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THE ROMAN CIVIL SERVICE (CLERICAL AND SUB-CLERICAL GRADES)*

By A. H. M. JONES

The first and indeed the only Roman clerical officer to achieve historic fame was Gnaeus Flavius, a *scriba* of the aediles, who published the secrets of the *ius civile* and of the calendar and was himself elected aedile in 304 B.C.¹ From this incident some interesting facts emerge on the status and organization of the early Roman civil service. *Scribae*, if one may generalize from Gnaeus Flavius' case, were, unlike the public γραμματεῖς of the Greek cities, professional clerks who normally made the civil service their life's career,² and were therefore experts at their job—sometimes considerably more expert than their annually changing masters. On the other hand, they were not, like the δημόσιοι who often performed similar work in Greek cities, public slaves, but citizens,³ though of rather humble standing. Flavius was the son of a freedman and, when he stood as aedile, the returning officer refused to accept his name until he formally renounced his profession. *Servi publici* were not unknown at Rome, particularly in the service of the priestly colleges, but the greater and more important part of the civil service consisted of salaried citizens.⁴

We know very little more about the Roman civil service till we get down to the last fifty years of the Republic, when Cicero, particularly in the *Verrines* and in a letter to Quintus, gives us some interesting information, and the epigraphic evidence begins with a fragment of Sulla's law on the twenty quaestors, dealing with their *scribae*, *viatores* and *praecones*. With this evidence may be conveniently combined the many inscriptions of the Principate which illustrate the survival of the Republican civil service under the Empire.

We hear at this period of many subclerical grades, doctors (*medici*), surveyors (*architecti*), *haruspices* to interpret omens, *pullarii* to keep the chickens needed for divination, but we know little of the organization and terms of service of these technical officers.⁵ In what follows I shall be speaking of the less specialized grades, the messengers (*viatores*),⁶

* This paper was read to the Roman Society at the Annual General Meeting of 1948. I have left the text substantially unaltered, adding notes and an Appendix.

¹ The story is told in varying forms in Livy, ix, 46, Pliny, *HN*, xxxiii, 17, *Dig.*, i, ii, 2, §27 and Gellius, vii, ix. He is sometimes called a *scriba* of the aediles (Livy and Gellius), sometimes the *scriba* of Appius Claudius the Censor (Pliny and the *Digest*): as will be seen the two versions are not contradictory.

For the first part of this paper, which deals with the *apparitores*, the basic study is still Mommsen, *Staatsrecht*, i³, 332–371, though the work of J.H. Krause, 'De scribis publicis Romanorum' (*Jahrbuch des Pädagogiums zum Kloster Unser Lieben Frauen in Magdeburg*, Heft 22, 1858), is still of value, especially for the social status of *scribae* during the Republic. I differ from Mommsen on a few points, but my account is mainly a summary of his, where further references may be found.

² Mommsen's assumption that the tenure of *apparitores* was originally and always in principle annual, like that of the magistrates whom they served, seems to be arbitrary. *Apparitores* (except for *accensi*) are always described as serving a college of magistrates, and not any individual magistrate. Long

tenure appears to have been already the rule in the early second century B.C., when L. Petilius, appointed *scriba* by Q. Petilius as quaestor, is still holding this post when his patron is praetor (Livy, xl, 29).

³ According to tradition citizens were employed from the earliest days of the Republic (Livy, ii, 55). The rule is explicitly recorded in Bruns, *Fontes*⁷, 12, ll. 7–8, 12, 'de eis qui cives Romanei sunt'.

⁴ Mommsen, *Staatsrecht*, i³, 320–332.

⁵ Verres' *medicus* and *haruspex* are frequently classed with the *apparitores* by Cicero (*Verr.*, ii, 27, iii, 28, 54, 137). *Architecti* and *pullarii* are among the staff allocated to Rullus' proposed decemvirs (Cic., *de lege agr.*, ii, 31–2). Only the last grade are known to have been organized on a regular basis in *decuriae* (ILS, 1886, 1907, cf. 1926).

⁶ *Viatores* traditionally go back to the earliest days of the Republic (Livy, ii, 56, 13, iii, 56, 5, Cic., *de sen.*, 56, Festus, p. 371, Pliny, *HN*, xviii, 20). They are recorded as serving dictators (Livy, vi, 15, i, xxii, 11, 3), consuls (Gellius, iv, x, 8, Livy, xli, 15), praetors (Bruns, *Fontes*⁷, 10, l. 50), aediles (Livy, xxx, 38, 7), quaestors (Bruns, *Fontes*⁷, 12) and in particular tribunes of the plebs (Livy, ii, 56, iii, 56, xxxviii, 51, 12, Gellius, xiii, xii, 6, Cicero, *pro Fonteio*, 29, *pro Cluentio*, 74, in *Vatin.*, 22).

the heralds (*praecones*),⁷ and the lictors, who had not only the ceremonial duty of constituting a guard of honour to the magistrates they served,⁸ but, in the provinces at any rate, acted as gaolers and executioners. In a province the post of chief lictor might be both influential and lucrative; Cicero gives a lurid but not necessarily untrue picture of how Sextus, Verres' principal lictor, amassed a small fortune by exacting douceurs from the friends and relations of prisoners in return for allowing them amenities in prison or a painless execution.⁹ These were all what might be called established officers, permanently registered at the Aerarium. One officer, the *accensus*, was exceptional in that he was a personal appointment by the magistrate concerned, who normally nominated a freedman of his own.¹⁰

A cut above all these minor fry were the clerical grade—the *scribae*.¹¹ Even when he is denouncing the iniquities of Verres' *scriba*, Cicero is careful to state that his remarks do not apply to the *ordo scribarum* as a whole, which is a highly respectable body,¹² and he proudly records the *scribae* among the sound elements in the body politic who welcomed his return from exile.¹³ It appears from the *Verrines* that it was customary for a magistrate to reward his *scriba* on the conclusion of his service with a gold ring,¹⁴ and that *scribae* claimed to belong to the equestrian order.¹⁵

The organization of the service was complicated, and is in some points obscure: the evidence comes mainly from Imperial inscriptions. The officers of each grade attached to each magistracy normally formed a separate panel (*decuria*) or group of panels: for instance, the *scribae* of the quaestors were organized in three *decuriae*, which apparently served in the Aerarium annually in rotation, and so also were their *viatores* and *praecones*.¹⁶ The consuls and praetors counted for this purpose as one college, and the lictors, the *praecones*, and probably also the *viatores* serving them each formed a group of three *decuriae*; ¹⁷ but these do not seem to have served in rotation, for one of them was allocated to the consuls.¹⁸ Other magistracies were served by single *decuriae* of *apparitores*, but the subdivision of magistracies was sometimes carried very far; the curule, plebian, and cereal aediles, for instance, had each their separate staff of *scribae*. Most colleges seem to have had their own *viatores* and *praecones*; lictors, of course, were confined to those possessing *imperium*; *decuriae scribarum*, though recorded for practically all of the lesser colleges, are curiously lacking for consuls and praetors.¹⁹ The *decuriae* were all attached to actual magistrates, no provision being made for pro-magistrates. There is, however, absolute

⁷ *Praecones* are recorded for censors (Varro, *L.L.*, vi, 86–7, Livy, xxix, 37), dictators (Livy, iv, 32, viii, 32–3), consuls (Varro, *L.L.*, vi, 95, Livy, xxiv, 8, 20), quaestors (Bruns, *Fontes*⁷, 12) and tribunes of the plebs (Livy, xxxviii, 51, 8, Asconius, in *Cornel.*, p. 51, Auctor ad Herenn., iv, lv, 68).

⁸ Lictors, of course, by tradition go back to the regal period (Livy, i, 26, 7).

⁹ *Verr.*, v, 118 ff.; cf. *ad Q.f.*, i, i, §13, 'sit lictor non suae sed tuae lenitatis apparitor: maioraque praeferant fasces illi et securae dignitatis insignia quam potestatis'.

¹⁰ Cicero states this as the traditional practice in *ad Q.f.*, i, i, §13. Timarchides, Verres' *accensus*, was his freedman (*Verr.*, iii, 154, 157). Cicero himself, however, employed another man's freedman (*ad Fam.*, iii, 7), and so apparently did C. Nero as proconsul of Asia (*Verr.*, i, 71). *Accensi* are said to go back to the decemvirate of 450 B.C. (Livy, iii, 33, 8). They served consuls (Varro, *L.L.*, vi, 88, 95, Suet., *Julius*, 20) and praetors (Varro, *L.L.*, vi, 89).

¹¹ *Scribae* are recorded as serving aediles (Gellius, vii, ix, Livy, ix, 46, xxx, 39, 7, Cic., *pro Cluentio*, 126), quaestors (Bruns, *Fontes*⁷, 12, Livy, xl, 29, Plutarch, *Cato Minor*, 16), and tribunes of the plebs (Livy, xxxviii, 51, Asconius, in *Cornel.*, p. 51).

¹² *Verr.*, iii, 182.

¹³ *de domo*, 74.

¹⁴ *Verr.*, iii, 185.

¹⁵ This is implied by 'in secundum ordinem civitatis' in *Verr.*, iii, 184. *Scribae* are placed immediately after the equestrian *tribuni* and *prae-fecti* and before the unofficial *comites* of a provincial governor in Cic., *pro Rabirio Postumo*, 13.

¹⁶ Many inscriptions (e.g. *ILS*, 1894–5, 1898, 1926, 2748, 9036) speak of *scribae librarii quaestorii III decuriarum* and Bruns, *Fontes*⁷, 12, proves that the three *decuriae* of *viatores* and *praecones* quaestorii served in annual rotation.

¹⁷ Lictors: *ILS*, 1904, '[l]ict. III decuriarum, qui Cafes.] et magistratibus a[ppar.]', 1908, 1911–2, 9037, 'lict. III decur., qui imp. et cos. et pr. apparuit', *CIL*, vi, 1874. *Praecones*: *ILS*, 1933, 'praeco ex tribus decuris qui cos. cens. pr. apparere solent, apparuit Caesari Augusto' (the only mention of censorial *apparitores* in the inscriptions). *Viatores*: *ILS*, 331, 'viatores qui Caesari et pr. apparuit', 1915, 1920, 1922, 1944, 'viat. honor. dec. cos. et pr.', 5052, *CIL*, vi, 1916.

¹⁸ Lictors: *ILS*, 1908, 'decuriali decuriae lictor. cos. trium decuriar.', 1910, *CIL*, vi, 1879. *Praecones*: *ILS*, 1934, 'ordo decuriae Iuliae praec. cos.', 1935, 3878. *Viatores*: *ILS*, 1534, 1910, 'exercuit decurias duas viatoria(m) et lictoria(m) consulares', 1919, *CIL*, vi, 1917, cf. *ILS*, 1921, 6141, 'decuriae viatoriae equestris cos.'

