Theodorus τρισέπαρχος

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ACCORDING TO LEMMATA in the Palatine (*AP*) and Planudean (*APl*) Anthologies, the two following epigrams were originally inscribed on different parts of a ἀψίς, an arch of some sort, in the Basilica in Constantinople:

> Τετραπόροις ἀψῖσι πόλιν Θεόδωρος ἐγείρας
> ἄξιός ἐστι πόλιν καὶ τέτρατον ἡνιοχεῦσαι.

AP 9.696. *lemma*: εἰς [τὴν *add.* Plan.] ἀψῖδα ἐν τῇ βασιλικῇ ἐν Βυζαντίῳ.

> Ἔπρεπε σοί, Θεόδωρε, Τύχης εὐκίονα νηὸν
> ἔργου κοσμῆσαι θαύματι τοσσατίου
> δῶρά τε κυδήεντα πορεῖν χρυσασπίδι Ῥώμῃ,
> ἥ σ᾽ ὕπατον τεῦξεν καὶ τρισέπαρχον ὁρᾷ.

AP 9.697 *lemma*: εἰς [τὸ *add.* Plan.] ἕτερον μέρος τῆς αὐτῆς ἀψῖδος.

Also relevant is the lemma to *AP* 9.779, informing us that its epigram was inscribed εἰς [τὴν *add.* Plan.] βάσιν τοῦ ὡρολογίου τοῦ εἰς τὴν ἀψῖδα τὴν κειμένην [κ. *om.* Plan.] εἰς τὴν Βασιλικήν. The close agreement of *AP* and *APl* in all three lemmata makes it probable that all three stood in the common source of both *AP* and *APl*, the late ninth or early tenth-century anthology of Constantine Cephalas. Like many other lemmata referring to monuments in Constantinople, they were no doubt composed by Cephalas himself (or his epigraphist colleague Gregory of Campsa) *in situ* when copying the inscriptions.[1] The information they supply may be reckoned a reliable guide to the interpretation of the epigrams. Who, then, was Theodorus, what was this ἀψίς in the Basilica, and when and where did he build it?

The Basilica was a large square enclosed on each side by a portico, the one facing SE being known as the Royal Portico, βασιλέως στοά. Much of the area seems to have served as a sort of university campus; public lectures were given here, and Julian established a library

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[1] I shall be attempting to define the activity of Cephalas and Gregory more closely in my forthcoming *Studies in the Greek Anthology*.

(unfortunately destroyed by fire as early as A.D. 476); there were also book shops and law courts.[2]

All the translators render τετραπόροιc ἀψῖcι 'four colonnades' or the like. And even so expert a topographer and art historian as Cyril Mango supposed that the poem commemorated the building of the four enclosing porticoes of the Basilica.[3] But ἀψίc simply does not mean portico or colonnade: in an architectural context it means either an arch or a vault. A vault is of course very different from an arch, but (as Downey observed) "it is plainly the idea of curvature which determined the use of the word."[4] Curvature is not the dominant feature of a portico, and to the best of my knowledge ἀψίc is never so used.

The word τετράπορος seems to have been coined by Nonnus,[5] who often uses it to mean little more than four: e.g. of a team of four horses (*Dion.* 36.432), crossroads (*Dion.* 26.368), and the Cross (*Metab.* 19.31). An anonymous epigram of ca 498 (*AP* 9.656.21) uses it of the four winds. More relevantly, in his ecphrasis of S. Sophia of 563, Paul the Silentiary has τετραπόροιcιν ἐφ' ἀψίδεccι (529) and τετραπόροιc cειραῖcι (560) of a cupola or vault supported on a fourfold arch of stone, and the very phrase τετραπόροιc ἀψῖcι (722)—no doubt taken directly from our epigram, conspicuously inscribed in a central area of the city—of a fourfold silver arch supporting an altar table. All three lemmata refer to just one ἀψίc, and we should probably conclude that what Theodorus built was one fourfold arch.[6]

That is not quite the end of the matter, however. The lemmata state that 9.696 and 697 were inscribed on different parts of the same monument. Yet 697 has nothing about an arch; it is wholly concerned with the beautification of a temple of Tyche. Surprising though this

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[2] Most of the relevant sources are assembled (not very accurately) by R. Janin, *Constantinople byzantine*[2] (Paris 1964) 157–60, and R. Guilland, in *Mélanges d'histoire littéraire* . . . *J. Bonnerot* (Paris 1954) 97–107=*Études de topographie de Constantinople byzantine* II (Berlin/Amsterdam 1969) 3–13. See too Cyril Mango, *The Brazen House* (Copenhagen 1959) 48–51, and P. Speck, *Die kaiserliche Universität von Konstantinopel* (*ByzArch* 14, München 1974) 93f [hereafter, SPECK].

[3] Mango, *op.cit.* (*supra* n.2) 49, though elsewhere (p.51) he remarks that "the *apsis* mentioned in the Palatine Anthology could have been an exedra."

[4] G. Downey, "On some Post-Classical Greek Architectural Terms," *TAPA* 77 (1946) 28.

[5] See W. Peek's *Nonnos-Lexikon s.v.*; -πορος compounds are especially common in Nonnus and his school: A. Ludwich, *Beiträge zur Kritik des Nonnos von Panopolis* (Königsberg 1873) 104, lists 21 examples in Nonnus.

[6] It is well known that Niketas Choniates refers to the Milion as a 'huge arch' (τῆc μεγίcτηc ἀψῖδοc) while going on to refer to its 'arches' in the plural (ταῖc ἀψῖcιν τοῦ Μιλίου), pp.307.7 and 308.20 Bonn.

might seem, in fact it strikingly bears out the reliability of the lemmata. For a temple of Tyche in the Basilica is securely attested. Zosimus (2.31.2) describes how at one extremity of one of these porticoes, at the top of a long flight of steps, Constantine built two temples, in which he placed statues: one of Rhea, the other the 'Tyche of Rome'. Hesychius confirms a temple of Tyche κατὰ τὸν τῆς βαcιλικῆc λεγόμενον τόπον (*Patria Cpoleos*, p.6,9f), though he (mistakenly?) identifies it with the temple of Rhea.[7] Then there is Socrates' account of the public sacrifices offered by Julian ἐν τῇ βαcιλικῇ ἔνθα τὸ τῆc Τύχηc ἵδρυται ἄγαλμα (*HE* 3.11).

