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THE EARLY YEARS OF JUSTIN I'S REIGN IN THE SOURCES

(1) The 'conspiracy' of Amantius, July 518

In the night of 8–9 July 518 the aged emperor Anastasius died during a violent storm. On the following day, 9 July, the *magister officiorum* Celer gathered together the other high palace officials to deliberate and choose another emperor. After some dispute, as the *De Ceremoniis* relates, Justin proved to be the only candidate upon whom all could agree and he was duly elected and crowned.¹ Just one week later the patriarch John was obliged by an excited Constantinopolitan crowd to hold a service in honour of the Fathers of Chalcedon. At the end of the service, those in attendance started to cry out condemnations of those who opposed the council, among whom they named Amantius, the *praepositus sacri cubiculi*, said to be the new Tzumas, i.e. an influential eunuch opposed to Chalcedon.² On the following day, or at the latest by 18 July, Amantius was dead, executed along with several of his associates.³ Most sources claim that Amantius had been attempting to secure the throne for his *domesticus* Theocritus and that it was for this reason that he and his followers were killed, and this is what is generally accepted in detailed treatments of Justin's reign.⁴ A closer examination of the sources, however, throws up certain problems and suggests that

¹ Details in Vasiliev 1950: 68–73, and *De Ceremoniis*, vol. 1, ed. J. Reiske (Bonn, 1829) I.93. Malalas, *Chronographia*, 17.1, places the start of Justin's reign on 9 July, whereas Cyril of Scythopolis, *Vita Sabae*, ed. E. Schwartz, *Kyrrillos von Skythopolis*, 161, has 10 July. Vasiliev, *loc. cit.*, prefers the former, while Stein 1949: 220, follows Pseudo-Zachariah of Mytilene, VIII.1 in placing Justin's coronation on 10 July. A fourteenth century martyrologium from the Tur Abdin places the commemoration of Justin's accession (in itself remarkable) on 9 July: see P. Peeters, 'Le martyrologe de Rabban Sliba', *AnBoll* 27 (1908), 156.12, tr. 187 and see n. 13.

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² *ACO*, vol. 3, ed. E. Schwartz (Berlin 1940), 74.33 with translation in Vasiliev, 141. See also *PLRE* II, Amantius.

³ Procopius, *Anecdota*, VI.26, counting from 9 July, claims that Amantius was killed within ten days, although this could be an exaggeration.

⁴ E.g. Stein 1949: 220; Vasiliev 1950: 102–107; Meier 2003: 185–186. B. Croke (2001: 133) states categorically that '[t]he veracity of these events is not doubted'.

the supposed conspiracy may well have been greatly exaggerated, if not indeed wholly fabricated. At the same time it also sheds light on the nature of the sources concerned and on the question as to what extent it is possible to reconstruct works such as Malalas' *Chronicle*. The third part of this article will therefore discuss at length the accounts of the chroniclers of this period and the versions that have been handed down under the name of Malalas and Marcellinus *comes*.

The two most interesting sources to report the crushing of the plot to seize the throne are Marcellinus *comes* and Malalas. The former, who completed his first edition of the chronicle at almost exactly the moment of the conspiracy and updated it subsequently in the early 530s, is undoubtedly the closest to the events.⁵ In harsh terms he describes the plot hatched by Amantius in conjunction with the *cubicularii* Andreas, Misael and Ardabur, to make Theocritus emperor; all are condemned as being Manichaeans, no doubt because, as Monophysites, they opposed the vehemently Chalcedonian line favoured by Justin. A particularly savage punishment was meted out to Theocritus because of his imperial aspirations. Malalas' account is more problematic because in fact we possess two quite different reports of the affair in his name. On the one hand, there is a short version from the *Excerpta de insidiis*⁶ that states simply that:

Under the emperor Justin uproar broke out in the most holy church and Amantius the *praepositus* and Marinus the *illustris* were shouted down. Amantius the *praepositus*, Theocritus the *domesticus* and Andreas Lausiacus were put to death. The *cubicularii* Ardaburius and Misael were sent into exile.

tr. E. Jeffreys/M. Jeffreys/Scott 1986: 230

The version of the Oxford manuscript, also known as the Baroccianus, on the other hand, is very different, and its focus is followed by the *Chronicon Paschale*, John of Nikiu and Theophanes, among others. According to this account, Justin executed the same three because of Amantius' plot to have Theocritus made emperor. For this purpose, furthermore, Amantius had given money to Justin in order to gain support for Theocritus' candidature. Justin had distributed the funds, but this led to his own acclamation rather than Theocritus'.⁷ This is the version that subsequent chroniclers chose to repeat, quickly eliding the more subtle version of the Baroccianus, according to which the eunuchs were executed because 'they had *intended* to plot against his [Justin's] rule' (tr. Jeffreys). Already in Theophanes it is reported that the conspirators were executed on the grounds that they *were* plotting against the emperor; so also (e.g.) Cedrenus, Leo Grammaticus and Zonaras.⁸ As

⁵ Marc. *com.* a. 519.2, ed. Mommsen and tr. B. Croke 1995: 40–41. See further Croke 2001: 25–30, on the date of composition of Marcellinus' chronicle and his closeness to Justin and Justinian.

⁶ Constantine Porphyrogenitus, *Excerpta de Insidiis*, 170.18–22 (no. 43). Translations, including the one below, are taken from E. Jeffreys/M. Jeffreys/Scott 1986.

⁷ Mal. 17.2, cf. *Chronicon Paschale*, tr. M. and M. Whitby 1989: 611–612; John of Nikiu, *Chronicle*, XC.3–4; Theophanes, *Chronographia*, tr. Mango/Scott 1997: 165–166. Much the same line in Evagrius, *Ecclesiastical History*, IV.2, cf. Whitby 2000: 200–201. The Baroccianus itself dates from the late eleventh or early twelfth century (so Jeffreys 1990: 246) and therefore, it should be remembered, represents a relatively late version of the work.

