



REVIEW

The Conquest of Italy by the Ostrogoths in 488-493 ad as a Formal Restoration of the Power of the Eastern Roman Empire

La conquista de Italia por los ostrogodos entre los años 488 y 493 d. C. como restauración formal del poder del Imperio romano de Oriente

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ABSTRACT

The topic of Theodoric's campaign and its connection to the interests of Constantinople remains relevant and vital. Studying this topic helps provide a better understanding of geopolitical processes, the influence of the Eastern Roman Empire on the West, the political and legal aspects of the interaction between different regions of the empire, and the influence of "barbarian" peoples on the formation of medieval Europe. The focus is on studying the political, legal and geopolitical aspects of this transition period from antiquity to the Middle Ages. The paper academic deals with the legal characterisation of the Ostrogothic conquest of Italy at the end of the V century. The primary sources and different historiographical schools are analysed; the specifics of political and legal relations between the Roman Empire and the federate kings (commanders) are investigated. The personality of the Ostrogothic king Theodoric the Amal, who in 483 received the status of magister militum (commander-in-chief) and consul of the Roman Empire, is at the centre of attention.

Keywords: Eastern Roman Empire (Byzantium); Ostrogothic Kingdom; Odoacer's Kingdom; Legal History; Lex Foedus.

RESUMEN

El tema de la campaña de Teodorico y su conexión con los intereses de Constantinopla sigue siendo relevante e importante. El estudio de este tema ayuda a proporcionar una mejor comprensión de los procesos geopolíticos, la influencia del Imperio Romano de Oriente en Occidente, los aspectos políticos y jurídicos de la interacción entre las diferentes regiones del imperio y la influencia de los pueblos "bárbaros" en la formación de la Europa medieval. El enfoque se centra en el estudio de los aspectos políticos, jurídicos y geopolíticos de este período de transición de la Antigüedad a la Edad Media. El artículo académico trata de la caracterización jurídica de la conquista ostrogoda de Italia a finales del siglo V. Se analizan las fuentes primarias y las diferentes escuelas historiográficas; se investigan los detalles de las relaciones políticas y jurídicas entre el Imperio Romano y los reyes federados (comandantes). La personalidad del rey ostrogodo Teodorico el Amal, que en el año 483 recibió el estatus de magister militum (comandante en jefe) y cónsul del Imperio romano, está en el centro de la atención

Palabras clave: Imperio Romano de Oriente (Bizancio); Reino Ostrogodo; Reino de Odoacro; Historia del Derecho; Lex Foedus.

INTRODUCTION

The Byzantinist Zinaida Udaltsova^(1,2,3) begins the historical narrative of the so-called “Ostrogothic state” in Italy with these words: “In the last decades of the V century, in these harsh years of barbarian invasions and the struggle of peoples against the world of slavery, a new wave of conquerors fell on Italy, tormented and ruined”.⁽¹⁾ The author is entirely accurate when she describes the Ostgoths as “conquerors”. After all, no one in the Apennines was expecting an invasion of the allied forces of the Gothic Pannonians and Thracians under the leadership of Theodoric the Amal (years of life: approx. 451-526).⁽⁴⁾

The ordinary people perceived the military intervention of the Ostgoths as more of a terrifying calamity than a conventional salvation campaign, as it was presented later by the Gothic ideologists.⁽⁵⁾

However, the terror sown in Italian society was only a political condition for the war that began in 488-489. Other evaluative categories determine the events’ formal-legal content. *Criteria of legal history - formal formulations*. According to these, the campaign of the Ostgoths in 488-493 was a measure authorised by the Roman Emperor Zeno Isaurus (reign: 476-491), aimed at eliminating disturbances within the borders of the western provinces. The Ostgoths marched into Italy precisely “with the authorisation” of Constantinople.⁽⁵⁾ The article aims to analyse the specifics of the Ostrogothic conquest of Italy in 488-493 as a formal restoration of the Eastern Roman Empire.

One way or another, but in the descriptions and characterisation of the Ostrogothic conquest of the Apennine peninsula, the historical literature has not advanced yet beyond the reconstruction of Z. V. Udaltsova.⁽¹⁾ In addition to her studies, it is necessary to mention the first volume of the consolidated History of Italy (edited by Academician Skazkin)⁽⁶⁾ and several monographs by British Professor P. Heather. The summarising works of Heather,^(7,8) together with the political science review by E. N. Luttwak,⁽⁹⁾ form the factual foundation of the modern historiography of the issue. L. Musset⁽¹⁰⁾ and J. Norwich⁽¹¹⁾ have made “synthetic” attempts to characterise the process of conquest and its consequences.

