

Living in a Borderland

The Impact of Identity and Borderlands on Justinian's Italian Wars

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Introduction:

In 535 A.D, the Roman emperor Justinian (r.527-565) sent his general Belisarius (505-565) to fight against the Goths in Italy. Nearly twenty-years later, another general, the eunuch Narses, ended the war. This twenty-year long war drained resources from the Byzantine Empire, weakened the Italian infrastructure tremendously, and, finally, opened the Balkans to various barbarian groups such as the Slavs, the Bulgars and the Avars as well as Italy to the Lombards.¹ Through the Italian Wars, Justinian attempted to restore the old Empire but weakened the Byzantine Empire. Most importantly, immediately prior to the Italian Wars, the Goths became barbarian enemies to be fought. With the death of Ostrogothic Italy, the assimilation of barbarians into the Roman ideology had ended.²

For nearly fifty years prior to Justinian's declaration of war, the Ostrogoths, a loose coalition of ethnicities, ruled Italy. This was the longest period of time that Italy had known unhindered peace in over a hundred years. Theodoric (r.489-526), the king of the Ostrogoths, had been sent exactly for this purpose by one of Justinian's predecessors, the emperor Zeno (r.474-491), and had been recognized by the emperor Anastasius (r.491-518). For fifty years, a group of barbarians that increasingly adopted a Roman identity professionally administered Italy.

Why did Justinian choose to make the Ostrogoths enemies and attack them? Why did he invade the Ostrogothic *regnum*? Scholars originally proposed narrow sets of

¹ Walter Pohl, "Justinian and the Barbarian Kingdoms," *The Cambridge Companion to the Age of Justinian*, ed. Michael Maas (New York: Cambridge University Press, 2005), pp.448-477.

² For Imperial Policy towards barbarians see Dauge, *Le Barbare* (Bruxelles: Latomus, 1981), pp.307-380, esp. 308: "Si Rome veut survivre, et elle le veut désespérément, il lui faut absorber des masses de plus en plus importantes de barbares, et les intégrer assez vite pour pouvoir les retourner avec efficacité contre ceux de l'extérieur."

interpretations mostly derived from the Byzantine historian Procopius (ca 500-ca 565) Ernst Ernst Stein (in 1928) and then A.H.M. Jones (in 1964) stated that the death of Ostrogothic princess Amalasuntha (d 535) at the hand of her co-ruler and cousin Theodahad (d 536) was the main cause for War.³ Stein argues that Justinian had declared Amalasuntha his protégé and that her death was the *casus belli*. Jones mentions secret diplomatic meetings that took place in Italy between the Ostrogothic queen and Justinian supposedly to negotiate the surrender of Italy to the Byzantine, for a fee. There is indeed mention of this deal in the histories of Procopius.⁴ These accounts are largely unsatisfactory. For one, the logistics linked with sending an armed fleet to Sicily⁵ would largely disprove the theory of Stein, in which Justinian merely reacted to an event. Second, the negotiations between Justinian and Amalasuntha were chiefly directed at the restoration of Lilybaeum and the slaves she took as refugees.

A new reading of the causes of the war is needed. A closer look at the problem of the Italian Wars indicates that the situation was more complicated than these immediate causes would suggest. A look at the underlying causes will show that Italy was a disputed territory. Ostrogoths and Emperors both saw Italy as theirs to rule. The former had been *de facto* rulers since the demise of Odoacer in 493. The latter argued that it was theirs and that they had only delegated their authority to the Ostrogoths. Indeed, Imperial philosophy of the Byzantine emperors was inclined to posit a universal aspect of their rule, and, as we shall see Justinian took this quite literally. The arrangements between the Ostrogoths and the Roman emperors ended when Theodahad, heir to Theodoric, decided

³ Ernest Stein, *Histoire du Bas-Empire*, tr. Jean-Remy Palanque, 2nd ed, (Amsterdam: Adolf M. Hakkert, 1968), p.339; and A.H.M Jones, *The Later Roman Empire* (Oxford: Blackwell, 1964), p.274

⁴ Procopius, *The Wars*, tr. H.B. Dewing (Cambridge, Harvard University Press, 1953), pp. 31-32

⁵ Ibid, p.45

to assert his own authority independent of Imperial authority. In doing so, he then became a traitor and was treated as a usurper.

Theories developed for the study of borderlands and identity formations offer a deeper insight into the problem. Rather than focus on Amalasuntha's death as the real *casus belli*, these theories will help us show that the war grew out of problems linked with Theodoric's administration. Theodoric had made it a point to keep the administration of his *regnum* (kingdom) as neither Roman nor Gothic. However, he underestimated the potential for dissent amongst his followers and amongst Romans. Having Ostrogothic rulers in Italy was good to the emperors in the East as long as Ostrogoths pretended to be Romans; once they ceased to do this, they became barbarians in the eyes of the emperor and lost their claim to rule. The failure of Theodoric's efforts to blur the distinction between Roman and Goth is the underlying cause of Justinian's Italian Wars.

Chapter 1: Leading up to the War: A narrative of the Events from Odoacer to Theodahad

(i) A short narrative of the Events

The Greek historian Procopius starts his narrative of the Italian Wars with the deposition, in 476, of the last Roman Emperor in the West, Romulus Augustulus (ca.468-511), by Odoacer (435-493) "one of the bodyguards of the Emperor."⁶ So shall I start my narrative of the events.

A barbarian had deposed the Western Roman Emperor; but the Eastern Emperor Zeno could do nothing about it. He had to put down a rebellion provoked by his own mother-in-law, who had tried to appoint her brother, Basiliscus, emperor the same year as Odoacer's coup in the West.⁷ It took two years for Zeno to regain his throne, and even then, the situation was relatively unstable.

At this time, the Ostrogoth Theodoric, whom the Byzantines had settled in Thrace, began a migration to the northern bank of the Danube. The migration of a people and its army over several hundreds of miles was extremely disruptive, and in 489, Zeno sought to resolve both problems by sending the Ostrogothic leader to fight against the usurper Odoacer whom the Byzantine Empire had never recognized. In 493, after four years of fighting and scheming, Theodoric put Odoacer to death and became the sole master of Italy.

Theodoric ruled in Italy for the next forty years, until his death in 527. Modern scholars have seen Theodoric's administration of Italy as an attempt to incorporate Goths

⁶ Procopius, *The Wars* V.I, p.5.

⁷ Malalas, *Chronicle* XV.2, tr. Elizabeth Jeffreys, Michael Jeffreys, Roger Scott (Melbourne: Australian Association for Byzantine Studies, 1986), p.209.

as well as Romans under the rule of law. Theodoric named this policy *civilitas*.⁸ While in the early years of his reign this policy appeared to function, increasingly, Goths became weary of the Roman habits their king forced them to adopt, especially as second-generation Goths increasingly looked to their roots as Gothic, not Roman.

The end of Theodoric's reign brought conflict between the Roman rulers and their Gothic masters. The deaths of the Senators Boethius and his father Symmachus in 527 show the extent of the failures of the policies of Theodoric. He thought that, through his rule, he would attach the loyalties of Romans and Goths alike. In fact, if Goths still had some allegiance to him, Romans clearly saw that their allegiance lay with the Senate and not the Gothic king. After summarily conducted trials, Theodoric put Boethius and Symmachus to death and confiscated their estates.⁹ He died shortly after this trial, leaving the rule to his infant grandson Athalaric.

Athalaric could not rule on his own, and thus, the Goths recognized his mother, Theodoric's daughter, Amalasuntha as regent. She ruled until her own death in 535. She attempted to follow in her father's footsteps, and enhanced the rule of law tremendously. She even sought to incorporate Goths into Roman administration when she nominated the Goth Tuluin to become Patrician as well as generalissimo of the Italian armies.¹⁰ It was her overt policy to push towards an increased Romanization of the Goths, to which they responded rather unfavorably. She was the victim of at least three coups between 527 and 535, in response to which she executed some Gothic notables, among which the General

⁸ Herwig Wolfram, *History of the Goths*, tr. Thomas Dunlap (London: University of California Press, 1988), p.290.

⁹ Procopius, *Wars* V.1, p.13.

¹⁰ Cassiodorus, *Variae* VIII.9-12, tr. Thomas Hodgkin (London: Henry Frowde, 1886), pp.352-358. Since I will use both the translation of Hodgkin and of Barnish, the default translation will be Barnish's. When I use the Hodgkin translation, I will add "Hodgkin" at the end of the citation.

Justinian.¹¹ Her power was invariably weakened, and when her son died in 534, she persuaded her to associate a man with her rule. She appointed Theodahad, her cousin. As soon as Theodahad took on the throne, he made himself the champion of the Gothic cause. Eventually, with the support of Goths, he imprisoned and subsequently strangled Amalasuntha.

Amalasuntha, while regent, had taken a step toward rapprochement with the Byzantine Emperor Justinian. As she feared a conspiracy, she sent the royal treasure to Epidamnus (in modern day Albania) to keep it safe from the Goths, while asking if she could have asylum in Constantinople should the need arise. Justinian arranged for the transporting of the treasure, and arranged for one of his palaces in Epidamnus to house her (ca. 527).¹³ Despite a few disputes over the province of Lilybaeum (ca. 534),¹⁴ she managed to entertain cordial relations with Justinian. In 535, Procopius reports that Justinian's envoy Peter protested Amalasuntha's incarceration and death, arguing that there would be "war without truce" between Goths and Byzantines. Amalasuntha's death provided the spark Justinian needed to go to war in Italy.

(ii) Italy as a Borderland from 476 to the Time of Theodoric

It becomes important to understand what is a borderland, and what living in a borderland entails. In its simplest meaning, a borderland is "a region in one nation that is significantly affected by an international border."¹⁵ Applying this exact definition to the case of Italy in 476 would be anachronistic; the concepts of "nation" and "international"

¹¹ Procopius, *Wars* V.2-4, pp.15-43; see also Peter Heather, *The Goths* (Oxford: Blackwell, 1996), p.261.

¹² Ibid, V.4, p.35.

¹³ Ibid, V.2, pp.21-23.

¹⁴ Ibid, V.3, p.29.

¹⁵ Michael Baud, "Towards a Comparative History of Borderlands," *Journal of World History* 8:2 (Fall, 1977), 211-42. p.216.

are relatively modern constructs that were absent in the world of the fifth century. Italy up until the late nineteenth century was not a nation. But historians and anthropologists have used the concept of 'borderlands' more broadly to indicate a region where different groups-ethnicities religions, cultures-have accommodations with each other. In the time period we are concerned with, Italy exhibited the characteristics of the borderland, namely inter-ethnic contact, and ethnic boundaries.¹⁶ From 476 to 535, Italy was a politically disputed area in which Romans were coming in direct contact with Goths, and both needed each other to succeed.

One key aspect of the Borderland is the presence of a border. But borders are political constructs, that can be very different from the actual reality.¹⁷ When, in 476, Odoacer deposed the last Emperor Romulus Augustulus, he took on the official role of regent for the Eastern Emperor,¹⁸ implying that Italy was still within the territorial construct of the Roman Empire, an abstract concept at odds with the reality that Italy was an independent entity under Odoacer. Despite the legal fiction, contemporary historians and chroniclers were aware of the reality. For instance, Procopius argued that Odoacer was more of an independent ruler than a regent.¹⁹ If Odoacer really were a regent, then he would have had to comply when Zeno asked him to facilitate the return of Nepos, who was, in the Emperor's eyes, the legitimate ruler of the Western Empire.²⁰ This Odoacer did not do. Therefore, the accession of Odoacer to kingship in Italy allowed for a very strange boundary to be drawn: if Italy was still within the construct of the Empire, it was an autonomous entity, and its ruler was Odoacer.

