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ODOACER, EMPEROR ZENO
AND THE RUGIAN VICTORY LEGATION

Odoacer’s take-over of the government of Italy in 476 unquestionably marked a significant step in the dismantlement of the Western Roman Empire, in the "rerechaizing" process which beset the Western provinces of the later Roman Empire (1). Yet due to the scarcity and obscurity of the source material, rather little is known of Odoacer’s rule over the ancient imperial heartland. What is worse, the facts that do stand out are often enmeshed in contradictory interpretations (2). Scholars have so diverged over the most fundamental of questions that we cannot even be sure of the legal foundation of the barbarian soldier’s rule.

It is known that Odoacer’s troops proclaimed him king in 476 A.D. (3). We know too that the title of rex was applied to Odoacer by Italian officials in 483 (4). As recorded in the surviving copy made for the Syracusan gesta municipalia, the intitulato of an act delivered on March 18, 489, reads Odoacar rex (5). In the same document, the words d. n. rex, regnum et regius are used to designate the king and his institutions (6). On the other hand, a recently discovered inscription which commemorates Odoacer’s restoration of the Colisseum has only "vjiri Odovafris" (7). The inscription refers to a renovation which took place between September, 476 and March, 483 (8). Chastagnol has pointed out that for a highly visible, public document, the royal title is conspicuously absent (9). This fact seems to underscore the basic ambiguity of Odoacer’s position.

Scholars have often wondered whether the barbarian ruler’s de facto position of force was complemented by some kind of imperial accord which may have strengthened his legal position. Mommsen was convinced that the Scirian governed the Roman inhabitants of Italy in virtue of some kind of formal mandate from the emperor (10). In this respect, Mommsen stressed the significance of the recognition of Western consuls in the East without, it would appear, sufficient grounds (11). Ensllin, though recognizing the importance of Odoacer’s kingship, maintained that the barbarian also disposed of a special kind of patriciate which implied the possession of first magister militum praesentalis (12). Stein has disproven the existence of such a patriciate, but cautiously presents Odoacer’s position as being grounded both in

(4) See the text from Odoacer’s reign which is preserved in the Actus of the Synod of Rome, 502; ed. T. MOMMSSEN, MGH Auctores antiquissimi, 12 (1894), 445, 1-3: "sublimius et eminentissimus vir praefectus praetorio aequi patricius, aegens etiam praefectissimi regis Odoaciris Basilius dixit . . . ."
(6) Thus in the introduction: "d. n. praefectissimius rex", ibid., p. 288, 1, 1 and 6; "ius regii", ibid., line 5; "notarium regii eius" (cf. commentary, p. 439), ibid., line 7, et c.
(9) Ibid., with n. 69.
(10) T. MOMMSSEN, Ostgotische Studien. 1. Die Consulariaturierung des gethethischen Reiches, in Gesammelte Schriften, 6 (Berlin, 1910), 363-387, here 383.
(11) Thus CHASTAGNOL, op. cit., p. 55, n. 123 on the evidence of the Egyptian papyri.
his position as king and his performance of the functions of magister militum (13). All three scholars suppose some kind of imperial recognition of the barbarian's position. More recently, A. H. M. Jones has assailed this "Romanizing" view. While he admits that Odoacer's position was complicated by the presence of a central administration and other imperial institutions, Jones came to the conclusion that the Scirian ruled as a barbarian king, "pure and simple" (14).

A review of the source material may lead one to the conclusion that the evidence is too tenuous to allow much certainty on the actual legal status of Odoacer in the Roman scheme of things (15). On the other hand, even if it seems impossible to determine whether or not Odoacer actually received imperial recognition of his position, it should be stressed that he greatly desired such recognition and attempted to obtain it. This is shown by his restitution of the imperial insignia to Zeno, accompanied by a request for the dignity of Patriarch as well as for imperial acknowledgement of Odoacer's position at the head of the government of Italy. Although Zeno invoked the rightful jurisdiction of the exiled Western emperor Julian Nepos and demurred on these requests, he did allow the barbarian partial satisfaction by addressing him as "Patriarch" in his reply (16).