P. Speck has recently erected a substantial hypothesis on the assumption that Theodorus' arch *is* the temple of Tyche. "Jedenfalls scheint es sicher," he remarks (p.102), "dass der Tempel der Tyche nach dem Umbau eine Struktur aufwies, die eine Vierzahl erkennen liess, und im übrigen, wie zu vermuten ist, ein Zentralbau war." He then proceeds to identify the temple with the chief university building of the city, the Octagon, which, following fairly general scholarly opinion this time, he further identifies with the so-called 'Tetradisios Embolos'.

The identifications of the arch, temple and Octagon are not only implausible in themselves; there is nothing whatever to be said in their favour beyond a *very* approximate coincidence in location. There is really nothing in either shape or function that they have in common. It is *possible*, for example, that (as Speck suggests) the Octagon was so called because of an eight-sided cupola resting on Theodorus' four columns. But *prima facie* a building known as the Octagon ought not to be "eine Struktur . . . die eine Vierzahl erkennen liess." The temple was apparently conspicuous for its pillars (εὐκίονα νηόν, 697.1), suggesting the traditional temple form. And while it is not impossible that a disused temple might have been transformed into an educational institution, 9.697 does not suggest either a disused temple or an educational institution.

In what sense, moreover, can Theodorus have built a temple unanimously attributed to Constantine? A closer look at 697 lends no support to the assumption that he either built or rebuilt the temple. All he is said to have done is to 'decorate' (κοcμῆcαι) the temple 'with the wonder of such a work'. The 'work' (ἔργον) is evidently the ἁψίc on which both epigrams were engraved.

[7] On the question of these two temples see most recently G. Dagron, *Naissance d'une capital: Constantinople et ses institutions de 330 à 451* (Paris 1974) 43f, 373–74.

What was the function of this arch? Let us look more closely at 696. ἐγείρειν is a natural and common enough word for 'erect' or 'build', but ἐγείρειν πόλιν is an odd phrase, not helped by the adverbial phrase τ. ἀψῖcι. Theodorus did not 'build' the city with his arch, he beautified or improved it. This sort of inscriptional poetry is highly formulaic,[8] of course, but it was not difficult at least to find the right formulae. Furthermore, it is the πόλιν Theodorus did not build rather than the ἀψῖci he did that carries the emphasis of the line and is the object of the verb ἐγείρει. Brunck's πύλην solves both awkwardnesses: it was a *gate* that Theodorus built with or in the form of a fourfold arch. πύλην was corrupted from the πόλιν in the following line.

Presumably this gate gave access to the Basilica. It was also apparently so close to the temple of Tyche that it could be said to adorn it. How closely can we fix the location of the temple? The 'long flight of steps' at the top of which Zosimus places it must have been on the north side of the Basilica, towards or at its NE corner, where the ground drops steeply—and more steeply still (it appears) in Byzantine times.[9] He states quite specifically that it stood at the end or corner of one of the porticoes (κατὰ τὰc τῆc μιᾶc cτοᾶc ἄκραc, 2.31.2). We may conjecture, then, that gate and temple adjoined each other at the NE corner of the Basilica.

Speck, however, wants his temple/arch/Octagon *outside* the Basilica (pp.101ff). His location turns on an elegant combination of the lemma of *AP* 9.779 with Malalas, p.479 Bonn. The epigram commemorates the restoration by Julian, city prefect in 566, of a stolen sundial, which the lemma (quoted above) locates by what must be our arch/gate. Malalas mentions a sundial "between the Augustaion and the Basilica" which in 536 was moved to the newly restored Chalke, the vestibule of the Great Palace. Speck identifies the two sundials and accordingly moves the arch 'by' (εἰc) which it stood to the same location between the Basilica and the Augustaion, the courtyard to S. Sophia.[10]

This is ingenious but very insecure. In the first place the last couplet of the epigram,

ὅντινα cυληθέντα Δίκηc θρόνον ἡνιοχεύων
εὗρεν Ἰουλιανὸc χερcὶν ἀδωροδόκοιc,

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[8] As illustrated *passim* in L. Robert's *Epigrammes du Bas-Empire, Hellenica* IV (Paris 1948).
[9] See Mango, *op.cit.* (*supra* n.2) 44.
[10] For the Augustaion see Mango, *op.cit.* (*supra* n.2) 42–47.

"It had been stolen, and Julian, riding in the seat of Justice, recovered it with incorruptible hands,"

implies that its sundial had been removed illegally and recovered by the fearless forces of the law. The transference of Malalas' sundial from one place to another was evidently official—nor does Malalas even imply that it was unpopular. The very fact that they are assigned different locations merely reinforces the impression that there were two different sundials. And even if Speck were right, we could hardly assume with any confidence that the 'stolen' sundial was replaced exactly in its original place. The area where he places his Octagon complex was completely ravaged by fire during the Nika revolt in 532, and it is hardly likely that the looted site was left empty for 30 years.

The temple, as we have seen, is securely placed at the NE corner of the Basilica, and the lemmata to 9.696–97 put the arch 'in' the Basilica. And since ἐν+ dat. and εἰc+ acc. are interchangeable in Byzantine Greek, there is no ground for supposing that the ἁψίc . . . εἰc τὴν Βαcιλικήν of the lemma to 9.779 implies anything different. Speck quite rightly points out that ἐν in topographical references often means 'in the neighbourhood of' rather than 'in' or 'inside'—but naturally this only applies if the monument to be located stands nearer the second place mentioned than anywhere else. Speck's thesis is precisely that his Octagon complex stood well away from the Basilica, equidistant between the Basilica, the Augustaion and the Milion (see his diagram, p.106). By no extension of language could this have been described as ἐν τῇ Βαcιλικῇ.

We come now to the question of date. Editors and topographers alike have so far assumed without a qualm that Theodorus' consulship (697.4) fell in 399—and one scholar can even date all three of his urban prefectures (τριcέπαρχον, loc.cit.), to 398, 408 and 409.[11] Thus our arch would be dated firmly to the very end of the fourth or beginning of the fifth century.

