Ostrogothic Conquest of Italy (488-493) as a Formal Re-Establishment of the Dominion of the Eastern Roman Empire

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Abstract

The topic of Theodoric’s campaign and its connection to the interests of Constantinople remains relevant and important. 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 period of transition from antiquity to the Middle Ages. The paper deals with the legal characterization of the Ostrogothic conquest of Italy at the end of the V century. The primary sources and different historiographical schools are analyzed; 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 in the center of attention.

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

INTRODUCTION

The Byzantinist Zinaida Udaltsova (Udaltsova, 1959) (Udaltsova, 1974) (Udaltsova, 1988) 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” (Udaltsova, 1959). The author is quite 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) (Hartmann, 1897). The military intervention of the Ostgoths was perceived by the common people as more of a terrifying calamity than a conventional salvation campaign, as it was presented later by the Gothic ideologists (Ensslin, 1947).

However, the terror sown in the Italian society was only a political condition for the war that began in 488-489. The formal-legal content of the events is determined by other evaluative categories (21). Criteria of legal history - formal formulations. According to these, the campaign of the Ostgoths in 488-493 was a measure authorized 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 authorization” of Constantinople (Ensslin, 1947).

LITERATURE REVIEW

One way or another, but in the descriptions and characterization of the Ostrogothic conquest of the Apennine peninsula, the historical literature has not advanced yet beyond the reconstruction of Z. V. Udaltsova (1959). In addition to her studies, it is necessary to mention the first volume of the consolidated History of Italy (Udaltsova, 1970) (edited by Academician Skazkin) (Skazkin, Kotelnikova, & Rutenburg, 1970) and a number of monographs by British Professor P. Heather. The summarizing works of Heather, together with the political science review by E. N. Luttwak, form the factual foundation of the modern historiography of the issue. “Synthetic” attempts to characterize the process of conquest and its consequences have been made by Lucien Musset, John Norwich, Dionysios Stathakopoulos, etc.

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In order to comment on and criticize the established narratives, it is necessary first of all to use primary sources, namely: the works of Jordan, Procopius of Caesarea, Cassiodorus, Agathias of Myrinae, Marcellinus Comitus, and Gregory of Tours. For anyone wishing to examine a coherent presentation of my author's holistic view of the legal status of Byzantium and its relationship with the Ostrogoths, please refer to the articles of 2019 and 2020.

PRESENTATION OF THE MAIN MATERIAL

Before proceeding to present the issue in chronological order, it is necessary to emphasize three initial historical and legal moments.

Firstly, it should be taken into account that the term "Byzantium" did not exist at all in the early Middle Ages. It is a purely political notion – a product of Western European Renaissance historiography, which tendentiously 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) (Posav, 2016). After the death of Nepos (480), the Sciren ruler Odoacer received official permission from the Eastern Roman emperor Zeno Isaurus to “rule Italy” (Skazkin, Kotelnikova, Rutenberg, 1970). In legal terms, such permission meant the formalization of the dependence of the Italian barbarian ruler on Constantinople (Ensslin 1947). 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 the reason 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 authorization from Constantinople for the conquest of Italy by the Ostrogoths is confirmed by all major 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 (Prokopios, 2014). 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 (Hartmann, 1897). The chronicler Procopius of Caesarea places the outbreak of the war in the fall of 488.

The march of a large paramilitary mass in those times was accompanied by multiple social structural changes (Heather, 2013). Theodoric could not force all his subordinates to go on a dangerous campaign. Part of the Ostrogoths remained in Epirus (near Epidamna, modern Albanian Durres), 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, stretched on the way to Dalmatia on all roads of the Western Balkans, was about 100 thousand people (Ensslin, 1947). According to P. Heather’s suggestion, there were about 20,000 warriors among them. The rest were old men, women, children and slaves (Heather, 2013).

The fighting began in the area of present-day Sremska Mitrovica. The columns of Theodoric the Amal, sent by Constantinople, encountered an army of the Gepid tribe under the walls of Sirmium, who formally recognized the power of Odoacer (Rohr, 1995). The defeat of the Gepids brought their remnants into Theodoric’s camp. However, an important consequence of the use of the Gepids for the Italian ruler Odoacer was the time gained (Prokopios, 2014). 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 (Rohr, 1995). Until 489, the Sarmatians, like the Gepids, who were nomadic in the southern parts of Western Pannonia, received funding from Odoacre’s treasury in Bohemia. After the Ostrogothic victory, a significant part of the Balkan Sarmatians (similarly to the Gepids) joined the allied forces (Udaltsova, 1959).

