

Emperor Glycerius and Praetorian Prefect Himelco on ‘Simony’: A New Critical Edition of a Legal Dossier

Aäron Vanspauwen

Abstract

This article offers a study of a fifth-century Roman legal dossier concerning the ordination of clergy. The dossier consists of a letter by Emperor Glycerius (473-474) and an edict by Praetorian Prefect Himelco. The dossier is preserved in two Carolingian manuscripts, and has not yet been critically edited. Its current edition is that of the Ballerini brothers, published in 1757, on the basis of only one manuscript. The article is divided in three sections: (I) an introduction to the dossier and the edition, (II) the new critical edition with English translation, and (III) notes in which I explain where the text of the edition may not be immediately evident from the manuscript readings. The introduction will discuss the textual transmission, the style of both texts, and the editorial principles of the new edition.

I. Introduction

This article is concerned with a dossier of late Roman legislation on the appointment of clergy.¹ The dossier consists of a pair of legal texts. The first is a letter by Glycerius, Emperor in the West in 473-474, to Praetorian Prefect Himelco; the second is the subsequent edict by Himelco, nominally together with his fellow Praetorian Prefects Dioscorus, Aurelianus, and Protadius.² Glycerius wanted to forbid that someone could obtain an episcopal office by payment.³ Because of its contents, the dossier is known in scholarship as Glycerius’ ‘law on simony’, although the dossier does not use this term, nor does it mention Simon Magus, after whom this practice was named.⁴ The

¹ This study has been realized as part of the ERC-funded research project AntCoCo (grant agreement ID: 101001991): ‘Understanding Late Antique Top-Down Communication: A Study of Imperial Constitutions’. A word of gratitude goes to Lorenzo Livorsi and to Peter Riedlberger for their various helpful suggestions.

² On these dignitaries, see John R. Martindale, *The Prosopography of the Later Roman Empire 2: A.D. 395-527*, Cambridge: CUP, 1980, p. 514 (Glycerius), p. 565 (Felix Himelco), p. 367-368 (Dioscorus 5), p. 199 (Aurelianus 5), and p. 927 (Protadius 2). See also Denis Feissel, “*Praefatio chartarum publicarum*: L’intitulé des actes de la préfecture du prétoire du IV^e au VI^e siècle”, in D. Feissel, *Documents, droit, diplomatie de l’Empire romain tardif* (Bilans de recherche 7), Paris: ACHCByz, 2010, 399-428, p. 414-415 and p. 428.

³ The manuscripts of this dossier describe the letter as an *exemplum sacri edicti*. Nevertheless, this letter is not an edict. The edict proper is the second text of this dossier. See in this regard the statement by Glycerius himself, l. 83-84. So the inscription to the text must be of a later date. The edict itself does stipulate that it is issued together with the imperial letter preceding the edict (l. 98-99: *ita uigor sermonis regii in antelatis praeifulget oraculis*). The dossier as preserved in the manuscripts, with the imperial letter preceding the edict, reflects the way the edict would have been promulgated. That said, the term “edict” can only befit the second text of this dossier.

⁴ See, for example, Michele Renee Salzman, “Simony and the State: Politics and Religion in the Later Roman Empire”, in W.V. Harris & Anne Hunnell Chen, *Late Antique Studies in Memory of Alan Cameron*, Leiden-Boston: Brill, 2021, 198-219. The name ‘simony’ is based on Acts 8:18-19. There,

Ballerini brothers, the first editors of these documents, added this reference to simony in the title of their edition.⁵

Glycerius became emperor in a turbulent time of the Roman Empire. In the Spring of 472, during the reign of Western emperor Anthemius (April 467-July 472), the *magister militum* Ricimer appointed Anicius Olybrius as emperor. Anthemius was murdered in July 472 by Gundobad, Ricimer's nephew. Ricimer himself passed away in August 472, and Olybrius died only a few months later, in November 472. Gundobad, who was now *magister militum*, subsequently appointed Glycerius, a *comes domesticorum*, to succeed Olybrius. Glycerius was proclaimed emperor in March 473. Gundobad left Italy shortly thereafter and moved to Burgundy, where he became king of the Burgundians. However, Leo, emperor in the East, appointed Julius Nepos as the legitimate emperor of the West. Julius Nepos arrived in Italy in the Summer of 474, deposed Glycerius, and installed Glycerius as bishop of Salona. Julius Nepos himself fled to Salona in 475 after an invasion by Orestes, who declared his son Romulus ('Augustulus') emperor of the West. In May 480, Glycerius is reported to have been involved in the murder of Julius Nepos near Salona.⁶

The letter, *Supernae maiestatis*, and the edict, *Quemadmodum dominus*, have been preserved in two manuscripts, of which only one had been taken into consideration by its previous editors. The two manuscripts of this dossier are Munich, BSB, Clm 5508 (*D*) and Vatican, BAV, Reg. lat. 1997 (*T*). The two manuscripts contain canonical collections named after the provenance of these manuscripts, namely Dießen (*collectio Diessensis*) and Chieti (*collectio Teatina*) respectively, hence their *sigla*. This article proposes a new edition of *Supernae maiestatis* and *Quemadmodum dominus*. The introduction (I) to this edition discusses (1) the manuscripts and prior editions of these texts, (2) the stylistic characteristics of the constitutions, in particular their use of the *cursus mixtus*, (3) and the editorial principles of the edition. The second major section of the article, the edition itself (II), begins with an overview of witnesses, after which the Latin edition and English translation follow. A final section (III) will discuss the rationale behind specific readings of the present edition.

I.1 Manuscript relations and earlier editions

Both manuscripts *D* and *T* date to the eight-ninth century. The manuscripts have their origins in Salzburg (Austria) and Chieti (central Italy) respectively. The colophon of *T* indicates that it may have been a copy of an eight-century manuscript from Metz.⁷ The

Simon (Magus) offers money to Peter in order to gain the power of laying on of hands. Peter strongly rejects this offer.

⁵ See the title in Pietro and Girolamo Ballerini, *Appendix ad sancti Leonis magni opera*, t. 3, Venice: Simone Occhi, 1757, c. 677: *Glycerii imperatoris edictum contra ordinationes simoniacas*. P.R. Coleman-Norton, *Roman State and Christian Church: A Collection of Legal Documents to A.D. 535*, London: SPCK, 1966, p. 904, translates the title as "Edict of Glycerius on Simoniactal ordination". The translation of Coleman-Norton is based on the Ballerini text in its *Patrologia Latina* reprint (PL 56, c. 896-898).

⁶ On the aforementioned people, see J.R. Martindale, *Prosopography*, p. 96-98 (Anthemius 3), p. 942-945 (Fl. Ricimer 2), p. 796-798 (Anicius Olybrius 6), p. 524-525 (Gundobadus 1), p. 663-664 (Leo 6), p. 777-778 (Julius Nepos 3), p. 811-812 (Orestes 2), p. 949-950 (Romulus Augustus 4).

⁷ The colophon on f. 153r describes two elements of *T*'s origins. Its second part mentions the see of Iustinus, which is the cathedral of Chieti (*simul et beati iustini in cuius sedis hunc perficitus fuit*). The first part, however, mentions that the manuscript was copied by a Sicipertus for Ingilram. This Ingilram is commonly identified as the eighth-century bishop of Metz (768-791), though Friedrich Maassen identified him with an otherwise unknown bishop of Chieti. See Friedrich Maassen, *Geschichte*, I. Band,

two manuscripts differ in their orthography: *D* is written in Caroline minuscule, whereas *T* is written in a Beneventan minuscule. Both *D* and *T* are written in two columns throughout, though with different column widths.⁸ The manuscripts preserve the pair of legal texts, *Supernae maiestatis* and *Quemadmodum domnus*, together.