All fantasy. In the first place, Mallius Theodorus, consul in 399, is a man whose career and activities happen to be particularly well known to us. Not only is he mentioned many times in the letters of his friend Symmachus and in the constitutions of the Theodosian Code; we are fortunate enough to possess a panegyric written in honour of his

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[11] Guilland, *Études* (*supra* n.2) II 3—not surprisingly citing no sources.

consulate by Claudian, which carefully enumerates all the posts he had held up to 399. Apart from a short spell as governor of Macedonia when a young man, all his official life was spent in the Western provinces, and his writings, of which a treatise on metre has survived, were in Latin.[12] It was customary at this period for one consul of each year to be chosen in the western half of the Empire and the other in the east, and Theodorus was indisputably western consul. He never held the prefecture of Rome, and it is out of the question that he ever held the prefecture of Constantinople even once, much less three times.

Speck realized that the sixth century was indicated and even found the right Theodorus. But he failed to take account of three other epigrams in the Anthology which permit the arch to be dated to within a year, more than a decade (and an important decade) earlier than Speck's own suggestion.

First *AP* 1.97–98, originally inscribed in a church (νηός 97.1) in Constantinople (lemma 97, ἐν τῇ Μελέτῃ; 98, ἐν τῷ αὐτῷ τόπῳ):

Νηὸς ἐγὼ κύδιστος 'Ιουστίνοιο ἄνακτος,
καί μ' ὕπατος Θεόδωρος, ὁ καρτερός, ὁ τρὶς ὕπαρχος,
ἄνθετο καὶ βασιλῆι καὶ υἱέι παμβασιλῆος,
'Ιουστινιανῷ, στρατιῆς ἡγήτορι πάσης.

'Έργον ὁρᾷς περίπυστον 'Ιουστίνου βασιλῆος
'Ιουστινιανοῦ τε, μεγασθενέος στρατιάρχου,
λαμπόμενον στεροπῇσιν ἀμετρήτοιο μετάλλου·
τοῦτο κάμεν Θεόδωρος ἀοίδιμος, ὃς πόλιν ἱρὴν
τὸ τρίτον ἀμφιβέβηκεν ἔχων ὑπατηῗδα τιμήν.

The lemma to 1.97 puts the church ἐν τῇ Μελέτῃ. In the tenth century there was a gate called Μελέτη which led off the Augustaion into the main boulevard of the Mese[13] (in which case ἐν would have to be taken in the sense 'in the neighbourhood of'), but even though the lemma too is no doubt taken from a tenth-century location, it may be doubted whether this is the same place. This whole area was razed to the ground in 532, and it is unlikely that Theodorus' church (built, as we shall see, in the year 520) could have survived.

[12] See now *PLRE*, Theodorus 27.
[13] See the debate between P. Waltz, *Byzantion* 13 (1938) 183f, and A. Vogt, *ib.* 194f, with Mango, *op.cit.* (*supra* n.2) 82–83. B. Stumpo's proposal (*L'Epigramma a Costantinopoli nel secolo VI dopo Cristo* [Palermo 1926] 21) to emend to Μελιτένῃ is inadmissible, as also his claim that the πόλις of 98.5 "non . . . si debba riferire a Costantinopoli" (p.121 n.6). This is put beyond question by 9.697.3, which Stumpo did not take into account.

Translators all render μετάλλου in 98.3 'metal', and Mango, glossing the line "a resplendent mass of metal," concludes that "the wording of this epigram [*i.e.* 1.98] is so vague that it is impossible to tell what is meant beyond the fact that it was probably a bronze statue." In fact he is inclined to identify what he goes on to call "Theodore's group of statuary" with statues of Justin I and seven of his relatives recorded in front of the Chalke by the *Parastaseis* (*Patria Cpoleos*, p.58.8–11 Preger[14]). It is most unlikely that these statues survived the Nika riot, as Mango supposes. More probably Justinian put them there after the rebuilding of the Chalke; it is natural that he should wish so to commemorate the family of his uncle and predecessor. Nor is there anything in 1.98 to suggest a statue. The ἔργον . . . ᾽Ιουστίνου of 98.1 is surely the same as the νηὸc . . . ᾽Ιουcτίνοιο of 97.1, namely the church. That this is indeed the case can be confirmed by a proper interpretation of μετάλλου, namely 'marble'. Compare for example, Anon. *AP* 7.363.1, τύμβοc ἐυγλύπτοιο μετάλλου, Agathias, *Hist.* 5.9.2, p.174.14 Keydell, ποικιλία μετάλλων ἐπικοcμήcαc, and especially *AP* 1.10.60–63, originally inscribed in Anicia Juliana's recently excavated church of S. Polyeuctus:

> τοῖχοι δ᾽ ἀντιπέρηθεν ἀμετρήτοιcι κελεύθοιc
> θεcπεcίουc λειμῶναc ἀνεζώcαντο μετάλλων,
> οὓc φύcιc ἀνθήcαcα μέcοιc ἐνὶ βένθεcι πέτρηc
> ἀγλαΐην ἔκλεπτε . . .

"The opposite walls in innumerable paths are clothed in marvellous meadows of marble, which Nature made to flower in the depth of the stone, hiding their glory . . ."

It is clear enough beneath the fancy imagery that the walls were reveted with variously coloured marble. So too, surely, Theodorus' church. It is perhaps more than coincidence that both poets used the same epithet ἀμέτρητοc, especially in view of the fact that S. Polyeuctus was completed (probably) in 527,[15] only seven years (as we shall see) after Theodorus' church. Juliana's poet may well have had our epigrams in mind. We need not doubt, then, that both 97 and 98 celebrate the same church dedicated to Justin I and Justinian.

   Now for Theodorus. A common enough name, to be sure, but Theodori who held the city prefecture of Constantinople three times,

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[14] Mango, *op.cit.* (*supra* n.2) 83.
[15] C. Mango and I. Ševčenko, *DOPapers* 15 (1963) 245.

won a consulate, and beautified the city are scarcely to be multiplied more than is necessary. It may seem surprising that hitherto no one has proposed this hardly audacious identification. The reason is partly, no doubt, because later editors have been misled by Boissonade's misinterpretation of 1.98.5: "erat tunc Theodorus tertium consul,"[16] an observation duly translated into French and German respectively by Waltz and Beckby. But quite apart from the explicit τρὶς ὕπαρχος in 97.2, this is virtually ruled out on stylistic grounds alone: τὸ τρίτον must be taken with ἀμφιβέβηκεν, not ἔχων. We must surely accept that all four poems celebrate the activity of the same Theodorus during his third tenure of the prefecture of Constantinople. 1.97–98 at least must have been written between 520, when Justinian was promoted *magister militum praesentalis*,[17] and at any rate April 527, when he was crowned co-emperor with Justin (only Justin is described as emperor in the poems). The arch was presumably built during the same period.