¹⁶ Frederik Barth, *Ethnic Groups and Boundaries* (Boston : Little, Brown and Company, 1969), pp.11-17.

¹⁷ Michael Baud, "Towards a Comparative History of Borderlands," p.211.

¹⁸ Malchus, tr. R.C. Blockley (Liverpool : F. Cairns, 1981-1983), *Testimonia* XIV.3.

¹⁹ See footnote 8.

²⁰ Malchus, *Testimonia*, XIV.3, p.421.

The death of Nepos in 480 did not alter the fact that Odoacer was still an illegitimate ruler in Italy. Zeno could not personally intervene in Italian affairs. His primary concern was with the Eastern Empire,²¹ as indicated by his need to delegate authority, whether through Nepos or Theodoric for ruling in Italy. So in reality, was Italy still a part of the Roman Empire, or did it belong to the barbarians? At the center of this question lies the problem linked with Justinian's wars.

Italy, once the center of the Roman Empire, had become a borderland. Zeno was, in all likelihood, unsure about what the wisest course of action with regards to Odoacer was. On the one hand, Odoacer was a usurper. On the other hand, the situation at home was too precarious for Zeno to be able to launch a large scale offensive against Italy. Indeed, in 476, Zeno had just put down a revolt that led him back to Isauria²² before he could retake the throne with the help of a Goth, Theodoric, who we would later know as Theodoric the Great.

(ii) The Goths in Italy

Zeno decided to allow Theodoric and the Ostrogoths to move to Italy and settle there. Modern scholars have debated whether or not Theodoric had an imperial mandate. What is clear is that Zeno allowed the move, whether the Gothic king was on an imperial mission or not. In permitting the move, Zeno further transformed Italy into a borderland in that Italy would become the ground for cultural assimilation and appropriation.²³ While Odoacer was king of the barbarians, he had an unknown ethnic background, and

²¹ W.H.C Frend, "Old and New Rome in the Age of Justinian," *Relations between East and West in the Middle Ages*, ed. Derek Baker (Edinburgh: Edinburgh University Press, 1973), p.16.

²² Zeno's province of origin, in Asia Minor.

²³ See note 17.

his following included a federate army without a clear ethnic identity.²⁴ Theodoric's Goths, by contrast, were a people that had some ethnic and cultural links by virtue of their connection with the ruling Amal family and shared Scythian practices acquired during their time as members of the Hunnic confederation.²⁵ Still, the Goths of Theodoric were by no means a nation, and those common traits uniting them were not by any means strong bounds. They were a loose confederation of tribes, that most likely came in the Roman Empire after the disintegration of the Hunnic Confederacy.²⁶ The looseness of the Goths was more striking in that, at the time of Zeno, there were two tribes, one ruled by Theodoric, the other by Theodoric Strabo.²⁷ These tribes were independent, and often fought one another for Imperial recognition.²⁸

As Theodoric succeeded in his invasion of Italy, his army then proceeded to proclaim him king.²⁹ This proclamation occurred in 493, after the death of Odoacer and two years after the death of Zeno. Zeno's successor Anastasius refused to recognize Theodoric's rule, until 498, when he returned the imperial regalia to Theodoric.³⁰ Theodoric's rule in Italy lasted until his death in 526. In many regards, Theodoric could not blend Romans with Goths. His policy, *civilitas*, provided for cultural exchanges to

²⁴ Procopius, *The Wars* V.1, p.5; see also dealing with the ethnicity of Odoacer Herwig Wolfram, *The Roman Empire and its Germanic Peoples*, pp.183-185: he shows quite forcefully that Odoacer had a mixed origin (Scythian? Hunnic?) and that the federate army was not an ethnic entity.

²⁵ Herwig Wolfram, *History of the Goths*, p.257.

²⁶ On this problem, see Thomas Burns, *The Ostrogoths* (Wiesbaden: Franz Steiner Verlag GMBH, 1980), Peter Heather, *The Goths*, and Herwig Wolfram, *History of the Goths*.

²⁷ Not much is known of Theodoric Strabo. We just know that he was king of his people, however not part of the ruling Amal family. See PLRE vol.2, p.1073.

²⁸ See Malchus, *Testimonia*, XV.4, p.421.

²⁹ Procopius, *The Wars* V.I, p.7.

³⁰ Odoacer, in 476, had sent the Imperial regalia to Zeno. See Wolfram, *History of the Goths*, p.284.

take place in a controlled environment: he meant for Goths to imitate the Romans, not the contrary.³¹

With Theodoric, new identity problems were raised about the nature of the Italian state: was it Roman or Gothic? His successors Athalaric, Amalasuntha, and Theodahad failed to resolve the problems set before them. Athalaric was a young man, thus Amalasuntha took care of the kingdom as regent.³² She had to deal with a revolt of nobles that required her to abandon her pro-roman policies, especially when it came to the education of the young king. They required him to have a more gothic education.³³ Theodahad later murdered her and assumed the title of king of the Ostrogoths. This murder was the direct consequence of tensions between Goths and Romans. Justinian, Procopius tells us, used this event as the starting point of his war in Italy, as revenge for his protégé.³⁴ Clearly, therefore, one must look carefully at the problems linked with Gothic administration of Italy.

³¹ See below, note 88.

³² Procopius, *The Wars* V.II, p.15.

³³ Ibid, p.17.

³⁴ Ibid, V.4 ,p.41.

Chapter 2: The Italy of Theodoric, Maintaining the Character of the Boundaries

In 489, Theodoric was getting ready for his invasion of Italy. His Goths, as I mentioned above were not a unified group; in fact, they were lacking cohesion. As he lay waiting on the bank of the Isonzo river, a natural border of Italy, for his scattered people to arrive, the author of the *Anonymous Valesianus* describes Theodoric as using time “to reflect and ponder what lay before him.”³⁵ Theodoric took to the grave what he was thinking at that time, but one can imagine that he had much to contemplate: first, the conquest of Italy, then should he be successful, how it would be administered.

Theodoric had to deal with two very different cultures and traditions in Italy. One, the Romans, had an ancient tradition both in government and in identity that went back to the founding of Rome in 753 B.C. The other, the Goths, had a more recent origin, and were a loosely created amalgam of various ethnicities, and thus had very diverse traditions.³⁶ Their claim to Italian territory was a recent one and largely based on military success. Both traditions were different, and thus creating a system of government that would fit both was challenging. Theodoric’s solution, namely that Goths and Romans would live together, peacefully under the rule of law (*civilitas*), however not mixing the races or their respective administrations, failed to properly address the issue of Germanic and Roman identities. Incidents between the two ethnicities were inevitable, and if the character of Theodoric kept the system working, his successors, Amalasuntha and

³⁵ As quoted by Thomas Burns, *A History of the Ostrogoths* (Bloomington: Indiana University Press, 1984), p.67.

³⁶ For details, see the works of Herwig Wolfram, esp. *History of the Goths*; Peter Heather, esp. *The Goths*.

Themselves were hardpressed to find solutions to the mounting discrepancies between Goths and Romans

(i) Roman Attitudes Towards Barbarians

Such dissent between Goths and Romans arose from the fact that Romans categorized Goths as barbarians. In the Roman lexicon, the barbarian was the "opposite of the Roman."³⁷ The main characteristics of the barbarian in Late Antiquity were cruelty, wildness, savagery, inhumanity, impiety, ferocity, fury and discord.³⁸ In other words, the barbarian was a mindless person, whose innate characteristics rendered him prone to chaos. The barbarian is only delivered from this beastly state if he is under the rule of a superior, civilized empire.³⁹

Linking the barbarians pre-disposition to chaos implies that barbarians are unable to accept the rule of law. Their own wildness, savagery and cruelty are completely antagonistic to the Roman value that one summarized in the word *ius*.⁴⁰ Late Antique thinkers and philosophers saw law as "the art of knowing what is good and fair."⁴¹ Ferocity, meant "destructive and unbalanced anarchy,"⁴² or lawless rule.

Authors of Late Antiquity such as St Augustine and Priscus confirm the dichotomy between barbarian identity and Roman identity. When St Augustine described

³⁷ Peter Heather, *The Goths*, p.222.

³⁸ See Ralph W. Mathisen, "Violent Behavior and the Construction of Barbarian Identity in Late Antiquity," *Violence in Late Antiquity: Perceptions and Practices*, ed. H. A. Drake (Aldershot: Ashgate, 2006) forthcoming June 2006; for a more detailed description, see Y.A Dauge, *Le barbare: recherches sur la conception romaine de la barbarie et de la civilization*, pp.413-449.

³⁹ Y.A Dauge, *Le barbare: recherches sur la conception romaine de la barbarie et de la civilization*, pp.436.

⁴⁰ *Ius* embodies the concept of law, from its abstract concepts such as justice to the expression of law and jurisprudence. For Romans, laws "are not established for individuals but for general purposes" (Digest 1.3.8), and the definition of a jurist given by Ulpian (Digest 1.1.1) requires a great amount of reason and discipline, something a barbarian could not do.

⁴¹ Justinian, *Digest*, 1.1.1, quoting Ulpian.

⁴² Y.A Dauge, *Le barbare: recherches sur la conception romaine de la barbarie et de la civilization*, pp.429.

the sack of Rome by the Visigoths in 410 A.D, he spoke of "bloodthirsty enemies," acting in a "frenzy of butchery."⁴³ By contrast, Priscus, responded to criticisms of the Roman state by a Greek in the entourage of Attila, one can oppose the mindless chaotic rage of the Visigoths with the wisdom of the men "who formed the Roman polity." Whereas the barbarians act in "frenzy," in the Roman polity, "things should not be done haphazardly."⁴⁴ In Priscus, the very nature of the Roman state is order. Consequently, while the companion of the barbarian is unchecked chaos, the Roman is ever controlled, setting order above chaos, the state over anarchy.

As a Goth by birth, Theodoric was vulnerable to these same charges. The Byzantine chronicler Marcellinus Comes mentions that "the same Sabianus warded off Theodoric, who was ranting madly in Greece, by shrewdness rather than manliness."⁴⁵ In this account, Marcellinus Comes deprived Theodoric of his *virtus*.⁴⁶ In his chronicle, the emphasis is on Theodoric's barbarity rather than his *romanitas*. In order to rule a Roman state, Theodoric had to strip himself of his barbarian robes and put on the roman garb.

(ii) Theodoric and *Romanitas*

The problem of Theodoric is that of any rulers in a borderland. The right balance is not easy to find and seldom attained. Thus, remaining a barbarian would be dangerous for Theodoric and his successors. It would imply direct confrontation with the Romans, and by extension, the Emperor; Theodoric would, in any case, not have been in any position to directly confront the Roman Empire, but his desire to project a Roman image

⁴³ St Augustine, *City of God*, tr. Henry Bettenson (London: Penguin Books, 1972), I.1, p.6.

