

THE OSTROGOTHS IN ITALY

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1. SETTLEMENT OF THE OSTROGOTHS IN ITALY

The attempt at Roman-Germanic cohabitation which Odoacer (Odovacar) successfully made between 476 und 489 was taken even further by the Ostrogoths. Coming from the middle Danube, they arrived in Italy with the approval of Zeno, the Emperor of the East. On account of the strong opposition of Odoacer, however, settlement was not peaceful and was only achieved in 493 when Theoderic, king of the Ostrogoths, killed Odoacer with his own hands and took Ravenna.

For the European historian, although Theoderic's actions did not always have the desired effect, his was perhaps the most brilliant barbarian attempt at germanization and the one which, more than any other, tended to preserve the Roman system.

Theoderic realised that it was impossible to achieve unification between Goths and Romans, but he understood that it was necessary to achieve at least harmonious coexistence between the two ethnic groups if his policies were not to be doomed to failure. For this reason, when he came to distributing the lands on which his Goths could settle, he took the example of the Roman *hospitalitas*, and above all of Odoacer, who had granted his people a third of the lands owned by the Romans. It was also no coincidence that Theodoric gave the

delicate task of *Landtheilung* to the patrician Liberius, who was well known among the Romans for his wisdom and moderation, and was personally esteemed by Theoderic himself because, after having served Odoacer he had not proved to be a cowardly turncoat ready to betray his old master in order to curry favour with the new one¹.

His choice of Liberius also aimed at reassuring the landowners about an operation which, however odious, was certainly not to be by any means arbitrary or the cause of unnecessary suffering for the local inhabitants. The operation of dividing up the lands covered a larger area than that occupied by Odoacer and his Heruli: although absolutely no remains of Ostrogothic tombs have been found in lower-central and southern Italy², it seems certain that the *hospitalitas* system included not only the Po Valley and part of central Italy, but also areas in the South.

Liberius certainly carried this policy out: according to Ennodius³, the Romans hardly noticed that they had given their lands to the Goths, and Theoderic himself could declare with legitimate satisfaction that the division of the lands had not caused any hostility between the two peoples; on the contrary, it had contributed to strengthening the union: «We especially like to remember how in the assignment of the (Gothic) Thirds (in *tertiarum deputazione*) he joined both the possessions and the hearts of Goths and Romans alike» (*Variae*, II, 16, 5).

Those to whom the lands had been assigned, with precise moral and legal limits, did not appear to be usurpers but defenders of their property and that of their *consortes*; likewise, it was Theoderic's intention that the Goths should not be seen as masters of the State but its armed defenders: «You too, oh Romans», their King was to say, «ought dearly to love the Goths, who in peace swell the numbers of your people and in war defend the whole Republic» (*Variae*, VII, 3, 3).

¹ Magni Aurelii Cassiodori *Variarum Libri XII*, ed. Fridh, *Corpus Christianorum, Series Latina* XCVI, Turnholti 1973, II, 16, 2. For an English translation of the *Variae* I have generally used, when possible for reasons of clarity, the synthesis by T. Hodgkin, *The Letters of Cassiodorus*, London 1886. I would like to thank my friend Giacomo Cosentino for undertaking the task of translating the essay into English.

² Cf. V. Bierbrauer, «Aspetti archeologici di Goti, Alamanni e Longobardi», in *Magistra barbaritas: I Barbari in Italia*, Milan 1984, 447-448.

³ Magni Felicis Ennodii *Epistolae*, IX, 23, ed. Vogel, in *MGH., Auct. Ant.*, VII, 1961.

2. OSTROGOTHIC SOCIETY AND ITS TRANSFORMATION

Having solved the problems of a coexistence based on the defence of mutual interests, Theoderic realized that if he was to achieve integration between his people and the Romans he had to get the Goths to give up their rough Germanic customs and introduce them to the Roman *ciuititas*, as it was clear that, although the Empire had ceased to exist in reality, it survived in people's hearts. Cohesion was therefore to be sought in the cult for Roman legislation, the law that represented the only way the Gothic world could recreate a strong political bond with the East.

Hence his undertaking in Rome, before the Senate and the people, to respect and observe not only current Roman law but also any laws passed by its Emperors in the future. This was not only in response to the exhortations of Anastasius, who asked for Roman laws to be preserved (*Variae*, I, 1, 3: «Often have you exhorted me to love the Senate, to accept cordially the laws of past Emperors...»), but above all because he was convinced that he lived in an age which was in no way inferior to that of the past: «Far be it from us to feel inferior to the elegance of the Ancients since in reality we are not, thanks to the prosperity of our times» (*Variae*, I, 6, 1-2). He realized that, for his reign to have a future, his people had to get used to feeling a pressing need to obey the law. Only in this way could the Gothic kingdom be an *imitatio* of the Empire (*Variae*, I, 1, 3: «Our royalty is an imitation of yours, modelled on your good purpose, a copy of the only Empire...»); only if he held himself up as guardian of the law could he legitimately claim to be civilised: «The true mark of civilitas is the observance of law» (*Variae*, IV, 33, 1).

In short, the Goths had to abandon their rough Germanic ways in favour of the civilised wisdom of Roman law; this was the only way they could contribute to slowing down the process of barbarization of Roman cultural and political traditions and become the only Germanic people to carry on the educational task of Rome. Despite the distinction between jurisdictional bodies –the *cognitores* for the Romans and the *comites Gothorum* for the Goths and mixed lawsuits– the law in force in Ostrogothic Italy remained Roman law, application of which Theoderic ensured by means of *epistolae*, *mandata* and *edicta* which have reached us through the *Variae*. It should, however, be pointed out that when we refer to the Edicts, we do not mean the so-called «Edict of Theoderic»⁴.