Under the impression that it was the consulship Theodorus held three times, Waltz and Beckby identify him with the Theodorus consul in 505, and then identify this man with Flavius Theodorus Philoxenus, consul in 525, assuming that he must have held his third consulate in a year unknown (as though it were possible for a man to have been ordinary consul in a year unknown when the consular *fasti* survive entire). But the consuls of 505 and 525 are of course quite certainly two different persons—neither of whom can possibly be our Theodorus. The consul of 505 is again the western consul[18] of the year, and with Italy now an Ostrogothic kingdom, there is not the remotest chance that a westerner could have been prefect of Constantinople. And the consul of 525, though he does bear the name Theodorus, was, as usual at the period, known by the last of his names, Philoxenus.[19] Indeed, we are fortunate enough to possess a diptych commemorating his consulate, signed (as one would have expected) 'Philoxenus'.

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[16] Quoted in F. Dübner's edition *ad loc.* It may be observed that Paton (LCL), while avoiding this mistake, is equally wrong to translate "Theodorus, who, glorifying the city, thrice protected it by his consular office." H. Grégoire alone ("Notes épigraphiques," *Byzantion* 13 [1937] 174 n.1) saw the truth and found the right Theodorus.

[17] cf. E. Stein, *Histoire du Bas-Empire* II (Paris 1949) 230, for A.D. 521; for 520 cf. *Collectio Avellana* (CSEL 35) 230, a letter of Pope Hormisdas received in Constantinople on 18 July 520, referring to *filii vestri magistri militum Vitalianus et Iustinianus*, and Victor Tonn., *s.a.* 520, *Iustinianus . . . ex candidato magister militum*.

[18] *PLRE* II, Theodorus 63.

[19] *PLRE* II, Philoxenus 8.

When then was our Theodorus consul? Suffect consuls had long since lapsed by the reign of Justin, if indeed they had ever existed at Constantinople.[20] There is only one possible explanation. Theodorus never held the ordinary consulate at all, but an *honorary* consulate, a distinction invented in the fifth century and common in the sixth and thereafter. Holders counted as *exconsules* (ἀπὸ ὑπάτων) just as if they had held the consulate proper, and sometimes they even styled themselves ὕπατοc *tout court*: for example, the sixth-century poet Macedonius, who is always called ὕπατοc but certainly never held an ordinary consulate.[21]

What we want then is an ex-consul called Theodorus who was city prefect some time between 520 and 527. And if we turn to the year 524 in the Chronicle of John Malalas, we find that in that year Justin appointed city prefect a certain Theodorus Teganistes ἀπὸ ὑπάτων.[22] His prefecture is confirmed by two laws in the Code of Justinian, attesting a Theodorus in office between 13 February 524 and 1 December 526.[23] It would be surprising if this were not the Theodorus of the poems.[24]

Moreover, we learn from a fragment of Malalas preserved in the *Excerpta de Insidiis*[25] that a Theodorus was city prefect in 520 as well. Since we know that our Theodorus held the prefecture no fewer than three times, it seems reasonable to assume that this is one of his other tenures of the post.

[20] I will not repeat the bibliography on suffect and honorary consuls given in *GRBS* 17 (1976) 183 nn.11 and 12.

[21] Averil and Alan Cameron, "The *Cycle* of Agathias," *JHS* 86 (1966) 17.

[22] Malalas, p.416.19 Bonn.

[23] *Cod.Iust.* 2.7.26, 9.19.6. P. Krueger, apparently unaware of the prefecture of Theodorus attested by Malalas and the epigrams under discussion, emended 'Theodorus' in both places to 'Theodotus', assuming that the laws were addressed to Theodorus' immediate predecessor in office, Theodotus Colocynthius. J. B. Bury (*A History of the Later Roman Empire*[2] II [London 1923] 22 n.3), apparently unaware that 'Theodorus' is the reading of the MSS, suggested on the evidence of Malalas (but not the poems, which he did not cite) 'emending' Krueger's 'Theodotus' back to 'Theodorus'.

[24] It may be added that Wiegand's suggestion (mentioned by P. Waltz, *Anthologie grecque* I [Paris 1928] 122) that our Theodorus is the Theodorus to whom Agathias dedicated his Cycle 40 years later must be rejected (on this Theodorus see Cameron, *op.cit.* [*supra* n.21] 23), as too Stumpo's attempt (*op.cit.* [*supra* n.13] 121) to identify him with the Theodorus of *AP* 1.36: on this Theodorus (who is to be distinguished both from the Theodorus of the poems under discussion and Agathias' dedicatee) see Cameron, *op.cit.* (*supra* n.21) 22, with R. C. McCail, *JHS* 89 (1969) 93. He is probably the Theodorus of some silver stamps from the reign of Justin II: see E. Cruikshank Dodd, *DOPapers* 18 (1964) 244.

[25] Fr.43, ed. de Boor (1905) p.170.28 (*cf.* Th. Mommsen, *Hermes* 6 [1872] 375).

In this connection we must look at yet another poem in the Anthology which must surely be referred to our Theodorus, on a statue of Justin erected by one of the numerous ports in Constantinople:

> Τοῦτο παρ' αἰγιαλοῖcιν ἐγὼ Θεόδωροc ὕπαρχοc
> cτῆcα φαεινὸν ἄγαλμα 'Ιουcτίνῳ βαcιλῆϊ,
> ὄφρα καὶ ἐν λιμένεccιν ἐὴν πετάceιε γαλήνην.

AP 64. *lemma*: εἰc cτήλην τοῦ αὐτοῦ *i.e.* [Justinian, subject of the preceding poem: a mistake] ἐν τῷ λιμένι.