To achieve the research’s aim, primary sources were used, namely, the works of Jordanes, Procopius of Caesarea, Cassiodorus, Agathias of Myrina, Marcellinus Comes, and Gregory of Tours.

METHOD

The research was conducted based on the principles of comprehensiveness and systematisation in scientific studies, which allowed the analysis of the research object as an integral system with several interconnections and interdependencies. Several general scientific research methods, including abstraction, analysis, synthesis, induction, and deduction, were used to achieve the set objectives.

Analysis and synthesis were employed during the research to identify the main factors shaping the core functionality for the information provision of retrospective studies. The inductive method was applied to form predictive directions for developing the studied scientific process. The deductive method was used to determine the priority vectors in studying the specifics of the conquest of Italy by the Ostgoths in 488-493 within the context of the formal restoration of Eastern Roman Empire authority. The abstraction method was employed to isolate theoretical generalisations, define critical categories and concepts, and form conclusions regarding the priority vectors of restoring the Eastern Roman Empire’s authority.

RESULTS

Before proceeding to present the issue in chronological order, three initial historical and legal moments must be emphasised.

Firstly, it should be taken into account that the term “Byzantium” did not exist in the early Middle Ages. It is a purely political notion—a product of Western European Renaissance historiography, which tendentially downplayed the importance of official Constantinople.

Secondly, the Renaissance “Byzantium” refers to the “Eastern part of the Roman Empire” (“Imperium Romanum Pars Orientale”). Consequently, the disappearance of the Roman Empire did not legally occur in the V century since, formally, the Roman statehood continued its development at least until the Turkish conquest of Constantinople on May 29, 1453.

Thirdly, after the capture of Ravenna by the Sciren king Odoacer (September 4, 476), the administrative division into “Western Provinces of the Roman Empire” and “Eastern Provinces of the Roman Empire” was maintained for four more years (476-480) while the legitimate “Western Emperor” Julius Nepos ruled in Dalmatia (modern Croatia).⁽¹²⁾ After the death of Nepos (480), the Sciren ruler Odoacer received official permission from the Eastern Roman emperor Zeno Isaurus to “rule Italy”.⁽⁶⁾ In legal terms, such permission meant the formalisation of the dependence of the Italian barbarian ruler on Constantinople.⁽⁵⁾ Other barbarian kings of Western Europe also received characteristic permissions. Therefore, even though Roman imperial power declined *politically*, it was clearly maintained *legally*. Attempts of the Italian viceroy Odoacer (actually Byzantine “governor”) to pursue an independent policy provoked the indignation of Constantinople.⁽⁹⁾ The desire to “reestablish order”, a response to this desire for de facto independence, is why Emperor Zeno Isaurus

sent the Ostrogothic federates to Italy. The ultimate military goal of the Ostrogoths serving Byzantium was to “reestablish legitimate Roman authority” in the core western province of Italy.

The existence of *official authorisation from Constantinople for the conquest of Italy by the Ostrogoths* is confirmed by all significant sources. For example, Jordan states an agreement between Zeno and Theodoric. According to this treaty, after the conquest of Italy, the Ostrogothic leader Theodoric I received the right to rule the Apennines.⁽¹³⁾

If one believes the primary sources, the consul of 484 and, at the same time, the Ostrogothic king Theodoric, who held the post of *magister militum (commander of the army)*, only “fulfilled the will of the emperor” by his campaign.⁽⁴⁾ The chronicler Procopius of Caesarea places the outbreak of the war in the fall of 488.

