Introduction

This book explores the evolution of Roman law and society in Italy from 493, with the proclamation of the Ostrogoth Theoderic the Great as King, until about 554, when the eastern Emperor Justinian was able to re-establish imperial authority in the region. Drawing upon evidence from a variety of materials, including extant laws, records of court cases, literary and historical sources, it investigates how Theoderic and his barbarian successors attempted to maintain peace and order in the peninsula in the wake of foreign invasions, the collapse of civic administration, the break-up of the Mediterranean economy, and the emergence of new forms of religious and secular authority. The primary focus is the *Edictum Theoderici*, or *Edict of Theoderic* (hereafter simply *ET*), a largely overlooked law code of unknown date and disputed origin comprising 154 provisions, a prologue, and epilogue. The purpose is to situate this text within its proper historical and legal context, to understand better the processes involved in the creation of new law in the post-Roman world, as well as to appreciate how the law reflected the complex and sometimes contested social, political, and religious changes that marked Italy's passage from Antiquity into the Middle Ages.

A brief history of Italy in Late Antiquity

By the beginning of the sixth century Italy had long been in a period of decline. As early as the third century the peninsula was experiencing significant economic hardship – a situation brought about by the decreasing availability of individuals and resources to work the land, and the tendency of the state to over-tax in a bid to compensate for diminishing revenues. Economic decline was hastened by the barbarian invasions of the late fourth and fifth centuries, which had thoroughly and permanently overturned imperial political control in the other Roman provinces. By 476, the western Roman Empire had become unrecognizable as a political or territorial entity; nearly all of its provinces had been occupied by barbarian forces, and

its physical boundaries were reduced to the Italian peninsula. Indeed, this was a Roman Empire in name alone, and so it was fitting that in the same year the last western Emperor, the aptly named Romulus Augustulus ("Little Augustus"), was deposed by Odovacer, a general of Germanic extraction who in turn declared himself King – an event that has traditionally symbolized the end of the Roman Empire in the West. Like Britain, France, Spain, and North Africa before it, Italy had devolved into a barbarian kingdom.

The process by which the provinces of the western Roman Empire came under the control of barbarian warlords and Kings was not one of peaceful transition, but rather one of unprecedented upheaval. Indeed, the period from the battle of Adrianople in 378 to the removal of Romulus Augustulus was one of irrevocable change for the worse for the western Empire.[1] Contemporary and later sources stressed the destructive nature of the barbarian invasions that brought down the imperial administration in the provinces of Britain, Gaul, Africa, and Italy over the course of the fifth century.[2] Italy, in particular, suffered heavily. Between 401 and 412, the peninsula was subjected to sporadic Gothic incursions that left widespread damage. In 410, Rome itself, the true symbol of eternal imperial authority, a city which had not been invaded by a foreign army in roughly eight centuries, was sacked by the Visigothic King Alaric. News of the event reverberated around the Mediterranean world in a violent demonstration of how helpless the western Empire had become in the years following the death of the Emperor Theodosius I in 395. It stunned the imagination of this and later centuries and spurred Augustine, Bishop of Hippo on the coast of North Africa, to compose his apocalyptic *City of God*.

Whatever the psychological effects of the Visigothic looting of Rome, the imperial regime in Italy proved itself remarkably resilient once the threat of a barbarian domination of the peninsula had been removed. Within a year of the sack, the Emperor Honorius dispatched forces to restore imperial

[1] For excellent surveys on Rome's dissolution and disintegration in the West, with different emphases on the role played by the barbarian invaders, see Edward A. Thompson, *Romans and Barbarians: The Decline of the Western Roman Empire* (Madison, WI, 1982); Ian Wood, "The Fall of the Western Empire and the End of Roman Britain," *Britannia* 18 (1987), 251–62; Averil Cameron, *The Later Roman Empire,* AD *284–430* (Cambridge, MA, 1993; repr. 2001); Averil Cameron, *The Mediterranean World in Late Antiquity,* AD *395–600* (London, 1993); Michael E. Jones, *The End of Roman Britain* (Ithaca, NY 1996); Walter Pohl (ed.), *Kingdoms of the Empire: the Integration of the Barbarians in Late Antiquity* (New York, 1997); Bryan Ward-Perkins, *The Fall of Rome and the End of Civilization* (Oxford, 2005). For a general summary, see Thomas F. X. Noble (ed.), *From Roman Provinces to Medieval Kingdoms* (London/New York, 2006), 1–27; Clifford Ando, "Decline, Fall, and Transformation," *Journal of Late Antiquity* 1.1 (2008), 31–60.