Another instance of this policy may well have been Odoacer's execution of vengeance for the assassination of Julian Nepos, an assassination which was certainly not in conflict with Odoacer's deeper interests (17). There exists further evidence on this subject. Unfortunately, its significance has been obscured by an erroneous interpretation of the source material.

Relations between the emperor Zeno (474-475; 476-491) and Odoacer were never excellent. Negotiations are reported to have taken place between the king in Italy and the Isaurian usurper, Illus (18). Even though Odoacer apparently turned down the usurper's overture, the menace must have seemed real enough to Zeno, who could not have forgone Illus' earlier dealings with Odoacer's brother (19). In what appears to have been a response to the threat which he perceived in Italy, Zeno resorted to a classical maneuver of imperial diplomacy: he attempted to arrange for an invasion of Odoacer's kingdom by the Rugians, a Germanic tribe living beyond the Danube (20).


(20) On the Rugians, see L. Schmidt, op. cit., p. 117-126. We might note that a contingent of Rugians figured in the army which Zeno had sent against Illus: Stein, op. cit., 2, 29.
Odoacer may have gotten wind of the plan, for in late 487 he directed a preemptive attack against the Rugians. The Rugian king Feletheus and his queen were captured and, apparently, executed. A follow-up campaign led by Odoacer’s brother, Onulf, resulted in the defeat of Feletheus’ son and the effective neutralization of any menace from the Rugians (21).

Our chief source for the Constantinopolitan point of view during these events is one of the fragments of John of Antioch’s lost chronicle which have survived in the compilation prepared for Emperor Constantine VII Porphyrogennitus (913-959). Though John himself was writing at the beginning of the seventh century, his sources seem to have been quite reliable. The little of his work that has come down to us sheds significant light on developments of the late fifth and sixth centuries (22).

John’s account has not gone unnoticed by modern historians. If we may judge by the discussions of Hartmann, Schmidt, Stein and Enslein, John informs us of Zeno’s attempt to stir up the Rugians, Odoacer’s preemptive attacks (which are telescoped into one campaign) (23), the sending of gifts taken from the booty to Zeno, Zeno’s refusal of these gifts and his congratulations to Odoacer on his splendid victory (24).

The legation conveying the news of the victory and the booty to Constantinople seems to have been directed by Odoacer’s magister officiorum, Andromachus (25). It poses a serious problem. On the basis of earlier scholarly discussion of this legation, it is difficult to explain why Odoacer should have chosen such an ironic, if not to say insolent manner of informing Zeno of the erstwhile imperial allies’ defeat. The legation would seem to be in contradiction with other evidence of Odoacer’s desire to “normalize” relations with the emperor.

The problem becomes clearer if we view it in the light of late Roman victory practices. It has long been observed that, from the reign of Augustus, the office of imperator and consequently, the right to celebrate triumphs, had become almost the sole prerogative of the reigning emperor. As imperator, the head of state could and did celebrate triumphs for the victories won by him through his generals. In the conceptual world defined by the later Roman state, victory and triumph were nearly exclusive attributes of the imperial office (26).

Later sources often allude to a practice by which the local commander of victorious Roman forces would send to the emperor part of the booty captured from the enemy (27). The booty was sometimes


(23) John’s account would not indicate that Odoacer personally directed the campaign. The phrase “...τὸν πατὴρ τοῦ Ὀδοαροῦν” is John’s usual way of referring to the enourager or the followers of a prominent personality: cf. fragment 54, ed. cit., p. 100, 14-15: fragment 57, p. 104, 25-26: fragment 64, p. 111, 8-9, etc.


(25) Thus STEIN, op. cit., 2, 34 and 54. During the same mission, Andromachus may have been entrusted with papal instructions for discussions with Acaiusus. E. SCHWARTZ, Publizistische Sammlungen zum Acaianischen Schisma (Abhandlungen der Bayerischen Akademie der Wissenschaften, Phil.-hist. Abteilung, N. F. 10 (1934), 210-211 and 265-266: it is possible that Collectio avellana, 99, ed. O. GUNTHER, CSEL, 35 (1895), 440-453 represents the text of these instructions.

