

Szymon Olszaniec

(Nicolaus Copernicus University)

<https://orcid.org/0000-0003-1980-2081>

Limitations of the Power of Praetorian Prefects in the Late Roman Empire

Ograniczenia władzy prefektów praetorio w późnym Cesarstwie Rzymskim

ABSTRACT

In the late Roman Empire, the praetorian prefects (*praefecti praetorio*) were among the most powerful and influential dignitaries. Nevertheless, their elevated position was limited through imperial constitutions (laws) and the personnel policy by the emperor. Another method of exercising supervision over the prefects was the rivalry among high Roman dignitaries. The most dangerous rivals of the praetorian prefects were the masters of the offices (*magistri officiorum*). In this essay the author attempts to outline how the praetorian prefects and the masters of the offices exerted control of the public postal system (*cursus publicus*) and how the *magister officiorum* supervised the office of the praetorian prefect.

Key words: praetorian prefect, Roman emperors, *magister officiorum*, public postal system, *agentes in rebus*, *evectiones*

During the late Roman Empire, the praetorian prefects were one of the most influential people in the country. For Ammianus Marcellinus of Syria, who lived in the 4th century, the prefecture was the top of all distinctions (*apex omnium honorum*)¹. An author from the western part of the empire, Sidonius Apollinaris, saw it quite similarly, calling the prefecture the highest honour². According to John the Lydian, a Byzantine writer on antiquarian subjects who lived in the 5th and 6th century, the prefect was the second most important person in the country after the emperor³.

¹ Ammianus Marcellinus, *Res gestae*, [hereinafter: Amm. Marc.], XXI. 16. 2.

² Sidonius Apollinaris, *Epistulae*, II. 3. 1.

³ Joannes Lydus, *De Magistratibus Populi Romani* [hereinafter: Lyd., *DeMag.*], II. 9. 1.

The same author called the prefect *arche ton archon*, an ocean of affairs from which all rivers and seas flew⁴.

As German researcher Andreas Gutsfeld points out, the scope of the prefect's power [hereinafter: PPO] was especially wide when the emperor delegated making decisions that he was usually responsible for to a prefect, and was not interested even in the most important matters that took place in the provinces⁵. This was the case in the early stages of the reign of Emperor Arcadius, when Rufinus was the PPO of the East⁶.

Therefore, the most important limitation of the prefect's power was the emperor himself, despite the fact that many researchers considered the PPO to be almost equal to the emperor. For example, Theodor Mommsen considered him a vice emperor⁷, while Ernest Stein, when discussing issuing *evectiones* – travel permits for *cursus publicus* (more on this below) – writes the master of the offices [hereinafter: Mag. Off.], did so *in Kaiser Dienst*, while the PPO *an Kaisers Statt*⁸. The easiest way for the emperor to restrict the prefect's power was through the personnel policy, as it was the emperor's privilege to appoint and dismiss all civil and military positions in the state. The second way involved imperial constitutions. The laws regulated the work of the prefect, defined his competences and tasks, and stipulated that the PPO should comply with applicable legal standards⁹. Accordingly, in the law in *Codex Theodosianus* [hereinafter: CTh] IX. 1. 4 addressed to the *provinciales*, Emperor Constantine announced that all

⁴ Lyd., *De Mag.*, II. 7. 1.

⁵ A. Gutsfeld, *Die Macht der Prätorianerpräfekten. Studien zum praefectus praetorio Orientis von 313 bis 395 n. Chr.*, Berlin 1996, p. 179.

⁶ Zosimos, *Nea Historia* [hereinafter: Zos.], V.1. 1-4. (English tr. R.T. Ridley) 'The whole empire being vested in Arcadius and Honorius, they indeed appeared by their title to possess the sovereign authority, although the universal administration of affairs was under Rufinus in the east, and under Stilico in the west. By these all causes were determined, at their own pleasure; for whoever bribed plentifully, or by any other means of friendship or consanguinity could make the judge his advocate, was sure to succeed in the process. While iniquity of every kind presided, therefore, in the respective cities, the money from all quarters flowed into the coffers of Rufinus and Stilico; while on the reverse, poverty preyed on the habitations of those who had formerly been rich. Nor were the emperors acquainted with anything that was done, but thought all that Rufinus and Stilico commanded was done by virtue of some unwritten law. After they had amassed immense wealth, Rufinus began to concert the means of becoming emperor (...)' Claudianus, *In Rufinum Liber Primus*, 194–195 described Rufinus' *regnum privatum* in a similar manner; cf.: A. Gutsfeld, *op. cit.*, p. 179.

⁷ Th. Mommsen, *Die diocletianische reichspräfector, 'Hermes'* 1901, 36, p. 201.

⁸ E. Stein, *Untersuchungen über das officium der Prätorianerpräfector seit Diocletian*. Nouvelle impression avec liste des corrections de l'auteur. Préface de Jean Remy Palanque, Amsterdam 1962, p. 62.

⁹ A. Gutsfeld, *op. cit.*, p. 180.

reports submitted to him would be divided into the following categories: *iudices, comites, palatini, amici*. He also announced that he would hear accusations, carry out investigations and deliver judgements himself (*ipse audiam omnia, ipse cognoscam et si fuerit conprobatum, ipse me vindicabo*)¹⁰.

Several important observations in this regard can also be found in the *Theodosian Code* in the chapter *ad legem Juliam repetundarum*. CTh IX. 27. 1 of 15 January 380 shows that theft and other crimes committed by a *iudex* were punishable by the loss of insignia and high rank, and inclusion in the plebs (*ablatis codicillorum insignibus et honore extui inter pessimos quosque et plebeios habeantur*), while CTh IX. 27. 4 addressed to Probus, the PPO of Italy, ordered all *iudices*, or their descendants, to return all unjustly seized property¹¹. The emperor could dismiss the prefect in office for the abuses committed¹². According to Gutsfeld, in civil cases the PPO was subject to the jurisdiction of the city prefect, regardless of whether the PPO was the plaintiff or the defendant¹³, and in criminal cases the PPO had to appear before the emperor¹⁴. The emperor could also punish the prefect when he was found guilty both during and after his term of office¹⁵.

How much did the emperor actually control the prefects in the office? German scholars often found that the emperor's direct control over the prefects was rather an illusion¹⁶. When the emperor appointed a trusted man to this position, there was no need to order him to constantly follow the instructions or supervise him¹⁷. In this context,

¹⁰ Similarly: CTh IX. 27. 6 of 22 June 386; cf: A. Gutsfeld, *op. cit.*, p. 181.

¹¹ Punishments for *iudices* are also described in CTh IX. 27.5 of 4 April 383, addressed to Marcellinus. A.H.M. Jones, J.R. Martindale, J. Morris, *The Prosopography of the Later Roman Empire*, vol. I: A.D. 260–395 [hereinafter: PLRE, I], Cambridge 1971, p. 546 s.v. *Marcellinus 11* suggests that the addressee of the constitution was a vicar.

¹² A. Gutsfeld, *op. cit.*, p. 183. At the same time, referring to the example of the reign of Gallus in Antioch, Gutsfeld proves that this right was reserved only for the Augusti, while the lower rank rulers, the Caesars, did not have it. It is also worth noting that Emperor Julian, after the usurpation, tried to reach a *modus vivendi* with Constantius and therefore agreed to continue to accept PPOs appointed by his uncle (Amm. Marc., XX. 8. 14). For this reason, Julian accepted the PPO of *Galliarum* sent by Nebridius (Amm. Marc., XX. 9. 5; XX. 9. 8; XXI. 1. 4); cf.: S. Olszaniec, *Comites consistoriani w wieku IV. Studium prosopograficzne elity dworskiej Cesarstwa Rzymskiego (320–395 n.e.)*, Toruń 2007, p. 315.

¹³ A. Gutsfeld, *op. cit.*, p. 183 with reference to *Codex justinianus* [hereinafter: CJ] II. 12. 25 of 392 and IX. 35. 11 of 478 in footnote 149.

¹⁴ Again, A. Gutsfeld, *op. cit.*, p. 183 with reference to CJ XII. 1. 16 of 442 and 443, III. 24. 3 of 490 and CTh IX.1.1 = CJ III. 24. 1 of 316 and CTh X. 10. 33 of 426 in footnote 150.