Multiple social structural changes accompanied the march of a large paramilitary mass in those times.⁽⁷⁾ Theodoric could not force all his subordinates to go on a dangerous campaign. Part of the Ostrogoths remained in Epirus (near Epidamna, modern Albanian Durrës), and separate groups settled in the Thracian plain or received from Zeno the *lex foedus* in Lower Moesia. However, with the Emperor’s assistance, the Pannonian-Frakian alliance of Theodoric the Amal was joined by detachments of another tribe - the Rugians. The number of the Ostrogothic convoy, which stretched on the way to Dalmatia on all roads of the Western Balkans, was about 100 thousand people.⁽⁵⁾ According to P. Heather’s suggestion, there were about 20,000 warriors among them. The rest were older adults, women, children and enslaved people.⁽⁷⁾

The fighting began in the present-day Sremska Mitrovica area. The columns of Theodoric the Amal, sent by Constantinople, encountered an army of the Gepid tribe under the walls of Sirmium, who formally recognised the power of Odoacer.⁽¹⁴⁾ The defeat of the Gepids brought their remnants into Theodoric’s camp. However, the time gained was an essential consequence of using the Gepids for the Italian ruler Odoacer.⁽⁸⁾

Theodoric’s Ostrogothic convoy spent the entire winter of 488/489 near Sirmium. In the spring of 489, the Ostrogoths inflicted a tangible defeat on the Sarmatians.⁽¹⁴⁾ Until 489, the Sarmatians, like the Gepids, who were nomadic in the southern parts of Western Pannonia, received funding from Odoacer’s treasury in Bohemia. After the Ostrogothic victory, a significant part of the Balkan Sarmatians (similarly to the Gepids) joined the allied forces.⁽¹⁾

At the height of the summer of 489, Theodoric’s wagons reached the river *Sontium (Isonzo)*.⁽¹⁴⁾ The Ostrogoths, Gepids and Sarmatians, having previously forced the Julian Alps, captured the territories of modern Slovenia relatively bloodlessly. In August 489, Odoacer personally moved towards the Balkan migrants at the head of the North Italic field army.⁽¹⁵⁾ The general battle took place between the Isonzo and Vipava rivers on August 28, 489,⁽¹⁴⁾ leading to the crushing defeat of the Italian ruler, who was declared a “usurper” in Constantinople.⁽¹³⁾

Despite the long years of Odoacer’s rule (which started in 476), the first impressive defeat caused a storm of resentment among his subordinates.⁽⁷⁾ The Ostrogoths, who came from the Balkans and Pannonia, looked organised and disciplined against the background of the heterogeneous Germans of the Sciren leader Odoacer. The defeated remnants of Odoacer’s field army fled to Verona.

A month after the defeat at Isonzo, Odoacer’s forces suffered another crushing defeat at the walls of Verona. While Odoacer retreated to Ravenna, protected by marshes, Theodoric captured Verona and began strategically advancing towards Mediolanum (Milan).⁽¹⁾ Sources testify that the losses in the battles were tangible for all sides. Nevertheless, the mournful statistical fact ensured that Odoacer’s “rex” could defend Ravenna for several years.⁽¹³⁾

In the spring of 490, the campaign was resumed. Zinaida Udaltsova was the first to draw attention to the diplomatic efforts of the Ostrogothic leader.⁽¹⁾ The author’s study is the first to present Theodoric as a skilful negotiator. In previous biographies, Theodoric was positioned only as an outstanding warrior. The historiographical transformation of the image of a king-warrior into a king-strategist and diplomat is the merit of Z. Udaltsova.⁽¹⁾ Recent works by Peter Heather⁽⁷⁾ popularised and axiomatised this thesis. For example, through negotiations, Theodoric the Amal induced Tufa, a close associate of Odoacer, to take his side. The commander surrendered Mediolanum to the Ostrogoths, transferring the entire garrison to the conquerors’ army. Tufa’s position prompted the Catholic clergy of the region (the bishops of Mediolanum and Pavia) to oppose the rule of Odoacer openly.

The majority of Theodoric’s army professed an Arian version of Christianity, which could make dialogue with the orthodox dioceses of Italy very difficult. The fact that the dialogue was established and Theodoric immediately received the active ideological support of the Church testifies in favour of the thesis expressed at the beginning about the existence in the hands of the Ostrogothic “king” of official powers of the Eastern Roman representative.