⁸ Cedrenus, ed. I. Bekker, vol. 1, 631; Leo Grammaticus, ed. I. Bekker, 123.5–11; Zonaras, ed. T. Büttner-Wobst, vol. 3, XIV.5.2–6. A new element appears in this tradition with Leo's chronicle (eleventh century), according to which Amantius had been responsible for the construction of the church of St Thomas in Constantinople. Cf. *Patria Konstantinupoleos* III.96 (p. 249) with *Anth. Pal.* I.5 and Janin 1969: 248–250.

was long ago noted, the *Excerpta* version bears so little resemblance to the main text of Malalas that it appears to stem from a quite different tradition, closer perhaps to that of Marcellinus.⁹ It remains to note one further account of these same events, which offers information otherwise unrecorded in the main Malalas tradition. Pseudo-Zachariah of Mytilene, writing c. 569, agrees with the tradition about the involvement of Amantius, Andreas and Theocritus, as well as about the distribution of money by Justin to promote Theocritus' candidature. Following Justin's elevation, however, Amantius objected to the hard-line Chalcedonian policy adopted by Justin, arguing that the majority of patriarchs of the East were opposed to the council. Because he had dared to speak openly (with *parrhesia*, as Pseudo-Zachariah says), he was arrested and put to death, together with his two associates.¹⁰

In the past, scholars have tended to blend these various accounts, assuming that they all reflect variants of the same essential story.¹¹ Yet there are elements that call into question such an approach. There is, for instance, the role of Marinus, noted only by the *Excerpta*; Pseudo-Zachariah, on the other hand, a source that is certainly interested in this same Marinus, passes him over entirely.¹² Then there is the development of the account of Justin's distribution of funds secured from Amantius, of which neither the *Excerpta* nor Marcellinus conserves any trace. It is our contention that what we are dealing with here is a deliberate distortion of events, especially palpable in the versions closest to them. Later on, more objective versions surfaced in the chronicle tradition; these may have found their way into the second edition of Malalas' chronicle, thought to have been published c. 566, but such a hypothesis is not strictly necessary. It is more plausible to suppose that the first edition of Malalas, which probably covered the period until 527, or perhaps a little later, then circulated and that additions and changes were made to this version. These were later picked up by those deriving their own works from Malalas (or a version thereof).¹³ Before considering the sources, however, it would be useful to outline the sequence of events as it might instead be reconstructed.

During the heated discussions to determine who would succeed Anastasius, Justin, no

⁹ So E. Jeffreys/M. Jeffreys/Scott 1986: 230 and see Patzig 1891: 13–15. Patzig singles out the last sentence in the extract quoted above in particular as an addition to Malalas' *Chronicle*. Although he is wary of attributing these additions to Malalas himself, he notes that they must have been introduced at an early stage, in the sixth or seventh century. There is therefore good reason to accept that they represent a credible historical tradition.

¹⁰ Pseudo-Zachariah, *HE* VIII.1, cf. Jacob of Edessa, *Chronicon*, ed. and tr. E.W. Brooks, p. 239 (tr.) and Michael the Syrian, IX.16, p. 180 (tr.). M. Debié (2004a: 163), considers pseudo-Zach. here to be dependant on Malalas; the parallels are certainly striking, and it would therefore follow that he was either drawing upon a more complete text of Malalas – the most likely option, cf. n. 35 below – or that he had other sources to hand.

¹¹ Cf. e.g. Stein 1949: 220; Vasiliev 1950: 102–107. In his recent biography of Justinian, G. Tate (2004) associates Celer with Amantius' plot, a link unsupported by any ancient source. He claims that they were both Monophysites, yet the *magister officiorum*'s enthusiasm for the anti-Chalcedonian cause is doubtful: see Greatrex 1996: 126–127, with Pseudo-Zachariah, *HE* VII.8.

¹² Note Pseudo-Zach. *HE* VIII.1, the story of Marinus' painting of Justin's career and how he successfully defended his art. This immediately precedes the account of Amantius' execution.

¹³ On the two editions of Malalas' chronicle see E. Jeffreys (1990: 245), 245 with Croke 1990b: 20–21. Cf. now Puech 2006: 214–15. Jeffreys (1990: 248–254) also notes the existence of many copies of Malalas and how different authors used fuller or defective versions. Cf. Debié 2004a: 162–163, on the Syriac version of Malalas. On the way in which later annotations and changes could become incorporated into a chronicle see (e.g.) Croke 2001: 161 and section (3) of this article below.

doubt abetted by his nephew Justinian, actively canvassed support for himself, backing up his claims with lavish bribes. Naturally, this was not something that he later cared to admit: in a letter to pope Hormisdas, Justin insists that he was elected against his will.¹⁴ Nor was this the sort of detail likely to be reported by Peter the Patrician in his account of the elevation preserved in the *De Ceremoniis*. At no stage, however, did Amantius seek to put forward his *domesticus* Theocritus for the post of emperor; the silence of Peter on this point is significant, since he does mention other candidates put forward, such as John and Patricius.¹⁵ He would have no reason to pass over a further rival to Justin. Over the following week, the emperor's determination to take a firm Chalcedonian stance became steadily clearer, much to the disappointment of Amantius and other opponents of the council in imperial service; so also did the fiercely pro-Chalcedonian sympathies of the people of Constantinople, as is witnessed by their interventions in Hagia Sophia on Sunday 15 and Monday 16 July.¹⁶ Nevertheless, Amantius did what he could to oppose the new policy. Whether he criticised Justin personally, as Pseudo-Zachariah reports, or whether he rebuked the patriarch, as Procopius claims, cannot be determined.¹⁷ Certainly the people of Constantinople seem to have been aware of the struggle taking place: in Hagia Sophia on 16 July they shouted, 'From now on do not fear Amantius the Manichaeon. Justin reigns! Why are you afraid of Amantius?'¹⁸ Thus his obstruction had become publicly known, and it was for this reason that he was targeted by the crowd on 16 July. Also in the line of fire was Marinus, as the *Excerpta* reports. This is entirely credible, since this Syrian former praetorian prefect was a well-known associate of Anastasius and an opponent of the council; such was his unpopularity that a mob had even burnt down his house in 512. Unlike Amantius, however, he was successful in making the transition to the new regime, to such an extent that he was reappointed praetorian prefect in the following year.¹⁹ For this reason his name was omitted from subsequent accounts: there was no need to associate him with the discredited conspirators.

