410 (where his narrative breaks off, probably because he died), a fifth-century date seems most plausible, as Zosimus's «decline and fall»-narrative would then have been a much «hotter» issue than in later generations: so it has been argued by Liebeschuetz 2003, 215. For general discussion see Ridley 1972; Paschoud 2003, ix–xx, both favoring a date around 500, as well as Damsholt 1977 (fifth–sixth c.).

offices into confusion, overlooking crimes, selling justice and regarding subjects as slaves. Of this kind are most, indeed almost all emperors with only few exceptions. Inevitably, unlimited power of a ruler is a calamity for the state.» (1. 5. 2–3)[2]

To Zosimus, then, the Roman monarchy was – a few exceptions notwithstanding – nothing else than a thinly veiled tyranny. Seldom in the history of Rome had such sharp and principled criticism been mounted against the monarchy.[3] Some scholars

[2] Zos. 1. 5. 2–3: Αὐτοῖς τὸ πολίτευμα, τῆς ἀριστοκρατίας ἀφέμενοι μόναρχον Ὀκταβιανὸν εἵλοντο, καὶ τῇ τούτου γνώμῃ τὴν πᾶσαν διοίκησιν ἐπιτρέψαντες ἔλαθον ἑαυτοὺς κύβον ἀναρρίψαντες ἐπὶ ταῖς πάντων ἀνθρώπων ἐλπίσιν καὶ ἑνὸς ἀνδρὸς ὁρμῇ τε καὶ ἐξουσίᾳ τοσαύτης ἀρχῆς καταπιστεύσαντες κίνδυνον. (3) Εἴτε γὰρ ὀρθῶς καὶ δικαίως ἔλοιτο μεταχειρίσασθαι τὴν ἀρχήν, οὐκ ἂν ἀρκέσοι πᾶσιν κατὰ τὸ δέον προσενεχθῆναι, τοῖς πορρωτάτω που διακειμένοις ἐπικουρῆσαι μὴ δυνάμενος ἐξ ἑτοίμου, ἀλλ᾽ οὔτε ἄρχοντας τοσούτους εὑρεῖν οἳ σφῆλαι τὴν ἐπ᾽ αὐτοῖς [οὐκ] αἰσχυνθήσονται ψῆφον … εἴτε διαφθείρων τῆς βασιλείας τοὺς ὅρους εἰς τυραννίδα ἐξενεχθείη, συνταράττων μὲν τὰς ἀρχάς, περιορῶν δὲ τὰ πλημμελήματα, χρημάτων δὲ τὸ δίκαιον ἀλλαττόμενος, οἰκέτας δὲ τοὺς ἀρχομένους ἡγούμενος, ὁποῖοι τῶν αὐτοκρατόρων οἱ πλείους, μᾶλλον δὲ πάντες σχεδὸν πλὴν ὀλίγων γεγόνασι· τότε δὴ πᾶσα ἀνάγκη κοινὸν εἶναι δυστύχημα τὴν τοῦ κρατοῦντος ἄλογον ἐξουσίαν. All translations from Zosimus are based on Ridley's but altered where necessary.

[3] Goffart 1971, 414, n. 13 questions the exceptionality and significance of the passage by pointing, among others, to Sidon. carm. 7. 100–104, the panegyric of 456 on Eparchius Avitus: There the goddess Roma, in a plea for help before Jupiter, decries that her empire was in constant decline «after the rights of the senate and people had been forfeited; I am merged in the Emperor, I wholly belong to the Emperor, and because of/since the time of (?) Caesar I who was once a queen see my realm torn into pieces» (… *et fio lacerum de Caesare regnum / quae quondam regina fui*; transl. after Anderson). The republican overtones in this passage should not be overrated, as Sidonius uses the argument only to present an imperial savior, Avitus. The passage is probably best understood in light of a similar argument made at the end of Jordanes's *Romana* from 551/552 (on which see Kruse 2015, 240–245; see also below p. 219): Whoever goes through the annals of the Roman state, Jordanes says, «will discover that the *res publica* of our time is worthy of a tragedy. And he may know from where it arose, how it grew, how it subdued all countries – and how it again lost them through unable rulers» (§ 388). The argument thus is – in Jordanes, but probably also in Sidonius – that bad rulers brought the empire down; it has a parallel Zosimus's narrative and surfaces also elsewhere in contemporary discourse (e. g. in John the Lydian, see below). The criticism in Zos. 1. 5, however, is of a much more principled nature and, as we will see, has a different target. – Republican ideas are also voiced in HA Alb. 13. 5–10, a speech of Albinus to his soldiers arguing that «if the senate still had its ancient power and if the entire commonwealth was not under the sway of a single man» there would have been no tyrants like Nero or Domitian; it was the senate who acquired the empire; therefore «let the senate have rule, let the senate distribute the provinces and appoint us consuls!». The passage might reflect (or ironize?) a kind of nostalgic republicanism in senatorial circles, but unlike the constitutional concepts presented later in this paper, the plea to return to a full-blown republican government was too detached from late Roman reality to be taken as a reflection of a serious political discourse. It does, however, – together with passages such as the above-quoted from Sidonius, others like HA Car. 3. 1 or Augustin. civ. dei 3. 30 which lament the ‹loss of freedom› under Augustus and the visions of an ideal Roman state to be discussed in section 3 of the paper – imply that there was – as recently argued for an even later period by Kaldellis 2015 – a persistent awareness for the republican foundations of the Roman state, even though outright

have read the passage as a by-product of Zosimus's anti-Christian bias: monarchy was bad because it placed unlimited power in the hands of base characters like Constantine and Theodosius, which allowed them to bring about the triumph of Christianity and, consequently, the decline of the Empire.[4] Other commentators connected Zosimus's antimonarchical stance with his Polybian conception of Roman history,[5] to which he alludes in the preface to his work (1. 1. 1) and which he makes explicit later: «Whereas Polybius tells how the Romans won their empire in a short time, I intend to show how they lost it in an equally short time by their own crimes» (1. 57. 1). Indeed, in a sentence immediately preceding the above-quoted statement on monarchy, Zosimus, like Polybius, ascribed the rise of the Roman empire to its aristocratic constitution: «As long as the aristocracy was in control, they continued to expand their empire each year because of the consuls' anxiety to outdo each other's exploits» (1. 5. 2). However, as has been pointed out, Zosimus neither explicitly says nor implies through his narrative that the transition to monarchy immediately initiated the decline of the empire; that being said, he might have thought that under the monarchy stagnation began and that it created the moral and political conditions under which later Christian emperors could bring about the fall of the empire. Most recently, Zosimus's antimonarchical digression has been adduced to support the idea that the republican ideal and the republican concept of the Roman monarchy continued to exert a powerful role in the political outlook of the Romans even in the late empire (and beyond).[6]

While these readings capture important aspects of Zosimus's polemic, this paper argues that they both miss its actual point and ignore its wider context. The polemic, the paper suggests, must be read in conjunction with other passages in Zosimus which have not been brought into dialogue with his excursus on monarchy so far; his criticism of monarchy, it turns out, revolves around one particular issue: the emperor's involvement with the offices of the state (Part 1 of the paper). Moreover, a number of broadly contemporary authors from the late fourth to the sixth century who share Zosimus's social background and professional outlook contain similar criticism, suggesting that Zosimus's views were part of a much more widespread critical discourse at the time. This discourse revolved around issues of good government and the relationship between monarchical power and the offices and officials of state, and in its most radical manifestations it questioned, like Zosimus's excursus, the personal,

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rejection of the monarchical system was surely rare. This awareness certainly informed, however strongly, the criticism in Zosimus and contemporaries discussed in the following.

[4] E.g. Paschoud 1975, 1–23; Leven 1988, esp. 185. Constantine as the beginning of the decline: Zos. 2. 34. 2; Theodosius: 4. 59. 2–3.

[5] As argued by Condurachi 1941/1942 (I thank Prof. Dr. A. Rubel, Iasi/Romania, and the librarians of the Academy in Bucharest for having helped me to a copy of this article); cf. Petre 1965, as well as Kruse 2015 (cf. n. 3) on the widespread resonances of Polybius in fifth- and sixth-century debates about the rise and decline of the Roman Empire. But cf. Kaegi 1968, 103–145. I was unable to get hold of Gómez Aso 2014.

[6] Kaldellis 2005, 12f. and Kaldellis 2015, 29.

autocratic character of imperial rule. As the authors and implied audiences of the texts analyzed in this paper suggest, this critical discourse was at home with members of the civilian administrative elite consisting of holders of high imperial office as well as officials of the upper echelons of the bureaucracy, especially (but not exclusively) in the Eastern capital Constantinople – the world in which Zosimus, too, must be situated. Considerations concerning certain structural developments that affected the elite in the fourth and fifth centuries confirm this contextualization (Part 2 and 3).

Uncovering this discourse in the *New History* and other late Roman authors reveals an aspect of the work that has hitherto been overlooked and stands to contribute to the reevaluation of Zosimus as an author who has more to offer than an unreliable historical narrative and hatred of Christianity. This wider context also militates against the objection that both the excursus in book One and the other passages dealing with issues of office-holding were nothing more than random carryovers from the sources Zosimus exploited: even though Zosimus has often, and sometimes surely rightly, been blamed for careless copying out Eunapius and other sources, the frequency of relevant material in his work and its parallels elsewhere suggests that he consciously selected (rather than randomly copied) relevant material in order to contribute to a discourse widely resounding in his social milieu.[7] But the argument of the paper has ramifications that reach beyond the work of Zosimus. While the sixth-century voices in the critical discourse mentioned are normally linked with opposition against the Justinianic regime, this paper proposes a different historical context and stimulus for the origins of this discourse. Given its apparent prominence already earlier – in Zo-

[7] For recent summaries of the tortuous debate about Zosimus's sources in general – which cannot be discussed here in any detail – see Paschoud 2003, xxxvi–lxxi, and Liebeschuetz 2003, 206–217. There is broad consensus that Zosimus's narrative in book 4 to 5. 25 (the sections relevant here) is largely based on Eunapius, as Phot. Bibl. 98 (= Blockley test. 2) claims, but commentators differ whether Zosimus used additional sources and how closely he followed Eunapius: while F. Paschoud staunchly defends the view that Zosimus slavishly copied Eunapius (e.g. Paschoud 2003, esp. lxix–lxxi), as does Liebeschuetz loc. cit., others allow Zosimus a much more independent historical judgement and selection of the material he found in his source(s): e.g. Petre 1965, 272; Goffart 1971; Ridley 1972, 280f. With regard to the excursus on monarchy, Paschoud 1989, 199f., and 2003, xlvf., posits that also this passage is copied from Eunapius, an argument accepted by Baldini in Baldini – Paschoud 2014, 42; this argument rests on the occurrence of the words ὅτι ἐξουσία ἐστὶ … πονηρᾶς in the otherwise largely illegible fragments of the latter parts of Eunapius's preface (frg. 1 Müller FHG IV, p. 13) which Paschoud takes as traces of a negative assessment of (imperial) power like in Zosimus (where ἐξουσία occurs twice in the excursus). But even if such speculation could be proven true (and assuming that the alleged antimonarchic polemic in Eunapius had a similiar focus on office-holding as Zosimus), the fact that Zosimus took it in his work would give significant testimony of his interest in these matters. In the following (1. 6. 1) Zosimus abruptly moves, after a somewhat clumsy transition, to another fault of monarchy, the introduction of pantomime dance. The connection is hard to understand and may indeed be an example of his sometimes careless work; but this does not question the seriousness of his interest in monarchy and office-holding in the elaborated preceding passage.

simus, and, as we shall see, from the later fourth century onwards –, this discourse, the paper suggests, should be related to a social and cultural development that had its roots in the fourth century, but gained momentum in the fifth: the growing power and, concomitantly, increasingly confident self-image of the civilian administrative elite (as defined above) of the later Roman Empire especially, albeit not exclusively, in the East. The suggested link is supported by a phenomenon that is both a complement and background to the afore-mentioned critical notions about monarchy and office-holding and, at the same time, was an important component of the self-image of this elite: a widespread discourse about the ethos and resulting dignity of office that pervaded the late Roman civil service from provincial governors up to the Constantinopolitan bureaus and top officials. Read in light of this wider context – which can be touched upon only very superficially here (Part 4 of the paper) – the office-related discourses also stand to open a window onto a rich but still understudied area of the social and cultural history of the later Roman empire: the emergent corporate identity and ideology of the late Roman administrative elite.