[2] Ward-Perkins, *The Fall of Rome*, chapter 2.

control in at least the southern parts of Gaul; eastern and northern sections remained yet to be resuscitated. Britain, however, had to be left in practice to fend for itself.[3] Nevertheless, the events of 410 were but symptoms of deeper problems within the western half of the Empire, the consequences of which led to a second, much more violent and systematic sack of the Eternal City at the hands of the Vandals in 455, and ultimately the capitulation of the western imperial administration to Odovacer in 476. The main policy of the late Roman government for dealing with barbarian aggression was to grant the offending tribe an area of settlement within imperial territory in return for military service. First made in 382, such grants became a regular occurrence. Their result by the 450s was the emergence of politically autonomous units of Goths, Vandals, and Burgundians within the provinces of the western Empire. Where once there was a *res publica* united under a single authority, there were now competing *regna* ruled by generalissimos and Kings who ultimately retained the upper hand.[4] Of course, barbarian invasions were not the only problem. Throughout the fifth century the western Empire was plagued by bouts of civil war and social unrest. At a time when the Empire required a concerted and united effort against barbarian invaders, what it got instead were usurpations and rebellions, which often were prioritized over foreign threats.

Significantly, the deposition of Romulus Augustulus caused remarkably little stir among contemporary sources. It was, in the words of the Italian historian Arnaldo Momigliano, the "noiseless fall of an Empire."[5] That this event passed almost unnoticed is because the western Empire, and the associations of Roman power that came along with it, had long since disappeared in all but name by the time Odovacer removed the Little Augustus. From 410 onwards, successive Emperors became increasingly incapable of holding on to territory as a consequence of growing military threats and barbarian invasions. In terms of constitutional theory, real authority in all areas relating to the army, military strategy, the making of major political appointments, and civic administration was exercised by imperial appointees in the form of Masters of Soldiers. By the early fifth century, supreme military command was in the hands of barbarian warlords. Odovacer was no different from these generalissimos, save for the fact

[3] Jones, *The End of Roman Britain*; Wood, "The Fall of the Western Empire," 251–62.

[4] On the general subject of barbarian integration into the Roman Empire, see Pohl, *Kingdoms of the Empire*.

[5] Arnaldo Momigliano, "La caduta senza rumore di un impero nel 476 d.C," *Annali della Scuola Normale Superiore di Pisa*, ser. III, vol. III.2 (1973), 397–418 (repr. in his collected essays *Sesto contributo alla storia degli studi classici e del mondo antico*, I (Rome, 1980), 159–79).

that he, like Theoderic afterwards, chose to call himself King rather than Emperor.[6]

Writing to the eastern Emperor Zeno (474–91) shortly after his ousting of the enfeebled Romulus Augustulus, Odovacer proclaimed that Italy no longer required its own Emperor. Instead, he would rule as King and patrician, subordinate to the Emperor's authority. Zeno eventually agreed to this arrangement as he had a number of political and military challenges at home that required his attention. One such problem was how to manage the various warlike bands that had taken up residence in the Balkan provinces of Pannonia, Moesia, and Thrace following the disintegration of Attila's Hunnic Empire in the 450s. Zeno's policy was to play these groups off against each other, using one to fight another. But such diplomatic double-dealing did not alleviate the threat of attack, and Constantinople was frequently besieged by these warbands throughout the 470s and 480s.[7]

One of these warbands was a collection of soldiers and their families based in Pannonia and commonly referred to as the Ostrogoths, or Eastern Goths, as a way of distinguishing them from the Visigoths of Spain and the Gallic kingdom of Toulouse. Their leader was Theoderic, son of Thiudimur, who claimed descent from a royal clan called the Amals. Relying upon the brief *History of the Goths* (or *Getica*) written in Constantinople by Jordanes around 551, many historians have accepted the claim of Theoderic and his family to be of Amal descent. However, it has also been suggested that this was a spurious claim, intended to give *de iure* legitimacy to Theoderic's rule. Nevertheless, in the aftermath of the collapse of the Hun supremacy north of the Danube that resulted from the death of Attila and the defeat of his sons by their subject peoples in the battle of the Nedao River in 454, a number of Germanic groups were admitted into the Empire. Among them were the followers of a certain Valamer, who were settled in Pannonia in the western Balkans by agreement with the Emperor Marcian (450–7). Valamer was killed soon afterwards and his position was taken by his brother Thiudimur, Theoderic's father, thus giving him a claim of legitimacy to rule over the Goths.