¹⁹ The following table shows the *scribae*, *viatores*, and *praecones* of the lesser magistracies:—

evidence that proconsuls and propraetors were served by *apparitores* of all grades,²⁰ and that praetors and censors (and presumably therefore consuls) had their *scribae*.²¹

The *decuriae* are apparently to be regarded as pools from which the magistrates drew their staffs. We know from a letter of Pliny that in his day a quaestor of a province drew his *scriba* by lot, and this arrangement is so typical of Republican usage that it is probably general and primitive.²² On the other hand, from the mock testimonial which Cicero writes for Verres' *scriba*, it appears that he had served Verres in his successive offices of legate, praetor, and propraetor,²³ and must therefore have been chosen by his employer and not allotted to him. At the same time Cicero makes it abundantly clear that Verres' *scriba* was a member of the *ordo scribarum* and enrolled in a *decuria*.²⁴

The working of the system is a little difficult to visualize, but it would appear that *apparitores*, though drawing a continuous salary from the Aerarium as members of the *decuriae*, were not continuously employed, but only as allotted to the magistrates of the college to which they were attached or as selected by pro-magistrates—and, in the case of *scribae*, by consuls and praetors. A provincial staff would thus consist of several *scribae*—the *scriba quaestorius* proper officially allotted to the quaestor and others employed by the proconsul or propraetor and his *legati*²⁵—and lictors, *viatores*

	<i>Scribae</i>	<i>Viatores</i>	<i>Praecones</i>
aed. cur. . . .	<i>ILS</i> , 1879–82, 1886, 1893, 1898–9, 2727, 3593, 6188		<i>ILS</i> , 1879, 1908
aed. pleb. . . .	<i>ILS</i> , 1893, <i>CIL</i> , vi, 1855	<i>ILS</i> , 1923, 3593, <i>CIL</i> , x, 530	
aed. Cer. . . .	<i>ILS</i> , 1893		
aediles (unspecified) .	<i>ILS</i> , 1883–5, 1899, 1900, 6283, 6953–4		<i>ILS</i> , 1936
trib. pl. . . .	<i>ILS</i> , 1885–6, 1898–9, 1926	<i>ILS</i> , 1924–5, 1950, 7489, 9039	<i>CIL</i> , vi, 1949
quaestors	<i>ILS</i> , 1886–95, 1898, 1926, etc.	<i>ILS</i> , 382, 1926–7, 3416, 3434, 6172	<i>ILS</i> , 1899
X-viri stl. iud. . . .	<i>ILS</i> , 1900	<i>ILS</i> , 1911	
III-viri cap. . . .		<i>ILS</i> , 1898, 1929–30	
III-viri viar. cur. . .		<i>CIL</i> , vi, 1937–8	
XXVI-viri (unspecified)	<i>ILS</i> , 1901		

It would seem that some *decuriae* were, perhaps at a later stage, doubled. This is the simplest explanation of *ILS*, 1883, 'scribae decur. aedilic. mai.', 1896, 'scr. libr. quaestorius e tribus decuriis minoribus ab aerario,' 7489, 'viatori tribunicio decuriae maioris,' 1886, 'scrib. tribunicio maior,' and *CIL*, vi, 1848, '[scrib. dec. aediliciae maior[is]].' Mommsen explains them otherwise (*op. cit.*, 345).

²⁰ Promagistrates are recorded with *scribae* (Livy, xlv, 29, Cic., *Verr.*, iii, 181 ff.), lictors (Cic., *Verr.*, v, 118, 140–2, *ad Q. f.*, i, 1, §13), *viatores* (Cic., *Verr.*, iii, 154, 183), *praecones* (Livy, xlv, 29, Cic., *Verr.*, ii, 27, 75, iii, 40, 54, 137, 183), *accensi* (see note 10) and other grades (see note 5). Verres as *legatus* had a *scriba* (*Verr.*, iii, 187) and a lictor (ib. i, 67, 72).

²¹ *Scribae* are mentioned as attending a praetor or *iudex quaestionis* in court in Cic., *Verr.*, iii, 26, *pro Cluentio*, 147 (cf. *Verr.*, iii, 187), as serving a censor in Val. Max., iv, 1, 10, and Varro *L.L.*, vi, 87. They were assigned to Rullus' decemvirs (*de lege agr.*, ii, 32).

²² Pliny, *Ep.*, iv, 12, cf. schol. on Cic., *in Clod. et Cur.*, 'apud aerarium sortiri provincias et quaestores solebant et scribae.'

²³ *Verr.*, iii, 187, 'quandoque tu nulla umquam mihi in cupiditate ac turpitudine defuisti omnibusque

in isdem flagitiis mecum et in legatione et in praetura et hic in Sicilia versatus es.' Mommsen ignores this passage, which seems to me the clue to the appointment of provincial *apparitores*.

²⁴ *Verr.*, iii, 181–4.

²⁵ It appears from the *Verrines* that Verres had, as propraetor, one *scriba* in his employ (iii, 181–7), and had employed the same man as *legatus* in Cilicia, while Caecilius, his quaestor, had another *scriba* of his own (*Div.*, 29). This is my explanation of the two *scribae* with whom Cicero worked as quaestor (*Verr.*, iii, 182), and the two on Scipio's staff as proconsul in 187 B.C. (Livy, xxxviii, 55). Mommsen's view was that each quaestor had two *scribae* allotted to him, who were also at the disposal of his chief. My explanation is borne out by *AE*, 1921, 38–9, 'L. Marius Perpetuus scriba quaestorius, Sex. S. Verus haruspex, L. Pomponius Carisianus scriba librarius, P. Papienus Salutaris scriba librarius'. Here the first *scriba* is the man officially allotted to the quaestor, the other two might be serving the proconsul or one of his *legati*. The latter might presumably be drawn from any *decuria* of *scribae* at Rome: this would account for a *scriba aedilicis* dying in Britain (*ILS*, 1883), presumably on the legate's staff.

and *praecones* employed by the governor, quaestor and *legati*, all drawn from the *decuriae* at Rome.²⁶

The most interesting point which emerges from Cicero is that a place on the panels of the *scribae* was obtained by purchase.²⁷ Cicero waxes rather sarcastic over this method of appointment, whereby, as he says, any scallywag may rise, if he can scrape together the necessary cash, 'ex primo ordine explosorum in secundum ordinem civitatis,' but it does not seem generally to have reflected any discredit on the *ordo scribarum*. The precise working of the system is, like most corrupt practices, rather obscure. *Scribae* and other *apparitores* were nominated, it would appear, by the magistrates of the college which they served,²⁸ but once nominated they were irremovable save for misconduct. Plutarch tells of the difficulty which Cato as quaestor had in sacking two dishonest clerks at the treasury. One he succeeded in convicting of a private delict, but the other was acquitted by a tie of votes in the court of discipline, which consisted of the quaestors; Cato nevertheless refused to employ him or pay him his salary.²⁹ And not only had the *apparitor* a freehold in his office, but he could perform the services by deputy; the *Lex Cornelia de XX quaestoribus* expressly allows the *viatores* and *praecones* of the quaestors *vicarium dare subdere* and orders the quaestors to accept these *vicarii*.³⁰ Purchase presumably came in at this stage: Roman magistrates did not sell the original nominations, but the original nominees sold their practices to *vicarii*. The growth of a system of purchase implies that the service was lucrative, and if so the official salary, which Cicero says was small,³¹ must have been regularly supplemented by perquisites in some form. I suspect that Cicero is somewhat disingenuous when he raises his hands with holy horror at the 4 per cent rake-off on the price of *frumentum emptum* which Verres entered *scribae nomine*.³² This form of perquisite must have been fairly regular, if strictly illegal, for Verres to enter it openly on his accounts; there were no doubt many others less reputable.

The picture which I have endeavoured to draw of the Republican civil service will, I hope, correct the impression still too commonly given in textbooks that a Roman magistrate struggled single-handed with his official duties without any staff worthy of the name. Plutarch in a too little quoted passage of the *Cato minor*, draws a very different picture. In the Aerarium the *scribae quaestorii* were accustomed to have it all their own way, until the conscientious Cato, having carefully read up the regulations, created consternation among them by telling them what to do instead of signing on the dotted line like the average quaestor.³³ The *scribae*, at any rate, were men of a certain standing, as well as experience, and magistrates must have leaned a good deal on them, both on the accounting and judicial side of their work.³⁴ The subclerical grades were of a lower social status, but even among them lictors must have acquired considerable experience in court procedure. Cicero is very sarcastic about Verres' use of his subclerical officers as *iudices* and on his *consilium*,³⁵ but when we find a highly respectable proconsul of Africa under the Principate

²⁶ *pace* Mommsen the 'dec. lictor Fufid. Pollionis leg. Gal.' of *ILS*, 1914, was a member of the *decuriae* of lictors at Rome; the 'decurlis lictor cives urbicus' who died at Burdigala (*ILS*, 1906) and the 'lictur decur.' at Nicomedia (*CIL*, III, 6987) would also be members of the urban *decuriae* serving in the provinces.

²⁷ *Verr.*, III, 184, cf. Suetonius, *Vita Horatii*, 'scriptum quaestorium comparavit,' and schol. on Juvenal, v, 3.

²⁸ Livy, XL, 29. In Bruns, *Fontes*⁷, 12, the exceptional nominations to the newly created places are made by the consuls, but normally quaestors appoint *viatores* and *praecones quaestorii*.

²⁹ Plutarch, *Cato minor*, 16, cf. Cic., *pro Cluentio*, 126 (the trial of a *scriba aedilicius* by a disciplinary court consisting of the aediles and praetors). Mommsen points out that the clause in Bruns, *Fontes*⁷, 12, ll. 11, 14, 'dum ni quem in eis viatoribus praeconibus legundeis sublegundeis in eius viatoris praeconis locum viatorem praeconem legant sublegant

quoius in locum per leges plebeive scita viatorem praeconem legei sublegei non licebit,' gives security of tenure to *apparitores* by defining the causes for which they may be replaced.

³⁰ Bruns, *Fontes*⁷, 12, ll. 11, 24-30. Cf. *ILS*, 1936, 'hoc monumentum apparitorum praeconum aedilium veterum vicarium est,' *CIL*, VI, 1947, 'appar. aedilic. praec. vicar. veteribus.'

³¹ *Verr.*, III, 182, 'tuus apparitor parva mercede populi conductus.' Other allusions to salary are Bruns, *Fontes*⁷, 12, ll. 1, 1-6, II, 31-7, Plutarch, *Cato minor*, 16, and under the Principate, Frontinus, *de aqua*, 100, and Pliny, *Ep.*, IV, 12.

³² *Verr.*, III, 181.

³³ Plutarch, *Cato minor*, 16-18.

³⁴ Cicero in the *Verrines* is mainly interested in the financial side of a *scriba's* work, but in *CIL*, VI, 1853, a *scriba* of the aediles claims to be 'iuris prudens', and in *ILS*, 1896, a *scriba quaestorius* boasts 'vixi iudicio sine iudice'.

³⁵ *Verr.*, III, 28, 57, 137.

recording as members of his *consilium* not only his own and his quaestor's *scribae* but his *haruspex*,³⁶ one wonders whether Verres' conduct was so exceptional or so scandalous.