Through the highly influential Diocese of Milan, Theodoric established contacts with the city senate of Rome (*Senatus Populus Romanus*). The negotiations with the bishops and senators caused Odoacer’s political star to decline.⁽¹⁶⁾

The events took an understandable turn, assuming the existence in the hands of Theodoric the Amal of the documented authority of Emperor Zeno.⁽⁷⁾ The senatorial land aristocracy, which had retained its privileged

status and external splendour under Odoacer, officially rebelled against the so-called “tyranny of Odoacer”.⁽¹⁾ One can only agree with the moral side of the senatorial treachery towards Odoacer. From the legal point of view, the senators and churchmen of Italy had no right to disobey the orders of Emperor Zeno Isaurus - the only “Roman Emperor” in the world.⁽⁵⁾

The argumentation of Z. Udaltsova⁽¹⁾ and her theoretical followers requires an essential clarification: the Senate revolt could happen only to support the emperor but in no way to replace one “barbarian” power (the tribal upper class of the Scirs) with another (the Ostrogoths).

The historian of the papacy, E. Caspar,⁽¹⁷⁾ and the Byzantinist, E. Stein,⁽¹⁸⁾ based on the reports of the “History” of Paul the Deacon, believe that Odoacer attacked Rome in retaliation to the senators.⁽¹⁷⁾ However, as Paul the Deacon states, the citizens of Rome did not open the city gates to the field army units. Odoacer was only able to plunder the suburbs.⁽¹⁶⁾

While Theodoric was negotiating about open support with Roman senators, commander Tufa, acting, perhaps, according to a pre-determined plan, returned under the command of Odoacer, striking the Ostrogothic rears. Tufa’s bold manoeuvre, which ended with the capture of the Ostrogothic commanders, gave a temporary advantage to Odoacer’s army.⁽¹⁴⁾ Despite the overt support of the Orthodox Church and the almost overt support of the Latifundists in the Roman Senate, Tufa’s manoeuvring at the strategic level cast doubt on whether Theodoric could have won.⁽¹⁾

In the spring of 490, Odoacer counterattacked, regaining control of Milan and Cremona. The Ostrogothic main forces took refuge in the fortress of Ticino (Pavia).⁽¹³⁾ By the way, Zinaida Udaltsova revealed in her works the underlying diplomatic response of Theodoric the Amal to the tricks of King Odoacer and the commander Tufa. According to her characterisation, the Ostrogothic leader again appears as a “skillful” Byzantine diplomat. Obviously, Theodoric’s tactical breakthrough into northwestern Italy had a more important purpose than just an alliance with the Milanese orthodox (Catholic) clergy. Staying in the North, the commander established close contacts with the ethnically related tribes of the Visigoths (i.e., the Eastern Goths), who were ethnically related to the Ostrogoths (i.e., the Eastern Goths). The Visigoths then controlled the south and west of modern France. The Westgoth king was Alaric II (484-507), who decided to help his eastern relatives.

On August 11, 490, there was a decisive battle of the Visigothic-Ostrogothic bloc against the Germanic-Italian units of “King” Odoacer near the river Adda.⁽¹⁾ Due to the army of Visigoths, hardened by many years of battles against the Franks, the Ostrogoths destroyed Odoacer’s rearguards and defeated the principal “field” forces.

The issue of Odoacer’s “North Italic field army” seems to be a weak link for most historiographical concepts. This concept absentmindedly overlooks the main military and political toolkit of the “king of Italy”. I will try to fill the existing gap. Therefore, on August 11, 490, from the military-administrative point of view, the Northern Italic field army of Imperial Rome, created by the reforms of Emperors Diocletian (reign: 284-305) and Constantine the Great (reign: 306-337), ceased to exist.⁽¹⁹⁾ This field army, originally intended to protect Italy, came in a rather unusual way for a Roman unit. The Vandal Stilichon, the Roman Aetius, and the Hun official Orestes commanded it. Finally, the army fell into the hands of Odoacer (p. 475).⁽¹⁹⁾ Starting from the crucial years 475-476, Odoacer’s power was held solely on the strength of this last manned field army of the Empire’s western provinces.⁽⁷⁾ The Battle of the Adda on August 11, 490, destroyed the pillar of his power. An entire era of military history, characterised by the “field armies” (“*comitatenses*”) of the dominant period (the period beginning after 284 AD), was over).