At the height of the summer of 489, Theodoric’s wagons reached the river Sontium (Izonzo) (Prokopios, 2014). 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 (Rohr, 1995). The general battle took place between the Isonzo and Vipava rivers on August 28, 489 (Rohr, 1995), leading to the crushing defeat of the Italian ruler, who was declared a “usurper” in Constantinople (Prokopios, 2014).

The first impressive defeat, despite the long years of Odoacer’s rule (started in 476), caused a storm of resentment among his subordinates (Heather, 2013). The Ostrogoths, who came from the Balkans and Pannonia, looked organized and disciplined against the background of 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 a strategic advance towards Mediolanum (Milan) (Udaltsova, 1959). Sources testify that the losses in the battles were tangible for all sides. Nevertheless, the mournful statistical fact ensured that Odoacer’s “rex” was able to defend Ravenna for several years (Prokopios, 2014).

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 (Udaltsova, 1959). The author’s study is the first to present Theodoric as a skillful 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 (Udaltsova, 1959). Recent works by Peter Heather (Heather, 2013) popularized and axiomatized 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 Ostrgoths, 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 openly oppose the rule of Odoacer.

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 favor 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). It was the negotiations with the bishops and senators that caused the decline of Odoacer’s political star (Davis, 2000).

The events took an understandable turn, assuming the existence in the hands of Theodoric the Amal of the documented authority of Emperor Zeno (Heather, 2013). The senatorial land aristocracy, which had retained its privileged status and external splendor under Odoacer, officially rebelled against the so-called “tyranny of Odoacer” (Udaltsova, 1959). One can agree only 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 (Ensslin, 1947). The argumentation of Z. Udaltsova and her theoretical followers requires an essential clarification: the revolt of the Senate could happen only in support of the emperor, but in no way for the sake of replacing one "barbarian" power (the tribal upper class of the Scirs) with another (the Ostrgoths).

The historian of the papacy E. Caspar (Caspar, 1933) and the Byzantinist E. Stein (Stein, 1949), based on the reports of the “History” of Paul the Deacon, believe that Odoacer attacked Rome in retaliation to the senators (Caspar, 1933). However, as Paul the Deacon states, the citizens of Rome did not open the city gates to the units of the field army. Odoacer was only able to plunder the suburbs (Davis, 2000).
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 maneuver, which ended with the capture of the Ostrogothic commanders, gave a temporary advantage to Odoacer’s army (Rohr, 1995). Despite the overt support of the Orthodox Church and the almost overt support of the latifundists in the Roman Senate, Tufa’s maneuvering at the strategic level cast doubt on whether Theodoric could have won (Udaltsova, 1959).

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) (Prokopios, 2014). 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 characterization, 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 managed to establish 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 (reign: 484-507), who decided to help his eastern kinsmen.

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 (Udaltsova, 1959). Due to the army of Visigoths, hardened by many years of battles against the Franks, the Ostrogoths destroyed Odoacer’s rearguards and defeated the main “field” forces.

In my opinion, the issue of Odoacre’s “North Italic field army” seems to be a weak link for most historiographical concepts. This concept absently 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 (Musset, 1965). This field army, originally intended to protect Italy, came a rather unusual way for a Roman unit. It was commanded by the Vandal Stilichon, the Roman Aetius, and the Hun official Orestes. Finally, the army fell into the hands of Odoacer (c. 475) (Musset, 1965). Starting from the crucial years 475-476, Odoacer’s power was held solely on the strength of this last manned field army of the western provinces of the Empire (Heather, 2013). The Battle of the Adda on August 11, 490 destroyed the pillar of his power. An entire era of military history, characterized by the “field armies” (“comitatenses”) of the dominate 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 (Prokopios, 2014). Leaving his main forces at the walls of Ravenna, Theodoric promptly subjugated Northern Italy. Ostrogothic envoys traveled 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 (Cassiodorus, 2006).

