

Chapter XL: Reign Of Justinian.--Part I.

Elevation Of Justin The Elder.--Reign Of Justinian.--I. The Empress Theodora.--II. Factions Of The Circus, And Sedition Of Constantinople.--III. Trade And Manufacture Of Silk.--IV. Finances And Taxes.--V. Edifices Of Justinian.--Church Of St. Sophia.--Fortifications And Frontiers Of The Eastern Empire.--Abolition Of The Schools Of Athens, And The Consulship Of Rome.

The emperor Justinian was born [1] near the ruins of Sardica, (the modern Sophia,) of an obscure race [2] of Barbarians, [3] the inhabitants of a wild and desolate country, to which the names of Dardania, of Dacia, and of Bulgaria, have been successively applied. His elevation was prepared by the adventurous spirit of his uncle Justin, who, with two other peasants of the same village, deserted, for the profession of arms, the more useful employment of husbandmen or shepherds. [4] On foot, with a scanty provision of biscuit in their knapsacks, the three youths followed the high road of Constantinople, and were soon enrolled, for their strength and stature, among the guards of the emperor Leo. Under the two succeeding reigns, the fortunate peasant emerged to wealth and honors; and his escape from some dangers which threatened his life was afterwards ascribed to the guardian angel who watches over the fate of kings. His long and laudable service in the Isaurian and Persian wars would not have preserved from oblivion the name of Justin; yet they might warrant the military promotion, which in

the course of fifty years he gradually obtained; the rank of tribune, of count, and of general; the dignity of senator, and the command of the guards, who obeyed him as their chief, at the important crisis when the emperor Anastasius was removed from the world. The powerful kinsmen whom he had raised and enriched were excluded from the throne; and the eunuch Amantius, who reigned in the palace, had secretly resolved to fix the diadem on the head of the most obsequious of his creatures. A liberal donative, to conciliate the suffrage of the guards, was intrusted for that purpose in the hands of their commander. But these weighty arguments were treacherously employed by Justin in his own favor; and as no competitor presumed to appear, the Dacian peasant was invested with the purple by the unanimous consent of the soldiers, who knew him to be brave and gentle, of the clergy and people, who believed him to be orthodox, and of the provincials, who yielded a blind and implicit submission to the will of the capital. The elder Justin, as he is distinguished from another emperor of the same family and name, ascended the Byzantine throne at the age of sixty-eight years; and, had he been left to his own guidance, every moment of a nine years' reign must have exposed to his subjects the impropriety of their choice. His ignorance was similar to that of Theodoric; and it is remarkable that in an age not destitute of learning, two contemporary monarchs had never been instructed in the knowledge of the alphabet. [411] But the genius of Justin was far inferior to that of the Gothic king: the experience of a soldier had not qualified him for the government of an empire; and though personally brave, the consciousness of his own weakness was naturally attended with doubt, distrust, and political apprehension.

But the official business of the state was diligently and faithfully transacted by the quaestor Proclus; [5] and the aged emperor adopted the talents and ambition of his nephew Justinian, an aspiring youth, whom his uncle had drawn from the rustic solitude of Dacia, and educated at Constantinople, as the heir of his private fortune, and at length of the Eastern empire.

[Footnote 1: There is some difficulty in the date of his birth (Ludewig in Vit. Justiniani, p. 125;) none in the place--the district Bederiana--the village Tauresium, which he afterwards decorated with his name and splendor, (D'Anville, Hist. de l'Acad. &c., tom. xxxi. p. 287--292.)]

[Footnote 2: The names of these Dardanian peasants are Gothic, and almost English: Justinian is a translation of uprauda, (upright;) his father Sabatius (in Graeco-barbarous language stipes) was styled in his village Istock, (Stock;) his mother Bigleniza was softened into Vigilantia.]

[Footnote 3: Ludewig (p. 127--135) attempts to justify the Anician name of Justinian and Theodora, and to connect them with a family from which the house of Austria has been derived.]