The cries of the mob were just the opportunity that Justin needed. The crowd had

¹⁴ *Collectio Avellana*, ed. O. Günther (Vienna, 1895), ep. 141, p. 586.7–8, cf. Vasiliev 1950: 81.

¹⁵ *De Cer.* 427B on both John and Patricius. See Greatrex 1996: 125–126 for the reference to Patricius, which Vasiliev failed to understand. Note also that *contra* Whitby 2000: 200 n. 3, Patricius was not one of Anastasius' nephews. Given that both Justinian and Justin were put forward as candidates in the course of the day's deliberations, it seems highly unlikely that Amantius would have chosen such a powerful person – a potential emperor – to distribute money on behalf of an obscure alternative candidate.

¹⁶ See *ACO* III, 71–6, with Vasiliev 1950: 136–144.

¹⁷ Pseudo-Zach. *HE* VIII.1, cf. Jacob of Edessa, *Chronicle* 239 (a.830), where he reports that Amantius, Theocritus and Andreas were all executed for opposing the proclamation (of Chalcedon). *Proc. Anecd.* VI.26 claims that he insulted the patriarch John, for which he was killed. One may imagine that John's willingness to perform a *volte-face* on the issue of the council may well have led to harsh words from Amantius. Cf. Allen 1981: 175, on how the opponents of Chalcedon would have viewed John's change of heart.

¹⁸ *ACO* III, 75.33–34, tr. Vasiliev 1950: 143. *Chronicon pseudo-dionysianum vulgo dictum*, vol. 2, ed. J.-B. Chabot (*CSCO* SS, vol. 104), Paris 1933, tr. W. Witakowski, *Pseudo-Dionysius of Tel-Mahre, Chronicle, known also as the Chronicle of Zuqnin. Part III* (Liverpool, 1996), 16–17/18, cf. Michael the Syrian IX.16 (p. 180), who reports that Justin's wife Euphemia (Lupicina) refused to set foot in church until John inscribed the councils (i.e. Chalcedon) on the diptychs. If these relatively late reports can be believed, then Amantius' opposition came in a charged context in which the new emperor had to struggle to impose his will.

¹⁹ See *PLRE* II, Marinus 7 and Vasiliev 1950: 129–130. One wonders whether his decoration of the baths with scenes from Justin's career was an attempt to ingratiate himself with the new emperor, even if it nearly backfired. Vasiliev 1950: 89–90, on the other hand, distinguishes the painter from the prefect.

demanded that Amantius be thrown out of the palace; the emperor went one step further and eliminated him completely. But for this drastic step he needed a strong justification, and thus it was that the account of the supposed conspiracy of Amantius was concocted. Yet however much later sources, such as Evagrius, may insist upon the power wielded by Amantius, there really was no prospect of an opponent of Chalcedon, or indeed his henchman, gaining the throne: the mood of the people of Constantinople was clearly fiercely opposed to it, and, more importantly, there was little enthusiasm among the army or the nobility for another opponent of the council.²⁰ Next to nothing is known of Amantius before this episode, unlike (for instance) his influential predecessor Urbicius; needless to say, Theocritus himself was an unknown as well.²¹ Hence, although one might recall the transition from Theodosius II to Marcian in 450, another comparably drastic change of ruler and one that was also engineered in large measure by a leading courtier, in this case Aspar, the parallel is not convincing. Whereas Aspar's influence at court was overwhelming, given his lengthy military experience and contacts, Amantius had no such backing. The only point of comparison, indeed, is the fact that in both cases it was a *domesticus* who was (allegedly) selected as the candidate for the throne to represent the interests of his backer.²²

The report of the supposed conspiracy of Amantius was thus fabricated, we suggest, to justify the brutal execution of three courtiers and the exile of two others. It was swiftly taken up by writers associated with the regime, such as Marcellinus. Soon, in the reign of Justinian, the story was embellished with reports of Justin distributing money on Amantius' behalf, further discrediting the dead eunuch. This addition may also have served to deflect rumours of Justin having acquired the throne by bribery, although no source mentions such

²⁰ See Greatrex 1996: 124–136, for an overview of the religious sympathies of the leading courtiers of the day, nearly all supporters of the council, or at the very least markedly flexible; cf. Allen 1981: 174, on the mood in Constantinople at this time. Justin's law, passed soon after he gained power, insisting that all soldiers be orthodox, met with next to no resistance, as Jacob of Edessa, *Chron.*, 240 (tr.) and Michael the Syrian, IX.16, p. 180 (tr.) note with regret, cf. Vasiliev 1950: 242 and n. 193 and K. Rosen, Justin I, *RAC* 19 (1999), 768.

²¹ On Urbicius, see *PLRE* II, Urbicius 1. On the role of the *praepositus sacri cubiculi* see Delmaire 1995: 151–153. As Delmaire notes, their term of office lasted only two years in the sixth century, which must have reduced their influence, even if (like Urbicius) they could be reappointed. *Anth. Pal.* I.96 refers to a sceptre obtained by a 'valiant Amantius' for his loyalty, whose piety is also noted; whether this refers to the *praepositus* is uncertain, although *PLRE* II, Amantius 4, accepts the identification.

²² For details of Aspar's role in Marcian's elevation see the detailed treatment of Burgess 1993/1994: 62–63. Amantius had just one point of leverage: it was the *cubicularii* who controlled the imperial vestments and refused to furnish them to the first candidates acclaimed during the discussions. Once Justin's candidature met with universal acclaim, however, they at once provided the robes, cf. *De Cer.* 428 and Vasiliev 1950: 70–71.