Theoderic spent his youth as a hostage at the imperial court at Constantinople from 461 until his return to the Balkans in 471. For the next fourteen years he attempted, through a combination of diplomacy and threat, to secure a permanent homeland for his Gothic followers. In 488,

[6] Penny MacGeorge, *Late Roman Warlords* (Oxford, 2002).
[7] Patrick Amory, *People and Identity in Ostrogothic Italy, 489–554*, Cambridge Studies in Medieval Life and Thought: Fourth series (Cambridge, 1997), 7.

perhaps as a means of getting rid of him, Zeno petitioned Theoderic to invade Italy as *patricius et magister militum praesentalis* and remove Odovacer. A contemporary historian, the so-called Anonymous Valesianus, reports that pending a successful outcome of his campaign, Theoderic was to rule in Odovacer's place on a strictly interim basis – only until Zeno could return:

> Zeno accordingly rewarded Theoderic for his support, made him a patrician and a Consul, gave him a great sum of money and sent him to Italy. Theoderic came to an agreement with him that if Odovacer should be defeated, in return for his own labors he would rule in Odovacer's place only until the Emperor's arrival.[8]

Officially, Theoderic was to have but limited rights over Roman Bishops and Senators, requiring the consent of the Emperor in most regards. He was unable to appoint offices, and was not authorized to enact laws (*leges*), but only, like a Praetorian Prefect, to issue edicts – legal pronouncements that addressed matters particular to the peninsula and surrounding environs that fell under his jurisdiction.[9] These included Sicily (reconquered by Theoderic in the early 490s), the provinces of Dalmatia and Suavia (504), Provence, the Narbonnaise, and most of Spain, where Theoderic allowed his young Visigothic grandson Amalaric to rule as nominal King, and installed a regent from Italy named Theudis (507).

Presented with the opportunity to rule over a lasting and independent Ostrogothic kingdom in the rich and famous lands of Italy, Theoderic readily agreed to the Emperor's terms. In the following year he led his army – a number comprising some 20,000 troops and sundry hangers-on – across the River Isonzo in Istria and defeated Odovacer at Verona, forcing the latter to retreat to the former imperial capital of Ravenna.[10] For the next four years Italy suffered the ravages of war and famine as Odovacer remained holed up in Ravenna. On 5 March 493, having been unable to breach the dense swamps and heavy fortifications that protected the city,

[8] Anonymous Valesianus 11.49, ed. and trans. John C. Rolfe, *Ammianus Marcellinus*, 3 vols., Loeb Classical Library (Cambridge, MA, 1935–40): "Zeno itaque recompensans beneficiis Thodericum, quem fecit patricium et consulem, donans ei multum et mittens eum ad Italiam. Cui Theodericus pactuatus est, ut, si victus fuisset Odoacar, pro merito laborum suorum loco eius, dum adveniret, tantum praeregnaret."

[9] Arnold H. M. Jones, "The Constitutional Position of Odovacer and Theoderic," *JRS* 52 (1962), 126–30; John Moorhead, "Theoderic, Zeno and Odovacer," *Byzantinische Zeitschrift* 77 (1984), 261–6; John Moorhead., *Theoderic in Italy*, (Oxford, 1992), 39–51.

[10] Thomas S. Burns, "Calculating Ostrogothic Population," *Acta Antiqua Academiae Scientiarum Hungaricae* 26 (1978), 457–64 (estimates 35,000 to 40,000); Herwig Wolfram, *History of the Goths*, trans. Thomas J. Dunlap, 2nd edn. (Berkeley, CA, 1988), 279 (estimates about 100,000); and similarly, Wilhelm Ensslin, *Theoderich der Grosse*, 2nd edn. (Munich, 1959), 62–4.