[Footnote 4: See the anecdotes of Procopius, (c. 6,) with the notes of N. Alemannus. The satirist would not have sunk, in the vague and decent appellation of Zonaras. Yet why are those names disgraceful?--and what

German baron would not be proud to descend from the Eumaeus of the Odyssey! Note: It is whimsical enough that, in our own days, we should have, even in jest, a claimant to lineal descent from the godlike swineherd not in the person of a German baron, but in that of a professor of the Ionian University. Constantine Koliades, or some malicious wit under this name, has written a tall folio to prove Ulysses to be Homer, and himself the descendant, the heir (?), of the Eumaeus of the Odyssey.--M]

[Footnote 411: St. Martin questions the fact in both cases. The ignorance of Justin rests on the secret history of Procopius, vol. viii. p. 8. St. Martin's notes on Le Beau.--M]

[Footnote 5: His virtues are praised by Procopius, (Persic. l. i. c. 11.) The quaestor Proclus was the friend of Justinian, and the enemy of every other adoption.]

Since the eunuch Amantius had been defrauded of his money, it became necessary to deprive him of his life. The task was easily accomplished by the charge of a real or fictitious conspiracy; and the judges were informed, as an accumulation of guilt, that he was secretly addicted to the Manichaeian heresy. [6] Amantius lost his head; three of his companions, the first domestics of the palace, were punished either with death or exile; and their unfortunate candidate for the purple was cast into a deep dungeon, overwhelmed with stones, and ignominiously thrown, without burial, into the sea. The ruin of Vitalian was a work of more

difficulty and danger. That Gothic chief had rendered himself popular by the civil war which he boldly waged against Anastasius for the defence of the orthodox faith, and after the conclusion of an advantageous treaty, he still remained in the neighborhood of Constantinople at the head of a formidable and victorious army of Barbarians. By the frail security of oaths, he was tempted to relinquish this advantageous situation, and to trust his person within the walls of a city, whose inhabitants, particularly the blue faction, were artfully incensed against him by the remembrance even of his pious hostilities. The emperor and his nephew embraced him as the faithful and worthy champion of the church and state; and gratefully adorned their favorite with the titles of consul and general; but in the seventh month of his consulship, Vitalian was stabbed with seventeen wounds at the royal banquet; [7] and Justinian, who inherited the spoil, was accused as the assassin of a spiritual brother, to whom he had recently pledged his faith in the participation of the Christian mysteries. [8] After the fall of his rival, he was promoted, without any claim of military service, to the office of master-general of the Eastern armies, whom it was his duty to lead into the field against the public enemy. But, in the pursuit of fame, Justinian might have lost his present dominion over the age and weakness of his uncle; and instead of acquiring by Scythian or Persian trophies the applause of his countrymen, [9] the prudent warrior solicited their favor in the churches, the circus, and the senate, of Constantinople. The Catholics were attached to the nephew of Justin, who, between the Nestorian and Eutychian heresies, trod the narrow path of inflexible and intolerant orthodoxy. [10] In the first

days of the new reign, he prompted and gratified the popular enthusiasm against the memory of the deceased emperor. After a schism of thirty-four years, he reconciled the proud and angry spirit of the Roman pontiff, and spread among the Latins a favorable report of his pious respect for the apostolic see. The thrones of the East were filled with Catholic bishops, devoted to his interest, the clergy and the monks were gained by his liberality, and the people were taught to pray for their future sovereign, the hope and pillar of the true religion. The magnificence of Justinian was displayed in the superior pomp of his public spectacles, an object not less sacred and important in the eyes of the multitude than the creed of Nice or Chalcedon: the expense of his consulship was esteemed at two hundred and twenty-eight thousand pieces of gold; twenty lions, and thirty leopards, were produced at the same time in the amphitheatre, and a numerous train of horses, with their rich trappings, was bestowed as an extraordinary gift on the victorious charioteers of the circus. While he indulged the people of Constantinople, and received the addresses of foreign kings, the nephew of Justin assiduously cultivated the friendship of the senate. That venerable name seemed to qualify its members to declare the sense of the nation, and to regulate the succession of the Imperial throne: the feeble Anastasius had permitted the vigor of government to degenerate into the form or substance of an aristocracy; and the military officers who had obtained the senatorial rank were followed by their domestic guards, a band of veterans, whose arms or acclamations might fix in a tumultuous moment the diadem of the East. The treasures of the state