The only scholar to discuss this poem, Père Janin, assumed that the Justin here named is Justin II, and that this is the harbour which he founded and named after his wife Sophia.[26] But there is nothing whatever in the poem to support this view. There is no suggestion that Justin has *founded* the harbour in question: merely that Theodorus erected a statue of him in or by a harbour which already existed. And since the harbour founded by Justin II was named after Sophia, one might have expected Sophia herself to have been named in a poem which commemorated her harbour—especially since, being the dominant partner in what was *de facto* a joint reign,[27] she is so often mentioned in epigrams commemorating the activity of Justin II (*e.g. AP* 1.2, 9.657, 779, 810: *cf.* 1.11). Moreover, since we do know of a Theodorus who was prefect of Constantinople at least twice under Justin I, it seems hard to resist concluding that this is indeed our Theodorus once more. There is no mention of a third prefecture here nor of a consulate, so it must be one of his earlier prefectures and presumably before the award of his honorary consulate (the prominence accorded the title of consul in three out of four epigrams dating from the third prefecture certainly bears out the supposition that it was a newly won distinction, of which Theodorus was still very proud). The reference to Justin sets a *terminus post quem* of July 518, when Justin came to the throne. And the *terminus ante quem* is 522, for from 522 till he was

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[26] "Topographie de Constantinople byzantine. Le port Sophien et les quartiers environnants," *EtByz* 1 (1943) 118–19: the mistake was made implicitly by F. Jacobs (*Animadv. in epigrammata Anth. Graec.* III.1 [Leipzig 1802] 265), and is repeated again by R. Guilland, "Les ports de Byzance sur la Propontide," *Byzantion* 23 (1953) 186 n.3. See now Averil Cameron, "Notes on the Sophiae, the Sophianae and the harbour of Sophia," *Byzantion* 37 (1967) 11f.

[27] See Averil Cameron, "The Empress Sophia," *Byzantion* 45 (1975) 9f.

succeeded in 524 by Theodorus, a certain Theodotus Colocynthius, 'the Pumpkin-man', held the prefecture.[28]

It might seem the obvious thing to assign *APl* 64 to 520 and the other four to 524–526. Since the four months between 1 December 526 (when Theodorus is last attested in office) and Justinian's coronation on 4 April 527[29] (by which a certain Asterius was prefect)[30] scarcely leave time for Theodorus to be deposed, reappointed and deposed again, 524–526 would have to be his last prefecture before Justinian's coronation—and so his third. The year 520 would then be his second.

This might be the case. But first we must take a closer look at the mentions of Justinian in 1.97–98. Note that the only title given him (beneath the poetic terminology) is *magister militum* (MUM) *praesentalis*. Now at Justin's accession in 518 Justinian was a mere *candidatus*, a member of the emperor's guard. By April 519 he was *comes*, and by the following summer MUM *praesentalis*. A rapid rise, but there was still far to go: by January 521 he was ordinary consul and then in turn (though no dates are known) patrician, *nobilissimus* and finally Caesar.[31] Now honorific inscriptions may not invariably give a man's whole cursus, but they never omit his highest title or office. Theodorus left no one in doubt that he was not only city prefect for the third time but now consul (if only honorary) as well. If the ambitious and jealous Justinian had gained his consulate, celebrated with the greatest pomp and most extravagant games on record, by the time Theodorus built his church we may be sure that Theodorus' poet would have had the tact to record the fact. It is an argument from silence, but a particularly eloquent sort of silence. For example, the fact that Justinian is styled only 'com(es), mag(ister) eq(uitum) et p(editum)

[28] Malalas p.416.8, Procop. *Anecd.* 9.37f. Bury and Krueger mistakenly took *Cod.Just.* 2.7.26 to refer to Theodotus, but as we have seen (n.23 above), the MSS. reading is 'Theodorus' and should certainly be retained.

[29] Bury, *op.cit.* (*supra* n.23) 23.

[30] Malalas p.422.3, Theophanes p.173.12 de Boor. The Greek text of Malalas gives the bare name Asterius, but the Church Slavonic version translated by M. Spinka and G. Downey (Chicago 1940) p.132, adds that he was a patrician, ex-referendary and city prefect. Probably to be identified with the ἔπαρχος Asterius attested by a glass weight standard published by G. Schlumberger, *RÉG* 7 (1895) 15 no.31, corrected by H. Grégoire, *BCH* 31 (1907) 326. All the other weight standards in this collection seem to attest sixth-century prefects, and nos. 9 and 10 in Schlumberger's series (p.8) attest ἔπαρχοι called Theodorus and Theodotus, almost certainly our Theodorus and Theodotus the Pumpkin-man.

[31] The Caesarship has often but (in my judgement) unnecessarily been doubted: see A. A. Vasiliev, *Justin the First* (Cambridge [Mass.] 1950) 94–95. For all details of Justinian's early career see *PLRE* II, Justinianus 7.

praes(entalis), et c(onsul) o(r)d(inarius)' on his consular diptychs is rightly taken to indicate that he was not yet a patrician in January 521. In the Theodorus epigrams the highest claims made for Justinian are that he was Justin's (adoptive) son (on this see further below) and MUM, a purely military office also held by others.

I suggest that the epigrams (and so the church) must be dated before Justinian's consulship and yet after his promotion to MUM, that is to say, to the year 520. If so, then the 520 prefecture recorded by Malalas would be Theodorus' third, and 524–526 would have to be a *fourth*. The prefecture of *APl* 64 would still be his second, but since Justin (named in the epigram) did not come to the throne till 9 July 518, it could hardly have begun later than 518 (and possibly in the preceding reign). The first prefecture must have fallen under Anastasius.

Now Speck, while correctly identifying the Theodorus of the epigrams with Theodorus Teganistes, dates his building activity to the mid 530's, after the Nika revolt. This he was bound to do, since the Octagon which he identified with Theodorus' arch was totally destroyed in 532. If Theodorus' arch had been destroyed in 532, its epigrams would not have survived.[32] He therefore infers that one of his three prefectures fell after 532, relying on the mention of a Θεόδωρον πατρίκιον τὸν ἐπίκλην Κολοκύνθην τὸν καὶ ἔπαρχον in connection with Justinian's rebuilding of S. Sophia in the eighth or ninth-century *Diegesis of S. Sophia* (*Patria Cpoleos*. p.89.3, cf. p.92.1). But this is surely Theodotus the Pumpkin-man rather than our Theodorus. Theodorus' third tenure of office ended in 522.[33]

There is no escape from the conclusion that Theodorus' arch was built between 520 and 522. It must, then, like his church, have escaped destruction in 532. And if it stood where suggested above at the NE corner of the Basilica, it might well have been beyond the reach of the flames. According to Theophanes (p.181.29 de Boor) and Cedrenus (1.647 Bonn) only the προσκιόνιον or προσκήνιον of the Basilica was burnt. Speck assumes that this means the whole Royal Stoa (p.95). But the word surely implies only some sort of forecourt, not the

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[32] Of course the panels carrying the epigrams might have survived the fire, but hardly till the tenth century, and the lemmata show that they were copied *in situ*.