⁴ *Edictum Theodorici regis*, ed. Baviera, in «*FIRA*», II, Florentiae 1964², 683-710.

Recent studies, initiated by Piero Rasi⁵, have in fact ceased to ascribe paternity to the Ostrogothic king, thus casting doubt on the accepted views on Ostrogothic legislation. The most accredited criticism⁶ considers attribution of the Edict to some private jurist or Odoacer or even the Burgundian king Gondebaud highly unlikely, if not inadmissible, and ascribes it to the legal world of Gaul, more precisely to Theoderic II who, according to indications given by Sidonius Apollinaris⁷, would seem to have been the first sovereign to give the Visigoths an organic body of laws.

In order to make coexistence even more secure, Theoderic did not hinder mixed marriages which, as he himself recalled, had already been celebrated in southern Pannonia where, if not Goths, *antiqui barbari* had married Roman women (*Variae*, V, 14, 6).

In accordance with this policy, Theoderic wanted a single law for all his subjects, even the most powerful (*Variae*, II, 16: 5: «One law included them, one equal administration rules them...»; VII, 3, 1: «... and with various Judges one Justice may embrace the whole realm»). We, the King said, want the administration to do honour to justice and apply the law equally to rich and poor alike (*Variae*, V, 29, 3). In addition, legal proceedings were not to be based on evidence provided by informers or anonymous accusers; they had to be conducted with great prudence, above all when the crime involved was punishable by death: «any other sentence can be modified; not so the death penalty once carried out» (*Variae*, VII, 1, 3).

When state officials turned a deaf ear to the central authority's requests for moderation, Theoderic intervened directly, guaranteeing his personal *tuitio* (protection), an exceptional measure which did not aim to create privileged categories of citizens but to prevent any traumatic disturbance of the social structure from undermining the credibility of the State. Theoderic's aim was to make state officials understand at all costs that he set great store by justice and

⁵ P. Rasi, «Sulla paternità del c. d. *Edictum Theoderici regis*», in *Archivio Giuridico*, 145, 1953, 105-162.

⁶ See the vast, extremely well-documented analysis by Giulio Vismara, «*Edictum Theoderici*», in *Scritti di storia giuridica*, 1: *Fonti del diritto nei regni germanici*, Milano 1987, 1-338.

⁷ *Epistulae*, ed. Luetjohann, in *MGH, Auct. Ant.*, VIII, 1887, II, 1, 3, regarding which cf. B. Saitta, *Società e potere nella Spagna visigotica*, Catania 1987, 49 and ff. and n. 110.

equity and intended to ensure rich and poor alike, noblemen and commoners, the powerful and the weak, Goths and Romans, of impartial application of the law of the State. That is why *Colosseus*, sent with civil and military powers to administer what was thought to be the cradle of Gothic greatness, *Pannonia Sirmiensis*, was exhorted to spare no effort to bring the light of civilization to the region by persuading the local inhabitants, whose custom it was to kill thieves and solve personal controversies by duel, to organize their lives according to the model of the Goths, who had abandoned their former roughness and had become used to living as a civilized people (*Variae*, III, 23 and 24). Theoderic realized how difficult it was for a State to progress if its citizens preferred to fight amongst themselves even when they had law courts and upright judges.

If, however, the State expected its subjects to respect the laws of civil coexistence, it had to support and maintain moderation and equity; only in this way could it represent a constant unifying element, even in the remotest reaches of the kingdom, rather than a menacing, tyrannical power: «Let other kings desire the glory of battles won, of cities taken, of ruins made» –Theoderic reminded Gemellus, sent to rule the people of Gaul in 508– «our purpose is, God helping us, so to rule that our subjects shall grieve that they did not earlier acquire the blessing of our dominion» (*Variae*, III, 43, 3).

Even abuses committed against private citizens by high-ranking officials like the praetoria prefect were promptly repressed as acts of violence against peace and order, the fundamental objectives of Ostrogothic government: the prefect Faustus, who was charged with illegal usurpation by the king's inspectors (*Variae*, III, 20) was sent into exile (*Variae*, III, 21) in order that it should be clear to all, rich and poor, powerful and weak, Romans and Goths, that the law was a safe haven for all men and represented both an ally for the weak and a curb for the powerful: «You may now enjoy what till now you have only heard of: the triumph of Public Right, the most certain solace of human life, the help of the weak, the curb of the strong» (*Variae*, III, 17, 3-4). On the basis of these principles, *Theodatus* was not allowed to take advantage of his kinship with the *Amali* to increase his personal wealth to the detriment of others (*Variae*, IV, 39 and V, 12). Likewise, *Servatus*, duke of Rhaetia, was to make an effort to prevent any abuse of power in the province of which he was governor, ensuring that the law was respected in everything: «It is your duty to repress all violence and injustice in the Provinces over which you preside» (*Variae*, I, 11, 1). Everyone was to understand that the strength of the law was to be preferred on

all occasions to the arbitrary abuse of power: «In a dispute let laws decide, not the strong arm», he wrote to the *comes Gothorum* in the *Formula* with which he was invested with considerable military and civil powers (*Variae*, VII, 3). Having undertaken such arduous military enterprises, the Gothic government was not going to allow the people to abandon their barbaries and not fall in with the *romana consuetudo*: «Obey the Roman customs. You are now by God's blessing restored to your ancient freedom; put off the barbarian; clothe yourselves with the morals of the toga» (*Variae*, III, 17, 1).