(26) See T. MOMMSEN, Römisches Staatsrecht, 1 (Leipzig, 1887), 125-126, 135-136 and 455 et seq.; J. GEGG, La théologie de la Victoire impériale, in Revue historique, 171 (1933), 1-43 and “Σταυροῦ νικηθέν” La victoire impériale dans l’empire chrétien, in Revue d’histoire et de philosophie religieuses, 13 (1933), 370-400, and Felicitas, in Reallexikon für Antike und Christentum, 7 (1968), 711-723, as well as my forthcoming study on the celebration of victory in the later Roman empire and the Greek and Latin successor states.

(27) The long-standing debate on property rights to booty and the crime of peculation has centered almost exclusively on the situation under the Republic and,
destined for display in an imperial triumph, but it was more frequently intended to serve as "proof", as the "symbol" of victory (28). By sending this ζύμβολον to the supreme commander, the victorious local commander recognized and paid tribute to him who was the true victor ac triumphator, as official titulature had it (29). The custom of

as such, need not concern us here. For a recent discussion, see J. SHATZMAN, The Roman General's Authority over Booty, in Historia, 21 (1972), 177-205.

(28) Such symbolic sendings are well attested from the later Empire. Thus, after the suppression of the Samarian revolt led by Justasius, the rebel's head and diadem were conveyed to the emperor Zeno: John MALALAS, Chronographia, ed. L. DINORF (Bonn, 1831), p. 382, 10-21, 383, 1-4 and apud Excerpta de insigniis, ed. cit. fragment 34, p. 162, 22-32. Theophanes explicitly designates as the "symbol of victory" the sword and bracelet of a vanquished Persian leader, which were sent to the Emperor Anastasius I (491-518): Chronographia, A. M. 5997, ed. C. DE BOK, I (Leipzig, 1883), 146, 13-16: "αὐτήν, καὶ καταφεύγαν τοὺς Πάρηγος ἐπὶ μιᾷ συμφωνίᾳ, αὐτὸ καὶ τὸ ἔρινοι καὶ τὸ βρασχαλλον ἴμηρον Ἀρειπιδίου παρὰ τοῦ ἀνέστρεφε αὐτὸν Σαραυὸς, καὶ αξιολογοῖ τις μάλιστα φανὲν σύμβολον τῆς νίκης ταῦτα τὸ βασιλεῖα". A few years later, we encounter victory legations with symbolic elements of the booties which were dispatched from the Italian front by the praesidius sacri cubiculi, Nurses to Justinian I: Malalas, ed. DINDORF, p. 486, 14-18: "καὶ τοῦ αὐτοῦ μάλιστα ἐπινικεῖ ἰδίως ἀπὸ Ρώμης ἀπὸ Ναροῦ του κομικοῦ, καὶ δέχοντος Ῥωμαίους. συμβαλόντως γὰρ αὐτοῦ πόλεως μετὰ Τούλικα, δεξίως τοῦ Γοθανοῦ, κατὰ κατάσχεσιν τοῦ πόλεως καὶ αὐτοῦ, καταλαμάζει καὶ παραδίδει τὰ ζώα αὐτοῦ ἐμπληκτή ἐν Κωνσταντινουπόλει". Theophanes, A. M. 6044, ed. cit., p. 228, 18-24, probably citing from the unabridged text of Malalas, adds that Nurses also sent the Gothic king's bejewelled charioteen and that his messengers threw these objects before the emperor's feet: "ἐφέστησαν εἰς τοὺς πόδας τοῦ βασιλέως ἐπὶ συμφωνίᾳ". The symbolic nature of such objects seems equally clear a bit later, when Nurses sent not only "normal" booties, but also the key to the reconquered cities of Verona and Brescia (November, 562? Cf. STEIN, op. cit., 2, 610): MALALAS, ed. cit., p. 492, 17-20. We might cite a final example from the reign of Mauricius (582-602). After overrunning the camp of the Persian army in 589 or 590 A.D., the Roman generals sent "proof of the trophies" to the emperor: Theophylactus Simocattes, Historiae, 3, 6, ed. C. De BOK and P. Wirth (Teubner, Leipzig, 1972), p. 120, 14-20: "τῇ δὲ ἐπικοινωνίᾳ καὶ τῷ Περσικῶν χάραξιν ἐπιτάφους Ρωμαιοῦ καὶ τοῦτον ἐκείνον τῶν τρισαρίων τοῦ ἐλεγχόν ἐν βασιλεία παρῆσαν. ὅτι γραμμάτιον τὸ τούτων ἐπεβεβλήσει, ἀπὸ Ρωμαιοῦ εἴσησαν τῇ πατρίδι ὑμῶν βάνδα ἀποκαλέσαν".