These grades of clerical and subclerical officers survived under the Principate in the service of the old Republican magistrates, including the proconsuls, legates and quaestors of the provinces, and officers of similar grades were attached to the new magistracies and quasi-magistracies which were created in the early Principate: the *praefecti frumenti dandi*, for instance, and the *curatores aquarum* had their staff of *scribae librarii*, *accensi* and *praecones*, and the latter lictors and architects as well.³⁷ It is indeed during the Imperial period that we have most epigraphic evidence of these grades, by way of inscriptions either recording the careers of individuals or the corporate activities of the *decuriae*. These inscriptions show that much the same conditions prevailed as under the late Republic. Incidentally, we hear for the first time of another grade, the porters (*geruli*).³⁸ *Accensi* continued to be freedmen of the magistrates whom they served.³⁹ The other subclerical grades are of humble status, often freedmen.⁴⁰ *Scribae* continued to be of rather superior standing. A certain number proceeded to equestrian military posts; ⁴¹ others record with conscious pride the grant of a public horse; ⁴² many are honoured in their municipalities.⁴³ They evidently, as in Cicero's day, still clung to the lower fringe of the equestrian order. The inscriptions frequently record a man holding a large number of posts under different colleges of magistrates and often in different grades, but do not make it plain whether these posts were held successively or if the men concerned were pluralists holding places in a number of *decuriae* simultaneously. With the active officers are often associated the *munere functi*, or *honore usi*, presumably those who had sold out.⁴⁴

The service survived at least until the sixth century,⁴⁵ and in the fourth and early fifth the *decuriales urbis Romae* were still vigorously maintaining their right to assist at certain legal processes and, what was more important in their eyes, to collect the fees.⁴⁶ Even at this late period they seem still to have served in the provinces,⁴⁷ and they were now recruited in the provinces.⁴⁸ But long before this time their duties seem to have become purely formal and their posts had in many cases become sinecures: even in Trajan's reign Frontinus complains that the *apparitores* of the *curatores aquarum*, though they still drew their salaries from the Aerarium, had ceased to function.⁴⁹ Meanwhile, to cope with the increasing mass of clerical work which the higher administrative standards of the Principate demanded, two new types of civil servant were evolving, the imperial slaves and freedmen

³⁶ *AE*, 1921, 38-9. Cf. *Dig.*, v, i, 82 (Ulpian, *de officio consulis*), 'Nonnumquam solent magistratus populi Romani viatorem nominatim vice arbitri dare, quod raro et non nisi re urgente faciendum est.'

³⁷ Frontinus, *de aqu.*, 100.

³⁸ *ILS*, 366, 504, 1534, 1909, 1940, 5021; they formed a *decuria*.

³⁹ e.g. *ILS*, 1942-4, 1946, 1948-50, 1952.

⁴⁰ e.g. *ILS*, 1902-3, 1910, 1915, 1918, 1923, 1926, 1932, 1938. A number of *scribae* also were freedmen, e.g. *ILS*, 1877-9, 1899, 1926.

⁴¹ e.g. *ILS*, 1429, 1885, 1893, 2699, 2706, 4951a, *CIL*, vi, 1806, 1817, 1837, 1841, *AE*, 1925, 44, 1934, 107.

⁴² e.g. *ILS*, 1883, 2727, 2748, 6188, 6954, *CIL*, vi, 1832.

⁴³ e.g. *ILS*, 1886, 1889, 1898a, 1901, *AE*, 1927, 125.

⁴⁴ *munere functi*: *ILS*, 1033, 1893. *honore usi*: *ILS*, 331, 504, 2727, 9036, *CIL*, vi, 967a, 1008, 1854. Also *honore functi*: *ILS*, 1891. For the sale of *decuriae* under the Empire see *Frag. Vat.*, 272.

⁴⁵ This is to be inferred from the inclusion of the title 'de decuriis urbis Romae' by Justinian in the *Codex* (xi, 14); cf. Cassiodorus, *Variae*, v, 22 (appointment of a *decuriarum rector*).

⁴⁶ *Cod. Theod.*, viii, ix, 1 (335), 'ordines decuriarum scribarum librariorum et lictoriae consularis oblati precibus meruerunt, ut in civilibus causis et

editionibus libellorum officiorum sollemnitate fungantur ita ut vetusta aetate servatum est.' The heading of the title, 'de lucris officiorum,' supplies the motive. The privileges of the *decuriales* are confirmed in xiv, i, 2 (386), 3 (389), 4 (404), 5 (407), and 6 (409). Their fees are alluded to in laws 4 ('neque ab his commodis quae rationibus adprobentur audeat separare') and 6 ('emolumenta omnia per diversos erepta redhiberi decernimus').

⁴⁷ This is implied by *Cod. Theod.*, viii, ix, 1, which is addressed to a praetorian prefect and ends with the words 'rectores itaque quae iussimus observabunt', by xiv, i, 4, addressed *Exsuperantio Iulio et ceteris decurialibus*, which warns *singulos iudices* to observe their privileges, and by xiv, i, 6, where the *vicarius Africae* is instructed to take proceedings against those who have violated the rights of the *decuriae*. Among the officials attending the *Collatio Carthaginiensis* of 411 is the *scriba officii v.c. legati almae Carthagini* (Mansi, *Concilia*, iv, 51, 167, 181). John Lydus (*de mag.*, ii, 30) records that at Constantinople in his day the *praetor Constantianus* had a *scriba*.

⁴⁸ *Cod. Theod.*, xiv, i, 3 (389), 'decurialibus quos binos esse ex singulis quibusque urbibus omnium provinciarum veneranda decrevit antiquitas.'

⁴⁹ Frontinus, *De aqu.*, 101, 'apparitores et ministeria quamvis perseveret adhuc aerarium in eos erogare, tamen esse curatorum videntur desisse inertia et segnitia non agentium officium.'

who assisted the secretaries and procurators and the military clerks who formed the *officia* of provincial governors.

Under the first heading I do not intend to speak of such important functionaries as *a rationibus*, *ab epistulis*, or the provincial procurators, who fall rather in the administrative grade. My concern is with the *proximi*, *melloproximi* and *adiutores* of the imperial secretariats, and the cashiers and accountants—*dispensatores*, *arcarii*, *tabularii* and the like—who served in the financial offices. These remained imperial slaves or freedmen to the end of the Principate, when the heads of their departments had long become *equites*.⁵⁰ There are two principal points which I want to make about these lower grades. One is how remarkably economical the service was, for the emperor's purse at any rate, if not for the public. I do not claim to have looked more than cursorily through the immense mass of inscriptions, mainly tombstones, in which are recorded the family relationships and the careers of these humble folk, but I gained a strong impression that the emperors were very rarely reduced to buying slaves. Under the early Principate in particular the second names, such as Pallantianus or Agrippianus, which many bear, show that they accrued by inheritance to the emperor from friends or members of his family, client kings, and not least from the great imperial freedmen; many more must have begun their career as *vicarii* of imperial slaves, and been added to the *familia* on their master's death. In the later centuries one is struck by the number who were born in the emperor's service. Since most of the records are tombstones, and an imperial slave was normally manumitted while still in the prime of life, the number of records of imperial slaves is relatively small. But of them a high proportion record themselves as *Caesaris verna*, and a number who do not call themselves *vernae* can be proved to have been such. There are countless inscriptions of a freedman father and his children, who are still *Caesaris nostri servi*, or must have been so originally, since they are by now *Augusti liberti*. More exceptionally a son who is *Augusti libertus* records aged parents still slaves of Caesar. It would almost seem that the imperial government deliberately postponed the manumission of an imperial slave until he had produced a sufficient number of children born in servitude to carry on the service. As a result the service must in the second and third centuries have been almost entirely hereditary.⁵¹

The emperor thus incurred no capital expense in recruiting his service. On the other hand, that the emperor drew considerable profits from his *familia* is, I think, proved by the existence, from as early as the time of Claudius, of a *fiscus libertatis et peculiorum* to collect them.⁵² How considerable the *peculia* of imperial slaves might be is indicated by the inscription set up to Musicus, a slave of Tiberius, who occupied the not very elevated position of a *dispensator* in the *fiscus Gallicus provinciae Lugdunensis*, by his domestic staff: they numbered sixteen, and included a *negotiator* to manage his business affairs, a *sumptuarius* to control his household expenditure, two cooks, two footmen (*pedisequi*), a valet (*a veste*), two chamberlains (*a cubiculo*), two butlers (*ab argento*), three secretaries (*a manu*), a doctor, and a lady whose functions are discreetly veiled. The emperor certainly secured this little group of slaves, as well as the silver plate and the wardrobe they looked after, for Musicus died still a slave.⁵³

The term *libertatis* has puzzled commentators, who have generally rather reluctantly concluded that it must refer to the *vicesima libertatis*,⁵⁴ and expressed justifiable surprise that the *fiscus libertatis et peculiorum* should have dealt with matters so disparate as a public tax which flowed into the Aerarium, and the property of the emperor's defunct slaves. I should like to suggest that *libertatis* in this context meant the sums paid for their freedom by imperial slaves. It was normal in the ancient world for slaves to purchase

⁵⁰ There are several studies of the imperial civil service, notably Hirschfeld's *Verwaltungsbeamten*, but these have concentrated mainly on the functions of the various officials, and the recruitment and promotion of the equestrian grades. I know of no recent study of the humbler personnel from the social aspect: it would be a promising subject for a thesis.

⁵¹ For the reason given in the text I forbear to give references, which to be of any statistical value would have to be exhaustive.

⁵² *CIL*, vi, 8450 a, *ILS*, 1521, 1522.

⁵³ *ILS*, 1514.

⁵⁴ Hirschfeld, *Verwaltungsbeamten*, 108-9.

manumission, and in the huge imperial *familia* these payments must have been a regular and sizeable source of income. Even when an imperial slave had won his freedom the emperor had, like any other patron, certain claims on his services (*operae*) and, when he died, on his inheritance, which no doubt swelled the takings of the *fiscus libertatis et peculiorum*.

The second point which I wish to make is that even slaves of Caesar enjoyed a relatively high social station and an adequate income. Some married female imperial slaves or freedwomen, but the majority seem to have contracted unions with freedwomen outside the imperial *familia*, or with women of free birth; these by a special dispensation from the *SC Claudianum* became imperial freedwomen, the children of the marriage being claimed as slaves of the emperor. Imperial slaves were able to rear families, and to acquire their own domestic slaves; bachelors, like Musicus, could maintain a considerable household of slaves. One may reasonably ask whether the *commoda* furnished by the Fiscus were calculated on so generous a scale as to allow for these luxuries. It seems improbable, and the conclusion is, I think, that imperial slaves must have regularly made a good deal on the side by way of fees and perquisites from the public.⁵⁵

The other form in which a civil service developed was by seconding soldiers for staff duties.⁵⁶ The system had its roots in the practice of the late Republic, when we find picked soldiers, styled *beneficiarii*, attached to the person of a commander.⁵⁷ The earliest allusion to it under the Principate is the statement of Tacitus that when Gaius withdrew Legion III *Augusta* from the command of the proconsul of Africa, the legate of the legion and the proconsul shared the *beneficia*.⁵⁸ Later, as higher grades were created, the term *beneficiarii* came to be limited to the lower grades.⁵⁹ As reconstructed by Domaszewski from the inscriptions the standard form of what came to be called the *officium* of a *legatus Augusti pro praetore* was a centurion as *princeps praetorii*,⁶⁰ three *cornicularii*,⁶¹ three *commentarienses*,⁶² ten *speculatores* per legion he commanded,⁶³ and a large number of plain *beneficiarii*—thirty are recorded on an inscription of a legate of Numidia who shared his staff equally with the proconsul of Africa: so sixty would be the norm.⁶⁴ The higher grade officers, the *princeps*, *cornicularii* and *commentarienses* were assisted by *adiutores*.⁶⁵ Little is known of the functions attaching to the various grades, except that *speculatores* and perhaps *commentarienses* were concerned with the custody of prisoners and the execution of the condemned.⁶⁶ There were, in addition, numerous minor grades, such as *quaestionarii* (torturers),⁶⁷ and various types of clerks, *exceptores*, *exacti*, *librarii*,⁶⁸ as well as equerries (*stratores*)⁶⁹ and a numerous bodyguard of *equites* and *pedites singulares*.⁷⁰

The staffs of this type were allocated to all *legati Augusti pro praetore*, and also, it would seem, though there is no epigraphic evidence, to proconsuls. It is certain, despite

⁵⁵ See n. 51; for the *SC Claudianum* see Buckland, *The Roman Law of Slavery*, 417.