For the State, expecting its subjects to respect a more civilized way of life, especially in the remoter parts of the kingdom, meant ensuring moderation and equity. In the *formula comitiuae prouinciae* it was insisted that the *comites*, once they had come into office, should be inflexible against evil-doers in order to strengthen honest people's faith in the institutions: «Let the ensigns of your power be terrible to drivers-away of cattle, to thieves and robbers; but let innocence rejoice when she sees tokens of approaching succour» (*Variae*, VII, 1, 3). Likewise, the *defensor ciuitatis*, freely elected by the citizens, was to be a symbol of honesty and was to act with absolute impartiality in the exercise of his duties (*Variae*, VII, 11).

The area where the citizens were most satisfactorily guaranteed equity and justice was that of taxation. Although it had to take the needs of the State into account, those of private individuals could not be neglected. There was to be no partiality, and tax evasion could not be tolerated: only a fair distribution of taxation would make citizens more willing to pay and less likely to consider it burdensome; only by repressing the tendency of the powerful to resent being subjected to taxation could transgression be prevented from becoming common practice.

Resistance to Theoderic's action did not, however, come only from the Romans; the Goths themselves, above all, often proved resentful of obligations that they considered to be alien to their traditions: the Goths of the town of Adria, who were reluctant to pay their taxes, were threatened with heavy fines (*Variae*, I, 19), as were the Goths of Picenum and the Tuscanies, to prevent inadequately punished transgression from becoming a general rule: «But some of the Goths in Picenum and the two Tuscanies are evading the payment of their proper taxes. This vicious practice must be suppressed at once, lest it spread by imitation» (*Variae*, IV, 14, 1-2).

But did the Goths pay their taxes?

According to Fabien Thibault the Goths were exempt from paying taxes, and in the specific case of the Gothic inhabitants of Adria, Theoderic did not

tax the *sortes* but the lands they had acquired in various ways⁸. Thibault's thesis, which was also supported by Ferdinand Lot⁹, has, however, been treated with considerable doubt and reservations, above all recently¹⁰.

Although, in fact, Theoderic did not intend to overburden anyone in particular with taxation, he did not want to diminish the State revenue; hence his fair, intelligent financial administration did not allow anyone to escape paying taxes. He did not, however, abuse his power or impose extraordinary taxes which, after all, sensible financial management had no need of: «We shall not enquire how many causes you have gained, but how you have gained them» (*Variae*, I, 2, 3), he wrote to the fiscal advocate in the first years of his reign, meaning that he set great store by creating an efficient bureaucracy, capable of respecting the interests of all and everybody. His wish was for public officials to accept the logic of the pre-eminence of the State which, however, was not to be imposed arbitrarily, but by any means that would ensure the ordered development of society. The growth of society could not, however, be achieved without encouraging the economic growth of its individual members, for whom the State was not to appear as an alien, rapacious structure. Hence the numerous measures to avoid detachment between the citizens and the State: the merchants of Siponto (*Manfredonia*) who had been attacked by the Byzantine troops fighting on the fringe of the conflict between Franks and Visigoths in 507¹¹ were exempted from paying taxes for two years and were granted delays in payment of the debts they had incurred with private citizens (*Variae*, II, 38). At about the same time, again on the edges of the Frank-Visigoth war, the

⁸ Cf. F. Thibault, «L'impôt direct dans les royaumes des Ostrogoths, des Wisigoths et des Burgundes», in *Nouv. Rev. Hist. Dr. Fr. et Etr.* 25, 1901, 703 and ff. Much the same view is taken in F. Gabotto, *Storia della Italia occidentale nel Medio Evo (395-1313)*, I: *I Barbari nell'Italia occidentale*, Pinerolo 1911, 388.

⁹ Cf. F. Lot, «Les destinées de l'Empire en Occident de 395 à 888», in F. Lot - Ch. Pfister - F. L. Ganshof, *Histoire du Moyen Age*, I, Paris 1928, 116, n. 65.

¹⁰ Cf. R. Soraci, *Aspetti di storia economica italiana nell'età di Cassiodoro*, Catania 1974, 83 and ff.; B. Saitta, *La civiltas di Teoderico. Rigore amministrativo, «tolleranza» religiosa e recupero dell'Antico nell'Italia ostrogota*, Rome 1993, 31 and ff. (including sources and critical references).

¹¹ On the subject cf. B. Saitta, «Teoderico di fronte a Franchi e Visigoti (A proposito della battaglia di Vouillé)», in *Cultura e società nell'Italia medievale. Studi per Paolo Brezzi*, Istituto Storico per il Medio Evo, II, Rome 1988, 737-750.

inhabitants of Marseilles received confirmation of the immunity they had enjoyed since the time of the Empire and were exempted from the property census for a year (*Variae*, III, 34; IV, 26). The territories of Nola and Naples, which had been devastated by an eruption of Vesuvius, were granted tax relief. This concession was not, however, indiscriminate: an official of proven honesty was to assess the damage each person had reported and only then was relief given, this being the only way to assist the afflicted and protect the interests of the State at the same time (*Variae*, IV, 50). Tax relief was also granted to the Church of Milan, but only on the wealth used to help the poor; in effect, the Church of Milan was authorised, through her own *defensores*, who supervised the assistance given to the poor, to choose a *proemptor* among the *negotiatores* of the city, who would be entrusted with buying and selling «for the need of the poor» and would be the only one to be granted tax relief on purchases made for this purpose. Any other business transactions not related to assistance for the poor were to be taxed normally: «Your Magnificence will therefore allow them to single out some one merchant who shall buy for them in the market, without being subject to monopoly, siliquaticum, or the payment of gold-fee» (*Variae*, II, 30, 3).