¹⁵ Again, A. Gutsfeld, *op. cit.*, p. 183 with reference to CTh IX. 27. 6 = CJ IX. 27. 4 of 386.

¹⁶ E. Stein, *Untersuchungen zur Spätromischen Verwaltungsgeschichte*, 'Rheinisches Museum für Philologie' 1925, 74, p. 378; A. Gutsfeld, *op. cit.*, p. 185 with the footnote reference to Stein's study.

¹⁷ A. Gutsfeld, *op. cit.*, 185.

the imperial personnel policy and frequent the PPO rotations were sufficient to eliminate the potential advantage of prefects in terms of knowledge and information gathered¹⁸. Below, however, the author will try to demonstrate on the example of the rivalry between the PPO and the Mag. Off. that in reality emperors controlled the dignitaries they appointed quite thoroughly.

The prefects' power was limited by the competences of other officials with whom they had to cooperate. This was particularly evident in the judiciary system, where the *praescriptio fori* principle – the exclusion of PPO jurisdiction over certain officials, who were to be tried by their superiors – was in force.

However, the competences of the officials could change, as the most important state dignitaries were competing against each other. This seems to have been an important factor limiting their power. Thus, in the fourth century, the PPO competed for example with the prefect of Rome [*praefectus Urbis Romae*, hereinafter: PVR] with regard to the victualling of Rome and control of the collection of *canon urbis*, a tax intended for that purpose. In some cases, he even collected the tax himself and then oversaw all the stages related to the transport of grain to Rome, baking bread and distributing it at special points, and supervised the *navicularii* grain transport corporation¹⁹.

The second powerful dignitary who competed with the PPO was the Mag. Off. We shall dwell a little longer on the topic of this competition. When Constantine dissolved the praetorian troops after the Battle of the Milvian Bridge²⁰, he created *scholae palatinae* troops in their place²¹ and subordinated them to the abovementioned newly established court office. Although the competition between the PPOs and the Mag. Off. has been noted in the literature on the subject²², it should be added that it was connected to the issue of imperial control over the PPOs. For the prefects found themselves in a group of high-ranking dignitaries, whose *principes* – heads of office – were appointed from among former members of *agentes*

¹⁸ Lyd., *De Mag.*, III. 61: John of Cappadocia abolished *cursus publicus* in the *Asiana* diocese. According to John the Lydian, he did it by his own act, without an imperial constitution and without informing Justinian; Stein *Untersuchungen über das officium*, p. 65.

¹⁹ S. Olszaniec, *Prefektura praetorio Italii, Illyrikum i Afryki (312–425 n.e.)*, Toruń 2014, pp. 173–187; S. Olszaniec, *Z Afryki do Rzymu. Prefekt praetorio Italii i annonae*, in: *Rzynski Zachód od Augusta do upadku Cesarstwa. Studia poświęcone pamięci Profesora Tadeusza Kotuli w 10. rocznicę śmierci*, ed. M. Pawlak, Kraków 2017, pp. 97–109.

²⁰ Zos., II. 17. 2.

²¹ R. I. Frank, *Scholae palatinae. The Palace Guards of the Later Roman Empire*, Rome 1969, pp. 48–49.

²² Ch. Vogler, *Constance II et l'administration impériale*, Strasbourg 1979, p. 210; L. Di Paola, *Per la storia degli « occhi di re », I servizi ispettivi nella Tarda Antichità*, Messina 2005, p. 18.

in rebus, who were subordinate to the Mag. Off.²³ According to Clauss, the *princeps* controlled all the activities of the *officium* and deterred the political ambitions of the person holding the office²⁴. Every piece of legislation issued by the prefect required a countersignature of the *princeps*²⁵. This must have inevitably caused some tension. Still, Sinnigen proved many years ago through the example of the PVR's *officium* that harmonious cooperation was not an unusual phenomenon either²⁶.

Moreover, as stated by John the Lydian, the emergence of the Mag. Off. and the newly created military commanders (*magister equitum*, *magister peditum*) was related to the loss of control over the court and army by the PPO²⁷, which probably took place in the times of Constantine the Great. In *De Magistratibus*²⁸, John the Lydian on many occasions refers to the fact that the Mag. Off. was ultimately supposed to take control over diplomatic missions, the public postal system, armaments facilities and current politics (*tôn politikôn pragmatôn*) – fields which had previously been the responsibility of the PPO²⁹. He also believed that Rufinus, the PPO of

²³ The discussion on this subject is summarised by M. Clauss, *Der magister officiorum in der Spätantike (4–6 Jahrhundert). Das Amt und sein Einfluss auf die kaiserliche Politik*, München 1980, pp. 32–39. He juxtaposes older literature on p. 32 in footnote 73. For more information on the role of the *princeps* in the PPO's *officium*, cf.: S. Olszaniec, *Prefektura praetorio*, pp. 90–92 and footnotes 7 and 8 on p. 91. Please note that, for example, John the Lydian (*De Mag.*, III. 24) called the *princeps* in the PPO of the East' *officium*: *prinkeps tōn magistriānōn*. Another interesting concept was conceived by Sinnigen (W.G. Sinnigen, *Chief of Staff and Chiefs of the Secret Service*, 'Byzantinische Zeitschrift' 1964, 57, pp. 85–86), who believed that the *principes* in the PPO's office *bypassed the Master of the Office* and reported directly to the emperor. According to John the Lydian, it was only in 395, following the rule of Rufinus, PPO of the East that the head of *frumentaria* (or, in fact, *agentes in rebus*) became the *princeps* in the office of the PPO of the East (Lyd., *De Mag.*, III. 23; cf.: Jean le Lydien, *Des magistratures de l'état Romain*, Tome II: Livres II et III, texte établi, traduit et commenté par J. Schamp, Paris 2006, CCLIII).

²⁴ M. Clauss, *op. cit.*, p. 38.

²⁵ CTh VI. 28. 4 of 8 April 387, addressed to PVR.

²⁶ W. G. Sinnigen, *The officium of Urban prefecture during the Later Roman Empire*, Rome 1957, pp. 18–22.

²⁷ Lyd., *De Mag.*, II. 24; M. Maas, *John Lydus and the Roman Past. Antiquarianism and Politics in the Age of Justinian*, London 2005, p. 91.

²⁸ Lyd., *De Mag.*, II. 10. 3–5: control of *cursus publicus*, *frumentarii* = *agentes in rebus*; II. 11.1: the loss of control over palace officers by the PPO, including the register thereof, for the benefit of the Mag. Off. (cf: Jean le Lydien, *Des magistratures de l'état romain*, tome I, 1^{ère} partie: Introduction générale, texte établi, traduit et commenté par M. Dubuisson, J. Schamp, Paris 2006, p. CDLXXIV; tome I, 2^e partie: Introduction générale, Livre I, texte établi, traduit et commenté par M. Dubuisson, J. Schamp, Paris 2006, p. DCXXXIX); III. 23. 2–3; III. 39. 1; III. 40. 1–4.

²⁹ Lyd., *De Mag.*, II. 26.1 on the assumption of control over diplomatic missions, postal service, armaments factories and current politics. More about the control of the PPO over current politics: Lyd., *De Mag.*, II. 13.1.

the East, was responsible for the collapse of the prefecture³⁰. Arcadius' decisions depriving the PPO of the East of a number of competences were apparently motivated by Rufinus' insatiable desire for power. The assignment of competences to the Mag. Off. was more severe than that in favour of military dignitaries.

The rivalry between prefects and the Mag. Off. is illustrated by the example of the public postal system (*cursus publicus*). It is probably worth starting that the PPO was one of the few people in the country who had *ius evectionis faciendum*: the right to issue permits for travelling by the state post. In the 6th century AD, John the Lydian confirmed the existence of a *regendarius*, an official appointed *ad cursum regendi*, in the office of the PPO of the East³¹. Emperors undoubtedly shared this privilege reluctantly, as at the time of the Principate the right to issue *diplomata* was reserved only for them, the PPO³² and perhaps the governors of the provinces³³. As reported by Ernest Stein, this extremely strong position of the PPO was due to his tasks as the one responsible for the collection of *annona* and *capitus*. Therefore, he could not only issue *evectio*, but also *tractatoriae*, i.e. a permit covering food rations given out during the journey³⁴. A whole series of laws in the *Theodosian Code* and the *Justinian Code* confirms that provincial administration members of ranks lower than the PPO were banned from issuing *evectiones*³⁵.