⁵⁶ The basic study is here von Domaszewski, *Die Rangordnungen des römischen Heeres*, hereinafter cited as Dom.

⁵⁷ Caesar, *BC*, I, 75, III, 88.

⁵⁸ *Hist.*, IV, 48.

⁵⁹ *Beneficiarii* (*beneficia*) seem to be used in Tacitus (loc. cit.) and Pliny, *Ep.* x, 21, 27, to cover all grades, for all the *officia* in question would have included *cornicularii*, and those of the proconsul and legate in Africa other grades as well. Cf. *ILS*, 2073, 'Sex. Cetri Severi spec. beneficiarii Getae ab comentariis custodiaru.' and *CIL*, III, 6754, 'Bb. et cornicularii eius.'

⁶⁰ *IGRR*, III, 1230, *AE*, 1916, 29: a centurion of the *officium* is recorded in Pliny, *Ep.*, x, 21, *Dig.*, XLVIII, ii, 73, *ILS*, 1880, *AE*, 1946, 227.

⁶¹ Dom., 29–31, *ILS*, 1093, 2382, *CIL*, XIII, 6803.

⁶² Dom., 31, *ILS*, 2382, *CIL*, XIII, 6803.

⁶³ Dom., 32, *ILS*, 2375, 2382, 2648, *CIL*, VI, 4122.

⁶⁴ *ILS*, 2381 and *AE*, 1918, 57, both show thirty *beneficiarii* in the legate's *officium*. Tacitus' words 'aequatus inter duos beneficiorum numerus' seem to be literally correct, for in *ILS*, 2381, the legate

has two *cornicularii*, two *commentarienses*, and four *speculatores* out of a total of three plus three plus ten. To judge by their frequency in the inscriptions *beneficiarii consularis* must have been numerous.

⁶⁵ *Adiutor principis*: *ILS*, 2448, 4837, *CIL*, II, 6111, *AE*, 1916, 29. *Adiutor corn.*: *ILS*, 2391, 2586, 3035, 9170, *IGRR*, III, 1008. *Adiutor comm.*: *ILS*, 9076, *AE*, 1933, 61.

⁶⁶ *Speculatores*: Seneca, *de benef.*, III, 25, *de ira* I, 18, §4, Mark, VI, 27, Firm. Mat., *Math.*, VIII, 26, *Dig.*, XLVIII, xx, 6. This last passage speaks first of *speculatores* and *optiones* and then of *optiones siue commentarienses*, but the last two words may well be an interpolation. A *commentariensis* appears in the *Acta S. Pionii*, 21, and a *speculator* executed Cyprian (*Acta proconsularia*, 5).

⁶⁷ *ILS*, 1162, 2381, 2383, 4496.

⁶⁸ Dom., 37.

⁶⁹ *ILS*, 1357a, 1358, 2418, 2419a, 2587, *CIL*, III, 10315, *AE*, 1935, 100. 'Unus strator officii Galeri Maximi proconsulis' and 'alius eustrator a custodiis eiusdem officii' arrested Cyprian (*Acta Proconsularia*, 2).

⁷⁰ *ILS*, 486, 2416–8, 2588, 3456, *CIL*, III, 14387 f, VIII, 9763, *AE*, 1935, 100.

the lack of inscriptions, that the proconsul of Africa had a military *officium*, drawn from the Legio III *Augusta*, as well as a civilian staff of *scribae*, etc., both from Tacitus' remarks and from the fact that the legate of Numidia had an *officium* of half the normal size.⁷¹ The ruling of Ulpian that proconsuls cannot have their own *stratores*, but in their place soldiers perform the duty in the provinces, shows that proconsuls were allocated some military personnel to attend them,⁷² and a *commentariensis* is attested for the proconsul of Asia in A.D. 250.⁷³ The prefects of the City, of the *praetorium*, of the *annona* and of the *vigiles*,⁷⁴ and procurators, both praesidial and financial, had smaller staffs on a similar model; it will be remembered that Pliny as legate of Bithynia allocated ten *beneficiarii* to the procurator of the province and a centurion, two *equites* and ten *beneficiarii* to the prefect of the Pontic shore.⁷⁵ When the officer concerned had troops under his command the men were taken from these troops; the *officia* of the prefects of the City, the *praetorium* and the *vigiles* came from the urban and praetorian cohorts and the *vigiles* respectively, and the legates of the military provinces drew from their own legions. Legates of provinces which had no legions drew their staffs from any unit stationed in their area—the legate of Gallia Lugdunensis, for instance, from the urban cohort stationed in Lugdunum⁷⁶—or failing that, from the legions of a neighbouring province.⁷⁷

Service on the staff was a considerable promotion for the legionary private, and the inscriptions suggest that once on the staff a soldier stayed there, unless as not infrequently happened he obtained a commission as a centurion. Inscriptions record promotion from *beneficiarius* or *speculator* to the higher grades of *commentariensis* and *cornicularius*.⁷⁸ An interesting case is a soldier of the first urban cohort at Lugdunum, who joined up in 73, was promoted *beneficiarius* in or before 79, and *commentariensis* in 84, serving on the staff of three successive legates. On completing his service in 88 he was *evocatus* and two years later promoted centurion of his original cohort.⁷⁹ Another inscription, probably of the third century, from Arabia, shows a man starting as *beneficiarius* and being promoted successively to *commentariensis*, *cornicularius*, and finally centurion of the *officium*.⁸⁰ Other inscriptions show that some men were selected for staff duties immediately upon enlistment; M. Aur. Augustianus first served for four years as *exceptor* of the governor of Moesia Superior, then was transferred to the praetorian guard, where he served for five years in another clerical post as *eques sive tabularius*, after which he was promoted centurion.⁸¹ By the third century at any rate a separate cadre of *officiales* was already forming which had very little connection with the fighting troops.

Officiales, being of the rank of N.C.O's, received quite good pay, which they would supplement with sundry perquisites. Ulpian in his book *de officio proconsulis* mentions one of these, *panniculariae*, or the personal effects of executed prisoners. The *speculatores*, *optiones* or *commentariensis*, he rules, should not be allowed to seize them, nor should a governor pocket them for himself. The best plan is to build up from them a fund for supplying paper to the officials, or rewards of bravery to the troops, or presents to barbarian envoys. Some scrupulous governors transmitted these paltry sums to the Fiscus, but this, in Ulpian's view, 'perquam diligentiae est.'⁸² This new type of civil service, it may be noted, differed from the old Republican service in that its members did not go out with the governor from Rome to his province but were permanently attached to a particular province, serving a succession of governors. This distinction is noted by Paulus, who

⁷¹ See n. 64. A *speculator* executed Cyprian when he was condemned by the proconsul of Africa (*Acta proconsularia*, 5).

⁷² *Dig.*, I, XVI, 1, cf. n. 69.

⁷³ *Acta S. Pionii*, 21.

⁷⁴ *Dom.*, 6 ff., 17, 20–22; for the *praefectus annonae*, *ILS*, 2082.

⁷⁵ Pliny, *Ep.*, x, 21, 27; for epigraphic references see *Dom.*, 66–7, and *ILS*, 1389, 1428, *AE*, 1937, 87, 1939, 60, 1944, 38 (*cornicularii*), *ILS*, 4071, 6146, 9127, 9129, 9130 (*beneficiarii*).

⁷⁶ *ILS*, 2118: so also did the procurator, *AE*, 1935, 16.

⁷⁷ *Dom.*, 64–6.

⁷⁸ *ILS*, 2118, *CIL*, III, 9908, VIII, 17635 (*bf. to corn.*), *ILS*, 2379, *CIL*, III, 4179 and 4145, XIII, 1732 (*spec. to comm.*).

⁷⁹ *ILS*, 2118.

⁸⁰ *ILS*, 8880.

⁸¹ *ILS*, 2173.

⁸² *Dig.*, XLVIII, xx, 6. This passage unfortunately cannot be used to prove that proconsuls had *speculatores*, etc., as Ulpian, though writing *de officio proconsulis*, is clearly thinking of a legate with troops under him on the frontier.

rules that 'praesidis provinciae officiales, quia perpetui sunt', are allowed to lend money at interest, contrary to the usual rule which forbade governors and their staffs to have business dealings with the provincials.⁸³ Such officials, who not only knew the ropes of procedure, but were also familiar with local conditions, must have had a great advantage over the governor new both to the routine of administration and to the district he had to administer.

During the first two centuries of the Principate the *officia* seem to have been mainly concerned with judicial and police duties. Most of the officers whom they served—the three great prefects at Rome, and legates and proconsuls in the provinces—had little or no financial work. Procurators had two separate staffs, a military *officium* to assist them in their judicial duties and a *familia* of slaves and freedmen to deal with accounts. During the third century, however, the praetorian prefects and the provincial governors began, owing to the growing importance of the *annona militaris*, to require accounting staff, and there is some evidence in the inscriptions that they satisfied this demand by adding military accountants to their staff. I have already mentioned Aurelius Augustianus, who served as 'eques sive tabularius' in the praetorian prefecture—evidently an important post as he was promoted direct to centurion from it.⁸⁴ In the provinces also we meet with soldiers who served as *librarii* or *adiutores* in the *officium rationum*.⁸⁵

The common statement, based on the words of Lactantius, 'officiorum omnium milites,'⁸⁶ that Diocletian militarized the civil service, needs considerable qualification. On the one hand, the larger and more important half of it was already military—the *officia* of the praetorian prefects and of all provincial governors: and the *officia* of the deputies or *vicarii* of the praetorian prefects were naturally formed on the same model. On the other hand, there is good evidence that there was still a substantial freedman element in the civil service at the end of Diocletian's reign. In the persecution edict which he issued in 303 not only were Christians possessed of any τιμή, that is senators and equestrians, deprived of it, but οἱ ἐν οἰκετίαις were reduced to slavery.⁸⁷ Οἱ ἐν οἰκετίαις is an odd phrase, but evidently denotes government employees of some kind, and the penalty of enslavement seems appropriate for freedmen; it certainly cannot mean military *officiales*, who, incidentally, would by 303 have already been purged when Christians were expelled from the army in 298. *Augusti liberti* are then probably meant—the Latin original may have been something like *in familiis Caesaris*. This interpretation is confirmed by a comparison of Diocletian's edict with that of Valerian in 257, which deprived Christian senators and *equites* of their rank, and ordered *Caesariani* to be sent in chains to imperial estates.⁸⁸

Even in the highly favoured palatine offices, the *sacra scrinia* or secretariats and the financial departments of the *res summa* (*largitiones*) and *res privata*, the transition from freedman to military status seems to have been gradual, by the grant of successive privileges, and not yet to have been complete in Constantine's reign. In a constitution dated 319,⁸⁹ Constantine, after granting certain immunities to retired *palatini*, adds *agentes in rebus* to the list of beneficiaries 'licet meritis militaribus videantur esse subnixa'. It would seem then that the *palatini* were not by this date *milites*. Again in 326 he grants the right of

⁸³ *Dig.*, XII, i, 34.

⁸⁴ *ILS*, 2173. Probably the *scriniarius praef.* *praetor.* of *AE*, 1933, 248 (cf. *CIL*, III, 13201, *Ael. Aelianus eq. praet. et Ulp. Licinius a scr. praef.*) and the *primiscriniius castrorum praef.* (*ILS*, 9074) are financial officers; for, though *scrinium* is a general term covering any department on the judicial as on the financial side, *scriniarius* was in later times the technical term for a finance clerk (see n. 111) and in the urban prefecture the *primiscriniius* was the head of the finance branch (see Appendix, p. 54).