The relation between the manuscripts is rather straightforward. Both manuscripts have such errors that the possibility of either manuscript being the model of the other can easily be excluded. The clearest examples of such errors are omissions.⁹ The manuscripts derive from a common ancestor, which already contained some errors.¹⁰ Both manuscripts have several erroneous readings in common. In a few instances, it is possible to reconstruct a correct reading on the basis of the variants of *D* and *T*.¹¹ In other instances, where one manuscript is wrong against the other, it is possible that the error resulted from a misreading of the archetype.¹²

Because the dossier is only preserved in two manuscripts, it is difficult to securely describe the nature of variant readings. The following paragraphs aim to describe some characteristics of the readings and errors of each manuscript. There are some phenomena of textual transmission at play in the text of both manuscripts. Frequently, variant readings in *D* and *T* are due to a confusion of *i* and *e*.¹³ Both also frequently mistake *-a* for *-am* or *-e* for *-em* (and vice versa).¹⁴

One prominent characteristic of *D* is the corrupt spelling of names.¹⁵ Somewhat related to these corruptions are the various errors in the inscriptions and subscriptions to both texts.¹⁶ In many cases where *D* and *T* differ in the declensions of nouns, the

Gratz: Leuschner & Lubensky, 1870, p. 526-527. On the identification of Ingilram as Ingilram of Metz, see, for example, Elias Avery Lowe, *Codices Latini antiquiores*, vol. 1: *The Vatican City*, Oxford: Clarendon, 1934, p. 34; Matthew J.J. Hoskin, *The Manuscripts of Leo the Great's Letters: The Transmission and Reception of Papal Documents in Late Antiquity and the Middle Ages* (Instrumenta Patristica et Mediaevalia 83), Turnhout: Brepols, 2022, p. 174-177. Overall, scholars hypothesize an early date for the *Teatina* collection, since its catalogue of bishops of Rome dates until Hormisdas (523), and an Italian origin. However, if the Ingilram of the colophon is to be identified with the bishop of Metz, then the (most likely immediate) model of *T* would have been of eighth-century Frankish origin.

⁸ Compare, for example, the first two lines of the respective manuscripts. *D*: Supne maiestatis admonitu nostri| ortus imperii: nihil prius debuit or-; *T*: SUPERNE maiestatis admo|nitu nri ortus imperii nihil.

⁹ Numbers between brackets refer to the line numbers of the edition in this article. Examples of such omissions in *D* include *ut* (4), *iam* (13), *in* (52), *tantum* (61), *magis* (71), *omne* (84), *neque enim* (109), *sacerdos* (111). Omissions in *T* are *se* (41), *uilitas* (64), *quia* (65), *statutis* (74), *ita uigor* (98). Some longer omissions may be due to a *saut du même au même* or due to a scribe missing a line. Examples in *D* are *poscentium et qualitas* (68); examples from *T* are *intentione subtrahere et* (23-24) and *quod his fuerit oblatum* (62).

¹⁰ Jean Gaudemet, *Les sources du droit de l'église en occident du IIe au VIIe siècle*, Paris: Cerf, 1985, p. 148, hypothesized that the first part of the *Diessen* collection, of which *D* is the only witness, was compiled in the seventh century, based on several collections including the *Teatina*. As the *Teatina* collection is the only source of this legal dossier outside of the *Diessen* collection, the *Teatina* would be *Diessen*'s source for this dossier. This relation between the two collections sounds plausible. That said, the relation between the two manuscripts is different from the relation between the collections, as both manuscripts are later witnesses of their respective collections.

¹¹ E.g., *Facessat* (63)] *fas esset D*, *facescat T*; *existeret* (110)] *existerit D*, *existere T*.

¹² E.g., *ordinare* (4)] *-ari T*; *christianae* (4)] *-ani D*; *tanto* (6)] *-um D*; *innocentiam* (8)] *-ia T*.

¹³ Examples in *D* include: *malint* (17)] *-ent*; *opes* (21)] *-is*; *praesenti* (25)] *-e*; *prorogari* (27)] *-are*. Examples in *T* include: *ordinari* (4)] *-are*; *impetrari* (11)] *-are*; *uideri* (13)] *-ere*; *uocari* (15)] *-are*.

¹⁴ Examples in *D* include: *Himelconem* (2)] *emelcome*; *reuerentia* (5)] *-iam*. Examples in *T* include: *impudentia* (31)] *-iam*; *uenale* (35)] *-em*; *regulam* (67)] *-a*.

¹⁵ E.g., *Glycerii* (1)] *licerii T*; *Himelconem* (2)] *emelcome*; *Himelco parens* (80)] *hic mel comparens*; *Himelco* (90)] *himelio*; *Dioscorus* (90)] *disocoros*; *Aurelianus* (90)] *aurilianis*; *Protadius* (90)] *protasius*.

¹⁶ E.g., pp. (87)] *papae*; *Augusto* (87)] *cē.cē. D*, *auḡs T*; *ante Felix* (90)] *epistola eporum*; *uu. cc. pp. dixerunt* (90-91)] *uu. c. cē consol.*; *Mai.* (122)] *madias*.

variant of *D* is untenable on the level of the overarching syntax, but made congruent to another word in its close proximity.¹⁷ Sometimes *D* confuses the word endings -ator and -atur.¹⁸ Some errors of *D* could have their origins in a misreading of an abbreviation.¹⁹ In several instances, the errors of *D* could be due to a miscounting of vertical strokes (confusing word forms with m, n, u, or i in close proximity).²⁰ Finally, *D* sometimes has minor spurious additions.²¹ The overall picture of *D* is quite ambiguous. On the one hand, it contains many corruptions and some seemingly intentional alterations. On the other hand, the many syntactical incongruencies could indicate that a rather obedient scribe was at work, who could copy obvious errors without adjusting these.²² Perhaps these latter errors indicate that the scribe of *D* did faithfully copy his model, which already was characterized by (some of) the aforementioned corruptions and adjustments. *D* contains some corrections. These corrections were applied by a near-contemporary hand. The corrections do not suggest that a second model was used.²³

The text of *T* is influenced by similar transmissional processes discernible in *D*, such as the confusion of i/e, of -am/-a, or -em/-e. Likewise, *T* has some errors which can be ascribed to harmonization, though perhaps to a lesser extent than *D*.²⁴ Some of *T*'s errors could be due to haplology.²⁵ There is one clear addition in the text of *T*.²⁶ After the subscriptions, *T* twice concludes the texts with *explicit*. Likewise, the rubric of *Supernae maiestatis*, which contains the inscription, begins in *T* with *incipit*. These variants in the inscription and subscription will be discussed later, in section III. For other errors of *T*, it is not as evident to attribute them to specific transmissional phenomena.²⁷ In several instances, the text of *T* has been corrected by a second hand. Whenever this occurs, the error of *T ante correctionem* is obvious, and the correction by *T post correctionem* straightforward.²⁸ There are no reasons to suppose the corrector of *T* had a separate model for these corrections.

This pair of texts was first edited and published by the brothers Pietro and Girolamo Ballerini in the appendix to their monumental edition of the letters of Leo the Great (1757).²⁹ For their edition, they only made use of *T*. Nevertheless, in some instances, they provide a grammatically sound reading where *T* fails to do so. Some of

¹⁷ See, for example, tanto (6)] -um (cf. auctorem); finitis (41)] -i (cf. unius anni); dissimulandum (47)] -us (cf. consecrandus?); sollicitat (59)] -a (cf. uenalitas plectenda); Sacerdotii (66)] sacerdotem (cf. magnum); hanc serenitatis (81-82)] haec serenitas (cf. praecelsa magnificentia tua). Arguably, *D*'s reading *consecratione* (32; cf. *oblationem T*) constitutes the adjustment from one technical term to another, in *D*'s case made somewhat more similar to the following word *sacrificii*.

¹⁸ See supplicatur (32)] -ator; dispensator (71)] -atur.

¹⁹ E.g., conscientiae (14)] conscie; debitoris (26)] debiti; Quo (31)] quomodo.

²⁰ E.g., Hinc (16)] hunc; infortuniis (31)] importunius; Nimis (69)] immis.

²¹ Such could be the case for comes (43)] si comis; eruendum (61)] erudiendum illius; infulas (101)] has infulas.

²² Examples of such corruptions or ungrammatical readings are: uicus (9), fit quae id (14), quadam intentio (23), uestendo qui (26), snspatiatur (69), regulante lates (98).

²³ See conuersatione (10), religionis (53), ciues (57), praecelsa (81).