were lavished to procure the voices of the senators, and their unanimous wish, that he would be pleased to adopt Justinian for his colleague, was communicated to the emperor. But this request, which too clearly admonished him of his approaching end, was unwelcome to the jealous temper of an aged monarch, desirous to retain the power which he was incapable of exercising; and Justin, holding his purple with both his hands, advised them to prefer, since an election was so profitable, some older candidate. Notwithstanding this reproach, the senate proceeded to decorate Justinian with the royal epithet of nobilissimus; and their decree was ratified by the affection or the fears of his uncle. After some time the languor of mind and body, to which he was reduced by an incurable wound in his thigh, indispensably required the aid of a guardian. He summoned the patriarch and senators; and in their presence solemnly placed the diadem on the head of his nephew, who was conducted from the palace to the circus, and saluted by the loud and joyful applause of the people. The life of Justin was prolonged about four months; but from the instant of this ceremony, he was considered as dead to the empire, which acknowledged Justinian, in the forty-fifth year of his age, for the lawful sovereign of the East. [11]

[Footnote 6: Manichaeism signifies Eutychian. Hear the furious acclamations of Constantinople and Tyre, the former no more than six days after the decease of Anastasius. They produced, the latter applauded, the eunuch's death, (Baronius, A.D. 518, P. ii. No. 15. Fleury, Hist Eccles. tom. vii. p. 200, 205, from the Councils, tom. v. p. 182, 207.)]

[Footnote 7: His power, character, and intentions, are perfectly explained by the court de Buat, (tom. ix. p. 54--81.) He was great-grandson of Aspar, hereditary prince in the Lesser Scythia, and count of the Gothic foederati of Thrace. The Bessi, whom he could influence, are the minor Goths of Jornandes, (c. 51.)]

[Footnote 8: Justiniani patricii factione dicitur interfectus fuisse, (Victor Tu nunensis, Chron. in Thesaur. Temp. Scaliger, P. ii. p. 7.) Procopius (Anecdot. c. 7) styles him a tyrant, but acknowledges something which is well explained by Alemannus.]

[Footnote 9: In his earliest youth (plane adolescens) he had passed some time as a hostage with Theodoric. For this curious fact, Alemannus (ad Procop. Anecdot. c. 9, p. 34, of the first edition) quotes a Ms. history of Justinian, by his preceptor Theophilus. Ludewig (p. 143) wishes to make him a soldier.]

[Footnote 10: The ecclesiastical history of Justinian will be shown hereafter. See Baronius, A.D. 518--521, and the copious article Justinianas in the index to the viith volume of his Annals.]

[Footnote 11: The reign of the elder Justin may be found in the three Chronicles of Marcellinus, Victor, and John Malala, (tom. ii. p. 130--150,) the last of whom (in spite of Hody, Prolegom. No. 14, 39, edit. Oxon.) lived soon after Justinian, (Jortin's Remarks, &c., vol. iv

p. 383:) in the Ecclesiastical History of Evagrius, (l. iv. c. 1, 2, 3, 9,) and the Excerpta of Theodorus Lector, (No. 37,) and in Cedrenus, (p. 362--366,) and Zonaras, (l. xiv. p. 58--61,) who may pass for an original. * Note: Dindorf, in his preface to the new edition of Malala, p. vi., concurs with this opinion of Gibbon, which was also that of Reiske, as to the age of the chronicler.--M.]

From his elevation to his death, Justinian governed the Roman empire thirty-eight years, seven months, and thirteen days.