Domestici themselves were personal assistants to the various high magistrates, such as the *magister officiorum* or *duces*; they were usually drawn from the ranks of civil service. See Seeck 1903: 1296–1299; Jones 1964: 602–603. Hans Teitler kindly draws my attention to the fact that Diocletian is described by Zonaras (XII.31) as *comes domesticorum* before he ascended the throne, cf. *PLRE* I, Diocletianus 2; the reference is anachronistic, however, see Seeck 1900: 649. Jovian was *primicerius domesticorum* when elevated to the throne in 363; Mal. 13.24 incorrectly describes him as *comes domesticorum*. See Den Boef/Drijvers/Den Hengst/Teitler 2005: 185. The fact remains, however, that while the *comes domesticorum* was an important official in charge of the palace troops (see Frank 1969: 88–89), a *domesticus* was merely a close associate of an appointed official. The fact that Theocritus is referred to as a *comes* in no way implies that he was *comes domesticorum*.

accusations.²³ At a very early stage, Marinus disappeared from the official account: he had made his peace with the regime. It is likely therefore that the *Excerpta* passage represents an early, fuller, version of Malalas' chronicle.²⁴ First, there was the disturbance in the church, i.e. Hagia Sophia, also reported in the contemporary account of proceedings noted above. This was then swiftly followed by the executions and banishments. No word of either conspiracy or bribery. Such an account does the regime little credit and it is not hard to understand why the need was felt to offer greater justification for this purge.

Such a progressive rewriting of history should occasion no surprise. We have noted elsewhere a comparable instance in the case of the Nika riot of January 532. The first sources to report this episode pin the blame squarely on the shoulders of the nephews of Anastasius. Again, Marcellinus is the best representative of this tradition. By the 550s, on the other hand, the official line had changed. The blame now came to be shifted to John the Cappadocian, the discredited praetorian prefect: both Procopius and John the Lydian accuse him of involvement in the riot and of wishing to seize the throne, however implausible this might seem.²⁵ The similarities do not end there. Already in 533 the rehabilitation of Anastasius' nephews began with the restoration of their property to them or their descendants.²⁶ Likewise, in the case of Amantius' supposed conspiracy, at least one of the *cubicularii* banished in 518, Misael, was rehabilitated and lived (in Constantinople) until 537 at least.²⁷ On a more general level, moreover, Roger Scott has argued convincingly for the existence of official versions of events, such as the Nika riot, which were widely circulated and often picked up by Malalas and other chroniclers (such as Marcellinus).²⁸

Our conclusion is therefore that the entire conspiracy of Amantius is at the least overblown, and may very well be a complete fabrication of the new regime. In the opening week of Justin's reign, two factors emerged that led to the downfall of the *praepositus* and his closest allies. On the one hand, their unpopularity in the capital, related by both the acts of the service of Monday 16 July and the extract in the *Excerpta*; and on the other, their attempts to obstruct the new Chalcedonian line being promoted by the emperor, attested by both Pseudo-Zachariah and Procopius. Justin thus had both motive and opportunity to move decisively against remnants of the old regime who opposed his policies. He acted swiftly and mercilessly. It was necessary, however, to offer a justification for such a brutal act, and

²³ Cf. Haarer 2006: 248. Certainly such rumours often circulated, e.g. in the reports about the large donatives paid by Claudius to secure the throne (on which see e.g. Levick 1990: 32–33) or in the auction for the throne held in 193 (see e.g. Cosme 1998: 17–18). Marcellinus' entry for 519, although published in 534, i.e. after the appearance of the first edition of Malalas' *Chronicle*, may yet have been composed closer to the events and reflect an earlier version of the official line on Amantius' plot, in which no mention of the distribution of money was made. Alternatively, the author may have preferred to pass over such sordid details altogether.

²⁴ E. Jeffreys/M. Jeffreys/Scott 1986: xxxiii, state that '[i]n the later books especially, where Ba[roccianus] preserves an abbreviated text, these excerpts are invaluable evidence for the state of the original.' Whether we should invoke the idea of one original Malalas, save at the very moment of publication, is open to doubt, however. See further n. 54 below.

²⁵ See Greatrex 1997: 83 with *Marc. com.* a. 532. On the official nature of Marcellinus' report see Scott 1981: 17–18 and Croke 2001: 135. Cf. *Proc. Wars* I.24.11–16 on John (and Tribonian) and the Nika riot, John Lydus, *De Mag.*, III.62.1.

²⁶ See Greatrex 1997: 80 n. 99 for details.

²⁷ See *PLRE* II, Misael and Vasiliev 1950: 104; cf. John of Ephesus, *Lives of the Eastern Saints*, 57, *PO* 19 (1926), 200–201, on Misael's exile for the sake of the (Monophysite) faith and his subsequent return to the capital. See also now Tate 2004: 82.

²⁸ See Scott 1985: 99–109, esp. 101, 106, with Scott 1981: 17–20.

the accusation of conspiracy was naturally the most convenient; one might compare the charge of treason levelled at two prominent officials, Addaeus and Aetherius, who were executed by Justin II in 567, two years after his accession.²⁹ The conspiracy charge was easy to make and difficult to refute; the addition of the element concerning the sums handed over to the soldiers provided convincing detail, as well as explaining how it might be that the emperor had indeed spent money to secure his election. The fact that one of the exiled *cubicularii*, Misael, was subsequently allowed to return to the capital and maintain his Monophysite allegiance tends to add weight to this interpretation. Once the danger had been neutralised and the story accepted, then innocent parties who had survived the initial blow no longer posed a threat; likewise, Anastasius' nephew Probus, exiled in 532 and deprived of his property, was allowed to return in 533 and regained his property.³⁰

(2) The assassination of Vitalian

Two years after the elimination of Amantius and his supporters came the turn of the former rebel Vitalian. During races in the hippodrome and, it appears, some disturbances, the consul and *magister militum praesentalis* was assassinated in the palace in one of the rooms of the Great Palace, the Delphax. Paulus and Celerianus were also killed at the same time.³¹ There is no reason to challenge the consensus of the majority of ancient and modern sources, who attribute the responsibility for the deed to Justinian; certainly, he was the principal rival of the erstwhile rebel and stood to gain the most from his elimination.³²