²⁴ See, for example, commerciis (36)] submerciis *T* (cf. subiecere); omnipotentis (77)] -i (cf. de iustitia); conscientia (112)] -iē (cf. suae pollicitationis).

²⁵ E.g., antistites (18)] antistes; constituti (19)] constiti *T^{u.c.}* (tu *sup.l.*); uirtutum (75)] uirtum.

²⁶ Namely, ita (114)] ita ut.

²⁷ See, for example, the following errors: mansura (37)] mensura; patrimonialia, quae (102)] querimoniam; sacerdos (111)] sa|sacerdote; inlicitis (117)] -orum.

²⁸ E.g., probauimus (10)] prouabimus *T^{u.c.}*, probabimus *T^{p.c.}*; diuitias (23)] -iis *T^{u.c.}*; debitoris (26)] deuitoris *T^{u.c.}*; probatos (79)] prouatos *T^{u.c.}*.

²⁹ *Ball.*, c. 677-680.

these errors of *T* are also present in *D*, and thus point to errors in the archetype. Usually these errors are minor errors in spelling, such as:

tantis quae (30)] tantisque; is (45)] his; acclamationes (58)] clamationis; te (83)] se; iniuriam (96)] -ia; sacerdotales (101)] -is; supernae (107)] -e; deteriores mentes (114)] -is -is.

In other instances, the new edition follows the Ballerini too, where they made sensible improvements to the readings of *T*, and where *D* does not improve the text. These instances are:

ademptum (13)] addendum *D*, adeptum *T*; quae (31)] qua uel *D*, qua uē *T*; sacerdos (111)] *om. D*, sasacerdote *T*; ne (118)] *om.*³⁰

The Ballerini edition was incorporated, in a slightly adjusted form, in the eighth volume of Giovanni Domenico Mansi's *Sacrorum conciliorum* (1762).³¹ The edition of the Ballerini was also reprinted in volume 56 of the *Patrologia Latina* series (1846).³² The most recent edition of *Supernae maiestatis* and *Quemadmodum domnus* is that of Gustav Hänel.³³ As his sources Hänel mentions the manuscript *T* and the edition by the Ballerini, yet Hänel's text rarely differs from that of the Ballerini. His variants are all orthographical, and none give the impression to have been based on a consultation of the manuscript.³⁴

I.2 Stylistic considerations

Both *Supernae maiestatis* and *Quemadmodum domnus* are written in a style typical for late antique Roman chancellery. That is a sophisticated style with express consideration of clausulae. The rhythmical patterns that end each colon or sentence conform to the stylistic ideals attested in other contemporary constitutions. An overwhelming majority of these clausulae corresponds to one of three major accentual *cursus* forms, namely the planus, tardus, and uelox. Additionally, these clausulae also correspond to the most popular metrical patterns. In other words, the writers of these texts follow a *cursus mixtus* style, with attention to accentual as well as metrical patterns in their prose. For that reason, when considering a textual variant to adopt in the edition, and one variant has a markedly better rhythmic pattern, that variant deserves serious consideration. The occurrence of desirable accentual and metrical patterns in the clausulae of both texts comfortably exceeds the thresholds outlined by Oberhelman and Hall in their statistical analysis of clausulae in Latin literature.³⁵

³⁰ In this instance, the Ballerini reading with an added *ne* is most likely correct. The omission of *ne* in the archetype was possibly due to haplography (*ne necesse*).

³¹ G.D. Mansi, *Sacrorum conciliorum*, Florence: Expensis Antonii Zatta Veneti, 1762, c. 1261-1262. Variant readings of Mansi are, compared to the Ballerini edition: pauperum (22)] pauperes; quae (30)] quod; promissum (47)] promissum; uulgabit (84)] uulgauit; carissime (85)] clarissime; in (94)] *om.*; iuuentur (100)] -etur; sub expiatione (100)] sublatisque piaculis *Ball.*, sublatis quae piaculis *Mansi*.

³² *Patrologia Latina* 56, Paris: Migne, 1846, c. 896-898. The PL reprint adjusts the Ballerini edition in the following instances: quisquis (38)] quisque; sorte (50)] forte; antelatis (98)] autelatis.

³³ G. Hänel *Corpus legum*, Leipzig: Hinrichs, 1857, p. 260.

³⁴ Instances where Hänel disagrees with the Ballerini are: ademptum (13)] ademtum; facessat (63)] facessat *T Ball.*; explicit (122)] *om.*

³⁵ See Steven M. Oberhelman & Ralph G. Hall, "A New Statistical Analysis of Accentual Prose Rhythms in Imperial Latin Authors", *Classical Philology* 79/2 (1984) 114-130; Steven M. Oberhelman & Ralph G. Hall, "Meter in Accentual Clausulae of Late Imperial Latin Prose", *Classical Philology* 80/3 (1985)

In a paper delivered at the workshop “Novel Trends in Research on Unabridged Constitutions” at the Otto-Friedrich-Universität Bamberg (2022), Gavin Kelly discussed the use of clausulae in late imperial legislation.³⁶ Three of his insights are relevant to this pair of constitutions. First, and specifically on *Supernae maiestatis*, Kelly suggested several transpositions in words which would result in a higher incidence of desirable clausulae:

impetrari meritis (11)] meritis impetrari; bonae conscientiae (13-14)]
conscientiae bonae; in ecclesia constituti sunt (52)] sunt in ecclesia constituta.

These suggestions by Kelly are included in the critical apparatus. A second insight of Kelly concerns atypical *cursus* forms, such as the trispondaic or the octosyllabic. The trispondaic, for example, is normally considered undesirable in the *cursus* style. The accentual *cursus* style has a near-exclusive focus (c. 80-90% of clausulae) on the three major patterns, the planus, tardus, and uelox.³⁷ However, the trispondaic may nevertheless be considered a desired and consciously chosen pattern for the *cursus mixtus*, if that trispondaic corresponds to a Ciceronian metrical pattern of paeon1-spondee.³⁸ Of the five trispondaics in *Supernae maiestatis*, three coincide indeed with a paeon1-spondee. A third point Kelly makes, is that a statistical analysis of accentual and metrical patterns can be insightful, but does not tell much about how the prose actually reads. The highly sophisticated style of imperial constitutions contains a more elaborate use of clausulae than one would suspect when only studying the statistical occurrences of clausulae before interpunction in a modern edition. Rhythmic patterns structure the flow of thought and argumentation, and divide longer sentences into shorter cola. The first sentence of *Supernae maiestatis* may illustrate how accentual and metrical clausulae structure the text:³⁹

<i>Supernae maiestatis admónitu</i>	T + C-Tr
<i>nostri órtus impérii</i>	T + C-Tr
<i>nihil prius débuit ordináre</i>	V + P1-T-T
<i>quam ut cristiánae religiónis</i>	V + P1-S
<i>sacrosáncta mystéria</i>	T + C-C
<i>reuerentia maióre coleréntur,</i>	Tr + P1-S
<i>quia ámbigi non opórtet</i>	V + C-T-T

214-227. On some imperial legal writings in particular, see Ralph G. Hall & Steven M. Oberhelman, “Rhythmical Clausulae in the Codex Theodosianus and the Leges Novellae Ad Theodosianum Pertinentes”, *The Classical Quarterly* 35 (1985) 201-214.

³⁶ Title of paper: “Prose rhythm and the evolution of late Roman chancery style”. Some points of discussion, for example his theoretical framework and the application thereof on the prose of Sidonius Apollinaris, have been published in Joop van Waarden & Gavin Kelly, “Prose Rhythm in Sidonius”, in Gavin Kelly & Joop van Waarden (eds.), *The Edinburgh Companion to Sidonius Apollinaris*, Edinburgh: Edinburgh University Press, 2020, 462-475. Of this chapter, G. Kevin was in particular responsible for its section 4, “A Self-Willed Prose-Writer”, on p. 468-473.

³⁷ See, for example, S.M. Oberhelman & R.G. Hall, “A New Statistical Analysis”, p. 122-129; R.G. Hall & S.M. Oberhelman, “Rhythmical Clausulae in the Codex Theodosianus”, p. 203-207.