The events of his reign, which excite our curious attention by their number, variety, and importance, are diligently related by the secretary of Belisarius, a rhetorician, whom eloquence had promoted to the rank of senator and praefect of Constantinople. According to the vicissitudes of courage or servitude, of favor or disgrace, Procopius [12] successively composed the history, the panegyric, and the satire of his own times. The eight books of the Persian, Vandalic, and Gothic wars, [13] which are continued in the five books of Agathias, deserve our esteem as a laborious and successful imitation of the Attic, or at least of the Asiatic, writers of ancient Greece. His facts are collected from the personal experience and free conversation of a soldier, a statesman, and a traveller; his style continually aspires, and often attains, to the merit of strength and elegance; his reflections, more especially in the speeches, which he too frequently inserts, contain a rich fund of political knowledge; and the historian, excited by the generous ambition of pleasing and instructing posterity, appears to disdain the prejudices

of the people, and the flattery of courts. The writings of Procopius [14] were read and applauded by his contemporaries: [15] but, although he respectfully laid them at the foot of the throne, the pride of Justinian must have been wounded by the praise of a hero, who perpetually eclipses the glory of his inactive sovereign. The conscious dignity of independence was subdued by the hopes and fears of a slave; and the secretary of Belisarius labored for pardon and reward in the six books of the Imperial edifices. He had dexterously chosen a subject of apparent splendor, in which he could loudly celebrate the genius, the magnificence, and the piety of a prince, who, both as a conqueror and legislator, had surpassed the puerile virtues of Themistocles and Cyrus. [16] Disappointment might urge the flatterer to secret revenge; and the first glance of favor might again tempt him to suspend and suppress a libel, [17] in which the Roman Cyrus is degraded into an odious and contemptible tyrant, in which both the emperor and his consort Theodora are seriously represented as two daemons, who had assumed a human form for the destruction of mankind. [18] Such base inconsistency must doubtless sully the reputation, and detract from the credit, of Procopius: yet, after the venom of his malignity has been suffered to exhale, the residue of the anecdotes, even the most disgraceful facts, some of which had been tenderly hinted in his public history, are established by their internal evidence, or the authentic monuments of the times. [19] [1911] From these various materials, I shall now proceed to describe the reign of Justinian, which will deserve and occupy an ample space. The present chapter will explain the elevation and character of Theodora, the factions of the circus, and the peaceful

administration of the sovereign of the East. In the three succeeding chapters, I shall relate the wars of Justinian, which achieved the conquest of Africa and Italy; and I shall follow the victories of Belisarius and Narses, without disguising the vanity of their triumphs, or the hostile virtue of the Persian and Gothic heroes. The series of this and the following volume will embrace the jurisprudence and theology of the emperor; the controversies and sects which still divide the Oriental church; the reformation of the Roman law which is obeyed or respected by the nations of modern Europe.

[Footnote 12: See the characters of Procopius and Agathias in La Mothe le Vayer, (tom. viii. p. 144--174,) Vossius, (de Historicis Graecis, l. ii. c. 22,) and Fabricius, (Bibliot. Graec. l. v. c. 5, tom. vi. p. 248--278.) Their religion, an honorable problem, betrays occasional conformity, with a secret attachment to Paganism and Philosophy.]

[Footnote 13: In the seven first books, two Persic, two Vandalic, and three Gothic, Procopius has borrowed from Appian the division of provinces and wars: the viiiith book, though it bears the name of Gothic, is a miscellaneous and general supplement down to the spring of the year 553, from whence it is continued by Agathias till 559, (Pagi, Critica, A.D. 579, No. 5.)]

[Footnote 14: The literary fate of Procopius has been somewhat unlucky.

1. His book de Bello Gothico were stolen by Leonard Aretin, and

published (Fulgini, 1470, Venet. 1471, apud Janson. Mattaire, *Annal Typograph.* tom. i. edit. posterior, p. 290, 304, 279, 299,) in his own name, (see Vossius de *Hist. Lat.* 1. iii. c. 5, and the feeble defence of the Venice *Giornale de Letterati*, tom. xix. p. 207.)

2. His works were mutilated by the first Latin translators, Christopher Persona, (*Giornale*, tom. xix. p. 340--348,) and Raphael de Volaterra, (*Huet, de Claris Interpretibus*, p. 166,) who did not even consult the Ms. of the Vatican library, of which they were praefects, (Aleman. in *Praefat Anecd.*) 3. The Greek text was not printed till 1607, by Hoeschelius of Augsburg, (*Dictionnaire de Bayle*, tom. ii. p. 782.)