1. Zosimus on office-holding, good government and the monarchy

Zosimus's attack on the Roman monarchy in book One revolves around a theme that most commentators have read over too quickly. His list of transgressions that made (Roman) monarchs tyrants contains a variety of charges, among them that they «sell justice and regard their subjects as slaves» (1. 5. 3). Zosimus, however, gave much more room to another set of allegations: tyrant-emperors, as we have already heard in the passage quoted above, ignore the misdeeds of office-holders; they throw the order of offices into confusion (συνταράττων μὲν τὰς ἀρχάς), and moreover,

> «flatterers … are promoted to the highest positions, while modest and unambitious men … justly complain that they do not enjoy the same benefit. Consequently, the cities are filled with strife and unrest, … and life is made very unpleasant for the better classes in peace and the army is demoralized in war» (1. 5. 4).[8]

And as we already learnt in the passage quoted at the outset (1. 5. 3), even a good monarch will never find a sufficient number of good officials. Why this would be so, Zosimus does not tell us; perhaps he meant to suggest that monarchy had a depraving effect on morality in general.[9] Be that as it may, it is clear that concerns regarding the

[8] Zos. 1. 5. 4: Οἵ τε γὰρ κόλακες … τῶν μεγίστων ἀρχῶν ἐπιβαίνουσιν, οἵ τε ἐπιεικεῖς καὶ ἀπράγμονες … σχετλιάζουσιν οὐ τῶν αὐτῶν ἀπολαύοντες, ὥστε ἐκ τούτου τὰς μὲν πόλεις στάσεων πληροῦσθαι καὶ ταραχῶν, τὰ δὲ πολιτικὰ καὶ στρατιωτικὰ κέρδους ἥττοσιν ἄρχουσιν ἐκδιδόμενα καὶ τὸν ἐν εἰρήνῃ βίον λυπηρὸν καὶ ὀδυνηρὸν τοῖς χαριεστέροις ποιεῖν καὶ τῶν στρατιωτῶν τὴν ἐν τοῖς πολέμοις προθυμίαν ἐκλύειν.

[9] As argued by Petre 1965, 267–269. The focus on office-holding in Zosimus's critique has already been noted by Kruse 2015, 238 f., who connected it with contemporary complaints about official corruption. I have been unable to consult Kruse 2019 before this article went to press.

offices of the state – their order as well as the selection and control of office-holders – were key to Zosimus's critical stance towards monarchy. In his view, there was a fundamental tension between monarchy and the smooth running of the empire through its officials.

The criticism mounted in this passage sounds clichéd, and this is probably the reason why commentators have never given it much attention. Such skepticism, however, overlooks that the issues Zosimus raises concerning the offices of the state in the digression in book One return as a major concern in the later books of his work, which deal with the history of his own age. Beginning with his account of the reign of Theodosius I, Zosimus's narrative develops a marked interest in how emperors dealt with high-ranking officials and in their behavior in office. For example, right after his account of Theodosius's elevation and first months as emperor Zosimus inserts a programmatic general assessment of Theodosius I's administration and abilities as ruler (4. 27–29). There Zosimus not only accused him of various weak points like luxuriousness, greediness, and allowing his eunuchs inappropriate influence on politics as they instrumentalized top officials and the emperor himself for their aims. Moreover, in order to satisfy his greediness Theodosius «offered governorships of province for sale to anyone interested, without any regard for reputation or ability (τὰς τῶν ἐπαρχιῶν ἡγεμονίας ὠνίους προυτίθει τοῖς προσιοῦσι, δόξῃ μὲν ἢ βίῳ σπουδαίῳ παντάπασιν οὐ προσέχων): the highest price offered was the best qualification» (4. 28. 3–4). In consequence, since office-holders had to «recoup what they had paid for their office», everyone «found himself caught up in vexatious proceedings», the army suffered, and the cities «were wasted by both poverty and the office-holder's wickedness» (4. 29).

A few pages later Zosimus mounted similar accusations – venality of offices, shameless personal enrichment by officials and ensuing ruin of the cities, and a negligent emperor unable or unwilling to control them – against Fl. Rufinus, the all-powerful prefect of Oriens from 392 to 395, and Stilicho, the generalissimo and éminence grise behind the throne of Honorius (5. 1–2). Indeed Zosimus seems to have styled the history of Rufinus's prefecture in particular as a paradigmatic case study to illustrate how monarchy, by awarding office to the wrong people, allows base characters like Rufinus to ruin the state. Theodosius I «entrusted everything (to Rufinus) and disdained anyone else» (4. 51. 1), while Arcadius (and Honorius) «took no notice of what was happening but simply underwrote what Rufinus (and Stilicho) submitted to them» (5. 1. 3).[10] As a result, under Rufinus's administration the law was sold off, informers were allowed to give false testimony (5. 1. 1–2), and corruption of all sort flourished (5. 1. 3, 5. 2, cf. 5. 7. 6, 5. 8. 1). A whole series of episodes of how Rufinus brought down or

[10] Zos. 5. 1. 1–3 is very likely taken from Eunapius, as frg. 62–64 Müller FHG IV = 62 Blockley suggest; for debate, see Paschoud 1986, 75–77. Stilicho's negative portrait here is in stark contrast to that of 5. 34. 5–7, probably taken from Olympiodorus. While the discrepancy clearly shows Zosimus's deficiencies as excerpter and historian, the passage is nonetheless witness to his interest in issues of office-holding.

put to death honest officials who resisted corruption and injustice further underlines Zosimus's claim that monarchy is in conflict with a good administration of the empire: Prominent victims whose cases Zosimus related at length include Fl. Eutolmius Tatianus, praetorian prefect from 388 to 392, and his son Proculus, urban prefect at the same time, who «had exercised their offices without taking bribes and as conscientiously as possible» (ἀδωρότατα καὶ ὡς ἔνι μάλιστα δεόντως).[11] Other examples are Lucianus, *comes Orientis* around 393 (on whom more below) and the prominent *magister equitum* Fl. Promotus, «a man superior to (illegal) enrichment, who had loyally served the state and the emperors (ἄνδρα πλούτου μὲν κρείττονα γεγονότα, χρησάμενον δὲ τῇ πολιτείᾳ καὶ τοῖς βασιλεῦσιν εἰλικρινῶς)» but in the end paid dearly «for serving those who govern the commonwealth (τὰ κοινὰ πράγματα) so carelessly and impiously (ἐκμελῶς καὶ ἀσεβῶς)»: he died, allegedly at the instigation of Rufinus, in a barbarian ambush in 391.[12]

As the narrative continues with the ascendancy of Eutropius, the *praepositus sacri cubiculi* who usurped Rufinus's role after the latter's downfall and according to Zosimus ruled over Arcadius «as over a piece of cattle» (5. 12. 1), the focus remains the same (in fact the only other major strand in the narrative is the Tribigild-Gainas revolt): A long paradigmatic episode right at the beginning relates how Timasius, a deserved general «distinguished by such (i.e. high) offices and honours», among them the consulate, was brought down through a calumnious charge of high treason orchestrated by Eutropius (5. 9). Later the same fate befell Abundantius, another *magister militum* and former consul (5. 10. 5); unworthy characters and parvenus like the accuser of Timasius were rewarded with (profitable) offices (5. 10. 1–2; cf. 5. 9. 1); and Eutropius himself is presented as having missed no opportunity to enrich himself by the ruin of others (5. 8. 2, 5. 10. 4 and 5, 5. 12. 2).[13]

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[11] Zos. 4. 52, the quote at § 1. The true reasons for Tatianus's and Proculus's downfall are debated; most likely is a struggle for power between rivalling factions in the Eastern elite: for discussion see Paschoud 1979, 450f.; Rebenich 1989; Mecella 2016. Cf. PLRE I s.v. Tatianus 5 and Proculus 6.

[12] Zos. 4. 51. 3; Paschoud 1979, 449 points to passages in Claudian implying that Promotus's death and the alleged involvement in the ambush may have played a role in Western court propaganda against Rufinus which Zosimus or his source may have echoed. In reality Promotus may simply have died in battle; cf. PLRE I s.v. Promotus. Also the accusation of putting offices on sale, of enrichment and violations of the law was exploited at the Western court: Claudian. In Ruf. 1. 176–190 and elsewhere.

[13] Zosimus's story of the downfalls of Timasius and Abundantius in 396 (on whom see PLRE I s.v. Abundatius) is evidently inconclusive and biased: Paschoud 1986, 105–113; the real historical background may have been a purge among Theodosius's entourage. Eunap. frg. 70–72 Müller FHG IV = 65. 3, 4 and 8 Blockley imply that Zosimus's account is again based on that of Eunapius, but the precise relationship is debated: Paschoud 1986, 110f. Zosimus-Eunapius evidently drew here on a tradition hostile to Eutropius that was (also) en vogue at the Western court, see Claudian. Eutrop. I, 190–209 on the sale of offices or 221ff. on enrichment.

For Zosimus, the threat monarchy posed to the good administration of the empire was not limited to these concerns. Theodosius I, he alleged, «made squandering and carelessness the beginning of his reign: he threw the order of the highest offices into utter confusion and made the number of supreme military commands larger than before» since he more than doubled the number of *magistri militum* and other high-ranking military officers. This not only «burdened the public treasury with extra provisions» but also «exposed the soldiers to the avarice of more commanders».[14] Zosimus had already raised a similar critique against Constantine's reforms of the state: this emperor, too, «threw the longstanding order of public offices into thorough confusion (συνετάραξεν δὲ καὶ τὰς πάλαι καθεσταμένας ἀρχάς)» by raising the number of praetorian prefectures from two to four and «weakened» them further by creating the *magistri militum*; this not only destroyed the «beautiful order (τὰ καλῶς καθεστῶτα)» that had prevailed, but also made the military recalcitrant and encouraged corruption to the detriment of the state.[15] In both cases Zosimus's account (commonly held to be based on Eunapius) misrepresents the historical facts, reasons and intentions of these reforms,[16] but that is beside the point: the significance of these passages lies in the vehemence with which imperial interference in the order of offices is attacked as illicit and detrimental to the state. Similarly biased was Zosimus's presentation of Rufinus's and Eutropius's administration of office and dealings with high officials (as was, in the opposite way, the set of exemplarily good officials discussed below): These episodes arguably represent partisan views siding with one or another particular group in what in reality seem to have been much more complex conflicts within the imperial top-elite.[17] But again, the interest of these passages lies not in their questionable historical veracity, but in the fact that Zosimus gives such issues conspicuous room in his narrative.

In sum, it would appear that Zosimus's antimonarchical digression in book One can be read as a programmatic prelude to a much broader theme pervading the latter part of his work: the contention that monarchy was unfavorable, and indeed often detrimental, to the good administration of the empire as emperors tended to «throw the order of offices into confusion», to select the wrong people for office, and to overlook their misdeeds. To be sure, as mentioned in the introduction, one might object that

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[14] Zos. 4. 27. 1–2: Τρυφὴν δὲ καὶ ἐκμέλειαν τῆς βασιλείας προοίμια ποιησάμενος τὰς μὲν προεστώσας ἀρχὰς συνετάραξε, τοὺς δὲ τῶν στρατιωτικῶν ἡγουμένους πλείονας ἢ πρότερον εἰργάσατο. (2) Ἑνὸς γὰρ ὄντος ἱππάρχου καὶ ἐπὶ τῶν πεζῶν ἑνὸς τεταγμένου, πλείοσιν ἢ πέντε ταύτας διένειμε τὰς ἀρχάς, τούτῳ τε καὶ τὸ δημόσιον σιτήσεσιν ἐβάρυνε πλείοσιν … καὶ τοὺς στρατιώτας τοσούτων ἀρχόντων ἐκδέδωκε πλεονεξίᾳ.