³⁸ See J. van Waarden & G. Kelly, “Prose Rhythm in Sidonius”, p. 463. The paeon1 (–vvv) could be used as a substitute for a cretic (–v–), where the last long syllable of the cretic is replaced by two short syllables. Likewise, the paeon4 (vvv–) could also have originated from the cretic, with the first long syllable replaced by two short syllables.

³⁹ The following abbreviations have been used for the description of accentual and metric patterns. For the accentual patterns, these abbreviations are: P for planus (/xx/x), T for tardus (/xx/xx), and V for uelox (/xxxx/x), and Tr for trispondaic (/xxx/x); for the metrical patterns, the abbreviations are: C for cretic (–v–), S for spondee (– –), T for trochee (–v), Tr for tribrach (vvv), P1 for paeon1 (–vvv), D for dactyl (–vv).

<i>deum uniuersitátis auctórem</i>	P + C-S
<i>tanto magis fouére mortália</i>	T + C-C
<i>quanto púrior cúltus</i>	P + C-S
<i>per innocéntiam sacerdótum</i>	V + C-S
<i>diuína suspéxerit.</i>	T + C-C

Most of these phrases end with one of the three major cursus forms. The one instance in which the phrase ends on a different pattern, it is a trispondaicus coinciding with the metrical paeon1 and spondee (*christianae religionis*). A vast majority of the accentual patterns correspond to an appropriate metrical equivalent.⁴⁰ The answer by Himelco, *Quemadmodum domnus*, also appears to be structured similarly, with a conscious use of accentual and metrical clausulae:

<i>Quemádmódum dómnus</i>	P + C-S
<i>noster inuictíssimus prínceps</i>	P + C-S
<i>Glycerius pro beatitudine sáeculi meliórís</i>	V + D-S
<i>et suorum correctióne mortálium</i>	T + C-C
<i>ne quid in supernae maiestátis deínceps</i>	P + T-T
<i>ex sacerdotál(i)_ordinatióne [elision]</i>	V + T-T-T
<i>temptaré tur iniúriam</i>	T + C-C
<i>ac bonae consciéntiae méritum</i>	T + C-Tr
<i>nummárii fíeret</i>	T + C-Tr
<i>cáusa suffrágii,</i>	T + C-C
<i>edictálibus inhibéndum</i>	V + Tr-S
<i>crédidit constitútis</i>	V + C-T-T

Again the text is structured in different colons, with rhythmical patterns supporting this structure. One noticeable exception is the presence of the dactyl-spondee in the second example, which, as a typical poetic rhythm, was generally avoided in literary prose, and the tribrach-spondee in the second to last example. There seem to be some stylistic differences in clausulae between the letter of Glycerius and the edict of Himelco, but both texts correspond firmly to the stylistic ideals of imperial constitutions.

I.3 Editorial principles

The proposed new edition is an eclectic edition, in that it does not represent one manuscript more than the other. The spelling and interpunction of the dossier have been adjusted to modern standards. In the critical apparatus of the edition, readings from the two manuscripts *D* and *T*, and the 1757 edition of the Ballerini are included. The critical apparatus is a negative critical apparatus. In some cases, when the apparatus would be difficult to understand otherwise, the apparatus also indicates positive attestations of the accepted reading. Because *T*'s spelling of personal names, and its use of abbreviations in the inscriptions and subscriptions, is overall more sound than that of *D*, I have generally preferred *T* in the inscriptions and subscriptions.⁴¹ The overview and discussion of conjectural or otherwise ambiguous readings follow in the notes after the edition. This edition is also the result of many exchanges with my colleagues Peter Riedlberger and Lorenzo Livorsi. I refer to their recommendations, and to the suggestions of Gavin Kelly (see section I.2 above) in the apparatus. The translation

⁴⁰ See S.M. Oberhelman & R.G. Hall, "Meter in Accentual Clausulae", p. 216.

⁴¹ E.g., dat. (1)] *om. D*; Protadius (90)] & protasius *D*; III (122)] *iiii D*.

aims to offer an accessible rendition of the legal dossier. The edition has been divided into numbered paragraphs to aid the navigation of the present-day reader.

II. Edition

Sigla

- D* Munich, Bayerische Staatsbibliothek, Clm 5508; orig. Salzburg, prov. Reichenau, prov. Dießen, eighth-ninth century; f. 87v-88ar.⁴² URL: <https://www.digitale-sammlungen.de/de/details/bsb00036890>.
- T* Vatican, Biblioteca Apostolica Vaticana, Reg. lat. 1997; orig. Chieti, eighth-ninth century; f. 112r-114r.⁴³ URL: <https://digi.vatlib.it/mss/detail/Reg.lat.1997>.
- Ball.* Pietro and Girolamo Ballerini, *Appendix ad sancti Leonis magni opera, seu vetustissimus codex canonum ecclesiasticorum, & constitutorum sanctae sedis apostolicae*, tomus tertius, Venice: Simone Occhi, 1757, c. 677-680.
- Livorsi* Lorenzo Livorsi, Otto-Friedrich-Universität Bamberg (personal communication).
- Riedlberger* Peter Riedlberger, Otto-Friedrich-Universität Bamberg (personal communication).
- Kelly* Gavin Kelly, University of Edinburgh (paper: “Prose rhythm and the evolution of late Roman chancery style”, delivered at the workshop *Novel Trends in Research on Unabridged Constitutions*, Otto-Friedrich-Universität Bamberg, 2022).

Other editions

Giovanni Domenico Mansi (Joannes Dominicus Mansi), *Sacrorum conciliorum noua et amplissima collectio*, t. VIII: *Ab anno CCCXCII. ad annum DXXXVI. inclusiue*, Florence: Expensis Antonii Zatta Veneti, 1762, c. 1261-1262.

Patrologia Latina 56, Paris: Migne, 1846, c. 896-898. [Reprint of *Ball.*]

Gustav Hänel (Gustavus Haenel), *Corpus legum ab imperatoris Romanis ante Iustinianum latarum quae extra constitutionum codices supersunt. Accedunt res ab imperatoribus gestae, quibus Romani iuris historii et imperii status illustratur*, Leipzig: Hinrichs, 1857, p. 260.

⁴² Bernhard Bischoff, *Katalog der festländischen Handschriften des neunten Jahrhunderts (mit Ausnahme der wisigotischen)*, Teil II: *Laon-Paderborn*, Wiesbaden: Harrassowitz, 2004, p. 231; M. Hoskin, *The Manuscripts of Leo the Great's Letters*, p. 105-111; Lotte Kéry, *Canonical Collections of the Early Middle Ages (ca. 400-1140): A Bibliographical Guide to the Manuscripts and Literature*, Washington: The Catholic University of America Press, 1999, p. 3-4.

⁴³ Bernhard Bischoff & Birgit Ebersperger, *Katalog der festländischen Handschriften des neunten Jahrhunderts (mit Ausnahme der wisigotischen)*, Teil III: *Padua-Zwickau*, Wiesbaden: Harrassowitz, 2014, p. 442; M. Hoskin, *The Manuscripts of Leo the Great's Letters*, p. 174-177; L. Kéry, *Canonical Collections*, p. 24.

Exemplum sacri edicti Glycerii imperatoris dat. ad Himelconem uc. pp. it.