It is worthwhile, however, to focus once more on the *Excerpta de Insidiis*. For here again its section concerning first the return of Vitalian to imperial favour in 518 and then his assassination is remarkably different from that of the Oxford manuscript (Baroccianus); we may note, moreover, that it follows on directly from the lines quoted above about Amantius' downfall.³³ At ch.17.5 the Baroccianus text reports the swift return to favour of Vitalian, 'who had rebelled' (τυραννήσαντα) during the reign of Anastasius, and who now became *magister militum*. The *Excerpta*, on the other hand, notes other honours, including the status of ex-consul and the consulship, accorded to Vitalian and how Justin gave him assurances. At 17.8, a comparable contrast is detectable. The Baroccianus tells drily how Vitalian was killed in the palace during his consular games on the grounds that (ὡς) he had

²⁹ See *PLRE* III, Addaeus and Aetherius with Evagrius, *HE*, V.3 and the comments of Whitby 2000: 257 n. 8. Justin II had also eliminated his cousin, Justin, a potential rival for the throne in 566, and these two men were associated with him. Cf. also the case of the four consulars executed by Hadrian at the start of his reign, accused of treason: see (e.g.) Syme 1958: 244–245 and Birley 1997: 88.

³⁰ See *PLRE* II, Probus 8.

³¹ References in *PLRE* II, Vitalianus 2 and Vasiliev 1950: 110–113. Victor Tonnenensis, (§ 107, p. 35) provides the detail on the Delphax. It is worth pointing out the error in Whitby 2000: 201 n. 5, who incorrectly dates *ep.* 230 in the *Collectio Avellana*, which refers to Vitalian as *magister militum*, to 18 July 518. He therefore argues that Vitalian must have been promoted to this rank immediately upon Justin's accession. In fact, the letter is dated 18 July 520 and provides an approximate *terminus ante quem* for Vitalian's death, although one must bear in mind that the letter was only received in Rome on this date.

³² He was not, however, raised to the rank of *magister militum praesentalis* as a result of Vitalian's death, having already obtained this rank earlier, *contra* *PLRE* II, Iustinianus 7; Stein 1949: 230; Tate 2004: 85. See (e.g.) Vict. Ton. § 103, p. 33 (a. 520); Ps.-Zach. *HE* VIII.2. I am grateful to Brian Croke for pointing this out to me.

³³ *Excerpta de Insidiis*, 170.23–171.5. This is the only section devoted to Justin's rule. The next extract, no. 44, concerns the Samaritan uprising of 528 during Justinian's reign. Patzig 1891: 15, expressed doubts as to the attribution of this section also to Malalas.

rebelled against the Romans and despoiled many cities and territories. The *Excerpta* for its part offers a lengthy account of factional disturbances. At the very end, it adds laconically that 'Vitalian was killed in the palace while consul and *magister militum*, along with Celerianus his *cellarius*.'³⁴

It is quite clear that the *Excerpta* version of Malalas is less favourable to Justin. He personally negotiated with Vitalian and swore him oaths – a point confirmed by the account of Pseudo-Zachariah of Mytilene – and less than two years later violated those oaths.³⁵ The references in the Oxford manuscript to Vitalian's rebellion, at both 17.5 and 17.8, serve to justify his fate: he was a rebel. Evagrius, for his part, combines the two versions, but justifies the overtures to Vitalian on the grounds that it was the only way to overcome him.³⁶ Our suggestion is therefore that the Oxford manuscript of Malalas represents the more official version of what we have in the *Excerpta*, just as is the case for Amantius' assassination. It represents the party line, designed for public consumption, whereas that of the *Excerpta*, followed to some extent by Theophanes, is not so fine-tuned to serve the interests of the regime. Jordanes, writing in the 550s and clearly still following the official line, claims that Justin had come to suspect Vitalian and it was as a consequence of this that he was struck down.³⁷ Just how far the sanitisation of this assassination could go is shown by a claim made by Theophanes in the ninth century: he asserts that it was the people of Constantinople who made away with Vitalian in anger at the number of citizens who had been killed during his uprising.³⁸ Given the prominence of the victim, however, it is not surprising that the alternative version, which blamed Justinian for the assassination, found its way into a number of sources, such as the Chronicle of Victor Tonnenensis and Procopius' *Anecdota*.³⁹

(3) Conclusion on the sources

Faced with such remarkable disparities between the two versions of Malalas, we might well be tempted to adopt the resigned approach of Bernard Flusin: 'Le texte utilisé par les excerpteurs n'est sans doute pas la *Chronographie* de Malalas', a view for which he cites the support of Thurn; such a downbeat assessment had earlier been argued for by Patzig. This view appears to be gaining ground, to the point where one scholar has now even

³⁴ Cf. the remarks of Alpi 2006: 230, who makes no mention of the *Excerpta*, however. On Malalas' negative portrayal of Vitalian's revolt, see Alpi 2006: 236–237, which she rightly associates with Malalas' loyalist line towards the imperial regime, cf. Blaudeau 2006: 249–250.

³⁵ Zach. Myt. *HE* VIII.2. Pseudo-Zachariah's reference to the negotiations could go back to the same version of Malalas as that used by the excerptors, if Debié's analysis (2004a: 162–163), is followed. Theophanes' references, albeit garbled, to the titles bestowed on Vitalian also seem to come from the same source as that used by the excerptors. It is also worth noting that both Pseudo-Zachariah and Theophanes pass from discussing Vitalian's return to his hatred for the patriarch Severus. One further reference to the negotiations held in 518 will be discussed below, p. 108.

³⁶ *HE* IV.3. As Whitby 2000: 202, notes, one might have expected a more critical interpretation here.