⁴⁴ Priscus, tr. R.C Blockley, *The Fragmentary Classicising Historians of the Later Roman Empire*, pp.269-271.

⁴⁵ Marcellinus Come, *The Chronicle of Marcellinus*, tr. Brian Croke (Sidney: Australian Association for Byzantine Studies, 1995), p.27.

⁴⁶ *Virtus* Roman concept, closer translation would be manly strength. A verbatim translation of *Ingenio Magis* yields great genius.

gone far beyond a survival need. Having spent his youth in Constantinople, Theodoric understood that as king of the Goths, he was entitled to confrontation with the Emperor. Not as a mandated ruler of Italy, he had to align himself with the policies of the emperor. He did this in two ways, first through his propaganda-including buildings and writings-and second through his own administration.

There is little documentation on the buildings of Theodoric at Ravenna, and most of our information comes from archeological records. Nevertheless, Theodoric's attitude was fundamentally different in Rome and in Ravenna. When in Ravenna, Theodoric sought to recreate Constantinople, in Rome he strove to restore lost buildings. In Ravenna, Theodoric pictured himself as a new Emperor. One can see attempts at appropriating Imperial Majesty in the buildings that Theodoric erected. The Italian palaces imitated the Imperial palace in Constantinople. The mosaics of Theodoric at San Appolinare Nuovo is an example of his efforts to rebuild Byzantine civilization in Ravenna. He wanted the magnificence of Constantinople for himself and in the same way he depicted himself as an emperor. Indeed, there are striking resemblances between the mosaic of Theodoric at San Appolinare Nuovo (image a), with the mosaic of Justinian at San Vitale (image b) so much that scholars restored it as though it was a mosaic of Justinian, when, in all likelihood, it is a mosaic of Theodoric.⁴⁷

⁴⁷ Peter Heather, *The Goths*, pp.223-224.



Image a.



Image b.

On Theodoric's mosaic, the name Justinian was added later. The appropriation of imperial ideology could not have escaped the Roman aristocracy. Whether Theodoric tried to recreate Constantinople in Ravenna out of candid and even childish imitation or to fulfill imperial designs, there is no doubt that through his works in Ravenna, he tried to elevate the Goths past the status of barbarian to be accepted as part of Rome.

Theodoric further tried to integrate his Goths in the Roman world first by rebuilding Rome and then by having his quaestor of the palace (*Palatii Quaestor*) Cassiodorus endow his people with a noble past in the *Origo Getica*. In Rome, Theodoric did not build anything new. Ecclesiasts patronized most of the buildings of the late fifth, and early sixth century.⁴⁸ Nevertheless, there was work to be done, especially in restoring the old monuments of Rome. In his letter to Sabianus, the State Architect of Rome, Theodoric argued that he “has conferred long lasting youth upon their [Past Princes] building, ensuring that those clouded by old age and decay shall shine out in their original freshness.”⁴⁹ The goal of Theodoric's rebuilding of Rome was to restore its splendor, and to make it clear that Goths not Romans were responsible. Theodoric is following in the

⁴⁸ John Moorhead, *Theodoric in Italy* (Oxford: Clarendon Press, 1992), p.141.

⁴⁹ Cassiodorus, *Variae* I.25.3, tr. S.J.B Barnish (Liverpool: Liverpool University Press, 1992), p.18.

tradition of the great builders such as Trajan, Hadrian or Constantine. These great princes of old would now be in debt to the Ostrogothic Prince. He spoke of Rome's "special glory" and "earthly distinctions" in a letter to the emperor Anastasius.⁵⁰ These projects were visible tributes to the Ostrogothic royal authority.

He also used more subtle ways of propaganda. He commissioned the now lost work of Cassiodorus. Fortunately, Jordanes, a sixth century Byzantine scholar saved a summary of the massive work concerning the origins of the Goths. These Goths are Germanic in origin, as Cassiodorus traces the roots of the Amal family to the king Ermenaric, who, to the Romans, was a "warlike king whose many heroic exploits had made him a terror to his neighbours."⁵¹ Having such an illustrious ancestor enhanced the prestige of the Amals. Furthermore, it played into the trend of Roman aristocrats who tried to trace their own lineage to classical antiquity. The emperor Constantine himself claimed, in 310 A.D that he descended from the emperor Claudius II. Just as the Roman emperor descended from an illustrious military emperor, Theodoric descended from a famous king.⁵² This added to the legitimacy of the Amal, as ruler of the Goths and of the Romans, since the *Origo Getica* made the Goths a part of well-known events from the Graeco-Roman past.⁵³

(iii) Theodoric and Constantinople

An edict of Theodoric against Senatorial abuses⁵⁴ showed that he was aware that he was the sole ruler of Italy in that the king, not the emperor, will deal with appeals in

⁵⁰ Cassiodorus, *Variae* II.1, p.25.

⁵¹ Ammianus Marcellinus, *The Later Roman Empire*, XXXI.3.1, tr. Walter Hamilton (London: Penguin Books, 1986), p.415.

⁵² Claudius II was the only emperor to be named *Gothicus*, or victor over the Goths.

⁵³ Peter Heather, "Cassiodorus and the Rise of the Amals," *Journal of Roman Studies* 79 (1989), pp.109-110.

⁵⁴ Cassiodorus, *Variae* II.25.3

such cases. Throughout the fifth century, the emperor became a distant figurehead, increasingly alien to the reality of the Western Empire.⁵⁵ Theodoric did not have to be deferential towards the Eastern Emperor. The Visigothic king Euric (r. 466-484) broke with Constantinople and remained in power, and retained the support of Romans such as the sons of Paulinus of Pella.⁵⁶ Italy was not so different from Gaul; therefore, deference towards the Roman Emperor in Constantinople was not a necessity, but through knowledge of protocol, Theodoric expressed his *romanitas*.

Thus Cassiodorus opens his *Variae* with a letter of Theodoric's to the Emperor Anastasius with clear marks of deference:

Therefore, most pious of princes, it accords with your power and your glory that we who have already profited by your affection should seek concord with your Empire. You are the fairest ornament of all realms; you are the healthful defense of the whole world, to which all other rulers rightfully look up with reverence, because they know that there is in you which is unlike all others: we above all, who by Divine help learned in your Republic the art of governing Romans with Equity.⁵⁷

Anastasius, in the letter is the "fairest ornament of all realms," and very importantly, "rulers rightfully look up" to him "with reverence." In this letter, Theodoric puts himself and his government below that of the Roman emperor since his authority and model of rule are derived from the emperor. True, such phrases were conventions in imperial correspondence, and these, moreover, were written for Theodoric by Cassiodorus. Still it is significant that Theodoric chose to subscribe to this etiquette. Certainly, an emperor would have noticed their absence. Why, being aware of his undisputed authority in Italy,

⁵⁵ C.E.V. Nixon, "Relations between Visigoths and Romans in Fifth-Century Gaul," *Fifth Century Gaul: A Crisis of Identity?*, ed. John Drinkwater and Hugh Elton (Cambridge: Cambridge University Press, 1992), p.74.

⁵⁶ Ibid, p.73.

⁵⁷ Var I.1, p.141. Hodgkin.

was Theodoric subscribing to Imperial convention, displaying proper deference? Both his childhood as a hostage in Constantinople and the prestige he could derive from Imperial recognition are the reason for respecting the emperor.

Having spent his childhood in Constantinople, from age seven to eighteen as a guest of the imperial family,⁵⁸ Theodoric had been exposed to the propaganda that the city of Constantinople had to offer. Constantinople, the metropolis of the East, was very cosmopolitan, with caravans from the east bringing various kinds of refined gifts, such as silk and spices, to Constantinopolitans.⁵⁹ Growing up in such a world, Theodoric had access to products that his Goths had never seen.

Constantinople was also a city built, to some extent, to enhance the prestige of the Emperor. When he first walked into the majestic city, the Goth Athanaric is said to have exclaimed: "A god, without doubt, a God upon earth is the Emperor of this realm, and whoso lifts his hand against him, that man's blood be on his head."⁶⁰ Athanaric was a king, Theodoric was a young prince and therefore even more impressionable. The city was littered with signs of Imperial propaganda. One example would be the obelisk of Theodosius, which pictures the emperor majestically bequeathing the traditional laurels to the victor of a chariot race. The Golden Gate, situated at the entrance of Constantinople, was a testimony to Theodosius II's victory against the usurper John.⁶¹ Furthermore, Imperial triumphs were meant to leave a lasting impression upon the

⁵⁸ Jordanes, *Getica*, pp.86-90

⁵⁹ As quoted by Hodgkin, *Theodoric the Goth*, p.46.

⁶⁰ Ibid, p.38

⁶¹ Jonathan Bardill, "The Golden Gate in Constantinople: A Triumphal Arch of Theodosius I," *American Journal of Archaeology* 103:4 (Oct 1999), p.671.

population as were the lavish chariot races.⁶² As a guest of the Imperial family, Theodoric was exposed to such displays of grandeur wherever he turned.

Having been exposed, as a child, to Constantinople's many tributes to Imperial prestige, Theodoric had been fully aware of the authority an emperor could confer upon his delegates. As king of the Ostrogoths, he lacked the prestige of an Augustus. There were no arches built in his honor when he conquered Italy. There was not, when he died in Ravenna, any living testament to the glory of the Ostrogothic kingship. This lack of prestige could also be one reason Theodoric declared himself *rex* instead of *Augustus*.⁶³

Rex had a double meaning: it was the traditional title of the Gothic king. It was considered a title, and just as Romans felt a sense of superiority over barbarians, so the emperor could feel superior to a barbarian *rex*. Yet even if Theodoric would have preferred a Roman title, he could not forget his real power base, the one that helped him conquer Italy, the Gothic army. It was the Gothic federate army that granted Theodoric his kingship, a title he had inherited by birth from his father.⁶⁴ Consequently, the title of *rex* that Theodoric uses throughout the *Variae* carried a double meaning: it recognized the Gothic army as a key support in the rule of Theodoric, and at the same time, showed the emperor that he accepted a subservient position. It is also worthy pointing out that being "king of the Romans" would have "been repugnant to Roman ears."⁶⁵

(iv) Theodoric and the administration of Italy

⁶² For Imperial Triumphs, see Michael McCormick, *Eternal Victory* (Cambridge: Cambridge University Press, 1986), pp.189-230, esp. 207: "The triumph procession constituted a treat for the beleaguered nose as well as the eye."

⁶³ Procopius, *The Wars*, V.1, p.11.

⁶⁴ See Herwig Wolfram, *History of the Goths*, p. 284; John Moorhead, *Theoderic in Italy*, p.39; Michael McCormick, *Eternal Victory*, p.269.

⁶⁵ John Moorhead, *Theoderic in Italy*, p.49.

Theodoric ruled in Italy through a system, which he dubbed *civilitas*: the legal and economic coexistence of Romans and foreigners under the law.⁶⁶ He administered Romans and Goths in this way in that he maintained separate administrations for each ethnic constituency of his kingdom. The Senate ruled over the Romans, and the *comitatensis* (Royal council of the Goths) ruled over the Goths. Such a system allowed Theodoric to enhance his *romanitas* in his administration with the Romans, all the while maintaining credibility with the Gothic army.

