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THE CONSULS OF A.D. 411-412

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All modern lists of the consular Fasti of the Roman Empire list Theodosius (for the fourth time) as sole consul for the year 411; for the following year, they list Honorius (IX) and Theodosius (V) <sup>1</sup>). These lists rely on the testimony of the compilations from late antiquity and on the Theodosian Code; but they are sometimes contradicted by contemporary documents. Such is the case in A.D. 411-412; only two papyrological documents have so far been published which refer to the consuls of these years, and they agree in disagreeing with the standard lists. We think it interesting to set forth their evidence and explore the implications.

SPP XX 117 is dated to the consulate of [Honorius] IX and Theodosius IV, Choiak 12 <sup>2</sup>). The word ὑπατείας is restored, along with the name of Honorius, but considerations of space preclude restoring a postconsulate <sup>3</sup>). This sale of land refers to the taxes of the 11th new indiction <sup>4</sup>); in this context, that clearly refers to

1) We use the abbreviations for editions of papyri listed in BASP 11 (1974), 1-35.

2) The first edition has Choiak 2; but the iota is clearly visible on an excellent photograph kindly provided by our colleagues in Vienna. The numeral for Honorius was read by Zereteli, cf. F. Preisigke-F. Bilabel, *Berichtigungsliste der griechischen Papyrusurkunden aus Ägypten* II.2 (Heidelberg 1933), 164.

3) Line 1 has lost about 5 letters more than lines 2-6; in line 2, 29 letters are restored, in line 5, 24. The editor's 45 letters in line 6 are surely too many. Lines 3 and 4 are not restored (the editor curiously indicates 30 letters for 3, 40 for 4, even though the lines are broken at just the same point!). ὑπατείας τῶν δεσποτῶν ἡμῶν Ὀνωρίου τῶ] comes to 32 letters, which is acceptable, but a postconsulate would push it to 39, which is too long.

4) This was seen by Zereteli, who read  $\alpha\zeta$  in line 17; but his correction was erroneously printed in *Aegyptus* 12 (1932), 375 as  $\alpha\varsigma$ ; this is taken over in *Berichtigungsliste* II.2, 164 with a query from Bilabel and an incorrect page reference to *Aegyptus*. In line 13, therefore, we should restore [ἐν]δεκάτης.

the future <sup>5</sup>). Indiction 11 was 412/3, and its taxes fell due at its start, in the harvest season (summer) of 412. Choiak 12 must therefore be 9 December 411. We thus see that the scribe of this text considered 411 to have been the consulate of Honorius IX and Theodosius IV <sup>6</sup>).

*P. Mich.* XI 611 is dated after the consulate of Honorius IX and Theodosius IV, Thoth 30. The document further specifies that the year 89-58 of the Oxyrhynchite eras (Constantius II and Iulianus) is present; this year was 412/3 (running from 29.viii to 28.viii). These indications combine to show that the date is 27 September 412. The editor, who does not cite the parallel offered by *SPP XX* 117, considered that the consular date was an error for Honorius IX and Theodosius V, the consulate given by the *Fasti* for 412; he therefore concludes (note to line 7) that the post-consular date of his text would be 413, although this would conflict with the date indicated by the Oxyrhynchite eras. The editor chose, however, to give 412 as the date of the document, thus rejecting what he considered the evidence of the consular date to be, on the grounds apparently that "such inconsistencies between consular and other dates are common" <sup>7</sup>). In fact, the use of *μετὰ τὴν ὑπατείαν* during a consulate to which reference is made is anything but common, and one would be hard-pressed to find a logical explanation. Conflicts, indeed, regularly involve the reverse

5) The text is talking about allocation of taxes, and clearly it is the future taxes which fall to the purchaser. A discussion of the usage of *νέα ἰνδικτίων* which confirms this conclusion will be found in our *Chronological Systems of Byzantine Egypt* (Stud. Amst. 8, Zutphen 1978), Chapter V.