⁸⁵ *ILS*, 2392, 2424, *CIL*, III, 7979.

⁸⁶ *de mort. pers.*, 31. The most important work on the Byzantine *officia* is Ernst Stein, *Untersuchungen über das Officium der Prätorianerpräfektur seit Diokletian* (Wien), hereinafter cited as Stein.

⁸⁷ Eusebius, *Mart. Pal.*, I, τοὺς μὲν τιμῆς ἐπειλημένους ἄτιμους, τοὺς δὲ ἐν οἰκετίαις εἰ ἐπιμένοντες τῇ τοῦ Χριστιανισμοῦ προθέσει ἐλευθερίας στερήσεσθαι.

⁸⁸ Cyprian, *Ep.*, LXXX, 'senatores vero et egregii viri et equites Romani dignitate amissa etiam bonis spoliuntur et si ademptis facultatibus Christiani perseveraverint capite quoque multentur... Caesariani autem quicumque vel prius confessi fuerant vel nunc confessi fuerint confiscantur et vincti in Caesarianas possessiones descripti mittantur.' For *Caesariani* under the principate see *IGRR*, IV, 598.

⁸⁹ *Cod. Theod.*, VI, xxxv, 3. Seeck in the *Regesten* rightly rejects Mommsen's doubts as to the date.

castrense peculium to all *palatini*, which would not have been necessary had they been already *milites*, and moreover justifies the innovation by a long rhetorical argument.⁹⁰ Nor were military ranks ever introduced. The chief clerks of the *sacra scrinia* were still graded as *proximi* and *melloproximi*.⁹¹ The *palatini* of the finance offices had a peculiar system of grading of which I can find no trace under the Principate, but which is clearly not military. The higher officials had by the mid-fourth century achieved equestrian status, and were graded *perfectissimi*, class I, II, or III, *ducenarii* and *centenarii*. Below these come *epistulares*, who seem to represent the lowest equestrian grade, the *sexagenarii*, and at the bottom of the scale the remainder of the clerks are graded as *formae primae, secundae* and *tertia*.⁹² A similar classification into these *formae* is found among the *castrensi* or personal household, and this suggests that it was the mark of originally servile establishments.⁹³

In the provinces part of the slave or freedman element appears to survive during the fourth century under the style of *Caesariani*, who formed the staffs of the *rationales rei privatae*, the successors of the provincial *procuratores rationis privatae* and *patrimonii* of the third century.⁹⁴ They are always spoken of in the Codes in terms of the most violent obloquy, and the story which Ammianus tells, that a band of brigands in Syria successfully impersonated the *officium* of the *rationalis*, and carried off all the chattels of the leading citizens of a town on the pretence that they had been confiscated, suggests that the evil reputation of the *Caesariani* was not undeserved.⁹⁵ Whether there were also *Caesariani* on the staffs of the *rationales summarum*, who took the place of the provincial procurators, does not appear.⁹⁶

The majority, however, of the provincial procurators developed into *praesides*. In Diocletian's day *praesides* seem still to have possessed a freedman *familia* besides their military *officium*, for Eusebius records among the martyrs of Palestine, one Theodulos τῆς ἡγεμονικῆς τυγχάνων οἰκετίας.⁹⁷ By 319 the freedmen *tabularii* had acquired military status and were absorbed into the *officium*.⁹⁸ The process of fusion was no doubt facilitated by the fact that in the offices of the praetorian prefects and the *consulares* of provinces, who had possessed no slave or freedman *familia*, military *officiales* already existed to deal with the finance. *Tabularii*, or as they preferred to be called in the Byzantine period *numerarii*,⁹⁹ continued, perhaps as a result of their mixed origin, to hover on the borderline of military or servile officials. Constantine towards the end of his reign made the provincial *numerarii* liable to torture,¹⁰⁰ and Julian definitely deprived of their military status not only those in the provinces but even those in the praetorian prefecture, making them *condicionales*.¹⁰¹ This measure was revoked by Valentinian and Valens in respect of the

⁹⁰ *Cod. Theod.*, vi, xxxvi, 1, 'sed nec alieni sunt a pulvere et labore castrorum qui signa nostra comitantur, qui praesto sunt semper actibus, quos intentos eruditis studiis itinerum prolixitas et expeditionum difficultas exercet.'

⁹¹ *Proximi*: *Cod. Theod.*, vi, xxvi, *passim*. *Melloproximi*: vi, xxvi, 16, 17; AE 1941, no. 101 gives 'v(ir) p(erfectissimus) ex prox(imis) mem(oriae)' for which see A. Degrassi, *Doxa* II, 1949, 105. For these ranks among the imperial freedmen of the Principate, see *ILS*, 1477, 1485, 3703 (*proximi*), 1478 (*melloproximus*).

⁹² *Cod. Theod.*, vi, xxx, 7 (= *Cod. Just.*, xii, xxiii, 7).

⁹³ *Cod. Theod.*, vi, xxxii, 2.

⁹⁴ *Cod. Just.*, x, 1, 5 (Diocletian and Maximian), *Cod. Theod.*, x, vii, 1 (317), viii, 2 (319), ix, xlii, 1 (321), x, i, 5 (326), vii, 2 (364); also Bruns, *Fontes*, 95. That they served *rationales* appears from the law of 319, which is addressed 'ad Priscum rationalem' and from *Cod. Just.*, ix, xlix, 9 (= *Cod. Theod.*, ix, xlii, 1), where the by then obsolete term *Caesariani* is explained as *catholiciani* (καθολικός = *rationalis*).

⁹⁵ Amm. Marc., xxviii, ii, 13.

⁹⁶ *Cod. Just.*, x, i, 5, and *Cod. Theod.*, x, viii, 2, show that *Caesariani* dealt with confiscations, which were the province of the *res privata*.

⁹⁷ Eus., *Mart. Pal.*, 11, 24.

⁹⁸ *Cod. Theod.*, viii, i, 1, 'Dudum sanximus, ut nullus ad singula officia administranda ambitione perveniat, vel maxime ad tabularios, nisi qui ex ordine vel corpore officii uniuscuiusque est.' The date is confirmed, as against Mommsen and Seeck, by the use of the term *tabularii*, which was soon superseded by *numerarii* (see next note): Ensslin has noted this (*P-W*, xvii, 1297).

⁹⁹ *Numerarii* is used from 334 (*Cod. Theod.*, viii, i, 4, cf. 6, 7, 8) in all offices. In 365 (*tit. cit.*, 9) *numerarii* of *consulares* and *praesides* were ordered to be called *tabularii*. This rule still prevailed in the West in the early fifth century, as the *Notitia Dignitatum* (*Occ.*, xliii, xlv, xlv) shows. In the East it still prevailed in 382 (*Cod. Theod.*, viii, i, 12) but in the *Notitia* (*Or.*, xliii, xlv) *numerarii* has again become the title in provincial offices.

¹⁰⁰ *Cod. Theod.*, viii, i, 4.

¹⁰¹ *tit. cit.*, 6, 7, 8.

numerarii of the prefects,¹⁰² and apparently provincial *tabularii* and *numerarii* later reacquired their military status. But even in the sixth century the judicial grades affected to despise the finance officials as outsiders.¹⁰³

The *officia* of the praetorian and urban prefects, vicars and provincial governors, as recorded in the fifth century by the *Notitia Dignitatum*, still show obvious affinities with the *officia* of the Principate.¹⁰⁴ All are headed by a *princeps*¹⁰⁵ and a *cornicularius*¹⁰⁶ and contain a *commentariensis*:¹⁰⁷ by this date this last officer certainly handled criminal cases and had custody of prisoners.¹⁰⁸ The lower grades of *speculator*¹⁰⁹ and *beneficiarius*¹¹⁰ have by now disappeared, but both are occasionally mentioned in the constitutions and authors of the fourth century. Various other grades have appeared. I have already discussed the financial officers, the *numerarii* or *tabularii*, under whom were a host of *scriniarii*, from whom they selected their *adiutores* and *chartularii*.¹¹¹ Prefects and vicars have also *curae epistularum* to conduct their correspondences on financial matters,¹¹² and the praetorian prefects *regendarii* to control the public post.¹¹³ On the judicial side the *adiutor*¹¹⁴ of the *princeps* achieves independent rank, and an *ab actis*¹¹⁵ and in some offices an *a libellis*¹¹⁶ appear. Below them come a greatly increased number of *exceptores*, or shorthand writers, from whom were drawn the *adiutores* and *chartularii* of the higher officers.¹¹⁷ None of the new judicial offices was created before 331 when a constitution envisages direct promotion from *exceptor* to *commentariensis*.¹¹⁸ None (except a *libellensis*, and he does not seem to be an established officer) appears in the *ordo salutationis* of the province of

¹⁰² *tit. cit.*, I, 1.

¹⁰³ John Lydus, III, 35. Stein (p. 20) appears to believe John's allegation that the financial officials of the prefecture were civilian employees till Theodosius I gave them their military status. John cites, it is true, αἱ παλαιαὶ μέτρηκες for this, but the *Codex* proves that he was mistaken. He may have found some old *matriculae* of the period 362–5, when the *numerarii* were *condicionales*, and generalized from these.

¹⁰⁴ There is a handy comparative table of *officia* at the end of Seec's edition of the *Notitia*. The apparent confusion is largely due to the varying position in which the new posts of the *adiutor* and *numerarius* were inserted in the order of precedence.

¹⁰⁵ In *Cod. Theod.*, I, xvi, 7 (331), cited on p. 51, the *princeps officii* appears to be still called a centurion. The *princeps* of the Praetorian Prefect of the East still carried the centurion's *vitis* in Justinian's reign (John Lydus, II, 19).

¹⁰⁶ *Princeps* and *cornicularius* are mentioned as heads of the *officium* in Bruns, *Fontes*, 103, *Cod. Theod.*, VIII, iv, 10, vi, xxvi, 5.

¹⁰⁷ *Princeps*, *cornicularius*, *commentariensis* (and *numerarius* or *tabularius*) are listed as the principal officers of every *officium* in *Cod. Theod.*, VIII, xv, 3 (364), 5 (368).

¹⁰⁸ *Cod. Theod.*, IX, xl, 5 (364), VIII, xv, 5 (368), IX, iii, 5 (371), 6 (380), 7 (409), John Lydus, III, 16–17.

¹⁰⁹ Athanasius, *Apol. c. Arianos*, 8, καὶ παρὴν σπεκουλάτωρ καὶ κομεντάριος ἡμᾶς εἰσήγεν (at the Council of Tyre, 335), 83, ὁ μὲν γράφας αὐτὰ Ροῦφος ἐστὶν ὁ νῦν ἐν τῇ Αὐγουσταλῇ σπεκουλάτωρ. (Rufus who recorded the minutes of the Mareotic Commission in 335—presumably as an *exceptor*—was by c. 350 a *speculator* in the office of the Augustal Prefect), *Cod. Theod.*, VIII, iv, 16 (389), 'ordinariorum iudicum apparitores, qui vel speculatorum vel ordinariorum attigerint gradum, nullo annorum numero, nulla stipendiorum contemplatione laxentur, priusquam primipili pastum digesta ratione compleverint.' *Ordinarii* are also mentioned in VIII, xv, 3 (364), as high grade *officiales*, and appear in the *Notitia* (Or., xxxvii) in the praesidial *officium* of the *dux Arabiae* between *cornicularius* and *commentariensis*.