The consequences did not last long. The “King” Odoacer retreated to the “capital”, Ravenna, while the united Gothic units occupied its suburbs. The siege started.⁽¹³⁾ Leaving his main forces at the walls of Ravenna, Theodoric promptly subjugated Northern Italy. Ostrogothic envoys travelled to the central and southern regions. It is known about their presence in Sicily, where the Ostrogothic emissaries took part in the repulse of the sea attacks of the Vandal-Alanian pirates.⁽²⁰⁾

The factor of Vandal-Alanian piracy in those years was a determining factor for the whole Mediterranean communication.⁽¹⁵⁾ The Ostrogoths, Gepids and Sarmatians of Theodoric Amal, who attacked Italy, could not but have precise instructions from the Constantinople court regarding the “Vandal” issue. Notably, amid the Italian crisis, the Vandal-Alans decided to re-subjugate Sicily (490), which had been changing hands several times after 440. By 490, the pirates received payments (“tribute”) from the Sicilians, collected by Odoacer’s officials and local latifundists.⁽¹⁴⁾ (I do not exclude that Odoacer’s power in Sicily was purely symbolic). In 440 and 450-455, the Vandals repeatedly attacked this island and captured it several times.⁽¹⁹⁾ Only in 490 the Carthaginian kingdom of Alans and Vandals decided to fulfil a long-standing dream by completely cutting off Italy and Old Rome from the island’s food base.⁽⁷⁾

The Sicilian War lasted almost a year (490-491). It lacked legal conventions (for example, a declaration of war or an ideological slogan proclaiming the struggle against “tyranny”) and consequences (for example, any semblance of a “peace treaty”).⁽¹⁵⁾ Nevertheless, this island campaign was another vital incentive for consolidating Visigothic-Ostrogothic unity in Western Europe. After all, the Ostrogothic aid to the Sicilian

senators-latifundium had to be based on the interests of the Visigoths because the Visigoths were considered long-standing and principled opponents of the Vandal-Alans since the conquest of Spain in 409-415.⁽¹⁹⁾

Neither Imperial Constantinople, the Kingdom of Toulouse of the Visigoths, nor the allied armies of Theodoric the Amal could afford to lose Sicily as a stronghold of Mediterranean maritime communication. In 455-468, this communication was already minimised by the extent of Vandal-Alanian piracy.⁽⁷⁾ In the end, the Vandal-Alans left Sicily under the pressure of local armed units and allied forces. It is known that Sicily even stopped paying tribute to the Vandal-Alans, which had been offered during the entire reign of Odoacer.⁽²⁰⁾ Only one unsolved question remains: Did Byzantine troops directly participate in the liberation of Sicily?

The issue of the degree of military participation of the allies in the Sicilian defeat of the Vandal-Alans (491) must remain open. It is difficult to imagine that the Sicilians repelled a large-scale naval attack by a trained Vandal-Alanian armada with their forces, with little Gothic support.⁽¹⁸⁾ Until 490, the Sicilian latifundists had experienced failures even with the support of a powerful North Italic field army.⁽²²⁾ It turns out that the campaign of 490-491 was the first absolute defeat of the Vandal-Alans since the founding of the Kingdom of Carthage.⁽¹⁵⁾ There can be only one explanation: Sicily was of exceptional strategic interest to the Eastern Roman Empire.⁽¹⁸⁾

While the Ostrogoths, supported by the Byzantines and Visigoths, were helping the families of the senatorial aristocracy to hold on to Sicily, the Burgundians from the East Gallic Kingdom of Lyon hurriedly struck at Theodoric's rear.⁽¹⁴⁾ Under the leadership of the "King" Gundobad (reign: 473-516), they raided Northern Italy. Ostrogothic detachments stopped the Burgundians only at the natural boundaries of the Po River. Gundobad's troops then enslaved more than 6 000 Italians.⁽¹⁾

A rebellion of the Rugian tribe near Ticino broke out immediately after the Burgundians withdrew behind the Alps.⁽¹⁴⁾ The Rugians then elected "rex" commander Friederich, initially backed by supporters of the commander Tufa. However, the tactical support of the "mobile" Tufa decreased daily due to the growth of Friederich's popularity. Tufa's divisions declared war against the Rugians in the winter of 492/493. Although the new "war within a war" forced Theodoric to begin retreating on all fronts, it quickly disempowered the tribal leaders. At the beginning of 493, the Rugians defeated the Germanic-Italian army of Tufa between Trident and Verona. However, they suffered such heavy losses that they asked back "under the authority" of Theodoric the Amal. Consequently, the Ostrogoths lost and regained Northern Italy during one "war season" without much effort.⁽⁵⁾