Theodoric worked to place himself in the imperial tradition reflected in the works of the fourth century historian Ammianus Marcellinus and of the sixth century bureaucrat John the Lydian to “reconcile the republican origins of Roman freedom and the consolidation of power under the emperors.”⁶⁷ A good Roman administrator would work with the Senate and also, and more importantly, within the law.

Theodoric, like the *princeps*⁶⁸ of the past, attempted to work with the Senators. The *Variae* provide ample evidence for the protocol Theodoric used. He addresses the Senators as “fathers of the Senate” and told Senators that “an assembly of such offices is an honor to the ruler.”⁶⁹ His apparent deep respect for the Senatorial office can be viewed as an attempt by Cassiodorus to inscribe Theodoric with Roman tradition. Even though these were, in all likelihood, traditional marks of protocol, Theodoric’s choice to maintain this tradition remains important. Furthermore, the cooperation between Theodoric and the Senate was real.

⁶⁶ Herwig Wolfram, *History of the Goths*, p.296, see also Patrick Amory, *People and Identity in Ostrogothic Italy*, p.43.

⁶⁷ Charles F. Pazdernik, “Justinianic Ideology and the Power of the Past,” *The Cambridge Companion to the Age of Justinian*, ed. Michael Maas (New York: Cambridge University Press, 2005), p.187.

⁶⁸ Traditional title by which the Roman Emperors, until Diocletian (245-312) called themselves

⁶⁹ Cassiodorus, *Variae* I.4.1.

While Theodoric appropriated for the royal office the privilege of appointing people to Roman offices, he nevertheless sought the approval of the Senate. In the case of a man, Decoratus, whom Theodoric appointed Quaestor, he justifies the appointment in a letter to the Senate in which he tells Senators that "his triumphs were frequent and deserved." Perhaps Decoratus's best quality was that "he brought the spirit of a judge to the lawyer's bench."⁷⁰ The listing of the qualities of Decoratus only ensured that the Senators knew that the man had prestige through the triumphs and the qualities of the lawyers. But Theodoric makes it clear that he made the appointment not the Senators, when he tells the Senate that: "we raise to the dignity of the Quaestorship [Decoratus]." The king made an unambiguous statement about the author of the appointment.

Theodoric also showed his commitment to the rule of law through his condemnation or praise of Senatorial incentives. In one instance in the *Variae*, Theodoric praised a certain patrician Decius who "compelled by love for the commonwealth [...] has promised to drain the marsh of Decemnovium."⁷¹ In the same letter, he urges the Senators "to whom it is natural to assist a good intention by helpful ordinances" to set an example for others of the conduct they ought to follow; in this case, they ought to follow the example of Decius and send men to help drain the marsh.⁷² He reminds the Senators of their natural duty, which gives the sense that they have forgotten that the role of the Senate, according to Theodoric, is to pass laws that benefit the commonwealth, not themselves.

Theodoric also worked to make himself an example to follow. In this specific case, Theodoric caught wind that senatorial families had paid little or nothing, and put the

⁷⁰ Cassiodorus, *Variae* V.4.1.

⁷¹ Ibid, II.32.2.

⁷² Ibid, II.32.4.

weight of the taxes on the poor.⁷³ He orders the Senators to restore their due to the state, as they "owe the state an effort equal to my own."⁷⁴ Furthermore, to supplement this wish, Theodoric passed a law through which all, even the poor, can appeal to him for justice in cases of abuse.⁷⁵ Theodoric used this law to show the Senators that they were bound to his *regnum* and must abide by his rule.

It would be wrong to presume that Theodoric systematically opposed the Senate as, even in Late Antiquity, the Senate was still a major vehicle of *romanitas*. According to Theodoric, the Senate had "bestowed a rule of life on the people," and most importantly "taught their subject to obey justice gladly in all its parts."⁷⁶ Consequently, to Theodoric the Senate was the source of justice, jurisprudence and law. To oppose the Senate on a systematic basis would be oppose the rule of law, to oppose the very meaning of *romanitas*: doing so would be equivalent to embracing the barbarian identity.

Theodoric's commitment to the rule of law is best illustrated by a comment he made to Symmachus when he asked him to judge a young man by the name of Romulus, whom people accused of having killed his father. Theodoric chose Symmachus because he is "incapable of sparing the savage, since it is a kind of piety to punish those shown to have taken part in evil deeds against the law of nature."⁷⁷ This Romulus was a Roman, and yet Theodoric called him a savage. Thus, Theodoric made the term barbarian more universal. It no longer designated an alien entity, but Romans could be barbarians too. Similarly, he made *romanitas* independent of Italy, and even of being a citizen of the empire. If a citizen, like Romulus, breaks the law of nature, he is deemed barbarian just

⁷³ Ibid, II.24.2,3.

⁷⁴ Ibid, II.24.3.

⁷⁵ Ibid, II.25.3.

⁷⁶ Ibid, II.24.1.

⁷⁷ Ibid, II.14.5.

like the Goths of St Augustine.⁷⁸ Theodoric broke the link that tied Goth and barbarian by including Romans in the set. In the Italian *regnum*, being a barbarian was a matter of attitude rather than membership in a certain ethnic group.

If Romans could also become barbarians, Theodoric set Romans and Goths on the same, equal basis. He nevertheless maintained the separation between the two ethnicities. In the case of the fortification of Detrona, Theodoric addressed his letter to "all the Gothic and Roman inhabitants of Detrona,"⁷⁹ clearly showing that he considered Goths and Romans to be separate people; otherwise, he would probably would just have written "to the inhabitants." Nevertheless, they were to work together. Problems linked with safety concerned Goths and Romans alike:

private houses, in which you will be sheltered, while the enemy will be in the worst possible quarters, and exposed to all the severity of the weather.⁸⁰

Therefore, the safeguard of the commonwealth was one example that required the cooperation of Goths and Romans.

Theodoric created a Gothic administration for concerns were of a military nature, as well as for dealing with affairs of the Goths. There were four orders of nobility in the council of the Goths (*comitatus*): the *Comes Primi* (Count of the First Order), the *Saio* (usually a messenger of royal authority), the *Comes Gothorum* (Counts of the Goths) and the *Duces* (Dukes). All these offices save for the *Saio*, who had a relatively transcendent role in the administration, involved some kind of military duty. Distinctions between

⁷⁸ See above, note 45.

⁷⁹ Cassiodorus, *Variae* I.17.

⁸⁰ See above note 82, see also See Thomas Burns, *The Ostrogoths*, p.113.

them are irrelevant to this paper; the point is that they were operating independently from the Roman administration, even if they sometimes cooperated with it.⁸¹

The *exercitus gothorum* (army of the Goths) was one constituency Theodoric did not fail to recognize, as it would have been suicide, since it was the basis of his rule, the main military force in Italy.⁸² The *comitatus* was primarily a military council, since all its members, as we have seen, had some sort of military command. Furthermore, despite Theodoric's attempts at appearing Roman, he still maintained Gothic physical attributes so as to not anger the army. Artifacts show the king with the closely trimmed mustache of the Goths, and a strong, un-Roman head of hair.⁸³ Neither Goths nor Romans could ignore such signs of Gothic identity.

Maintaining Gothic attributes should not divert our attention from the fact that Theodoric's rule was definitely pro-Roman. The Goths were to imitate the Romans and not the contrary.⁸⁴ If some Goths were able to exercise power over the Romans in extraordinary cases,⁸⁵ Romans had a monopoly over the high positions of power.⁸⁶ Consequently, during the early reign of Theodoric, Ostrogothic power was expressed mostly through the *comitatus*.⁸⁷

(v) Mounting Dissent

Theodoric's administration failed. His pro-Roman policies led to divergent views with Ostrogothic nobles over the role of the army. Roman Senators also never quite fully saw Theodoric as their master. While Theodoric made conscious efforts to become a

⁸¹ Thomas Burns, *The Ostrogoths*, pp.115-117. The only aspect worth mentioning is that the *duces* were the military leaders (p.117); see also Herwig Wolfram, *History of the Ostrogoths*, pp.290-295.

⁸² McCormick, *Eternal Victory*, p.269.

⁸³ Herwig Wolfram, *History of the Goths*, p.289.

⁸⁴ *ibid.*, p.290.

⁸⁵ See John Moorhead, *Theodoric in Italy*, pp.73-75.

⁸⁶ See Procopius, *The Wars*, p.341.

⁸⁷ Thomas Burns, *History of the Ostrogoths*, p.107.

princeps senatus. Senators saw their allegiance as lying with the Senate and not Theodoric. Disputes between the Senate and the king culminated with the trial and condemnation of Symmachus and Boethius in 526.

Ostrogoths were a minority, but a powerful one. Ostrogoths were strategically settled around Ravenna, in such places as Ascoli, Piceno and Ancona in central Italy, Milan and Pavia in Northern Italy, and Reggio, Emilia and Parma South of the Po.⁸⁸ Romans were far from Ravenna, leaving Theodoric amidst his own people. The presence of the Goths in and around Ravenna can be equated with the presence of armed troops around the center of power of Theodoric, thus being able to put pressure (as well as defend) on the government. These Goths sometimes caused damages during peacetime, as for instance in the case of the town of Montanarius, leading Theodoric to compensate the inhabitants of the town with 1,500 *soldidi*.⁸⁹ From a letter Theodoric wrote to his soldiers, it would appear that movements of the Gothic army sometimes led to sack and destruction:

The presence of the Sovereign doubles the sweetness of his gifts, and that man is like one dead whose face is not known to his lord. Come therefore by God's assistance, come all into our presence on the eighth day before the Ides of June, there solemnly to receive our royal largesse. But let there be no excesses by the way, no plundering the harvest of the cultivators nor tramping down their meadows, since for this cause do we gladly defray the expense of our armies that *civilitas* may be kept intact by armed me.⁹⁰

This letter indicates that there was a divergence in the way the Ostrogoths and Theodoric saw the role of the army. Theodoric saw the *exercitus gothorum* (army of the Ostrogoths)

⁸⁸ Peter Heather, *The Goths*, p.238; John Moorhead, *Theodoric in Italy*, p.68.

⁸⁹ Cassiodorus, *Variae* II.8, p.26, dated 508 by Barnish.

⁹⁰ Ibid V.26, p.280, Hogdkin.

as keeper of the peaceful cohabitation of Goths and Romans: as guardians of civilization. The Goths themselves did not see such a noble aspect to their presence, and still plundered Roman settlements when they were on the move. Goths and their commanders allowing such plunders were defiant of Theodoric's policy of coexistence; they could sack Roman towns regardless of Theodoric's wishes.

Goths were not the only ones to contest the rule of Theodoric. Aristocratic Romans too became increasingly unruly. Men close to the king, like Boethius, became involved in plots against Theodoric. Boethius was indeed very close to Theodoric. Theodoric used him as a propagator of Roman civilization to the other barbarian kingdoms of the West. In the year 506, Theodoric had asked Boethius to send to Gundobad, the king of the Burgundians "one time piece which is regulated by a measured flow of water, and one whose nature it is to receive the light of the mighty sun together with those who can operate them."⁹¹ He asked Boethius to help him because he was "clothed in your [Boethius's] great learning."⁹²

Theodoric held Boethius in high esteem. In that same letter, he mentions that Boethius had "entered the school of Athens," and translated ancient philosophers such as Pythagoras, Ptolemy, Nichomachus and Euclid.⁹³ Furthermore, Theodoric wrote Boethius in asking him to find a lyre player for king Clovis because Boethius was skilled in musical knowledge.⁹⁴ While Cassiodorus let his penmanship loose in this letter, it is important to note that Theodoric did support the educated Roman elite, and among them, Boethius.