[15] Zos. 2. 32. 1–2: συνετάραξεν δὲ καὶ τὰς πάλαι καθεσταμένας ἀρχάς. (2) Δύο γὰρ τῆς αὐλῆς ὄντων ὑπάρχων καὶ τὴν ἀρχὴν κοινῇ μεταχειριζομένων … . 2. 33. 1: Κωνσταντῖνος δὲ τὰ καλῶς καθεστῶτα κινῶν μίαν οὖσαν ἐς τέσσαρας διεῖλεν ἀρχάς.

[16] For Zos. 4. 27, cf. Paschoud 1979, 391–393; for 2. 33 Paschoud 2003, 247–252 and the literature cited there; to this add Porena 2003, 496–514, and most recently Landelle 2016.

[17] See the preceding footnotes and below on Lucianus (p. 245).

he simply copied what he found in his sources – before all presumably Eunapius's lost work – and that he relied on them not only concerning the historical facts (or what he presented as such) but perhaps also with regard to the apparent interest in issues of office-holding and the evaluation of pertinent imperial policies. Nevertheless these passages remain significant: the mere fact that Zosimus gave this material so much room when he exploited his sources and selected the material for his own narrative as such suggests a genuine interest in these issues. One might also explain Zosimus's emphasis on the misdeeds and failings of Constantine, Theodosius, Arcadius, Rufinus or Eutropius as a result of his anti-Christian bias: he simply mounted polemical stereotypes to defame prominent proponents of the Christian Roman empire. But again, this is not a compelling objection. The number and length of pertinent passages speak against the idea that this was just incidental polemic. A similar point can be made in relation to the attacks on imperial tampering with the order of offices: this was a very specific accusation that, even if hurled only at Christian emperors and historically unfounded, seems to reflect the concerns of one particular group rather than being a mere topos. Finally, as will be discussed in more detail later in this paper, Zosimus's invectives against bad officials enjoying imperial support go hand in hand with a presentation of exemplarily good officials; as we will see, they were part of his and his contemporaries' interest in the ethics of officialdom. This broader concern for questions of office and office-holding in Zosimus suggests that his criticism of Constantine, Theodosius etc. in this regard was not just a random pretext for anti-Christian polemic (a dimension it undeniably had) but reflects a true concern of his and quite likely of the audience for which he was writing. Not least, as will be argued in the next two sections, Zosimus's criticism must be taken seriously because it was part of a much broader discourse about officialdom, monarchy and good government in the later Roman Empire.

2. Zosimus in context, I: Monarchy and office-holding in discourses among the administrative elite

One of the longest fragments surviving of Eunapius's *History* which deal with the internal affairs of the Roman empire is a passage deploring that, under Pulcheria, offices and the right to plunder provinces were hawked «as if on the market» to unqualified and undeserving figures. To illustrate the point, Eunapius gave an elaborate paradigmatic story of the predatory abuses of a certain Hierax, governor of Pamphylia, and of his equally despicable enemy Herennianus, a vicar.[18] It is likely that Eunapius, who

[18] Eunap. hist. frg. 87–88 Müller FHG IV = 72. 1–2 Blockley. The phrase «under the empress Pulcheria» is problematic. According to Photios (Bibl. 77 = Blockley test. 1), Eunapius's History ended in 404, whereas Pulcheria was made Augusta only in 414. Two solutions are possible: Either Eunapius wrote after 414 and the passage looked ahead, as argued, among others, by Baldini 1984, 72, and Baldini – Paschoud 2014, 23; but see Liebeschuetz 2003, 186. Or «Pulcheria» has crept into the tradition erroneously for «Eudoxia» (so Blockley 1981, 173). Cf. Liebeschuetz 2003, 180–187, for a recent overview of the debate about the two editions

was Zosimus's main source for the time before 404 CE, had also contained much of the thematically related material discussed in the previous section.[19] Eunapius's *History* thus seems to have had an interest in issues regarding monarchy and office-holding that he shared with a number of contemporary authors rooted in, or moving in circles close to the upper echelons of the imperial administration. A decade or two earlier, towards the end of the fourth century, Ammianus Marcellinus, for example, deemed it worth pointing out that Valentinian I was *scrupulosus* with regard to the distribution of offices and never allowed their sale, while Valens rigidly punished *ambitio* and misconduct in office; according to Ammianus he did so better than any emperor before him. And he returned to this theme time and again in his narrative when polemicizing against the base background, lack of qualification and corrupt conduct of officials such as Musonianus and Domitius Modestus, both praetorian prefects of the East, Maximinus, the infamous *praefectus annonae*, the court camarilla under Constantius, and many others.[20] It is impossible to decide whether Ammianus's evident interest in these issues reflect concerns of his background in the Eastern governing class or was geared at discourses current among his Western audience, or both. But traces of this discourse can indeed be found in the works of elite authors throughout the empire.

To take a western example, in the *Historia Augusta* the distribution of office through the emperor is a recurring theme. The issue comes up prominently, for instance, in the *Life of Aurelian*, in one of the work's programmatic discussions of Roman rulership, where the author asks why Rome had seen «so few good emperors» and suggests that the dependence of emperors «shut up in the palace» on treacherous advisors was to blame (42–43); for as a result of this dependence the monarch «appoints to office those who should not be appointed, and removes from administration of the state those whom he ought to retain» (43. 4). Similar criticism is voiced elsewhere in the *Historia Augusta*.[21] Already earlier, around the year 360, Aurelius Victor complained that «in the present time, when the dignity of office is despised *(dum honorum ho-*

of Eunapius's *History* and their dates (his discussion of the Pulcheria problem, pp. 185–187, remains, however, inconclusive). The story might originally have been in Zosimus as well, in a section now lost; Blockley 1981, 175 identifies it with a lacuna postulated by the edition of Mendelssohn between Zos. 5. 25 and 26, but the existence of this lacuna has been doubted and instead proposed that it might have been related in the lacunae between 5. 22 and 23 (Paschoud 1986, 173–217, and Buck 1999).

[19] Phot. Bibl. 98 = Blockley test. 2 says that Zosimus's history was «almost identical» to that of Eunapius, whom he «copied out», «especially in the criticism of the pious emperors» (transl. Blockley). He thus could have found the attacks on imperial tampering with the order of offices under Constantius and Theodosius already in Eunapius. See also above n. 7.

[20] The emperors: Amm. 30. 9. 3 and 31. 14. 2; bad officials: 15. 13 (Musonianus); 16. 8. 10–13 and 22. 4 (Constantius's entourage); 30. 4. 1–2 (Modestus, among others); 28. 1. 5–7 (Maximinus); others: 14. 5. 6–9 und 19. 12. 1–2 (Paulus Catena); 16. 9. 13; 27. 7. 1–3; 28. 1. 12; 28. 1. 45, and many more.

[21] E. g. V. Sev. Alex. 66; ibd. 36 tells the story of a *suffragator* punished for selling offices and court decisions; V. Ant. Hel. 11. 1.

nestas despectatur), ignorant (office-holders) are mixed with good and the inept with the knowledgeable *(mixtique bonis indocti ac prudentibus inertes sunt)*»; even the praetorian prefecture by such unworthy appointments gets corrupted, a threat for the afflicted and «rapacious» (9. 12). And at the close of his work Aurelius Victor remarks that the qualities of Constantius II «have been marred by his lack of care in appointing provincial governors and military commanders, by the worthless character of the majority of his ministers, and, in addition, by his neglect of all men of quality» (42. 24). Together with other pertinent remarks throughout the work its concluding sentence suggests that behind these comments was a more fundamental critique than just polemical lip-service to the new regime of Julian: «And to end on a brief note of truth: just as nothing is more outstanding than the emperor himself, so nothing is more abhorrent than the majority of his subordinates» (42. 25).[22] The passage is – surely deliberately – vague, but the link between monarchy and bad officials is nonetheless striking and, given its conspicuous position as the very last words of the work, was undoubtedly aimed at inviting contemplation by its audience.

These discourses on good and bad officials continued to be vibrant in fifth-century authors. For example, in a passage that probably went back to Priscus of Panium (born around 420 or earlier and writing around 470) John of Antioch accused Theodosius II of tolerating that «positions were not filled by people who could administer them but by people who paid gold for them».[23] Another passage in John from an unknown source alleges that also Arcadius's chamberlain Eutropius «openly offered public positions for sale, informed against the powerful, sent eminent persons into exile, and treated the senate in the most arrogant way».[24] Malchus, writing after 480, blamed both Basiliscus and Zeno for not only turning a blind eye to such practices but actively engaging in the business for their own profit: as Malchus relates in a paradigmatic passage of considerable length, Zeno's praetorian prefect Sebastianus «sold all government positions, taking private profit, partly for himself and partly for the Emperor. If someone else came forward and offered a little more, he was preferred».[25] And again John of Antioch cites an unknown earlier source according to which Anastasius's

[22] Aur. Vict. Caes. 42. 24–25: *Haec tanta tamque inclita tenue studium probandis provinciarum ac militiae rectoribus, simul ministrorum parte maxima absurdi mores, adhuc neglectus boni cuiusque foedavere.* (25) *Atque uti verum absolvam brevi: ut imperatore ipso praeclarius, ita apparitorum plerisque magis atrox nihil* (transl. Bird with alterations). Complaints about ill-chosen or corrupt officials also in 13. 6–7, 24. 10, 33. 13, 39. 14 and 41. 21, all with regard to his own lifetime. Note the critical tone in his description on how monarchy was established in Rome in 1. 1–3. In general on Aurelius Victor's view on the late Roman state see Bird 1984, 52–59. Aurelius Victor's interest in issues of office is striking in comparison to Eutropius's slightly younger breviary which touches on them only one time in passing (8. 8. 2).

[23] John of Antioch frg. 288 Roberto = Priscus (?) frg. 3. 3 Blockley = 52* Carolla. Attribution to Priscus is accepted by Blockley 1981, 114 but doubted by Carolla.

[24] John of Antioch frg. 283 Roberto = 214 Mariev.

[25] Malchus frg. 10 Blockley = 7b Cresci on Epinicus, praetorian prefect under Basiliscus, and frg. 16. 1–2 Blockley = 9. 11–33 and 12 Cresci on Zeno and his PPO Sebastianus.

regime, after good beginnings, «changed to the worse, altering at once the aristocracy (or, metaphorically, the noble character?) of the state (τῆς πολιτείας ἀριστοκρατία) by selling all offices and surrounding himself with evil-doers».[26] Related complaints about the venality of justice and violations of law at the hands of corrupt, ill-chosen officials and courtiers are even more widespread in 5th-century Eastern sources. One out of many examples is Priscus's paradigmatic debate with a Roman defector in Attila's camp in 449 over the advantages and disadvantages of the Roman state. There, the venality and inaccessibility of justice is a major theme: «this may be the most painful thing, to have to pay for justice: no one will grant a hearing to a wronged man unless he hands over money for the judge and his assessors», the defector laments, and Priscus has to go to considerable length to counter these arguments. In the end the defector admits that the Roman state was good in principle, but not its representatives: «the authorities were ruining it (i.e. the Roman state) by not taking the same thought for it as those of old».[27]

Zosimus's polemic against bad officials and his contention that monarchy had detrimental effects in this regard was thus far from being eccentric; these concerns were shared by authors throughout the later fourth and fifth centuries, and to them Justinianic authors such as John the Lydian and Procopius as well as legal texts and panegyrics must be added, all of which will be discussed later. We shall also see that this polemic was only one trait in a much larger debate about good government, the monarchy, and the offices and officials of state. It is, however, worth pausing at this point to consider one objection against this contextualisation that immediately springs to mind: that all of these complaints (including those of Zosimus) about the sale and conferral of offices to the unworthy and related attacks are nothing but age-old polemical clichés with a long history since the early empire; that these were standard charges against «bad emperors», mounted by those who had been the losers in the battle for office and influence and taken up by authors siding with them.