Campaigns against the Vandals, Burgundians, Rugians, and the "international" Tufa slightly delayed the denouement of the confrontation between Theodoric and Odoacer.⁽⁴⁾ For example, in July 491, the Herulian units loyal to Odoacer organised a desperate sortie into the suburbs of Ravenna. Such sorties were practised throughout the siege.⁽⁵⁾ Theodoric managed to halt the constant blows from behind the walls by a naval blockade of the city. Z. V. Udaltsova, considering this fact, ignores the possible participation of the fleet of the Eastern Roman Empire.⁽¹⁾

The siege of Ravenna began in the summer of 492.⁽¹³⁾ Famine and epidemics were rampant inside the city walls.⁽⁵⁾ By skillfully disseminating information about the starving remnants of Odoacer's army, the Ostrogoths conquered other cities of central Italy without active military action.⁽¹³⁾ The slow death of the Ravenna garrison forced Odoacer to agree to negotiations.⁽¹⁸⁾ The orthodox bishop John, who Procopius reported to have secretly supported the Ostrogoths, acted as an intermediary.⁽¹³⁾ It should also be mentioned that the multiple cases of explicit support of Theodoric by the orthodox (Catholic) clergy testify to the direct patronage of Constantinople to the Ostrogothic invasion.⁽¹⁸⁾ P. Heather is very cautious but agrees with this idea.⁽⁸⁾

Given the realities of the end of the V century, we must consider the Church as a whole.⁽¹⁷⁾ It is inconceivable that the Orthodox Church Organization of Italy, which had not had time to grow strong enough to be entirely and utterly devoted to the power of Odoacer up to that time, would have renounced the "king" of its own free will without the sanction of the highest official of the Christian world (*Pax Christiana*) - the Roman Emperor. The pro-Gothic position of the Orthodox clergy in 488-493 years should be explained only by military, informational, ideological, political and, what is more critical, normative-legal (legal) support of Emperor Zeno.

The siege of Ravenna brought the Ostrogoths the desired result - peace. However, one serious error is hidden in historiographical assessments^(6,7,8,18) of the legal nature of this treaty. It lies in considering the agreement of Odoacer and Theodoric the Amal as of February 25, 493, as a public *legal act*. In contrast, their agreement had all the features of an *interpersonal agreement*, which characterised *civil legal relations*.

According to the treaty, the hostilities were declared completed. At the same time, Odoacer and Theodoric were proclaimed the two rulers of a single country - a duumvirate was established to rule the provinces of Italy, Dalmatia and Sicily jointly. Odoacer gave his son Telu to the Ostrogoths as a hostage, guaranteeing the inviolability of the agreement reached.⁽¹⁾ On March 5, 493, the Ostrogoths marched into Ravenna, and on March 15, 493, the Ravenna episcopate organised a joint feast.⁽⁷⁾ At that feast, Theodoric personally slaughtered Odoacer with his sword, after which the Ostrogoths slaughtered the supporters of the former "king", destroying all his relatives.⁽¹³⁾

On March 15, 493, a new political reality came for Italy.⁽⁶⁾ The viewpoints of Z. Udaltsova,⁽¹⁾ L. Musset, E. Luttwak, and P. Heather^(7,8,9,10) come to a common denominator regarding this statement. However, it seems

to me that it is more important that the legal reality has not changed. Italy, Sicily and Dalmatia *remained* de jure provinces of the Roman Empire. Odoacer's death did not destroy the existing system of legal relations, although de facto Roman senators breathed a sigh of relief. They had betrayed Odoacer back in 490, not letting the army of the "king" into Rome.⁽¹⁷⁾ A hypothetical duumvirate, normalised by interpersonal agreement and formally existing from February 25 to March 15, 493, could have punished this senatorial fickleness. However, Theodoric could quickly and ruthlessly implement the aristocrats' bold dreams.⁽⁷⁾ The death of Odoacer and all the representatives of the "elite" of the period 476-493 allowed the landowners to count on the expansion of their influence, close cooperation with the eastern provinces, even on the restoration of the "pre-474" order.⁽¹⁾