³⁷ Jordanes, *Romana*, 361, ed. Mommsen (*Monumenta Germaniae Historica*, V.1), cf. Marc. *com.* a. 520 and Croke 2001: 135–136. Theoph. 165.5–7 offers some details paralleled by the *Excerpta*.

³⁸ Theoph. 166.19–21, cf. Vasiliev 1950: 113, Mango/Scott 1997: 253 n. 1. Cf. Leo Grammaticus, 123.1–5, following Theophanes, Zonaras, vol. 3, XIV.5.14.

³⁹ Vict. Ton. §107 (p. 35, a. 523), Proc. *Anecd.* VI.28, the former writing after Justinian's reign, the latter in secret. Evagrius (*HE* IV.3), who might also be expected to be critical, seems to fall for the official version, i.e. that Vitalian paid for his earlier rebellions, cf. Whitby 2000: 202 n. 6. Pseudo-Zachariah, as a Monophysite historian, regards Vitalian's fate as his just deserts, *HE* VIII.2.

argued that Malalas' omission of the events recorded in the *Excerpta* confirms his position as a mouthpiece of the regime's propaganda. There is clearly a great danger of circularity here. We prefer, however, to side with Jeffreys and Scott in regarding the *Excerpta*, even in this section, as offering genuine extracts from a version of Malalas' work.⁴⁰ Such an analysis gains support from the following considerations:

(i) As we have already discussed, it was customary for various versions of a chronicle to circulate as soon as the work was published. Given the obvious popularity of Malalas' work, and the curious fact that sources writing even much later in the sixth century, such as Evagrius and even, in the seventh century, the *Chronicon Paschale* and the *Chronicle* of John of Nikiu, appear to have used only the first edition of Malalas, it is reasonable to suppose that this initial version attracted a particularly wide audience. By the time these later authors came to draw upon Malalas, in all three cases using the first edition of the work, the various versions of this text at their disposal will no doubt have incorporated a certain amount of updating – for events later in Justinian's reign – not to mention some changes and additions in the treatment of events covered by the first edition. In the case of the transmission of Malalas in Syriac, for instance, Muriel Debié has ably illustrated how the *Chronicle* soon became infused with a notably Monophysite flavour because of the translation (and additions) made by John of Ephesus already in the sixth century.⁴¹

(ii) It must, of course, be conceded that the extracts with which we have been primarily concerned here are remarkably different from the Baroccianus text of Malalas. They also differ significantly from the *Chronicon Paschale*, an important early witness, as Patzig noted, to the original version of Malalas. This fact, however, calls into question neither the authenticity of the accounts preserved in the *Excerpta* nor their link to Malalas. The *Excerpta de Insidiis* offers, in ch.35, a fuller account of Ariadne's plotting against Illus than that in the Baroccianus manuscript of Malalas. The Constantinian excerpt adds the detail that Illus was summoned by Zeno to go down from the *kathisma* to the Delphax of the palace to receive some barbarian ambassadors; it was at this point that he was attacked. As the Australian translators of Malalas noted, these details may also be found in the Slavonic version of Malalas, conclusive proof that they are not drawn from a different source altogether.⁴²

(iii) Disparities exist not only in the case of Malalas' chronicle, but even in that of the much terser work of Marcellinus *comes*. One manuscript of his chronicle, dating from the

⁴⁰ Cf. E. Jeffreys/M. Jeffreys/Scott 1986: xxxiii. The quotation is from Flusin 2004: 136; cf. Patzig 1891: 14. Puech 2006: 225, for the inference based on Flusin (2004).

⁴¹ Debié 2004a: 162–163. See also Witakowski 1990: 304–310. On these sources making use of the first edition see Jeffreys 1990: 249–254; none seems to have been aware of the second edition. Malalas' own doctrinal views are discussed recently by Puech 2006: 220–221 and Alpi 2006: 227–242. Jerome offers a parallel case, since he admits openly, in his translation of Eusebius into Latin, that he added considerable amounts of material, filling in perceived gaps, before proceeding to extend Eusebius' work. See Burgess 1999: 23–24 (text and translation), 115–116.

⁴² E. Jeffreys/M. Jeffreys/Scott 1986: 215, on Mal. 15.13. Jeffreys and Scott, *ibid.*, 233, are puzzled by the reference in the *Excerpta* (ch.43) to the first *mappa* in connection with Vitalian's death, noting that all the other sources are united in placing the commander's death in the palace. The difficulty disappears, however, when it is borne in mind that Vitalian could easily have been summoned to the palace, just as was Illus, on some pretext, in order for him to be assassinated there. The version of Malalas employed by the excerptors would thus be one with a greater interest in the topography of the city, as evidenced likewise by the greater detail on Illus. Pseudo-Zachariah, *HE* VIII.2, on the other hand, refers to Vitalian being assassinated on his way from a bath to the palace.

eleventh century (S), provides a much fuller account of the foundation of Dara than is preserved in the other manuscripts. As a consequence, the scribe was obliged to pare down some entries from the following years, in order to compensate for the lost space. Under the year 519 this version of Marcellinus offers the following two entries:

Amantius palatii praepositus et Andreas cubicularius uterque regni eius inimicus in insula decapitatus est.

Vitalianus Scythia urbem data acceptaque fide accitus ingreditur statimque magister militum ordinatus.

The *praepositus* of the palace Amantius and the *cubicularius* Andreas, each of them an enemy of the state, were beheaded on an island.