sending victory messages from the battlefield to the head of state, though especially well-attested for the later period, reaches far back into the Roman past, as Halkin has shown in his study of the litterae laurateae under the Republic and Principate (19). Just as ancient was the custom of accompanying these letters with tangible proofs of victory (21).

When we view it in this context, the significance of thelegation which Odoacer sent to East Rome after the Rugian campaign stands forth with new clarity. The barbarian king was not trying to bribe Zeno. Rather, as on earlier occasions, Odoacer was attempting to accentuate his actual or would-be position as a loyal imperial subordinate. By sending to Zeno the symbol of a victory won at least nominally in the imperial interest, Odoacer was fulfilling the obligation of a Roman field-commander to the supreme victor ac triumphator. Zeno, in turn, implicitly recognized Odoacer's position by expressing his satisfaction on this victory (22).

Yet if this is so, how are we to reconcile the imperial congratulation with Zeno's refusal of the booty, the "symbol of victory", sent to him by the would-be magister militum? In view of the victory customs to which we have just called attention, such an act would

(30) L. HALKIN, La supplication d'action des graces chez les Romains (Bibliothèque de la Faculté de philosophie et lettres de l'Université de Liège, 128, Paris, 1953), pp. 80-87. We might stress that it is the Roman institution that lies at the origin of the Byzantine victory legation from the battlefield, and not the triumphal inscriptions, as V. BESEVLIEV, Die Briefschaften der Byzantinischen Kaiser aus dem Schlachtfeld, in Byzantiana, 6 (1974), 73-83, here p. 80, has erroneously maintained. For more on this Byzantine institution, see the study announced above, n. 26.

(31) Thus the Republican custom of sending prominent captives to Rome in the company of the nunthus victoriae. Examples: Livy, xxvi, 51, 1-2; xxvii, 7, 1-4; xxvii, 32, 4.

(32) It is not improbable that this expression of satisfaction took the form of a congratulatory letter. Imperial examples of such documents are exceedingly rare. An analogous piece from the Ostrogothic chancery of the early sixth century is found in Cassiodorus, Variae, 2, 41, ed. A. J. FRID, Corpus christianorum, series latina, 96 (1973), 91-92, with the commentary by A. J. FRID, Contribution à la critique et à l'interprétation des Variae de Cassiodore (Acta regiae societatis scientiarum et litterarum Gothoburgensis, Humaniora, 4, Göteborg, 1968), pp. 29-32. Cf. too the letter of congratulations to the patrician and exarch of Africa in Gregory the Great's Registrum, I, 73, ed. P. EWALD and L. HARTMANN, MGH Epistolae, 1 (1891), 289-94.
seem like an outright disavowal of Odoacer's implied legal position as an imperial representative. How could Zeno refuse the token of victory and still express satisfaction at Odoacer's action?

A careful examination of the relevant passage in John of Antioch leads to a different and surprising conclusion. Schmidt, Stein and Ensslin, to name only some of the most prominent scholars who have considered this problem, seem to have misinterpreted the text. It reads as follows:

λαμπράν δὲ ανάδημασμένων νίκην των περὶ τὸν Ἅδωναρν, προστάλεξε καὶ παράμηναν δώρα τῷ Ζήνωνι τῶν λαρβῶν, ἀποπροσποτεύμενος συνήθετο τοῖς προμηθέσις (33).