The factor of Vandal-Alanian piracy in those years was a determining factor for the whole Mediterranean communication (Schmidt, 1942). The Ostrogoths, Gepids and Sarmatians of Theodoric Amal, who attacked Italy, could not but be in possession of precise instructions from the Constantinople court regarding the “Vandal” issue. It is noteworthy that in the midst of 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 were receiving payments (“tribute”) from the Sicilians, collected by Odoacer’s officials and local latifundists (Rohr, 1995). (I do not exclude that Odoacer’s power in Sicily was purely symbolic). Earlier, in 440 and 450-455, the Vandals had repeatedly attacked this island and captured it several times (Musset, 1965). Only in 490, the Carthaginian kingdom of Alans and Vandals decided to fulfill a long-standing dream by completely cutting off Italy and Old Rome from the island’s food base (Heather, 2013).

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
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semblance of a “peace treaty”) (Schmidt, 1942). Nevertheless, this island campaign was another important incentive for the consolidation of Visigothic-Ostrogothic unity in Western Europe. After all, the Ostrogothic aid to the Sicilian senators-latifundists 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 (Musset, 1965).

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 minimized by the extent of Vandal-Alanian piracy (Heather, 2013). 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 (Cassiodorus, 2006). 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 were able to repel a large-scale naval attack by a trained Vandal-Alanian armada with their own forces, with little Gothic support (Stein, 1949). Until 490, the Sicilian latifundists had experienced failures even with the support of a powerful North Italic field army (Schmidt, 1942). It turns out that the campaign of 490-491 was the first real defeat of the Vandal-Alans since the founding of the Kingdom of Carthage (Schmidt, 1942). There can be only one explanation: Sicily was of exceptional strategic interest to the Eastern Roman Empire (Stein, 1949).

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 (Rohr, 1995). 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 (Udaltsova, 1959).

A rebellion of the Rugian tribe near Ticino broke out immediately after the Burgundians withdrew behind the Alps (Rohr, 1995). The Rugians at that moment elected “rex” commander Friederich, initially backed by supporters of the commander Tufa. However, the tactical support of the “mobile” Tufa decreased day by day due to the growth of Friederich’s personal 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, being located between Trident and Verona, the Rugians defeated the Germanic-Italian army of Tufa, but suffered such heavy losses that they asked back “under the authority” of Theodoric the Amal. Consequently, the Ostrogoths managed to lose and regain Northern Italy during one “war season” without much effort (Ensslin, 1947).

Campaigns against the Vandals, Burgundians, Rugians, and the “international” Tufa slightly delayed the denouement of the confrontation between Theodoric and Odoacer (Hartmann, 1897). For example, in July 491, the Herulian units loyal to Odoacer organized a desperate sortie into the suburbs of Ravenna. Such sorties were practiced throughout the siege (Ensslin, 1947). 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 (Udaltsova, 1959).

The siege of Ravenna began in the summer of 492 (Prokopios, 2014). Famine and epidemics were rampant inside the city walls (Ensslin, 1947). By skillfully disseminating information about the starving remnants of Odoacer’s army, the Ostrogoths conquered other cities of central Italy without active military action (Prokopios, 2014). The slow death of the Ravenna garrison forced Odoacer to agree to negotiations (Stein, 1949). The orthodox bishop John, who was reported by Procopius to have secretly supported the Ostrogoths, acted as an intermediary (Prokopios, 2014). 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 (Stein, 1949). P. Heather very cautiously but does agree with this idea (Heather, 2013).
Given the realities of the end of the V century, we must consider the Church as a whole (Caspar, 1933). It is inconceivable that the Orthodox Church Organization of Italy, which had not had time to grow strong enough to be fully and completely 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 important, 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 (Skazkin, Kotelnikova, & Rutenburg, 1970) (Heather, 2018) (Stein, 1949) of the legal nature of this treaty. It lies in the consideration of the agreement of Odoacer and Theodoric the Amal as of 25 February 493 as a public legal act, whereas their agreement had all the features of an interpersonal agreement, which characterized civil legal relations.

According to the treaty, the hostilities were declared completed, while Odoacer and Theodoric were proclaimed the two rulers of a single country – a duumvirate was established to jointly rule the provinces of Italy, Dalmatia and Sicily. Odoacer gave his son Telu to the Ostrogoths as a hostage, guaranteeing the inviolability of the agreement reached (Udaltsova, 1959). On March 5, 493, the Ostrogoths marched into Ravenna, and on March 15, 493, the Ravenna episcopate organized a joint feast (Heather, 2013). 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 (Prokopios, 2014).