¹¹⁰ *CIL*, III, 14068 (*bf. cos.* under Diocletian and Maximian), Eus., *HE*, IX, 9 (Maximinus' edict of 311), *Cod. Theod.*, VIII, iv, 5 (date uncertain), 7 (361).

¹¹¹ *Cod. Just.*, XII, xlix, 10, John Lydus, III, 31, 35. In the *Notitia scriniarii* are mentioned only for the proconsul of Asia (Or., XX) in the civil *officia*. An *adiutor numerorum* of the vicar of Africa is recorded in Mansi, IV, 51, 167, 181 (*Collatio Carthaginiensis* of 411).

¹¹² John Lydus, III, 4, 5, 21, Cassiodorus, *Variae*, XI, 23. Besides the praetorian and urban prefects and vicars, the *praefectus Augustalis* had a *cura epistularum*, but not the *Comes Orientis*, perhaps because his original functions did not include finance (see n. 116).

¹¹³ Stein, 61 ff., arguing from Cassiodorus, *Variae*, XI, 29, and John Lydus, III, 4, 21, corrects the *regendarius* of *Not. Dig. Or.*, II, iii, *Occ.*, II, iii, to *regendarius*: the office has no connection with the *regendarius* of the Western military offices.

¹¹⁴ Stein, pp. 57 seqq.: he is also called *subadiuva* or *primiscrinus*.

¹¹⁵ John Lydus, III, 20, Cassiodorus, *Variae*, XI, 22, *Cod. Just.*, I, xxvii, 1, §26, II, vii, 26, §3.

¹¹⁶ The office is recorded for proconsuls, consulars and *praesides* of the East (*Not. Dig. Or.*, XX, xxi, xxvii, xliii, restored in xlv) and for the *Comes Orientis* (*op. cit.*, xxiii), perhaps because he had not originally the ordinary functions of a vicar, but, like other *comites provinciarum*, received the complaints of the provincials (*Cod. Theod.*, I, xvi, 6, 7).

¹¹⁷ The system is explained by John Lydus, III, 9–10, cf. 17, 27. Cf. *Cod. Theod.*, I, xvi, 7 (331, *adiutores* of the *princeps*), VIII, iv, 10 (365, of *princeps* and *cornicularius*), IX, iii, 5 (371, of *commentariensis*), Mansi, IV, 51, 167, 181 (411, of *cornicularius* and *commentariensis*), 181 (of *subadiuvae*, i.e. *adiutor*), *Cod. Just.*, II, vii, 26, §3 (524, of *ab actis*). The *adiutores* who appear in the *Notitia* immediately after the *exceptores* in the offices of Western proconsul, vicars, consulars, *correctores*, and *praesides* may be the same. But the *subadiuvae* of the praetorian and urban prefects seem to be the assistants of the *numerarii* or *primiscrinii* whom they follow.

¹¹⁸ *Cod. Theod.*, VIII, 1, 2.

Numidia in Julian's reign.¹¹⁹ The *Notitia* with a few exceptions records only clerical officers and ignores the rich profusion of subclerical grades—*singulares*, *mittendarii*, *cursores*, *nomenclatores*, *stratores*, *praecones* and *draconarii*—which form the tail of the *officium*.¹²⁰

On the status and emoluments of civil servants in the Byzantine period we have abundant evidence in the Codes. With the exceptions noted above, all were technically soldiers; officials in the praetorian prefecture were, we happen to know, on the strength of Legio I *Adiutrix*.¹²¹ They wore military uniform¹²² and received rations (*annona*), and in some cases fodder (*capitum*), which were, or could be, issued in kind down to A.D. 423, when they were compulsorily commuted at rates fixed by the praetorian prefecture.¹²³ But their military status was purely nominal, and their form of *militia* is from the first clearly distinguished from the *armata militia* of real soldiers.¹²⁴ In status a sharp line must be drawn between the provincial officials, the *cohortales*, as they are generally called, and those of the centre, the *palatini*, with whom may be classed the *vicariani* and *praefectiani*.¹²⁵ Constantine made service in all the *officia* a hereditary obligation,¹²⁶ but it was only necessary to enforce this rule in the provincial *officia* where service was unpopular.¹²⁷ The contempt in which *cohortales* were held is demonstrated by Julian's action in enrolling the clergy of Cappadocian Caesarea in the *officium* of the provincial governor.¹²⁸ Similarly the rule forbidding officials to aspire to any other, and higher, *militia*, which in the fourth century was applied even to *praefectiani*,¹²⁹ was by the fifth only imposed on *cohortales*, and on them it was enforced with ever increasing rigour: in the early fifth century a *cohortalis* could be promoted outside his own *officium* only by a personal grant of the emperor,¹³⁰ but in 442 even such special grants were declared null and void.¹³¹ In the fifth and sixth century laws *cohortales* and *curiales* are regularly classed together as the two hereditary castes to whom any kind of promotion was forbidden.¹³²

By contrast a post in the palatine ministries or the praetorian prefecture was a coveted prize. Substantial fees were paid for enrolment—the admission fee to the prefecture had risen from 5 to 20 *solidi* in Justinian's reign,¹³³ and that to the *sacra scrinia* was 15 or 20¹³⁴—but despite this staffs tended continually to swell and the constant effort of the emperors was to cut them down.¹³⁵ Their efforts were in general unavailing, for so soon as an

¹¹⁹ Bruns, *Fontes* 7, 103. The office of a *libellis* does not appear in the Western section of the *Notitia* at all. The earliest records of an *adiutor* or *primiscribius* as an independent official are the *primiscribius* of the *vicarius urbis Romae* in *Cod. Theod.*, VIII, viii, 2 (379), and the *adiutor urbani officii* of Symm., *Rel.*, 23, 67 (385).

¹²⁰ Found in the praetorian prefecture of Africa as established by Justinian (*Cod. Just.*, I, xxvii, 1, §29–35). John Lydus mentions *singulares*, *cursores*, *nomenclatores* and *praecones*, as well as other obscurer grades in the praetorian prefecture of the East (III, 7 and 8). The *Notitia* records only *singulares* of the praetorian and urban prefects and the proconsul of Africa and Western vicars, and *nomenclatores* and *censuales* of the urban prefect. For lesser *officia* the evidence is scanty, but we hear of *stratores* of a proconsul (*Cod. Theod.*, XIII, xi, 6) and even of a *rationalis* (ib., IX, iii, 1) and of a *δρακωνάρης ἐξ ὀφικίου τοῦ λαμπροτάτου ἡγεμόνος* (*ILS*, 8881).

¹²¹ *Cod. Just.*, XII, xxxvi, 6, lii, 3, John Lydus, III, 3.

¹²² *Cod. Theod.*, VI, xxx, 11, attests the issue of *vestes* to officials: the *cingulum* is constantly mentioned.

¹²³ *Cod. Theod.*, VII, iv, 35. *Annonae* are normally mentioned alone, but the detailed schedule in *Cod. Just.*, I, xxvii, 1, shows that *capitum* were also provided. Cf. Ammianus Marc., XXII, iv, 9.

¹²⁴ e.g. *Cod. Theod.*, VII, i, 5, 6, xxii, 8, 10, VIII, vii, 12.

¹²⁵ We know singularly little about the officials of vicars, proconsuls and other governors of the *spectabilis* grade but it may be inferred that these

offices were popular from the fact that their numbers had to be limited (*Cod. Theod.*, I, xii, 6, xiii, 1, xv, 5, 12, 13) and that entry to them was regulated by *probatoriae* (*Cod. Theod.*, VIII, vii, 21, *Cod. Just.*, XII, lix, 10) as in the palatine offices. See also n. 127.

¹²⁶ *Cod. Theod.*, VII, xxii, 3.

¹²⁷ There is no later allusion to any hereditary obligation except in provincial offices, e.g. *Cod. Theod.*, VIII, iv, 7, 8, XII, i, 79, VIII, vii, 16. In the last law the phrase 'quibus vel sponte initiatus est vel suorum retinetur consortio maiorum' refers to the distinction made above to *praefectiani* and *vicariani* on the one hand and *provincialia officia* on the other.

¹²⁸ *Soz.*, V, 4, 66.

¹²⁹ *Cod. Theod.*, VIII, vii, 9, 16, 19.

¹³⁰ *Not. Dig. Or.*, xliii, xlv, *Occ.*, xliii, xlv, xlv, cf. *Cod. Theod.*, VIII, iv, 21–5, 28–30.

¹³¹ *Cod. Just.*, XII, lviii, 13, 14.

¹³² e.g. *Cod. Theod.*, VI, xxxv, 14, VIII, iv, 28, XVI, v, 48, *Theod.*, *Nov.*, iii, §6, vii, 2, 4, x, 1.

¹³³ John Lydus, III, 67.

¹³⁴ *Cod. Just.*, XII, xix, 7. 'melloproximo vero vel adiutori pro consuetudine uniuscuiusque scrinii viginti aut quindecim solidos offerre praecipimus.' This fee is to be distinguished from the price of a place discussed below.

¹³⁵ A purge of the palatine finance offices is recorded in *Cod. Theod.*, VI, xxx, 15–16, and of the praetorian prefecture of the Gauls, ib., VIII, vii, 10; cf. I, ix, 1, VI, xxvii, 17, 18, for purges of the *agentes in rebus*.

establishment of so many *statuti* was laid down, a huge mass of *supernumerarii* accumulated and the emperor had to lay down a maximum establishment of supernumeraries; in 399 the *officium largitionum* was limited to 610 supernumeraries in addition to its establishment of 224 *statuti*.¹³⁶ Supernumeraries were not entitled to *annonae* or other official emoluments.¹³⁷ Some worked in the offices, presumably picking up a living from fees or being paid for their services by the *statuti*, others merely waited for a vacancy. In some offices the former class received preference when vacancies arose.¹³⁸

As promotion was, for those at any rate who commanded no interest in high quarters, by strict seniority,¹³⁹ this inflation of numbers meant that it took years to climb to the top of an office, and the emperors displayed great anxiety to keep the procession moving, by insisting that heads of offices retire after a fixed short term—usually a year or two.¹⁴⁰ Despite their efforts, officials were often senile—for there was no age limit—before they reached the coveted senior posts, in which case they were sometimes allowed to perform their duties by deputy.¹⁴¹

So great was the competition for places in some offices that vacancies were bought from retiring officials, and by the early sixth century some classes of posts were officially saleable.¹⁴² We know most about the *sacra scrinia*. Here, a vacancy on the establishment of each *scrinium* was caused every other year by the compulsory retirement of its head, the *proximus*. This vacancy was offered to the senior supernumerary at a fixed tariff of 250 *solidi*, payable to the retiring *proximus*. If he could not afford it, it went to the next senior, and so on, till a willing purchaser was found. When a vacancy arose by the death of an established officer (*statutus*) it was similarly offered to the senior supernumerary but in this case the 250 *solidi* went to the heirs or assigns of the deceased *statutus*.¹⁴³ Officials of the *sacra scrinia* who aspired to a place among the *adiutores* of the *quaestor sacri palatii* had to purchase their promotion from the retiring *adiutores*. There was apparently no tariff here till Justinian fixed it at 100 *solidi*, except for the three senior officials, the *laterculensis* and the two *melloproximi*, who could still sell their jobs for what they would fetch.¹⁴⁴

It is evident from a number of laws in the Code that many aspirants did not possess the ready cash to pay for their *militia* on the nail, and borrowed money on mortgage for the purpose. In this case the creditor had a lien on the post, and should his debtor die prematurely could claim repayment from the purchase price paid by whoever succeeded to the vacancy.¹⁴⁵ In this milieu it is not surprising to find that the other usual abuses of an overripe bureaucracy flourished. Absenteeism was rife: we have regulations prescribing mild penalties for officials who have not been seen at their office for one, two, three, or more years.¹⁴⁶ Pluralities were common. Justin endeavoured to suppress them, but excepted cases where two posts were by long custom held concurrently.¹⁴⁷

It was not the pay which made the civil service attractive. In the reign of Justinian

¹³⁶ Establishments: *Cod. Theod.*, VI, xxx, 7, 15–17 (*largitionales* and *privatiani*), *Cod. Just.*, XII, xix, 10 (*sacra scrinia*), *Cod. Theod.*, VI, xxvii, 23, *Cod. Just.*, XII, xx, 3 (*agentes in rebus*), cf. n. 125. Justinian regularly prescribed establishments for all the offices he created (e.g. *Cod. Just.*, I, xxvii, 1, 2, *Just., Nov.* 14, §5, *Edict* 13, §2, etc.). *Statuti* and *supernumerarii* are recorded also for *castrensiani* (*Cod. Theod.*, VI, xxxii, 2), *protectores domestici* (*Cod. Just.*, II, vii, 25, §3), *scholares* (*Proc., Anecd.*, 24, *Const. Porph., de Cerim.*, I, 86), and *silentiarii* (*Const. Porph., loc. cit.*, cf. *Cod. Theod.*, VI, xxiii, 4).