³⁰ Lyd., *De Mag.*, II. 10. 3; M. Maas, *op. cit.*, p. 96; Lyd., *De Mag.*, II. 10. 3–5; III. 7. 5; III. 40. 2.

³¹ To be more specific, Lyd., *De Mag.*, III. 4.2 mentioned two *regendarii* in the *officium* of the PPO of the East in the 6th century. In *Notitia Dignitatum* [hereinafter: ND] they are presented as *regerendarii*, cf: ND, *Or.*, II. 68 (PPO of the East), III. 29 (PPO of Illyricum), *Occ.*, II. 53 (PPO of Italy), III. 47 (PPO of Gaul). *Evectiones* issued by the PPO of the East in the 6th century, just like any other legislative documents produced by the *officium* of the PPO, required a countersignature of the *princeps*, called *kourîôsos* by John the Lydian (Lyd., II. 10.5; III. 40. 4).

³² As regards the PPO, A. Kolb, *Transport und Nachtrichtentransfer im Römischen Reich*, Berlin 2000, p. 100 makes reference to examples from the 1st century AD; L. Lemcke, *Imperial Transportation and Communication from the Third to the Late Fourth Century. The Golden Age of the cursus publicus*, Bruxelles 2016, p. 96 indicates the 2nd or 3rd century AD.

³³ A. Kolb, *op. cit.*, pp. 99–10; L. Lemcke, *op. cit.*, pp. 74–75. On the other hand, P. Stoffel, *Über die Staatspost, die Ochsenespanne und die requirierten Ochsenespanne. Eine Darstellung des römischen Postwesens auf Grund der Gesetze des Codex Theodosianus und des Codex Iustinianus*, Bern–Berlin–Frankfurt a. M.–New York–Paris–Wien 1994, p. 7 claims that only the emperor had the right to issue *diplomata*.

³⁴ E. Stein, *Untersuchungen über das officium*, pp. 62–63; similarly as E. Holmberg, *Zur Geschichte des cursus publicus*, Uppsala 1933, p. 88; W. Blum, *Curiosi und regerendarii. Untersuchungen zur geheimen Staatspolizei der Spätantike*, München 1969, p. 67 asserted that *evectiones* were not issued directly by the PPO, but by a *scrinium*.

³⁵ These were the following laws: CTh VIII. 5. 5 of 25 July 354 addressed to Musonianus, PPO of the East, which took away the right to issue *evectiones* from provincial governors (more about the law: E. Holmberg, *op. cit.*, p. 133; E. Stein, *Untersuchungen über das officium*,

p. 63; P. Stoffel, *op. cit.*, pp. 40, 88–89; A. Kolb, *op. cit.*, pp. 106, 110, 121; L. Di Paola, *Per la storia*, p. 67 and footnote 42, 83 and footnote 48; L. Lemcke, *op. cit.*, p. 100); CTh VIII. 5. 12 of 22 February 362, addressed by Emperor Julian to PPO Mamertinus, again prohibited the issuance of *evectiones* to provincial governors who held a presidential or consular rank (*faciendarum evectioinum licentiam cunctis abduximus*) and to vicars. Moreover, the law contains the following sentence: *Exceptis igitur vobis nulli evectioinem licebit facere de cetero*. It shows that only the PPO had the right to issue permits for the use of the postal service (more about the law: E. Holmberg, *op. cit.*, pp. 87, 134; P. Stoffel, *op. cit.*, pp. 43, 94–95; L. Di Paola, *Viaggi, trasporti e istruzioni. Studi sul cursus publicus*, Messina 1999, pp. 37, 67 and footnote 44, 83 and footnote 54, 101 and footnote 7; A. Kolb, *op. cit.*, pp. 83, 84, 102, 106, 110, 119, 121; L. Di Paola, *Per la storia*, p. 86; L. Lemcke, *op. cit.*, pp. 96, 101); CTh VIII. 5.13 of 20 June 362 and CTh VIII. 5. 18 of 13 May 364, both addressed to PPO Mamertinus and CTh VIII. 5. 20 of 20 September 364 addressed to Florianus, *comes rerum privatarum* [hereinafter: CRP]. By these laws, Julian, and then Valentinian and Valens, allowed *evectio* to be released to provincial governors in the absence of vicars for the *praepositi largitionum* for the transport of *species largitionales* and *tituli* (more on all three laws, cf: R. Delmaire, *Largesses sacrées et res privata. L'aerarium imperial et son administration du IV^e Au VI^e siècle* Rome 1989, p. 25; with reference to CTh VIII. 5. 13 only: E. Holmberg, *op. cit.*, pp. 94, 134 (acknowledges that the right to issue *evectiones* was reserved exclusively for the PPO); P. Stoffel, *op. cit.*, pp. 44, 95–96; L. Di Paola, *Viaggi, trasporti e istruzioni*, p. 67; A. Kolb, *op. cit.*, pp. 66, 83, 96, 106, 108, 110, 168, 233, 301; L. Lemcke, *op. cit.*, pp. 102–103; on CTh VIII. 5. 18 cf.: E. Holmberg, *op. cit.*, pp. 94, 137; P. Stoffel *op. cit.*, pp. 46–47, 100–101; L. Di Paola, *Viaggi, trasporti e istruzioni*, pp. 67, 122; A. Kolb, *op. cit.*, pp. 66, 96, 106, 108, 110, 167, 216; on CTh VIII. 5. 20 cf.: P. Stoffel, *op. cit.*, pp. 47–48, 102; L. Di Paola, *Viaggi, trasporti e istruzioni*, p. 67; A. Kolb, *op. cit.*, pp. 66, 96–97, 106, 108, 110, 168; CTh VIII. 5. 33 of 10 July 374 addressed to Constantius, Proconsul of Africa (PLRE, I, 227 s.v. *Paulus Constantius 11*), which authorised him to issue *evectiones in translationem vestium* in the absence of the diocesan vicar. However, if there was a vicar in the vicinity of the transport route, the vicar was the one who should authorise the *evectio* (more about the law: R. Delmaire, *Largesses sacrées et res privata*, pp. 250, 258, 343; P. Stoffel, *op. cit.*, pp. 54, 110; L. Di Paola, *Viaggi, trasporti e istruzioni*, p. 76 and footnote 49; A. Kolb, *op. cit.* pp. 69, 106 (outside the proconsular province), 108, 110); CTh VIII. 5. 52 of 26 July 393 addressed to Rufinus, PPO of the East, demonstrates that he usurped the right to issue *evectiones comes limitidis Aegyptiaci* (more about the law: K. – L. Noethlichs, *Beamtentum und Diensvergehen. Zur Staatsverwaltung in der Spätantike*, Wiesbaden 1981, p. 154; P. Stoffel, *op. cit.*, pp. 63, 123; A. Kolb, *op. cit.*, pp. 107, 110, 121, 167); CTh VIII. 5. 56 of 18 December 396 addressed by Emperor Arcadius to Simplicius, *magister militum*. The constitution stressed that *iudices* should use *evectiones* issued by the Emperor and the PPO, and, additionally, that the addressee of the act, Simplicius, could not issue *evectiones* himself (more about the act: P. Stoffel, *op. cit.*, pp. 65–66, 125; L. Di Paola, *Viaggi, trasporti e istruzioni*, p. 67); CTh VIII. 5. 57 of 24 February 397 addressed by Emperor Arcadius to Remistheus, *dux Armeniae*, forbade the latter both to issue *evectiones* and to travel by post without a valid *evectio* (more about the law: K. – L. Noethlichs, *op. cit.*, p. 155; P. Stoffel, *op. cit.*, pp. 66, 125; A. Kolb, *op. cit.* pp. 82, 87, 107, 110, 119, 121); CTh VIII. 5. 61 of 9 December 400 addressed to Vincentius, the PPO of Gaul (J.R. Martindale, *The Prosopography of the Later Roman Empire*, vol. II: A.D. 395–527, Cambridge–London–New York–New Rochelle–Melbourne– Sydney 1980 [hereinafter: PLRE, II], p. 1169, s.v. *Fl. Vincentius 6*, proves that the right to issue *evectiones* was usurped by Macrobius, vicar of Spain (more about the law: K.- L. Noethlichs, *op. cit.*, p. 155; P. Stoffel, *op. cit.*, pp. 68, 127–128; A. Kolb, *op. cit.*, pp. 106–107, 110, 167); *N.Mai.*, VII. 13 of 6 November 458 addressed by Emperor Majorian to PPO Basilius (PLRE, II,