4. The Paris edition was imperfectly executed by Claude Maltret, a Jesuit of Toulouse, (in 1663,) far distant from the Louvre press and the Vatican Ms., from which, however, he obtained some supplements. His promised commentaries, &c., have never appeared. The *Agathias* of Leyden (1594) has been wisely reprinted by the Paris editor, with the Latin version of Bonaventura Vulcanius, a learned interpreter, (*Huet*, p. 176.)

* Note: Procopius forms a part of the new Byzantine collection under the superintendence of Dindorf.--M.]

[Footnote 15: *Agathias* in *Praefat.* p. 7, 8, l. iv. p. 137. *Evagrius*, l. iv. c. 12. See likewise *Photius*, cod. lxiii. p. 65.]

[Footnote 16: Says, he, *Praefat. ad l. de Edificiis* is no more than a

pun! In these five books, Procopius affects a Christian as well as a courtly style.]

[Footnote 17: Procopius discloses himself, (Praefat. ad Anecd. c. 1, 2, 5,) and the anecdotes are reckoned as the ninth book by Suidas, (tom. iii. p. 186, edit. Kuster.) The silence of Evagrius is a poor objection. Baronius (A.D. 548, No. 24) regrets the loss of this secret history: it was then in the Vatican library, in his own custody, and was first published sixteen years after his death, with the learned, but partial notes of Nicholas Alemannus, (Lugd. 1623.)]

[Footnote 18: Justinian an ass--the perfect likeness of Domitian--Anecd. c. 8.--Theodora's lovers driven from her bed by rival daemons--her marriage foretold with a great daemon--a monk saw the prince of the daemons, instead of Justinian, on the throne--the servants who watched beheld a face without features, a body walking without a head, &c., &c. Procopius declares his own and his friends' belief in these diabolical stories, (c. 12.)]

[Footnote 19: Montesquieu (Considerations sur la Grandeur et la Decadence des Romains, c. xx.) gives credit to these anecdotes, as connected, 1. with the weakness of the empire, and, 2. with the instability of Justinian's laws.]

[Footnote 1911: The Anecdota of Procopius, compared with the former works of the same author, appear to me the basest and most disgraceful

work in literature. The wars, which he has described in the former volumes as glorious or necessary, are become unprofitable and wanton massacres; the buildings which he celebrated, as raised to the immortal honor of the great emperor, and his admirable queen, either as magnificent embellishments of the city, or useful fortifications for the defence of the frontier, are become works of vain prodigality and useless ostentation. I doubt whether Gibbon has made sufficient allowance for the "malignity" of the Anecdota; at all events, the extreme and disgusting profligacy of Theodora's early life rests entirely on this viratent libel--M.]

I. In the exercise of supreme power, the first act of Justinian was to divide it with the woman whom he loved, the famous Theodora, [20] whose strange elevation cannot be applauded as the triumph of female virtue. Under the reign of Anastasius, the care of the wild beasts maintained by the green faction at Constantinople was intrusted to Acacius, a native of the Isle of Cyprus, who, from his employment, was surnamed the master of the bears. This honorable office was given after his death to another candidate, notwithstanding the diligence of his widow, who had already provided a husband and a successor. Acacius had left three daughters, Comito, [21] Theodora, and Anastasia, the eldest of whom did not then exceed the age of seven years. On a solemn festival, these helpless orphans were sent by their distressed and indignant mother, in the garb of suppliants, into the midst of the theatre: the green faction received them with contempt, the blues with compassion; and this difference, which sunk deep into the mind of Theodora, was felt long afterwards in

the administration of the empire. As they improved in age and beauty, the three sisters were successively devoted to the public and private pleasures of the Byzantine people: and Theodora, after following Comito on the stage, in the dress of a slave, with a stool on her head, was at length permitted to exercise her independent talents. She neither danced, nor sung, nor played on the flute; her skill was confined to the pantomime arts; she excelled in buffoon characters, and as often as the comedian swelled her cheeks, and complained with a ridiculous tone and gesture of the blows that were inflicted, the whole theatre of Constantinople resounded with laughter and applause. The beauty of Theodora [22] was the subject of more flattering praise, and the source of more exquisite delight. Her features were delicate and regular; her complexion, though somewhat pale, was tinged with a natural color; every sensation was instantly expressed by the vivacity of her eyes; her easy motions displayed the graces of a small but elegant figure; and either love or adulation might proclaim, that painting and poetry were incapable of delineating the matchless excellence of her form. But this form was degraded by the facility with which it was exposed to the public eye, and prostituted to licentious desire. Her venal charms were abandoned to a promiscuous crowd of citizens and strangers of every rank, and of every profession: the fortunate lover who had been promised a night of enjoyment, was often driven from her bed by a stronger or more wealthy favorite; and when she passed through the streets, her presence was avoided by all who wished to escape either the scandal or the temptation. The satirical historian has not blushed [23] to describe the naked scenes which Theodora was not ashamed to exhibit in the