A rather literal translation of the passage would read something like this: “Odoacer’s men won a splendid victory [against the Rugians]; moreover they sent to Zeno gifts taken from the booty, who pretended he was gratified by their accomplishments”. The key word is ἀποπροσποτεύμενοι. It can indeed signify "refuse", as preceding scholars have understood it here. Yet the verb seems in remarkably loose relation to its supposed object (δώρα). In fact, ἀποπροσποτεύμενος occurs in a very similar diplomatic context in a sixth-century text. There, however, it clearly has the meaning “feign, pretend” (34). In John’s case too it appears more adequate to understand the participle in the sense “feign”. It accompanies the verb συνήθεμαι and describes attendant circumstance (35).

We might add that Stein was in partial agreement with this construction of John of Antioch’s text, for he summarized this clause with the words “the emperor nevertheless made a show of being very satisfied (my italics)”. He apparently failed to notice that ἀποπροσποτεύμενος can mean either “refuse” or “pretend”, but not both at once (36). Thus disappears the last obscurity in John of Antioch’s account of the victory legation which Odoacer dispatched to Constantinople.

Let us conclude. The historical significance of the legation which Odoacer sent to Zeno after the Rugian campaign has been obscured by failure to view it in the context of later Roman victory practices and by an erroneous interpretation of the Greek text of John of Antioch. The evidence indicates that the victory legation must be viewed in the same light as the earlier mission of the Senatorial envoys and the return of the imperial insignia to Constantinople (37). By sending the σύμβολον τῆς νίκης to the emperor, Odoacer was stressing his desire to be viewed as an imperial subordinate and to enjoy whatever advantages that position might gain him in Italy and in the Empire.

Sprachgebrauch der Byzantiner (Berliner byzantinistische Arbeiten. 2, Berlin, 1956), p. 255 with n. 2. It should be noted that the word ἀποπροσποτεύμενος does not seem to occur elsewhere in the Constantianian excerpts of John of Antioch.


(36) Op. cit., 2. 54: “L’empereur ne semble pas avoir accepté ces cadeaux, mais il se donna néanmoins l’air d’être très satisfait...” and Schmidt’s interpretation, op. cit., p. 336: “Der König suchte daher einzulanden und dem Kaiser Gunst wieder zu gewinnen, indem er ihm Geschenke aus der römischen Stadt übersandte... Wie zu erwarten blieben über seine Bemühungen erfolglos. Zeno lehnte die Annahme der Geschenke ab und begrügte sich damit, ‘seine Freude über das Erreichte auszusprechen’.” I might note that T. HODGKIN, Italy and her Invaders. 3, The Ostrogothic Invasion (Oxford, 1896), 148-149 also translates this passage incorrectly, albeit in a different way. He creates a new, untested meaning for ἄποπροσποτεύμενος and then supplies it with a non-existent direct object, without the benefit of brackets.

(37) See above, p. 214 with note 16.
pire at large. The emperor's acceptance of the booty and his expression of satisfaction must have seemed reassuring to Odoacer, even as Theoderic's invasion began to take shape at imperial prompting. The significance of this legation cannot and should not be forced to provide proof that Odoacer actually disposed of a recognized imperial mandate for his administration of Italy. It does, however, lend conviction to Malchus' affirmation that Odoacer attempted to secure recognition for such a mandate. This in itself tells us that Odoacer aspired to be more than a barbarian king, pure and simple.

Louvain. Michael McCormick.

GREGOR VON NAZIANZ
IN KONSTANTINOPEL (379-381 A.D.)


Es ist umso bemerkenswerter dass die Vorschung dieser Persönlichkeit an den Ort und in die Zeit gestellt hat, wo sich das Schicksal der christlichen Welt entschied, in Konstantinopel in 379-381, als Kaiser Theodosius die Geschichte der Kirche und der Zivilisation unwiderruflich besiegelte. Gregor von Nazianz spielt eine hervorragende Rolle in der Zeit um 380, als das Christentum sich mit der antiken Kultur verschmilzt und die Dr. Theodor Klauser so trefflich benannte «spätantike-christliche» Kultur sich bildet (2).

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