Thus, the Ostrogothic "king" and Byzantine commander Theodoric the Amal turned out to be an Italic ruler - Theodoric the Great. Zinaida Udaltsova summarises the event as follows: "*Acting on behalf of the Eastern Roman Emperor against the "usurper" and "tyrant" Odoacer, Theodoric, from the very beginning of the conquest of Italy, led a very skilful policy towards the influential circles of the Roman senate aristocracy and the highest Catholic clergy*"⁽¹⁾ (italics belong to V.M.). It is indeed difficult to imagine that such influential representatives of Christian Orthodoxy as Bishop Laurentius of Mediolanum (Milan), Bishop Epiphanius of Ticino (Pavia), and Bishop John of Ravenna would so quickly and unhesitatingly support the Ostrogothic conquest without any orders from Constantinople to act in such way. The chronicler Jordan constantly mentioned the significant influence of the Byzantine emperor Zeno.⁽¹³⁾ He wrote that as early as in 488, before the agreement on the Italic campaign, Theodoric the Amal addressed the emperor with the words: "*It is useful, after all, that this kingdom should be held as your gift by me, your servant and son, and not by him unknown to you, who has subjected your senate to his tyrannical power and enslaved part of your state*"⁽¹³⁾ (italics belong to V.M.).

Jordan insists that Emperor Zeno "gave consent" to Theodoric's campaign in Italy. By allowing Theodoric to conquer Italy, Zeno Isaurus sent the Ostrogoths to defend the "Roman state".⁽¹³⁾ According to the chronicler, the Ostrogoth warriors and settlers gained widespread internal support from "Roman society" through the emperor's influence.⁽¹³⁾

DISCUSSION

There is no specific reason not to accept Jordan's statements above. His work is clearly peppered with an abundance of allegorical quotations; however, these insertions and formulations, which reflected the forms of the Roman idea, do not contradict the canvas of facts at all. Theodoric the Amal was the consul of the Eastern Roman Empire (since 484) and magister militum (since 483).⁽⁵⁾ Given that the Ostrogothic soldiers subordinated to him had the title of *foederati* of the Eastern Roman Empire, the question arises: if Roman *foederati*, led by a man who held the position of the highest military commander of the Empire, enter the territory of a Roman province, then how should such an event be characterised from the standpoint of Roman public law? Was this a "conquest" from a jurisprudential perspective? The issue at stake is somewhat rhetorical.

After the death of Theodosius the Great (reign: 379-395), the Roman army had a predominantly "barbarian" appearance. There were Germanics, Alans, Sarmatians, and Slavs serving there. Consequently, the erroneous argument presented by supporters of Germanist historiography, according to which the Ostrogoths could not legally "return" Italy under the rule of the Eastern Roman emperor because they were not Romans in the ethnic sense, comes from ignorance of the realities of the composition of the military forces of both parts of the Empire in the V century. All militarised units were dominated by "barbarians" in the West and the East. They could serve in field armies or in paid service in a particular locality, becoming "foederati". From the permutation of locations, the essence of the military and political role of "Roman barbarians" does not change. First, public law classified them as "Roman" and then as "barbarians".

CONCLUSION

The article analysed primary sources and various historiographical schools, examining the specifics of the political and legal relations between the Roman Empire and the federates' kings (military leaders). The focus is on the figure of the Ostrogothic king Theodoric the Amal, who, in 483, received the status of *magister militum* (commander-in-chief) and consul of the Roman Empire.

Emperor Zeno solved several problems at once by the resettlement of the Ostrogoths in Italy and their military and political support:

- 1) to complete the centralisation of power in his own hands, expelling from the Balkan Peninsula the dangerous alliance of Pannonian and Thracian Ostrogoths;
- 2) to regain control over Italy, expanding the territorial scope of personal influence;
- 3) punished the potentially dangerous local "king" Odoacer for disobedience;
- 4) expelled Vandal-Alans from Sicily; 5) tried to ensure Constantinople the loyalty of the Ostrogoths, who acquired the Apennine lands "for eternal settlement".

Although political debate about the nature of Theodoric's acquisition and exercise of power must continue, the legal nature of the campaign of 488-493 must be considered to have been determined. Until 488, the

Constantinople court was prevented from doing this by the strife and civil wars that shook the East after the coup of 474. From that moment, with the restoration of control over Italy (493), Constantinople hoped to gradually regain all the temporarily uncontrolled provinces of the so-called "Western part of the Roman Empire". This legal concept flourished most during the reign of Justinian the Great (527-565).