Indeed no one would deny the topical character of this polemic or accept the allegations voiced in the above-mentioned passage as an adequate description of historical reality in any given moment in the history of the later Roman empire. Yet it would be rash to dismiss this polemic as insignificant, clichéd though it surely was. The length and prominence of the passages suggest that they were not just incidental polemic, but that the theme carried weight for the audience of these texts, an audience that consisted largely of the civilian administrative elite of the late empire. It is thus rea-

[26] John of Antioch frg. 312 Roberto = 243 Mariev; the latter translates τῆς πολιτείας ἀριστοκρατία with «all the good practices in government».

[27] Καὶ ὃς δακρύσας ἔφη ὡς οἱ μὲν νόμοι καλοὶ καὶ ἡ πολιτεία Ῥωμαίων ἀγαθή, οἱ δὲ ἄρχοντες οὐχ ὅμοια τοῖς πάλαι φρονοῦντες αὐτὴν διαλυμαίνονται: Priscus, Exc. 8. 94–114 Carolla, the quote at 114 = frg. 11. 2 Blockley, ll. 406–510. Other complaints about officials corrupting the judicial system: e.g. Eunap. hist. frg. 62. 2 and 72. 1 Blockley and Synes. reg. 27. 4–5 and prov. 17 (in form of an allegory) on Arcadius; John of Antioch frg. 283 Roberto = 214 Mariev on Arcadius, frg. 285 Roberto = 217 Mariev on Theodosius II.

sonable to assume that the polemic we met in Zosimus and contemporary authors reflects real-world concerns current among this group. A number of arguments can be adduced to support this claim. For one, Zosimus as well as Priscus and Aurelius Victor were members of the imperial administration, as were John the Lydian, Procopius and the anonymous author of the *Dialogue on Political Science*, all of whom, as we will see below, shared their concerns. Ammianus, Eunapius and probably also Malchus were scions of Eastern upper-class families which formed the main recruiting ground for the higher echelons of the administration. It is true that – with the exception of Aurelius Victor – none of these authors ever held a top position at court, a prefecture, or any other post conferring illustrious rank, which would have given them access to the inner circle of political decision-making. These authors mostly belonged to a sub-elite at the top of the bureaucracy (like John the Lydian and Zosimus), they were professionally attached to the highest office-holders (like Priscus or Procopius), and they moved in their social orbit (like Ammianus, Eunapius or Malchus).[28] And yet, they all wrote with at least an eye to gaining the favor of the highest echelons of the office-holding elite, which makes it likely that prominent themes in their works such as the office-related discourses attracted the interest also of top-elite audiences. Moreover, all these authors demonstrably shared (and purposefully exhibited) values and convictions concerning offices and office-holding which are widely attested for this elite, including a high esteem for classical education as qualification for office, a strong sense of the dignity of office and rank, or the insistence on the right of the senate to be heard in political matters.[29] Also the fact that they often chose to portray members of the highest echelons of the office-holding elite as proponents of the ethics of officialdom they promoted as the basis of good government (on which see more in Part 4) implies that these values and convictions appealed to the top-elite as well. It is thus fair to assume that the office-related discourses we grasp in Zosimus and his

[28] Zosimus: Photius's (Bibl. 98) statement that Zosimus was *comes* and *advocatus fisci* may be doubted, but the evidence collected in this paper in any event suggests that his world was that of the late Roman administration. Priscus's official position is debated but it is clear that he was involved in a number of diplomatic activities in the entourage, perhaps as *assessor* of a high military man, and probably became *assessor* to Marcian's mag. off.: PLRE II s.v. Priscus 1, and Blockley 1981, 48. On Aurelius Victor, a career official who rose to the urban prefecture, see PLRE I s.v. Victor 13; note his interest in legal and administrative matter: Aur. Vict Caes. 16. 11–12; 20. 22; 24. 6–7; 33. 13; 39. 14. Eunapius hold no office but belonged to the highest echelons of society in Asia Minor and moved in office-holding circles: Goulet 2014, 24f. That Malchus (about whose biography little is known apart from the fact that according to Suda M 120 he was a sophist at Constantinople) shared the convictions of the Eastern elite is implied by his reverence for the senate and senatorial ranks, by his contempt of the soldiery and by his interest in the ethics of officialdom (see below): cf. Wiemer 2009, 38–41.

[29] For the last aspect (which might be controversial) see below in this section and n. 28 on Malchus. Evidence for imperial courting of the senatorial assembly reflecting the latter's ambitions is collected in Schmidt-Hofner, forthcoming 2020.

contemporaries reflect issues current in the wider administrative elite, both at the top and among the higher echelons of the bureaucracy.

Indeed, the issues at stake in the polemic mentioned were of utmost importance to a group – be they holders of top-magistracies or high-ranking bureaucrats – whose social power, wealth, and self-image was based, above all, on holding imperial offices and on the rank they conferred. Office-holding in the service of the emperor and the ranks earned there played an increasingly important role in the internal stratification of the elite of Roman and provincial society since the High Empire. But in the fourth century this dynamic dramatically gained in pace due to the rapid expansion of the imperial service, the senatorial status which went along with more offices than ever before, and the attractiveness of both at the cost of other, especially municipal, systems of honor. Additionally, by the late fourth century several circumstances conspired that can explain the flourishing of such polemic especially (if demonstrably not exclusively) in the East. For one, by that time office and rank in the imperial service had definitely outstripped other paths of advancement in the secular realm for the Eastern elite, and as a result, competition was more focused than ever on imperial offices.[30] Two, at the close of the fourth century the city of Constantinople became the permanent imperial residence of the Eastern Empire, a development that had profound effects on the civilian elite. The capital pooled the most powerful magistracies of the empire – the praetorian and urban prefects, the great financial departments, the court officials – as well as many subaltern ranks in the quickly expanding chancelleries of these magistracies. It therefore attracted ever more elite members of the East in search of career opportunities. This unprecedented concentration of the administrative elite not only gave its members more political weight and influence than ever before. It also intensified competition for office in the imperial service. At the same time, the permanent establishment of the emperor in one place gave considerably more weight to the court as a social formation in which informal influence on the emperor could play a strong role for the bestowal of offices. In contemporary polemic, such informal influence is typically associated with eunuchs and imperial women, but in practice it was available to any high-ranking magistrate (or churchman, or general) who knew how to exploit the opportunities afforded by proximity to the emperor.

There was thus a structural background that can explain the intense polemic we encountered in Zosimus and contemporary sources and confirms that a serious concern among the elite lay behind it: given the increasing level of competition, the opportunities for informal influence that some enjoyed must have been a thorn in the

[30] Classic accounts of the emergence of the new Eastern administrative elite include Dagron 1974, 119–210, Heather 1994 and 1998. More recent contributions include Haldon 2004, 184–198, Skinner 2008 and 2013 (arguing, against the notion of strong upward mobility, for the continuing predominance of the curial class, i.e. the traditional provincial elite) and Moser 2018.

side to everyone that did not possess them; hence the polemic against venality of offices, the widespread allegations of corruption, and the «bad» as opposed to «good» officials; and hence the criticism of imperial arbitrariness in selecting officials. These considerations are borne out by the fact that imperial propaganda of the time responded to the polemic and the anxieties among the elite from which it arose. An early example is Cl. Mamertinus's panegyrical *gratiarum actio* for the consulate of 362. In this speech Julian's praetorian prefect, acting as the emperor's mouthpiece, laid considerable weight on announcing an end to the (allegedly) burgeoning sale of office under Constantius; from now on, only virtue and merit would count. The speech falls within the first years after Constantius's reform of the Eastern Senate and thus the first concentration of the Eastern elite in Constantinople; at the same time it was a moment of regime change when much of the senior staff of the Eastern administration was replaced, and Julian brought in his (largely foreign, western) networks. In this situation both ambitions and anxieties flourished; hence the new regime felt the need to reassure the Constantinopolitan elite of its good intentions concerning the choice of personnel. No wonder that a few weeks later Julian also published a spectacular edict banning illicit practices concerning *suffragium* (bribery in the quest for office).[31] To be sure, strong imperial rhetoric against favoritism and corruption in the quest for high offices was hardly new to late antiquity, and was often enough a mere topos. But in the situation of 362 it surely responded to a serious concern and source of strife among the Eastern, Constantinopolitan elite.

Similar is true for other unusual examples of pertinent imperial propaganda. One particularly conspicuous among a number of relevant imperial laws, for example, is a constitution of 439 in which Theodosius II not only forbade any sort of machinations or payment for office but demanded from every newly appointed governor a public oath that he had neither payed for his office nor would tolerate or indulge in such practices in future.[32] In a world in which the sale of offices and *suffragium* was a widespread practice and even to some degree tolerated, this measure was no less spectacular than that of Julian mentioned above; even if it might have never been put into practice it gave a strong signal towards the office-holding elite that very likely was designed to conciliate discontent.[33] The selection of officials also featured prominently in imperial panegyric of the time. A case in point is the panegyric of Priscianus, a professor of Latin in the capital, on the emperor Anastasius, written not long after 500:

«One policy of yours, o prince, surpasses all other praises (of your merits): that you wisely elect faithful guardians of the court through whom Roman power increases, … You, o greatest prince,

[31] Mamertinus: Pan. Lat. 3 (12). 19. 3–5, 21, and 25. Julian's edict on *suffragium*: CTh 2. 29. 1, from February 362, and Amm. 22. 6, showing the strong popular reaction to it; the details of the law are debated, see Schmidt-Hofner 2020, 148f.

[32] CJ 9. 27. 6.

[33] On *suffragium* and payment for office in general see Jones 1964, 391–396. Other bans: e. g. CTh 9. 26. 1 (397, East); CJ 4. 2. 16 (408, West). Toleration: cf. e. g. CTh 2. 29. 2 (394).

choose those as companions in the just government of the State who are adorned through their eloquence, whom strong erudition and artful zeal extols and whose knowledge protects the Roman laws; and only the learned you give rewards worthy of their toil, enriching them with offices *(munera)* and nourishing them with a benevolent mind.»[34]

It is unclear on which occasion the panegyric was recited, but a reference in the passage (left out in the quote) to appointments of refugees from Old Rome to lofty positions *(gradus praeclari)* in order to console them over the loss of their fortune is an indication that the panegyric responded to anxiety and discontent among the Constantinopolitan elite about these additional competitors for office: hence the placating reassurance of imperial benevolence and insistence that only the eloquent, learned, legally educated, hard-working etc. would be enriched with offices.[35] In the case of Zosimus and other historiographical works analyzed above it is impossible to give a similarly precise historical context for their polemic concerning the choice and behavior of office-holders. But the structural developments outlined and the evidence from imperial propaganda add to the plausibility of the claim that the polemic on who got access to office and why, clichéd as it may look at first glance, reflects real concerns and had a particularly strong relevance for the layers of society represented by Zosimus and the other authors mentioned.