1. Supernae maiestatis admonitu nostri ortus imperii
 nihil prius debuit ordinare quam ut christianae religionis
 sacrosancta mysteria reuerentia maiore colerentur, quia 5
 ambigi non oportet deum uniuersitatis auctorem tanto
 magis fouere mortalia, quanto purior cultus per
 innocentiam sacerdotum diuina suspexerit. Iamdudum
 etenim adolescentibus uitiis clericorum adhuc in priuatae
 uitae conuersatione degentes probauimus episcopatus pro 10
 parte maxima non impetrari meritis, sed pretiis comparari.
 Quod indecora cupiditas in usum redacta quasi licitum
 fecerat iam uideri. Ademptum est studium bonae
 conscientiae, fecitque id, quod de deo sperari debuit, ad
 pecuniam et exactionem uocari. 15

2. Hinc natum est ut antistitum reuerentia magis
 potestas saeculi putaretur, et tyrannopolitas esse se malint
 qui uocabantur antistites, ac religione neglecta sub
 hominum patrociniis constituti, publica magis quam diuina
 curarent, hoc ipso perpetuitatis priuilegio delictorum 20
 suorum impunitate gaudentes ecclesiarumque opes, quas
 mali propositi dedecora protegentes pauperum dicunt esse
 diuitias, stud<er>ent ueluti quadam intentio<ne>

1 Exemplum] LI. Exemplum *D*, Incipit exemplum *T*, VI. Glycerii imperatoris edictum contra ordinationes simoniacas, nunc erutum e collectione canonum, qua continetur in MS. Vat. Reginae 1997. Incipit exemplum *Ball.* | Glycerii] licerii *D*, glyceri *T* | imperatoris] imp. *T* dat] *om. D*, datum *Ball.* 2 Himelconem] emelcome *D* | uc...it] pc. pp. tt. *D T*, V. C. praefectum praetorio Italiae *Ball.* 3 ortus] ortu *Ball.* 4 ordinare] -ari *T Ball.* | ut] *om. D* | christianae] -ani *D* 5 colerentur] colentur *D* 6 ambigi] ambigo *D* | deum] dni *D* | tanto] -um *D* 7 fouere] fauere *D* 8 innocentiam] -a *T* 9 uitiis] uicus *D* 10 conuersatione] -ionis *D^{a.c.}* | probauimus] propauimus *D*, prouabimus *T^{a.c.}*, probabimus *T^{p.c.}* 11 impetrari] -are *T* | impetrari meritis] *inu. Kelly* 13 iam] *om. D* | uideri] uidere *T* | Ademptum] *Ball.*, & adendum *D*, adeptum *T* | bonae... 14 conscientiae] *inu. Kelly* 14 conscientiae] conscie *D* | fecitque] fit quae *D* | sperari] *Livorsi*, -are *D T Ball.* 15 exactionem] -ione *D* | uocari] -are *T Ball.* 16 Hinc] hunc *D* reuerentia] -iam *D* 17 et] et hii *D* | tyrannopolitas] thiranno politas *D* malint] -ent *D* 18 antistites] antestites *D*, antistes *T* 19 constituti] tu *sup.l. T* | publica] puplica *D* 21 ecclesiarumque] ecclesiarum quae *D* opes] -is *D* 22 dedecora] dedegore *D* | dicunt] digunt *D* 23 diuitias] -is *T^{a.c.}* | studerent] *Riedlberger*, student *D*, studio *T Ball.* | quadam] cuiusdam *T Ball.* | intentione] *Riedlberger*, intentio *D* | intentione... 24 et] *om. T Ball.*

25 subtrahere et <ad instar> administrationis offerre, aliis in
praesenti dando praemia, nonnullis se chirographis
obligando uendendoque in quaestum debitoris quod
oportebat egentibus prorogari.

3. Vnde factum credimus ut offensa diuinitas, quod
tot malis probamus experti, fauorem suae maiestatis
30 auerteret et Romanam gentem tantis quae transacta sunt
infortuniis fatigaret. Quo enim ore, quae impudentia ab
eo mundi totius supplicatur auctori, qui ad oblationem
sacrificii non iudicio sacrosanctae trinitatis eligitur, sed
hominis fauore prouehitur? Aut quid huiusmodi episcopi
35 non putent esse uenale, qui sancta mysteria subiecere
commerciis?

4. Qua rerum ratione permoti hac mansura in aeuum
lege sancimus, ut quisquis ad episcopatum potentium
personarum auxilio suffragante peruenerit, saeculariter
40 possideat quod saeculariter fuerit consecutus, id est ut
finitis unius anni metis nouerit se episcopatus esse
privandum. Eiusdem sane anni quo sacerdos uocatur,
comes nostri patrimonii ecclesiasticae substantiae
moderetur expensas.

45 5. Is quoque qui talem consecrauerit, aut quicquam
pecuniarum ab eo qui est consecrandus datum cuilibet
promissumue cognouerit, aut callide dissimulandum esse
crediderit in eo, quem intellegit non per puram
conscientiam sed per turpe pretium ad hoc peruenire
50 uoluisse, pari de sacerdotio sorte deiectus, similem
poenam temerariae consecrationis exsoluat, arguendi hoc
latens facinus non solum his qui in ecclesia constituti sunt,

24 ad instar] *scripsi exempli gratia, om. D T Ball.*, auctoribus *Riedlberger* | offerre] auferrent *T Ball.* **25** praesenti] -e *D* chirographis] cirografis *D*, chyrographis *T Ball.* **26** obligando] oblygndo *T* | uendendoque] uestendo qui *D* | debitoris] debiti *D*, deuitoris *T^{a.c.}* **27** egentibus] agentibus *D* | prorogari] -are *D* **30** auerteret] -erit *D* tantis quae] tantisq; [tantisque] *D T* **31** infortuniis] inportuniis *D* | Quo enim] q̄o [quomodo] *D* | quae] qua uel *D*, qua uē *T* | impudentia] -iam *T* **32** supplicatur] -ator *D* | oblationem] consecratione *D* **34** hominis] -inum *D* | prouehitur] -&ur *D* **35** putent esse] putantes]se *D* | uenale] -em *T* | subiecere] subicere *D T^{a.c.}* **36** commerciis] submerciis *T* **37** hac] hoc *D T* | mansura] mensura *T* **38** sancimus] sancimus *D* | potentium] potente *D*, *om. Ball.* **39** saeculariter] *om. D* **41** finitis] -iti *D* | se] *om. T* | se episcopatus] episcopatu se *Ball.* **42** sacerdos] sacerdos *D* **43** comes] si comis *D* **45** Is] his *D T* **47** promissumue] promissum uel *D* | dissimulandum] -us *D* **50** deiectus] d&ectus *D* **52** in] *om. D* | in...sunt] sunt in ecclesia constituti *Kelly*

uerum etiam quibuscumque nostrae religionis hominibus facultate permissa scituris omnibus qui obiecta potuerint edocere, praemium se pro nostro arbitrio sanctae accusationis habituros. 55

6. Ciues quoque uniuscuiusque urbis, quos ad acclamationes ambientium non personae dignitas, quae petenda est, sed uenalitas plectenda sollicitat, sciant se patriae, cui tam male consulunt, habitatione pellendos, ac tantum de suis facultatibus eruendum fiscoque nostro esse promissum quod his fuerit oblatum. 60

7. Facessat igitur ab ecclesiis foeda pariter et profana licitatio, inter nundinas turpis pretii uilitas conquiescat, quia caelestia nefas est in uenalitatis auctione constitui. Sacerdotii magnum, ut dictum est, opus non pecuniis sed meritis ambiatur, et secundum priscorum regulam sacerdotum quantitas poscentium et qualitas ponderetur, uita inspiciatur electi. Nimis etenim detestabile est ut quilibet ad episcopatus apicem inlicita corruptione uenturus, ecclesiae facultates, quarum dispensator magis debet esse quam dominus, prius paene quam adipiscatur exhauriat. 65 70

8. Quibus nostrae serenitatis statutis et prauorum mentes putamus comprimi et ad maiora studia uirtutum bene conscios incitari. Illud quoque de iustitia omnipotentis dei ac pietate dubitare non possumus, facilius nos diuinis auxiliis protegendos, cui per 75