[33] 696.2, ἄξιός ἐστι πόλιν καὶ τέτρατον ἡνιοχεύειν, Speck assumes (p.102) to imply a fourth prefecture, certainly in error, since the other poem on the same monument mentions only three (697.4); in 696.2 Theodorus' fourfold arch is said, feebly enough, to *merit* a fourth prefecture for him *as a reward*. There *was* a fourth prefecture, as we have seen, but even that terminated in 526/7.

whole of the main portico of the Basilica. The Octagon, as our earliest evidence makes clear, stood between the Basilica and the Mese, much closer to the Mese than Speck's diagram implies.[34] In fact it is probably to be placed between the Mese and the west portico of the Basilica. Thus it is not surprising that it was caught by a fire that swept down the Mese while the Basilica was left relatively unscathed.

What more can we glean about the career and personality of Theodorus himself? In 520 he was appointed prefect after serious riots had been quelled by soldiers with much loss of life. After this, reports Malalas, ἐφιλιώθηcαν τὰ μέρη [the circus and theatre partisans], δέκιμον θεωροῦντοc ἐπάρχου Θεοδώρου. Whatever the puzzling δέκιμον θεωροῦντοc may mean,[35] the implication is that Theodorus' appointment played some part in calming the rioters. In 524 as well Theodorus was appointed at a time of disorder, after his predecessor in office, Theodotus Colocynthius, had been deposed and nearly executed for dealing with the crisis too harshly. It seems a fair guess that it was precisely because he was known to be a good man in this kind of situation that Theodorus was appointed; a popular man, a man the people trusted, whose authority they had respected during three earlier tenures of the office. Also, we may suspect, a wealthy man, able to provide the best in the way of entertainment.

A few years later in 532 still more terrible riots occurred, culminating in the notorious Nika revolt, which almost cost Justinian his throne. The people were clamouring for the deposition of the unpopular city and praetorian prefects, Eudaemon and John the Cappodocian.[36] It is interesting to note that the man chosen to replace Eudaemon as city prefect was a certain Tryphon, τὸν ἀδελφὸν Θεοδώρου ἀπὸ ἐπάρχων πόλεωc.[37] This can only be our Theodorus yet again. And surely his brother Tryphon was appointed at this desperate moment for much the same reasons as Theodorus himself in 520 and 524.

Two other points of historical interest emerge. First, as is well known, Procopius represents Justinian as *de facto* ruler of the Empire even before he became Augustus (*cf. Bell. Vand.* 1.9.5), and in his *Secret History* actually numbered the years of Justinian's reign from the accession of Justin. This view has generally been accepted, though

[34] Theodore Lector, p.113.13 Hansen, and *Chron.Pasch.* I p.622.22f Bonn; *cf.* Mango, *op.cit.* (*supra* n.2) 49 n.69, as well as Speck, 103f.

[35] See Appendix II.

[36] See A. Cameron, *Circus Factions* (Oxford 1976) 279.

[37] *Chron.Pasch.* I p.621.14 Bonn.

it might be argued that in retrospect Procopius exaggerated Justinian's power at this stage. But the prominence accorded to Justinian in 1.97 and 98 provides valuable *contemporary* confirmation of his importance during the reign of Justin. Theodorus' church was perhaps intended to be known as the 'church of Justin' (97.1), but it was clearly dedicated equally to Justin and Justinian (*cf.* 97.3, ἄνθετο [*sc.* Θεόδωρος] καὶ βασιλῆι καὶ υἱέι παμβασιλῆος), even though Justinian had not as yet been accorded any title that formally marked him out as heir apparent. There appears to be no parallel for the dedication of a church to a reigning emperor,[38] and it is even more remarkable that a private citizen should have been included in the dedication.

Second, Justinian's adoption. Scholars have been curiously reluctant to accept what the derivative name clearly implies, namely that Justin legally adopted his nephew long before his own accession (the fact that some sources continue to refer to him as Justin's nephew is no objection). Diehl and Stein,[39] for example, insist that the adoption did not take place till immediately before his coronation in 527, on no evidence whatever. 1.97.3, written as early as 520, unequivocally styles Justinian υἱέι παμβασιλῆος, 'son of the great emperor'. And while it is true that emperors often addressed close colleagues and senior ministers as 'my son', it would have been a very different matter so to style a likely successor in a formal public inscription *before* his adoption. The epigram merely confirms what was in any case the inevitable assumption, and helps to explain why no source mentions the adoption. It was a *fait accompli* before ever the question of Justinian's succession arose.

Theodorus' wealth and public-spiritedness are attested by the extravagant building activity commemorated by the five epigrams in which he proclaimed his munificence to posterity. There is, moreover, just a hint that he may have been a selfmade man, a *nouveau*

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[38] R. Janin, *Les Églises et les monastères* (*Géographie ecclésiastique de l'empire byz.* pt.I: *Le siège de Constantinople et le patriarcat oecuménique* III.2 [Paris 1969]) 331, includes only the following unhelpful and inaccurate notice: "On possède deux épigrammes du patriarche Sophrone de Jérusalem [!] sur une église, plus probablement un simple oratoire, dédié à Justin I*er* et à son neveu Justinien par Théodore, qui fut trois fois préfet de la ville et trois consul [!]. Rien ne permet de dire quel était le vocable de ce sanctuaire, d'ailleurs à moitié profane, puisqu'il renfermait le 'monument fameux (ἔργον περίπυςτον)', des deux empereurs offert par Théodore." The ἔργον is in fact the church: ἔργον is a standard term for 'building' in inscriptions, *cf.* L. Robert, *Hellenica* IV (1948) 12 n.1.