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[34] Prisc. paneg. Anast. 239–253 (ed. Chauvot 1986): *Omnia sed superat, princeps, praeconia vestra / propositum, sapiens quo fidos eligis aulae / custodes, per quos Romana potentia crescat, / et quo, Roma vetus misit quoscumque, benigne / sustentas omni penitus ratione fovendo, / provehis et gradibus praeclaris laetus honorum, / ne damni patriae sensus fiantve dolores; / fortunam quare tibi debent atque salute / votaque suscipiunt pro te noctesque diesque. / Nec non eloquio decoratos, maxime princeps, / quos doctrina potens et sudor musicus auget, / quorum Romanas munit sapientia leges, / adsumis socios iusto moderamine rerum; / et solus doctis das praemia digna labore, / muneribus ditans et pascens mente benigna.*

[35] On the refugees from *vetus Roma* (whose identity is unclear) see Chauvot 1986, 285, n. 147; Coyne 1991, 167–170; on the date and occasion see Chauvot 1986, 98–110, and Coyne 1991, 7–16, both favoring ca. 511–513, as well as, most recently, Leppin 2014, 93, n. 3 (around 502, as assumed by most scholars). Priscian's panegyric is generally regarded as representative of Constantinopolitan elite discourses, also with respect to other themes. – Another example for the theme in imperial panegyric of the time is Them. or. 8. 116d–117b (of 368), in a speech seeking the Eastern elite's support for Valens's interior politics. According to McCail 1978, 57 the theme was also addressed in a panegyric on Zeno often ascribed to Pamprepius, *quaestor sacri palatii* in 479 and iridescent member of the imperial cortège (PLRE II s.v. Pamprepius; Begass 2018, 197–200); but the lacunary state of the relevant passage in a heavily fragmented papyrus (P.GR.Vindob. 29788C recto ll. 5–10) reduces this to speculation. The combat against corruption and the venality of office also comes up in a contemporary panegyric of Procopius of Gaza (§ 11 ed. Chauvot 1986) held around 502 before a provincial audience; but this sounds more like a dutiful rehearsal of a standard theme in imperial panegyric (cf. Men. Rh. 2. 375). Other examples for the topicality of ‹official› polemic concerning the sale of offices and related charges include Claudian. In Eutr. 1. 196–221, In Ruf. 1. 180.

3. Zosimus in context, II: Emperors and the workings of the administration

One strand in Zosimus's polemic has not been mentioned in the previous section: his attack against imperial tampering with the established structure and actual workings of the administration to the detriment of the empire, a charge he levelled against both Constantine and Theodosius. As we will see in this section, the accusation is also well attested in a number of broadly contemporary authors with a background in the higher echelons of the administration. But this was not a traditional theme of polemic against bad emperors; it rather seems to reflect concerns of this particular group. This not only supports the argument that the office-related discourses we encounter in Zosimus and elsewhere were at home in the world of the higher imperial administration. It also adds to the case that they were not random polemic but reflect more fundamental concerns.

Traces of the theme are visible already in Ammianus who praises Constantius II for having «abstained from innovations by augmenting the number of administrative posts» or allowing the military to question the precedence of the civilian offices.[36] Later Priscus, in the above-mentioned passage on Theodosius II (n. 23), complained that «there were many innovations in the civilian and military administrations» because of the bad officials who had obtained their offices by bribery. The theme then comes up in Zosimus, as we saw, to reappear forcefully in sixth-century sources. In his *On the Magistracies of the Roman State*, written sometime in the 550s, John the Lydian, a learned official who rose to a top position in the staff of the praetorian prefect of Oriens, gives what may best be described as an autobiographical encomium of the Roman civil service, its tradition and splendor, as well as a history of its decline, a decline that is manifest and caused by changes to the procedures of the administration and to the order of offices brought about by irresponsible emperors and their satellites.[37] For John such changes had dire consequences: they caused, or at least precipitated, the ruin of the empire. For example, when Theodosius's II prefect Cyrus began to

[36] Amm. 21. 16. 2–3; cf. 27. 9. 4, criticizing Valentinian I for elevating the rank of the military. In 21. 10. 8 Ammianus has Julian attacking Constantine, in a letter to the senate, *ut novatoris turbatorisque priscarum legum et moris antiquitus recepti,* but this most likely refers to his religious policy and a number of legal reforms that Julian regarded as immoral: Schmidt-Hofner 2020, 154 f. In the same letter Julian criticized Constantine for first having elevated barbarians to the consulship. This is evidently a different kind of critique than the issues addressed in the sources discussed in this section.

[37] The affinities between Zosimus and John in this regard have already been noted by Goffart 1971, 423 f. and Maas 1992, 48–52. On the work in general cf. Carney 1971; Caimi 1984; Maas 1992, ch. 6; Kelly 2005, as well as the introduction to the editions of Bandy 1983 and Dubuisson – Schamp 2006. The work was published some time between John's retirement from office in early 552 and his death which occurred probably around 560: on his life and career and the date of mag. cf. in detail Bandy 1983, ix–xxxviii; Kelly 2005, 431–458; Dubuisson – Schamp 2006, vol. 1.1, xiii–xlix.

compose edicts in Greek instead of Latin, according to John an ancient oracle once delivered to Romulus had come to pass that Fortune would abandon the Romans at the time when they forgot their ancestral language (3. 42 and 2. 12). In the third book of the work devoted to the praetorian prefecture and its staff this passage comes in a long narrative (3. 39 until the end of the work) that interweaves the calamities of the empire with what John regarded as a «gradual reduction» of the praetorian prefecture and its staff (3. 43. 1). After having narrated the (alleged) loss of Latin under Cyrus, John claims that Theodosius II «divested the prefecture of every power» (3. 40. 3) by depriving it, among other things, of the right to independently remit taxes and support local communities (3. 40–42). Later Leo «reduced the magistracy to uttermost penury» through his Vandal campaign und thereby set in motion a spiral of ever harsher taxation that brought forth bad office-holders and destroyed the orderly procedures of the government (3. 43). And thus, according to John, began decades in which «the entire state suffered a complete shipwreck» (3. 44). Only with the prefecture of John's ideal statesman Phocas in 532 the good old ways of the administration returned – and, in consequence, prosperity and happiness to the entire commonwealth (3. 76).

The notion that the undisturbed running of the administration guarantees the well-being of the empire while changes threaten it pervades John's work. One of the many misdeeds of a paradigmatically bad official, Justinian's long-standing prefect John the Cappadocian, is that he permanently «innovated and in every way weakened the ancient practices», thereby creating «the greatest difficulties for the taxpayers because the issuance of the documents was not undertaken according to proper procedure» (all 3. 68) so that, in the long run, «the empire itself was on the verge of tottering» (3. 69. 2). Elsewhere, changes in the procedure of issuing legal documents (and of the quality of their paper) according to John betray that the former «ἐλευθερία of the subjects» and other blessings «have been lost in our time» (3. 11. 1), just as any innovation concerning the institutions of the state is «characteristic of tyrants».[38] Although John tries hard to couch his lamentations in repeated eulogies of Justinian they nonetheless betray a principal resentment against monarchical interference in the administration. Indeed, opposition against Justinian's reforms might have been the actual cause and intention of the work.[39]

It is easy to ridicule John's distress about the loss of the good old ways in the administration as departmental parochialism or bureaucratic hostility to any and all innovation. But in the Justinianic age John was not alone with such notions. They also appear

[38] Joh. Lyd. mag. 2. 19. 9, referring to Domitian's changes to the praetorian prefecture.

[39] As proposed by Kaldellis 2005. But see Maas 1992, 92–96; Pazdernik 2005, 193–198, and Dmitriev 2015, arguing that John had an ambivalent but not entirely negative view of Justinian, let alone questioned imperial rule as such, as now maintained by Kaldellis 2015, 68f. On John's polemic against John the Cappadocian and further aspects of his ‹Kaiserkritik› (against Anastasius) see Begass 2017, 103–150, arguing that two polemical epigrams against Anastasius and John the Cappadocian that Lydus ‹cites› are in fact his own.

in Procopius's *Secret History* from around the same time.[40] The pamphlet famously deployed the entire arsenal of antityrannical polemic against Justinian. While much of it was clearly stereotyped, other aspects evidently tie in with the critical discourses of the administrative elite we saw earlier in this paper. Once again a major theme is the bestowal of offices on the unworthy and unmerited through favoritism or sale of offices, and, in consequence, all kinds of violations of the law and depredations of the populace at the hand of corrupt, inept, and vicious officials «bringing the Roman state to its knees» (14. 19), as expounded in three long, paradigmatic chapters and additional episodes.[41] The other prominent subject of the *Secret History*, however, is Justinian's reformative fervor, which Procopius found particularly detestable and noxious. He deemed the theme so important that he devoted a programmatic passage to it right at the beginning of the introduction to the part of the narrative that deals with Justinian (6. 19–21): «He took no thought to preserve what was established (φυλάσσειν μὲν τῶν καθεσταμένων οὐδὲν ἠξίου) but he was always wishing to make innovations in everything; to put in a word, this man was an arch-destroyer of the well-established order (τῶν εὖ καθεστώτων).» Thereby he came to be a «source of calamities for the Romans so serious and manifold» as nothing before.[42] Later on he attacks Justinian for «bringing all things into a new form», including the law and the soldiery (11. 1–2). Above all, Procopius denounced Justinian's creation of new offices and the diminution of old ones as well as his personal meddling in the administration: «as if the offices which had long been established did not suffice him for this purpose (i.e. the administration of law in the City and the profits to be derived from it), he invented two additional offices» (the *praetor plebis* and the *quaesitor*), only to increase the extortions for the populace.[43]

Whether or not there was any truth in his ferocious attacks against Justinian such polemic should not be dismissed too quickly: Procopius stemmed from a family that boasted a proconsul of Palestine, he himself became an *assessor* to the *magister militum* Belisarius and perhaps rose to the rank of *illustris*.[44] Procopius thus wrote his pamphlet as a member of the administrative elite, and the target audience(s) of the pamphlet clearly included members of this group. As recent scholarship has pointed

[40] On the debate about the date of the work see most recently Croke 2005; Börm 2015, 325f., and Battistella 2019.

[41] Proc. anec. 20–22 passim; see also e.g. 7. 42, 14. 16–23. Cf. also bell. 1. 24. 11–16 (on John the Cappadocian and Tribonian) and 2. 15. 7–11 on other evil characters among the officials as well as 8. 13. 14, reproaching Justinian for being too lenient with bad officials. For ‹Kaiserkritik› in the *Wars* in general cf. Signes Codoñer 2003 and Börm 2015.

[42] Proc. anec. 6. 21: Καὶ φυλάσσειν μὲν τῶν καθεσταμένων οὐδὲν ἠξίου, ἅπαντα δὲ νεοχμοῦν ἐς ἀεὶ ἤθελε, καὶ τὸ ξύμπαν εἰπεῖν, μέγιστος δὴ οὗτος ἦν διαφθορεὺς τῶν εὖ καθεστώτων.

[43] New offices and abolishing of old ones: Proc. anec. 11. 1–2, 14. 1–6, 30. 1–20, and esp. ch. 20–22. Meddling in the workings of the administration: 30. 27–30, 14. 1–4. The quote at 20. 7. All translations follow that of Dewing.

[44] For Procopius's social background and career see most recently Börm 2015, 323–326.

out, the multifaceted polemic of the *Secret History* cannot be linked with a single dissident group (which is traditionally identified with a somewhat opaque group of «traditional», landowning, and «senatorial» background).[45] But the parallels to Zosimus's, Priscus's, or John the Lydian's resentment of imperial tampering with the ways of the administration nonetheless suggest that in this respect at least, Procopius took up a broader discourse among the civilian administrative elite that principally rejected any imperial interference with the workings and order of the administration as irresponsible and detrimental to the state.