Theoderic finally capitulated and formalized an agreement with Odovacer by which the two would jointly rule over Italy. Ten days later during a banquet to celebrate the occasion, Theoderic murdered his coregent and assumed supreme control of the peninsula. John of Antioch, writing in the seventh century, provides the most vivid account:

> Theoderic and Odovacer made an agreement with each other to the effect that they both should rule over the Roman Empire and they used to meet each other quite often thereafter. The tenth day had not yet passed when, while Odovacer was visiting Theoderic, two of Theoderic's men approached Odovacer as suppliants and grasped both his hands; at once those who were lying in ambush in the small chambers on either side rushed upon him with drawn swords, but, terrified at the sight, they did not attack him, and so Theoderic leaped forward and struck him on the collar bone with his sword, while Odovacer cried out, "Where is God?" Theoderic replied, "This is what you have done to my people." The blow was mortal for it pierced Odovacer's body through to the lower part of the back, and Theoderic is reported to have said, "This scoundrel does not even have a bone in his body."[11]

The account goes on to say that Theoderic murdered Odovacer's surviving family members and supporters, including his older brother Hunulf, who had sought sanctuary in a church; his wife Sunigilda starved to death while in confinement. One might interpret Theoderic's treacherous act as a sign of primitive barbarism. In fact, Theoderic's actions were decidedly Roman. The fourth-century historian Ammianus Marcellinus, for example, describes no less than five occasions when Roman commanders made dinner invitations an opportunity for dispensing with opponents.[12]

[11] John of Antioch, fragment 214a, ed. and trans. Sergei Mariev, *Ioannis Antiocheni Fragmenta Quae Supersunt Omnia* (Berlin, 2008), 444–5: "Ὅτι Θεοδώριχος καὶ Ὀδόακρος συνθήκας καὶ ξυμβάσεις ἐποιήσαντο πρὸς ἀλλήλους ἄμφω ἡγεῖσθαι τῆς Ῥωμαιων ἀρχῆς, καὶ λοιπὸν ἦσαν αὐτοῖς ἐντεύξεις παρ' ἀλλήλους φοιτῶσι συχναί. Οὔπω δὲ ἠνύετο ἡμέρα δεκάτη, καὶ, τοῦ Οδοάκρου γενομένου παρὰ τὸν Θεοδώριχον, προσελθόντες τῶν αὐτοῦ ἄνδρες δύω τὰς τοῦ Ὀδοάκρου ἀτείκεται γενόμενοι κατέχουσι χεῖρας, μεθ' ὃ τῶν προλοχισθέντων ἐν τοῖς παρ' ἑκάτερα οἰκίσκοις ἐπελθόντων ἅμα τοῖς ξίφεσιν, ἐκ δὲ τῆς θέας καταπλαγέντων καὶ οὐκ ἐπιτιθεμένων τῷ Ὀδοάκρῳ, Θεοδώριχος προσδραμὼν παίει τῷ ξίφει αὐτὸν κατὰ τὴν κλεῖδα, εἰπόντα δέ· ποῦ ὁ θεός; ἀμείβεται·τοῦτό ἐστιν ὃ καὶ σὺ τοὺς ἐμοὺς ἔδρασας. Τῆς δὲπληγῆς και ρίας καὶ μέχρι τῆς ὀσφύος διελθούσης τὸ Ὀδοάκρου σῶμα, εἰπεῖνφασιν Θεοδώριχονώς· τάχα οὐ δὲ ὀστοῦν ἦν τῷ κακῷ τούτῳ." For Theoderic's victory over Odovacer, see Ennodius, *Pan. Th.*, ed. and trans. Christian Rohr, *Der Theoderich-Panegynicus des Ennodius, MGH* studien und Texte 12 (Hannover, 1995), 14, 25; Ennodius, *Vita Epiphanii*, ed. W. Hartel, *CSEL* 6 (Ennodius, *Opera*) (Vienna, 1882); Jordanes, *Romana et Getica*, 57.289–91, ed. Theodor Mommsen, *MGH AA* 5.1 (Berlin, 1882), 53–138; Proc., *BG* v. i. 9–26, in Procopius, *History of the Wars*, ed. J. Haury and trans. H. B. Dewing, Loeb Classical Library, 5 vols. (Cambridge, MA, 1914–28). See further Wolfram, *History of the Goths*, 278–80; Moorhead, *Theoderic in Italy*, ch. 1; Peter Heather, *The Goths* (Oxford, 1996), 216–20.