¹³⁷ *Cod. Theod.*, VI, xxx, 11, *Const. Porph., de Cerim.*, I, 86.

¹³⁸ *Cod. Just.*, XII, xix, 7.

¹³⁹ *Cod. Theod.*, VIII, vii, 1 (315). In 392 and 395 the *domestici* and *protectores* secured a relaxation of this rule in so far that absentees were struck off the list (*Cod. Theod.*, VI, xxiv, 5, 6). For illicit promotion by influence, see for instance, *Cod. Theod.*, VI, xxvii, 19.

¹⁴⁰ e.g. *Cod. Theod.*, VI, xxvi, 6, 11, 17, xxx, 3, 14, 21.

¹⁴¹ John Lydus, III, 9, *Cod. Just.*, XII, xx, 5.

¹⁴² *Cod. Just.*, III, xxviii, 30, §2, XII, xxxiii, 5, §3. Apart from the *sacra scrinia* purchase seems to have been official only in the more ornamental palatine services, *scholares* (*Proc., Anecd.*, 24, Agathias, v, 15), *domestici* (*Proc., Anecd.*, 24, *Cod. Just.*, II, vii, 25, *Const. Porph., de Cerim.*, I, 86), *silentiarii* (*Cod. Just.*, III, xxviii, 30, XII, xvi, 5, *Const. Porph., loc. cit.*), *tribuni et notarii* (*Cod. Just.*, II, vii, 23). There is no hint in John Lydus that entry to the praetorian prefecture had to be bought, though profitable posts within it were saleable (III, 27).

¹⁴³ *Cod. Just.*, XII, xix, 7, 11.

¹⁴⁴ *ibid.*, XII, xix, 13, 15, *Just., Nov.* 35.

¹⁴⁵ *ibid.*, VIII, xiii, 27, *Just., Nov.* 97, §4, 136, §2.

¹⁴⁶ *Cod. Theod.*, VII, xii, 2, *Cod. Just.*, XII, xvii, 3.

¹⁴⁷ *Cod. Just.*, XII, xxxiii, 5, cf. XII, xx, 5, §1.

the great majority of the clerks in the praetorian prefecture were graded as cavalry troopers, receiving only one ration allowance (*annona*) and one fodder allowance (*capitum*), the whole being commuted for 9 *solidi* per annum, and even the highest officials on the judicial side reached only three ration allowances and two fodder allowances totalling 23 *solidi*.¹⁴⁸ Byzantine officials lived not on their pay, but on fees—*sportulae*—collected in part from each other, but in the main from the general public. Fees were payable for every transaction—for letters of appointment to every post from the highest down to *defensor* of a city,¹⁴⁹ for all judicial processes,¹⁵⁰ and for the collection of taxes; for by the general practice of antiquity the taxpayer paid a gratuity to the collector for his trouble in collecting the money from him—the sum was fixed by Majorian at half a *solidus* for each *iugum*, divisible between the officials of the various finance departments, the *palatini*, the *praefectiani*, the *exactor*, the provincial officials and also the *curiales*.¹⁵¹

Sportulae were in origin illicit tips, and Constantine still so regarded them. In one of his more hysterical constitutions he strives by severe penalties to eradicate the system root and branch. 'Let the grasping hands of the officials forthwith refrain, let them refrain I say, for unless after this warning they do refrain they will be cut off by the sword. Let not the *velum* of the judge be for sale, admission purchased, the *secretarium* infamous with rival bids, the very sight of the governor at a price. . . . Let the depredations of him who is called *princeps* of the *officium* be removed from the opening of the case. Let the *adiutores* of the same *princeps* of the *officium* make no extortion from the litigants. Let the intolerable assaults of centurions and other officials demanding small sums and great be repulsed. Let the insatiable greed of those who give back the record of the case to the litigants be moderated.'¹⁵² By Julian's reign the imperial government had resigned itself to the inevitable, and *sportulae* were no longer prohibited but regulated. The *ordo salutationis* of the province of Numidia gives a detailed schedule. For the *princeps* for granting an official—to enforce judgment—within the town, five Italian bushels of wheat or the price thereof; within a mile seven bushels, for every additional ten miles two bushels, for overseas a hundred bushels. For the *cornicularius* and *commentariensis* half of the above sums each. For the official granted two bushels. For *exceptores* for a *postulatio simplex* five bushels, for a *contradictio* twelve bushels, for a *definita causa* twenty bushels. For the *libellensis* for every petition two bushels. Besides which the litigants had to provide paper for the necessary records: one large tome was to suffice for a *postulatio simplex* and four for a *contradictio*, not more than six for a *definita causa*. It is clear that there is nothing 'under the counter' about *sportulae* by this time; even two bushels of wheat could hardly be unobtrusively slipped into the palm of an expectant-looking official.¹⁵³

I opened this paper with an allusion to the first and only Roman clerical officer who played a part in history. I cannot end better than by paying a tribute to the last and only Roman clerical officer who achieved literary fame. I allude of course to the poet and antiquary John the Lydian. His poetical works have, alas, perished; personally I particularly deplore the loss of his little panegyric on Zoticus, the praetorian prefect under whose auspices he started his official career, a tribute so greatly appreciated by its subject that he rewarded the author with a *solidus* for every line, payable out of public funds.¹⁵⁴ But we are fortunate in still possessing three prose works, one of which, 'On the magistracies of the Roman constitution,' is of the greatest interest, since the bulk of it deals with the office of the praetorian prefect, in which John himself served for many years. It is a testimony both to John's antiquarian learning and to his loyalty to his department that he is able to trace the origins of the praetorian prefecture to the *magister equitum* of the regal

¹⁴⁸ *ibid.*, I, xxvii, 1.

¹⁴⁹ The *locus classicus* is the *Notitia* appended to *Just., Nov.* 8: cf. also *Cod. Just.*, I, xxvii, 2, *Just., Nov.* 24-7.

¹⁵⁰ Justinian fixed a tariff (*Cod. Just.*, III, ii, 5) which has not survived, but apparently drastically reduced them; John Lydus (III, 25) bitterly complains that a *postulatio simplex* in the praetorian prefecture, which used to bring in 37 *solidi*, now cost

a few coppers only. Reduced tariffs of *sportulae* in favour of privileged classes are given in *Cod. Just.*, II, vii, 22, 24, XII, xix, 12, xx, 6, xxi, 8, xxv, 4, xxix, 3.

¹⁵¹ *Maj., Nov.* 7, §16.

¹⁵² *Cod. Theod.*, I, xvi, 7.

¹⁵³ *Bruns, Fontes*, 103.

¹⁵⁴ John Lydus, III, 27.

period—the change from ἱππαρχος to ὑπαρχος or ἐπαρχος is, as he repeatedly remarks, trifling¹⁵⁵—and can moreover demonstrate that the post of *cornicularius* of the praetorian prefect—which he himself held—goes back to the foundation of Rome.¹⁵⁶

John is an appropriate figure with whom to conclude, since he is in his own person the complete bureaucrat. He is a lover of forms for their own sake, the longer and more complicated the better, and delights in the intricacies of official procedure; one of his great sorrows is that proceedings in the praetorian prefecture were no longer conducted in Latin,¹⁵⁷ which no one, with the doubtful exception of the officials, understood, and he takes every opportunity to air his own scholarship in that language, giving the meaning and derivation of the Latin terms in which the official jargon of the prefecture abounded, and citing some of the old Latin formulae in extenso—in vain, alas, for generations of Greek copyists have reduced his Latin to gibberish.¹⁵⁸ His major passion is departmental loyalty. His book is a lament for the fallen greatness of the praetorian prefecture, and he hates with all a civil servant's bitterness the upstart department of the Magister Officiorum, which had robbed the prefecture of its control of the post and of the arms factories, and, worst insult of all, had introduced one of its staff into the post of *princeps* of the praetorian *officium*, thus robbing the *praefectiani* of the crown of their career.¹⁵⁹

Within the department John is a stout protagonist of the judicial side as against the financial. The financial officials, he repeatedly asserts, were properly speaking hardly members of the *officium*; they had only achieved the grant of *probatoriae* by the injudicious generosity of Theodosius the Great, they did not figure on the old *matrices* of the *officium*, and they still were excluded from the procession which, on ceremonial occasions, attended the prefect.¹⁶⁰ John's feelings may be imagined when, instead of men of letters or barristers, vulgar finance clerks, like Marinus the Syrian¹⁶¹ or John the Cappadocian,¹⁶² were promoted praetorian prefects. Not that he leaves his feelings to be imagined; pages of passionate declamation lament the depth of degradation to which such prefects have brought the once glorious office. His archvillain is John, whose financial exactions, he alleges, so impoverished the provincials that they could not afford to litigate, with the deplorable result that the fees payable to the judicial side of the prefecture sank to a mere pittance.

He recounts his own career as a melancholy example of the decline of the prefecture. He made a brilliant start, owing to the fortunate circumstance that the prefect of the time, Zoticus, was a fellow-townsmen and friend. Zoticus not only pressed upon him a place among the *exceptores*, but showed him the ropes to such good effect that in his first year he netted not less than 1000 *solidi*—and this σωφρόνως. The *adiutores* of the *ab actis*, he explains, selected him as one of their three chartularies, not only demanding no fee for the appointment but actually paying him a stipend of 24 *solidi* a year; the other two chartularies, he notes with a certain pride, were aged seniors who had paid for their posts. In this position he reaped a rich, though unspecified, harvest of fees from compiling the *personale* and the *cottidianum* and concurrently he drew up *suggestiones* and practised as an *exceptor* in the *secretum*. Zoticus' good offices did not end here. Not only did he, as I have mentioned already, show his appreciation of John's poetic talent in a tangible form, but he also found him a wife who brought him 100 pounds of gold in dowry.¹⁶³

John sadly contrasts with the bright promise of his youth the bitter disappointment of his declining years. At length, after 39 years of service, he reached the highest post in the *officium* accessible to a *praefectianus* now that the position of *princeps* had been usurped

¹⁵⁵ *id.*, I, 14, 15, II, 6, 13.

¹⁵⁶ *id.*, III, 22.