6) A few other corrections which we have made on the photograph may conveniently be recorded here. In line 1, for *Κοβαδεκ* [. . .] του read *Κόβα ιβ'* [π[ά]γου, and similarly in line 2, *Κόβα δωδεκά* [του] π[ά]γου. (The entry in F. Preisigke, *Wörterbuch III*, Abschn. 16, s.v. *Κοβαδεκ*, is thus to be deleted.) Line 4, after *ὑπαρχόντων* read *σοι*. Line 7, instead of *χειρός*, the papyrus has *χίρως*. Line 10, read *πράσεων ἢ καὶ*.

7) He cites *P. Oxy.* VI 914.1n., where the editors note that the indiction and Oxyrhynchite eras point to 486, whereas the year after the consulate of Theodoric was 485. But as John Rea has pointed out in *CPR V* (Vienna 1976), 16.2-3n., the absence of an indication that a second postconsular year is meant is probably not an error. In fact, there is *no* case in the papyri before 537 when a second postconsular year is explicitly identified as such by a numeral. There is therefore no conflict in *P. Oxy.* 914. This question is discussed in more detail in Chapter VIII of the work cited in note 5.

phenomenon, in which the scribe dated to a consulate during a postconsular year, and this explicable phenomenon is rather common <sup>8)</sup>).

Some further information comes from the terms of the lease. The lessee says, according to the editor's text, ἐπιδέχομαι μισθώσασθαι ἀπὸ τοῦ ἐνεστῶτος ἔτους πθ νη <ἕως> σπορᾶς τῆς δωδεκάτης ἰνδικτιόνος κτλ. The editor remarks, "this was an eleventh indiction; if we insert <ἕως> before σπορᾶς (as we must, or the lease will be without a time stipulation) we have a lease for the single year 412/413, expiration date the planting of the twelfth indiction 413/414". He cites as his parallels for this insertion *P. Oxy.* VI 913.8n. and *P. Oslo* II 35.10n. In fact, in both of these texts the word ἕως is restored by the editors (the editor of the Oslo text remarks of *P. Oxy.* 913, "the supplement of the editors is verified by our papyrus"! <sup>9)</sup>).

It is, however, much simpler to understand σπορᾶς here as meaning "for the crop". The word is used in the rent receipt *SPP* XX 98 of the crop from which the rent has been paid. And a similar usage with σπόρος is found in *BGU* III 938.5, where we must understand that the word means "for the crop" in order to reconcile the dates <sup>10)</sup>. Similar terminology appears in *P. Gron.* 9 and *P. Vindob. Sijp.* 9 <sup>11)</sup>. Proof that this sense is what is intended is furnished by *P. Oxy.* VIII 1126 (Vp), where in a lease for σπόρος of the 14th indiction, a lessee agrees to pay the rent at the time of the collection of taxes in the 14th indiction, which can only mean at the time of the harvest which was reckoned as that of the

8) A list will be given in Chapter VIII of the work cited in note 5.

9) As published, *P. Oxy.* 913 offers the anomaly that a lessee on 15.x.442 has the property from the present year for the crop of 444/5, the 13th indiction. This is the crop of summer, 444 (the editors, restoring [ἕως] σπορᾶς, took it that the lease ran until fall, 444). This is contrary to normal procedure, where a tract is leased for the immediately following crop. In fact, for the editors' [ὄπαρειας] in line 1 we must restore [μετὰ τὴν ὄπαρειας], as 16-17 letters are required to fill the lacuna, as we see from a photostat of the papyrus (now in the British Library) kindly provided by Mr. T. S. Pattie. The date is therefore 16.x.443, and the situation is normal. In line 8, we propose to restore [ἔτους πθ πθ σ]πορᾶς, which suits the space adequately.

10) Cf. *ZPE* 28 (1978), 242 for the date of this text.

11) In line 9 of this text we read on the plate, σπορᾶν ἦν.