⁹¹ Cassiodorus, *Variae* I.45.2, p.20.

⁹² Ibid, I.45.3, p.20.

⁹³ Ibid, I.45.3,4, pp.20-21.

⁹⁴ Cassiodorus, *Variae* II.40.1

Yet, in 527, Theodoric sentenced Boethius to death. The reason was probably treason and conspiracy against Theodoric. The affair exemplifies the increasing failure of Theodoric's policy. Awaiting his sentence, Boethius wrote the circumstances in which he found himself in this place in his book, *The Consolation of Philosophy*, which takes the form of a discourse with the muse of Philosophy. The purpose of Philosophy's visit was to cure him and make him strong.⁹⁵ Boethius is vague about the causes of his confinement: he mentions his present misfortune, in the light of what he thought of as a model political career, based upon the Platonic principle that "government of the commonwealth ought to be in the hands of wise men; that if it should be led by unscrupulous and wicked men, they should bring about the ruin of the good."⁹⁶ With this thesis in mind, he would set about to explain his political career, focusing mostly on his conflicts with the Senatorial and, in some cases, the Ostrogothic government.⁹⁷ As he mentions, "at great risk to my position, I have protected the weak from the lies and avarice of cruel men in power."⁹⁸ No doubt this political career had made him a great many enemies.

Boethius thought that the reason of his presence in jail was his protection of the Senate. A man, who remains anonymous in *The Consolation of Philosophy*, accused the Senate of corruption, and Boethius "hindered their [Senators'] accuser from giving evidence that the Senate is guilty of treason."⁹⁹ Furthermore, Boethius did not deny his

⁹⁵ Boethius, *The Consolation of Philosophy*, tr. Richard Green (Indianapolis: Bobbs-Merrill, 1962), Book 1 Prose 1 (thereafter I.Pr1, or I.Po1 if it's a poem), p.5

⁹⁶ Boethius, *The Consolation of Philosophy*, I.Pr4, p.10.

⁹⁷ Such as Triguilla, whom Boethius accuses of being greedy; see Ibid. We also know that he was a Saio, or a high Gothic administrator; Cassiodorus, *Variae* III.20; for more details, see PLRE, p.1126.

⁹⁸ See note 96.

⁹⁹ Boethius, *Consolation of Philosophy*, I.Pr4, p.11.

guilt, and thereby showing that his own loyalty lay with the Senate and not the king.¹⁰⁰ Boethius's sacrifice proved useless, however, for the Senate sided with Theodoric and issued decrees against him.¹⁰¹ That the Senators actually thought Boethius was committing a crime of *lese majesté* is debatable; what is sure is that they removed whatever support Boethius thought he had when Theodoric asked it of them.

That Theodoric put Boethius to death is evidence that he did not see what Boethius saw as a noble act of sacrifice. It is hard to understand what the Senate thought, but Senators could have seen in Boethius's trial, a way to reassert their loyalty to the king of Italy, and their betrayal of Boethius does not mean that they saw him as innocent or guilty. Others, like Cassiodorus, chose not to get involved. Only Symmachus, Boethius's father-in-law, whom Theodoric had praised as a great and just lawyer,¹⁰² defended Boethius. His reward was that he was put to death along with his son-in-law.¹⁰³ Therefore, the trial of Boethius was a clear example of the failure of Theodoric's policy. Goths and Romans were too different and the problem of the Gothic or Roman nature of Theodoric's rule was catching up to him.

Boethius would sum up his career as a defense of *romanitas* and the Roman name, and his actions played into this belief. He did not see that his actions constituted treason or conspiracy. His respect of the consuls led him to defend former consuls such as Paulinus from "howling dogs of the court who hoped to devour his wealth" and Albinus from Cyprian, a man who would become a patrician under Theodoric's successor

¹⁰⁰ Ibid: "I did desire to protect the Senate, and I always will."

¹⁰¹ Ibid, pp.13-14.

¹⁰² See note 63.

¹⁰³ See note 100.

Athalaric, and thus was close to the court.¹⁰⁴ Boethius upheld the principles he stated earlier, and was, in his view, a good Roman. Other Romans thought the same thing. The historian Procopius tells us that Boethius

practiced philosophy and was mindful of justice in a manner surpassed by no other men, relieving the destitution of both citizens and strangers by generous gifts of money and they [Boethius and his father-in-law Symmachus] attained great fame and thus led men of the basest sort to envy them.¹⁰⁵

For Procopius, it was because of the slander of these base men that Theodoric accused and condemned to death Boethius and his father in law Symmachus.¹⁰⁶

For Procopius, Theodoric's decision to condemn Boethius and Symmachus to death also showed the barbarity of Theodoric. Indeed, Procopius attributes Theodoric's decision to a typical barbarian trait: "[Theodoric] had not made a thorough investigation as he was accustomed to do before passing judgment on the two men."¹⁰⁷ Consequently, their death was an act of injustice. To Procopius, Theodoric's own death was a result of this injustice. Before he died, Theodoric saw a the fish head that his servants had brought as a meal the head of the deceased Symmachus. This experience led to the illness that eventually killed him. Therefore, what Procopius considered as Theodoric's "first and last act of injustice which he committed toward his subjects" was subject to divine ruling.¹⁰⁸

Despite this act of injustice, Procopius still portrayed Theodoric in a very positive light. Theodoric left a lasting legacy in Italy despite the late mishaps and shortcomings of

¹⁰⁴ Boethius, *Consolation of Philosophy*, I.Pr4, p.11, concerning Cyprian, see PLRE, p.332.

¹⁰⁵ Procopius, *Wars* V.1, p.13.

¹⁰⁶ Ibid.

¹⁰⁷ Procopius, *Wars* V.1, p.15.

¹⁰⁸ Ibid.

the end of his rule and the Eastern historian Procopius wrote in his *History of the Wars*, a eulogy of Theodoric.¹⁰⁹

(vi) Conclusion of Chapter 2

As we have seen in this chapter, Theodoric did not resolve the issues that governing Italy posed. His plan to govern the two identities in one territory meant that both Goths and Romans had to live together peacefully in that same territory. If Theodoric pictured himself and acted as a Roman *princeps*, he could not abandon his Gothic origins entirely. Indeed he kept his distance with regards to his physical *romanitas* and still Gothic.

Theodoric's own representation of himself as both Roman and Gothic did not solve the problem that both Goths and Romans were too different to be assimilated in one generation. Second generation Goths did not follow the example of their father, who in general had accepted Theodoric's dual government, and sought to reassert their traditional origin. Their pillaging of Italian towns as they moved echoed their past as a federate army in Thrace and, Moesia. They did not owe, like their fathers, the territory to Theodoric, but rather, since they were born in Italy, saw it as their land as much as it was the Romans'. The latter could not have ignored this fact, and since Theodoric did not increase or decrease his control over his Goths, they plotted against him.

By the time of Theodoric's death in 527, the memory of the death of Boethius and Symmachus still resonated in Italy, if not as a cruel act of murder, then as evidence that the problem of boundaries had yet to be resolved. Therefore, the heirs of Theodoric, from Athalaric to Theodahad, had to confront the problem, with one variable Theodoric did not have: the presence of a strong and principled Eastern Emperor.

¹⁰⁹ See below, note 116.

The Hardening of the Boundary

By Theodoric's death in 527, Italy was torn between two identities that claimed their right to rule. The Romans, who had been in place since, they say, the founding of Rome in 753 B.C, claimed their antique supremacy over the Gothic newcomers, who, in turn claimed military supremacy. The struggle for the Italian kingdom would start in this area. Would the rulers press their Gothic descent or the superiority of their Roman classical education? If Athalaric, Amalasuntha and Theodahad all had, as we shall see, superb classical educations, they all chose different paths. Athalaric himself never ruled, as he was never of age, and Amalasuntha took on the role of regent. Throughout her reign, she would push for a Romanization of Italy. A Gothic reaction eventually forced her to accept Theodahad as husband and co-ruler, and he chose to reassert Gothic values in Italy.

This situation would not have been problematic without the involvement of the new Emperor who sought to assert an ancient Roman rule. Justinian saw Italy as within his own jurisdiction, which was in opposition with the view Theodahad had of his *regnum*. Furthermore, Justinian's easy successes in the African War against the Vandals strengthened his push for a vigorous diplomacy aimed at imposing his own will. Therefore, the problem of the Italian Wars lay in the borderland and Theodoric's failure to resolve the crisis. Between 527 and 535, all the rulers mentioned above strove to impose their view as to how the borderland crisis should be resolved.

(i) **Analysis of the Word "Barbarian" in Procopius's Wars**

Procopius, whether consciously or unconsciously, has an interesting outtake on the identity of the Ostrogoths from the time of Theodoric to the time of Theodahad. He uses two adjectives to describe the personality of the rulers: Goth or barbarian. Depending on what he uses, one can see the trends in the Roman, most likely Eastern and Western, views of the Ostrogoths.

Procopius praised the moral qualities of the king of the Ostrogoths, that he compared to those of an emperor:

And though he did not claim the right to assume either the garb or the name of emperor of the Romans [...], still in governing his own subjects, he invested himself with all the qualities which appropriately belong to one who is by birth and emperor.¹¹⁰

For Procopius, Theodoric was "exceedingly careful to observe justice [...] protected the laws on a sure basis" and most importantly, "protected the land and kept it safe from the barbarians dwelling about, and attained the highest possible degree of manliness."¹¹¹ Procopius further goes to point out that he "was truly an emperor as any who have distinguished themselves in this office from the beginning; and love for him among both Goths and Italians grew to be great."¹¹² The way the sentence is structured implies that both Goths and Romans loved Theodoric for his distinguished actions as a ruler. Consequently, like Romans, the Goths are able to recognize justice and wisdom, as well as manliness, therefore proving themselves to be more Roman than barbarians.

Similarly, Procopius eulogized Theodoric's heir Amalasuntha, for similar values.

In the *History of the Wars*, Amalasuntha becomes an example that even men should

¹¹⁰ Procopius, *Wars* V.1, p.11.

¹¹¹ Ibid.

¹¹² Ibid, p.13.

admire, since despite being a woman, she "proved to be endowed with wisdom and regard for justice in the highest degree, displaying to a great extent masculine temper."¹¹³ Thus, Amalasuntha becomes a Roman ruler like her father. According to Procopius, she repaired her father's misjudgment in the case of Boethius and Symmachus by restoring "to the children of Boethius and Symmachus their father's estates."¹¹⁴ She is almost stronger than her father in that she is able to recognize errors when he was not.