53 religionis] re *sup.l.* D 54 scituris] strituris D | potuerint] -erunt D 55 edocere] deducere D 56 accusationis] conuersationis D | habituros] -urus D 57 Ciues] cuius *D^{a.c.}*, ciuis *D^{p.c.}* | quos] quis D 58 acclamationes] clamationis D T 59 plectenda] ponenda *Ball.*, leg. punienda uel pudenda *Ball. in marg.* | sollicitat] -icita D 60 male] malę T consulunt] consolunt D | pellendos] -us D 61 tantum] *om.* D eruendum] erudiendum illius D | fiscoque] fisco quoque D 62 quod] quos D | quod... oblatum] *om.* T *Ball.* 63 Facessat] fas esset D, facescat T *Ball.* | foeda] -e D | et] ac *Ball.* 64 inter nundinas] inter nondinas D, inter nutitii *T^{a.c.}*, internuntii *T^{p.c.}(n² sup.l. m²) Ball.* | uilitas] *om.* T *Ball.* conquiescat] -ant T *Ball.* 65 quia] *om.* T *Ball.* | uenalitatis auctione] actione uenalitatis D, auctione T *Ball.* 66 Sacerdotii] sacerdotem D pecuniis] -ii D 67 regulam] -a T 68 poscentium...qualitas] *om.* D 69 inspiciatur] snspatiatur D | Nimis] immis D | etenim] enim *Ball.* 71 facultates] -is D | dispensator] -atur D | magis] *om.* D 72 quam¹] nam D | paene] poene D, poenę T 74 statutis] D, *om.* T, apicibus *Ball. in marg.* 75 comprimi] comp̄mi [compraemi] D | uirtutum] uirtum T 76 bene conscios] *conieci*, beneconsciis D, bonę conscio T, bonas conscientias *Ball.* 77 omnipotentis] -i T | possumus] -imus D

80 innocentes et probatos episcopos omnipotentiae iuuamina
postulemus, Himelco parens carissime atque amantissime.
Vnde inlustris ac praeclsa magnificentia tua hanc
serenitatis nostrae legem, quae et sacerdotes sacrosanctae
religionis corrigit et ministros, propositi a te edicti
programme per omne nostri corpus uulgabit imperii.

85 Et manu diuina: Vale, Himelco parens carissime
atque amantissime.

Dat. X Kl. Mai. Ravennae, dom. Leone pp. Augusto
V <cons.>

90 **Felix Himelco pp. Dioscorus, Aurelianus, Protadius uu.
cc. pp. dixerunt.**

1. Quemadmodum domnus noster inuictissimus
princeps Glycerius pro beatitudine saeculi melioris et
suorum correctione mortalium ne quid in supernae
95 maiestatis deinceps ex sacerdotali ordinatione temptaretur
iniuriam ac bonae conscientiae meritum nummarii fieret
causa suffragii, edictalibus inhibendum credidit
constitutis, ita uigor sermonis regii in antelatis praeulget
oraculis, scilicet ut quae diuina sunt, mundanis suffragiis
100 non iuuentur, quatenus litatione submota sub expiatione
delictorum sacerdotales infulas optimae conscientiae

79 probatos] prouatos *T^{ac.}* | episcopos] eṗs [episcopus] *D* | iuuamina]
iuuamenta *D* 80 Himelco parens] hic mel conparens *D* | carissime] -i
D | amantissime] -i *D* 81 ac] et *T* *Ball.* | praeclsa] praeclsa *D^{ac.}*
hanc] haec *D* 82 serenitatis] serenitas *D* | legem quae] legemq; [-que] *D*
83 propositi a] propositio *D* | te] *Ball.*, se *D* *T* 84 programme]
pgrammate [pergrammate] *D* | omne] *om.* *D*, -em *T* | nostri] -um *D*
uulgabit] uulgauit *D* 85 Himelco parens] himel|conparens *D* | carissime]-
i *D* 86 amantissime] amandissimi *D* 87 Dat] datum *Ball.* | X Kl] V *Id.*
Ball. | Mai] Mar. *D* *T* *Ball.* | Ravennae] -a *D* | dom] d. *D*, Domno
Ball. | Leone] -i *D* | pp] papa *D*, perpetuo *Ball.* | Augusto] cē .cē . *D*,
aug s *T* 88 V] *om.* *D* | cons] *om.* *D* *T*, consule *Ball.in marg.* 90 Felix]
XLII [X *del.*] epistola eporum. Felix *D*, explicit. Felix *T* *Ball.* | Himelco]
himelio *D* | pp] papae *D* | Dioscorus] disocoros *D* | Aurelianus]
aurilianis *D* | Protadius] & protasius *D* 91 cc pp] c.cē *D* | dixerunt]
consol. *D*, dd. *T* *Ball.* 92 domnus] dns *D* 93 Glycerius] licerius *D*,
clycerius *T* | beatitudine] -em *D* | melioris] merilis *D* 94 correctione]
correctione *D* 95 sacerdotali] -is *T* | temptaretur] timitar&ur *D*
96 iniuriam] -a *D* *T* | bonae] bone *D* 97 edictalibus] etdictalibus *T*
credidit] -erit *T* *Ball.* 98 ita uigor] *om.* *T* *Ball.* | sermonis] -es *D*, -e *T*
regii... antelatis] regulante lates *D* | praeulget] -it *D* 100 litatione] -onis
D | submota] emocta *D* | sub expiatione] *Riedlberger*, sub
expiacula *D* *T*, sublatisque piaculis *Ball.* 101 sacerdotales] -is *D* *T*,
infulas] has infulas *D* | optimae] obtine *D*, obtimē *T*

uiuendi norma possideat, ne patrimonia quae religiosis
 erogationibus ad conciliandam uidelicet diuinae
 clementiae maiestatem proficere debuissent, ad instar
 saecularium administrationum in patrociniis
 acquisitionibus funderentur, quod profecto in alimonia
 pauperum mens deuota supernae maiestati, et non auara,
 contulerat. 105

2. Neque enim quispiam profanae intentionis
 existeret cui mente sacrilega abhorre tam religiosa
 debeant constituta, sacerdos, nisi qui de suae
 pollicitationis conscientia uoluerit confiteri. Vt enim haec
 quae decreta sunt praedicabilibus moribus placitura
 confidimus, ita deteriores mentes ex his quae salubriter
 definita sunt non dubitamus offendi. 110 115

3. Proinde hoc edictali programme uniuersitatem
 duximus commonendam, ut ab illicitis deinceps se
 ambitionibus suffragiisque submoueat, ne necesse sit
 cum obligatione propriae conscientiae quam diuinae
 maiestati interest semper obnoxiam detineri, iuxta
 sacratissima constituta poenam proprii subire peccati. 120

Dat. III Kl. Mai., Romae.

102 uiuendi] *om. Ball.* | patrimonia quae] *D*, querimoniam *T*, quae *Ball.*
 103 uidelicet] uidelicet & *D* 104 maiestatem] -i *D*, -is *T*
 106 acquisitionibus] adquisitionibus *D* | in] ab *T*, ad *Ball.* | alimonia]
 -am *Ball.* 107 supernae] -e *D T* 109 Neque enim] *om. D* | profanae]
 profanae *D* 110 existeret] -erit *D*, -ere *T* | cui] qui *Ball.* 111 debeant] -at
Ball. | sacerdos] *Ball.*, *om. D*, sa[sacerdote *T* 112 pollicitationis]
 publicationis *D*, pollicitationes *T^{a.c.}* | conscientia] -ię *T* 114 ita] ita ut *T*
 deteriores mentes] *Ball.*, -is -is *D T* 116 uniuersitatem] -e *D*
 117 duximus] diximus *D* | illicitis] -orum *T* 118 ne] *om. D T* | sit]
 est *D* 119 diuinae] -e *D* 120 obnoxiam] -a *T* | detineri] d&eneri *D*
 122 Dat] data *D*, datum *Ball.* | III] iiii *D* | Mai] madias *D*, maii *Ball.*
 Romae] *post Romae: explc T, explicit Ball.*

Translation

Copy of the sacred edict⁴⁴ by emperor Glycerius, sent to Himelco, noble man, praetorian prefect of Italy.

1. On admonishment of the highest majesty, the beginning of our reign had nothing to take care of sooner than that the sacred mysteries of the Christian religion be honoured with greater reverence, because it should not be doubted that God, director of everything, cherishes the human matters all the more, the purer the worship is, on behalf of the blamelessness of the bishops, which takes care of divine matters. Now, the vices of clergymen have increased for a long time already, and we have experienced, even though we lived as a private citizen up until now, that the episcopal offices are not attained, for the most part, through merits, but bought for a price. An unseemly desire, grown into a common practice, made this seem as if it by now were licit. The pursuit of a good conscience has been removed, and this has made it so that, what should be hoped for from God, is now subjected to wealth and a collection of debts.