[12] *Res Gestae*, 31.5.5–8; 21.4.1–5; 27.10.3; 29.4.2–4; 29.6.5; 30.1.18–21.

In the aftermath of victory, Theoderic emerged the undisputed master of Italy. In response, the Gothic army declared him King, thus signaling the start of a long and successful reign that would last for thirty-three years, until Theoderic's death on 30 August 526. His grand mausoleum, the size and composition of which parallels those of Augustus and Hadrian, stands today outside Ravenna as a testament to a barbarian King who drew inspiration from Rome's glorious past as he attempted to resurrect Italy after more than a century of neglect.[13]

The precise implications of Theoderic's confirmation as King require some consideration. The Anonymous Valesianus describes Theoderic as *rex* only after this event, persistently styling him patrician beforehand, thus implying that it was this election that signified Theoderic's royal status. But there can be no doubt that Theoderic was the "King of the Goths" (*rex Gothorum*) long before he arrived on Italian soil. That he required authorization from Constantinople to continue in that position, any more than did his contemporary counterparts elsewhere in the West, is inconceivable. The kingship in question was presumably over the Romans. Apparently, Theoderic wished to receive the title from the Emperor himself, but unable to secure it on his own terms, allowed the matter to be settled by his Goths. It is clear that by the end of the decade Constantinople had recognized, albeit in ambiguous terms, Theoderic's rule. The Anonymous Valesianus reports (12.67) that in 497 or thereabouts, Theoderic sent an embassy to Constantinople; peace was made concerning Theoderic's assumption of the kingdom, and the Emperor returned to Italy the palace ornaments which had remained in Rome after the attack of the Vandals in 455 and then been transmitted to Constantinople by Odovacer.[14]

If we are to believe his contemporaries, Theoderic's reign was a veritable golden age that contrasted sharply with the dark and distracted period that followed. Over the course of the sixth century, successive generations of Ostrogothic rulers engaged in divisive fratricidal strife, while at the same time the competing kingdoms of the Franks and Vandals began to assert their autonomy and establish dominance in regions once united under Theoderic's rule. Although not as enfeebled as the Merovingian *rois fanéants*, the last of the Ostrogothic Kings were nevertheless unable to maintain the standard of governance and culture which historians associate

[13] Deborah M. Deliyannis, "The Mausoleum of Theoderic and the Seven Wonders of the World," *Journal of Late Antiquity* 3.2 (2010), 365–85.

[14] Jones, "The Constitutional Position of Odovacer and Theoderic," 126–30; Moorhead, "Theoderic, Zeno and Odovacer," 261–6; Moorhead, *Theoderic in Italy*, 39–51; Peter Heather, "Theoderic, King of the Goths," *Early Medieval Europe* 4.2 (1995), 145–73.

with Theoderic's rule. His grandson and successor Athalaric (516–34) was a mere child when he took the throne; effective control rested with his mother Amalasuntha. When the young King died, the throne passed on to Theodahad (534–6), an elderly nephew of Theoderic, who then had Amalasuntha murdered.[15] In the East, the Emperor Justinian (527–65) considered Theodahad a usurper, and using Amalasuntha's death as justification, launched his Gothic War – a massive undertaking that was part of a larger, albeit ultimately futile, endeavor to restore the whole of the Roman Empire.

In 535 an expeditionary force of some 7,500 men, commanded by the general Belisarius, landed on the shores of Sicily. Belisarius quickly took hold of the island, encouraging Justinian to order the invasion of Italy itself. For the next twenty years Gothic and Byzantine forces waged war for control of the peninsula. Belisarius took the early advantage, as he advanced north to Rome without meeting any opposition from the Gothic forces.[16] Incensed by an apparent lack of leadership, high-ranking members of the Gothic army rebelled against Theodahad and elected as King one of their own by the name of Witigis (536–40).[17] On February 21, 537, Witigis and his forces attempted to retake Rome, and for more than a year subjected the city to a brutal siege. Although severely under-manned and beleaguered by hunger and disease, Belisarius was able to hold out and eventually repulse the Gothic army to Ravenna, where he forced Witigis to surrender. But between 542 and 550, the Gothic army, under their newly elected King Totila, reconquered the whole of Italy and Sicily (with the exception of a number of coastal towns including Ravenna) in a series of swift and efficient campaigns. The wars ravaged on until 552, when the Byzantine Eunuch Narses defeated and killed Totila at the battle of Busta Gallorum, as well as the King's successor Teias later in the same year in a final confrontation near Mount Vesuvius. A small contingent of Goths, together with a Franco-Aleman army, continued to fight on until 554, when they agreed to terms that secured them land in return for their allegiance to the Emperor. With their surrender, the Ostrogothic kingdom of Italy officially came to an end.[18]