[39] e.g. Stein, *op.cit.* (*supra* n.17) II 240; *RE* 10 (1919) 1326; C. Diehl, *Justinien et la civilisation byzantine au* vi* sièle* (Paris 1901) 6.

riche. Malalas gives him the sobriquet τηγανίcτηc. The meaning of the word is clear enough: τηγανίcτηc is a collateral form of ταγηνίcτηc, just as τηγανίζω is of ταγηνίζω,[40] 'to fry' (one of Aristophanes' lost plays is called Ταγηνίcται). Now of course in Theodorus' case the name *may* just be a joke or a slander, but these Byzantine sobriquets often do allude to a man's (present or former) occupation (Peter the Fuller, for example). It may be that Theodorus did start off life in this lowly profession before making the fortune he was so anxious to share with his fellow citizens.[41]

A. H. M. Jones emphasised the lack of a "tradition of ostentatious munificence" among the aristocracy of Constantinople.[42] In general it is certainly true that the burden of providing games and building and renovating public works fell mainly on the emperors, but there were exceptions.[43] One such, it seems, was Theodorus, a Byzantine success story: fish-frier to prefect of the city, consul and millionaire.

[40] *Cf.* LSJ *s.v.*

[41] For other examples of men rising from the working classes to positions of wealth and power in the fifth and sixth centuries, *cf.* A. H. M. Jones, *The Later Roman Empire* III (Oxford 1964) 159 n.68.

[42] Jones, *op.cit.* (*supra* n.41) II 706, 709.

[43] Jones (in company with most other historians) did not use the Anthology, thus missing a large number of epigrams commemorating such acts of private generosity and public advertisement.

APPENDIX I: τριcέπαρχοc

Evidently, τριcέπαρχοc means 'three times prefect' (*cf.* τρὶc ὕπαρχοc in 1.87.2). In the early empire ἔπαρχοc seems to have been the standard Greek equivalent for *praefectus* in all its senses (*cf.* H. J. Mason, *Greek Terms for Roman Institutions* [Toronto 1974] 138–40), though by the late empire ἔπαρχοc and ὕπαρχοc are used interchangeably for at any rate the city and praetorian prefectures: *cf.* F. Dölger, *BZ* 40 (1940) 180f, and L. Robert, *Hellenica* IV (1948) 45f.

τριcέπαρχοc appears to occur only once elsewhere in extant literature, at *APl* 73, applied to Aurelian, consul in A.D. 400:

> οὗτοc ὁ κοcμήcαc ὑπάτων θρόνον, ὃν τριcέπαρχον
> καὶ πατέρα[1] βαcιλῆεc ἑὸν καλέcαντο μέγιcτοι,
> χρύcεοc[2] ἕcτηκεν Αὐρηλιανόc· τὸ δὲ ἔργον
> τῆc βουλῆc, ἧc αὐτὸc ἑκὼν κατέπαυcεν ἀνίαc.[3]

[1] *i.e.* (presumably) *princeps senatus; cf.* Synesius, *De prov.* 92A, πολιαρχήcαc καὶ βουλῆc ἄρξαc.

[2] For the formula, see my article forthcoming in *Byzantion* 47 (1977), and for golden statues, my *Porphyrius the Charioteer* (Oxford 1973) 214–22.

[3] It would be nice to know what these 'woes' of the Senate were and how Aurelian 'assuaged' them.

S. Mazzarino insisted (*Stilicone* [Rome 1942] 350, followed by S. Nicolosi, *Il "De providentia"* di *Sinesio di Cirene* [Padova 1959] 59–60) that τρισέπαρχοc must refer to three tenures of the *same* (*i.e.* for Mazzarino, the praetorian) prefecture. LSJ too assumed a reference to three tenures of the same (but for them the city) prefecture.

But compare the case of Petronius Maximus, consul in 433 and 443 and finally emperor in 455, who is styled 'IIII *praefectus*' on *CIL* VI 1197 (*cf. 'post qua[tt]uor praefecturas*' on *CIL* VI 1198). The four comprise two praetorian and two city prefectures (the latter of course at Rome: for all the sources, A. Chastagnol, *Les Fastes de la prefecture de Rome au Bas-Empire* [Paris 1962] no.127, pp.281–86). Then there is Florentius, recorded on 3 April 449 as ὁ μεγαλοπρεπέστατοc ἀπὸ ἐπάρχων πόλεωc καὶ ἀπὸ ἐπάρχων πραιτωρίων τὸ ἕκτον (*Acta Concil.Oec.* II.1 pp.149, 176). Obviously this must mean six tenures of the two prefectures combined, not six of each. He is attested as PUC in 422 and as PPO three times between 428 and 445 (sources in Jones, *op.cit.* [*supra* n.41] III 82 n.33, and *PLRE* II, forthcoming). A less spectacular case is Fl. Hypatius, consul in 359, who, according to Ammianus (29.2.16), *posteritatem mirandis actibus praefecturae geminae decoravit.* These two prefectures were incontestably one urban (of Rome, 378) and one praetorian (Chastagnol, *Fastes* no.82, pp.204–06).

Anything but clear cut, by contrast, are the '*triplices praefecturae*' credited to a certain Syagrius by Sidonius Apollinaris (*Epp.* 7.12). Presumably one of the two Syagrii, both westerners, whose parallel and contemporary careers were crowned with the consulships for 381 and 382 respectively. As might have been expected, it is quite impossible to disentangle their careers with any degree of certainty; the two most recent attempts are by J. R. Martindale, *Historia* 16 (1967) 254–56, and A. Demandt, *BZ* 64 (1971) 38–45. Martindale reckoned that Sidonius' man was the consul of 382, PUR in 381, PPO (of Italy) in 382 "and prefect for a third time at some later date" (p.255). Demandt proposed a slightly different distribution of offices, but all that concerns us here is his suggestion that the *triplices praefecturae* refer, not to three different prefectures, but to one tenure of a 'three-fold' prefecture. It is true that the prefecture of Italy (for Demandt held by the consul of 381) was known in full as the prefecture '*Italiae, Illyrici et Africae*', but each of the three great prefectures was similarly composite (that of 'the Gauls', for example, embraced Spain and Britain, even if they were not included in its official title). Nor would '*triplices praefecturae*' be a very natural way of saying what Demandt wants it to say; '*triplex praefectura*' might have been so construed, but not necessarily, in view of Ammianus' '*gemina praefectura*', certainly referring to two different prefectures, one of them again that of Italy. The other examples collected here strongly suggest that Syagrius too held three separate prefectures, however identified and distributed.