On March 15, 493, a new political reality came for Italy (Skazkin, Kotelnikova, Rutenburg, 1970). The viewpoints of Z. Udaltsova, L. Musset, E. Luttwak, and P. Heather come to a common denominator regarding this statement. However, it seems to me, it is more important that the legal reality has not changed (20; 21). 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 (Caspar, 1933). A hypothetical duumvirate, normalized by interpersonal agreement and formally existing from February 25 to March 15, 493, could have punished this senatorial fickleness. However, Theodoric was able to quickly and ruthlessly implement the aristocrats’ bold dreams (Heather, 2013). 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 (Udaltsova, 1959).

Thus, the Ostrogothic “king” and Byzantine commander Theodoric the Amal turned out to be an Italic ruler – Theodoric the Great. Zinaida Udaltsova summarizes 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 skillful policy towards the influential circles of the Roman senate aristocracy and the highest Catholic clergy” (Udaltsova, 1959) (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 great influence of the Byzantine emperor Zeno was constantly mentioned by the chronicler Jordan (Prokopios, 2014). 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” (Prokopios, 2014) (italics belong to V.M.). Jordan insists that it was Emperor Zeno who “gave consent” to Theodoric’s campaign in Italy. By allowing Theodoric to conquer Italy, Zeno Isaurus was sending the Ostrogoths to defend the “Roman state” (Prokopios, 2014). According to the chronicler, the Ostrogoth warriors and settlers gained widespread internal support from “Roman society” through the influence of the emperor (Prokopios, 2014).

DISCUSSION

Actually, there isn’t any specific reason not to accept Jordan’s aforementioned statements. It is clear that his work is peppered with an abundance of allegorical quotations; however, these insertions and formulations,
which reflected the forms of the Roman idea, do not contradict the canvass of facts at all. Theodoric the Amal was indeed the consul of the Eastern Roman Empire (since 484) and magister militum (since 483) (Ensslin, 1947). 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 characterized from the standpoint of Roman public law? Was this a “conquest” from a jurisprudential perspective? The issue at stake is rather rhetorical.

After the death of Theodosius the Great (reign: 379-395), the Roman army had a predominantly “barbarian” appearance. There were Germans, 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. In both the West and the East, all militarized units were dominated by “barbarians”. They could serve in field armies, or they could serve 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 of all, public law classified them as “Roman”, and then as “barbarians”.

**CONCLUSIONS**

Theodoric’s campaign was guided solely by the interests of Constantinople. The support of the Ostrogothic forces by the upper strata of society is also a Byzantine merit. Though Emperor Zeno found in the resettlement of the Ostrogoths on the lands of Italy a plausible pretext for sending politically unsafe Theodoric away from the Balkans but this pretext was not at variance with the geopolitical interests of the Eastern 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 centralization 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”.

In any case, the Ostrogoths, who called themselves “defenders of the Roman Senate and the Roman Emperor”, according to Jordan, reminded the western provinces of the strength and power of the East, its *foederati*. It follows unambiguously that *the Italic campaign of the Ostrogoths was a political reanimation of the legal belonging of the western provinces to the unified Roman Empire with the center in Constantinople*. John Norwich commented on this: “The Roman citizens in Italy, far outnumbering the Goths, were far more willing to submit to an imperial governor than to a foreign enslaver”.

In the fall of 490, Theodoric the Amal gained the support of a famous Italian senator, former consul Flavius Festus (in 484 Theodoric was proclaimed the consul of the Roman Empire). Festus headed an embassy that went to Constantinople to officially confirm the emperor’s Ostrogothic rights to Italy. In addition, Senator Festus was obliged to discuss with Zeno the legal status of the “king”. It was a question of working out the wording according to which Theodoric would “rule” the provinces of Italy, Dalmatia, and Sicily. This first embassy of 490-491 mentioned by the source fully confirms my viewpoint of the Italic campaign of the Ostrogoths as a “re-establishment” of the Empire’s political control in a rebellious region. Odoacer was called “tyrant” and “usurper” by the envoys.

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. *The Eastern Roman Emperor (as the only remaining Roman and Christian emperor in the world), de jure returned the province usurped by Odoacer to the control of Constantinople with the help of an army of foederati*. Up 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).

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