At this point, however, in the vocabulary of Procopius, Goths are barbarizing. Indeed, during the time of Amalasuntha, we hear of the Goths' "mad desire to wrong them [Romans]."¹¹⁵ Goths are becoming opponents of the Roman way of life, as potential enemies. Further in the narrative, we hear of their "eagerness to wrong their subjects" or that "they [Goths] wished to be ruled by him more after the barbarian fashion."¹¹⁶ This is the first occurrence, in the *Wars*, of the use of barbarian to describe Goths. Romans were still aware of the barbarian stereotypes, and such a terminology would inscribe the Goths as those barbarians, who were prone to chaos.

Following this part of the narrative, Procopius becomes more and more critical of the Goths. In his view, it was the Gothic nobles who forced Amalasuntha to change the classical education she trying to press on her son, because "letters [...], are far removed from manliness."¹¹⁷ Through Gothic education, Athalaric turns into a lascivious barbarian. His Gothic companions enticed him

¹¹³ Ibid V.2, p.15.

¹¹⁴ Ibid, p.17.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

admire, since despite being a woman, she "proved to be endowed with wisdom and regard for justice in the highest degree, displaying to a great extent masculine temper."¹¹³ Thus, Amalasuntha becomes a Roman ruler like her father. According to Procopius, she repaired her father's misjudgment in the case of Boethius and Symmachus by restoring "to the children of Boethius and Symmachus their father's estates."¹¹⁴ She is almost stronger than her father in that she is able to recognize errors when he was not.

At this point, however, in the vocabulary of Procopius, Goths are barbarizing. Indeed, during the time of Amalasuntha, we hear of the Goths' "mad desire to wrong them [Romans]."¹¹⁵ Goths are becoming opponents of the Roman way of life, as potential enemies. Further in the narrative, we hear of their "eagerness to wrong their subjects" or that "they [Goths] wished to be ruled by him more after the barbarian fashion."¹¹⁶ This is the first occurrence, in the *Wars*, of the use of barbarian to describe Goths. Romans were still aware of the barbarian stereotypes, and such a terminology would inscribe the Goths as those barbarians, who were prone to chaos.

Following this part of the narrative, Procopius becomes more and more critical of the Goths. In his view, it was the Gothic nobles who forced Amalasuntha to change the classical education she trying to press on her son, because "letters [...], are far removed from manliness."¹¹⁷ Through Gothic education, Athalaric turns into a lascivious barbarian. His Gothic companions enticed him

¹¹³ Ibid V.2, p.15.

¹¹⁴ Ibid, p.17.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

to drunkenness and to intercourse with women, made him and exceptionally depraved youth, and of such stupid folly that he was disinclined to follow his mother's advice.¹¹⁸

For Procopius, the Goths perverted Athalaric's nature, exacerbating the barbarian traits of *ferocia* (savagery) and his irrationality. His *ferocia* comes from his inability to control his urges; his irrationality comes from his failure to follow the advice of his wise mother.

Progressively, in Procopius, the Goths turn into barbarians. The transformation takes place around the time Theodahad comes to power. Procopius has a very low opinion of Theodahad, despite his classical education. As a historian, Procopius cannot hide the fact that he was "versed in the Latin literature and the teachings of Plato."¹¹⁹ This classical teaching, if the nature of the person is Roman, would undoubtedly lead to a character closer to the one Boethius claimed of himself, that of a philosopher-king. Theodahad, however, was profoundly wicked and therefore, he was deprived of any sense of justice. Indeed, "he was eager by violent methods to wrest the remainder of their owners."¹²⁰ Ultimately, Procopius characterizes Theodahad as a barbarian, mentioning Theodahad's "stupid folly."¹²¹

For Procopius, as for many other Romans, the Goths had become barbarians, and thus enemies of Rome. John Malalas even slandered Theodoric himself despite Procopius's and others high opinion of him. In Malalas, Theodoric murdered two lawyers for their own inability to resolve a case unless pressured by the monarch.¹²² While some would praise Theodoric for protecting weaker people, as was the goal of justice,¹²³ it is

¹¹⁸ Ibid, p.19.

¹¹⁹ Ibid, p.23.

¹²⁰ Ibid, p.25.

¹²¹ Ibid, p.41.

¹²² John Malalas, *Chronicle* XV.10, p.213.

¹²³ *Institutes of Justinian* I.2.1.

likely that the Chronicle of Malalas being closer to Justinian's propaganda,¹²⁴ would be part of a smear campaign. According to Malalas, the punishment Theodoric inflicted upon them was beheading, and "there was much fear."¹²⁵ Consequently, even Malalas, the rule of Theodoric was one that would lead to fear and chaos.

Why did Romans view the Goths in these ways? The answer is linked to identity and borderlands. As long as the borderland maintained, at least in appearance, a primarily Roman nature, there would be no problem. The push for a hardening of the border between Goths and Romans by both entities eventually led to a clash with the Roman supreme authority, the *basileus*.¹²⁶

(ii) Amalasuntha and the pursuit of Romanitas

At the time of Theodoric's death in 526 A.D, Amalasuntha's son Athalaric inherited the throne, with his mother as regent.¹²⁷ Cassiodorus therefore starts his letter with "King Athalaric" but, in fact, Amalasuntha dictated policies. From her point of view, she would not exclude Italy from Imperial jurisdiction despite a clear desire to follow in her father's footsteps. Thus, while she would continue to refuse to draw a clear boundary between an autonomous Gothic *regnum* and the Empire, she progressively pushed towards a Romanization of her rule.

Just like her father, Amalasuntha was in pursuit of *romanitas*. The first instance in which we see a continuation of her father's policy was in her deference towards Constantinople. She had Cassiodorus write a very polite, obsequious letter to the emperor Justin, Justinian's predecessor, asking for recognition of her son. In this letter

¹²⁴ Roger D. Scott, "Malalas, The Secret History and Justinian's Propaganda," p.99.

¹²⁵ See note 121.

¹²⁶ Greek title for Emperor, traditionally given to Byzantine Emperors.

¹²⁷ Procopius, *Wars* V.2, p.15.

Cassiodorus spoke of the ennobling factor of imperial recognition as being more important than the "purple clad rank of my [Athalaric] ancestor" and the royal throne.¹²⁸ Through Cassiodorus, Amalasuntha showed the emperor that she did not take his recognition for granted, and she modestly asked that the emperor recognize her son in the same way he had for his father.¹²⁹

She tried to incorporate the Goths in the Roman world more so than her father ever had in giving Roman titles to Goths. For instance, she had Tuluin named Patrician and ultimately gave him command of the Gothic army as *patricus praesentalis*, commander in chief of the army, an office that had not been occupied since Theodoric's accession to the throne in 493.¹³⁰ In Romanizing her Goths, she also required the service of a certain Arator¹³¹ as a counselor to Tuluin as "it befits those to whom exalted power is entrusted to have learned counselors."¹³² Cassiodorus praises in Arator's; it appears that he moves and delights audiences,¹³³ Amalasuntha gave herself a powerful ally against a potential rebellion.

Amalasuntha's relationship with the Senate was still of a most reverent nature. Just like her father, she asked the Senate before she made her decision to appoint Arator official.¹³⁴ She also maintained the required formulations. For instance, she mentions the "splendor of your assembly,"¹³⁵ or that "it gives me great joy to converse with the chief

¹²⁸ Cassiodorus, *Variae* VIII.1, p.101.

¹²⁹ Ibid.

¹³⁰ A gothic noble who had married in the Amal family; see Cassiodorus, *Variae* VIII.9, p.353 Hogdkin; Ibid VIII.12, p.102; see also PLRE, p.1132; see also Herwig Wolfram, *History of the Goths*, p.335; and Thomas Burns, *The Ostrogoths*, pp.117-118.

¹³¹ A Roman aristocrat, see PLRE, p.126.

¹³² Cassiodorus, *Variae* VIII.12, p.102.

¹³³ Ibid, p.103.

¹³⁴ Ibid VIII.10, pp.354-355 Hogdkin.

¹³⁵ Ibid IX.19, p.121.

men of my realm."¹³⁶ Implicitly, she asserted the superiority of the Senate over the Gothic council of nobles. Consequently, for Amalasuntha, the direction the Italian regnum was going to take would be Roman and not Gothic.

(iii) The Gothic Reaction

The Goths did not look kindly upon Amalasuntha's cooperation with the Romans. They looked for support. They first found a way to oppose Amalasuntha when the problem of the young king Athalaric arose. In accordance with her policy, she regarded a classical education as necessary, and in continuation of her father's policy, she appointed Goths who had had a classical background. Procopius reports that "she [Amalasuntha] chose three among the old men of the Goths whom she knew to be prudent and refined above all the others, and bade them live with Athalaric."¹³⁷ This smart maneuver did not please the Goths, and they required that Amalasuntha fire the old men and give "the company of some boys who were to share his daily life."¹³⁸ These boys would "give him an impulse toward that excellence which is in keeping with the custom of the barbarians."¹³⁹ The Goths thought that giving their king a Roman education was not only against Theodoric's wish but also such an education was "far removed from manliness, and the teachings of old men results for the most part in a cowardly and submissive spirit."¹⁴⁰ The revolt of Gothic nobles was against that a rebellion against the Romanization of the Goths.

¹³⁶ Ibid VIII.15.

¹³⁷ Procopius, *Wars* V.2, p.17.

¹³⁸ Ibid p.19.

¹³⁹ Ibid-Although there is no reason to believe that the Goths would use the word barbarian.

¹⁴⁰ Ibid, p.17.

That Amalasuntha was a woman undoubtedly worked against her in her struggle against the Gothic nobles.¹⁴¹ Furthermore, Procopius reports that, when she found her son "doing some wrong in his chamber," she "wished to put the boy out of the world as quickly as possible, in order that she might marry a second husband and with him rule over the Goths and Italians."¹⁴² If she found a husband powerful enough who espoused her Roman ideals, the Goths would ultimately lose their grip over the king and would be forced to assimilate with those Romans they regarded as wimpy.¹⁴³ Thus, the struggle was against the rule of Romans over Goths rather than Goths over Romans.

Procopius reports that, as a ruler, Amalasuntha had to deal with numerous revolts led by Gothic nobles. He tells us that she "feared the plotting of these men,"¹⁴⁴ indicating that she did not feel safe. She nevertheless exiled three men, "who were most notable among the barbarians and at the same time most responsible of sedition against her."¹⁴⁵ This feat of political strength did not hide her fear of her life. Her dealings with Justinian started with this fear of constant plotting. Indeed, she contacted Justinian because she "wished to depart from Italy as quickly as possible."¹⁴⁶

The ailing health of King Athalaric further exposed the weakness of her rule. As a ruler of the Goths, she had legitimacy as a regent, but not necessarily as an independent ruler. Thus the struggle between Amalasuntha and the nobles would resume when dealing with the succession after Athalaric. She asked Senators to go to Justinian to submit the rule of the Goths against a wealthy living in Constantinople.¹⁴⁷ This is not the first

¹⁴¹ Peter Heather, *The Goths*, p.260.

¹⁴² Procopius, *Wars* V.2, p.17.

¹⁴³ See note 138 dealing with the "wimpy" classical education of the Romans.

¹⁴⁴ Procopius, *Wars* V.2, p.19.

¹⁴⁵ *Ibid*, p.21.

¹⁴⁶ *Ibid*.