The Gothic War devastated Italian society and brought about greater ruin to the peninsula than did all of the barbarian invasions of the previous one hundred and fifty years. The sixth-century Byzantine historian Procopius (*c.* 500–65), whose narrative of the conflict fills nearly four volumes of his histories, describes appalling conditions, including widespread famine and

[15] Proc., *BG* v.iv.4–11; Jordanes, *Romana et Getica*, 306. [16] Proc., *BG* v.xiv.1–14.
[17] Proc., *BG* v.xi.1–9. [18] Proc., *BG* viii. xxix.1–xxxii.36, xxxiii.6–xxxv.29.

disease, as early as 538.[19] Cities and towns were despoiled and populations uprooted. In 550 the city of Rome was entirely depopulated for the first time in its history. Writing in 556, Pope Pelagius I (556–61) described his Italian estates as being desolate.[20] Such was the destruction that after the 550s the Goths disappeared as a nation, leaving no trace of their presence in Italy in the archaeological record.[21] And in 568, when the Lombards invaded and established a kingdom of their own in the north, along with semi-independent duchies based in Spoleto and Benevento in the centre and south, the political unity of Italy as a whole was broken and would not be restored until the nineteenth century.

Given the unprecedented scope of devastation associated with the end of Ostrogothic rule in Italy, it is little wonder that historians, ancient and modern alike, regard Theoderic's reign in such a favorable light. While Belisarius was attacking the Gothic kingdom in 535, Procopius remarked about the dead Theoderic:

> . . . [A]fter gaining the adherence of such of the hostile barbarians as chanced to survive, he [i.e. Theoderic] secured the supremacy over both Goths and Italians. And though he did not claim the right to assume either the garb or the name of Emperor of the Romans, but was called 'rex' to the end of his life (for thus the barbarians are accustomed to call their leaders), still, in governing his own subjects, he invested himself with all the qualities that appropriately belong to one who is by birth an Emperor. For he was exceedingly careful to observe justice, he preserved the laws on a sure basis, he protected the land and kept it safe from the barbarians dwelling round about, and he attained the highest possible degree of wisdom and manliness . . . And although in name Theoderic was a usurper, yet in fact he was truly an Emperor as any who have distinguished themselves in this office from the beginning; and love for him among both Goths and Italians grew to be great, and that, too, contrary to the ordinary habits of men.[22]

[19] Proc., *BG* VI. xx. [20] Pelagius in *MGH Epp.* 3, 72–3.

[21] Chris Wickham, *Early Medieval Italy: Central Power and Local Society 400–1000* (Michigan, 1981), 26.