Vitalian the Scyth was summoned to the city and entered it, having given and received pledges, and was immediately appointed *magister militum*.⁴³

While the first of these entries is little more than a condensation of the more extensive version to be found in the other manuscripts, the second one preserves details absent elsewhere.⁴⁴ Furthermore, these details are in conformity with the account given in the *Excerpta*, which also highlights the pledges offered to Vitalian. It would appear therefore that the scribe of manuscript S had access to an annotated text of Marcellinus' chronicle and that he thus combined the annotation with the original chronicle in crafting his entry for this year; a less likely alternative would be that he had access to other sources, which would make the scribe himself the annotator.⁴⁵ No one would doubt, however, that this work should still be regarded as Marcellinus' chronicle, despite such a modification. It follows from this that one should adopt the same attitude when faced with the varying versions of Malalas' more widely circulating work. The existence of such variants not only reflects the fact that the Baroccianus represents only a partial witness to the full text of the original chronicle, but also serves to explain how later chroniclers were able to add details that are not to be found in the Baroccianus: they were drawing on different versions of the work that came into existence almost as soon as the first edition appeared. Some of these, such as that used by the excerptors, preserved versions of events less favourable to Justin (and Justinian) than that found in the Baroccianus.⁴⁶ It is even possible that we can see such

⁴³ For further details on this manuscript, from St Omer, see Croke 1984: 80.

⁴⁴ We thus take issue with the rather categorical statement of Croke 1984: 81, that 'the shorter versions represent nothing more than the expedient of a parsimonious copyist.' It is perhaps worth noting that Jacob of Edessa (*Chronicle*, 239), also refers to an agreement reached between Justin and Vitalian to secure his return (Syriac *ethra*'y).

⁴⁵ Clearly at some point a scribe in this tradition had access to the lost work of Marcellinus that is the focus of Croke (1984) in his article. Croke 1984 also notes, 80, one instance where a scribe has incorporated a brief extract from Orosius into his version of Marcellinus' chronicle.

⁴⁶ To some extent these differences may also be ascribed to different interests and priorities. While the excerptors clearly focussed on plots and their suppression for the *De Insidiis*, John of Ephesus concentrated rather on the plight of the Monophysites in the East. See Flusin 2004: 125–126; Debié 2004a: 162–163; cf. also Witakowski 1991: 255.

For the emergence of differing versions of a work with alternative interpretations of events cf. the two versions, A and B, of the *Chronography* of Symeon the Logothete, of which one is more favourable to the Lecapeni, just as the other, somewhat later in date, favours the family of Nicephorus Phocas. See Markopoulos 1983: 280–281 with the remarks of C. Holmes, 'Byzantine historians at the periphery', 2, in *Proceedings of the 21st International Congress of Byzantine Studies* on-line at www.byzantinecongress.org.uk/paper/V/V.1_Holmes.pdf with a summary in vol. 2 of the published proceedings (London, 2006), 156–157. It is worth quoting her remarks from p. 5 of the paper, since they could apply very well to Malalas as well as the Logothete: such is the diversity of the surviving versions, she argues, 'that one has to think in terms of

a process at work in book 15 of the Baroccianus Malalas: in chapter 7, concerning the downfall of Armatus, a second hand in the Baroccianus has corrected the first, changing Zeno's question into a statement, thus bringing it into line with the version preserved in the *Chronicon Paschale*.⁴⁷

The existence of varying versions can likewise be observed in the Syriac accounts of the riot in Constantinople in 512 that nearly unseated Anastasius; in this case, the emperor is naturally portrayed in a more favourable light. To what extent this reflects the original version of Malalas' work or John of Ephesus' adaptation of it is hard to say. But the fact remains that later authors had access to supplementary details about this riot, as is attested by the fact that the excerptors note the death of both a male and a female anchorite, whereas in the Baroccianus only a male is mentioned.⁴⁸ John of Nikiu's portrayal of Amantius' liquidation, while clearly garbled – he claims that the emperor blithely executed all eunuchs because of their hostility to his accession and that Amantius was a candidate himself for the throne – likewise stems from an anti-Justin tradition.⁴⁹ Further proof of this hostile tendency comes in his account of the clampdown on partisan riots in 523: John provides significant details concerning the prefect Theodotus' activities that are not present in Malalas, but that are paralleled by Procopius' *Anecdota*.⁵⁰

In light of these considerations, it is not surprising to find additional details on late antique history emerging several centuries later, e.g. in Theophanes' chronicle or the *Excerpta de Insidiis*. The lateness with which the information comes to light should not in itself cause historians to call the authenticity of the events related into question.⁵¹

mobile texts shaped by multiple generations of authors rather than canonical works which represent a single voice and point of view.' I am grateful to James Howard-Johnston for drawing my attention to this parallel.

⁴⁷ See E. Jeffreys/M. Jeffreys/Scott's (1986: 211) translation, with Thurn's edition, 305. In the same chapter, the *Chronicon Paschale* (603, tr. M. and M. Whitby 1989: 95) also preserves details on Armatus' assassination – that it took place in the Kochlias of the palace – not to be found in the Baroccianus; they are restored to Malalas by Thurn, however, 305.7.

⁴⁸ Debié 2004a: 162–163 on the Syriac version, cf. Witakowski 1990: 307–310, for a detailed analysis of a case where information is preserved in the Syriac tradition that probably goes back to a version in Malalas, cf. e.g. Mal. 16.18 and Pseudo-Dionysius, ii, 5–6/6, the earthquake that struck Rhodes in 503/4, where the latter is considerably more detailed than the former, so Witakowski 1991: 257. Flusin 2004: 125, on the differences in the depiction of the 512 riot; cf. also Alpi 2006: 240–241. Cf. Patzig 1898: 122–123. See also Debié 2004b: 166–168, on deliberate alterations to Malalas' account of the earthquake at Antioch of 526 by the later Syriac tradition (to emphasise the notion of divine judgement) and cf. n. 49 for the same tendency in John of Nikiu.

⁴⁹ John of Nikiu, *Chronicle*, XC.3–4. On John's chronicle, probably originally in Greek, and its notable anti-Chalcedonian bias, see now Frantsouzoff 1999/2000: 406 (discussing the episode of the earthquake at Antioch in 526 in particular).