¹⁴⁷ *Ibid*, p.27.

instance in which Roman chroniclers argue that a Gothic ruler or noble proposed such a deal to an emperor. Theodoric had asked this of Zeno,¹⁴⁸ while Theodahad, after he acquired Tuscany, proposed a similar deal to Justinian.¹⁴⁹

That Theodoric proposed this deal to Zeno is more plausible than both Theodahad and Amalasuntha's deals to Justinian. Theodoric was in a position of weakness, with no real territory to administer; his people were federate troops who were given a settlement but who had no independent territory.¹⁵⁰ Theodahad, if one believes Procopius, was an evil man, unscrupulously driven by money.¹⁵¹ New evidence comes into play as, according to the modern historian Herwig Wolfram, Theodahad was one of the Gothic nobles striving for a more Gothic rule in Italy.¹⁵² He was not exiled with those three leading nobles that Amalasuntha had exiled, but his extensive rule over Tuscany and his role as the last male Amal no doubt saved him. Exiling him would end any dynastic prospects Amalasuntha could have had. Finally, there is no reason to believe that she would have sold Italy to Justinian, since, as we have seen, she opposed Justinian when the latter asked the Goths to return Lylibaëum.¹⁵³

When Athalaric finally died in 534, Procopius reports that Amalasuntha "invited him [Theodahad] to the throne after his name should have been cleared."¹⁵⁴ That Theodahad did not enjoy the best reputation amongst Romans is not surprising. In his ruthless transactions, he put out of business members of Roman aristocracies.¹⁵⁵

¹⁴⁸ Malchus, *Chronicle Ex de leg gent* IV.1, XVIII.1.

¹⁴⁹ Procopius, *Wars* V.3, p.25.

¹⁵⁰ Malchus, *Chronicle Ex de leg gent* IV.1.

¹⁵¹ See note 119.

¹⁵² Wolfram, *History of the Goths* (p.336): he references another document of his (*Intitulatio*) as proof of this fact. Unfortunately, I have not been able to examine the document.

¹⁵³ See note 7

¹⁵⁴ Procopius, *Wars* V.4 (p.35)

¹⁵⁵ *Ibid*, p.33.

Procopius's main critique of Theodahad revolved around the fact that Theodahad took no part in the public life.¹⁵⁶ Participation in public life was a very Roman trait, still in vogue at this time. That Theodahad, versed in letters and Plato, did not participate in the noble pursuit of public offices would lead most Romans to look down on him.

Theodahad was therefore the perfect candidate for Amalasuntha. He was an Amal, and therefore had the legitimacy to rule over the Romans and the Goths. His lack of prestige amongst Romans would ultimately put Roman faith and trust in Amalasuntha. For the Goths, Theodahad would be the male figure that they required.¹⁵⁷ This compromise between Amalasuntha and the Gothic nobility moment when the Gothic nobles pressuring Amalasuntha for a more Gothic rule came to power.

(iv) Defining the Gothic Border

Theodahad was not content with a symbolic rule. Procopius reports that

Upon receiving the supreme power, [Theodahad] began to act in all things contrary to the promises he had made. And after winning the adherence of the relatives of the Goths who had been slain by her, and they were both numerous and men of very high standing among the Goths, he suddenly put to death some of the connections of Amalasuntha and imprisoned her, the envoys not having yet reached Byzantium.¹⁵⁸

Amalasuntha had sent envoys reassuring Justinian of her move to associate Theodahad to her power,¹⁵⁹ and, according to Procopius, he removed her from power before they reached Byzantium. The quickness with which the "coup" occurred indicates that the Goths did approve of Theodahad and that he actually enjoyed a good reputation among them.

¹⁵⁶ Ibid V.3, p.25.

¹⁵⁷ Peter Heather, *The Goths*, p.262.

¹⁵⁸ Procopius, *Wars* V.4, p.37.

¹⁵⁹ Ibid, Cassiodorus, *Variae* X.2, p.416 Hodgkin.

Thus, Theodahad had a different basis of power than Amalasuntha. Like Theodoric, the Goths were his base.¹⁶⁰ If he kept Cassiodorus in power, it was mostly to keep the appearance of a Roman rule. Justinian could not ignore the difference of policy, however because Theodahad considered him an equal. Upon his accession, he wrote to Justinian saying that "it is usual for newly crowned kings to signify their accession to the different nations round them."¹⁶¹ The Roman Empire becomes part of the surrounding nations. In the same letter, Theodahad also takes Justinian's recognition for granted because "I [Theodahad] know that my most excellent Lady and Sister [Amalasuntha] has already attained it."¹⁶² The Roman Emperor becomes just another leader.

Italy was asserting its independence, and it was increasingly Gothic. Almost immediately after his appointment, Theodahad sought to strengthen royal rule vis-à-vis the Senate. A letter he addressed to the Senate boldly states that "in obeying her [Amalasuntha], we obey all the virtues," and that "all our splendor is derived from her, and she reflects a luster not only on our ancestor but on the whole of the human race."¹⁶³ In this letter, Theodahad threw away the *princeps* policy that Theodoric tried to impose on the population. In appointments, Theodahad did not seek the approval of the Senate. For instance, he appointed a certain Patricius as judge and his letter is an announcement of the fact, not a request for recognition.¹⁶⁴

Theodahad's rule was closer to Diocletian's *dominus* rather than Augustus's or Theodoric's *princeps*, yet with a quirk: it was fundamentally pro-Gothic. The best example comes from Procopius who tells us that

¹⁶⁰ Stein, *Histoire du Bas-Empire*, p.338; despite anachronistic statements of a Gothic nation.

¹⁶¹ Cassiodorus, *Variae* X.2, p.416 Hodgkin.

¹⁶² Ibid.

¹⁶³ Ibid X.4, p.420 Hodgkin.

¹⁶⁴ Ibid X.7, p.422 Hodgkin.

the relatives of the Goths who had been slain by her [Amalasuntha] came before Theodahad declaring that neither his life nor theirs was secure unless Amalasuntha should be put out of their way as quickly as possible¹⁶⁵

In the narrative, this event leads directly to Amalasuntha's exile and eventual murder. It is clear that the new ruler's claim to legitimacy was not Roman anymore, but rather Gothic. For Theodahad, Italy was a Gothic country and not a Roman province.

(v) Justinian's View of the Emperor

To understand how Theodahad's concept of the rule was problematic for Justinian, it is necessary to observe how Justinian saw himself as an emperor and dispel some misconceptions about his rule. First, Justinian did not, upon his accession, have a policy of reconquest of the Western Empire; rather, it was an idea that grew over time. Second, Justinian took almost literally two aspects of imperial rule: one that he was divinely appointed, and two that he was a universal monarch. Finally, the importance of the law as a fundamentally Roman characteristic could have pushed him to see Goths as barbarians.

Justinian, apparently, had a great desire to cooperate with Western institutions. He was not, in 527, the date of his accession, disposed to go to war. Rather Justinian's connection with the West is best understood by looking at the eastern view of the office of emperor. Constantine (272-337) and his successors established a kingship whose rule was divinely ordained and universal, namely over all of creation.

Eusebius of Caesarea (ca.275-339) wrote a panegyric to Constantine, in which he sets up the key points of being a Christian emperor:

surely has God Himself, the Ruler of All, who has given bounty of years and offsprings to the God-beloved ruler,

¹⁶⁵ Procopius, *Wars* V.4, p.41.

made his leadership of the peoples on earth to be young and blooming as if just now beginning to bear.¹⁶⁶

The Roman emperors thereafter took this vision of universal and divinely sanctioned power to be the foundation of their office; the Roman emperors after Constantine were temporal partners of God.¹⁶⁷

Justinian was not different in his approach to the office of emperor. He claimed divine origins, and an almost literal partnership with God¹⁶⁸ in which he would converse regularly with the Almighty. He prefaced his seventh new constitution by stating that "God has made me the ruler of many subjects."¹⁶⁹ The preface of the sixth novella gives an interesting insight upon the way Justinian viewed his office:

the priesthood and the Empire are the two greatest gifts which God, in His infinite clemency, has bestowed upon mortals; the former has reference to Divine matters, the latter presides over and directs human affairs, and both proceeding from the same principle, adorn the life of mankind.¹⁷⁰

Further evidence stems from other novellae such as novella 133, in which Justinian stipulates that there is "nothing to which a government should not pay attention, since it has received from God the general supervision of all men."¹⁷¹ Thus Justinian considered himself the ruler of all of mankind because his office was a gift from God. It appears logical, if one were to consider this approach to the empire that Justinian presided over the barbarian kings.

¹⁶⁶ Eusebius, *Praise of Constantine* III.3.

¹⁶⁷ J.A.S Evans, *The Age of Justinian* (London: Routledge, 1996), p.59.

¹⁶⁸ *Digest*, Preface 1: "With the aid of God governing Our Empire which was delivered to Us by his celestial Majesty..."

¹⁶⁹ Nov 7.2.

¹⁷⁰ Nov 6pr.

¹⁷¹ Nov 133pr.

The image of a Roman overlord whose rule was divinely sanctioned was also seen in the rebuilding of Constantinople in the wake of the Nika Riot in 532 A.D.¹⁷² Indeed the level of destruction in Constantinople, most notably in the area near the Imperial palace, provided ample room for building. More specifically, the Hagia Sophia of Constantine was destroyed. When Justinian chose to rebuild it, he gave the work to Anthemius of Tralles and Isidore of Miletus, who were not architects but theoreticians and who obtained their fame through their work in Constantinople and in their resolution the flood situation in Dara.¹⁷³ They created a wonder, which dome Procopius said to be its "suspended from heaven,"¹⁷⁴ thus conveying the idea that divine providence was helping Justinian. Consequently, through his policies as well as his buildings, he reinforced the idea of the Christian Emperor, universal and divinely appointed.

Another key point in Justinian's administration of his empire is the prevalence of the law. A central principle is the idea that Roman Emperors got their right to rule, not only from God, but also from the people. This specific statement was codified in the *Lex regia*.

Since by ancient law, which is styled the Lex Regia, all the rights and power of the Roman people were transferred to the Emperor, We do not derive Our authority from that of other different compilations but wish that is shall all be entirely Ours, for how can antiquity abrogate our laws?¹⁷⁵

With this statement, Justinian not only justified his right to the throne through antiquity, but at the same time, denied antiquity any power in the constitutions that he shall pass.

¹⁷² John Moorhead, *Justinian*, p.52.

¹⁷³ For Anthemius, PLRE, pp.88-89. For Isidorus, see PLRE p.724; John Moorhead, *Justinian* (New York: Longman, 1994), p.53.

¹⁷⁴ Procopius, *Buildings* I.1.46, p.21.

¹⁷⁵ *Digest*, Preface 1.7.

Consequently, whereas antiquity gave him power, it would not be a form of authority should Justinian deem it otherwise.

The law was predominant in Justinian's view. Completing the *Digest* meant "raising Ourselves above small and comparatively insignificant matters."¹⁷⁶ Indeed, "there is nothing to be found in all things so worthy of attention as the authority of the law which properly regulates all affairs, both divine and human, and expels injustice."¹⁷⁷ Law is absolute and there is no room for interpretation, thus showing that the will of the emperor is absolute,¹⁷⁸ since "whatever is approved by the sovereign has also the force of law."¹⁷⁹ Consequently law stems from the emperor and is absolute. Similarly, for Justinian, the office of emperor is the temporal way through which the concept of *ius*¹⁸⁰ is expressed. Emperor and law, for Justinian, were intrinsically connected in a symbiotic circle.