In such a context it is no wonder that Cassiodorus should have seen clear signs in the Ostrogothic age of the era of Pliny and Trajan, distinguished for the collaboration between the Senate and the Empire. Like Trajan, Theoderic, *optimus princeps*, based his personal power on bilateral commitment on the part of the prince and the people, a necessary premise to avoid any lack of civility in the Ostrogothic kingdom: «We like nothing that is disorderly» (*Variae*, VII, 3, 2).

3. THE OSTROGOTHS AND RELIGIOUS POLICY IN ITALY

In the year 500 in Rome Theoderic celebrated the thirtieth anniversary of his recognition as leader of the Goths and on the occasion he wished to demonstrate his respect for the Church by going to St. Peter's *devotissimus ac si catholicus*¹². Besides the purely formal aspect of the gesture, on commencing his rule over both Goths and Romans Theoderic wished to show everyone his intention of pursuing a balanced religious policy which would promote dialo-

¹² *Excerpta Valesiana*, ed. Moreau, Lipsiae in Aedibus B. G. Teubneri, 1968, XII, 65.

gue and conciliation. He intended to make it quite clear how far he was from the idea of taking a rigid or interventionist stand in his delicate relations with the Catholic party. As the *Anonimus Valesianus* wrote¹³: «Theoderic ruled over two peoples in one but as far as Arianism was concerned he never did anything to damage the Catholic religion». *Procopius of Caesarea* recalls that when the Goths asked Belisarius for peace they supported their request with the fact that no-one in their domain had converted or been forced to do so, and they had shown great respect for the Roman temples, where no-one who had taken refuge had ever been subjected to violence¹⁴.

This was not a question of religious indifference but a deliberate choice made by the Gothic sovereign, who was convinced that tolerance was an essential feature of *civilitas*. With these premises not only Theoderic but also his successors wanted to ensure everyone of the right to religious freedom: Theodatus reminded Justinian that if God allowed more than one religion to exist men certainly had no right to impose one in particular (*Variae*, X, 26, 4).

In the context of the pacific coexistence pursued by Theoderic there was, however, no wish to allow the clergy —whether Catholic or Arian— to escape the control of the sovereign. The Gothic king had restored the old privilege probably abolished by Valentinian III, by virtue of which the clergy came under the jurisdiction of ecclesiastic rather than ordinary courts. Athalaric went even further, recognising the Pope's authority in matters of canonical law and not allowing parties who considered themselves injured by papal sentences to appeal to the secular courts; in a decree issued in about 527 it was established that whoever had a suit against an ecclesiastic had to accept the judgement of the Pope or his delegate. Only if the Pope refused to discuss the controversy could the royal court be applied to (*Variae*, VIII, 24).

In effect Theoderic's pursuit of harmonious coexistence did not allow the clergy to escape the control of the State, nor could it have been otherwise: avoiding a lay court did not, in fact, mean that ecclesiastics were allowed to neglect their duties connected with the ordered development of the kingdom. When the sovereign ordered the Arian church of *Unscila* to be exonerated from extraordinary taxes, he explained at the same time that, in the context of a balanced system of taxation, they should not consider themselves exempt

¹³ *Excerpta Valesiana*, cit., XII, 60.

¹⁴ *Procopii Caesariensis De Bello Gothico*, ed. Wirth, II, reprint ed. Haury 1905-1913, II, 6, 18-19.

from paying ordinary taxes: «Private persons must not make grants to the injury of our treasury» (*Variae*, I, 26, 3). The same attitude was taken towards the Catholic community: the perpetual relief granted, as we saw previously, to the Church of Milan regarding commercial transactions in favour of the poor was a personal concession (*personalis exceptio*) to the merchant chosen to organise the service and was not to be extended to others.

Places of worship were also held in great consideration and the privilege of the right of sanctuary was generally maintained, except, however, when it was thought to be in contrast with the defence of strong civil and moral values. An example: a certain *Agapita* had not only been unfaithful to her husband and left him but had also given the family wealth to her lover and taken refuge in the church to escape the penal consequences of her deed. The woman had lost all honour and transferred the shame to her children whom she had robbed of their rightful inheritance. She had gravely undermined the institution of the family, the foundation of human society, and therefore deserved no mercy, so she was chased out of the church she had taken refuge in and put on trial (*Variae*, II, 11).

The ecclesiastic hierarchy was recognised by both Theoderic and his successors as having the function of a link between the public and the private: the bishop, the security of the people (*securitas plebis*), was to act as an enlightened counsellor of the public magistrature, of course respecting their autonomy and independence. In 508, at the peak of his prestige and power, Theoderic, desiring to compensate the inhabitants of the Cottian Alps who had suffered severe losses on account of the military operations connected with a punitive expedition in Provence, entrusted a bishop with responsibility for the task since, being endowed with the prestige of a priest, he would guarantee that any abuse of power was eliminated and ensure just compensation (*Variae*, II, 8). The same was to happen in the age of Athalaric, when the Gothic Count of Syracuse, accused of arbitrarily fixing the prices of the wheat products introduced by traders, was obliged to listen to the binding opinion of the bishop of the city before he set the tariffs (*Variae*, IX, 14, 9).

In less peaceful times, in the harshest period of the war between the Goths and the Greeks, when farmers fled from their fields and hunger caused more victims than the war itself, when the inhabitants of Tuscany and Emilia fled towards Picenum in search of food, falling to the ground from starvation, picking themselves back up again with difficulty, expressions of astonishment and terror on their faces, even going so far as to eat one another (*Procop. BG*, II, 20),

Theodatus entrusted bishop *Datius* of Milan, whose moral qualities were widely recognised, with distributing the grain stored in the royal granaries of Pavia and *Dertona* (now Tortona) at regulated prices (*Variae*, XII, 27).