¹⁵⁷ The change made by Cyrus, *Praefectus Praetorio Orientis*, 439–441, who is described by John as 'an Egyptian admired even now for his poetic talent . . . who understood nothing except poetry' (II, 12, III, 42). It is one of the counts against John the Cappadocian that he abolished Latin in the *scrinium* of Europe where it had hitherto survived (III, 68).

¹⁵⁸ III, 3, 12.

¹⁵⁹ II, 10, III, 23, 40.

¹⁶⁰ III, 35.

¹⁶¹ III, 36, 46, 49. He was εἰς τῶν τῆς Συρίας σκρινιστῶν.

¹⁶² III, 57. He started as a *scriniarius* of the *magistri militum*.

¹⁶³ III, 26–8.

by a *magistrrianus*—the ancient and honourable dignity of *cornicularius*. But what did he find? When a *magistrrianus* had first been introduced into the *officium*, an arrangement had been reached between him and the *cornicularius* for the partition of fees: the *cornicularius* had retained the *completiones*, which brought on an average not less than 1000 *solidi* a year, and the *princeps* had undertaken, in order to square the account, to pay the *cornicularius* a pound of gold per month. 'But,' says John, 'I do not blush to call justice to witness that I speak truth, not a penny did I receive from the *princeps* nor from the *completiones*.' ¹⁶⁴ To such a depth had John of Cappadocia reduced the empire.

It is easy to poke fun at the Byzantine bureaucracy, but cumbersome and corrupt though it was, it served some useful purposes. The emperors relied on the clerical grades, perhaps not altogether in vain, as a check against the far more arbitrary extortions and illegalities of the administrative officers, the provincial governors in particular. The permanent clerks of the *officia* not only knew the regulations better than the governors, who served only for a year or two; they also had a less pressing need to get rich quickly and could content themselves with more or less regular perquisites, hallowed by custom; and being permanent residents they could not but have had some fellow feeling for the ordinary provincials. Many imperial constitutions make the *officium* equally responsible with the governor for obeying the law, and indeed impose upon it the duty, enforced by the threat of a corporate fine, of resisting illegal action by the governor. ¹⁶⁵

I would go further than this. One of the complex causes which kept the eastern half of the empire a going concern while the western fell to pieces was the fact that the eastern emperors usually had large financial resources at their command, while the western were bankrupt, and could levy troops from their own provinces while in the West the only resource was barbarian mercenaries. This is partly due to the greater wealth and higher population of the eastern provinces; but it is also due to the more effective administrative control exercised by the East, which enabled it to mobilize for the defence of the empire a larger proportion of the wealth and manpower available. And the principal reason for this was that in the West the great offices of state were the perquisite of the wealthy land-owning class who used their powers to protect their own interests, but in the East the powers of the state were, from the fifth century at any rate, wielded by bureaucrats, men like Marinus the Syrian and John the Cappadocian, who, it is true, lined their own pockets liberally, but did also fill the treasury. ¹⁶⁶

APPENDIX

The chief point on which I differ from Stein is on the origin of the *exceptores* and *scriniarii*. Stein held that they were originally 'vom Staate konzessionierte Gewerbetreibende' (p. 2c). For the *exceptores* his arguments are (a) *Cod. Theod.*, VIII, vii, 17 (385),

exceptores omnes iudicibus obsequentes, qui nec militiam sustinent neque a fisco ullas consequuntur annonas, absque metu navare coeptis operam, etiamsi decuriones sunt, minime prohibemus, dummodo munia propriae civitatis agnoscant et peracto secundum morem exceptionis officio ad propriam sibi curiam redeundum esse non nesciant.

This law is reproduced in *Cod. Just.*, XII, xlix, 5, where, by inserting 'provincialibus' after the 'iudicibus' and 'cohortalem' before 'militiam', it is made plain that the practice was confined to provincial *officia*. (b) The organization of the *exceptores* in *scholae*, which he calls a 'zunftartige Organization'. But (a) the law merely proves that there were civilians who practised as *exceptores* in the *officia*, like the *supernumerarii* of the palatine offices, making their living by *sportulae*, and

¹⁶⁴ III, 24-5.

¹⁶⁵ e.g. *Cod. Theod.*, XI, xxx, 34, 'iudex . . . ipse quidem notabili sententia reprehensus X librarum auri condemnatione quatiatur, officium vero eius, quod non suggesserit nec commonuerit de relationis necessitate, viginti libris auri fiat obnoxium.'

¹⁶⁶ As John Lydus (III, 49) freely admits, καὶ γίνεται μὲν πολὺχρυσος, εἴπερ τις ἄλλος, ὁ βασιλεὺς καὶ μετ' αὐτὸν ὁ Μαρῖνος καὶ ὅσοι Μαρῖνιῶνες ἀπλῶς.

implies that normally *exceptores* did hold a *militia* and draw *annonae*; and (b) *scholae* were a characteristic organization of military grades in the Principate, e.g. *ILS*, 2375 (*speculatores*), 2400 (*beneficiarii*), 2445 (*optiones*), 2545 (*decuriones*), 9493 (*pulliones*), and in the Byzantine age are found not only for *exceptores* but for subclerical grades of military origin (*Cod. Just.*, I, xxvii, 1, §29, *singularii*, §33 *stratores*, §35, *draconarii*). Since military *exceptores* are recorded for the Principate, it seems simplest to assume that their existence was continuous: *ILS*, 9075 records two young soldiers who were 'ex exceptore praef. praet.', apparently under the tetrarchy. *Exceptores* were certainly much more numerous in the Byzantine period than under the Principate, when they seem to have been individual private secretaries of the *praeses* (*ILS*, 2173), the *princeps* (*CIL*, III, 5293) and others (*ILS*, 2157). The increase of the *exceptores* is probably to be linked with the disappearance of the *beneficiarii* and *speculatores*: as men of these grades were more and more employed for secretarial duties, they came to be called *exceptores*.

For the *scriniarii* (including *tabularii* and *numerarii*) Stein cites *Cod. Theod.*, VIII, i, 11, and John Lydus, III, 35. The first reference is highly misleading for, as I have shown above (p. 47 f.), this law restores to the *numerarii* of the praetorian prefecture the *militia* of which both they and those of the provincial governors had been deprived by Julian. John Lydus cannot be quoted in evidence against the clear testimony of the imperial constitutions of the Code, especially as he has been proved by Stein himself to be grossly misinformed about the earlier history of the prefecture (e.g. the date and circumstances in which *deputati* and *Augustales* were established, and in which the post of *princeps* was transferred to an *agens in rebus*. Stein, pp. 43 ff.). Here again, therefore, since a soldier *tabularius* is attested for the Principate, it is simplest to assume a continuous development. The only other piece of evidence which might be cited for the civilian status of *tabularii* is *Cod. Theod.*, VIII, ii, 5 (401), 'generalis lege sancimus ut sive solidis provinciis sive singulis civitatibus necessarij fuerint tabularii, liberi homines ordinentur neque ulli deinceps ad hoc officium patiscat aditus qui sit obnoxius servituti.' But the whole title deals with *tabularii* and other officials of the *civitates*, who were not imperial civil servants at all, and the *tabularii* appointed *solidis provinciis* in this law cannot therefore be identical with *tabularii* of the provincial *officium*; the *interpretatio* of the law bears this out, for it paraphrases 'sive in solida provincia sive per singulas civitates tabularii fuerint ordinati . . . ingenui a provincialibus ordinentur': the *tabularii* of the provincial *officium* were certainly not appointed by the provincials. The provincial *tabularii* mentioned in this law must presumably have been employed by the *concilium provinciae*.

I also differ from Stein's explanation of the origin of the *adiutor* (pp. 57 ff.). According to Stein the *adiutor* was in origin the principal assistant of the *princeps* and *cornicularius* who shared a joint *scrinium*. But under the Principate there were separate *adiutores principis* and *adiutores corniculariorum*, and there is no reason to believe that the two *scrinia* were merged. That the *adiutor* had belonged to the *princeps* is, I think, proved (a) by the fact that in the *officia* of the *magistri militum*, *comites rei militaris* and *duces* in the *Notitia*, which possess a *princeps* but nearly all lack a *cornicularius*, there is an *adiutor*, (b) by the *Collatio Carthagenensis* which records an *adiutor cornicularii* as still existing in the *officium* of the proconsul of Africa in 411, when the *adiutor* certainly existed as an independent post. Stein appears to base his view on the fact that there was in the sixth century no *scrinium* attached to either the *princeps* or the *cornicularius* in the praetorian prefecture of Africa and the East. The case of Africa is not very cogent, as the *princeps* and the *cornicularius* have themselves been abolished (*Cod. Just.*, I, xxvii, 1). In the East the language of John Lydus is by no means decisive that the *cornicularius* had no *adiutores*. In III, 4, he says that *exceptores* were attached to various *κατάλογοι*, which he enumerates as those of the *cornicularius*, the two *primiscrinii*, the two *commentarienses*, the two *regendarii* and the two *curae epistularum* of Pontica (it may be noted that he omits the *ab actis*). In III, 9, he says that the heads of the office each choose three *adiutores*, whence there are six in the *scrinium* of the *ab actis*, *commentariensis* and *primiscrinii*. It is possible that the *cornicularius* is not mentioned in the second list because he had only three *adiutores* and John is enumerating the *scrinia* which had six, or it may be that the *scrinium* of the *ab actis* had originally belonged to the *cornicularius* and was still reckoned as his *κατάλογος*.

Stein also so strongly insisted that the two titles of *adiutor* and *primiscrinii* must denote the same office that he proposed to delete one or the other when both occurred in one *officium*, as in *Not. Dig. Occ.*, IV (the urban prefect), XVIII (the proconsul of Africa), and also VI (*Magister Equitum*). His argument is that since the *adiutor* of the urban prefecture was also officially called *primiscrinii* (as in *Coll. Avell.*, 16 and 31) it would have led to confusion if there had been another officer entitled *primiscrinii* in the same office. In view of the pervading ambiguity of Byzantine official terminology, I do not find this argument altogether convincing. In the urban prefecture there are good reasons for believing that besides the *adiutor* (also called *primiscrinii*) whose duties were judicial, there was a *primiscrinii* whose duties were financial, and who corresponded with the *numerarius* of other

offices. The evidence is the *Notitia Dignitatum*, which records a *primiserinius sive numerarius*, and Symmachus, *Rel.*, 34, and *Cod. Theod.*, xiv, iv, 10, which show a *primiscrinii* of the prefecture exercising financial functions. I do not find Stein's explanation convincing, that the urban prefect had so little financial business that it was assigned, in addition to his judicial duties, to the *adiutor* of his office. Stein's objection that in *Cod. Theod.*, xiv, iv, 10, the *primiscrinii* 'tam inl. urbanae sedis quam spectabilis vicariae potestatis' are mentioned and that, as there is no *primiscrinii* other than the *adiutor* recorded in the vicarial offices, the *adiutor* must be meant in both cases is not valid. It is scarcely conceivable that in the vicar's office, where there was a *numerarius*, financial matters would be handled by the *adiutor*. The law is a typical piece of loose Byzantine drafting, and the phrase means the *primiscrinii* of the urban prefecture, and the corresponding official (actually the *numerarius*) of the vicarial office. There is no exact parallel to a *primiscrinii* being the chief financial officer of an *officium*, but there are the *primiscrinii qui numerarii fiunt* of the *Magistri Militum* in the East (*Not. Dig. Or.*, v, vi, viii, ix), and the *primiscrinii* who immediately follows the *numerarius* (*numerarii*) in the offices of the *Magister Equitum* in the West and the proconsul of Africa (*Not. Dig. Occ.*, v, xviii).