While the law provided another justification for the office of emperor, it benefited from imperial presence. Indeed, Justinian's legislative work has many purposes, but specifically, he set out to codify both the body of Roman law, and the opinions of Roman jurists.¹⁸¹ In Justinian's mind, the body of law was confusing and full of errors.¹⁸²

¹⁷⁶ *Digest*, Preface 1.2.

¹⁷⁷ *Digest*, Preface 1.1.

¹⁷⁸ *Digest*, Preface 1.8.

¹⁷⁹ *Institutes*, I.2.6.

¹⁸⁰ *Ius* embodies the concept of law, from its abstract concepts such as justice to the expression of law and jurisprudence.

¹⁸¹ For Roman Law, see Hans Julius Wolff, *Roman Law* (Norman: University of Oklahoma Press, 1951, specifically pp.162-176; for the purpose of Justinian's Codification, see Percy Neville Ure, *Justinian and his Age* (Baltimore: Penguin Books, 1951), pp.140-141; see also Jean Declareuil, *Rome et l'Organisation du Droit Romain* (Paris: Renaissance du Livre, 1924).

¹⁸² *Digest*, Preface 1.1.

Justinian recognized the power of old emperors, and the authority he could derive from the past.¹⁸³

In essence, the emperor, through his association with law, was the means through which civilization expressed itself. It was the opposite of *barbaritas*. As we have seen earlier, it is clear that law is the missing part in barbarians; without this regulator, humans are prone to chaotic displays. Consequently, the emperor himself is the opposite of the barbarian, and he embodies the concept of *romanitas*. It is contrary to the law to be a barbarian.

(vi) Defining the Roman Border

There are signs that Justinian did believe that he had rulership over the barbarian kingdoms. First, there was his triumph over the Vandals. Procopius reported that the Vandal king Gelimer “when he came before the emperor’s seat, they stripped off the purple garment, and compelled him to fall prone on the ground and do obeisance to the Emperor Justinian.”¹⁸⁴ Undoubtedly this sign showed all barbarians that they were subject to the Emperor.¹⁸⁵ Further evidence shows that Justinian did try to get involved, numerous times, in Italian affairs. Theodahad mentioned that

furthermore about the case of Ranilda, of which your serenity deigned to remind me, it happened a long time ago, under the rule of my kin. However, it is my duty to settle the matter from my own generosity, that by such a deed her change of religion may cause her no regret.¹⁸⁶

¹⁸³ See *Codex Justinianus*, Preface 3.1.

¹⁸⁴ Procopius, *The Wars* IV.9, p.283.

¹⁸⁵ Michael McCormick, *Eternal Victory*, pp.128-129,

¹⁸⁶ Cassiodorus, *Variae* X.26.3, p.141.

It is obvious that Justinian tried to impose his judgment upon the will of Theodahad in this specific matter. In replying negatively to this answer, Theodahad endorsed the rule of a usurper and thus became an enemy of Justinian.

Romans, with Justinian among them, were quite unhappy with the new direction of the policies of the Ostrogothic rulers. The *Variae* provide ample example of discontent towards Theodahad. First of all, in the summer of 535, senators in Rome refused an invitation by Theodahad to go to Ravenna.¹⁸⁷ Furthermore he told the senators that "[senators] thought I was your enemy."¹⁸⁸ In another letter, Theodahad asked those he calls the Roman people¹⁸⁹ to "show forth your older loyalty."¹⁹⁰ Clearly, Roman loyalties begin to shift away from the Ostrogothic rulers. While they began to accept the barbarian leaders as their own, Italians could not yet accept full independence from Imperial regime.

Roman envoys Theodahad sent to Justinian in 535¹⁹¹ voiced a sharp criticism of the Ostrogothic regime. These representatives, although they were asked not to mention the treatment of Amalasuntha, did so, especially Liberius "who was a man unusually upright and honorable."¹⁹² Only one man, Oppilio, failed to mention the treatment of Amalasuntha and followed his order, but his apparent link with Ravenna would tend to show that he supported the Goths rather than the Romans. Cassiodorus was another example, as he continued to serve the Goths until the death of the king Witigis.¹⁹³ Despite

¹⁸⁷ Ibid X.13, p.426 Hodgkin

¹⁸⁸ Ibid X.16, p.428 Hodgkin

¹⁸⁹ You can safely infer that the Roman people are all the members of the Italian aristocracy

¹⁹⁰ Cassiodorus, *Variae* X.14, p.427 Hodgkin

¹⁹¹ Procopius tells us that Theodahad sent these envoys to excuse his attitude after he imprisoned Amalasuntha. Procopius, *Wars* V.4, p.37.

¹⁹² Procopius, *Wars* V.4, p.41.

¹⁹³ His *Variae* stop with Witigis, and afterwards decided to spend part of his life in Constantinople before returning to founding a monastery in Italy.

these examples, one could infer that the Romans were particularly unhappy with the lack of cooperation with Roman institutions.

Justinian himself was aware of differences in opinion and was in a position to push for a strong diplomatic policy. His success against the Vandals in Africa came with ease¹⁹⁴ and Justinian's confidence was high. He wrote that

barbarous nations¹⁹⁵ subjected to Our authority, acknowledge Our warlike exploits, and Africa, as well as other numerous provinces after so long a period of time have submitted to the Roman domination, and have again become a portion of Our Empire.¹⁹⁶

It is clear that Justinian's war in Africa was a redrawing of the border. He further tells of the "recovered freedom" of the Carthaginians.¹⁹⁷ In dealing with Italy, it was only after Belisarius's conquest of Sicily that Justinian's envoy Peter "was still more insistent in his effort to frighten Theodahad and would not let him go."¹⁹⁸ The negotiations that continued between Justinian and Theodahad despite the conquest of Sicily mention that Justinian, through his envoy Peter, asked for "a golden crown every year weighing three hundred *litrae*,¹⁹⁹ and Gothic warriors to the number of three thousand whenever he wished."²⁰⁰ This clearly indicates that Justinian still saw Italy as a federate state and therefore under his overall jurisdiction.

Peter's negotiations clearly show that, even after the death of Amalasuntha, Justinian still tried to put himself in the position of ruler of Italy, with Theodahad as his vassal. He points out that "Theodahad himself should have no authority to kill any priest

¹⁹⁴ From the declaration of war in 533 to the end of the war in 534 there was a year.

¹⁹⁵ In this case he is talking about Vandals and the moors.

¹⁹⁶ *Institutes* Pr.1.

¹⁹⁷ *Novellae* I. Preface.

¹⁹⁸ Procopius, *Wars* V.6, p.49.

¹⁹⁹ Hodgkin, in 1899, evaluates this at 12,000 English pounds.

²⁰⁰ See above note 199.

or senator, or to confiscate his property for the public treasury except by decision of the emperor."²⁰¹ In doing so, he removed Theodahad's power to render justice in heavy matters, or plain arbitrary judgment. Justinian's policy is to remove the barbarian Goths from the dispensation of justice. Furthermore, Theodahad could not "advance any of his subjects to the patrician or some other Senatorial rank" without the express consent of the emperor.²⁰² In this case, "his subjects" means Goths, as when Procopius wishes to talk about the Romans, he talks about the "Roman populace."²⁰³ Finally, Justinian asked of Theodahad that the emperor's name be shouted before that of Theodahad in public displays, while public memorials (such as statues) not represent Theodahad alone, but with the emperor on the right.²⁰⁴ This particular aspect of the bargain forbade any independent propaganda move on the part of Theodahad.

That Peter mentioned these terms verbatim is unlikely, but it was customary for classical authors to "invent" speeches even when they themselves were not present. As an aide de camps of Belisarius, Procopius nevertheless had very reliable insight into Imperial policies. Thus, while the envoy Peter may not have mentioned these exact terms, they represent an overall range of possible demands that Justinian could have made. Thus, in negotiating with Theodahad, Justinian tried to set himself up as lord over Italy, showing that, in his view, Italy still belonged to the Roman Empire.

²⁰¹ Ibid.

²⁰² Ibid V.6, p.51.

²⁰³ Ibid.

²⁰⁴ Ibid.

Conclusion

Saying that Justinian went to war in Italy in 535 is only taking into account the fact that Belisarius, with a few men would only be taking into account the military aspect of the war. Justinian kept negotiating in Italy until the death of Theodahad at the hand of Gothic nobles in 536. Rather, the small contingent of Belisarius was used as a diplomatic tool. Theodahad himself did not engage imperial troops, clearly showing that he understood Belisarius's maneuver to be diplomatic pressure. The real war started when Witigis became king and refused to surrender, or even withdraw.²⁰⁵

By the time Justinian got involved, the situation had deteriorated so much that a ruling elite had to emerge victorious. The *civilitas* of Theodoric had failed, mainly because this policy did not recognize the divergences between Goths and Romans. Eventually, *civilitas* would fail because it did not address the problem of values that both Goths and Romans pressed to have recognized. The fall of *civilitas* started with the trials of Boethius and Symmachus, and the rise of Gothic dissent even during Theodoric's reign.

By embracing Roman values, Amalasuntha attempted to remedy to this problem, but her position as a regent and a woman left room open for contestation. Her only legitimacy was that of name, something that was not part of Gothic tradition, but that Theodoric desperately tried to assert. Her failure to push for Gothic traditions eventually led to Theodahad's coup. His response to the problem led to a conflict with a Roman

²⁰⁵ Procopius, *Wars* V.6, p.111; Peter Heather, *The Goths* pp.263-264; and Herwig Wolfram, *History of the Goths*, p.343.

emperor who believed, quite literally, that he was the Universal Ruler. Theodahad's refusal to recognize the emperor as his lord compelled Justinian to act.

Consequently, the war in Italy was a consequence of undefined borders between Goths and Romans, between, in Justinian's view, barbaritas and romanitas. While he considered himself ruler over the Goths, the Goths of the sixth century increasingly asserted their independence from the Roman Empire. Autonomy was the preferred solution of the Imperial authorities, but its limits appeared when the Goths sought to emancipate themselves from Roman traditions.

Justinian began a struggle that seemed unending. While the Byzantine army defeated king after king, from Theodahad to Totila, more leaders sprung, ready to challenge the authority of Justinian. Finally, in 561, the last bastion of Gothic resistance fell with the defeat of the count Widin at the hand of the new Byzantine general Narses.²⁰⁶ It took twenty-six years for the Gothic kingdom of Italy to fall.

²⁰⁶ Peter Heather, *The Goths*, p.271.

Annex 1: Roman Emperors and Italian Rulers (474-535)

<i>Dates</i>	<i>Eastern Emperors</i>	<i>Italian Rulers</i>
474	Zeno	Nepos
475	Basiliscus	Romulus Augustulus
476	Zeno-restored	Odoacer
491		
493	Anastasius	
		Theodoric
518	Justin I	
527		Amalasuntha
	Justinian I (d.565)	(d.535)
534		Theodahad (d.536)
535		

Bold names indicate a non-Roman ruler

Annex 2: Map of Roman Empire (ca. 500)



From http://www.istriamet.org/istria/maps/historic/images/0526_theodoric1.jpg

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