Aurelian's three prefectures have caused a lot of headaches too. But now (a) that A. H. M. Jones has disposed of the once popular notion of 'collegiate prefectures' (*JRS* 54 [1964] 78–89), and (b) that all three do not have to be assumed to be different tenures of the same prefecture, nothing stands in the way of

Jones' own solution, which does less violence than any other to the relatively abundant sources: PUC 393–394, PPO Orientis 399 and again in 414–416 (for all sources see now *PLRE*, Aurelianus 3, pp.128–29, with *JRS* 54 [1964] 81). It should be noted that the *Chron.Pasch. s.a.* 414/5 quite correctly for this date styles Aurelian δὶc ἔπαρχοc τῶν ἱερῶν πραιτωρίων καὶ πατρίκιοc (the title patrician is first attested for him by *Cod.Theod.* 7.7.4 of September 415). The urban prefecture here omitted is not in doubt (*PLRE* p.128).

Theodorus' case is very straightforward. It is quite clear from πόλιν . . . τέτρατον ἡνιοχεῦcαι at 9.696.2 and πόλιν . . . τὸ τρίτον ἀμφιβέβηκεν at 1.98.4–5 that all three of his prefectures were urban.

APPENDIX II: δέκιμον θεωροῦντοc

There are two passages where this puzzling phrase occurs. First Malalas, fr.39 (*Exc. de Insid.* p.168.26f de Boor): ἐπὶ Κωνcταντίνου τὸ ἐπίκλην Τζουρουκκα ἐπάρχου τῆc πόλεωc [501] ἐγένετο ἀκαταcταcία. θεωροῦντοc δέκιμον τοῦ αὐτοῦ Κωνcταντίνου [ἰου cod.] ἐπάρχου τῶν λεγομένων Βρυτῶν ἐν τῷ θεάτρῳ ἐπανέcτηcαν ἀλλήλοιc τὰ μέρη ἐν τῷ θεάτρῳ. Second, Malalas, fr.43 (p.170.26): καὶ ἱππικοῦ γενομένου δείληc cτάcιν ἐποίηcαν οἱ δημόται, καὶ ἐξελθόντεc οἱ cτρατιῶται πολλοὺc ἀπέκτειναν. μετὰ ταῦτα ἐφιλιώθηcαν τὰ μέρη, δέκιμον θεωροῦντοc ἐπάρχου Θεοδώρου, καὶ παίζοντεc κοινῇ ἀμφότεροι ἐξῆλθον ἐκ τοῦ θεάτρου (='hippodrome,' in the context).

Nothing to do with the tenth race since the first incident took place in the theatre, nor with the gate Δέκιμοc somewhere in the palace area (R. Guilland, *Études de topographie de Constantinople byzantine* I [Berlin/Amsterdam 1969] 131–32). The clue is provided by the version of the first incident in the Chronicle of Marcellinus *s.a.* 501 (*Chron.Min.* II, 95.26f): *Constantino* (so S: -*tio*, TUR) *praefecto urbis ludos theatrales meridiano tempore spectante pars in eodem spectaculo cerealis parti adversae caeruleae occultas praeparavit insidias.* We know that public games were suspended for lunch (see *Porphyrius the Charioteer* [Oxford 1973] 209–10, where I omitted to cite Malalas, fr.43). The tenth hour, namely 3:00/4:00 *p.m.* (depending on the season), would have been an appropriate moment to resume, and it might be suggested that the noun understood was βάϊον, 'race', *i.e.* something like 'the 3:00 o'clock' (*sc.* race) in our own usage. The term might have spread to the theatre after the great amalgamation of public entertainments in the fourth and fifth centuries (see A. Cameron, *Circus Factions* [Oxford 1976] 215f).

Some such sense as 'presiding at the afternoon session' would suit both the afternoon reference (δειλῆc) in fr.43 and the '*meridiano tempore spectante*' of Marcellinus.

APPENDIX III

PREFECTS OF CONSTANTINOPLE FROM 512 TO 542

507–
512
Plato (presumably the same man as the prefect of 498: Bury, *op.cit.* [*supra* n.23] 437 n.4; Stein, *op.cit.* [*supra* n.17] II 178; *PLRE* II, Plato 3)

?	Theodorus Teganistes I
518?	Theodorus Teganistes II
520	Theodorus Teganistes III
522/4	Theodotus Colocynthius
524/6	Theodorus Teganistes IV
527	Asterius
531	Eustathius (*cf.* A. Cameron in *Byzantion* 47 [1977], forthcoming)
532	Eudaimon (deposed during the Nika riot)
532	Tryphon (Eudaimon's successor)
535	Patricius (subscr. to Justin. *Nov.* 22, 17 March 535)
537/9	Longinus (Stein, *op.cit.* [*supra* n.17] II 803)
542	Longinus II

Justin. *Nov.* 82.1 of 539 appoints as senior judges some men distinguished by their experience, their tenure of high office or their longevity (πολυχρονίῳ τριβῇ), naming first Plato, μακρὸν ἐπὶ τῆς πολιαρχίας διανύcαντα χρόνον καὶ δὶc ἐπὶ τῶν θρόνων ἐκείνων γενόμενον. It looks as if this must be the Plato who was prefect in 498 and 507–512, who need not have been more than about 35 in 498 and so not necessarily out of his 70s by 539. But another Plato with two more recent prefectures cannot be ruled out. The other judge named is a certain Victor, a lawyer who had held office in Greece and Alexandria καὶ πρόc γε τῆc πολιαρχίαc ἡγηcάμενον. This prefecture will presumably have fallen during our period. The title of *Nov.* 166 (521/2 or 529) calls Demosthenes, who was PPO in 521/2 and 529, ἀπὸ ἐπάρχων τῆc βαcιλίδοc πόλεωc καὶ ἀπὸ ὑπάτων, implying a city prefecture that might well have fallen somewhere between Theodorus' first three tenures, though *PLRE* II (Demosthenes 4) assumes that it was honorary. Menas, PPO in 528/9, is described in *const.* 'Summa' of 529 as "*ex praefecto huius almae urbis*," again taken by *PLRE* (Menas 5) as an honorary prefecture.

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