2. Hence, as a consequence, the reverence of bishops⁴⁵ is considered more and more as a worldly power, and they who called themselves 'bishops' prefer to be tyrant-ruled citizens. Religious considerations being neglected, they placed themselves under the protection of men and take care of public rather than divine matters. Because of this very privilege of eternity they rejoice in the impunity of their transgressions. Covering the disgraces of an evil plan, they say the means of the churches are the riches of the poor. They strive to remove these means as if with some purpose, and to offer them <in a resemblance> of management. To some they hand over rewards in person, to others they commit themselves using promissory bills, and they sell for the profit of the debtor what ought to be extended to the needy.

3. From there, we believe it was done that, the divinity, offended, which we understood, having experienced so many evils, turned away the favour of His majesty, and wearied the Roman people with these calamities which came to pass. After all, with what brazenness or what impudence are prayers offered to the director of the whole world, by someone who is elected to offer the sacrifice not by the judgment of the most sacred Trinity, but is promoted by patronage of man? I ask you, what would such bishops not consider for sale, who subject the sacred mysteries to commerce?

4. Troubled by this state of affairs, we command with the following law, which is to last for eternity, that all who would reach the rank of bishop, aided by favouritism of powerful people, will possess in a temporal manner what he sought to pursue in a temporal manner. That is to say, after the lapse of one year he will know he is deprived of his episcopate. The Comes of our patrimony from that same year, during which he was called bishop, will manage the expenses of the ecclesiastical estate.

5. Furthermore, who consecrates such a person; or who recognizes that any money, either given or promised by a candidate for consecration, to no matter whom; or who believes that it has to be shrewdly kept secret in the case of someone, of whom he knows he wanted to attain this position not by means of a pure conscience but by a disgraceful price, will likewise be removed from his episcopacy and will receive a similar punishment for such an inconsiderate consecration. The license to report such a hidden

⁴⁴ See n. 3 for a discussion of this rubric.

⁴⁵ Throughout these texts, different terms are used to refer to members of the higher clergy (i.e., bishops): *antistites*, *sacerdotes*, *episcopi*. These terms have been translated equally as 'bishop'.

crime is given not only to those who hold a position in the church, but to all people of our religion, so all will know that whoever can give evidence for it, will have a reward, in accordance with our judgment, for their blessed accusation.

6. Civilians too, of any town, who are incited to approve campaigning candidates not because of the dignity of the person – which should be sought – but because of venality, may they know that they will be banished from living in their homeland, for which they so badly took care, and that the same amount will be removed from their means and added to our treasury, as was offered to them.

7. May therefore the equally disgraceful and profane bidding disappear from the churches. May the mean haggling of a dishonourable price, befitting the markets, fall silent, for it is forbidden to place heavenly matters in an auction sale. As has been said, the great duty of the episcopate must not be pursued with wealth, but with merits. In accordance with the norm of ancient bishops, let the number and quality of candidates be considered, let the life of the elected person be inspected. For it is all too detestable that anyone would come to the exalted position of the episcopacy by means of illicit bribery, and exhausts the means of the church, of which he should be the distributor rather than the owner, almost before he even reaches it.

8. With these decisions of our serenity, we believe that both the minds of the wicked will be checked and those of good consciousness will be motivated to a greater pursuit of the virtues. After all, we cannot doubt the following about the justice and faithfulness of the almighty God, namely that we will more easily be protected through divine aid, because we demand that for his omnipotence, through blameless and approved bishops, services be carried out, Himelco, dearest and most beloved father. Therefore, your illustrious and exalted magnificence will publish this constitution of our serenity, which corrects both the bishops of our most sacred religion and its other ministers, through the whole extent of our empire, by proclamation of an edict, proposed by you.

And in divine hand: Fare well, Himelco, dearest and most beloved father.

Sent on April 22, in Ravenna, in the fifth consulate of lord Leo, perpetual emperor.

Felix Himelco, praetorian prefect, Dioscorus, Aurelianus, Protadius, noblemen, praetorian prefects, state:

1. Just like our lord, the invincible emperor Glycerius, for the bliss of a better world and the correction of his people, believed that, by stipulations of an edict, it must be put to a halt that someone attempts, through an episcopal ordination, to do injustice to the highest majesty, and that the merit of a good conscience would become subject of vote buying. And the power of regal language radiates, in the preceding announcements, in such a manner, that matters that are divine will not be aided by worldly favouritism; and that, after the auctioneering is put to an end and the wrongdoings will be atoned for, a lifestyle in accordance with the purest conscience will determine the vestments⁴⁶ of bishops. This will prevent that our estate, which evidently should serve to please the majesty of the divine clemency through pious distributions, is spent in attempts to attain

⁴⁶ Litt. 'the lappets' of mitres. The clothing referenced here symbolizes, metonymically, the office of the bishop. See P.R. Coleman-Norton, *Roman State and Christian Church*, p. 908-909, n. 6.

patronage, as if it were a worldly administration. After all, a mind dedicated to the higher majesty, and not a greedy mind, offered this for the feeding of the poor.

2. There should be no person of an ungodly intent, to whom, in his sacrilegious mind, such a pious constitution be abhorrent, except if he, as a bishop, would want to confess on his involvement in bribery. After all, just like we are confident that what has been decreed will be agreeable to people of praiseworthy manners, we do not doubt that more corrupt minds will take offence at these salutary stipulations.

3. Thus, with this proclamation of an edict we believed that everybody must be admonished to keep away from unlawful soliciting and favouritism, so it will not be necessary for them to undergo the punishment for their crime in accordance with this most sacred constitution, together with the liability of their own consciousness, of which it is always in the interest to the divine majesty that it, if guilty, be held accountable.

Sent on April 29, in Rome.

III. Notes

Numbers between brackets refer to line numbers of the edition.

Exemplum... Romae (1-122)

T concludes both texts with the word *explicit* (88 and 122). In both cases, the word functions within the composition of *T* rather than that within the legal texts themselves. They are written in majuscule, distinct from the remainder of the subscriptions. For that reason, both mentions of *explicit* have not been included in the edition. Somewhat similarly, *T* reads *incipit* at the start of the inscription (1). Here, there is no formal distinction between *incipit* and the remainder of the inscription (all in rubric and in majuscule, though in smaller majuscule than the aforementioned *explicit* formulas). The term *incipit* can be part of an archetype text.⁴⁷ Nevertheless, the term has been excluded from the edition, as it is an introductory formula functioning within its manuscript context.

uc. pp. it. (2)

Both manuscripts *D* and *T* have in their rubric the abbreviation pc. pp. tt. The Ballerini are justified in correcting this abbreviation to *V.C. praefectus praetorio Italiae*. After the name of the recipient of an imperial letter, we may expect his titles for which there is not much variance. The abbreviation “pp.” means *praefectus praetorio* (see 90-91). The abbreviation “tt.” must indicate the geographical jurisdiction of this praetorian prefect. Both paleographically and by content, *Italiae* is a straightforward reconstruction.⁴⁸ The only thing that can go before “pp.” must be Himelco’s personal

⁴⁷ See, for example, Aäron Vanspauwen, “The Anti-Manichaean *Commonitorium* and the *Capitula* of the Manichaean Convert Prospera: A Study of Textual Transmission and a New Critical Edition”, *Revue d’Histoire des Textes* 18 (2023): 225-270.