Guided by such intentions, Ostrogothic policy seems very different not only from that of the other barbarian *nationes*, but also from Byzantine policy at the time, which featured a rigid orthodoxy, particularly against small religious minorities. Just as he avoided tension between Arians and Catholics, Theoderic intervened energetically against any abuse of power over minority groups. Although he respected the regulations laid down in the Code of Theodosius, he maintained an almost benevolent attitude, towards Jews especially, for whom he confined himself to restoring the *constituta diuina* (*Variae*, II, 27), considering the principle of *custodia legum* to be untouchable as a *ciuilitatis indicium* (*Variae*, IV, 33, 1).

It was Theoderic's intention that the Jews should not feel forced to struggle for existence, but should consider themselves active elements of a system of government which was fully aware of the needs of its citizens. So, although attention was paid to enforcing the Imperial ban on the construction of new synagogues or the embellishment of existing ones, the Jews were allowed to repair their places of worship, ownership of which was guaranteed (*Variae*, II, 27). It is no coincidence that, in contrast with the constitution drawn up by Theodosius II, by which Jews were not allowed to hold public office¹⁵, Theoderic appointed the Jewish jurist Simmacus as one of his ministers (*Excerpt. Vales.* XV, 94). Nor was it by chance that Theoderic ignored Constantine's rigid ruling on circumcision¹⁶ whereas he reposed the law of Arcadius whereby the Jews were granted the right to their own jurisdiction in religious lawsuits (*CTh.* II, 1, 10): the Jews of Milan, irritated by the attacks made by the Catholics on their legal authority, were given the legal aid the State had to ensure its subjects, on condition, however, that the Jews also abstained from threatening, *inciuiliter*, the authority of the Church and the Milan ecclesiastics (*Variae*, V, 37). In a way, this policy gave good results: in the last tragic stages of the Ostrogothic domination, the Goths besieged in Naples by Belisarius were given victuals by the Jews (*Procop. BG*, I, 8, 41) and, even when the last hopes of victory for the

¹⁵ Nov. Theod. III, 2, in *Leges Novellae ad Theodosianum pertinentes*, ed. Meyer 1962.

¹⁶ *CTh.* XVI, 9, 1, eds. Mommsen and Meyer, 1905.

Goths died, the Jews fought valiantly against the Byzantines to prevent them from taking the walls of the city in the shade of Vesuvius (Procop. *BG*, I, 10, 24-26).

The last years of Theoderic's reign were so full of painful events as to blur his image as the guardian of freedom, the *custos libertatis*¹⁷, which he had gradually built up over his twenty-year reign.

In 522 Sigeric, heir to the Burgundian kingdom and Theoderic's nephew, had been killed, sacrificed by his father to the poisonous insinuations of his second wife¹⁸; in 523, Amalafreda, the widow of the Arian Vandal king Trasamund and sister of the Gothic king, was put to death in prison by Hilderic who was a Catholic and close to the Byzantine court¹⁹. Again in 523, the Pope Hormisdas, with whom the Ostrogothic court had a good relationship, died and John I, appreciated in pro-Byzantine Roman circles for his piety and the intransigence of his faith, was chosen as his successor²⁰. These were all worrying signs behind which Theoderic detected the hand of Byzantium. This alone was enough to irritate him. His suspicions were confirmed by the arrival from the East of the edict with which, in 523, Justin banned Arianism in the whole of the Empire²¹; at the same time the Roman patrician *Albinus* announced the election of John I to the Emperor of the East in letters which probably also contained words of appreciation and support for the anti-Arian edict. These letters are thought to have been intercepted and delivered to the competent authorities by a certain *Severus*, of African origin. There is no doubt that the edict of Justin was of prevalently religious significance, but it also certainly had a clear political meaning in its attempt to strike the Goths, against whom it was really directed.

¹⁷ *CIL*, Berolini 1863—, X, 6850.

¹⁸ Marii Episcopi Aventicensis *Chronica a. CCCCLV-DLXXXI*, ed. Mommsen, *MGH, Auct. Ant.* XI, 2, 1894, 522. Cf. Greg. Turon. *HL*, III, 5; Fredeg. *Chron.* III, 33. On the subject cf. B. Saitta, *I Burgundi (413-534)*, Catania 1977, 60 and n. 118.

¹⁹ Victoris Tonnensis Episcopi *Chronica a. CCCXLIV-DLXVII*, ed. Mommsen, *MGH, Auct. Ant.* XI, 2, 1894, 523, 1. Cf. Procopii Caesariensis *De Bello Vandalico*, ed. Wirth, I, Lipsiae 1962 (reprint ed. Haury, 1905), I, 9, 4-5.

²⁰ *Liber Pontificalis*, ed. L. Duchesne, I, Paris 1981, LIII. Hormisdas, 269-272; LV. Iohannes, 275-276.

²¹ *CI*, I, 5, 12, 4, ed. Krüger 1929.

The result of the episode was a concerted effort between certain senators and the Emperor of the East to claim Italy back for the Empire. In the eyes of Theoderic this was very serious; *Albinus*, who had written to the Emperor in favour of the edict, was guilty of the crime of lese-majesty and thus had to be punished so that his example would not encourage in others a desire for institutional change.