This did not mean that the dignitaries mentioned in these laws were completely deprived of the possibility to use *cursus publicus*. Among the laws prohibiting vicars and governors from issuing *evectioes*, one can find CTh VIII. 5. 12 addressed to PPO Taurus, which granted a number of authorisations to individual categories of officials to travel by post for a period of one year. Vicars were to receive ten to twelve *evectioes* from the emperor, while the governors of the province – two *evectioes* issued by PPO Taurus. In addition, all the above mentioned had the right to obtain an *evectio* issued by the prefect in order to present current urgent matters to the emperor. A detailed list of officials and their *evectioes* can be found in *Notitia Dignitatum Orientis*³⁶. As the right to release *evectioes* was limited to the emperor and a very small group of dignitaries³⁷, trade in postal travel permits arose³⁸.

pp. 216–217, s.v. *Fl. Caecina Decius Basilius*) yet again prohibited governors from issuing *evectioes* (*provinciali iudici non solum faciendam evectioem nulli tribuatur facultas*).

³⁶ Thus, *magister militum* obtained fifteen of them (ND., Or., V. 75, VI. 78, VII. 68, VIII. 62, IX. 57; *comes sacrarum largitionum* [hereinafter: CSL] and *CRP quotiens usus exegerit* (ND., Or., XIII. 35 (CSL), XIV. 15 (CRP), proconsuls – four (ND., Or., XXI. 15), the vicar – ten (ND., Or., XXV. 35), *comes limitis Aegypti* – six (ND., Or., XXVIII. 34), *comes rei militaris* – six (ND., Or., XXIX. 18), *dux Lybiarum* – three (ND., Or., XXX.6), *dux Thebaidos* – five (ND., Or. XXXI. 75). The following commanders also received five *evectioes* each: *dux Foenicis* (ND., Or., XXXII. 52), *dux Syriae* (ND., Or., XXXIII. 43), *dux Palaestinae* (ND., Or., XXXIV. 56), *dux Oshroenae* (ND., Or., XXXV. 42), *dux Arabiae* (ND., Or., XXXVII. 52), *dux Scythiae* (ND., Or., XXXIX. 43), *dux Moesiae primae* (ND., Or., XL. 50), *dux Moesiae Secundae* (XLI. 47) i *dux Daciae Ripensis* (XLII. 51), while *dux Mesopotamiae* received eight (ND., Or., XXXVI. 44), and *dux Armeniae* – seven (ND., Or., XXXVIII. 46); cf.: L Di Paola, *Viaggi, trasporti e istruzioni*, p. 70 footnotes 66–74 and L. Di Paola, *Per la storia*, p. 83 footnote 90; A. Kolb, *op. cit.*, 85; L. Lemcke, *op. cit.*, pp. 105–108.

³⁷ Temporarily, from the 360s to the 390s, the PVR also enjoyed this right. This is indicated by CTh VIII. 5. 19 of 23 June 364 (more about the law: M. Clauss, *op. cit.*, p. 49; P. Stoffel, *op. cit.*, pp. 47, 101–102; L. Di Paola, *Viaggi, trasporti e istruzioni*, p. 68; A. Kolb, *op. cit.*, pp. 106, 108, 110; L. Lemcke, *op. cit.* p. 77: prefects of the city only distributed *evectioes*, 97: prefects of the city were authorised to issue permits for travelling by post). CTh VIII. 5. 32 of 11 December 371, addressed to PVR Ampelius, shows that the members of the Roman Senate and the *provinciales* had the right to go to the imperial court to personally pass on acclamations to the emperor. In the opinion of Pascal Stoffel (P. Stoffel, *op. cit.*, p. 108), however, this does not imply the right to issue *evectioes*. The prefect of Rome lost the right to issue *evectioes* in 396, because in CTh VIII. 5. 55 of 18 February 396 addressed to PVR Florentinus, the emperor approved the issuing of two *evectioes*, but at the same time forbade doing so in the future: *cuius facti veniam indulgemus, sed nihil tale posthac nec usurpari volumus nec licere* (more about the law: P. Stoffel, *op. cit.*, pp. 65, 124: it follows from the constitution that the PVR must have lost the right before that time; L. Di Paola, *Viaggi, trasporti e istruzioni*, pp. 55, 68 (the author argues that the PVR executed *ius evectiois* from 364 to 396); A. Kolb, *op. cit.*, pp. 105–107, 108, 110, 121, 215; L. Lemcke, *op. cit.* p. 98: he lost it). The role of the PVR in post administration was also highlighted by A. Chastagnol, *op. cit.*, pp. 239–240, and W. Blum, *op. cit.*, p. 79, according to whom the influence of the prefects of Rome on the postal service went beyond 396.

³⁸ CTh VIII. 5.4 of 22 June 326 addressed to Menander, *comes per Africam* (he is identified as the comes of Africa in PLRE, I, pp. 595–596, s.v. *Menander 2*; P. Stoffel, *op. cit.*, p. 87,

However, we must bear these laws in mind in the context of the increasingly prominent role which was the Mag. Off. Although, as has already been mentioned, John the Lydian claimed that the PPO had already lost control of the court in favour of this dignitary at the time of Constantine the Great³⁹, there is no reason to believe that this should also apply to the *cursus publicus*. The first sign of change in this matter is CTh VIII. 5. 9 of 6 December 357, which forbade Taurus, the powerful prefect of Emperor Constantius, to issue *evectiones* and *tractatoriae* for *agentes in rebus*⁴⁰. This was the first serious limitation of the competence of the PPO as far as the *cursus publicus* is concerned. Some researchers believe that the reenforcement of the position of the PPO in relation to the Mag. Off. occurred under Emperor Julian. They quote CTh VIII. 5. 12 of 22 February 362, an act that has already been discussed in this essay, and, in particular, focus on the following sentence: *Exceptis igitur vobis nulli evectionem licebit facere de cetero*. Relying on this excerpt, they argue that only the PPO had the right to issue permits for the use of the postal service⁴¹, although recently the view that the constitution concerned provincial *iudices* whose rank was lower than that of the PPO (*vicarii, praesides, consulares*), and therefore they alone were subject to the introduced limitations, has been recently growing in popularity⁴². In contrast, CTh VIII. 5. 22 of 29 March 365 demonstrates that the Mag. Off. regained his right to issue *evectiones*⁴³.

on the other hand, believes him to have been PPO of Africa, while P. Porena, *Le origini della prefectura del pretorio tardoantica*, Rome 2003, pp. 376–382 and L. Lemcke, *op. cit.*, pp. 93–94, 98 consider him a vicar). More about the law, cf.: P. Stoffel, *op. cit.*, pp. 39–40, 88; A. Kolb, *op. cit.*, pp. 50, 65, 91, 93, 119, 121, 156, 169, 181, 214). It seems that Lemcke wrongly assumes that it confirms the right to issue *evectiones* of the vicar of Africa, and simply reproaches him for too liberal use of this privilege. It is difficult to say whether the act refers to someone who held full issuing rights (L. Lemcke, *op. cit.*, p. 99), because it describes cases of trading in *evectiones* and omits the issuance thereof.

³⁹ Lyd., *De Mag.*, II. 10 and III. 40 *passim*.

⁴⁰ More on the act: E. Holmberg, *op. cit.*, p. 87 footnote 2 (Constantius referred to *Illyricum*), 133; W. Blum, *op. cit.*, p. 76; L. Di Paola, *Viaggi, trasporti e istruzioni*, p. 65 and footnote 27, 66 and footnote 38, 68 and footnote 55, 71 and footnote 80; L. Di Paola, *Par la storia*, pp. 92–93 (the author asserts that the act confirms that *curiosus cursus publici praesentalis* did exist in 357, and was mentioned again only in *Notitia Dignitatum*); A. Kolb, *op. cit.*, pp. 70, 84, 102, 108; L. Lemcke, *op. cit.*, pp. 94–96.