This broader discourse further suggests that the criticism voiced in Procopius and John the Lydian should not, as is often maintained in scholarship, be reduced to a phenomenon of the Justinianic age, a product of the hatred towards Justinian that parts of the elite fostered.[46] As Zosimus and Priscus (and perhaps already Ammianus) show, these concerns were older. Their emergence points to a fundamental tension in the relationship between emperor and administration. In his work on the late Roman bureaucracy, Christopher Kelly has argued that emperors were in a constant struggle to keep the bureaucratic machinery they had created under control; for this purpose they installed mechanisms of surveillance, and from time to time they interfered deliberately in the organization and operation of the administration in order to demonstrate authority and curtail too powerful and/or independent structures.[47] From this perspective, the opposition against imperial interference in the workings of the administration as apparent in the texts discussed appears as product of a latent conflict, indeed a struggle for power, between the monarch and the administrative elite. And this is indeed how the late Roman bureaucrats saw things: Zosimus, in the passage quoted above, explicitly claims that Constantine launched his reforms because «he was anxious to weaken» the prefecture (2. 33. 3), as this office «was regarded as second only to the throne» (2. 32. 2). And in the *Secret History* Procopius seems to make a similar point when he thunders that «in the old days

[45] For the traditional contextualization of the *Secret History* see, among others, Rubin 1960, 197–226; Evans 1972, 92–99; Av. Cameron 1985, ch. 4, esp. 64f.; Bjornlie 2013, 102–109 and ch. 4; for critique of this view, see Greatrex, 2000, 223–227; Kaldellis 2004b, 47–49 and the nuanced analysis of Tinnefeld 1971, 21–26. This critique, however, does not preclude that Procopius reflects discontent and outright opposition among the higher echelons of the civil service; in fact Carney 1971, 163–176 and Kaldellis 2004a point to the many shared political views between Procopius and John the Lydian. Börm 2015 argues that the *Secret History* was written not out of principle opposition to Justinian but to recommend himself to a new regime and to exculpate his partisanship with the old one after the soon expected end of Justinian. This reading makes it all the more likely that the *Secret History* took up genuine critical discourses among the elite.

[46] As recently, e.g., Kaldellis 2004b, 1–17; Kaldellis 2005; Bjornlie 2013, 82–123; Börm 2015; earlier studies include Rubin 1960, 178–244; Tinnefeld 1971, 17–48; Av. Cameron 1985, 242–260, and 1977 on the period of Justin II and Tiberius II. For the problems with the notion of a senatorial opposition under Justinian see the preceding note.

[47] Kelly 2004, esp. ch. 5.

the magistrates were permitted to do what was just and lawful according to their own, autonomous judgment (γνώμη αὐτόνομος)», whereas Justinian drew all matters from the officials to his own hands (30. 29–30). There is thus reason to think that behind the accusations against emperors throwing the offices into disorder (and giving them to the wrong people) there was an administrative elite that principally perceived the emperor and his entourage as a threat to the well-ordered administration of the empire – as well as to its own power, the power of the administrative elite.

This interpretation is borne out by the consequences some members of the administrative elite drew when they imagined how the Roman empire would ideally be run. John the Lydian, for example, right at the beginning of his treatise *On the Magistracies*, after briefly looking back at the foundation of Rome under the kings, embarks on a digression on the forms of monarchy (1. 3. 3–7). There he distinguishes between ἐννόμος βασιλεία, lawful monarchy; tyranny; and αὐτοκρατορία, imperial monarchy, which he prudently avoids to define, although everything he subsequently says makes clear that it is nothing but another form of despotism. John's ideal is ἐννόμος βασιλεία, monarchy that is bound to observe the laws. That is an old formula without much weight in itself. But it has long been shown that John is a sharp, if veiled critic of the Roman monarchy of his times which he regarded as an outright tyranny.[48] Against this background, ἐννόμος βασιλεία and the subsequent remarks on the ideal ruler, who is elected to serve (!), become meaningful:

> «It is characteristic of a king to jar absolutely none of the state's laws but to preserve steadfastly the form of his own state by his kingship, and to do nothing outside the laws by absolute authority but to ratify by his personal decrees whatever the best men of his state conjointly resolve.»[49]

For John the ideal Roman state thus is effectively run by «the best men in the state», the ἄριστοι, i.e. the administrative elite – undisturbed in their ways by the emperor who is reduced to what seems to be envisaged as a largely ceremonial role.

John was not alone with these ideas. As mentioned above, Zosimus in his antimonarchical excursus also seems to favor an aristocratic government, and although he never explicitly defines his ideal state, it is perhaps not insignificant that he shows a marked interest in the activities of the two late Roman senates which he more than once presents as actively involved in political decision-making. This strand in his

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[48] Cf. most overtly Joh. Lyd. mag. 1. 4 on Diocletian and 1. 6; Kaldellis 2005; less strongly stated, but in essence the same already in Dubuisson 1991, 55–72.

[49] Joh. Lyd. mag. 1. 3. 5: Ἴδιον δὲ βασιλέως ἐστὶ τὸ μηδένα καθ' ἅπαξ τῶν τοῦ πολιτεύματος νόμων σαλεύειν ἀλλ' ἐγκρατῶς τὴν ὄψιν τῆς ἑαυτοῦ πολιτείας βασιλείᾳ διατηρεῖν· καὶ μηδὲν μὲν κατ' αὐθεντίαν ἔξω τῶν νόμων πράττειν, τὸ δὲ τοῖς ἀρίστοις τοῦ πολιτεύματος συναρέσκον ψήφοις οἰκείαις ἐπισφραγίζειν. All translations of John the Lydian in the following are based on Bandy's.

work culminates in a paradigmatic scene in which Honorius and Stilicho deliberate, in a remarkably contentious way, with the senate over whether they should declare war on Alaric or pay tribute to keep the peace.[50] It may be doubted that this scene actually occurred in the way that Zosimus described. But it is not insignificant that a Constantinopolitan author around AD 500, even if he only copied the story from his source and regardless of whether the senate (as an institution) had any real political significance at the time,[51] chose to present the assembly as a counterpart to the emperor and his court. Similar ideas can be detected in Procopius; apart from the fact that in the *Secret History* he reproaches Justinian for ignoring the senate, it has been noted that in his presentation of Persian rulership in the *Wars*, which can in many parts be read as a reflection on the Roman monarchy, he gives conspicuous room to aristocratic participation in the government of the empire.[52]

Yet the most striking parallel to John is the ideal state envisioned in the anonymous *Dialogue on Political Science*, a partially preserved treatise composed probably in the 530s that outlines an ideal state amalgamating Platonic with Roman elements and the reality of the late Roman monarchy. Usually it is attributed to an author belonging to the administrative elite, the same social milieu from which also his protagonists, one Menas *patricius* and a *referendarius* called Thomas, hail.[53] The fact that in book Five of the treatise the selection of officials and the rules of their government play a central role supports this assumption and links the work with the concerns of the other texts mentioned so far. Chapter 5. 31 and following demand that officials must be recruited from the best all over the world according to their talent and merits; the selection is in the hands of an eminent and virtuous civil servant. Later (5. 54 onwards) the dialogue describes the government through a number of top officials with clearly defined areas of responsibility.

Remarkably, in all this the emperor has little say. Even though the dialogue describes the emperor rather traditionally as the image of God and devotes many pages to his divine qualities and virtues, the anonymous author envisions a political order where the emperor is elected to office by means of a complicated procedure combining voting and lots, like in John the Lydian; he is chosen from the ranks of the highest civil

[50] Zos. 5. 29. 5–9. Other political activity of the two senates in Zosimus: 4. 26. 6 (senate of Constantinople tolerates massacre of the Goths in Asia Minor 378); 4. 59. 4 (senate of Rome debates with Theodosius I about the traditional cults); 5. 11. 1 (senate of Constantinople declares Stilicho public enemy); 5. 20. 1, 5. 17. 3 (in Gainas's rebellion); 5. 38. 1, 5. 40, 5. 42. 1, 5. 44. 1, 5. 45. 5, 6. 12. 1, 7. 1, 7. 3 (during Alarich's siege of Rome).

[51] Scholars traditionally deny the assembly any political role (as, most forcefully, the recent account of Pfeilschifter 2013, 454–458); but see Schmidt-Hofner, forthcoming 2020.

[52] Proc. anec. 14. 7–8 and Börm 2007, 111–119 and 135–142.

[53] On the date, authorship, and social background of the treatise see Av. Cameron 1985, 249 f.; Bell 2009, 9–13 and 19–27; on its political thought and Platonic grounding Fotiou 1985, O'Meara 2002 as well as Bell 2009, 54–76 (whose translation is used here).

servants, his tenure of office is time-limited, and he has to render account for office not only before God but also before the people. What is more, the actual government of this ideal state is the responsibility of a senate (called σύγκλητος βουλή like the Roman senate) of ἄριστοι, the highest civil officials. The emperor, however, «should continuously and effectively arrange and co-ordinate only the structures of government and the general principles of public policy (μόνας τὰς συνεκτικὰς ἀρχάς τε καὶ πρώτας αἰτίας τῶν πολιτικῶν πραγμάτων)» (5. 58); he should not trouble himself with «lesser affairs» (5. 69) and «will no longer be personally involved with the remoter and subordinate officials. Rather, political foresight will flow from him, as from some fountain, to the other offices and classes, through the ἄριστοι and the other appropriate offices and ranks beneath them» (5. 135); «from the imperial office itself would pour, as it were, political illumination on the first state offices (ἀρχαί) beneath it, and through their holding sway, by scientific method, over the second, third and all the other tiers <of offices>» (5. 61). The emperor thus does not interfere with the actual government and the offices; that is the exclusive province of the administrative elite that runs the empire through a meritocratic hierarchy of officials, well-trained and carefully chosen – but not by an autocrat but by the members of the administration themselves.

This radical vision of an ideal Roman state run by a civil elite of the «best» is unparalleled in the history of the Roman Empire, and it stands in stark contrast to the autocratic reality and representation of imperial government in the late empire. Accordingly, scholars have long attached little weight to them and dismissed them as intellectual musings or isolated dissident voices.[54] The context I have outlined in the preceding sections of this paper invites another interpretation. Taken together with the traces of elite criticism collected in this paper, these visions of an ideal Roman state appear as the culmination of a broad critical discourse among the administrative elite of the Empire that reached its apex in Eastern, Constantinopolitan circles in the fifth and sixth centuries. This critical discourse revolved around the relationship between the monarch and the governing elite of the empire; central issues were who got access to offices, what latitude emperors allowed bad officials, and what degree of personal involvement and interference with the actual administration was appropriate for the emperor. In the most radical version of this criticism, the emperor was denied any practical interference in the actual government of the empire (and, at least in the anonymous *Dialogue*, in the choice of officials).

But the question remains: How was it possible that such radical thoughts emerged after centuries of monarchic rule in a group that, when it came into being in the fourth century, derived its identity, pride and social preeminence above all from service for

[54] Even for Kaldellis 2005, 13, these political views «remain a theoretical position in an antiquarian treatise».

the emperor, especially in the East?[55] And this situation had not changed in fifth century or later: elite members continued to be dependent on imperial appointment to office in order to keep or increase their social position. Discontent and opposition against Justinian's regime among parts of the elite surely may, to an extent, have influenced the radicalism exhibited in the sixth century voices mentioned. But as Zosimus and other sources show, the sharp opposition against imperial tampering with the structure and workings of the administration and even the principled questioning of monarchical autocracy are older, not to speak of the polemic against ill-chosen officials as a systemic problem and their detrimental consequences to the empire. Structural developments like the above-mentioned intensification of competition for influence and office since the fourth century and a perhaps more keenly felt antagonism between the emperor and the expanding administrative machinery certainly also played a role. Again, however, structural developments of the ‹long› fifth century could have played a role: the development of an enhanced self-confidence among the higher echelons of the administration that enabled the emergence of ideas such as an order of offices unavailable to the arbitrary interferences of a monarch or the notion of a fundamental opposition between autocracy and good government.

Such a development is likely for more than one reason. For one, the dominance of the imperial service as avenue for social advancement as well as the steep rise of Constantinople as the social and political hub of the Eastern empire since the late fourth century not only increased career opportunities. These developments also enabled a closer social interaction within the Eastern elite than ever: they created and reinforced structures of patronage, gave rise to whole dynasties of office-holding families, produced shared educational and professional career paths, and through all this laid the basis for the emergence of what has been called a «corporatism».[56] It is difficult to measure the scope and practical political consequences (see below) of this corporate identity, and «corporatism» might be too strong a term. But it is not an unlikely claim that these developments fostered ambitions and a more self-confident self-image as a group. Two, since the late fourth century the Eastern empire saw repeated periods when members of the administrative elite enjoyed unprecedented power: e.g. in the 390s, when, in the absence of Theodosius I, the family of Fl. Eutolmius Tatianus held both the praetorian and the city prefectures for some years, and later first Rufinus as prefect became all-powerful, then a figure like Fl. Eutychianus held successive prefectures; during the infancy of Theodosius II, when Fl. Anthemius, scion and ancestor to an office-holding family which finally produced an emperor (Anthemius), monopolized the prefecture for ten (!) years; later in Theodosius's reign, when Helion served as *magister officiorum* for incredible 13 years and Cyrus conjointly served as praetorian

[55] For the ideological setup of the new elite emerging in the fourth century as an ‹aristocracy of service› to the emperor cf. Rebenich 2008, 157–160; Weisweiler 2015 and forthcoming 2020 (with a focus on the West); for the Eastern aristocracy see Haldon 2004.