14th indiction. The σπόρος, thus, *must* be the crop of the 14th indiction at the harvest of which the rent must be paid. Since σπορά and σπόρος refer to the crop, not necessarily to the act of sowing, there is no need to insert the word ἕως into these leases, for as the text stands it is quite clear: it is for the crop of the 12th indiction. Now the harvest of indiction 12 took place in the early summer of 413, and the Michigan lease, concluded—as is normal—in the early autumn, clearly must belong to the preceding year, 412. This coincides with the evidence of the Oxyrhynchite eras and also, if we compare *SPP* XX 117, with the consular date. In short, there is no scribal confusion.

The result of this discussion is that the only two documents preserved with consular dates from the years 411 and 412 (there are none preserved from 413) both point to the recognition in Egypt of a consulate of Honorius IX and Theodosius IV in 411, a successor to which was not known in Oxyrhynchos on 27.ix.412, the date of *P. Mich.* 611.

It will not do to dismiss these dates out of hand as products of scribal confusion. Our collection of consular dates in the papyri from 284 to 641<sup>12)</sup> shows that while minor errors of spelling or titles are not rare, and while a scribe may rarely mistake a numeral<sup>13)</sup>, or in the fourth century confuse regnal and consular dating<sup>14)</sup>, there is only one example of an apparent true scribal bungling of a consular date<sup>15)</sup>. There is no example at all of a scribe's adding an invented consul to a single consul. In our case, the existence of two documents with an identical consulate, almost a year apart, absolutely excludes the possibility that we have a simple error.

It has long been clear that the eastern and western parts of the

12) This will appear in the work cited in note 5.

13) One may cite *SB* I 5159, where the scribe gives Honorius VII and Theodosius IV; but we are not inclined to assign to Wessely's reading any great reliability, and the papyrus cannot at present be retraced in Vienna.

14) *P. Lips.* 33 ii.1, *P. Stras.* 272.1, and *P. Gron.* 9 are the examples known to us, the first two both referring to the consulate of 368 and giving three imperial names instead of two, the third adding a second emperor in 392.

15) *P. Vindob. Sijp.* 9, where we have verified the editor's readings and cannot suggest what the true date is.

empire recognized different consuls, or even only one consul, in some years. The index by Th. Mommsen to the *Fasti*<sup>16)</sup> distinguishes between eastern and western versions in many years. Consulting this work we find as the "forma plena" for the year 411 "Theodosius Aug. IV". But we find also, cited from *Cod. Theod.* 5.16.33 (18.vi.411), "D. N. Theodosius Aug. IIII et qui fuerit nuntiatus". A second consul was thus expected to be announced at this date, at least. More interesting still, we find in the *Fasti Heracliani*<sup>17)</sup> 'Ονωρίου τὸ θ̄ καὶ Θεοδοσίου τὸ δ̄ under the year 411 (also in *Chronicon Marcellini*). Now the *Fasti Heracliani* go on to give Honorius X and Theodosius V for 412 and to give a number one too high, compared to the standard lists, for the consulates of Honorius through the remainder of his life. In the west, no consul was recognized in this year, and one dated p.c. Varanae v.c.

Now it is apparent that *Cod. Theod.* 5.16.33 can be reconciled with the *Fasti Heracliani* and the two papyri by the supposition that after 18.vi.411 but before 9.xii.411 (the date of *SPP XX 117*) it was announced that Honorius (IX) was the second consul for the year. These items of evidence are in fact the only ones pertaining to the official version of 411 in the eastern empire. But the solution is not so simple, for the tradition that Honorius' ninth consulate fell in 412 is very strong, and moreover the later numbering of his consulates both in the *Fasti* and in the papyri demonstrates without any doubt that he was at least afterward regarded as having been consul only once in 411 and 412<sup>18)</sup>.

In 412, it was officially recognized as early as 18 January in Constantinople that the consuls for the year were Honorius IX and Theodosius V; so, at least, *Cod. Theod.* 14.26.1 purports to inform us. But *Cod. Theod.* 7.17.1, of the same day and also from Constantinople, lists as the consuls "D. N. Theodosius V et qui fuerit nuntiatus". This anomaly is explained by the process of the

16) *Monumenta Germaniae Historica XIII, Chronica Minora*, III.