[22] Proc., *BG* V. i.25–30 (trans. Dewing, 11–13): "ἀπ' αὐτοῦ βαρβάρων τῶν πολεμίων προσποιησάμενος ὅσους περιῆν ξυνέπεσεν αὐτὸς ἔσχε τὸ Γότθων τε καὶ Ἰταλιωτῶν κράτος. καὶ βασιλέως μὲν τοῦ Ῥωμαίων οὔτε τοῦ σχήματος οὔτε τοῦ ὀνόματος ἐπιβατεῦσαι ἠξίωσεν, ἀλλὰ καὶ ῥῆξ διεβίου καλούμενος (οὕτω γὰρ σφῶν τοὺς ἡγεμόνας καλεῖν οἱ βαρβάροι νενομίκασι), τῶν μέντοι κατηκόων τῶν αὑτοῦ προῦστη ξύμπαντα περιβαλλόμενος ὅσα τῷ φύσει βασιλεῖ ἥρμοσται. δικαιοσύνης τε γὰρ ὑπερφῶς ἐπεμελήσατο καὶ τοὺς νόμους ἐν τῷ βεβαίῳ διεσώσατο, ἔκ τε βαρβάρων τῶν περιοίκων τὴν χώραν ἀσφαλῶς διεφύλαξε, ξυνέσεώς τε καὶ ἀνδρίας ἐς ἄκρον ἐληλύθειώς μάλιστα . . . ἦν τε ὁ Θευδέριχος λόγῳ μὲν τύραννος, ἔργῳ δὲ βασιλεὺς ἀληθὴς τῶν ἐν ταύτῃ τῇ τιμῇ τὸ ἐξ ἀρχῆς ηὐδοκιμηκότων οὐδενὸς ἧσσον, ἔρως τε αὐτοῦ ἔν τε Γοτθοις καὶ Ἰταλιώταις πολὺς ἤκμασε, καὶ ταῦτα ἀπὸ τοῦ ἀνθρωπείου τρόπου."

Perhaps surprisingly, a generally favorable view was also taken by the Anonymous Valesianus:

> For Theoderic did nothing wrong. He so governed two races (Romans and Goths) as one, that although he himself was Arian, he nevertheless attempted nothing against the Catholic religion; he gave games in the circus and amphitheater, so that even the Romans called him "Trajan" or "Valentinian," whose times he took as a model; and because of his *Edict*, by which he established justice, the Goths judged him to be their best King in all respects.[23]

It has generally been assumed that the Goths adhered to a non-Nicene version of Christianity, which maintained that the Divine Son was "like" the Divine Father rather than "of the same essence," as had been asserted by the Council of Nicaea in 325 and later ratified by the Council of Constantinople in 381. Commonly referred to as "Arianism," this is in fact an older version of Christianity that was transmitted, it is believed, to the Goths by the fourth-century missionary Ulfilas, who translated the Bible and various other Christian service books into the Gothic language.[24] Although as Roman in origin as the Nicene Creed, by the sixth century, adherence to "Homoean" (from the Greek word for "like") Christianity, could, and did, serve to undermine relations between Goths and Romans. Despite the fact that Theoderic could show great respect for the Orthodox Church, he actively revived the Homoean Church at the expense of the former, thereby earning the condemnation of many Christian contemporaries.[25] Among these was the Anonymous Valesianus, whose history was intended to show that although he was a great ruler, Theoderic's Arianism ultimately turned him into an enemy of God and brought about his downfall, a turn of events portended by several bizarre and apocryphal events, such as the appearance of devils, a comet, and a woman giving birth to four snakes.[26] Final proof of the Gothic

[23] Anon. Val. 12.60: "Nihil enim perperam gessit. Sic gubernavit duas gentes in uno, Romanorum et Gothorum, dum ipse quidem Arrianae sectae esset, tamen nihil contra religionem catholicam temptans; exhibens ludos circensium et amphitheatrum, ut etiam a Romanis Traianus vel Valentinianus, quorum tempora sectatus est, appellaretur, et a Gothis secundum edictum suum, quo ius constituit, rex fortissimus in omnibus iudicaretur."

[24] On the life of Ulfila and the Gothic Bible (with translations and samples of the text itself), see Peter Heather and John Matthews, *The Goths in the Fourth Century* (Liverpool, 1991), chapters 5–7.

[25] Wolfram, *History of the Goths*, 327–8; Moorhead, *Theoderic in Italy*, 97–100 (concerning Jews); Thomas S. Brown, "Everyday life in Ravenna under Theoderic: an Example of his 'Tolerance' and 'Prosperity'?" in *Teoderico il Grande e i Goti d'Italia: atti del XIII Congresso internazionale di studi sull'Alto Medioevo, Milano 2–6 novembre 1992* (Spoleto, 1993).

[26] Anon. Val. 82–84. See further Sam J. Barnish, "The *Anonymous Valesianus* II as a source for the last years of Theoderic," *Latomus* 42 (1983), 572–96; John Moorhead, "The Last Years of Theoderic," *Historia* 32 (1983), 106–20; Henry Chadwick, *Boethius: The Consolations of Music, Logic, Theory, Philosophy* (Oxford, 1981), 291 n. 67.