The accusation, thus formulated, was prepared by the referendarius *Cyprianus*, who was to present it to the king and the judicial body, the *consistorium*. *Albinus* was defended by *Boethius*, who denied the existence of the letter but unwisely added that he himself and the whole of the Senate were responsible for *Albinus* actions (*Excerpt. Vales. XIV, 85*). This admission brought *Boethius* under suspicion as well; indeed, *Cyprianus* declared that he could produce direct proof of complicity. *Albinus* and *Boethius* were arrested and shut up in the Baptistery in Verona; *Boethius* was killed, according to the *Anonimus Valesianus* (*XIV, 87*) after horrendous torture.

In the opinion of *Boethius* all those who contributed to their own condemnation and that of others, victims of a relentless wave of suspicion, were worthless spies, lacking any credibility, from *Cyprianus*²² to *Opilion* and *Gaudentius* (*Consolatio I, 4, 17*) and *Decoratus*, perhaps the worst of them all (*Consolatio, III, 4, 4*).

In reality with his death he had paid for his respect for justice and his scorn of the threats of the powerful (*Consolatio, I, 4, 9*). He had opposed the oppressors and had saved countless wretches from the clutches of foul barbarians; he had deplored public despoliation and private pillage and when, during a period of famine, the impoverished Campania had been subjected to heavy, unjustified taxation, he had managed to convince the king to abolish it (*Consolatio, I, 4, 12*).

We will not analyze *Boethius*'s declarations any further, dictated as they were by a specific situation and by no means impartial. Suffice it to say that another portrait of *Cyprianus* has been sent down to us by *Cassiodorus*: that of a man of culture—he knew three languages in fact (*Variae, V, 40, 5*)—liked by *Theoderic* both for the loyalty he displayed on the battlefield (*Variae, VIII, 21, 3*) and for his ability as a diplomat (*Variae, V, 40, 5*). The same applies to *Opilion*: due to the numerous occasions on which he proved his honesty (*Variae, VIII, 17, 4*) he must have enjoyed a good reputation among this fellow citizens.

²² *Anicii Manlii Severini Boethii Philosophiae consolatio*, ed. Bieler, *CC, SL, 94*, 1, 1957, I, 4, 14.

Besides the good opinion of him expressed by Ennodius (*Epist.* I, 22; V, 3), it should be remembered that a speech he made was sufficient to persuade the Ligurians to accept the advent of Athalaric and prevent the handing over of power from causing any confusion or disorder (*Variae*, VIII, 16, 5). Later Procopius presents him, together with the old *Liberius*, at the court of Justinian as Theodatus ambassador, a sign that, despite the change in the political climate, he was still strongly coherent (Procop. *BG.* I, 4). Even in the case of *Decoratus*, celebrated in an epitaph discovered in Spoleto as the glory of the city, we cannot help pointing out the delicate tax investigations Theoderic entrusted him with (*Variae*, V, 31) and the praise Ennodius expressed for his wisdom (*Epist.* IV, 7; VII, 6 and 10).

Boethius's attitude is a passionate act of self-defence, witness to an indomitable personality and, beyond all human weakness, a proud spirit with no inclination to compromise. This is a fact. Theoderic's action was, however, undeniably legitimate: faced with behaviour which threatened to frustrate the action of a government which had been created with such difficulty he could not, as the defender of his people, have acted in any other way.

In the explosive religious situation brought about by the conflict between East and West, Theoderic's usually tolerant policy, of course in the meaning the term had in the period we are dealing with, intentionally avoiding polemics and attempting through dialogue and conciliation to bridge the gap between the two sides, succeeded in ensuring long periods of peace. But it could not avoid the storm created by the trial and condemnation of Boethius and Simmacus. And I do not think that the responsibility was all his.

4. THE RESTORATION OF ANTIQUITY IN OSTROGOTHIC ITALY

Theoderic realised that restoration of the remains of the grandeur of Rome and other cultures, which had been seriously damaged, would give great satisfaction to the local nobility, who were indignant at the decay of the cities and desired to preserve the magnificence of the Empire. This desire was evidently constant as several years later Totila ordered the senators residing in Rome to rebuild the city at their own expense and was obeyed: despite the poverty into which they had fallen, the senators made every effort to restore the city's buildings and monuments (Procop. *BG.* IV, 22).

To find a solution to his grandiose plan the Gothic king, celebrated as the «amator fabricarum et restaurator civitatum» (*Excerpt. Vales.* XII, 70), valued the work of the qualified technicians he entrusted with the difficult task and to whom he gave great honours: to direct the construction work undertaken on his initiative and above all to build and preserve the royal palaces, he appointed not only a high-ranking official, the *cura palatii* (*Variae*, VII, 5) but also a number of architects co-ordinated by an expert superintendent of arts and public works who was capable of appreciating and getting others to appreciate the beauty and splendour of antiquity (*Variae*, VII, 15).

In the year 500 Theoderic visited Rome and on that occasion he established adequate revenue for the restoration of a number of palaces and the strengthening of the Aurelian walls²³. Maintenance work was also to be carried out on the Circus Maximus (*Variae*, III, 51) and steps were probably also taken to restore the Coliseum and various buildings in the Forum and Palatine, as can be deduced from the bricks stamped with praise of the beauty of Rome in the times of Theoderic, most of which were found on church roofs²⁴.

Theoderic paid particular attention to the city of Ravenna. Besides the monumental works that can still be enjoyed, such as the church of St. Martin the Confessor, now S. Apollinare Nuovo²⁵, or Theoderic's Mausoleum, a building in square blocks of stone from Istria, similar to many Roman sepulchres but barbarian in the false monolithic dome weighing about three hundred tons which covers it (*Excerpt. Vales.* XVI, 96), there are also signs of the work of marble experts, brought in specially from Rome, in the restoration of the Basilica of Hercules and the building of a Church of the Goths, both demolished by the Venetians in the XVth century.