⁴¹ E. Holmberg, *op. cit.*, p. 134; M. Clauss, *op. cit.*, p. 49; L. Di Paola, *Viaggi, trasporti e istruzioni*, p. 37.

⁴² A. Kolb, *op. cit.*, p. 102; L. Lemcke, *op. cit.*, p. 101.

⁴³ More about the law: E. Stein, *Untersuchungen über das officium*, p. 63; E. Holmberg, *op. cit.*, pp. 89, 94; P. Stoffel, *op. cit.*, pp. 48–49; 103; L. Di Paola, *Viaggi, trasporti e istruzioni*, pp. 47–48 footnote 48, 54 and footnote 107, 65 and footnotes 21–22, 66 and footnote 31, 69, and footnote 60, 84 and footnote 82; A. Kolb, *op. cit.*, pp. 103, 108, 110, 119, 168, 215).

This is also confirmed by CTh VIII. 5. 35 of 20 April 378, addressed to PPO Ausonius⁴⁴.

At the same time, CTh VIII. 5.40 of 23 July 382 addressed to the current PPO of the East, Florus (also former the Mag. Off.), once again emphasised that issuing *evectioes* was a prerogative of the emperor and PPO of the East and not of other *iudices*: *iudicibus faciendae evectiois copiam denegamus cum id nostro numini et vestris tantum sit potestatibus reservandum*. In this context, another sceptical opinion about the fact that the Mag. Off. might have held the right to grant permissions to travel by the *cursus publicus* was voiced by Manfred Clauss⁴⁵, despite the fact that the version of this constitution which was retained in the *Justinian Code* (CJ. XII. 50. 9) includes the following footnote: *nec non viro inlustri magistro officiorum*. The German researcher concluded that the committee working on the final wording of the laws in the *Justinian Code* merged CTh VIII. 5. 40 with some other act that has not survived to this day, returning this right to the Mag. Off.⁴⁶ In any event, according to Clauss, it was only when CJ XII 50. 9 was passed that the Mag. Off. obtained the right to issue *evectioes*. Both acts date back to 382, and this is why we should pay particular attention to Pascal Stoffel's conclusion that CTh VIII. 5. 40 *zerfällt in zwei Abschnitte*⁴⁷ and CJ compilers simply put them together. Stoffel believes that the term *iudices* refers to all officials subordinate to the PPO, i.e. vicars and provincial governors⁴⁸. To sum up, it is worth noting the opinion expressed by Anne Kolb that the PPO (obviously) and the Mag. Off. gained the right to issue *evectioes* much earlier than in 357. The PPO exercised his rights in relation to civil

⁴⁴ More about the law: E. Stein, *Untersuchungen über das officium*, p. 63; P. Stoffel, *op. cit.*, pp. 55, 112–113; L. Di Paola, *Viaggi, trasporti e istruzioni*, p. 44 and footnote 20, 47 and footnote 45, 48 and footnote 49, 55 and footnote 109, 65 and footnote 25, 66 and footnote 66, 69 and footnote 59, 90 and footnote 93; A. Kolb, *op. cit.*, pp. 83, 91, 103, 108, 114, 119, 130, 191–194, 197, 212, 215, 219, 298; L. Di Paola, *Per la storia*, p. 18 and footnote 36, 109 and footnote 3. M. Clauss, *op. cit.* pp. 49–50 asserts that in 371 the supervision of the postal service was re-assigned to the PPO, but the acts he mentions in support of this claim refer to the staff of the state postal service: CTh VIII. 5. 23 of 10 March 365 allowing control, *praepositi, mancipes*, while CTh VIII. 5. 39 concerns the abuse of the postal service by officers leaving the service in the palace.

⁴⁵ M. Clauss, *op. cit.*, p. 50.

⁴⁶ E. Holmberg *op. cit.*, pp. 89–90, interpreted this issue in yet another way, as he argued that CTh VIII. 5. 40 authorised only the PPO, while CTh XII. 50. 9 was forged.

⁴⁷ P. Stoffel, *op. cit.*, p. 116; similarly L. Lemcke, *op. cit.*, p. 96: CTh VIII. 5. 40 did not exclude the Mag. Off.

⁴⁸ More about the constitution, cf. L. Di Paola, *Viaggi, trasporti e istruzioni*, p. 48 and footnote 49, 67 and footnote 44 and 49 (ban on issuing *evectioes* for provincial governors), 90 and footnote. 93. According to Anne Kolb (A. Kolb, *op. cit.*, p. 103), CJ XII. 50. 9 was the first to mention that the Mag. Off. was authorised to issue *evectioes* in addition to the emperor and the PPO.

and military administration, while the Mag. Off. – towards *agentes in rebus*. Symmachus' letters are an important source for registering changes in postal service administration. Analysing the rivalry between the PPO and the Mag. Off. in terms of decisions related to granting *evectiones*, Stoffel notes⁴⁹ that while in *Ep.*, I. 21 dating back to the year 379⁵⁰, Symmachus addressed the request for an *evectio* to the PPO, in *Ep.*, VII, 48 dated about twenty years later (letter to Hadrian; Callu⁵¹ claims that it was drawn up in 399, when Hadrian was the Mag. Off.⁵²); 105 (the letter dated 399⁵³ was addressed to Patruinus, who at that time already had some influence at the court, while from 401 to 408 he was CSL in the West⁵⁴); 106 (the letter to Petronius, brother of Patruinus, dated 399⁵⁵, then, from 402 to 408, Petronius was PPO of Gaul⁵⁶), and also in VII. 82 (of 399⁵⁷ to Messalla, PPO of Italy⁵⁸) and IX. 25 (of 399⁵⁹ to Vincentius, PPO of Gaul), the requests were addressed not only to the PPO, but also to the Mag. Off.⁶⁰. The fact that the right to issue *evectiones* was held by the Mag. Off. is confirmed by *Notitia Dignitatum*, the very same text that certifies the PPO's authorisation⁶¹. Additionally, the source contains information about the existence of *curiosis cursus publicus* in the central apparatus managed by the Mag. Off.⁶². It is worth noting, however, that even in the times of *Notitia Dignitatum* the rivalry between the PPO and the Mag. Off. continued, as evidenced by the already quoted

⁴⁹ P. Stoffel, *op. cit.*, p. 12.

⁵⁰ Symmaque, *Lettres*, Tome I (Livres I–II), texte établi, traduit et commenté par J.–P. Callu, Paris 1972, p. 86.

⁵¹ Symmaque, *Correspondance*, Tome III, Livres VI–VIII, texte établi, traduit et commenté par J.–P. Callu, Paris 2003, p. 70.

⁵² PLRE, I, 406, s.v. *Hadrianus 2*.

⁵³ Symmaque, *Correspondance*, Tome III, p. 99.

⁵⁴ PLRE, II, 843–844, s.v. *Patruinos*.

⁵⁵ Symmaque, *Correspondance*, Tome III, p. 100.

⁵⁶ PLRE, II, 862–863, s.v. *Petronius 1*.

⁵⁷ Symmaque, *Correspondance*, Tome III, p. 88.

⁵⁸ PLRE, II, 760–761, s.v. (*Valerius*) *Messalla Avienus 3*.

⁵⁹ Symmaque, *Lettres*, Tome IV, Livres IX–X, texte établi, traduit et commenté par J.–P. Callu, Paris 2002, p. 16.

⁶⁰ Cf. also notes by A. Kolb, *op. cit.*, p. 94, which show that Symmachus also asked other dignitaries for access to the state postal service. This included people who did not deal with issuing *evectiones*, but received a certain amount of them from the emperor.

⁶¹ ND., Or., II. 72 (PPO of the East): *Praefectus praetorio Orientis evectiones annuales non habet, sed ipse emittit*; III. 33 (PPO Illyrici): *praefectus praetorio Illyrici ipse emittit*; XI. 53 (Mag. Off.): *Magister officiorum ipse emittit*. There is no such information in the Western *Notitia* for either the PPO or the Mag. Off. According to Blum (W. Blum, *op. cit.*, pp. 65, 88, 96–97), *agentes in rebus* too were *regendarii* of the PPO.