[56] Most recently in Bjornlie 2013, esp. ch. 2.

and city prefect and consul of 441 until his alarming popularity cost him his office;[57] and then again in the politically unstable second half of the fifth century, which was beset by civil wars and dogmatic controversy and which made imperial authority suffer to an extent that some scholars have hypothesized that, for a moment, the monarchy as such was at disposal.[58] Whether or not one accepts this idea, under such circumstances, and given the above-mentioned unprecedented concentration and influence of the administrative elite in the capital, it is likely that this elite came to view itself ever more self-confidently as the anchor and true leaders of the empire. It is true that an important recent study has argued that the political power of the civilian elite vis-à-vis emperors and the military always remained limited, as their political aims were too heterogeneous and they, therefore, never managed to coordinate united political action, not even in moments of political crisis.[59] Others, in contrast, emphasize the pressure that groups or individual members of the elite could exert, informally or through holding office, in everyday matters and other.[60] It is impossible to assess this problem in any detail here. But in any event it remains a plausible assumption that the political experiences of the fifth century strengthened their self-confidence and fostered ambitions in these circles, whether or not it translated into political action. And on that basis a discourse could emerge which questioned imperial interference with the workings of the administration including the selection of officials and conceived of an empire exclusively run by themselves, the ἄριστοι, the «best» – without the emperor.

4. The ethics of officialdom

There is, however, yet another aspect that must be adduced to fully understand the context and significance of the critical discourses on office-holding and related matter which we encountered in Zosimus and earlier, later, and immediately contemporary members of the administrative elite. And this is a widely attested discourse about the ethos and dignity of office that came to flourish in the generations around Zosimus. This discourse again suggests that the criticism concerning the dangers of imperial autocracy for the good administration of the empire was more than random polemic, as it had a complement and background in a much wider context: an «ethics of officialdom» that appears as a central component of the social identity of the administrative elite. As the following discussion will show, this discourse was not limited to the authors analyzed in the previous sections but appears also in other sources emanating from or addressing members of the imperial service throughout the empire. This

[57] PLRE I s.v. Tatianus 5, Rufinus 17, Eutychianus 5; PLRE II s.v. Anthemius 1, Helion 1, Cyrus 7.

[58] Meier 2017, 524–529.

[59] Pfeilschifter 2013, 452–474.

[60] E.g. Beck 1966; Börm 2010, 159–198; Cosentino 2015.

wider context not only adds to the arguments presented above that the office-related discourses we have encountered in the above-mentioned authors reflect real-world concerns current among the administrative elite. It also suggests that the discourses about the ethos and dignity of office as evident in a variety of sources were an important component of the emerging corporate identity that quite likely was a catalyst for an enhanced self-confidence among the administrative elite and concomitant claims to a greater share in political power. The evidence discussed in the following – however selective the examples chosen must remain due to the limitations of this paper –, may thus add to the explanations how such ideas could emerge at all.

We encounter this discourse about the ethos and dignity of office, for example, in an encomium by John the Lydian on the *magister officiorum* Peter the Patrician. John styles this official a kind of «ideal public servant». Peter is

> «learned and constantly devotes himself to his books. Because he knows the laws, if anyone else does, in which he was brought up from a tender age defending those in need, he has demonstrated himself to be both a magistrate who is very great and displays a dignity worthy of his authority and a judge who is keen and knows how to administer justice uprightly. … He is calm and gentle but is not easily tractable nor is inclined to requests outside the law. … He cedes no time to occasions of idleness because he is wrapped in his books during the night and in business during the day. Even the journey itself from his home to the court he does not whistle away simply in conversations but binds himself with intellectual questions. …»[61]

Similar portraits of ideal officials and their virtues – devotion to their office and hard work; profound learning, both in the liberal arts and in law; a moderate, virtuous lifestyle, and, not least, a cultivated, urban appearance – occur repeatedly in John's work.[62] They are reinforced by portraits of paradigmatically bad officials, the basest of all being Justinian's long-standing prefect John the Cappadocian: he is an archetypal villain, uneducated, arrogant, corrupt, inclined to favoritism, acting irresponsibly in office, mistreating citizens and subordinates alike, and, with regard to his personal lifestyle, indulging in all kinds of debauchery. And while the idealized Peter the Patrician through his virtuous conduct «displays a dignity worthy of his authority», John the Cappadocian's comportment also ruined the former splendor and dignity of his

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[61] Joh. Lyd. mag. 2. 26: Πέτρος οὗτος, ὁ πολύς, ὁ μηδενὶ ταῖς ἀρεταῖς κατὰ μηδὲν δεύτερος. … σοφὸς καὶ διὰ παντὸς τοῖς βιβλίοις προσανέχων, ἀποκαθίστησιν· τοὺς δὲ νόμους εἰδὼς εἴπερ τις ἄλλος, οἷς ἐξ ἁπαλῶν ὀνύχων ἐνετράφη, συνηγορῶν τοῖς δεομένοις, ἄρχων τε μέγιστος καὶ ἀξίαν ὀφρὺν τῆς ἐξουσίας ἀνατείνων ἐδείχθη καὶ δικαστὴς ὀξὺς καὶ τὸ δίκαιον κρίνειν εἰλικρινῶς ἐπιστάμενος. … πρᾶος μὲν γάρ ἐστι καὶ μειλίχιος, ἀλλ' οὐκ εὐχερὴς οὐδὲ πρὸς τὰς αἰτήσεις ἔξω τοῦ νόμου. … μηδένα καιρὸν ταῖς ῥᾳθυμίαις παραχωρῶν, τὴν μὲν νύκτα τοῖς βιβλίοις, τὴν δὲ ἡμέραν τοῖς πράγμασιν ἐγκείμενος, μηδὲ αὐτὴν τὴν μέχρι τῆς αὐλῆς ἐκ τῆς οἰκίας ἐν ὁμιλίαις διασυρίζων ἁπλῶς, ζητήμασι δὲ λογικοῖς καὶ ἀφηγήσεσι πραγμάτων ἀρχαιοτέρων μετὰ τῶν περὶ ταῦτα σχολαζόντων εἰλούμενος.

[62] Joh. Lyd. mag. 3. 15 (devotion of good prefects working day and night); 3. 50 (only righteous men admitted to prefecture; Sergius PPO Or. 517); 3. 38 (Gabrielius PVC 543); 3. 76–77 (Phocas PPO Or. 532). On this topic in John cf. also Caimi 1984, 211–286.

office and its staff, procedures, and insignia, as John expounds in a long digression. It was only with the virtuous prefect Phocas that, as mentioned above, the old distinction of the office returned and it «regained its brilliance».[63]

This discourse about the virtues of officialdom is a recurring theme in texts discussed in this paper that emanated from, or were aimed at, the administrative elite; it was evidently linked to their polemic against bad officials. Eunapius, for example, had a whole series of vignettes of such virtuous officials. It included Marcellus, Arcadius's *magister officiorum*, lauded «a paragon of all virtues or … virtue personified», in vivid contrast to the contemporary prefect Fl. Rufinus whom Eunapius portrayed as exemplarily greedy, corrupt and misusing his power. Similar vignettes occur elsewhere in his work. One particularly elaborate specimen is the exemplary tale on the rise and fall of Theodorus *notarius*, the man who provoked Valens's Antioch trials by letting himself be induced into treasonable inquiries into the emperor's future and succession. Eunapius turns him into an exemplum for a highly gifted and virtuous civil servant brought down by envious enemies. This is evidently apologetic for a character whose popularity with Eunapius and others derived not least from his pagan beliefs, but the historical veracity of this and other similar vignettes is beside the point: their significance lies in the kind of official virtues that they parade.[64] Ammianus, too, has a gallery of exemplarily good officials as a complement to the above-mentioned series of villains. One particularly elaborate portrait of an exemplary civil servant is that of Eutherius, a *praepositus sacri cubiculi* of Julian who, as we hear, distinguished himself by his sagacity but nonetheless remained a just and steadfast character wo did not shy back from correcting the emperor when necessary. A similarly upright character is Eupraxius, praetorian prefect under Valentinian I, whom Ammianus lauds twice for having intervened with the emperor to prevent iniquities. Other portraits are more balanced like a long excursus on the character and administration of Petronius Probus, praetorian prefect under the Valentinians, or the series of portraits of urban prefects.[65] The ethics of officialdom is thus a constant strand also in Ammianus's work.

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[63] The portrait of John the Cappadocian is at Joh. Lyd. mag. 3. 57–69, esp. 62 and 65 on his personal vices and 65–68 on the lost dignity of his office; cf. also 2. 21. Another exemplarily bad official in John is Marinus of Apamea (PPO Or. under Anastasius): 3. 49–51. The return of the former splendor under Phocas: 3. 76–77: ἡ δὲ τάξις, καθάπερ τις σβεννυμένης ἤδη φλογὸς ἔλαιον ἀφθόνως ἐπιχέει, ἀνέλαμψεν· … ἐφ' ὅλον τὸ χρῶμα ἐπανήει τοῦ πολιτεύματος. Τάξις here refers to the staff of the prefect, but as the following and second sentence cited makes clear, it epitomizes the return of hope for the office as such and the entire state.

[64] Theodorus (PLRE I s.v. Theodorus 13): Eunap. hist. frg. 38 Müller FHG IV = 39. 1 Blockley; cf. similarly Amm. 29. 1. 8. Other vignettes of good officials in Eunapius include Marcellus: frg. 62. 4 Blockley, with 62. 1 = 62 Müller FHG IV on Rufinus; frg. 17 Müller FHG IV = 25. 5 Blockley on Salutius, PPO under Julian, «a man of outstanding philanthropia» und equity; frg. 45 Müller FHG IV = 29. 2 Blockley on Musonius *vicarius Asiae*, paradigmatically just as tax collector.

[65] Eutherius: Amm. 16. 7. 4–7; Eupraxius: 27. 7. 6–7 and 28. 1. 25; Probus: 27. 11; others: 16. 8. 5, 21. 7. 9, 21. 10. 6, 28. 1. 17–18, 29. 1. 8 (see preceding note), and many more.

Other authors attached to the administrative elite add to this. Synesius, for example, in his *Egyptian Tales*, a political allegory dating to the early fifth century, portrays the evil character of the story, called Typhos, as an official who displays all the vices of an archetypically bad and unworthy civil servant, whereas each office his exemplarily virtuous brother administered appeared «more august» (σεμνότερα), i.e. of higher dignity, than it had been before him.[66] Likewise Malchus has elaborate portraits of ideal civil servants; one is that of the patrician Severus, a man of «moderation (σωφροσύνη) and desire for justice», serving successfully as ambassador to Geiseric in 474. The latter «marvelled at the moderation of his bearing (τὸ σῶφρον τοῦ βίου)» and «continually put his uprightness (δικαιοσύνη) to test», only to find him entirely incorruptible and even prepared to ransom captives at his own costs.[67] Many more examples for this discourse about virtuous officials (and their opposites) from the fourth through the sixth century could be added.[68] Moreover, sensitivity to the link between virtuous behavior and the dignity of the office that features so prominently was similarly widespread. Implicit witnesses to this are instances like those in Synesius and Malchus just mentioned. We have already encountered an explicit reference in Aurelius Victor's complaint that «in the present time, when the dignity of office is despised *(dum honorum honestas despectatur)*, ignorant (office-holders) are mixed with good and the inept with the knowledgeable». The same notion also surfaces, for example, in the *Anonymus de rebus bellicis* who, in a long passage on official corruption, attacks *iudices* for behaving as if they have been sent into the provinces for gain, «despising the reverence due to their office».[69]

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[66] Syn. prov. 1. 2–4, the quote at 1. 3. 2. A list of virtues of officials also in Syn. reg. 27–28.