⁴⁸ The edict by Himelco is located to Rome (122).

rank, and “pc.” could be explained as a corruption of “u.c.” (cf. 90-91), perhaps due to repeated confusions between v and b, and b and p.⁴⁹

stud<er>ent ... offerre (23-24)

Manuscripts *D* and *T* strongly differ in this passage. *T* lost a significant part of the text, probably due to a loss of one line. Though *D*’s reading is also corrupt, it is more complete and can be the starting point for our reconstruction. *D* reads *student ueluti quadam intentio subtrahere et administrationis offerre*. A special word of thanks goes to Peter Riedlberger, for suggesting several of the following adjustments. The verb of *D* should become a subjunctive instead of an indicative. The emended form *studerent* corresponds to the verbs elsewhere in the sentence (*putaretur, curarent*). The noun *intentio* should be adjusted to the ablative *intentione*. Together with *subtrahere*, it forms a desirable clausula (tardus with cretic-tribrach). A final textual problem is the bare genitive noun *administrationis*, which is also attested in *T*, and which results in a desirable clausula, together with *offerre* (planus with cretic-spondee). Whereas *T* lost a larger part of the phrase here, there appears to be a lacuna of at least one noun in *D* as well. Examples of nouns or phrases that could be inserted here include, but are not limited to, *ad instar* (“in resemblance of management”), *sub specie* (“under the appearance of management”), *neglectione* (“with disregard for their ministry”), or *auctoribus* (“to the promoters of their office”. I tentatively suggest *ad instar* (cf. the phrasing in Himelco’s response, 104-105). With regard to the choice between *offerre* or *auferre* (*auferrent T*), the former better corresponds to the contents of what follows immediately afterwards (24-27).

hac (37)

Although both *D* and *T* read *hoc*, I have followed the Ballerini reading *hac*. In principle, the reading *hoc* can work (“we have decreed the following, in a law that is to last forever”). In practice, however, the expression *hac mansura ... lege* is a stock phrase in legal constitutions, indicating permanent validity.⁵⁰

quod his fuerit oblatum (62)

After *promissum* (62), *D* contains the words *quos his fuerit oblatum*. Conversely, *T* ended the sentence on *promissum*. *T* lost the ending of this phrase, possibly due to a loss of a line and/or due to a *saut du même au même* (because of the repetition of the word ending -um). *D*’s reading *quos* is mistaken, and *quod* offers a clear reading and is only a minor adjustment. Alternatively, *quantum*, corresponding to the preceding *tantum*, could be considered.⁵¹

⁴⁹ See, for example, the apparatus under *probauimus* (10), *publica* (19), *debitoris* (26). That means the model for the current archetype may have read bc. or b.c., which was understood as p.c. or pc. It may be possible too that the scribe responsible for the common ancestor of *D* and *T* misunderstood pc. (or bc.) pp. to be, in its totality, an abbreviation for *praefectus praetorio*.

⁵⁰ See, for example, *Nou. Theod.* XVIII,1: *Vnde prouidentiam et munificentiam eius libenter amplexi hac mansura in aeuum lege sancimus*, ed. Th. Mommsen & Paulus M. Meyer, *Theodosiani libri XVI cum constitutionibus Sirmondianis*, Vol. 2: *Leges nouellae ad Theodosianum pertinentes*, Berlin: Apud Weidmannos, 1905, p. 44, l. 17-18; *Nou. Val.* XXII,1: *Hac igitur mansura iugiter lege sancimus*, *ibid.*, p. 113, l. 7. See Peter Riedlberger, *Prolegomena zu den spätantiken Konstitutionen: Nebst einer Analyse der erbrechtlichen und verwandten Sanktionen gegen Heterodoxe*, Stuttgart-Bad Cannstatt: frommann-holzboog, 2020, p. 199.

⁵¹ I thank Lorenzo Livorsi and Peter Riedlberger for this suggestion.

inter nundinas ... constitui (64-65)

In this passage, the readings of *T* and *D* strongly differ. *D*'s reading *inter nondinas* (for *nundinas*) is preferable over *T*'s *internuntii* (*inter nutritii a.c.*). It is a less frequent word than (*inter*)*nuntius*, and it fits better in the mercantile context of the argument. Likewise, *D*'s reading *uilitas* is preferable. It makes sense in this context, and results in a good clausula (*uilitas conquiescat*: uelox with cretic-ditrochee). *D* also included the connector *quia*, absent in *T*. The argumentation reads more smoothly with *quia*, so it is the reading of choice. For the final variant in this sentence, *T*'s *aucone* or *D*'s *actione uenalitatis*, *T*'s reading has merits. It contains the preferable clausula (*tardus* with cretic-tribrach, instead of *D*'s *tardus* with spondee-tribrach). The expression of *D*, with *actione*, seems to be medieval.⁵² Conversely, the construction of *D*, with a noun and attribute (here a noun in the genitive) is typical for the prose of the imperial constitutions. Therefore, the reading of the edition harmonizes the readings of *D* and *T*.

bene conscios (76)

The Ballerini adjusted *T*'s reading *bonę conscio* to *bonas conscientias*. The Ballerini explain they did so, because the following edict contains the expression *bonae conscientiae meritum*, in reference to the words of Glycerius.⁵³ It is true the edict of Himelco preserves many expressions from Glycerius, such as the opening words *supernae maiestatis* (cf. 107). However, for *bonae conscientiae*, there already is a parallel in *studium bonae conscientiae* (13-14). This parallel also has the singular *conscientiae*, contrary to the plural of the Ballerini conjecture. *D* reads *beneconsci* here. The Ballerini were correct in looking for an accusative plural here, in order to attain a parallel with *prauorum mentes ... comprimi*, yet perhaps the solution may have been more simple, and that is to adjust *T*'s reading *conscio* to *conscios*, and *bonę* to *bene*. The resulting reading is close to the reading *beneconsci* attested in *D*.

Dat. X Kl. Mai. (87)

The dating given by both manuscripts is clear but problematic: X Kl. Mar. (February 20). External sources, namely the *Fasti Vindobonenses Priores* and the *Paschale Campanum*, indicate that Glycerius was proclaimed emperor in early March (March 5 or March 3) of 473, two weeks after the date given by *D* and *T*.⁵⁴ The Ballerini, who consulted *T*, proposed *V Id.* (March 11). The Ballerini misread *Kl.* for *Id.*⁵⁵ Afterwards, because *X Id.* cannot be a correct date, the Ballerini adjusted *X* to *V*. Another possible solution for this chronological problem would be to preserve the day (*X Kl.*), but adjust the month, namely *April.* or *Mai.* The latter option is closest, orthographically, to *Mar.*, and has been chosen for this edition. The resulting date (April 22) predates Himelco's edict, though not by a long time (April 29).

⁵² On Brepols' Cross Database Searchtool, the only precise match for this expression appears to be from a constitution by Holy Roman Emperor Fredrick II, promulgated in Mainz in 1235, *Constitutio pacis*, 12: *Stulte presumuntur illicita, ubi questus improbitas humanitatis beneficium actionibus uenalitatis exponit*, ed. Ludewicus Weiland, *Constitutiones et acta publica imperatorum et regum* (MGH, legum sectio IV), t. 2: *Inde ab a. MCXCVIII usque ad a. MCCLXXII*, Hannover: Hahn, 1896, p. 244, l. 20-21.

⁵³ *Ball.*, c. 678, n. 7.

⁵⁴ See "Glycerius", in J.R. Martindale, *The Prosopography of the Later Roman Empire* 2, p. 514. Th. Mommsen (ed.), *Chronica minora saec. IV. V. VI. VII.*, vol. 1 (MGH, AA 9), Berlin: Apud Weidmannos, 1892, p. 306: [*Fasti Vind. Priores*] Leone Aug. V. hoc consule leuatus est imp. Glycerius Rauena III non. Martias; *ibid.*: [*Paschale Campanum*] Leone Aug. V. Licerius imperator leuatus est V non. Mart.

⁵⁵ See *Ball.*, c. 679, n. 8: 'Cod. Datum X. Idus, male'.

sub expiatione (100)

Manuscripts *D* and *T* agree on *sub expiacula*. Together with the following *delictorum*, it forms an accentual uelox. However, *expiacula* is not an attested word (or it would be a *hapax legomenon*). Perhaps the archetype reading originated as a (corrupt) convolution of *expiatione* and *piacula* (interpreted as feminine singular).⁵⁶ The Ballerini, in their edition, adjusted *sub expiacula* to *sublatisque piaculis*.

Contact to the author:

Aäron Vanspauwen
KU Leuven
Faculty of Theology and Religious Studies
E-Mail: aaron.vanspauwen@kuleuven.be



Dieser Beitrag ist lizenziert unter einer [Creative Commons Namensnennung - 4.0 International Lizenz](https://creativecommons.org/licenses/by/4.0/).

⁵⁶ With thanks to Riedlberger for the suggestion of *expiatione*.