17) *Ibid.*, 402.

18) One might suppose that here, too, the *Fasti Heracliani* give a contemporary tradition, but in the papyri we find the standard numbering supported; cf. *PSI XIII 1365*; *PSI I 87*; *PSI VI 689*; *BGU III 936*; *P. Oslo II 35*.

compilation of the *Codex Theodosianus*, described by O. Seeck<sup>19</sup>): the compilers had to standardize all consular datings according to the later officially accepted version, regardless of what the original document had. But the work of standardization was done "allerdings mit der Unvollständigkeit und Inkonsequenz, die für ihre ganze Arbeit bezeichnend ist". *Cod. Theod.* 7.17.1, then, is to be seen as an example of a passage missed in revision, and consequently as the authentic testimony of the original form. As Seeck summarizes, "wir haben hierdurch den methodischen Grundsatz gewonnen, dass Datierungen, die den Fasten genau entsprechen, minder vertrauenswürdig sind als solche, die von ihnen in der Form irgendwie abweichen". We may thus be justified in concluding that in early 412 it was *not* known that the consuls were Honorius IX and Theodosius V, but that as in the preceding year, only Theodosius was known to be consul. Because of the process of revision of dates, we cannot say at what date any different information was in fact in use in Constantinople.

To return now to the *Fasti Heracliani*: the introduction of the editor, H. Usener, makes it clear that the traditions embodied by them (1) come from the eastern empire, (2) are based on lists kept far back and not dependent solely on the *Codex Theodosianus*, and (3) often preserve the form in which the consulate was actually promulgated in the east, not that given by official revision later. Given the evidence of the papyri it is difficult to avoid the conclusion that precisely this has happened for 411. This conclusion takes particular force from the fact that the fifth-century consular dates in the papyri and those in the *Fasti Heracliani* agree very closely<sup>20</sup>). But an explanation is needed for the continuation of excessively high numbering for Honorius' consulate from 412 on by the *Fasti Heracliani*. This we think is easily to be found: the *Fasti Heracliani* recorded consulates for Honorius in 411 and 412 *both*, although the later official tradition gave one only for 412. Usener has remarked on the unwillingness of the compiler (Stepha-

19) *Regesten der Kaiser und Päpste für die Jahre 311 bis 476 n. Chr.* (Stuttgart 1919/Frankfurt 1964), 18-23; the quotations are from pp. 18 and 21.

20) These similarities deserve to be developed in detail, but we cannot do that here.

nus Alexandrinus) to discard anything he found in the lists <sup>21</sup>). It is likely, therefore, that Stephanus preferred to keep what he found in the lists—Honorius in both years—and to alter the numeration, rather than to discard a consul to save the numbering.

To summarize: until 18.vi.411, the officially announced consulate in the eastern empire was Theodosius IV et qui fuerit nuntiatus. Sometime after this but well before 9.xii.411, a consulate of Honorius IX and Theodosius IV was promulgated throughout the east. On 18.i.412, the situation was repeating itself: Theodosius V et qui fuerit nuntiatus was the new consulate. Eventually, however—we do not know when—it was announced that Honorius IX was consul with Theodosius V; in short, the consulate of Honorius in 411 was treated as if it had not existed, and all passages except one in the *Cod. Theod.* were eventually altered to fit. But in Egypt a scribe on 27.ix.412 was dating by the postconsulate of 411; the new consuls had not been announced locally at this point <sup>22</sup>). The force of the ultimate official version brought all Fasti into line except the *Fasti Heracliani*, with their peculiarly preservative character; but it could not affect the only contemporary unedited testimony we possess for these years, the papyrus contracts of Egypt.

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<sup>21</sup>) *Monumenta Germ. Hist.* XIII.3 (supra n. 15), 390.

<sup>22</sup>) It is curious that the consulate of Theodosius V was not known in Egypt many months after it was in use in Constantinople. But numerous such situations occur in the papyri, and a detailed study of them will be needed in order to assign any significance to these discrepancies.