At no time during his reign did Theoderic underestimate the enormous difficulty for the State to bear the cost of these building projects directly. He therefore encouraged individual initiative, above all where it could give better results than public enterprise: the patrician *Paulinus* was allowed, so that «regal gifts, like seeds, may bear fruit everywhere» to appropriate ruined granaries in Rome, but only after having restructured them and restored their efficiency

²³ *Excerpt. Vales.* XII, 67. Cf. Cassiod. *Chron.*, ed. Mommsen, *MGH, Auct. Ant.* XI, 1894, c. 1339.

²⁴ *CIL*, VI, 1115, 1716 a-c; XV, 1663-1670.

²⁵ Agnelli qui et Andreas *Liber pontificalis Ecclesiae Ravennatis*, ed. Holder-Egger, *MGH, Script. Rer. Langob. et Italic. saec. VI-IX*, 1878, XXVII, 86, 334-335.

(*Variae*, III, 29), and, in a plan, which authorised private individuals to use public buildings which had become run down through old age or abandonment for their own purposes, the deacon *Elpidius*, a friend of Ennodius and his personal physician, was allowed to purchase a porch and a square behind the thermal baths in Spoleto (*Variae*, IV, 24).

A combination of public and private enterprise was preferred when it was necessary to build or restructure public works such as fortifications, walls, aqueducts, roads and anything else that would contribute to an ordered development of economic and social life. Concerned not only with the beauty of cities but also with their safety and habitability, the Gothic king did not try to avoid the financial responsibility but wanted to involve everyone in the carrying out of his plans, convinced as he was that everyone should love his motherland (*Variae*, I, 21, 1) and that the interests of the State necessarily coincided with those of the community as a whole (*Variae*, III, 41, 1). Both the public and the private sectors were to collaborate, above all when the works planned involved a great amount of labour and materials: in the Tridentine region, possibly in order to protect the borders, he ordered a city to be built exclusively by the inhabitants of the surrounding areas (*Variae*, V, 9); the same orders were given when it was necessary to strengthen the fortifications of the city of Tortona, which was as strategically important at the time as it had been in the first years of the Empire (*Variae*, I, 17).

Extremely sensitive to the necessity of monuments which were «famous because of their usefulness», through a specific official, the *comes formarum*, Theoderic had several aqueducts built, grandiose works which, according to Cassiodorus, were comparable with the wonders of the Nile and Egypt (*Variae*, VII, 6). The effort must have been successful since Cassiodorus, referring to Rome, exalted the magnificence of the underground waterways which eclipsed the beauties of other cities (*Variae*, III, 30, 1-2) and, in the years of the war between the Goths and the Greeks, there were still fourteen aqueducts in Rome which Belisarius used in part as a means of defence (Procop. *BG*, I, 19). Ravenna had also been involved in steps taken to improve its water supply since 502²⁶. The city was supplied above all by the aqueduct built by the Emperor Trajan. It was an imposing structure requiring continuous maintenance which Theoderic ensured both through financial commitment on the part of the State and the

²⁶ Cassiod. *Chron.* c. 1342: *dn. rex Theodericus aquam Ravennam perduxit.*

imposition of *munera* on private individuals (*Variae*, V, 38. Cf. *Excerpt. Vales.* XII, 71).

The State was also directly present when it was necessary to embellish works which, although of no public utility, responded to the idea of *ciuilitas* that Theoderic set such great store by. Rome in particular embodied this ideal and a great amount of his plans for public works concerned this city: Rome was a miracle and alone could be called the sublime compendium of the seven wonders of the ancient world (*Variae*, VII, 15, 4-5). In Rome each monument, from the Capitol to Trajan's Forum, seemed to transcend the power of human genius and become a celebration of the miracle of art (*Variae*, VII, 6, 1). Even the statues, whose number according to Cassiodorus equalled that of the city's inhabitants (*Variae*, VII, 15, 3) were to be cared for and constantly watched over; the rabble were not to be allowed to ruin them or break off parts of them to sell without impunity. In other cities this control could be occasional; in Rome it had to be continuous (*Variae*, VII, 13, 1). That is why, on the lines of the *curator statuarum*, the *comes romanus*²⁷ was created, whose specific task was to prevent the systematic plundering of statues and buildings from degrading the countless wonders of the past (*Variae*, VII, 13, 2-3). This concern was no less vivid for Theoderic's successors, even when the signs of collapse were imminent: in 535-536 Theodatus, having learned from the prefect of Rome that some statues of elephants in the Via Sacra were in such a state of abandonment as risk being lost for ever, he ordered them to be restored to prevent them from falling into such shameful ruin (*Variae*, X, 30).