REFERENCES

1. Udaltsova ZV. Italy and Byzantium in the 6th century. Moscow: Publishing House of the USSR Academy of Sciences; 1959. ISBN 9785170864348
2. Udaltsova ZV. Ideological and political struggle in early Byzantium (according to historians of the 4th-7th centuries). Moscow: Science; 1974.
3. Udaltsova ZV. Byzantine culture. In: Gutnova EV, editor. Moscow: Science; 1988.
4. Hartmann LM. Geschichte Italiens im Mittelalter Bd. I. Leipzig: G.H. Wigand; 1897.
5. Ensslin W. Theoderich der Grosse. München: Münchner Verlag; 1947.
6. Skazkin SD, Kotelnikova LA, Rutenburg VI. History of Italy in three volumes. Volume I. Moscow: Science; 1970.
7. Heather P. The Restoration of Rome: Barbarian Popes and Imperial Pretenders. London: Macmillan; 2013.
8. Heather P. Rome Resurgent: War and Empire in the Age of Justinian. London, New York: Oxford University Press; 2018.
9. Luttwak E. The Grand Strategy of the Byzantine Empire. Harvard University Press; 2009. <https://doi.org/10.2307/j.ctvjhzrf5>
10. Musset L. Barbarian invasions of Europe: the Germanic onslaught. SPb.: Eurasia, 2008. ISBN 1566193265
11. Norwich J. Byzantium: The Early Centuries; 1989.
12. Posavec V. Je li Dioklecijanova palača ikad uistinu služila kao carska rezidencija? Radovi Zavoda za hrvatsku povijest Filozofskoga fakulteta Sveučilišta u Zagrebu 2016;47(2):581-617. <https://doi.org/10.17234/RadoviZHP.47.29>
13. Prokopios. The Wars of Justinian (Dewing HB, Kaldellis A, Trans.). Hackett Publishing Company, Inc.; 2014.
14. Rohr C, editor. Der Theoderich-Panegyricus des Ennodius. Monumenta Germaniae Historiae. Studien und Texte, 12. Hannover, Germany: Hahnsche Buchhandlung; 1995.
15. Schmidt L. Geschichte der Wandalen. München: C. H. Beck; 1942.
16. Davis R. The Book of Pontiffs (Liber Pontificalis) (2nd ed.). Liverpool: University of Liverpool Press; 2000.
17. Caspar E. Geschichte des Papsttums. Bd. 2. Tübingen: J. C. B. Mohr; 1933.
18. Stein E. Histoire du Bas-Empire. Tome II, De la Disparition de L'empire D'occident a la Mort de Justinien (476-565). Bruges: Desclée De Brouwer; 1949.
19. Musset L. Les Invasions: les vagues germaniques. Paris: Presses universitaires de France; 1965.
20. Cassiodorus. Variae (Barnish SJB, Trans.). Liverpool-Glasgow: Translated Texts for Historians, Vol. 12; 2006.
- 19 Mierow CC, editor. The Gothic History of Jordanes: In English Version with an Introduction and a Commentary. Merchantville, NJ: Evolution; 2006.

20. Frenzo JD. Agathias: The Histories. Vol. 2A. Walter de Gruyter; 1975. <https://doi.org/10.1515/9783110826944>
21. Gregory of Tours. History of the Franks (Guizot F, Ed.). Clermont-Ferrand; 2011.
23. Marcellinus Comes. La Cronaca dei Due Imperi: Il Chronicon di Marcellino Comes (Palo A, Ed. Trans.). Eboi: Centro Culturale Studi Storici; 2021.
24. McKitterick R. Rome and the Invention of the Papacy: The Liber Pontificalis. Cambridge: Cambridge University Press; 2020. <https://doi.org/10.1017/9781108872584>
25. Melnik VM. Roman Empire in the 5th century. Collapse or rebirth? Roman Empire in the 5th century AD. Crash or rebirth? Science and Technology 2019;7(158):60-66.
26. Melnyk VM. The Republican Character of the Roman Empire: Principate and Dominate as Public Law Regimes. Law Herald 2023;1:21-31. <https://doi.org/10.32782/yuv.v1.2023.3>
27. Norwich JJ. A Short History of Byzantium. New York: Alfred A. Knopf; 1997.
28. Pizarro JM. Writing Ravenna: The Liber Pontificalis of Andreas Agnellus. Ann Arbor: University of Michigan Press; 1995. <https://doi.org/10.3998/mpub.14755>
29. Stathakopoulos D. A Short History of the Byzantine Empire. London: I. B. Tauris; 2020.

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