[67] Malchus frg. 5 Blockley = 3 Cresci.

[68] E.g. Prisc. frg. 8 Blockley = 60* Carolla, the story of Fl. Cyrus, PPO cum PVC 439–441, «the wisest man of all» whose popularity caused his downfall. Cf. Malchus frg. 7 Blockley = 6 Cresci: the philanthropia of Erythrius, PPO under Zeno, who alone «of the high officials in the state at the time worked for the good of all» and resigned from office to avoid being forced to collect unjust taxes. Another example is Proc. bell. 1. 24. 12–18, contrasting John the Cappadocian unfavorably with Tribonian (slightly better) and their impeccable successors in 532, Phokas PPO and Basilides QSP. Another exemplarily good official in Procopius is Proclus QSP, a «just and incorruptible man» «who neither rashly made new laws nor wished to change the existing order»; through his parrhesia he stopped the adoption of Chosroes by Justin I in 525/526 (all at bell. 1. 11. 11–22) and saved the life of Theodotus Colocynthius PVC in 522/523 (anec. 9. 41–42). Cf. also anec. 21. 6 (good officials) and 20. 17–23 and 22 passim (bad ones). Corippus, *In laudem Iustini minoris* has a preface with a panegyric on the virtues of Anastasius QSP and mag. off. 565/566, a catalogue of virtuous officials at 1. 15–27 and another one on the duties of good officials at 2. 215–275. Agathias has two stories on bad officials (4. 21. 5–4. 22 and 5. 4. 2), seemingly in emulation of Procopius. See also above at n. 31 Cl. Mamertinus on criteria for the selection of office-holders under Julian.

[69] De reb. bell. 4. 2*: nam hi, despecta reverentia dignitatum, velut mercatores in provincias se missos existimant.* Ch. 4 contains a long list of malpractices at the hand of provincial governors. Cf. p. 227 and the passage of John of Antioch quoted in n. 23.

Not least, Zosimus has his own gallery of ideal public servants. We have already encountered Tatianus, Proculus and Promotus, all of them exemplary officials lauded for their incorruptibility and loyalty to the state. One particularly elaborate portrait of these embodiments of the ethics of officialdom is that of Lucianus, *comes Orientis* around 393. Lucianus, the scion of a respectable family of high ranking civil servants – the father had already been praetorian prefect, Zosimus hastens to relate – «was renowned for δικαιοσύνη, σωφροσύνη and every possible ἀρχικὴ ἀρετή», i.e the virtues of officialdom, as Zosimus calls it with a term that sound almost like a set expression, «neither having regard for persons nor thinking of anything but what the law demanded». What is more, his virtues make Lucianus even resist an improper demand by the emperor's uncle, thereby provoking the anger of Zosimus's arch-villain Rufinus who brings Lucianus (formerly his protégé) to death. Like Tatianus, Proculus and Promotus, Lucianus thus turns into a veritable martyr of the virtues of officialdom.[70]

This discourse about the virtues of officialdom and the concomitant dignity of office-holding was not limited to the historiographical texts analyzed in this paper, it appeared also in other media. Within the limitations of this paper, discussion must be limited to one example: the iconography and inscriptions of honorific statues for governors and other office-holders, a kind of monument that flourished in the fifth and early sixth century East. These statues display a common stylization. They proudly present the honorands' insignia as members of the imperial service such as the girdle, the cloak (*chlamys*) with the purple *segmenta*, sometimes the *toga*, a *codicillus* with their nomination, or *fasces*. But the stylization also extended to the facial expression of the portrayed office-holder. One type of portrait, of which the famous Ephesian bust of Eutropius, perhaps a *proconsul* of Asia, is among the most extreme examples,[71] displays, in varying combinations, tightly pressed lips, sharp wrinkles around the nose and lips, a deeply furrowed forehead, other signs of age, a beard or unshaven cheeks resembling those of a soldier on duty, and intensely staring eyes. As R. R. R. Smith has argued, these features corresponded to the ethos promoted in the concomitant honorary inscriptions, mostly verse epigrams; apart from classical attributions like

[70] The story of Lucianus is in Zos. 5. 2; cf. PLRE I s.v. Lucianus 6 as well as Seeck 1920; Paschoud 1986, 77–80; Dubuisson – Schamp 2006, vol. 2, lvi–lxv on the chronology of the affair. It remains unclear why Zosimus chose to portray Lucianus of all as prototype of a virtuous official and how this tradition emerged. Libanius's polemical or. 56 and 1. 269–270 draw a completely different, hostile picture of his administration of office as *consularis Syriae* around 388. Zosimus's portrayal of Tatianus and Proculus – who were equally controversial in the Eastern elite: see above n. 11 – as ideal public servants may have been influenced by the fact that they were pagans; but Lucianus apparently was not, as noticed by Seeck 1920, 90 and accepted by Paschoud 1986, 79, among others. Interestingly, Joh. Lyd. mag. 3. 23 also briefly mentions the downfall of Lucianus because of his conflict with Rufinus; if the reference does not derive from Zosimus (which would confirm that someone interested in the virtues of officialdom like John remembered Zosimus as contributing to that discourse) there could have been a separate tradition about Lucianus as a model official.

[71] Recent description with up-to-date-bibliography in Gehn 2012, 371–374.

the high education, ancestry and munificence of the honorand they typically laud «tireless labors» (as in the case of Eutropius), incorruptibility as well as, most prominently, justice and dutiful service as judge. The praetorian prefect Herculius (in office 408–410), for example, was celebrated in Athens as «champion (πρόμαχος) of the laws»; a proconsul in Argos as «most just eye of Dike»; another one (in Ephesus) was equaled to Minus, Lycurgus, and Solon, etc. These attributions fit the stern, wizened features of these portraits with their penetrating gaze.[72] Other portraits show what has been described as a more «subtle» expression: still intense through the rendering of their eyes, a subtle smile in these faces articulates serenity rather than severity, perhaps to evoke the clemency, purity and moderation (σωφροσύνη) of the honorand. Again, these visual messages find their expression in the honoring inscription: a governor of Caria named Oecumenius, a classic example for the subtle portrait type, was «pure in mind and in hand» and «full of knowledge of the laws and mingled the Latin Muse – i.e. the language of the law – with the honey of melodious Attic Greek»; other Carian governors are praised for their joviality (εὐφροσύνη) and for being «affable to all».[73]

In one way or another, these honorific statues and inscriptions thus promoted in a completely different medium what Zosimus calls ἀρχικαὶ ἀρεταί, the virtues of officialdom. To be sure, the ideals articulated in these honorific monuments are highly clichéd, just as the stories about exemplarily good and bad officials in historiography are to a certain degree stereotyped. Many aspects of these idealized portraits of officials and their virtues have a long pedigree stemming back at least to the Principate.[74] Nonetheless, the monuments as well as the literary representations discussed above do show that both the late Roman honorands and the honoring communities continued to take these ideals seriously. They thus attest to, and at the same time contributed to, a discourse about the ‹ethics of officialdom› pervasive among late Roman office-holders from provincial governors up to the metropolitan bureaus and top officials whom we encountered in Zosimus and other literary works. Other media which can only be touched upon within the limitations of this paper prove the same: pane-

[72] Smith 1999, 134–156, now widely accepted. The honorific statues have been extensively treated in the recent monographs of Gehn 2012 and Kovacs 2014 (the latter concentrating on the portraits) and the handbook of Smith – Ward-Perkins 2016. On the inscriptions and the values they articulate, see the classical treatment by Robert 1948, 35–126 as well as Slootjes 2006, ch. 5; Näf 1995, 253–255 and Gehn 2012, 237–274. Eutropius's inscription: Engelmann – Knibbe – Merkelbach 1980, no. 130; promachos of the laws: Robert 1948, 41 = IG II/III^2 4225 = 13284; Dike's eye: AE 1950, no. 11, 5th c., presumably for a proconsul of Achaea (PLRE I s.v. Callippinus); Minos etc.: Robert 1948, 21 from Ephesus, 5th c., presumably for a proconsul of Asia (PLRE II s.v. Andreas 6).

[73] Oecumenius and the «subtle style»: Smith 2002, 134–156. His inscription at Roueché 2004, no. 31; other cases cited ibd. at no. 24 and 32.

[74] There is no comprehensive treatment of this subject for the Principate; for some aspects of it see e.g. Meyer-Zwiffelhoffer 2002, 172–222.

gyrics on office-holders are a case in point;[75] another are private petitions or letters to office-holders with exhortative character;[76] a third is imperial legislation concerning official corruption or other related matter; and, not least, there is the bulk of official pronouncements assembled in Cassiodorus's *Variae* and republished at some point after 538 presumably for a Constantinopolitan audience as a compilation which, together with the accompanying treatise *De Anima*, was, among many other things, a monument to the ethics of officialdom.[77]

This ethics as well as the concomitant dignity and pride thus seems to have played an important role for the identity of that group. The «ideology of office» emerging in these sources did not start from scratch in the later Roman empire; it had earlier roots. However, to judge from the prominence of the issue in the evidence assembled in this section, this ideology certainly came to flourish since the later fourth century and in the two centuries that followed. It seems plausible that this ideology was an important factor for the emergence and/or prominence of the discourses we encountered in this paper: it fueled polemic; but it also seems likely that the ethics of officialdom became so important a component of the emerging self-image that it – together with other, structural developments as described above – fostered a serious critical discourse about office-holding and good government under the conditions of imperial autocracy, a critical discourse that in its most radical version came to envision an Empire run not by a monarch but by a professional elite of the «best.» It is this discourse and its context which forms the background to the critical digression on the Roman monarchy in the first book of Zosimus's *New History*.

The broader context of the discourses on office-holding and good government in the emerging self-image of the later Roman administrative elite has wider ramifications. It opens a window onto a rich but surprisingly understudied area of the social and cultural history of the later Roman empire: the corporate identity, worldview, and ideology of the new elite in the higher administration and office-holding top-elite of the empire. Some aspects of this identity are well-known and uncontroversial: shared ideals of erudition and shared educational careers; a tendency towards professionalization as visible in the rise of legal education in the East; or a shared preoccupation with rank, insignia and procedure, to name only the most obvious.[78] Most recently,

[75] As, e.g. Himerios or. 12, 23, 24, 28, 31, 36, 38, 46 und 48, the poems of Dioscorus of Aphrodito (ed. MacCoull 1988), or Choricius of Gaza's or. 3 and 4. See further Slootjes 2006, ch. 4.

[76] Whelan 2018a and b.

[77] On the purpose and (Eastern) audience of the *Variae* see Barnish 2008, 7–22, and Bjornlie 2013 as well as Kakridi 2005, ch. 5; Bjornlie 2013, ch. 10, and Whelan 2018b on the ethics of officialdom in the *Variae*.

[78] There has been surprisingly little systematic work on the cultural history, worldview and ideology of the administrative elite in the fifth and sixth centuries; recent broader treatments include Näf 1995 with 246–257 for the East; Bjornlie 2013, 39–59; Cosentino 2015 and Begass 2018. For precedence, insignia and procedure see also Carney 1971, esp. II, 77–90, and Kelly 2004.

attention has been drawn to the question what impact Christianity had on the self-image of the administrative elite, a problem that had long been ignored.[79] But there were more, less obvious but equally important components of this emerging corporate identity. The ethics of officialdom and concomitant ideology of office as well as the resulting political theorizing is only one example of this rich area of study that is in need of more scholarly attention.

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[79] See Whelan at n. 76.

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