⁶² ND., Or., XI. 50 and Occ., IX. 44. ND also indicates that he was superior *per omnes provincias* (ND., Or., XI. 51) to *curiosi omnium provinciarum* (ND., Occ., IX. 45).

CTh VIII. 5. 56 of 18 December 396 addressed to Simplicius, *magister militum*. It forbade him from issuing *evectiones*, and indicated that this privilege lay in the authority of the emperor and prefects⁶³. The Mag. Off. was left out again. As mentioned earlier, most officials were only granted a number of permits by the emperor, depending on their rank, on an annual basis.

The rivalry between the PPOs and the Mag. Off. over the control of the public postal service, *Überwachung des Postverkehrs*⁶⁴, consisted not only in the issuing of *evectiones* but also in the control thereof in order to alleviate the problem of the abusive use of the postal service, which caused it to be overburdened⁶⁵. There was undoubtedly a conflict of competences between the PPO and the Mag. Off.⁶⁶

In the times of the Principate, supervision over the *cursus publicus* was exercised by *praefecti vehiculorum*. This was still true during the reign of Constantine, as reported in CTh VIII. 5. 4 of 22 June 326 which mentions *praefecti vehiculorum* for the last time⁶⁷. They reported to the PPO⁶⁸ and thus the prefect controlled the postal service. However, according to Ernest Stein, at the latest under Constantine between 341 and 346, they were replaced by *praepositi cursus publici*⁶⁹, who were appointed from among *agentes in rebus*⁷⁰, controlled by the Mag. Off. Since then, it was forbidden for officials serving in other offices to perform the function of *curiosi*⁷¹. Nonetheless, at the beginning of Constantine's rule, the postal service was still subordinate to the PPO, as shown by CTh VIII. 5. 3 of 15 February 339 [MSS 326]⁷² addressed to Septimius Acindinus, PPO of

⁶³ *Sufficiunt iudicum potestatibus evectioes, quas a nostra serenitate vel sede inl(ustrum) praefectorum necessitatibus publicis accipiunt servituras.*

⁶⁴ W. Blum, *op. cit.*, p. 32.

⁶⁵ M. Clauss, *op. cit.*, p. 46.

⁶⁶ W. Blum, *op. cit.*, p. 63: *Kompetenzkonflikt*.

⁶⁷ More about the constitution, cf.: E. Holmberg, *op. cit.*, pp. 92–93; W. Blum, *op. cit.*, 51; A. Kolb, *op. cit.*, pp. 50, 65, 91, 93, 119, 121, 169, 181, 214; L. Di Paola, *Per la storia*, p. 70 and footnote 40; L. Lemcke, *op. cit.*, p. 61.

⁶⁸ E. Holmberg, *op. cit.*, pp. 92–93; M. Clauss, *op. cit.*, p. 45.

⁶⁹ E. Stein, *Untersuchungen über das officium*, pp. 63–64; more broadly W. Blum, *op. cit.*, p. 2: until the times of Emperor Constantius. In general, however, Blum reiterates Stein's views, considering that in the period between 341 and 346 the PPO lost control of the *agentes in rebus*, who were transferred under the command of the Mag. Off. (W. Blum, *op. cit.*, pp. 9, 43). L. Lemcke, *op. cit.*, p. 62, also recognises that *curiosi* took control of the postal service and the *praefectura vehiculorum* lost its *raison d'être*.

⁷⁰ M. Clauss, *op. cit.*, p. 45; A. Kolb, *op. cit.*, p. 170. Similarly, A. Giardina, *Aspetti della burocrazia nel basso impero*, Rome 1977, p. 15 footnote 5: control of the Mag. Off. over *cursus* was established *sotto Costanzo II, forse anche prima*.

⁷¹ M. Clauss, *op. cit.*, p. 45.

⁷² Cf.: A.E.R. Boak, *The Master of the offices in the Later Roman and Byzantine Empires*, in: *Two Studies in Late Roman and Byzantine Administration*, eds. A.E.R. Boak, J. E. Dunlap, New

the East: *vestrae vero gravitatis, ubi ratio exegerit, cursus publicus praesto est*. The same law, however, provided for the sending, probably through the palace, of *exploratores*⁷³. As noted by Anne Kolb, *curiosi* were the *exploratores* specified in this constitution⁷⁴. This is a plausible suggestion, because in the narrative sources the *curiosus* was confirmed for the first time in 335⁷⁵.

The competence of *agentes* in the field of the postal service was not only to check *evectiones*. This is shown by inscription (CIL X. 7200) from *Thermae Selinuntae* in Sicily dated to the 340s, concerning the restoration of the postal *statio*. Although this was done by the two *consulares Siciliae*, Orfitus and Dulcitus, it was under the control of Fl. Valerian, who was a *ducenarius* of the *agens in rebus* and a *primicerius* of the *cursus publicus*⁷⁶. In this context, it is important to note Holmberg's view that the term *curiosus* or *curagendarius* is the abbreviation for *praepositus cursus publici*⁷⁷. This was confirmed by the aforementioned inscription from *Thermae Selinuntae*⁷⁸. That is to say, *agentes*, and, thus, also their superiors, i.e. the Mag. Off., started to exercise control over the postal service earlier than it would appear based on the normative sources. The sources inform that it was not until 356 that the control of *evectiones* was in the hands of *agentes*. This is

York–London 1924, p. 77, who believes that it refers to the times of Emperor Constantine and the year 326 despite the fact that Acidinus was PPO of the East in the period 338–340 (PLRE, I, 11, s.v. *Septimius Acindynus* 2), 326 is the date from the CTh manuscript, which is why O. Seeck *Regesten der Kaiser und Päpste für die Jahre 311 bis 476 n. Chr. Vorarbeit zu einer Prosopographie der christlichen Kaiserzeit*, Stuttgart 1919, 186 made an emendation to the year 339. The law was dated 339 also by P. Stoffel, *op. cit.*, p. 84. Sources: E. Holmberg, *op. cit.*, pp. 66, 133; P. Stoffel, *op. cit.*, pp. 38–39, 84–87; L. Di Paola, *Viaggi, trasporti e istruzioni*, p. 54 and footnote 101, 56 and footnote 120, 57 and footnote 124, 91 and footnote 103, 95 and footnote 126.

⁷³ *Explorantes*, on the other hand, appear in CTh VIII. 5. 4 (22 June 326) published a few years earlier and addressed to Meander.

⁷⁴ A. Kolb, *op. cit.*, pp. 176, 181; similarly R. Delmaire, *Les institutions du Bas – Empire Romain de Constantin à Justinien*, I: *Les institutions civiles palatines*, Paris 1995, p. 107. This is hardly about military *exploratores*, as L. Lemcke, *op. cit.*, p. 111, seems to think.

⁷⁵ Athanasius Alexandrinus, *Apologia contra Arianos*, 73, 74. According to Stoffel (P. Stoffel, *op. cit.*, pp. 137–138), it is not certain whether this actually referred to the agent supervising the postal service. On the pages indicated above, Stoffel also listed literature on this subject, which includes research views that are different from those of the author.

⁷⁶ *Pro beatudine/temporum d d n n/Constanti. et/Constantis A A V V G G/stationem a solo fce/runt Vitrasius Orfitus et Fl/Dulcitus V V CC consulares/ P. S. instant Fl. Valeriano/Ducenario agente in reb. et pp. cursus/publici*. Literature on the subject: L. Di Paola, *Viaggi, trasporti e istruzioni*, pp. 85–86.

⁷⁷ E. Holmberg, *op. cit.*, p. 126. Similarly, for example: W. Blum, *op. cit.*, p. 7; A.H.M. Jones, *The Later Roman Empire 284–602. A Social, Economic and Administrative Survey*, Baltimore 1986, p. 1237 footnote 34; L. Di Paola, *Per la storia*, pp. 69–72; Jean le Lydien, *Des Magistratures de l'état Romain*, Tome II : Livres II et III, p. CCLXXXVII.