5. TERRITORIAL IMPROVEMENTS

Just as he had often had recourse to private enterprise in preserving works of art, Theoderic encouraged individual initiative in improving management of the land. Private individuals were, in fact, granted public lands as long as productivity was increased (*Variae*, VII, 44). The response was surprising: private individuals evidently had great faith in this effort in activities

²⁷ As regards identification of the *comes romanus* with the *curator statuarum*, see Th. Mommsen, «Ostgothische Studien», in *Gesammelte Schriften, VI: Historische Schriften*, Berlin 1910, 432; W. Ensslin, *Theoderich der Grosse*, München 1959², 181 and n. 11 (on 371).

complementary to the work of the State. Courageous works of reclamation were carried out in the area surrounding Ravenna and the marshland round Spoleto and Terracina. As a consequence, the radical reclamation works on what was probably the site of the ancient harbour of Ravenna led to the result that «where there was once a port one can see vast orchards full of masts bearing fruit instead of sails»²⁸. This was not his only success: the frequent floods of the Clitumnus prevented cultivation of a large part of the land round Spoleto; two men, *Speius* and *Domitius*, offered to reclaim the area and Theoderic, who desired to make agriculture safer, gave them the permission they had requested; indeed, as part of his policy to protect the rights of workers (*Variae*, II, 21, 1) he granted them the whole of the reclaimed land, probably in emphyteusis. Later on, *Domitius* abandoned the enterprise and the king sent an official to force him to resume the work he had interrupted; if he did not succeed, the benefits of the success of the project, which he considered «a glory of our times», would go exclusively to *Speius* (*Variae*, II, 21, 4).

A similar measure was taken when the patrician *Decius*, showing admirable love of his country, offered to reclaim a nineteen-mile stretch of marshland north of Terracina which had been rendered useless by the flooding of the rivers Ufento and Amaseno. Theoderic encouraged the enterprise (*Variae*, II, 32 and 33), but we do not know whether it was successful. The fact remains, however, that the ruins of a village near Terracina bear the name of Theoderic and an official inscription found in the area exalts the restoration of the Via Appia through the reclaiming of the Pontine Marshes (*CIL*, X, 6850-6851).

CONCLUSION

Theoderic certainly did not succeed in solving the basic problems connected with his policy of exercising control over the East and dominating the West; nor was he able to overcome the ambiguity of a controversial reign, depending on whether it is seen from the perspective of the history of the Goths or from the viewpoint which considered the destiny of Ostrogothic Italy to be linked to the history of the Eastern Empire. He did, however, succeed in part, and the

²⁸ Jordanis *Getica*, ed. Mommsen, *MGH, Auct. Ant.*, V, 1, 1961, XXIX, 151. It should be mentioned that Jordanes (*Getica*, XXIX, 148) had spoken of Ravenna as a «city among marshes». Theoderic's action is also recalled by an inscription: *CIL*, XI, 10.

consequences were of great benefit to Italy: during his lifetime the Goths never yielded to enemies, however powerful, such as Clovis's Franks (Jord. *Getica*, LVII, 296) and there were no peoples in the West who were not his allies or subjects (Jord. *Getica*, LVIII, 303).

He also partly solved the numerous problems he encountered in the more specifically administrative field, where he was clearly limited by the excessive concentration of power: judiciary and administrative power was often, for example, in the same hands, and thus ran the risk of not defending the interests of the community as a whole. These were defects whose roots ran back a long way and were hard to eradicate without offending the sensibilities of the Romans and upsetting the balance of things.

In such a situation, to presume to change the whole of the structure of the State was an extremely unadvisable policy and Theoderic probably did not have either the experience or the knowledge needed for such an enterprise. He thus had to trust his officials, who were certainly capable but in many cases tended to abuse their power and accept bribes. The Gothic king tried to make people understand that an incorrupt public administration, by ensuring his subjects peace of mind, was a prime instrument of progress and peace (*Variae*, I, 1, 1). And yet traders in Apulia and Calabria protested against the illegal taxes they were forced to pay (*Variae*, II, 26) and from Sicily there arrived reports of oppression by officials who had been sent to the region with the laudable task of restoring order to the tax system (*Variae*, IX, 10-12). As soon as Athalaric came to power he was forced to discharge the *Praefectus praetorio Abbondantius* from his duties due to his disgraceful conduct, which had thrown shame on the dignity of his office, and he recommended that his successor refrain from illegal tax collection which would sully the ideal of justice (*Variae*, VII, 20, 1-2).

Immorality on the part of public officials was all the more serious since, by spreading the logic of abuse of power, it created a detachment between the citizens and the State and fostered mistrust of the institutions.

In this difficult scenario it is hard to decide whether there were more officials who abused their power than there were who exercised it with a sense of moderation and justice. It is, however, certain, as Cassiodorus amply shows, that Theoderic and his immediate successors made great efforts to put an end to immoral behaviour or at least to make it more tolerable, and in many cases they did not hesitate to subject those responsible to exemplary punishment.

It is perhaps worthwhile recalling that although Theoderic's most implacable accuser, Boethius, was writing in a state of extreme perturbation, the image he gave of his enemy was one of a sovereign substantially inspired by principles of equity²⁹. The same image is given by most Byzantine historians, especially Procopius who, although conditioned by the Justinian environment, succeeded in preserving his impartiality: «Theoderic was a tyrant by name, but in fact was a true Emperor, in no way inferior to those who had distinguished themselves in that honourable position in earlier years»³⁰.

ABSTRACT

The paper intends to establish a summary of the policies of Theoderic, of his achievements and his failures, as well as the basic principles of his politics, which were far from negative to the evolution of his kingdom in Italy.

²⁹ When Boethius states that he appealed for, and obtained, tax relief for the inhabitants of Campania (*Consolatio*, I, 4, 12), he implicitly admits that the king was willing to listen to him.

³⁰ Procop. *BG*, I, 1, 29. For the importance of a judgement expressed by one who moved in the sphere of Justinian, see Ensslin, *Theoderich* cit., 208. Cf. also P. Lamma, «Teoderico nella storiografia bizantina», in *Oriente e Occidente nell'Alto Medioevo. Studi storici sulle due civiltà*, Padua 1968 (previously in *Studi Romagnoli*, 3, 1952). By the same author see the authoritative *Theoderico*, Brescia 1950.