⁵⁰ John of Nikiu, *Chronicle*, XC.16–23, cf. Mal. 18.12. Note also the praise for Anastasius at XC.20. Proc. *Anecdota* IX.35–42 does not refer to the arrest of Justinian, but does mention his illness, in the context of which Theodotus clamped down on partisans. Proc. claims that the illness of Justinian paved the way for Theodotus' appointment, while John reports that Theodotus released Justinian when he fell ill. See *PLRE* II, Theodotus *qui et* Colocynthus 11. As E. Jeffreys/M. Jeffreys/Scott 1986: 235 point out, John seems thus to have had access to a tradition hostile to Justinian and Justin, which, given the parallels with Procopius, seems to have been reliable. Puech 2006: 222–223, does not refer to John of Nikiu and seems to assume that the omission of these details in our text of Malalas is deliberate; see n. 40 above for the conclusions to which this can lead.

⁵¹ Several instances of fuller accounts being offered in the *De Insidiis* have been offered here (above nn. 34, 42). In the case of Theophanes, we have noted how his version resembles that of the *Excerpta* (and *Ps.-Zach.*) in detailing the titles accorded to Vitalian in 518 (unlike the Baroccianus); see n. 35 above. One might also cite the intriguing case of his naming of the Persian eunuch who kept the peace between Rome

Uncertainty does remain, however, over one key point: how early were the variations in Malalas' *Chronicle* introduced? Did authors such as Evagrius, John of Nikiu draw on Malalas alone in the sections of the work clearly derived from his *Chronicle*? If so, then their version would reflect the biases and perspectives of the particular manuscript they were using, along with their own choices of what to omit and what to include, of course. We would thus be dealing with the fairly rapid emergence of variant versions, a common phenomenon in the chronicle genre; and as time went on, the impact of official pronouncements no doubt waned.⁵² On the other hand, we cannot exclude the possibility that they combined the version of Malalas to which they had access with other sources, just as Theophanes so clearly did.⁵³ We return thus to the point rightly stressed by Muriel Debié in her contribution to the recent French Malalas volume – the fluidity of the original Malalas and the impossibility of reconstituting it. For all of this uncertainty, an important point has been established here: whether in versions of Malalas' *Chronicle* or in other sources, or indeed both, negative interpretations and portrayals of imperial actions survived and then were able to find their way into the standard tradition.⁵⁴

and Persia at the start of the reign of Theodosius II: see our earlier discussion (Bardill/Greatrex 1996: 177–181), in which we were able to demonstrate the accuracy of Theophanes' account. At A.M. 6017, p. 178, Theophanes likewise provides precise datings of events which are absent from Malalas (18.32, 34), and the accuracy of which has never been doubted: see (e.g.) Scott 1992: 160, despite his remarks about Theophanes' 'scant regard' for Malalas's chronology during the early years of Justinian's reign in Scott 1996: 28–29. See in general Rochow 1983: 459–474, esp. 472–473, who rightly concludes that Theophanes derived much of his information from a fuller version of Mal. than that which is preserved in the Baroccianus.

⁵² See the lucid remarks of Burgess 1993: 178–186, arguing strongly for the role of individuals in compiling chronicles. Note (e.g.) how unrecognised consuls remained on some consular lists, *ibid.* 182–183. See also now Debié 1999/2000: 409–417, stressing the contribution of the chroniclers themselves in drawing on official sources. Brian Croke, on the other hand, believes in the existence of official records, city chronicles; see Croke 2001: 183–186 (against Burgess) and Croke 1990a: 165–203. Whether official or private, records of some kind could certainly have survived independently of Malalas and Marcellinus, then to be spliced into them at a later point.

F.C. Conybeare (1902: 395–405, cf. *id.* 1906: 392–397), argued that the Armenian historian Pseudo-Moses Khorenats'i also had access to a version of Malalas' work; he supposed that the *Chronicon Paschale*, Malalas and Pseudo-Moses were all working from a common source. Although some aspects of this theory are flawed (cf. Whitby and Whitby [n. 47 above], xvii n. 30), Conybeare was right to emphasise the way in which chronicles quickly attracted modifications and updates (1902: 405; 1906: 396).

⁵³ On Theophanes' sources see Mango/Scott 1997: lxxiv–xcv.

⁵⁴ The dichotomy posed by Flusin (2004: 133) in the same volume is thus a false one, cf. n. 40 above. On the grounds that the *Excerpta* differ so significantly from the Baroccianus he argues that either the excerptors relied on another source altogether or that Malalas had already here been supplanted by another version, i.e. the one to be found in the *Excerpta*. As we have seen, there is no need to believe in one fixed text of Malalas, save at the very moment of its first publication. Cf. Burgess 1993: 179–180, on the near impossibility of reconstituting chronicles because of the changes they undergo; likewise M. Whitby, review of E. Jeffreys/M. Jeffreys/Croke 1986 in *CR* 41 (1991), 326, stressing the likelihood of the existence of multiple versions of Malalas.

The whole of book I of Malalas also tends to indicate the fluidity of the chronicle genre, since at some stage it became confused with the work of John of Antioch: see E. Jeffreys 1990: 252, noting that for much of books I and II MS B (= *Parisinus Graecus* 1630, fols. 234–239) can almost be viewed as a witness to Malalas' text. See further U. Roberto *Ioannis Antiocheni. Fragmenta ex Historia chronica* (Berlin, 2005), xlii–liii. This tends to add support to the view that it is well nigh impossible to reconstitute the 'original' Malalas; we are not even sure whether Malalas drew on John of Antioch (currently the minority view) or vice versa, or whether they both drew on a common source. Furthermore, this manuscript and MS A (= Par. gr. 1336; on both see Thurn's edition of Malalas, 6*–9*) are both witnesses to the opening section of John

ABBREVIATIONS

- ACO – *Acta Conciliorum Oecumenicorum*
 CC – *Corpus Christianorum*
 CSCO SS – *Corpus Scriptorum Christianorum Orientalium. Scriptores Syri.*

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of Antioch's *Chronicle*. In many cases they offer the same information, slightly differently expressed, but, just as with the versions of Malalas here discussed, they both contain details omitted by the other. Clearly therefore they reflect variants in John's *Chronicle* comparable to those for which we have argued here in the case of Malalas. I am grateful to Sergei Mariev for discussion of this point; see further Mariev 2006: 535–549.

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