⁷⁸ Cf. also: CTh VI. 29. 1 of 22 July 355 addressed to PPO Lollianus (PLRE, I, 512–514, s.v. *Q. Flavius Maesius Egnatius Lollianus signo Mavortius* 5) *curagendarii = curiosi provinciarum*.

specified in CTh VI. 29. 2 of 17 April 356 [MSS 357], addressed to Taurus, PPO of Italy (*solos agentes in rebus in hoc tenere iussimus obsequium adhibere*). It also follows from the fact that Taurus tried to change this and send his *praefectiani* with a control mission: *accedunt ex officio mirandae prudentiae tuae, qui parem sibi licentiam vindicent*. Vicars (from the dioceses comprising the prefecture administered by Taurus?) were supposed to try to do the same: *ut vicarii quoque mittant ex officiis suis huiusmodi negotiis operam praebituros*. The constitution also appointed two *curiosi* per each province to serve control functions⁷⁹. An analogous constitution forbidding *praefectiani* to perform the functions of *curiosi* was addressed by Valentinian I to Zosimus *praeses Epyrus Novae* on 18 November 373 (CTh XII. 10.1)⁸⁰. After losing the right to control *evectiones*, the PPO also lost jurisdiction over *agentes* – *curiosi*, who often committed frauds. CTh VI. 29. 3 of 31 October 359, addressed *ad agentes in rebus*, ordered that the penalties imposed by the PPO on *agentes* performing control functions in the postal sector should remain in force only if they had behaved in a manner consistent with *inhonestae et contra decus saeculi vel honorem, militiae*; moreover, if this was brought to the attention of the emperor, they were to be penalised even more severely. If, on the other hand, they *seroaverint honestate*, the penalties were to be abolished. As discussed by Stein, this ultimately meant applying the *praescriptio fori* principle in the case of *agentes in rebus*⁸¹. It should be remembered that only two years before, in CTh VIII. 5. 8 addressed to Taurus, PPO of Italy, on 24 June 357, Constantine decided that all instances of the abuse of the state postal service should be reported to the Mag. Off.,

⁷⁹ More about CTh VI. 29. 2, cf.: E. Holmberg, *op. cit.*, pp. 127, 145; M. Clauss, *op. cit.*, p. 45; E. Stein, *Untersuchungen über das officium*, p. 64; W. Blum, *op. cit.*, pp. 30–31, 46–47, 56–57, 70–71, 73; P. Stoffel, *op. cit.*, pp. 73–75, 139–141; L. Di Paola, *Viaggi, trasporti e istruzioni*, p. 65 and footnotes 18–22; 69 and footnote 62; 83 and footnote 45 and 84 and footnote 52 (at this point the author argues that the *cursus publicus* had to be well organised at the time of the law's publication, also on secondary roads and the outskirts of the empire); 85 and footnote 68, 112 and footnote 65; A. Kolb, *op. cit.*, pp. 52, 67, 70, 113, 121, 169, 175, 177, 181, 186, 208, 212; L. Di Paola, *Per la storia*, pp. 25, 27, 28–31, 72, 82; 98; 102 and footnote 119; L. Lemcke, *op. cit.*, p. 95.

⁸⁰ More about the act: L. Di Paola, *Per la storia*, p. 45.

⁸¹ E. Stein, *Untersuchungen über das officium*, p. 65; similarly: L. Di Paola, *Viaggi, trasporti e istruzioni*, p. 68 and L. Di Paola, *Per la storia*, pp. 32–33: *agentes* were from that moment on under the jurisdiction of the Mag. Off., not the PPO. Different view: R. Delmaire, *Les institutions*, p. 93. The author argues that the principle of *praescriptio fori* in relation to *curiosi* is observed only in Symmachus, *Relationes*, 38, i.e. only in 384. A. Giardina, *op. cit.*, p. 56 notes, in turn, that the law introduced the possibility of appealing to the emperor against the judgements of the PPO. In the older literature, E. Holmberg, *op. cit.*, p. 121, held that *agentes* were subject to the jurisdiction of the Mag. Off., but he did not point to a particular caesura. Literature: K.L. Noethlichs, *op. cit.*, p. 155; A. Kolb, *op. cit.*, pp. 121, 123; L. Di Paola, *Per la storia*, pp. 25, 109, 113.

but also to the PPO⁸². During the reign of Julian the Apostate the number of agents in the whole empire was reduced to 17⁸³, it does not seem, however, that they lost their inspection functions. Another law relating to the control of *agentes* was CTh VI. 29. 6, addressed on 3 February 381 to Florus, PPO of the East. It stipulated that *primi scholarium* (from among *agentes in rebus*) could also be appointed for inspection functions (*curiosi*) in addition to *principes* for one year. They were called up for service on the emperor's birthday (*felicitis natalis nostris die*) and were to reach the most distant public post stations (*remotas quoque peragerent stationes*)⁸⁴. The laws of the Theodosian period refer again to the number of *curiosi*. They show that in the 390s each province was controlled by one *curiosus*. CTh VI. 29. 7 of 28 May 390 addressed to Neoterius, PPO of Gaul, specifies that they were to be stationed *in eminentioribus tantum urbibus*; while CTh VI. 29. 8 of May 395 = CJ XII. 22. 4 published by Arcadius and addressed to the Mag. Off. Marcellus reads as follows: *agentes in rebus singulos per singulas provincias mi(tten)dos esse censemus, quibus tamen inspiciendum e(ve)ctionum tantum debeat cura mandrin*⁸⁵.

Who controlled the postal service then? The problem was already noticed by Ernest Stein, who points out that among the sixty-six constitutions contained in the *Theodosian Code* chapter devoted to the *cursus publicus*, only one law is addressed to the Mag. Off. and as many as thirty-eight to the PPO and his subordinates, plus three more included in the *Justinian Code*⁸⁶. Therefore, according to the same author,

⁸² M. Clauss, *op. cit.*, p. 49, asserted that both dignitaries were also given the right to try instances of abuses; at the same time, however, he also recognised that *die Modälitäten der Aufteilung zwischen den beiden kennen wir nicht*. More about the law, cf.: E. Holmberg, *op. cit.*, p. 88; E. Stein, *Untersuchungen über das officium*, pp. 63–64; W. Blum, *op. cit.*, p. 63; A. Kolb, *op. cit.*, pp. 70, 82–83, 110, 119–120, 176, 215–216, 218–219; L. Di Paola, *Per la storia*, pp. 25, 27, 37, 83 footnote 55, 93–94.

⁸³ Libanios, *Orationes*, II. 58.

⁸⁴ L. Di Paola, *Per la storia*, p. 17 footnote 35, 37–39, 102. According to the author, *primi scholarium* = *agentes ducenarii*; similarly, P. Stoffel, *op. cit.*, p. 148 (broader discussion about the law: 76, 145–149); more about this constitution, cf.: E. Stein, *Untersuchungen zum Staatsrecht des Bas – Empire*, 'Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung' 1920, 41, pp. 212, 213, 215, 218; E. Holmberg, *op. cit.*, p. 127; F. Paschoud, *Frumentarii, agentes in rebus, magistriani, curiosi, veredarii*, 'Bonner Historia Augusta Colloquium' 1979/1981, Bonn 1983, p. 127.

⁸⁵ Literature on CTh VI. 29. 7 and CTh VI. 29. 8: E. Stein, *Untersuchungen über das officium*, p. 65; E. Holmberg, pp. 127, 141; A. Kolb, *op. cit.*, pp. 178–179, 181; L. Di Paola, *Per la storia*, pp. 39–41. The limited number of *curiosi* is also brought up in CTh VI. 29. 10 of 19 November 412 to CSL Synesius (literature on this law: P. Stoffel, *op. cit.*, pp. 78–79, 152–153; L. Di Paola, *Per la storia*, pp. 43–44; 58, 82).