theatre. [24] After exhausting the arts of sensual pleasure, [25] she most ungratefully murmured against the parsimony of Nature; [26] but her murmurs, her pleasures, and her arts, must be veiled in the obscurity of a learned language. After reigning for some time, the delight and contempt of the capital, she condescended to accompany Ecebolus, a native of Tyre, who had obtained the government of the African Pentapolis. But this union was frail and transient; Ecebolus soon rejected an expensive or faithless concubine; she was reduced at Alexandria to extreme distress; and in her laborious return to Constantinople, every city of the East admired and enjoyed the fair Cyprian, whose merit appeared to justify her descent from the peculiar island of Venus. The vague commerce of Theodora, and the most detestable precautions, preserved her from the danger which she feared; yet once, and once only, she became a mother. The infant was saved and educated in Arabia, by his father, who imparted to him on his death-bed, that he was the son of an empress. Filled with ambitious hopes, the unsuspecting youth immediately hastened to the palace of Constantinople, and was admitted to the presence of his mother. As he was never more seen, even after the decease of Theodora, she deserves the foul imputation of extinguishing with his life a secret so offensive to her Imperial virtue. [2611]

[Footnote 20: For the life and manners of the empress Theodora see the Anecdotes; more especially c. 1--5, 9, 10--15, 16, 17, with the learned notes of Alemannus--a reference which is always implied.]

[Footnote 21: Comito was afterwards married to Sittas, duke of Armenia, the father, perhaps, at least she might be the mother, of the empress Sophia. Two nephews of Theodora may be the sons of Anastasia, (Aleman. p. 30, 31.)]

[Footnote 22: Her statue was raised at Constantinople, on a porphyry column. See Procopius, (de Edif. l. i. c. 11,) who gives her portrait in the Anecdotes, (c. 10.) Aleman. (p. 47) produces one from a Mosaic at Ravenna, loaded with pearls and jewels, and yet handsome.]

[Footnote 23: A fragment of the Anecdotes, (c. 9,) somewhat too naked, was suppressed by Alemannus, though extant in the Vatican Ms.; nor has the defect been supplied in the Paris or Venice editions. La Mothe le Vayer (tom. viii. p. 155) gave the first hint of this curious and genuine passage, (Jortin's Remarks, vol. iv. p. 366,) which he had received from Rome, and it has been since published in the Menagiana (tom. iii. p. 254--259) with a Latin version.]

[Footnote 24: After the mention of a narrow girdle, (as none could appear stark naked in the theatre,) Procopius thus proceeds. I have heard that a learned prelate, now deceased, was fond of quoting this passage in conversation.]

[Footnote 25: Theodora surpassed the Crispa of Ausonius, (Epigram lxxi.,) who imitated the capitalis luxus of the females of Nola. See Quintilian Institut. viii. 6, and Torrentius ad Horat. Sermon. l. i.

sat. 2, v. 101. At a memorable supper, thirty slaves waited round the table ten young men feasted with Theodora. Her charity was universal. Et lassata viris, necdum satiata, recessit.]

[Footnote 26: She wished for a fourth altar, on which she might pour libations to the god of love.]

[Footnote 2611: Gibbon should have remembered the axiom which he quotes in another piece, scelera ostendi oportet dum puniantur abscondi flagitia.--M.]

