

Book XII.
Title VIII.

That the order of rank be preserved.
(Ut dignitatum ordo servetur.)

12.8.1. Emperors Gratian, Valentinian and Theodosius to Praetetus, Praetorian Prefect.
If anyone usurps a place (of precedence) not belonging to him, he may not defend himself on the ground of ignorance, and a person who has neglected the imperial precepts is guilty of sacrilege.

Given at Milan May 21 (384).

C. Th. 6.5.2.

12.8.2. Emperors Theodosius and Valentinian to Cyrus, Praetorian Prefect.¹

The privileges of rank shall be preserved in the following order: The first place is accorded those who have actually administered a position of illustrious rank; next come to those who, present at our court, have received the girdle of the illustrious rank by brevet; (vacantes²) we assign the third place to those to whom the girdle of the illustrious rank has been sent, though absent; the fourth place to those honored persons who, present at our court, have received letters-patent from our majesty only of the honorary (illustrious) title, without the girdle; the fifth place to those to whom, though absent, the insignia of the illustrious rank, likewise without the girdle, have been sent. 1. We deem it right that actual administrators, including counts of the crown domain, should take precedence over those of brevet-rank (vacantis), and those with only honorary titles. 2. We do not deem it right that persons of brevet-rank, inferior in rank to actual administrators, should all take precedence over all the persons with only honorary title, but only those of brevet-rank (vacantis) over those with only honorary title who have received the same rank (title); as (for instance) a prefect (by brevet) over an (honorary) prefect, not a quaestor (by brevet) over an (honorary) prefect; and in like manner a quaestor (by brevet) over an honorary quaestor; but a count of the imperial exchequer or of the crown domain (by brevet), shall not take precedence over an honorary quaestor or exmaster of offices. 3. Among actual (illustrious) administrators shall be numbered those who have received the illustrious girdle in our consistory, and to whom an actual duty connected with the office has heretofore or shall hereafter be assigned, if, for instance, we entrust the management of a war to a brevet master of the soldiers. 4. For why should the magnificent Germanus be called a brevet master of the soldiers, when we have entrusted a war against the enemies to him? Or why should the excellent Pentadius, possessed of the illustrious girdle, be said not to have administered the prefecture, when by his management, in place of the praetorian prefect, the soldiers have had an abundant supply of provisions on their expedition?

¹ Blume wrote in the margin adjacent to this law: "What about those who were ex-praefects, etc.?"

² [Blume] Vacantes - Persons never actually administering illustrious office, but probably some other. See Godofredus to C. Th. 6.18; 6.10.4; Hodgkin, 6 Letters of Cassiodorus 10.

(440-441 A.D.)

Note.

It is clear from this law that titles, or rank, were conferred on persons as honorary titles or ranks. The instant law deals with persons of illustrious rank, and deals with those who (a) administered an office carrying with it the illustrious dignity,³ (b) persons who did not actually occupy such office but had filled some other office, and were called *vacantes*, and (c) persons who received merely the honorary title. The "*vacantes*," that is to say, those who did not actually occupy the office, but had filled some other office, and yet were higher in rank than those who received merely the honorary titles, are here treated as brevet-officers. That is not an exact translation, but serves to point out the distinction existing between the three classes here mentioned. The girdle was one of the signs of an office; all employees in the government service wore it; and were entitled to wear it. It was a mark of distinction. The brevet-officers received the right to wear the girdle; the persons with honorary title merely did not. See Gothofredus on C. 6.18, etc.

³ [Blume] --in actu positi; that is the highest rank was held by those who were pro tempore in office. The girdle, cingulum, or belt of office, was considered of great importance. All officials wore them, just as soldiers. See Boak, Master of Offices 102.