⁸⁶ E. Stein, *Untersuchungen über das officium*, p. 64; similarly: M. Clauss, *op. cit.*, p. 50 footnote 121; A. Kolb, *op. cit.*, p. 166; Jean le Lydien, *Des Magistratures de l'état romain*, Tome

Postverwaltung should be considered to have been under the prefect's authority, and the role of the Mag. Off. to have apparently consisted only in granting *evectiones* and *repressive Ingerenz auf das Postwesen*⁸⁷. Erik Holmberg also saw the leading role of the prefect in relation to the postal service⁸⁸, although he does admit that the Mag. Off. was the PPO's rival already before 350⁸⁹. Roland Delmaire's considerations in this field also revolve around these assumptions, as he believes that the competition led to a division: the Mag. Off. held control functions through *curiosi*, while the PPO was responsible for the postal service infrastructure and requisitioning⁹⁰. Such deliberations stemmed from the words of John the Lydian, who writes that although in the 6th century the Mag. Off. supervised the postal service, it was still the PPO who was responsible for taking care of the horses and the staff⁹¹. John the Lydian also notes that the *regendarius* in the office of the PPO of the east was in principle devoid of competence, because he lost it to the Mag. Off.⁹²

It is therefore probably no coincidence that CTh VI. 29. 11 of 3 June 414 and VI. 29. 12 of 8 January 415 dismissing *agentes in rebus* from the empire's interior (VI. 29.11) and *curiosi litorum* from the Dalmatian coast (VI. 29.12) were addressed to the rivals of the Mag. Off., i.e. the prefects: Hadrian (PPO of Italy and Africa between 413 and 414) and Palladius (also PPO of Italy) respectively⁹³.

II: Livres II et III, p. CCLXXVI. It is also worth mentioning that CTh VIII. 5. 49 of 3 April 389, addressed to the Master of the Offices Caesarius, lists provincial governors as the controllers of *evectiones* (more about the law: P. Stoffel, *op. cit.*, pp. 62–63, 121–122; L. Di Paola, *Viaggi, trasporti e istruzioni*, p. 47 and footnote 48; 50 and footnotes 65–67, 65 and footnote 20, 66 and footnote 30, 71 and footnote 79, 84 and footnote 52, 92 and footnote 104; A. Kolb, *op. cit.*, pp. 83, 114, 169, 215; L. Di Paola, *Per la storia*, p. 38; CTh VIII. 5. 23 of 10 March 365, which has been mentioned before, granted control rights also to *praepositi (mansionum?)* and *mancipes*.

⁸⁷ E. Stein, *op. cit.*, pp. 64–65.

⁸⁸ E. Holmberg, *op. cit.*, pp. 86–87, e.g. on p. 87: *Chef des Coursus publicus*.

⁸⁹ E. Holmberg, *op. cit.*, p. 88.

⁹⁰ R. Delmaire, *Les institutions*, pp. 106–109.

⁹¹ Lyd., *De Mag.*, II. 10. 5. General remarks about the fall of the prefecture in Rufinus' time: Lyd., *De Mag.*, II. 10. 4–5; III. 40. 3–4. Clauss linked the fall with the assumption of power by Eutropius (M. Clauss, *op. cit.*, p. 50).

⁹² Lyd., *De Mag.*, III. 21.1 (cf.: E. Stein, *Untersuchungen zum Staatsrecht*, p. 219; W. Blum, *op. cit.*, p. 6; L. Di Paola, *Per la storia*, p. 18; on the other hand: A. Kolb, *op. cit.*, p. 182 concluded that in the times of John the Lydian the *regendarius* countersigned *evectiones* issued by the prefect); III. 4. 2: there were two *regendarii* in the office; III. 23. 2–3 and III. 40. 4: the *princeps* countersigned *evectiones* published by the PPO of the East.

⁹³ Boak (A.E.R. Boak, *op. cit.*, pp. 75–76) and Clauss (M. Clauss, *op. cit.*, p. 47) stated that both cases concerned *curiosi litorum*. More about CTh VI. 29. 11 and 12, cf.: E. Holmberg, *op. cit.*, pp. 129–130; P. Stoffel, *op. cit.*, pp. 79, 153–155; L. Di Paola, *Per la storia*, pp. 45–48.

In addition, John the Lydian describes the control of the Mag. Off. over *fabricae* – armaments factories⁹⁴, subordinate to the prefect before Rufius' time⁹⁵. Here, too, we find room for competition between the two high-ranking dignitaries. State facilities producing weapons for the Roman army were established back in the times of Diocletian. They were headed by *praepositi fabricarum* subordinate to the PPO, as Clauss suggests⁹⁶. Alexander Demandt believes that the PPO lost control of them to the Mag. Off. with the appointment of the master of the cavalry and master of the infantry⁹⁷. However, juxtaposing the acts from the *Theodosian Code*, Manfred Clauss⁹⁸ clearly shows that the acquisition of control over *fabricae* by the Mag. Off. took place only in the period when this office was held by Rufinus, the later PPO of the East. He was the addressee of CTh X. 22. 3 of 8 March 390 on the promotion of *primicerii fabricae*. The last *fabricate*-related act, addressed to Tatianus, PPO of the East, was CTh X. 22. 2 of 18 June 388. M. Clauss postulates that the control of armaments factories remained in the hands of Rufinus, even when he was the PPO of the East, and after his death, the affairs of current state policy were taken over by the eunuch Eutropius, while the factories were in the hands of his protégé, Hosius, the Mag. Off.⁹⁹. According to *Notitia Dignitatum* the Mag. Off. controlled armaments factories in both the Eastern and Western Roman Empire¹⁰⁰.

To sum up, it is worth noting that all such decisions and changes in the competences of individual dignitaries required the approval of the emperor. The rivalry between the most important officials in the state was therefore a form of incomplete delegation of powers by the emperor, upon which, as Chris Kelly noted, the success of the government was based¹⁰¹.

⁹⁴ Lyd. *De Mag.*, II. 26.1.

⁹⁵ Lyd., *De Mag.*, II. 13. 1.

⁹⁶ M. Clauss, *op. cit.*, p. 51.

⁹⁷ A. Demandt, s.v. *Magister militum*, 'Realencyclopädie der classischen Altertumswissenschaft' Supplementband XII/1970, col. 560.

⁹⁸ M. Clauss, *op. cit.*, p. 52; similarly: A. Giardina, *op. cit.*, pp. 66–69; S. Olszaniec, *Comites consistoriani*, p. 457, footnote 550.

⁹⁹ M. Clauss, *op. cit.*, p. 52. Hosius was also the addressee of CTh X. 22. 4 dated 15 December 398.

¹⁰⁰ ND., *Or.*, XI. 18–39; *Occ.*, IX. 16–39.

¹⁰¹ Ch. Kelly, *Ruling the Later Roman Empire*, Cambridge (Mass.), London 2004, p. 191.

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STRESZCZENIE

W późnym Cesarstwie Rzymskim prefekci *praetorio* należeli do najpotężniejszych i najbardziej wpływowych dygnitarzy. Jednak ich wysoka pozycja była ograniczona przez samego imperatora: cesarskie konstytucje (ustawy) i politykę personalną. Innym sposobem nadzoru nad prefektami była rywalizacja pomiędzy wysokimi rangą dygnitarzami. W przypadku prefektów *praetorio* ich najpoważniejszymi rywalami byli *magistri officiorum*. W niniejszym szkicu staram się pokazać jak prefekci *praetorio* i *magistri officiorum* rywalizowali o kontrolę nad pocztą publiczną (*cursus publicus*) i w jaki sposób *magister officiorum* kontrolował *officium* praefekta *praetorio*.

Słowa kluczowe: prefekt *praetorio*, cesarze, *magister officiorum*, poczta publiczna, *agentes in rebus*, *evectiones*

ABOUT THE AUTHOR

Szymon Olszaniec – Professor at the Faculty of Historical Sciences of the Nicolaus Copernicus University (Institute of History and Archival Sciences, Department of Ancient and Byzantine History). Member of the Society for the Promotion of Roman Studies in London and the Byzantine Commission of the PTH (Polish Historical Society). His research interests include the history of the late Roman Empire, in particular the social history, prosopography and history of administration. He is the author of the following monographs: *Julian Apostata jako reformator religijny* (Kraków 1999); *Comites consistoriani w wieku IV. Studium prosopograficzne elity dworskiej Cesarstwa Rzymskiego 320–395 n.e.* (Toruń 2007); *Prosopographical Studies in the Court Elite in the Roman Empire (4th Century A.D.)* (Toruń 2013); *Prefektura praetorio Italii, Illyrikum I Afryki (312 – 425)* (Toruń 2014). E-mail: so@umk.pl.