In the most abject state of her fortune, and reputation, some vision, either of sleep or of fancy, had whispered to Theodora the pleasing assurance that she was destined to become the spouse of a potent monarch. Conscious of her approaching greatness, she returned from Paphlagonia to Constantinople; assumed, like a skilful actress, a more decent character; relieved her poverty by the laudable industry of spinning wool; and affected a life of chastity and solitude in a small house, which she afterwards changed into a magnificent temple. [27] Her beauty, assisted by art or accident, soon attracted, captivated, and fixed, the patrician Justinian, who already reigned with absolute sway under the name of his uncle. Perhaps she contrived to enhance the value of a gift which she had so often lavished on the meanest of mankind; perhaps she inflamed, at first by modest delays, and at last by sensual allurements, the desires of a lover, who, from nature or devotion, was addicted to long vigils and abstemious diet. When his first transports

had subsided, she still maintained the same ascendant over his mind, by the more solid merit of temper and understanding. Justinian delighted to ennoble and enrich the object of his affection; the treasures of the East were poured at her feet, and the nephew of Justin was determined, perhaps by religious scruples, to bestow on his concubine the sacred and legal character of a wife. But the laws of Rome expressly prohibited the marriage of a senator with any female who had been dishonored by a servile origin or theatrical profession: the empress Lupicina, or Euphemia, a Barbarian of rustic manners, but of irreproachable virtue, refused to accept a prostitute for her niece; and even Vigilantia, the superstitious mother of Justinian, though she acknowledged the wit and beauty of Theodora, was seriously apprehensive, lest the levity and arrogance of that artful paramour might corrupt the piety and happiness of her son. These obstacles were removed by the inflexible constancy of Justinian. He patiently expected the death of the empress; he despised the tears of his mother, who soon sunk under the weight of her affliction; and a law was promulgated in the name of the emperor Justin, which abolished the rigid jurisprudence of antiquity. A glorious repentance (the words of the edict) was left open for the unhappy females who had prostituted their persons on the theatre, and they were permitted to contract a legal union with the most illustrious of the Romans. [28] This indulgence was speedily followed by the solemn nuptials of Justinian and Theodora; her dignity was gradually exalted with that of her lover, and, as soon as Justin had invested his nephew with the purple, the patriarch of Constantinople placed the diadem on the heads of the emperor and empress of the East. But the usual honors

which the severity of Roman manners had allowed to the wives of princes, could not satisfy either the ambition of Theodora or the fondness of Justinian. He seated her on the throne as an equal and independent colleague in the sovereignty of the empire, and an oath of allegiance was imposed on the governors of the provinces in the joint names of Justinian and Theodora. [29] The Eastern world fell prostrate before the genius and fortune of the daughter of Acacius. The prostitute who, in the presence of innumerable spectators, had polluted the theatre of Constantinople, was adored as a queen in the same city, by grave magistrates, orthodox bishops, victorious generals, and captive monarchs. [30]

[Footnote 27: Anonym. de Antiquitat. C. P. l. iii. 132, in Banduri Imperium Orient. tom. i. p. 48. Ludewig (p. 154) argues sensibly that Theodora would not have immortalized a brothel: but I apply this fact to her second and chaster residence at Constantinople.]

[Footnote 28: See the old law in Justinian's Code, (l. v. tit. v. leg. 7, tit. xxvii. leg. 1,) under the years 336 and 454. The new edict (about the year 521 or 522, Aleman. p. 38, 96) very awkwardly repeals no more than the clause of mulieres scenicoe, libertinae, tabernariae. See the novels 89 and 117, and a Greek rescript from Justinian to the bishops, (Aleman. p. 41.)]

[Footnote 29: I swear by the Father, &c., by the Virgin Mary, by the four Gospels, quae in manibus teneo, and by the Holy Archangels Michael

and Gabriel, puram conscientiam germanumque servitium me servaturum, sacratissimis DDNN. Justiniano et Theodoraе conjugі ejus, (Novell. viii. tit. 3.) Would the oath have been binding in favor of the widow? Communes tituli et triumphī, &c., (Aleman. p. 47, 48.)]

[Footnote 30: "Let greatness own her, and she's mean no more," &c. Without Warburton's critical telescope, I should never have seen, in this general picture of triumphant vice, any personal allusion to Theodora.]